

Tab 1	SB 386 by Trumbull ; Identical to H 00637 Farm Equipment
Tab 2	SB 528 by Truenow ; Identical to H 00483 Manufacturing
Tab 3	SB 806 by Truenow ; Similar to H 01255 Consumers' Right to Repair Certain Equipment
Tab 4	SB 696 by Martin ; Similar to CS/H 00679 Registration of Trademarks
Tab 5	SB 930 by Martin ; Identical to H 01357 Florida Retirement Savings Task Force
Tab 6	SB 874 by Gaetz ; Identical to H 00879 Professional Licensure Reciprocity for the Practice of Surveying and Mapping
Tab 7	SB 898 by Garcia ; Online Media Transparency 652430 D S L CM, Garcia Delete everything after 01/13 03:14 PM
Tab 8	SB 826 by Leek ; Identical to H 00707 Gift Certificates
Tab 9	SB 838 by Yarborough ; Similar to H 00959 Electronic Payments of Retail Installment Contracts 254968 A S RCS CM, Yarborough Delete L.31 - 35: 01/14 08:23 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Tuesday, January 13, 2026

TIME: 4:00—6:00 p.m.

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

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 386 Trumbull (Identical H 637)	<p>Farm Equipment; Authorizing a consumer to report farm equipment that is defective and does not conform to specified warranties to the manufacturer or its authorized service agent during a specified timeframe to allow the manufacturer or its authorized agent to conform such farm equipment to such warranty; requiring the manufacturer or its authorized agent to make such repairs to conform the farm equipment to the warranty upon receipt of such report, etc.</p> <p>AG 12/02/2025 Favorable CM 01/13/2026 Favorable RC</p>	Favorable Yea 10 Nays 0
2	SB 528 Truenow (Identical H 483)	<p>Manufacturing; Revising the duties of the Department of Commerce; establishing the Chief Manufacturing Officer among the senior leadership of the department for a specified purpose; creating the Florida Manufacturers' Workforce Development Grant Program within the department; providing that the grant program is under the direction of the Chief Manufacturing Officer in consultation with the National Institute of Standards and Technology Manufacturing Extension Partnership organization in this state; requiring the department to administer the grant awards from the Economic Development Trust Fund, etc.</p> <p>CM 01/13/2026 Favorable ATD AP</p>	Favorable Yea 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Tuesday, January 13, 2026, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 806 Truenow (Similar H 1255, Compare CS/H 487, S 586)	Consumers' Right to Repair Certain Equipment; Creating the "Portable Wireless Device Repair Act"; requiring portable wireless device manufacturers to make certain items available to device owners and independent repair providers; prohibiting certain manufacturers from requiring authorized repair providers to continue purchasing certain information in a proprietary format; requiring original equipment manufacturers of agricultural equipment to make certain diagnostic and repair information available for no charge and in a certain manner to independent repair providers and owners, etc.	Favorable Yea 10 Nays 0
		CM 01/13/2026 Favorable AG RC	
4	SB 696 Martin (Similar S 476, Identical H 679)	Registration of Trademarks; Removing provisions relating to the classification of goods and services for trademark purposes; requiring the Department of State to adopt a federal system of classification each year; requiring publication of the classification as part of the trademark registration application; requiring the department to establish and maintain a secure Internet website that allows submission of an online trademark registration application and renewal application, etc.	Favorable Yea 10 Nays 0
		CM 01/13/2026 Favorable ATD RC	
5	SB 930 Martin (Identical H 1357)	Florida Retirement Savings Task Force; Citing this act as the "Florida Retirement Savings Task Force Act"; creating the Florida Retirement Savings Task Force adjunct to the Department of Commerce; requiring the department to provide administrative, technical, and staff support to the task force; providing that members serve without compensation but are entitled to per diem and travel reimbursement; authorizing the task force to receive confidential and exempt information under specified conditions, etc.	Favorable Yea 10 Nays 0
		CM 01/13/2026 Favorable GO AP	

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Tuesday, January 13, 2026, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 874 Gaetz (Identical H 879)	Professional Licensure Reciprocity for the Practice of Surveying and Mapping; Revising the requirements for applicants eligible to be qualified for licensure by endorsement by the Board of Professional Surveyors and Mappers to include applicants from outside of the state who meet certain requirements; authorizing the board to require and independently evaluate certain documents and information, etc. CM 01/13/2026 Favorable AEG RC	Favorable Yea 10 Nays 0
7	SB 898 Garcia	Online Media Transparency; Creating the "Online Media Transparency Act"; requiring certain content creators to clearly and conspicuously disclose any sponsorship within any related media content; providing that failure to disclose a sponsorship constitutes an unfair or deceptive act or practice; requiring a content creator who receives sponsorship from a foreign principal of a foreign country to file a certain disclosure with the Department of State, etc. CM 01/13/2026 Temporarily Postponed JU FP	Temporarily Postponed
8	SB 826 Leek (Identical H 707)	Gift Certificates; Revising the definition of the term "gift certificate"; deleting provisions authorizing the expiration of a gift certificate under specified circumstances, etc. CM 01/13/2026 Favorable BI RC	Favorable Yea 10 Nays 0
9	SB 838 Yarborough (Similar H 959)	Electronic Payments of Retail Installment Contracts; Defining the term "electronic payment"; authorizing a holder of a retail installment contract, or its agent, to collect a fee for processing a retail buyer's electronic payment only if certain conditions are met, etc. CM 01/13/2026 Fav/CS BI RC	Fav/CS Yea 10 Nays 0

Other Related Meeting Documents

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: SB 386

INTRODUCER: Senator Trumbull

SUBJECT: Farm Equipment

DATE: January 12, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Becker	Becker	AG	Favorable
2. McMillan	McKay	CM	Favorable
3. _____	_____	RC	_____

I. Summary:

SB 386 creates a process for consumers and manufacturers to remedy defective farm equipment.

If farm equipment is defective and does not conform to all applicable express written warranties, the bill permits a consumer to report the defect to the manufacturer or its authorized service agent during the manufacturer's warranty period or during the 1-year period following the original delivery date of the farm equipment to allow the manufacturer or its authorized agent the opportunity to conform the equipment to the warranty.

The bill requires a manufacturer to replace defective farm equipment with comparable farm equipment or accept the return of the defective equipment from the consumer and refund the consumer the purchase price and related fees if the manufacturer or its authorized dealer cannot or otherwise fails to conform the farm equipment to any applicable express written warranty. This does not limit or impair the rights or remedies which are otherwise available to a consumer under chapter 681, F.S.

The bill is effective July 1, 2026.

II. Present Situation:

Lemon Law

Section 681.10, F.S., is the Florida "Motor Vehicle Warranty Enforcement Act" (Act).¹ The intent of this Act is that a good faith motor vehicle warranty complaint by a consumer be

¹ Section 681.10, F.S.

resolved by the manufacturer² within a specified timeframe.³ Ultimately, Florida's "lemon law" provides remedies for consumers who purchase or lease new motor vehicles with "nonconformities"⁴ that have not been corrected within a reasonable number of attempts.⁵

Nonconformity of Motor Vehicles

A manufacturer of a motor vehicle notified of a defect in the vehicle by the consumer within 24 months⁶ of the delivery of the vehicle to the consumer, must make repairs to the vehicle so that it conforms to the warranty on the vehicle.⁷ After three attempts to repair the nonconformity, the consumer must give written notice by certified or express mail to the manufacturer, allowing the manufacturer one final chance to repair the vehicle.⁸

If the manufacturer cannot repair the vehicle to conform to the warranty after this final attempt, the manufacturer, within 40 days, must either repurchase the vehicle and refund the full purchase price to the consumer, less a reasonable offset for use,⁹ or if the consumer pays a reasonable offset for use, replace the vehicle with a vehicle acceptable to the consumer.¹⁰ However, if a manufacturer establishes a procedure that the Department of Legal Affairs (DLA) certifies as complying with the informal dispute settlement procedures in the Code of Federal Regulations,¹¹ and informs the consumer about how to file a claim, the consumer must follow that procedure before he or she can either receive a refund or a replacement vehicle.¹²

In order to have such a procedure certified, the manufacturer must submit the procedure to the DLA, and the DLA must certify the procedure, notify the manufacturer of any deficiencies in the application or the procedure, or deny certification.¹³

² Section 681.102(13), F.S., defines "manufacturer" as any person, whether a resident or nonresident of Florida, who manufactures or assembles motor vehicles, or who manufactures or assembles chassis for recreational vehicles, or who manufactures or installs on previously assembled truck or recreational vehicle chassis special bodies or equipment which, when installed, forms an integral part of the motor vehicle, or a "distributor" or an "importer" as those terms are defined in s. 320.60, F.S. A "dealer" as defined in s. 320.60, F.S. may not be deemed to be a manufacturer, a distributor, or an importer.

³ Section 681.101, F.S. However, it is not the intent of the Legislature that a consumer establish the presumption of a reasonable number of attempts as to each manufacturer that provides a warranty directly to the consumer.

⁴ Section 681.102 (15), F.S., definiens "nonconformity" as a defect or condition that substantially impairs the use, value, or safety of a motor vehicle, but does not include a defect or condition that results from an accident, abuse, neglect, modification, or alteration of the motor vehicle by persons other than the manufacturer or its authorized service agent.

⁵ See *id.* Section 681.104, F.S., provides that a "reasonable" number of attempts is three or more unsuccessful attempts for the same nonconformity, as well as allowing the manufacturer one final attempt after receiving written notification from the consumer by registered or express mail.

⁶ This is called the "lemon law rights period." See s. 681.102(9), F.S.

⁷ Section 681.103(1), F.S.

⁸ Section 681.104(1), F.S.

⁹ Section 681.102(19), F.S., defines "reasonable offset for use" as the number of miles attributable to a consumer up to the date of a settlement agreement or arbitration hearing, whichever occurs first, multiplied by the base selling or sale price of the vehicle as reflected on the purchase invoice, exclusive of taxes, government fees, and dealer fees, or in the case of a lease, the agreed upon value as reflected in the lease agreement and divided by 120,000, except in the case of a recreational vehicle, in which event it must be divided by 60,000.

¹⁰ Section 681.104(2)(a), F.S.

¹¹ See 16 C.F.R. part 703. This regulation provides rules for "Informal Dispute Mechanisms" under the Magnuson-Moss Warranty Act.

¹² Section 601.108(1), F.S.

¹³ Section 681.108(2), F.S. The DLA is required to review each certified procedure annually.

If a manufacturer has a certified procedure and the consumer and manufacturer cannot reach a decision on a dispute by use of the certified procedure, within 40 days after filing, the consumer may apply to the DLA to have the dispute removed to the Florida New Motor Vehicle Board for arbitration.¹⁴ If the DLA determines that it does not have sufficient evidence to resolve the dispute after providing the consumer with an opportunity to present additional evidence, the DLA may reject arbitration. If a dispute is rejected, the DLA must, by registered mail, notify the consumer and manufacturer and provide a brief explanation.¹⁵

A violation by a manufacturer of the “lemon law,” is considered an unfair or deceptive trade practice.¹⁶ Additionally, a consumer may file an action to recover damages caused by a violation of the “lemon law,” and the court must award a consumer who prevails in such action the amount of any pecuniary loss, litigation costs, reasonable attorney’s fees, and appropriate equitable relief.¹⁷

Farm Equipment

Currently, Florida does not have a “lemon law” specific to farm equipment, however, s. 604.40, F.S., permits all power-drawn, power-driven, or self-propelled equipment used on a farm or used to transport farm products to be stored, maintained, or repaired by the owner of such equipment within the boundaries of the owner’s farm and at least 50 feet away from any public road without limitation.¹⁸

The federal Magnuson-Moss Warranty Act only covers warranties for products normally used for personal, family, or household purposes, and since most farm equipment is used in the business or occupation of farming, it is not covered under that law.¹⁹ To remedy this gap, some states, including Arkansas and South Dakota have passed lemon laws that specifically cover farm equipment.²⁰

III. Effect of Proposed Changes:

Section 1 amends s. 604.40, F.S., to provide a process for protection against defective farm equipment. The bill defines “farm equipment” to mean all power-drawn, power-driven, or self-propelled equipment used on a farm or to transport farm products.

If farm equipment is defective and does not conform to all applicable express written warranties, the bill permits a consumer to report the defect to the manufacturer or its authorized service agent during the manufacturer’s warranty period or during the 1-year period following the

¹⁴ Section 681.109(1), F.S.

¹⁵ Section 681.109(8), F.S.

¹⁶ Section 681.111, F.S.

¹⁷ Section 681.112(1), F.S. An action must be commenced within 1 year after the expiration of the lemon law rights period.

¹⁸ Section 604.40, F.S.

¹⁹ See 15 U.S.C. §§ 2301–2312.

²⁰ See Ark. Code Ann. §§ 4-96-301–308 and S.D. Cod. Laws §§ 32-6D-1 through 32-6D-9. Minnesota and Virginia have had a “lemon law” specific to farm equipment for decades. See Minn. Stat. §§ 325F.6651 through 325F.6659 and Va. Code § 59.1-207.8. The basic structure of a farm equipment lemon law is similar to a motor vehicle lemon law and requires re-purchase or replacement of the equipment if there is a nonconformity that has not been repaired within a reasonable number of attempts.

original delivery date of the equipment to the consumer to allow the manufacturer or its authorized agent the opportunity to conform the equipment to the warranty. Upon receipt of such report, the manufacturer or its authorized agent must make such repairs as are necessary to conform the equipment to the warranty at no cost to the customer.

The bill requires the manufacturer or its authorized agent to replace the farm equipment with comparable farm equipment, or accept the return of the defective equipment from the consumer and refund the consumer the cash purchase price, including sales tax, license fees, registration fees, and any similar governmental charges if the manufacturer or its authorized dealer is not able to or otherwise fails to conform the farm equipment to any applicable express written warranty after a reasonable number of attempts.

It is presumed that the manufacturer has made a reasonable number of attempts to conform the farm equipment to the applicable express warranties if the same nonconformity has been the subject of repair three or more times by the manufacturer or its authorized agent, but the nonconformity continues to exist. This presumption only applies when the manufacturer or its authorized agent has received prior direct written notification from or on behalf of the consumer and has been offered an opportunity to cure the alleged defect.

The bill provides that it is an affirmative defense to any claim under ch. 604, F.S., that an alleged nonconformity does not substantially impair the farm equipment's use and market value, or a nonconformity is the result of abuse or neglect, or of modifications or alterations of the farm equipment not authorized by the manufacturer.

The bill does not limit or impair the rights or remedies which are otherwise available to a consumer under ch. 681, F.S. Further, any consumer who suffers a loss by reason of a violation of ch. 604, F.S., may bring a civil action to enforce such provision.

Section 2 provides that the bill takes effect July 1, 2026.

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:

Florida's contracts clause states that "no bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed."²¹ Regarding the impairment of an existing contract by the retroactive application of a statute, the Florida Supreme Court recently said:

"[V]irtually no degree of contract impairment is tolerable." However, we also recognized that the holding that "virtually" no impairment is tolerable "necessarily implies that some impairment is tolerable." The question thus becomes how much impairment is tolerable and how to determine that amount. To answer that question, in *Pomponio* we proposed a balancing test that "allow[ed] the court to consider the actual effect of the provision on the contract and to balance a party's interest in not having the contract impaired against the State's source of authority and the evil sought to be remedied." "[T]his becomes a balancing process to determine whether the nature and extent of the impairment is constitutionally tolerable in light of the importance of the State's objective, or whether it unreasonably intrudes into the parties' bargain to a degree greater than is necessary to achieve that objective."

An impairment may be constitutional if it is reasonable and necessary to serve an important public purpose. However, where the impairment is severe, "[t]he severity of the impairment is said to increase the level of scrutiny to which the legislation will be subjected." There must be a "significant and legitimate public purpose behind the regulation."²²

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

None.

B. Private Sector Impact:

Florida consumers will have a process to remedy defective farm equipment.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

²¹ FLA. CONST. art. I, s. 10.

²² *Searcy, Denney, Scarola, Barnhart & Shipley, etc. v. State*, 209 So. 3d 1181, 1192 (Fla. 2017).

VII. Related Issues:

For clarity, the bill may need to define certain terms.

VIII. Statutes Affected:

This bill substantially amends section 604.40 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.

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

By Senator Trumbull

2-00198-26

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

Section 1. Section 604.40, Florida Statutes, is amended to read:

604.40 Farm equipment; protection against defective farm equipment.—

(1) As used in this section, the term "farm equipment" means all power-drawn, power-driven, or self-propelled equipment

Page 1 of 3

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30 used on a farm or used to transport farm products.

31 (2) Notwithstanding any other law, ordinance, rule, or
32 policy to the contrary, farm equipment all power drawn, power-
33 driven, or self-propelled equipment used on a farm or used to
34 transport farm products may be stored, maintained, or repaired
35 by the owner within the boundaries of the owner's farm and at
36 least 50 feet away from any public road without limitation.

37 (2) This subsection section does not apply to farm
38 equipment ~~that is~~ used in urban agriculture, as defined in s.
39 604.73(3).

(3) (a) If farm equipment is defective and does not conform to all applicable express written warranties, the consumer may report the defect to the manufacturer or its authorized service agent during the manufacturer's warranty period or during the 1-year period following the original delivery date of the farm equipment to the consumer to allow the manufacturer or its authorized agent the opportunity to conform the farm equipment to the warranty. Upon receipt of such report, the manufacturer or its authorized agent shall make such repairs as are necessary to conform the equipment to the warranty. Such repairs shall be at no cost to the consumer.

51 (b) The manufacturer or its authorized agent shall replace
52 the farm equipment with comparable farm equipment, or accept the
53 return of the defective farm equipment from the consumer and
54 refund the consumer the cash purchase price, including sales
55 tax, license fees, registration fees, and any similar
56 governmental charges if the manufacturer or its authorized
57 dealer is not able to or otherwise fails to conform the farm
58 equipment to any applicable express written warranty after a

Page 2 of 3

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59 reasonable number of attempts.

60 (c) It is presumed that the manufacturer has made a
61 reasonable number of attempts to conform the farm equipment to
62 the applicable express warranties if the same nonconformity has
63 been the subject of repair three or more times by the
64 manufacturer or its authorized agent but the nonconformity
65 continues to exist.

66 (d) In no event shall the presumption provided in paragraph
67 (c) apply to a manufacturer unless the manufacturer or its
68 authorized agent has received prior direct written notification
69 from or on behalf of the consumer and been offered an
70 opportunity to cure the alleged defect.

71 (e) It is an affirmative defense to any claim under this
72 chapter that:

73 1. An alleged nonconformity does not substantially impair
74 the farm equipment's use and market value; or
75 2. A nonconformity is the result of abuse or neglect, or of
76 modifications or alterations of the farm equipment not
77 authorized by the manufacturer.

78 (f) This chapter may not be construed to limit or impair
79 the rights or remedies which are otherwise available to a
80 consumer under chapter 681.

81 (g) Any consumer who suffers a loss by reason of a
82 violation of this chapter may bring a civil action to enforce
83 such provision.

84 Section 2. This act shall take effect July 1, 2026.

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: SB 528

INTRODUCER: Senator Truenow

SUBJECT: Manufacturing

DATE: January 12, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Renner	McKay	CM	Favorable
2.		ATD	
3.		AP	

I. Summary:

SB 528 designates a Chief Manufacturing Officer (CMO) among the Department of Commerce (department) senior leadership to support, promote, and coordinate manufacturing statewide. Duties include serving as subject-matter expert for manufacturing, promoting and coordinating manufacturing efforts statewide, working with state and federal agencies to support manufacturing, and collaborating with education/training entities to promote manufacturing career paths.

The bill creates the Florida Manufacturers' Workforce Development Grant Program (program) within the department to fund proposed projects, subject to appropriation by the Legislature, that support small manufacturers in Florida in deploying new technologies or cybersecurity infrastructure, and to strengthen the manufacturing workforce pipeline from elementary education through postsecondary training and workforce reentry.

