

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 679](#)

**TITLE:** Registration of Trademarks

**SPONSOR(S):** Greco

**COMPANION BILL:** [SB 696](#) (Martin)

**LINKED BILLS:** None

**RELATED BILLS:** [SB 476](#) (Martin)

**FINAL HOUSE FLOOR ACTION:** 114 Y's 0 N's

**GOVERNOR'S ACTION:** Pending

## SUMMARY

### Effect of the Bill:

The bill:

- Mandates that the Florida Department of State (DOS) use the United States Patent and Trademark Office's schedule of classes of goods and services as the state's classification for trademark purposes, rather than the general classes for trademarks for goods and services set in statute.
- Directs DOS to establish a website where an applicant can apply for a trademark or renew a trademark and provides that the website must safeguard the applicant's information to ensure data integrity.
- Requires the submittal of an electronic trademark specimen with an online application.

### Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state expenditures; however, any costs associated with establishing a website to accept electronic trademark specimens and applications are expected to be minimal and absorbed within existing department resources.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill requires the Department of State (DOS) to utilize the goods and services [trademark](#) classification schedule set by the United States Patent and Trademark Office as the state's [classification](#). The bill repeals the current general classes of trademarks for goods and services set in statute. (Section [1](#))

The bill requires DOS to establish a website for electronic [trademark registration](#), and that applicants provide an electronic version of the trademark specimen when applying for state trademark registration. Currently, trademark registration is only available through a printed application mailed to the Division of Corporations within the DOS.<sup>1</sup> DOS must make the online application available by December 31, 2027. The bill specifies that the website must safeguard the applicant's information to ensure data integrity. (Section [2](#))

The bill adds a requirement that document verification must be made in accordance with the state law for verification of documents and that electronic signatures may be accepted. It also requires every online application to be accompanied by an electronic copy of a specimen, complying with the requirements of DOS, showing the mark as actually used. (Section [3](#))

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2026. (Section [4](#))

<sup>1</sup> DOS, [Trademark and Service Mark - Division of Corporations - Florida Department of State](#), (last visited Feb. 5, 2026.)

**FISCAL OR ECONOMIC IMPACT:****STATE GOVERNMENT:**

The bill creates new responsibilities for DOS. On February 3, 2026, DOS reported that estimated costs for implementation of these provisions could be between \$560,000 and \$845,000.<sup>2</sup> Based on a review of historical budget reversions, there should be resources available within the department's budget to absorb these costs within existing resources.

**PRIVATE SECTOR:**

The fiscal impact on the private sector is indeterminate; however, any costs to Florida businesses are expected to be minimal. Businesses may need to make minor adjustments to comply with the updated trademark classification system and the new electronic application process, but these costs are expected to be insignificant.<sup>3</sup>

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****TRADEMARK:**

A trademark is any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured or sold by others, and to indicate the source of the goods, even if the source is unknown.<sup>4</sup> Trademarks for goods and services are sorted into classes. The classifications are broad categories which allow the goods or services to be organized and located in database searches.<sup>5</sup>

A person is a trademark owner as soon as he or she begins to use the trademark. However, registering a trademark provides broader rights and protections to the trademark holder.<sup>6</sup> A person can register their trademark with either the United States Patent and Trademark Office for a federal trademark registration or the Florida Department of State (DOS) for a Florida trademark registration or both. Both federal and state registration requires [classification](#), and the international classification of goods and services is the controlling classification system. The classification of goods and services is currently set in Florida statutes<sup>7</sup>; however, the Nice Agreement which sets the international class headings and is utilized by the United States Patent and Trademark Office, is updated regularly.<sup>8</sup>

**REGISTRATION:**

While trademark owners who do not register their trademarks still have common law rights to the trademark, the benefits of trademark registration include public notice of registration, the legal presumption of ownership and right to use, and the right to bring a lawsuit to enforce trademark protections.<sup>9</sup>

**NICE AGREEMENT:**

The Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks is a treaty signed in 1957<sup>10</sup> establishing the Nice Classification which is an international classification of goods and services applied for the registration of marks. A new edition is published every five

<sup>2</sup> DOS, Agency Analysis of 2026 House Bill 679, p. 3 (February 3, 2026).

