


# Commerce Committee

**Tuesday, February 10, 2026**
**12:30 PM - 3:30 PM**
**Sumner Hall (404 HOB)**

## Meeting Packet

**Daniel Perez**
**Speaker**

**James Buchanan**
**Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Commerce Committee

**Start Date and Time:** Tuesday, February 10, 2026 12:30 PM

**End Date and Time:** Tuesday, February 10, 2026 03:30 PM

**Location:** Sumner Hall (404 HOB)

**Duration:** 3.00 hrs

**Consideration of the following bill(s):**

CS/HB 33 Transportation Facility Designations by Economic Infrastructure Subcommittee, Porras, Weinberger
HB 99 Reinsurance Intermediary Managers by Gentry
CS/CS/HB 189 Gambling by Criminal Justice Subcommittee, Industries & Professional Activities Subcommittee, Trabulsy
CS/HB 387 Automatic Dependent Surveillance Broadcasts by Intergovernmental Affairs Subcommittee, Bankson, Kendall
HB 465 Community Association Management by Nix, Basabe
CS/HB 679 Registration of Trademarks by Industries & Professional Activities Subcommittee, Greco
HB 767 Residential Property Insurance by Benarroch
CS/HB 797 Nonprofit Corporations by Civil Justice & Claims Subcommittee, Tuck
HB 929 Local Government Regulation of Chickees by Cobb, Gentry
CS/HB 1137 Deductions for Certain Losses of Alcoholic Beverages by Ways & Means Committee, Robinson, W., Overdorf
HB 1307 Unauthorized Aliens by Jacques, Michael
CS/HB 1343 Insurance Customer Representative Licensing Qualifications by Insurance & Banking Subcommittee, Hodgers

**Consideration of the following proposed committee substitute(s):**

PCS for HB 885 -- Transportation Facility Designations

**NOTICE FINALIZED on 02/06/2026 4:43PM by Marks.Amie**

**HB 33**

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/HB 33 | **COMPANION BILL:** SB 174 (Rodriguez) |
| **TITLE:** Transportation Facility Designations | **LINKED BILLS:** None |
| **SPONSOR(S):** Porras and Weinberger | **RELATED BILLS:** None |

**Committee References**

Economic Infrastructure
11 Y, 4 N, As CS

➤

Commerce

## SUMMARY

**Effect of the Bill:**
The bill designates transportation facilities in Florida for memorial purposes and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each designation.

**Fiscal or Economic Impact:**
The bill will have an insignificant negative impact on government expenditures.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

### EFFECT OF THE BILL:

The bill requires the Florida Department of Transportation (FDOT) to erect suitable markers for the following transportation facility designations:

**Charlie Kirk Memorial Avenue**
That portion of S.R. 985/S.W. 107th Avenue between S.W. 24th Street and S.R. 90/S.W. 8th Street in Miami-Dade County is designated as "Charlie Kirk Memorial Avenue." (Section 1)

**President Donald J. Trump Boulevard**
That portion of S.R. 870/Commercial Boulevard between W Tradewinds Avenue and the eastern terminus of Commercial Boulevard in Broward County is designated as "President Donald J. Trump Boulevard." (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

### FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill will have an insignificant negative impact on state government expenditures. In 2025, FDOT estimated a cost of $2,400 per designation for the appropriate markers, which provides for two signs per designation at $1,200 per sign.[1] Therefore, the bill has an estimated negative fiscal impact of $4,800 to the State Transportation Fund. This cost can be absorbed within existing FDOT resources.

[1] Email from Jack Rogers, Director of Legislative Affairs, Department of Transportation, RE: Road Designations Review (Feb. 13, 2025).

# RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

**Legislative Designation of Transportation Facilities**

The Legislature may designate a transportation facility, such as a bridge or a portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not officially change the existing names of facilities and may not require local governments or private parties to change street signs, mailing addresses, or 911 emergency telephone number system listing.[2]

**Transportation Facility Markers**

Following a legislative designation, FDOT is required to place markers at the termini or intersections specified for each highway segment or bridge designated and may place other markers it deems as appropriate.[3] Before markers may be erected, the appropriate city or county commission must pass a resolution in support of the particular honorary designation. If the designated bridge or road segment is located in more than one city or county, there must be resolutions supporting the designation from each affected local government before markers may be erected.[4]

**Charlie Kirk**

Charlie Kirk was the founder of Turning Point USA, the largest conservative youth organization in America. Kirk was named to the Forbes "30 under 30" list and served as the opening speaker at the 2020 Republican National Convention.[5] Kirk was a #1 New York Times best-selling author and had an extremely large platform, with more than 1 million people per day listening, streaming, or watching the "Charlie Kirk Show."[6] He was assassinated while speaking at a public event at Utah Valley University on September 10, 2025.

**President Donald J. Trump**

Donald J. Trump served as the 45th President of the United States of America and is currently serving as the 47th President of the United States of America. In 2019, President Trump made Palm Beach, Florida, his permanent residence.[7]

# BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Economic Infrastructure Subcommittee | 11 Y, 4 N, As CS | 2/4/2026 | Keating | Dallas |
| THE CHANGES ADOPTED BY THE COMMITTEE: | Added a designation for a portion of Commercial Boulevard in Broward County as "President Donald J. Trump Boulevard." | | | |
| Commerce Committee | | | Hamon | Dallas |

**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

[2] S. 334.071(1), F.S.
[3] S. 334.071(2), F.S.
[4] S. 334.071(3), F.S.
[5] Turning Point USA, *Our Founder*, https://tpusa.com/meetthefounder/ (last visited Jan. 30, 2026).
[6] *Id*.
[7] *Trump changes primary residence from New York to Florida*, AP News (October 31, 2019) https://apnews.com/united-states-government-4b2348352075475992dcdcbd8880ece6 (last visited Feb. 4. 2026).

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

**Section 1.** Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. 985/S.W. 107th Avenue between S.W. 24th Street and S.R. 90/S.W. 8th Street in Miami-Dade County is designated as "Charlie Kirk Memorial Avenue."

(2) That portion of S.R. 870/Commercial Boulevard between W. Tradewinds Avenue and the eastern terminus of Commercial Boulevard in Broward County is designated as "President Donald J. Trump Boulevard."

(3) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

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



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

**HB 99**

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** HB 99 | **COMPANION BILL:** SB 394 (Leek) |
| **TITLE:** Reinsurance Intermediary Managers | **LINKED BILLS:** None |
| **SPONSOR(S):** Gentry | **RELATED BILLS:** None |

**Committee References**

Insurance & Banking
15 Y, 0 N
➤
Commerce

## SUMMARY

**Effect of the Bill:**
The bill exempts from licensure requirements certain underwriting managers who manage reinsurers' facultative risks, which is a type of reinsurance in which each individual risk, such as a specific vehicle or home, is separately negotiated and covered. This exemption applies only if the facultative reinsurance business managed by the underwriting manager is less than 10% of the assumed annual gross written premium of the reinsurer.

**Fiscal or Economic Impact:**
The bill may have an indeterminate economic impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

### EFFECT OF THE BILL:

The bill exempts underwriting managers from the reinsurance intermediary manager licensing requirements if those underwriting managers manage facultative risks for a reinsurer and the facultative reinsurance business managed by the underwriting manager is less than 10% of the assumed annual gross written premium of the reinsurer. (Section 1).

Currently, facultative reinsurance focuses on an insurer passing on individual risks to the reinsurer, with each risk being separately negotiated and covered. It often involves smaller volumes and more oversight by the reinsurer (as they need to approve coverage for each individual risk).

The bill provides an effective date of July 1, 2026. (Section 3).

### FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have an indeterminate economic impact, as it will allow certain firms to operate as reinsurance intermediary managers without having to obtain a producer license.

# RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

## Reinsurance

Reinsurance is a contract between a reinsurer and an insurer, in which the insurance company (known as the "cedent") transfers risk to the reinsurance company – who assumes all or part of one or more insurance policies issued by the cedent.[1] Reinsurance is commonly referred to as "insurance for insurance companies."[2] Reinsurance contracts may be negotiated directly between the insurer and reinsurer, or they may use a third party to enter into these arrangements – either a reinsurance broker or a reinsurance intermediary.[3] The main types of reinsurance are treaty and facultative.

### Treaty Reinsurance

Treaty reinsurance allows an insurance company to transfer a portfolio of risks to a reinsurer. Treaty reinsurance implicates a broad, automatic coverage of classes of risk, rather than reinsurance of individual policies on a case-by-case basis.[4]

## Facultative Reinsurance

In facultative reinsurance, the insurer presents a specific risk to a reinsurer.[5] The submission includes information about the risk so that the reinsurer can conduct a thorough underwriting assessment.[6] The reinsurer can then accept or decline the risk, and if they accept it, set the terms and pricing.[7] Unlike blanket agreements that cover multiple policies with different risk levels and characteristics, facultative reinsurance allows for more precise pricing and for terms that reflect the actual risk being covered.[8] Reinsurers are not obligated to accept all risks offered to them.[9]

## Reinsurance Intermediary Managers

A reinsurance intermediary manager is a person that a reinsurer authorizes to run or make decisions about some or all of its reinsurance business. Florida law defines reinsurance intermediary manager as "any person who has authority to bind, or manages all or part of, the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office, and acts as a representative for the reinsurer whether known as a reinsurance intermediary manager, manager, or other similar term."[10]

The following persons are not considered reinsurance intermediary managers for licensing purposes: [11]

- an employer of the reinsurer;
- a manager of the United States branch of an alien reinsurer;
- an underwriting manager which, pursuant to the contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the holding company act, and whose compensation is not based on the volume of premiums written; or

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[1] National Association of Insurance Commissioners (NAIC), *Reinsurance* (Oct. 24, 2025), https://content.naic.org/insurance-topics/reinsurance (last visited Jan. 29, 2026).
[2] *Id*.
[3] *Id*.
[4] International Risk Management Institute (IRMI), *Treaty Reinsurance*, https://www.irmi.com/term/insurance-definitions/treaty-reinsurance (last visited Jan. 29, 2026).
[5] International Risk Management Institute (IRMI), *Facultative Reinsurance*, https://www.irmi.com/term/insurance-definitions/facultative-reinsurance (last visited Jan. 29, 2026).
[6] *Id*.
[7] *Id*.
[8] *Id*.
[9] *Id*.
[10] S. 626.7492(2)(g), F.S.
[11] *Id*.

- the manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the insurance regulatory authority of the state in which the manager's principal business office is located.

Under current law, a reinsurance intermediary manager must be a licensed producer.[12] Additionally, the Department of Financial Services (DFS) may require a reinsurance intermediary manager to file a bond from an insurer in an amount acceptable to DFS for the protection of the reinsurer, and maintain an errors and omissions insurance policy in an amount acceptable to DFS.[13]

Reinsurance intermediary managers also require an appointment from an insurer, and DFS may refuse, suspend, or revoke the appointment for the same grounds as they could for any other insurance representative under the Florida Insurance Code.[14]

Reinsurance intermediary managers are subject to examination by DFS and must allow DFS access to all books, bank accounts, and records of the reinsurance intermediary in a form usable to DFS.[15] A reinsurance intermediary manager may be examined as if it were the reinsurer.[16]

Current law authorizes DFS to issue reinsurance intermediary licenses, but does not require DFS to do so.[17] In 2023, the Bureau of Licensing, a unit of the Division of Insurance Agent and Agency Services within DFS, issued a memo notifying the industry that they would no longer offer licensing for Reinsurance Intermediary Brokers and Managers.[18] Instead, firms wanting to act as a reinsurance intermediary would be required to hold an insurance agency license and a Reinsurance Intermediary Broker or Reinsurance Intermediary Manager appointment.[19]

**Producers**

A producer is an insurance agent or agents or any other person who aids in soliciting, negotiating, or procuring the making of any insurance contract on behalf of an insured other than the person.[20] In the context of reinsurance intermediaries, a producer may be a licensed agent, broker, or a person who has an insurance agency license that is appointed as a reinsurance intermediary.[21]

To obtain a reinsurance intermediary manager, DFS requires an agency license.[22] To obtain an agency license, a person must have an agent-in-charge who is licensed and appointed in at least one of the following lines of authority:[23]

- General Lines.
- Health and Life including Variable Annuity.
- Health and Life.
- Health.
- Life Including Variable Annuity.

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[12] S. 626.7492(3)(b), F.S.
[13] S. 626.7492(2)(c), F.S.
[14] S. 626.7492(3)(f), F.S.
[15] S. 626.7492(10)(a), F.S.
[16] S. 626.7492(10)(b), F.S.
[17] S. 626.7492(3)(d), F.S.
[18] DFS, *Reinsurance Intermediary Brokers and Managers Appointment – Firms*, (July 1, 2023), https://www.myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/00-65-68-firm-reinsurance-broker-manager-license.pdf?sfvrsn=6dbd95be_8 (last visited Feb. 5, 2026).
[19] *Id*.
[20] S. 626.7491, F.S.
[21] S. 626.7492, F.S.
[22] Department of Financial Services, *supra* note 18.
[23] Department of Financial Services, *Resident and Non-Resident Insurance Agency License*, https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/21-05-insurance-agency-license.pdf?sfvrsn=141e2e51_6 (last visited Jan. 30, 2026).

- Life.
- Personal Lines.
- Surplus Lines.

The applicant must then submit a completed application on the DFS website and get fingerprinted.[24]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Insurance & Banking Subcommittee | 15 Y, 0 N | 2/3/2026 | Brackett | Miguez |
| Commerce Committee | | | Hamon | Miguez |

[24] *Id.*

A bill to be entitled

An act relating to reinsurance intermediary managers; amending s. 626.7492, F.S.; revising the definition of the term "controlling person" to make technical changes and the term "reinsurance intermediary manager" to exclude certain underwriting managers; reenacting s. 626.022(1)(a), F.S., relating to scope of part, to incorporate the amendment made to s. 626.7492, F.S., in a reference thereto; providing an effective date.

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

**Section 1. Paragraphs (b) and (g) of subsection (2) of section 626.7492, Florida Statutes, are amended to read:**

626.7492 Reinsurance intermediaries.—

(2) DEFINITIONS.—As used in this section:

(b) "Controlling ~~person~~" means having the direct or indirect power, as a ~~any~~ person, firm, association, or corporation, ~~who directly or indirectly has the power~~ to direct or cause to be directed~~,~~ the management, control, or activities of the reinsurance intermediary.

(g) "Reinsurance intermediary manager" means any person who has authority to bind, or manages all or part of, the assumed reinsurance business of a reinsurer, including the



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

management of a separate division, department, or underwriting office, and acts as a representative for the reinsurer whether known as a reinsurance intermediary manager, manager, or other similar term. Notwithstanding the above, none of the following persons is a reinsurance intermediary manager with respect to the reinsurer for the purposes of this section:

1. An employee of the reinsurer;

2. A manager of the United States branch of an alien reinsurer;

3. An underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the holding company act, and whose compensation is not based on the volume of premiums written.

4. The manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the insurance regulatory authority of the state in which the manager's principal business office is located.

5. An underwriting manager which manages assumed facultative risks for a reinsurer if the facultative reinsurance business managed by the underwriting manager is less than 10 percent of the assumed annual gross written premium of the reinsurer.

**Section 2. For the purpose of incorporating the amendment**

**made by this act to section 626.7492, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 626.022, Florida Statutes, is reenacted to read:**

626.022 Scope of part.—

(1) This part applies as to insurance agents, service representatives, adjusters, and insurance agencies; as to any and all kinds of insurance; and as to stock insurers, mutual insurers, reciprocal insurers, and all other types of insurers, except that:

(a) It does not apply as to reinsurance, except that ss. 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss. 626.291-626.301, s. 626.331, ss. 626.342-626.511, ss. 626.541-626.591, and ss. 626.601-626.711 shall apply as to reinsurance intermediaries as defined in s. 626.7492.