The bill establishes the voluntary Florida Manufacturing Promotional Campaign (campaign) within the department to increase consumer awareness of manufacturing activities in Florida and expand exposure for products and goods manufactured in Florida.

The bill authorizes the department to adopt rules to administer the program and campaign.

The bill may have an indeterminate impact on state expenditures. It does not appear to impact local government revenues or expenditures. *See Section V, Fiscal Impact Statement.*

The bill takes effect July 1, 2026.

II. Present Situation:

Manufacturing

According to the Department of Commerce, Florida has more than 430,000 manufacturing jobs, and experienced the highest growth in manufacturing employment among large states from 2014-2022. In 2024, Florida's manufacturing output grew to \$80.7 billion. Manufacturing jobs generally pay higher wages than those in other industries and are economically resilient against downturns. Manufacturing jobs also create seven jobs for every one manufacturing job.¹

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry for statistical data collection and analysis on the U.S. economy.² NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:³

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

Additionally, manufacturing sectors with a high value-added component, such as aviation and aerospace, defense, microelectronics, medical devices and equipment, marine, fabricated metal products, and industrial machinery, have helped Florida's small and mid-size manufacturers grow quickly.⁴

¹ Department of Commerce analysis for SB 528 (2026). On file with Senate Commerce and Tourism Committee.

² United States Census Bureau, *North American Industry Classification System (NAICS)*, available at <https://www.census.gov/naics/>, (last visited Jan. 12, 2026).

³ Department of Commerce, *2023 Florida Manufacturing*, 114, available at <https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf> (last visited Jan. 12, 2026).

⁴ *Id.* at 47

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.⁵ Local governments may establish a manufacturing master development plan review process that allows new or expanding manufacturing businesses to go through a single local-level master development plan process and, upon approval, proceed to development without requiring additional approvals or permits, except for building permits.⁶ The approval process must be coordinated with the department.⁷ Additionally, the department has developed a model local manufacturing development program ordinance to guide local governments that intend to establish a local manufacturing development program.⁸ Currently, only Manatee and Volusia County have adopted an ordinance.⁹

Workforce Training Programs

CareerSource Florida, a not-for-profit corporation administratively housed within the department,¹⁰ is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.¹¹ Workforce training is administered through the 21 local workforce development boards.

The Florida Job Growth Grant Fund is an economic development program that promotes public infrastructure and workforce training across the state. Proposals are reviewed by the department and selected by the Governor to meet workforce or infrastructure needs in the communities to which they are awarded.¹²

Manufacturing Extension Partnership (MEP)

The MEP National Network is a public-private partnership that delivers comprehensive solutions to U.S. manufacturers, fueling growth and advancing the U.S. manufacturing sector.¹³ MEP is part of the U.S. Department of Commerce's National Institute of Standards and Technology (NIST).¹⁴ The MEP National Network, the mission of which is to strengthen and empower U.S. manufacturers, is comprised of NIST's Manufacturing Extension Partnership (NIST MEP), the 51 MEP Centers located in all 50 states and Puerto Rico, the MEP Advisory Board, MEP Center boards, and the Foundation for Manufacturing Excellence, as well as over 1,440 trusted advisors and experts at approximately 460 MEP service locations, providing any U.S. manufacturer with

⁵ Section 163.3252, F.S.

⁶ *Id.*

⁷ Section 163.3253, F.S.

⁸ Section 163.3252, F.S.

⁹ Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program*, available at <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program> (last visited Jan. 12, 2026).

¹⁰ Section 445.004(1), F.S.

¹¹ See CareerSource Florida, *About Us*, available at <https://careersourceflorida.com/> (last visited Jan. 12, 2026).

¹² See s. 288.101, F.S.

¹³ National Institute of Standards and Technology (NIST), *MEP National Network*, available at <https://www.nist.gov/mep/mep-national-network> (last visited Jan. 12, 2026).

¹⁴ *Id.*

access to resources they need to succeed.¹⁵ FloridaMakes is the official representative of the MEP National Network and NIST MEP in the state of Florida.¹⁶

The department collaborates with FloridaMakes to promote and support the growth of Florida's manufacturing sector by providing resources, data, and partnership opportunities to manufacturers, often highlighting the industry's economic impact through initiatives like the "Florida Manufacturing Report", which is developed jointly by both entities.¹⁷

III. Effect of Proposed Changes:

Chief Manufacturing Officer

Section 1 amends s. 20.60, F.S., expanding the department's responsibilities to encourage and oversee manufacturing in the state in coordination with the newly created Chief Manufacturing Officer (CMO).

Section 2 creates s. 20.602, F.S., to designate a CMO among the department's senior leadership to promote manufacturing statewide. Duties of the CMO include:

- Serving as the subject-matter expert on manufacturing;
- Promoting and coordinating manufacturing efforts in the state and identifying gaps across state-supported activities;
- Providing strategic direction for interagency and cross-disciplinary initiatives to promote and support manufacturing in the state;
- Working with federal, state, regional, and local governmental entities and nongovernmental entities to align manufacturing priorities;
- Engaging with state agencies and water management districts to create processes, programs, decision frameworks, and reporting mechanisms intended to support manufacturing in the state;
- Collaborating with the Department of Education, elementary, middle, and high schools, technical colleges, and workforce boards to promote manufacturing career paths through career development initiatives and funding manufacturing training centers.

The bill requires the department to submit a report by December 15, 2027, and every two years thereafter, on the strength and economic importance of Florida's manufacturing industry.

Florida Manufacturers' Workforce Development Grant Program

Section 3 creates s. 288.103, F.S., establishing the Manufacturers' Workforce Development Grant Program (program) within the department, under the direction of the CMO in consultation with the state's National Institute of Standards and Technology Manufacturing Extension Partnership organization. The purpose of the program is to support small manufacturers in Florida in deploying new technologies or cybersecurity infrastructure, and to strengthen the manufacturing workforce pipeline from elementary education through postsecondary training

¹⁵ *Id.*

¹⁶ FloridaMakes, *About Us*, available at <https://www.floridamakes.com/about-us/how-we-help> (last visited Jan. 12, 2026).

¹⁷ FloridaMakes, *News, Blogs & Events*, available at <https://www.floridamakes.com/blogs/frances-nevill/2024/06/04/spotlight-on-floridas-inaugural-manufacturing-report> (last visited Jan. 12, 2026).

and workforce reentry. Grants may be used for workforce and development operations, subject to appropriations.

The bill establishes ranking metrics for the program, including the number of employees, applicants' matching funds, and expected benefits from the grant awards. Priority must be given to projects with innovative plans, advanced technologies, development strategies focusing on workforce development for small manufacturers, and must include one or more of the following:

- Regional manufacturing training center establishment or expansion;
- Partnerships with school districts, technical and state colleges to support manufacturing curricula, dual enrollment, and industry certification programs;
- Development of career awareness programs in elementary and middle schools;
- Outreach and training programs targeting underrepresented populations, including reentry populations; and
- Marketing and promotion of manufacturing careers.

The department must include project grant awards and each project's status in its annual incentives report.

The department may adopt rules to implement this provision.

Florida Manufacturing Promotional Campaign

Section 4 creates s. 288.1031, F.S., establishing the Florida Manufacturing Promotional Campaign to:

- Increase consumer awareness of manufacturing;
- Expand market exposure for manufactured products and goods; and
- Inspire future generations of entrepreneurs, fabricators, and skilled workers to build and grow domestic businesses and manufacturing operations.

The campaign is voluntary, managed by the department, and coordinated with the National Institute of Standards and Technology Manufacturing Extension Partnership. The department must develop logos, promotional materials, register participants, create in-kind advertising, and contract with the media. The department must prepare an annual report on campaign performance (submitted as part of the department's annual report) that includes performance measures and outcomes, sources of in-kind advertising, contracts, participant names, and other relevant information.

The bill defines a "manufactured product" as any durable or non-durable tangible personal property or consumer good that has been processed, fabricated, or produced through industrial or mechanical processes. This includes items sold or leased to consumers.

The department may adopt rules to implement and administer the campaign, establish logos or product identifiers used in the campaign, ensure compliance with the campaign, and govern participant registration.

Section 5 provides an effective date of July 1, 2026.

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:

Manufacturing businesses may see increased demand due to receiving a Florida Manufacturers' Workforce Development Grant and/or participating in the voluntary Manufacturing Promotional Campaign.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact on the department because the Florida Manufacturers' Workforce Development Grant Program is subject to legislative appropriation.

The bill does not appear to impact local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 20.60 of the Florida Statutes.

This bill creates sections 20.602, 288.103, and 288.1031 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.

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

By Senator Truenow

13-00485B-26

2026528

Page 1 of 10

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13-00485B-26

2026528

requiring the department, in coordination with the Chief Manufacturing Officer and the National Institute of Standards and Technology Manufacturing Extension Partnership organization in this state, to establish and publish ranking metrics for reviewing and awarding grants; providing guidelines for such metrics; requiring that priority be given to projects that meet certain criteria; authorizing applicants to seek funding for a specified purpose; prohibiting such funding from being used for certain expenses; requiring the department to administer the grant awards from the Economic Development Trust Fund; requiring the department to annually provide a list to the public of specific information regarding the grant program; requiring the department to include certain information in its annual incentives report; authorizing the department to adopt rules; creating s. 288.1031, F.S.; providing legislative findings; defining terms; creating the Florida Manufacturing Promotional Campaign within the department; requiring the Chief Manufacturing Officer to administer the campaign in coordination with the National Institute of Standards and Technology Manufacturing Extension Partnership organization in this state; providing the purpose of the campaign; requiring the department to take certain actions to promote the campaign; requiring persons who participate in the campaign to register annually with the department; requiring the department to establish by rule the form and manner of

Page 2 of 10

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13-00485B-26

2026528

59 registration; requiring the department to adopt rules
 60 to implement and administer the campaign; requiring
 61 the department annually to create a specified report
 62 and submit it to the Governor and the Legislature as
 63 part of its annual report; providing an effective
 64 date.

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

66 Section 1. Paragraph (m) is added to subsection (4) of
 67 section 20.60, Florida Statutes, to read:

68 20.60 Department of Commerce; creation; powers and duties.—
 69 (4) The purpose of the department is to assist the Governor
 70 in working with the Legislature, state agencies, business
 71 leaders, and economic development professionals to formulate and
 72 implement coherent and consistent policies and strategies
 73 designed to promote economic opportunities for all Floridians.
 74 The department is the state's chief agency for business
 75 recruitment and expansion and economic development. To
 76 accomplish such purposes, the department shall:

77 (m) Encourage and oversee manufacturing in this state in
 78 coordination with the Chief Manufacturing Officer.

79 Section 2. Section 20.602, Florida Statutes, is created to
 80 read:

81 20.602 Chief Manufacturing Officer.—
 82 (1) There is designated among the senior leadership of the
 83 Department of Commerce a Chief Manufacturing Officer for the
 84 purpose of supporting the manufacturing ecosystem statewide. The
 85 Chief Manufacturing Officer is appointed by and serves at the

Page 3 of 10

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13-00485B-26

2026528

88 pleasure of the Secretary of Commerce.

89 (2) The Chief Manufacturing Officer shall do all of the
 90 following:

91 (a) Serve as a subject-matter expert for the state on
 92 issues related to manufacturing.

93 (b) Promote and coordinate manufacturing efforts in this
 94 state and identify gaps across state-supported activities.

95 (c) Provide strategic direction for interagency and cross-
 96 disciplinary initiatives to promote and support manufacturing in
 97 this state.

98 (d) Work with federal, state, regional, and local
 99 governmental entities and nongovernmental entities to align
 100 manufacturing priorities.

101 (e) Engage with state agencies and water management
 102 districts to create processes, programs, decision frameworks,
 103 and reporting mechanisms intended to support manufacturing in
 104 this state.

105 (f) Collaborate with the Department of Education, school
 106 districts, charter schools, technical colleges, state colleges,
 107 and regional workforce development boards to promote
 108 manufacturing as a career path. Such collaboration must include
 109 all of the following:

110 1. Supporting curriculum development and career awareness
 111 initiatives in elementary and middle schools, including
 112 classroom resources, career fairs, and outreach activities
 113 designed to inspire interest in manufacturing.

114 2. Establishing technology demonstration centers, work-
 115 based learning opportunities, and exposure to manufacturing
 116 careers through partnerships with guidance counselors and

Page 4 of 10

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13-00485B-26 2026528
 117 recognized career exploration programs, including Project Lead
 118 The Way.
 119 3. Preserving and expanding manufacturing programs in high
 120 schools, promoting dual enrollment and industry certifications,
 121 and ensuring that course selection and grade point average
 122 weighting policies encourage students to pursue, rather than
 123 discourage them from pursuing, manufacturing tracks.
 124 4. Funding and supporting regional manufacturing training
 125 centers to provide multiple entry points for careers in
 126 manufacturing, including awareness initiatives for
 127 underrepresented populations and individuals reentering the
 128 workforce.
 129 5. Reenergizing the marketing and promotion of
 130 manufacturing careers in coordination with the Florida
 131 Manufacturing Promotional Campaign created in s. 288.1031, using
 132 messaging tailored to the interests and language of today's
 133 youth.
 134 (3) All state and local governmental entities shall assist
 135 the Chief Manufacturing Officer to the extent such assistance is
 136 consistent with law and with budgetary constraints.
 137 (4) The department shall prepare a report, in consultation
 138 with the Chief Manufacturing Officer and the National Institute
 139 of Standards and Technology Manufacturing Extension Partnership
 140 organization in this state, regarding manufacturing efforts in
 141 this state. The department shall submit the report to the
 142 Governor, the President of the Senate, and the Speaker of the
 143 House of Representatives by December 15, 2027, and every 2 years
 144 thereafter. The report must include information regarding the
 145 strength and economic importance of the manufacturing industry

Page 5 of 10

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13-00485B-26 2026528
 146 in this state.
 147 Section 3. Section 288.103, Florida Statutes, is created to
 148 read:
 149 288.103 Florida Manufacturers' Workforce Development Grant
 150 Program.
 151 (1) The Florida Manufacturers' Workforce Development Grant
 152 Program is created within the Department of Commerce, under the
 153 direction of the Chief Manufacturing Officer in consultation
 154 with the National Institute of Standards and Technology
 155 Manufacturing Extension Partnership organization in this state,
 156 to fund proposed projects, subject to appropriation by the
 157 Legislature, which support small manufacturers in this state
 158 with the deployment of new technologies or cybersecurity
 159 infrastructure and to strengthen the manufacturing workforce
 160 pipeline from elementary education through postsecondary
 161 training and workforce reentry.
 162 (2) The department, in coordination with the Chief
 163 Manufacturing Officer and the National Institute of Standards
 164 and Technology Manufacturing Extension Partnership organization
 165 in this state, shall review submitted applications and select
 166 projects for awards which create strategic investments in
 167 workforce training and education partnerships to facilitate the
 168 deployment of new technologies or cybersecurity infrastructure
 169 and to expand career awareness and preparation for manufacturing
 170 occupations across the K-12, postsecondary, and workforce
 171 training systems. Final grant awards are made at the sole
 172 discretion of the department.
 173 (3) The department, in coordination with the Chief
 174 Manufacturing Officer and the National Institute of Standards

Page 6 of 10

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13-00485B-26

2026528

175 and Technology Manufacturing Extension Partnership organization
 176 in this state, shall establish and publish ranking metrics for
 177 reviewing grants and awarding them to applicants on a
 178 competitive basis. Metrics may include the number of employees,
 179 matching funds pledged by the applicant, and expected benefits
 180 from the grant award. Priority must be given to projects with
 181 innovative plans, advanced technologies, and development
 182 strategies that focus on workforce development for small
 183 manufacturers across this state and that include one or more of
 184 the following:

185 (a) Establishment or expansion of regional manufacturing
 186 training centers.

187 (b) Partnerships with the Department of Education, school
 188 districts, charter schools, technical colleges, and state
 189 colleges to support manufacturing curricula, dual enrollment,
 190 and industry certification programs.

191 (c) Development of elementary and middle school career
 192 awareness programs, including technology demonstration centers
 193 and guidance counselor resources.

194 (d) Outreach and training programs targeting
 195 underrepresented populations, including reentry populations.

196 (e) Marketing and promotion of manufacturing careers
 197 consistent with s. 288.1031.

198 (4) Applicants may seek funding for workforce development
 199 and operations; however, grant funding awarded under this
 200 section may not be used to pay salary and benefits or general
 201 business or office expenses. Grants awarded under the program
 202 shall be administered by the department from the Economic
 203 Development Trust Fund established in s. 288.095.

Page 7 of 10

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13-00485B-26

2026528

204 (5) The department shall annually provide a list to the
 205 public of each project awarded a grant, the benefit of each
 206 project in meeting the goals and objectives of the program, and
 207 the current status of each project. The department shall include
 208 such information in the annual incentives report required under
 209 s. 288.0065.

210 (6) The department may adopt rules to implement this
 211 section.

212 Section 4. Section 288.1031, Florida Statutes, is created
 213 to read:

214 288.1031 Florida Manufacturing Promotional Campaign.-

215 (1) The Legislature finds that there is a need for a
 216 campaign to increase consumer awareness of manufacturing
 217 activities in this state, to expand market exposure for
 218 manufactured products and goods in this state, and to inspire
 219 future generations of entrepreneurs, fabricators, and skilled
 220 workers to build and grow domestic businesses and manufacturing
 221 operations in this state. The Legislature further finds that a
 222 campaign that creates a partnership between the state and
 223 manufacturers in this state is necessary to promote and
 224 advertise manufactured products efficiently.

225 (2) As used in this section, the term:

226 (a) "Manufactured product" means any tangible personal
 227 property or consumer good, whether a durable or nondurable good,
 228 that has been processed, fabricated, or produced, often through
 229 industrial or mechanical processes. The term includes items sold
 230 or leased to consumers.

231 (b) "Person" means an individual, a firm, a partnership, a
 232 corporation, an association, a business, a trust, a legal

Page 8 of 10

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13-00485B-26

2026528

233 ~~representative, or any other business unit.~~

234 (3) The Florida Manufacturing Promotional Campaign is
235 created within the department. The Chief Manufacturing Officer
236 shall administer the campaign in coordination with the National
237 Institute of Standards and Technology Manufacturing Extension
238 Partnership organization in this state. The purpose of the
239 campaign is to serve as a voluntary marketing program to promote
240 manufacturing products and businesses in this state.

241 (4) The department shall do all of the following:

242 (a) Develop logos for the campaign and authorize the use of
243 such logos by rule.
244 (b) Create promotional materials for the campaign.
245 (c) Register campaign participants.
246 (d) Develop in-kind advertising programs.
247 (e) Contract with media representatives for the purpose of
248 dispersing promotional materials.

249 (5) A person who produces manufactured products may
250 participate in the campaign only by registering annually with
251 the department. The department shall establish by rule the form
252 and manner of registration.

253 (6) The department shall adopt rules to implement and
254 administer the campaign. By rule, the department shall establish
255 the logos or product identifiers to be depicted for use in the
256 campaign for advertising, publicizing, and promoting the sale of
257 manufactured products in this state. The department shall also
258 adopt rules necessary to ensure compliance with the campaign and
259 to govern participant registration.

260 (7) The department shall annually create a report on the
261 success of the campaign, including detailed performance measures

Page 9 of 10

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13-00485B-26

2026528

262 and outcomes, sources of in-kind advertising, contracts related
263 to disbursement of promotional materials, the names of persons
264 participating in the campaign, and other information for the
265 campaign. The department shall submit the report as part of the
266 annual report required in s. 20.602(4).

