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|---|---|
| Tab 1 | SB 14 by Rodriguez ; Identical to H 06521 Relief of Jose Correa by Miami-Dade County |
| Tab 2 | SB 16 by Rouson ; Identical to H 06517 Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg |
| Tab 3 | SB 24 by Gruters (CO-INTRODUCERS) Rodriguez ; Identical to H 06515 Relief of Lourdes Latour and Edward Latour by Miami-Dade County |
| Tab 4 | CS/SB 52 by CJ, Gaetz (CO-INTRODUCERS) Osgood ; Similar to H 00095 Security Services at Places of Worship |
| Tab 5 | SB 308 by Leek (CO-INTRODUCERS) Osgood, Sharief, Rouson ; Identical to H 00525 Florida Museum of Black History |
| Tab 6 | CS/SB 504 by ACJ, Burgess ; Identical to CS/H 00509 Code Inspector Body Cameras |
| Tab 7 | SB 506 by Burgess ; Identical to H 00511 Public Records/Body Camera Recordings Recorded by a Code Inspector |
| Tab 8 | CS/SB 564 by ED, Yarborough ; Similar to CS/H 00461 Student Volunteers at Polling Locations |
| Tab 9 | CS/SB 572 by GO, Harrell ; Similar to H 00603 Ethics for Public Officers and Employees |
| Tab 10 | CS/SB 590 by CF, Bradley ; Similar to H 00373 Statute of Limitations Period for Violations Involving Required Reports Concerning Children |
| Tab 11 | SB 594 by Burton (CO-INTRODUCERS) Arrington ; Identical to H 00267 Local Housing Assistance Plans |
| Tab 12 | CS/SB 806 by AG, Truenow ; Similar to H 01255 Consumers' Right to Repair Certain Equipment |
| Tab 13 | SM 1186 by Wright ; Florida National Guard Increased Force Structure |
| Tab 14 | SB 1396 by Burton ; Similar to H 01157 Litigation Financing Consumer Protection |
| 707190 A S LRCS RC, Burton Delete L.118 - 225: 02/03 01:35 PM | |
| Tab 15 | SB 7020 by AG ; Identical to H 07011 OGSR/Aquaculture Records Held by the Department of Agriculture and Consumer Services |
| Tab 16 | SB 7024 by GO ; Similar to H 07023 OGSR/Cybersecurity, Information Technology, and Operational Technology Information |
| Tab 17 | SB 7026 by GO ; Similar to H 07017 OGSR/Trade Secret Held by an Agency |

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES

Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, February 3, 2026

TIME: 9:00—11:00 a.m.

PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Passidomo, Chair; Senator Jones, Vice Chair; Senators Avila, Berman, Boyd, Bradley, Brodeur, Burgess, Burton, Davis, DiCeglie, Gaetz, Garcia, Grall, Harrell, Hooper, Martin, Osgood, Pizzo, Rodriguez, Rouson, Simon, Trumbull, and Wright

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|---|-----------------------------|
| 1 | SB 14 Rodriguez (Identical H 6521) | Relief of Jose Correa by Miami-Dade County; Providing for the relief of Jose Correa by Miami-Dade County; providing an appropriation to compensate Mr. Correa for injuries sustained as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of compensation and certain fees, etc. SM JU 01/12/2026 Favorable CA 01/20/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 24 Nays 0 |
| 2 | SB 16 Rouson (Identical H 6517) | Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg; Providing for the relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg; providing for an appropriation to compensate Mr. Sanchez-Mayen for injuries sustained as a result of the negligence of the City of St. Petersburg; providing a limitation on compensation and the payment of attorney fees, etc. SM JU 01/12/2026 Favorable CA 01/20/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 23 Nays 0 |
| 3 | SB 24 Gruters (Identical H 6515) | Relief of Lourdes Latour and Edward Latour by Miami-Dade County; Providing for the relief of Lourdes Latour and Edward Latour by Miami-Dade County; providing an appropriation to compensate Mr. and Mrs. Latour for injuries sustained as a result of the negligence of Miami-Dade County; providing a limitation on compensation and the payment of attorney fees, etc. SM JU 01/12/2026 Favorable CA 01/20/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 24 Nays 0 |

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, February 3, 2026, 9:00—11:00 a.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|--|-----------------------------|
| 4 | CS/SB 52 Criminal Justice / Gaetz (Similar H 95) | Security Services at Places of Worship; Providing an exemption from licensure requirements for certain volunteers who provide armed security services for places of worship, etc. CJ 01/12/2026 Fav/CS JU 01/20/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 23 Nays 0 |
| 5 | SB 308 Leek (Identical H 525) | Florida Museum of Black History; Establishing the Florida Museum of Black History Board of Directors; providing for the membership of the board; prohibiting specified members of the board from holding state or local elective office while serving on the board; requiring that the board work jointly with the Foundation for the Museum of Black History, Inc., etc. CA 12/02/2025 Favorable GO 01/26/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 24 Nays 0 |
| 6 | CS/SB 504 Appropriations Committee on Criminal and Civil Justice / Burgess (Identical CS/H 509, Compare H 511, H 539, Linked S 506) | Code Inspector Body Cameras; Requiring a governmental entity that permits its code inspectors to wear body cameras to establish certain policies and procedures; requiring such governmental entity to ensure that certain training occurs, to retain certain data in accordance with public records laws, and to perform a periodic review of actual body camera practices; providing that certain provisions relating to the interception of wire, electronic, and oral communications do not apply to body camera recordings made by code inspectors, etc. CA 01/13/2026 Favorable ACJ 01/21/2026 Fav/CS RC 02/03/2026 Favorable | Favorable Yeas 23 Nays 0 |
| 7 | SB 506 Burgess (Similar H 541, Identical H 511, Compare CS/H 509, Linked CS/S 504) | Public Records/Body Camera Recordings Recorded by a Code Inspector; Providing an exemption from public records requirements for body camera recordings recorded by a code inspector under certain circumstances; providing exceptions; requiring a local government to retain body camera recordings for a specified timeframe; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CA 01/13/2026 Favorable ACJ 01/21/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 23 Nays 0 |

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, February 3, 2026, 9:00—11:00 a.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|--|-----------------------------|
| 8 | CS/SB 564 Education Pre-K - 12 / Yarborough (Similar CS/H 461) | Student Volunteers at Polling Locations; Providing that specified high school students who volunteer to assist poll workers are not subject to provisions prohibiting certain agencies and state and local officials from soliciting, accepting, or otherwise using private funds or certain personal services for election-related expenses, etc. EE 01/13/2026 Favorable ED 01/27/2026 Fav/CS RC 02/03/2026 Favorable | Favorable Yeas 24 Nays 0 |
| 9 | CS/SB 572 Governmental Oversight and Accountability / Harrell (Similar H 603) | Ethics for Public Officers and Employees; Revising the definition of the term "relative" to include foster parents and foster children, etc. EE 01/13/2026 Favorable GO 01/26/2026 Fav/CS RC 02/03/2026 Favorable | Favorable Yeas 23 Nays 0 |
| 10 | CS/SB 590 Children, Families, and Elder Affairs / Bradley (Similar H 373) | Statute of Limitations Period for Violations Involving Required Reports Concerning Children; Providing that the period of limitation for offenses related to specified required reports concerning children does not begin to run until a law enforcement agency is made aware of the violation, etc. CJ 01/12/2026 Favorable CF 01/20/2026 Fav/CS RC 02/03/2026 Favorable | Favorable Yeas 23 Nays 0 |
| 11 | SB 594 Burton (Identical H 267) | Local Housing Assistance Plans; Authorizing counties and eligible municipalities to expend certain funds on lot rental assistance for mobile home owners for a specified time period; requiring each county and eligible municipality to include in its local housing assistance plan certain strategies; authorizing counties and eligible municipalities to provide certain funds to mobile home owners for rehabilitation and emergency repairs, etc. CA 01/13/2026 Favorable ATD 01/21/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 22 Nays 0 |

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, February 3, 2026, 9:00—11:00 a.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|--|-----------------------------|
| 12 | CS/SB 806 Agriculture / 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. CM 01/13/2026 Favorable AG 01/27/2026 Fav/CS RC 02/03/2026 Favorable | Favorable Yeas 24 Nays 0 |
| 13 | SM 1186 Wright | Florida National Guard Increased Force Structure; Urging the Congress of the United States to impel the National Guard Bureau to examine the present allocations of the Florida National Guard and allow an increase in its force structure, etc. MS 01/26/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 23 Nays 0 |
| 14 | SB 1396 Burton (Similar H 1157) | Litigation Financing Consumer Protection; Citing this act as the "Litigation Investment Safeguards and Transparency Act"; authorizing courts to consider the existence of a litigation financing agreement to determine if a class representative or lead counsel or co-lead counsel to a class action lawsuit would adequately and fairly represent the interests of the class; prohibiting specified acts by litigation financiers; requiring certain parties to a legal proceeding which have entered into a litigation financing agreement with a foreign person, a foreign principal, or a sovereign wealth fund to file and serve a notice identifying specified information with the court, agency, or tribunal and all other parties to the legal proceeding within a specified timeframe; providing for sanctions, etc. JU 01/27/2026 Favorable RC 02/03/2026 Fav/CS | Fav/CS Yeas 13 Nays 10 |
| 15 | SB 7020 Agriculture (Identical H 7011) | OGSR/Aquaculture Records Held by the Department of Agriculture and Consumer Services; Amending a provision which provides an exemption from public record requirements for certain aquaculture records held by the Department of Agriculture and Consumer Services; removing the scheduled repeal of the exemption, etc. GO 01/26/2026 Favorable RC 02/03/2026 Favorable | Favorable Yeas 21 Nays 2 |

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, February 3, 2026, 9:00—11:00 a.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---------------------------------|--|---|-----------------------------|
| 16 | SB 7024 Governmental Oversight and Accountability (Similar H 7023) | OGSR/Cybersecurity, Information Technology, and Operational Technology Information; Providing an exemption from public records requirements for the cybersecurity, information technology, and operational technology information held by an agency; providing an exemption from public meetings requirements for any portion of a meeting that would reveal such information; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. RC 02/03/2026 Favorable | Favorable Yeas 23 Nays 1 |
| 17 | SB 7026 Governmental Oversight and Accountability (Similar H 7017) | OGSR/Trade Secret Held by an Agency; Amending a provision which provides an exemption from public records requirements for a trade secret held by an agency, etc. RC 02/03/2026 Favorable | Favorable Yeas 20 Nays 4 |
| Other Related Meeting Documents | | | |
| | | | |



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

| DATE | COMM | ACTION |
|---------|------|-----------|
| 1/5/26 | SM | Favorable |
| 1/12/26 | JU | Favorable |
| 1/20/26 | CA | Favorable |
| 2/3/26 | RC | Favorable |

January 5, 2026

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 14** – Senator Ana Maria Rodriguez
HB 6521 – Representative Blanco
Relief of Jose Correa by Miami-Dade County

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR \$4.1 MILLION. THE CLAIMANT, JOSE CORREA, SEEKS DAMAGES FROM MIAMI-DADE COUNTY FOR PERSONAL INJURIES CAUSED BY THE NEGLIGENT OPERATION OF A MIAMI-DADE COUNTY BUS DRIVEN BY A COUNTY EMPLOYEE.

UPDATE TO PRIOR REPORT: On January 30, 2025, a de novo hearing was held on a previous version of this bill, SB 6 (2025). After the hearing, a report was issued containing findings of fact and conclusions of law. The report found the requested amount of \$4,100,000 was reasonable. That report is attached as an addendum to this report.

Since that time, the Senate President has reassigned the claim to the undersigned to review records and determine whether any changes have occurred since the hearing that, if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

SPECIAL MASTER'S FINAL REPORT – SB 14

January 5, 2026

Page 2

According to information received, no such changes have occurred since the hearing.

Respectfully submitted,

/s/ Carter McMillan
Senate Special Master

cc: Secretary of the Senate



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

409 The Capitol

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

| DATE | COMM | ACTION |
|---------|------|-----------|
| 3/20/25 | SM | Favorable |
| 3/25/25 | JU | Favorable |
| | CA | |
| | RC | |

March 20, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 6** – Senator Ana Maria Rodriguez
HB 6517 – Representative Busatta
Relief of Jose Correa by Miami-Dade County

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR \$4.1 MILLION. THE CLAIMANT, JOSE CORREA, SEEKS DAMAGES FROM MIAMI-DADE COUNTY FOR PERSONAL INJURIES CAUSED BY THE NEGLIGENT OPERATION OF A MIAMI-DADE COUNTY BUS DRIVEN BY A COUNTY EMPLOYEE.

FINDINGS OF FACT:

Jose Correa, a 61-year-old, was a pedestrian injured in a bus accident involving an in-service Miami-Dade County bus that was driven by an on-duty Miami-Dade County bus driver. Mr. Correa's injuries include a below the knee amputation of his left leg. Because of the amputation, Mr. Correa suffers from neuropathic pain syndrome and phantom limb pain. A Miami-Dade County bus driver, Traci Constant, contributed to the injuries Mr. Correa sustained.

The Accident on December 16, 2021

At approximately 12:00 p.m., on December 16, 2021, Jose Correa was walking home and crossing the street at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when he was struck by a bus operated by Traci

Constant, an on-duty Miami-Dade County bus driver.¹ Mr. Correa was crossing the roadway within the crosswalk at the time of the accident, and witnesses indicated that it was a clear and sunny day.²

Prior to the accident, Ms. Constant pulled into the left turn lane traveling southbound on Le Jeune (SW 42nd Avenue) and began to make a left eastbound turn onto Bird (SW 40th Street). Before making the left turn, Ms. Constant pulled out onto the intersection to wait for northbound traffic to clear, however, when she made the left turn, the traffic light was red.³

Mr. Correa was walking northbound on the crosswalk at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when Ms. Constant made a left turn and struck him with the left side mirror of the bus.⁴ The Traffic Homicide Report indicates that Mr. Correa walked across the crosswalk with a “do not cross” red hand (to stop/do not cross).⁵ However, during the claim bill hearing held on January 30, 2025, the claimant’s attorney asserted that the pedestrian crosswalk traffic signal was not working properly.⁶

At collision, Mr. Correa fell onto the roadway and the left rear tires of the bus dragged Mr. Correa’s left leg until the bus came to a controlled stop.⁷ The Coral Gables Fire Rescue (Engine #4 and Rescue #2) responded to the accident and administered first aid. Mr. Correa was then transported to Jackson Memorial Hospital – Ryder Trauma Unit.⁸

¹ Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).

² Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

³ See *Id.*; see also Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).

⁴ *Id.*

⁵ Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

⁶ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 18:08-19:32. During the claim bill hearing, the claimant’s attorney indicated that they hired a private investigator to take a video of the traffic signal not working properly. This video was not taken on the day of the accident but on a later date. However, the Special Masters never received this video to add into evidence.

⁷ Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).

⁸ Patient Care Record, Coral Gables Fire Department, Incident Number 21008649 (Dec. 16, 2021).

Prior to the Accident

During the claim bill hearing, the respondent's counsel stated that on the morning of the accident at approximately 11:45 a.m., Mr. Correa walked to a nearby 7-Eleven where a police officer, Officer Smith, witnessed Mr. Correa "swaying" and indicated that Mr. Correa was visibly intoxicated.⁹ However, Mr. Correa stated that he did not have any alcohol on the day of the accident.¹⁰

Disciplinary Action Report and Hearing

Ms. Constant was suspended for 10 days following a "Miami-Dade County Disciplinary Action Report" dated January 13, 2022, and a "Disciplinary Hearing" that was held on March 4, 2022. The report indicates that Ms. Constant's actions on the day of the "accident" constituted a violation of Miami-Dade County Personnel Rules, and the accident was deemed preventable by the Accident Grading Committee.¹¹

Traffic Homicide Report

The traffic homicide report provides that the roadway was free of defects or obstructions which would have affected the collision, the bus appeared to have been in good operating condition, and Ms. Constant was operating the bus with no apparent impairments.¹² Additionally, the homicide report indicates that Mr. Correa violated the visible red "do-not-walk" crosswalk traffic signal.¹³ During a deposition taken on August 10, 2023, the traffic homicide detective, Detective Quinones, stated that he took a video on the day of the accident to demonstrate that the crosswalk traffic signal was working

⁹ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 1:09:01-1:11:47. During the claim bill hearing, respondent's counsel read Officer Smith's statement aloud. See also Officer Smith recorded statement from the scene of the accident (Dec. 16, 2021).

¹⁰ See *id.* at 24:10-24:20. Additionally, no evidence was submitted to demonstrate that a blood alcohol test was ever administered to Mr. Correa after the accident.

¹¹ See Disciplinary Action Report, Miami-Dade County, Transportation and Public Work Department, Division Number 06771031, Traci Constant (Jan 13, 2022). See also Memorandum, Miami-Dade County, MDT Bus Operations, Disciplinary Hearing, Bus Operator Traci Constant (March 4, 2022).

¹² Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

¹³ *Id.*

properly.¹⁴ The traffic homicide report also lists “severe signs of impairment” as “probable cause,” and states that Officer Smith observed Mr. Correa as being intoxicated moments before the collision.¹⁵ Ultimately, the traffic homicide report attributes fault to Ms. Constant and Mr. Correa.¹⁶

Medical Injuries

Mr. Correa suffered extensive injuries, including a below the knee amputation of his left leg. Because of the amputation, Mr. Correa suffers from neuropathic pain syndrome and phantom limb pain.¹⁷ During the claim bill hearing, Mr. Correa indicated that Medicare covered most of his medical expenses.¹⁸ However, the claimant’s attorney provided financial data and projected Mr. Correa’s total past medical liens to be approximately \$339,416.¹⁹

Current and Future Needs

Currently, Mr. Correa is living in an assisted living facility, but he would like to live on his own again.²⁰ During the claim bill hearing, Mr. Correa explained that his prosthetic does not fit him properly due to skin integrity issues.²¹ However, he hopes to get those problems addressed and corrected.²² The claimant’s attorney provided a life care evaluation that estimates Mr. Correa’s “present value of future loss” to be approximately \$4,051,261.²³ Additionally, Mr. Correa and his sister testified that the claimant’s quality of life has dramatically decreased since the accident in December of 2021.²⁴

¹⁴ See Quinones Deposition, 27-30 (Aug. 10, 2023).

¹⁵ Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

¹⁶ *Id.*

¹⁷ See Claimant’s Summary of the Case; see also Special Master Claim Bill Hearing (Jan. 30, 2025).

¹⁸ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 51:28.

¹⁹ See *id.* at 55:00. In the Claim Bill Hearing the Claimant’s attorney stated that Mr. Correa’s Medicaid lien was approximately \$339,416, and all other past expenses have been satisfied. The “Claimant’s Summary of the Case” indicates that Mr. Correa’s past medical bills are approximately \$1,300,000.

²⁰ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 44:38-48:07.

²¹ See *id.* at 38:40-42:00.

²² *Id.*

²³ See Gary A. Anderson, Summary of the Past and Present Value of Future Economic Loss to Jose Correa (May 30, 2023). See also Paul M. Ramos, Life Care Plan for Jose Correa (Oct. 16, 2023).

²⁴ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025). Mr. Correa and his sister testified regarding the claimant’s quality of life. Prior to the accident, Mr. Correa enjoyed being

LITIGATION HISTORY:

A lawsuit was filed in July of 2022, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, case no. 2022-013508-CA-01, styled *Jose Correa v. Miami-Dade County*. The complaint asserted vicarious liability negligence claims on behalf of Mr. Correa against Miami-Dade County. The complaint further alleged that Miami-Dade County's employee, Traci Constant, carelessly and negligently struck Mr. Correa while she was driving a Miami-Dade County passenger bus. As a result, the complaint provides that Mr. Correa suffered great bodily injury, pain, disability, disfigurement, mental anguish, and the loss of the capacity for the enjoyment of life.

Release of all Claims and Settlement Agreement

On March 25, 2024, Mr. Correa signed a "release" to release and discharge Miami-Dade County from liability related to the facts in Circuit Court Case 2022-013508-CA-01.²⁵ Pursuant to that "release," the claimant received \$200,000 from Miami-Dade County, and the respondent agreed to support a claim bill in the amount of \$4,100,000.²⁶

Section 768.28 of the Florida Statutes limits the amount of damages that a claimant can collect from a local government as a result of its negligence or the negligence of its employees to \$200,000 for one individual, and \$300,000 for all claims or judgments arising out of the same incident. Funds in excess of this limit may only be paid upon approval of a claim bill by the Legislature.

On November 25, 2024, a "notice of voluntary dismissal with prejudice" was entered in Circuit Court Case 2022-013508-CA-01.

On March 13, 2025, the attorneys for both parties executed and signed a letter stating that everything enclosed in the March 25, 2024, "Release" is considered a settlement agreement between Miami-Dade County and Mr. Correa.

active and had an active lifestyle. Additionally, both the claimant and his sister testified that Mr. Correa has had a difficult time mentally and emotionally post-accident.

²⁵ Release of All Claims, Jose Correa v. Miami-Dade County, Case No. 22-013508-CA-01 (Mar. 25, 2024).

²⁶ *Id.*

Miami-Dade County agrees with the claimant's position that this claim bill arises out of a settlement between Miami-Dade County and the claimant, Mr. Correa, and agrees to support a claim bill in the amount of \$4,100,000.²⁷

CONCLUSIONS OF LAW:

The claim bill hearing held on January 30, 2025, was a de novo proceeding to determine whether Miami-Dade County is liable for negligence damages caused by its employee, Traci Constant acting within the scope of her employment, to the claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the Special Master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Under the legal doctrine of *respondeat superior*, Miami-Dade County is responsible for the wrongful acts of its employees when the acts are committed within the scope of their employment. Because Ms. Constant was operating a bus in the course and scope of her employment at the time of the accident and because the bus was owned by Miami-Dade County, the County is responsible for any wrongful acts, including negligence, committed by Ms. Constant.

Negligence

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.²⁸

The plaintiff bears the burden of proving, by the greater weight of the evidence, that the defendant's action was a breach of the duty that the defendant owed to the plaintiff. The "greater weight of the evidence" burden of proof "means the more persuasive and convincing force and effect of the entire evidence in the case."²⁹

²⁷ Miami-Dade County's Summary, Positions, and Insurance Statement, Senate Bill 6; *see also* Correa Special Master Claim Bill Hearing (Jan. 30, 2025).

²⁸ *Williams v. Davis*, 974 So.2d 1052, at 1056-1057 (Fla. 2007); *see also* Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.

²⁹ Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence*.

In this case, Miami-Dade County's liability depends on whether Ms. Constant negligently operated the County's bus and whether that negligent operation caused Mr. Correa's resulting injuries.

Duty

A legal duty may arise from statutes or regulations; common law interpretations of statutes or regulations; other common law precedent; and the general facts of the case.³⁰

In this case, Ms. Constant was responsible for the duty of reasonable care to others while driving her Miami-Dade County bus. In accordance with Miami-Dade County Personnel Rules, Ms. Constant had a reasonable duty to observe "safe driving practices," including a duty against "making right or left turns on red traffic signals," a duty to "use caution before entering intersections," and a duty to give pedestrians the right-of-way. Additionally, in accordance with the Metrobus Operation Rules and Procedures Manual, Ms. Constant had a reasonable duty to not enter an intersection unless she knew the bus could get completely across if the signal changed to red, and a duty to never run a red or yellow light.

Section 316.075(1)(c), of the Florida Statutes, provides that:

[t]he driver of a vehicle facing a steady red signal shall stop before entering the crosswalk and remain stopped to allow a pedestrian, with a permitted signal, to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger...[u]nless otherwise directed by a pedestrian control signal..., pedestrians facing a steady red signal must not enter the roadway.

Section 316.075(1)(a), of the Florida Statutes, provides that:

[v]ehicular traffic facing a circular green signal may proceed cautiously straight through or turn right or left unless a sign at such place prohibits

³⁰ *McClain v. Florida Power Corp.*, 593 So.2d 500, 503 n. 2 (Fla. 1992).

either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

Section 316.075(1)(b), of the Florida Statutes, provides that “[v]ehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection.”

Breach

The undersigned finds that Ms. Constant breached the duty of care owed to Mr. Correa.

As stated above, Ms. Constant pulled into the left turn lane traveling southbound on Le Jeune (SW 42nd Avenue) and began to make a left eastbound turn onto Bird (SW 40th Street). Before making the left turn, Ms. Constant pulled out into the intersection to wait for northbound traffic to clear; however, when she made the left turn, the traffic light was red. Mr. Correa was walking northbound on the crosswalk at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when Ms. Constant made a left turn and struck him with the left side mirror of the bus. Then, Mr. Correa fell onto the roadway and the left rear tires of the bus dragged Mr. Correa’s left leg until the bus came to a controlled stop.

Causation

Mr. Correa’s injuries were the natural and direct consequence of Ms. Constant’s breach of her duty. Ms. Constant was acting within the scope of her employment at the time of the accident. Miami-Dade County, as the employer, is liable for damages caused by its employee’s negligent act.

Damages

A plaintiff’s damages are computed by adding these elements together:

Economic Damages

- Past Medical Expenses

- Future Medical Expenses

Non-Economic Damages

- Past Pain and Suffering and Loss of Enjoyment of Life
- Future Pain and Suffering and Loss of Enjoyment of Life

The claimant's attorney provided financial data and projected Mr. Correa's total past medical liens to be approximately \$339,416, and projected his total future medical expenses to be approximately \$4,051,261.³¹

No evidence was presented or available indicating the damages authorized by the settlement agreement are excessive or inappropriate.³²

Comparative Negligence

Comparative negligence is the legal theory that a defendant may diminish his or her responsibility to an injured plaintiff by demonstrating that another person, sometimes the plaintiff and sometimes another defendant or even an unnamed party, was also negligent and that negligence contributed to the plaintiff's injuries. The goal of proving a successful comparative negligence defense is to hold other people responsible for the injuries they cause to a plaintiff. By apportioning damages among all who are at fault, it will ultimately reduce the amount of damages owed by a defendant.³³

If this case had proceeded to trial, it would likely have been disputed that Ms. Constant was solely at fault in the collision or solely responsible for Mr. Correa's injuries and

³¹ In the Claim Bill Hearing the Claimant's attorney stated that Mr. Correa's Medicaid lien was approximately \$339,416. The "Claimant's Summary of the Case" indicates that Mr. Correa's past medical bills are approximately \$1,300,000. See also Gary A. Anderson, Summary of the Past and Present Value of Future Economic Loss to Jose Correa (May 30, 2023). The "Summary of the Past and Present Value of Future Economic Loss to Jose Correa" states that the estimated total of future loss is \$4,051,261, however, this is the amount Mr. Correa is expected to be billed but does not factor in any potential outside assistance (i.e. Medicare). See also Paul M. Ramos, Life Care Plan for Jose Correa (Oct. 16, 2023). See also s. 409.910(11)(f), F.S., which provides for recovery in a tort action when Medicaid has provided medical goods and services to a plaintiff who is a Medicaid recipient.

³² See *Estate of Dougherty v. WCA of Florida, LLC*. (Fla. Cir. Ct. 2018). See also *Fernandez v. BFI Waste Systems of North America, Inc.* (Fla. Cir. Ct. 2000). See also *Gold v. Duncan; Sara Lee; Bryan Foods, Inc.* (Fla. Cir. Ct. 1991),

³³ Section 768.81, of the Florida Statutes, is the comparative fault statute. The apportionment of damages is established in section 768.81(3), of the Florida Statutes.

damages.³⁴ Miami-Dade County raised the affirmative defense of comparative negligence in its Answer to the Plaintiffs' Complaint to reduce the County's liability in causing the accident and its responsibility for Mr. Correa's damages.

Section 768.36(2), of the Florida Statutes, provides that:

“[i]n any civil action, a plaintiff may not recover any damages for loss or injury to his or her person or property if the trier of fact finds that, at the time the plaintiff was injured:

(a) The plaintiff was under the influence of any alcoholic beverage...to the extent that the plaintiff's normal faculties were impaired or the plaintiff had a blood or breath alcohol level of 0.08 percent or higher; and

(b) As a result of the influence of such alcoholic beverage the plaintiff was more than 50 percent at fault for his or her own harm.³⁵

Section 316.130(1), of the Florida Statutes., provides that a pedestrian must “obey the instructions of any official traffic control device specifically applicable to the pedestrian unless otherwise directed by a police officer.” Additionally, section 316.075(1)(c), of the Florida Statutes, states that a pedestrian facing a steady red signal may not enter the roadway.

Mr. Correa violated s. 316.130(1), F.S., by entering the roadway with a steady red signal, and is no more than 50 percent at fault for his injuries. However, Ms. Constant had a heightened duty to adhere to the requirements of the Miami-Dade County Personnel Rules, which requires bus drivers to give pedestrians the right-of-way, and as stated above, Ms. Constant breached that duty.

Ultimately, the following was established by the greater weight of the evidence; Mr. Correa was negligent when he entered

³⁴ See Miami-Dade County's Summary, Positions, and Insurance Statement.

³⁵ See s. 768.36(2), F.S. It is unclear whether Mr. Correa had been drinking prior to the accident and on the day of the accident. The recorded statement by Officer Smith indicated that Mr. Correa was “swaying” and was potentially intoxicated, however, evidence of an alcohol toxicology was not entered into the record. Additionally, at the claim bill hearing, Mr. Correa testified that he did not have any alcohol on the day of the accident.

the crosswalk with a steady red signal; and Ms. Constant was negligent when she pulled into the intersection and turned left when the traffic light was red.³⁶ The parties entered into a signed settlement agreement, and Miami-Dade County agrees with the claimant's position that this claim bill arises out of a settlement between Miami-Dade County and the claimant, Mr. Correa, and agrees to support a claim bill in the amount of \$4,100,000. Thus, the settled claim amount of \$4,100,000 to be paid by Miami-Dade County seems reasonable based on the evidence presented, including any comparative negligence, and in taking into consideration the unpredictable nature of juries.³⁷

ATTORNEY FEES:

Attorney fees may not exceed 25 percent of the amount awarded. The claimant's attorney has agreed to limit fees to 25 percent of any amount awarded by the Legislature. Additionally, lobbying fees will be limited to 7 percent of any amount awarded by the Legislature.

RECOMMENDATIONS:

Based on the foregoing, the undersigned recommends that Senate Bill 6 be reported FAVORABLY.

³⁶ As stated above, Ms. Constant owed Mr. Correa a heightened duty of care as established by Miami-Dade County Personnel Rules, which requires bus drivers to give pedestrians the right-of-way.

³⁷ See *Estate of Dougherty v. WCA of Florida, LLC.*, 2018 WL 6925662 (Fla. Cir. Ct.), where a bicyclist was struck and killed by a truck as she was trying to get from the bike lane to the crosswalk and the truck driver failed to yield, failed to check his mirrors, failed to use his turn signal, and failed to slow down as he executed his turn. The Defense claimed that Dougherty made a sudden turn that put her bicycle in the path of the truck and that tests showed that Dougherty had both alcohol and cocaine in her system at the time of the crash. The jury found the plaintiff was "not under the influence of cocaine and/or alcohol to the extent that her normal faculties were impaired or that she had a blood alcohol level of 0.08 or higher" and was 20 percent negligent and the defendant was found to be 80 percent negligent, and awarded \$25,000,000 to the plaintiffs for the wrongful death of their daughter. See also *Fernandez v. BFI Waste Systems of North America, Inc.*, 2000 WL 33268233 (Fla. Cir. Ct.), where a 70 year old retired woman suffered injuries after she was struck while crossing a roadway outside of the crosswalk by the defendant recycling truck. In *Fernandez*, the jury found the plaintiff to be 50 percent negligent and the jury awarded \$1,487,000 to the plaintiff. The case was settled after trial for \$725,000. See also *Gold v. Duncan, Sara Lee, and Bryan Foods, Inc.*, 1992 WL 737190 (Fla. Cir. Ct.), where an 88 year old woman suffered an amputated right arm and her left arm was rendered useless as a result of being struck by a tractor-trailer driven by the defendant and owned by the co-defendants. The defendant had been stopped at a traffic light waiting to turn, and the plaintiff was waiting to cross the roadway. When the light turned green, the defendant started to execute a wide turn. When the plaintiff started to walk forward, she was struck, and the rear wheels of the trailer ran over her arms. The plaintiff contended that she did not think the truck was turning. The defendant alleged that the plaintiff walked into the truck, and two eyewitnesses stated that the plaintiff began walking after the truck was blocking the crosswalk. The plaintiff was found 50 percent negligent, and the award was reduced to \$2,000,000.

Respectfully submitted,

/s/ Carter McMillan
Senate Special Master

cc: Secretary of the Senate



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

| DATE | COMM | ACTION |
|-----------|------|-----------|
| 3/20/25 | SM | Favorable |
| 3/25/2025 | JU | Favorable |
| | CA | |
| | RC | |

March 20, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 6** – Senator Ana Maria Rodriguez
HB 6514 – Representative Busatta
Relief of Jose Correa by Miami-Dade County

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR \$4.1 MILLION. THE CLAIMANT, JOSE CORREA, SEEKS DAMAGES FROM MIAMI-DADE COUNTY FOR PERSONAL INJURIES CAUSED BY THE NEGLIGENT OPERATION OF A MIAMI-DADE COUNTY BUS DRIVEN BY A COUNTY EMPLOYEE.

FINDINGS OF FACT:

Jose Correa, a 61-year-old, was a pedestrian injured in a bus accident involving an in-service Miami-Dade County bus that was driven by an on-duty Miami-Dade County bus driver. Mr. Correa's injuries include a below the knee amputation of his left leg. Because of the amputation, Mr. Correa suffers from neuropathic pain syndrome and phantom limb pain. A Miami-Dade County bus driver, Traci Constant, contributed to the injuries Mr. Correa sustained.

The Accident on December 16, 2021

At approximately 12:00 p.m., on December 16, 2021, Jose Correa was walking home and crossing the street at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when he was struck by a bus operated by Traci

Constant, an on-duty Miami-Dade County bus driver.³⁸ Mr. Correa was crossing the roadway within the crosswalk at the time of the accident, and witnesses indicated that it was a clear and sunny day.³⁹

Prior to the accident, Ms. Constant pulled into the left turn lane traveling southbound on Le Jeune (SW 42nd Avenue) and began to make a left eastbound turn onto Bird (SW 40th Street). Before making the left turn, Ms. Constant pulled out onto the intersection to wait for northbound traffic to clear, however, when she made the left turn, the traffic light was red.⁴⁰

Mr. Correa was walking northbound on the crosswalk at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when Ms. Constant made a left turn and struck him with the left side mirror of the bus.⁴¹ The Traffic Homicide Report indicates that Mr. Correa walked across the crosswalk with a “do not cross” red hand (to stop/do not cross).⁴² However, during the claim bill hearing held on January 30, 2025, the claimant’s attorney asserted that the pedestrian crosswalk traffic signal was not working properly.⁴³

At collision, Mr. Correa fell onto the roadway and the left rear tires of the bus dragged Mr. Correa’s left leg until the bus came to a controlled stop.⁴⁴ The Coral Gables Fire Rescue (Engine #4 and Rescue #2) responded to the accident and administered first aid. Mr. Correa was then transported to Jackson Memorial Hospital – Ryder Trauma Unit.⁴⁵

³⁸ Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).

³⁹ Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

⁴⁰ *See Id*; *see also* Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).

⁴¹ *Id*.

⁴² Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

⁴³ *See* Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 18:08-19:32. During the claim bill hearing, the claimant’s attorney indicated that they hired a private investigator to take a video of the traffic signal not working properly. This video was not taken on the day of the accident but on a later date. However, the Special Masters never received this video to add into evidence.

⁴⁴ Florida Traffic Crash Report, Highway Safety & Motor Vehicles, Traffic Crash Records, HSMV, Crash Report Number 24384495, 5 (Dec. 16, 2021).

⁴⁵ Patient Care Record, Coral Gables Fire Department, Incident Number 21008649 (Dec. 16, 2021).

Prior to the Accident

During the claim bill hearing, the respondent's counsel stated that on the morning of the accident at approximately 11:45 a.m., Mr. Correa walked to a nearby 7-Eleven where a police officer, Officer Smith, witnessed Mr. Correa "swaying" and indicated that Mr. Correa was visibly intoxicated.⁴⁶ However, Mr. Correa stated that he did not have any alcohol on the day of the accident.⁴⁷

Disciplinary Action Report and Hearing

Ms. Constant was suspended for 10 days following a "Miami-Dade County Disciplinary Action Report" dated January 13, 2022, and a "Disciplinary Hearing" that was held on March 4, 2022. The report indicates that Ms. Constant's actions on the day of the "accident" constituted a violation of Miami-Dade County Personnel Rules, and the accident was deemed preventable by the Accident Grading Committee.⁴⁸

Traffic Homicide Report

The traffic homicide report provides that the roadway was free of defects or obstructions which would have affected the collision, the bus appeared to have been in good operating condition, and Ms. Constant was operating the bus with no apparent impairments.⁴⁹ Additionally, the homicide report indicates that Mr. Correa violated the visible red "do-not-walk" crosswalk traffic signal.⁵⁰ During a deposition taken on August 10, 2023, the traffic homicide detective, Detective Quinones, stated that he took a video on the day of the accident to demonstrate that the crosswalk traffic signal was working properly.⁵¹ The traffic homicide report also lists "severe signs of impairment" as "probable cause," and states that Officer Smith observed Mr. Correa as being intoxicated moments

⁴⁶ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 1:09:01-1:11:47. During the claim bill hearing, respondent's counsel read Officer Smith's statement aloud. See also Officer Smith recorded statement from the scene of the accident (Dec. 16, 2021).

⁴⁷ See *id.* at 24:10-24:20. Additionally, no evidence was submitted to demonstrate that a blood alcohol test was ever administered to Mr. Correa after the accident.

⁴⁸ See Disciplinary Action Report, Miami-Dade County, Transportation and Public Work Department, Division Number 06771031, Traci Constant (Jan 13, 2022). See also Memorandum, Miami-Dade County, MDT Bus Operations, Disciplinary Hearing, Bus Operator Traci Constant (March 4, 2022).

⁴⁹ Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

⁵⁰ *Id.*

⁵¹ See Quinones Deposition, 27-30 (Aug. 10, 2023).

before the collision.⁵² Ultimately, the traffic homicide report attributes fault to Ms. Constant and Mr. Correa.⁵³

Medical Injuries

Mr. Correa suffered extensive injuries, including a below the knee amputation of his left leg. Because of the amputation, Mr. Correa suffers from neuropathic pain syndrome and phantom limb pain.⁵⁴ During the claim bill hearing, Mr. Correa indicated that Medicare covered most of his medical expenses.⁵⁵ However, the claimant's attorney provided financial data and projected Mr. Correa's total past medical liens to be approximately \$339,416.⁵⁶

Current and Future Needs

Currently, Mr. Correa is living in an assisted living facility, but he would like to live on his own again.⁵⁷ During the claim bill hearing, Mr. Correa explained that his prosthetic does not fit him properly due to skin integrity issues.⁵⁸ However, he hopes to get those problems addressed and corrected.⁵⁹ The claimant's attorney provided a life care evaluation that estimates Mr. Correa's "present value of future loss" to be approximately \$4,051,261.⁶⁰ Additionally, Mr. Correa and his sister testified that the claimant's quality of life has dramatically decreased since the accident in December of 2021.⁶¹

LITIGATION HISTORY:

A lawsuit was filed in July of 2022, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, case no. 2022-013508-CA-01, styled *Jose Correa v. Miami-Dade County*. The complaint asserted vicarious liability negligence claims on behalf of Mr. Correa against Miami-

⁵² Traffic Homicide Report, Miami-Dade Police Department, Case Number PD211216-401989 (Jan. 25, 2023).

⁵³ *Id.*

⁵⁴ See Claimant's Summary of the Case; see also Special Master Claim Bill Hearing (Jan. 30, 2025).

⁵⁵ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 51:28.

⁵⁶ See *id.* at 55:00. In the Claim Bill Hearing the Claimant's attorney stated that Mr. Correa's Medicaid lien was approximately \$339,416, and all other past expenses have been satisfied. The "Claimant's Summary of the Case" indicates that Mr. Correa's past medical bills are approximately \$1,300,000.

⁵⁷ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025) at 44:38-48:07.

⁵⁸ See *id.* at 38:40-42:00.

⁵⁹ *Id.*

⁶⁰ See Gary A. Anderson, Summary of the Past and Present Value of Future Economic Loss to Jose Correa (May 30, 2023). See also Paul M. Ramos, Life Care Plan for Jose Correa (Oct. 16, 2023).

⁶¹ See Correa Special Master Claim Bill Hearing (Jan. 30, 2025). Mr. Correa and his sister testified regarding the claimant's quality of life. Prior to the accident, Mr. Correa enjoyed being active and had an active lifestyle. Additionally, both the claimant and his sister testified that Mr. Correa has had a difficult time mentally and emotionally post-accident.

Dade County. The complaint further alleged that Miami-Dade County's employee, Traci Constant, carelessly and negligently struck Mr. Correa while she was driving a Miami-Dade County passenger bus. As a result, the complaint provides that Mr. Correa suffered great bodily injury, pain, disability, disfigurement, mental anguish, and the loss of the capacity for the enjoyment of life.

Release of all Claims and Settlement Agreement

On March 25, 2024, Mr. Correa signed a "release" to release and discharge Miami-Dade County from liability related to the facts in Circuit Court Case 2022-013508-CA-01.⁶² Pursuant to that "release," the claimant received \$200,000 from Miami-Dade County, and the respondent agreed to support a claim bill in the amount of \$4,100,000.⁶³

Section 768.28 of the Florida Statutes limits the amount of damages that a claimant can collect from a local government as a result of its negligence or the negligence of its employees to \$200,000 for one individual, and \$300,000 for all claims or judgments arising out of the same incident. Funds in excess of this limit may only be paid upon approval of a claim bill by the Legislature.

On November 25, 2024, a "notice of voluntary dismissal with prejudice" was entered in Circuit Court Case 2022-013508-CA-01.

On March 13, 2025, the attorneys for both parties executed and signed a letter stating that everything enclosed in the March 25, 2024, "Release" is considered a settlement agreement between Miami-Dade County and Mr. Correa.

Miami-Dade County agrees with the claimant's position that this claim bill arises out of a settlement between Miami-Dade County and the claimant, Mr. Correa, and agrees to support a claim bill in the amount of \$4,100,000.⁶⁴

CONCLUSIONS OF LAW:

The claim bill hearing held on January 30, 2025, was a de novo proceeding to determine whether Miami-Dade County is liable for negligence damages caused by its employee, Traci

⁶² Release of All Claims, Jose Correa v. Miami-Dade County, Case No. 22-013508-CA-01 (Mar. 25, 2024).

⁶³ *Id.*

⁶⁴ Miami-Dade County's Summary, Positions, and Insurance Statement, Senate Bill 6; *see also* Correa Special Master Claim Bill Hearing (Jan. 30, 2025).

Constant acting within the scope of her employment, to the claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the Special Master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Under the legal doctrine of *respondeat superior*, Miami-Dade County is responsible for the wrongful acts of its employees when the acts are committed within the scope of their employment. Because Ms. Constant was operating a bus in the course and scope of her employment at the time of the accident and because the bus was owned by Miami-Dade County, the County is responsible for any wrongful acts, including negligence, committed by Ms. Constant.

Negligence

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.⁶⁵

The plaintiff bears the burden of proving, by the greater weight of the evidence, that the defendant's action was a breach of the duty that the defendant owed to the plaintiff. The "greater weight of the evidence" burden of proof "means the more persuasive and convincing force and effect of the entire evidence in the case."⁶⁶

In this case, Miami-Dade County's liability depends on whether Ms. Constant negligently operated the County's bus and whether that negligent operation caused Mr. Correa's resulting injuries.

Duty

⁶⁵ *Williams v. Davis*, 974 So.2d 1052, at 1056-1057 (Fla. 2007); see also Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.

⁶⁶ Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence*.

A legal duty may arise from statutes or regulations; common law interpretations of statutes or regulations; other common law precedent; and the general facts of the case.⁶⁷

In this case, Ms. Constant was responsible for the duty of reasonable care to others while driving her Miami-Dade County bus. In accordance with Miami-Dade County Personnel Rules, Ms. Constant had a reasonable duty to observe “safe driving practices,” including a duty against “making right or left turns on red traffic signals,” a duty to “use caution before entering intersections,” and a duty to give pedestrians the right-of-way. Additionally, in accordance with the Metrobus Operation Rules and Procedures Manual, Ms. Constant had a reasonable duty to not enter an intersection unless she knew the bus could get completely across if the signal changed to red, and a duty to never run a red or yellow light.

Section 316.075(1)(c), of the Florida Statutes, provides that:

[t]he driver of a vehicle facing a steady red signal shall stop before entering the crosswalk and remain stopped to allow a pedestrian, with a permitted signal, to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger...[u]nless otherwise directed by a pedestrian control signal..., pedestrians facing a steady red signal must not enter the roadway.

Section 316.075(1)(a), of the Florida Statutes, provides that:

[v]ehicular traffic facing a circular green signal may proceed cautiously straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

⁶⁷ *McClain v. Florida Power Corp.*, 593 So.2d 500, 503 n. 2 (Fla. 1992).

Section 316.075(1)(b), of the Florida Statutes, provides that “[v]ehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection.”

Breach

The undersigned finds that Ms. Constant breached the duty of care owed to Mr. Correa.

As stated above, Ms. Constant pulled into the left turn lane traveling southbound on Le Jeune (SW 42nd Avenue) and began to make a left eastbound turn onto Bird (SW 40th Street). Before making the left turn, Ms. Constant pulled out into the intersection to wait for northbound traffic to clear; however, when she made the left turn, the traffic light was red. Mr. Correa was walking northbound on the crosswalk at the intersection of Le Jeune (SW 42nd Avenue) and Bird (SW 40th Street) when Ms. Constant made a left turn and struck him with the left side mirror of the bus. Then, Mr. Correa fell onto the roadway and the left rear tires of the bus dragged Mr. Correa’s left leg until the bus came to a controlled stop.

Causation

Mr. Correa’s injuries were the natural and direct consequence of Ms. Constant’s breach of her duty. Ms. Constant was acting within the scope of her employment at the time of the accident. Miami-Dade County, as the employer, is liable for damages caused by its employee’s negligent act.

Damages

A plaintiff’s damages are computed by adding these elements together:

Economic Damages

- Past Medical Expenses
- Future Medical Expenses

Non-Economic Damages

- Past Pain and Suffering and Loss of Enjoyment of Life
- Future Pain and Suffering and Loss of Enjoyment of Life

The claimant's attorney provided financial data and projected Mr. Correa's total past medical liens to be approximately \$339,416, and projected his total future medical expenses to be approximately \$4,051,261.⁶⁸

No evidence was presented or available indicating the damages authorized by the settlement agreement are excessive or inappropriate.⁶⁹

Comparative Negligence

Comparative negligence is the legal theory that a defendant may diminish his or her responsibility to an injured plaintiff by demonstrating that another person, sometimes the plaintiff and sometimes another defendant or even an unnamed party, was also negligent and that negligence contributed to the plaintiff's injuries. The goal of proving a successful comparative negligence defense is to hold other people responsible for the injuries they cause to a plaintiff. By apportioning damages among all who are at fault, it will ultimately reduce the amount of damages owed by a defendant.⁷⁰

If this case had proceeded to trial, it would likely have been disputed that Ms. Constant was solely at fault in the collision or solely responsible for Mr. Correa's injuries and damages.⁷¹ Miami-Dade County raised the affirmative defense of comparative negligence in its Answer to the Plaintiffs' Complaint to reduce the County's liability in causing the accident and its responsibility for Mr. Correa's damages.

⁶⁸ In the Claim Bill Hearing the Claimant's attorney stated that Mr. Correa's Medicaid lien was approximately \$339,416. The "Claimant's Summary of the Case" indicates that Mr. Correa's past medical bills are approximately \$1,300,000. See also Gary A. Anderson, Summary of the Past and Present Value of Future Economic Loss to Jose Correa (May 30, 2023). The "Summary of the Past and Present Value of Future Economic Loss to Jose Correa" states that the estimated total of future loss is \$4,051,261, however, this is the amount Mr. Correa is expected to be billed but does not factor in any potential outside assistance (i.e. Medicare). See also Paul M. Ramos, Life Care Plan for Jose Correa (Oct. 16, 2023). See also s. 409.910(11)(f), F.S., which provides for recovery in a tort action when Medicaid has provided medical goods and services to a plaintiff who is a Medicaid recipient.

⁶⁹ See *Estate of Dougherty v. WCA of Florida, LLC*, (Fla. Cir. Ct. 2018). See also *Fernandez v. BFI Waste Systems of North America, Inc.* (Fla. Cir. Ct. 2000). See also *Gold v. Duncan; Sara Lee; Bryan Foods, Inc.* (Fla. Cir. Ct. 1991),

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Section 768.36(2), of the Florida Statutes, provides that:

“[i]n any civil action, a plaintiff may not recover any damages for loss or injury to his or her person or property if the trier of fact finds that, at the time the plaintiff was injured:

(a) The plaintiff was under the influence of any alcoholic beverage...to the extent that the plaintiff's normal faculties were impaired or the plaintiff had a blood or breath alcohol level of 0.08 percent or higher; and

(b) As a result of the influence of such alcoholic beverage the plaintiff was more than 50 percent at fault for his or her own harm.⁷²

Section 316.130(1), of the Florida Statutes., provides that a pedestrian must “obey the instructions of any official traffic control device specifically applicable to the pedestrian unless otherwise directed by a police officer.” Additionally, section 316.075(1)(c), of the Florida Statutes, states that a pedestrian facing a steady red signal may not enter the roadway.

Mr. Correa violated s. 316.130(1), F.S., by entering the roadway with a steady red signal, and is no more than 50 percent at fault for his injuries. However, Ms. Constant had a heightened duty to adhere to the requirements of the Miami-Dade County Personnel Rules, which requires bus drivers to give pedestrians the right-of-way, and as stated above, Ms. Constant breached that duty.

Ultimately, the following was established by the greater weight of the evidence; Mr. Correa was negligent when he entered the crosswalk with a steady red signal; and Ms. Constant was negligent when she pulled into the intersection and turned left when the traffic light was red.⁷³ The parties entered into a signed settlement agreement, and Miami-Dade County agrees with the claimant's position that this claim bill arises out of a settlement between Miami-Dade County and the

⁷² See s. 768.36(2), F.S. It is unclear whether Mr. Correa had been drinking prior to the accident and on the day of the accident. The recorded statement by Officer Smith indicated that Mr. Correa was “swaying” and was potentially intoxicated, however, evidence of an alcohol toxicology was not entered into the record. Additionally, at the claim bill hearing, Mr. Correa testified that he did not have any alcohol on the day of the accident.

⁷³ As stated above, Ms. Constant owed Mr. Correa a heightened duty of care as established by Miami-Dade County Personnel Rules, which requires bus drivers to give pedestrians the right-of-way.

claimant, Mr. Correa, and agrees to support a claim bill in the amount of \$4,100,000. Thus, the settled claim amount of \$4,100,000 to be paid by Miami-Dade County seems reasonable based on the evidence presented, including any comparative negligence, and in taking into consideration the unpredictable nature of juries.⁷⁴

ATTORNEY FEES:

Attorney fees may not exceed 25 percent of the amount awarded. The claimant's attorney has agreed to limit fees to 25 percent of any amount awarded by the Legislature. Additionally, lobbying fees will be limited to 7 percent of any amount awarded by the Legislature.

RECOMMENDATIONS:

Based on the foregoing, the undersigned recommends that Senate Bill 6 be reported FAVORABLY.

Respectfully submitted,

/s/ Carter McMillan
Senate Special Master

cc: Secretary of the Senate

⁷⁴ See *Estate of Dougherty v. WCA of Florida, LLC.*, 2018 WL 6925662 (Fla. Cir. Ct.), where a bicyclist was struck and killed by a truck as she was trying to get from the bike lane to the crosswalk and the truck driver failed to yield, failed to check his mirrors, failed to use his turn signal, and failed to slow down as he executed his turn. The Defense claimed that Dougherty made a sudden turn that put her bicycle in the path of the truck and that tests showed that Dougherty had both alcohol and cocaine in her system at the time of the crash. The jury found the plaintiff was "not under the influence of cocaine and/or alcohol to the extent that her normal faculties were impaired or that she had a blood alcohol level of 0.08 or higher" and was 20 percent negligent and the defendant was found to be 80 percent negligent, and awarded \$25,000,000 to the plaintiffs for the wrongful death of their daughter. See also *Fernandez v. BFI Waste Systems of North America, Inc.*, 2000 WL 33268233 (Fla. Cir. Ct.), where a 70 year old retired woman suffered injuries after she was struck while crossing a roadway outside of the crosswalk by the defendant recycling truck. In *Fernandez*, the jury found the plaintiff to be 50 percent negligent and the jury awarded \$1,487,000 to the plaintiff. The case was settled after trial for \$725,000. See also *Gold v. Duncan, Sara Lee, and Bryan Foods, Inc.*, 1992 WL 737190 (Fla. Cir. Ct.), where an 88 year old woman suffered an amputated right arm and her left arm was rendered useless as a result of being struck by a tractor-trailer driven by the defendant and owned by the co-defendants. The defendant had been stopped at a traffic light waiting to turn, and the plaintiff was waiting to cross the roadway. When the light turned green, the defendant started to execute a wide turn. When the plaintiff started to walk forward, she was struck, and the rear wheels of the trailer ran over her arms. The plaintiff contended that she did not think the truck was turning. The defendant alleged that the plaintiff walked into the truck, and two eyewitnesses stated that the plaintiff began walking after the truck was blocking the crosswalk. The plaintiff was found 50 percent negligent, and the award was reduced to \$2,000,000.