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

# FLORIDA HOUSE OF REPRESENTATIVES
# 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 189 | **COMPANION BILL:** None |
| **TITLE:** Gambling | **LINKED BILLS:** None |
| **SPONSOR(S):** Trabulsy | **RELATED BILLS:** None |

**Committee References**

| Industries & Professional Activities | ➤ | Criminal Justice | ➤ | Commerce |
|---|---|---|---|---|
| 13 Y, 0 N, As CS | | 13 Y, 4 N, As CS | | |

## SUMMARY


**Effect of the Bill:**
The bill strengthens penalties for illegal gambling and related advertisements, authorizes the operation of fantasy sports contests, clarifies employee prohibitions governing the Florida Gaming Control Commission, revises reporting requirements related to changes in ownership for pari-mutuel wagering permitholders, defines and provides criminal penalties for "Internet gambling" and "Internet sports wagering," defines certain crimes to include "internet" related activity, allows certain veterans' service organizations to petition the Florida Gaming Control Commission for a declaratory statement on the legality of certain games or machines, and preempts local governments from regulating gaming activities unless expressly provided in Florida law.

**Fiscal or Economic Impact:**
The bill may have an indeterminate fiscal impact on state government and the private sector.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

**EFFECT OF THE BILL:**

### Florida Gaming Control Commission

The bill requires the Florida Gaming Control Commission (Commission) to include the following information in its annual report: the number of investigations that led to criminal charges being filed and the resolution of such criminal case; the number of complaints received by the Commission and a summary of the action taken on each complaint by the Commission; and a list of property seized by the Commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions. (Section 1)

### Commissioner and Commission Employee Restrictions

The bill revises the restrictions on Commissioners and Commission employees that prohibit certain types of employment and business activities immediately before and for 2 years after service with the Commission, to prohibit being an employee, owner, or contractor for any entity that conducts an activity regulated, enforced, or investigated by the Commission, including fantasy sports contests and other betting activities. (Sections 2 and 3)

### Amusement Games

The bill provides a procedure that allows certain veterans' service organizations that also hold an alcoholic beverage license issued by the Department of Business and Professional Regulation to petition the Commission for a declaratory statement on whether a machine meets the definition of an amusement machine under Florida's Family Amusement Games Act. The Commission must issue a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. This includes games or machines that are currently on the premises. However, if the game, machine, premises, or

organization is the subject of an ongoing criminal investigation, the organization is not allowed to petition the Commission. (Section 4)

The bill:

- Requires the Commission to issue a declaratory statement within 60 days after receiving a petition.
- Prohibits the Commission from denying a petition.
- Requires such petitions provide enough information for the Commission to issue the declaratory statement and be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises.
- Specifies that such declaratory statements are valid only for the game or machine for which they are requested and are invalid if the specifications for the game or machine change.
- Provides that the declaratory statement is binding on the Commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or chapter 849, F.S.
- Specifies that these provisions do not prevent the Commission or any other criminal justice agency from detecting, apprehending, and arresting a person for alleged crimes.
- Specifies that an owner or operator is not required to request a declaratory statement prior to operation. (Section 4)

**Pari-Mutuel Wagering**

The bill removes the 5 percent ownership interest threshold for inclusion as an "ultimate equitable owner," which must be reported to the Commission based on a change in ownership of a pari-mutuel permit, so that all changes in ownership will now require reporting. (Sections 5 and 6)

**Escheated Harness Horse and Thoroughbred Horse Permits**

The bill removes the authority of the Commission to reissue escheated harness horse and thoroughbred horse permits for failure of the permitholder to pay the required tax on handle for live performances. (Sections 7 and 8)

**Bribery in Athletic Contests**

The bill makes it a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S., for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined. (Section 9)

**Keeping Gambling Houses**

The bill increases penalties from a second degree misdemeanor to a third degree felony for violations related to keeping a gambling house, and adds penalties for habitual offenders. (Section 10)

***Agents or Employees of Keepers of Gambling Houses***

The bill increases the penalty for violations of being an agent or employee of a keeper of a gambling house from a second degree misdemeanor, to:

- **For a first offense**, a misdemeanor of the first degree, punishable by up to one year in county jail and a $1,000 fine (first degree misdemeanor).
- **For a second offense**, a felony of the third degree, punishable by up to five years in prison and a $5,000 fine (third degree felony).
- **For a third or subsequent offense**, a felony of the second degree, punishable by up to 15 years in prison and a $10,000 fine (second degree felony). (Section 11)

***Renting a Gambling House***

The bill increases the penalties for renting a gambling house from a second degree misdemeanor, to:

- **For a first offense**, a third degree felony.
- **For a second or subsequent offense**, a second degree felony. (Section 12)

**Gambling**

The bill defines the terms "Internet gambling" and "Internet sports wagering," and provides associated penalties, as follows:

- "Internet gambling" means "to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games."
  - A violation of an internet gambling offense is a second degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.
- "Internet sports wagering" means "to use a platform that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast."
  - A first violation of an internet sports wagering offense is a second degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.
  - A second or subsequent violation of an internet sports wagering offense is a first degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. (Section 13)

The bill strengthens penalties for persons in charge of Internet gambling or Internet sports wagering operations, including anyone operating, conducting, promoting, or receiving anything of value for such activities, by increasing the penalty to a third degree felony, punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S. This does not apply to people participating in authorized gaming activities under an Indian gaming compact or pari-mutuel wagering activities. (Section 13)

**Cardrooms**

The bill makes it a felony of the third degree, punishable by up to five years in prison and a $5,000 fine, if a person, by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, manipulates or attempts to manipulate playing cards for the purpose of affecting the outcome or payoff of a card game in a licensed cardroom, or otherwise manipulates or attempts to manipulate the outcome or payoff of such a card game. (Section 14)

**Fantasy Sports Contests**

The bill authorizes fantasy sports contests to operate in Florida if they meet certain requirements, and provides civil and criminal penalties for violations. Specifically, the bill:

- Defines "fantasy sports contest" as a contest in which a participant pays an entry fee and manages a fantasy or simulation sports team composed of athletes from a professional sports organization with the opportunity to win a cash prize. The term includes a simulation sports game.
- Requires fantasy sports contests to meet the following requirements:
  - Prizes and awards for the winning participants are established and disclosed to contest participants before entry.
  - All winning outcomes reflect the relative knowledge and skill of the fantasy sports contest participant.
  - All winning outcomes are determined predominantly by accumulated statistical results of the performance of more than one individual.
  - A winning outcome may not be based on:
    - The score, point spread, or performance of a team or combination of teams.
    - The single performance of an individual in a single event or a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002, F.S., as of January 1, 2026.
    - A game of poker or other card game.
    - The performance of participants in collegiate, high school, or youth sporting events.
  - Casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, may not be displayed or depicted.
- Makes violations punishable by a fine of $1,000 in addition to civil and criminal penalties.

- Provides that an operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is punishable by a fine of up to $100,000 per violation.
- Requires the Commission to investigate and refer violations for prosecution.
- Authorizes the Attorney General or state attorney to institute proceedings to enjoin any person found to be violating this section.
- Makes willful and knowing violations, other than violations committed by a specified operator or owner, a first degree misdemeanor.
- Makes it a third degree felony for an operator or owner of any website, platform, or application to offer fantasy sports contests in violation of this section. (Section 15)

**Games of Chance by Lot**

The bill makes playing games of chance by lot by the use, at least in part, of the Internet, a second degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. (Section 16)

The bill makes it a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S., to:

- Set up, operate, conduct, promote, or receive in any manner whatsoever any money or other thing of value offered for the purpose of conducting games of chance by lot;
- Knowingly become the custodian or depositary of any money or other thing of value so offered; or
- Aid, assist, abet, or influence in any manner in any such acts. (Section 16)

**Subsequent Lottery Offenses**

The bill revises the first degree misdemeanor penalty for subsequent offenses of lottery convictions to specify that second or subsequent violations for which there is no penalty specified must have the offense reclassified to an offense of the next higher degree, instead of an automatic first degree misdemeanor, and adds penalties for habitual offenders. (Section 17)

The bill also specifies that for purposes of sentencing, a felony offense that is reclassified under this provision is ranked one level above the ranking under s. 921.0022, or s. 921.0023, F.S., of the felony offense committed. (Section 17)

**Betting on Trials or Contests of Skill**

The bill revises the third degree felony for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, to add penalties for habitual offenders. (Section 18)

**Exempted Activities**

The bill repeals a redundant section of law that exempts certain types of gaming from criminal violations and penalties under the state gambling law. These activities – conduct approved in the 2021 Compact, amusement games, pari-mutuel games, slot machine games, cardroom games, and bingo games – are authorized separately in Florida laws. (Section 19)

**Slot Machines**

The bill increases penalties for operators of businesses that manufacture, sell, or possess illegal slot machines, as follows:

- Creates the following graduated scale of criminal penalties:
  - **Makes it a first degree misdemeanor,** for general violations.
  - **Makes it a third degree felony**, for violations if:
    - At the time of the violation, the person was a person of authority; or
    - The person has one prior conviction for a violation.
  - **Makes it a second degree felony**, for violations if:
    - At the time of the violation, the person was a person of authority; and
    - The violation involves five or more slot machines or devices; or
    - The person has two or more prior convictions for a violation. (Section 20)

- Defines:
  - "Conviction" as a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.
  - "Person of authority" as a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play:
    - Has actual authority to act on behalf of the business, establishment, premises, or other location; or
    - Is an officer, director, or managing member of the business, establishment, premises, or other location. (Section 20)

**Trafficking Slot Machines**

The bill prohibits trafficking in slot machines or devices. Specifically, the bill creates a first degree felony for knowingly selling, purchasing, manufacturing, transporting, delivering, or bringing into this state more than 15 slot machines or devices or any part thereof, and provides the following schedule of fines for violations:

- $100,000 fine, if the offense involved more than 15, but less than 25 slot machines or devices or any parts thereof.
- $250,000 fine, if the offense involved 25 or more, but less than 50 slot machines or devices or any parts thereof.
- $500,000 fine, if the offense involved 50 or more slot machines or devices or any parts thereof. (Section 21)

The bill directs all fines imposed and collected pursuant to this section to be deposited into the Pari-mutuel Wagering Trust Fund and used by the Commission for the enforcement of chapters 546, 550, 551, and 849, F.S. (Section 21)

**Making False or Misleading Statements Regarding Legality of Slot Machines**

The bill makes it a third degree felony to knowingly and willfully make a materially false or misleading statement or disseminate false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device. (Section 22)

The bill makes it a second degree felony if a violation involves five or more slot machines or devices. (Section 22)

**Catchall Criminal Penalties**

The bill repeals a catchall provision for many of the crimes related to gambling because the bill creates penalties in each individual criminal section. (Section 23)

**Transporting Persons to Facilitate Illegal Gambling**

The bill creates the following penalties for transporting certain persons to facilitate illegal gambling:

- **First degree misdemeanor,** for knowingly and willfully transporting, or procuring the transportation of, five or more other persons into or within this state when a person knows or reasonably should know such transportation is for the purpose of facilitating illegal gambling.
- **Third degree felony**, if the violation includes:
  - The transport, or procurement of transportation of:
    - A minor or a person 65 years of age or older; or
    - 12 or more persons.
  - A second or subsequent violation within a two-year period. (Section 24)

The bill defines the term “illegal gambling” as any criminal violation of chapters 546, 550, 551, or 849, F.S., that occurs at any business, establishment, premises, or other location. (Section 24)

**Gambling Advertisements**

The bill prohibits a person from knowingly and intentionally making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the

Internet, any advertisement circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling. (Section 25)

The bill prohibits setting up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when the person knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling. (Section 25)

Under the bill, a first offense is a first degree misdemeanor and a second or subsequent offense is a third degree felony. (Section 25)

The bill specifies that it does not prohibit the printing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited. (Section 25)

**Preemption**

The bill prohibits a county, municipality, or other political subdivision of the state from enacting or enforcing any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10, F.S., or ch. 849, F.S., except as otherwise expressly provided by the State Constitution, general law, or special law. (Section 26)

**Criminal Punishment Code**

The bill amends the criminal punishment code to increase the offense severity ranking chart (OSRC) ranking for specified gaming offenses, such as offenses related to lotteries, and ranks newly created offenses, such as offenses related to internet gambling or sports wagering, fantasy sports, transporting persons to facilitate illegal gambling, and trafficking in slot machines. (Section 27)

**Effective Date**

The effective date of the bill is October 1, 2026. (Section 30)

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The fiscal impact to state government is indeterminate. Creating new gaming offenses, increasing penalties for specified current gaming offenses, and listing specified gaming offenses on the OSRC, may result in:

- An increase in state expenditures related to:
  - Additional admissions to jail and prison facilities and offenders serving longer terms of incarceration in such facilities.
  - Administration and enforcement, which can likely be handled within existing resources.
- An increase in state revenues for the state governmental entities that receive proceeds from the collection of fines.

The Commission may experience an increase in revenues resulting from increased confiscation of contraband. The bill requires all fines imposed and collected for violations of trafficking in slot machines or devices to be deposited into the Pari-mutuel Wagering Trust Fund and authorizes the use of such funds by the Commission for the enforcement of certain gaming chapters 546, 550, 551, and 849, F.S.

LOCAL GOVERNMENT:

The fiscal impact to local government is indeterminate. The bill may have an indeterminate positive impact on the jail bed population by creating new gaming offenses, increasing penalties for specified current gaming offenses, and listing specified gaming offenses on the OSRC, which may result in increased admissions to jail facilities and offenders serving longer terms of incarceration in such facilities.

The bill also creates new criminal fines for specified violations relating to illegal gambling. This may create a positive fiscal impact to local governmental entities that receive proceeds from the related fines. This may also create a negative fiscal impact to those entities relating to administration of enforcement.

PRIVATE SECTOR:

The bill may help to prevent or reduce illegal gambling, which may protect vulnerable populations and reduce secondary criminal activity, including money laundering, drug trafficking, and violent crime.

Requiring fantasy sports contest operators to meet certain requirements in order to operate, and subjecting them to civil and criminal penalties for violations, may result in a negative fiscal impact to such operators.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

**Gambling in Florida**

Gambling is generally prohibited in Florida, unless specifically authorized. Gambling is defined in Florida law as playing or engaging in any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value.[1] The standard jury instructions for criminal cases in Florida provide that in order to prove the crime of gambling, the state must prove the following three elements beyond a reasonable doubt:[2]

- Playing or engaging in a game of chance.
- Risking money or property on the outcome of the game.
- Expecting to gain or lose money or property as a result of the game.

Gambling in Florida is highly regulated, and wagers on games that are not specifically authorized by law are considered illegal.

Section 7, Art. X, of the Florida Constitution prohibits lotteries, other than pari-mutuel pools, from being conducted in Florida.

Slot machines that are not operated by a licensed pari-mutuel facility or in accordance with a tribal compact or specific law are illegal in Florida.

Chapter 849, F.S., includes prohibitions against slot machines, keeping a gambling house, engaging in bookmaking, and running a lottery. However, a constitutional amendment approved by voters in 1986 authorized state-operated lotteries, and a constitutional amendment in 2004 authorized slot machines in Miami-Dade and Broward Counties.

The following gaming activities are also authorized by law and regulated by the state:

- Pari-mutuel[3] wagering;[4]
- Gaming on tribal reservations in accordance with the federal Indian Gaming Regulatory Act and the 2021 Gaming Compact with the Seminole Tribe of Florida;

[1] S. 849.08, F.S.
[2] The Florida Bar, Criminal Jury Instructions Chapter 22, 22.1 Gambling, https://www.floridabar.org/rules/florida-standard-jury-instructions/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-22/ (last visited Jan. 8, 2026).
[3] "Pari-mutuel" is defined in Florida law as "a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes. *See* s. 550.002(22), F.S.
[4] *See* ch. 550, F.S., relating to the regulation of pari-mutuel activities.

- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;[5] and
- Cardrooms[6] at certain pari-mutuel facilities.

