

Committee on Commerce and Tourism

CS/CS/HB 5 — Economic Programs

by Appropriations Committee; Commerce Committee; and Rep. Esposito and others (CS/CS/CS/SB 1664 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Commerce and Tourism Committee; and Senator Hooper)

The bill eliminates Enterprise Florida, Inc. (EFI), and provides that all duties, functions, records, existing contracts, administrative authority, and unexpended balances of appropriations and allocations relating to the programs in EFI are transferred by a type two transfer to the Department of Commerce, which the bill creates by the renaming of the Department of Economic Opportunity (DEO). Duties related to international trade and development are transferred to a new direct-support organization under the department. The transition must be complete by December 1, 2023. The bill appropriates \$5 million in recurring funds from the International Trade and Promotion Trust Fund to the new international trade direct support organization created by the bill; \$5 million in recurring funds from the State Economic Enhancement and Development Trust Fund (SEED TF) and 20 FTE to DEO; and \$1 million in nonrecurring funds from the SEED TF to DEO to implement the transition (unused funds as of December 31, 2023, revert).

The bill repeals the following obsolete or expired economic development incentive programs: Entertainment Industry Tax Credit; Florida Space Business Incentives Act; qualified defense contractor and space flight business tax refund program; tax refund for qualified target industry (QTI) businesses; Brownfield Redevelopment Bonus Refunds relating to QTI; Economic Gardening Business Loan Pilot Program; Economic Gardening Technical Assistance Pilot Program; Quick Action Closing Fund; Innovation Incentive Program; New Markets Tax Credit; Microfinance Loan Program; Motorsports Entertainment Complex; Golf Hall of Fame; and International Game Fish Association World Center facility. Existing contracts authorized under programs remain in force; new certifications or agreements may not be made.

The bill also renames the department's Division of Strategic Business Development as the Division of Economic Development and eliminates the Film Advisory Council. The bill requires the Florida Sports Foundation (revived, readopted, and amended in the bill) and VISIT Florida to contract with the department as direct-support organizations of the department. The new international trade direct-support organization is required to be governed by a 7-member board of directors, appointed by the Secretary of Commerce, to administer the international officer program, develop international trade and business partnerships, and assist with trade missions and promotion. The organization expires October 1, 2028, unless reviewed and saved from repeal by the Legislature. The bill also saves the Florida Development Finance Corporation from repeal on July 1, 2023.

The bill makes conforming changes to multiple Florida Statutes to update references to or definitions of repealed obsolete programs, incorporate provisions implementing the transfer of duties from EFI to the department or to the new international trade direct-support organization, and make other technical edits. The bill directs the Division of Law Revision to provide

assistance to committees to conform enacted legislation with the changes made by this bill and to prepare a reviser's bill for the 2024 Regular Session to update Florida Statutes to reflect the renaming of the department.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 36-1; House 112-0

Committee on Commerce and Tourism

CS/HB 179 — Florida Kratom Consumer Protection Act

by Regulatory Reform and Economic Development Subcommittee and Rep. Andrade and others (CS/CS/SB 136 by Appropriations Committee on Agriculture, Environment, and General Government; Commerce and Tourism Committee; and Senators Gruters, Stewart, and Perry)

The bill creates the Florida Kratom Consumer Protection Act, which makes it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. A violation is a second degree misdemeanor, punishable by up to 60 days in jail and a fine of up to \$500. The Department of Agriculture and Consumer Services must adopt rules to administer the act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 114-0

Committee on Commerce and Tourism

CS/CS/HB 233 — Deceased Individuals

by Constitutional Rights, Rule of Law, and Government Operations Subcommittee; Regulatory Reform and Economic Development Subcommittee; and Rep. Michael and others (CS/CS/SB 490 by Appropriations Committee; Commerce and Tourism Committee; and Senators Jones and Davis)

The bill requires that during the investigation of the death of a minor, the law enforcement agency that initiates or bears the primary responsibility for the investigation must provide the minor's next of kin with the contact information for the primary contact for investigation, the case number, a list of the minor's personal effects found on or with the minor and information on how the minor's next of kin can obtain those personal effects, and information regarding the status of the investigation.

The law enforcement agency is not required to provide any of the above information if doing so would jeopardize or otherwise interfere with an active investigation, or to provide investigative records generated during its investigation to a minor's next of kin.