By Senator Rodriguez

40-00048-26

202614__

A bill to be entitled

An act for the relief of Jose Correa by Miami-Dade County; providing an appropriation to compensate Mr. Correa for injuries sustained as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of compensation and certain fees; providing an effective date.

WHEREAS, on December 16, 2021, Jose Correa was lawfully walking across Bird Road, SW 40th Street, within the marked crosswalk at the intersection of Bird Road and Le Jeune Road, SW 42nd Avenue, in Miami-Dade County, and

WHEREAS, a Miami-Dade County bus driver failed to observe Mr. Correa and made a left-hand turn at the intersection, causing a collision between the bus and Mr. Correa, and

WHEREAS, Mr. Correa has alleged, through a lawsuit filed on July 21, 2022, in the Circuit Court of the Eleventh Judicial Circuit, that the negligence of Miami-Dade County, through its bus driver, was the proximate cause of Mr. Correa's injuries, and

WHEREAS, Mr. Correa suffered personal injuries resulting in significant pain and anguish, including a below-knee amputation, and will continue to suffer pain and anguish for the remainder of his life, and

WHEREAS, since the incident, Mr. Correa has incurred considerable medical care and treatment costs related to his injuries, and he will require such care and treatment for the remainder of his life, and

WHEREAS, following the filing of the lawsuit, Mr. Correa

40-00048-26

202614__

and Miami-Dade County reached a settlement agreement in the amount of \$4.3 million, and

WHEREAS, pursuant to that settlement agreement and the limits of liability set forth in s. 768.28, Florida Statutes, the settlement agreement has been partially satisfied by Miami-Dade County in the amount of \$200,000, and the satisfaction of the remainder is contingent upon the passage of a claim bill in the amount of \$4.1 million, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. Miami-Dade County is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$4.1 million payable to Jose Correa as compensation for injuries and damages sustained.

Section 3. The amount paid by Miami-Dade County pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Jose Correa. The total amount paid for attorney fees and lobbying fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 4. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

| DATE | COMM | ACTION |
|---------|------|-----------|
| 1/5/26 | SM | Favorable |
| 1/12/26 | JU | Favorable |
| 1/20/26 | CA | Favorable |
| 2/3/26 | RC | Favorable |

January 5, 2026

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 16** – Senator Darryl Rouson
HB 6517 – Representative Berfield
Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg

SPECIAL MASTER’S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR \$2,300,000 FROM THE GENERAL REVENUE OF THE CITY OF ST. PETERSBURG. THIS AMOUNT IS THE UNPAID SETTLEMENT AGREEMENT BETWEEN HERIBERTO SANCHEZ-MAYEN, THE CITY OF ST. PETERSBURG, AND ST. PETERSBURG POLICE OFFICERS MICHAEL THACKER AND SARAH GADDIS, IN THEIR INDIVIDUAL CAPACITIES. THE SETTLEMENT RESOLVED A FEDERAL CIVIL ACTION ARISING FROM ALLEGED INJURIES RECEIVED BY HERIBERTO SANCHEZ-MAYEN WHILE IN POLICE CUSTODY, RESULTING IN THE AMPUTATION OF HIS LEGS.

FINDINGS OF FACT:

As noted by the U.S. District Court of the Middle District of Florida-Tampa Division, in an order granting, in part, a Motion to Dismiss in this matter, this case is unique in that “the entirety of the officers’ relevant conduct...is captured on three videotapes,” and “these three tapes are almost the entire case...both parties argued from the tapes without objection.” The authenticity of these videos was not challenged by either party.¹

¹ *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 10, 2025), at 1-2.

On the morning of June 8, 2023, Officer Sarah Gaddis (Gaddis) of the St. Petersburg Police Department, at approximately 10:25 a.m., responded to a call for service “regarding transients loitering in vacant lot just south of...251 15th Street North. The caller advised there were three subjects; a white male, a white female, and a Hispanic male.”²

The property in question is a long, narrow, vacant lot owned by the City of St. Petersburg. The lot is bounded by fencing on its long sides and can be ingressed and egressed from the narrower sides. These two narrower sides were marked with metal signs on wooden posts. From Officer Gaddis’ bodycam video of the incident in question, at least one sign, clearly visible from the street, stated “No Trespassing” and cited to St. Petersburg City Code 21-40. The wording of the other sign is not clear from the video; however, it is reasonable to assume it contained similar verbiage.³ Gaddis walked further into the lot, where she found Heriberto Sanchez-Mayen (Sanchez-Mayen) asleep on his back, barefoot, and lying on a piece of cardboard with a backpack near his arm. Nearby Sanchez-Mayen is a tarp tied up amongst a bamboo clump so as to make a makeshift shelter, as are several items of clothing, a pack of cigarettes, and a beer can.⁴ Various pieces of other rubbish can also be found around the lot. Gaddis arouses Sanchez-Mayen from his sleep by calling out his first name, which she clearly knows.⁵

After arousing Sanchez-Mayen, Gaddis informed him that he was trespassing and asks Sanchez-Mayen if he knew this (Sanchez-Mayen later denied seeing the no trespassing sign) and if the beer can nearby was his (which he also denied—Gaddis however, does not appear to believe this, as she states that the beer is a brand Sanchez-Mayen always drinks).⁶ She instructs Sanchez-Mayen to put on his shoes, gather his belongings, and accompany her to her police cruiser nearby to be issued “a ticket.”⁷ However, Gaddis

² Deposition of Officer Sarah Gaddis, Jan. 30, 2025, at 71, unmarked Claimant’s Exhibit.

³ Gaddis also states that both signs say, “no trespassing.” Bodycam video of Officer Sarah Gaddis, Jun. 8, 2023, at 0:30-32.

⁴ *Id.* at 1:25-2:01.

⁵ *Id.* at 0:49-52. In her deposition, Gaddis stated that “I was able to easily identify the Hispanic male as Heriberto Sanchez-Mayen, as we have had numerous previous interactions with him. He is a chronic offender of ordinances and violations downtown.” Deposition of Officer Sarah Gaddis, *supra* note 2 at 74.

⁶ Bodycam video of Officer Sarah Gaddis, *supra* note 3 at 0:50-2:36, unmarked Claimant’s Exhibit.

⁷ *Id.* at 0:50-1:06.

appears to immediately reconsider this, and asks into her radio whether the police transport van is nearby and then asks for the van to come to the lot for a trespass.⁸

Sanchez-Mayen, though seemingly groggy and potentially intoxicated, fully complies with Gaddis' instructions and is at no time combative or otherwise uncooperative.⁹ Gaddis also treated Sanchez-Mayen in a professional manner and was neither abusive nor physically threatening. Gaddis proceeded to conduct a search of Sanchez-Mayen's backpack and pats him down. Sanchez-Mayen continues to be cooperative, and Gaddis continues to be professional.¹⁰ Gaddis then informs Sanchez-Mayen that he will not be getting a ticket and will, instead, be arrested, stating that they are getting "all kinds of complaints," Sanchez-Mayen gets tickets "all the time," but does not care and continues to "not change his ways."¹¹

Shortly thereafter, Officer Michael Thacker (Thacker) arrives, who is the driver of the police transport van and responsible for transporting detainees to the police station "sally port." Gaddis informs Thacker of Sanchez-Mayen's name and that the charge against him is trespass. Two other unidentified officers are nearby; however, they are not substantially involved in the arrest other than to walk with Sanchez-Mayen to the van.¹² Thacker then says to Gaddis "I think after a certain many of these, it should be a felony." Gaddis indicates her agreement with this statement.¹³ Thacker then places Sanchez-Mayen in handcuffs and places a belly chain around Sanchez-Mayen's waist to which he attaches the handcuffs.¹⁴ Gaddis again re-iterates that Sanchez-Mayen will not "change his ways," to which Thacker says, "A year in jail would probably settle it."¹⁵ Gaddis then states, "Yeah...maybe...it's debatable."¹⁶ The officers search Sanchez-Mayen's backpack and load his property into a bag for Thacker to take with him for transporting Sanchez-Mayen.¹⁷

⁸ *Id.* at 1:07-1:27.

⁹ Officer Gaddis, in her deposition, stated that, from her recollection of that morning, Sanchez-Mayen did not appear intoxicated. Deposition of Officer Sarah Gaddis, *supra* note 2 at 86.

¹⁰ Bodycam video of Officer Sarah Gaddis, *supra* note 3 at 2:42-4:12.

¹¹ *Id.* at 4:50-55 and 6:15-20.

¹² *Id.* at 5:01-6:02.

¹³ *Id.* at 6:02-6:10.

¹⁴ *Id.* at 5:55-6:28.

¹⁵ *Id.* at 6:15-6:29.

¹⁶ *Id.* at 6:30-6:34.

¹⁷ *Id.* at 6:50-8:08.

Sanchez-Mayen is loaded into the police van, and he continues to be completely cooperative with no physical resistance whatsoever—although he does continue to appear to be groggy and potentially intoxicated.¹⁸ The van is a Ford Police Transport Van, with two compartments. Both compartments are metal, do not appear to have any padding of any sort, and are fitted with a metal, built-in bench structure that appears to have some sort of black anti-skid tape on the seat.¹⁹ The smaller side compartment has a single bench running the length of the compartment. This smaller compartment appears to have room for approximately one person.²⁰ The larger rear compartment is bifurcated with a metal partition running through the middle. The right side has a bench that runs the length of the compartment and terminates on the wall abutting the side compartment. It appears to potentially fit several transportees. The left side (where Sanchez-Mayen was loaded by Thacker) also has a bench that runs the length of the compartment; however, this bench also wraps around the bulkhead of the vehicle to create an L-shaped configuration. It also appears to potentially fit several transportees. The compartments do not have seatbelts or any other similar type of restraints.²¹

It was the policy of the City of St. Petersburg, at least at the time of the incident, that detainees would be handcuffed²² but were not required to be seat-belted or similarly restrained in police vans²³—a policy which counsel for the Claimant, at hearing, stated they “had no problem with.” However, Claimant does point out that it was safer, in the larger compartment, to have the transportee sit on the floor with their back against the bulkhead if possible, instead of on the bench. Thacker acknowledged this in his deposition and that he failed

¹⁸ *Id.* at 7:00-7:10.

¹⁹ Van Photo 45530-23-021625-A_11 through 17, unmarked Claimant's Exhibit.

²⁰ Detainee Kicking video, Jun. 8, 2023, Claimant's Exhibit 11.

²¹ *Id.*

²² St. Petersburg Police Department General Order: Transporting and Booking Prisoners, § III-10 (2016), unmarked Claimant's Exhibit, states that detainees placed in the prisoner transport van (PTV) must be handcuffed. Whether to do so in front or in back is at the discretion of the officer; however, if the prisoner is handcuffed in front, the handcuffs must be attached to a waist (i.e. belly) chain.

²³ Deposition of Officer Michael Thacker, Jan. 30, 2025, at 78-79, unmarked Claimant's Exhibit.

to ask Sanchez-Mayen to do so, despite nothing preventing him from doing this.²⁴

Sanchez-Mayen was loaded into the left-side portion of the rear compartment as the side compartment was already occupied by another detainee.²⁵ This detainee seemed to be less cooperative, exceedingly intoxicated, and kicking at the walls of the van and yelling.²⁶ The ride to the sally port is lengthy, however there is not a video of Sanchez-Mayen for most of this ride as Thacker admitted that he forgot to initialize the camera in the left-side of the larger compartment.²⁷ The failure to activate this camera was a violation of St. Petersburg Police Department protocol. According to Thacker, he heard a bump against the bulkhead of the compartment and at that point realized his error and activated the internal camera for the larger compartment.²⁸ This camera had a technology that, when turned on, would record the previous 30-35 seconds.

As the camera activates, the video shows Sanchez-Mayen quietly sitting upright on the metal bench. Moments later, the van appears to come to an abrupt halt.²⁹ Sanchez-Mayen, generally unable to brace himself due to the handcuffs and belly chain, falls, striking his head on the side of the van and then the metal bench. The fall appears to be with some force as Sanchez-Mayen's restraints made it difficult to break his fall in any meaningful way.³⁰

Immediately thereafter, Sanchez-Mayen can be seen lying generally motionless on the floor of the van (there may have been some minor movement, though it is unclear if this was independent movement on Sanchez-Mayen's part or was simply the movement of the van itself). This lasts for approximately five minutes. The van then appears to park,

²⁴ Deposition of Officer Michael Thacker, *supra* note 23 at 34-38, unmarked Claimant's Exhibit. In the deposition, Thacker stated that placing a detainee in this position is not always possible, some detainees are too large to fit and others are simply uncooperative and thus would not listen.

²⁵ *Id.* at 32-34.

²⁶ Detainee Kicking video, *supra* note 20.

²⁷ Deposition of Officer Michael Thacker, *supra* note 23 at 83.

²⁸ *Id.* at 83-86.

²⁹ The District court found that "Thacker stopped the van fairly suddenly...it was not a lurching, 'slam on the brakes' stop, but it was a fairly sudden, definitely firm stop." *Sanchez-Mayen v. City of St. Petersburg*, et al, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 10, 2025), at 10.

³⁰ Inside van video, Jun. 8, 2023, at 0:40-48.

and lights come on in the compartment, as the van arrives at the station.³¹

Thacker then opens the back door of the van to find Sanchez-Mayen lying face-down on the floor of the compartment, unresponsive. Thacker makes several attempts to arouse Sanchez-Mayen by loudly saying his name and strongly shaking at Sanchez-Mayen's leg and lower back. Thacker then firmly pulls up on one of Sanchez-Mayen's shoulders and again, repeatedly shouts Sanchez-Mayen's name and tells him to wake up. Thacker does not appear to check Sanchez-Mayen for any injuries that may have caused his unresponsiveness.³²

Finding Sanchez-Mayen still unresponsive, Thacker then begins to pull Sanchez-Mayen out of the van by forcefully pulling on his ankles—dragging Sanchez-Mayen face-first across the floor of the van.³³ Thacker then appears to ask for help from another officer to fully remove Sanchez-Mayen from the van.³⁴

Thacker then proceeds, with the assistance of another officer, to roughly pull the unconscious Sanchez-Mayen completely from the van and flip him over.³⁵ Sanchez-Mayen's head slunk back onto the van floor as Thacker continues to call out and shake Sanchez-Mayen to "wake up."³⁶ Sanchez-Mayen head then slips further and strikes the side of the van door where he momentarily ends up in a sitting position with his head wedged between the van door and fender.³⁷ Thacker then directs the other officer to "go get the nurse" and keeps attempting to shake and rouse Sanchez-Mayen, eventually allowing him to further fall and strike the station floor.³⁸ Thacker then proceeds to pull Sanchez-Mayen by his feet again, dragging him across the station floor.³⁹ Shortly thereafter, multiple responders arrive and begin treatment asking Thacker if Sanchez-Mayen was breathing—to which

³¹ *Id.* at 5:40-50

³² *Id.* at 5:44-6:05.

³³ *Id.* at 6:06-6:30.

³⁴ *Id.* at 6:30-6:32.

³⁵ Inside van video, Jun. 8, 2023, at 1:46-2:00.

³⁶ *Id.* at 2:01-2:09.

³⁷ *Id.* at 2:09-2:15.

³⁸ *Id.* at 2:15-2:20.

³⁹ *Id.* at 2:20-2:25.

Thacker said he “gasped a couple of times.”⁴⁰ Thacker gives Sanchez-Mayen a “sternum rub” and the respondents then begin to give full first aid to Sanchez-Mayen, including CPR and application of Narcan—presumably due to Thacker or the responders believing that Sanchez-Mayen may have had a drug overdose.⁴¹ Eventually, additional responders arrive and, after about 13 minutes of treatment, Sanchez-Mayen is loaded onto a gurney and wheeled away.⁴² It appears that the responders did not suspect at any time that Sanchez-Mayen had a head or spinal injury.

Thacker, from the time he found the unconscious Sanchez-Mayen until the time he removed him from his van, appeared to give no effort in assessing Sanchez-Mayen for an apparent injury, protecting Sanchez-Mayen from any injury, or protecting against aggravating any injury Sanchez-Mayen may have had. The District Court characterized Thacker’s treatment of Sanchez-Mayen after finding him unconscious as “giving no apparent effort whatsoever to considering bodily injury or protecting against aggravating one, other than noting ‘he is unconscious,’ and that Thacker’s handling of Sanchez-Mayen “was very rough, indeed sloppy or cavalier handling of a potentially injured person.”⁴³ Further, the court stated that the extraction of Sanchez-Mayen was “reckless, callous, and something every Boy Scout with a First Aid merit badge would know is entirely improper.”⁴⁴ These characterizations are quite accurate.

On his way to the hospital, Sanchez-Mayen was given a notice to appear on the charge of “trespass on property other than a structure or conveyance.”⁴⁵ This charge was subsequently dismissed by the Pinellas County Court on February 22, 2024, on the grounds that the lot in question was not appropriately posted or marked as required under the applicable trespass statute: section 810.09, of the Florida Statutes.⁴⁶

⁴⁰ *Id.* at 2:28-3:12.

⁴¹ *Id.* at 3:12-16:10.

⁴² *Id.* at 4:40-2:15

⁴³ *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, (M.D.Fla Mar. 10, 2025), at 11-13.

⁴⁴ *Id.* at 24.

⁴⁵ *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, (M.D.Fla Mar. 10, 2025), at 13.

⁴⁶ *State of Florida v. Heriberto Sanchez-Mayen*, No 23-09240-MM-G, (Pinellas Cty. Ct., Feb. 22, 2024). “Trespass on property other than structure or conveyance,” requires such property to be posted pursuant to s. 810.11(5)(a), F.S., which requires, in part, “no trespassing” signs be posted at not more than 500 feet apart along and at each corner of the boundaries of the land. The property in question here only had one (possibly two) such signs.

Sanchez-Mayen was initially taken to HCA Largo Hospital, where he was eventually, after a CT scan, diagnosed with a C3 (a thin vertebra in the neck) anterior inferior corner fracture and a perivertebral edema/hematoma from an odontoid⁴⁷ fracture. A CT angiogram also revealed a Type B aortic dissection. It was also noted that Sanchez-Mayen was able to slightly shrug his shoulders, had minimal movement in his right foot, decreased sensation to all four extremities, and was unable to move his arms—he was diagnosed with a significant spinal cord injury. In addition, Sanchez-Mayen's feet were cool and mottled. Physicians also determined that there was a low likelihood that Sanchez-Mayen would regain function of his legs. After determining that HCA Largo Hospital was unable to meet Sanchez-Mayen's needs, he was transferred to Tampa General Hospital later that same day.⁴⁸

On August 12, owing to his traumatic injuries, Sanchez-Mayen underwent above-the-knee amputation of both of his legs. He also suffered from acute respiratory failure later that month during his stay—necessitating a tracheostomy.⁴⁹ On August 22, 2023, Sanchez-Mayen was discharged from Tampa General and moved to a skilled nursing facility.⁵⁰ Sanchez-Mayen eventually moved into his sister's residence, where he continues to receive full-time care from his sister and other health professionals.

It was clear from his appearance at the hearing, which was by Web-X due to his condition and mobility issues, that Sanchez-Mayen still has extremely limited ability to use his hands and has difficulty raising his arms. A life care plan submitted by the Claimant found that Sanchez-Mayen will likely need ongoing medical care and support care throughout the remainder of his life expectancy.⁵¹ The life care plan noted the following support needed for Sanchez-Mayen:

- Spinal injury: He cannot raise his arms above his head and lacks the ability to grasp with his hands. In addition, he has altered sensation in his lower back, down his

⁴⁷ The odontoid is a tooth-like projection from the second cervical vertebra (C2) at the top of the neck.

⁴⁸ *Life Care Plan for Heriberto Sanchez Mayen* (Robert P. Tremp Jr., Client M.D. Life Care Plans, May 16, 2025), unmarked Claimant's Exhibit, and *Discharge Summary* (Catherine Deluna, Tampa General Hospital, Jun. 8, 2023), unmarked Claimant's Exhibit.

⁴⁹ *Life Care Plan for Heriberto Sanchez Mayen*, *supra* note 48.

⁵⁰ *Discharge Summary*, *supra* note 48.

⁵¹ *Life Care Plan for Heriberto Sanchez Mayen*, *supra* note 48.

legs, shoulder and muscle pain in his arms, and phantom pain in his limbs.

- Bowel/bladder: He is unable to move his bowel without digital stimulation and is incontinent. He must wear diapers which need to be changed by caregivers. Sanchez-Mayen also suffers from frequent urinary tract infections.
- Turning/transfers/attendant needs: He requires assistance to turn in bed and needs the assistance of two to transfer from bed, though he can maintain a sitting position—with his head up—once helped to this position. In addition, he is dependent on caregivers for his feeding, personal hygiene, and oral care, and essentially all daily needs.
- Complications: He reports frequent, painful, and violent spasms.⁵²

The life care plan report notes three potential options, and estimated costs, for Sanchez-Mayen's continuing care:

- Option 1: Privately hired caregivers in his home at a cost of \$7,088,677.
- Option 2: Hiring a team of caregivers through a home health agency at a cost of \$10,105,567.
- Option 3: Full-time placement in a skilled nursing facility at a cost of \$4,895,793.⁵³

LITIGATION HISTORY:

On March 18, 2024, Claimant filed a complaint (in Federal Court) against the City of St. Petersburg, Thacker, and Gaddis.⁵⁴ Claimant filed an amended complaint on June 11, 2024, alleging the following against the City of St. Petersburg, Thacker (in his individual capacity), and Gaddis (in her individual capacity):

Count 1 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—deliberate indifference toward an excessive risk to health and safety.

Count 2 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—deliberate indifference to serious medical need.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 18, 2024).

Count 3 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—excessive force.

Count 4 (Federal Claim): 42 U.S.C. § 1983 Claim against Gaddis—false arrest.

Count 5 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—failure to intervene as to Gaddis' false arrest.

Count 6 (Federal Claim): 42 U.S.C. § 1983 Claim against Gaddis—failure to intervene as to Thacker's deliberate indifference toward excessive risk to health and safety.

Count 7 (Federal Claim): 42 U.S.C. § 1983 Claim against Gaddis—malicious prosecution.

Count 8 (Federal Claim): 42 U.S.C. § 1983 Claim against Thacker—failure to intervene in malicious prosecution by Gaddis.

Count 9 (Federal Claim): *Monell* claim against the City of St. Petersburg for promulgation and adherence to policies in violation of Mayen's constitutional rights.

Count 10 (State Claim): Claim against Gaddis for false imprisonment.

Count 11 (State Claim): Claim against Thacker for false imprisonment.

Count 12 (State Claim): Claim against Gaddis for malicious prosecution.

Count 13 (State Claim): Claim against Thacker for malicious prosecution.

Count 14 (State Claim): Claim against Thacker for battery.

On March 10, 2025, the District Court granted, in part, a motion to dismiss claims against the City, Thacker, and Gaddis. The order dismissed with prejudice counts 4, 6, and 7 against Gaddis. The dismissal of these claims extinguished all Federal claims against Gaddis, and, therefore, the court dismissed the state court claims against Gaddis, without

prejudice, due to lack of independent subject matter jurisdiction.⁵⁵

Regarding Thacker, the District Court dismissed, with prejudice, counts 5 and 8 against him. The court also dismissed, without prejudice, claims 1 and 2 against Thacker, stating that he “is not, at this time, entitled to a dismissal of a ‘deliberate indifference’ claim under qualified immunity. But, the two counts are multiplicitous and contain some assertions that are not actionable.” The court directed the claimant to combine and restate the claim in any second amended complaint. However, the court did state that the allegations in the amended complaint “if true, deprive Officer Thacker of qualified immunity on this claim, at this stage.”⁵⁶

The court also dismissed, without prejudice, counts 11 and 13 against Thacker. The court dismissed these counts because it found that Gaddis had probable cause for arrest. The court doubted the claims could be reasserted successfully; however, the court allowed the Claimant to do so if they so chose.

The court did not dismiss count 3 against Thacker. Though it found the claim “to be unusual for an excessive force case” and it was unlikely that Thacker drove the van to deliberately injure or intimidate Sanchez-Mayen, “the accusation suffices at this stage” to avoid dismissal. In addition, the court cites to the potential “battery” of Sanchez-Mayen in his removal from the van as a reason not to dismiss the claim.

The court also did not dismiss count 14 against Thacker, noting that a battery, as alleged, “would not be subject to the immunity provided by s. 768.28(9)(a) because an intentional battery would establish malice.”⁵⁷

The court also dismissed, without prejudice, count 9 for failure to state a proper cause of action.⁵⁸

On March 14, 2025, the parties, after mediation, reached settlement on all matters in the case. That same day, the District Court acknowledged that settlement had been

⁵⁵ *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 10, 2025).

⁵⁶ *Id.*

⁵⁷ Citing to *Holland v. Glass*, 213 So.2d 320, 321 (Fla. 4th DCA 1968).

⁵⁸ *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 10, 2025).

reached in the case and dismissed it without prejudice for 60 days—after 60 days, that dismissal became with prejudice and, therefore, final.⁵⁹

None of the pled counts in this matter at the district court were for negligence per se. All were for either deliberate indifference (a higher standard of proof than simple negligence) or intentional torts. However, the notarized settlement in this case states that it “settles the negligence claims against the City. Sanchez-Mayen withdraws the individual claims against the officers.” This settlement was executed by the parties and approved by the District court in dismissing the case due to settlement.

As confirmed with counsel for the Claimant at the Special Master hearing conducted regarding this matter, the claims settled by the parties—and under consideration in the matter at hand—are the negligence claims against officers (particularly Thacker) and the vicarious liability, under the theory of respondeat superior, for the City of St. Petersburg regarding the officer’s actions. Counsel for the City of St. Petersburg did not object to this characterization at the Special Master hearing, despite given a chance to do so.

Since the District court dismissed Gaddis from the matter, and the Claimant stated at the Special Master hearing that their claim of negligence was particularly regarding Thacker’s conduct, any tort liability regarding Gaddis’ conduct (which, consequently, did not show negligence on her part) will not be further considered here.

CONCLUSIONS OF LAW:

Section 768.28, of the Florida Statutes, waives sovereign immunity for tort liability up to \$200,000 per person and \$300,000 for all claims or judgments arising out of the same incident. Sums exceeding this amount are payable by the State and its agencies or subdivisions by further act of the Legislature.

Negligence, Generally

Negligence is the failure to take care to do what a reasonable and prudent person would ordinarily do under the

⁵⁹ *Sanchez-Mayen v. City of St. Petersburg, et al*, No. 8:24-CV-00690-WFJ, at (M.D.Fla Mar. 14, 2025).

circumstances.⁶⁰ Negligence is inherently relative— “its existence must depend in each case upon the particular circumstances which surrounded the parties at the time and place of the events upon which the controversy is based.”⁶¹

Negligence comprises four necessary elements: (1) *duty*—where the defendant has a legal obligation to protect others against unreasonable risks; (2) *breach*—which occurs when the defendant has failed to conform to the required standard of conduct; (3) *causation*—where the defendant’s conduct is foreseeably and substantially the cause of the resulting damages; and (4) *damages*—actual harm.⁶²

Vicarious Liability

Section 768.28(9)(a), of the Florida Statutes, provides, in part, that the exclusive remedy in a tort action for an injury caused by an officer, employee, or agent of the state or of any of its subdivisions—acting within the course and scope of their employment—is an action against the government entity (not the individual employee). Thus, such government entity is vicariously liable for such person’s actions under the doctrine of respondeat superior.⁶³

However, if the act is outside of the officer, employee, or agent’s course and scope of employment—or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property—then the officer, employee, or agent may be personally liable (and the government entity would not be liable).⁶⁴

Duty

Duty Element with Government Entities

To have liability in tort for a government entity, there must exist an “underlying common law or statutory duty of care with respect to the alleged negligent conduct. For certain basic judgmental or discretionary governmental functions, there has

⁶⁰ *De Wald v. Quarnstrom*, 60 So.2d 919, 921 (Fla. 1952).

⁶¹ *Spivey v. Battaglia*, 258 So.2d 815, 817 (Fla. 1972).

⁶² *Williams v. Davis*, 974 So.2d 1052, 1056–1057 (Fla. 2007).

⁶³ *City of Boynton Beach v. Weiss*, 120 So. 3d 606, 611 (Fla. 4th DCA 2013).

⁶⁴ *Id.*

never been an applicable duty of care.”⁶⁵ Section 768.28, of the Florida Statutes, does not establish any new duty of care for governmental entities. The purpose of statute was to waive immunity that prevented recovery for breaches of existing common-law duties of care.⁶⁶

Duty of Care to Person in Custody

A common law duty of care is owed to a person that law enforcement has taken into custody.⁶⁷ Accordingly, Thacker had a legal obligation to act as a reasonably prudent person under similar circumstances. This is because an officer, when taking a person into custody, places that person in a foreseeable zone of risk by taking away that person's normal opportunity for protection.⁶⁸ The Florida Supreme Court has recognized that when a person's "conduct creates a foreseeable zone of risk, the law generally will recognize a duty placed upon defendant either to lessen the risk or see that sufficient precautions are taken to protect others from the harm that the risk poses."⁶⁹ In addition, Florida, "recognizes that a legal duty will arise whenever a human endeavor creates a generalized and foreseeable risk of harming others," and "as the risk grows greater, so does the duty, because the risk to be perceived defines the duty that must be undertaken."⁷⁰ The City of St. Petersburg seems to recognize the inherent risk in transporting detainees as its general order regarding the transporting and booking of prisoners states that, "transporting prisoners is a potentially dangerous function...it is the policy of the St. Petersburg Police to take all necessary precautions, while transporting prisoners, to protect the lives and safety of Officers, the public, and the person(s) in custody."⁷¹

Certainly, any reasonable person, and especially a trained police officer, would know of the significant dangers of a person not being seat-belted. Clearly, this risk grows if such person has been handcuffed to a belly-chain and

⁶⁵ *Trianon Park Condo. Ass'n, Inc. v. City of Hialeah*, 468 So. 2d 912, 917 (Fla. 1985).

⁶⁶ *Id.*

⁶⁷ *Kaiser v. Kolb*, 543 So. 2d 732 (Fla 1989).

⁶⁸ *Henderson v. Bowden*, 737 So. 2d 532, 536 (Fla. 1999).

⁶⁹ *Kaiser* at 735, and

⁷⁰ *McCain v. Florida Power Corp.*, 593 So. 2d 500, 503 (Fla. 1992).

⁷¹ St. Petersburg Police Department General Order: Transporting and Booking Prisoners, *supra* note 22.

could not attempt to brace themselves in any effective way. Here, Thacker knew, or should have known, the significant risk he places detainees in when he places them in the back of the police van. Transporting detainees in this situation creates a foreseeable zone of risk that said arrestee has a significantly increased chance of injury from a traffic accident or even a sudden braking incident. Thacker owed a duty to Sanchez-Mayen to account for this significant and foreseeable zone of risk.

Breach

Failure to Seatbelt or Otherwise Secure Sanchez-Mayen

As stated above, Claimant stated that they “had no problem with” the City of St. Petersburg’s policy of not seat-belted or similarly restraining detainees in its police vans. However, the Claimant does point out that it was safer, in the larger compartment, to have the detainee sit on the floor with their back against the bulkhead if possible, instead of on the bench. Thacker acknowledged this in his deposition and that he failed to ask Sanchez-Mayen to do so, despite nothing preventing him from doing this.

While it may be a matter of some conjecture whether the policy of the City of St. Petersburg not to use seatbelts or similar restraints in the back of its police vans is negligent in and of itself, the claims regarding the City’s overall policy are not at issue here. As affirmed by the Claimant, the negligence claim rests on the behavior of Thacker—not whether the City’s policies are reasonable or prudent themselves.

Instead, it was Thacker’s failure to direct Sanchez-Mayen to sit on the floor of the vehicle, against the bulkhead—despite no reason not to do so and knowing this was the safest position—that potentially breached his duty of care to Sanchez-Mayen.

In isolation, Thacker’s failure to advise Sanchez-Mayen to sit on the floor may not rise to the level of breaching his duty of care to Sanchez-Mayen. However, taken with the totality of the circumstances below, Thacker’s actions do breach his duty of care to Sanchez-Mayen and the failure

to direct or recommend to Sanchez-Mayen that he sit in a safer position is a contributing factor.

Removal of Sanchez-Mayen from Police Van

Even if Thacker believed Sanchez-Mayen had simply passed out from intoxication or a drug overdose, the careless and reckless manner in which he removed Sanchez-Mayen from the van presented an unacceptably high potential of serious injury. Something any reasonable person, especially a trained law enforcement officer, should have ascertained. In addition, that Sanchez-Mayen was completely unconscious and unresponsive should give any reasonable person, especially trained law enforcement personnel, wariness that Sanchez-Mayen may be experiencing some kind of neurological or spinal injury. Such a reasonable person would have taken reasonable precautions to protect his head, neck, and spine. Thacker, instead, did exactly the opposite—subjecting Sanchez-Mayen to additional and needless spinal and head trauma after Sanchez-Mayen likely had already suffered significant trauma from his initial fall. While it is difficult, if not impossible, to assess to what extent Sanchez-Mayen's injuries were from his initial fall or subsequent handling by Thacker, there is little doubt Thacker's actions exacerbated an already perilous situation.

Failure to Note Potential Neurological and Spinal Trauma

Thacker also breached his duty of care to Sanchez-Mayen by not activating his camera per department protocol, and, thus, did not see Sanchez-Mayen fall in the van (he only activated the camera presumably after hearing Sanchez-Mayen fall against the bulkhead). Had he seen Sanchez-Mayen fall, he may have conducted himself differently after seeing Sanchez-Mayen motionless on the floor. In addition, after seeing Sanchez-Mayen motionless on the floor of the van, Thacker did not reasonably assess whether Sanchez-Mayen may have been injured in a fall.

Given the foreseeable risk of injury of a potential fall in the van, Thacker should have at least been cognizant of a potential head or spinal injury and conducted himself accordingly. Further, his lack of care in assessing the

situation was a contributing factor to Sanchez-Mayen not receiving more prompt care for his spinal injuries. Had Thacker undertaken a better assessment of the situation, Sanchez-Mayen may have had an improved outcome or some of his injuries could have been better mediated by medical personnel.

Causation

Thacker's negligence was the cause of Sanchez-Mayen's injuries in three ways:

1. Thacker failed, without any reasonable cause, to instruct Sanchez-Mayen to sit at the bottom of the transport van, despite knowledge that this was the safest place in the larger compartment. While this element, taken in isolation, may not be the complete cause of Sanchez-Mayen's injuries, it was certainly a significant factor.
2. Thacker failed to be reasonably wary of a potential spinal or neurological injury after observing Sanchez-Mayen motionless and unresponsive. This was compounded by Thacker's failure to turn on his camera per department protocol.
3. Even without suspecting a spinal or neurological injury, Thacker's handling of a motionless and unresponsive Sanchez-Mayen was reckless and callous, and, even without an existing spinal or neurological injury to Sanchez-Mayen, could have done serious harm.

Thacker's actions during the time Sanchez-Mayen was in his custody, taken in totality, were the actual and proximate cause of Sanchez-Mayen's injuries.

Damages

Through the provision of records and evidence showing Sanchez-Mayen's injuries, the Claimant has established that the settlement of \$2,500,000 (of which \$200,000 has already been paid to Sanchez-Mayen by the City of St. Petersburg) was reasonable and should not be disturbed.

The cost of Sanchez-Mayen's needed continuing care,⁷² as provided by the Claimant, demonstrates that the settled award is appropriate.

At the Special Master hearing, the Claimant provided that it was their intention that the potential proceeds of the claim bill, if approved, would be placed within a special needs trust to maintain some of Sanchez-Mayen's public benefits while also using the trust proceeds to pay for his other needs. Counsel for the Claimant also provided, in their statement of funds, that the funds would also be used to settle outstanding Medicare liens of \$96,792.72 and \$175,734.11 (along with an associated fine related to those liens of \$4,285.00) relating to Sanchez-Mayen's previously received care.

ATTORNEY FEES:

Section 768.28(8), of the Florida Statutes, states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement.

The Claimant's attorney has submitted an affidavit to limit attorney fees to 25 percent of the total amount awarded and has not sought any attorney fees for her lobbying effort on behalf of Sanchez-Mayen.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that SB 16 be reported FAVORABLY.

Respectfully submitted,

Kurt Schrader
Senate Special Master

cc: Secretary of the Senate

⁷² As mentioned above, the least expensive option provided in the life care plan for Sanchez-Mayen, was \$4,895,793.

By Senator Rouson

16-00065A-26

202616__

A bill to be entitled

An act for the relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg; providing for an appropriation to compensate Mr. Sanchez-Mayen for injuries sustained as a result of the negligence of the City of St. Petersburg; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on June 8, 2023, Heriberto A. Sanchez-Mayen, a resident of St. Petersburg, Florida, was found asleep on a piece of cardboard just after 10 a.m. in a daytime-only designated park by a St. Petersburg police officer, and

WHEREAS, although Mr. Sanchez-Mayen was lawfully present on the property at this time of day, a St. Petersburg police officer arrested him for trespassing and called the prisoner transport van, and

WHEREAS, the transport officer handcuffed Mr. Sanchez-Mayen and attached a metal belly chain, which restricted the use of his arms, and placed him unsecured, without a seatbelt or other stationary tethering, on a metal bench in the back of a metal transport van, and

WHEREAS, while en route to the Pinellas County Jail, the transport officer, who had not engaged the van's interior video camera showing Mr. Sanchez-Mayen, stopped short for a red light, causing Mr. Sanchez-Mayen, who had no ability to brace or protect himself because he was restrained, to be thrown head first from the back of the van into the bulkhead, where he laid motionless. This was ultimately captured on the van's interior

16-00065A-26

202616__

video camera, and

WHEREAS, instead of immediately seeking medical treatment for Mr. Sanchez-Mayen, the transport officer continued to drive to the jail where, upon arrival, Mr. Sanchez-Mayen was still motionless and unresponsive on the metal floor of the van, and

WHEREAS, the transport officer proceeded to remove Mr. Sanchez-Mayen's body from the van by dragging him by his feet, causing his head to strike the rear bumper, the rear door, and the cement floor, and

WHEREAS, Mr. Sanchez-Mayen was taken to a local hospital for approximately 12 hours before being transported to Tampa General Hospital, where doctors determined that Mr. Sanchez-Mayen had sustained catastrophic injuries, including a closed displaced fracture of the third cervical vertebra, a closed odontoid fracture, dissection of the descending thoracic aorta, and spinal cord compression, which ultimately led to amputation of both of his legs above the knees, rendering him an incomplete quadriplegic, and

WHEREAS, as a result of the injuries sustained during transport, Mr. Sanchez-Mayen requires supervised medical care, home health care, and other services and support for the rest of his life, and

WHEREAS, on March 18, 2024, Mr. Sanchez-Mayen brought suit against the City of St. Petersburg and two individual St. Petersburg police officers in the United States District Court for the Middle District of Florida, Tampa Division, under case number 8:24-CV-00690-WFJ-TGW, and

WHEREAS, on March 12, 2025, Mr. Sanchez-Mayen and the City of St. Petersburg entered into a settlement agreement for \$2.5

16-00065A-26

202616__

59 million, and

60 WHEREAS, in accordance with s. 768.28, Florida Statutes,
61 the City of St. Petersburg paid \$200,000 to the trust account of
62 Mr. Sanchez-Mayen's lawyer, and

63 WHEREAS, Mr. Sanchez-Mayen remains liable for both Florida
64 and Pennsylvania Medicaid liens, and

65 WHEREAS, the settlement agreement provides for the entry of
66 a consent judgment for the remaining amount of \$2.3 million and
67 cooperation by the City of St. Petersburg in not opposing this
68 claim bill, NOW, THEREFORE,

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. The facts stated in the preamble to this act are
73 found and declared to be true.

74 Section 2. The City of St. Petersburg is directed to draw a
75 warrant in the sum of \$2.3 million payable to Heriberto A.
76 Sanchez-Mayen as compensation for injuries and damages
77 sustained.

78 Section 3. The amount paid by the City of St. Petersburg
79 pursuant to s. 768.28, Florida Statutes, and the amount awarded
80 under this act are intended to provide the sole compensation for
81 all present and future claims arising out of the factual
82 situation described in this act which resulted in injuries and
83 damages to Heriberto A. Sanchez-Mayen. The total amount paid for
84 attorney fees relating to this claim may not exceed 25 percent
85 of the total amount awarded under this act.

86 Section 4. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations, *Vice Chair*
Agriculture
Appropriations Committee on Criminal and
Civil Justice
Appropriations Committee on Health and
Human Services
Children, Families, and Elder Affairs
Ethics and Elections
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON

16th District

January 20, 2026

Senator Kathleen Passidomo
Chairman, Committee on Rules
402 Senate Office Building
404 S Monroe St
Tallahassee, FL 32399

Dear Chair Passidomo,

I am respectfully requesting SB 16, Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg, be added to the agenda of a forthcoming meeting of the Committee on Rules for consideration.

I am available for any questions you may have about this legislation. Thank you in advance for the committee's time and consideration.

Sincerely –

A handwritten signature in cursive script that reads "Darryl E. Rouson".

Senator Darryl E. Rouson
Florida Senate District 16

REPLY TO:

- ☐ 535 Central Avenue, Suite 302, St. Petersburg, Florida 33701 (727) 822-6828
- ☐ 212 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
APPEARANCE RECORD

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

SB 16

Bill Number or Topic

Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

☒ Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

Lawyer for Mr. Sanchez-Mayer

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

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

| DATE | COMM | ACTION |
|---------|------|-----------|
| 1/5/26 | SM | Favorable |
| 1/12/26 | JU | Favorable |
| 1/20/26 | CA | Favorable |
| 2/3/26 | RC | Favorable |

January 5, 2026

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 24** – Senator Gruters
HB 6515 – Representative Busatta
Relief of Lourdes Latour and Edward Latour by Miami-Dade County

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM BILL FOR LOCAL FUNDS IN THE AMOUNT OF \$500,000, PAYABLE FROM UNENCUMBERED FUNDS OF MIAMI-DADE COUNTY, BASED ON A SETTLEMENT AGREEMENT BETWEEN LOURDES AND EDWARD LATOUR AND MIAMI-DADE COUNTY. THE SETTLEMENT AGREEMENT RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENCE OF THE COUNTY THAT CAUSED INJURIES TO LOURDES LATOUR AND HER HUSBAND, EDWARD LATOUR.

FINDINGS OF FACT:

At approximately 10:45 on the morning of November 5, 2017, Lourdes Latour and her Husband, Edward Latour (collectively "Claimants"), were bicycling to visit a relative in the Gables by the Sea Community (the "Community") located in Coral Gables, Miami-Dade County (the "County"), something they had done together ten to fifteen times prior. At all times relevant to the matter, the County owned the land upon where the accident occurred and was the legal entity that designed, operated, maintained, and controlled the guard gates and guard houses of the Community.

The Claimants entered the Community without incident and sometime later (within 30 minutes) began to exit the Community on their bicycles. As there was insufficient space for a bicycle to bypass the gate when exiting, and as they had done during their prior visits to the Community while on bicycles, they approached the guard gate to exit and the gate's arm opened for Mr. Latour to exit. After his successful exit, the gate arm closed. Mrs. Latour waited for the gate arm to open again so she could exit. Once the gate arm opened, Mrs. Latour began to exit but the gate arm closed suddenly and unexpectedly before she had cleared the gate, striking her and knocking her off her bicycle. A bystander called 911 and Mrs. Latour was transported by Miami-Dade EMS to South Miami Hospital.

Once she was knocked to the ground, Mrs. Latour came in and out of consciousness several times. She remembers hearing her husband scream, fluid coming from the back of her mouth, someone yelling not to move her, a woman telling her everything would be okay, and someone bringing ice for her head.¹ She remembers EMS personnel moving her, waking up in an ambulance, waking up in the hospital, and having her clothing cut off of her.²

On the day of the accident, Lourdes Latour was 63 years old and Edward Latour was 67 years old. They had been married for 43 years. Both of the Latours were born in Cuba but are U.S. citizens and have lived in Miami since they were small children. They have two grown children together.

INJURIES – As a result of the accident, Mrs. Latour suffered a supracondylar humerus fracture with intercondylar split in her left arm which is a severe break of the upper arm bone just above the elbow, with the added complication of a fracture line that goes through the elbow joint. Treatment of her injury required three surgical procedures over the year following the accident as the fracture resulted in a non-union as it healed.

Mrs. Latour's first surgery was performed on November 7, 2017. Her orthopedic surgeon, Robert Miki, M.D., testified that because the fracture was within the elbow joint, he had to

¹ Deposition of Lourdes Latour, July 16, 2019, p. 67, line 21 – p. 68, line 17.

² *Id.*

break another bone to get to the fracture site.³ Dr. Miki testified that the surgery included the placement of a screw, wires, and two metal plates in her arm.⁴

Mrs. Latour's second surgery was performed by Dr. Miki on April 11, 2018. During this surgery, Dr. Miki testified he opened the wound and removed one of the plates and the screw he had placed in the arm to heal the bone he had to break during the first surgery.⁵

Mrs. Latour's third surgery was performed by Dr. Miki on August 31, 2018. During this surgery, Dr. Miki testified that because her bones had not yet healed, he had to remove the remaining plate in her arm and replace it with a set of new plates.⁶ After this surgery, her arm was placed in a long-arm cast.

Mrs. Latour suffers permanent shooting pain on a daily basis that limits her ability to perform many basic activities of daily living, including driving, shopping, laundry, cooking, bathing, grooming, and household chores.⁷ Her injuries have required her to give up activities she enjoyed prior to the accident, including boating, gardening, dancing, working out, bicycling, going for walks, Pilates, and yoga.⁸ Due to the pain and lack of strength, her left arm has limited function.

Dr. Miki testified that he believes Mrs. Latour will develop some level of traumatic arthritis⁹, that her injuries are "definitely permanent"¹⁰, and that she may need additional surgeries to release the ulnar nerve and remove the plates in her arm.¹¹

LITIGATION HISTORY:

On October 17, 2018, Claimants filed a lawsuit against the County. In January 2025, the case proceeded to trial and the jury returned a verdict in favor of the Claimants. The verdict awarded \$4,750,000 to Mrs. Latour (\$4,000,000 for past damages and \$750,000 for future damages) and \$165,000 to

³ Deposition of Roberto A. Miki, M.D., Dec. 15, 2022, p. 14, lines 3 – 9.

⁴ *Id.* at p. 14, lines 14 - 21.

⁵ *Id.* at p. 22, lines 18 – 25.

⁶ *Id.* at p. 27, lines 1 – 7.

⁷ Deposition of Lourdes Latour, July 16, 2019, p. 69, lines 10 – 15; p.ge 72, line 23 – p. 75, line 10.

⁸ *Id.*

⁹ Deposition of Roberto A. Miki, M.D., Dec. 15, 2022, p. 37, lines 9 – 15.

¹⁰ *Id.* at p. 39, lines 15 – 18.

¹¹ *Id.* at p. 36, lines 19 – 25.

Mr. Latour (\$100,000 for past damages and \$65,000 for future damages). The jury found the County 100 per cent at fault and found no fault against the Claimants or the company providing guard services at the gate, U.S. Security Associates.

The County appealed the verdict and a settlement was reached by the parties prior to the appellate court ruling on the matter. Pursuant to the settlement agreement, the County agreed to pay the Claimants \$800,000. The terms of the agreement required the County to pay the sovereign immunity limits of \$300,000, with the remaining \$500,000 balance to be paid upon the passage of a claim bill.

RESPONDENT'S POSITION:

The County agrees that the passage of this claim bill in the amount of \$500,000 is in the parties' mutual best interests. The County supports the passage of this claim bill. The source of payment for this claim bill would be from Miami-Dade County's Self Insurance Fund.

CONCLUSIONS OF LAW:

The claim bill hearing held on November 3, 2025, was a *de novo* proceeding to determine whether the County is liable in negligence for damages it may have caused to the Claimants, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, limits the amount of damages a claimant can collect from government entities as a result of its negligence or the negligence of its employees to \$200,000 for one individual and \$300,000 for all claims or judgments arising out of the same incident. Damages in excess of this limit may only be paid upon approval of a claim bill by the Legislature. Thus, the Claimants will not receive the full amount of the settlement unless the Legislature approves a claim bill authorizing additional payment.

Every claim bill must be based on facts sufficient to meet the "greater weight of the evidence" standard. The "greater weight of the evidence" burden of proof "means the more persuasive

and convincing force and effect of the entire evidence in the case.”¹²

Negligence

Negligence is “the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances”;¹³ and “a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred.”¹⁴

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant’s conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.¹⁵

In this matter, the County’s liability depends on whether the County violated the applicable standard of care in the design, operation, maintenance, and control of the guard gate and guard house of the Community and whether this breach caused the resulting injuries to the Claimants.

Duty

A legal duty may arise from statutes or regulations; common law interpretations of statutes or regulations; other common law precedent; and the general facts of the case.¹⁶ This duty is known as the “standard of care.”

Under Florida’s premises liability law, a property owner owes two duties to an invitee: (1) to use reasonable care in maintaining the premises in a reasonably safe condition, and (2) to give the invitee warning of concealed perils which are or should be known to the landowner, and which are

¹² Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence*.

¹³ Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.

¹⁴ Fla. Std. Jury Instr. (Civ.), 401.12(a) - *Legal Cause, Generally*.

¹⁵ *Williams v. Davis*, 974 So. 2d 1052, 1056 (Fla. 2007). See also Fla. Std. Jury Instr. (Civ.) 401.4, *Negligence*.

¹⁶ *McCain v. Fla. Power Corp.*, 593 So. 2d 500, 503 n. 2 (Fla. 1992).

unknown to the invitee and cannot be discovered by the invitee through the exercise of due care.¹⁷

The Florida Supreme Court has opined that “[w]hile a city is not an insurer of the motorist or the pedestrian who travels its streets and sidewalks, it is responsible, of course, for damages resulting from defects which have been in existence so long that they could have been discovered by the exercise of reasonable care, and repaired.”¹⁸

In this matter, the County, as the property owner, had a duty to design, operate, maintain, and control the guard gates and guard houses of the Community in a non-negligent manner.

Breach

A preponderance of the evidence establishes that the County breached its duties by failing to design, operate, maintain, and control the guard gate and guard house of the Community in a non-negligent manner.

The Florida Department of Transportation Design Manual (FDM) sets forth design criteria for all new construction, reconstruction, and resurfacing projects on the State Highway System and the National Highway System.¹⁹ The FDM sets forth the criteria for planning and preparing for the construction and the operation of any road, path, or way which by law is open to bicycle travel, regardless of whether such facilities are signed and marked for the preferential use by bicyclists or are to be shared with other transportation modes.²⁰ For such bicycle facilities, the FDM requires maintaining a smooth, clean riding surface, free of obstructions.²¹

The Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (referred to as the Florida Green Book) provides uniform minimum standards and criteria for the design, construction,

¹⁷ See, *Knight v. Waltman*, 774 So. 2d 731 (Fla. 2007); *Owens v. Publix Supermarkets, Inc.*, 802 So. 2d 315 (Fla. 2001).

¹⁸ *Mullis v. City of Miami*, 60 So. 2d 174, 176 (Fla. 1952) (citing *City of Jacksonville v. Foster*, 41 So. 2d 548, 549 (Fla. 1949)).

¹⁹ *FDOT Design Manual*, Jan. 1, 2025, Sec. 100 - Purpose. <https://fdotwww.Design Manual> (Last visited November 14, 2025).

²⁰ Deposition of Rowland Lamb, Feb. 18, 2020, p. 16, lines 6 - 9.