Under the Florida Contraband Forfeiture Act,[7] gambling proceeds, paraphernalia, and property may be seized as contraband. For example, a vehicle used for transporting an illegal slot machine is subject to seizure.[8]

Chapter 849, F.S., also authorizes, under specific and limited conditions, the conduct of penny-ante games,[9] bingo,[10] charitable drawings,[11] game promotions (sweepstakes),[12] bowling tournaments,[13] and skill-based amusement games and machines at specified locations.[14]

## Florida Gaming Control Commission

The Commission is a five-member regulatory body that is responsible for exercising all regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts, and other forms of gambling authorized by the State Constitution or law, excluding the state lottery.[15] The Commission is also the State Compliance Agency responsible for monitoring compliance with the provisions of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida.[16]

The Division of Gaming Enforcement (Division) is a criminal justice agency[17] tasked with the enforcement of Florida's gambling laws to combat illegal gambling activities.[18] While every law enforcement officer in the state of Florida has the authority to make arrests for violations of Florida's gambling laws, the Division is the first law enforcement agency whose primary responsibility is investigating illegal gambling.[19]

### *Illegal Gambling*

According to reports, illegal gambling operations targeting vulnerable aging populations in Florida are increasing. The activity has especially grown since the pandemic with an "explosion of illegal gambling lounges opening up with unregulated slot machines."[20]

According to the Commission, "some of them register as amusement arcades through the Department of Revenue, which means they're acting like a Dave and Buster's or a Chuck E. Cheese, but in reality, they're offering illegal gambling devices such as slot machines. If the game has any element of chance built into it, under Florida statute, it's considered an illegal gambling device. They have the ability to dial up the winnings to entice play. Once they get

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[5] *See* FLA. CONST., art. X, s. 23, and ch. 551, F.S.
[6] S. 849.086(2)(c), F.S., defines "cardroom" to mean "a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility."
[7] Ss. 932.701-932.7062, F.S., comprise the Florida Contraband Forfeiture Act.
[8] S. 849.36, F.S.
[9] S. 849.085, F.S.
[10] S. 849.0931, F.S.
[11] S. 849.0935, F.S.
[12] S. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.
[13] S. 849.141, F.S.
[14] S. 546.10, F.S.
[15] *See* ss. 16.71-16.716, F.S.
[16] S. 285.710, F.S.
[17] S. 16.711(1), F.S.
[18] Florida Gaming Control Commission, *Annual Report Fiscal Year 2022-2023*, pg. 6, https://flgaming.gov/pmw/annual-reports/docs/2022-2023%20FGCC%20Annual%20Report.pdf (last visited Jan. 8, 2026).
[19] Florida Gaming Control Commission, *Gaming Enforcement*, https://flgaming.gov/enforcement/ (last visited Jan. 8, 2026).
[20] Jordan Brown, *Florida seniors warned to be cautious of shady slot machines*, FOX 13 Tampa Bay (May 23, 2023), https://www.fox13news.com/news/illegal-gambling-operations-in-florida-re-targeting-aging-populations (last visited Jan. 8, 2026).

a packed house, they dial down the winnings to almost zero. Then at that point, they're just stealing and using predatory practices and taking money from Florida's senior population."[21]

In 2023, the Commission investigated several illegal slot machine businesses operating in the state, and found that:[22]

- The scope of the problem is much larger than initially anticipated.
- There are significant adverse harms associated with the activity.
- Successfully shutting down such businesses will require collaborative and coordinated efforts.
- Obstacles will continue to evolve but can be overcome.

According to the Commission, during the 2023-2024 fiscal year, the Commission received over 2,000 complaints of unauthorized, illegal, or otherwise criminal gaming activities. These illegal gaming activities include backroom poker games, illegal slot machines and casinos, and illegal sports betting websites that fail to pay out wagers.[23]

The Commission participated in the following enforcement activities from the past fiscal year:[24]

- Nearly 1,000 illegal slot machines seized (with nearly 1,200 more to date in FY 2024-2025);
- More than $3.3 million of illicit funds seized (with nearly $700,000 more to date in FY 2024-2025);
- More than a dozen illegal casinos closed; and
- Outreach and ongoing collaboration with dozens of local, state, and federal law enforcement agencies.

***Commission Annual Report***

By December 1 of each year, the Commission is required to make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include, in part, a summary of actions taken and investigations conducted by the Commission.[25]

***Commission Appointment and Employment Restrictions***

Commissioners and Commission employees are restricted from certain activities for two years before and after their appointment or employment with the Commission. The restricted activities include:[26]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner[27] of such permitholder or licensee;
- Being an officer, official, employee, other person with duties or responsibilities, contractor, or ultimate equitable owner relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state;
- Being a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or while employed by a state agency during the normal course of employment; or
- Being a bingo game operator or an employee of a bingo game operator.

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[21] *Id.*
[22] Florida Gaming Control Commission, Presentation to the House Regulatory Reform & Economic Development Subcommittee, (Oct. 17, 2023).
[23] Florida Gaming Control Commission, *Gaming Enforcement Investigations and Actions, Annual Report 2023-2024*, at pg. 8, https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf (last visited Jan. 8, 2026).
[24] *Id.*
[25] S. 16.712(3)(h), F.S.
[26] S. 16.713(2)(a), F.S.
[27] S. 550.002(37), F.S., defines "ultimate equitable owner" as a "natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof."

***Commission Standards of Conduct***

Commissioners, Commission employees, and certain family members are restricted from certain activities during service or employment and for 2 years after service or employment. The restricted activities, in part, include: [28]

- **Employment or business activities**: While employed, and for 2 years after service as a Commissioner or for 2 years after employment with the Commission, a Commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the Commission; any person regulated by the Commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the Commission.
- **Financial interests**: While employed, and for 2 years after service as a Commissioner or for 2 years after employment with the Commission, a Commissioner, an employee, or a relative living in the same household as a Commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the Commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the Commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the Commission. If a Commissioner, an employee, or a relative living in the same household as a Commissioner or an employee acquires any financial interest prohibited by this subsection during the Commissioner's term of office or the employee's employment with the Commission as a result of events or actions beyond the Commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest.

***Former Commissioners and Employees***

Commissioners are prohibited, for the 2 years immediately following the date of resignation or termination, from:[29]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner of such permitholder or licensee.
- Being employed or compensated by anyone regulated by the Commission or by a business entity or trade association that has been a party to a Commission proceeding within the 2 years preceding the member's resignation or termination of service on the Commission; or
- Being a bingo game operator or an employee of a bingo game operator.

Commission employees are also prohibited from, for the 2 years immediately following the date of termination or resignation from employment with the Commission, the following activities:[30]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner of such permitholder or licensee.
- Being a bingo game operator or an employee of a bingo game operator.

## Amusement Games

The Family Amusement Games Act governs the operation of amusement games and machines, and distinguishes them from casino-style gambling.[31] The games or machines must be operated for bona fide entertainment of the general public, activated by certain currency, coin, card, coupon, slug, or token, operated by skill with no material element of chance inherent in the game or machine, and the person playing or operating the game or machine controls the outcome of the game.[32]

The game or machine cannot include games like slot machines or other casino-style games.[33] The law also sets a maximum value for redemption prizes and requires the Department of Revenue to annually adjust this value based on inflation.

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[28] S. 16.715(1)(b), F.S.
[29] S. 16.715(2)(b), F.S.
[30] S. 16.715(3)(c), F.S.
[31] *See* s. 546.10, F.S.
[32] S. 546.10(3)(a), F.S.
[33] *Id.*

An action to enjoin the operation of a game or machine for violations may be brought only by:[34]

- The Attorney General, the state attorney for the circuit in which the game or machine is located, a federally recognized tribal government possessing sovereign powers and rights of self-governance which is a party to a compact with the state, or in the case of an alleged violation of statutes that it is charged with enforcing, the Department of Agriculture and Consumer Services or the Department of Business and Professional Regulation; or
- A substantially affected person who is a resident of the county where the place of business operating the game or machine is located, or any substantially affected person who has a business or residence within 5 miles of the place of business operating the game or machine.

In addition to other civil, administrative, and criminal sanctions, initial violations are a second degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S., and a second violation is a first degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. A person who violates this section after having been twice convicted is deemed a common offender and commits a third degree felony, punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.[35]

**Pari-mutuel Wagering**

The Florida Pari-mutuel Wagering Act (Act)[36] provides specific permitting and licensing requirements for the conduct of the pari-mutuel industry.[37] Pari-mutuel wagering activities are limited to operators who have received a permit from the Division, which is then subject to ratification by county referendum.[38] Permitholders apply for an operating license annually to conduct pari-mutuel wagering activities.[39] Certain permitholders are also authorized to operate cardrooms[40] and slot machines at their facility.[41]

The Act generally requires that any transfer or assignment of a permit receive prior approval[42] by the Commission, which must determine the eligibility[43] of persons and entities to hold a permit. Similarly, if a permit is held by a corporation or business entity other than an individual, the transfer of 10 percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the Commission.[44]

***Ultimate Equitable Owner***

"Ultimate equitable owner" is defined as "a natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof."[45]

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[34] S. 546.10(8), F.S.
[35] S. 546.10(9), F.S.
[36] Ch. 550, F.S.
[37] S. 550.054(1), F.S.
[38] S. 550.054(2), F.S.
[39] S. 550.0115, F.S.
[40] S. 849.086, F.S.
[41] S. 551.104, F.S.
[42] There is one exception to the prior-approval requirement in s. 550.054(11)(a), F.S., which is that the holder of a permit converted to a jai alai permit "may lease or build anywhere within the county in which its permit is located." As of 2021, such conversions are prohibited. *See* s. 550.054(15)(d), F.S.
[43] *See* s. 550.1815, F.S.
[44] S. 550.054(11)(b), F.S.
[45] S. 550.002(37), F.S.

***Changes in Ownership Requirements***

A pari-mutuel wagering permit may not be transferred or assigned except upon written approval by the Commission, except that the holder of any permit that has been converted to a jai alai permit may lease or build anywhere within the county in which its permit is located.[46] The requirements are based on percentages of changes in ownership interest, as follows:

- If a permit is held by a corporation or business entity other than an individual, the transfer of 10 percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the Commission.[47]
- Changes in ownership or interest of a pari-mutuel permit of 5 percent or more of the stock or other evidence of ownership or equity in the permitholder must be approved by the Commission prior to such change, unless the owner is an existing owner of that permit who was previously approved by the Commission.[48]
- Changes in ownership or interest of a pari-mutuel permit of less than 5 percent shall be reported to the Commission within 20 days of the change. The Commission may then conduct an investigation to ensure that the permit is properly updated to show the change in ownership or interest.[49]

***Escheated Harness Horse Permits***

Currently, the tax on handle for live harness horse performances is 0.5 percent of handle per performance.[50] The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years is void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship does not constitute just cause for failure to operate and pay tax on handle.[51]

The Commission is authorized to reissue an escheated harness horse permit to a qualified applicant for the issuance of an initial permit without having to satisfy the referendum requirements for a pari-mutuel permit. As specified in the application and upon approval by the Commission, the new permitholder is authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2), F.S., relating to mileage limitations.[52]

***Escheated Thoroughbred Permits***

Currently, the tax on handle for thoroughbred horserace performances is 0.5 percent of handle per performance.[53] The permit of a thoroughbred permitholder who is conducting thoroughbred performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years is void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship does not constitute just cause for failure to operate and pay tax on handle.[54]

The Commission is authorized to reissue an escheated thoroughbred horse permit to a qualified applicant for the issuance of an initial permit without having to satisfy the referendum requirements for a pari-mutuel permit. As specified in the application and upon approval by the Commission, the new permitholder is authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2), F.S., relating to mileage limitations.[55]

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[46] S. 550.054(11)(a), F.S.
[47] S. 550.054(11)(b), F.S.
[48] S. 550.054(12), F.S.
[49] *Id.*
[50] S. 550.09512(2)(a), F.S.
[51] S. 550.09512(3)(a), F.S.
[52] S. 550.09512(3)(b), F.S.
[53] S. 550.09515(2)(a), F.S.
[54] S. 550.09515(3)(a), F.S.
[55] S. 550.09515(3)(b), F.S.

**Bribery in Athletic Contests**

Currently, bribery in athletic contests is a third degree felony. The law applies to:[56]

- Anyone who gives, promises, or offers a bribe, money, goods, or any valuable thing with the intent to influence a participant, official, owner, manager, coach, trainer, or relative of a participant to lose or cause to be lost any game, contest, match, race, or sport, or to limit the margin of victory, or to fix or throw any game;
- Any participant or prospective participant in any professional or amateur game, contest, match, race or sport, including officials, owners, coaches, trainers, or their relatives.

**Keeping a Gambling House**

Currently, it is a second degree misdemeanor to keep a gambling house.[57] Specifically, a person is guilty of this offense if he or she:

- Habitually keeps, exercises, or maintains, for the purpose of gaming or gambling:[58]
  - A gaming table or room;
  - Gaming implements;
  - Gaming apparatus; or
  - A house, booth, tent, shelter, or other place.

Such penalty also applies to:

- Agents or employees of a keeper of a gambling house.[59]
- Anyone renting a house for gambling purposes.[60]

**Gambling**

Currently, it is a second degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S., to play or engage in any game at cards, keno, roulette, faro or other game of chance, at any place or by any device, for money or other thing of value.[61]

**Cardrooms**

Currently, cardrooms are authorized at certain pari-mutuel facilities.[62] Under current law, notwithstanding any other provision of law, a pari-mutuel permitholder (other than a limited thoroughbred permitholder) may not be issued a license for the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for Fiscal Year 2020-2021.[63] An initial cardroom license may be issued to a pari-mutuel permitholder only after its facilities are in place and after it conducts its first day of pari-mutuel activities on live racing or games.[64]

A licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom.[65] An authorized

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[56] S. 838.12, F.S.
[57] S. 849.01, F.S. A second degree misdemeanor is punishable by up to 60 days in jail and a fine up to $500. Ss. 775.082 and 775.083, F.S.
[58] S. 849.01, F.S.; *Ferguson v. State*, 377 So. 2d 709, 711 (Fla. 1979) (requiring an element of "habitualness" for a conviction under s. 849.01, F.S.).
[59] S. 849.02, F.S.
[60] S. 849.03, F.S.
[61] S. 849.08, F.S.
[62] S. 849.086, F.S.; S. 849.086(2)(c), F.S., defines "cardroom" to mean a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.
[63] S. 849.086(5), F.S.
[64] *Id*.
[65] Ss. 849.086(5) and (6), F.S.

game is a game or series of games of poker or dominoes.[66] Such games must be played in a non-banking manner,[67] where the participants play against each other, instead of against the house (cardroom).

Prohibited activities of cardrooms include the following:[68]

- Conducting any banking game or game not specifically authorized, or any game that violates the exclusivity provided in the gaming compact.
- Allowing persons under 18 years of age to hold a cardroom or employee license, or engage in any game.
- Allowing electronic or mechanical devices, except mechanical card shufflers to be used to conduct any authorized game in a cardroom.
- Allowing cards, game components, or game implements to be used in playing an authorized game unless such has been furnished or provided to the players by the cardroom operator.

## Fantasy Sports Contests

Generally, fantasy sports contests are any of a number of games that permit a person to pay an entry fee and play either a virtual game or a virtual season of a sport based on the performance statistics of real sports players. The player acts as both general manager and field manager of their team by building a roster through a draft and trades. Players make lineups in pursuit of statistically beating other players. The term "commissioner" has been used in the context of fantasy leagues to denote a person who manages a fantasy league, establishes league rules, resolves disputes over rule interpretations, publishes league standings, or selects the Internet service for publication of league standings.[69]

Daily fantasy sports contests are an accelerated version of fantasy sports contests, which are played across a shorter period of time. For example, daily fantasy contests may be played over a single week in a season, rather than the entire season. Daily fantasy contests are typically played as "contests" which require an entry fee. The fee funds an advertised prize pool from which the fantasy contest operator (such as FanDuel or DraftKings) takes a percentage as revenue.[70] The legality of daily fantasy contests has been challenged in many states and jurisdictions, with some critics arguing that the contests more closely resemble proposition wagering on athlete performance than traditional fantasy contests.