<sup>3</sup> *Id.*

<sup>4</sup> [S. 495.011\(13\) F.S.](#)

<sup>5</sup> United States Patent and Trademark Office, [Goods and services | USPTO](#), (last visited Dec. 23, 2025).

<sup>6</sup> United States Patent and Trademark Office, [What is a trademark? | USPTO](#), (last visited Dec. 23, 2025).

<sup>7</sup> [S. 495.111\(1\) F.S.](#)

<sup>8</sup> United States Patent and Trademark Office, [Nice Agreement current edition version - general remarks, class headings and explanatory notes | USPTO](#), (last visited Feb. 3, 2026).

<sup>9</sup> United States Patent and Trademark Office, [Why register your trademark? | USPTO](#), (last visited Feb. 3, 2026).

<sup>10</sup> World Intellectual Property Organization, [Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks](#), (last visited Feb. 3, 2026).

years with a new version of each addition published annually.<sup>11</sup> The Committee of Experts of the Nice Union sets the classification, and the World Intellectual Property Organization publishes the Nice Classification on its website.<sup>12</sup> The United States has been using this classification system since 1973. It is codified in 37 CFR § 6.1.

### **FLORIDA TRADEMARK REGISTRATION:**

In Florida, ch. 495, F.S., governs the intrastate use of trademarks in Florida, the registration of which is overseen by the Division of Corporations (Division) within DOS. Registering a trademark in the state gives an owner greater rights over its use. There are currently 18,307 active trademark or service mark registrations in Florida.<sup>13</sup>

To register for a trademark,<sup>14</sup> an applicant<sup>15</sup> must mail a paper application to the Division, which must include:

- The name, address, and if applicable, place of incorporation.
- An explanation of how the trademark will be used in connection with goods and services.
- The class(es) under which the goods or services fall—such classes are detailed in [s. 495.111, F.S.](#)
- The date the trademark was first used, along with other details of the history of the trademark’s use.
- A statement that the applicant is the owner of the trademark, the trademark is in use, and that no other entity or person has registered the trademark or has the right to use the trademark in Florida.<sup>16</sup>

The Division may require the applicant to provide additional information or amend the application as needed.<sup>17</sup> Furthermore, the applicant must sign the application form before a Notary Public to comply with the statutory requirement that the application be “signed and verified.”<sup>18</sup>

### **RECENT CHANGES AND RECOMMENDATIONS:**

In 2019, Florida law was updated to conform the state’s classifications for trademark goods and services to the 11<sup>th</sup> edition of the Nice Classification;<sup>19</sup> however, international standards are updated often, making Florida law out of date already.<sup>20</sup> The Florida Bar Business Law Section has proposed amendments to Florida law to align the state trademark registration system with national and international standards without needing to enact technical amendments each year that ministerial updates are made on the national level.<sup>21</sup> Additionally, the Florida Bar Business Law Section recommended an online application to modernize the registration system and ensure timely applications.<sup>22</sup>

<sup>11</sup> World Intellectual Property Organization, [Nice Classification](#), (last visited Feb. 3, 2026).

<sup>12</sup> United States Patent and Trademark Office, [Nice Agreement current edition version - general remarks, class headings and explanatory notes | USPTO](#), (last visited Dec. 23, 2025).

<sup>13</sup> Department of State Division of Corporations, *Yearly Statistics*, available at <https://dos.fl.gov/sunbiz/about-us/yearly-statistics/> (last visited Feb. 3, 2026).

<sup>14</sup> “Trademark” means any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured or sold by others, and to indicate the source of the goods, even if the source is unknown. [S. 495.011, F.S.](#)

<sup>15</sup> “Applicant” means the person filing an application for registration of a mark under this chapter and the legal representatives, successors, or assigns of such person. [S. 495.011, F.S.](#)

<sup>16</sup> [S. 495.031, F.S.](#)

<sup>17</sup> [S. 495.035, F.S.](#)

<sup>18</sup> *Id.*

<sup>19</sup> See [s. 495.111, F.S.](#); see also Fla. SB 198 (2019).

<sup>20</sup> Florida Bar Business Law Section, *Trademark Modernization Amendments Act of 2026 White Paper*, available at <https://flabizlaw.org/wp-content/uploads/2025/06/2026-Trademark-Draft-Bill-White-Paper-for-Circulation-1.pdf> (last visited Jan. 12, 2026).

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

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