The bill also prohibits any person that has been arrested for committing an act of domestic violence against the deceased or any act that resulted in or contributed to the death of the deceased from being awarded any legal benefit under the Florida Funeral, Cemetery, and Consumer Services Act.

The act may be cited as "Curtis' Law."

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 37-0; House 115-0

Committee on Commerce and Tourism

CS/CS/SB 262 — Technology Transparency

by Rules Committee; Commerce and Tourism Committee; and Senator Bradley

Prohibition on Government-Directed Content Moderation of Social Media Platforms

The bill creates s. 112.23, F.S., to prohibit employees of a governmental entity from using their position or any state resources to communicate with a social media platform to request that it remove content or accounts. Additionally, a governmental entity cannot initiate or maintain any agreements with a social media platform for the purpose of content moderation. These prohibitions do not apply to routine account maintenance, attempts to remove accounts or content pertaining to the commission of a crime, or efforts to prevent imminent bodily harm, loss of life, or property damage. These provisions are effective July 1, 2023.

Protections for Children Online

The bill creates s. 501.1735, F.S., to establish protections for children in online spaces. The bill prohibits an online platform that provides an online service, product, game, or feature likely to be predominantly accessed by children from processing or collecting the personal information of children in the following ways:

- Processing the personal information of any child if the online platform has actual knowledge of or willfully disregards that the processing may result in substantial harm or privacy risk to children;
- Profiling a child unless certain criteria are met;
- Collecting, selling, sharing, or retaining any personal information that is not necessary to provide an online service, product, or feature with which a child is actively and knowingly engaged unless the online platform can demonstrate a compelling reason that does not pose a substantial harm or privacy risk;
- Using personal information of a child for any reason other than the reason for which the personal information was collected, unless the online platform can demonstrate a compelling reason that does not pose a substantial harm or privacy risk;
- Collecting, selling, or sharing any precise geolocation data of children unless the collection of the precise geolocation data is strictly necessary and then only for the limited time that the collection of the precise geolocation data is necessary;
- Collecting any precise geolocation data of a child without providing an obvious sign to the child for the duration of the collection that the precise geolocation data is being collected;
- Using dark patterns to lead or encourage children to provide personal information beyond what is reasonably expected to be provided for that online service, product, game, or feature;
- Forgoing privacy protections;
- Taking any action that the online platform has actual knowledge of or willfully disregards that may result in substantial harm or privacy risk to children; and

- Using any personal information collected to estimate age or age range for any other purpose or retain that personal information longer than necessary to estimate age.

The bill provides that a violation of s. 501.1735, F.S., is an unfair and deceptive trade practice actionable under part II of ch. 501, F.S., to be enforced by the Department of Legal Affairs. Additionally, the bill provides that the new provisions in s. 501.1735, F.S., do not establish a private cause of action.

The Florida Digital Bill of Rights

The bill creates ch. 501, part V, F.S., to provide a unified scheme to allow Florida’s consumers to control the digital flow of their personal data. Specifically, it gives consumers the right to:

- Confirm and access their personal data;
- Delete, correct, or obtain a copy of that personal data;
- Opt out of the processing of personal data for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of a decision that produces a legal or similarly significant effect concerning a consumer;
- Opt out of the collection or processing of sensitive data, including precise geolocation data; and
- Opt out of the collection of personal data collected through the operation of a voice recognition or facial recognition feature.

The bill defines “targeted advertising” as displaying to a consumer an advertisement selected based on personal data obtained from that consumer’s activities over time across affiliated or unaffiliated websites and online applications used to predict the consumer’s preferences or interests. However, the term does not include an advertisement that is based on the context of a consumer’s current search query on the controller’s own website or online application, or an advertisement that is directed to a consumer search query on the controller’s own website or online application in response to the consumer’s request for information or feedback.

The bill provides that a device that has a voice recognition feature, a facial recognition feature, a video recording feature, an audio recording feature, or any other electronic, visual, thermal, or olfactory feature that collects data may not use those features for the purpose of surveillance when such features are not in active use by the consumer, unless otherwise expressly authorized by the consumer.

The data privacy provisions of the bill generally apply to “controllers,” businesses that collect Florida consumers’ personal data, make in excess of \$1 billion in global gross annual revenues, and meet one of the following thresholds:

- Derives 50 percent or more of its global gross annual revenues from the online sale of advertisements, including from providing targeted advertising or the sale of ads online;
- Operates a consumer smart speaker and voice command component service with an integrated virtual assistant connected to a cloud computing service that uses hands-free verbal activation; or

- Operates an app store or digital distribution platform that offers at least 250,000 different software applications for consumers to download and install.