### *Legality of Fantasy Sports Contests in Florida*

Florida law does not specifically address fantasy sports contests. Currently, there is no constitutional, statutory, or regulatory framework expressly allowing for fantasy contests to be conducted in Florida. Moreover, Florida courts have not addressed whether Florida's constitutional and statutory prohibitions on gambling apply to fantasy contests. Florida's Attorney General has opined in the past that certain fantasy contests appear to violate state gambling laws.[71]

Current law provides that a stake, bet, or wager of money or another thing of value placed "upon the result of any trial or contest of skill, speed, power, or endurance of human or beast" is unlawful. Receiving money or acting as the custodian or depositary of money as part of such a stake, bet, or wager is also unlawful.[72]

Florida's anti-bookmaking law defines bookmaking as "the act of taking or receiving, while engaged in the business or profession of gambling, any bet or wager upon the result of any trial or contest of skill, speed, power, or endurance of human, beast, fowl, motor vehicle, or mechanical apparatus or upon the result of any chance,

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[66] *See* s. 849.086(2)(a), F.S.
[67] *Id.*
[68] S. 849.086(12), F.S.
[69] *See* Bernhard & Eade, *Gambling in a Fantasy World: An Exploratory Study of Rotisserie Baseball Games,* 9 UNLV Gaming Research & Review Journal Issue 1, at 30, at http://digitalscholarship.unlv.edu/grrj/vol9/iss1/3/ (last visited Jan. 8, 2026).
[70] Adam Kilgore, The Washington Post, *Daily fantasy sports Web sites find riches in Internet gaming law loophole*, (Mar. 27, 2015) https://www.washingtonpost.com/sports/daily-fantasy-sports-web-sites-find-riches-in-internet-gaming-law-loophole/2015/03/27/92988444-d172-11e4-a62f-ee745911a4ff_story.html, (last visited Jan. 8, 2026).
[71] 91-03 Fla. Op. Att'y Gen. (1991).
[72] S. 849.14, F.S.

casualty, unknown, or contingent event whatsoever."[73] The law includes factors that are to be considered evidence of bookmaking, including charging a percentage on accepted wagers, receiving more than five wagers in a day, and receiving over $500 in total wagers in a single day or over $1500 in a single week.[74]

On January 8th, 1991, the Florida Attorney General (AG) provided an advisory legal opinion[75] regarding whether participation in a fantasy sports league violated Florida's gambling laws. The opinion concluded that the operation of a fantasy league would violate s. 849.14, F.S., and that since the fantasy sports league's entry fee was used to make up the prizes, it qualified as a "stake, bet, or wager" under Florida law.[76] The AG stated that, "while the skill of the individual contestant picking the members of the fantasy team is involved, the prizes are paid to the contestants based upon the performance of the individual professional football players in actual games."[77]

The AG concluded that contests in which the skill of the contestant predominates over the element of chance, such as in certain sports contests, are not prohibited lotteries. As an example, he noted that golf and bowling tournaments were contests of skill and were not prohibited. He considered that "it might well be argued that skill is involved in the selection of a successful fantasy team by requiring knowledge of the varying abilities and skills of the professional football players who will be selected to make up the fantasy team."[78]

Recently, the Commission has issued cease and desist correspondence to various companies operating fantasy contests in the state concerning possible violations of Florida's gambling laws. The letters have generated controversy, concern, and interest from contest operators, elected officials, and the Seminole Tribe of Florida, which has entered into gaming compacts with the state.[79]

***Legality of Fantasy Sports in Federal Law***

The federal Unlawful Internet Gambling Enforcement Act of 2006[80] (UIGEA) prohibits the processing of certain online financial wagering to prevent payment systems from being used in illegal online gambling. The UIGEA prohibits gambling businesses from knowingly accepting payments in connection with a "bet or wager" that involves the use of the Internet and that is unlawful under any federal or state law.

The UIGEA expressly states that participation in fantasy or simulation sports contests is not included in the definition of "bet or wager"[81] when certain conditions are met. For purposes of the UIGEA, participation in a fantasy or simulation sports contest is not a bet or wager when:

- Prizes and awards offered to winning participants are established and made known in advance of the game or contest and the value is not determined by the number of participants or amount of fees paid by the participants.
- Winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals.
- Winning outcomes are not based on the score, point spread, or any performance of any single sports team or combination of such teams or solely on a single performance of an individual athlete in a single sporting event.

[73] S. 849.25, F.S.
[74] S. 849.25(1)(b), F.S.
[75] 91-03 Fla. Op. Att'y Gen. (1991).
[76] *Creash v. State*, 131 Fla. 111, 118 (Fla. 1938).
[77] 91-03 Fla. Op. Att'y Gen. (1991).
[78] *Id.* Also, a 1990 Florida Attorney General advisory legal opinion provides that a golf hole-in-one contest, which is an exercise of skill, with an entry fee where such fee does not go toward the purse or prize does not violate the state's gambling laws. 90-58 Fla. Op. Att'y Gen. (1990).
[79] Florida Trend, *Questions Swirl Around Fantasy Sports*, https://www.floridatrend.com/article/38854/questions-swirl-around-fantasy-sports (last visited Jan. 8, 2026).
[80] 31 U.S.C. § 5361-5366 (2006).
[81] 31 U.S.C. § 5362(1) (2006).

Contest operators argue that they are legal under the UIGEA. In *Humphrey v. Viacom, Inc.*, the court determined that because the entry fee was paid "unconditionally," the owner did not participate, and the prizes were guaranteed and determined in advance, the fantasy contest entry fees were not "wagers" under the act.[82] However, although the UIGEA exempts fantasy and simulation sports contests from the application of the UIGEA, it does not make such contests legal generally. The UIGEA does not change or preempt any other federal or state law. As expressed in the Rule of Construction in the UIGEA, "no provision of this subchapter shall be construed as altering, limiting, or extending any federal or state law or tribal-state compact prohibiting, permitting, or regulating gambling within the United States."[83] Therefore, any other state or federal law could apply.

The federal Illegal Gambling Business Act of 1970 (IGBA)[84] defines an "illegal gambling business" as a gambling business that is in violation of the law of the state in which it is conducted, involves five or more persons who conduct or manage all or part of such business, and that has been in continuous operation for a period of more than 30 days or has a gross revenue of $2000 in a single day. The IGBA specifically exempts savings promotion raffles and bingo games, lotteries, or other games of chance operated by certain non-profit corporations.[85] An employee or company that has violated the IGBA is subject to penalties including fines, forfeiture of profits and assets, and imprisonment for up to 5 years.

***Fantasy Sports Contests in the 2021 Gaming Compact***

The Seminole Indian Tribe of Florida (the Tribe) is a federally recognized Indian tribe whose reservations and trust lands are located in the State. A Gaming Compact between the Tribe and the State of Florida was executed by Governor Ron DeSantis and the Tribe on April 23, 2021 (the 2021 Compact). The 2021 Compact was approved by the U.S. Department of the Interior on August 6, 2021, and became effective upon the publication of notice in the Federal Register on August 11, 2021.[86]

Under the 2021 Compact, "fantasy sports contest" means a fantasy or simulation sports game or contest offered by a contest operator or a noncommercial contest operator in which a contest participant manages a fantasy or simulation sports team composed of athletes from a professional sports organization and that meets each of the following requirements:

- All prizes and awards offered to winning contest participants are established and made known to the contest participants in advance of the game or contest.
- All winning outcomes reflect the relative knowledge and skill of the contest participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.
- No winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such teams, solely on any single performance of an individual athlete or player in any single actual event, on a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002, Florida Statutes, as of January 1, 2021, on a game of poker or other card game, or on the performances of participants in collegiate, high school, or youth sporting events.
- No casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are displayed or depicted.

The 2021 Compact allows the Tribe to offer fantasy sports contests at all their facilities. However, the 2021 Compact does not include fantasy sports contests in the games for which the Tribe is granted exclusivity to conduct in the state.

[82] *Humphrey v. Viacom, Inc.*, 2007 WL 1797648 (D.N.J. June 20, 2007).
[83] 31 U.S..C. § 5361(b) (2006).
[84] 18 U.S.C. § 1995 (1970).
[85] *See* 26 U.S.C. § 501.
[86] Fed. Register, Vol. 86, No. 153 at 44037.

**Games of Chance by Lot**

Currently, it is a second degree misdemeanor to set up, promote or play any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest.[87]

**Subsequent Lottery Offenses**

Currently, it is a first degree misdemeanor to be convicted of a subsequent offense forbidden by law in connection with lotteries.[88]

**Betting on Trials or Contests of Skill**

Currently, it is a third degree felony for anyone who:[89]

- Stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast;
- Receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result;
- Knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result; or
- Aids, assists, abets, or influences in any manner in any of such acts.

**Exempted Activities**

Currently, gaming conducted under the 2021 Compact, amusement games, pari-mutuel games, slot machine games, cardroom games, and bingo games, are exempt from violations and penalties under the state gambling law.[90]

**Slot Machines**

In Florida, a slot machine is defined as a machine or device that:[91]

- Is activated by inserting something of value (money, coin, account number, code, or other object or information);
- Is caused to operate or operated by a user **by application of skill, element of chance, or other outcome that is unpredictable to the user**; and
- The user receives or is entitled to receive something of value or additional chances or rights to use the device or machine.

There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.[92]

Slot machines are only authorized in licensed pari-mutuel facilities located in Miami-Dade and Broward counties and on tribal property.[93] At any location other than licensed pari-mutuel facilities, it is a violation to "manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of any slot machine or device or any part thereof."[94]

[87] S. 849.11, F.S.
[88] S. 849.13, F.S.
[89] S. 849.14, F.S.
[90] S. 849.142, F.S.
[91] S. 849.16(1), F.S.
[92] S. 849.16(3), F.S.
[93] S. 551.101, F.S.
[94] S. 849.15(1)(a), F.S.

A person who violates the prohibitions[95] against manufacturing, selling, or possessing slot machines or devices commits a:[96]

- Second degree misdemeanor upon a first conviction.[97]
- First degree misdemeanor upon a second conviction.[98]
- Third degree felony upon a third or subsequent conviction, and the person is deemed a "common offender."[99]

Unlicensed slot machines are illegal in Florida and are considered "contraband." Relating to contraband, Florida law specifies, "the right of property in and to any [illegal slot machine or device] and to all money and other things of value therein, is declared not to exist in any person, and…shall be forfeited…to the county in which the seizure was made."[100]

Florida law also provides that all sums of money and other value used, displayed in, or connected with illegal gambling or an illegal gambling device contrary to the laws of this state shall be forfeited.[101]

Pursuant to the federal Johnson Act, Florida law allows the shipment of gaming devices including slot machines into this state provided the destination of the shipment is an eligible slot machine facility, or the facility of a slot machine manufacturer or slot machine distributor.[102]

## Preemption

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[103] To expressly preempt a subject area, the Legislature must use clear statutory language stating its intention to do so.[104] Implied preemption occurs when the Legislature has demonstrated an intent to preempt an area, though not expressly. Florida courts find implied preemption when "the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature."[105]

Where state preemption applies, a local government may not exercise authority in that area.[106] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[107]

## Criminal Punishment Code

The Criminal Punishment Code (Code) applies to all felony offenses, except capital felonies, committed on or after October 1, 1998.[108] Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels

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[95] S 849.15, F.S. – 849.22, F.S.
[96] S. 849.23, F.S.
[97] A second degree misdemeanor is punishable by up to 60 days in county jail and a $500 fine. Ss. 775.082 or 775.083, F.S.
[98] A first degree misdemeanor is punishable by up to one year in county jail and a $1,000 fine. Ss. 775.082 or 775.083, F.S.
[99] A third degree felony is punishable by up to five years in prison and a $5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.
[100] S. 849.19, F.S.
[101] S. 849.12, F.S.
[102] S. 849.15(2), F.S.
[103] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005).
[104] *Mulligan*, 934 So. 2d at 1243.
[105] *Tallahassee Mem. Reg. Med. Ctr., Inc. v. Tallahassee Med. Ctr., Inc.*, 681 So. 2d 826, 831 (Fla. 1st DCA 1996).
[106] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[107] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So. 2d 504 (Fla. 3d DCA 2002).
[108] S. 921.002, F.S.

1-10), either by being specifically listed in the OSRC[109] or by default.[110] Judges must use the Code worksheet to compute a sentence score for each felony offender.[111]

Sentence points are assigned and accrue based on the level ranking assigned to the primary offense, additional offenses, and prior offenses.[112] Sentence points increase as the offense severity level increases from Level 1 (least severe) to Level 10 (most severe). Sentence points may be added for victim injury, and increase based on the type of injury and severity.[113] Sentence points may also be added or multiplied for other factors including possession of a firearm or the commission of certain offenses, such as drug trafficking.[114] If an offense is unlisted on the OSRC, the Code provides a ranking based on felony level.[115] For example, an unranked third degree felony is a level 1 offense.[116]

If total sentence points equal or are less than 44 points, the lowest permissible sentence is any nonstate prison sanction, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.[117] Absent mitigation,[118] the permissible range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.[119]

The OSRC ranks the following third degree felony gaming violations as a Level 1 offense:[120]

- Set up, promote, or conduct any lottery for money or for anything of value;[121]
- Dispose of any money or other property of any kind whatsoever by means of any lottery;[122]
- Conduct any lottery drawing for the distribution of a prize or prizes by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circulars, posters, pamphlets, radio, telegraph, telephone, or otherwise; [123]
- Aid or assist in the setting up, promoting, or conducting of any lottery or lottery drawing, whether by writing, printing, or in any other manner whatsoever, or be interested in or connected in any way with any lottery or lottery drawing; [124] and
- Engaging in bookmaking.[125]

[109] S. 921.0022, F.S.
[110] S. 921.0023, F.S., addresses ranking unlisted felony offenses. For example, an unlisted felony of the third degree is ranked within offense level 1.
[111] S. 921.0024, F.S.
[112] *Id*.
[113] *Id*.
[114] *Id*.
[115] S. 921.0023, F.S.
[116] *Id*.
[117] S. 921.0022(2), F.S.
[118] The court may "mitigate" or "depart downward" from the scored lowest permissible sentence if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.
[119] S. 921.0022(2), F.S.
[120] S. 921.022(3)(a), F.S.
[121] S. 849.09(1)(a)-(d), F.S.
[122] *Id.*
[123] *Id.*
[124] *Id.*
[125] S. 849.25(2), F.S.

**RECENT LEGISLATION:**

| YEAR | BILL #/SUBJECT | HOUSE/*SENATE* SPONSOR(S) | OTHER INFORMATION |
|---|---|---|---|
| 2025 | CS/HB 1467 - Gambling | Snyder, Anderson/ *Simon* | The bill passed the House, but died in the Senate. |

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Industries & Professional Activities Subcommittee | 13 Y, 0 N, As CS | 11/18/2025 | Anstead | Thompson |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Authorized fantasy sports contests.<br>• Removed ownership interest thresholds for changes of ownership in pari-mutuel wagering permits.<br>• Prohibited Commissioners and Commission employees from certain employment activities for a certain timeframe.<br>• Required additional items in the Commission's annual report.<br>• Preempted the local regulation of gaming to the state.<br>• Removed the requirement that certain harness horse and thoroughbred permits escheat to, and be reissued by, the state.<br>• Strengthened laws related to illegal gambling.<br>• Provided definitions and criminal penalties for "internet gambling" and "internet sports wagering" and defined certain crimes to include "internet" related activity.<br>• Created a crime for gambling advertisements and provided associated criminal penalties.<br>• Allowed veterans' service organizations to petition the Commission for a declaratory statement on whether the operation of an amusement game or machine is authorized. | | | |
| Criminal Justice Subcommittee | 13 Y, 4 N, As CS | 1/14/2026 | Hall | Butcher |
| THE CHANGES ADOPTED BY THE COMMITTEE: | The amendment made technical changes to the bill to improve clarity, including revising the definition of "internet sports wagering" and the criminal offense of tampering related to card games. | | | |
| Commerce Committee | | | Harrington | Thompson |