267 Section 5. This act shall take effect July 1, 2026.

Page 10 of 10

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1/13/26

Meeting Date

Commerce & Tourism

Committee

Name Chris Dawson

Address 301 E. Pine Street, Suite 1400
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:

FL Roofing & Sheet Metal Contractors Association (FRSA)

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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

528

Bill Number or Topic

NA

Amendment Barcode (if applicable)

4078438880

Email chris.dawson@gray-robinson.com

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The Florida Senate

11/13/2020

Meeting Date

APPEARANCE RECORD

SB 528

Bill Number or Topic

Commerce & Tourism

Committee

Name Carol Bowen

Phone (954) 465-6841

Address PO Box 880448
Street

Email cbowen@gbchonda.com

Boca Raton FL
City

33488
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:

Associated Builders & Contractors of Florida

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

8-13-26

Meeting Date

COMMERCE & TOURISM

Committee

Name KEVIN CARR

APPEARANCE RECORD

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SB 528

Bill Number or Topic

Amendment Barcode (if applicable)

240-344-7155

Phone

Address 201 E. PINE ST, SUITE 735
Street

Email KEVIN.CARR@FLORIDAMAKES.COM

City

ORLANDO

State

FL

Zip

32801

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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

1/13/26

The Florida Senate

APPEARANCE RECORD

528

Meeting Date

Bill Number or Topic

Commerce and Tourism

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Committee

Amendment Barcode (if applicable)

Name **Greg Black**

Phone **8505098022**

Address **215 S. Monroe Street Suite 130**

Email **Greg@BlackConsultingLLC.com**

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:

Florida Chamber of Commerce

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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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S-001 (08/10/2021)

1/13/26

The Florida Senate

SB 528

Meeting Date

Commerce & Tourism

Bill Number or Topic

Committee

Name **John Ray**

Amendment Barcode (if applicable)

850.445.5044

Address **P.O. Box 7683**

Email **jray@johnrayconsulting.com**

Street

Tallahassee

FL

32314

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:		
<input type="checkbox"/> I am appearing without compensation or sponsorship.	<input checked="" type="checkbox"/> I am a registered lobbyist, representing: Florida Medical Manufacturers	<input type="checkbox"/> 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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

1-13-26

Meeting Date

CTT

APPEARANCE RECORD

S28

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Carlecia Collins

Phone 850 228 2671

Address 301 S. Bronough St
Street

Email Carlecia.Collins@myfloridahouse.gov

Tallahassee

FL

32311

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.leg.state.fl.us/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

1/13/26

Meeting Date

Commerce and Tourism

Committee

Name **Adam Basford**

Address **516 N Adams St**

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:

Associated Industries 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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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528

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **8502247173**

Email **abasford@aif.com**

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: SB 806

INTRODUCER: Senator Truenow

SUBJECT: Consumers' Right to Repair Certain Equipment

DATE: January 12, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Dike	McKay	CM	Favorable
2. _____	_____	AG	_____
3. _____	_____	RC	_____

I. Summary:

SB 806 creates the Portable Wireless Device Repair Act, which requires manufacturers of portable wireless devices purchased or used in this state to make documentation, parts, and tools available to owners and independent repair providers. The bill also provides civil remedies for a violation of this Act, and remedies and penalties under the Florida Deceptive and Unfair Trade Practices Act.

Further, the bill creates the Agricultural Equipment Fair Repair Act, requiring original equipment manufacturers of agricultural equipment to provide certain manufacturing, diagnostic, and repair information to independent repair providers and owners. Original equipment manufacturers are prohibited from excluding certain information concerning security-related functions. The bill does not apply to motor vehicle manufacturers or motor vehicle dealers. Additionally, a civil penalty may be collected from any original equipment manufacturer who is found to be in violation.

The bill takes effect on July 1, 2026.

II. Present Situation:

Right to Repair

Over the last eight years, state legislatures across the country have been contemplating “right to repair” laws, which require manufacturers to share repair information and tools so that consumers may repair their products more easily and less costly.¹ This type of legislation is

¹ Press Release, PIRG, *All 50 states now have filed Right to Repair legislation over last 8 years* (Feb. 24, 2025), available at <https://pirg.org/media-center/release-all-50-states-now-have-filed-right-to-repair-legislation-over-last-8-years/> (last visited Jan. 12, 2026).

founded on the idea that consumers should be able to choose how to repair their products.² Advocates are concerned due to the amount of products that are utilizing computer chips and advanced technology, which are becoming increasingly difficult to repair without sending the entire product back to the manufacturer.³ Many products, ranging from cars and appliances to wheelchairs, use proprietary tools and parts.⁴ Manufacturers may decline to publish documents necessary for a third party or consumer to repair.⁵ The policy objectives of these laws are to ensure customers have access to manuals, schematics, and software updates, as well as diagnostic tools needed to service the product themselves.⁶ Moreover, proponents of digital right to repair legislation are concerned about reducing repair costs for consumers, minimizing electronic waste in landfills, and increasing the longevity of products.⁷

While there is a push for this type of legislation, manufacturers are concerned about electronic privacy and preservation of intellectual property.⁸ Technological advances in electronic equipment, such as fitness monitors, home security devices, and smart home appliances, have led to consumer data being collected at a higher volume.⁹ Opponents of right to repair legislation are worried that proprietary access to tools and information needed to repair these electronic products may undermine consumers' digital privacy, as diagnostic tools may provide access to an entire device and improper repair can disable security features.¹⁰ Additionally, there is a concern that unrestricted access into product software design may compromise intellectual property protections.¹¹ If proprietary knowledge is embedded in the products they sell, some manufacturers worry that trade secrets will become public knowledge when required to disclose digital locks and other information.¹²

Smartphones

Cell phone repair is intentionally limited by manufacturers who do not wish to share proprietary information on their electronic products.¹³ As such, consumers with broken devices are limited to disposing the phone and purchasing a new one; mailing the phone back to the manufacturer to be repaired; attempting to repair the phone themselves; or seeking out an independent repair provider.¹⁴ If the consumer mails their cell phone to a manufacturer, it could take weeks to

² Mike Serra, *Looking Under the Hood on the Right to Repair*, 101 MICH. B.J. 34 (May 2022), available at <https://www.michbar.org/journal/Details/Looking-under-the-hood-on-the-right-to-repair?ArticleID=4428> (last visited Jan. 12, 2026).

³ Thorin Klosowski, *What You Should Know About Right to Repair*, available at <https://www.nytimes.com/wirecutter/blog/what-is-right-to-repair/> (last visited Jan. 12, 2026).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Brian T. Yeh, CONG. RSCH. SERV., *Repair, Modification, or Resale of Software-Enabled Consumer Electronic Devices: Copyright Law Issues*, <https://crsreports.congress.gov/product/pdf/R/R44590/3> (last visited Jan. 12, 2026).

⁸ Ike Brannon, CATO INST., *A Criticism of Right to Repair Laws*, available at <https://www.cato.org/regulation/spring-2024/criticism-right-repair-laws> (last visited Jan. 12, 2026).

⁹ *See id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ See Elaine S. Povich, *Pandemic Drives Phone, Computer 'Right-to-Repair' Bills*, available at <https://stateline.org/2021/03/11/pandemic-drives-phone-computer-right-to-repair-bills/> (last visited Jan. 12, 2026).

¹⁴ Yeh, *supra* note 7.

receive the fixed product back.¹⁵ If the consumer would rather spend their money locally, they also face barriers—many small repair shops cannot fix older digital devices due to manufacturer restrictions.¹⁶

Currently, over 98% of Americans own a cellphone, and nine out of ten of all cell phone owners have a smartphone.¹⁷ Smartphones are not only prevalent but necessary for many people, as 15% of U.S. adults only access the internet from their smartphone because they do not subscribe to a home broadband service.¹⁸ The majority of those smartphone-dependent users are young adults and the elderly.¹⁹ Moreover, smartphone dependency most greatly affects people who make less than \$30,000 per year.²⁰

Agricultural Equipment

Farmers face similar barriers when attempting to repair agricultural equipment.²¹ As it stands, only a handful of authorized dealerships have access to the necessary diagnostic tools to fix farming equipment.²² Without the necessary software to diagnose problems, farmers must ship their equipment to the closest authorized dealership for repair.²³ With lengthy transport times and wait times for repairs, “farmers can lose tens or even hundreds of thousands of dollars in potential yields.”²⁴

While there was an attempt to pass a national right to repair law in 2023,²⁵ Colorado is the only jurisdiction to pass a law giving consumers the right to repair agricultural equipment.²⁶ In response to the surge of legislation attempting to resolve this issue,²⁷ the American Farm Bureau Federation (AFBF) has signed memorandums of understanding (MOUs) with five major farm equipment companies.²⁸ These MOUs ensure farmers have access to manuals, seminars, on-board diagnostics, software, and other publications with information on service, parts, operation, and safety on fair and reasonable terms.²⁹

¹⁵ Povich, *supra* note 13.

¹⁶ Povich, *supra* note 13.

¹⁷ PEW RSCH. CTR., *Mobile Fact Sheet*, available at <https://www.pewresearch.org/internet/fact-sheet/mobile/> (last visited Jan. 12, 2026).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*; see also FED. TRADE COMM’N, *Nixing the Fix: An FTC Report to Congress on Repair Restrictions*, available at https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing_the_fix_report_final_5521_630pm-508_002.pdf?ref=cecna-io (last visited Jan. 12, 2026) (“This smartphone dependency makes repair restrictions on smartphones more likely to affect these communities adversely.”).

²¹ Jesse Bedayn, AP NEWS, *11 States Consider ‘Right to Repair’ for Farming Equipment*, available at <https://apnews.com/article/farm-equipment-repairs-d5ea466725328d965a85a62130503d49> (last visited Jan. 12, 2026).

²² Farm Action, *Right to Repair Campaign*, available at <https://farmaction.us/righttorepair/> (last visited Jan. 12, 2026).

²³ *Id.*

²⁴ *Id.*

²⁵ H.R. 5604, 118th Cong. (2023).

²⁶ Colo. Rev. Stat. Ann. §§ 6-1-1501-1505 (2024).

²⁷ Bedayn, *supra* note 21; see also Jennifer Bamberg, *John Deere faces lawsuit as lawmakers introduce right-to-repair bills*, available at <https://investigatemidwest.org/2025/03/05/john-deere-faces-lawsuit-as-lawmakers-introduce-right-to-repair-bills/> (last visited Jan. 12, 2026).

²⁸ AFBF, *Right to Repair*, available at <https://www.fb.org/issue/right-to-repair> (last visited Jan. 12, 2026).

²⁹ *Id.*

Despite the MOUs, farmers' grievances have not been assuaged. In February 2025, the Federal Trade Commission (FTC) filed a lawsuit against John Deere over unfair manufacturer policies that create a monopoly in the repair market and inflate farmers' repair costs.³⁰ The complaint alleges that John Deere is able to raise prices, reduce output, and degrade quality in the market for large tractors and combines in the U.S.³¹ Even with the MOU, farmers and independent repair providers must pay John Deere \$3,160 for a one-year subscription to the necessary software to diagnose and fix their tractors and combines.³² The complaint alleges access to repair is still impaired, as this software has a degraded functionality compared to the separate software available to authorized dealerships.³³ The FTC's complaint illustrates the problems that have yet to be overcome regarding tractor and combine repair.

III. Effect of Proposed Changes:

Smartphone Repair

Requirements

Section 4 creates s. 559.973, F.S., mandating that a manufacturer³⁴ must make documentation,³⁵ parts,³⁶ and tools³⁷ available to owners³⁸ and independent repair providers³⁹ on fair and reasonable terms.⁴⁰ Manufacturers are not required to provide parts that are no longer available.

³⁰ Complaint of Plaintiff, *Fed. Trade Comm'n v. Deere*, Case No. 3:25-cv-50017 (N.D. Ill. filed Feb. 7, 2025), available at https://www.ftc.gov/system/files/ftc_gov/pdf/DeereCoREDACTEDComplaintCaseNo325-cv-50017.pdf (last visited Jan. 12, 2026); *see also* FTC, *States Sue Deere & Company to Protect Farmers from Unfair Corporate Tactics, High Repair Costs*, available at <https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-states-sue-deere-company-protect-farmers-unfair-corporate-tactics-high-repair-costs> (last visited Jan. 12, 2026).

³¹ *Id.* at 1-4.

³² *Id.* at 12.

³³ *Id.* at 14-16.

³⁴ "Manufacturer" means an individual or a business that sells, leases, or otherwise supplies new portable wireless devices, or parts of new portable wireless devices, manufactured by or on behalf of the individual or business to another individual or business.

³⁵ "Documentation" means a manual, a diagram, a reporting output, a service code description, a schematic, a security code or a password, or any other information used in the diagnosis, maintenance, or repair of portable wireless devices.

³⁶ "Part" means any replacement component made available by or to a manufacturer for the purpose of maintaining or repairing portable wireless devices manufactured by or on behalf of, sold by, or otherwise supplied by the manufacturer.

³⁷ "Tool" means any software program, hardware implement, or other apparatus used for diagnosing, maintaining, or repairing portable wireless devices, including software or other mechanisms that program or repair a part, calibrate functionality, or perform any other function required to bring portable wireless devices back to fully functional condition.

³⁸ "Owner" means an individual or a business that lawfully acquires a portable wireless device purchased or used in this state.

³⁹ "Independent repair provider" means an individual or a business that does not have an arrangement with a manufacturer as an authorized repair provider and that is not affiliated with any other individual or business that has such an arrangement with the manufacturer when that individual or business diagnoses, maintains, or repairs portable wireless devices. The term includes a manufacturer or an independent repair provider that diagnoses, maintains, or repairs portable wireless devices that are not manufactured by or on behalf of, or sold or otherwise supplied by, the manufacturer.

⁴⁰ "Fair and reasonable terms," for purposes of obtaining a part, a tool, or documentation, means costs and terms that are equivalent to the most favorable costs and terms under which the manufacturer offers the part, tool, or documentation to an authorized repair provider, accounting for any discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use, or other incentive or preference that the manufacturer offers to an authorized repair provider or any additional cost, burden, or impediment that the manufacturer imposes on an owner or independent repair provider. For documentation, including any relevant updates, the term also means at no charge, except that, when the documentation is requested in printed form, a charge may be included for the reasonable actual costs of preparing and mailing the documentation.

Additionally, a manufacturer that sells diagnostic, service, or repair information to third parties in a standard format may not require an authorized repair provider⁴¹ to continue purchasing diagnostic, service, or repair information in a proprietary format, unless otherwise specified.

Enforcement

Section 5 creates s. 559.974, F.S., requiring that an independent repair provider or owner who believes that the manufacturer failed to provide documentation, parts, or tools for diagnosis, maintenance, or repair, must notify the manufacturer in writing of this failure. The manufacturer has 30 days following receipt of notice to correct the failure. If the manufacturer responds to the notice and corrects the failure within 30 days of notice, damages in any subsequent litigation are limited to actual damages.

If the manufacturer does not respond to the notice or corrects the failure unsatisfactorily, the owner or independent repair provider may file a complaint in a specified circuit court. The complaint must include:

- Written information confirming that the independent repair provider has attempted to acquire and use, through the then-available standard support function provided by the manufacturer, relevant documentation, parts, and tools, including communicating with customer assistance; and
- Evidence of the owner or independent repair provider's written notification to the manufacturer.

Additionally, violations of this bill are punishable under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), ss. 501.201-501.213, F.S. It is unlawful under the FDUTPA for a party to take part in "unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce."⁴² Such practices include fraudulent billing,⁴³ misleading a consumer or misrepresenting a product's characteristics,⁴⁴ or other behavior determined to be unfair by a court.⁴⁵ Under the FDUTPA, the office of the state attorney or Department of Legal Affairs, either by their own inquiry or through complaints, may investigate violations of the FDUTPA.⁴⁶ In addition to other remedies under state and federal law, the enforcing authority may bring actions for declaratory judgment, injunctive relief, actual damages on behalf of consumers and businesses, cease and desist orders, and civil penalties up to

⁴¹ "Authorized repair provider" means an individual or a business that is unaffiliated with the manufacturer and has an arrangement with the manufacturer under which the manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the diagnosis, maintenance, or repair of portable wireless devices under the name of the manufacturer, or any other arrangement with the manufacturer to offer services on behalf of the manufacturer. A manufacturer that offers the services of diagnosis, maintenance, or repair of portable wireless devices manufactured by the manufacturer or on the manufacturer's behalf, or sold or otherwise supplied by the manufacturer, and that does not do so exclusively through one or more arrangements as described in this subsection with an unaffiliated individual or business, is deemed to be an authorized repair provider of portable wireless devices.

⁴² Section 501.204, F.S.

⁴³ *State Farm Mut. Auto. Ins. Co. v. Medical Service Center of Florida, Inc.*, 103 F. Supp. 3d 1343 (S.D. Fla. 2015).

⁴⁴ *Lewis v. Mercedes-Benz USA, LLC*, 530 F. Supp. 3d 1183 (S.D. Fla. 2021); *Marty v. Anheuser-Busch Companies, LLC*, 43 F. Supp. 3d 1333 (S.D. Fla. 2014).

⁴⁵ See *Siever v. BWGaskets, Inc.*, 669 F. Supp. 2d 1286, 1292-93 (M.D. Fla. 2009).

⁴⁶ The enforcing authority under the FDUTPA may "administer oaths and affirmations, subpoena witnesses or matter, and collect evidence." Section 501.206, F.S.

\$10,000 per violation.⁴⁷ Moreover, consumers may bring private actions against parties for violating the FDUTPA, resulting in either:

- Declaratory judgment and injunctive relief when the consumer is aggrieved by a FDUTPA violation; or
- Actual damages, attorney fees, and court costs, when the consumer has suffered a loss due to the FDUTPA violation.⁴⁸

Limitations

Section 6 creates s. 559.975, F.S., providing that this bill does not require:

- A manufacturer to divulge a trade secret,⁴⁹ except when necessary to provide required materials on fair and reasonable terms.
- A manufacturer or an authorized repair provider to provide an owner or independent repair provider access to nondiagnostic and nonrepair information which was provided by the manufacturer to the authorized repair provider.

Miscellaneous Provisions

Section 1 creates part XIV of ch. 559, F.S., consisting of ss. 559.971-559.976, F.S., entitled “Digital Right to Repair.”

Section 2 creates s. 559.971, F.S., titling this part as the “Portable Wireless Device Repair Act.”

Section 3 creates s. 559.972, F.S., creating definitions for use in this part.

Section 7 creates s. 559.976, F.S., providing that this part applies to portable wireless devices sold or in use on or after July 1, 2026. This bill does not apply to portable wireless devices approved by the U.S. FDA, security or life-safety systems and devices, or manufacturers of security or life-safety systems and devices.

Agricultural Equipment Repair

Requirements

Section 8 creates s. 686.35, F.S., requiring original equipment manufacturers⁵⁰ (OEM) to provide diagnostic and repair documentation, including updates and corrections to embedded software,⁵¹

⁴⁷ Sections 501.207, 501.2077, 501.2075, 501.208, F.S.

⁴⁸ Sections 501.2105, 501.211, F.S.

⁴⁹ “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Section 688.002, F.S.

⁵⁰ “Original equipment manufacturer” means a person or business that, in the ordinary course of business, is engaged in the selling or leasing of new equipment to a person or business and is engaged in the diagnosis, service, maintenance, or repair of such equipment.

⁵¹ “Embedded software” means any programmable instructions provided on firmware delivered with equipment for the purpose of equipment operation, including all relevant patches and fixes made by the original equipment manufacturer for this purpose. The term includes, but is not limited to, a basic internal operating system, an internal operating system, machine code, assembly code, robot code, or microcode. “Firmware” means a software program or set of instructions programmed on a hardware device to allow the device to communicate with other computer hardware.

to any independent repair provider⁵² or owner⁵³ of equipment⁵⁴ manufactured by the OEM. Such information must be available free of charge or provided to an independent repair provider or owner in the same manner that the OEM would divulge such information to an authorized repair provider. Moreover, the bill states the OEM is subsequently not responsible for the content and functionality of aftermarket tools, diagnostics, or service information systems.