²¹ *FDOT Design Manual*, Jan. 1, 2025, Sec. 223.1 – *Bicycle Facilities (General)*. <https://fdotwww.Design Manual> (Last visited November 14, 2025).

and maintenance of all transportation facilities, including all roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, bicycle facilities, underpasses, and overpasses used by the public for vehicular and pedestrian traffic.²² The Manual requires that:

- Bicycle facilities be given full consideration in the planning and development of transportation facilities, including the incorporation of such facilities into state, regional, and local transportation plans, and programs under the assumption that transportation facilities will be used by bicyclists.
- All roadways, except where bicycle use is prohibited by law, should be designed, constructed, and maintained under the assumption they will be used by bicyclists.²³

Credible and uncontroverted testimony from the County's expert witness, Renato R. Vega, revealed:

- That the opening of the gate is triggered by a vehicle loop sensor placed in a groove cut into the asphalt acting as an antenna that sends a signal to the gate operating mechanism that a mass of metal is above the sensor.²⁴
- That a bicycle should never trigger such a gate operating system to open.²⁵
- If the gate operating system is opening for bicycles, it is recommended that:
 - The system be "retuned" so that it will not open for bicycles;
 - Warning signs be placed;
 - A different sensor be installed;
 - A separate bicycle path be provided; or
 - The site be redesigned where bicycles are not required to exit through the gate.²⁶

Credible and uncontroverted testimony from the Claimants' expert witness, David Rowland Lamb, revealed:

- At the time of the accident, there was only fifteen inches of space from the right edge of the exit gate arm to the

²² *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways - Purpose*. <https://fdotwww.blob.floridagreenbook> (last visited November 14, 2025).

²³ *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways*, Chapter 9 – Bicycle Facilities. <https://fdotwww.blob.floridagreenbook> (last visited November 14, 2025).

²⁴ Deposition of Renato R. Vega, March 3, 2020, p. 21, lines 17 – 25.

²⁵ *Id.* at p. 24, lines 8 – 13.

²⁶ *Id.* at p. 48, line 21 – p. 52, line 12.

curb making it impossible for a bicycle to ride through the gate without the gate arm being opened.²⁷

- The Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways minimum standards for counties were not met at the Community exit.²⁸
- Pursuant to the American Association of State Highway and Transportation Officials Code, at least 48 inches is needed for a bicycle to bypass the gate.²⁹
- At the time of the incident, there were no advanced warnings or signs to give bicyclists directions as to what they were supposed to do to exit the community.³⁰
- That it was foreseeable that bicyclists would be exiting the community.³¹
- Lack of training or direction to the guards maintaining the gate arm created insufficient lateral clearance for a bicycle to exit around the side of the gate arm.³²
- The lack of adequate direction and width to pass to the right of the gate arm accompanied with the gate arm not allowing for safe passage of a bicyclist is a violation of subsection 316.2065(1), of the Florida Statutes, which requires:

Every person propelling a vehicle by human power has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.³³

Causation

In order to prove negligence, the Claimants must show that the breach of duty caused the specific injury or damage to the plaintiff.³⁴ Proximate cause is generally concerned with “whether and to what extent the defendant’s conduct foreseeably and substantially caused the specific injury that actually occurred.”³⁵ To prove proximate cause, the Claimants

²⁷ Deposition of Rowland Lamb, Feb. 18, 2020, p. 16, lines 6 - 9.

²⁸ *Id.* at p. 17, lines 18 – 22.

²⁹ *Id.* at p. 31, lines 5 – 9.

³⁰ *Id.* at p. 31, lines 15 - 18.

³¹ *Id.* at p. 31, lines 22 - 24.

³² *Id.* at p. 31, lines 25 – 33.

³³ *Id.* at p. 33, line 23 – p. 35 line 6.

³⁴ *Stahl v. Metro Dade Cnty.*, 438 So. 2d 14 (Fla. 3rd DCA 1983).

³⁵ *Dept. of Children and Family Svcs. v. Amora*, 944 So. 2d 431, 435 (Fla. 4th DCA 2006).

must submit evidence showing there is a sequence between the County's negligence and the Claimants' injuries such that it can be reasonably said that but for the County's negligence, the injuries would not have occurred.

The record includes expert testimony that the lack of signage, pavement markings, inadequate maintenance operations, and flawed design of the Community exit created the conditions that led to the Claimants' injuries.³⁶ Mrs. Latour's surgeon testified that there was no reason to question the mechanism (that her fall was caused by the gate arm) that caused the distal fracture of her left arm.³⁷

In this matter, the greater weight of the evidence is the injuries suffered by the Latours were the direct and proximate result of the County's failure to fulfill its duties in a non-negligent manner. The County breached its duties by failing to design, operate, maintain, and control the guard gate and guard house of the Community in a non-negligent manner and these failures led to the injuries suffered by the Claimants.

Damages

The Claimants have established that Mrs. Latour suffered permanent injuries to her arm, resulting in three surgeries to date, with the need for certain additional future medical services. The Claimants' quality of life has been significantly affected, and will continue to be in the future, due to Mrs. Latour's constant pain and the limits her injuries have placed on her. The record demonstrates that the Latours have suffered substantial economic and emotional loss. Based on these losses, the jury in the civil trial awarded \$4,750,000 to Mrs. Latour (\$4,000,000 for past damages and \$750,000 for future damages) and \$165,000 to Mr. Latour (\$100,000 for past damages and \$65,000 for future damages).

As a result of the settlement agreement entered by the parties, the County has paid \$300,000 (the maximum allowed under the state's sovereign immunity waiver) with the remaining \$500,000 to be paid if this claim bill is passed by the Legislature and becomes law.

³⁶ Deposition of Rowland Lamb, Feb. 18, 2020, p. 33, lines 13 - 21.

³⁷ Deposition of Roberto A. Miki, M.D., Dec. 15, 2022, p. 11, lines 3 – 5.

COLLATERAL SOURCES OF
RECOVERY:

Prior to the civil litigation, the Claimants received a settlement from businesses responsible for the installation and maintenance of the gate operation. The amount of this settlement was \$295,000.

ATTORNEY FEES:

Attorney fees may not exceed 25 percent of the amount awarded.³⁸ The Claimants' attorney has agreed to limit attorney and lobbying fees to 25 percent of any amount awarded by the Legislature.

RECOMMENDATIONS:

With respect to this claim bill, the Claimants proved that the County had a duty to the Claimants, the County breached that duty, and that breach caused the Claimants' injuries and resulting damages. The greater weight of the evidence in this matter demonstrates that the negligence of the County in the design and operation of the guard gate at the Community was the legal proximate cause of the injuries and damages suffered by the Latours. Based on the record, and in recognition of the jury award of \$4,915,000, the award under this claim bill is well within the actual damages suffered by the Claimants.

Based upon the arguments and documents provided before, during, and after the special master hearing, the undersigned finds that the settlement is a proper and fair agreement.

Accordingly, I recommend that SB 24 be reported FAVORABLY in the amount of \$500,000.

Respectfully submitted,

Tom Thomas
Senate Special Master

cc: Secretary of the Senate

³⁸ See s. 768.28(8), F.S.

By Senator Gruters

22-00047-26

202624__

1 A bill to be entitled
2 An act for the relief of Lourdes Latour and Edward
3 Latour by Miami-Dade County; providing an
4 appropriation to compensate Mr. and Mrs. Latour for
5 injuries sustained as a result of the negligence of
6 Miami-Dade County; providing a limitation on
7 compensation and the payment of attorney fees;
8 providing an effective date.
9

10 WHEREAS, on November 5, 2017, Lourdes Latour sustained
11 serious injuries when she was struck by a malfunctioning
12 automatic gate arm while exiting the Gables by the Sea community
13 on her bicycle in Miami-Dade County, and

14 WHEREAS, the automatic gate arm at the community exit
15 malfunctioned, striking Lourdes Latour and throwing her from her
16 bicycle, causing her to sustain permanent injuries, and

17 WHEREAS, Lourdes Latour and Edward Latour have alleged,
18 through a lawsuit filed on November 21, 2018, that the
19 negligence of Miami-Dade County in the ownership, operation,
20 maintenance, and control of the subject exit gate was the
21 proximate cause of the injuries sustained by Mrs. Latour, and

22 WHEREAS, the lawsuit proceeded to trial, and on January 16,
23 2025, a jury returned a verdict in favor of Mr. and Mrs. Latour,
24 finding Miami-Dade County 100 percent liable for the incident,
25 and

26 WHEREAS, the jury awarded Mrs. Latour \$4.75 million for her
27 injuries and Mr. Latour \$165,000 for his loss of consortium, and

28 WHEREAS, Mrs. Latour has suffered significant pain and
29 suffering, disability, physical impairment, disfigurement,

22-00047-26

202624__

30 mental anguish, inconvenience, and loss of capacity for
31 enjoyment of life, and

32 WHEREAS, Mr. Latour has suffered loss of his wife's
33 comfort, society, attention, and services, and

34 WHEREAS, following the verdict and entry of final judgment,
35 Mr. and Mrs. Latour and Miami-Dade County reached a settlement
36 in the amount of \$800,000, and

37 WHEREAS, pursuant to the settlement agreement between the
38 parties, the plaintiffs' claim will be partially satisfied by
39 Miami-Dade County paying the amount of \$300,000 to Mr. and Mrs.
40 Latour, and

41 WHEREAS, pursuant to the settlement, Miami-Dade County
42 supports and agrees that Mr. and Mrs. Latour should receive as
43 compensation the remaining \$500,000 of the settlement amount,
44 and their claim shall be considered fully satisfied by Miami-
45 Dade County paying this \$500,000 to Mr. and Mrs. Latour, as
46 authorized by the Florida Legislature through a claim bill, NOW,
47 THEREFORE,

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. The facts stated in the preamble to this act are
52 found and declared to be true.

53 Section 2. Miami-Dade County is authorized and directed to
54 appropriate from funds not otherwise encumbered and to draw a
55 warrant in the sum of \$500,000 payable to Lourdes Latour and
56 Edward Latour as compensation for injuries and damages
57 sustained.

58 Section 3. The amount paid by Miami-Dade County pursuant to

22-00047-26

202624__

59 s. 768.28, Florida Statutes, and the amount awarded under this
60 act are intended to provide the sole compensation for all
61 present and future claims arising out of the factual situation
62 described in this act which resulted in injuries and damages to
63 Lourdes Latour and Edward Latour. The total amount paid for
64 attorney fees relating to this claim may not exceed 25 percent
65 of the total amount awarded under this act.

66 Section 4. This act shall take effect upon becoming a law.

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 Rules

BILL: CS/SB 52

INTRODUCER: Criminal Justice Committee and Senators Gaetz and Osgood

SUBJECT: Security Services at Places of Worship

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-------------------|----------------|-----------|------------------|
| 1. <u>Cellon</u> | <u>Stokes</u> | <u>CJ</u> | Fav/CS |
| 2. <u>Collazo</u> | <u>Cibula</u> | <u>JU</u> | Favorable |
| 3. <u>Cellon</u> | <u>Kruse</u> | <u>RC</u> | Favorable |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 52 expressly provides that chapter 494, F.S., which regulates private investigative services, private security services, and repossession services, does not apply to volunteers who provide armed security services on the premises of a church, mosque, synagogue, or other place of worship.

The bill takes effect on July 1, 2026.

II. Present Situation:

Violence at Houses of Worship

According to research spanning from 2000 to 2024, there have been 379 incidents of violence in houses of worship in the U.S. resulting in approximately 487 deaths and 172 injuries.¹ The majority of homicides at houses of worship are not related to the religious ideology of where they occur, but the killings that *are* ideologically motivated have been among the most deadly.²

According to the Cybersecurity and Infrastructure Security Agency (CISA), the best way to mitigate a potential attack is to take a holistic approach to security. This requires assigning clear

¹ The Violence Prevention Project Research Center, Hamline University, *House of Worship Homicides*, <https://www.theviolenceproject.org/house-of-worship-homicides/> (last visited January 14, 2026).

² *Id.*

roles and responsibilities for making security and planning decisions. It also requires implementing the procedures and capabilities across an organization. A robust security plan should be tailored to the specific needs and priorities of each house of worship.³ CISA recommends the following options for consideration:

- Establish a multi-layered plan for security, identifying clear roles and responsibilities for developing and implementing security measures.
- Create emergency action plans, business continuity plans, and incident response plans that are well communicated and exercised with the Safety Team⁴ for complete understanding.
- Conduct a vulnerability assessment to understand the risks to the house of worship and based on that assessment, prioritize the implementation of safety measures.
- Build community readiness and resilience by establishing an organizational culture of caring where all members and visitors are properly supported, and credible threats are reported through previously identified channels.
- Apply physical security measures to monitor and protect the outer, middle, and inner perimeters, while respecting the purpose of each area of the house of worship.
- Focus on the safety of children by implementing safety measures around childcare, daycare, and schools.
- Implement cybersecurity best practices to safeguard important information and prevent a potential cyberattack.⁵

Division of Licensing

The Division of Licensing within the Department of Agriculture and Consumer Services administers Florida's concealed weapon licensing program⁶ and oversees the state's private investigative, private security, and recovery services industries.⁷ The division's regulatory oversight of these services includes licensing, enforcing compliance standards, and ensuring public protection from unethical business practices and unlicensed activity.⁸

The division also licenses and regulates the private security industry. People who work in the private security industry typically offer the following services for compensation:

- Bodyguard protection.
- Property protection.
- Transportation of prisoners.
- Armored car services.
- Theft prevention.

³ U.S. Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, *Mitigating Attacks on Houses of Worship Security Guide*, 90-91 (Dec. 2020), available at <https://www.cisa.gov/resources-tools/resources/mitigating-attacks-houses-worship-security-guide>.

⁴ The "Safety Team" includes greeters and volunteers as the first line of defense in identifying and reporting suspicious activity. *Id.* at 34.

⁵ *Id.* at 90-91.

⁶ See s. 790.06, F.S.

⁷ See generally ch. 493, F.S.

⁸ Division of Licensing, Department of Agriculture and Consumer Services, *Division of Licensing*, <https://www.fdacs.gov/divisions-offices/licensing> (last visited Jan. 14, 2026).

- Prevention of the misappropriation or concealment of articles of value or assisting in the return of such articles.⁹

Any individual who performs the services of a security officer must have a Class “D” license.¹⁰ To carry a firearm in the performance of regulated security duties, security officers and agency managers must also obtain a Class “G” Statewide Firearm License.¹¹ No employee may carry or be furnished a firearm unless it is required by the employing agency. The firearm must be carried openly unless otherwise provided by law.¹²

The licensing statute, chapter 493, F.S., does not, however, apply to certain individuals or to certain places, including:

- Any individual who is an “officer,”¹³ or is a law enforcement officer of the U.S. Government, if such local, state, or federal officer is engaged in his or her official duties or performing off-duty security activities approved by his or her superiors.
- Any insurance investigator or adjuster licensed by a state or federal licensing authority if he or she is providing services or expert advice within the scope of his or her license.
- Any attorney in the regular practice of his or her profession.
- Any bank or bank holding company, credit union, or small loan company operating pursuant to state law; any consumer credit reporting agency regulated under federal law; or any collection agency not engaged in repossessions or any permanent employee of the collection agency.
- Any person who is a school crossing guard employed by a third party or a city or county and trained in accordance with state law.¹⁴

Notably, the licensing statute also does not apply to any individual employed as a security officer by a church or ecclesiastical or denominational organization, provided the church or organization has an established physical place of worship in the state and nonprofit religious services and activities regularly occur there. The statute also does not apply to any individual employed by a church cemetery to provide security on the property of the organization or the cemetery. In either case, the security officer may *not* carry a firearm while performing his or her duties.¹⁵

Carrying a Concealed Weapon or Firearm

A person is licensed or authorized to carry a concealed weapon or firearm if he or she is:

⁹ Florida Department of Agriculture and Consumer Services, *Private Security Licenses*, <https://www.fdacs.gov/Business-Services/Private-Security-Licenses> (last viewed January 14, 2026).

¹⁰ *Id.* An applicant for a Class “D” Security Officer License must complete 40 hours of training at a licensed school or training facility or qualify for an exception. Florida Department of Agriculture and Consumer Services, *Class “D” Security Officer License Requirements*, <https://www.fdacs.gov/Business-Services/Private-Security-Licenses/Class-D-Security-Officer-License-Requirements> (last viewed January 14, 2026).

¹¹ Florida Department of Agriculture and Consumer Services, *Private Security Licenses*, <https://www.fdacs.gov/Business-Services/Private-Security-Licenses> (last viewed January 14, 2026).

¹² *Id.*

¹³ “Officer” means any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer. Section 943.10(14), F.S.

¹⁴ *See generally* s. 493.6102, F.S.

¹⁵ Section 493.6102(13), F.S.

- A concealed carry licensee.¹⁶
- Not a concealed carry licensee but otherwise satisfies the criteria for receiving and maintaining the concealed carry license.¹⁷

Anyone licensed or authorized to carry a concealed firearm must carry identification and show it to a law enforcement officer if asked to do so.¹⁸

State law identifies certain locations where a person is not permitted to carry a weapon or firearm or openly carry a handgun, even if the person has a concealed carry license or authorization.¹⁹

These locations are:

- Places of nuisance.²⁰
- Police, sheriff, or highway patrol stations.
- Detention facilities, prisons, or jails.
- Courthouses.
- Courtrooms, except that nothing in state law precludes a judge from carrying a concealed weapon or concealed firearm or determining who will carry a concealed weapon or concealed firearm in his or her courtroom.
- Polling places.
- Meetings of the governing body of a county, public school district, municipality, or special district.
- Meetings of the Legislature or a committee of the Legislature.
- Schools, colleges, or professional athletic events not related to firearms.
- Elementary or secondary school facilities or administration buildings.
- Career centers.
- Establishments licensed to dispense alcoholic beverages for consumption on the premises.
- College or university facilities unless the licensee is a registered student, employee, or faculty member of the college or university and the weapon meets certain other criteria.
- Inside of a passenger terminal or sterile area of any airport except as otherwise permitted by law if encased and checked in as baggage for transport on a plane.
- Places where the carrying of firearms is prohibited by federal law.²¹

The Legislature has addressed the issue of concealed carry within churches, synagogues, and other religious institutions. For the purposes of safety, security, personal protection, or any other lawful purpose, a person licensed under state law may carry a concealed weapon or concealed firearm on property owned, rented, leased, borrowed, or lawfully used by a church, synagogue, or other religious institution. However, the private property rights of the church, synagogue, or other religious institution take priority, and they may prohibit individuals from bringing weapons onto their property.²²

¹⁶ Section 790.01(1)(a), F.S. (requiring the person to be licensed under s. 790.06, F.S.).

¹⁷ Section 790.01(1)(b), F.S. (requiring the person to otherwise satisfy the criteria for receiving and maintaining such a license under s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.).

¹⁸ Sections 790.06(1)(c) and 790.013(1), F.S.

¹⁹ Sections 790.06(12)(a)1.-15. and 790.013(2), F.S.

²⁰ Section 823.05, F.S., provides a list of public nuisances.

²¹ Sections 790.06(12)(a)1.-15. and 790.013(2), F.S.

²² Section 790.06(13), F.S.

Level 2 Background Screening

A Level 2 background screening is a comprehensive criminal background check that includes fingerprint-based checks for disqualifying offenses in statewide and national criminal history records. It is typically required for positions of trust or responsibility.²³ For example, health care practitioners must comply with background screening requirements when applying for initial licensure or when renewing their licenses.²⁴

Security background investigations must ensure that individuals have not been arrested for, been found guilty of, or been adjudicated delinquent for any one of several disqualifying offenses identified in state law, including but not limited to:

- Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Encouraging or recruiting another to join a criminal gang.
- Murder.²⁵

III. Effect of Proposed Changes:

The bill amends s. 493.6102, F.S., to add an additional exception to the application of chapter 493, F.S., which regulates private investigative services, private security services, and repossession services. The additional exception expressly provides that the chapter does not apply to any person who, on a voluntary basis and without compensation, provides armed security services on the premises of a church, mosque, synagogue, or other place of worship.

The bill also reenacts subsection (4) of s. 493.6201, F.S., to incorporate the amendment to s. 493.6102, F.S.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²³ See s. 110.1127(2), F.S.; see also University of Florida Administrators, *Level 2 Background Screening*, <https://admin.hr.ufl.edu/hiring/pre-employment-screenings/level-2-background-screening/> (last visited Jan. 14, 2026).

²⁴ Section 456.0135, F.S.; see also Florida Department of Health, *Background Screening, Screening Requirements*, <https://flhealthsource.gov/background-screening/bgs-requirements/> (last visited Jan. 14, 2026). Fingerprint retention requirements do not apply to emergency medical technicians, paramedics, pharmacy interns, registered pharmacy technicians, and radiologic technologists. These professions are exempt unless applying through the military active-duty spouse licensure pathway. *Id.*

²⁵ See generally s. 435.04(2), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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 sections of the Florida Statutes: 493.6102, 493.6201.

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 Criminal Justice on January 12, 2026:

The committee substitute removed requirements placed on people who provide volunteer armed security for churches and other places of worship and made it clear that people who volunteer to provide such security are not subject to the same licensing requirements of a paid security service.

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 the Committee on Criminal Justice; and Senators Gaetz and Osgood

591-01880-26

202652c1

A bill to be entitled
An act relating to security services at places of worship; amending s. 493.6102, F.S.; providing an exemption from licensure requirements for certain volunteers who provide armed security services for places of worship; reenacting s. 493.6201(4), F.S., relating to classes of licenses, to incorporate the amendment made to s. 493.6102, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (16) is added to section 493.6102, Florida Statutes, to read:

493.6102 Inapplicability of this chapter.—This chapter shall not apply to:

(16) Any person who, on a voluntary basis and without compensation, provides armed security services on the premises of a church, mosque, synagogue, or other place of worship.

Section 2. For the purpose of incorporating the amendment made by this act to section 493.6102, Florida Statutes, in a reference thereto, subsection (4) of section 493.6201, Florida Statutes, is reenacted to read:

493.6201 Classes of licenses.—

(4) Class "C" or Class "CC" licensees shall own or be an employee of a Class "A" agency, a Class "A" and Class "B" agency, or a branch office. This does not include those who are exempt under s. 493.6102, but who possess a Class "C" license solely for the purpose of holding a Class "G" license.

591-01880-26

202652c1

30

Section 3. This act shall take effect July 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 20, 2026

I respectfully request that **Senate Bill #52**, relating to Security Services at Places of Worship, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Don Gaetz", is written over a horizontal line.

Senator Don Gaetz
Florida Senate, District 1

17/10/2020

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✓ cb

The Florida Senate

APPEARANCE RECORD

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

Feb 3, 2024

Meeting Date

SB 52

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Erika Rember & Smith

Phone

407-697-0761

Address

2297 Lake Francis Drive

Street

Email

reverember@gmail.com

Apopka

City

FL

State

32712

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)

The Florida Senate

APPEARANCE RECORD

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

SB 52

Bill Number or Topic

Amendment Barcode (if applicable)

2/3/26
Meeting Date

Rules
Committee

Name LARRY COLLETON

Phone 321-287-3507

Address 10648 Springbuck Trail
Street

Email Lhcolleton222@gmail.com

ORLANDO, Florida 32825
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

2/3/26

Meeting Date

Rules

Committee

SB 52

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Genesis Robinson

Phone

386-341-6346

Address

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Email

genesis@evod-ground.com

Street

Orlando

FL

32801

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-3-26

Meeting Date

52

Bill Number or Topic

Rules

Committee

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

Amendment Barcode (if applicable)

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32503

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:

Campus Church

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-3-2026

Meeting Date

Rules

Committee

SB 52

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Reggie BARTKOWSKI

Phone

850-380-6377

Address

250 BRENT LANE

Street

Pensacola

City

FL

State

32503

Zip

Email

RbARTKOWSKI@PCCJ.EDU

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 52

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Aaron DiPietro

Phone

Address

On file

Email

Street

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Family Voice

☐

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB0052

Bill Number or Topic

Feb. 3, 2026

Meeting Date

Rules

Committee

Name

John Lewis

Phone

850-259-4735

Address

109 Cedar Ridge Way

Email

pats24u@fcloud.com

Street

Niceville, FL

State

32578

Zip

City

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

2/3/26

Meeting Date

Rules

SR 0052

Bill Number or Topic

Committee

Name

DERRICK SCOTT

Phone

(917) 334-1570

Address

9005 E1 MONTAGUE PLACE

Email

ds@1906@outlook.com

Street

PENSACOLA, FL 32506

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

FEB 3, 26

Meeting Date

RULES

Committee

52

Bill Number or Topic

Amendment Barcode (if applicable)

Name BILL BUNKLEY

Phone 813-380-4044

Address PO Box 340288
Street

Email BILL.BUNKLEY@GMAIL.COM

TAMPA FL 33694
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 ETHICS AND RELIGIOUS
LIBERTY COMMISSION

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 308

INTRODUCER: Senator Leek and others

SUBJECT: Florida Museum of Black History

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------|----------------|-----------|------------------|
| 1. Shuler | Fleming | CA | Favorable |
| 2. White | McVaney | GO | Favorable |
| 3. Shuler | Kruse | RC | Favorable |

I. Summary:

SB 308 specifies legislative intent recognizing the designation of St. Johns County for the Florida Museum of Black History by the Florida Museum of Black History Task Force.

The bill establishes and specifies the membership of a board of directors of the museum to oversee the commission, construction, operation, and administration of the museum. The board is directed to work with the Foundation for the Museum of Black History, Inc., in its duties. The St. Johns Board of County Commissioners is directed to provide administrative assistance and staffing to the board of directors until the planning, design, and engineering of the museum are completed.

The bill is expected to impact state and local expenditures.

The bill takes effect on July 1, 2026.

II. Present Situation:

Department of State

The Department of State, created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Arts and Culture, and Administration. The head of the Department of State is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.¹ The Secretary also serves as the state protocol officer and, in consultation with

¹ Section 20.10(1), F.S.

the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.²

Division of Historical Resources

The Division of Historical Resources (division) within the Department of State is responsible for preserving and promoting Florida's historical archaeological resources.³ The division director's office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and coordinates outreach programs.⁴ The division director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.⁵

The division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.⁶

The division is also responsible for encouraging, promoting, maintaining, and operating Florida history museums.⁷ The division provides support to museums and works to promote the use of resources for educational and cultural purposes. The division directly oversees the following museums:

- Museum of Florida History, which is the state's official history museum and showcases Florida's diverse history from prehistoric times to the present day;⁸
- Mission San Luis, a living history museum that showcases the life of the Apalachee Indians and Spanish settlers, and also hosts workshops such as pottery and blacksmithing;⁹
- Knott House Museum, which showcases the history of Tallahassee and its role in the civil war including the Emancipation Proclamation being read on the steps of the house in 1865;¹⁰ and
- The Grove Museum, which showcases the life of the Call and Collins families, who owned the property and played a significant role in Florida's history including contributions in agriculture, civil rights, and politics.¹¹

Other museums recognized by the state include:

- Certain state railroad museums;¹²

² Section 15.01(1), F.S.

³ See s. 267.031(5)(n), F.S.

⁴ Section 267.0617, F.S. See also Fla. Dep't of State, *Grants*, <https://dos.fl.gov/historical/grants/> (last visited Dec. 15, 2025).

⁵ Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Dec. 15, 2025); see also s. 267.031, F.S.

⁶ Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Dec. 15, 2025).

⁷ Section 267.071(2), F.S.

⁸ *Id.*; see also Fla. Dep't of State, *Museum of Florida History*, <https://museumoffloridahistory.com/explore/exhibits/> (last visited Dec. 15, 2025).

⁹ See Fla. Dep't of State, *Visit Mission San Luis*, <https://missionsanluis.org/visit/> (last visited Dec. 15, 2025).

¹⁰ See Fla. Dep't of State, *About the Knott House*, <https://museumoffloridahistory.com/visit/knott-house-museum/about-the-knott-house/> (last visited Dec. 15, 2025).

¹¹ See Fla. Dep't of State, *The Grove Museum*, <https://thegrovemuseum.com/> (last visited Dec. 15, 2025). The Grove Advisory Council advises the division on the operation, maintenance, and preservation of the museum. Section 267.075, F.S.

¹² See s. 15.045, F.S.

- The Florida Museum of Transportation and History;¹³
- The John and Mable Ringling Museum of Art;¹⁴
- The Ringling Museum of the Circus;¹⁵
- The Florida Historic Capitol Museum;¹⁶
- The Florida Agricultural Legacy Learning Center;¹⁷ and
- The Florida Museum of Natural History.¹⁸

Florida Museum of Black History Task Force

In the 2023 Session, the Legislature passed CS/CS/HB 1441 which provided for the creation of the Black History Task Force within the division for the purposes of providing recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History.¹⁹ The task force was comprised of nine members, three each appointed by the Governor, President of the Senate, and Speaker of the House, all of whom served without compensation.²⁰

The task force was directed to develop:

- Plans for the location, design, and construction of the museum.
- Recommendations for the operation and administration of the museum.
- A marketing plan to promote the museum.
- A transition plan for the museum to become financially self-sufficient.
- Recommendations for archival and artifact acquisition, preservation, and research; exhibits; and educational materials, which were required to include materials relating to:
 - The role of African-American participation in defending and preserving Florida and the United States, including the contributions of the residents of Fort Mose, the Tuskegee Airmen, and all African-American veterans.
 - The history of slavery in the state.
 - The history of segregation in the state.
 - Notable African Americans in the state.
 - Dr. Mary McLeod Bethune, including the founding of Bethune Cookman University.
 - The history of historically black colleges and universities in this state.
 - The inherent worth and dignity of human life, with a focus on the prevention of genocide.²¹

¹³ Section 15.046, F.S.

¹⁴ See ss. 265.27 and 1004.45, F.S.

¹⁵ Section 1004.45, F.S.

¹⁶ Section 272.129, F.S. The Florida Historic Capitol Museum Council provides guidance and support to the museum director and support staff. Section 272.131, F.S.

¹⁷ Section 570.692, F.S.

¹⁸ Section 1004.56, F.S.

¹⁹ The bill was signed into law by Governor DeSantis on May 11, 2023, and became ch. 2023-72, Laws of Fla., and was codified at s. 267.0722, F.S.

²⁰ The members were Sen. Geraldine Thompson, Chair, appointed by Senate President Passidomo; Brian M. Butler, appointed by Governor DeSantis; Howard M. Holley, Sr., appointed by Speaker Renner; Rep. Berny Jacques, appointed by Governor DeSantis; Tony Lee, Ed.D., appointed by Governor DeSantis; Rep. Kiyan Michael, appointed by Speaker Renner; Gayle Phillips, appointed by Speaker Renner; Sen. Bobby Powell, appointed by Senate President Passidomo; and Dr. Nashid Madyun, appointed by Senate President Passidomo. Fla. Dep't of State, *The Florida Museum of Black History Task Force*, <https://dos.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Dec. 15, 2025).

²¹ Section 267.0722(4), F.S.

The task force was required to submit a report to the Governor and Legislature before July 1, 2024, detailing its plans. After the task force submitted the report, the task force was required to disband.²²

Final Report of the Florida Museum of Black History Task Force

Between September 25, 2023, and June 28, 2024, the task force conducted ten public meetings. The public meetings consisted of presentations from staff, experts, and various community stakeholders. The task force also solicited input from Florida residents and visitors through a survey that gathered responses from over 4,000 individuals. The task force developed their recommendations based on the requirements of s. 267.0722, F.S., and information provided from meeting presentations, public comment, and the survey.²³

The Final Report was adopted by the task force at its final meeting on June 28, 2024.²⁴ The principal topic examined by the Task Force was the most appropriate location to recommend for the future Florida Museum of Black History. The task force heard presentations on potential locations beginning with its October 26, 2023, meeting. To aid the task force in recommending the most appropriate location, staff were asked by the task force to develop Location Selection Criteria to score locations. The Task Force's final ranking list based on these scores was: St. Augustine/St. Johns County with a score of 96.78; Eatonville/Orange County with a score of 95.33, and Opa-locka with a score of 84.89. The task force voted at its May 21, 2024, meeting to recommend St. Augustine/St. Johns County as the site for the future Florida Museum of Black History.²⁵

As required by s. 267.0722, F.S., the task force also included in the Final Report substantive recommendations for design and construction of the museum, operation, administration, and marketing of the museum, as well as recommendations for exhibits and materials to include in the museum.²⁶

Proposed site of the Florida Museum of Black History in St. Johns County

Supplemental materials included in the Final Report produced by the task force highlighted the extensive historical heritage of St. Johns County, including the Historic Downtown of St. Augustine.²⁷ St. Johns County hosts over 10 million visitors and tourists annually seeking to visit numerous historic sites such as Fort Mose, the first legally sanctioned, free African American settlement in the nation.²⁸

²² Section 267.0722(6), F.S.

²³ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) at 2-3, <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

²⁴ Fla. Dep't of State, *The Florida Museum of Black History Task Force*, <https://dos.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Dec. 15, 2025).

²⁵ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) at 4-6, <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

²⁶ *See id.*

²⁷ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

²⁸ *Id.*; see also Fort Mose Historical Society, *The Fort Mose Story*, <https://fortmose.org/about-fort-mose/> (last visited Nov. 24, 2025).

The County has formed a partnership with Florida Memorial University (FMU), a historically black university, to curate a property that is 2.5 miles away from the center of Historic Downtown St. Augustine.²⁹ The St. Johns County Board of County Commissioners voted on April 16, 2024, to negotiate an agreement with FMU to develop a museum on the FMU campus.³⁰ The site is a 14.5 acre site that is the former home of FMU, then known as the Florida Normal & Industrial Institute.³¹ The Florida Normal and Industrial Institute came to St. Augustine in 1918, originating through a merger of two previously distinct institutions dedicated to serving former slaves and their descendants.³²

The Foundation for the Museum of Black History, Inc.

The Foundation for the Museum of Black History, Inc., is a corporation not-for-profit formed under ch. 617, F.S., and operated for charitable purposes under s. 501(c)(3) of the Internal Revenue Code.³³ The Foundation was formed in October of 2024 for the purposes of assisting the community with planning and fundraising initiatives to support the design and construction of the Florida Museum of Black History in St. Johns County and planning projects and events to facilitate fundraising efforts for the creation of the Museum.³⁴

III. Effect of Proposed Changes:

The bill creates s. 267.07221, F.S., to specify legislative intent recognizing the work of the Florida Museum of Black History Task Force in selecting a location for the museum and designating St. Johns County as the site for the museum. Additionally, the bill specifies legislative intent to establish a board of directors to oversee the commission, construction, operation, and administration of the museum.

The bill establishes the Florida Museum of Black History Board of Directors (board) within the Division of Historical Resources. The bill specifies the membership of the board of directors and requires the appointments to be made by July 31, 2026. Unless the members are classified as ex officio, they may not hold state or local elective office while serving on the board. Vacancies must be filled in the same manner as the original appointments. The membership of the board is to be composed of:

- Three individuals appointed by the Governor, one of whom shall serve as chair.
- Three individuals appointed by the President of the Senate.

²⁹ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Nov. 24, 2025).

³⁰ St. Johns Cultural Council, *Florida Museum of Black History Task Force Recommends St. Johns County to Governor's Office as the Location of State's First Black History Museum*, (July 1, 2024) <https://stjohnsculture.com/news/florida-museum-of-black-history-task-force-recommends-st-johns-county-to-governors-office-as-the-location-of-states-first-black-history-museum/> (last visited Nov. 24, 2025).

³¹ Florida Memorial University, *Proposed Location of Black History Museum in St. Augustine*, (April 23, 2024), <https://www.fmu.edu/proposed-location-of-black-history-museum-in-st-augustine/> (last visited Nov. 24, 2025).

³² St. Johns Cultural Council, *AL Lewis Archway: Florida Normal & Industrial Institute*, <https://historiccoastculture.com/venue/al-lewis-archway-florida-normal-industrial-institute/> (last visited Nov. 24, 2025).

³³ *Articles of Incorporation of The Foundation for the Museum of Black History, Inc.*, (Oct. 21, 2024) <https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2024%5C1115%5C00369832.Tif&documentNumber=N24000013011> (last visited Nov. 24, 2025).

³⁴ *Id.* See also, *Foundation for the Museum of Black History*, <https://www.fmbh.org/> (last visited Dec. 7, 2025).

- Two members of the Senate, appointed by the President of the Senate and serving ex officio.
- Three individuals appointed by the Speaker of the House of Representatives.
- Two members of the House of Representatives, appointed by the Speaker of the House of Representatives and serving ex officio.

Ex officio refers to a position or power existing “because of an office; by virtue of the authority implied by office;” the term is “often misused as a synonym for ‘nonvoting.’”³⁵ In this instance, an ex officio is likely a voting member of the board.³⁶ Accordingly, there will be 13 voting members of the board.

The board of directors is directed to work with the Foundation for the Museum of Black History, Inc., in overseeing the commission, construction, operation, and administration of the museum. The St. Johns Board of County Commissioners is directed to provide administrative assistance and staffing to the board of directors until the planning, design, and engineering of the museum are completed.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the State Constitution provides, in relevant part, that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. If the bill does not meet an exemption or exception, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each chamber.

St. Johns County may have to expend funds to provide administrative assistance and staffing to the board of directors.

The bill is likely exempted from the mandates provisions of the State Constitution. A bill is exempted from the required two-thirds vote and finding of important state interest if it has an insignificant fiscal impact, which for Fiscal Year 2026-2027 is forecast at

³⁵ BLACK’S LAW DICTIONARY (12th ed. 2024) (defining ex officio).

³⁶ Florida law indicates that ex officio membership does not mean nonvoting. *See* Op. Att’y Gen. Fla. 296 (1975) (discussing ex officio members of the Parole and Probation Commission, stating that the an “ex officio member of a board or commission is a ‘full member’ of that body except as expressly limited by the statute,” and that the term ex officio “simply describes the manner by which a particular official may validly serve as a member of another board or commission”); *Florida Pub. Employees Council 79, AFSCME, AFL-CIO v. Pub. Employees Relations Com’n*, 871 So. 2d 270, 272 n. 4 (Fla. 1st DCA 2004) (citing original language of s. 1001.71, F.S.) (referring to the student body president as an “ex officio as a voting member of his or her university’s board”); *see e.g.*, ss. 331.3081, 413.405 F.S. (differentiating between ex officio members and ex officio, nonvoting members); ss. 186.504, 288.987, 311.105, 446.045(2), F.S. (specifying ex officio members are nonvoting).

approximately \$2.4 million.³⁷ The costs imposed on St. Johns County by the bill likely will not exceed \$2.4 million in the aggregate, so the bill likely does not need a two-thirds vote or finding of important state interest to be binding on St. Johns County.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

Article VII, section 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

E. Other Constitutional Issues:

Separation of Powers

The government of the State of Florida is organized according to the doctrine of the separation of powers. Article II, section 3 of the State Constitution, in particular, provides that the “powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.” Two fundamental prohibitions are contained in the separation of powers doctrine in Florida. The first is that no branch may encroach upon the powers of the other; the second is that no branch may delegate to another branch its constitutionally assigned power.³⁸

The State Constitution provides that the Legislature creates the policies and laws of the state³⁹ and the executive branch executes the laws⁴⁰ and policies established by the Legislature.

³⁷ FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Nov. 3, 2025). Based on the Florida Demographic Estimating Conference’s June 30, 2025, population forecast for 2026 of 23,681,366. Office of Economic and Demographic Research, Demographic Estimating Conference Executive Summary June 30, 2025, available at

<https://www.edr.state.fl.us/Content/conferences/population/demographicsummary.pdf> (last visited Nov. 3, 2025).

³⁸ *Chiles v. Children A, B, C, D, E, and F*, 589 So. 260 (Fla. 1991).

³⁹ Article III, section 1 of the State Constitution vests the “legislative power of the state” in the Legislature. Legislative power is further explained by the courts in *O.M. v. Dep’t of Children & Families*, 404 So. 3d 547, 552 (Fla. 3d DCA 2025); *Webb v. Hill*, 75 So. 2d 596, 605 (Fla. 1954); *State v. Barquet*, 262 So. 2d 431, 433 (Fla. 1972).

⁴⁰ The executive branch, through the governor, ensures that the “laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government.” FLA. CONST. art. IV, s. 4.

The bill creates the Florida Museum of Black History Board of Directors (board) within the Division of Historical Resources, an executive branch body. The board shall “oversee the commission, construction, operation, and administration,” of the Florida Museum of Black History (museum). The bill directs the President of the Senate and the Speaker of the House to each appoint five members to the board. A court may find that legislative appointments to a committee implementing a program (namely, the board) within the Executive Branch usurps the power of the executive branch and constitutes a violation of the separation of powers.

Dual Office Holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously and applies to public offices in state, county, and municipal government.⁴¹ The provision applies to both elected and appointed offices, ensuring that no single individual accumulates multiple governmental roles that could create a conflict of interest.⁴² Neither the State Constitution nor the Legislature has defined the term “office,” leaving the court to establish its meaning through case law. Florida courts have interpreted the term “office” in opposition to the term “employment,” with the latter not being subject to prohibition on dual office-holding. An “office,” the courts have held, refers to a position that exercises sovereign power, has a legally prescribed tenure, and is established by law rather than by contract.⁴³ The term “employment,” by contrast, “does not comprehend a delegation of any part of the sovereign authority [of government].”⁴⁴ Positions such as department heads, members of governing boards, and elected officials have typically been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.⁴⁵

A member of the Legislature—whether serving as a Senator or a Representative—is an officer and therefore subject to the prohibition on dual office holding. Similarly, serving as a member of the board likely also constitutes an office. If so, holding both offices at the same time may violate the prohibition on dual office holding in the State Constitution.

In 1996, the State Attorney General opined that serving as a member of the Alternative Education Institute, a non-profit corporation created within the Department of Education (a state agency), constituted office holding. The Institute could expend funds and enter into contracts, act as an instrumentality of the state, and carry out government functions. Therefore, even when the enacting statute specifically stated that the Institute “was not an agency,” serving on the Institute constituted holding office.⁴⁶ Similarly, in this bill, the board of directors of the museum within the Department of State is created to oversee the construction, operation, and administration of the museum. Based on the logic in the

⁴¹ FLA. CONST. art. II, s. 5(a).

⁴² *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see *Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).

⁴³ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

⁴⁴ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).

⁴⁵ See Office of the Attorney General, *Dual Office-holding*,

<https://www.myfloridalegal.com/files/pdf/page/4FF72ECF62927EEA85256CC6007B4517/DualOfficeHoldingPamphlet.pdf> (last visited Mar. 23, 2025).

⁴⁶ Op. Att’y Gen. Fla. 96-95 (1996).

Attorney General's opinion, it appears that membership on the board of directors of the museum likely constitutes an office that is subject to the constitutional prohibition on dual office holding.

There is an exemption to the dual office holding prohibition for ex officio members. The ex officio exception allows an individual to perform additional official duties if those duties are assigned by legislative designation to the office itself rather than to the individual holding it, and the additional duties are consistent with those already exercised.⁴⁷

The bill directs the President of the Senate and the Speaker of the House of Representatives to each appoint two members of their respective houses to serve "ex officio" on the board. The appointments would likely constitute a "legislative delegation" for the purposes of the ex officio exception. Accordingly, if the members of the Legislature "serving ex officio" on the board are only exercising additional duties constituent with their duties as a member of the Legislature, the ex officio exception may apply.

The board is a body within the executive branch that shall "oversee the commission, construction, operation, and administration" of the museum. These duties seem to go beyond the policy- and law- making duties of the Legislature into the executive branch's power to execute the policy set forth by the Legislature. Accordingly, this appears to go beyond those duties already existing as a member of the Legislature and, therefore, may violate the constitutional prohibition on dual office holding.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill requires the St. Johns Board of County Commissioners to provide administrative assistance and staffing to the Florida Museum of Black History Board of Directors. The county can likely accomplish this within existing resources, so any associated costs should be negligible.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

It may be more appropriate for a state entity to provide administrative support to the board of directors (board), as opposed to a county. The Legislature may consider placing such responsibility on the Department of State, given that lines 32-34 of the bill provides that the board is established in the Division of Historical Resources (Division).

The Foundation for the Museum of Black History, Inc.: Accountability and Oversight

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created private not-for-profit entities authorized to carry out specific tasks in support of public entities or public causes. In 2014, the Legislature enacted s. 20.058, F.S., to establish a comprehensive set of transparency and reporting requirements for CSOs and DSOs.⁴⁸ This includes requiring:

- Each CSO and DSO with annual expenditures in excess of \$100,000 to submit an annual audit to the Auditor General;⁴⁹ and
- Each CSO and DSO to annually submit information related to its organization, mission, and finances to the agency it supports.⁵⁰

The Division and other public entities already utilized CSOs and DSOs to support museums and historic preservation efforts throughout the state.⁵¹ Indeed, the Division has broad authority to

⁴⁸ Section 3, ch. 2014-96, Laws of Fla.

⁴⁹ Section 215.981, F.S.,

⁵⁰ Section 20.058(2), F.S. The agency then submits this information in a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO. Section 20.058(3), F.S.

⁵¹ See s. 267.0721(3), F.S. (permitting a CSO that operates a store or holds fundraising events at the Museum of Florida History to support the Museum of Florida History and other museums operated by the Division); s. 267.074(8), F.S. (permitting a CSO to support the maintenance and public access to Official Florida Historical Markers); s. 267.1732, F.S. (authorizing a DSO with the University of West Florida to assist in the historic preservation of the City of Pensacola, Escambia County, and West Florida); s. 265.703 (authorizing CSOs to support historical and museum programs by the Division of Arts in Culture, which is a part of the Department of State); s. 267.1736, F.S. (authorizing a DSO with the University of Florida to assist in the historic preservation of St. Augustine, St. Johns County, and the state); ss. 257.131 and 257.136, F.S. (discussing and authorizing a DSO to support Florida Historic Capitol Museum); s. 1004.45, F.S. (authorizing a DSO to support the Ringling Center for Cultural Arts at Florida State University); *see also, e.g.*, s. 16.616, F.S. (requiring a DSO to support the Council on the Social Status of Black Men and Boys); s. 257.43, F.S. (authorizing the Division of Library and Information Services, also within the Department of State, to establish CSOs to provide assistance, funding, and promotional support for the library, archives, and records management programs); s. 258.015, F.S. (speaking to CSOs for parks).

establish CSOs “to provide assistance, funding, and promotional support for the archaeology, museum, folklife, and historic preservation programs.”⁵²

The bill directs a state entity (the board within the Division) to work with the Foundation for the Museum of Black History, Inc. (Foundation). The Foundation, however, is not a DSO or CSO and is, therefore, not subject to the accountability and oversight requirements.

The Legislature may wish to clarify that the board must work with a CSO or DSO. Doing so would not only enhance the oversight and accountability of a group working with a government entity but also align with current practices in Florida utilizing CSOs and DSOs to support museums and historical preservation. Alternatively, the Legislature could provide that, for the purposes of working with the board, the Foundation is bound by requirements for CSOs in s. 267.17, F.S. (providing requirements for CSOs established by the Division), and reporting and transparency requirements for all CSOs and DSOs under chapter 20, F.S. This would include the relevant penalties, including dissolution of contract and partnership with the Division if the Foundation fails to meet the necessary transparency requirements.

VIII. Statutes Affected:

This bill creates section 267.07221 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.

⁵² Section 267.17, F.S., provides that these CSOs must be:

- A Florida not for profit.
- Organized and operated to:
 - Conduct programs and activities;
 - Raise funds;
 - Request and receive grants, gifts, and bequests of money;
 - Acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and
 - Make expenditures to or for the direct or indirect benefit of the division or individual program units of the division.
- Operate to further the goal of the Division and in the best interests of the state.

By Senator Leek

7-00326-26

2026308__

A bill to be entitled
An act relating to the Florida Museum of Black History; creating s. 267.07221, F.S.; providing legislative intent; establishing the Florida Museum of Black History Board of Directors; providing for the membership of the board; requiring that appointments to the board be made by a specified date; prohibiting specified members of the board from holding state or local elective office while serving on the board; providing for the filling of vacancies; requiring that the board work jointly with the Foundation for the Museum of Black History, Inc.; requiring the St. Johns County Board of County Commissioners to provide administrative support and staffing to the board until specified actions are completed; providing an effective date.

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

Section 1. Section 267.07221, Florida Statutes, is created to read:

267.07221 Florida Museum of Black History Board of Directors.—

(1) It is the intent of the Legislature to recognize the work of the Florida Museum of Black History Task Force in selecting a location for the Florida Museum of Black History and designating St. Johns County as the site for the museum. It is further the intent of the Legislature, under the authority provided in s. 267.0722(7), to establish a board of directors to

7-00326-26

2026308__

oversee the commission, construction, operation, and administration of the museum.

(2) (a) The Florida Museum of Black History Board of Directors is established within the division and shall be composed of the following members:

1. Three individuals appointed by the Governor, one of whom shall serve as chair.

2. Three individuals appointed by the President of the Senate.

3. Two members of the Senate, appointed by the President of the Senate and serving ex officio.

4. Three individuals appointed by the Speaker of the House of Representatives.

5. Two member of the House of Representatives, appointed by the Speaker of the House of Representatives and serving ex officio.

(b) Appointments must be made no later than July 31, 2026. Members appointed pursuant to subparagraphs (a)1., 2., and 4. may not hold any state or local elective office while serving on the board. Vacancies on the board must be filled in the same manner as the initial appointments.

(3) The board shall work jointly with the Foundation for the Museum of Black History, Inc., a nonprofit organization created to support the creation of the museum.

(4) The St. Johns County Board of County Commissioners shall provide administrative assistance and staffing to the board until the project planning, design, and engineering are completed.

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 27, 2026

I respectfully request that **Senate Bill #308**, relating to Florida Museum of Black History, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Leek", written over a horizontal line.

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

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

560308

Bill Number or Topic

2-3-26

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name

Jerry McIntosh

Phone

850-206-3726

Address

11767 Old Course Rd.

Street

Email

McIntosh7756@bellsouth.net

Cantonment

City

FL

State

32533

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

2/3/26

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB308

Bill Number or Topic

Rules

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

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against



Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

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

Equal Ground Action Fund

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/2026

Meeting Date

Rules Senate

Committee

SB 308

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kia'ira Nixon

Phone

904-422-1005

Address

424 E Central Blvd

Street

Email

Kay-nixon13@gmail.com

Orlando

City

FL

State

32801

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:

Equal Ground Action
Fund.

☐

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/26

Meeting Date

Rules

Committee

SB 0308

Bill Number or Topic

Name

DERRICK SCOTT

Phone

(917) 334-1590

Address

9005 E1 MARIPOSA PLACE

Email

dscott1906@outlook.com

Street

PENSACOLA, FL 32506

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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08.03.2024

Meeting Date

Rules

Committee

SB 0308

Bill Number or Topic

Amendment Barcode (if applicable)

Name Derek Triplett

Phone 386.214.8474

Address 437 Mohave Terrace
Street

Email triplett.derek@gmail.com

LAKE MARY FL

City

State

32746

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/3/26

Meeting Date

Rules

Committee

SB 308

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Larry Colleton

Phone

321-287-3507

Address

10648 SpringBuck Trail

Street

Email

Lhcolleton222@gmail.com

Orlando, FL

City

State

32825

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/3/26

The Florida Senate
APPEARANCE RECORD

SB 308

Meeting Date

Bill Number or Topic

Rules

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Committee

Amendment Barcode.(if applicable)

Name

Genesis Robinson

Phone

386-341-6346

Address

424 E Central Blvd

Email

genesis@equal-ground.com

Street

Orlando

FL

32801

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

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

Equal Ground

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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February 3, 2026

Meeting Date

Rules

Committee

SBD3D8

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jill Lewis

Phone

850 - 259-4735

Address

Street

109 Cedar Ridge Way

Email

pats24u@icloud-com

City

Niceville

State

FL

Zip

32578

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

**Following Appearance Record
received after bill was considered**

The Florida Senate

APPEARANCE RECORD

Feb 3, 2021

Meeting Date

Rules

Committee

SB 308

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Enka Rembert Smith

Phone

407-697-0761

Address

2297 Lake Francis Drive

Email

reverember1@gmail.com

Street

Apopka

City

FL

State

32712

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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

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S-001 (08/10/2021)

The Florida Senate
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 Rules

BILL: CS/SB 504

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Burgess

SUBJECT: Code Inspector Body Cameras

DATE: February 2, 2026 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|-----------------|------------|------------------|
| 1. | <u>Tolmich</u> | <u>Fleming</u> | <u>CA</u> | Favorable |
| 2. | <u>Kolich</u> | <u>Harkness</u> | <u>ACJ</u> | Fav/CS |
| 3. | <u>Tolmich</u> | <u>Kruse</u> | <u>RC</u> | Favorable |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 504 creates s. 162.41, F.S., requiring governmental entities that permit code inspectors to wear body cameras to establish certain policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by such body cameras.

The bill also requires governmental entities that permit code inspectors to wear body cameras to provide training for specified personnel regarding body camera policies and procedures; retain audio and video data recorded by body cameras under certain circumstances; perform periodic reviews of actual body camera practices to ensure conformity with the governmental entity's body camera policies and procedures; and ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in their policies and procedures.

The bill defines "body camera" as a portable electronic recording device worn on a code inspector's person which records audio and video data of the code inspector's encounters and activities.