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

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A bill to be entitled

An act relating to gambling; amending s. 16.712, F.S.; revising the contents of an annual report by the Florida Gaming Control Commission; amending s. 16.713, F.S.; prohibiting certain appointment or employment for a specified period before or during service with the commission; amending s. 16.715, F.S.; revising standards of conduct for the commission; prohibiting certain post-employment activities for former commissioners and employees for a specified period; amending s. 546.10, F.S.; authorizing certain organizations to petition the commission before purchasing, installing, or operating a game or machine on their premises before petitioning for and being issued a specified declaratory statement from the commission if the organizations are unsure if such game or machine is an amusement machine; prohibiting such organizations from purchasing or installing a game or machine until an outstanding declaratory statement is issued; prohibiting such organizations from seeking a declaratory statement if the game or machine in question is the subject of a criminal investigation; requiring the commission to issue a declaratory statement within a specified timeframe; prohibiting the commission from denying a petition if

it was validly requested; specifying the information that must be included in a request for a declaratory statement; providing that the declaratory statement is valid only for the game or machine for which it is requested; providing that the declaratory statement is invalid if the specifications for the game or machine have been changed; providing that the declaratory statement is binding on the commission and may be introduced as evidence in subsequent proceedings; providing construction; amending s. 550.002, F.S.; revising the definition of the term "ultimate equitable owner"; amending s. 550.054, F.S.; revising when commission approval is needed for transfers of stock or other evidence of ownership of certain pari-mutuel permitholders; amending s. 550.09512, F.S.; removing provisions requiring reissuance of escheated harness horse permits; amending s. 550.09515, F.S.; prohibiting reissuance of horse permits to certain permitholders who do not pay tax on handle for live races for a specified period; removing provisions requiring reissuance of escheated horse permits; amending s. 838.12, F.S.; prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; providing criminal penalties; amending s. 849.01, F.S.; revising criminal

penalties for offenses involving keeping a gambling house; amending s. 849.02, F.S.; increasing criminal penalties for specified offenses by agents or employees of a keeper of a gambling house; amending s. 849.03, F.S.; revising criminal penalties for offenses involving renting a house for gambling purposes; amending s. 849.08, F.S.; providing definitions; prohibiting Internet gambling and Internet sports wagering and related offenses; providing criminal penalties; providing an exception; amending s. 849.086, F.S.; prohibiting specified actions relating to the manipulation of card games; providing criminal penalties; creating s. 849.0932, F.S.; defining the term "fantasy sports contest"; requiring such contests to meet specified requirements; providing penalties for violations; authorizing the commission to investigate and refer violations for prosecution; authorizing enforcement actions by the Attorney General and state attorneys; providing criminal penalties for certain violations; amending s. 849.11, F.S.; prohibiting certain offenses relating to games of chance; providing criminal penalties; amending s. 849.13, F.S.; providing enhanced criminal penalties for second or subsequent violations of certain provisions; amending s. 849.14, F.S.; revising

criminal penalties for betting or wagering on certain activities; repealing s. 849.142, F.S., relating to exempted activities; amending s. 849.15, F.S.; defining the terms "conviction" and "person of authority"; providing criminal penalties for specified offenses relating to the manufacture, possession, and sale of slot machines or devices; creating s. 849.155, F.S.; prohibiting trafficking in slot machines, devices, or parts thereof; providing criminal penalties; providing for the deposit of fines into a specified trust fund for specified purposes; creating s. 849.157, F.S.; prohibiting the making of a false or misleading statement regarding the legality of slot machines or devices for specified purposes; providing criminal penalties; repealing s. 849.23, F.S., relating to penalties for violations of specified provisions; creating s. 849.47, F.S.; defining the term "illegal gambling"; prohibiting the transportation of specified numbers of persons or persons of certain ages, for the purpose of facilitating illegal gambling; providing criminal penalties; creating s. 849.48, F.S.; defining the term "illegal gambling"; prohibiting specified gambling or gaming advertisements; providing criminal penalties; providing construction; creating s. 849.49, F.S.;

preempting to the state the regulation of gaming, gambling, lotteries, or other specified activities; amending s. 921.0022, F.S.; ranking offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; amending ss. 772.102 and 895.02, 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. Present paragraph (i) of subsection (3) of section 16.712, Florida Statutes, is redesignated as paragraph (k), new paragraphs (i) and (j) are added to that subsection, and paragraph (h) of that subsection is amended, to read:**

16.712 Florida Gaming Control Commission authorizations, duties, and responsibilities.—

(3) By December 1 of each year, the commission shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include all of the following:

(h) A summary of actions taken and investigations conducted by the commission, including the number of investigations that led to criminal charges or any information being filed and the resolution of such criminal charges or case.

(i) The number of complaints received by the commission

categorized by subject matter or the type of complaint and a summary of the action taken on each complaint by the commission.

(j) A list of property seized by the commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions.

**Section 2. Paragraphs (a) and (b) of subsection (2) of section 16.713, Florida Statutes, are amended to read:**

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE COMMISSION.—

(a) A person may not, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission:

1. Hold a permit or license issued under chapter 550 or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee;

2. Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe or an

entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), of such entity;

3. Be a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or unless the person registered as a lobbyist for the executive or legislative branch while employed by a state agency as defined in s. 110.107 during the normal course of his or her employment with such agency and he or she has not lobbied on behalf of any entity other than a state agency during the 2 years immediately preceding the date of his or her appointment to or employment with the commission; ~~or~~

4. Be a bingo game operator or an employee of a bingo game operator; or

5. Be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

(b) A person is ineligible for appointment to or employment with the commission if, within the 2 years immediately preceding such appointment or employment, he or she violated paragraph (a) or solicited or accepted employment with, acquired any direct or indirect interest in, or had any direct or indirect business association, partnership, or financial

relationship with, or is a relative of:

1. Any person or entity who is an applicant, licensee, or registrant with the commission; ~~or~~

2. Any officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; any contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or any ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

3. Any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

For the purposes of this subsection, the term "relative" means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

**Section 3. Paragraph (b) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 16.715, Florida Statutes, are amended to read:**

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.—

(1) STANDARDS OF CONDUCT.—

(b)1. A commissioner or employee of the commission may not accept anything from any business entity that, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

2. A commissioner or an employee may attend conferences, along with associated meals and events that are generally available to all conference participants, without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or employee is a member of a committee of the association of regulatory agencies which organized the conference or is a speaker at the conference. It is not a violation of this subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition

to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission; or be an employee,

associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in s. 16.713(2)(b).

5. A commissioner or an employee may not accept anything from a party in a proceeding currently pending before the commission.

6. A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without

first resigning from office.

7. A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

8. A commissioner or an employee may not act in an unprofessional manner at any time during the performance of official duties.

9. A commissioner or an employee must avoid impropriety in all activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

10. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

11. A commissioner may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except to represent the commission in an official capacity.

(2) FORMER COMMISSIONERS AND EMPLOYEES.—

(b) A commissioner, the executive director, or an employee

of the commission may not, for the 2 years immediately following the date of resignation or termination from the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; ~~or~~ be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities;

2. Accept employment by or compensation from a business entity that, directly or indirectly, owns or controls a person regulated by the commission; from a person regulated by the commission; from a business entity which, directly or indirectly, is an affiliate or subsidiary of a person regulated by the commission; ~~or~~ from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's resignation or termination of service on the commission; or from any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

3. Be a bingo game operator or an employee of a bingo game operator.

(c) A person employed by the commission may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; ~~or~~ be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

2. Be a bingo game operator or an employee of a bingo game operator.

**Section 4. Present subsections (8) and (9) of section 546.10, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:**

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing or installing a game or machine on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, and the veterans' service organization is in doubt about whether a machine meets

the definition of an amusement machine under this section, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of the game or machine complies with this section or chapter 849. An organization awaiting a declaratory statement from the commission may not purchase or install such game or machine until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine complies with this section or would be a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

3. The commission shall issue a declaratory statement pursuant to this subsection within 60 days after receiving a petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection

and s. 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or the machine have been changed.

(c) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings as evidence of a good faith effort to comply with this section or chapter 849.

(d) This subsection does not prevent the commission or any other criminal justice agency as defined in s. 943.045 from detecting, apprehending, and arresting a person for any alleged violation of this chapter, chapter 24, part II of chapter 285, chapter 550, chapter 551, or chapter 849, or any rule adopted pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to this section.

**Section 5. Subsection (37) of section 550.002, Florida Statutes, is amended to read:**

550.002 Definitions.—As used in this chapter, the term:

(37) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls ~~5 percent or more of~~ an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

**Section 6. Paragraph (b) of subsection (11) and subsection (12) of section 550.054, Florida Statutes, are amended to read:**

550.054 Application for permit to conduct pari-mutuel wagering.—

(11)

(b) If a permit to conduct pari-mutuel wagering is held by a corporation or business entity other than an individual, the transfer of any ~~10 percent or more of the~~ stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the commission pursuant to s. 550.1815.

(12) Changes in ownership or interest of a pari-mutuel permit of any ~~5 percent or more of the~~ stock or other evidence of ownership or equity in the permitholder shall be approved by the commission before ~~prior to~~ such change~~, unless the owner is~~

~~an existing owner of that permit who was previously approved by the commission. Changes in ownership or interest of a pari-mutuel permit of less than 5 percent shall be reported to the commission within 20 days of the change~~. The commission may ~~then~~ conduct an investigation related to the request for ~~to ensure that the permit is properly updated to show~~ the change in ownership or interest.

**Section 7. Subsection (3) of section 550.09512, Florida Statutes, is amended to read:**

550.09512 Harness horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years shall be void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated harness horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the~~

~~provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated harness horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

**Section 8. Subsection (3) of section 550.09515, Florida Statutes, is amended to read:**

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred horse performances for a full schedule of live races during any 2 consecutive state fiscal years shall be void and shall not be reissued ~~escheat to and become the property of the state~~ unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder does ~~shall~~ not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated thoroughbred horse permit to a qualified applicant pursuant to the provisions of~~

~~this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated thoroughbred horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

**Section 9. Section 838.12, Florida Statutes, is amended, to read:**

838.12 Bribery in athletic contests.—

(1) A person who ~~Whoever~~ gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game, contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement

whatsoever, with intent to influence him or her or them to lose or cause to be lost any game, contest, match, race or sport, or to limit his or her or their or any person's or any team's margin of victory in any game, contest, match, race, or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any participant or prospective participant in any professional or amateur game, contest, match, race or sport; or any umpire, referee, judge or other official of such game, contest, match, race or sport; or any owner, manager, coach or trainer of, or any relative of, or any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid; who in any way solicits, receives or accepts, or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to lose or cause to be lost any game, contest, match, race or sport, or to limit his, her, their or any person's or any team's margin of victory in any game, contest, match, race or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s.

775.082, s. 775.083, or s. 775.084.

(3) A person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in subsection (1) or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 10. Section 849.01, Florida Statutes, is amended to read:**

849.01 Keeping gambling houses, etc.—A person who ~~Whoever~~ by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever, whether heretofore prohibited or not, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

**Section 11. Section 849.02, Florida Statutes, is amended to read:**

849.02 Agents or employees of keeper of gambling house.—A person who ~~Whoever~~ acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 commits:

(1) For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent therein mentioned~~.

**Section 12. Section 849.03, Florida Statutes, is amended to read:**

849.03 Renting house for gambling purposes.—A person who ~~Whoever~~, whether as owner or agent, knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

(1) For a first offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent mentioned in s. 849.01~~.

(2) For a second or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 13. Section 849.08, Florida Statutes, is amended**

**to read:**

849.08 Gambling.—

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

(a) "Illegal gambling" means any criminal violation of chapter 546, chapter 550, or chapter 551, or this chapter that occurs at any business, establishment, premises, or other location.

(b) "Internet gambling" means to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.

(c) "Internet sports wagering" means to use a platform that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast.

(2) A person who ~~Whoever~~ plays or engages in Internet gambling or any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes illegal gambling, Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of illegal gambling, Internet gambling or Internet sports wagering, or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the conduct of, any gaming activities authorized under s. 285.710(13) and conducted pursuant to a gaming compact ratified and approved under s. 285.710(3), or any gaming activities authorized under chapter 550.

**Section 14. Paragraph (e) is added to subsection (12) of section 849.086, Florida Statutes, to read:**

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

(e) A person who, by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, manipulates or attempts to manipulate playing cards for the purpose of affecting the outcome or payoff of a card game in a licensed cardroom, or otherwise manipulates or attempts to manipulate the outcome or payoff of such a card game, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 15. Section 849.0932, Florida Statutes, is created to read:**

849.0932 Fantasy sports contests; conditions for conduct.—

(1) As used in this section, the term "fantasy sports contest" means a contest in which a participant pays an entry fee and manages a fantasy or simulation sports team composed of athletes from a professional sports organization with the opportunity to win a cash prize. The term includes a simulation sports game.

(2) Fantasy sports contests must meet all of the following requirements:

(a) Prizes and awards for the winning participants are established and disclosed to contest participants before entry.

(b) All winning outcomes reflect the relative knowledge and skill of the fantasy sports contest participant.

(c) All winning outcomes are determined predominantly by accumulated statistical results of the performance of more than one individual.

(d) A winning outcome may not be based on:

1. The score, point spread, or performance of a team or combination of teams.

2. The single performance of an individual in a single event or a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002 as of January 1, 2026.

3. A game of poker or other card game.

4. The performance of participants in collegiate, high school, or youth sporting events.

(e) Casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are not displayed or depicted.

(3)(a) A violation of this section is punishable by a fine of $1,000 in addition to civil and criminal penalties.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is punishable by a fine of up to $100,000 per violation.

(4) The Florida Gaming Control Commission shall investigate and refer violations of this section for prosecution. The Attorney General or state attorney may also institute proceedings to enjoin any person found to be violating

this section.

(5)(a) A person who willfully and knowingly violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 16. Section 849.11, Florida Statutes, is amended to read:**

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever sets up, promotes or~~ plays in person or in any other manner, including, but not limited to, by the use, at least in part, of the Internet, at any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of value offered for the purpose of playing at any game of chance by lot in violation of subsection (1), or who knowingly becomes the custodian or depositary of any money or other thing of value

so offered, or who aids, assists, abets, or influences in any manner in any of such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 17. Section 849.13, Florida Statutes, is amended to read:**

849.13 ~~Punishment on~~ Second or subsequent offense in connection with lotteries ~~conviction~~.—A person who commits a second or subsequent violation of the same ~~Whoever, after being convicted of an~~ offense ~~forbidden by law~~ in connection with lotteries for which there is no penalty specified for a second or subsequent offense, shall have the offense reclassified to an offense of the next higher degree~~, commits the like offense, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083~~. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.

**Section 18. Section 849.14, Florida Statutes, is amended to read:**

849.14 Unlawful to bet on result of trial or contest of skill, etc.—A person who:

(1) ~~Whoever~~ Stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill,

speed or power or endurance of human or beast;

(2) ~~, or whoever~~ Receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result;

(3) ~~, or whoever~~ Knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result;~~,~~ or

(4) ~~whoever~~ Aids, or assists, or abets, or influences in any manner in any of such acts,

~~all of which are hereby forbidden,~~ commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

**Section 19.** Section 849.142, Florida Statutes, is repealed.

**Section 20. Section 849.15, Florida Statutes, is amended to read:**

849.15 Manufacture, sale, possession, etc., of slot machines or devices prohibited.—

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

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(b) "Person of authority" means a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play:

1. Has actual authority to act on behalf of the business, establishment, premises, or other location; or

2. Is an officer, director, or managing member of the business, establishment, premises, or other location.

(2)~~(1)~~ It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(3)(a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2) and:

1. Was a person of authority at the time of the violation; or

2. Has one prior conviction for a violation of subsection (2).

(c) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2) and:

1.a. Was a person of authority at the time of the violation; and

b. The violation involves five or more slot machines or devices; or

2. Has two or more prior convictions for a violation of subsection (2).

(4) ~~(2)~~ Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State

of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

**Section 21. Section 849.155, Florida Statutes, is created**

**to read:**

849.155 Trafficking in slot machines, devices, or parts.—A person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity of slot machines or devices or any parts thereof involved is:

(1) More than 15 slot machines or devices or any parts thereof, but less than 25 slot machines or devices or any parts thereof, such person must be fined $100,000.

(2) Twenty-five slot machines or devices or any parts thereof or more, but less than 50 slot machines or devices or any parts thereof, such person must be fined $250,000.

(3) Fifty slot machines or devices or any parts thereof or more, such person must be fined $500,000.

Notwithstanding any other law, all fines imposed and collected pursuant to this section must be deposited into the Pari-mutuel Wagering Trust Fund and may be used for the enforcement of chapters 546, 550, 551, and this chapter by the Florida Gaming Control Commission.

**Section 22. Section 849.157, Florida Statutes, is created to read:**

849.157 Making a false or misleading statement regarding

the legality of slot machines or devices to facilitate sale.—

(1) Except as provided in subsection (2), a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates subsection (1), when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 23.** Section 849.23, Florida Statutes, is repealed.