The bill requires a controller who operates an online search engine to make available an up-to-date plain language description of the main parameters that are most significant in determining ranking and the relative importance of those main parameters, including the prioritization or deprioritization of political partisanship or political ideology in search results. A controller must also conduct and document a data protection assessment of certain processing activities involving personal data. Additionally, the bill requires a controller to provide consumers with a reasonably accessible and clear privacy notice, updated at least annually.

The bill requires a controller in possession of deidentified data to do the following:

- Take reasonable measures to ensure that the data cannot be associated with an individual;
- Maintain and use the data in deidentified form;
- Contractually obligate any recipient of the deidentified data to comply with the data privacy provision of the bill; and
- Implement business processes to prevent inadvertent release of deidentified data.

The bill provides that a business organized or operated for the profit or financial benefit of its shareholders or owners, conducting business in Florida, and collecting personal data about consumers, or is the entity on behalf of which such information is collected, may not engage in the sale of personal data that is sensitive data without receiving prior consent from the consumer, or if the sensitive data is of a known child, without processing that data with the affirmative authorization for such processing. Additionally, a person who engages in the sale of personal data that is sensitive data must provide a notice on its website of such potential sale.

The bill provides exemptions for the use of certain data, and provides that certain restrictions on the collection and retention of data for particular purposes is prohibited.

The bill provides that a violation of ch. 501, part V, F.S. is an unfair and deceptive trade practice actionable under ch. 501, part II, F.S., to be enforced by the Department of Legal Affairs (DLA). The DLA may provide a right to cure a violation of ch. 501, part V, F.S., by providing written notice of the violation and then allowing a 45-day period to cure the alleged violation. The bill also requires the DLA to make a report publicly available by February 1 each year on the DLA's website that describes any actions it has undertaken to enforce the bill. The bill provides that ch. 501, part V, F.S., does not establish a private cause of action.

The bill amends s. 16.53, F.S., to require all money recovered by the Attorney General for attorney fees, costs, and penalties in an action for a violation of this bill must be deposited in the Legal Affairs Revolving Trust Fund.

Florida Information Protection Act

The bill amends s. 501.171, F.S., to include an individual's biometric data and any information regarding an individual's geolocation in the Florida Information Protection Act's definition of "personal information," so that covered entities are required to notify the affected individual, the Department of Legal Affairs, and credit reporting agencies of a breach of biometric information or geolocation paired with an individual's first name or first initial and last name.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 110-2

Committee on Commerce and Tourism

CS/SB 552 — Public Records/Broadband Opportunity Program

by Commerce and Tourism Committee and Senator Hooper

The bill creates a public record exemption for information relating to communications services locations, project proposals, and challenges submitted to the Department of Economic Opportunity (department) under the Broadband Opportunity Program, or pursuant to a federal broadband access grant program implemented by the department. Under the bill, such information is confidential and exempt from public record requirements if it is not otherwise publicly available and would reveal:

- The location and capacity of communications network facilities;
- Communications network areas, including geographical maps;
- Features, functions, and capabilities of communications network infrastructure and facilities;
- Security, including cybersecurity, of the design, construction, and operation of the communications network and associated services and products;
- Specific customer locations; or
- Sources of funding or in-kind contributions for a project.

The exemption does not apply to the requirement for the department to publish on its website a description of proposed unserved areas to be served and proposed broadband Internet speeds of the areas to be served.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 115-0

Committee on Commerce and Tourism

CS/HB 737 — Secondhand Goods

by Commerce Committee and Reps. Barnaby, Mooney, and others (SB 442 by Senators Gruters, Hooper, and DiCeglie)

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. A secondhand dealer is a person, corporation, or other business organization or entity that is not a secondary metals recycler, engaged in the business of purchasing, consigning, or trading secondhand goods. Secondhand goods are previously owned or used personal property that is purchased, consigned, or traded as used property.

The bill amends the definition of “secondhand goods” to exclude gold bullion, silver bullion, platinum bullion, palladium bullion, or rhodium bullion if such bullion has been assayed and is properly marked as to its weight and fineness.