The bill specifies that ch. 934, F.S. (interception of communications), does not apply to body camera recordings made by code inspectors who elect to use body cameras.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

County and Municipal Code Enforcement

Code enforcement is a function of local government and affects people's daily lives. Its purpose is to enhance the quality of life and economy of local government by protecting the health, safety, and welfare of the community.¹ Local governments possess a constitutional right to self-government.² Local codes and ordinances allow local governments to enforce regulations on a variety of matters ranging from zoning, tree cutting, nuisances, and excessive noise.³

Chapters 125, 162, and 166, F.S.,⁴ provide counties and municipalities with a mechanism to enforce its codes and ordinances. These statutes are offered as permissible code enforcement mechanisms, but are not binding to local governments, which may use any enforcement mechanism they choose, or combination thereof.⁵

In each statutory mechanism, a local government designates code inspectors⁶ or code enforcement officers,⁷ tasked with investigating potential code violations, providing notice of violations, and issuing citations for noncompliance. Beyond these specified duties, the statutory scheme makes clear that code inspectors lack the authority to perform the functions or duties of a law enforcement officer.⁸

The Local Government Code Enforcement Boards Act (Act), located in Part I of ch. 162, F.S., allows each county and municipality to create by ordinance one or more local government code enforcement boards. A code enforcement board is an administrative board made up of members appointed by the governing body of a county or municipality with the authority to hold hearings and impose administrative fines and other noncriminal penalties for violations of county or municipal codes or ordinances.

Part II of ch. 162, F.S., provides local governments with supplemental methods for enforcing codes and ordinances without establishing a code enforcement board. The statutes allow counties and municipalities to designate some of its employees or agents as code enforcement officers authorized to enforce county or municipal codes or ordinances. Employees or agents who may be

¹ Section 162.02, F.S.

² Art. VIII, FLA CONST.

³ Violations of the Florida Building Code, however, are enforced pursuant to ss. 553.79 and 553.80, F.S., and not within the scope of this bill or the sections of law analyzed herein. *See* s. 125.69(4)(g), F.S.

⁴ Chapter 125 Part II (county self-government), Chapter 162 Part 1 (Local Government Code Enforcement Boards Act), Chapter 162 Part II (supplemental procedures), and s. 166.0415, F.S. (municipal code enforcement).

⁵ Sections 125.69(4)(k), 162.13, 162.21(8), and 166.0415(7), F.S.

⁶ “Code inspector” means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance. Section 162.04, F.S.

⁷ Section 162.21(1), F.S., defines the term “code enforcement officer” to mean “any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality.”

⁸ Section 125.69(4)(h), F.S.

designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or firesafety inspectors.⁹

A code enforcement officer may issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.¹⁰ However, prior to issuing a citation, a code enforcement officer must provide notice to the person that the person has committed a violation of a code or ordinance and provide a reasonable time period, no more than 30 days, within which the person must correct the violation. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, the officer may issue a citation.¹¹

Counties and municipalities that choose to enforce codes or ordinances under the provisions of Part II must enact an ordinance establishing the code enforcement procedures. The ordinance, among other requirements, must provide procedures for the issuance of a citation by a code enforcement officer. A violation of a code or an ordinance enforced under Part II is a civil infraction and carries a maximum civil penalty of \$500.¹²

Code enforcement involves potential risks and dangers due to the sensitive nature of the work, which may include requiring individuals to alter their property or give up their possessions.¹³ In recent years, there have been several violent incidents involving code enforcement officers and the public. In March 2023, a man was arrested in Columbus, Ohio, for allegedly dragging a City of Columbus code enforcement officer while holding an ax.¹⁴ In February 2025, a man was arrested after allegedly threatening to shoot a Biscayne Park, Florida code enforcement officer over a \$25 fine.¹⁵

In response to these types of incidents, some local governments require or have contemplated adopting certain safety measures for code enforcement officers, including mandating code enforcement officers be equipped with body cameras.¹⁶ For example, Miami-Dade County has adopted a standard operating procedure that requires code enforcement officers to wear body

⁹ Section 162.21(2), F.S.

¹⁰ Section 162.21(3)(a), F.S.

¹¹ Section 162.21(3)(c), F.S.

¹² Section 162.21(5), F.S.

¹³ Building Safety Journal, *Inspectors are learning code of cautiousness*, September 28, 2020, available at: [Inspectors are learning code of cautiousness - ICC](#) (last visited January 15, 2026).

¹⁴ WSYX, *Man drags Columbus code enforcement officer while holding ax during home inspection*, March 3, 2023, available at: <https://abc6onyourside.com/news/local/man-drags-columbus-code-enforcement-officer-while-holding-ax-during-home-inspection-south-ashburton-road-anthony-margiotti-spit-on-officer-court-franklin-county-correction-center> (last visited January 15, 2026).

¹⁵ WLPB, *Man accused of threatening to shoot Biscayne Park code enforcement officer after receiving \$25 fine*, February 4, 2025, available at: <https://www.local10.com/news/local/2025/02/04/man-accused-of-threatening-to-shoot-biscayne-park-code-enforcement-officer-after-receiving-25-fine/> (last visited January 15, 2026).

¹⁶ See e.g., Tampa Bay 28, *Haines City Police Department reinstates body-worn camera program*, December 19, 2025, available at: <https://www.tampabay28.com/news/region-polk/haines-city-police-department-reinstates-body-worn-camera-program> (last visited January 15, 2026). See also Observer Local News, *Volusia could seek state law change to allow code enforcement officers to wear body cameras*, June 4, 2024, available at: <https://www.observerlocalnews.com/news/2024/jun/04/volusia-could-seek-state-law-change-to-allow-code-enforcement-officers-to-wear-body-cameras/> (last visited January 15, 2026).

cameras and outlines guidelines for the management and official use of the body camera system.¹⁷ The policy was adopted in order to achieve several objectives, including enhancing field safety, promoting accountability, and increasing public trust.¹⁸ The policy also describes training guidelines, user procedure and responsibilities, inspection and maintenance requirements, and prohibited actions and conduct.¹⁹

There is no provision in current law that specifically authorizes or prohibits local governments from permitting local governments to allow code enforcement officers to wear body cameras.

Body Cameras Utilized by Law Enforcement Officers

Current law addresses the usage of body cameras by law enforcement officers. Section 943.1718(1)(a), F.S., defines “body camera” as a portable electronic recording device that is worn on a law enforcement officer’s person that records audio and video data of the officer’s law enforcement-related encounters and activities.²⁰

Body Camera Policies and Procedures

Law enforcement agencies²¹ that permit law enforcement officers to wear body cameras are required to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by such body cameras.²² The policies and procedures must include:

- General guidelines for the proper use, maintenance, and storage of body cameras;²³
- Any limitations on which law enforcement officers are permitted to wear body cameras;²⁴
- Any limitations on law enforcement-related encounters and activities in which law enforcement officers are permitted to wear body cameras;²⁵
- A provision permitting a law enforcement officer using a body camera to review the recorded footage from the body camera, upon his or her own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his or her official duties;²⁶ and
- General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.²⁷

¹⁷ Miami-Dade County, Code Compliance Division, Body-Worn Cameras Standard Operating Procedure. On file with the Committee on Community Affairs.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See s. 943.10, F.S., for the definition of “law enforcement officer.”

²¹ “Law enforcement agency” means an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers. Section 943.1718(1)(b), F.S.

²² Section 943.1718(2), F.S.

²³ Section 943.1718(2)(a), F.S.

²⁴ Section 943.1718(2)(b), F.S.

²⁵ Section 943.1718(2)(c), F.S.

²⁶ Such provision may not apply to an officer’s inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses. Section 943.1718(2)(d), F.S.

²⁷ Section 943.1718(2)(e), F.S.

Law enforcement agencies that permit law enforcement officers to wear body cameras must also:²⁸

- Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the law enforcement agency's body camera policies and procedures;²⁹
- Ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in the law enforcement agency's policies and procedures;³⁰
- Retain audio and video data recorded by body cameras in accordance with current law, with certain exceptions;³¹ and
- Perform a periodic review of actual agency body camera practices to ensure conformity with the agency's policies and procedures.³²

Interception of Communications

Chapter 934, F.S., governs the security of various types of communications in the state and limits the ability to intercept, monitor, and record such communications.

Section 934.03, F.S., provides that individuals who intentionally intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept any wire, oral, or electronic communication commits a third degree felony.³³ Current law provides for certain exceptions to this section. For example, it is lawful for:

- An investigative or law enforcement officer or a person acting under the direction of such officer to intercept a wire, oral, or electronic communication when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception and the purpose of such interception is to obtain evidence of a criminal act;³⁴ or
- A person to intercept a wire, oral, or electronic communication when all of the parties to the communication have given prior consent to such interception.³⁵

However, s. 943.1718, F.S., provides that ch. 934, F.S., does not apply to body camera recordings made by law enforcement agencies that elect to use body cameras. This permits law enforcement officers to wear body cameras when on duty without having to inform each individual he or she encounters that they are being recorded. Although, the exclusion only applies to body camera recordings that consist of audio and video data of the officer's law enforcement-related encounters and activities.

²⁸ Section 943.1718(3), F.S.

²⁹ Section 943.1718(3)(a), F.S.

³⁰ Section 943.1718(3)(b), F.S.

³¹ Section 943.1718(3)(c), F.S. Section 119.021 provides for the maintenance, preservation, and retention of public records.

³² Section 943.1718(3)(d), F.S.

³³ A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a fine of up to \$5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S. See section 934.03(4), F.S., for exceptions to such punishment.

³⁴ Section 934.03(2)(c), F.S.

³⁵ Section 934.03(2)(d), F.S.

III. Effect of Proposed Changes:

This bill creates s. 162.41, F.S., requiring governmental entities that permit code inspectors to wear body cameras to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by such body cameras. The policies and procedures must include:

- General guidelines for the proper use, maintenance, and storage of body cameras;
- Any limitation on which code inspectors are permitted to wear body cameras;
- Any limitation on code enforcement-related encounters and activities in which code inspectors are permitted to wear body cameras; however, a code inspector must be permitted to use a body camera to record any encounter with a member of the public which occurs while the inspector is performing his or her duties; and
- General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

The bill also requires governmental entities that permit code inspectors to wear body cameras to:

- Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the governmental entity's body camera policies and procedures;
- Retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, F.S., relating to custodial requirements and maintenance, preservation, and retention of public records, except as otherwise provided by law; and
- Perform a periodic review of actual body camera practices to ensure conformity with the governmental entity's body camera policies and procedures.
- Ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in their policies and procedures.

The bill defines "body camera" as a portable electronic recording device worn on a code inspector's person which records audio and video data of the code inspector's encounters and activities. The bill also defines "code inspector" as any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.

The bill specifies that ch. 934, F.S., (interception of communications), does not apply to body camera recordings made by code inspectors who elect to use body cameras. This allows code inspectors to wear body cameras while performing their official duties without needing to inform each individual he or she encounters that they are being recorded. If the body camera recording does not contain audio and video data of the code inspector's code enforcement-related encounters and activities, the exclusion does not apply.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate provisions of Art. VII, s. 18 of the State Constitution do not apply because the requirements of the bill apply only to governmental entities that permit code inspectors to wear body cameras.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a minimal workload impact on local governments that permit code inspectors to wear body cameras because the bill creates a new requirement for such entities to establish policies and procedures regarding their use.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 162.41 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 Appropriations Committee on Criminal and Civil Justice on January 21, 2026:

The committee substitute adds a requirement that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in their policies and procedures.

- B. **Amendments:**

None.

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Burgess

604-02080-26

2026504c1

A bill to be entitled
An act relating to code inspector body cameras;
creating s. 162.41, F.S.; defining terms; requiring a
governmental entity that permits its code inspectors
to wear body cameras to establish certain policies and
procedures; requiring such governmental entity to
ensure that certain training occurs, to retain certain
data in accordance with public records laws, and to
perform a periodic review of actual body camera
practices; providing that certain provisions relating
to the interception of wire, electronic, and oral
communications do not apply to body camera recordings
made by code inspectors; providing an effective date.

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

Section 1. Section 162.41, Florida Statutes, is created to
read:

162.41 Code inspector body cameras; policies and
procedures.—

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

(a) "Body camera" means a portable electronic recording
device worn on a code inspector's person which records audio and
video data of the code inspector's encounters and activities.

(b) "Code inspector" has the same meaning as in s.
162.04(2).

(2) A governmental entity that permits its code inspectors
to wear body cameras shall establish policies and procedures
addressing the proper use, maintenance, and storage of body

604-02080-26

2026504c1

cameras and the data recorded by body cameras. The policies and procedures must include all of the following:

(a) General guidelines for the proper use, maintenance, and storage of body cameras.

(b) Any limitation on which code inspectors are permitted to wear body cameras.

(c) Any limitation on code enforcement-related encounters and activities in which code inspectors are permitted to wear body cameras. A code inspector must be permitted to use a body camera to record any encounter with a member of the public which occurs while the inspector is performing his or her duties.

(d) General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

(3) A governmental entity that permits its code inspectors to wear body cameras shall do all of the following:

(a) Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the governmental entity's body camera policies and procedures.

(b) Ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in the governmental entity's policies and procedures.

(c) Retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, except as otherwise provided by law.

(d) Perform a periodic review of actual body camera practices to ensure conformity with the governmental entity's body camera policies and procedures.

(4) Chapter 934 does not apply to body camera recordings made by code inspectors who elect to use body cameras.

604-02080-26

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59

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 27, 2026

I respectfully request that **Senate Bill # 504**, relating to Code Inspector Body Cameras, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script, appearing to read "Danny", is written above a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

CC: Shasta Kruse, Staff Director
CC: Cynthia Futch, Committee Administrative Assistant

February, 3 2026

Meeting Date

Rules

Committee

Name

Jonathan Webber

Address

P.O. Box 1018

Street

Tallahassee

City

FL

State

32302

Zip

The Florida Senate

APPEARANCE RECORD

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

SB 504 - Code Inspector

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

9545934449

Email

jonathan.webber@splcenter.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:

Southern Poverty Law Center

☐

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

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

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

2/3/26

Meeting Date

Rules

Committee

Name

Sam Wagoner

Phone

850-701-3603

Address

301 S Bronough St. Suite 300

Email

swagoner@flcities.com

Street

TLH

City

FL

State

01323

Zip

The Florida Senate
APPEARANCE RECORD

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

504

Bill Number or Topic

Amendment Barcode (if applicable)

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 League of Cities

☐

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

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

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

S-001 (08/10/2021)

2/3/26

Meeting Date

The Florida Senate
APPEARANCE RECORD

504

Bill Number or Topic

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

Rules

Committee

Amendment Barcode (if applicable)

Name

Andrew Kael

Phone

813 - 240 - 7632

Address

215 S Monroe St Suite 520

Email

askael@scgroup.us

Street

TLH

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:

FL Association of
CODE ENFORCEMENT

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 506

INTRODUCER: Senator Burgess

SUBJECT: Public Records/Body Camera Recordings Recorded by a Code Inspector

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Tolmich | Fleming | CA | Favorable |
| 2. Kolich | Harkness | ACJ | Favorable |
| 3. Tolmich | Kruse | RC | Favorable |

I. Summary:

SB 506 creates a public records exemption to provide that a code inspectors' body camera recording, or a portion thereof, is confidential and exempt from public disclosure requirements if the recording:

- Is taken within the interior of a private residence;
- Is taken within the interior of a facility that offers health care, mental health care, or social services; or
- Is taken in a place that a reasonable person would expect to be private.

In addition, the bill:

- Provides for certain circumstances under which such recordings are required to be disclosed or may be disclosed;
- Requires local governments to retain a body camera recording for at least 90 days; and
- Specifies that the exemption applies retroactively.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution. The bill creates a new public record exemption; therefore, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect on the same date that SB 504 or similar legislation takes effect (July 1, 2026).

II. Present Situation:

County and Municipal Code Enforcement

Code enforcement is a function of local government and affects people's daily lives. Its purpose is to enhance the quality of life and economy of local government by protecting the health, safety, and welfare of the community.¹ Local governments possess a constitutional right to self-government.² Local codes and ordinances allow local governments to enforce regulations on a variety of matters ranging from zoning, tree cutting, nuisances, and excessive noise.³

Chapters 125, 162, and 166 of the Florida Statutes⁴ provide counties and municipalities with a mechanism to enforce its codes and ordinances. These statutes are offered as permissible code enforcement mechanisms, but are not binding to local governments, which may use any enforcement mechanism they choose, or combination thereof.⁵

In each statutory mechanism, a local government designates code inspectors⁶ or code enforcement officers,⁷ tasked with investigating potential code violations, providing notice of violations, and issuing citations for noncompliance. Beyond these specified duties, the statutory scheme makes clear that code inspectors lack the authority to perform the functions or duties of a law enforcement officer.⁸

The Local Government Code Enforcement Boards Act (Act), located in Part I of ch. 162, F.S., allows each county and municipality to create by ordinance one or more local government code enforcement boards. A code enforcement board is an administrative board made up of members appointed by the governing body of a county or municipality with the authority to hold hearings and impose administrative fines and other noncriminal penalties for violations of county or municipal codes or ordinances.

Part II of ch. 162, F.S., provides local governments with supplemental methods for enforcing codes and ordinances without establishing a code enforcement board. The statutes allow counties and municipalities to designate some of its employees or agents as code enforcement officers authorized to enforce county or municipal codes or ordinances. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or firesafety inspectors.⁹

¹ Section 162.02, F.S.

² Art. VIII, FLA CONST.

³ Violations of the Florida Building Code, however, are enforced pursuant to ss. 553.79 and 553.80, F.S., and not within the scope of this bill or the sections of law analyzed herein. *See* s. 125.69(4)(g), F.S.

⁴ Chapter 125 Part II (county self-government), Chapter 162 Part 1 (Local Government Code Enforcement Boards Act), Chapter 162 Part II (supplemental procedures), and s. 166.0415, F.S. (municipal code enforcement).

⁵ Sections 125.69(4)(k), 162.13, 162.21(8), and 166.0415(7), F.S.

⁶ “Code inspector” means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance. Section 162.04, F.S.

⁷ Section 162.21(1), F.S., defines the term “code enforcement officer” to mean “any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality.”

⁸ Section 125.69(4)(h), F.S.

⁹ Section 162.21(2), F.S.

A code enforcement officer may issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.¹⁰ However, prior to issuing a citation, a code enforcement officer must provide notice to the person that the person has committed a violation of a code or ordinance and provide a reasonable time period, no more than 30 days, within which the person must correct the violation. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, the officer may issue a citation.¹¹

Counties and municipalities that choose to enforce codes or ordinances under the provisions of Part II must enact an ordinance establishing the code enforcement procedures. The ordinance, among other requirements, must provide procedures for the issuance of a citation by a code enforcement officer. A violation of a code or an ordinance enforced under Part II is a civil infraction and carries a maximum civil penalty of \$500.¹²

Code enforcement involves potential risks and dangers due to the sensitive nature of the work, which may include requiring individuals to alter their property or give up their possessions.¹³ In recent years, there have been several violent incidents involving code enforcement officers and the public. In March 2023, a man was arrested in Columbus, Ohio, for allegedly dragging a City of Columbus code enforcement officer while holding an ax.¹⁴ In February 2025, a man was arrested after allegedly threatening to shoot a Biscayne Park, Florida code enforcement officer over a \$25 fine.¹⁵

Access to Public Records – Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹⁶ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.¹⁷

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in

¹⁰ Section 162.21(3)(a), F.S.

¹¹ Section 162.21(3)(c), F.S.

¹² Section 162.21(5), F.S.

¹³ Building Safety Journal, Inspectors are learning code of cautiousness, September 28, 2020, available at: [Inspectors are learning code of cautiousness - ICC](#) (last visited January 15, 2026).

¹⁴ WSYX, Man drags Columbus code enforcement officer while holding ax during home inspection, March 3, 2023, available at: <https://abc6onyourside.com/news/local/man-drags-columbus-code-enforcement-officer-while-holding-ax-during-home-inspection-south-ashburton-road-anthony-margiotti-spit-on-officer-court-franklin-county-correction-center> (last visited January 15, 2026).

¹⁵ WLPB, Man accused of threatening to shoot Biscayne Park code enforcement officer after receiving \$25 fine, February 4, 2025, available at: <https://www.local10.com/news/local/2025/02/04/man-accused-of-threatening-to-shoot-biscayne-park-code-enforcement-officer-after-receiving-25-fine/> (last visited January 15, 2026).

¹⁶ Article I, s. 24(a), FLA CONST.

¹⁷ *Id.*

section 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.¹⁸ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.¹⁹ Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by agencies.

Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.²⁰

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”²¹

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.²² A violation of the Public Records Act may result in civil or criminal liability.²³

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.²⁴ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁵

¹⁸ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rules 14.1 and 14.2, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

¹⁹ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

²⁰ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

²¹ *Shevin v. Byron, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

²² Section 119.07(1)(a), F.S.

²³ Section 119.10, F.S. Public record laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

²⁴ Article I, s. 24(c), FLA CONST.

²⁵ *Id.*

General exemptions from public records requirements are contained in the Public Records Act.²⁶ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.²⁷

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.²⁸ 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.²⁹ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.³⁰

Public Records Exemption for Body Camera Recordings Made by a Law Enforcement Officer

Section 119.071(2)(l), F.S., provides that a law enforcement officer’s body camera³¹ recording, or a portion thereof, is confidential and exempt from public disclosure requirements, if the recording:

- Is taken within the interior of a private residence;
- Is taken within the interior of a facility that offers health care, mental health care, or social services; or
- Is taken in a place that a reasonable person would expect to be private.

Current law addresses the circumstances under which a law enforcement officer’s body camera recording may be disclosed or is required to be disclosed. A body camera recording, or a portion thereof, *may* be disclosed by a law enforcement agency in the furtherance of its official duties and responsibilities or to another governmental agency in the furtherance of its official duties and responsibilities.³² A body camera recording, or a portion thereof, *must* be disclosed by a law enforcement agency:

- To a person recorded by a body camera; however, a law enforcement agency may disclose only those portions that are relevant to the person’s presence in the recording;
- To the personal representative³³ of a person recorded by a body camera; however, a law enforcement agency may disclose only those portions that are relevant to the represented person’s presence in the recording;

²⁶ See section 119.071, F.S.

²⁷ See, e.g., section 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

²⁸ *WFTV, Inc. v. The Sch. Bd. Of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

²⁹ *Id.*

³⁰ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

³¹ “Body camera” means a portable electronic device that is worn on a law enforcement officer’s body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities. Section 119.071(2)(l)1.a., F.S.

³² Section 119.071(2)(l)3., F.S.

³³ “Personal representative” means a parent, court-appointed guardian, an attorney, or an agent of, or a person holding power of attorney for, a person recorded by a body camera. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person’s surviving spouse, parent, or adult

- To a person not depicted in a body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording; however, a law enforcement agency may disclose only those portions that record the interior of such a place; or
- Pursuant to a court order.³⁴

The court must consider several factors in determining whether to order disclosure of a body camera recording.³⁵ In any proceeding regarding the disclosure of a body camera recording, the law enforcement agency that made the recording must be given reasonable notice of hearings and an opportunity to participate.³⁶

Law enforcement agencies must retain a body camera recording for at least 90 days.³⁷

Local Government Agency Exemptions from Inspection or Copying of Public Records

Section 119.0713, F.S., provides for local government agency exemptions from inspection or copying of public records.

The following records are exempt or confidential and exempt from public records requirements:

- All complaints and other records in the custody of any unit of local government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, marital status, sale or rental of housing, the provision of brokerage services, or the finance of housing, until certain conditions are met;³⁸
- Audit workpapers and notes related to the audit report of an internal auditor and an investigative report of the inspector general prepared for or on behalf of a unit of local government,³⁹ as well as information received, produced, or derived from an investigation, until certain conditions are met;⁴⁰
- Any data, record, or document used directly or solely by a municipality owned utility to prepare and submit a bid relative to the sale, distribution, or use of any service, commodity, or tangible personal property to any customer or prospective customer, under certain circumstances;⁴¹

child; the deceased person's attorney or agent; or the parent or guardian of a surviving minor child of the deceased. Section 119.071(2)(l)1.c., F.S.

³⁴ Section 119.071(2)(l)4., F.S.

³⁵ Section 119.071(2)(l)4.d.(I), F.S.

³⁶ Section 119.071(2)(l)4.d.(II), F.S.

³⁷ Section 119.071(2)(l)5., F.S.

³⁸ Section 119.0713(1), F.S.

³⁹ "Unit of local government" means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental body or public body corporate or politic authorized or created by general or special law. Section 119.0713(2)(a), F.S.

⁴⁰ Section 119.0713(2)(b), F.S.

⁴¹ Section 119.0713(3), F.S.

- Proprietary confidential business information⁴² held by an electric utility that is subject to chapter 119, F.S., in conjunction with a due diligence review of an electric project⁴³ or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources;⁴⁴ and
- Specified information held by a utility owned or operated by a unit of local government.⁴⁵

Open Government Sunset Review Act

The provisions of section 119.15, F.S., known as the Open Government Sunset Review Act⁴⁶ (the Act), prescribe a legislative review process for newly created or substantially amended⁴⁷ public record or open meeting exemptions, with specified exceptions.⁴⁸ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.⁴⁹

The Act provides that a public record or open meeting exemption may be created and maintained only if it serves an identifiable public purpose and is no broader than is necessary.⁵⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;⁵¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is kept exempt;⁵² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.⁵³

⁴² "Proprietary confidential business information" means information, regardless of form or characteristics, which is held by an electric utility that is subject to chapter 119, F.S., is intended to be and is treated by the entity that provided the information to the electric utility as private in that the disclosure of the information would cause harm to the entity providing the information or its business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement that provides the information will not be released to the public. Section 119.0713(4)(a), F.S.

⁴³ See section 163.01(3)(d), F.S., for the definition of "electric project."

⁴⁴ Section 119.0713(4)(b), F.S.

⁴⁵ Section 119.0713(5)(a), F.S.

⁴⁶ Section 119.15, F.S.

⁴⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

⁴⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

⁴⁹ Section 119.15(3), F.S.

⁵⁰ Section 119.15(6)(b), F.S.

⁵¹ Section 119.15(6)(b)1., F.S.

⁵² Section 119.15(6)(b)2., F.S.

⁵³ Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.⁵⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.⁵⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.⁵⁶

III. Effect of Proposed Changes:

Section 1 creates a public records exemption to provide that a code inspectors' body camera recording, or a portion thereof, is confidential and exempt from public record disclosure requirements if the recording:

- Is taken within the interior of a private residence;
- Is taken within the interior of a facility that offers health care, mental health care, or social services; or
- Is taken in a place that a reasonable person would expect to be private.

The bill defines several terms as follows:

- “Body camera” to mean a portable electronic recording device that is worn on a code inspector’s body and that records audio and video data in the course of the performance of his or her official duties and responsibilities.
- “Code inspector” to mean any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.
- “Personal representative” to mean a parent, a court-appointed guardian, an attorney, or an agent of, or a person holding power of attorney for, a person recorded by a body camera. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person’s surviving spouse, parent, or adult child; the deceased person’s attorney or agent; or the parent or guardian of a surviving minor child of the deceased. An agent must possess written authorization of the recorded person to act on his or her behalf.

The bill provides that such body camera recordings, or portions thereof, *may* be disclosed by a local government in the furtherance of its official duties and responsibilities or to another governmental agency in the furtherance of its official duties and responsibilities.

⁵⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

⁵⁵ See generally section 119.15, F.S.

⁵⁶ Section 119.15(7), F.S.

The bill further provides that such body camera recordings, or portions thereof, *must* be disclosed by a local government:

- To a person recorded by the body camera; however, a local government may disclose only those portions relevant to the person's presence in the recording;
- To the personal representative of a person recorded by the body camera; however, a local government may disclose only those portions relevant to the represented person's presence in the recording;
- To a person not depicted in the body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording; however, a local government may disclose only those portions that record the interior of such a place; or
- Pursuant to a court order.

The bill specifies that in addition to any other grounds the court may consider in determining whether to order that a body camera recording be disclosed, the court must consider whether:

- Disclosure is necessary to advance a compelling interest;
- The recording contains information that is otherwise exempt or confidential and exempt under the law;
- The person requesting disclosure is seeking to obtain evidence to determine legal issues in which the person is a party;
- Disclosure would reveal information regarding a person which is of a highly sensitive personal nature;
- Disclosure may harm the reputation or jeopardize the safety of a person depicted in the recording;
- Confidentiality is necessary to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
- The recording could be redacted to protect privacy interests; and
- There is good cause to disclose all or portions of the recording.

The bill also specifies that in any proceeding regarding the disclosure of a body camera recording, the local government that made the recording must be given reasonable notice of hearings and an opportunity to participate.

The bill requires local governments to retain a body camera recording for at least 90 days.

The exemption provided by the bill applies retroactively. The exemption does not supersede any other public record exemption that existed before or is created after the effective date of the exemption. Those portions of a recording which are protected from disclosure by another public record exemption continue to be exempt or confidential and exempt.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides the constitutionally required public necessity statement. The public necessity statement states, in part, that in certain instances, audio and video data recorded by body cameras is significantly likely to capture highly sensitive personal information. It further provides that the

exemption of body camera recordings from public record requirements allows code inspectors to administer their duties more effectively and efficiently, which would otherwise be significantly impaired. As a result, the Legislature finds that the concerns regarding the impact of public record requirements for body camera recordings necessitate the exemption of the recordings from such requirements and outweigh any public benefit that may be derived from their disclosure.

Section 3 provides that by October 1, 2026, the Division of Library and Information Services of the Department of State must by rule incorporate into the appropriate general records schedule a 90-day retention requirement for body camera recordings recorded by code inspectors.

The bill takes effect on the same date that SB 504 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law. SB 504 takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. The bill enacts a new exemption for a body camera recording, or a portion thereof, recorded by a code inspector in the course of performing his or her official duties and responsibilities; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public record disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption which provides that in certain instances, audio and video data recorded by body cameras is significantly likely to capture highly sensitive personal information. It further provides that the exemption of body camera recordings from public record requirements allows code inspectors to administer their duties more effectively and efficiently, which would otherwise be significantly impaired.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption from public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the bill is to protect highly sensitive personal information and to allow code inspectors to administer their duties more effectively and efficiently. The bill only exempts body camera recordings, or portions thereof, recorded by a code inspector in the course of performing his or her official duties and responsibilities. Such recordings are confidential and exempt only if the recording:

- Is taken within the interior of a private residence;
- Is taken within the interior of a facility that offers health care, mental health care, or social services; or
- Is taken in a place that a reasonable person would expect to be private.

Therefore, the exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will be subject to the cost associated with a local government's review and redactions of exempt recordings in response to a public records request.

C. Government Sector Impact:

The bill may minimally increase training costs for local governments because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, local governments may incur costs associated with redacting the exempt information prior to releasing a record. However, these costs most likely can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0713 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 Burgess

23-00350A-26

2026506__

A bill to be entitled
An act relating to public records; amending s.
119.0713, F.S.; defining terms; providing an exemption
from public records requirements for body camera
recordings recorded by a code inspector under certain
circumstances; providing exceptions; requiring a local
government to retain body camera recordings for a
specified timeframe; providing for retroactive
application; providing construction; providing for
future legislative review and repeal of the exemption;
providing a statement of public necessity; directing
the Division of Library and Information Services of
the Department of State to adopt a specified retention
requirement for certain body camera recordings by a
specified date; providing a contingent effective date.

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

Section 1. Subsection (6) is added to section 119.0713,
Florida Statutes, to read:

119.0713 Local government agency exemptions from inspection
or copying of public records.—

(6) (a) As used in this subsection, the term:

1. "Body camera" means a portable electronic recording
device that is worn on a code inspector's body and that records
audio and video data in the course of the performance of his or
her official duties and responsibilities.

2. "Code inspector" has the same meaning as in s.
162.04(2).

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30 3. "Personal representative" means a parent, a court-
31 appointed guardian, an attorney, or an agent of, or a person
32 holding a power of attorney for, a person recorded by a body
33 camera. If a person depicted in the recording is deceased, the
34 term also means the personal representative of the estate of the
35 deceased person; the deceased person's surviving spouse, parent,
36 or adult child; the deceased person's attorney or agent; or the
37 parent or guardian of a surviving minor child of the deceased.
38 An agent must possess written authorization of the recorded
39 person to act on his or her behalf.

40 (b) A body camera recording, or a portion thereof, is
41 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
42 of the State Constitution if the recording:

- 43 1. Is taken within the interior of a private residence;
44 2. Is taken within the interior of a facility that offers
45 health care, mental health care, or social services; or
46 3. Is taken in a place that a reasonable person would
47 expect to be private.

48 (c) Notwithstanding paragraph (b), a body camera recording,
49 or a portion thereof, may be disclosed by a local government:

- 50 1. In furtherance of its official duties and
51 responsibilities; or
52 2. To another governmental agency in the furtherance of its
53 official duties and responsibilities.

54 (d) Notwithstanding paragraph (b), a body camera recording,
55 or a portion thereof, must be disclosed by a local government:

- 56 1. To a person recorded by the body camera; however, a
57 local government may disclose only those portions relevant to
58 the person's presence in the recording;

23-00350A-26

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59 2. To the personal representative of a person recorded by
60 the body camera; however, a local government may disclose only
61 those portions relevant to the represented person's presence in
62 the recording;

63 3. To a person not depicted in the body camera recording if
64 the recording depicts a place in which the person lawfully
65 resided, dwelled, or lodged at the time of the recording;
66 however, a local government may disclose only those portions
67 that record the interior of such a place; or

68 4. Pursuant to a court order.

69 a. In addition to any other grounds the court may consider
70 in determining whether to order that a body camera recording be
71 disclosed, the court shall consider whether:

72 (I) Disclosure is necessary to advance a compelling
73 interest;

74 (II) The recording contains information that is otherwise
75 exempt or confidential and exempt under the law;

76 (III) The person requesting disclosure is seeking to obtain
77 evidence to determine legal issues in a case in which the person
78 is a party;

79 (IV) Disclosure would reveal information regarding a person
80 which is of a highly sensitive personal nature;

81 (V) Disclosure may harm the reputation or jeopardize the
82 safety of a person depicted in the recording;

83 (VI) Confidentiality is necessary to prevent a serious and
84 imminent threat to the fair, impartial, and orderly
85 administration of justice;

86 (VII) The recording could be redacted to protect privacy
87 interests; and

23-00350A-26

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88 (VIII) There is good cause to disclose all or portions of
89 the recording.

90 b. In any proceeding regarding the disclosure of a body
91 camera recording, the local government that made the recording
92 must be given reasonable notice of hearings and an opportunity
93 to participate.

94 (e) A local government shall retain a body camera recording
95 for at least 90 days.

96 (f) The exemption provided in paragraph (b) applies
97 retroactively.

98 (g) This subsection does not supersede any other public
99 records exemption that existed before or is created after the
100 effective date of this exemption. Those portions of a recording
101 which are protected from disclosure by another public records
102 exemption continue to be exempt or confidential and exempt.

103 (h) This subsection is subject to the Open Government
104 Sunset Review Act in accordance with s. 119.15 and shall stand
105 repealed on October 2, 2031, unless reviewed and saved from
106 repeal through reenactment by the Legislature.

107 Section 2. (1) The Legislature finds that it is a public
108 necessity that the following types of body camera recordings
109 recorded by a code inspector in the course of performing his or
110 her official duties and responsibilities be made confidential
111 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
112 Article I of the State Constitution: recordings taken within the
113 interior of a private residence; recordings taken within the
114 interior of a facility that offers health care, mental health
115 care, or social services; and recordings taken in a place that a
116 reasonable person would expect to be private.

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117 (2) The Legislature recognizes that body cameras preserve
118 information that has the potential to assist both code
119 inspectors' and the public's ability to review the accuracy of
120 code inspection work.

121 (3) However, the Legislature also finds that, in certain
122 instances, audio and video recorded by body cameras is
123 significantly likely to capture highly sensitive personal
124 information. The exemption of body camera recordings from public
125 records requirements allows code inspectors to administer their
126 duties more effectively and efficiently, which would otherwise
127 be significantly impaired. The Legislature finds that the
128 concerns regarding the impact of public records requirements for
129 body camera recordings necessitate the exemption of the
130 recordings from public records requirements and outweigh any
131 public benefit that may be derived from their disclosure.

132 Section 3. By October 1, 2026, the Division of Library and
133 Information Services of the Department of State shall by rule
134 incorporate into the appropriate general records schedule a 90-
135 day retention requirement for body camera recordings recorded by
136 code inspectors.

137 Section 4. This act shall take effect on the same date that
138 SB 504 or similar legislation takes effect, if such legislation
139 is adopted in the same legislative session or an extension
140 thereof and becomes a law.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 27, 2026

I respectfully request that **Senate Bill # 506**, relating to Public Records/Body Camera Recordings Recorded by a Code Inspector, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

CC: Shasta Kruse, Staff Director
CC: Cynthia Futch, Committee Administrative Assistant

APPEARANCE RECORD

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

2/3/26

Meeting Date

Rules

Committee

506

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Andrew Kattel

Phone

813-240-7632

Address

215 S Monroe St Suite 520

Email

askattel@scgroup.us

Street

TLC

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL Association of
Code Enforcement

☐

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

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

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

S-001 (08/10/2021)

2/3/26

Meeting Date

Rules

Committee

Name **Sam Wagoner**

Phone **850-701-3603**

Address **301 S Bronough St. Suite 300**

Email **swagoner@flcities.com**

Street

TLH

City

FL

State

01323

Zip

The Florida Senate
APPEARANCE RECORD

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

506

Bill Number or Topic

Amendment Barcode (if applicable)

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 League of Cities

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 564

INTRODUCER: Education Pre-K-12 Committee and Senator Yarborough

SUBJECT: Student Volunteers at Polling Locations

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-------------|----------------|-----------|------------------|
| 1. Biehl | Roberts | EE | Favorable |
| 2. Palazesi | Bouck | ED | Fav/CS |
| 3. Biehl | Kruse | RC | Favorable |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 564 revises an existing prohibition against use of private funds for election-related expenses by authorizing Florida high school students who are registered or preregistered to vote to volunteer to assist poll workers for the purpose of receiving community service hours to meet certain educational requirements.

The bill takes effect July 1, 2026.

II. Present Situation:

Poll Workers

Poll workers are short-term employees of supervisors of elections who staff voting sites, assist voters, and work in the elections office. Before beginning service as a poll worker, a person must complete a training curriculum developed by the Department of State.¹

Use of Private Funds for Election-Related Expenses

Current law prohibits an agency or a state or local official responsible for conducting elections from soliciting, accepting, using, or disposing of any donation in the form of money, grants, property, or personal services from an individual or nongovernmental entity for the purpose of

¹ Section 102.014(1), F.S.

funding any type of expenses related to election administration. Such expenses include, but are not limited to, voter education, voter outreach, voter registration programs, or the cost of any litigation related to election administration.²

The prohibition does not include the donation and acceptance of space to be used for a polling room or an early voting site.³

Qualifications to Register or Vote

A person may become a registered voter only if that person:

- Is at least 18 years of age;
- Is a citizen of the United States;
- Is a legal resident of the State of Florida;
- Is a legal resident of the county in which that person seeks to be registered; and
- Registers pursuant to the Florida Election Code.⁴

A person who is otherwise qualified may preregister on or after that person's 16th birthday and may vote in any election occurring on or after that person's 18th birthday.⁵ Because registration books must be closed on the 29th day before each election and remain closed until after that election,⁶ preregistration allows a person to ensure that he or she will be able to vote in an election that may occur soon after his or her 18th birthday.

Community Service Hours

High school students in Florida may use community service hours to satisfy certain requirements for various educational programs. Florida law encourages school districts to initiate service learning which is a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their schools or communities.⁷ Service hours that high school students devote to course-based service-learning activities may be counted toward meeting community service requirements for high school graduation and community service requirements for participation in the Florida Bright Futures Scholarship Program. School districts are also encouraged to include service learning as part of any course or activity required for high school graduation.⁸ Some school districts require community service or service learning hours as part of their high school graduation requirement. For example, Broward County Public Schools and the School District of Palm Beach County require students seeking a standard high school diploma to complete 40 and 20 hours of community service hours, respectively.⁹

² Section 97.0291, F.S.

³ Section 97.0291, F.S.

⁴ Section 97.041(1)(a), F.S.

⁵ Section 97.041(1)(b), F.S.

⁶ Section 97.055(1)(a), F.S.

⁷ Section 1003.497, (1), F.S.

⁸ *Id.* at (3)(b).

⁹ Broward County Public Schools, *Student Activities and Volunteer Service Learning Hours*, available at <https://www.browardschools.com/bcps-departments/student-activities/student-activities-and-volunteer-service-learning-hours> (last visited Jan 21, 2026). The School District of Palm Beach County, *Community Service*, available at <https://www.palmbeachschools.org/studentsparents/grades-and-graduation-requirements/graduation-requirements/community-service> (last visited Jan 21, 2026).

Another educational program with a community service component is the Florida Bright Futures Scholarship Program (BFSP). The Florida BFSP is a lottery-funded initiative that supports high school graduates pursuing degrees, certificates, or applied technology programs at eligible postsecondary institutes.¹⁰ The BFSP has four distinct scholarship awards that require volunteer service hours, paid work hours, or a combination of both:¹¹

- Florida Academic Scholarship: Requires an applicant to complete 100 volunteer hours; 100 paid work hours; or a combination of 100 total hours of volunteer and work hours.
- Florida Medallion Scholarship: Requires an applicant to complete 75 volunteer hours; 100 paid work hours; or a combination of 100 total hours of volunteer and work hours.
- Gold Seal Vocational Scholarship: Requires an applicant to complete 30 volunteer hours; 100 paid work hours; or a combination of 100 total hours of volunteer and work hours.
- Goal Seal Cape Scholarship: Requires an applicant to complete 30 volunteer hours; 100 paid work hours; or a combination of 100 total hours of volunteer and work hours.

III. Effect of Proposed Changes:

CS/SB 564 revises the prohibition against the use of private funds for election-related expenses. Specifically, the bill provides that the section does not prohibit high school students in this state who are registered or preregistered to vote from volunteering to assist poll workers for the purpose of receiving community service hours to meet community service requirements for high school graduation or postsecondary financial aid.

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.

¹⁰ Section 1009.53, F.S.

¹¹ Florida Bright Futures Scholarship Program, *Scholarship Awards*, available at <https://floridabrightfutures.gov/#Scholarship%20Awards> (last visited Jan. 21, 2026).

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 section 97.0291, 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 Education Pre-K -12 on January 27, 2026:

The committee substitute clarifies that community service hours that students earn volunteering to assist poll workers can be used to meet community service requirements for high school graduation or postsecondary financial aid.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Yarborough

581-02258-26

2026564c1

A bill to be entitled
An act relating to student volunteers at polling
locations; amending s. 97.0291, F.S.; providing that
specified high school students who volunteer to assist
poll workers are not subject to provisions prohibiting
certain agencies and state and local officials from
soliciting, accepting, or otherwise using private
funds or certain personal services for election-
related expenses; providing an effective date.

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

Section 1. Section 97.0291, Florida Statutes, is amended to
read:

97.0291 Prohibition on use of private funds for election-
related expenses.—

(1) ~~An~~ No agency or a state or local official responsible
for conducting elections, including, but not limited to, a
supervisor of elections, may not solicit, accept, use, or
dispose of any donation in the form of money, grants, property,
or personal services from an individual or a nongovernmental
entity for the purpose of funding any type of expenses related
to election administration, including, but not limited to, voter
education, voter outreach, voter registration programs, or the
cost of any litigation related to election administration.

(2) This section does not prohibit:

(a) The donation and acceptance of space to be used for a
polling room or an early voting site.

(b) High school students in this state who are registered

581-02258-26

2026564c1

or preregistered to vote from volunteering to assist poll
workers for the purpose of receiving community service hours to
meet community service requirements for high school graduation
or postsecondary financial aid.

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



The Florida Senate

Committee Agenda Request


To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 27, 2026

I respectfully request that **Senate Bill #564**, relating to Student Volunteers at Polling Locations, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.



Senator Clay Yarborough
Florida Senate, District 4

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/3/2026

Meeting Date

Senate Rules

Committee

SB 564

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jacquelyn C. Steele

Phone (850) 759-1343

Address 5024 Bradfordville Road

Email jacquelyn@equal-ground.com

Street

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:

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

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

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S-001 (08/10/2021)

The Florida Senate

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FEBRUARY 3, 26
Meeting Date

SB 564
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name ZACHARY WIEGERS Phone 561-339-0515

Address 2536 TANGERINE ST NE Email WIEGERSINC@ME.COM
Street
PALM BAY FL 32905
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:

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S-001 (08/10/2021)

The Florida Senate

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SB 564

Bill Number or Topic

Amendment Barcode (if applicable)

Feb 3, 2024

Meeting Date

Rules

Committee

Name

Enka Rembert Smith

Phone

407-697-0761

Address

2247 Lake Francis Drive

Street

Email

reverembert@gmail.com

Apopka

City

FL

State

32712

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02 03. 2026

Meeting Date

Rules

Committee

S-B 0564

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Derek Triplett

Phone

386. 214. 8474

Address

437 Mohave Terrace

Email

triplett.derek@gmail.com

Street

Lake Mary FL 32744

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26

Meeting Date

Rules

Committee

SB 564

Bill Number or Topic

Amendment Barcode (if applicable)

Name

LARRY COLLETON

Phone

321-287-3507

Address

10648 Spring Buck Trail

Street

Email

Lhcolleton222@gmail.com

Orlando

City

FL.

State

32825

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

02/02/2026

Meeting Date

The Florida Senate
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SB 564

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name **Jerry Holland**

Phone **904-318-6877**

Address **105 E. Monroe St.**

Email **jholland@coj.net**

Street

Jacksonville

FL

32202

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:

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S-001 (08/10/2021)

2/3/2026

Meeting Date

Senate Rules

Committee

Name Sarah Suskey

Address 204 South Monroe Street

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate

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564

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-222-8900

Email sarah@tapfla.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:

Secure Democracy USA

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

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

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S-001 (08/10/2021)

3 Feb 2026

The Florida Senate
APPEARANCE RECORD

564

Rules

Meeting Date

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Steve Schale**

Phone **850-222-8900**

Address **204 S Monroe St**

Email **steve@tapfla.com**

Street

Tallahassee

FL

32317

City

State

Zip

Reset Form

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Secure Democracy USA

☐

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

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

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SB 0564
Bill Number or Topic

2/3/26
Meeting Date

Rules
Committee

Name DERRICK SCOTT

Amendment Barcode (if applicable)
Phone (917) 334-1590

Address 9005 El Matador Place

Email dscott1906@outlook.com

PENSACOLA, FL 32506
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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The Florida Senate

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February 3, 2026

Meeting Date

SB0564

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Jill Lewis

Phone

850-259-4735

Address

109 Cedar Ridge Way

Email

pats24n@icloud.com

Street

Niceville FL

32578

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

February, 3 2026

Meeting Date

The Florida Senate
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SB 564 - Student Volunteers

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Jonathan Webber

Phone

9545934449

Address

P.O. Box 1018

Email

jonathan.webber@splcenter.org

Street

Tallahassee

FL

32302

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:

Southern Poverty Law Center

☐

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 that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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SB 564

Bill Number or Topic

2/3/26

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name

Amy Keith

Phone

727 342 0730

Address

333 3rd Ave N

Street

Email

St Petersburg FL

City

State

33701

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Common Cause

☐

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

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

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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 Rules

BILL: CS/SB 572

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Harrell

SUBJECT: Ethics for Public Officers and Employees

DATE: February 2, 2026 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------|----------------|-----------|------------------|
| 1. Cleary | Roberts | EE | Favorable |
| 2. White | McVaney | GO | Fav/CS |
| 3. Cleary | Kruse | RC | Favorable |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 572 revises the definition of the term “relative” in the Code of Ethics for Public Officers and Employees to include current and former foster parents and foster children. Further, the bill reenacts ss. 106.07, 106.0702, 348.0305, and 1001.421, F.S., to incorporate the amendment made to the definition of “relative.”

The inclusion of current and former foster parents and foster children extends:

- The exception to the gift disclosure requirements for public officers and employees;
- Certain contractual limitations for agency employees acting on behalf of their agency;
- Limited exception relating to contributions to a candidate for certain offices;
- Prohibition on receipt of gifts for relatives of district school board members; and
- Required disclosure of potential conflicting interests held by a relative of employees, officers, and consultants of the Greater Miami Expressway Agency.

The bill is not expected to impact state and local government revenues and expenditures.

The bill takes effect July 1, 2026.

II. Present Situation:

Ethical Standards

The Code of Ethics for Public Officers and Employees (Code of Ethics)¹ establishes ethical standards for public officials and applies to officers and employees of the state or a political subdivision.² The Code of Ethics ensures that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.³ The Code of Ethics addresses various issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics, among others.⁴ Various activities by public officers and employees are limited or prohibited by the Code of Ethics, including, in relevant part, solicitation and acceptance of gifts.⁵

Gift Laws

The Code of Ethics' gift law provides that Reporting Individuals⁶ and Procurement Employees⁷ (RIPE) generally may not accept gifts. This includes gifts that are for the personal benefit of a family member of the RIPE. The prohibition against solicitation is comprehensive, there is no valuation threshold, and it applies even to food and beverages.

Under s. 112.312, F.S., for purposes of ethics in government and financial disclosures, a “gift,” includes anything accepted directly by or on behalf of an individual, or paid for or given to another on that individual's behalf. Types of gifts include:

- Real property.
- The use of real property.
- Tangible or intangible personal property.
- The use of tangible or intangible personal property.
- A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
- Forgiveness of an indebtedness.

¹ See pt. III. Ch. 112, F.S.

² Section 112.311(5), F.S.

³ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1., <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=202619> (last visited January 9, 2026)

⁴ See pt III. Ch. 112, F.S.

⁵ Sections 112.311(2) and (3), and 112.313, F.S.; see also 9 FLA. JUR. 2D CIVIL SERVANTS s. 168 *Standards of conduct for public officers and employees* (2024).

⁶ Section 112.3148(2)(d), F.S. (Reporting individual “means any individual, including a candidate upon qualifying, who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office”).

⁷ Section 112.3148(2)(e), F.S., (Procurement employee “means any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year”).

- Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
- Food or beverage.
- Membership dues.
- Entrance fees, admission fees, or tickets to events, performances, or facilities.
- Plants, flowers, or floral arrangements.
- Services provided by persons pursuant to a professional license or certificate.
- Other personal services for which a fee is normally charged by the person providing the services.
- Any other similar service or thing having an attributable value not already provided for in this section.

A gift does not include:

- Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
- With certain exceptions, contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee.
- An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
- An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- The use of a public facility or public property, made available by a governmental agency, for a public purpose.
- Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
- Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

Exceptions to Gift Disclosure Requirements

However, RIPE may accept gifts from relatives.⁸ The law also provides that RIPE do not have to disclose gifts given to them by relatives, irrespective of their monetary value.⁹ Section 112.313(21), F.S., defines the term "relative" for purposes of Florida's gift law.¹⁰ The current

⁸ See s. 112.3148, F.S.

⁹ *Id.*

¹⁰ The full definition provides: 'Relative,' unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson,

statutory definition of the term “relative” is broad and includes persons sharing the same legal residence, as well as those who are engaged to be married.¹¹ However, this definition does not include the current and former foster children and foster parents of a RIPE. Gifts from such persons are therefore subject to the gifts restriction and disclosures in law.¹²

Gifts to district school board members are governed by s. 1001.421, F.S., District school board members and their “relatives” are prohibited from directly or indirectly soliciting any gift, or directly or indirectly accepting any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district. The term “relative” under s. 1001.421, F.S., uses the same definition as that in the Code of Ethics.

Other Ethical Standard Involving “Relatives”

An agency employee acting in an official capacity may not directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor.¹³

Disclosure Requirements for Candidates

Chapter 106, F.S., governs campaign financing and prescribes requirements for candidates,¹⁴ political committees,¹⁵ and electioneering communications organizations,¹⁶ including but not limited to provisions regarding:

stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

¹¹ *Id.*

¹² *Id.*

¹³ Section 112.3185, F.S.

¹⁴ Section 106.011(3), F.S., defines “candidate” to mean a person who seeks to qualify for nomination or election by means of the petitioning process; seeks to qualify for election as a write-in candidate; receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures with a view to bring about his or her nomination or election to, or retention in, public office; appoints a treasurer and designates a primary depository; or files qualification papers and subscribes to a candidate’s oath as required by law. The term “candidate” does not include any candidate for a political party executive committee.

¹⁵ Section 106.011(16)(a), F.S., defines “political committee” to mean (a) a combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year: accepts contributions to any candidate, political committee, affiliated party committee, or political party; accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue; makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party; or (b) the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors. The following are not considered political committees for purposes of ch. 106, F.S.: national political parties; the state and county executive committees of political parties, and affiliated party committees; corporations or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions or expenditures in support of or in opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; and electioneering communications organizations.

¹⁶ Section 106.011(9), F.S., defines “electioneering communications organization” to mean any group, other than a political party, affiliated party committee, or political committee, whose election-related activities are limited to making expenditures

- Registration and officers;
- Reporting;
- Contributions¹⁷ and expenditures;¹⁸
- Closure of candidate campaign accounts and disposition of surplus funds; and
- Disclaimers.