Additionally, the OEM may not exclude any diagnostic, service, and repair information necessary to reset a security-related electronic function on equipment manufactured by the OEM which is sold or used in this state to provide security-related functions. If such information is excluded under this bill, the necessary documentation to reset an immobilizer system or security-related electronic module must be made available through the appropriate secure data release system.

Exclusions

The bill explicitly does not:

- Require a manufacturer to divulge a trade secret.⁵⁵
- Interfere with terms of an agreement between the OEM and an authorized repair provider,⁵⁶ except for any provision within the agreement that waives, avoids, restricts, or limits and OEM's compliance with the terms defined within this bill.
- Require that OEMs or authorized repair providers give an owner or independent repair provider access to non-diagnostic and repair documentation provided by an OEM to an authorized repair provider pursuant the terms of an authorized repair agreement.

Civil Penalty

An OEM that violates this section is liable for a civil penalty of up to \$500 per violation.

Effective Date

Section 9 sets out an effective date of July 1, 2026.

⁵² “Independent repair provider” means a person or business operating in this state which is not affiliated with an original equipment manufacturer or an original equipment manufacturer’s authorized repair provider and which is engaged in the diagnosis, service, maintenance, or repair of equipment. However, an original equipment manufacturer meets the definition of an independent repair provider if such original equipment manufacturer engages in the diagnosis, service, maintenance, or repair of equipment that is not affiliated with the original equipment manufacturer.

⁵³ “Owner” means a person or business that owns or leases a digital electronic product purchased or used in this state.

⁵⁴ “Equipment” means digital electronic equipment, or a part for such equipment, which is originally manufactured for farm equipment, including combines, tractors, implements, self-propelled equipment, and related attachments and implements, and which is manufactured for distribution and sale in this state. “Part” means a replacement part, either new or used, which the original equipment manufacturer makes available to the authorized repair provider for the purpose of effecting repair.

⁵⁵ “Trade secret” means anything, whether tangible or intangible or electronically stored or kept, which constitutes, represents, evidences, or records intellectual property, including secret or confidentially held designs, processes, procedures, formulas, inventions, or improvements or secret or confidentially held scientific, technical, merchandising, production, financial, business, or management information. The term also includes any other trade secret as defined in 18 U.S.C. s. 1839.

⁵⁶ “Authorized Repair Provider” means an individual or entity that has an arrangement for a definite or indefinite period in which an original equipment manufacturer grants to a separate individual or entity a license to use a trade name, service mark, or related characteristic for the purpose of offering repair services under the name of the original equipment manufacturer.

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.

VI. Technical Deficiencies:

The phrase “fair and reasonable terms” is defined in section 8 of the bill, but the phrase is not used elsewhere under the Agricultural Equipment Fair Repair Act portion of the bill, rendering the definition unnecessary.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 559.971, 559.976, 559.972, 559.973, 559.974, 559.975, 686.35.

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.

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

By Senator Truenow

13-01298-26

2026806

1 A bill to be entitled
 2 An act relating to consumers' right to repair certain
 3 equipment; providing a directive to the Division of
 4 Law Revision; creating s. 559.971, F.S.; providing a
 5 short title; creating s. 559.972, F.S.; defining
 6 terms; creating s. 559.973, F.S.; requiring portable
 7 wireless device manufacturers to make certain items
 8 available to device owners and independent repair
 9 providers; prohibiting certain manufacturers from
 10 requiring authorized repair providers to continue
 11 purchasing certain information in a proprietary
 12 format; providing an exception; creating s. 559.974,
 13 F.S.; providing for enforcement; providing for
 14 damages; providing that a complaint may be filed in
 15 circuit court under certain circumstances; providing
 16 requirements for such complaint; providing that a
 17 violation is a deceptive and unfair trade practice;
 18 creating s. 559.975, F.S.; providing construction;
 19 creating s. 559.976, F.S.; providing applicability;
 20 creating s. 686.35, F.S.; defining terms; requiring
 21 original equipment manufacturers of agricultural
 22 equipment to make certain diagnostic and repair
 23 information available for no charge and in a certain
 24 manner to independent repair providers and owners;
 25 prohibiting original equipment manufacturers from
 26 excluding certain information concerning security-
 27 related functions; providing construction; providing
 28 civil liability; providing an effective date.
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Page 1 of 11

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13-01298-26

2026806

30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. The Division of Law Revision is directed to
 33 create part XIV of chapter 559, Florida Statutes, consisting of
 34 ss. 559.971-559.976, Florida Statutes, to be entitled "Digital
 35 Right to Repair."
 36 Section 2. Section 559.971, Florida Statutes, is created to
 37 read:
 38 559.971 Short title.—This part may be cited as the
 39 "Portable Wireless Device Repair Act."
 40 Section 3. Section 559.972, Florida Statutes, is created to
 41 read:
 42 559.972 Definitions.—As used in this act, the term:
 43 (1) "Authorized repair provider" means an individual or a
 44 business that is unaffiliated with the manufacturer and has an
 45 arrangement with the manufacturer under which the manufacturer
 46 grants to the individual or business a license to use a trade
 47 name, service mark, or other proprietary identifier for the
 48 diagnosis, maintenance, or repair of portable wireless devices
 49 under the name of the manufacturer, or any other arrangement
 50 with the manufacturer to offer services on behalf of the
 51 manufacturer. A manufacturer that offers the services of
 52 diagnosis, maintenance, or repair of portable wireless devices
 53 manufactured by the manufacturer or on the manufacturer's
 54 behalf, or sold or otherwise supplied by the manufacturer, and
 55 that does not do so exclusively through one or more arrangements
 56 as described in this subsection with an unaffiliated individual
 57 or business, is deemed to be an authorized repair provider of
 58 portable wireless devices.

Page 2 of 11

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13-01298-26

2026806

59 (2) "Documentation" means a manual, a diagram, a reporting
 60 output, a service code description, a schematic, a security code
 61 or a password, or any other information used in the diagnosis,
 62 maintenance, or repair of portable wireless devices.

63 (3) "Fair and reasonable terms," for purposes of obtaining
 64 a part, a tool, or documentation, means costs and terms that are
 65 equivalent to the most favorable costs and terms under which the
 66 manufacturer offers the part, tool, or documentation to an
 67 authorized repair provider, accounting for any discount, rebate,
 68 convenient and timely means of delivery, means of enabling fully
 69 restored and updated functionality, rights of use, or other
 70 incentive or preference that the manufacturer offers to an
 71 authorized repair provider or any additional cost, burden, or
 72 impediment that the manufacturer imposes on an owner or
 73 independent repair provider. For documentation, including any
 74 relevant updates, the term also means at no charge, except that,
 75 when the documentation is requested in print form, a charge may
 76 be included for the reasonable actual costs of preparing and
 77 mailing the documentation.

78 (4) "Independent repair provider" means an individual or a
 79 business that does not have an arrangement with a manufacturer
 80 as an authorized repair provider and that is not affiliated with
 81 any other individual or business that has such an arrangement
 82 with the manufacturer when that individual or business
 83 diagnoses, maintains, or repairs portable wireless devices. The
 84 term includes a manufacturer or an independent repair provider
 85 that diagnoses, maintains, or repairs portable wireless devices
 86 that are not manufactured by or on behalf of, or sold or
 87 otherwise supplied by, the manufacturer.

Page 3 of 11

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13-01298-26

2026806

88 (5) "Manufacturer" means an individual or a business that
 89 sells, leases, or otherwise supplies new portable wireless
 90 devices, or parts of new portable wireless devices, manufactured
 91 by or on behalf of the individual or business to another
 92 individual or business.

93 (6) "Owner" means an individual or a business that lawfully
 94 acquires a portable wireless device purchased or used in this
 95 state.

96 (7) "Part" means any replacement component made available
 97 by or to a manufacturer for the purpose of maintaining or
 98 repairing portable wireless devices manufactured by or on behalf
 99 of, sold by, or otherwise supplied by the manufacturer.

100 (8) "Portable wireless device" means a product that
 101 includes a battery, microphone, speaker, and display designed to
 102 send and receive transmissions through a cellular radio-
 103 telephone service.

104 (9) "Tool" means any software program, hardware implement,
 105 or other apparatus used for diagnosing, maintaining, or
 106 repairing portable wireless devices, including software or other
 107 mechanisms that program or repair a part, calibrate
 108 functionality, or perform any other function required to bring
 109 portable wireless devices back to fully functional condition.

110 (10) "Trade secret" has the same meaning as in s. 688.002.

111 Section 4. Section 559.973, Florida Statutes, is created to
 112 read:

113 559.973 Requirements.

114 (1) A manufacturer must make available to an owner of a
 115 portable wireless device and to an independent repair provider
 116 of such device, on fair and reasonable terms, documentation,

Page 4 of 11

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13-01298-26

117 parts, and tools, inclusive of any updates, for diagnosing,
 118 maintaining, or repairing such device. This subsection does not
 119 require a manufacturer to provide a part that is no longer
 120 available to the manufacturer.

121 (2) A manufacturer that sells diagnostic, service, or
 122 repair information to an independent repair provider or any
 123 other third-party provider in a format that is standardized with
 124 other manufacturers, and in a manner and on terms and conditions
 125 more favorable than the manner and terms and conditions pursuant
 126 to which an authorized repair provider obtains the same
 127 diagnostic, service, or repair information, may not require an
 128 authorized repair provider to continue purchasing diagnostic,
 129 service, or repair information in a proprietary format, unless
 130 such proprietary format includes diagnostic, service, repair, or
 131 dealership operations information or functionality that is not
 132 available in such standardized format.

133 Section 5. Section 559.974, Florida Statutes, is created to
 134 read:

135 559.974 Enforcement.-

136 (1) (a) An independent repair provider or owner who believes
 137 that a manufacturer has failed to provide documentation, parts,
 138 or tools for diagnosing, maintaining, or repairing a portable
 139 wireless device as required by this part must notify the
 140 manufacturer in writing and give the manufacturer 30 days
 141 following receipt of notice to cure the failure. If the
 142 manufacturer responds to the notice and cures the failure within
 143 the cure period, damages are limited to actual damages in any
 144 subsequent litigation.

145 (b) If a manufacturer fails to respond to the notice

2026806

13-01298-26

146 provided under paragraph (a), or if an independent repair
 147 provider or owner is not satisfied with the manufacturer's cure,
 148 the independent repair provider or owner may file a complaint in
 149 the circuit court of the county in which the independent repair
 150 provider has his, her, or its principal place of business or in
 151 which the owner resides. The complaint must include the
 152 following:

153 1. Written information confirming that the independent
 154 repair provider or owner has attempted to acquire and use,
 155 through the then-available standard support function provided by
 156 the manufacturer, relevant documentation, parts, and tools,
 157 including communicating with customer assistance.

158 2. Evidence of manufacturer notification as required by
 159 paragraph (a).

160 (2) In addition to the remedy provided under subsection
 161 (1), a violation of this part is a deceptive and unfair trade
 162 practice under the Florida Deceptive and Unfair Trade Practices
 163 Act. All remedies, penalties, and authority granted to the
 164 enforcing authority by that act are available for the
 165 enforcement of this part.

166 Section 6. Section 559.975, Florida Statutes, is created to
 167 read:

168 559.975 Limitations.-

169 (1) This part does not require a manufacturer to divulge a
 170 trade secret, except as necessary to provide documentation,
 171 parts, and tools on fair and reasonable terms.

172 (2) This part does not require a manufacturer or an
 173 authorized repair provider to provide an owner or independent
 174 repair provider access to nondiagnostic and nonrepair

Page 5 of 11

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Page 6 of 11

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13-01298-26 2026806

175 information provided by a manufacturer to an authorized repair provider.

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177 Section 7. Section 559.976, Florida Statutes, is created to read:

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179 559.976 Applicability.

180 (1) This part applies to portable wireless devices sold or in use on or after July 1, 2026.

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182 (2) This part does not apply to portable wireless devices approved by the United States Food and Drug Administration, security or life-safety systems and devices, or manufacturers of security or life-safety systems and devices.

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186 Section 8. Section 686.35, Florida Statutes, is created to read:

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188 686.35 Agricultural Equipment Fair Repair Act.

189 (1) As used in this section, the term:

190 (a) "Authorized repair provider" means an individual or entity that has an arrangement for a definite or indefinite period in which an original equipment manufacturer grants to a separate individual or entity a license to use a trade name, service mark, or related characteristic for the purpose of offering repair services under the name of the original equipment manufacturer.

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197 (b) "Embedded software" means any programmable instructions provided on firmware delivered with equipment for the purpose of equipment operation, including all relevant patches and fixes made by the original equipment manufacturer for this purpose. The term includes, but is not limited to, a basic internal operating system, an internal operating system, a machine code, an assembly code, a robot code, or a microcode.

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Page 7 of 11

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13-01298-26 2026806

204 (c) "Equipment" means digital electronic equipment, or a part for such equipment, which is originally manufactured for agricultural equipment, including combines, tractors, implements, self-propelled equipment, and related attachments and implements, and which is manufactured for distribution and sale in this state.

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210 (d) "Fair and reasonable terms" means an equitable price in light of relevant factors, including, but not limited to:

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212 1. The net cost to the authorized repair provider for similar information obtained from an original equipment manufacturer, excluding any applicable discount, rebate, or other incentive program;

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215 2. The cost to the original equipment manufacturer for preparing and distributing the information, excluding any research and development costs incurred in designing and implementing, upgrading, or altering the product, but including amortized capital costs for the preparation and distribution of the information;

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222 3. The price charged by other original equipment manufacturers for similar information;

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227 4. The price charged by original equipment manufacturers for similar information before the launch of original equipment manufacturer websites;

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232 5. The ability of aftermarket technicians or shops to afford the information;

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235 6. The means by which the information is distributed;

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238 7. The extent to which the information is used, including the number of users and the frequency, duration, and volume of use; and

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Page 8 of 11

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13-01298-26 2026806

233 8. Inflation.

234 (e) "Firmware" means a software program or set of

235 instructions programmed on a hardware device to allow the device

236 to communicate with other computer hardware.

237 (f) "Independent repair provider" means a person or

238 business operating in this state which is not affiliated with an

239 original equipment manufacturer or an original equipment

240 manufacturer's authorized repair provider and which is engaged

241 in the diagnosis, service, maintenance, or repair of equipment.

242 However, an original equipment manufacturer meets the definition

243 of an independent repair provider if such original equipment

244 manufacturer engages in the diagnosis, service, maintenance, or

245 repair of equipment that is not affiliated with the original

246 equipment manufacturer.

247 (g) "Original equipment manufacturer" means a person or

248 business that, in the ordinary course of business, is engaged in

249 the selling or leasing of new equipment to a person or business

250 and is engaged in the diagnosis, service, maintenance, or repair

251 of such equipment.

252 (h) "Owner" means a person or business that owns or leases

253 a digital electronic product purchased or used in this state.

254 (i) "Part" means a replacement part, either new or used,

255 which the original equipment manufacturer makes available to the

256 authorized repair provider for the purpose of effecting repair.

257 (j) "Trade secret" means anything, whether tangible or

258 intangible, electronically stored or kept, which constitutes,

259 represents, evidences, or records intellectual property,

260 including secret or confidentially held designs, processes,

261 procedures, formulas, inventions, or improvements or secret or

Page 9 of 11

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13-01298-26 2026806

262 confidentially held scientific, technical, merchandising,

263 production, financial, business, or management information. The

264 term also includes any other trade secret as defined in 18

265 U.S.C. s. 1839.

266 (2) For equipment sold and used in this state, the original

267 equipment manufacturer shall make available diagnostic and

268 repair information, including repair technical updates and

269 corrections to embedded software, to any independent repair

270 provider or owner of equipment manufactured by such original

271 equipment manufacturer. The information must be made available

272 for no charge or must be provided in the same manner as the

273 original equipment manufacturer makes such diagnostic and repair

274 information available to an authorized repair provider.

275 Thereafter, the original equipment manufacturer is not

276 responsible for the content and functionality of such

277 aftermarket diagnostic tools, diagnostics, or service

278 information systems.

279 (3) Original equipment manufactured by the original

280 equipment manufacturer which is sold or used in this state to

281 provide security-related functions may not exclude from

282 information provided to an owner or an independent repair

283 provider any diagnostic, service, and repair information

284 necessary to reset a security-related electronic function. If

285 such information is excluded under this section, the information

286 necessary to reset an immobilizer system or a security-related

287 electronic module must be obtainable by an owner or an

288 independent repair provider through the appropriate secure data

289 release system.

290 (4) This section may not be construed to do any of the

Page 10 of 11

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

13-01298-26

2026806__

291 following:

292 (a) Require an original equipment manufacturer to divulge a
293 trade secret.
294 (b) Abrogate, interfere with, contradict, or alter the
295 terms of an agreement executed and in force between an
296 authorized repair provider and an original equipment
297 manufacturer, including, but not limited to, the performance or
298 provision of warranty or recall repair work by an authorized
299 repair provider on behalf of an original equipment manufacturer
300 pursuant to such authorized repair agreement, except that any
301 provision in such an authorized repair agreement which purports
302 to waive, avoid, restrict, or limit an original equipment
303 manufacturer's compliance with this section is void and
304 unenforceable.

305 (c) Require original equipment manufacturers or authorized
306 repair providers to provide an owner or an independent repair
307 provider access to nondiagnostic and repair information provided
308 by an original equipment manufacturer to an authorized repair
309 provider pursuant to the terms of an authorized repair
310 agreement.

311 (5) An original equipment manufacturer found in violation
312 of this section is liable for a civil penalty of not more than
313 \$500 for each violation.

314 Section 9. This act shall take effect July 1, 2026.

Jan 13, 2026

Meeting Date

Senate Ag

Committee

Name **Jackie Fleetwood**

Address **2836 East River Road**
Street

Bainbridge

GA

39817

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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.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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SB806

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **229-733-5577**

Email **jfleetwood@tidewaterequip.com**

1/13/26

The Florida Senate

APPEARANCE RECORD

806

Meeting Date

Bill Number or Topic

Commerce and Tourism

Committee

Name **Adam Basford**

Phone **8502247173**

Address **516 N Adams St**

Email **abasford@aif.com**

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:

Associated Industries 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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

1/13/26

The Florida Senate

APPEARANCE RECORD

806

Meeting Date
Commerce

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

Bill Number or Topic

Committee
Name Trey Price

Amendment Barcode (if applicable)

Phone 850-521-1707

Address 215 S. Monroe Street Ste 601
Street
City Tallahassee State FL Zip 32301

Email tprice.arrow@gunster.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

<p>PLEASE CHECK ONE OF THE FOLLOWING:</p> <p><input type="checkbox"/> I am appearing without compensation or sponsorship.</p> <p><input checked="" type="checkbox"/> I am a registered lobbyist, representing: The Repair Association</p> <p><input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:</p>	
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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. [2020-2022JointRules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/13/2020

Meeting Date

Commerce & Tourism

Committee

Name Katie Kelly

Address PO Box 12184

Street

TLH

F

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:

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

1/13/2026

The Florida Senate

APPEARANCE RECORD

Meeting Date

Commerce & Tourism

Committee

Name Turner Loesel

Address 100 N Duval Street
Street

Tallahassee FL

32301
Zip

Phone 561-401-8623

Email tloesel@jonesmadison.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:

The Jones Madison Institute

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. [2020-2022JointRules.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.)

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

BILL: SB 696

INTRODUCER: Senator Martin

SUBJECT: Registration of Trademarks

DATE: January 12, 2025 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Dike	McKay	CM	Favorable
2.		ATD	
3.		RC	

I. Summary:

SB 696 aligns Florida's trademark registration system with federal law and international standards. This bill creates an online registration system and allows for verification of applications to be made via a written declaration or other statutorily accepted methods rather than a Notary Public. The bill also mandates the Department of State (Department) must adopt the U.S. Patent and Trademark Office's (USPTO) system of classification of goods and services yearly to avoid repeatedly amending state statutes.