**Section 24. Section 849.47, Florida Statutes, is created to read:**

849.47 Transporting or procuring the transportation of persons to facilitate illegal gambling.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of chapter 546, chapter 550, or chapter 551, or this chapter that occurs at any business, establishment, premises, or other location.

(2) Except as provided in subsection (3), a person who knowingly and willfully transports, or procures the

transportation of, five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who transports, or procures the transportation of, 12 or more persons in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who commits a second or subsequent violation of subsection (2) within a 2-year period commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 25. Section 849.48, Florida Statutes, is created to read:**

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of this chapter, chapter 546, chapter 550, or chapter 551 which occurs at any business, establishment, premises, or other location.

(2)(a) Except as otherwise specifically authorized by law, a person may not knowingly and intentionally make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling.

(b) Except as otherwise specifically authorized by law, a person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

(c) A person who violates this subsection commits:

1. For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. For a second or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not prohibit the printing or producing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in

any other state or nation, outside of this state, where such gambling is not prohibited.

**Section 26. Section 849.49, Florida Statutes, is created to read:**

849.49 Preemption.—A county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10 or this chapter, except as otherwise expressly provided by the State Constitution, general law, or special law.

**Section 27. Paragraphs (a), (c), (e), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:**

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

| Florida Statute | Felony Degree | Description |
|---|---|---|
| 24.118(3)(a) | 3rd | Counterfeit or altered state lottery ticket. |
| 104.0616(2) | 3rd | Unlawfully distributing, |

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| | | | ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots. |
| 946 | | | |
| | 212.054(2)(b) | 3rd | Discretionary sales surtax; limitations, administration, and collection. |
| 947 | | | |
| | 212.15(2)(b) | 3rd | Failure to remit sales taxes, amount $1,000 or more but less than $20,000. |
| 948 | | | |
| | 316.1935(1) | 3rd | Fleeing or attempting to elude law enforcement officer. |
| 949 | | | |
| | 319.30(5) | 3rd | Sell, exchange, give away certificate of title or identification number plate. |
| 950 | | | |
| | 319.35(1)(a) | 3rd | Tamper, adjust, change, etc., an odometer. |
| 951 | | | |
| | 320.26(1)(a) | 3rd | Counterfeit, manufacture, or sell registration license |

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| | | plates or validation stickers. |
| 322.212 (1)(a)-(c) | 3rd | Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification. |
| 322.212(4) | 3rd | Supply or aid in supplying unauthorized driver license or identification card. |
| 322.212(5)(a) | 3rd | False application for driver license or identification card. |
| 414.39(3)(a) | 3rd | Fraudulent misappropriation of public assistance funds by employee/official, value more than $200. |
| 443.071(1) | 3rd | False statement or representation to obtain or increase reemployment assistance benefits. |

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| 509.151(1) | 3rd | Defraud an innkeeper, food or lodging value $1,000 or more. |
| 517.302(1) | 3rd | Violation of the Florida Securities and Investor Protection Act. |
| 713.69 | 3rd | Tenant removes property upon which lien has accrued, value $1,000 or more. |
| 812.014(3)(c) | 3rd | Petit theft (3rd conviction); theft of any property not specified in subsection (2). |
| 815.04(4)(a) | 3rd | Offense against intellectual property (i.e., computer programs, data). |
| 817.52(2) | 3rd | Hiring with intent to defraud, motor vehicle services. |
| 817.569(2) | 3rd | Use of public record or public records information or providing false information to |

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| | | | facilitate commission of a felony. |
| 964 | | | |
| | 826.01 | 3rd | Bigamy. |
| 965 | | | |
| | 828.122(3) | 3rd | Fighting or baiting animals. |
| 966 | | | |
| | 831.04(1) | 3rd | Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28. |
| 967 | | | |
| | 831.31(1)(a) | 3rd | Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs. |
| 968 | | | |
| | 832.041(1) | 3rd | Stopping payment with intent to defraud $150 or more. |
| 969 | | | |
| | 832.05(2)(b) & (4)(c) | 3rd | Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more. |

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| 838.15(2) | 3rd | Commercial bribe receiving. |
| 838.16 | 3rd | Commercial bribery. |
| 843.18 | 3rd | Fleeing by boat to elude a law enforcement officer. |
| 847.011(1)(a) | 3rd | Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction). |
| ~~849.09(1)(a)-(d)~~ | ~~3rd~~ | ~~Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.~~ |
| ~~849.23~~ | ~~3rd~~ | ~~Gambling-related machines; "common offender" as to property rights.~~ |
| ~~849.25(2)~~ | ~~3rd~~ | ~~Engaging in bookmaking.~~ |
| 860.08 | 3rd | Interfere with a railroad |

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| | | signal. |
| 860.13(1)(a) | 3rd | Operate aircraft while under the influence. |
| 893.13(2)(a)2. | 3rd | Purchase of cannabis. |
| 893.13(6)(a) | 3rd | Possession of cannabis (more than 20 grams). |
| 934.03(1)(a) | 3rd | Intercepts, or procures any other person to intercept, any wire or oral communication. |

(c) LEVEL 3

| Florida Statute | Felony Degree | Description |
|---|---|---|
| 119.10(2)(b) | 3rd | Unlawful use of confidential information from police reports. |
| 316.066 (3)(b)-(d) | 3rd | Unlawfully obtaining or using confidential crash reports. |

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| 316.193(2)(b) | 3rd | Felony DUI, 3rd conviction. |
| 316.1935(2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 319.30(4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |
| 319.33(1)(a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |
| 319.33(1)(c) | 3rd | Procure or pass title on stolen vehicle. |
| 319.33(4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |
| 327.35(2)(b) | 3rd | Felony BUI. |

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| 328.05(2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 328.07(4) | 3rd | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number. |
| 376.302(5) | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund. |
| 379.2431 (1)(e)5. | 3rd | Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act. |
| 379.2431 | 3rd | Possessing any marine turtle |

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| | (1)(e)6. | | species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act. |
| 999 | | | |
| | 379.2431 (1)(e)7. | 3rd | Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act. |
| 1000 | | | |
| | 400.9935(4)(a) or (b) | 3rd | Operating a clinic, or offering services requiring licensure, without a license. |
| 1001 | | | |
| | 400.9935(4)(e) | 3rd | Filing a false license application or other required information or failing to report information. |
| 1002 | | | |
| | 440.1051(3) | 3rd | False report of workers' compensation fraud or retaliation for making such a report. |
| 1003 | | | |

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| 501.001(2)(b) | 2nd | Tampers with a consumer product or the container using materially false/misleading information. |
| 624.401(4)(a) | 3rd | Transacting insurance without a certificate of authority. |
| 624.401(4)(b)1. | 3rd | Transacting insurance without a certificate of authority; premium collected less than $20,000. |
| 626.902(1)(a) & (b) | 3rd | Representing an unauthorized insurer. |
| 697.08 | 3rd | Equity skimming. |
| 790.15(3) | 3rd | Person directs another to discharge firearm from a vehicle. |
| 794.053 | 3rd | Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 |

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| | | | years of age or older. |
| 1010 | | | |
| | 800.045(3) | 3rd | Possess, control, or intentionally view any photographic material, motion picture, etc., which includes a lewd or lascivious image. |
| 1011 | | | |
| | 806.10(1) | 3rd | Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting. |
| 1012 | | | |
| | 806.10(2) | 3rd | Interferes with or assaults firefighter in performance of duty. |
| 1013 | | | |
| | 810.09(2)(b) | 3rd | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon. |
| 1014 | | | |
| | 810.145(2)(c) | 3rd | Digital voyeurism; 19 years of age or older. |
| 1015 | | | |
| | 812.014(2)(c)2. | 3rd | Grand theft; $5,000 or more but |

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| | | | less than $10,000. |
| 1016 | | | |
| | 812.0145(2)(c) | 3rd | Theft from person 65 years of age or older; $300 or more but less than $10,000. |
| 1017 | | | |
| | 812.015(8)(b) | 3rd | Retail theft with intent to sell; conspires with others. |
| 1018 | | | |
| | 812.081(2) | 3rd | Theft of a trade secret. |
| 1019 | | | |
| | 815.04(4)(b) | 2nd | Computer offense devised to defraud or obtain property. |
| 1020 | | | |
| | 817.034(4)(a)3. | 3rd | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000. |
| 1021 | | | |
| | 817.233 | 3rd | Burning to defraud insurer. |
| 1022 | | | |
| | 817.234 (8)(b) & (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents. |
| 1023 | | | |

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| 817.234(11)(a) | 3rd | Insurance fraud; property value less than $20,000. |
| 817.236 | 3rd | Filing a false motor vehicle insurance application. |
| 817.2361 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card. |
| 817.413(2) | 3rd | Sale of used goods of $1,000 or more as new. |
| 817.49(2)(b)1. | 3rd | Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability. |
| 831.28(2)(a) | 3rd | Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud. |

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| 831.29 | 2nd | Possession of instruments for counterfeiting driver licenses or identification cards. |
| 836.13(2) | 3rd | Generating an altered sexual depiction of an identifiable person without consent. |
| 836.13(4) | 3rd | Promoting, or possessing with intent to promote, an altered sexual depiction of an identifiable person without consent. |
| 838.12(3) | 3rd | Betting on predetermined or prearranged professional or amateur game, contest, match, race, or sport. |
| 838.021(3)(b) | 3rd | Threatens unlawful harm to public servant. |
| 847.01385 | 3rd | Harmful communication to a minor. |

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| 849.01 | 3rd | Keeping gambling house. |
| 849.02(2) | 3rd | Agents or employees of keeper of gambling house. |
| 849.03(1) | 3rd | Renting house for gambling purposes. |
| 849.086(12)(e) | 3rd | Tampering with cards or card games. |
| 849.09(1)(a)-(d) | 3rd | Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery. |
| 849.09(1)(e)-(k) | 3rd | Conducting unlawful lottery; second or subsequent offense. |
| 849.11(2) | 3rd | Offenses relating to games of chance. |
| 849.14 | 3rd | Betting on result of trial or |

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| | | contest of skill, etc. |
| 849.15(3)(b) | 3rd | Manufacture, sale, or possession of slot machine; by person of authority or with prior conviction. |
| 849.157(1) | 3rd | False or misleading statement to facilitate sale of slot machines or devices. |
| 849.25(2) | 3rd | Engaging in bookmaking. |
| 849.47(3)(a) & (b) | 3rd | Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons. |
| 860.15(3) | 3rd | Overcharging for repairs and parts. |
| 870.01(2) | 3rd | Riot. |
| 870.01(4) | 3rd | Inciting a riot. |

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| 893.13(1)(a)2. | 3rd | Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs). |
| 893.13(1)(d)2. | 2nd | Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university. |
| 893.13(1)(f)2. | 2nd | Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility. |
| 893.13(4)(c) | 3rd | Use or hire of minor; deliver |

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| | | | to minor other controlled substances. |
| 1054 | | | |
| | 893.13(6)(a) | 3rd | Possession of any controlled substance other than felony possession of cannabis. |
| 1055 | | | |
| | 893.13(7)(a)8. | 3rd | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance. |
| 1056 | | | |
| | 893.13(7)(a)9. | 3rd | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc. |
| 1057 | | | |
| | 893.13(7)(a)10. | 3rd | Affix false or forged label to package of controlled substance. |
| 1058 | | | |
| | 893.13(7)(a)11. | 3rd | Furnish false or fraudulent material information on any document or record required by chapter 893. |

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| 893.13(8)(a)1. | 3rd | Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice. |
| 893.13(8)(a)2. | 3rd | Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance. |
| 893.13(8)(a)3. | 3rd | Knowingly write a prescription for a controlled substance for a fictitious person. |
| 893.13(8)(a)4. | 3rd | Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of |

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| | | | writing the prescription is a monetary benefit for the practitioner. |
| 1063 | | | |
| | 918.13(1) | 3rd | Tampering with or fabricating physical evidence. |
| 1064 | | | |
| | 944.47 (1)(a)1. & 2. | 3rd | Introduce contraband to correctional facility. |
| 1065 | | | |
| | 944.47(1)(c) | 2nd | Possess contraband while upon the grounds of a correctional institution. |
| 1066 | | | |
| | 985.721 | 3rd | Escapes from a juvenile facility (secure detention or residential commitment facility). |
| 1067 | | | |
| 1068 | (e) LEVEL 5 | | |
| 1069 | | | |
| | Florida Statute | Felony Degree | Description |
| 1070 | | | |
| | 316.027(2)(a) | 3rd | Accidents involving personal |

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| | | | injuries other than serious bodily injury, failure to stop; leaving scene. |
| 1071 | | | |
| | 316.1935(3)(a) | 2nd | Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 1072 | | | |
| | 316.80(2) | 2nd | Unlawful conveyance of fuel; obtaining fuel fraudulently. |
| 1073 | | | |
| | 322.34(6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 1074 | | | |
| | 327.30(5)(a)2. | 3rd | Vessel accidents involving personal injuries other than serious bodily injury; leaving scene. |
| 1075 | | | |
| | 365.172 | 2nd | Misuse of emergency |

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| | (14)(b)2. | | communications system resulting in death. |
| 1076 | | | |
| | 379.365(2)(c)1. | 3rd | Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked. |
| 1077 | | | |
| | 379.367(4) | 3rd | Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy. |

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| 379.407(5)(b)3. | 3rd | Possession of 100 or more undersized spiny lobsters. |
| 381.0041(11)(b) | 3rd | Donate blood, plasma, or organs knowing HIV positive. |
| 440.10(1)(g) | 2nd | Failure to obtain workers' compensation coverage. |
| 440.105(5) | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims. |
| 440.381(2) | 3rd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 624.401(4)(b)2. | 2nd | Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000. |

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| 626.902(1)(c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 790.01(3) | 3rd | Unlawful carrying of a concealed firearm. |
| 790.162 | 2nd | Threat to throw or discharge destructive device. |
| 790.163(1) | 2nd | False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner. |
| 790.221(1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 796.05(1) | 2nd | Live on earnings of a prostitute; 1st offense. |
| 800.04(6)(c) | 3rd | Lewd or lascivious conduct; |

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| | | | offender less than 18 years of age. |
| 800.04(7)(b) | | 2nd | Lewd or lascivious exhibition; offender 18 years of age or older. |
| 806.111(1) | | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 810.145(4) | | 3rd | Commercial digital voyeurism dissemination. |
| 810.145(7)(a) | | 2nd | Digital voyeurism; 2nd or subsequent offense. |
| 810.145(8)(a) | | 2nd | Digital voyeurism; certain minor victims. |
| 812.014(2)(d)3. | | 2nd | Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination. |

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| 812.0145(2)(b) | 2nd | Theft from person 65 years of age or older; $10,000 or more but less than $50,000. |
| 812.015 (8)(a) & (c)-(e) | 3rd | Retail theft; property stolen is valued at $750 or more and one or more specified acts. |
| 812.015(8)(f) | 3rd | Retail theft; multiple thefts within specified period. |
| 812.015(8)(g) | 3rd | Retail theft; committed with specified number of other persons. |
| 812.019(1) | 2nd | Stolen property; dealing in or trafficking in. |
| 812.081(3) | 2nd | Trafficking in trade secrets. |
| 812.131(2)(b) | 3rd | Robbery by sudden snatching. |
| 812.16(2) | 3rd | Owning, operating, or conducting a chop shop. |

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| 817.034(4)(a)2. | 2nd | Communications fraud, value $20,000 to $50,000. |
| 817.234(11)(b) | 2nd | Insurance fraud; property value $20,000 or more but less than $100,000. |
| 817.2341(1), (2)(a) & (3)(a) | 3rd | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. |
| 817.568(2)(b) | 2nd | Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons. |

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| 817.611(2)(a) | 2nd | Traffic in or possess 5 to 14 counterfeit credit cards or related documents. |
| 817.625(2)(b) | 2nd | Second or subsequent fraudulent use of scanning device, skimming device, or reencoder. |
| 825.1025(4) | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |
| 828.12(2) | 3rd | Tortures any animal with intent to inflict intense pain, serious physical injury, or death. |
| 836.14(4) | 2nd | Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent. |
| 839.13(2)(b) | 2nd | Falsifying records of an individual in the care and |