All candidates other than political party executive committee candidates, all political committees, and all electioneering communications organizations must at regular intervals¹⁹ file contribution and expenditure reports.²⁰ Contribution reporting of such candidates and political committees must include the full name, address, and occupation, if any, of each person who made a contribution to the candidate or committee within the reporting period, together with the amount and date of such contribution. However, if the contribution is less than \$100 and is from a relative, as defined in s. 112.321, F.S., provided that the relationship is reported, the occupation of the contributor need not be listed.²¹

for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee under this chapter. Section 106.011(8)(a), F.S., defines “electioneering communication” to mean a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which (a) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (b) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (c) is targeted to the relevant electorate in the geographic area the candidate would represent if elected. Specified types of communications are exempted from the definition.

¹⁷ Section 106.011(5), F.S., defines “contribution” to mean (a) a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication; (b) a transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups; (c) the payment, by a person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services; or (d) the transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes interest earned on such account or certificate. However, “contribution” does not include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements.

¹⁸ Section 106.011(10)(a), F.S., defines “expenditure” to mean a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. The term does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization’s newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

¹⁹ Current law requires quarterly, weekly, or daily reporting, depending on proximity to the election. *See* ss. 106.07(1) and 107.0703(1), F.S.

²⁰ *See* ss. 106.07 and 106.0703, F.S. Each candidate and political committee files its campaign finance reports with the same filing officer as for its initial qualifying or organization.

²¹ Section 106.07(4)(a)1., F.S.

A candidate for political party executive committee is required to file only one contribution and expenditure report, on the fourth day immediately preceding the primary election.²² Their contribution report, like that of other candidates, does not require reporting the occupation of a contributor of a relative whose relationship is reported if the contribution is \$100 or less.²³

Ethics Requirements for the Greater Miami Expressway Agency

The Greater Miami Expressway Agency (GMX) is charged with constructing expressways for Miami-Dade and Monroe counties and its powers included the power to sue and be sued, acquire and hold property, enter into leases, establish toll rates, and borrow money.²⁴ The GMX is subject to the Code of Ethics as well as additional ethical requirements. In relevant part, each officer, employee, or consultant of the GMX must promptly disclose:

- Every relationship that may create a conflict between his or her private interests and the performance of his or her duties to the agency or that would impede the full and faithful discharge of his or her duties to the agency.
- Any relative and any employment or contractual relationship of such relative which, if held by the officer, employee, or consultant, would violate any provision of s. 112.313, F.S.²⁵
- Any relative who is a lobbyist and such lobbyist's principal.
- Any direct or indirect interest in real property and such interest of any relative if such property is located within one-half mile of any actual or prospective agency project. The executive director of the agency shall provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners, to all officers, employees, and consultants.

For the purposes of these disclosure requirements, "relative" has the same definition as the Code of Ethics. Failure to make such disclosures constitutes a violation of official, employment, or contractual duties to the GMX.²⁶

III. Effect of Proposed Changes:

Section 1 revises the definition of the term "relative" in the Code of Ethics to include current and former foster parents and foster children. In effect, this allows Reporting Individuals and Procurement Employees to receive gifts from current and former foster children and foster parents without having to report the gift to the Commission on Ethics pursuant to s. 112.3148, F.S. This mirrors the exemption from reporting requirements of gifts provided to a wide variety of family members.

²² Section 106.0702, F.S. Candidates for political party executive committee file reports with the supervisor of elections of the appropriate county.

²³ Section 106.0702(4)(a)1., F.S.

²⁴ Section 348.0306, F.S.

²⁵ Under s. 112.313, F.S., no public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

²⁶ Section 348.0305, F.S.

The definition of “relative” amended by this bill also applies to certain contractual prohibitions for agency employees set forth in s. 112.3185, F.S. An agency employee acting in an official capacity may not directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor. The bill expands this prohibition on contractual relationships to include business entities in which a public employee’s current or former foster parent or foster child is an officer, partner, director, or proprietor.

Sections 2-5 reenact various statutes to incorporate the revised definition of “relative.”

- **Section 2** reenacts s. 106.07, F.S., relating to disclosures filed by campaign treasurers; and **section 3** reenacts s. 106.0702, F.S., relating to the reporting of contributions required by an individual seeking a publicly elected position on a political party executive committee. In both instances, these disclosures must include the occupation of each contributor and, if a corporation, the principal type of business conducted. If the contributor is a relative, however, who contributes \$100 or less, the occupation of the contributor or the principal type of business need not be listed. The bill extends the definition of relative so the report of a contribution by a current or former foster parent or foster child need not include the contributor’s occupation.
- **Section 4** reenacts s. 348.0305, F.S., relating to ethical requirements of employees, officers, and consultants of the Greater Miami Expressway Agency. Under the changes in the bill, the disclosure of certain potential conflicting interests of relatives required of employees, officers, and consultants now includes the interests of current and former foster parents and foster children.
- **Section 5** reenacts s. 1001.421, F.S., relating to the gift law prohibition for district school board members and their “relatives.” District school board members and their relatives may not solicit any gift in excess of \$50 from any person, vendor, potential vendor, or other entity doing business with the school district. The bill expands this prohibition to current and former foster parents and children or district school board members.

The Commission on Ethics proposed these changes in their Legislative Recommendations for the 2026 Legislative Session.²⁷

Section 6 provides the bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

²⁷ *Legislative Recommendations for 2026*, Florida Commission on Ethics Memorandum, (dated September 18, 2025), <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7839> (providing the recommendation because foster parents do not necessarily adopt the children they foster, but these foster parents and foster children often maintain a familial relationship through their lives, even after their legal relationship ends).

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

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 identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected

This bill substantially amends sections 106.07, 106.0702, 112.312, 348.0305, and 1001.421 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 Governmental Oversight and Accountability on January 26, 2026:

The CS reenacts ss. 106.07, 106.0702, and 348.0305, F.S., to incorporate the updated definition of “relative.” These sections relate to ethical disclosures of gifts and contributions from a relative to a candidate for certain offices; prohibition on receipt of gifts for relatives of district school board members; and the required disclosure of potential conflicting interests held by a relative of an employee, officer, or consultant of the Greater Miami Expressway Agency.

- B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Harrell

585-02216-26

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A bill to be entitled
An act relating to ethics for public officers and
employees; amending s. 112.312, F.S.; revising the
definition of the term "relative" to include foster
parents and foster children; reenacting ss.
106.07(4)(a), 106.0702(4)(a), 348.0305, and 1001.421,
F.S., relating to a campaign treasurer's reports of
campaign contributions, reports of campaign
contributions to candidates for a position on a
political party executive committee, ethical
requirements for officers, employees, and consultants
for the Greater Miami Expressway Agency, and gifts to
district school board members, respectively, to
incorporate the amendment made to s. 112.312, F.S., in
references thereto; providing an effective date.

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

Section 1. Subsection (21) of section 112.312, Florida
Statutes, is amended to read:

112.312 Definitions.—As used in this part and for purposes
of the provisions of s. 8, Art. II of the State Constitution,
unless the context otherwise requires:

(21) "Relative," unless otherwise specified in this part,
means an individual who is related to a public officer or
employee as father, mother, son, daughter, brother, sister,
uncle, aunt, first cousin, nephew, niece, husband, wife, father-
in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-
law, sister-in-law, stepfather, stepmother, stepson,

585-02216-26

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30 stepdaughter, stepbrother, stepsister, half brother, half
31 sister, grandparent, great grandparent, grandchild, great
32 grandchild, step grandparent, step great grandparent, step
33 grandchild, or step great grandchild; an individual who, while
34 the public officer or employee was a minor, was his or her
35 legally recognized foster parent in the jurisdiction where the
36 relationship occurred or an individual who is a current or
37 former legally recognized foster child of the public officer or
38 employee in the jurisdiction where the relationship occurs or
39 occurred; a~~7~~ person who is engaged to be married to the public
40 officer or employee or who otherwise holds himself or herself
41 out as or is generally known as the person whom the public
42 officer or employee intends to marry or with whom the public
43 officer or employee intends to form a household;~~7~~ or any other
44 natural person having the same legal residence as the public
45 officer or employee.

46 Section 2. For the purpose of incorporating the amendment
47 made by this act to section 112.312, Florida Statutes, in a
48 reference thereto, paragraph (a) of subsection (4) of section
49 106.07, Florida Statutes, is reenacted to read:

50 106.07 Reports; certification and filing.—

51 (4)(a) Except for daily reports, to which only the
52 contributions provisions below apply, and except as provided in
53 paragraph (b), each report required by this section must
54 contain:

55 1. The full name, address, and occupation, if any, of each
56 person who has made one or more contributions to or for such
57 committee or candidate within the reporting period, together
58 with the amount and date of such contributions. For

585-02216-26

2026572c1

corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty

585-02216-26

2026572c1

88 cash fund provided by s. 106.12 need not be reported
89 individually.

90 7. The full name and address of each person to whom an
91 expenditure for personal services, salary, or reimbursement for
92 authorized expenses as provided in s. 106.021(3) has been made
93 and which is not otherwise reported, including the amount, date,
94 and purpose of such expenditure. However, expenditures made from
95 the petty cash fund provided for in s. 106.12 need not be
96 reported individually. Receipts for reimbursement for authorized
97 expenditures shall be retained by the treasurer along with the
98 records for the campaign account.

99 8. The total amount withdrawn and the total amount spent
100 for petty cash purposes pursuant to this chapter during the
101 reporting period.

102 9. The total sum of expenditures made by such committee or
103 candidate during the reporting period.

104 10. The amount and nature of debts and obligations owed by
105 or to the committee or candidate, which relate to the conduct of
106 any political campaign.

107 11. Transaction information for each credit card purchase.
108 Receipts for each credit card purchase shall be retained by the
109 treasurer with the records for the campaign account.

110 12. The amount and nature of any separate interest-bearing
111 accounts or certificates of deposit and identification of the
112 financial institution in which such accounts or certificates of
113 deposit are located.

114 13. The primary purposes of an expenditure made indirectly
115 through a campaign treasurer pursuant to s. 106.021(3) for goods
116 and services such as communications media placement or

585-02216-26

2026572c1

117 procurement services, campaign signs, insurance, and other
118 expenditures that include multiple components as part of the
119 expenditure. The primary purpose of an expenditure shall be that
120 purpose, including integral and directly related components,
121 that comprises 80 percent of such expenditure.

122 Section 3. For the purpose of incorporating the amendment
123 made by this act to section 112.312, Florida Statutes, in a
124 reference thereto, paragraph (a) of subsection (4) of section
125 106.0702, Florida Statutes, is reenacted to read:

126 106.0702 Reporting; political party executive committee
127 candidates.—

128 (4) (a) Each report required by this section must contain:

129 1. The full name, address, and occupation of each person
130 who has made one or more contributions to or for the reporting
131 individual within the reporting period, together with the amount
132 and date of such contributions. For corporations, the report
133 must provide as clear a description as practicable of the
134 principal type of business conducted by the corporations.
135 However, if the contribution is \$100 or less or is from a
136 relative, as defined in s. 112.312, provided that the
137 relationship is reported, the occupation of the contributor or
138 the principal type of business need not be listed.

139 2. The name and address of each political committee from
140 which the reporting individual has received, or to which the
141 reporting individual has made, any transfer of funds within the
142 reporting period, together with the amounts and dates of all
143 transfers.

144 3. Each loan for campaign purposes from any person or
145 political committee within the reporting period, together with

585-02216-26

2026572c1

the full name, address, and occupation, and principal place of business, if any, of the lender and endorser, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1.-3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such reporting individual during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the reporting individual within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each reporting individual on whose behalf such expenditure was made.

7. The amount and nature of debts and obligations owed by or to the reporting individual which relate to the conduct of any political campaign.

8. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the reporting individual.

9. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

Section 4. For the purpose of incorporating the amendment made by this act to section 112.312, Florida Statutes, in a reference thereto, section 348.0305, Florida Statutes, is

585-02216-26

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reenacted to read:

348.0305 Ethics requirements.—

(1) Notwithstanding any other provision of law to the contrary, members and employees of the agency are subject to part III of chapter 112. As used in this section, the term:

(a) "Agency" means the Greater Miami Expressway Agency.

(b) "Lobby" means to seek to influence the agency, on behalf of another person, with respect to a decision of the agency in an area of policy or procurement or to attempt to obtain the goodwill of an officer, employee, or consultant of the agency. The term does not include representing a client in any stage of applying for or seeking approval of any administrative action, or opposition to such action, provided such action does not require legislative discretion and is subject to judicial review by petitioning for writ of certiorari.

(c) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, to lobby or a person who is principally employed for governmental affairs by another person or entity to lobby on behalf of such person or entity. The term does not include a person who:

1. Represents a client in a judicial proceeding or in a formal administrative proceeding before the agency.

2. Is an officer or employee of any governmental entity acting in the normal course of his or her duties.

3. Consults under contract with the agency and communicates with the agency regarding issues related to the scope of services in his or her contract.

4. Is an expert witness who is retained or employed by an

585-02216-26

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204 employer, principal, or client to provide only scientific,
205 technical, or other specialized information provided in agenda
206 materials or testimony only in public hearings, provided the
207 expert identifies such employer, principal, or client at such
208 hearing.

209 5. Seeks to procure a contract that is less than \$20,000 or
210 a contract pursuant to s. 287.056.

211 (d) "Officer" means a member of the governing body of the
212 agency.

213 (e) "Principal" has the same meaning as in s. 112.3215.

214 (f) "Relative" has the same meaning as in s. 112.312.

215 (2)(a) A lobbyist may not be appointed or serve as a member
216 of the governing body of the agency.

217 (b) A person may not be appointed or serve as an officer if
218 that person currently represents or has in the previous 4 years
219 lobbied the agency or the former Miami-Dade County Expressway
220 Authority.

221 (c) A person may not be appointed or serve as an officer if
222 that person has in the previous 4 years done business, or been
223 an employee of a person or entity that has done business, with
224 the agency or the former Miami-Dade County Expressway Authority.

225 (d) A person may not be appointed or serve as an officer if
226 that person has in the previous 2 years been an employee of the
227 agency.

228 (3) An officer, employee, or consultant of the agency or of
229 the former Miami-Dade County Expressway Authority may not, for a
230 period of 4 years after vacation of his or her position with the
231 agency:

232 (a) Lobby the agency.

585-02216-26

2026572c1

(b) Have an employment or contractual relationship with a business entity in connection with a contract in which the officer, employee, or consultant personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was an officer, employee, or consultant of the agency. When an agency employee's position is eliminated and his or her former duties are performed by the business entity, this paragraph does not prohibit him or her from employment or a contractual relationship with the business entity if the employee's participation in the contract was limited to recommendation, rendering of advice, or investigation and if the executive director of the agency determines that the best interests of the agency will be served thereby and provides prior written approval for the particular employee.

(c) Have or hold any employment or contractual relationship with a business entity in connection with any contract for contractual services which was within his or her responsibility while an officer, employee, or consultant. If an agency employee's position is eliminated and his or her former duties are performed by the business entity, this paragraph may be waived by the executive director of the agency through prior written approval for the particular employee if the executive director determines that the best interests of the agency will be served thereby.

(4) Each officer, employee, and consultant of the agency must promptly disclose:

(a) Every relationship that may create a conflict between his or her private interests and the performance of his or her

585-02216-26

2026572c1

duties to the agency or that would impede the full and faithful discharge of his or her duties to the agency.

(b) Any relative and any employment or contractual relationship of such relative which, if held by the officer, employee, or consultant, would violate any provision of s. 112.313.

(c) Any relative who is a lobbyist and such lobbyist's principal.

(d) Any direct or indirect interest in real property and such interest of any relative if such property is located within one-half mile of any actual or prospective agency project. The executive director of the agency shall provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners, to all officers, employees, and consultants.

(5) The disclosures required under subsection (4) must be filed with the agency general counsel in the manner specified by the general counsel. When the disclosure is filed by the general counsel, a copy must be provided to the executive director of the agency.

(6) A violation of this section shall be considered a violation of the violator's official, employment, or contractual duties to the agency.

(7) Officers, employees, and consultants of the agency shall be adequately informed and trained on the provisions of this section and the state code of ethics and shall receive ongoing ethics training.

(8) The state code of ethics shall apply to officers,

585-02216-26

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employees, and consultants of the agency, and this section shall be enforced by the Commission on Ethics as part of the state code of ethics.

(9) For purposes of this section, "consultant" does not include firms or individuals retained by the agency to provide architectural, engineering, landscape architecture, or registered surveying and mapping services as described in s. 287.055.

Section 5. For the purpose of incorporating the amendment made by this act to section 112.312, Florida Statutes, in a reference thereto, section 1001.421, Florida Statutes, is reenacted to read:

1001.421 Gifts.—Notwithstanding any other provision of law to the contrary, district school board members and their relatives, as defined in s. 112.312(21), may not directly or indirectly solicit any gift, or directly or indirectly accept any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district. The term "gift" has the same meaning as in s. 112.312(12).

Section 6. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Higher
Education, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Committee on Health
and
Human Services
Children, Families, and Elder Affairs
Education Postsecondary
Environment and Natural Resources
Rules

SENATOR GAYLE HARRELL
31st District

January 27, 2026

Senator Kathleen Passidomo, Chair
Senate Committee on Rules
402 Senate Building
Tallahassee, FL 32399

Dear Chair Passidomo,

I respectfully request that SB 572 – Ethics for Public Officers and Employees, be placed on the next available agenda for the Committee on Rules.

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

Thank you,

A handwritten signature in cursive script that reads "Gayle".

Senator Gayle Harrell
Senate District 31

Cc: Shasta W. Kruse, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

- ☐ 312 SE Denver Avenue, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
- ☐ 404 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

February 3, 2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

CS/SB 572

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Kerrie Stillman, Executive Director Phone 850-488-7864

Address 325 John Knox Road, Building E, Suite 200 Email stillman.kerrie@leg.state.fl.us

Street

Tallahassee

FL

32303

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 Commission on Ethics

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 590

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Bradley

SUBJECT: Statute of Limitations Period for Violations Involving Required Reports Concerning Children

DATE: February 2, 2026 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|------------------|-----------|------------------|
| 1. | <u>Parker</u> | <u>Stokes</u> | <u>CJ</u> | Favorable |
| 2. | <u>Fiore</u> | <u>Tuszyński</u> | <u>CF</u> | Fav/CS |
| 3. | <u>Parker</u> | <u>Kruse</u> | <u>RC</u> | Favorable |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 590 amends s. 775.15, F.S., to provide that the statute of limitations is tolled for a violation of an offense of failing to make a mandatory report of known or suspected child abuse, including sexual abuse, abandonment, and neglect, until a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation. The tolling of the period of limitations shall apply to any offense not otherwise barred from prosecution on or before the effective date of this bill.

Section 39.201, F.S., provides that a person is required to report immediately to the central abuse hotline in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reason to suspect, that any child abuse has occurred.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase prison bed impact) on the Department of Corrections.

The bill takes effect on July 1, 2026.

II. Present Situation:

Department of Children and Families' Central Abuse Hotline

The Florida Abuse Hotline serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida. The Hotline receives calls, faxes, and web based reports from citizens and professionals with concerns of abuse, neglect, or exploitation of children and vulnerable adults in Florida.¹

Mandatory Reporting of Child Abuse

A provides that a person is required to report immediately to the central abuse hotline in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect that any of the following has occurred²:

- Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.³
- Child abuse by an adult other than a parent, legal guardian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.⁴

Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse must report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.⁵

Mandatory Reporters

A person from the general public may make a report to the central abuse hotline anonymously if he or she chooses to do so.⁶ However, A person making a report to the central abuse hotline whose occupation is in any of the following categories is required to provide his or her name to the central abuse hotline counselors:

- Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;⁷
- Health care professional or mental health professional;⁸
- Practitioner who relies solely on spiritual means for healing;⁹

¹ Florida Department of Children and Families, *About the Florida Abuse Hotline*, available at <https://www.myflfamilies.com/services/abuse-hotline/about> (last visited on January 6, 2026).

² Section 39.201, F.S.

³ Section 39.201(1)(a)1.a., F.S.

⁴ Section 39.201(1)(a)1.b., F.S.

⁵ Section 39.201(1)2., F.S.

⁶ Section 39.201(1)2.(b)1., F.S.

⁷ Section 39.201(1)(b)2.a., F.S.

⁸ Section 39.201(1)(b)2.b., F.S.

⁹ Section 39.201(1)(b)2.c., F.S.

- School teacher or other school official or personnel;¹⁰
- Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;¹¹
- Law enforcement officer;¹²
- Judge;¹³ or
- Animal control officer.¹⁴

Failure to Report – Penalties

A person who knowingly and willfully fails to report to the central abuse hotline known or suspected child abuse, abandonment, or neglect, or who knowingly and willfully prevents another person from doing so, commits a third degree felony.¹⁵

Any person, official, or institution participating in good faith in any act authorized or required by this chapter or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, is to be immune from any civil or criminal liability which might otherwise result by reason of such action.¹⁶

Statute of Limitations

The purpose of a statute of limitations is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence of those acts the legislature has decided to punish by criminal sanctions. Such a limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past.¹⁷

Courts have held that the statute of limitations affect substantive rights and that the statute of limitations that applies in a criminal case is the one that was in effect at the time of the incidents that gave rise to the charges.¹⁸

In general, time starts to run on the day after the offense is committed. An offense is committed either when every element has occurred or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated.¹⁹

¹⁰ Section 39.201(1)(b)2.d., F.S.

¹¹ Section 39.201(1)(b)2.e., F.S.

¹² Section 39.201(1)(b)2.f., F.S.

¹³ Section 39.201(1)(b)2.g., F.S.

¹⁴ Section 39.201(1)(b)2.h., F.S.

¹⁵ Section 39.205(1), F.S.

¹⁶ Section 39.203(1)(a), F.S.

¹⁷ *Reino v. State*, 352 So.2d 853, 860 (Fla. 1977) (citing *Toussie v. United States*, 397 U.S. 112, 114-15, 90 S.Ct. 858, 25 L.Ed.2d 156 (1970)).

¹⁸ *Torgerson v. State*, 964 So.2d 178, 179 (Fla. 4th DCA 2007) (citing *State v. Shamy*, 759 So.2d 728 (Fla. 4th DCA 2000)).

¹⁹ Section 775.15(3), F.S.

Prosecution on a charge for which the defendant has previously been arrested or served with a summons is commenced by the filing of an indictment, information, or other charging document.²⁰

A prosecution on a charge for which the defendant has not previously been arrested or served with a summons is commenced when either an indictment or information is filed, provided the capias, summons, or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. The failure to execute process on or extradite a defendant in another state who has been charged by information or indictment with a crime in this state does not constitute an unreasonable delay.²¹

The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state. However, this does not extend the period of limitation otherwise applicable by more than 3 years. This does not limit the prosecution of a defendant who has been timely charged by indictment or information or other charging document and who has not been arrested due to his or her absence from this state or has not been extradited for prosecution from another state.²²

General Time Limitations

A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies are be considered life felonies, and prosecution for such crimes may be commenced at any time.

Prosecution for offenses other than capital felony, life felony or a felony that resulted in death are subject to the following periods of limitations:

- A prosecution for a first degree felony must be commenced within 4 years after it is committed.²³
- A prosecution for any other felony must be commenced within 3 years after it is committed.²⁴
- A prosecution for a first degree misdemeanor must be commenced within 2 years after it is committed.²⁵
- A prosecution for a second degree misdemeanor or a noncriminal violation must be commenced within 1 years after it is committed.²⁶

Exceptions – Time Limitations

The Legislature may create statutory exceptions to otherwise applicable time limitations by delaying when a limitation period begins, extending it, or eliminating it entirely for specific offenses or circumstances.

²⁰ Section 775.15(4)(a), F.S.

²¹ Section 775.15(4)(b), F.S.

²² Section 775.15(5), F.S.

²³ Section 775.15(2)(a), F.S.

²⁴ Section 775.15(2)(b), F.S.

²⁵ Section 775.15(2)(c), F.S.

²⁶ Section 775.15(2)(d), F.S.

Some examples of legislative exceptions to time limitations include:

- There is no time limitation for prosecuting a sexual battery committed on or after July 1, 2020, on a victim who is under 18 years of age at the time of the offense.²⁷
- Sexual battery offenses involving victims under 16 years of age may be prosecuted at any time, except when prosecution was already barred on or before July 1, 2010.²⁸
- For victims aged 16 or older, prosecution may be commenced at any time if reported within 72 hours, or otherwise must be commenced within eight years, subject to statutory exceptions.²⁹

III. Effect of Proposed Changes:

The bill amends s. 775.15, F.S., to provide that the statute of limitations is tolled for a violation of s. 39.201, F.S., until a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation. It provides for retroactive application of the tolling for any offense, not already barred from prosecution, occurring on or before the effective date.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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.

²⁷ Section 775.15(20), F.S.

²⁸ Section 775.15(13)(c), F.S.

²⁹ Section 775.15(14)(a), F.S.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill. The bill tolls the statute of limitations for criminal prosecution of failure to report known or suspected child abuse. The bill may have a positive indeterminate prison bed impact (unquantifiable increase prison bed impact) on the Department of Corrections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section 775.15 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.)

CS by Children, Families, and Elder Affairs on January 20, 2026:

The CS provides that the tolling of the period of limitations applies to any offense not otherwise barred from prosecution on or before July 1, 2026.

B. Amendments:

None.

By the Committee on Children, Families, and Elder Affairs; and
Senator Bradley

586-02018-26

2026590c1

A bill to be entitled

An act relating to the statute of limitations period for violations involving required reports concerning children; amending s. 775.15, F.S.; providing that the period of limitation for offenses related to specified required reports concerning children does not begin to run until a law enforcement agency is made aware of the violation; providing applicability; providing an effective date.

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

Section 1. Subsection (23) is added to section 775.15, Florida Statutes, to read:

775.15 Time limitations; general time limitations; exceptions.—

(23) If the offense is a violation of s. 39.201, the applicable period of limitation does not begin to run until a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation. This subsection applies to any offense that is not otherwise barred from prosecution on or before July 1, 2026.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

January 26, 2026

Senator Kathleen Passidomo, Chair
Committee on Rules
402 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Passidomo:

I respectfully request that CS/SB 590 be placed on the agenda of the Rules Committee at your earliest convenience. This bill would toll the statute of limitations for failure to report child abuse for mandatory reporters until such time as the crime is made known to law enforcement or other entities that can act for the government to file charges.

Thank you for your consideration and please reach out if you have any questions or concerns about the bill.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Bradley".

Jennifer Bradley

cc: Shasta W. Kruse, Staff Director
Patrick Pinkerton, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 594

INTRODUCER: Senators Burton and Arrington

SUBJECT: Local Housing Assistance Plans

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Tolmich | Fleming | CA | Favorable |
| 2. Griffin | Nortelus | ATD | Favorable |
| 3. Tolmich | Kruse | RC | Favorable |

I. Summary:

SB 594 provides that a county's or municipality's local housing assistance plan under the State Housing Initiatives Partnership (SHIP) Program must include a strategy for providing program funds to mobile home owners, including lot rental assistance. The bill specifies that lot rental assistance is considered home ownership activity for purposes of allocating program funds, while rehabilitation and emergency repairs for mobile homes is considered construction, rehabilitation, or emergency repair of affordable, eligible housing.

The bill allows local governments to expend funds from their local housing distribution on lot rental assistance for mobile home owners not to exceed 6 months' rent.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Affordable Housing

Affordable housing is defined in terms of household income. Housing is considered affordable when monthly rent or mortgage payments, including taxes and insurance, do not exceed 30 percent of the household income.¹ Resident eligibility for Florida's state and federally funded housing programs is typically determined by area median income levels, which are published annually by the U.S. Department of Housing and Urban Development for each county and metropolitan area.

¹ Section 420.9071(2), F.S.

The two primary state housing assistance programs are the State Housing Initiatives Partnership (SHIP)² and the State Apartment Incentive Loan (SAIL)³ programs. SHIP provides funds to eligible local governments, allocated using a population-based formula, to address local housing needs as identified by the local government. SAIL provides low interest loans on a competitive basis as gap financing for the construction or substantial rehabilitation⁴ of multifamily affordable housing developments.⁵

State Housing Initiatives Partnership (SHIP) Program

The SHIP Program was created in 1992⁶ to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing.⁷ SHIP provides funds to all 67 counties and 55 Community Development Block Grant⁸ entitlement municipalities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.⁹ The program is administered by the Florida Housing Finance Corporation (FHFC) and serves very-low,¹⁰ low,¹¹ and moderate¹² income families.¹³

A dedicated funding source for SHIP was established by the passage of the 1992 William E. Sadowski Affordable Housing Act.¹⁴ SHIP is funded through a statutory distribution of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund. Subject to specific appropriation, funds are distributed quarterly to local governments participating in the program under an established formula.¹⁵ A county or eligible municipality seeking funds from SHIP must adopt an ordinance that:

- Creates a local housing assistance trust fund;
- Adopts a local housing assistance plan (LHAP)¹⁶ to be implemented through a local housing partnership;
- Designates responsibility for administering the local housing assistance plan; and
- Creates an affordable housing advisory committee.¹⁷

² Sections 420.907-9079, F.S.

³ Section 420.5087, F.S.

⁴ “Substantial rehabilitation” means repair or restoration of a dwelling unit where the value of such repair or restoration exceeds 40 percent of the value of the dwelling. Section 420.503(45), F.S.

⁵ *Supra* note 3.

⁶ Chapter 92-317, Laws of Fla.

⁷ Section 420.9072, F.S.

⁸ The Community Development Block Grant Program is a federal program created in 1974 that provides funding for housing and community development activities.

⁹ *See* sections 420.907-420.9089, F.S.

¹⁰ *See* section 420.9071(30), F.S., for the definition of “very-low-income person” and “very-low-income household.”

¹¹ *See* section 420.9071(20), F.S., for the definition of “low-income person” and “low-income household.”

¹² *See* section 420.9071(21), F.S., for the definition of “moderate-income person” and “moderate-income household.”

¹³ Section 420.9072(1)(a), F.S.

¹⁴ *See* chapter 92-317, Laws of Fla.

¹⁵ Section 420.9073, F.S.

¹⁶ “Local housing assistance plan” means a concise description of the local housing assistance strategies and local housing incentive strategies adopted by local government resolution with an explanation of the way in which the program meets specified requirements and corporation rule. Section 420.9071(15), F.S.

¹⁷ Section 420.9072(2)(b), F.S.

Funds are expended per each local government's adopted LHAP, which details the housing strategies it will use.¹⁸ Local governments must submit their LHAPs to the FHFC for review to ensure that they meet the broad statutory guidelines and the requirements of the program rules. The FHFC must approve an LHAP before a local government may receive SHIP funding.

A local government may not use SHIP funds to provide ongoing rent subsidies, except for:

- Security and utility deposit assistance;
- Eviction prevention not to exceed 6 months' rent; or
- A rent subsidy program for very-low-income households with at least one adult who is a person with special needs¹⁹ or is homeless,²⁰ not to exceed 12 months' rental assistance.²¹

A local government's use of SHIP funds is subject to certain restrictions (excluding amounts set aside for administrative costs):

- At least 75 percent of SHIP funds *must* be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing;²² and
- Up to 25 percent of SHIP funds *may* be reserved for allowed rental services.^{23, 24}

Within those specified distributions by local governments, additional requirements must be met:

- At least 65 percent of SHIP funds must be reserved for home ownership for eligible persons;²⁵
- At least 20 percent of SHIP funds must serve persons with special needs;
- Up to 20 percent of SHIP funds may be used for manufactured housing; and
- At least 30 percent of SHIP funds must be used for awards to very-low-income persons or eligible sponsors²⁶ serving very-low-income persons, and another 30 percent must be used for awards for low-income-persons or eligible sponsors serving low-income persons.²⁷

¹⁸ Section 420.9075, F.S. Section 420.9075(3), F.S., provides a list of strategies LHAPs are encouraged to develop, such as helping those impacted by mobile home park closures, encouraging innovative housing design to reduce long-term housing costs, preserving assisted housing, and reducing homelessness.

¹⁹ "Person with special needs" means an adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under circumstances; a survivor of domestic violence as defined by law; or a person receiving benefits under the Social Security Disability Insurance (SSDI) Program or the Supplemental Security Income (SSI) program or from veterans' disability benefits. Section 420.0004(13), F.S.

²⁰ "Homeless" means an individual or family who lacks or will imminently lose access to a fixed, regular, and adequate nighttime residence. Section 420.621(5), F.S.

²¹ Section 420.9072(7)(b), F.S.

²² "Eligible housing" means any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units, or manufactured housing constructed after June 1994, for homeownership or rental for eligible persons as designated by each county or eligible municipality participating in SHIP. Section 420.9071(9), F.S.

²³ See section 420.9072(7)(b), F.S.

²⁴ Section 420.9075(5), F.S.

²⁵ "Eligible person" or "eligible household" means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income based upon the annual gross income of the household. Section 420.9071(11), F.S.

²⁶ "Eligible sponsor" means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance plan for the purpose of providing housing for eligible persons. Section 420.9071(12), F.S.

²⁷ Section 420.9075(5), F.S.

Mobile Homes

As of June 2024, there were about 3,500 mobile home parks in the state.²⁸ Current law defines a mobile home as a residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.²⁹

A mobile home park is land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.³⁰ Owners of mobile home parks typically charge mobile home owners³¹ a monthly fee for the rental of a lot.

III. Effect of Proposed Changes:

Section 1 amends s. 420.9072, F.S., to allow local governments to expend funds from their local housing distribution on lot rental assistance for mobile home owners not to exceed 6 months' rent.

Section 2 amends s. 420.9075, F.S., to provide that a local housing assistance plan must include a strategy for providing funds to mobile home owners, including lot rental assistance. The bill specifies that lot rental assistance is considered home ownership activity for purposes of allocating program funds, while the rehabilitation and emergency repairs for mobile homes is considered construction, rehabilitation, or emergency repair of affordable, eligible housing.

Section 3 makes a conforming change to amend a cross-reference in another statutory provision.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities to expend funds or further limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

²⁸ WKMG, 'Not going to take that in our state:' Corporations buying Florida mobile home parks, raising rates, June 20, 2024, available at: <https://www.clickorlando.com/news/investigators/2024/06/20/not-going-to-take-that-in-our-state-corporations-buying-florida-mobile-home-parks-raising-rates/> (last visited January 7, 2026).

²⁹ Section 723.003(8), F.S.

³⁰ Section 723.003(12), F.S.

³¹ A "mobile home owner" means a person who owns a mobile home and rents or leases a lot within a mobile home park for residential use. Section 723.003(11), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not affect the amount of funds to be distributed to counties and eligible municipalities under the SHIP Program, but alters how such funds may be expended to include lot rental assistance for mobile home owners.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 420.9071, 420.9072, and 420.9075.

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 Burton

12-00041-26

2026594__

1 A bill to be entitled
2 An act relating to local housing assistance plans;
3 amending s. 420.9072, F.S.; authorizing counties and
4 eligible municipalities to expend certain funds on lot
5 rental assistance for mobile home owners for a
6 specified time period; amending s. 420.9075, F.S.;
7 requiring each county and eligible municipality to
8 include in its local housing assistance plan certain
9 strategies; providing that lot rental assistance for
10 eligible mobile home owners is an approved home
11 ownership activity for certain purposes; authorizing
12 counties and eligible municipalities to provide
13 certain funds to mobile home owners for rehabilitation
14 and emergency repairs; deleting a provision limiting
15 to a specified percentage the amount of certain funds
16 that may be used for manufactured housing; amending s.
17 420.9071, F.S.; conforming a cross-reference;
18 providing an effective date.
19

20 Be It Enacted by the Legislature of the State of Florida:
21

22 Section 1. Paragraph (b) of subsection (7) of section
23 420.9072, Florida Statutes, is amended to read:

24 420.9072 State Housing Initiatives Partnership Program.—The
25 State Housing Initiatives Partnership Program is created for the
26 purpose of providing funds to counties and eligible
27 municipalities as an incentive for the creation of local housing
28 partnerships, to expand production of and preserve affordable
29 housing, to further the housing element of the local government

12-00041-26

2026594__

comprehensive plan specific to affordable housing, and to increase housing-related employment.

(7)

(b) A county or an eligible municipality may not expend its portion of the local housing distribution to provide ongoing rent subsidies, except for:

1. Security and utility deposit assistance.

2. Eviction prevention not to exceed 6 months' rent.

3. Lot rental assistance for mobile home owners as defined in s. 723.003, not to exceed 6 months' rent.

4. A rent subsidy program for very-low-income households with at least one adult who is a person with special needs as defined in s. 420.0004 or homeless as defined in s. 420.621. The period of rental assistance may not exceed 12 months for any eligible household.

Section 2. Present paragraphs (d) through (g) of subsection (3) of section 420.9075, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, a new paragraph (d) and paragraph (i) are added to that subsection, and paragraph (c) of subsection (3) and paragraphs (a), (c), (e), and (n) of subsection (5) of that section are amended, to read:

420.9075 Local housing assistance plans; partnerships.—

(3)

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the ~~closure of a mobile home park or the~~ conversion of affordable rental units to condominiums.

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(d) Each county and each eligible municipality shall include in its local housing assistance plan a strategy that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park.

(i) Each county and each eligible municipality shall include in its local housing assistance plan a strategy for providing program funds to mobile home owners, as defined in s. 723.003, which must include lot rental assistance.

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons. For purposes of this paragraph, lot rental assistance for eligible mobile home owners as defined in s. 723.003 is an approved home ownership activity.

(c) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing. Funds may be provided to mobile home owners as defined in s. 723.003 for rehabilitation and emergency repairs under this paragraph.

~~(e) Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.~~

(m) ~~(n)~~ Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (c) or not used for the administration of a local housing

12-00041-26

2026594__

88 assistance plan must be used for housing production and finance
89 activities, including, but not limited to, financing
90 preconstruction activities or the purchase of existing units,
91 providing rental housing, and providing home ownership training
92 to prospective home buyers and owners of homes assisted through
93 the local housing assistance plan.

94 1. Notwithstanding ~~the provisions of~~ paragraphs (a) and
95 (c), program income as defined in s. 420.9071(26) may also be
96 used to fund activities described in this paragraph.

97 2. When preconstruction due-diligence activities conducted
98 as part of a preservation strategy show that preservation of the
99 units is not feasible and will not result in the production of
100 an eligible unit, such costs shall be deemed a program expense
101 rather than an administrative expense if such program expenses
102 do not exceed 3 percent of the annual local housing
103 distribution.

104 3. If both an award under the local housing assistance plan
105 and federal low-income housing tax credits are used to assist a
106 project and there is a conflict between the criteria prescribed
107 in this subsection and the requirements of s. 42 of the Internal
108 Revenue Code of 1986, as amended, the county or eligible
109 municipality may resolve the conflict by giving precedence to
110 the requirements of s. 42 of the Internal Revenue Code of 1986,
111 as amended, in lieu of following the criteria prescribed in this
112 subsection with the exception of paragraphs (a) and (f) ~~(g)~~ of
113 this subsection.

114 4. Each county and each eligible municipality may award
115 funds as a grant for construction, rehabilitation, or repair as
116 part of disaster recovery or emergency repairs or to remedy

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accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.

Section 3. Subsection (27) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(27) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)(i) ~~s. 420.9075(5)(j)~~ from eligible persons or eligible sponsors, which funds were not used for assistance to an eligible household for an eligible activity, when there is a default on the terms of a grant award or loan award.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Judiciary, *Vice Chair*
Agriculture
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules

SENATOR COLLEEN BURTON

12th District

January 22, 2026

The Honorable Kathleen Passidomo
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Passidomo,

I respectfully request SB 594 Local Housing Assistance Plans be placed on the Committee on Rules agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in cursive script that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Shasta W. Kruse, Staff Director
Patrick Pinkerton, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

- ☐ 1375 Havendale Blvd., NW Winter Haven, FL 33881 (863) 413-1529
- ☐ 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 594

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Charlene Jones

Phone 850 272 0551

Address 215 S Monroe St Ste 603

Email Cejjones@aarp.org

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 806

INTRODUCER: Agriculture Committee and Senator Truenow

SUBJECT: Consumers' Right to Repair Certain Equipment

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------------------|----------------|-----------|------------------|
| 1. <u>Dike</u> | <u>McKay</u> | <u>CM</u> | Favorable |
| 2. <u>Stokes-Ramos</u> | <u>Becker</u> | <u>AG</u> | Fav/CS |
| 3. <u>Dike</u> | <u>Kruse</u> | <u>RC</u> | Favorable |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 does not apply to motor vehicle manufacturers or dealers. 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 digital 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. 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 founded on the idea that consumers should be able to choose how to repair their products.² Advocates are concerned due to the number of products that utilize 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 that 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 worry 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

Cell Phones

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

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. 28, 2026).

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. 28, 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. 28, 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. 28, 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. 28, 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. 28, 2026).

repaired; attempting to repair the phone themselves; or seeking out an independent repair provider.¹⁴ If the consumer mails their cell phone to the manufacturer, it could take weeks to 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 cell phone, and nine out of ten 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 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 agricultural right to repair law in 2023,²⁵ Colorado is the only jurisdiction to pass a law giving consumers the right to repair agricultural equipment specifically.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 that farmers have access to

¹⁴ Yeh, *supra* note 7.

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. 28, 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. 28, 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. 28, 2026).

²² Farm Action, *Right to Repair Campaign*, available at <https://farmaction.us/righttorepair/> (last visited Jan. 28, 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://investigatemitwest.org/2025/03/05/john-deere-faces-lawsuit-as-lawmakers-introduce-right-to-repair-bills/> (last visited Jan. 23, 2026).

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

manuals, seminars, on-board diagnostics, software, and other publications with information on service, parts, operation, and safety on fair and reasonable terms.²⁹

Despite these MOUs, farmers' grievances have not been assuaged. In February 2025, the Federal Trade Commission (FTC) filed a lawsuit against the company 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 that 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:

Cell Phone Repair

Requirements

Section 4 creates s. 559.973, F.S., mandating that a manufacturer³⁴ must make documentation,³⁵ parts,³⁶ and tools³⁷ available to portable wireless device³⁸ owners³⁹ and independent repair

²⁹ *Id.*

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. 28, 2026).

³¹ 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. 28, 2026).

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 "Portable wireless device" means a product that includes a battery, microphone, speaker, and display designed to send and receive transmissions through a cellular radio-telephone service. The term does not include a motor vehicle or products or services manufactured or sold by a motor vehicle manufacturer or dealer.

³⁹ "Owner" means an individual or a business that lawfully acquires a portable wireless device purchased or used in this state.

providers⁴⁰ on fair and reasonable terms.⁴¹ Manufacturers are not required to provide parts that are no longer available. Additionally, a manufacturer that sells diagnostic, service, or repair information to third parties in a standardized format, on terms and conditions more favorable than those provided to authorized repair providers, may not require an authorized repair provider⁴² to continue purchasing that diagnostic, service, or repair information in a proprietary format.

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 portable wireless device 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

⁴⁰ "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.

⁴¹ "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.

⁴² "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.

deceptive acts of practices in the conduct of any trade or commerce.”⁴³ Such practices include fraudulent billing,⁴⁴ misleading a consumer or misrepresenting a product’s characteristics,⁴⁵ or other behavior determined to be unfair by a court.⁴⁶ 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.⁴⁷ 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 \$10,000 per violation.⁴⁸ Moreover, consumers may bring private actions against parties for violating the FDUTPA, resulting in either:

- Declaratory judgment 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.⁴⁹

Limitations

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

- A manufacturer to divulge a trade secret,⁵⁰ 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 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. Food and Drug Administration, security or life-safety systems and devices, or manufacturers of security or life-safety systems and devices.

⁴³ Section 501.204, F.S.

⁴⁴ *State Farm Mut. Auto. Ins. Co. v. Medical Service Center of Florida, Inc.*, 103 F. Supp. 3d 1343 (S.D. Fla. 2015).

⁴⁵ *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).

⁴⁶ *See Siever v. BWGaskets, Inc.*, 669 F. Supp. 2d 1286, 1292-93 (M.D. Fla. 2009).

⁴⁷ The enforcing authority under the FDUTPA may “administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.” Section 501.206, F.S.

⁴⁸ Sections 501.207, 501.2075, 501.208, F.S.

⁴⁹ Sections 501.2105, 501.211, F.S.

⁵⁰ “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.

Agricultural Equipment Repair

Requirements

Section 8 creates s. 686.35, F.S., the Agricultural Equipment Fair Repair Act, requiring original equipment manufacturers⁵¹ (OEM) to provide diagnostic and repair information, including updates and corrections to embedded software,⁵² to any independent repair provider⁵³ or owner⁵⁴ of equipment⁵⁵ manufactured by the OEM. Such information must be available free of charge or provided 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 such 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 information 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 an OEM to divulge a trade secret.⁵⁶
- Interfere with the terms of an agreement between the OEM and an authorized repair provider,⁵⁷ except for any provision within the agreement that waives, avoids, restricts, or limits and OEM's compliance with the terms defined within this bill.

⁵¹ "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.

⁵² "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, 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.

⁵³ "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.

⁵⁴ "Owner" means a person or business that owns or leases a digital electronic product purchased or used in this state.

⁵⁵ "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.

⁵⁶ "Trade secret" means anything, whether tangible or intangible, 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.

⁵⁷ "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

- Require that OEMs or authorized repair providers give an owner or independent repair provider access to nondiagnostic and nonrepair 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.

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 have a positive fiscal impact for independent repair providers and owners of portable wireless devices and agricultural equipment by lowering their costs to access repair and maintenance information. It may also have a positive fiscal impact on authorized repair providers by lowering their costs to access diagnostic, service, or repair information for portable wireless devices.

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:

Section 4 requires manufacturers to make available documentation, parts, and tools for diagnosing, maintaining, or repairing portable wireless devices, while section 8 does not have any requirement for manufacturers to make available parts or tools, other than diagnostic tools, for agricultural equipment.

Section 4 provides a mechanism for portable wireless device authorized repair providers to access diagnostic, service, or repair information on terms similar to those provided for independent repair providers, while section 8 does not specify any similar mechanisms for authorized repair providers for agricultural equipment.

VIII. Statutes Affected:

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

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 Agriculture on January 27, 2026:

The CS clarifies that term “portable wireless device” does not include a motor vehicle or products or services manufactured or sold by a motor vehicle manufacturer or dealer. It also makes a technical change to correct "repair" information to "nonrepair" in reference to the types of information that original equipment manufacturers and authorized repair providers are not required to share with owners and independent repair providers.

B. Amendments:

None.

By the Committee on Agriculture; and Senator Truenow

575-02256-26

2026806c1

A bill to be entitled
An act relating to consumers' right to repair certain
equipment; providing a directive to the Division of
Law Revision; creating s. 559.971, F.S.; providing a
short title; creating s. 559.972, F.S.; defining
terms; creating s. 559.973, F.S.; 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; providing an exception; creating s. 559.974,
F.S.; providing for enforcement; providing for
damages; providing that a complaint may be filed in
circuit court under certain circumstances; providing
requirements for such complaint; providing that a
violation is a deceptive and unfair trade practice;
creating s. 559.975, F.S.; providing construction;
creating s. 559.976, F.S.; providing applicability;
creating s. 686.35, F.S.; defining terms; 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;
prohibiting original equipment manufacturers from
excluding certain information concerning security-
related functions; providing construction; providing
civil liability; providing an effective date.

575-02256-26

2026806c1

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

Section 1. The Division of Law Revision is directed to create part XIV of chapter 559, Florida Statutes, consisting of ss. 559.971-559.976, Florida Statutes, to be entitled "Digital Right to Repair."

Section 2. Section 559.971, Florida Statutes, is created to read:

559.971 Short title.—This part may be cited as the "Portable Wireless Device Repair Act."

Section 3. Section 559.972, Florida Statutes, is created to read:

559.972 Definitions.—As used in this act, the term:

(1) "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.

575-02256-26

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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.

575-02256-26

2026806c1

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. The term does not include a motor vehicle or
104 any product or service manufactured or sold by a motor vehicle
105 manufacturer or motor vehicle dealer.

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

112 (10) "Trade secret" has the same meaning as in s. 688.002.
113 Section 4. Section 559.973, Florida Statutes, is created to
114 read:

115 559.973 Requirements.—

116 (1) A manufacturer must make available to an owner of a

575-02256-26

2026806c1

portable wireless device and to an independent repair provider of such device, on fair and reasonable terms, documentation, parts, and tools, inclusive of any updates, for diagnosing, maintaining, or repairing such device. This subsection does not require a manufacturer to provide a part that is no longer available to the manufacturer.

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

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

559.974 Enforcement.—

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

575-02256-26

2026806c1

subsequent litigation.

(b) If a manufacturer fails to respond to the notice provided under paragraph (a), or if an independent repair provider or owner is not satisfied with the manufacturer's cure, the independent repair provider or owner may file a complaint in the circuit court of the county in which the independent repair provider has his, her, or its principal place of business or in which the owner resides. The complaint must include the following:

1. Written information confirming that the independent repair provider or owner 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.

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

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

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

559.975 Limitations.—

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

(2) This part does not require a manufacturer or an

575-02256-26

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authorized repair provider to provide an owner or independent repair provider access to nondiagnostic and nonrepair information provided by a manufacturer to an authorized repair provider.

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

559.976 Applicability.—

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

(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.

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

686.35 Agricultural Equipment Fair Repair Act.—

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

(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.

(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

575-02256-26

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operating system, an internal operating system, a machine code,
an assembly code, a robot code, or a microcode.

(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.

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

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;

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;

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

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

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

6. The means by which the information is distributed;

7. The extent to which the information is used, including

575-02256-26

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the number of users and the frequency, duration, and volume of use; and

8. Inflation.

(e) "Firmware" means a software program or set of instructions programmed on a hardware device to allow the device to communicate with other computer hardware.

(f) "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.

(g) "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.

(h) "Owner" means a person or business that owns or leases a digital electronic product purchased or used in this state.

(i) "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.

(j) "Trade secret" means anything, whether tangible or intangible, electronically stored or kept, which constitutes, represents, evidences, or records intellectual property,

575-02256-26

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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.

(2) For equipment sold and used in this state, the original
equipment manufacturer shall make available diagnostic and
repair information, including repair technical updates and
corrections to embedded software, to any independent repair
provider or owner of equipment manufactured by such original
equipment manufacturer. The information must be made available
for no charge or must be provided in the same manner as the
original equipment manufacturer makes such diagnostic and repair
information available to an authorized repair provider.
Thereafter, the original equipment manufacturer is not
responsible for the content and functionality of such
aftermarket diagnostic tools, diagnostics, or service
information systems.

(3) Original equipment manufactured by the original
equipment manufacturer which is sold or used in this state to
provide security-related functions may not exclude from
information provided to an owner or an independent repair
provider any diagnostic, service, and repair information
necessary to reset a security-related electronic function. If
such information is excluded under this section, the information
necessary to reset an immobilizer system or a security-related
electronic module must be obtainable by an owner or an
independent repair provider through the appropriate secure data

575-02256-26

2026806c1

291 release system.

292 (4) This section may not be construed to do any of the
293 following:

294 (a) Require an original equipment manufacturer to divulge a
295 trade secret.

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

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

313 (5) An original equipment manufacturer found in violation
314 of this section is liable for a civil penalty of not more than
315 \$500 for each violation.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

January 28, 2026

The Honorable Senator Kathleen Passidomo
400 Senate Office Building
Tallahassee, FL 32399

Dear Chair Passidomo,

I would like to request SB 806 Consumers' Right to Repair Certain Equipment be placed on the next available Rules committee agenda.

This good bill creates the Portable Wireless Device Repair Act, requires manufacturers to provide parts, tools, diagnostics, and repair information to consumers and independent repair providers.

It also extends similar requirements to agricultural equipment manufacturers and supports broader consumer "right-to-repair."

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in black ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Shasta W. Kruse, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 806

Bill Number or Topic

2/3/24

Meeting Date

S Rules

Committee

Amendment Barcode (if applicable)

Name

Cameron Fink

Phone

850 933 4665

Address

576 N Adams

Email

cfink@aif.com

Street

TLH

City

FL

State

33301

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 Industries 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

2/3/2026

Meeting Date

Rules

Committee

Name

Katie Kelly

Phone

850-933-2822

Address

P.O. Box 12186

Email

KKelly@technet.org

Street

Tallahassee

FL

32317

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

TechNet

☐

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

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

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S-001 (08/10/2021)

The Florida Senate APPEARANCE RECORD

806

Bill Number or Topic

Amendment Barcode (if applicable)

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2/3/2026

Meeting Date

Rules

Committee

Name

Turner Loesel

Phone

561-401-8625

Address

100 North Duval Street

Email

tloesel@jamesmadison.org

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:

The James 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate APPEARANCE RECORD

SB 806

Bill Number or Topic

Amendment Barcode (if applicable)

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

**Following Appearance Record
received after bill was considered**

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 806

Bill Number or Topic

2/3/2024

Meeting Date

Rules

Committee

Name

CHRISTIAN CARARA

Phone

(305) 608-4300

Address

PO Box 122

Email

Street

TALLAHASSEE, FL 32302

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:

CONSULTECH TECHNOLOGY ASSOC.