The bill takes effect on July 1, 2026.

II. Present Situation:

Trademarks

A registered trademark can be any word, phrase, symbol, or design which distinguishes the source of goods and services and provides legal protection for a brand.¹ A trademark ("TM") protects a good while a service mark ("SM") protects a service.² While an owner can register their mark with federal and state governments, it is not required by law—an owner of an unregistered mark may still use it to brand their goods or services and still enforce trademark rights under certain laws.³ However, trademark registration allows a person to prove ownership more easily in legal proceedings and provides additional protections under state and federal law.⁴

¹ USPTO, *What is a trademark?*, available at <https://www.uspto.gov/trademarks/basics/what-trademark> (last visited Jan. 12, 2026).

² *Id.*

³ *Id.*

⁴ USPTO., *Why register your trademark?*, available at <https://www.uspto.gov/trademarks/basics/why-register-your-trademark> (last visited Jan. 12, 2026).

Federal Law and Nice Classification

The USPTO regulates interstate use of trademarks pursuant to the Lanham Act, which was adopted in 1946.⁵ In 1972, U.S. became a signatory to the Nice Agreement, a multilateral treaty administered by the World Intellectual Property Organization.⁶ As such, all applications filed under the Lanham Act after September 1, 1973, are subject to the Nice Classification. Under the treaty, the Nice System classifications are reviewed and updated to reflect changes in technology and commercial practices. The USPTO updates these classifications via federal rulemaking to follow the Nice Classification.⁷

The Nice Classification is reviewed and revised by its Committee of Experts, which is made up of representatives of each party to the Nice Agreement. “In 2013, the Committee of Experts began annual revisions to the Nice Classification. The annual revisions enter into force on January 1 each year [and] are referred to as versions and identified by an edition number and the year of the effective date (e.g., “Nice Classification, 10th ed., ver. 2013” or “NCL 10-2013”).”⁸ The changes consist of the addition and deletion of new or obsolete goods and services from the Nice Classification’s class headings, alphabetical list of named goods and services, and explanatory notes, as well as any other required amendments.

Pursuant to the Nice Agreement and prior to registration under federal law, a trademark application must specify the class of the goods and services to which the trademark applies.⁹ For example, Class 1 includes chemical products for use in industry, science, and agriculture, while Class 7 includes mainly machines, machine tools, motors, and engines.¹⁰

Florida Trademark Registration

In Florida, ch. 495, F.S., governs the intrastate use of trademarks in Florida, the registration of which is overseen by the Department’s Division of Corporations (Division). Registering a trademark in the state gives an owner greater rights over its use. There are currently 18,307 active trademark or service mark registrations in Florida.¹¹

⁵ 15 U.S.C. § 1051.

⁶ See World Intellectual Property Organization, *WIPO-Administered Treaties*, available at https://www.wipo.int/wipolex/en/treaties>ShowResults?search_what=C&treaty_id=12 (last visited Jan. 12, 2026).

⁷ See, e.g., International Trademark Classification Changes, 90 Fed. Reg. 47,592 (Oct. 2, 2025) (codified at 37 C.F.R. 6.1).

⁸ *Id.*, see also World Intellectual Property Organization, *About the Nice Classification*, available at <https://www.wipo.int/en/web/classification-nice/preface> (last visited Jan. 12, 2026).

⁹ USPTO, *Nice Agreement current edition version - general remarks, class headings and explanatory notes*, available at <https://www.uspto.gov/trademarks/trademark-updates-and-announcements/nice-agreement-current-edition-version-general-remarks> (last visited Jan. 12, 2026).

¹⁰ *Id.*

¹¹ Div. of Corp., *Yearly Statistics*, available at <https://dos.fl.gov/sunbiz/about-us/yearly-statistics/> (last visited Jan. 12, 2026).

To register for a trademark,¹² an applicant¹³ must mail a paper application to the Division, which must include:

- The name, address, and if applicable, place of incorporation.
- An explanation of how the trademark will be used in connection with goods and services.
- The class(es) under which the goods or services fall—such classes are detailed in s. 495.111, F.S.
- The date the trademark was first used, along with other details of the history of the trademark's use.
- A statement that the applicant is the owner of the trademark, the trademark is in use, and that no other entity or person has registered the trademark or has the right to use the trademark in Florida.¹⁴

The Division may require the applicant to provide additional information or amend the application as needed.¹⁵ Furthermore, the applicant must sign the application form before a Notary Public to comply with the statutory requirement that the application be “signed and verified.”¹⁶

Recent Changes and Recommendations

In 2019, Florida statutes were updated to conform the state’s classifications for trademark goods and services to the 11th edition of the Nice Classification;¹⁷ however, international standards are updated often, making Florida statutes out of date already.¹⁸ The Florida Bar Business Law Section has proposed amendments to Florida statutes to align the state trademark registration system with national and international standards without needing to enact technical amendments to the statute each year ministerial updates are made on the national level.¹⁹ Additionally, the online application modernizes the registration system and ensures timely applications.²⁰

III. Effect of Proposed Changes:

Classification

Section 1 amends s. 495.111, F.S., removing the previous classifications in this statute and requiring the Department to adopt the USPTO’s classification system on July 1 each year. The

¹² “Trademark” means any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured or sold by others, and to indicate the source of the goods, even if the source is unknown. S. 495.011, F.S.

¹³ “Applicant” means the person filing an application for registration of a mark under this chapter and the legal representatives, successors, or assigns of such person. S. 495.011, F.S.

¹⁴ Section 495.031, F.S.

¹⁵ Section 495.035, F.S.

¹⁶ *Id.*

¹⁷ See s. 495.111, F.S.; *see also* Fla. SB 198 (2019).

¹⁸ Florida Bar Business Law Section, *Trademark Modernization Amendments Act of 2026 White Paper*, available at <https://flabizlaw.org/wp-content/uploads/2025/06/2026-Trademark-Draft-Bill-White-Paper-for-Circulation-1.pdf> (last visited Jan. 12, 2026).

¹⁹ *Id.*

²⁰ *Id.*

Department must publish this classification system as part of the trademark registration application as set out in ss. 495.031 and 495.0315, F.S.

Application for Registration

Section 2 creates s. 495.0315, F.S., directing the Department to create and maintain a website for applicants to submit online trademark registration applications and renewals. The website must protect applicants' information to ensure data integrity and the website must be available by July 1, 2027. The website must also allow the applicant to provide an electronic version of the required specimen of use, provide an electronic version of a drawing of the mark, pay the required fee, and complete the required verification.

Section 3 amends s. 495.031, F.S., mandating that verification for applications be made in accordance with s. 92.525, F.S. (allowing verification by oath/affirmation or written declaration). Additionally, the bill requires that every online application be accompanied by an electronic copy of the specimen which complies with the requirements of the Department, showing the mark as actually used.

Effective Date

Section 4 sets out an effective date of July 1, 2026.

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:

Under s. 3, art. II of the Florida Constitution, the non-delegation doctrine prohibits the Legislature from delegating its primary policymaking functions to the other branches of state government or the federal government.²¹ Pursuant to this doctrine, the Legislature

²¹ *Bush v. Schiavo*, 885 So. 2d 321, 332 (Fla. 2004).

may not adopt or incorporate any federal law that has not yet been enacted.²² In *Welch*, the Florida Supreme Court struck down a statute criminalizing certain acts by reference to future drug abuse laws.²³ The Court held that when a statute incorporates by reference future federal laws, Florida courts should apply federal law that was in effect at the time a state law was enacted—not federal laws, rules, or standards that come into existence afterwards.²⁴ This bill directs the department to look to future federal law.

However, in *Eastern Air Lines*, the Florida Supreme Court limited the holding of *Welch* to cases which incorporate federal statutes and rules which substantively change the law.²⁵ In that case, the statute at issue mandated that adjustments to the fuel tax should be based on the Consumer Price Index, updated monthly by the U.S. Department of Labor.²⁶ The Court upheld the statute as constitutional because the calculations were ministerial and the Legislature provided clear guidelines.²⁷ Here, as the classification of trademarks does not affect the rights and remedies of a trademark owner under law,²⁸ USPTO's revisions to the federal trademark classification system could be found to be ministerial and thus potentially constitutional.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate. Businesses in Florida will have minimal costs to comply with the requirements of this bill.²⁹

C. Government Sector Impact:

Indeterminate. There are minimal costs to update the Division's online registration system and comply with the requirement of this bill.³⁰

²² *Abbott Labs. v. Mylan Pharm., Inc.*, 15 So. 3d 642, 654 (Fla. 1st DCA 2009); *State v. Welch*, 279 So. 2d 11 (Fla. 1973); *Fla. Indus. Comm'n v. State ex rel. Orange State Oil Co.*, 21 So. 2d 599 (Fla. 1945); *State v. Rodriguez*, 365 So. 2d 157 (Fla. 1978); *State v. Camil*, 279 So.2d 832 (Fla. 1973); *Hughes v. State*, 943 So. 2d 176 (Fla. DCA 3d 2006).

²³ *Welch*, 279 So. 2d at 12-13.

²⁴ *Id.*

²⁵ *E. Air Lines, Inc. v. Dep't of Revenue*, 455 So. 2d 311, 316 (Fla. 1984).

²⁶ *Id.*

²⁷ *Id.*

²⁸ 15 U.S.C. s. 1112 ("The Director may establish a classification of goods and services, for convenience of Patent and Trademark Office administration, but not to limit or extend the applicant's or registrant's rights.").

²⁹ Florida Bar Business Law Section, *Trademark Modernization Amendments Act of 2026 White Paper*, available at <https://flabizlaw.org/wp-content/uploads/2025/06/2026-Trademark-Draft-Bill-White-Paper-for-Circulation-1.pdf> (last visited Jan. 12, 2026).

³⁰ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 495.111, 495.031. This bill creates section 495.0315 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.

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

By Senator Martin

33-00850-26

2026696

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

Section 1. Subsection (1) of section 495.111, Florida

495 111 Classification -

(1) The department shall, no later than July 1 of each year, adopt as the state classification system the United States Patent and Trademark Office's system of classification of goods and services in effect on June 1 of that year. The classification shall be published as part of the trademark registration application as set forth in ss. 495.031 and

Page 1 of 9

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33-00850-26

2026696

30 495.0315. The following general classes of goods and services, conforming to the classification adopted by the United States Patent and Trademark Office, are established for convenience of administration of this chapter:

34 (a) Goods:

35 1. Class 1 Chemicals for use in industry, science and
36 photography, as well as in agriculture, horticulture and
37 forestry; unprocessed artificial resins, unprocessed plastics;
38 fire extinguishing and fire prevention compositions; tempering
39 and soldering preparations; substances for tanning animal skins
40 and hides; adhesives for use in industry; putties and other
41 paste fillers; compost, manures, fertilizers; biological
42 preparations for use in industry and science.

43 2. Class 2 Paints, varnishes, lacquers, preservatives
44 against rust and against deterioration of wood, colorants, dyes,
45 inks for printing, marking and engraving; raw natural resins,
46 metals in foil and powder form for use in painting, decorating,
47 printing and art.

48 3. Class 3 Non-medicated cosmetics and toiletry
49 preparations; non-medicated dentifrices; perfumery, essential
50 oils; bleaching preparations and other substances for laundry
51 use; cleaning, polishing, scouring and abrasive preparations.

52 4. Class 4 Industrial oils and greases, wax; lubricants;
53 dust absorbing, wetting and binding compositions; fuels and
54 illuminants; candles and wicks for lighting.

55 5. Class 5 Pharmaceuticals, medical and veterinary
56 preparations, sanitary preparations for medical purposes;
57 dietetic food and substances adapted for medical or veterinary
58 use, food for babies; dietary supplements for humans and

Page 2 of 9

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

33-00850-26

2026696

59 animals; plasters, materials for dressings; material for
 60 stopping teeth, dental wax; disinfectants; preparations for
 61 destroying vermin; fungicides, herbicides.

62 6. Class 6 Common metals and their alloys, ores; metal
 63 materials for building and construction; transportable buildings
 64 of metal; non-electric cables and wires of common metal; small
 65 items of metal hardware; metal containers for storage or
 66 transport; safes.

67 7. Class 7 Machines, machine tools, power-operated tools;
 68 motors and engines, except for land vehicles; machine coupling
 69 and transmission components, except for land vehicles;
 70 agricultural implements, other than hand operated hand tools;
 71 incubators for eggs; automatic vending machines.

72 8. Class 8 Hand tools and implements, hand-operated;
 73 cutlery; side arms, except firearms; razors.

74 9. Class 9 Scientific, nautical, surveying, photographic,
 75 cinematographic, optical, weighing, measuring, signaling,
 76 checking (supervision), life-saving and teaching apparatus and
 77 instruments; apparatus and instruments for conducting,
 78 switching, transforming, accumulating, regulating or controlling
 79 electricity; apparatus for recording, transmission or
 80 reproduction of sound or images; magnetic data carriers,
 81 recording discs; compact discs, DVDs and other digital recording
 82 media; mechanisms for coin-operated apparatus; cash registers,
 83 calculating machines, data processing equipment, computers;
 84 computer software; fire-extinguishing apparatus.

85 10. Class 10 Surgical, medical, dental and veterinary
 86 apparatus and instruments; artificial limbs, eyes and teeth;
 87 orthopaedic articles; suture materials; therapeutic and

Page 3 of 9

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2026696

33-00850-26

88 assistive devices adapted for the disabled; massage apparatus;
 89 apparatus, devices and articles for nursing infants; sexual
 90 activity apparatus, devices and articles.

91 11. Class 11 Apparatus for lighting, heating, steam
 92 generating, cooking, refrigerating, drying, ventilating, water
 93 supply and sanitary purposes.

94 12. Class 12 Vehicles; apparatus for locomotion by land,
 95 air or water.

96 13. Class 13 Firearms; ammunition and projectiles;
 97 explosives; fireworks.

98 14. Class 14 Precious metals and their alloys; jewellery,
 99 precious and semi precious stones; horological and chronometric
 100 instruments.

101 15. Class 15 Musical instruments.

102 16. Class 16 Paper and cardboard; printed matter;
 103 bookbinding material; photographs; stationery and office
 104 requisites, except furniture; adhesives for stationery or
 105 household purposes; drawing materials and materials for artists;
 106 paintbrushes; instructional and teaching materials; plastic
 107 sheets, films and bags for wrapping and packaging; printers'
 108 type, printing blocks.

109 17. Class 17 Unprocessed and semi-processed rubber, gutta-
 110 percha, gum, asbestos, mica and substitutes for all these
 111 materials; plastics and resins in extruded form for use in
 112 manufacture, packing, stepping and insulating materials;
 113 flexible pipes, tubes and hoses, not of metal.

114 18. Class 18 Leather and imitations of leather; animal
 115 skins and hides; luggage and carrying bags; umbrellas and
 116 parasols; walking sticks; whips, harness and saddlery; collars,

Page 4 of 9

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33-00850-26 2026696

117 ~~leashes and clothing for animals.~~

118 19. Class 19 Building materials (non-metallic); non-
119 metallic rigid pipes for building; asphalt, pitch and bitumen;
120 non-metallic transportable buildings; monuments, not of metal.

121 20. Class 20 Furniture, mirrors, picture frames;
122 containers, not of metal, for storage or transport; unworked or
123 semi-worked bone, horn, whalebone or mother-of-pearl; shells;
124 meerschaum; yellow amber.

125 21. Class 21 Household or kitchen utensils and containers;
126 cookware and tableware, except forks, knives and spoons; combs
127 and sponges; brushes, except paintbrushes; brush-making
128 materials; articles for cleaning purposes; unworked or semi-
129 worked glass, except building glass; glassware, porcelain and
130 earthenware.

131 22. Class 22 Ropes and string; nets; tents and tarpaulins;
132 awnings of textile or synthetic materials; sails; sacks for the
133 transport and storage of materials in bulk; padding, cushioning
134 and stuffing materials, except of paper, cardboard, rubber or
135 plastics; raw fibrous textile materials and substitutes
136 therefor.

137 23. Class 23 Yarns and threads, for textile use.

138 24. Class 24 Textiles and substitutes for textiles;
139 household linen; curtains of textile or plastic.

140 25. Class 25 Clothing, footwear, headgear.

141 26. Class 26 Lace and embroidery, ribbons and braid;
142 buttons, hooks and eyes, pins and needles; artificial flowers;
143 hair decorations; false hair.

144 27. Class 27 Carpets, rugs, mats and matting, linoleum and
145 other materials for covering existing floors; wall hangings

Page 5 of 9

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33-00850-26 2026696

146 ~~(non-textile).~~

147 28. Class 28 Games, toys and playthings; video game
148 apparatus; gymnastic and sporting articles; decorations for
149 Christmas trees.

150 29. Class 29 Meat, fish, poultry and game; meat extracts;
151 preserved, frozen, dried and cooked fruits and vegetables;
152 jellies, jams, compotes; eggs; milk and milk products; oils and
153 fats for food.

154 30. Class 30 Coffee, tea, cocoa and artificial coffee;
155 rice; tapioca and sage; flour and preparations made from
156 cereals; bread, pastries and confectionery; edible ices; sugar,
157 honey; treacle; yeast, baking powder; salt; mustard; vinegar;
158 sauces (condiments); spices; ice (frozen water).

159 31. Class 31 Raw and unprocessed agricultural,
160 aquacultural, horticultural and forestry products; raw and
161 unprocessed grains and seeds; fresh fruits and vegetables, fresh
162 herbs; natural plants and flowers; bulbs, seedlings and seeds
163 for planting; live animals; foodstuffs and beverages for
164 animals; malt.

165 32. Class 32 Beers; mineral and aerated waters and other
166 non-alcoholic beverages; fruit beverages and fruit juices;
167 syrups and other preparations for making beverages.

168 33. Class 33 Alcoholic beverages (except beers).

169 34. Class 34 Tobacco; smokers' articles; matches.

170 (b) Services:

171 1. Class 35 Advertising; business management; business
172 administration; office functions.

173 2. Class 36 Insurance; financial affairs; monetary
174 affairs; real estate affairs.

Page 6 of 9

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33-00850-26 2026696

175 3. Class 37 Building construction; repair; installation
176 services.
177 4. Class 38 Telecommunications.
178 5. Class 39 Transport; packaging and storage of goods;
179 travel arrangement.
180 6. Class 40 Treatment of materials.
181 7. Class 41 Education; providing of training;
182 entertainment; sporting and cultural activities.
183 8. Class 42 Scientific and technological services and
184 research and design relating thereto; industrial analysis and
185 research services; design and development of computer hardware
186 and software.
187 9. Class 43 Services for providing food and drink;
188 temporary accommodation.
189 10. Class 44 Medical services; veterinary services;
190 hygienic and beauty care for human beings or animals;
191 agriculture, horticulture and forestry services.
192 11. Class 45 Legal services; security services for the
193 physical protection of tangible property and individuals;
194 personal and social services rendered by others to meet the
195 needs of individuals.
196 (e) Certification and collective membership marks:
197 1. Class 200 Collective membership marks.
198 2. Class A Certification marks for goods.
199 3. Class B Certification marks for services.
200 (d) The goods and services recited in collective trademark
201 and collective service mark applications are assigned to the
202 same classes that are appropriate for those goods and services
203 in general.