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| | | custody of a state agency involving great bodily harm or death. |
| 843.01(1) | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 847.0135(5)(b) | 2nd | Lewd or lascivious exhibition using computer; offender 18 years or older. |
| 847.0137 (2) & (3) | 3rd | Transmission of pornography by electronic device or equipment. |
| 847.0138 (2) & (3) | 3rd | Transmission of material harmful to minors to a minor by electronic device or equipment. |
| 849.02(3) | 2nd | Agents or employees of keeper of gambling house, third or subsequent offense. |
| 849.03(2) | 2nd | Renting house for gambling purposes; second or subsequent |

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| | | offense. |
| 849.15(3)(c) | 2nd | Manufacture, sale, or possession of slot machine; by person of authority of five or more machines or two or more prior convictions. |
| 849.157(2) | 2nd | False or misleading statement to facilitate sale of slot machines or devices; five or more machines. |
| 849.25(3) | 2nd | Bookmaking; second or subsequent offense. |
| 874.05(1)(b) | 2nd | Encouraging or recruiting another to join a criminal gang; second or subsequent offense. |
| 874.05(2)(a) | 2nd | Encouraging or recruiting person under 13 years of age to join a criminal gang. |

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| 893.13(1)(a)1. | 2nd | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs). |
| 893.13(1)(c)2. | 2nd | Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 893.13(1)(d)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university. |

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| 893.13(1)(e)2. | 2nd | Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site. |
| 893.13(1)(f)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility. |
| 893.13(4)(b) | 2nd | Use or hire of minor; deliver to minor other controlled substance. |
| 893.1351(1) | 3rd | Ownership, lease, or rental for trafficking in or manufacturing |

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| | | of controlled substance. |

(g) LEVEL 7

| Florida Statute | Felony Degree | Description |
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| 316.027(2)(c) | 1st | Accident involving death, failure to stop; leaving scene. |
| 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. |
| 316.1935(3)(b) | 1st | Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 327.35(3)(a)3.b. | 3rd | Vessel BUI resulting in serious bodily injury. |

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| 402.319(2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death. |
| 409.920 (2)(b)1.a. | 3rd | Medicaid provider fraud; $10,000 or less. |
| 409.920 (2)(b)1.b. | 2nd | Medicaid provider fraud; more than $10,000, but less than $50,000. |
| 456.065(2) | 3rd | Practicing a health care profession without a license. |
| 456.065(2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 458.327(1) | 3rd | Practicing medicine without a license. |
| 459.013(1) | 3rd | Practicing osteopathic medicine |

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| | | without a license. |
| 460.411(1) | 3rd | Practicing chiropractic medicine without a license. |
| 461.012(1) | 3rd | Practicing podiatric medicine without a license. |
| 462.17 | 3rd | Practicing naturopathy without a license. |
| 463.015(1) | 3rd | Practicing optometry without a license. |
| 464.016(1) | 3rd | Practicing nursing without a license. |
| 465.015(2) | 3rd | Practicing pharmacy without a license. |
| 466.026(1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 467.201 | 3rd | Practicing midwifery without a license. |

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| 468.366 | 3rd | Delivering respiratory care services without a license. |
| 483.828(1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 483.901(7) | 3rd | Practicing medical physics without a license. |
| 484.013(1)(c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 484.053 | 3rd | Dispensing hearing aids without a license. |
| 494.0018(2) | 1st | Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims. |
| 560.123(8)(b)1. | 3rd | Failure to report currency or |

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| | | | payment instruments exceeding $300 but less than $20,000 by a money services business. |
| 1163 | | | |
| | 560.125(5)(a) | 3rd | Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000. |
| 1164 | | | |
| | 655.50(10)(b)1. | 3rd | Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution. |
| 1165 | | | |
| | 775.21(10)(a) | 3rd | Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations. |
| 1166 | | | |
| | 775.21(10)(b) | 3rd | Sexual predator working where children regularly congregate. |
| 1167 | | | |
| | 775.21(10)(g) | 3rd | Failure to report or providing |

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| | | | false information about a sexual predator; harbor or conceal a sexual predator. |
| 1168 | | | |
| | 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 1169 | | | |
| | 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |
| 1170 | | | |
| | 782.071 | 2nd | Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 1171 | | | |
| | 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |

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| 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly weapon. |
| 784.045(1)(b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 784.048(4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 784.048(7) | 3rd | Aggravated stalking; violation of court order. |
| 784.07(2)(d) | 1st | Aggravated battery on law enforcement officer. |
| 784.074(1)(a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 784.08(2)(a) | 1st | Aggravated battery on a person |

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| | | | 65 years of age or older. |
| 784.081(1) | | 1st | Aggravated battery on specified official or employee. |
| 784.082(1) | | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 784.083(1) | | 1st | Aggravated battery on code inspector. |
| 787.025(2)(b) | | 2nd | Luring or enticing a child; second or subsequent offense. |
| 787.025(2)(c) | | 2nd | Luring or enticing a child with a specified prior conviction. |
| 787.06(3)(a)2. | | 1st | Human trafficking using coercion for labor and services of an adult. |
| 787.06(3)(e)2. | | 1st | Human trafficking using coercion for labor and services by the transfer or transport of |

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| | | | an adult from outside Florida to within the state. |
| 1187 | | | |
| | 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 1188 | | | |
| | 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| 1189 | | | |
| | 790.165(2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |
| 1190 | | | |
| | 790.165(3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony. |
| 1191 | | | |
| | 790.166(3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 1192 | | | |
| | 790.166(4) | 2nd | Possessing, displaying, or threatening to use a hoax |

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| | | | weapon of mass destruction while committing or attempting to commit a felony. |
| 790.23 | 1st,PBL | | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| 794.08(4) | 3rd | | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |
| 796.05(1) | 1st | | Live on earnings of a prostitute; 2nd offense. |
| 796.05(1) | 1st | | Live on earnings of a prostitute; 3rd and subsequent offense. |
| 800.04(5)(c)1. | 2nd | | Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 |

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| | | | years of age. |
| 1198 | | | |
| | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older. |
| 1199 | | | |
| | 800.04(5)(e) | 1st | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense. |
| 1200 | | | |
| | 806.01(2) | 2nd | Maliciously damage structure by fire or explosive. |
| 1201 | | | |
| | 810.02(3)(a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 1202 | | | |
| | 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 1203 | | | |

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| 810.02(3)(d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 810.02(3)(e) | 2nd | Burglary of authorized emergency vehicle. |
| 812.014(2)(a)1. | 1st | Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 812.014(2)(b)2. | 2nd | Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree. |
| 812.014(2)(b)3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 812.014(2)(b)4. | 2nd | Property stolen, law enforcement equipment from |

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| | | | authorized emergency vehicle. |
| 1209 | | | |
| | 812.014(2)(g) | 2nd | Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5. |
| 1210 | | | |
| | 812.0145(2)(a) | 1st | Theft from person 65 years of age or older; $50,000 or more. |
| 1211 | | | |
| | 812.019(2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 1212 | | | |
| | 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 1213 | | | |
| | 812.133(2)(b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 1214 | | | |
| | 817.034(4)(a)1. | 1st | Communications fraud, value greater than $50,000. |
| 1215 | | | |
| | 817.234(8)(a) | 2nd | Solicitation of motor vehicle accident victims with intent to |

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| | | | defraud. |
| 1216 | | | |
| | 817.234(9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 1217 | | | |
| | 817.234(11)(c) | 1st | Insurance fraud; property value $100,000 or more. |
| 1218 | | | |
| | 817.2341 (2)(b) & (3)(b) | 1st | Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity. |
| 1219 | | | |
| | 817.418(2)(a) | 3rd | Offering for sale or advertising personal protective equipment with intent to defraud. |
| 1220 | | | |
| | 817.504(1)(a) | 3rd | Offering or advertising a vaccine with intent to defraud. |
| 1221 | | | |

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| 817.535(2)(a) | 3rd | Filing false lien or other unauthorized document. |
| 817.611(2)(b) | 2nd | Traffic in or possess 15 to 49 counterfeit credit cards or related documents. |
| 825.102(3)(b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 825.103(3)(b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000. |
| 827.03(2)(b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. |
| 827.04(3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. |

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| 827.071(2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 827.071(4) | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography. |
| 837.05(2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |
| 838.015 | 2nd | Bribery. |
| 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 838.021(3)(a) | 2nd | Unlawful harm to a public servant. |
| 838.22 | 2nd | Bid tampering. |
| 843.0855(2) | 3rd | Impersonation of a public officer or employee. |

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| 843.0855(3) | 3rd | Unlawful simulation of legal process. |
| 843.0855(4) | 3rd | Intimidation of a public officer or employee. |
| 847.0135(3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 847.0135(4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 849.155 | 1st | Trafficking in slot machines or devices or any parts thereof. |
| 872.06 | 2nd | Abuse of a dead human body. |
| 874.05(2)(b) | 1st | Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense. |
| 874.10 | 1st,PBL | Knowingly initiates, organizes, |

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| | | | plans, finances, directs, manages, or supervises criminal gang-related activity. |
| 893.13(1)(c)1. | | 1st | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 893.13(1)(e)1. | | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site. |

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| 893.13(4)(a) | 1st | Use or hire of minor; deliver to minor other controlled substance. |
| 893.135(1)(a)1. | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. |
| 893.135 (1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 893.135 (1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 893.135 (1)(c)2.a. | 1st | Trafficking in hydrocodone, 28 grams or more, less than 50 grams. |
| 893.135 (1)(c)2.b. | 1st | Trafficking in hydrocodone, 50 grams or more, less than 100 grams. |
| 893.135 | 1st | Trafficking in oxycodone, 7 |

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| | (1)(c)3.a. | | grams or more, less than 14 grams. |
| 1252 | | | |
| | 893.135 (1)(c)3.b. | 1st | Trafficking in oxycodone, 14 grams or more, less than 25 grams. |
| 1253 | | | |
| | 893.135 (1)(c)4.b.(I) | 1st | Trafficking in fentanyl, 4 grams or more, less than 14 grams. |
| 1254 | | | |
| | 893.135 (1)(d)1.a. | 1st | Trafficking in phencyclidine, 28 grams or more, less than 200 grams. |
| 1255 | | | |
| | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, 200 grams or more, less than 5 kilograms. |
| 1256 | | | |
| | 893.135(1)(f)1. | 1st | Trafficking in amphetamine, 14 grams or more, less than 28 grams. |
| 1257 | | | |
| | 893.135 (1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 |

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| | | | grams. |
| 893.135 (1)(h)1.a. | | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 893.135 (1)(j)1.a. | | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 893.135 (1)(k)2.a. | | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 893.135 (1)(m)2.a. | | 1st | Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams. |
| 893.135 (1)(m)2.b. | | 1st | Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams. |
| 893.135 (1)(n)2.a. | | 1st | Trafficking in n-benzyl phenethylamines, 14 grams or |

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| | | | more, less than 100 grams. |
| 1264 | | | |
| | 893.1351(2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |
| 1265 | | | |
| | 896.101(5)(a) | 3rd | Money laundering, financial transactions exceeding $300 but less than $20,000. |
| 1266 | | | |
| | 896.104(4)(a)1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000. |
| 1267 | | | |
| | 943.0435(4)(c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 1268 | | | |
| | 943.0435(8) | 2nd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements. |

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| 943.0435(9)(a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 943.0435(13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 943.0435(14) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| 944.607(9) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 944.607(10)(a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 944.607(12) | 3rd | Failure to report or providing |

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| | | | false information about a sexual offender; harbor or conceal a sexual offender. |
| | 944.607(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| | 985.4815(10) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| | 985.4815(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| | 985.4815(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |

**Section 28. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:**

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare

arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks

and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, and tampering with evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

**Section 29. Paragraph (a) of subsection (12) of section 895.02, Florida Statutes, is amended to read:**

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(12) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

**Section 30.** This act shall take effect October 1, 2026.

**COMMERCE COMMITTEE**

**CS/CS/HB 189 by Rep. Trabulsy**
**Gambling**

**AMENDMENT SUMMARY**
**February 10, 2026**

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**Amendment (#598523) by Rep. Trabulsy (strike-all):**

- Allows the Gaming Control Commission, rather than the Chair of the Commission, to appoint its agency inspector general.
- Creates criminal penalties for government employees who knowingly certify, license, approve, aid, facilitate, or conceal the operation of an illegal gambling house.
- Authorizes the Department of Business and Professional Regulation, the Commission, and the Office of Financial Regulation to suspend, revoke, or deny certain professional licenses if the licensee or applicant violates illegal gambling house or slot machine laws, and creates a $75,000 fine for such violations.
- Provides that “Internet Sports Wagering” does not include fantasy sports contests as defined in s. 849.0932, F.S., or any pari-mutuel wagering activity.
- Defines “part thereof” in certain crimes related to illegal slot machines and devices.
- Allows criminal justice agencies to destroy excess (more than five) seized slot machines.
- Requires criminal justice agencies to retain at least five seized slot machines during an investigation.
- Allows the Commission to destroy all slot machines or devices 60 days after conclusion of the investigation if no claims have been made.
- Allows the court to consider the amount of money seized when determining bail related to gambling violations.
- Creates a 30-day timeframe in which illegal gaming devices may be surrendered without penalty to the Commission, requires the Commission to advertise the program 60 days prior to the start of the program, and allows the Commission to execute MOUs with other criminal justice agencies to facilitate the program.
- Clarifies that local governments are allowed to prohibit gaming.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|---|---|---|
| ADOPTED | ____ | (Y/N) |
| ADOPTED AS AMENDED | ____ | (Y/N) |
| ADOPTED W/O OBJECTION | ____ | (Y/N) |
| FAILED TO ADOPT | ____ | (Y/N) |
| WITHDRAWN | ____ | (Y/N) |
| OTHER | | |

Committee/Subcommittee hearing bill: Commerce Committee
Representative Trabulsy offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

**Section 1. Subsection (3) of section 16.712, Florida Statutes, is amended to read:**

16.712 Florida Gaming Control Commission authorizations, duties, and responsibilities.—

(3) By December 1 of each year, the commission shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include all of the following:

(h) A summary of actions taken and investigations conducted by the commission, including the number of

investigations that led to criminal charges or any information being filed and the resolution of such criminal charges or case.

(i) The number of complaints received by the commission categorized by subject matter or the type of complaint and a summary of the action taken on each complaint by the commission.

(j) A list of property seized by the commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions.

**Section 2. Paragraphs (a) and (b) of subsection (2) of section 16.713, Florida Statutes, are amended to read:**

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE COMMISSION.—

(a) A person may not, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission:

1. Hold a permit or license issued under chapter 550 or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee;

2. Be an officer, official, employee, or other person with

duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), of such entity;

3. Be a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or unless the person registered as a lobbyist for the executive or legislative branch while employed by a state agency as defined in s. 110.107 during the normal course of his or her employment with such agency and he or she has not lobbied on behalf of any entity other than a state agency during the 2 years immediately preceding the date of his or her appointment to or employment with the commission; ~~or~~

4. Be a bingo game operator or an employee of a bingo game operator; or

5. Be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

(b) A person is ineligible for appointment to or employment with the commission if, within the 2 years immediately preceding such appointment or employment, he or she

violated paragraph (a) or solicited or accepted employment with, acquired any direct or indirect interest in, or had any direct or indirect business association, partnership, or financial relationship with, or is a relative of:

1. Any person or entity who is an applicant, licensee, or registrant with the commission; ~~or~~

2. Any officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; any contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or any ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

3. Any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

For the purposes of this subsection, the term "relative" means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

**Section 3. Paragraph (b) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 16.715, Florida**

**Statutes, are amended to read:**

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.—

(1) STANDARDS OF CONDUCT.—

(b)1. A commissioner or employee of the commission may not accept anything from any business entity that, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

2. A commissioner or an employee may attend conferences, along with associated meals and events that are generally available to all conference participants, without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or employee is a member of a committee of the association of regulatory agencies which organized the conference or is a speaker at the conference. It is not a violation of this subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher

conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person

regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in s. 16.713(2)(b).

5. A commissioner or an employee may not accept anything from a party in a proceeding currently pending before the commission.

6. A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage

on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

7. A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

8. A commissioner or an employee may not act in an unprofessional manner at any time during the performance of official duties.

9. A commissioner or an employee must avoid impropriety in all activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

10. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

11. A commissioner may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except

to represent the commission in an official capacity.