☐

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

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

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

S-001 (08/10/2021)

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 Rules

BILL: SM 1186

INTRODUCER: Senator Wright

SUBJECT: Florida National Guard Increased Force Structure

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Bellamy | Proctor | MS | Favorable |
| 2. Bellamy | Kruse | RC | Favorable |

I. Summary:

SM 1186 is a memorial to the Congress of the United States, urging Congress to impel the National Guard Bureau to examine the present allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

National Guard and the National Guard Bureau

The National Defense Act of 1916¹ established the National Guard Bureau as a separate unit of the militia division of the federal government.² In 1948, the United States Secretary of Defense issued an order designating the National Guard Bureau as a joint bureau of the Departments of the Army and Air Force.³ Today, the National Guard Bureau oversees each of the 54 National Guards in U.S. states and territories.⁴

¹ National Defense Act of 1916, Pub. L. 64-85 (June 3, 1916).

² National Archives, *Guide to Federal Records, Records of the National Guard Bureau (NGB)*, available at <https://www.archives.gov/research/guide-fed-records/groups/168.html> (last visited Jan. 8, 2026).

³ *Id.*

⁴ Air Force, *Air National Guard*, available at <https://www.af.mil/About-Us/Fact-Sheets/Display/Article/104546/air-national-guard/> (last visited Jan. 8, 2026).

The National Guard is unique among militia in that it serves the country in both the local community and overseas. The dual mission of a National Guard member means that each member serves through both the National Guard of the state and through the U.S. Army or the U.S. Air Force.⁵ The collective membership of each National Guard is designated as its force structure. The force structure of each National Guard is allocated by the National Guard Bureau.⁶

Florida National Guard

The Florida National Guard dates back to 1565, when Spanish founders of St. Augustine organized a company of citizen-soldiers to protect the local community.⁷ A member of the Florida National Guard serves either in the state Army National Guard or in the state Air National Guard, considered a reserve component of each of those armed forces.⁸ Overseeing the Florida National Guard as a federally-recognized officer, the adjutant general is appointed by the Governor and subject to Senate confirmation.⁹ The adjutant general, responsible for training and operations of the National Guard, must have served in the Florida National Guard for the preceding 5 years and attained the rank of colonel or higher.¹⁰ Ranked above adjutant general is the Governor, who serves as commander-in-chief of all militia in the state.¹¹

Recent Duties of the Florida National Guard

Over the past two years, Florida National Guard members have been mobilized to multiple overseas deployments and assigned to assist domestically with:

- Hurricanes Debby, Helene, and Milton response;
- Migration support; and
- State corrections support.¹²

Since September 11, 2001, Florida National Guard members have mobilized to respond to out-of-state and overseas operations at a rate of over 30,000 deployments.¹³

Demographics

The force structure of the Florida National Guard is comprised of more than 12,000 members,¹⁴ while Florida is the third most-populous state,¹⁵ estimated at more than 23 million residents.¹⁶

⁵ *Id.*

⁶ 10 U.S.C. s. 10503(1).

⁷ Dep't of Military Affairs, *Home*, available at <https://dma.myflorida.com/> (last visited Jan. 8, 2026).

⁸ Section 250.01(3), (6), and (13), F.S.

⁹ Section 250.10(1), F.S.

¹⁰ *Id.*

¹¹ Section 250.06(1), F.S.

¹² Major General John D. Haas, Florida National Guard, Dep't of Military Affairs, PowerPoint, *Florida National Guard, Dep't of Military Affairs, Senate Committee on Military and Veteran Affairs, Space, and Domestic Security*, pp. 6-8 (published October 7, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ United States Census Bureau, *Quick Facts, Florida*, available at https://www.census.gov/quickfacts/fact/dashboard/FL_US/PST045222 (last visited Jan. 9, 2026).

¹⁶ *Id.*

This force structure in proportion to the state population ranks last in the nation.¹⁷ In addition to the state's low positioning of Florida National Guard members to current population, the Florida National Guard members are activated an average of 106 days per year, which is more than the national average.¹⁸ In addition to this, Florida's population is expected to grow with the addition of another 1.4 million residents by the end of 2029.¹⁹

Congressional Support for Increased Funding and Allocation

On March 24, 2021, members of the Florida Congressional Delegation sent a written request to both the United States Secretary of Defense and the Chief of the National Guard Bureau.²⁰ In their request, Congress members asked for more equitable funding and resource allocation for the Florida National Guard. These members of Congress based their request on the disproportionality between the state population compared to the size of the force structure, along with the state's unique vulnerability to continuing disasters.²¹ Specifically, Congressional members specified that if force structure were proportional, the Florida National Guard would have 21,000, rather than 12,000 Guard members.²²

On June 1, 2021, members of Congress representing California, Texas, and Florida sent a written request to the United States Secretary of Defense for an increased allocation for the National Guard particular to these states.²³ In support, Congressional members cite that California, Texas, and Florida rank at the lowest level of force structure to population and at the top for highest percentage of largest counties in the United States and that these states expect to receive a disproportionate future increase in migration.²⁴

Memorial

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

III. Effect of Proposed Changes:

SM 1186 is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to examine present allocations to the Florida National Guard and allow an increase to the state's force structure.

¹⁷ Major General John D. Haas, *supra* note 12.

¹⁸ *Id.*

¹⁹ Office of Economic and Demographic Research, *Estimating Conference Executive Summary*, available at <https://edr.state.fl.us/content/conferences/population/demographicsummary.pdf> (last visited Jan. 9, 2026).

²⁰ Letter from members of the Florida Congressional Delegation to Secretary Lloyd J. Austin III, U.S. Dep't of Defense and Chief Daniel R. Hokanson, National Guard Bureau, March 24, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²¹ *Id.*

²² *Id.*

²³ Letter from members of the California, Texas, and Florida Congressional Delegations to Secretary Lloyd Austin, U.S. Dep't of Defense, June 1, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁴ *Id.*

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The memorial does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Not applicable. Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. The memorial does not create or expand an exemption. Thus, the memorial does not require an extraordinary vote for enactment.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

Because the bill is a memorial, there is no mandated fiscal impact. However, should the state receive an increase in Florida National Guard members, the state may incur an indeterminate initial cost of activating additional Florida National Guard members based on training and equipment costs.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

None.

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 Wright

8-00476-26

20261186__

Senate Memorial

A memorial to the Congress of the United States,
urging Congress to impel the National Guard Bureau to
examine the present allocations of the Florida
National Guard and allow an increase in its force
structure.

WHEREAS, the number of soldiers and airmen allocated to
each state's National Guard, known as its "force structure," is
determined by the National Guard Bureau in Washington, D.C., and

WHEREAS, with approximately 21 million residents, Florida
is the third most populous state in the nation but has a force
structure of just over 12,000 Guardsmen, and its ratio of one
Guardman for every 1,833 residents ranks 53rd among the 54
states and territories of the United States which have a
National Guard component, and

WHEREAS, due to the unprecedented events of 2020 and 2021,
including COVID-19 response, natural disasters, and overseas
deployments, the Florida National Guard expended the same number
of workdays in 18 months as it had expended during the previous
20 years, and

WHEREAS, the Florida National Guard continues to meet its
mission goals; however, the shortage of these invaluable
"citizen soldiers," combined with the state's growing population
and increased need for National Guard activation and response,
has resulted in the repeated redeployment of the same soldiers,
which ultimately leads to excessive stress and fatigue and
negatively impacts recruitment, retention, and readiness, and

WHEREAS, the National Guard Bureau's report titled "Impact

8-00476-26

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of U.S. Population Trends on National Guard Force Structure," released to Congress in April 2021, acknowledges the aforementioned concerns within Florida and other regions, stating that "the National Guard may need to evaluate reallocating mission sets to other geographic areas to keep pace with changing demographics across the country," NOW, THEREFORE,

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

That the Florida Legislature respectfully urges the United States Congress to impel the National Guard Bureau to examine the present allocations of the Florida National Guard and allow an increase in its force structure.

BE IT FURTHER RESOLVED that the Secretary of State dispatch copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

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 Rules

BILL: CS/SB 1396

INTRODUCER: Rules Committee and Senator Burton

SUBJECT: Litigation Financing Consumer Protection

DATE: February 3, 2026

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-------------|----------------|-----------|------------------|
| 1. | <u>Bond</u> | <u>Cibula</u> | <u>JU</u> | Favorable |
| 2. | <u>Bond</u> | <u>Kruse</u> | <u>RC</u> | Fav/CS |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1396 creates the “Litigation Investment Safeguards and Transparency Act,” to regulate litigation financing activities and to require disclosure if a foreign investor is involved.

To regulate litigation financing activities, the bill provides that a litigation financier may not:

- Direct the course of legal proceedings.
- Contract for or receive a share of the proceeds of a legal proceeding that exceeds the share collectively recovered by the plaintiffs.
- Pay or offer to pay a referral fee or commission to any person.
- Assign or securitize a litigation financing agreement.
- Receive anything other than the authorized share of the proceeds.

To provide transparency, the bill requires that the existence of a litigation financing agreement be disclosed if the agreement involves a foreign person, foreign principal, or sovereign wealth fund. The disclosure of the existence of the agreement, however, is not required to include the specific terms of the agreement.

The bill provides for general enforcement pursuant to the Florida Deceptive and Unfair Trade Practices Act. A litigation financing agreement that violates the Act is void. Additionally, a court may consider the existence of a litigation financing agreement when determining adequacy of a class action plaintiff representatives or class counsel.

The bill's disclosure requirements apply to legal proceedings pending on or commenced on or after, July 1, 2026. The remainder of the bill applies to a litigation financing agreement entered on or after July 1, 2026.

The bill is effective July 1, 2026.

II. Present Situation:

Litigation Financing – In General

There is no Florida statute specific to litigation financing, and the field appears to be generally unregulated by the state outside of basic common law contract principles.¹ The state regulates consumer loans, usury,² and interest,³ but litigation financing agreements appear to be a private investment in the lawsuit and thus not a loan.⁴

Third-party litigation financing is a non-recourse transaction⁵ where a funder – known as a “litigation financier” or “litigation funder” – that is not a party to a lawsuit agrees to provide funding to a litigant (typically a plaintiff) or law firm in exchange for an interest in the potential recovery in the lawsuit. Plaintiffs do not have to repay the funding if the lawsuit is not successful.⁶ Litigation financing is available to both the commercial and consumer sectors.⁷

In the commercial sector, the funds are provided to sophisticated litigants and used primarily for litigation costs in commercial disputes and class actions.⁸ Sometimes litigation financiers finance multiple cases belonging to a lawyer or law firm, with the return on invested capital coming from the settlement or judgment of many individual or group of cases. Portfolio funding allows the litigation financier to essentially bankroll all or a portion of a law firm's cases in exchange for a portion of any proceeds.

¹ *Fausone v. U.S. Claims, Inc.*, 915 So. 2d 626 (Fla. 2nd DCA 2005).

² “Usury” means loaning money at an exorbitant or illegally high interest rate. States set their own maximum interest rates. Florida declares interest higher than 18 percent per year for loans up to \$500,000 and higher than 25 percent for loans over \$500,000 usurious unless otherwise allowed by law. Cornell Law School, Legal Information Institute, *Usury*, <https://www.law.cornell.edu/wex/usury> (last visited Jan. 24, 2026); see also s. 687.02(1), F.S. (defining usurious contracts) and s. 687.071(2)-(3), F.S. (criminalizing certain kinds of usury and loan sharking).

Ss. 687.02(1) and 687.071(2) and (3), F.S. this looks off?

³ See generally chs. 516 (regulating consumer finance) and 687, F.S. (regulating interest, usury, and lending practices).

⁴ *Fausone* at 629.

⁵ A non-recourse transaction is a financial transaction in which the borrower is not personally liable to the lender, so that the lender can only pursue the collateral to collect what the borrower owes. In other words, the lender does not have a lien on, and cannot seize, the borrower's assets to repay the debt. U.S. Department of the Treasury, Internal Revenue Service, *Resource vs. Nonrecourse Debt*, https://apps.irs.gov/app/vita/content/36/36_02_020.jsp (last visited Jan. 24, 2026).

⁶ U.S. Government Accountability Office, *Report to Congressional Requesters, Third-Party Litigation Financing: Market Characteristics, Data, and Trends* (Dec. 2022), 1, available at <https://www.gao.gov/assets/gao-23-105210.pdf> [hereinafter *Report to Congressional Requesters*]; Bloomberg Law, *How Litigation Finance Works*, Feb. 24, 2020, <https://pro.bloomberglaw.com/brief/how-litigation-finance-works/>; Ronen Avraham & Anthony Sebok, *An Empirical Investigation of Third Party Consumer Litigation Funding*, 104 CORNELL L. REV. 1133, 1135 fn. 9 (2019), available at <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=4802&context=clr> [hereinafter *An Empirical Investigation*].

⁷ *Report to Congressional Requesters*, supra note 2, at Preface; *An Empirical Investigation*, supra note 2, at 1135.

⁸ *Id.*; see also Paige Marta Skiba & Jean Xiao, *Consumer Litigation Funding: Just Another Form of Payday Lending?*, 80 LAW AND CONTEMP. PROB. 117, 125 (2017), available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4840&context=lcp> [hereinafter *Consumer Litigation Funding*].

In the consumer sector, the funds are paid directly to an individual plaintiff and are used primarily for living expenses while the consumer waits for resolution of the civil action or claim that is the subject of the litigation financing agreement.⁹ Industry data suggest that more than half of such consumers have an annual family income of \$50,000 or less and lack a college degree, while less than half are homeowners, suggesting that lower-income consumers with access to fewer resources are the primary market for litigation funding agreements.¹⁰

A consumer can apply for litigation financing any time before resolution of his or her civil action or claim.¹¹ Unlike a traditional loan, where a lender might look at a consumer's credit score, income, and other indicators of the consumer's ability to pay, a litigation financier looks at the strength of the consumer's civil action or claim, the consumer's likelihood of prevailing at trial or in settlement, and the potential damages a consumer could obtain.¹² A litigation financier also assesses the consumer's attorneys' fees and other debts, such as medical or child support liens,¹³ which might take priority over the litigation financier's repayment.¹⁴

Litigation Financing Support and Opposition

Litigation financing proponents argue that the product provides a necessary funding source for some consumers suffering an unexpected economic loss connected to a pending legal action or claim, giving consumers financial stability and helping them meet immediate personal needs, such as rent, utilities, and food.¹⁵ Proponents also point out that, because litigation financing is a non-recourse transaction, if the consumer loses the subject action or claim, he or she owes nothing under a litigation financing agreement, making litigation financing less risky than traditional loans.¹⁶ Additionally, because the agreement obligation is paid only out of the proceeds of a subject action or claim, there are no monthly or upfront payments required before the subject action or claim resolves.¹⁷

Litigation financing opponents point out that in order to estimate the total amount owed under a litigation financing agreement, including interest¹⁸ and fees, a consumer must accurately predict the date of the subject action or claim's resolution and the amount of any settlement or judgment

⁹ Report to Congressional Requesters, *supra* note 2, at Preface; *An Empirical Investigation*, *supra* note 2, at 1135; see also *Consumer Litigation Funding*, *supra* note 4, at 122.

¹⁰ Eric Schuller, President, Alliance for Responsible Consumer Legal Funding, *Consumer Legal Funding 101: Also Known As...Everything You Wanted To Know About Consumer Legal Funding But Were Afraid to Ask*, presented to the Florida House of Representatives Civil Justice Subcommittee, Dec. 12, 2019, at 134:09 https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804_2019121124 [hereinafter *Consumer Legal Funding 101*].

¹¹ See *Consumer Litigation Funding*, *supra* note 8, at 122.

¹² *Id.*; see also *Consumer Legal Funding 101*, *supra* note 8, at 1:31:15.

¹³ A lien is a claim against property evidencing a debt, obligation, or duty. A lien can be created by judgment, equity, agreement, or statute. 37 FLA. JUR. 2D, *Liens* s. 1.

¹⁴ See *Consumer Litigation Funding*, *supra* note 8, at 123.

¹⁵ Report to Congressional Requesters, *supra* note 6, at Preface; The Alliance for Responsible Consumer Legal Funding (ARC), *More than A Trade Association*, <http://arclegalfunding.org/> (last visited Jan. 24, 2026).

¹⁶ See *Consumer Legal Funding 101*, *supra* note 8, at 1:29:15; see also ARC, *What is Consumer Legal Funding?*, <http://arclegalfunding.org/consumer-legal-funding/> (last visited Jan. 24, 2026).

¹⁷ *Id.*

¹⁸ Interest is the cost of borrowing money, expressed as a percentage of the borrowed amount. See Anya Martin, *The Interest Rate v. the Annual Percentage Rate*, THE WALL STREET JOURNAL, May 21, 2015, <https://www.wsj.com/articles/the-interest-rate-vs-the-annual-percentage-rate-1432215724>.

that will result in the consumer's favor.¹⁹ Because agreement terms may be unclearly stated or require complicated calculations, opponents argue that consumers may end up owing much more than they might have anticipated at the agreement's initiation.²⁰ Additionally, the fees in the nature of interest charged on a litigation financing agreement, even if clearly stated, can be high.²¹ A consumer who realizes he or she may owe more than he or she may recover may drive up the defendant's litigation costs by rejecting reasonable settlement offers for a chance to win a larger verdict in court.²²

Another concern of opponents is how much litigation financiers recover from the cases they finance compared to the plaintiffs they are funding. In some cases, litigation financiers have recovered significantly more money than the plaintiffs. In a 2023 television interview, Burford's CEO, Christopher Bogart, admitted that although "it doesn't happen very often ... it certainly can happen" that Burford recovers more money than the person who was wronged.²³

Uncertainty also exists as to whether an attorney can discuss a litigation financing agreement with a litigation financier without waiving the attorney-client²⁴ or work product²⁵ privileges. Such privileges are typically waived or limited when protected information is shared with a third party, but attorney-financier communications may be necessary for a litigation financier to evaluate a consumer's claim.²⁶ The American Bar Association urges attorneys discussing a litigation financing contract with a litigation financier to safeguard against waiving privilege, warning that infringing upon rights that clients would otherwise have, resulting from the presence of alternative litigation finance, requires the informed consent of the client after full, candid disclosure of all associated risks and benefits.²⁷ The Florida Bar²⁸ generally "discourages the use of [litigation financing] companies," allowing an attorney to inform a client about litigation financing only if the attorney feels it is in the client's best interests.²⁹

¹⁹ See *Consumer Litigation Funding*, *supra* note 6, at 126.

²⁰ *Id.* at 137-38.

²¹ *Id.* at 122.

²² See *id.*; see also *Report to Congressional Requesters*, *supra* note 6, at Preface.

²³ Lesley Stahl, CBS News, *Litigation Funding: A multibillion-dollar industry for investments in lawsuits with little oversight*, 60 MINUTES, Jul. 23, 2023, <https://www.cbsnews.com/news/litigation-funding-60-minutes-transcript-2023-07-23/>. Founded in 2009, Burford is the world's largest litigation funder, with \$5 billion invested in multiple lawsuits. *Id.*

²⁴ Under the attorney-client privilege, communication between an attorney and his or her client is typically confidential if such persons do not intend to disclose it to a third party. This protects the giving of information to an attorney so that the attorney can give sound and informed legal advice. Section 90.502(1)(c), F.S.; *Upjohn Co. v. U.S.*, 449 U.S. 383, 389 (1981).

²⁵ Under the work product doctrine, documents prepared by or on behalf of a party in anticipation of litigation are not discoverable. *GKK, etc. v. Cruz*, 251 So. 3d 967, 969 fn. 3 (Fla. 3d DCA 2018). Work product is almost absolutely protected under Florida common law if it contains mental impressions, conclusions, opinions and legal theories about litigation. *State v. Rabin*, 495 So. 2d 257, 262 (Fla. 3d DCA 1986).

²⁶ ARC, *What is Consumer Legal Funding?*, <http://arclegalfunding.org/consumer-legal-funding/> (last visited Jan. 24, 2026).

²⁷ American Bar Association, *Commission on Ethics 20/20, Informational Report to the House of Delegates*, available at https://web-stage.law.columbia.edu/sites/default/files/microsites/clwa/CIAA/keynote_third_party_funding.pdf (last visited Jan. 24, 2026).

²⁸ The Florida Constitution gives the Florida Supreme Court exclusive and ultimate regulatory authority over persons admitted to practice law in Florida. The Court performs this function through The Florida Bar, an investigative and prosecutorial authority charged with ensuring that all attorneys meet the minimum standards of conduct set out in the Rules Regulating the Florida Bar. See FLA. CONST. art V, s. 15.

²⁹ The Florida Bar, *Ethics Opinion 00-3* (Mar. 15, 2002), <https://www.floridabar.org/etopinions/etopinion-00-3/>.

III. Effect of Proposed Changes:

CS/SB 1396 creates the “Litigation Investment Safeguards and Transparency Act,” to regulate litigation financing.

Short Title and Organization

Section 1 provides a short title for the bill, the “Litigation Investment Safeguards and Transparency Act.”

Section 2 of the bill designates ss. 69.011, 69.021, 69.031, 69.041, 69.051, 69.061, 69.071, and 69.081, F.S., as part I of chapter 69, F.S., entitled “General Provisions.”

Section 3 of the bill creates part II of chapter 69, F.S., consisting of ss. 69.101, 69.103, 69.105, 69.107, 69.109, and 69.111, F.S., entitled “Litigation Financing.”

Definitions Applicable to Litigation Financing

The bill creates s. 69.101, F.S., which defines the following terms for purposes of the Act:

“Foreign person” means a person or an entity that is not:

- A citizen of the U.S.
- An alien lawfully admitted for permanent residence in the U.S.
- An unincorporated association, a majority of members of which are citizens of the U.S. or aliens lawfully admitted for permanent residence in the U.S.
- A corporation that is incorporated in the U.S.

“Foreign principal” means:

- The government or a government official of any country other than the U.S.
- A political subdivision or political party (including the officials of the subdivision or party) of a country other than the U.S.
- A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a country other than the U.S., whose shares or other ownership interest is owned by the government or a government official of a country other than the U.S., or owned by a political subdivision or political party of a country other than the U.S.

“Foreign funder” means a foreign person, foreign principal, or sovereign wealth fund that provides funding directly or indirectly under a litigation financing agreement.

“Health care practitioner” means any person licensed under the numerous health care licensing statutes.³⁰

³⁰ Those professions are listed in s. 456.001, F.S., and are: acupuncture, general medical practice, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, dental hygiene, dental laboratories, midwifery, speech-language pathology and audiology, nursing home administration, occupational therapy, respiratory therapy, dietetics and nutrition practice, athletic trainers, orthotics, prosthetics, pedorthics is this correct? pedorthists?, electrolysis, massage therapy practice, clinical laboratory personnel, medical physicists, genetic counseling,

“Litigation financier” means a person engaged in the business of providing litigation financing.

“Litigation financing agreement” or “litigation financing” means a transaction in which a litigation financier agrees to provide financing to a person who is a party to, or an attorney or law firm representing a party in a civil action, administrative proceeding, claim, or other legal proceeding, in exchange for a right to receive payment, which right is contingent in any respect on the outcome of such action, claim, or proceeding, or on the outcome of any matter within a portfolio that includes such action, claim, or proceeding, and involves the same counsel or affiliated counsel.

However, the bill creates numerous exceptions to the defined terms. The effect of each exception is that an arrangement described as an exception to the definition has the effect of creating an exception to regulation. The bill provides that the terms “litigation financing agreement” and “litigation financing” do not apply to:

- An agreement to provide funds for or to a party to a civil action, administrative proceeding, claim, or other legal proceeding, for the person’s use in paying his or her costs of living or other personal or familial expenses during the pendency of the action, claim, or proceeding, and if the funds are not used to finance any litigation or other legal costs.
- An agreement for an attorney to provide legal services on a contingency fee basis or to advance his or her client’s legal costs, and if the services or costs are provided by the attorney in accordance with the Florida Rules of Professional Conduct or in accordance with the professional rules of conduct that apply to that attorney’s domicile.
- An entity having a preexisting contractual obligation to indemnify or defend a party to a civil action, administrative proceeding, claim, or other legal proceeding.
- A health insurer that has paid, or is obligated to pay, any sums for health care for an injured person under the terms of a health insurance plan or agreement.
- The repayment of a financial institution for loans made directly to a party to a civil action, administrative proceeding, claim, or other legal proceeding, or to such party’s attorney if repayment of the loan is not contingent upon the outcome of such action, claim, or proceeding, or on the outcome of any matter within a portfolio that includes such action, claim, or proceeding and involves the same counsel or affiliated counsel.
- Funding provided to a nonprofit organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code, if nonprofit organization uses the funding solely to provide pro bono legal representation and does not seek punitive damages.
- Funding provided by a nonprofit organization exempt from federal income tax pursuant to s. 501(c)(3) of the U.S. Internal Revenue Code, by grant or otherwise, to support the pursuit of pro bono, no-cost litigation, and if the organization does not seek punitive damages.
- Funding provided in a foreign class action where the party domiciled in the United States is a member of the class.

“National security interests” means those interests relating to the national defense, foreign intelligence and counterintelligence, international, and domestic security, and foreign relations.

“Proprietary information” means information developed, created, or discovered by a person, or which became known by or was conveyed to the person, which has commercial value in the person’s business. The term includes, but is not limited to, domain names, trade secrets, copyrights, ideas, techniques, inventions, regardless of whether patentable, and other information of any type relating to designs, configurations, documentation, recorded data, schematics, circuits, mask works, layouts, source code, object code, master works, master databases, algorithms, flow charts, formulae, works of authorship, mechanisms, research, manufacture, improvements, assembly, installation, intellectual property including patents and patent applications, and information concerning the person’s actual or anticipated business, research, or development or received in confidence by or for the person from any other source.

“Sovereign wealth fund” means an investment fund owned or controlled by a foreign principal or an agent of a foreign principal.

Litigation Financing Agreements and Representation of Client Interests

The bill creates s. 69.103, F.S., which regulates litigation financing agreements and the representation of client interests. Specifically, the bill provides that a court may take the existence of a litigation financing agreement into account:

- When determining whether a class representative or class counsel would adequately and fairly represent the interests of the class in a class action lawsuit.
- In actions involving a common question of law or fact pending before the court which may be or have been consolidated, when determining whether the lead counsel or any co-lead counsel would adequately and fairly represent the interests of the parties to such actions.

Prohibited Conduct by Litigation Financiers

The bill creates s. 69.105, F.S., which prohibits certain conduct by litigation financiers. Specifically, the bill provides that a litigation financier may not:

- Direct, or make any decisions with respect to, the course of any civil action, administrative proceeding, claim, or other legal proceeding for which the litigation financier has provided financing, or any settlement or other disposition thereof. This prohibition includes, but is not limited to, decisions in appointing or changing counsel, choice or use of expert witnesses, and litigation strategy. All rights to make decisions with respect to the course and settlement or other disposition of the subject civil action, administrative proceeding, claim, or other legal proceeding remain solely with the parties to such action, claim, or proceeding and their counsel of record.
- Contract for or receive, whether directly or indirectly, a larger share of the proceeds of a civil action, administrative proceeding, claim, or other legal proceeding financed by a litigation financing agreement than the share of the proceeds collectively recovered by the plaintiffs to the action, claim, or proceeding, after the payment of any attorney fees and costs owed in connection to such action, claim, or proceeding.
- Pay or offer to pay a commission, referral fee, or other consideration to any person, including an attorney, law firm, or health care practitioner, for referring a person to the litigation financier.
- Assign or securitize a litigation financing agreement in whole or in part.

- Be assigned rights to or in a civil action, administrative proceeding, claim, or other legal proceeding, for which the litigation financier provided financing, other than the right to receive a share of the proceeds of the action, claim, or proceeding, pursuant to the litigation financing agreement.

Required Transparency for Foreign Litigation Financing

The bill creates s. 69.107, F.S., which requires certain disclosures in connection with litigation financing. The filing and notice requirements apply:

- If a party to any civil action, administrative proceeding, claim, or other legal proceeding filed in the United States has entered into a litigation financing agreement with a foreign person, foreign principal of sovereign wealth fund; or
- If a foreign person, foreign principal, or sovereign wealth fund has provided or will provide funds, whether directly or indirectly, to the litigation financier which amount to 5 percent or more of the funds the financier has provided or is committed to provide under the litigation funding agreement.

The filing must occur within the earlier of 14 days after execution or 7 days after filing the action. The filing and notice must:

- Disclose the existence of the funding relationship;
- Name the foreign person, foreign principal, or sovereign wealth fund by legal name and the jurisdiction under whose laws it is organized; and
- List each foreign person, foreign principal, or sovereign wealth fund that, directly or indirectly, owns or controls 3 percent or more of the capital, equity, or other beneficial ownership interests in the litigation financier, including the legal name, address, and citizenship or country of incorporation or registration of each such person or entity.

The notice must be filed with the court, agency, or tribunal in which the action is pending, served on all parties, and provided to the Department of Financial Services and the Office of the Attorney General. The dollar amounts, financing terms, and other proprietary or trade secret information contained in or related to the litigation financing agreement are not required to be disclosed. The court, agency, or tribunal may order the notice or supporting documentation to be filed under seal and may issue protective orders as necessary to safeguard proprietary or confidential information.

A foreign litigation financier or any person acting on its behalf may not:

- Use a domestic entity or affiliate to conceal or evade the disclosure requirements of this section; or
- Receive, transmit, or share proprietary, privileged, or national security-related information obtained through litigation financing with any foreign person, foreign principal, or sovereign wealth fund not a party or attorney to the action.

Failure to comply with these filing and notice requirements may subject the noncomplying party to appropriate sanctions under s. 69.109, F.S., or the applicable rules of civil procedure. The section of the bill that requires the disclosures relating to foreign litigation financiers provides that it does not create a private cause of action.

Violations and Enforcement

The bill creates s. 69.109, F.S., which provides for violations and provides for enforcement. Specifically, the bill provides that:

- A litigation financing agreement executed in violation of the litigation financing regulations in the bill is void and unenforceable.
- A violation of any of the restrictions created in s. 69.105, F.S., which relate to litigation control, excessive payments to financiers, referral fees, assignment or securitization of financing agreements, or assignment of rights to a claim, is a deceptive and unfair trade practice actionable under the Florida Deceptive and Unfair Trade Practices Act.
- A court, agency, or tribunal may impose fines or any other sanction it deems appropriate upon any person who violates the disclosure and notice requirements created in s. 69.107, F.S.

Severability

Section 4 of the bill provides that if any provision of the bill or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the bill which can be given effect without the invalid provision or application, and to this end the provisions of the bill are severable.

Applicability and Effective Date

Section 5 of the bill provides for application of the bill as to actions pending on the effective date of the bill. Specifically, the notice and disclosure requirements created in s. 69.107, F.S., apply to any civil action, administrative proceeding, claim, or other legal proceeding pending or commenced on or after July 1, 2026. Any party to or counsel of record for a civil action, administrative proceeding, claim, or other legal proceeding pending on July 1, 2026, who would have been required to make a disclosure under s. 69.107, F.S., had it been in effect at the time the relevant action occurred must make the disclosure under that section within 30 days after July 1, 2026. Failure to do so is sanctionable as provided in s. 69.109, F.S.

Section 6 of the bill provides that except as otherwise provided in the bill, the Act applies to litigation financing agreements entered into on or after July 1, 2026.

Section 7 of the bill provides that it 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may positively impact some consumers entering into litigation financing agreements by effectively capping the recovery of litigation financiers (i.e. by prohibiting litigation financiers from contracting for a larger share of the proceeds of a legal proceeding than collectively recovered by the plaintiffs). Conversely, the bill may reduce the potential for consumers to obtain funding that might be necessary to bring a claim.

The bill may negatively impact litigation financiers to the extent that those financiers currently act in a manner that will be limited or prohibited by the bill.

A litigation financier who willfully uses a deceptive or unfair trade act or practice may face a civil penalty of up to \$10,000 per violation, or \$15,000 per violation if the victim is a senior citizen, disabled person, or military service member.

C. Government Sector Impact:

The bill authorizes courts, agencies, or tribunals to fine or sanction a person who violates the disclosure and discovery provisions of the bill. Accordingly, the bill may, to some unknown and limited extent, result in minimal increased revenues to these courts, agencies, and tribunals.

Under the bill, the Department of Legal Affairs or the Office of the State Attorney may also collect civil penalties from litigation financiers who violate the Florida Deceptive and Unfair Trade Practices Act. Litigation financiers who willfully use deceptive or unfair trade practices may face civil penalties of up to \$10,000 per violation, or \$15,000 per violation if the victim is a senior citizen, disabled person, or military service member. Accordingly, the bill may result in increased revenues to the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 69.101, 69.103, 69.105, 69.107, and 69.109.

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 Rules on February 3, 2026:

The amendment adds that an attorney's contingency fee agreement that complies with the professional rules of his or her state is not a litigation financing agreement regulated by this bill. The amendment adds that funding provided in a foreign class action, where the party domiciled in the United States is a member of the class, is not a litigation financing agreement regulated by this bill. The amendment limits the disclosure requirements applicable to a foreign litigation financier to only apply to a legal proceeding filed in the United States.

B. Amendments:

None.



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LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 02/03/2026 | . | |
| | . | |
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The Committee on Rules (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 118 - 225
and insert:

Professional Conduct or equivalent professional conduct rules
applicable in the attorney's licensing jurisdiction.

(c) An entity with a preexisting contractual obligation to
indemnify or defend a party to a civil action, an administrative
proceeding, a claim, or other legal proceeding.

(d) A health insurer that has paid, or is obligated to pay,
any sums for health care for an injured person under the terms



707190

of a health insurance plan or agreement.

(e) The repayment of a financial institution as defined in s. 655.005 for loans made directly to a party to a civil action, an administrative proceeding, a claim, or other legal proceeding, or to such party's attorney, when repayment of the loan is not contingent upon the outcome of such action, claim, or proceeding or on the outcome of any matter within a portfolio that includes such action, claim, or proceeding and involves the same counsel or affiliated counsel.

(f) Funding provided to a nonprofit organization exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code, provided that the nonprofit organization uses the funding only to provide pro bono legal representation on behalf of a client or to engage in litigation on behalf of itself, its members, or a client and does not seek punitive damages, regardless of whether the nonprofit organization seeks an award of costs or attorney fees.

(g) Funding provided by a nonprofit organization exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code, by grant or otherwise, to cover the costs and expenses of pro bono legal representation or litigation that does not seek punitive damages, regardless of whether the recipient of the funding seeks an award of costs or attorney fees. The nonprofit organization may, contingent upon the outcome of the litigation, receive repayment not to exceed the amount of funding provided.

(h) Funding provided in a foreign class action where the party domiciled in the United States is a member of the class.

(7) "National security interests" means those interests



707190

41 relating to the national defense, foreign intelligence and
42 counterintelligence, international and domestic security, or
43 foreign relations.

44 (8) "Proprietary information" means information developed,
45 created, or discovered by a person, or which became known by or
46 was conveyed to a person, which has commercial value in the
47 person's business. The term includes, but is not limited to,
48 domain names; trade secrets; copyrights; ideas; techniques;
49 inventions, regardless of whether patentable, and other
50 information of any type relating to designs; configurations;
51 documentation; recorded data; schematics; circuits; mask works;
52 layouts; source code; object code; master works; master
53 databases; algorithms; flow charts; formulae; works of
54 authorship; mechanisms; research; manufacture; improvements;
55 assembly; installation; intellectual property, including patents
56 and patent applications; and information concerning the person's
57 actual or anticipated business, research, or development or
58 received in confidence by or for the person from any other
59 source.

60 (9) "Sovereign wealth fund" means an investment fund owned
61 or controlled by a foreign principal or an agent thereof.

62 69.103 Litigation financing agreement; representation of
63 client interests; adequate representation.—A court may take the
64 existence of a litigation financing agreement into account:

65 (1) In a class action lawsuit brought in the courts of this
66 state, when determining whether a class representative or class
67 counsel would adequately and fairly represent the interests of
68 the class.

69 (2) In actions involving a common question of law or fact



707190

pending before the court which may be or has been consolidated, when determining whether the lead counsel or any co-lead counsel would adequately and fairly represent the interests of the parties to such actions.

69.105 Prohibited conduct.—A litigation financier may not:

(1) Direct, or make any decisions with respect to, the course of any civil action, administrative proceeding, claim, or other legal proceeding for which the litigation financier has provided financing, or any settlement or other disposition thereof. This prohibition includes, but is not limited to, decisions in appointing or changing counsel, choice or use of expert witnesses, and litigation strategy. All rights to make decisions with respect to the course and settlement or other disposition of the subject civil action, administrative proceeding, claim, or other legal proceeding remain solely with the parties to such action, claim, or proceeding and their counsel of record.

(2) Contract for or receive, whether directly or indirectly, a larger share of the proceeds of any civil action, administrative proceeding, claim, or other legal proceeding financed by a litigation financing agreement than the share of the proceeds collectively recovered by the plaintiffs to any such action, claim, or proceeding after the payment of any attorney fees and costs owed in connection to such action, claim, or proceeding.

(3) Pay or offer to pay a commission, referral fee, or other consideration to any person, including an attorney, a law firm, or a health care practitioner, for referring a person to the litigation financier.



707190

(4) Assign or securitize a litigation financing agreement,
in whole or in part.

(5) Be assigned rights to or in any civil action,
administrative proceeding, claim, or other legal proceeding for
which the litigation financier provided financing, other than
the right to receive a share of the proceeds of such action,
claim, or proceeding pursuant to the litigation financing
agreement.

69.107 Transparency for foreign litigation financiers.—

(1) If a party to any civil action, administrative
proceeding, claim, or other legal proceeding filed in the United
States, or that party's counsel of record, has entered into a
litigation financing agreement with a foreign person, foreign
principal, or sovereign wealth fund, the party, or the party's
counsel of record, must, within 14 days after execution of the
agreement or within 7 days after filing such action, whichever
occurs first, file and serve a notice with the court, agency, or
tribunal, and all other parties to the proceeding, which
identifies:

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

And the title is amended as follows:

Delete line 17

and insert:

requiring certain parties to a legal proceeding, or
their counsels of record, which

By Senator Burton

12-00987A-26

20261396__

A bill to be entitled
An act relating to litigation financing consumer
protection; providing a short title; designating part
I of ch. 69, F.S., entitled "General Provisions";
creating part II of ch. 69, F.S., entitled "Litigation
Financing"; creating s. 69.101, F.S.; defining terms;
creating s. 69.103, F.S.; authorizing courts to
consider the existence of a litigation financing
agreement to determine if a class representative or
lead counsel or co-lead counsel to a class action
lawsuit would adequately and fairly represent the
interests of the class; creating s. 69.105, F.S.;
prohibiting specified acts by litigation financiers;
providing that all rights to make certain decisions in
a legal proceeding remain solely with the parties to
such legal proceeding; creating s. 69.107, F.S.;
requiring certain parties to a legal proceeding which
have entered into a litigation financing agreement
with a foreign person, a foreign principal, or a
sovereign wealth fund to file and serve a notice
identifying specified information with the court,
agency, or tribunal and all other parties to the legal
proceeding within a specified timeframe; requiring
that such notice also be filed with the Department of
Financial Services and the Office of the Attorney
General; providing that certain information in a
litigation financing agreement is not required to be
disclosed; authorizing the court, agency, or tribunal
to order that the notice or supporting documentation

12-00987A-26

20261396__

be filed under seal and issue protective orders to safeguard proprietary or confidential information; prohibiting a foreign litigation financier or person acting on its behalf from using a domestic entity or affiliate to conceal or evade such disclosure requirements or from receiving, transmitting, or sharing certain information obtained through litigation financing with certain foreign persons, foreign principals, or sovereign wealth funds; providing applicability; providing for sanctions; providing construction; creating s. 69.109, F.S.; providing that a litigation financing agreement is void and unenforceable in specified circumstances; providing for enforcement of specified violations under the Florida Deceptive and Unfair Trade Practices Act; authorizing any court, agency, or tribunal of competent jurisdiction to impose fines or other sanctions it deems appropriate for violations of certain provisions; providing severability; providing retroactive applicability; providing applicability; providing an effective date.

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

Section 1. This act may be cited as the "Litigation Investment Safeguards and Transparency Act."

Section 2. Sections 69.011, 69.021, 69.031, 69.041, 69.051, 69.061, 69.071, and 69.081, Florida Statutes, are designated as part I of chapter 69, Florida Statutes, and entitled "General

12-00987A-26

20261396__

59 Provisions."

60 Section 3. Part II of chapter 69, Florida Statutes,
61 consisting of ss. 69.101, 69.103, 69.105, 69.107, and 69.109,
62 Florida Statutes, is created and entitled "Litigation
63 Financing," to read:

64
65 PART II

66 LITIGATION FINANCING

67 69.101 Definitions.—As used in this part, the term:

68 (1) "Foreign person" means a person or an entity that is
69 not:

70 (a) A citizen of the United States;

71 (b) An alien lawfully admitted for permanent residence in
72 the United States;

73 (c) An unincorporated association, a majority of members of
74 which are citizens of the United States or aliens lawfully
75 admitted for permanent residence in the United States; or

76 (d) A corporation incorporated in the United States.

77 (2) "Foreign principal" means:

78 (a) The government or a government official of any country
79 other than the United States;

80 (b) A political subdivision or political party, or the
81 officials thereof, of a country other than the United States; or

82 (c) Any partnership, association, corporation,
83 organization, or other combination of persons organized under
84 the laws of, or having its principal place of business in, a
85 country other than the United States whose shares or other
86 ownership interest is owned by the government or a government
87 official of a country other than the United States or owned by a

12-00987A-26

20261396__

political subdivision or political party, or the officials thereof, of a country other than the United States.

(3) "Foreign funder" means a foreign person, foreign principal, or sovereign wealth fund that provides funding directly or indirectly under a litigation financing agreement.

(4) "Health care practitioner" has the same meaning as in s. 456.001.

(5) "Litigation financier" means a person engaged in the business of providing litigation financing.

(6) "Litigation financing agreement" or "litigation financing" means a transaction in which a litigation financier agrees to provide financing to a person who is a party to, or an attorney or law firm representing a party, in a civil action, an administrative proceeding, a claim, or other legal proceeding in exchange for a right to receive payment, which right is contingent in any respect on the outcome of such action, claim, or proceeding or on the outcome of any matter within a portfolio that includes such action, claim, or proceeding and involves the same counsel or affiliated counsel. However, the term does not apply to any of the following:

(a) An agreement to provide funds for or to a party to a civil action, an administrative proceeding, a claim, or other legal proceeding for such person's use in paying his or her costs of living or other personal or familial expenses during the pendency of such action, claim, or proceeding which funds are not used to finance any litigation or other legal costs.

(b) An agreement wherein an attorney consents to provide legal services on a contingency fee basis or to advance his or her client's legal costs, and where such services or costs are

12-00987A-26

20261396__

provided by the attorney in accordance with the Florida Rules of Professional Conduct.

(c) An entity with a preexisting contractual obligation to indemnify or defend a party to a civil action, an administrative proceeding, a claim, or other legal proceeding.

(d) A health insurer that has paid, or is obligated to pay, any sums for health care for an injured person under the terms of a health insurance plan or agreement.

(e) The repayment of a financial institution as defined in s. 655.005 for loans made directly to a party to a civil action, an administrative proceeding, a claim, or other legal proceeding, or to such party's attorney, when repayment of the loan is not contingent upon the outcome of such action, claim, or proceeding or on the outcome of any matter within a portfolio that includes such action, claim, or proceeding and involves the same counsel or affiliated counsel.

(f) Funding provided to a nonprofit organization exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code, provided that the nonprofit organization uses the funding only to provide pro bono legal representation on behalf of a client or to engage in litigation on behalf of itself, its members, or a client and does not seek punitive damages, regardless of whether the nonprofit organization seeks an award of costs or attorney fees.

(g) Funding provided by a nonprofit organization exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code, by grant or otherwise, to cover the costs and expenses of pro bono legal representation or litigation that does not seek punitive damages, regardless of whether the

12-00987A-26

20261396__

146 recipient of the funding seeks an award of costs or attorney
147 fees. The nonprofit organization may, contingent upon the
148 outcome of the litigation, receive repayment not to exceed the
149 amount of funding provided.

150 (7) "National security interests" means those interests
151 relating to the national defense, foreign intelligence and
152 counterintelligence, international and domestic security, or
153 foreign relations.

154 (8) "Proprietary information" means information developed,
155 created, or discovered by a person, or which became known by or
156 was conveyed to a person, which has commercial value in the
157 person's business. The term includes, but is not limited to,
158 domain names; trade secrets; copyrights; ideas; techniques;
159 inventions, regardless of whether patentable, and other
160 information of any type relating to designs; configurations;
161 documentation; recorded data; schematics; circuits; mask works;
162 layouts; source code; object code; master works; master
163 databases; algorithms; flow charts; formulae; works of
164 authorship; mechanisms; research; manufacture; improvements;
165 assembly; installation; intellectual property, including patents
166 and patent applications; and information concerning the person's
167 actual or anticipated business, research, or development or
168 received in confidence by or for the person from any other
169 source.

170 (9) "Sovereign wealth fund" means an investment fund owned
171 or controlled by a foreign principal or an agent thereof.

172 69.103 Litigation financing agreement; representation of
173 client interests; adequate representation.—A court may take the
174 existence of a litigation financing agreement into account:

12-00987A-26

20261396__

175 (1) In a class action lawsuit brought in the courts of this
176 state, when determining whether a class representative or class
177 counsel would adequately and fairly represent the interests of
178 the class.

179 (2) In actions involving a common question of law or fact
180 pending before the court which may be or has been consolidated,
181 when determining whether the lead counsel or any co-lead counsel
182 would adequately and fairly represent the interests of the
183 parties to such actions.

184 69.105 Prohibited conduct.—A litigation financier may not:

185 (1) Direct, or make any decisions with respect to, the
186 course of any civil action, administrative proceeding, claim, or
187 other legal proceeding for which the litigation financier has
188 provided financing, or any settlement or other disposition
189 thereof. This prohibition includes, but is not limited to,
190 decisions in appointing or changing counsel, choice or use of
191 expert witnesses, and litigation strategy. All rights to make
192 decisions with respect to the course and settlement or other
193 disposition of the subject civil action, administrative
194 proceeding, claim, or other legal proceeding remain solely with
195 the parties to such action, claim, or proceeding and their
196 counsel of record.

197 (2) Contract for or receive, whether directly or
198 indirectly, a larger share of the proceeds of any civil action,
199 administrative proceeding, claim, or other legal proceeding
200 financed by a litigation financing agreement than the share of
201 the proceeds collectively recovered by the plaintiffs to any
202 such action, claim, or proceeding after the payment of any
203 attorney fees and costs owed in connection to such action,

12-00987A-26

20261396__

claim, or proceeding.

(3) Pay or offer to pay a commission, referral fee, or other consideration to any person, including an attorney, a law firm, or a health care practitioner, for referring a person to the litigation financier.

(4) Assign or securitize a litigation financing agreement, in whole or in part.

(5) Be assigned rights to or in any civil action, administrative proceeding, claim, or other legal proceeding for which the litigation financier provided financing, other than the right to receive a share of the proceeds of such action, claim, or proceeding pursuant to the litigation financing agreement.

69.107 Transparency for foreign litigation financiers.-

(1) If a party to any civil action, administrative proceeding, claim, or other legal proceeding, or that party's counsel of record, has entered into a litigation financing agreement with a foreign person, foreign principal, or sovereign wealth fund, the party, or the party's counsel of record, must, within 14 days after execution of the agreement or within 7 days after filing such action, whichever occurs first, file and serve a notice that identifies:

(a) The existence of the funding relationship;

(b) The foreign person, foreign principal, or sovereign wealth fund by legal name and the jurisdiction under whose laws it is organized; and

(c) Each foreign person, foreign principal, or sovereign wealth fund that, directly or indirectly, owns or controls 3 percent or more of the capital, equity, or other beneficial

12-00987A-26

20261396__

ownership interests in the litigation financier, including the legal name, address, and citizenship or country of incorporation or registration of each such person or entity.

(2) The notice required in subsection (1) must be filed with the court, agency, or tribunal in which the action is pending, served on all parties, and provided to the Department of Financial Services and the Office of the Attorney General.

(3) The dollar amounts, financing terms, and other proprietary or trade secret information contained in or related to the litigation financing agreement are not required to be disclosed. The court, agency, or tribunal may order the notice or supporting documentation to be filed under seal and may issue protective orders as necessary to safeguard proprietary or confidential information.

(4) A foreign litigation financier or any person acting on its behalf may not:

(a) Use a domestic entity or affiliate to conceal or evade the disclosure requirements of this section; or

(b) Receive, transmit, or share proprietary, privileged, or national security-related information obtained through litigation financing with any foreign person, foreign principal, or sovereign wealth fund not a party or attorney to the action.

(5) The requirements of this section apply to a litigation financing agreement entered into with any litigation financier if a foreign person, foreign principal, or sovereign wealth fund has provided or will provide funds, whether directly or indirectly, to the litigation financier which amount to 5 percent or more of the funds the financier has provided or is committed to provide under the litigation funding agreement.

12-00987A-26

20261396__

(6) Failure to comply with this section may subject the noncomplying party to appropriate sanctions under s. 69.109 or the applicable rules of civil procedure. This section does not create a private cause of action.

69.109 Violations; enforcement.—

(1) A litigation financing agreement executed in violation of this part is void and unenforceable.

(2) A violation of s. 69.105 is a deceptive and unfair trade practice actionable under part II of chapter 501.

(3) A court, an agency, or a tribunal of competent jurisdiction may impose fines or any other sanction it deems appropriate upon any person who violates s. 69.107.

Section 4. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 5. The disclosure requirements in s. 69.107, Florida Statutes, as created by this act, apply to any civil action, administrative proceeding, claim, or other legal proceeding pending or commenced on or after July 1, 2026. Any party to or counsel of record for any civil action, administrative proceeding, claim, or other legal proceeding pending on July 1, 2026, who would have been required to make a disclosure under s. 69.107, Florida Statutes, had it been in effect at the time the relevant action occurred must make the disclosure under that section by July 31, 2026. Failure to do so is sanctionable as provided in s. 69.109, Florida Statutes.

12-00987A-26

20261396__

291 Section 6. Except as otherwise provided in this act, this
292 act applies to a litigation financing agreement entered into on
293 or after July 1, 2026.

294 Section 7. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules

SENATOR COLLEEN BURTON

12th District

January 28, 2026

The Honorable Kathleen Passidomo
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Passidomo,

I respectfully request SB 1396 Litigation Financing Consumer Protection be placed on the Rules agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in cursive script that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Shasta Kruse, Staff Director
Patrick Pinkerton, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

1375 Havendale Blvd., Winter Haven, FL 33881 (863) 413-1529
408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/3/26

Meeting Date

Rules

Committee

1396 Litigation Financing

Bill Number or Topic

Amendment Barcode (if applicable)

Name Bill Cotterall Phone _____

Address 218 S Monroe St Email _____
Street

Tallahassee FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Florida Justice Association

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

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S-001 (08/10/2021)

02.03.26

Meeting Date

Rules

Committee

The Florida Senate

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1396

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Robert Schulte

Phone

813-499-9139

Address

4830 West Kennedy Blvd - Suite 600

Email

bob@monsonfirm.com

Street

Tampa

FL

33609

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 Justice Reform 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/3/2026

Meeting Date

Rules

Committee

Name

George Feijoo (Fay-jew)

Address

108 S Monroe St

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate

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1396

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

850-681-0024

Email

grfeijoo@flapartners.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:

U.S. Chamber
Institute for Legal Reform

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

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Meeting Date

Rules

Committee

1396

Bill Number or Topic

Amendment Barcode (if applicable)

Name

ALIX MILLER

Phone

850-222-9900

Address

350 E. College Ave

Email

alix@floridatrucking.org

Street

Tallahassee

City

State

FL

Zip

32301

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

FLORIDA TRUCKING ASSOCIATION

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

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2/3/2026

Meeting Date

Senate Rules

Committee

The Florida Senate

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SB 1396

Bill Number or Topic

Amendment Barcode (if applicable)

Name David Mica, Jr. Phone 850-222-9800

Address 306 E College Ave Email Davidm@fha.org

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 Hospital Association

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

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

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S-001 (08/10/2021)

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SB 1396

Bill Number or Topic

2/3/26

Meeting Date

S Rules

Committee

Amendment Barcode (if applicable)

Name

Cameron Fink

Phone

850 933 4665

Address

516 N Adams

Email

cfink@cit.com

Street

TLH

City

FL

State

32701

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 Industries 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/3/2026

Meeting Date

The Florida Senate
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1396

Bill Number or Topic

Rules

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Committee

Amendment Barcode (if applicable)

Name **Gary Guzzo**

Phone **850-681-0024**

Address **108 S Monroe St**

Email **gguzzo@flapartners.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 Insurance Council

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/26

Meeting Date

Rules

Committee

1396

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Amande Fraser

Phone

Address

106 E Jefferson St

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

APCIA

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/24

Meeting Date

1394

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Katie Webb

Phone

Address 164 E Jefferson St

Street

Email kwebb@colodnyfarr.com

Tall 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:

GEICO

☐ 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

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

1394

Bill Number or Topic

Amendment Barcode (if applicable)

Rules
Meeting Date
2/3/24
Committee

Name Carolyn Johnson Phone 521-1200

Address 136 S Bronaugh St
Street
Tallahassee FL 32301
City State Zip

Email cjohnson@flchamber.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:

FL 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 7020

INTRODUCER: Agriculture Committee

SUBJECT: OGSR/Aquaculture Records Held by the Department of Agriculture and Consumer Services

DATE: February 2, 2026

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------------------------------|
| | Becker | Becker | | AG Submitted as Comm. Bill/Fav |
| 1. | McVaney | McVaney | GO | Favorable |
| 2. | Becker | Kruse | RC | Favorable |

I. Summary:

SB 7020 saves from repeal the current public record exemption codified in s. 597.0042, F.S., that makes confidential and exempt from public records inspection and copying requirements certain aquaculture records held by the Department of Agriculture and Consumer Services. These confidential and exempt records include shellfish receiving and production records generated by shellfish processing facilities, audit records and supporting documentation required for submerged land leases, and aquaculture production records and receipts generated by aquaculture facilities. A record may be disclosed to another governmental entity in the performance of its duties and responsibilities. This exemption applies to aquaculture records held before, on, or after July 1, 2021.