By excluding the listed kinds of bullions from the definition of “secondhand goods,” these items will no longer be regulated as secondhand goods under state law, thus secondhand dealers will no longer be subject to transaction recordkeeping or holding period requirements in connection with them.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 38-0; House 108-1

Committee on Commerce and Tourism

CS/CS/HB 761 — Telephone Solicitation

by Commerce Committee; Civil Justice Subcommittee; and Rep. Fabricio and others (CS/CS/SB 1308 by Rules Committee; Commerce and Tourism Committee; and Senators Yarborough and Rodriguez)

The bill amends s. 501.059, F.S., relating to telephone solicitation to:

- Clarify notice requirements prior to obtaining consent for telephone calls, text messages, or the transmission of prerecorded voicemails, including specifying that the requirements apply to use of an automated system for the selection *and* dialing of telephone numbers.
- Allow the signature needed to establish prior written consent for telephonic sales calls to include an electronic or digital signature, as provided under current law, *or* an act that demonstrates express consent, which includes but is not limited to checking a box indicating consent or responding affirmatively to receiving text messages, to an advertising campaign, or to an e-mail solicitation.
- Provide that a person may not make or knowingly allow to be made *an unsolicited* telephonic sales call if such call involves an automated system for the selection *and* dialing of telephone numbers or the playing of a recorded message when a connection is completed to a number called without the prior express written consent of the called party.

The bill provides that prior to commencement of any action for damages for text message solicitations, the called party must reply “STOP” to the number from which the called party received the text, and within 15 days after that request, the solicitor must cease sending text messages. An action for damages may be brought only if the solicitor continues to text 15 days after the request to stop.

The bill specifies that amendments made by this act apply to any suit filed on or after the effective date of the bill, and to any putative class action not certified on or before the effective date.

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

Vote: Senate 29-10; House 99-14

Committee on Commerce and Tourism

SB 892 — State Minimum Wage

by Senator Martin

The bill amends s. 448.110, F.S., the Florida Minimum Wage Act, to incorporate the federal Fair Labor Standards Act (FLSA) “as amended.” This will incorporate exemptions from the FLSA’s minimum wage requirements that became law after the Florida Legislature adopted the Florida Minimum Wage Act and were therefore not incorporated as part of the Florida act.

The effect of the bill will be to exempt border patrol agents and salaried baseball players from the Florida Minimum Wage Act.

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

Vote: Senate 38-0; House 86-30

Committee on Commerce and Tourism

CS/SB 946 — Public Records/Department of State Electronically Filed Records

by Governmental Oversight and Accountability Committee and Senator Grall

The bill exempts from public record inspection and copying requirements email addresses collected by the Department of State for the purposes of its electronic filing system. This exemption applies to email addresses collected before, on, and after the effective date of the bill.

The bill also exempts from public record inspection and copying requirements secure login credentials held by the Department of State for the purposes of its electronic filing system. This exemption applies to login credentials held by the DOS before, on, and after the effective date of the bill.

The bill provides that it is in the public necessity to exempt the above information from public record inspection and copy requirements due to the risk of identity theft, financial harm, or other adverse impacts; and that these exemptions will allow for the effective and efficient administration of the Department of State's electronic filing system.

Pursuant to the Open Government Sunset Review Act, the exemptions stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming a law.

Vote: Senate 37-1; House 116-0

Committee on Commerce and Tourism

SB 948 — Records Electronically Filed with the Department of State

by Senator Grall

The bill authorizes the Department of State to implement a password protected system for the electronic filing of certain records. The Department of State may request that those using the password protected system verify their identity and credentials.

If the password protected system is implemented, the bill requires the Department of State to send each e-mail address on file with the Division of Corporations a digital code to participate in the system.

If approved by the Governor, these provisions take effect July 1, 2023.

Vote: Senate 38-0; House 116-0

Committee on Commerce and Tourism

CS/SB 978 — Secured Transactions

by Community Affairs Committee and Senator Bradley

The bill requires that in order to pledge an asset as collateral for the purposes of a security agreement, accounts and other entitlements must be described by specific reference to the individual asset. Describing collateral as “all assets” is no longer legally sufficient.