Page 7 of 9

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33-00850-26 2026696

204 Section 2. Section 495.0315, Florida Statutes, is created
205 to read:
206 495.0315 Online application for registration.—
207 (1) The department shall establish and maintain a secure
208 Internet website that allows an applicant to submit an online
209 trademark registration application in accordance with ss.
210 495.031 and 495.035 and a renewal application in accordance with
211 s. 495.071. The website must safeguard the applicant's
212 information to ensure data integrity and allow the applicant to:
213 (a) Provide an electronic version of a required specimen of
214 use.
215 (b) Provide an electronic version of a drawing of the mark.
216 (c) Pay the fee required by s. 495.191.
217 (d) Complete the verification required by s. 495.031(5).
218 (2) The department shall make the online application system
219 required by this section available no later than July 1, 2027.
220 Section 3. Subsections (5) and (6) of section 495.031,
221 Florida Statutes, are amended to read:
222 495.031 Application for registration.—
223 (5) Every application under this section shall be signed
224 and verified by the applicant or by a member of the firm or an
225 officer or other authorized representative of the business
226 entity applying. Verification must be made in accordance with s.
227 92.525.
228 (6) Every paper application under this section shall be
229 accompanied by three specimens or facsimiles showing the mark as
230 actually used. Every online application under this section must
231 be accompanied by an electronic copy of a specimen, complying
232 with the requirements of the department, showing the mark as

Page 8 of 9

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33-00850-26

2026696__

233 actually used.

234 Section 4. This act shall take effect July 1, 2026.

1/13/26

Meeting Date

Commerce & tourism

Committee

Sean E. Combs

Name

8869 NE 8th Trl

Street

High Springs

State

FL
32643

City

Zip

The Florida Senate

APPEARANCE RECORD

696

Bill Number or Topic

Amendment Barcode (if applicable)

352-757-2690

Phone

Email

Sean.Combs@gray-robinson.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:

Business Law Section of the Florida Bar

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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: SB 930

INTRODUCER: Senator Martin

SUBJECT: Florida Retirement Savings Task Force

DATE: January 12, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Renner	McKay	CM	Favorable
2.		GO	
3.		AP	

I. Summary:

SB 930 creates the Florida Retirement Savings Task Force (task force) to study and develop recommendations to expand access to retirement savings options for private-sector employees who do not have employer-sponsored retirement plans. The task force must examine coverage gaps in Florida, evaluate approaches in other states, propose policy and implementation recommendations, and identify barriers to retirement savings.

The bill establishes and specifies membership of the Task Force. The Department of Commerce must provide administrative, technical, and staff support. The task force must submit a final report on recommendations to the Governor and the Legislature by June 1, 2027.

The bill takes effect upon becoming law.

II. Present Situation:

Task Force Requirements

Florida law defines a “task force” as an advisory group established without specific statutory enactment for a period not exceeding one year or formed by specific statutory enactment for a duration of no more than three years. Its purpose is to study a specific problem and recommend solutions or policy options related to that issue. The task force must disband once it has completed its designated task.¹ Members of a task force, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation and are authorized to receive only per diem and reimbursement for travel expenses.²

¹ Section 20.03(5), F.S.

² Section 20.052(4)(d), F.S.

Private Sector Retirement Plans

Research shows that 47 percent of private-sector full-time and part-time workers aged 18 and older lack access to employer-sponsored retirement savings plans in the United States. Small businesses with fewer than 50 employees are among the hardest-hit sectors, with 63 percent of employees lacking access.³

About 59 percent of Florida's private sector employees work for an employer that does not offer either a traditional pension or a retirement savings plan. This includes all levels of earnings, education, and backgrounds.⁴ Additionally, 73 percent of small businesses with 10-24 employees lack access to employer-sponsored retirement plans, and in businesses with fewer than 100 employees, about 2.5 million workers lack access to a retirement plan.⁵

Twenty states⁶ have enacted a variety of state-administered retirement savings programs to expand private-sector access to retirement plans, including Payroll Deduction IRAs,⁷ auto-IRAs,⁸ and multiple-employer plans.⁹ The programs have the potential to provide coverage to more than 20 million workers in those states who currently lack access.¹⁰

III. Effect of Proposed Changes:

SB 930 creates s. 445.15, F.S., establishing the Florida Retirement Savings Task Force Act (task force), adjunct to the Department of Commerce (department), for the purpose of examining and developing recommendations for expanding access to retirement savings vehicles for private sector employees who lack employer-sponsored retirement plans. The department must provide administrative, technical, and staff support to the task force.

The bill requires that the task force consists of 15 members divided as follows:

- Five members appointed by the Governor, who must possess the following qualifications:
 - An actuarial or investment specialist well-versed in long-term asset performance.

³ Georgetown University, Center for Retirement Initiatives, *State Programs 2025: Partnerships Continue to Expand and Several New Programs Will Launch*, available at <https://cri.georgetown.edu/states/> (last visited Jan. 12, 2026).

⁴ AARP, *Florida Work & Save Hub*, available at <https://states.aarp.org/florida/aarp-florida-work-save-hub> (last visited Jan. 12, 2026).

⁵ *Id.*

⁶ The 20 states include California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Virginia, Vermont, and Washington. See Georgetown University, Center for Retirement Initiatives, *State Programs 2025: Partnerships Continue to Expand and Several New Programs Will Launch*, available at <https://cri.georgetown.edu/states/> (last visited Jan. 12, 2026).

⁷ Under a Payroll Deduction IRA, employees establish a Traditional or Roth IRA with a financial institution and authorize a payroll deduction amount for it. See Internal Revenue Service, Payroll deduction IRA, available at <https://www.irs.gov/retirement-plans/plan-sponsor/payroll-deduction-ira> (last visited Jan. 12, 2026).

⁸ Auto-IRAs require a private employer that doesn't sponsor a savings plan of their own to enroll workers in a state-facilitated IRA at the present savings rate, which is automatically deducted from the employee's paycheck. See AARP, *How Auto IRAs Are Helping More Workers Save for Retirement*, available at https://www.aarp.org/money/retirement/states-with-automatic-ira-savings-programs/?utm_source=chatgpt.com (last visited Jan. 12, 2026).

⁹ A multiple-employer plan is a plan maintained by two or more employers who are not related. See Internal Revenue Service, Multiple employer plans, available at <https://www.irs.gov/retirement-plans/multiple-employer-plans> (last visited Jan. 12, 2026).

¹⁰ Georgetown University, Center for Retirement Initiatives, *State Programs 2025: Partnerships Continue to Expand and Several New Programs Will Launch*, available at <https://cri.georgetown.edu/states/> (last visited Jan. 12, 2026).

- A community advocate representing a low-income or underserved community.
 - An attorney or policy analyst well-versed in labor law, pension regulation, or state legislative frameworks.
 - A representative from the American Association of Retired Persons to provide insight into senior financial security and retirement readiness.
 - A Florida resident who has demonstrated experience in retirement planning or workforce financial education.
- Five members appointed by the Senate President, who must possess the following qualifications:
 - A current employee of the Department of Management Services of the Division of Retirement.
 - A representative from the public sector.
 - A small business owner.
 - A certified financial planner.
 - A professor from a state university whose area of academic research is labor economics, demography, or retirement system design.
- Five members appointed by the Speaker of the House of Representatives, who must possess the following qualifications:
 - A current employee of the department.
 - A representative from the private sector or a nontraditional employment area.
 - A representative from a large employer or an employer association.
 - A retirement policy analyst familiar with the Florida Retirement System.
 - A state university professor whose area of academic research is in labor economics, demography, or retirement system design.

The task force must convene no later than 60 days after the bill becomes law and must meet quarterly thereafter, or upon call of the chair. Members serve without compensation but are entitled to receive reimbursement for per diem and travel expenses.

The task force is charged with the following tasks:

- Assessing current coverage gaps in Florida's private sector retirement;
- Reviewing existing state and national models for retirement plans;
- Proposing policy, design, and implementation recommendations;
- Identifying regulatory, administrative, and financial barriers to implementation; and
- Evaluating fiscal impacts and possible funding mechanisms.

Any confidential or exempt information received from state agencies must remain confidential and exempt by the task force.¹¹

The task force must submit an interim report outlining the task force's initial findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2026. A final report must be submitted by June 1, 2027, that includes actionable recommendations and proposed statutory language to expand access to retirement savings

¹¹ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute. *See WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

vehicles for private-sector employees who lack employer-sponsored retirement plans. The task force expires July 1, 2028, unless reenacted by the Legislature.

The bill takes effect upon becoming law.

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:

The Department of Commerce may incur some costs in supporting the Task Force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 445.15 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.

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

By Senator Martin

33-01407-26

2026930

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

Section 1. This act may be cited as the "Florida Retirement Savings Task Force Act."

Section 2. Section 445.15, Florida Statutes, is created to read:

Page 1 of 5

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33-01407-26

445.15 Florida Retirement Savings Task Force.-

(1) There is created adjunct to the department the Florida Retirement Savings Task Force, a task force as defined in s. 20.03(5). The department shall provide administrative, technical, and staff support to the task force. The purpose of the task force is to examine and develop recommendations to expand access to retirement savings vehicles for private sector employees who lack employer-sponsored retirement plans.

(2) The task force shall be composed of 15 members, as follows:

(a) An actuarial or investment specialist well-versed in long-term asset performance, appointed by the Governor.

(b) A community advocate who represents a low-income or underserved community, appointed by the Governor.

(c) An attorney or policy analyst well-versed in labor law, pension regulation, or state legislative frameworks, appointed by the Governor.

(d) A representative from the American Association of Retired Persons who may provide insight into senior financial security and retirement readiness, appointed by the Governor.

(e) A Florida resident who has demonstrated experience in retirement planning or workforce financial education, appointed by the Governor.

(f) A current employee of the Department of Management Services of the Division of Retirement, appointed by the President of the Senate.

(g) A representative from the public sector, appointed by the President of the Senate.

(11) 11 SMALL BUSINESS OWNER, APPROVED BY THE PRESIDENT OF

Page 2 of 5

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33-01407-26

2026930

59 the Senate.
 60 (i) A certified financial planner, appointed by the
 61 President of the Senate.
 62 (j) A professor from a state university whose area of
 63 academic research is labor economics, demography, or retirement
 64 system design, appointed by the President of the Senate.
 65 (k) A current employee of the department, appointed by the
 66 Speaker of the House of Representatives.
 67 (l) A representative from the private sector or a
 68 nontraditional employment area, appointed by the Speaker of the
 69 House of Representatives.
 70 (m) A representative from a large employer or an employer
 71 association, appointed by the Speaker of the House of
 72 Representatives.
 73 (n) A retirement policy analyst who is familiar with the
 74 Florida Retirement System, appointed by the Speaker of the House
 75 of Representatives.
 76 (o) A professor from a state university whose area of
 77 academic research is labor economics, demography, or retirement
 78 system design, appointed by the Speaker of the House of
 79 Representatives.
 80 (3) (a) The task force shall convene no later than 60 days
 81 after the effective date of this act and shall meet quarterly
 82 thereafter or upon the call of the chair.
 83 (b) At its first meeting, the task force shall elect a
 84 chair and a vice chair from among its members.
 85 (c) The task force may meet using communications media
 86 technology as defined in s. 120.54(5)(b)2.
 87 (d) Members serve without compensation but are entitled to

Page 3 of 5

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33-01407-26

2026930

88 reimbursement for per diem and travel expenses as provided in s.
 89 112.061.
 90 (4) At a minimum, the task force shall do all of the
 91 following:
 92 (a) Assess current coverage gaps in this state in private
 93 sector retirement.
 94 (b) Review existing state and national models for
 95 retirement plans.
 96 (c) Propose policy, design, and implementation
 97 recommendations.
 98 (d) Identify regulatory, administrative, and financial
 99 barriers to implementation.
 100 (e) Evaluate fiscal impacts and possible funding
 101 mechanisms.
 102 (5) The task force may receive confidential or exempt
 103 information from state agencies, and the task force must
 104 maintain the confidential and exempt nature of such information
 105 to the extent allowed by law.
 106 (6) (a) No later than December 1, 2026, the task force shall
 107 submit an interim report to the Governor, the President of the
 108 Senate, and the Speaker of the House of Representatives which
 109 outlines the task force's initial findings.
 110 (b) No later than June 1, 2027, the task force shall submit
 111 to the Governor, the President of the Senate, and the Speaker of
 112 the House of Representatives the final report that includes
 113 actionable recommendations and proposed statutory language for
 114 expanding access to retirement savings vehicles for private-
 115 sector employees who lack employer-sponsored retirement plans.
 116 (7) This section expires July 1, 2028, unless reenacted by

Page 4 of 5

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33-01407-26

2026930____

117 the Legislature.

118 Section 3. This act shall take effect upon becoming a law.

The Florida Senate

11/13/2026

Meeting Date

Commerce, Tourism

Committee

APPEARANCE RECORD

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

SB 930

Bill Number or Topic

Name Zayne Smith Phone 850-228-4243Address 215 S Monroe St. Email zsmith@aarp.org
Street

Tally

FL

32301

City

State

Zip

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

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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. [2020-2022JointRules.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: SB 874

INTRODUCER: Senator Gaetz

SUBJECT: Professional Licensure Reciprocity for the Practice of Surveying and Mapping

DATE: January 12, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Renner	McKay	CM	Favorable
2.		AEG	
3.		RC	

I. Summary:

SB 874 amends s. 472.015, F.S., to revise the requirements for surveying and mapping applicants seeking licensure by endorsement from the Board of Professional Surveyors and Mappers (board), under the Department of Agriculture and Consumer Services (DACS). The criteria applies to applicants from outside the state who:

- Hold a valid license to practice as a surveyor and mapper in another U.S. state or territory;
- Are in good standing with the licensing authority of that jurisdiction; and
- Has at least 5 years of active practice as a licensed surveyor and mapper, which must indicate that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed.

Additionally, the bill authorizes the board to require and independently evaluate certain documents and information. The bill grants the board rulemaking authority.

The bill takes effect July 1, 2026.

II. Present Situation:

Land Surveying and Mapping

Chapter 472, F.S., governs the practice of land surveying and mapping in Florida. Surveyors and mappers are regulated and licensed by the Board of Professional Surveyors and Mappers (board) under the Florida Department of Agriculture and Consumer Services (DACS).¹

¹ Section 472.007, F.S.

These regulations include, but are not limited to:²

- Examination;
- Licensure, including certificates of authorization;
- Continuing education;
- Standards of practice; and
- Disciplinary guidelines.

Licensed professional surveyors and mappers determine and display the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.³

Examination Prerequisites

All pathways to licensure as a professional surveyor and mapper in Florida require at least a four-year college degree, work experience, and an examination. The education and work experience prerequisites to take the licensure examination to practice as a surveyor and mapper are as follows:⁴

- A bachelor's degree in surveying and mapping or in a similarly titled program, with:
 - Four or more years of work experience under a professional surveyor;
 - All four years of work experience must have been in responsible charge of the accuracy and correctness of the surveying work performed; or
- A bachelor's degree in a course of study other than surveying and mapping, with:
 - Six or more years of work experience under a professional surveyor;
 - Five of the six years of experience must have been in responsible charge of the accuracy and correctness of the surveying work performed; and
 - A minimum of 25 semester hours from a college or university approved by the board in surveying and mapping subjects or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences.

Licensure by Endorsement

To be licensed by endorsement as a professional surveyor and mapper by the board, an out-of-state applicant must fulfill one of the following criteria to qualify for the examination:⁵

- Grandfathered path:
 - Possesses a valid license to practice surveying and mapping in another state or territory that was issued prior to July 1, 1999;
 - Passed an exam that is substantially equivalent to Florida's surveyor and mapper exam requirements;⁶ and

² See ch. 472, F.S.

³ Section 472.005(3), F.S.

⁴ See s. 472.013, F.S.

⁵ Section 472.015(5)(a), F.S.

⁶ See s. 472.013, F.S.

- Holds a specific experience record of at least 8 years as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping, with 6 years in responsible charge of the accuracy and correctness of the surveying and mapping work performed.
- Substantial equivalent standards option:
 - Holds a valid license for surveying and mapping from another state or territory, regardless of issue date, as long as the criteria for obtaining that license were substantially similar to Florida's licensure requirements at the time the license was granted.

All endorsement applicants must pass the Florida law and rules portion of the exam before licensure.⁷

III. Effect of Proposed Changes:

SB 874 amends s. 472.015, F.S., to revise the requirements for surveying and mapping applicants eligible to be qualified for licensure by endorsement by the board to include applicants from outside the state who meet the following requirements:

- Holds a valid license to practice as a surveyor and mapper in another U.S. state or territory;
- Is in good standing with the licensing authority of that jurisdiction; and
- Has at least 5 years of active practice as a licensed surveyor and mapper, which must indicate that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed.

The bill authorizes the board to require documentation, verification, or certification from the issuing authority, and to independently evaluate disciplinary, regulatory, or competency records maintained by the authority or other reliable sources. The bill also grants the board rulemaking authority.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷ Section 472.015(5)(b), F.S.

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 increase the number of eligible surveyors and mappers by expanding the eligibility for licensure by endorsement.

C. Government Sector Impact:

The board may experience minor administrative impacts associated with revising the application review procedures and adopting implementing rules. These impacts can likely be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 472.015 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 Gaetz

1-01332A-26

2026874__

A bill to be entitled

An act relating to professional licensure reciprocity for the practice of surveying and mapping; amending s. 472.015, F.S.; revising the requirements for applicants eligible to be qualified for licensure by endorsement by the Board of Professional Surveyors and Mappers to include applicants from outside of the state who meet certain requirements; authorizing the board to require and independently evaluate certain documents and information; authorizing the board to adopt certain rules; providing an effective date.

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

Section 1. Subsection (5) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(5)(a) The board shall certify as qualified for a license by endorsement an applicant who, at the time of application:

1. Holds a valid license to practice surveying and mapping issued before July 1, 1999, by another state or territory of the United States; has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 472.013; and has a specific experience record of at least 8 years as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping, 6 years of which must be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work

Page 1 of 2

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30 performed; ~~or~~

31 2. Holds a valid license to practice surveying and mapping
32 issued by another state or territory of the United States if the
33 criteria for issuance of the license were substantially the same
34 as the licensure criteria that existed in Florida at the time
35 the license was issued; or

36 3. Holds a valid license to practice surveying and mapping
37 issued by another state or territory of the United States, is
38 currently in good standing with such licensing authority, and
39 has a specific experience record of at least 5 years as a
40 registered surveyor and mapper in the active practice of
41 surveying and mapping, which must be of a nature indicating that
42 the applicant was in responsible charge of the accuracy and
43 correctness of the surveying and mapping work performed.

44 (b) All applicants for licensure by endorsement must pass
45 the Florida law and rules portion of the examination prior to
46 licensure.

47 (c) For purposes of determining whether an applicant is in
48 good standing under subparagraph (a)3., the board may require
49 documentation, verification, or certification from the issuing
50 authority, and may independently evaluate disciplinary,
51 regulatory, or competency records maintained by such authority
52 or other reliable sources. The board may adopt rules to
53 implement this section in a manner consistent with s. 472.008.

54 Section 2. This act shall take effect July 1, 2026.

Page 2 of 2

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

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: SB 898

INTRODUCER: Senator Garcia

SUBJECT: Online Media Transparency

DATE: January 12, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Pre-meeting</u>
2. _____	_____	<u>JU</u>	_____
3. _____	_____	<u>FP</u>	_____

I. Summary:

SB 898 creates s. 501.981, F.S., which provides that any content creator within Florida who is required to disclose a material connection to a person or an entity, pursuant to the most recent rule, regulation, or guidance from the Federal Trade Commission (FTC) must clearly and conspicuously disclose such material connection within any social media content disseminated in Florida. Failure to disclose such material connection constitutes an unfair or deceptive act or practice.

The bill requires any content creator who has a material connection to a foreign principal of a foreign country to file a full and public disclosure of sponsorship with the Department of State for any fiscal year he or she receives such sponsorship.

The bill defines “content creator” as any individual, group, or entity that produces or disseminates digital media through social media platforms, blogs, video-sharing services, podcasts, or other Internet-based communication channels for the purpose of influencing public opinion or consumer behavior.

The bill defines “foreign principal” as any foreign government or foreign political party, or any person or entity that is established under the laws of a foreign country or has its principal place of business there. The term includes any individual who is not a United States citizen but is domiciled in the United States.

The bill defines “material connection” as any financial, employment, personal, or family relationship with a person or an entity pursuant to the disclosure rules, regulations, and guides of the Federal Trade Commission.

The bill takes effect July 1, 2026.