The exemption is subject to the Open Government Sunset Review Act. Unless this exemption is saved from repeal by the Legislature, it will repeal on October 2, 2026. This bill removes the scheduled repeal to maintain the confidential and exempt status of the information.

The bill is not expected to impact state and local revenue and expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Access to Public Records - Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The applies to the official business

¹ FLA. CONST. art. I, s. 24(a).

of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

² *Id.*; see *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2 (2022-2024).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

Only the Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

General exemptions from the public records requirements are contained in the Public Records Act.¹³ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹⁴

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹⁵ 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.¹⁶ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁷

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁸ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁹ public records or open meetings exemptions, with specified exceptions.²⁰ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.²¹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

¹³ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹⁴ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁵ *WFTV, Inc. v. Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁶ *Id.*

¹⁷ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁸ Section 119.15, F.S.

¹⁹ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

²⁰ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²¹ Section 119.15(3), F.S.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.²² If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²³

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁴ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²⁵
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²⁶ or
- It protects trade or business secrets.²⁷

The Act also requires specified questions to be considered during the review process.²⁸ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

Aquaculture Records Held by the Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (department) is Florida's lead aquaculture agency.²⁹ The department coordinates and assists in the development of aquaculture and regulates aquafarms to protect and conserve Florida's natural resources. There are an estimated 1,500 species or varieties of fish, plants, mollusks, crustaceans, and reptiles grown in the state.³⁰

²² See generally s. 119.15, F.S.

²³ Section 119.15(7), F.S.

²⁴ Section 119.15(6)(b), F.S.

²⁵ Section 119.15(6)(b)1., F.S.

²⁶ Section 119.15(6)(b)2., F.S.

²⁷ Section 119.15(6)(b)3., F.S.

²⁸ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁹ See s. 597.002, F.S.

³⁰ Florida Department of Agriculture and Consumer Services, *Division of Aquaculture*, <https://www.fdacs.gov/Divisions-Offices/Aquaculture> (Last visited Jan. 19, 2026).

Aquaculture producers are required to provide the department with receiving logs, production volume records, inventories, and receipts and invoices related to their aquaculture facilities to ensure compliance with the terms and conditions of sovereign submerged land lease agreements and aquaculture best management practices. These records include information, such as quantity and price of seed stock purchased and harvest times which, if released, could be detrimental to their businesses. Information regarding products, harvest times, and locations make aquaculture businesses susceptible to theft, particularly with respect to sovereign submerged land leases in remote locations.

In 2021, the Legislature created a public records exemption for certain aquaculture records held by the department.³¹ The public necessity statement provided that certain production records related to aquaculture and shellfish facilities held by the department are exempt from Florida's public records laws. Without this exemption, the department may be hindered from obtaining valuable and accurate information. With this exemption, the department can protect the aquaculture industry and its facilities while maintaining compliance with federal partners and documenting the compliance of aquaculture producers with statutory requirements.

Since 2021, the department has received three public records requests for information deemed confidential and exempt under s. 597.0042, F.S.³² Senate and House staff met with department staff in 2025 to discuss the public record exemption and department staff indicated no knowledge of litigation regarding the exemption or any concerns with applying the exemption. Department staff recommended the exemption be reenacted.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal of the current public record exemption for certain aquaculture records held by the department and thus maintains the following records as confidential and exempt from public records inspection and copying requirements:

- Shellfish receiving and production records generated by shellfish processing facilities,
- Audit records and supporting documentation required for submerged land leases, and
- Aquaculture production records and receipts generated by aquaculture facilities.

A record may be disclosed to another governmental entity in the performance of its duties and responsibilities. This exemption applies to aquaculture records held before, on, or after July 1, 2021.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities

³¹ Ch. 2021-59, Laws of Fla.

³² Email on file with Senate Agriculture Committee.

have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill does not create or expand an exemption, and thus, the bill does not require a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. This bill does not create or expand an exemption, and thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemptions in the bill do not appear to be broader than necessary to accomplish the purposes of the laws.

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 private sector will be subject to the cost associated with an agency making redactions in response to a public records request.

C. **Government Sector Impact:**

The department will continue to incur additional workload relating to the redaction of confidential and exempt records. The bill is not expected to impact state and local government revenues and expenditures.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 597.0042 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 the Committee on Agriculture

575-01919-26

20267020__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 597.0042, F.S., which provides an exemption from public record requirements for certain aquaculture records held by the Department of Agriculture and Consumer Services; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Subsection (4) of section 597.0042, Florida Statutes, is amended to read:

597.0042 Public records exemptions; aquaculture records.—

~~(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Military and Veterans Affairs, Space, and Domestic
Security, *Vice Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

January 28, 2026

The Honorable Senator Kathleen Passidomo
400 Senate Office Building
Tallahassee, FL 32399

Dear Chair, Passidomo,

I would like to request SB 7020 OGSR/Aquaculture Records Held by the Department of Agriculture and Consumer Services be placed on the next available Rules committee agenda.

SB 7020 saves from repeal the current public record exemption codified in s. 597.0042, F.S., that makes confidential and exempt from public records inspection and copying requirements certain aquaculture records held by the Department of Agriculture and Consumer Services. These confidential and exempt records include shellfish receiving and production records generated by shellfish processing facilities, audit records and supporting documentation required for submerged land leases, and aquaculture production records and receipts generated by aquaculture facilities. A record may be disclosed to another governmental entity in the performance of its duties and responsibilities.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in cursive script that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Shasta W. Kruse, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 7024

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: OGSR/Cybersecurity, Information Technology, and Operational Technology
Information

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|---------------------------------------|
| Harmsen | McVaney | | GO Submitted as Comm. Bill/Fav |
| 1. Harmsen | Kruse | RC | Favorable |

I. Summary:

SB 7024 expands the current public records and public meeting exemptions codified in s. 119.0725, F.S., which make confidential and exempt certain cybersecurity information held by state and local governmental agencies and any private entity acting on their behalf. The bill also consolidates and incorporates into s. 119.0725, F.S., from other agency-specific cybersecurity provisions the following cybersecurity-related exemptions:

- Information relating to processes or practices designed to protect data, information, or existing or proposed information technology (IT) or operational technology.
- Portions of risk assessments, evaluations, audits, and other reports of an agency's cybersecurity program.
- Login credentials.
- Internet protocol addresses, geolocation data, and other information describing how and when users access public-facing portals.
- Insurance and self-insurance coverage limits, deductibles, and other coverages acquired for the protection of IT, operational technology, or data of an agency.

The exemption in s. 119.0725, F.S., is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves the exemption from repeal by delaying the scheduled repeal date, thereby maintaining the exempt status of the information until October 2, 2031. The bill also expands the public records and public meeting exemption and therefore will require a two-thirds vote.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.³ For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Chapter 119, F.S., does not apply to legislative or judicial records. See, *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ 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.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

General exemptions from the public records requirements are typically contained in the Public Records Act.¹⁶ Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.¹⁷

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁸ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁹ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.²⁰

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law”²¹ or the

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ *See, e.g.*, s. 119.071(1)(a), F.S., exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure.

¹⁷ *See, e.g.*, s. 213.053(2), F.S., exempting from public disclosure information received by the DOR, including investigative reports and information.

¹⁸ FLA. CONST., art. I, s. 24(b).

¹⁹ *Id.*

²⁰ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

²¹ *Times Pub. Co. v. Williams*, 222 So.2d 470, 472 (Fla. 2d DCA 1969).

“Sunshine Law,”²² requires all meetings of any board or commission of any state or local agency or authority at which official acts are taken be open to the public.²³ The board or commission must provide the public reasonable notice of such meetings.²⁴ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²⁵ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁶ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²⁷ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁸

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.²⁹ The exemption must explicitly lay out the public necessity justifying the exemption and be no broader than necessary to accomplish the stated purpose of the exemption.³⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.³¹

Public Records Exemptions for Cybersecurity Information

Both state and local governments are required by various Florida laws³² to create or receive documents and communications that are likely to contain highly sensitive information, that may reveal vulnerabilities in state agency data or cybersecurity.

For example, the Office of the Inspector General conducts state agency cybersecurity audits pursuant to s. 20.055(6)(i), F.S., and each state agency Inspector General is required to incorporate a specific cybersecurity audit plan into their annual audit planning process.³³ Additionally, the Auditor General “regularly conducts information technology audits of governmental entities pursuant to s. 11.45, F.S.”³⁴ Further, agencies are required to communicate

²² *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693, 695 (Fla. 1969).

²³ Section 286.011(1)-(2), F.S.

²⁴ *Id.*

²⁵ Section 286.011(6), F.S.

²⁶ Section 286.011(2), F.S.

²⁷ Section 286.011(1), F.S.

²⁸ Section 286.011(3), F.S.

²⁹ FLA. CONST., art. I, s. 24(c).

³⁰ *Id.*

³¹ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meeting exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), *the court found that the intent of a public record statute was to create a public record exemption. The Baker County Press court found that since the law did not contain a public necessity statement, it was unconstitutional. Id.* at 196.

³² *See, e.g.*, s. 282.318, F.S.

³³ Florida Office of Inspector General, *Cybersecurity Resources*, <https://www.floridaoig.com/cyberSecurity.htm> (last visited Jan. 13, 2026). *See, e.g.*, Florida Department of State Office of Inspector General, *Annual Audit Plan for the 2023-2024 Fiscal Year and Long Range Plan*, (June 22, 2023), <https://files.floridados.gov/media/706921/dos-oig-audit-plan-2023-24-fy.pdf> (last visited Jan. 13, 2026).

³⁴ Florida Office of the Auditor General, *Open Government Sunset Review Questionnaire (Cybersecurity Risk Assessments and Audits)* (September 2024) (on file with the Senate Governmental Oversight and Accountability Committee).

incident reports and after-action reports regarding hacking events to specific governmental entities.

Agency Cybersecurity Public Records Exemption, Section 119.0725, F.S.

Section 119.0725(2), F.S., makes confidential and exempt from the public inspection and copying requirements the following cybersecurity-related information:³⁵

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of information technology (IT)³⁶ systems, operational technology³⁷ systems, or an agency’s data;
- Information relating to “critical infrastructure”, defined as existing and proposed IT and operational technology systems and assets (physical or virtual), the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety;
- Cybersecurity³⁸ incident information (whether the incident was actual or merely threatened) reported by state agencies or local governments pursuant to ss. 282.318 and 282.3185, F.S.; and
- Network schematics; hardware and software configurations; encryption information; or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:
 - Data³⁹ or information (physical or virtual); or
 - IT resources, which include an agency’s existing or proposed IT systems.

An agency *must* make this information available to a law enforcement agency, the Auditor General, the Cybercrime Office of the FDLE, the Florida Digital Service (FLDS), and—for agencies under the jurisdiction of the Governor—the Chief Inspector General. An agency *may* disclose the confidential and exempt information addressed in s. 119.0725, F.S., “in the furtherance of its official duties and responsibilities or to another agency or governmental entity in the furtherance of its statutory duties and responsibilities.”⁴⁰

Agencies must still report information about cybersecurity incidents in the aggregate.⁴¹

³⁵ Section 119.0725(2), F.S. This public records exemption was implemented in 2022, after s. 282.318, F.S., was passed, to better address ransomware incidents.

³⁶ “Information technology” is defined in s. 119.0725(1)(f), F.S., as “equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.”

³⁷ “Operational technology” is the hardware and software that causes or detects a change through the direct monitoring or control of physical devices, systems, processes, or events. Section 119.0725(1)(g), F.S.

³⁸ Section 119.0725(1)(c), F.S., defines “cybersecurity” as the protection afforded to an automated information system in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of data, information, and information technology resources.

³⁹ “Data” is the subset of structured information in a format that allows such information to be electronically retrieved and transmitted. Section 282.0041(9), F.S.

⁴⁰ Section 119.0725(5), F.S.

⁴¹ Section 119.0725(6), F.S.

Portions of this exemption were previously included in s. 282.318, F.S., until 2022, when the general exemption for specific cybersecurity information in s. 119.0725, F.S., was created.⁴²

Section 119.0725(3), F.S., also provides a public meeting exemption for any portion of a meeting that would reveal the information made confidential and exempt pursuant to s. 119.0725(2), F.S.; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record inspection and copying requirements.

The 2022 public necessity statement for s. 119.0725, F.S., provided that:

Release of such information could place an agency at greater risk of breaches, cybersecurity incidents, and ransomware attacks ... Therefore, this information should be made confidential and exempt in order to protect the agency's data, information, and information technology resources. [Furthermore,] failure to close that portion of a meeting at which confidential and exempt information would be revealed, and prevent the disclosure of the recordings and transcripts of those portions of a meeting, would defeat the purpose of the underlying public records exemption and could result in the release of highly sensitive information related to the cybersecurity of an agency system.

The public records and public meeting exemptions in s. 119.0725, F.S., will repeal on October 2, 2026, unless reenacted by the Legislature.

Section 282.318(4), F.S., Cybersecurity Public Records Exemptions

The Cybersecurity Act provides that the following state agency information is confidential and exempt from public records requirements:

- Comprehensive risk assessments, whether completed by the agency itself or a private vendor;⁴³
- Internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or IT resources;⁴⁴ and
- The results of internal cybersecurity audits and evaluations.⁴⁵

This information must be made available to the Auditor General, the Cybercrime Office of the Florida Department of Law Enforcement, the FLDS, and—for agencies under the jurisdiction of the Governor—the Chief Inspector General.

These provisions were enacted in 1989, and the legislature was not required to set forth a public necessity statement regarding the exemption at the time.⁴⁶

⁴² See ch. 2022-220, Laws of Fla.

⁴³ Section 282.318(4)(d), F.S.

⁴⁴ Section 282.318(4)(e), F.S.

⁴⁵ Section 282.318(4)(g), F.S.

⁴⁶ See, ch. 89-14, Laws of Fla.

Section 282.318(5), F.S., Exemptions

In 2016, the Legislature created s. 282.318(5), F.S., which more generally designates as confidential and exempt from public records inspection and copying requirements the portions of risk assessments,⁴⁷ evaluations, external audits,⁴⁸ and other reports of a state agency's cybersecurity program for the data, information, and state agency IT resources⁴⁹ held by a state agency if the disclosure of such portions of records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

- Data or information, whether physical or virtual; or
- IT resources, which include:
 - Information relating to the security of the agency's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
 - Security information, whether physical or virtual, which relates to the agency's existing or proposed IT systems.

An agency *must* disclose this information only to the Auditor General, the Cybercrime Office of the FDLE, the FLDS, and—for agencies under the Governor's jurisdiction—the Chief Inspector General. Portions of records *may* be made available to a local government, another state agency, or a federal agency for cybersecurity purposes or in furtherance of the state agency's official duties.⁵⁰

The 2020 public necessity statement for the public records exemption created in s. 282.318(5), F.S., stated that such information was required to be held as confidential and exempt because the disclosure could impede agency investigations about breaches; result in the disclosure of sensitive personal information or proprietary business information likely to be collected during such investigation, which could facilitate identity theft or otherwise subject victims to further criminal mischief; and reveal weaknesses in a state agency's data security.

Other Cybersecurity-related Exemptions

The Legislature has enacted multiple agency-specific⁵¹ public records and public meeting exemptions to protect cybersecurity-related information from disclosure. While these agency-specific exemptions address a similar public purpose to s. 119.0715, F.S., they are dispersed across multiple chapters of law and vary in scope and terminology. These exemptions currently protect the following information:

⁴⁷ Section 282.0041(29) defines a "risk assessment" for purposes of ch. 282, F.S., as the "process of identifying security risks, determining their magnitude, and identifying areas needing safeguards."

⁴⁸ For purposes of subsection (5) of s. 282.318, F.S., an "external audit" is defined as one conducted by an entity other than the state agency that is the subject of the audit.

⁴⁹ Section 282.0041(22), F.S., defines "IT resources" as data processing hardware and software services, communications, supplies, personnel, facility resources, maintenance, and training.

⁵⁰ Section 282.382(7), F.S.

⁵¹ "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency. Section 119.011(2), F.S.

- Secure login credentials and related security information held by the Department of State (DOS) relating to certain password-protected systems.⁵²
- Information relating to the Department of the Lottery's cybersecurity technologies, processes, and practices designed to protect its IT systems and data.⁵³
- User identifications and passwords held by DOS relating to the electronic filing system for campaign finance reports.⁵⁴
- Secure login credentials held by the Commission on Ethics relating to the electronic filing system for financial interest disclosures.⁵⁵
- Sensitive agency-produced data processing software.⁵⁶
- Secure login credentials, Internet protocol addresses, geolocation data, and other information that describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal, and the dates and times that a user accesses a public-facing portal, held by the Department of Highway Safety and Motor Vehicles.⁵⁷
- Information relating to a utility's (that is owned or operated by a unit of local government) security processes and practices designed to protect its IT or industrial control technology systems.⁵⁸
- Cybersecurity policies and procedures, audits, risk assessments, evaluations, and other reports of a state agency's cybersecurity program.⁵⁹
- Risk assessments, evaluations, audits, and other reports of Citizens Property Insurance Corporation's cybersecurity program.⁶⁰
- Information identifying detection, investigation, or response practices, and risk assessments, evaluations, audits, and other reports, relating to the cybersecurity program of a state university or Florida College System Institution.⁶¹

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,⁶² with specified exceptions.⁶³ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.⁶⁴ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

⁵² Section 15.16(3)(c)2., F.S.

⁵³ See s. 24.1051(1)(a)1.a., F.S.

⁵⁴ Section 106.0706(1), F.S.

⁵⁵ Section 112.31446(6)(a), F.S.

⁵⁶ Section 119.071(1)(f), F.S. This exemption currently applies to all agencies.

⁵⁷ Section 119.0712(2)(f), F.S.

⁵⁸ See s. 119.0713(5)(a)1.-2., F.S.

⁵⁹ See s. 282.318(4)-(9), F.S.

⁶⁰ Section 627.352, F.S.

⁶¹ See s. 1004.055, F.S.

⁶² Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

⁶³ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

⁶⁴ Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.⁶⁵ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivision to effectively and efficiently administer a program and administration would be significantly impaired without the exemption;⁶⁶
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;⁶⁷ or
- It protects trade or business secrets.⁶⁸

The Act also requires specified questions to be considered during the review process.⁶⁹ Of particular importance to this review is the question of whether there are multiple exemptions for the same type of record that it would be appropriate to merge. In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.⁷⁰ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.⁷¹

Open Government Sunset Review of the Public Records and Open Meetings Exemptions for Cybersecurity Information

In order to allow these two cybersecurity exemptions to be reviewed concurrently, the Legislature delayed the originally scheduled 2025 repeal of the cybersecurity public records and meeting exemption in s. 282.318(5)-(6), F.S., for one year, setting the new repeal date for October 2, 2026. Conversely, the Legislature moved up by one year (from October 2, 2027, to October 2, 2026), the Open Government Sunset Review for the public records and public meeting exemptions in s. 119.0725(2) and (3), F.S.⁷²

⁶⁵ Section 119.15(6)(b), F.S.

⁶⁶ Section 119.15(6)(b)1., F.S.

⁶⁷ Section 119.15(6)(b)2., F.S.

⁶⁸ Section 119.15(6)(b)3., F.S.

⁶⁹ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

⁷⁰ FLA. CONST. art. I, s. 24(c).

⁷¹ Section 119.15(7), F.S.

⁷² Ch. 2025-27, Laws of Fla.

The staff of the Senate Governmental Oversight and Accountability Committee and the House Government Operations Subcommittee subsequently surveyed Florida agencies to ascertain whether the public records and open meeting exemptions in ss. 282.318(5) and (6), 119.0725, and 119.0712(2)(f), F.S., remain necessary. Staff reviewed a total of 172 agency responses, a majority of which recommend that the Legislature reenact the public records exemptions without any changes.

Public Records and Meeting Exemption Findings

As part of the questionnaire, respondents were asked whether any agency-specific cybersecurity exemption should be incorporated into the general cybersecurity exemption. Some respondents suggested merging agency-specific exemptions into the general exemption, while others suggested maintaining the status quo.

The responding agencies generally did not report any issue interpreting or applying the exemptions, and noted that the exemptions were used, in particular, to protect relevant portions of audits, security incident reports, and security protocols.

Responding agencies also state that they share the confidential and exempt documents with the Office of Inspector General, Auditor General, FLDS, and FDLE, usually for audit or reporting purposes. At least one agency cites sharing exempt information with the Executive Office of the Governor, IRS, FBI, Social Security Administration, Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services, and federal Cybersecurity & Infrastructure Security Agency, for either incident reporting, required auditing, or in order to meet a federal funding requirement.

The Legislature is directed to consider whether the records subject to an Open Government Sunset Review are protected by another exemption, and if so, if it would be appropriate to merge the exemptions.⁷³ As outlined above, there are at least three public records exemptions that may cover information made confidential and exempt by s. 119.0725, F.S. Several agencies seem to rely on the exemptions as a group to protect “cybersecurity information” rather than distinguish between them.

III. Effect of Proposed Changes:

Removal of Schedule Repeal of Public Records and Meeting Exemptions

The public records and public meeting exemptions for cybersecurity-related information in ss. 119.0712(2), 119.0725(2)(h), and 282.3185(5)-(6), F.S., will repeal on October 2, 2026, if this bill does not become law.

The bill maintains the confidential and exempt status of specific cybersecurity information held by an agency, and its associated public meeting exemption, by delaying the scheduled repeal date in s. 119.0725, thereby maintaining the exempt status of the information until October 2, 2031.

⁷³ Section 119.15(6)(a), F.S.

Section 1 amends s. 119.0725, F.S., to remove the scheduled repeal date for the public records exemption for cybersecurity information held by an agency, and the public meeting exemption for any portion of a meeting that would reveal such confidential and exempt cybersecurity information (as well as its associated public records exemption for the recording and transcript of such exempt portions of meetings). This information will maintain its confidential and exempt status.

Rather than remove the scheduled repeal date and continue the public records exemption provided for in s. 119.0712(2) and the public records and meeting exemptions provided for in s. 282.3185(5)-(6), F.S., **sections 9 and 12** delete the entirety of those cybersecurity exemptions. These provisions were found appropriate to merge with the cybersecurity exemption in s. 119.0725, F.S., which is saved from repeal by this bill. The substance of sections 9 and 12 are discussed further below.

Expansion of Agency Cybersecurity Public Records Exemption

Section 1 amends s. 119.0725, F.S., to expand the general agency public records exemption for cybersecurity⁷⁴ information to include the following categories of information:

- Network schematics, hardware and software configurations, encryption information, or information identifying detection, investigation, or response practices related to cybersecurity incidents,⁷⁵ including breaches,⁷⁶ if disclosure could facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of data, information, or existing or proposed IT or operational technology.
- Information relating to processes or practices designed to protect data, information, or existing or proposed IT or operational technology if disclosure could facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of such data, information, or technology.
- Portions of risk assessments, evaluations, audits, and other reports of an agency's cybersecurity program if disclosure could facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of data, information, or existing or proposed IT or operational technology.
- Login credentials.⁷⁷
- Internet protocol addresses, geolocation data, and other information that describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal,⁷⁸ and the dates and times that a user accesses a public-facing portal.

⁷⁴ The bill defines "cybersecurity" to mean the protection afforded to IT and operational technology in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of those technologies, data, and information.

⁷⁵ The bill defines "incident" to mean a violation or imminent threat of violation, whether such violation is accidental or deliberate, of an agency's cybersecurity, IT, or operational technology.

⁷⁶ The bill defines "breach" to mean unauthorized access of data or information. Good faith access of data or information by an employee or agent of an agency does not constitute a breach, provided that the data or information is not used for a purpose unrelated to the business or subject to further unauthorized use.

⁷⁷ The bill defines "login credentials" to mean information used to authenticate a user's identity or otherwise access when logging into a computer, computer system, computer network, electronic device, or an online user account accessible over the Internet through a mobile device, a website, or any other electronic means, or for authentication or password or account recovery.

⁷⁸ The bill defines a "public-facing portal" as a web portal or computer application that is publicly accessible over the Internet, via mobile device, website, or other electronic means.

- Sensitive agency-produced data processing software.
- Insurance and self-insurance coverage limits and deductibles, and other risk mitigation coverages, acquired for the protection of IT, OT, or data of an agency.

The bill allows an agency to disclose the above confidential and exempt information in furtherance of its official duties and responsibilities, or to another agency or governmental entity in the furtherance of their official duties and responsibilities. This is an expansion from prior language, which allowed an agency to request such information in furtherance of its statutory duties.

The bill republishes the public meeting exemption associated with the public records exemption codified in s. 119.0725, F.S., thereby expanding the public meeting exemption to include the material added in the underlying public records exemption as described above.

The bill provides that the exemptions apply to information held by an agency before, on, or after the effective date of the act. The public records and public meeting exemptions will automatically repeal on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

Section 15 provides the public necessity statement required by article I, section 24(c) of the State Constitution for the expansion of the public records and meeting exemptions. The statement provides a finding that the release of the specific cybersecurity information could place an agency at greater risk of breach, incident, and ransomware attack. The disclosure of such information could provide bad actors with knowledge about IT and operational technology structures, defenses, and vulnerabilities, making agency operations subject to malicious actions.

The release of login credentials and other security-related information (such as user location) would similarly provide bad actors with methods to access agency IT and operational systems, thus making agency information and systems subject to harm.

Lastly, public knowledge of an agency's cybersecurity insurance could provide cybercriminals with an understanding of the limits of an agency's willingness to pay as a result of a ransomware attack.

All of these vulnerabilities based on the exposure of cybersecurity-related agency information (as either a record, or at a meeting) would result in an expense to taxpayers, and impairment of vital government programs.

Transfer of Agency-Specific Cybersecurity Exemptions

Sections 2-3, 5-6, 9-10 and 12-14 delete agency-specific public records cybersecurity exemptions that are made duplicative by the transfer of their exemptions to the broader agency cybersecurity exemption codified in s. 119.0725, F.S.

Section 2 amends s. 15.16, F.S., to delete a public records exemption for secure login credentials and related information held by the Department of State for the purpose of allowing a person to

electronically file records. The substance of this exemption is transferred to s. 119.0725, F.S., by section 1 of the bill, to apply to all governmental agencies.

Section 3 amends s. 24.1051, F.S., to delete a public records exemption for information relating to the Department of the Lottery's cybersecurity technologies, processes, and practices designed to protect its IT systems and data.

Section 5 amends s. 106.0706, F.S., to delete a duplicative exemption for user identifications and passwords held by DOS relating to the electronic filing system for campaign finance reports.

Section 6 amends s. 112.31446, F.S., to delete a now-duplicative exemption for secure login credentials held by the Commission on Ethics relating to the electronic filing system for financial interest disclosures.

Section 9 amends s. 119.0712, F.S., to delete a now-duplicative exemption for secure login credentials, Internet protocol addresses, geolocation data, and other information that describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal, and the dates and times that a user accesses a public-facing portal, held by the Department of Highway Safety and Motor Vehicles.

Section 10 amends s. 119.0713, F.S., to delete a now-duplicative exemption for information relating to a utility's (that is owned or operated by a unit of local government) security processes and practices designed to protect its IT or industrial control technology systems.

Section 12 amends s. 282.318, F.S., to delete a now-duplicative exemption for cybersecurity policies and procedures, audits, risk assessments, evaluations, and other reports of a state agency's cybersecurity program.

Section 13 repeals s. 627.352, F.S., which makes confidential and exempt from public records inspection and copying requirements any risk assessments, evaluations, audits, and other reports of Citizens Property Insurance Corporation's cybersecurity program. The substance of this exemption is transferred to s. 119.0725, F.S.

Section 14 repeals s. 1004.055, F.S., which makes confidential and exempt information that identifies detection, investigation, or response practices, and risk assessments, evaluations, audits, and other reports, that relate to the cybersecurity program of a state university or Florida College System Institution.

Update of Cross-References

Section 8 deletes a public records exemption for agency-produced data processing software that is sensitive and instead incorporates it into s. 119.0725, F.S. **Sections 4, 7, and 11** update cross-references to s. 119.071(1)(f), F.S., in ss. 101.5607, 119.07, and s. 119.0714, F.S., respectively to reflect the transfer of the exemption to s. 119.0725(2)(h), F.S.

Effective Date

The bill takes effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements or public meeting requirements. This bill expands the current public records exemption and public meeting exemption; thus, the bill requires an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. This bill expands a current public records and public meeting exemption and therefore requires a new public necessity statement. Section 15 of the bill meets that requirement, noting the release of the cybersecurity-related information protected by the bill could place Florida's agencies at greater risk of breaches, cybersecurity incidents, and ransomware attacks, thereby impairing the administration of vital government programs and result in greater expense to taxpayers.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect information relating to state agency cybersecurity which could make the state more vulnerable to attack or other criminal activity. This bill exempts only those portions of records and meetings that contain relevant information and therefore does not appear to be broader than necessary to accomplish the purposes of the law.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redaction of exempt records in response to a public records request for information covered by s. 119.0725, F.S.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests. Agencies may see efficiency is training as a result of the condensing of cybersecurity-related exemptions into one section of law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 119.0714, F.S., excludes information made part of a court file from the exemptions provided for in ch. 119, F.S., except those documents specifically closed by a court or specifically listed in law, including sensitive data processing software that is produced by an agency.

Florida courts have consistently held that the judiciary is not an "agency" for purposes of ch. 119, F.S. However, art. I, s. 34 of the State Constitution still provides a constitutional right of access to judicial records. In order to balance the separation of powers between the legislative and judicial branches, confidentiality of court records is governed by court rule and court decisions. Florida Rule of General Practice and Judicial Administration 2.420, entitled "Public Access to and Protection of Judicial Branch Records", provides that "the public shall have access to all records of the judicial branch of government except as provided [in the rule]."

The court system adopts its own exemptions regarding public records, and there will likely be a delay between the effective date of this bill and any update to court rules regarding the confidentiality of sensitive data processing software produced by an agency. However, since the

needed update is limited to a technical cross-reference, rather than a substantive change of the subject of confidentiality—there should be no actual loss of confidentiality between that time.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 119.0725, 15.16, 24.1051, 101.5607, 106.0706, 112.31446, 119.07, 119.071, 119.0712, 119.0713, 119.0714, and 282.318.

This bill repeals the following sections of the Florida Statutes: 627.352 and 1004.055, F.S.

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 the Committee on Governmental Oversight and Accountability

585-02050-26

20267024__

A bill to be entitled
An act relating to a review under the Open Government
Sunset Review Act; amending s. 119.0725, F.S.;
revising definitions and defining terms; providing an
exemption from public records requirements for the
cybersecurity, information technology, and operational
technology information held by an agency; providing an
exemption from public meetings requirements for any
portion of a meeting that would reveal such
information; providing for retroactive application of
the exemptions; providing for future legislative
review and repeal of the exemptions; amending ss.
15.16, 24.1051, 101.5607, 106.0706, 112.31446, 119.07,
119.071, 119.0712, 119.0713, s. 119.0714, and 282.318,
F.S.; conforming cross-references and provisions to
changes made by the act; repealing s. 627.352, F.S.,
relating to security of data and information
technology in the Citizens Property Insurance
Corporation; repealing s. 1004.055, F.S., relating to
security of data and information technology in state
postsecondary education institutions; providing a
statement of public necessity; providing an effective
date.

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

Section 1. Section 119.0725, Florida Statutes, is amended
to read:

119.0725 Agency cybersecurity information; public records

585-02050-26

20267024__

exemption; public meetings exemption.—

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

(a) "Breach" means unauthorized access of data or in
~~electronic form containing personal~~ information. Good faith
access of data or ~~personal~~ information by an employee or agent
of an agency does not constitute a breach, provided that the
data or information is not used for a purpose unrelated to the
business or subject to further unauthorized use.

(b) "Critical infrastructure" means existing and proposed
information technology and operational technology systems and
assets, whether physical or virtual, the incapacity or
destruction of which would negatively affect security, economic
security, public health, or public safety.

(c) "Cybersecurity" means the protection afforded to
information technology or operational technology in order to
attain the applicable objectives of preserving the
confidentiality, integrity, and availability of such
technologies, data, and information ~~has the same meaning as in~~
~~s. 282.0041.~~

(d) "Data" has the same meaning as in s. 282.0041.

(e) "Incident" means a violation or imminent threat of
violation, whether such violation is accidental or deliberate,
of an agency's cybersecurity, information technology, or
operational technology ~~resources, security, policies, or~~
~~practices~~. As used in this paragraph, the term "imminent threat
of violation" means a situation in which the agency has a
factual basis for believing that a specific incident is about to
occur.

(f) "Information technology" has the same meaning as in s.

585-02050-26

20267024__

282.0041.

(g) "Login credentials" means information used to authenticate a user's identity or otherwise authorize access when logging into a computer, computer system, computer network, electronic device, or online user account accessible over the Internet through a mobile device, a website, or any other electronic means, or for authentication or password or account recovery.

(h) "Operational technology" means the hardware and software that cause or detect a change through the direct monitoring or control of physical devices, systems, processes, or events.

(i) "Public-facing portal" means a web portal or computer application accessible by the public over the Internet, whether through a mobile device, website, or other electronic means.

(2) The following information held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

~~(a) Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of information technology systems, operational technology systems, or data of an agency.~~

~~(b)~~ Information relating to critical infrastructure.

(b)~~(e)~~ Cybersecurity incident information reported pursuant to s. 282.318 or s. 282.3185.

(c)~~(d)~~ Network schematics, hardware and software configurations, ~~or~~ encryption information, or any information that identifies detection, investigation, or response practices related to ~~for suspected or confirmed~~ cybersecurity incidents,

585-02050-26

20267024__

including ~~suspected or confirmed~~ breaches, if the disclosure of such information could ~~would~~ facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of data, information, or existing or proposed information technology or operational technology;

- ~~1. Data or information, whether physical or virtual; or~~
- ~~2. Information technology resources, which include an agency's existing or proposed information technology systems.~~

(d) Information relating to processes or practices designed to protect data, information, or existing or proposed information technology or operational technology if the disclosure of such information could facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of such data, information, or technology.

(e) Portions of risk assessments, evaluation, audits, and other reports of an agency's cybersecurity program if the disclosure of such information could facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of data, information, or existing or proposed information technology or operational technology.

(f) Login credentials.

(g) Internet protocol addresses, geolocation data, and other information that describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal, and the dates and times that a user accesses a public-facing portal.

(h) Agency-produced data processing software that is sensitive.

(i) Insurance and self-insurance coverage limits and

585-02050-26

20267024__

deductibles, as well as any other risk mitigation coverages
acquired for the protection of information technology,
operational technology, or data of an agency.

(3) Any portion of a meeting that would reveal information made confidential and exempt under subsection (2) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. An exempt portion of a meeting may not be off the record and must be recorded and transcribed. The recording and transcript are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) The public records exemptions contained in this section apply to information held by an agency before, on, or after the effective date of the exemptions ~~July 1, 2022~~.

(5)(a) Information made confidential and exempt pursuant to this section shall be made available to a law enforcement agency, the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service within the Department of Management Services, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.

(b) Such confidential and exempt information may be disclosed by an agency in the furtherance of its official duties and responsibilities or to another agency or governmental entity in the furtherance of the agency's or governmental entity's official ~~its statutory~~ duties and responsibilities.

(6) Agencies may report information about cybersecurity incidents in the aggregate.

(7) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed

585-02050-26

20267024__

on October 2, 2031 ~~2026~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (3) of section 15.16, Florida Statutes, is amended to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(3)(a) The Department of State may cause to be received electronically any records that are required or authorized to be filed with it pursuant to chapter 48, chapter 55, chapter 117, chapter 118, chapter 495, chapter 605, chapter 606, chapter 607, chapter 610, chapter 617, chapter 620, chapter 621, chapter 679, chapter 713, or chapter 865, through facsimile or other electronic transfers, for the purpose of filing such records. The originals of all such electronically transmitted records must be executed in the manner provided in paragraph (5)(b). The receipt of such electronic transfer constitutes delivery to the department as required by law. The department may use electronic transmissions for purposes of notice in the administration of chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620, 621, 679, and 713 and s. 865.09. The Department of State may collect e-mail addresses for purposes of notice and communication in the performance of its duties and may require filers and registrants to furnish such e-mail addresses when presenting documents for filing.

(b) The department may implement a password-protected system for any record electronically received pursuant to paragraph (a) and may require filers to produce supplemental materials to use such system, including, but not limited to, an

585-02050-26

20267024__

original signature of the filer and verification of credentials.
The department may also implement a password-protected system that allows entities organized under the chapters specified in paragraph (a) to identify authorized account holders for the purpose of electronically filing records related to the entity. If the department implements such a system, it must send to each e-mail address on file with the Division of Corporations on January 1, 2024, a code to participate in a password-protected system. The department may require verification of the identity of an authorized account holder before the account holder is authorized to electronically file a record with the department.

(c)1. E-mail addresses collected by the Department of State pursuant to this subsection are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to e-mail addresses held by the Department of State before, on, or after the effective date of the exemption.

~~2. Secure login credentials held by the Department of State for the purpose of allowing a person to electronically file records under this subsection are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to secure login credentials held by the Department of State before, on, or after the effective date of the exemption. For purposes of this subparagraph, the term "secure login credentials" means information held by the department for purposes of authenticating a user logging into a user account on a computer, a computer system, a computer network, or an electronic device; an online user account accessible over the Internet, whether through a mobile device, a website, or any other electronic means; or information used for authentication~~

585-02050-26

20267024__

204 ~~or password recovery.~~

205 ~~3.~~ This paragraph is subject to the Open Government Sunset
206 Review Act in accordance with s. 119.15 and shall stand repealed
207 on October 2, 2028, unless reviewed and saved from repeal
208 through reenactment by the Legislature.

209 Section 3. Subsection (1) of section 24.1051, Florida
210 Statutes, is amended to read:

211 24.1051 Exemptions from inspection or copying of public
212 records.—

213 (1)(a) The following information held by the department is
214 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
215 of the State Constitution:

216 1. Information that, if released, could harm the security
217 or integrity of the department, including:

218 ~~a. Information relating to the security of the department's~~
219 ~~technologies, processes, and practices designed to protect~~
220 ~~networks, computers, data processing software, data, and data~~
221 ~~systems from attack, damage, or unauthorized access. This sub-~~
222 ~~subparagraph is subject to the Open Government Sunset Review Act~~
223 ~~in accordance with s. 119.15 and shall stand repealed on October~~
224 ~~2, 2027, unless reviewed and saved from repeal through~~
225 ~~reenactment by the Legislature.~~

226 ~~b.~~ Security information or information that would reveal
227 security measures of the department, whether physical or
228 virtual.

229 b.e. Information about lottery games, promotions, tickets,
230 and ticket stock, including information concerning the
231 description, design, production, printing, packaging, shipping,
232 delivery, storage, and validation of such games, promotions,

585-02050-26

20267024__

233 tickets, and stock.

234 ~~c.d.~~ Information concerning terminals, machines, and
235 devices that issue tickets.

236 2. Information that must be maintained as confidential in
237 order for the department to participate in a multistate lottery
238 association or game.

239 3. Personal identifying information obtained by the
240 department when processing background investigations of current
241 or potential retailers or vendors.

242 4. Financial information about an entity which is not
243 publicly available and is provided to the department in
244 connection with its review of the financial responsibility of
245 the entity pursuant to s. 24.111 or s. 24.112, provided that the
246 entity marks such information as confidential. However,
247 financial information related to any contract or agreement, or
248 an addendum thereto, with the department, including the amount
249 of money paid, any payment structure or plan, expenditures,
250 incentives, bonuses, fees, and penalties, shall be public
251 record.

252 (b) This exemption is remedial in nature, and it is the
253 intent of the Legislature that this exemption apply to
254 information held by the department before, on, or after May 14,
255 2019.

256 (c) Information made confidential and exempt under this
257 subsection may be released to other governmental entities as
258 needed in connection with the performance of their duties. The
259 receiving governmental entity shall maintain the confidential
260 and exempt status of such information.

261 Section 4. Paragraph (d) of subsection (1) of section

585-02050-26

20267024__

101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(d) Section 119.0725(2)(h) ~~119.071(1)(f)~~ applies to all software on file with the Department of State.

Section 5. Section 106.0706, Florida Statutes, is amended to read:

106.0706 Electronic filing of campaign finance reports; public records exemption.—

(1) ~~All user identifications and passwords held by the Department of State pursuant to s. 106.0705 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

~~(2)(a)~~ Information entered in the electronic filing system for purposes of generating a report pursuant to s. 106.0705 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2)(b) Information entered in the electronic filing system is no longer exempt once the report is generated and filed with the Division of Elections.

Section 6. Subsection (6) of section 112.31446, Florida Statutes, is amended to read:

112.31446 Electronic filing system for financial disclosure.—

~~(6)(a) All secure login credentials held by the commission for the purpose of allowing access to the electronic filing system are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

585-02050-26

20267024__

291 ~~(b)~~ Information entered in the electronic filing system for
292 purposes of financial disclosure is exempt from s. 119.07(1) and
293 s. 24(a), Art. I of the State Constitution. Information entered
294 in the electronic filing system is no longer exempt once the
295 disclosure of financial interests or statement of financial
296 interests is submitted to the commission or, in the case of a
297 candidate, filed with a qualifying officer, whichever occurs
298 first.

299 Section 7. Paragraph (g) of subsection (1) of section
300 119.07, Florida Statutes, is amended to read:

301 119.07 Inspection and copying of records; photographing
302 public records; fees; exemptions.—

303 (1)

304 (g) In any civil action in which an exemption to this
305 section is asserted, if the exemption is alleged to exist under
306 or by virtue of s. 119.071(1)(d) ~~or (f)~~, (2)(d), (e), or (f), or
307 (4)(c), the public record or part thereof in question shall be
308 submitted to the court for an inspection in camera. If an
309 exemption is alleged to exist under or by virtue of s.
310 119.071(2)(c), an inspection in camera is discretionary with the
311 court. If the court finds that the asserted exemption is not
312 applicable, it shall order the public record or part thereof in
313 question to be immediately produced for inspection or copying as
314 requested by the person seeking such access.

315 Section 8. Paragraph (f) of subsection (1) of section
316 119.071, Florida Statutes, is amended to read:

317 119.071 General exemptions from inspection or copying of
318 public records.—

319 (1) AGENCY ADMINISTRATION.—

585-02050-26

20267024__

~~(f) Agency-produced data processing software that is sensitive is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive does not prohibit an agency head from sharing or exchanging such software with another public agency.~~

Section 9. Paragraph (f) of subsection (2) of section 119.0712, Florida Statutes, is amended to read:

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.—

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

~~(f)1. Secure login credentials held by the Department of Highway Safety and Motor Vehicles are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to secure login credentials held by the department before, on, or after the effective date of the exemption. For purposes of this subparagraph, the term "secure login credentials" means information held by the department for purposes of authenticating a user logging into a user account on a computer, a computer system, a computer network, or an electronic device; an online user account accessible over the Internet, whether through a mobile device, a website, or any other electronic means; or information used for authentication or password recovery.~~

~~2. Internet protocol addresses, geolocation data, and other information held by the Department of Highway Safety and Motor Vehicles which describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal, and the dates and times that a user accesses a public-facing portal, are exempt from s. 119.07(1) and s. 24(a),~~

585-02050-26

20267024__

~~Art. I of the State Constitution. This exemption applies to such information held by the department before, on, or after the effective date of the exemption. For purposes of this subparagraph, the term "public-facing portal" means a web portal or computer application accessible by the public over the Internet, whether through a mobile device, website, or other electronic means, which is established for administering chapter 319, chapter 320, chapter 322, chapter 328, or any other provision of law conferring duties upon the department.~~

~~3. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 10. Subsection (5) of section 119.0713, Florida Statutes, is amended to read:

119.0713 Local government agency exemptions from inspection or copying of public records.—

(5)(a) Customer meter-derived data and billing information in increments less than one billing cycle ~~The following~~ information held by a utility owned or operated by a unit of local government are ~~is~~ exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution÷

~~1. Information related to the security of the technology, processes, or practices of a utility owned or operated by a unit of local government that are designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access, which information, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources.~~

585-02050-26

20267024__

378 ~~2. Information related to the security of existing or~~
379 ~~proposed information technology systems or industrial control~~
380 ~~technology systems of a utility owned or operated by a unit of~~
381 ~~local government, which, if disclosed, would facilitate~~
382 ~~unauthorized access to, and alteration or destruction of, such~~
383 ~~systems in a manner that would adversely impact the safe and~~
384 ~~reliable operation of the systems and the utility.~~

385 ~~3. Customer meter derived data and billing information in~~
386 ~~increments less than one billing cycle.~~

387 ~~(a)-(b)~~ This exemption applies to such data and information
388 held by a utility owned or operated by a unit of local
389 government before, on, or after the effective date of this
390 exemption.

391 ~~(b)-(c)~~ This subsection is ~~Subparagraphs (a)1. and 2. are~~
392 subject to the Open Government Sunset Review Act in accordance
393 with s. 119.15 and shall stand repealed on October 2, 2027,
394 unless reviewed and saved from repeal through reenactment by the
395 Legislature.

396 Section 11. Paragraph (b) of subsection (1) of section
397 119.0714, Florida Statutes, is amended to read:

398 119.0714 Court files; court records; official records.—

399 (1) COURT FILES.—Nothing in this chapter shall be construed
400 to exempt from s. 119.07(1) a public record that was made a part
401 of a court file and that is not specifically closed by order of
402 court, except:

403 (b) Data processing software as provided in s.
404 119.0725(2)(h) ~~s. 119.071(1)(f).~~

405 Section 12. Paragraphs (d), (e), and (g) of subsection (4)
406 and subsections (5) through (9) of section 282.318, Florida

585-02050-26

20267024__

Statutes, are amended to read:

282.318 Cybersecurity.—

(4) Each state agency head shall, at a minimum:

(d) Conduct, and update every 3 years, a comprehensive risk assessment, which may be completed by a private sector vendor, to determine the security threats to the data, information, and information technology resources, including mobile devices and print environments, of the agency. The risk assessment must comply with the risk assessment methodology developed by the department ~~and is confidential and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, the Florida Digital Service within the department, the Cybercrime Office of the Department of Law Enforcement, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General.~~ If a private sector vendor is used to complete a comprehensive risk assessment, it must attest to the validity of the risk assessment findings.

(e) Develop, and periodically update, written internal policies and procedures, which include procedures for reporting cybersecurity incidents and breaches to the Cybercrime Office of the Department of Law Enforcement and the Florida Digital Service within the department. Such policies and procedures must be consistent with the rules, guidelines, and processes established by the department to ensure the security of the data, information, and information technology resources of the agency. ~~The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except~~

585-02050-26

20267024__

~~that such information shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service within the department, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General.~~

(g) Ensure that periodic internal audits and evaluations of the agency's cybersecurity program for the data, information, and information technology resources of the agency are conducted. ~~The results of such audits and evaluations are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service within the department, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.~~

~~(5) The portions of risk assessments, evaluations, external audits, and other reports of a state agency's cybersecurity program for the data, information, and information technology resources of the state agency which are held by a state agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the disclosure of such portions of records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:~~

~~(a) Data or information, whether physical or virtual; or~~

~~(b) Information technology resources, which include:~~

~~1. Information relating to the security of the agency's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or~~

585-02050-26

20267024__

~~2. Security information, whether physical or virtual, which relates to the agency's existing or proposed information technology systems.~~

~~For purposes of this subsection, "external audit" means an audit that is conducted by an entity other than the state agency that is the subject of the audit.~~

~~(6) Those portions of a public meeting as specified in s. 286.011 which would reveal records which are confidential and exempt under subsection (5) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. No exempt portion of an exempt meeting may be off the record. All exempt portions of such meeting shall be recorded and transcribed. Such recordings and transcripts are confidential and exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless a court of competent jurisdiction, after an in camera review, determines that the meeting was not restricted to the discussion of data and information made confidential and exempt by this section. In the event of such a judicial determination, only that portion of the recording and transcript which reveals nonexempt data and information may be disclosed to a third party.~~

~~(7) The portions of records made confidential and exempt in subsections (5) and (6) shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service within the department, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General. Such portions of records may be made available to a local government, another state agency, or a~~

585-02050-26

20267024__

~~federal agency for cybersecurity purposes or in furtherance of the state agency's official duties.~~

~~(8) The exemptions contained in subsections (5) and (6) apply to records held by a state agency before, on, or after the effective date of this exemption.~~

~~(9) Subsections (5) and (6) are subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 13. Section 627.352, Florida Statutes, is repealed.

Section 14. Section 1004.055, Florida Statutes, is repealed.

Section 15. (1) The Legislature finds that it is a public necessity that the following information held by an agency be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution:

(a) Network schematics, hardware and software configurations, encryption information, or any information that identifies detection, investigation, or response practices relating to cybersecurity incidents, including breaches, if the disclosure of such information could facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of data, information, or existing or proposed information technology or operational technology.

(b) Information relating to processes or practices designed to protect data, information, or existing or proposed information technology or operational technology if the disclosure of such information could facilitate unauthorized access to or unauthorized modification, disclosure, or

585-02050-26

20267024__

destruction of such data, information, or technology.

(c) Portions of risk assessments, evaluations, audits, and other reports of an agency's cybersecurity program if the disclosure of such information could facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of data, information, or existing or proposed information technology or operational technology.

(d) Login credentials.

(e) Internet protocol addresses, geolocation data, and other information that describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal, and the dates and times that a user accesses a public-facing portal.

(f) Agency-produced data processing software that is sensitive.

(g) Insurance and self-insurance coverage limits and deductibles, as well as any other risk mitigation coverages, acquired for the protection of information technology, operational technology, or data of an agency.

(2) The Legislature finds that release of the information described in subsection (1) could place an agency at greater risk of breaches, cybersecurity incidents, and ransomware attacks. Network schematics, hardware and software configurations, encryption information, or any information that identifies detection, investigation, or response practices for cybersecurity incidents, including breaches, reveals how an agency's information technology and operational technology systems are structured and defended. Disclosure of such information could enable a malicious actor to map system

585-02050-26

20267024__

architecture, identify vulnerabilities, and bypass security
controls. Information describing processes or practices designed
to protect data, information, or existing or proposed
information technology or operational technology could similarly
be used to exploit weaknesses and predict defensive actions.
Portions of risk assessments, evaluations, audits, and other
reports of an agency's cybersecurity program routinely include
descriptions of vulnerabilities, testing results, and
recommendations. Disclosure of such information would
substantially increase the likelihood of a successful
cyberattack. Login credentials are a foundational security
control, and disclosure of such information could allow
malicious actors to authenticate themselves in order to access
government systems, impersonate legitimate users, and access
personal identifying and other sensitive information. Internet
protocol addresses, geolocation data, and other information that
describes the location, computer, computer system, or computer
network from which a user accesses a public-facing portal, and
the dates and times that a user accesses a public-facing portal,
could be used to track usage patterns, identify remote access
points, or monitor portal vulnerabilities. Sensitive agency-
produced data processing software can reveal the inner workings
of security controls, authentication mechanisms, or automated
processes that malicious actors can use to exploit weaknesses in
security measures. If information related to coverage limits and
deductibles of cybersecurity insurance were disclosed, it could
give cybercriminals an understanding of the monetary sum an
agency can afford or may be willing to pay as a result of a
ransomware attack at the expense of taxpayers. Accordingly, the

585-02050-26

20267024__

581 Legislature finds that the disclosure of such sensitive
582 cybersecurity-related information would significantly impair the
583 administration of vital governmental programs.