The assets further protected by the bill include life insurance policies, cash surrender value of life insurance policies and annuity contracts; wages or reemployment assistance or unemployment compensation payments due deceased employees; disability income benefits; certain payments protected by the federal Bankruptcy Reform Act of 1978; pension money and tax exempt retirement accounts; and assets in qualified tuition programs, medical savings accounts, Coverdell education savings accounts, and hurricane savings accounts.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 112-0

Committee on Commerce and Tourism

CS/CS/CS/SB 1068 — Drone Delivery Services

by Rules Committee; Community Affairs Committee; Commerce and Tourism Committee; and Senators Collins and Boyd

The bill prohibits political subdivisions from withholding the issuance of a business tax receipt, development permit, or other use approval to a drone delivery service and from enacting or enforcing an ordinance or resolution prohibiting a drone delivery service's operation based on the location of the delivery service's drone port. However, the bill does allow a political subdivision to enforce generally applicable minimum setback and landscaping regulations.

The bill exempts drone ports from the Florida Building Code, except for any stairwells. The bill also exempts drone ports from certain provisions concerning fire protection systems of the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 110-0

Committee on Commerce and Tourism

CS/SB 1154 — Labor Pool Act

by Rules Committee and Senators Perry and Hutson

The bill amends the Labor Pool Act to provide that a labor pool satisfies requirements related to provision of restroom facilities and drinking water if its labor hall facility complies with all minimum requirements for public restrooms and drinking fountains in the Florida Building Code. Alternatively, a labor pool may also provide drinking water by furnishing a water cooler or bottled water.

The bill also requires that a worker aggrieved by a violation of the labor pool law must provide written notice of the alleged violation and give the labor pool a reasonable opportunity to cure the alleged violation, before bringing a civil action. A civil action must be commenced within one year after the date that the aggrieved worker serves the written notice of alleged violation.

The remedies provided in the Labor Pool Act for a violation of the restroom, drinking water and seating requirements are exclusive and preclude other legal remedies.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 114-0

Committee on Commerce and Tourism

CS/HB 1203 — Registrations and Transfers of Heating, Ventilation, and Air-Conditioning System Manufacturer Warranties

by Regulatory Reform and Economic Development Subcommittee and Rep. Maggard and others (CS/SB 1242 by Commerce and Tourism Committee and Senator Boyd)

The bill provides that if a residential real property that includes a heating, ventilation, and air-conditioning (HVAC) system as a fixture to the property is conveyed to a new owner, a manufacturer's warranty on that system is automatically transferred to the new owner and continues in effect as if the new owner was the original purchaser of the system.

The bill also provides for the following:

- The warrantor continues to be obligated under the terms of a manufacturer's warranty and cannot charge the new owner a transfer fee.
- The transfer of the warranty to the new owner does not extend the existing warranty term.
- Warranties are deemed registered with the manufacturer if the contractor is licensed under ch. 489, part I, F.S., installs the new HVAC system, and provides the manufacturer with the certificate of occupancy or serial number of the HVAC system.
- A contractor who installs a new HVAC system must document the installation through an invoice or receipt to the customer.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 116-0

Committee on Commerce and Tourism

CS/CS/CS/HB 1209 — Rural Development

by Commerce Committee; Ways and Means Committee; Regulatory Reform and Economic Development Subcommittee; and Rep. Shoaf and others (CS/CS/SB 1482 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; and Senator Simon)

The bill specifies that an agency agreement that provides state or federal financial assistance to local government entities within a rural area of opportunity (RAO) must allow the agency to provide for the payment of invoices to the county, municipality, or RAO for verified and eligible performance that has been completed in accordance with the terms and conditions in the agreement.

The bill amends the Rural Infrastructure Fund to:

- Increase the maximum grant award from 50 percent to 75 percent of the total infrastructure cost, or up to 100 percent of the total infrastructure project cost for a project that is located in a rural community that is also located in a fiscally constrained county or in a RAO;
- Remove the requirement that projects must be linked to specific job-creation or job-retention opportunities;
- Remove the currently permitted use of funds for improving access, availability, and improvement of broadband Internet service.
- Increase the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects and remove the limitation that the grant not exceed 30 percent of the total project cost; and
- Remove the 33 percent local match requirement for grants for surveys, feasibility studies, and the preclearance review of land for projects in a RAO.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 115-0

Committee on Commerce and Tourism

CS/HB 1307 — Department of Agriculture and Consumer Services

by Criminal Justice Subcommittee and Rep. McClure and others (CS/SB 1150 by Appropriations Committee on Agriculture, Environment, and General Government and Senators Ingoglia and Hutson)