II. Present Situation:

Federal Unfair and Deceptive Trade Practices

The FTC's unfair and deceptive trade practices regulations prohibit unfair¹ or deceptive² acts or practices in or affecting commerce.³ The FTC's regulations include "Truth In Advertising" guidelines, which require advertisements to be truthful, not misleading, and, when appropriate, backed by scientific evidence.⁴ To enforce these regulations, the FTC takes law enforcement actions, provides consumer and business education, issues reports and policy guidance, leads workshops, and participates in other forums.⁵

Endorsement Guides

The FTC's endorsement guides reflect the basic truth-in-advertising principles that endorsements⁶ must be honest and not misleading.⁷ An endorser must convey their honest opinion, and an endorsement cannot be used to make a claim that the marketer of a product could not legally make.⁸ Additionally, the guides establish that if there is a connection between an endorser and the marketer of a product and it would affect how a consumer would evaluate such endorsement, that connection should be disclosed clearly and conspicuously.⁹

Social Media Influencers

The FTC provides guidance on the appropriate disclosures to make when endorsing products.¹⁰ For instance, if an "influencer" or "endorser" endorses a product through social media, the

¹ An "unfair" practice is unfair if it causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition. See 15 U.S.C. Sec. 45(n).

² A "deceptive" practice involves a material representation, omission or practice that is likely to mislead a consumer acting reasonably in the circumstances. See FTC Policy Statement on Deception (Oct. 14, 1983) available at https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf (last visited Jan. 12, 2026). See also Federal Trade Commission, *A Brief Overview of the Federal Trade Commission's Investigative, Law Enforcement, and Rulemaking Authority* (revised, July 2025) available at <https://www.ftc.gov/about-ftc/what-we-do/enforcement-authority> (last visited Jan. 12, 2026).

³ 15 U.S.C. s. 45(a)(1).

⁴ Federal Trade Commission, *Truth In Advertising*, available at <https://www.ftc.gov/news-events/media-resources/truth-advertising> (last visited Jan. 12, 2026).

⁵ Federal Trade Commission, *Protecting Consumers from Fraud and Deception*, available at <https://www.ftc.gov/news-events/media-resources/truth-advertising/protecting-consumers> (last visited Jan. 12, 2026).

⁶ The FTC defines "endorsement" as any advertising, marketing, or promotional message for a product that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser. Verbal statements, tags in social media posts, demonstrations, depictions of the name, signature, likeness or other identifying personal characteristics of an individual, and the name or seal of an organization can be endorsements. The party whose opinions, beliefs, findings, or experience the message appears to reflect will be called the "endorser" and could be or appear to be an individual, group, or institution. See 88 FR 48102.

⁷ Federal Trade Commission, *FTC's Endorsement Guides: What People Are Asking*, available at <https://www.ftc.gov/business-guidance/resources/ftcs-endorsement-guides-what-people-are-asking#about> (last visited Jan. 12, 2026).

⁸ *Id.*

⁹ *Id.*

¹⁰ Federal Trade Commission, *Disclosures 101 for Social Media Influencers* (Nov. 2019), available at <https://www.ftc.gov/business-guidance/resources/disclosures-101-social-media-influencers> (last visited Jan. 12, 2026).

endorsement message should make it obvious of any “material connection” with a brand.¹¹ A “material connection” to a brand includes a personal, family, or employment relationship or a financial relationship.¹²

The FTC also provides guidance on how to disclose “material connections” to consumers.¹³ First, an endorser must make sure consumers will see and understand the disclosure, which is done by placing the disclosure in a location that is “hard to miss.”¹⁴ The disclosure should also use “simple and clear language.”¹⁵ Further, the FTC’s guidance advises endorsers that they are prohibited from making up claims about a product that would require “proof” the endorser or advertiser does not have.¹⁶

Federal Communications Commission

The Communications Act of 1934 gives the Federal Communication Commission (FCC) authority over broadcasters¹⁷ and empowers the FCC to grant and renew broadcast licenses based on whether the licensee serves the public convenience, interest, or necessity.¹⁸

The FCC enforces Section 317 of the Communications Act, which requires broadcasters to disclose to their listeners or viewers if matters have been aired in exchange for money, services, or other valuable consideration.¹⁹ Additionally, the FCC enforces Section 507 of the Communications Act, which establishes that when anyone provides or promises to provide money, services, or other valuable consideration to a broadcast employee or station in exchange for airing programming, the broadcaster must disclose this fact to audiences before the programming airs.²⁰

¹¹ *Id.*

¹² *Id.* A financial relationship to a brand includes the brand paying the endorser or giving the endorser free or discounted products. *See also* 16 CFR § 255.5. “Material connections” can also include other benefits to the endorser, such as early access to a product or the possibility of being paid, of winning a prize, or of appearing on television or in other media promotions. Some connections may be immaterial because they are too insignificant to affect the weight or credibility given to endorsements. A material connection needs to be disclosed when a significant minority of the audience for an endorsement does not understand or expect the connection.

¹³ *Id.*

¹⁴ *See id.* The FTC guidance provides the following: (1) disclosures should be placed with the endorsement message itself; (2) if an endorsement is in a “picture” platform like Snapchat or Instagram, then the disclosure should be superimposed over the picture; (3) if an endorsement is in a “video,” the disclosure should be in the video and not just in the description uploaded with the video; (4) if making an endorsement in a “live stream,” the disclosure should be repeated periodically so viewers who only see part of the stream will see the relevant disclosure.

¹⁵ *See id.* The FTC guidance provides the following: (1) the disclosure should be in the same language as the endorsement itself; and (2) An endorser should not assume that a platform’s disclosure tool is good enough, but instead should consider using any such tool in addition to the endorsers own disclosure.

¹⁶ *See id.* For instance, claims that need to be backed up by scientific proof. An example provided by the FTC is when a product is being advertised as treating a health condition.

¹⁷ 47 USC § 153(7) provides that “broadcasting” means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations.

¹⁸ *See* 47 USC § 307. The FCC provides certain broadcasting restrictions which are subject to First Amendment limitations and statutory prohibition on censorship. However, there is a prohibition on obscene, indecent, or profane language, a prohibition on news distortion, a requirement that broadcasters give equal opportunities to candidates for public office, and a requirement that broadcasters disclose sponsors of on-air programming.

¹⁹ *See* 47 USC § 317.

²⁰ *See* 47 USC § 508. Failure to disclose such payment or the providing of services or other consideration, or promise to provide them, is commonly referred to as “payola” and is punishable by a fine of not more than \$10,000 or imprisonment for

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.²¹ The FDUTPA was modeled after the Federal Trade Commission Act.²²

The Department of Legal Affairs (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.²³ The state attorney's office may enforce violations of the FDUTPA if the violations take place within its jurisdiction.

The DLA has enforcement authority when:

- The violation is multi-jurisdictional;
- The state attorney defers to the DLA in writing; or
- The state attorney fails to act within 90 days after a written complaint is filed.²⁴

In certain circumstances, consumers may also file suit through private actions.²⁵

The DLA and the state attorney's office have powers to investigate the FDUTPA claims, which include:²⁶

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

The DLA and the state attorney's office may seek the following remedies:²⁷

- Declaratory judgments;
- Injunctive relief;

not more than one year or both. These criminal penalties bring violations within the purview of the Department of Justice. On June 10, 2024, the FCC released rule modifications to the sponsorship identification requirements for foreign government-provided programming, which require a public disclosure to be made, at the time of broadcast, identifying the foreign source of such programming. The Office of Management and Budget approved such modifications on June 10, 2025, however the Media Bureau deferred requiring compliance of the revised rules until June 7, 2026. *See also* 47 CFR § 73.1212. *See also* Federal Communications Commission, Public Notice DA 25-1017 (Dec. 5, 2025), available at <https://docs.fcc.gov/public/attachments/DA-25-1017A1.pdf> (last visited Jan. 12, 2026). A “broadcast television licensee” means the licensee of (a) a full-power television station; or (b) a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001 (a) of title 47, Code of Federal Regulations. *See* 47 USC § 1401(6).

²¹ Section 501.202, F.S.

²² *See* 15 U.S.C. s. 45.

²³ 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 Jan. 12, 2026).

²⁴ Section 501.203(2), F.S.

²⁵ Section 501.211, F.S.

²⁶ Section 501.206(1), F.S.

²⁷ 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.

- Actual damages on behalf of consumers and businesses;
- Cease and desist orders;²⁸ and
- Civil penalties of up to \$10,000 per willful violation.²⁹

The FDUTPA may not be applied to certain entities in certain circumstances, including:³⁰

- Any person or activity regulated under laws administered by the Office of Insurance Regulation or the Department of Financial Services; and
- Banks, credit unions, and savings and loan associations regulated by the Office of Financial Regulation or federal agencies.

The Department of State

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs, and Administration. The head of the department is the Secretary of State (Secretary).³¹ The Secretary is appointed by the Governor, subject to confirmation by the Senate, and serves at the pleasure of the Governor. Additionally, the Secretary serves as Florida's State Protocol Officer. Housed within the Division of Arts and Culture, the Office of International Affairs facilitates consular relations between the state and all foreign governments doing business in Florida.³²

III. Effect of Proposed Changes:

SB 898 creates s. 501.981, F.S., to be cited as the “Online Media Transparency Act,” and provides that any content creator within Florida who is required to disclose a material connection to a person or an entity, pursuant to the most recent rule, regulation, or guidance from the Federal Trade Commission (FTC) must clearly and conspicuously disclose such material connection within any social media content disseminated in Florida.

The disclosure must:

- Identify any sponsorship and indicate that the content has been sponsored or materially supported;
- Use simple and clear language;
- Be in the same language as the sponsorship; and
- Use platform-specific standards so that the disclosure is visible on all devices and formats.

Failure to disclose such material connection constitutes an unfair or deceptive act or practice under part II of ch. 501, F.S.

The bill requires any content creator who has a material connection to a foreign principal of a foreign country to file a full and public disclosure of sponsorship with the DOS for any fiscal

²⁸ Section 501.208, F.S.

²⁹ Section 501.2075, F.S.

³⁰ Section 501.212(4), F.S.

³¹ Section 20.10, F.S.

³² The Florida Department of State, *Office of International Affairs*, available at <https://dos.fl.gov/cultural/about-us/office-of-international-affairs/> (last visited Jan. 12, 2026).

year he or she receives such sponsorship. Such disclosure must include the following information:

- The foreign principal's name;
- The address of the content creator's primary residence and all other addresses associated with the content creator;
- A detailed statement describing the nature of the content creator's business;
- The total amount of such payments the content creator has received from all sponsorships from a foreign principal; and
- A detailed statement of the payments made by the foreign principal during the previous fiscal year in connection with actions taken by the content creator as an agent of, on behalf of, or in furtherance of the goals of a foreign country. The statement must identify the amount of the payment.

The bill creates the following definitions:

- "Content creator" means any individual, group, or entity that produces or disseminates digital media through social media platforms, blogs, video-sharing services, podcasts, or other Internet-based communication channels for the purpose of influencing public opinion or consumer behavior.
- "Foreign country" means a country other than the United States or any territory of the United States, including Guam, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico.
- "Foreign principal" means any foreign government or foreign political party, or any person or entity that is established under the laws of a foreign country or has its principal place of business there. The term includes any individual who is not a United States citizen but is domiciled in the United States.
- "Material connection" means any financial, employment, personal, or family relationship with a person or an entity pursuant to the disclosure rules, regulations, and guides of the Federal Trade Commission.
- "Sponsorship" means any payment, gift, service, or other thing of value provided to a content creator in exchange for the promotion, endorsement, or favorable presentation of a product, service, organization, or idea.

The bill grants rulemaking authority to the "department," however it is unclear if that authority extends to the DOS, the DLA, or to both the DOS and the DLA.

The bill takes effect July 1, 2026.

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:

The DOS will presumably incur some costs in accepting and filing the public disclosures required by the bill.

VI. Technical Deficiencies:

The bill's provisions are placed in part VII of ch. 501, F.S., but might be better placed in part VI of ch. 501, F.S.

VII. Related Issues:

The bill grants rulemaking authority to the "department," however it is unclear if that authority extends to the DOS, the DLA, or to both the DOS and the DLA.

VIII. Statutes Affected:

This bill creates section 501.981 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.

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

 652430

LEGISLATIVE ACTION
Senate . House .

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

1 **Senate Amendment (with title amendment)**

2 Delete everything after the enacting clause
3 and insert:

4 Section 1. Section 501.1741, Florida Statutes, is created
5 to read:

6 501.1741 Online Media Transparency Act.-

7 (1) SHORT TITLE.-This section may be cited as the "Online
8 Media Transparency Act."

9 (2) DEFINITIONS.-As used in this section, the term:

10 Page 1 of 5

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40 1. Identify any sponsorship and indicate that the content
41 has been sponsored or materially supported.
42 2. Use simple and clear language.
43 3. Be in the same language as the promoted content.
44 4. Use platform-specific standards so that the disclosure
45 is communicated on all devices and formats.
46 (c) Failure to disclose a material connection as required
47 under this subsection constitutes an unfair or deceptive act or
48 practice under part II of this chapter.

49 (4) FOREIGN COUNTRY SPONSORSHIP DISCLOSURE.-Any content
50 creator that has a material connection to a foreign principal of
51 a foreign country must file a full and public disclosure of
52 sponsorship with the Department Legal Affairs for any fiscal
53 year such creator receives such sponsorship. Such disclosure
54 must include all of the following information:

55 (a) The foreign principal's name.
56 (b) A detailed statement describing the nature of the
57 content creator's business.

58 (c) The total amount of such payments the content creator
59 has received from all sponsorships from a foreign principal.

60 (d) A detailed statement of the payments made by the
61 foreign principal during the previous fiscal year in connection
62 with actions taken by the content creator as an agent of, on
63 behalf of, or in furtherance of the goals of a foreign country.
64 The statement must identify the amount of each payment.

65 (5) DUTIES AND LIABILITIES OF INTERACTIVE COMPUTER SERVICE
66 PROVIDERS.-A provider of an interactive computer service, as
67 defined in 47 U.S.C. s. 230(f)(2), shall develop and implement a
68 system for tracking, flagging, and investigating illegal

Page 3 of 5

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11 (a) "Content creator" means any individual, group, or
12 entity that produces or disseminates digital media through
13 social media platforms, blogs, video-sharing services, podcasts,
14 or other Internet-based communication channels for the purpose
15 of influencing public opinion or consumer behavior.

16 (b) "Foreign country" means a country other than the United
17 States or any territory of the United States, including Guam,
18 American Samoa, the Virgin Islands, and the Commonwealth of
19 Puerto Rico.

20 (c) "Foreign principal" means any foreign government or
21 foreign political party, or any person or entity that is
22 established under the laws of a foreign country or has its
23 principal place of business there.

24 (d) "Material connection" means any financial, employment,
25 personal, or family relationship with a person or an entity
26 pursuant to the disclosure rules, regulations, and guidance of
27 the Federal Trade Commission.

28 (e) "Sponsorship" means any payment, gift, service, or
29 other thing of value provided to a content creator in exchange
30 for the promotion, endorsement, or favorable presentation of a
31 product, service, organization, or idea.

32 (3) DISCLOSURE OF MATERIAL CONNECTION.-

33 (a) Any content creator within this state that is required
34 to disclose a material connection to a person or an entity,
35 pursuant to the most recent rule, regulation, or guidance from
36 the Federal Trade Commission, shall clearly and conspicuously
37 disclose such material connection within any social media
38 content disseminated in this state.

39 (b) The disclosure must:

Page 2 of 5

1/13/2026 2:28:37 PM

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69 activity and removing illegal content occurring on its
70 interactive computer service. However, a provider of an
71 interactive computer service is not liable for content generated
72 by a person in violation of this act.

73 (6) RULEMAKING.-The Department of Legal Affairs may adopt
74 rules necessary to implement this section.

75 Section 2. This act shall take effect July 1, 2026.

76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete everything before the enacting clause
79 and insert:

80 A bill to be entitled
81 An act relating to online media transparency; creating
82 s. 501.1741, F.S.; providing a short title; defining
83 terms; requiring certain content creators to clearly
84 and conspicuously disclose any sponsorship within any
85 related media content; specifying requirements for the
86 disclosure; providing that failure to disclose a
87 sponsorship constitutes an unfair or deceptive act or
88 practice; requiring a content creator that receives
89 sponsorship from a foreign principal of a foreign
90 country to file a certain disclosure with the
91 Department of Legal Affairs; specifying requirements
92 for such disclosure; requiring providers of an
93 interactive computer service to track, flag, and
94 investigate illegal activity and remove illegal
95 content; providing that providers of interactive
96 computer services are not liable for certain content;

Page 4 of 5

1/13/2026 2:28:37 PM

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98 | authorizing the Department of Legal Affairs to adopt
99 | rules; providing an effective date.

Page 5 of 5

1/13/2026 2:28:37 PM

577-01900-26

By Senator Garcia

36-00837-26

2026898

A bill to be entitled

An act relating to online media transparency; creating s. 501.981, F.S.; providing a short title; defining terms; requiring certain content creators to clearly and conspicuously disclose any sponsorship within any related media content; providing requirements for the disclosure; providing that failure to disclose a sponsorship constitutes an unfair or deceptive act or practice; requiring a content creator who receives sponsorship from a foreign principal of a foreign country to file a certain disclosure with the Department of State; providing requirements for such disclosure; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Section 501.981, Florida Statutes, is created to read:

501.981 Online Media Transparency Act.-

(1) SHORT TITLE.-This section may be cited as the "Online Media Transparency Act."

(2) DEFINITIONS.-As used in this section, the term:

(a) "Content creator" means any individual, group, or entity that produces or disseminates digital media through social media platforms, blogs, video-sharing services, podcasts, or other Internet-based communication channels for the purpose of influencing public opinion or consumer behavior.

(b) "Foreign country" means a country other than the United

Page 1 of 3

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States or any territory of the United States, including Guam, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) "Foreign principal" means any foreign government or foreign political party, or any person or entity that is established under the laws of a foreign country or has its principal place of business there. The term includes any individual who is not a United States citizen but is domiciled in the United States.

(d) "Material connection" means any financial, employment, personal, or family relationship with a person or an entity pursuant to the disclosure rules, regulations, and guides of the Federal Trade Commission.

(e) "Sponsorship" means any payment, gift, service, or other thing of value provided to a content creator in exchange for the promotion, endorsement, or favorable presentation of a product, service, organization, or idea.

(3) DISCLOSURE OF MATERIAL CONNECTION.-

(a) Any content creator within this state who is required to disclose a material connection to a person or an entity, pursuant to the most recent rule, regulation, or guidance from the Federal Trade Commission, shall clearly and conspicuously disclose such material connection within any social media content disseminated in this state.

(b) The disclosure must:

1. Identify any sponsorship and indicate that the content has been sponsored or materially supported.

2. Use simple and clear language.

3. Be in the same language as the sponsorship.

Page 2 of 3

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

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59 4. Use platform-specific standards so that the disclosure
60 is visible on all devices and formats.
61 (c) Failure to disclose a material connection as required
62 under this subsection constitutes an unfair or deceptive act or
63 practice under part II of this chapter.
64 (4) FOREIGN COUNTRY SPONSORSHIP DISCLOSURE.—Any content
65 creator who has a material connection to a foreign principal of
66 a foreign country must file a full and public disclosure of
67 sponsorship with the Department of State for any fiscal year he
68 or she receives such sponsorship. Such disclosure must include
69 all of the following information:
70 (a) The foreign principal's name.
71 (b) The address of the content creator's primary residence
72 and all other addresses associated with the content creator.
73 (c) A detailed statement describing the nature of the
74 content creator's business.
75 (d) The total amount of such payments the content creator
76 has received from all sponsorships from a foreign principal.
77 (e) A detailed statement of the payments made by the
78 foreign principal during the previous fiscal year in connection
79 with actions taken by the content creator as an agent of, on
80 behalf of, or in furtherance of the goals of a foreign country.
81 The statement must identify the amount of the payment.
82 (5) RULEMAKING.—The department may adopt rules necessary to
83 implement this section.
84 Section 2. This act shall take effect July 1, 2026.