584 (3) The Legislature also finds that it is a public
585 necessity that any portion of a meeting which would reveal the
586 confidential and exempt information in subsection (1) be made
587 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article
588 I of the State Constitution, and that any recordings and
589 transcripts of the closed portion of a meeting be made
590 confidential and exempt from s. 119.07(1), Florida Statutes, and
591 s. 24(a), Article I of the State Constitution. The failure to
592 close that portion of a meeting at which confidential and exempt
593 information would be revealed, and prevent the disclosure of the
594 recordings and transcripts of those portions of a meeting, would
595 defeat the purpose of the underlying public records exemption
596 and could result in the release of highly sensitive information
597 related to the cybersecurity of an agency system.

598 (4) For these reasons, the Legislature finds that these
599 public records and public meetings exemptions are of the utmost
600 importance and are a public necessity.

601 Section 16. This act shall take effect upon becoming a law.

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 Rules

BILL: SB 7026

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: OGSR/Trade Secret Held by an Agency

DATE: February 2, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----------|----------------|-----------|---------------------------------------|
| White | McVaney | | GO Submitted as Comm. Bill/Fav |
| 1. White | Kruse | RC | Favorable |

I. Summary:

SB 7026 saves from repeal the current public records exemption in s. 119.0715, F.S. for trade secrets held by an agency, which are confidential and exempt from disclosure. The bill additionally deletes duplicative public records exemptions for trade secrets codified outside of Chapter 119, F.S.

The exemption is subject to the Open Government Sunset Review Act, which requires the Legislature to review each public record exemption five years after enactment. Unless this exemption is saved from repeal by the Legislature, it will repeal on October 2, 2026. This bill removes the scheduled repeal to maintain the confidential and exempt status of the information.

The bill is not expected to impact state and local revenue and expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Access to Public Records - Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*; see *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A bill enacting an exemption may

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2 (2022-2024).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.* See, e.g., *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189

not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

General exemptions from the public records requirements are contained in the Public Records Act.¹³ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹⁴

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹⁵ 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.¹⁶ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁷

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁸ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁹ public records or open meetings exemptions, with specified exceptions.²⁰ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.²¹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.²² If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²³

(Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

¹³ See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹⁴ See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁵ *WFTV, Inc. v. Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁶ *Id.*

¹⁷ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁸ Section 119.15, F.S.

¹⁹ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

²⁰ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²¹ Section 119.15(3), F.S.

²² See generally s. 119.15, F.S.

²³ Section 119.15(7), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁴ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²⁵
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²⁶ or
- It protects trade or business secrets.²⁷

The Act also requires specified questions to be considered during the review process.²⁸ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

Public Records Exemptions for Trade Secrets

Florida law contains a variety of provisions that make trade secret information exempt or confidential and exempt²⁹ from public record disclosure requirements.³⁰ Other laws further exempt proprietary business information, which the law defines to include trade secrets. "Neither the desire for nor the expectation of non-disclosure is determinative," in whether a record is exempt from public disclosure requirements.³¹ A majority of public records exemptions for trade

²⁴ Section 119.15(6)(b), F.S.

²⁵ Section 119.15(6)(b)1., F.S.

²⁶ Section 119.15(6)(b)2., F.S.

²⁷ Section 119.15(6)(b)3., F.S.

²⁸ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁹ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So. 2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Attorney General Opinion 85-62 (August 1, 1985).

³⁰ See, e.g., s. 215.4401, F.S. (exempts trade secret data held by the State Board of Administration); s. 288.075(3), F.S. (exempts trade secret information held by an economic development agency); s. 517.2015, F.S.(1)(b), F.S. (exempts trade secret information obtained by the Office of Financial Regulation during an examination or investigation of securities dealers and related entities under ch. 517, F.S.).

³¹ *Sepro Corp. v. Florida Dept. of Envtl. Prot.*, 839 So. 2d 781, 784 (Fla. 1st DCA 2003)

secrets, including s. 119.0715, F.S., rely on the definition of trade secrets found in the Uniform Trade Secrets Act, ss. 688.001-688.009, F.S.

Under the Uniform Trade Secrets Act, a trade secret is information, including a formula, pattern, compilation, program, device, method, technique, or process that:

- 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
- Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.³²

A trade secret is not inherently exempt from public copying and inspection laws because exemption is not determined by “the desire for nor the expectation of non-disclosure.”³³ Rather, following *Sepro Corp. v. Florida Dept. of Env'tl. Prot.*, 839 So. 2d 781 (Fla. 1st DCA 2003), Florida law requires a trade secret owner to identify potential trade secrets *prior* to providing the trade secrets to a public entity in order for a public records exemption to apply.³⁴ Under *Sepro*, failure to indicate the trade secret status of information before providing it to a government agency invalidates any potential claim of exemption from public records disclosure on the basis of the information’s status as a trade secret. Conversely, labeling information as a trade secret does not alone make the information confidential and exempt from public records disclosure requirements—the information must also be an actual trade secret.

Trade Secrets Held by an Agency

In 2021, the Legislature created the public records exemption for trade secrets held by an agency in s. 119.0715, F.S.³⁵ The public necessity statement, as required by the State Constitution, specified that the exemption serves a public necessity to protect trade secrets created or held by an agency and the disclosure of such information “would be detrimental to the effective and efficient operation of the agency,” and could pose “great economic harm” to the agency. Moreover, those individuals and entities who submit trade secrets to agencies for “regulatory or other purposes”—such as in the competitive procurement processes—could suffer detrimental harm if such information were disclosed to the business’ competitors and could discourage entities from cooperating with government agencies.

Section 119.0715, F.S., incorporates the definition of a trade secret codified in s. 688.002, F.S., and makes any such trade secret, when held by an agency, confidential and exempt from s. 119.07(1) and article I, section 24(a) of the State Constitution. An agency may release the trade secret to another agency or governmental entity within the scope of their lawful duties and responsibilities.

An agency, in this instance, means:

any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the

³² Section 688.002(4), F.S.

³³ *Sepro Corp. v. Florida Dept. of Env'tl. Prot.*, 839 So. 2d 781, 784 (Fla. 1st DCA 2003).

³⁴ *Id.* at 783.

³⁵ HB 1055 (2021 Reg. Session).

purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The term agency includes any private persons or entities acting on behalf of an agency.³⁶ A majority of instances where a private body becomes an “agency” for public records purposes happen where (1) an agency delegated statutory authorized function; and (2) “when an agency contracts with a private entity for the provision of certain goods or services to facilitate the public agency’s performance of its duties.”³⁷ In the second instance, there must be a “significant level of involvement by the public agency,” and the contracted services cannot “merely [be] professional services to the agency.”³⁸

Proprietary Business Information

Various laws exempt from public records inspection and copying requirements proprietary business information, which is frequently defined to include trade secrets “as defined in s. 688.002, F.S.”³⁹

The definition of proprietary business information changes between different statutes exempting the information from public records disclosure requirements. Generally, however, proprietary business information includes information that:

- Is owned or controlled by the alleged trade secret holder;
- Is treated as private by the trade secret owner, who intends for it to remain private;
- Would harm the trade secret holder if disclosed;
- Is not publicly disclosed; and
- Concerns some internal business, competitive interest, or financial information of a business or enterprise of the trade secret holder.

This information may include information, the disclosure of which would impair the competitive advantage of the business that is the subject of the information.⁴⁰

Proprietary business information, while defined similarly to trade secrets, encompasses more than just trade secrets. Under the Uniform Trade Secrets Act, trade secrets are limited to formulas, patterns, compilations, programs, devices, methods, techniques, and processes; whereas proprietary business information may take any form. For instance, the definition of trade secrets used in the Florida Criminal Code includes compilation of information, which the

³⁶ *Holifield v. Big Bend Cares, Inc.*, 326 So. 3d 739, 741 (Fla. 1st DCA 2021) (“[A]n ‘agency’ subject to the public records requirements of chapter 119 includes private entities ‘acting on behalf of any public agency.’”). See also *O’Boyle v. Town of Gulf Stream*, 257 So. 3d 1036, 1040 (Fla. 4th DCA 2018).

³⁷ *Holifield v. Big Bend Cares, Inc.*, 326 So. 3d 739, 741 (Fla. 1st DCA 2021) (internal alterations, quotations, and citation omitted).

³⁸ *Id.* at 741-42. In the second instance, in determining whether the contracted relationship rises to the level of making the private entity an agency for public records purposes, courts rely on the factors set forth in *News & Sun-Sentinel Co. v. Schwab, Twitty & Hanser Architectural Grp., Inc.*, 596 So. 2d 1029 (Fla. 1992).

³⁹ See ss. 73.0155, 287.137, 501.2041, 624.4212, 626.84195, and 627.3518, F.S.

⁴⁰ See ss. 73.0155, 287.137, 501.2041, 624.4212, 626.84195, and 627.3518, F.S.

definition codified in the Uniform Trade Secret Act does not.⁴¹ Under the Insurance Code proprietary business information is defined, for the purposes of exemption from public records disclosure requirements, to include the source, nature, and amount of the consideration used or to be used in carrying out a merger or other acquisition of control in the ordinary course of business, including the identity of the lender, if the person filing a statement regarding consideration so requests.⁴² Proprietary business information may also include internal and external audits, and certain financial information such as revenue data, loss expense data, gross receipts, taxes paid, capital investment, and employee wages.⁴³

Professional Staff's Open Government Sunset Review of the Public Records Exemption

The staff of the Senate Governmental Oversight and Accountability Committee and the House Government Operations Subcommittee surveyed multiple agencies, local governments, and public hospitals, and universities to ascertain whether the public records exemption in s. 119.0715, F.S., remains necessary. Staff reviewed these responses and a majority of those agencies recommended that the Legislature reenact the public records exemption without any changes.

III. Effect of Proposed Changes:

The bill maintains the confidential and exempt status of trade secrets held by an agency by deleting the scheduled October 2, 2026, repeal date in s. 119.0715, F.S., and deletes duplicative exemptions from public records inspection and copying requirements for trade secrets codified elsewhere in the Florida Statutes.

Section 1 amends s. 119.0715, F.S., to remove the scheduled repeal date for the public record exemption relating to trade secrets, as defined in s. 688.002, F.S., held by an agency.

Sections 2-18 amend various other sections of law that exempt from public records inspection and copying requirements trade secret information held by a specific agency. These affected sections are duplicative of the public records exemption codified in s. 119.0715, F.S., which is saved from repeal by this bill.

Sections 2 amends s. 287.137, F.S., to delete the reference to a trade secret within the definition of “proprietary business information.” Under s. 287.137, F.S., trade secrets obtained by the Attorney General in investigations relating to the antitrust violator vendor list are protected from public records disclosures. Any trade secret held pursuant to s. 287.137, F.S., is also protected from disclosure by s. 119.0715(5), F.S., which is saved from repeal by the bill.

Section 3 amends s. 288.075, F.S., to delete the public records exemption for trade secrets held by an economic development agency. Economic development agency means:

- The Department of Commerce;
- Any industrial development authority created in accordance with part III of chapter 159 or by special law;

⁴¹ See s. 812.081, F.S., for the definition of trade secret in the Florida Criminal Code.

⁴² Section 624.4212, F.S.

⁴³ See ss. 624.4212 and 626.84195, F.S.

- Space Florida created in part II of chapter 331;
- The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;
- Any research and development authority created in accordance with part V of chapter 159; or
- Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Under this exemption, if a private corporation, partnership, or person requests in writing (before an economic incentive agreement is signed) that an economic development agency maintain the confidentiality of information concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state, the information is confidential and exempt for 12 months or until the information is otherwise disclosed, whichever comes first.

Economic development agencies are agencies under the Public Records Act and, therefore, any trade secrets held by them are also protected from disclosure under s. 119.0715, F.S. The protection for trade secrets in s. 288.075, F.S., is therefore duplicative.

Section 4 amends s. 334.049, F.S., to delete the public records exemption for trade secrets “revealing a method of process, production, or manufacture” obtained by the Department of Transportation as “as a result of research and development projects.” The exemption in s. 334.049, F.S., was expanded by s. 119.0715, F.S., which protects all trade secrets held by an agency. The Department of Transportation, as a state department created and established by law, is an agency. The records protected in the deleted portion of s. 334.049, F.S., are, therefore, also protected by s. 119.0715, F.S. The portion of s. 334.049, F.S., deleted by the bill is thus unnecessarily duplicative of s. 119.0715, F.S., which is saved by the bill.

Sections 5 amends s. 408.185, F.S., to delete the public records exemption for a trade secret obtained by the Attorney General⁴⁴ from a member of the health care community pursuant to the request for an antitrust no-action letter. This exemption applies for one year after the date of submission of such antitrust no-action letter. However, the public record exemption currently provided for a trade secret under s. 119.0715(5), F.S., protects a trade secret from public copying and inspection requirements for a longer duration—until the owner of the trade secret otherwise publicly releases it. Therefore, the trade secret exemption in s. 408.185, F.S., is duplicative.

Section 6 amends s. 409.91196, F.S., to delete a public records exemption for trade secrets identified and held by the Agency for Health Care Administration for use in Medicaid supplemental rebate agreement negotiations. The deleted language is duplicative of s. 119.0715, F.S., which also provides protection from disclosure for trade secrets. The bill leaves intact the public meeting exemption, in s. 409.91196(2), F.S., which protects portions of a Medicaid

⁴⁴ For the purposes of s. 408.185, F.S., the Attorney General is not exercising any constitutional powers and thus is an agency that is bound by the Public Records Act.

Pharmaceutical and Therapeutics Committee at which such trade secrets identified for use in negotiations are discussed.

Section 7 amends s. 440.108, F.S., to delete the public records exemption for Department of Financial Services' workers' compensation investigative records that may reveal trade secrets. Under s. 440.108, F.S., all investigatory records and any other records necessary to complete an investigation held by the department are confidential and exempt during an active investigation. The confidential and exempt status continues after an investigation for certain enumerated information, including trade secrets. The department is an agency under the Public Records Act. The deleted language only relates to trade secrets, which will continue to be confidential and exempt by the exemption in s. 119.0715, F.S. The deleted language is therefore duplicative. The remaining exemptions in s. 440.108, F.S., are not amended by the bill.

Section 8 amends s. 497.172, F.S., to delete the public records exemption for trade secrets held by the Department of Financial Services or Board of Funeral, Cemetery, and Consumer Services in the course of their development of licensure examinations, investigation of a licensee, and inspection of a facility. Both the Department of Financial Services or Board of Funeral, Cemetery, and Consumer Services, are agencies under the Public Records Act, and, therefore, any trade secrets held by them are also exempt from public records inspection and copying requirements by s. 119.0715, F.S. The deleted language, therefore, is duplicative of the exemption saved from repeal by this bill.

Sections 9-12 amend ss. 501.171, 501.1735, 501.2041, and 501.722, F.S., respectively, to delete the references to a trade secret within the public records exemptions provided for "proprietary business information" that is obtained and held by the Department of Legal Affairs during the following specific investigations:

- Section 501.171, F.S., an investigation of a breach of data security of certain entities.
- Section 501.1735, F.S., an investigation into unfair and deceptive trade practice that violates certain child protections by an online platform.
- Section 501.2041, F.S., an investigation into deceptive and unfair trade practices by social media platforms.
- Section 501.722, F.S., an investigation into deceptive and unfair trade practices regarding data privacy and security.

The Department of Legal Affairs is an agency under the Public Records Act. The bill deletes references to the protection of trade secret information that is also protected from disclosure by s. 119.0715, F.S. and leaves intact the remaining exemptions from public records requirements for proprietary business information more broadly. The deleted language, therefore, is duplicative of the exemption saved from repeal by this bill.

Section 13 amends s. 520.9965, F.S., to delete the public records exemption for trade secret information related to an investigation by the Office of Financial Regulation of the Financial Services Commission or the Department of Financial Services into certain actions prohibited in retail sales. Both the office and the department are agencies under the Public Records Act and, therefore, any trade secrets protected from public records inspection and copying requirements by s. 119.0715, F.S., apply to any trade secret held by either entity. The language deleted

language is duplicative of the exemption in s. 119.0715, F.S., which is saved from repeal by this bill.

Section 14 amends s. 548.062, F.S., to delete the references to a trade secret within the public records exemptions provided for “proprietary business information.” The exemption applies to information provided by a promotor to the Florida Athletic Commission or otherwise obtained by the same through an audit of the promoter’s books and records. The Florida Athletic Commission is a body within the Department of Business and Professional Regulation, and, therefore, an agency within the definition of agency in the Public Records Act. The deleted language only relates to trade secrets, which are also protected by the exemption codified in s. 119.0715, F.S. The deleted language is therefore duplicative. The remaining exemptions are not amended by the bill.

Section 15 amends s. 559.5558, F.S., to delete the public records exemption for trade secret information that is both (1) held by the Office of Financial Regulation of the Financial Services Commission pursuant to an investigation or examination of a violation of the Florida Consumer Collection Practices Act; and (2) would reveal a trade secret. The office is an agency for the purposes of the Public Records Act and, therefore, any trade secrets held by the office are also protected from public records disclosure by s. 119.0715, F.S. The deleted language is therefore duplicative. The remaining exemptions afforded for such investigative records are not amended by the bill.

Section 16 amends s. s. 569.215, F.S., to delete the reference to a trade secret within the public records exemptions provided for “proprietary business information.” The exemption applies to proprietary business information (including trade secrets) received by the Governor, the Attorney General, or outside counsel representing the State of Florida in negotiations in relation to the case of *State of Florida v. American Tobacco Company*; or received by the Chief Financial Officer or the Auditor General for any purpose relating to verification of settlement payments pursuant the case. This exemption applies if, and only if, the trade secrets are controlled by a tobacco company that is a signatory to the settlement agreement. Any trade secrets protected by s. 569.215, F.S., are also protected from public records inspection and copying requirements by s. 119.0715, F.S. The deleted language is therefore duplicative.

Section 17 amends s. 627.0628, F.S., to delete the public records exemption for trade secrets used in designing and constructing a hurricane or flood loss model for Florida Commission on Hurricane Loss Projection Methodology. The Florida Commission on Hurricane Loss Projection Methodology is housed within the State Board of Administration and is, therefore, an agency for the purposes of the Public Records Act. Trade secret information held by the Florida Commission on Hurricane Loss Projection Methodology is accordingly also protected from public records disclosure by s. 119.0715, F.S. The bill does not delete the protection for public meetings discussing the protected trade secrets. The only language deleted by the bill is duplicative of the protections in s. 119.0715, F.S.

Section 18 amends s. 1004.4472, F.S., to delete the public records exemption for trade secrets obtained by the Florida Institute for Human and Machine Cognition, Inc., in the course of research conducted by or through the corporation or a subsidiary, and business transactions resulting from such research. The Florida Institute for Human and Machine Cognition, Inc., is

created by law as a part of the University of West Florida and, therefore, an agency for the purposes of the Public Records Act. While s. 1004.1172, F.S., protects from public records disclosure more information than public records, the bill only deletes the duplicative public records exemption for trade secrets that are also exempted from public records inspection and copying requirements by s. 119.0715, F.S. The deleted language, therefore, is duplicative of the protections in s. 119.0715, F.S., saved from repeal by the bill.

Section 19 provides the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill does not create or expand an exemption and thus does not require a two-thirds vote.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. This bill does not create or expand an exemption and thus does not require a public necessity statement.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. This exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill is not expected to impact state and local government revenues and expenditures.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

Should the Legislature not save the exemption from repeal, it may wish to look at the following statutes which cite or identify the exemption:

- Section 499.026, F.S., which provides, but for specified information, the exemption in s. 119.0715, F.S., does not apply to a prescription drug manufacturer's trade secrets held by the Department of Business and Professional Regulation if the Department requires such information to issue the relevant permit.
- Section 624.424, F.S., which provides that information connected to the annual audits submitted by each insurer or insurer group to the Office of Insurance Regulation of the Financial Services Commission is not a trade secret nor exempted from public records inspection and copying requirements provided in s. 119.0715, F.S.
- Section 717.1301, F.S., which provides that material compiled by the Department of Financial Services in the course of an investigation under the Florida Disposition of Unclaimed Property Act may be exempt from public records disclosures as provided in s. 119.0715, F.S.

VIII. Statutes Affected:

This bill substantially amends sections 119.0715, 287.137, 288.075, 334.049, 408.185, 409.91196, 440.108, 497.172, 501.171, 501.1735, 501.2041, 501.722, 520.9965, 548.062, 559.5558, 569.215, 627.0628, and 1004.4472 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 the Committee on Governmental Oversight and Accountability

585-02051-26

20267026__

A bill to be entitled
An act relating to a review under the Open Government
Sunset Review Act; amending s. 119.0715, F.S., which
provides an exemption from public records requirements
for a trade secret held by an agency; deleting the
scheduled repeal of the exemption; amending ss.
287.137, 288.075, 334.049, 408.185, 409.91196,
440.108, 497.172, 501.171, 501.1735, 501.2041,
501.722, 520.9965, 548.062, 559.5558, 569.215,
627.0628, and 1004.4472, F.S.; conforming provisions
to changes made by the act; providing an effective
date.

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

Section 1. Section 119.0715, Florida Statutes, is amended
to read:

119.0715 Trade secrets held by an agency.—

(1) DEFINITION.—“Trade secret” has the same meaning as in
s. 688.002.

(2) PUBLIC RECORD EXEMPTION.—A trade secret held by an
agency is confidential and exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution.

(3) AGENCY ACCESS.—An agency may disclose a trade secret to
an officer or employee of another agency or governmental entity
whose use of the trade secret is within the scope of his or her
lawful duties and responsibilities.

(4) LIABILITY.—An agency employee who, while acting in good
faith and in the performance of his or her duties, releases a

585-02051-26

20267026__

record containing a trade secret pursuant to this chapter is not liable, civilly or criminally, for such release.

~~(5) OPEN GOVERNMENT SUNSET REVIEW. This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. Paragraph (d) of subsection (8) of section 287.137, Florida Statutes, is amended to read:

287.137 Antitrust violations; denial or revocation of the right to transact business with public entities; denial of economic benefits.—

(8)

(d) For purposes of this subsection, the term "proprietary business information" means information that:

1. Is owned or controlled by the business;
2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;
3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public;
4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the Attorney General; and
5. Includes÷
 - ~~a. Trade secrets as defined in s. 688.002.~~
 - ~~b.~~ competitive interests, the disclosure of which would impair the competitive advantage of the business that is the

585-02051-26

20267026__

59 subject of the information.

60 Section 3. Paragraph (c) of subsection (1) and subsection
61 (3) of section 288.075, Florida Statutes, are amended to read:

62 288.075 Confidentiality of records.—

63 (1) DEFINITIONS.—As used in this section, the term:

64 ~~(c) "Trade secret" has the same meaning as in s. 688.002.~~

65 ~~(3) TRADE SECRETS.—Trade secrets held by an economic~~
66 ~~development agency are confidential and exempt from s. 119.07(1)~~
67 ~~and s. 24(a), Art. I of the State Constitution.~~

68 Section 4. Section 334.049, Florida Statutes, is amended to
69 read:

70 334.049 Patents, copyrights, trademarks; notice to
71 Department of State; ~~confidentiality of trade secrets.~~—

72 (1) Notwithstanding any ~~other provision of~~ law to the
73 contrary, the Department of Transportation is authorized, in its
74 own name, to:

75 (a) Perform all things necessary to secure letters of
76 patent, copyrights, and trademarks on any legitimately acquired
77 work products, and to enforce its rights therein.

78 (b) License, lease, assign, or otherwise give written
79 consent to any person, firm, or corporation for the manufacture
80 or use of any product protected by patent, copyright, or
81 trademark, whether on a royalty basis or for such other
82 consideration as the department may deem proper.

83 (c) Take any action necessary, including legal action, to
84 enforce its rights under any agreement and to protect its
85 property rights from improper or unlawful use or infringement.

86 (d) Enforce the collection of any payments or other
87 obligations due the department for the manufacture or use of any

585-02051-26

20267026__

product by any other party.

(e) Sell any product, except where otherwise provided by public records laws, which the department may create or cause to be created, whether or not the product is protected by a department patent, copyright, or trademark, and to execute all instruments necessary to consummate any such sale.

(f) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon the department.

(2) The department shall notify the Department of State in writing whenever property rights by patent, copyright, or trademark are secured or exploited by the department.

(3) Any proceeds from the sale of products or the right to manufacture or use a product must ~~shall~~ be deposited in the State Transportation Trust Fund and may be appropriated to finance activities of the department. The department's legislative budget request should give special consideration to using such funds for research and development projects.

~~(4) Any information obtained by the department as a result of research and development projects and revealing a method of process, production, or manufacture which is a trade secret as defined in s. 688.002, is confidential and exempt from the provisions of s. 119.07(1).~~

~~(5)~~ As used in this section the term "product" includes any and all inventions, methodologies, techniques, and creations that may be properly protected by patent, copyright, or trademark.

Section 5. Subsection (1) of section 408.185, Florida Statutes, is amended to read:

585-02051-26

20267026__

408.185 Information submitted for review of antitrust issues; confidentiality.—The following information held by the Office of the Attorney General, which is submitted by a member of the health care community pursuant to a request for an antitrust no-action letter shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 1 year after the date of submission.

~~(1) Documents that reveal trade secrets as defined in s. 688.002.~~

Section 6. Section 409.91196, Florida Statutes, is amended to read:

409.91196 Supplemental rebate agreements; public records and public meetings exemption.—

(1) The rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebate information, ~~and other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations,~~ held by the Agency for Health Care Administration under s. 409.912(5)(a)7. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) That portion of a meeting of the Medicaid Pharmaceutical and Therapeutics Committee at which the rebate amount, percent of rebate, manufacturer's pricing, or supplemental rebate information, or other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations, are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. A record shall be made of each exempt portion of a meeting. Such record must include the times of commencement and termination, all discussions and

585-02051-26

20267026__

proceedings, the names of all persons present at any time, and the names of all persons speaking. No exempt portion of a meeting may be held off the record.

Section 7. Subsection (2) of section 440.108, Florida Statutes, is amended to read:

440.108 Investigatory records relating to workers' compensation employer compliance; confidentiality.—

(2) After an investigation is completed or ceases to be active, information in records relating to the investigation remains confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if disclosure of that information would:

(a) Jeopardize the integrity of another active investigation;

~~(b) Reveal a trade secret, as defined in s. 688.002;~~

~~(c) Reveal business or personal financial information;~~

(c)~~(d)~~ Reveal personal identifying information regarding the identity of a confidential source;

(d)~~(e)~~ Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or

(e)~~(f)~~ Reveal investigative techniques or procedures.

Section 8. Subsection (4) of section 497.172, Florida Statutes, is amended to read:

497.172 Public records exemptions; public meetings exemptions.—

~~(4) TRADE SECRETS. Trade secrets, as defined in s. 688.002, held by the department or board, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State~~

585-02051-26

20267026__

175 ~~Constitution.~~

176 Section 9. Paragraph (d) of subsection (11) of section
177 501.171, Florida Statutes, is amended to read:

178 501.171 Security of confidential personal information.—

179 (11) PUBLIC RECORDS EXEMPTION.—

180 (d) For purposes of this subsection, the term “proprietary
181 information” means information that:

182 1. Is owned or controlled by the covered entity.

183 2. Is intended to be private and is treated by the covered
184 entity as private because disclosure would harm the covered
185 entity or its business operations.

186 3. Has not been disclosed except as required by law or a
187 private agreement that provides that the information will not be
188 released to the public.

189 4. Is not publicly available or otherwise readily
190 ascertainable through proper means from another source in the
191 same configuration as received by the department.

192 5. Includes:

193 ~~a. Trade secrets as defined in s. 688.002.~~

194 ~~b.~~ competitive interests, the disclosure of which would
195 impair the competitive business of the covered entity who is the
196 subject of the information.

197 Section 10. Paragraph (d) of subsection (6) of section
198 501.1735, Florida Statutes, is amended to read:

199 501.1735 Protection of children in online spaces; public
200 records exemption.—

201 (6) PUBLIC RECORDS EXEMPTION.—

202 (d) For purposes of this section, the term “proprietary
203 information” means information that:

585-02051-26

20267026__

1. Is owned or controlled by the online platform.

2. Is intended to be private and is treated by the online platform as private because disclosure would harm the online platform or its business operations.

3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public.

4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the department.

5. Includes+

~~a. Trade secrets as defined in s. 688.002.~~

~~b.~~ competitive interests, the disclosure of which would impair the competitive advantage of the online platform who is the subject of the information.

Section 11. Paragraph (d) of subsection (10) of section 501.2041, Florida Statutes, is amended to read:

501.2041 Unlawful acts and practices by social media platforms.—

(10)

(d) For purposes of this subsection, the term "proprietary business information" means information that:

1. Is owned or controlled by the business;

2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;

3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public;

585-02051-26

20267026__

233 4. Is not publicly available or otherwise readily
234 ascertainable through proper means from another source in the
235 same configuration as received by the department; and

236 5. Includes÷

237 ~~a. Trade secrets as defined in s. 688.002.~~

238 ~~b.~~ competitive interests, the disclosure of which would
239 impair the competitive advantage of the business that is the
240 subject of the information.

241 Section 12. Paragraph (e) of subsection (4) of section
242 501.722, Florida Statutes, is amended to read:

243 501.722 Public records exemption.—

244 (4) For purposes of this section, the term "proprietary
245 information" means information that:

246 (e) Includes÷

247 ~~1. Trade secrets as defined in s. 688.002.~~

248 ~~2.~~ competitive interests, the disclosure of which would
249 impair the competitive advantage of the controller, processor,
250 or third party who is the subject of the information.

251 Section 13. Paragraph (b) of subsection (1) of section
252 520.9965, Florida Statutes, is amended to read:

253 520.9965 Confidentiality of information relating to
254 investigations and examinations.—

255 (1)

256 (b) Except as necessary for the office to enforce the
257 provisions of this chapter, a consumer complaint and other
258 information relative to an investigation or examination shall
259 remain confidential and exempt from s. 119.07(1) after the
260 investigation or examination is completed or ceases to be active
261 to the extent disclosure would:

585-02051-26

20267026__

1. Jeopardize the integrity of another active investigation or examination.

2. Reveal the name, address, telephone number, social security number, or any other identifying number or information of any complainant, customer, or account holder.

3. Disclose the identity of a confidential source.

4. Disclose investigative techniques or procedures.

~~5. Reveal a trade secret as defined in s. 688.002.~~

Section 14. Paragraph (e) of subsection (1) of section 548.062, Florida Statutes, is amended to read:

548.062 Public records exemption.—

(1) As used in this section, the term “proprietary confidential business information” means information that:

(e) Concerns any of the following:

1. The number of ticket sales for a match;

2. The amount of gross receipts after a match;

~~3. A trade secret, as defined in s. 688.002;~~

~~4. Business plans;~~

4.5. Internal auditing controls and reports of internal auditors; or

5.6. Reports of external auditors.

Section 15. Paragraph (b) of subsection (2) of section 559.5558, Florida Statutes, is amended to read:

559.5558 Public records exemption; investigations and examinations.—

(2)

(b) Information made confidential and exempt pursuant to this section is no longer confidential and exempt once the investigation or examination is completed or ceases to be active

585-02051-26

20267026__

unless disclosure of the information would:

1. Jeopardize the integrity of another active investigation or examination.

2. Reveal the personal identifying information of a consumer, unless the consumer is also the complainant. A complainant's personal identifying information is subject to disclosure after the investigation or examination is completed or ceases to be active. However, a complainant's personal financial and health information remains confidential and exempt.

3. Reveal the identity of a confidential source.

4. Reveal investigative or examination techniques or procedures.

~~5. Reveal trade secrets, as defined in s. 688.002.~~

Section 16. Paragraph (a) of subsection (2) of section 569.215, Florida Statutes, is amended to read:

569.215 Confidential records relating to tobacco settlement agreement.—

(2) As used in this section, the term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by a tobacco company that is a signatory to the settlement agreement, as amended, in the case of *State of Florida v. American Tobacco Company*, No. 95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, is intended to be and is treated by a tobacco company as private in that the disclosure of the information would cause harm to the company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or

585-02051-26

20267026__

administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:

~~(a) Trade secrets as defined in s. 688.002.~~

Section 17. Section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; ~~public records exemption~~; public meetings exemption.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) Reliable projections of hurricane losses are necessary in order to assure that rates for residential property insurance meet the statutory requirement that rates be neither excessive nor inadequate. The ability to accurately project hurricane losses has been enhanced greatly in recent years through the use of computer modeling. It is the public policy of this state to encourage the use of the most sophisticated actuarial methods to assure that consumers are charged lawful rates for residential property insurance coverage.

(b) The Legislature recognizes the need for expert evaluation of computer models and other recently developed or improved actuarial methodologies for projecting hurricane losses, in order to resolve conflicts among actuarial professionals, and in order to provide both immediate and continuing improvement in the sophistication of actuarial methods used to set rates charged to consumers.

(c) It is the intent of the Legislature to create the Florida Commission on Hurricane Loss Projection Methodology as a panel of experts to provide the most actuarially sophisticated

585-02051-26

20267026__

349 guidelines and standards for projection of hurricane losses
350 possible, given the current state of actuarial science. It is
351 the further intent of the Legislature that such standards and
352 guidelines must be used by the State Board of Administration in
353 developing reimbursement premium rates for the Florida Hurricane
354 Catastrophe Fund, and, subject to paragraph (3)(d), must be used
355 by insurers in rate filings under s. 627.062 unless the way in
356 which such standards and guidelines were applied by the insurer
357 was erroneous, as shown by a preponderance of the evidence.

358 (d) It is the intent of the Legislature that such standards
359 and guidelines be employed as soon as possible, and that they be
360 subject to continuing review thereafter.

361 (e) The Legislature finds that the authority to take final
362 agency action with respect to insurance ratemaking is vested in
363 the Office of Insurance Regulation and the Financial Services
364 Commission, and that the processes, standards, and guidelines of
365 the Florida Commission on Hurricane Loss Projection Methodology
366 do not constitute final agency action or statements of general
367 applicability that implement, interpret, or prescribe law or
368 policy; accordingly, chapter 120 does not apply to the
369 processes, standards, and guidelines of the Florida Commission
370 on Hurricane Loss Projection Methodology.

371 (2) COMMISSION CREATED.—

372 (a) There is created the Florida Commission on Hurricane
373 Loss Projection Methodology, which is assigned to the State
374 Board of Administration. For the purposes of this section, the
375 term "commission" means the Florida Commission on Hurricane Loss
376 Projection Methodology. The commission shall be administratively
377 housed within the State Board of Administration, but it shall

585-02051-26

20267026__

independently exercise the powers and duties specified in this section.

(b) The commission shall be composed ~~consist~~ of the following 12 members:

1. The insurance consumer advocate.

2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.

3. The Executive Director of the Citizens Property Insurance Corporation or the executive director's designee. The executive director's designee must be a full-time employee of the corporation and have actuarial science experience.

4. The Director of the Division of Emergency Management or the director's designee. The director's designee must be a full-time employee of the division.

5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.

7. Five members appointed by the Chief Financial Officer, as follows:

a. An actuary who is employed full time by a property and casualty insurer that was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner insurance in the calendar year preceding the member's appointment to the commission.

b. An expert in insurance finance who is a full-time member of the faculty of the State University System and who has a

585-02051-26

20267026__

background in actuarial science.

c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.

d. An expert in computer system design who is a full-time member of the faculty of the State University System.

e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

8. A licensed professional structural engineer who is a full-time faculty member in the State University System and who has expertise in wind mitigation techniques. This appointment shall be made by the Governor.

(c) Members designated under subparagraphs (b)1.-5. shall serve on the commission as long as they maintain the respective offices designated in subparagraphs (b)1.-5. The member appointed by the director of the office under subparagraph (b)6. shall serve on the commission until the end of the term of office of the director who appointed him or her, unless removed earlier by the director for cause. Members appointed by the Chief Financial Officer under subparagraph (b)7. shall serve on the commission until the end of the term of office of the Chief Financial Officer who appointed them, unless earlier removed by the Chief Financial Officer for cause. Vacancies on the commission shall be filled in the same manner as the original appointment.

(d) The State Board of Administration shall annually appoint one of the members of the commission to serve as chair.

(e) Members of the commission shall serve without

585-02051-26

20267026__

436 compensation, but shall be reimbursed for per diem and travel
437 expenses pursuant to s. 112.061.

438 (f) The State Board of Administration shall, as a cost of
439 administration of the Florida Hurricane Catastrophe Fund,
440 provide for travel, expenses, and staff support for the
441 commission.

442 (g) There shall be no liability on the part of, and no
443 cause of action of any nature shall arise against, any member of
444 the commission, any member of the State Board of Administration,
445 or any employee of the State Board of Administration for any
446 action taken in the performance of their duties under this
447 section. In addition, the commission may, in writing, waive any
448 potential cause of action for negligence of a consultant,
449 contractor, or contract employee engaged to assist the
450 commission.

451 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

452 (a) The commission shall consider any actuarial methods,
453 principles, standards, models, or output ranges that have the
454 potential for improving the accuracy of or reliability of the
455 hurricane loss projections used in residential property
456 insurance rate filings and flood loss projections used in rate
457 filings for personal lines residential flood insurance coverage.
458 The commission shall, from time to time, adopt findings as to
459 the accuracy or reliability of particular methods, principles,
460 standards, models, or output ranges.

461 (b) The commission shall consider any actuarial methods,
462 principles, standards, or models that have the potential for
463 improving the accuracy of or reliability of projecting probable
464 maximum loss levels. The commission shall adopt findings as to

585-02051-26

20267026__

the accuracy or reliability of particular methods, principles, standards, or models related to probable maximum loss calculations.

(c) In establishing reimbursement premiums for the Florida Hurricane Catastrophe Fund, the State Board of Administration must, to the extent feasible, employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable.

(d) With respect to a rate filing under s. 627.062, an insurer shall employ and may not modify or adjust actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable in determining hurricane loss factors and probable maximum loss levels for use in a rate filing under s. 627.062. An insurer may employ a model in a rate filing until 120 days after the expiration of the commission's acceptance of that model and may not modify or adjust models found by the commission to be accurate or reliable in determining probable maximum loss levels. This paragraph does not prohibit an insurer from using a straight average of model results or output ranges for the purposes of a rate filing for personal lines residential flood insurance coverage under s. 627.062.

(e) The commission shall adopt actuarial methods, principles, standards, models, or output ranges for personal lines residential flood loss no later than July 1, 2017.

(f) The commission shall revise previously adopted actuarial methods, principles, standards, models, or output ranges every odd-numbered year for hurricane loss projections. The commission shall revise previously adopted actuarial

585-02051-26

20267026__

methods, principles, standards, models, or output ranges no less than every 4 years for flood loss projections.

~~(g)1. A trade secret, as defined in s. 688.002, which is used in designing and constructing a hurricane or flood loss model and which is provided pursuant to this section, by a private company, to the commission, office, or consumer advocate appointed pursuant to s. 627.0613 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

~~2.a.~~ That portion of a meeting of the commission or of a rate proceeding on an insurer's rate filing at which a trade secret as defined in s. 688.002, which is used in designing and constructing a hurricane or flood loss model and which is provided pursuant to this section by a private company to the commission, office, or consumer advocate appointed pursuant to s. 627.0613, ~~made confidential and exempt by this paragraph~~ is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed meeting must be recorded, and no portion of the closed meeting may be off the record.

~~2.b.~~ The recording of a closed portion of a meeting is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 18. Paragraph (a) of subsection (2) and subsection (4) of section 1004.4472, Florida Statutes, are amended to read:
1004.4472 Florida Institute for Human and Machine Cognition, Inc.; public records exemption; public meetings exemption.—

(2) The following information held by the corporation or its subsidiary is confidential and exempt from s. 119.07(1) and

585-02051-26

20267026__

s. 24(a), Art. I of the State Constitution:

(a) Material relating to methods of manufacture or production, potential trade secrets, patentable material, ~~actual trade secrets as defined in s. 688.002~~ or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the corporation or a subsidiary, and business transactions resulting from such research.

(4) That portion of a meeting of the corporation or a subsidiary at which information is presented or discussed which is confidential and exempt pursuant to subsection (2) or s. 119.0715 is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 19. This act shall take effect upon becoming a law.

CourtSmart Tag Report

Room: KB 412
Caption: Senate Rules Committee

Case No.:
Judge:

Type:

Started: 2/3/2026 9:00:17 AM

Ends: 2/3/2026 11:04:08 AM

Length: 02:03:52

9:00:19 AM Chair Passidomo calls the meeting to order
9:00:24 AM Roll call
9:01:04 AM Quorum is announced
9:01:13 AM Chair with opening comments
9:01:28 AM Tab 16 SB 7024 OGSR/Cybersecurity, Information Technology and Operational Technology Information
9:01:43 AM Senator Mayfield explains the bill
9:02:16 AM No questions
9:02:17 AM No appearance forms
9:02:19 AM No debate
9:02:24 AM Senator Mayfield waives close
9:02:26 AM Roll call
9:03:04 AM SB 7024 is reported favorably
9:03:11 AM Tab 17 OGSR/Trade Secret Held by an Agency
9:03:21 AM Senator Mayfield explains the bill
9:03:39 AM No questions
9:03:40 AM No appearance forms
9:03:41 AM No debate
9:03:44 AM Senator Mayfield waives close
9:03:48 AM Roll call
9:04:28 AM SB 7026 is reported favorably
9:04:39 AM Tab 12 CS/SB 806 Consumers' Right to Repair Certain Equipment by Senator Truenow
9:04:50 AM Senator Truenow explains the bill
9:05:45 AM No questions
9:05:46 AM Appearance Forms
9:05:52 AM Cameron Fink, Associated Industries of Florida, waives
9:05:57 AM Katie Kelly, TechNet, waives
9:06:03 AM Turner Loesel, The James Madison Institute, waives
9:06:09 AM No debate
9:06:13 AM Senator Truenow closes on bill
9:06:18 AM Roll call
9:06:57 AM CS/SB 806 is reported favorably
9:07:03 AM Tab 15 SB 7020 OGSR/Aquaculture Records Held by the Department of Agriculture and Consumer Services
9:07:16 AM Senator Truenow explains the bill
9:07:48 AM No questions
9:07:54 AM No appearance forms
9:07:54 AM No debate
9:07:58 AM Senator Truenow waives close
9:08:02 AM Roll call
9:08:39 AM SB 7020 is reported favorably
9:08:47 AM Tab 5 SB 308 Florida Museum of Black History by Senator Leek
9:08:55 AM Senator Leek explains the bill
9:09:40 AM No questions
9:09:45 AM Appearance Forms
9:10:07 AM Jerry McIntosh speaks
9:13:51 AM Dr. Allison Clark, Equal Ground Action Fund, speaks
9:15:54 AM Kiaira Nixon, Equal Ground Action Fund, speaks
9:21:32 AM Derrick Scott speaks
9:23:58 AM Derek Triplett speaks
9:26:13 AM Larry Colleton speaks
9:28:14 AM Genesis Robinson, Equal Ground Action Fund, speaks
9:31:57 AM Jill Lewis waives

| | |
|-------------|--|
| 9:32:03 AM | Debate |
| 9:32:07 AM | Senator Harrell |
| 9:33:27 AM | Senator Rouson |
| 9:35:34 AM | Senator Osgood |
| 9:38:14 AM | Senator Leek closes on the bill |
| 9:39:26 AM | Roll call |
| 9:39:58 AM | SB 308 is reported favorably |
| 9:40:05 AM | Tab 8 CS/SB 564 Student Volunteers at Polling Locations by Senator Yarborough |
| 9:40:15 AM | Senator Yarborough explains the bill |
| 9:40:43 AM | No questions |
| 9:40:47 AM | Appearance forms |
| 9:41:03 AM | Jacquelyn C. Steele speaks |
| 9:45:13 AM | Zachary Wiegers speaks |
| 9:46:58 AM | Erika Rembert-Smith speaks |
| 9:48:13 AM | Derek Triplett speaks |
| 9:49:18 AM | Larry Colleton speaks |
| 9:51:17 AM | Jerry Holland speaks |
| 9:52:17 AM | Sarah Suskey, Secure Democracy USA, waives |
| 9:52:19 AM | Steve Schale, Secure Democracy USA, waives |
| 9:52:25 AM | Derrick Scott waives |
| 9:52:28 AM | Jill Lewis waives |
| 9:52:33 AM | Jonathan Webber, Southern Poverty Law Center, waives |
| 9:52:38 AM | Amy Keith, Common Cause, waives |
| 9:52:52 AM | Senator Yarborough closes |
| 9:53:13 AM | Roll call |
| 9:53:51 AM | CS/SB 564 is reported favorably |
| 9:54:01 AM | Tab 1 SB 14 Relief of Jose Correa by Miami-Dade County by Senator Rodriguez |
| 9:54:12 AM | Senator Rodriguez explains the bill |
| 9:54:47 AM | No questions |
| 9:54:50 AM | No debate |
| 9:54:56 AM | Senator Rodriguez closes |
| 9:54:59 AM | Roll call |
| 9:55:41 AM | SB 14 is reported favorably |
| 9:55:55 AM | Tab 3 SB 24 Relief of Lourdes Latour and Edward Latour by Miami-Dade County by Senator Gruters |
| 9:56:09 AM | Senator Rodriguez explains the bill |
| 9:56:34 AM | No questions |
| 9:56:35 AM | No appearance forms |
| 9:56:38 AM | No debate |
| 9:56:42 AM | Senator Rodriguez closes |
| 9:56:45 AM | Roll call |
| 9:57:22 AM | SB 24 is reported favorably |
| 9:57:32 AM | Tab 14 SB 1396 Litigation Financing Consumer Protection by Senator Burton |
| 9:57:47 AM | Senator Burton explains the bill |
| 9:59:14 AM | Late-filed amendment Barcode 707190 by Senator Burton |
| 9:59:20 AM | Without objection introduced |
| 9:59:29 AM | Senator Burton explains the amendment |
| 9:59:37 AM | No questions |
| 9:59:40 AM | No appearance forms |
| 9:59:41 AM | No debate |
| 9:59:43 AM | Senator Burton waives close |
| 9:59:47 AM | Amendment is adopted |
| 9:59:51 AM | Back on the bill |
| 10:00:02 AM | Question |
| 10:00:03 AM | Senator Berman |
| 10:00:10 AM | Senator Burton |
| 10:00:38 AM | Appearance Forms |
| 10:00:52 AM | Bill Cotterall, Florida Justice Association, speaks |
| 10:04:35 AM | Robert Schulte, Florida Justice Reform Institute, speaks |
| 10:06:28 AM | George Feijoo, U.S. Chamber Institute for Legal Reform, speaks |
| 10:09:40 AM | Question |
| 10:09:47 AM | Senator Jones |
| 10:09:53 AM | Mr. Feijoo |

10:10:30 AM Senator Jones
10:10:39 AM Mr. Feijoo
10:11:41 AM Alix Miller, Florida Trucking Association, waives
10:11:45 AM David Mica, Jr., Florida Hospital Association, waives
10:11:49 AM Cameron Fink, Associated Industries Florida, waives
10:11:54 AM Gary Guzzo, Florida Insurance Council, waives
10:11:57 AM Amanda Fraser, APCIA, waives
10:12:00 AM Katie Webb, GEICO, waives
10:12:03 AM Carolyn Johnson, FL Chamber of Commerce, waives
10:12:10 AM Debate
10:12:18 AM Senator Burgess
10:14:20 AM Senator Grall
10:19:33 AM Senator Martin
10:24:56 AM Senator Burton closes
10:28:48 AM Roll call
10:29:46 AM CS/SB 1396 is reported favorably
10:30:04 AM Tab 2 SB 16 Relief of Heriberto A. Sanchez-Mayen by the City of St. Petersburg by Senator Rouson
10:30:13 AM Senator Rouson explains the bill
10:31:20 AM No questions
10:31:23 AM Appearance Forms
10:31:29 AM Dan Faherty, Esquire, Lawyer for Mr. Sanchez-Mayen waives
10:31:34 AM No debate
10:31:37 AM Senator Rouson waives close
10:31:40 AM Roll call
10:32:18 AM SB 16 is reported favorably
10:32:26 AM Tab 4 CS/SB 52 Security Services at Places of Worship by Senator Gaetz
10:32:35 AM Senator Gaetz explains the bill
10:33:31 AM No questions
10:33:38 AM Appearance Forms
10:33:50 AM Erika Rembert Smith speaks
10:35:46 AM Larry Colleton speaks
10:36:06 AM Genesis Robinson
10:36:25 AM Joshua Burdick, Campus Church, speaks
10:38:32 AM Reggie Bartkowski speaks
10:40:18 AM Aaron Dipietro, Florida Family Voice, waives
10:40:22 AM Jill Lewis waives
10:40:26 AM Derrick Scott waives
10:40:33 AM Bill Bunkley, Florida Ethics and Religious Liberty Commission, waives
10:40:35 AM Debate
10:40:38 AM Senator Jones
10:42:39 AM Senator Osgood
10:43:54 AM Senator Gaetz closes on bill
10:43:57 AM Roll call
10:44:29 AM CS/SB 52 is reported favorably
10:44:40 AM Tab 6 CS/SB 504 Code Inspector Body Cameras by Senator Burgess
10:44:46 AM Senator Burgess explains the bill
10:45:10 AM Questions
10:45:13 AM Senator Davis
10:45:49 AM Senator Burgess
10:46:11 AM Senator Davis
10:46:33 AM Senator Burgess
10:46:53 AM Senator Jones
10:47:06 AM Senator Burgess
10:47:23 AM Senator Jones
10:47:36 AM Senator Burgess
10:47:51 AM Senator Rouson
10:48:09 AM Senator Burgess
10:48:40 AM Senator Osgood
10:49:10 AM Senator Burgess
10:50:27 AM Appearance
10:50:30 AM Jonathan Webber, Southern Poverty Law Center, waives
10:50:33 AM Sam Wagoner, Florida League of Cities, waives

10:50:39 AM Andrew Kalel, FL Association of Code Enforcement, waives
10:50:44 AM Debate
10:50:47 AM Senator Jones
10:51:24 AM Senator Burgess closes on bill
10:52:10 AM Roll call SB 504 is reported favorably
10:52:17 AM Tab 7 SB 506 Public Records/Body Camera Recordings Recorded by a Code Inspector
by Senator Burgess
10:52:25 AM Senator Burgess explains the bill
10:52:52 AM No questions
10:52:55 AM Appearance forms
10:52:59 AM Andrew Kalel, FL Association of Code Enforcement, waives
10:53:03 AM Sam Wagoner, FL League of Cities, waives
10:53:07 AM Debate
10:53:13 AM Senator Burgess waives close
10:53:15 AM Roll call
10:53:48 AM SB 506 is reported favorably
10:54:00 AM Rule 2.10(2)-President has authorized the continuation of meeting until 11:15a
10:54:07 AM Tab 9 CS/SB 572 Ethics for Public Officers and Employees by Senator Harrell
10:54:16 AM Senator Harrell explains the bill
10:55:03 AM No questions
10:55:03 AM Appearance form
10:55:09 AM Kerrie Stillman, Executive Director, Florida Commission on Ethics, waives
10:55:14 AM No debate
10:55:15 AM Senator Harrell waives close
10:55:19 AM Roll call
10:55:56 AM CS/SB 572 is reported favorably
10:56:02 AM Tab 10 CS/SB 590 Statute of Limitations Period for Violations Involving Required Reports Concerning
Children by Senator Bradley
10:56:12 AM Senator Bradley explains the bill
10:57:19 AM No questions
10:57:20 AM No appearance forms
10:57:21 AM No debate
10:57:24 AM Senator Bradley waives close
10:57:26 AM Roll call
10:57:59 AM CS/SB 590 is reported favorably
10:58:10 AM Tab 11 SB 594 Local Housing Assistance Plans by Senator Burton
10:58:16 AM Senator Burton explains the bill
10:58:46 AM No questions
10:58:50 AM Appearance forms
10:58:54 AM Chante Jones, AARP, waives
10:59:01 AM No debate
10:59:04 AM Senator Burton waives close
10:59:07 AM Roll call
10:59:39 AM SB 594 is reported favorably
10:59:51 AM Tab 13 SM 1186 Florida National Guard Increased Force Structure by Senator Wright
10:59:59 AM Senator Wright explains the bill
11:01:02 AM No questions
11:01:08 AM No appearance forms
11:01:12 AM No debate
11:01:15 AM Senator Wright waives close
11:01:20 AM Roll call
11:01:55 AM SM 1186 is reported favorably
11:02:02 AM Motions - votes after
11:02:08 AM Senator Berman
11:02:22 AM Senator Harrell
11:02:30 AM Senator Martin
11:02:48 AM Senator Pizzo
11:03:00 AM Senator Garcia
11:03:05 AM Senator Davis
11:03:27 AM Without objection - motions adopted
11:03:35 AM Senator Rouson with recognition
11:03:50 AM Senator Rouson moves to adjourn

11:04:01 AM Without objection - meeting adjourned