The bill addresses various issues related to the Division of Licensing and the Division of Consumer Services within the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Allows a Class “K” initial applicant to provide military experience as a firearms instructor, or a valid firearms instructor certificate issued by a federal law enforcement agency within the last three years, in lieu of having to obtain other firearms training through certain certifications;
- Allows a Class “K” licensee renewing the license to demonstrate continued firearms qualifications by teaching at least six classes during the three-year licensure period in lieu of having to obtain certain firearm training;
- Allows a Class “G” licensee to provide proof of annual training under the Law Enforcement Officers’ Safety Act to be used in lieu of four hours of annual training;
- Allows the Division of Licensing to set or waive license renewal late fees by administrative rule;
- Authorizes the department to post online licensure newsletters and pamphlets in lieu of using a paper format;
- Authorizes electronic verification, instead of verification under oath, for certain recovery agent and security guard applications for licensure;
- Reduces the charitable organization registration fees from \$75 per year to \$10 per year for certain charities receiving \$50,000 or less in contributions, as well as exempts from registration certain charities receiving \$50,000 or less in total annual revenues; and
- Clarifies the definition for a “Category I liquefied petroleum gas dealer” to provide that a dealer is any person who designs the apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas.

The bill creates criminal penalties for the possession, installation, use, or aiding in the use of contaminant devices inserted into retail fuel dispensers for the purpose of altering, manipulating, or interrupting the normal function of a retail fuel dispenser. Additionally, the bill creates criminal penalties for modifying a vehicle’s factory installed fuel tank or possessing any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with intent to use such fuel tank or item to hold or transport fuel obtained by violating any provision relating to retail fuel theft. Finally, the bill provides for the forfeiture of conveyances, vehicles, fuel tanks, and other equipment associated with retail fuel theft, and requires any person convicted of retail fuel theft to be responsible for the reasonable costs incurred by the investigating law enforcement agency and payment to the party for the retail value of the fuel.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 37-0; House 115-0

Committee on Commerce and Tourism

CS/SB 1458 — Roller Skating Rink Safety

by Commerce and Tourism Committee and Senators Yarborough and Stewart

The bill provides that roller skating rink operators will not be liable to a roller skater or spectator for any damages or personal injuries resulting from the inherent risks of roller skating if certain requirements are met by the operator. These operator requirements include: signage, a roller skating rink supervisor or manager for every 200 skaters, the maintenance, safety, and lighting of the roller skating rink and equipment, complying with applicable safety codes, and taking action to correct dangerous conditions.

The bill also provides that a roller skater or spectator assumes the inherent risks of roller skating, and is legally responsible for damages or injuries to himself or herself or others or property which result from roller skating. While skating at a rink, roller skaters must maintain control and awareness, obey signage, and refrain from acting in a manner that may cause or contribute to their own personal injury or the personal injury of another.

Failure by a roller skating rink operator to perform their specified duties and responsibilities constitutes negligence, and failure by a roller skater to perform their specified duties and responsibilities constitutes negligence.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 117-0

Committee on Commerce and Tourism

CS/CS/SB 1648 — Public Records/Investigations by the Department of Legal Affairs and Law Enforcement Agencies

by Rules Committee; Commerce and Tourism Committee; and Senator Bradley

The bill creates public records exemptions for information received by the Department of Legal Affairs (DLA) pursuant to a notification of a violation, or received by the DLA pursuant to an investigation by the DLA or a law enforcement agency, under s. 501.1735, F.S., which creates the protection of children in online spaces provisions, or under s. 501.722, F.S., which creates the Florida Digital Bill of Rights in CS/CS/SB 262.

During an active investigation, the DLA may disclose confidential and exempt information:

- In furtherance of its official duties and responsibilities;
- For print, publication, or broadcast if the DLA determines that such release would assist in notifying the public or locating or identifying a person believed to be a victim of the improper use or disposal of customer records; or
- To another governmental entity in the furtherance of its official duties and responsibilities.

Once an investigation is completed or once an investigation ceases to be active, the following information received by the DLA will remain confidential and exempt:

- All information to which another public record exemption applies;
- Personal information;
- A computer forensic report;
- Information that would otherwise reveal weaknesses in a business's data security; and
- Information that would disclose a business' proprietary information.

The bill provides that these provisions will be subject to an Open Government Sunset Review in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, and except as otherwise expressly provided, these provisions take effect July 1, 2024.

Vote: Senate 33-7; House 113-0