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: SB 826

INTRODUCER: Senator Leek

SUBJECT: Gift Certificates

DATE: January 12, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
2. _____	_____	<u>BI</u>	_____
3. _____	_____	<u>RC</u>	_____

I. Summary:

SB 826 expands the definition of “gift certificate” in s. 501.95, F.S., to include a reward card, consumer loyalty card, or promotional gift card, which will provide such cards with some consumer protections relating to expiration dates, expiration periods, and fees.

The bill removes a provision that authorizes a gift card to have an expiration date if it is provided to the recipient, or to a purchaser for transfer to the recipient, as part of a loyalty or promotional program when the recipient does not pay a separate identifiable charge for the certificate. Thus, a gift certificate purchased or credit memo issued in Florida may not have an expiration date, expiration period, or any type of postsale charge or fee imposed when it is provided to the recipient, or to a purchaser for transfer to the recipient, as part of a loyalty program or promotional program.

The bill takes effect July 1, 2026.

II. Present Situation:

Gift Certificates

Section 501.95, F.S., regulates gift certificates and credit memos, and provides that a gift certificate purchased or credit memo issued in Florida may not have an expiration date, expiration period, or any type of postsale charge or fee imposed on the gift certificate or credit memo.¹ However, a gift certificate may have an expiration date of not less than 3 years if it is provided as a charitable contribution, or not less than 1 year if it is provided as a benefit pursuant

¹ Section 501.95(2)(a). This includes, but is not limited to, service charges, dormancy fees, account maintenance fees, or cash-out fees.

to an employee-incentive program, and the expiration date is prominently disclosed in writing to the consumer at the time it is provided.²

Additionally, a gift certificate may have an expiration date if it is provided to the recipient, or to a purchaser for transfer to the recipient, as a part of a loyalty or promotional program when the recipient does not pay a separate identifiable charge for the certificate, or if it is provided in conjunction with a convention, conference, vacation, or event.³ These provisions do not apply to a gift certificate or credit memo sold or issued by a financial institution,⁴ or by a money services business,⁵ if the gift certificate or credit memo is redeemable by multiple unaffiliated merchants.⁶

If a violation of s. 501.95, F.S., occurs, the Department of Agriculture and Consumer Services (DACS) may enter an order doing one or more of the following:

- Impose an administrative fine not to exceed \$100 for each violation; or
- Direct the violator to cease and desist specified activities.⁷

Unclaimed Property

Chapter 717, F.S., is entitled the Florida Disposition of Unclaimed Property Act, over which the Department of Financial Services (DFS) is responsible for administering. Unclaimed property is any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain number of years, and it may include savings and checking accounts, money orders, travelers' checks, uncashed payroll or cashiers' checks, stocks, bonds, other securities, insurance policy payments, refunds, security and utility deposits, and contents of safe deposit boxes.⁸

Every person holding funds or other property, tangible or intangible, presumed unclaimed and subject to custody as unclaimed property must report it to the DFS.⁹ Until claimed, unclaimed money is deposited into the state school fund to be used for public education.¹⁰ There is no statute of limitations and persons may claim their property at any time and at no cost.¹¹

² *Id.*

³ *Id.*

⁴ Section 655.005, F.S., defines "financial institution" as a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.

⁵ Section 560.103, F.S., defines "money services business" as any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter.

⁶ Section 501.95(2)(b), F.S.

⁷ Section 501.95(2)(c), F.S. *See also* ss. 501.142(3), (4), and (5). The administrative proceedings that could result in the entry of an order imposing any penalties are governed by ch. 120, F.S. Additionally, any moneys recovered by the DACS as a penalty must be deposited in the General Inspection Trust Fund.

⁸ *See* ss. 717.104-717.116, F.S.

⁹ Section 717.117(1), F.S.

¹⁰ Florida Department of Financial Services, *Unclaimed Property General Questions*, available at <https://fltreasurehunt.gov/UP-Web/sitePages/FAQs.jsp> (last visited Jan. 12, 2026).

¹¹ *Id.*

An unredeemed gift certificate or credit memo as defined within s. 501.95, F.S., is not required to be reported as unclaimed property unless the gift certificate or credit memo is sold or issued by a financial institution or a money services business.¹²

Secondhand Dealers

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. The purpose of such regulations is to assist law enforcement in recovering stolen property and in solving other theft-related crimes.¹³

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in purchasing, consigning, or trading secondhand goods. The term also includes a secondhand dealer engaged in purchasing secondhand goods through an automated kiosk.¹⁴

Secondhand goods are previously owned or used personal property purchased, consigned, or traded as used property.¹⁵ The term also includes gift certificates and credit memos¹⁶ that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number.¹⁷

A secondhand dealer must annually register his or her business with the Department of Revenue (DOR).¹⁸

¹² Section 717.1045, F.S. *See also* s. 501.95(2)(b), F.S. Section 655.005, F.S., defines “financial institution” as a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq. Section 560.103, F.S., defines “money services business” as any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter.

¹³ *See* ss. 538.04, 538.06, F.S. (identifying recordkeeping requirements and holding periods in connection with secondhand goods); *see also* Jarret C. Oeltjen, *Florida Pawnbroking: An Industry in Transition*, 23 FLA. ST. U. L. REV. 995, 1013 (Spring 1996) (noting that “[t]he main impetus behind [ch. 538, F.S.] was to confront the problem of property theft and drug-related crimes by facilitating recovery of stolen goods and apprehending those criminals who may turn to secondhand dealers for cash”).

¹⁴ Section 538.03(1)(h), F.S.

¹⁵ Section 538.03(1)(i), F.S.

¹⁶ Section 501.95, F.S., defines “credit memo” as a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

¹⁷ Section 538.03(1)(i), F.S.

¹⁸ *See generally* s. 538.09, F.S. (providing for registration).

Penalties

If a law enforcement officer has probable cause to believe that the goods held by a secondhand dealer are stolen, the officer may place a 90-day written hold order on the goods.¹⁹ This prevents the secondhand dealer from selling the goods and preserves them for use as evidence in a criminal trial. Additionally, it allows for the possibility of the goods being returned to their rightful owner.

Law enforcement agencies having jurisdiction to enforce compliance with registration, record keeping, holding periods, and inspection requirements.²⁰ A person who knowingly violates the requirements governing secondhand dealers in ch. 538, F.S., commits a first degree misdemeanor and is subject to a fine not to exceed \$10,000.²¹

III. Effect of Proposed Changes:

The bill amends the definition of “gift certificate” in s. 501.95, F.S., to mean a certificate, gift card, stored value card, reward card, consumer loyalty card, promotional gift card, or similar instrument purchased for monetary consideration when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction, but this term does not include tickets as specified in s. 717.1355, F.S.,²² or manufacturer or retailer discounts or coupons.

The bill removes a provision that authorizes a gift card to have an expiration date if it is provided to the recipient, or to a purchaser for transfer to the recipient, as part of a loyalty or promotional program when the recipient does not pay a separate identifiable charge for the certificate. Thus, a gift certificate purchased or credit memo issued in Florida may not have an expiration date, expiration period, or any type of postsale charge or fee imposed when it is provided to the recipient, or to a purchaser for transfer to the recipient, as part of a loyalty program or promotional program.

The bill amends ss. 538.03 and 717.1045, F.S., to incorporate the changes made to s. 501.95, F.S.

The bill provides an effective date of July 1, 2026.

¹⁹ Section 538.06(3), F.S.

²⁰ Section 538.05, F.S.

²¹ Section 538.07(1), F.S. 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.

²² Section 717.1355, F.S., regulates theme park and entertainment complex tickets and provides that ch. 717, F.S., does not apply to any tickets for admission to a theme park or entertainment complex as defined in s. 509.013(9), F.S., or to any tickets to a permanent exhibition or recreational activity within such theme park or entertainment complex. Section 509.013(9), F.S., defines “theme park or entertainment complex” to mean a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually. Chapter 717, F.S., is the “Florida Disposition of Unclaimed Property Act” (see section II “Present Situation” of this bill analysis for an overview of the Florida Disposition of Unclaimed Property Act).

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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 501.95, 538.03, 717.1045

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.

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

By Senator Leek

7-00351A-26

2026826

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

15 Section 1. Paragraph (b) of subsection (1) and paragraph
16 (a) of subsection (2) of section 501.95, Florida Statutes, are
17 amended to read:

18 501.95 Gift certificates and credit memos.-

19 (1) As used in this section, the term:

20 (b) "Gift certificate" means a certificate, gift card,
21 stored value card, reward card, consumer loyalty card,
22 promotional gift card, or similar instrument purchased for
23 monetary consideration when the certificate, card, or similar
24 instrument is redeemable for merchandise, food, or services
25 regardless of whether any cash may be paid to the owner of the
26 certificate, card, or instrument as part of the redemption
27 transaction, but this term does shall not include tickets as
28 specified in s. 717.1355 or manufacturer or retailer discounts
29 and coupons.

Page 1 of 4

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30 (2)(a) A gift certificate purchased or credit memo issued
31 in this state may not have an expiration date, expiration
32 period, or any type of postsale charge or fee imposed on the
33 gift certificate or credit memo, including, but not limited to,
34 service charges, dormancy fees, account maintenance fees, or
35 cash-out fees. However, a gift certificate may have an
36 expiration date of not less than 3 years if it is provided as a
37 charitable contribution, or not less than 1 year if it is
38 provided as a benefit pursuant to an employee-incentive program,
39 and the expiration date is prominently disclosed in writing to
40 the consumer at the time it is provided. In addition, a gift
41 certificate may have an expiration date if it is provided ~~to the
42 recipient, or to a purchaser for transfer to the recipient, as
43 part of a loyalty or promotional program when the recipient does
44 not pay a separate identifiable charge for the certificate, or
45 if it is provided~~ in conjunction with a convention, conference,
46 vacation, or sporting or fine arts event having a limited
47 duration so long as the majority of the value paid by the
48 recipient is attributable to the convention, conference,
49 vacation, or event. An issuer may honor a gift certificate that
50 has expired on or before the effective date of this act.

Section 2. For the purpose of incorporating the amendment made by this act to section 501.95, Florida Statutes, in a reference thereto, paragraph (i) of subsection (1) of section 538.03, Florida Statutes, is reenacted to read:

538.03 Definitions; applicability.—

(1) As used in this part, the term:

(i) "Secondhand goods" means personal property previously owned or used which is not regulated metals property regulated

Page 2 of 4

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59 under part II and which is purchased, consigned, or traded as
60 used property. The term includes gift certificates and credit
61 memos as defined in s. 501.95 which are purchased, consigned, or
62 traded by a secondhand dealer. The term does not include office
63 furniture; pianos; books; clothing; organs; coins; motor
64 vehicles; costume jewelry; gold, silver, platinum, palladium, or
65 rhodium bullion that has been assayed and is properly marked as
66 to its weight and fineness; cardio and strength training or
67 conditioning equipment designed primarily for indoor use; and
68 secondhand sports equipment that is not permanently labeled with
69 a serial number. As used in this paragraph, the term "secondhand
70 sports equipment" does not include golf clubs.

71 Section 3. For the purpose of incorporating the amendment
72 made by this act to section 501.95, Florida Statutes, in a
73 reference thereto, section 717.1045, Florida Statutes, is
74 reenacted to read:

75 717.1045 Gift certificates and similar credit items.—
76 Notwithstanding s. 717.117, an unredeemed gift certificate or
77 credit memo as defined in s. 501.95 is not required to be
78 reported as unclaimed property.

79 (1) The consideration paid for an unredeemed gift
80 certificate or credit memo is the property of the issuer of the
81 unredeemed gift certificate or credit memo.

82 (2) An unredeemed gift certificate or credit memo is
83 subject only to any rights of a purchaser or owner thereof and
84 is not subject to a claim made by any state acting on behalf of
85 a purchaser or owner.

86 (3) It is the intent of the Legislature that this section
87 apply to the custodial holding of unredeemed gift certificates

Page 3 of 4

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88 and credit memos.

89 (4) However, a gift certificate or credit memo described in
90 s. 501.95(2)(b) shall be reported as unclaimed property. The
91 consideration paid for such a gift certificate or credit memo is
92 the property of the owner of the gift certificate or credit
93 memo.

94 Section 4. This act shall take effect July 1, 2026.

Page 4 of 4

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The Florida Senate

1/13/2026

Meeting Date

APPEARANCE RECORD

SB 826

Bill Number or Topic

Commerce & Tourism

Committee

Name Carol Dover

Amendment Barcode (if applicable)
(850) 224-2250

Address 230 S. Adams Street

Street

Email Cdover@FRLA.org

Tallahassee 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 Restaurant
& Lodging 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. [2020-2022JointRules.pdf \(flsenate.gov\)](http://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 838
INTRODUCER: Commerce and Tourism Committee and Senator Yarborough
SUBJECT: Electronic Payments of Retail Installment Contracts
DATE: January 14, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Renner	McKay	CM	Fav/CS
2.		BI	
3.		RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 838 creates s. 520.105, F.S., authorizing a holder of a retail installment contract (or its agent) to collect a fee for processing a retail buyer's electronic payment, under the Florida Motor Vehicle Retail Sales Finance Act, if all the following conditions are met:

- The fee is reasonably related to the expense incurred in processing the electronic payment.
- The buyer has the option to make payments by another method without a fee (e.g., check, cash, money order).
- The holder or agent discloses the fee amount, does not establish electronic payment as the expected form of payment, and states that alternative no-fee payment methods are available.

The bill takes effect July 1, 2026.

II. Present Situation:

Office of Financial Regulation

The Office of Financial Regulation (OFR) is the regulatory authority for Florida's financial services industry. The OFR enforces and administers the Financial Institutions Codes; supervises banks, credit unions, savings associations, and international bank agencies; and licenses and regulates non-depository finance companies and the securities industry.¹ The OFR reports to the

¹ Section 20.121(3)(a)2., F.S.

Financial Services Commission (the Commission), which comprises the Governor and the members of the Florida Cabinet: the Chief Financial Officer, Attorney General, and Agriculture Commissioner.²

Florida Motor Vehicle Retail Sales Finance Act

The Florida Motor Vehicle Retail Sales Finance Act³ regulates sellers,⁴ commonly referred to as auto dealers, who enter into retail installment contracts with buyers⁵ for the purchase or lease of a motor vehicle. A "retail installment contract" is an agreement made in Florida under which the seller retains title to, or a lien on, a motor vehicle involved in a retail installment transaction as security for the buyer's obligation, either in whole or in part. This includes conditional sales contracts and contracts for the leasing or bailment of a motor vehicle, in which the lessee or bailee agrees to pay compensation that is significantly equal to or greater than the vehicle's value. Additionally, it stipulates that the lessee or bailee becomes the owner of the motor vehicle upon full compliance with the contract terms.⁶

Except for certain businesses, such as banks and trust companies, sellers must obtain a license to operate in Florida.⁷ A seller must submit an application, specified information, and a nonrefundable fee to the OFR to obtain the required license.⁸

Retail installment contracts must comply with several requirements and prohibitions, including, but not limited to, the contract must:

- Be in writing;⁹
- Contain a "Notice to the Buyer" which includes specified information;¹⁰ and
- Contain other specified information, including the amount financed, finance charges, total amount of payments, total sale price, and payment details.¹¹

The Florida Motor Vehicle Retail Sales Finance Act does not authorize a seller to charge a fee specifically for processing electronic payments on motor vehicle retail installment contracts.

III. Effect of Proposed Changes:

CS/SB 838 creates s. 520.105, F.S., to authorize a retail installment contract holder (or its agent) to collect a fee for processing an electronic payment only if the following conditions are met:

² Section 20.121(3), F.S.

³ Sections 520.01-520.10, 520.12, 520.125, and 520.13, F.S.

⁴ Section 520.02(11), F.S., defines "motor vehicle retail installment seller" as a person engaged in the business of selling motor vehicles to retail buyers in retail installment transactions.

⁵ Section 520.02(16), F.S., defines "retail buyer" as a person who buys a motor vehicle from a seller not principally for resale, and who executes a retail installment contract in connection therewith or a person who succeeds to the rights and obligations of such person.

⁶ Section 520.02(17), F.S.

⁷ Section 520.03(1), F.S.

⁸ Section 520.03(2), F.S.

⁹ Section 520.07(1)(a), F.S.

¹⁰ Section 520.07(1)(b), F.S.

¹¹ Section 520.07(2), F.S.

- The fee is reasonably related to the actual expense incurred by the holder or its agent in processing the electronic payment;
- The holder or its agent allows the buyer to make a payment by a method other than an electronic payment, which does not incur a fee;
- The holder or its agent does not establish electronic payment as the expected or required form of payment; and
- The holder or agent discloses, before the buyer agrees to make an electronic payment, the amount of the fee and the buyer's option to use a fee-free alternative payment method such as a check, cash, or money order.

The bill defines the term “electronic payment” to include credit cards, debit cards, electronic funds transfers, electronic checks, and other electronic methods.

The bill takes effect July 1, 2026.

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 affect consumers and businesses that use retail installment contracts by allowing fee-based electronic payment processing under certain conditions. Consumers may benefit from clear disclosure of electronic payment fees and the availability of fee-

free alternative payment methods. Businesses may incur compliance costs associated with fee disclosures.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 520.105 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 January 13, 2026

The CS uses the term “retail buyer” to maintain consistency throughout the bill.

B. Amendments:

None.

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

 254968

LEGISLATIVE ACTION

Senate
Comm: RCS
01/14/2026

House

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

1 **Senate Amendment**

2
3 Delete lines 31 - 35
4 and insert:
5 3. Before the retail buyer agrees to make an electronic
6 payment, provides disclosure of all of the following:
7 a. The amount of the fee to be charged under this section;
8 and
9 b. The retail buyer's option to make a payment by an
10 alternative

Page 1 of 1

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577-01881-26

By Senator Yarborough

4-01239-26

2026838

A bill to be entitled

2 An act relating to electronic payments of retail
3 installment contracts; creating s. 520.105, F.S.;
4 defining the term "electronic payment"; authorizing a
5 holder of a retail installment contract, or its agent,
6 to collect a fee for processing a retail buyer's
7 electronic payment only if certain conditions are met;
8 providing an effective date.

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

Section 1. Section 520.105, Florida Statutes, is created to read:

520.105 Convenience fee for processing electronic payments.

(1) As used in this section, the term "electronic payment" means a payment made by credit card, debit card, electronic funds transfer, electronic check, or other electronic method.

(2) A holder of a retail installment contract, or its agent, may collect a fee for processing a retail buyer's electronic payment under the retail installment contract only if all of the following conditions are met:

(a) The fee is reasonably related to the actual expense incurred by the holder or its agent in processing the electronic payment.

(b) The holder or its agent:

1. Allows the retail buyer to make a payment by a method other than an electronic payment which does not incur a fee;

2. Does not establish electronic payment as the expected

Page 1 of 2

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4-01239-26

2026838

form of payment; and

3. Before the buyer agrees to make an electronic payment, provides disclosure of all of the following:

a. The amount of the fee to be charged under this section;

b. The buyer's option to make a payment by an alternative method that does not incur a fee, including payment by check, cash, or money order.

Section 2. This act shall take effect July 1, 2026.

1/13/26

Meeting Date

Commerce + Tourism

Committee

Name Andy Palmer

Phone (850) 205-9000

Address 119 S. Monroe Street, Suite 200
Street

Email andy.palmer@mhd.firm.com

Tallahassee

FL

32309

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:

General Motors

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

13/26

Meeting Date

S. Commerce

Committee

Name Scott Jenkins

Address 215 S. Monroe St. Ste 130

Street

TM

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:

American Financial Services 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. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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

S-001 (08/10/2021)