(2) FORMER COMMISSIONERS AND EMPLOYEES.—

(b) A commissioner, the executive director, or an employee of the commission may not, for the 2 years immediately following the date of resignation or termination from the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; ~~or~~ be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities;

2. Accept employment by or compensation from a business entity that, directly or indirectly, owns or controls a person regulated by the commission; from a person regulated by the commission; from a business entity which, directly or indirectly, is an affiliate or subsidiary of a person regulated by the commission; ~~or~~ from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's resignation or termination of service on the commission; or from any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy

sports contests and other betting activities; or

3. Be a bingo game operator or an employee of a bingo game operator.

(c) A person employed by the commission may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; ~~or~~ be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

2. Be a bingo game operator or an employee of a bingo game operator.

**Section 4. Subsections (1) and (3) of section 20.055, Florida Statutes, are amended to read:**

20.055 Agency inspectors general.—

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

(a) "Agency head" means the Governor, a Cabinet officer, or a secretary or executive director as those terms are defined in s. 20.03, the chair of the Public Service Commission, the Director of the Office of Insurance Regulation of the Financial

Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, the commissioners ~~chair~~ of the Florida Gaming Control Commission, and the Chief Justice of the State Supreme Court.

(3)(a)1. For state agencies under the jurisdiction of the Cabinet or the Governor and Cabinet, or for the Florida Gaming Control Commission, the inspector general shall be appointed by the agency head. For state agencies under the jurisdiction of the Governor, the inspector general shall be appointed by the Chief Inspector General. The agency head or Chief Inspector General shall notify the Governor in writing of his or her intention to hire the inspector general at least 7 days before an offer of employment. The inspector general shall be appointed without regard to political affiliation.

2. Within 60 days after a vacancy or anticipated vacancy in the position of inspector general, the agency head or, for agencies under the jurisdiction of the Governor, the Chief Inspector General, shall initiate a national search for an inspector general and shall set the salary of the inspector general. Effective July 1, 2017, an agency that enters into an employment agreement, or renewal or renegotiation of an existing contract or employment agreement with an inspector general or deputy inspector, may not offer a bonus on work performance in the contract or agreement and the awarding of such bonuses is

prohibited. In the event of a vacancy in the position of inspector general, the agency head or, for agencies under the jurisdiction of the Governor, the Chief Inspector General, may appoint other office of inspector general management personnel as interim inspector general until such time as a successor inspector general is appointed.

3. A former or current elected official may not be appointed inspector general within 5 years after the end of such individual's period of service. This restriction does not prohibit the reappointment of a current inspector general.

**Section 5. Present subsections (8) and (9) of section 546.10, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:**

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing or installing a game or machine on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of the game or machine complies with this section or

chapter 849. An organization awaiting a declaratory statement from the commission may not purchase or install such game or machine until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine complies with this section or would be a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization is not entitled to petition the commission for a declaratory statement under this subsection and the commission may deny a petition on such grounds.

3. The commission shall issue a declaratory statement pursuant to this subsection within 60 days after receiving a petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection and s. 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory

statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or the machine have been changed.

(c) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings as evidence of a good faith effort to comply with this section or chapter 849.

(d) This subsection does not prevent the commission or any other criminal justice agency as defined in s. 943.045 from detecting, apprehending, and arresting a person for any alleged violation of this chapter, chapter 24, part II of chapter 285, chapter 550, chapter 551, or chapter 849, or any rule adopted pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to this section.

**Section 6. Subsection (37) of section 550.002, Florida Statutes, is amended to read:**

550.002 Definitions.—As used in this chapter, the term:

(37) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls ~~5 percent or more~~

~~of~~ an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

**Section 7. Paragraph (b) of subsection (11) and subsection (12) of section 550.054, Florida Statutes, are amended to read:**

550.054 Application for permit to conduct pari-mutuel wagering.—

(11)

(b) If a permit to conduct pari-mutuel wagering is held by a corporation or business entity other than an individual, the transfer of <u>any</u> ~~10 percent or more of the~~ stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the commission pursuant to s. 550.1815.

(12) Changes in ownership or interest of a pari-mutuel permit of <u>any</u> ~~5 percent or more of the~~ stock or other evidence of ownership or equity in the permitholder shall be approved by the commission <u>before</u> ~~prior to~~ such change~~, unless the owner is an existing owner of that permit who was previously approved by the commission. Changes in ownership or interest of a pari-mutuel permit of less than 5 percent shall be reported to the~~

~~commission within 20 days of the change~~. The commission may ~~then~~ conduct an investigation related to the request for ~~to ensure that the permit is properly updated to show~~ the change in ownership or interest.

**Section 8. Subsection (3) of section 550.09512, Florida Statutes, is amended to read:**

550.09512 Harness horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years shall be void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated harness horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated harness horse permit. As specified in the application~~

~~and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

**Section 9. Subsection (3) of section 550.09515, Florida Statutes, is amended to read:**

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred horse performances for a full schedule of live races during any 2 consecutive state fiscal years shall be void and shall not be reissued ~~escheat to and become the property of the state~~ unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder does ~~shall~~ not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated thoroughbred horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the~~

~~reissuance of an escheated thoroughbred horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

**Section 10. Subsections (1) and (2) of section 838.12, Florida Statutes, are amended, and subsection (3) is added, to read:**

838.12 Bribery in athletic contests.—

(1) A person who ~~Whoever~~ gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game, contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to influence him or her or them to lose or cause to be lost any game, contest, match, race or sport, or

to limit his or her or their or any person's or any team's margin of victory in any game, contest, match, race, or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any participant or prospective participant in any professional or amateur game, contest, match, race or sport; or any umpire, referee, judge or other official of such game, contest, match, race or sport; or any owner, manager, coach or trainer of, or any relative of, or any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid; who in any way solicits, receives or accepts, or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to lose or cause to be lost any game, contest, match, race or sport, or to limit his, her, their or any person's or any team's margin of victory in any game, contest, match, race or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who stakes, bets, or wagers any money or

other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in subsection (1) or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 11. Section 849.01, Florida Statutes, is amended to read:**

849.01 Keeping gambling houses, etc.—A person who ~~Whoever~~ by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever, whether heretofore prohibited or not, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

**Section 12. Subsections (1), (2), and (3) are added to section 849.02, Florida Statutes, to read:**

849.02 Agents or employees of keeper of gambling house.—A person who ~~Whoever~~ acts as servant, clerk, agent, or employee of

any person in the violation of s. 849.01 commits:

(1) For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent therein mentioned~~.

**Section 13. Section 849.021, Florida Statutes, is created to read:**

849.021 Government employee misconduct.--

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

(a) "Government employee" means any person employed by, or acting on behalf of, the state of Florida or any political subdivision thereof.

(b) "Political subdivision" means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.

(2) Any government employee who knowingly certifies, licenses, approves, aids, facilitates, or conceals the operation of a gambling house in violation of s. 849.01, commits:

(a) For a first offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) For a second or subsequent offense, a felony of the

second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to any person who is acting in the scope of his or her employment and, in good faith, reports suspected violations of chapter 849 to law enforcement or regulatory agencies.

**Section 14. Section 849.023, Florida Statutes, is created to read:**

849.023 Licensure disqualifying offenses; corporate shielding prohibited.—

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

(a) "License" means a license within the meaning of s. 120.52(10) issued by:

1. The Department of Business and Professional Regulation, pursuant to chapter 509, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 567, chapter 568, or chapter 569;

2. The Florida Gaming Control Commission, pursuant to chapter 550, chapter 551, or s. 849.086;

3. The Office of Financial Regulation, pursuant to chapter 560.

(b) "Licensee" means a holder of a license.

(c) "Controlling Person" means:

1. A corporate officer or director, or, if a limited liability company, manager of the licensee or applicant for a

license;

2. A general partner, member, or owner of more than 5 percent of any equity interest, direct or indirect, in the licensee or applicant;

3. An owner of any interest in the licensee or applicant, including any immediate family member of the owner, or holder of any debt, mortgage, contract, or concession from the licensee or applicant, who by virtue thereof is able to control the business of the licensee or applicant.

(d) "Owner" means a sole member or owner of 100 percent of any equity interest, direct or indirect, in the licensee or applicant.

(e) "Conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(2) PENALTIES:

(a)1. Pursuant to s. 120.60(6) and notwithstanding any other provision of law specified in subsection (1), a violation of s. 849.01, s. 849.03, or s. 849.15 is deemed to constitute an immediate and serious danger to the public health, safety, and welfare, and the Department of Business and Professional Regulation, the Florida Gaming Control Commission, or the Office of Financial Regulation, respectively, may summarily suspend the license of any person convicted of a violation of s. 849.01, s. 849.03, or 849.15, regardless of adjudication, or any business

entity if its controlling person or sole owner is convicted of a violation of s. 849.01, s. 849.03 or s. 849.15, regardless of adjudication.

2. In addition to any other penalty provided by law, a licensee or an applicant, may have a license revoked or any application thereof denied or not reissued, if the licensee or applicant, the controlling person of the licensee or applicant, or the sole owner of the licensee or applicant is convicted of a violation of s. 849.01, s. 849.03, or s. 849.15, regardless of adjudication.

3.a. Notwithstanding subparagraph 2., a licensee or applicant may retain, apply for, and be reissued a license if the license-issuing agency specified in subsection (1)(a) finds that such licensee has removed a controlling person from the business.

b. Notwithstanding paragraph (a), any licensee is subject to a fine up to $75,000 for any conviction of a violation of s. 849.01, s. 849.03, or s. 849.15, regardless of adjudication.

**Section 15. Subsections (1) and (2) are added to section 849.03, Florida Statutes, to read:**

849.03 Renting house for gambling purposes.—A person who ~~Whoever~~, whether as owner or agent, knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

(1) For a first offense, a felony of the third degree,

punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent mentioned in s. 849.01~~.

(2) For a second or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 16. Section 849.08, Florida Statutes, is amended to read:**

849.08 Gambling.—

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

(a) "Illegal gambling" means any criminal violation of chapter 546, chapter 550, or chapter 551, or this chapter that occurs at any business, establishment, premises, or other location.

(b) "Internet gambling" means to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.

(c) "Internet sports wagering" means to use a platform that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device to stake, bet, or wager any money or other thing of value upon the

result of any trial or contest of skill, speed, power, or endurance of human or beast. The term does not include fantasy sports contests as defined in s. 849.0932, or any activity conducted pursuant to chapter 550.

(2) A person who ~~Whoever~~ plays or engages in Internet gambling or any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes illegal gambling, Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of illegal gambling, Internet gambling or Internet sports wagering, or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts commits a felony of the third degree,

punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the conduct of, any gaming activities authorized under s. 285.710(13) and conducted pursuant to a gaming compact ratified and approved under s. 285.710(3), or any gaming activities authorized under chapter 550.

**Section 17. Paragraph (e) is added to subsection (12) of section 849.086, Florida Statutes, to read:**

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

(e) A person who, by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, manipulates or attempts to manipulate playing cards for the purpose of affecting the outcome or payoff of a card game in a licensed cardroom, or otherwise manipulates or attempts to manipulate the outcome or payoff of such a card game, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 18. Section 849.0932, Florida Statutes, is created to read:**

849.0932 Fantasy sports contests; conditions for conduct.—

(1) As used in this section, the term "fantasy sports contest" means a contest in which a participant pays an entry fee and manages a fantasy or simulation sports team composed of

athletes from a professional sports organization with the opportunity to win a cash prize. The term includes a simulation sports game.

(2) Fantasy sports contests must meet all of the following requirements:

(a) Prizes and awards for the winning participants are established and disclosed to contest participants before entry.

(b) All winning outcomes reflect the relative knowledge and skill of the fantasy sports contest participant.

(c) All winning outcomes are determined predominantly by accumulated statistical results of the performance of more than one individual.

(d) A winning outcome may not be based on:

1. The score, point spread, or performance of a team or combination of teams.

2. The single performance of an individual in a single event or a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002 as of January 1, 2026.

3. A game of poker or other card game.

4. The performance of participants in collegiate, high school, or youth sporting events.

(e) Casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are not displayed or depicted.

(3)(a) A violation of this section is punishable by a fine

of $1,000 in addition to civil and criminal penalties.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is punishable by a fine of up to $100,000 per violation.

(4) The Florida Gaming Control Commission shall investigate and refer violations of this section for prosecution. The Attorney General or state attorney may also institute proceedings to enjoin any person found to be violating this section.

(5)(a) A person who willfully and knowingly violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 19. Section 849.11, Florida Statutes, is amended to read:**

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever sets up, promotes or~~ plays in person or in any other manner, including, but not limited to, by the use, at least in part, of the Internet, at any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or

other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of value offered for the purpose of playing at any game of chance by lot in violation of subsection (1), or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 20. Section 849.13, Florida Statutes, is amended to read:**

849.13 ~~Punishment on~~ Second or subsequent offense in connection with lotteries ~~conviction~~.~~—~~A person who commits a second or subsequent violation of the same ~~Whoever, after being convicted of an~~ offense ~~forbidden by law~~ in connection with lotteries for which there is no penalty specified for a second or subsequent offense, shall have the offense reclassified to an offense of the next higher degree~~, commits the like offense, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083~~. For purposes of sentencing under chapter 921, a felony offense that is

reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.

**Section 21. Section 849.14, Florida Statutes, is amended to read:**

849.14 Unlawful to bet on result of trial or contest of skill, etc.—A person who:

(1) ~~Whoever~~ Stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast;

(2) ~~, or whoever~~ Receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result;

(3) ~~, or whoever~~ Knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result;~~,~~ or

(4) ~~whoever~~ Aids, or assists, or abets, or influences in any manner in any of such acts,

~~all of which are hereby forbidden,~~ commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

**Section 22.** Section 849.142, Florida Statutes, is repealed.

**Section 23. Section 849.15, Florida Statutes, is amended to read:**

849.15 Manufacture, sale, possession, etc., of slot machines or devices prohibited.—

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

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(b) "Part thereof" means any equipment, subassembly, or other part of a slot machine or device, whether attached to the slot machine or device or separate therefrom, that was used, attempted to be used, or intended to be used in connection with the play or operation of the slot machine or device.

(c) "Person of authority" means a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play:

1. Has actual authority to act on behalf of the business, establishment, premises, or other location; or

2. Is an officer, director, or managing member of the business, establishment, premises, or other location.

(2)~~(1)~~ It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on

shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(3)(a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2) and:

1. Was a person of authority at the time of the violation; or

2. Has one prior conviction for a violation of subsection (2).

(c) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2) and:

1.a. Was a person of authority at the time of the violation; and

b. The violation involves five or more slot machines or devices; or

2. Has two or more prior convictions for a violation of subsection (2).

(4) ~~(2)~~ Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any

842 county of this state within which slot machine gaming is
843 authorized pursuant to chapter 551 and the registering,
844 recording, and labeling of which have been duly performed by the
845 manufacturer or distributor thereof in accordance with sections
846 3 and 4 of that chapter of the Congress of the United States
847 entitled "An act to prohibit transportation of gaming devices in
848 interstate and foreign commerce," approved January 2, 1951,
849 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
850 ss. 1171-1177, shall be deemed legal shipments thereof into this
851 state provided the destination of such shipments is an eligible
852 facility as defined in s. 551.102 or the facility of a slot
853 machine manufacturer or slot machine distributor as provided in
854 s. 551.109(2)(a).
855 **Section 24. Section 849.155, Florida Statutes, is created**
856 **to read:**
857 849.155 Trafficking in slot machines, devices, or parts.—A
858 person who knowingly sells, purchases, manufactures, transports,
859 delivers, or brings into this state more than 15 slot machines
860 or devices or any part thereof commits a felony of the first
861 degree, punishable as provided in s. 775.082, s. 775.083, or s.
862 775.084. For purposes of this section, the term "part thereof"
863 shall have the same meaning as the term "part thereof" set forth
864 in s. 849.15. If the quantity of slot machines or devices or any
865 part thereof involved is:
866 (1) More than 15 slot machines or devices or any part

thereof, but less than 25 slot machines or devices or any part thereof, such person must be fined $100,000.

(2) Twenty-five slot machines or devices or any part thereof or more, but less than 50 slot machines or devices or any part thereof, such person must be fined $250,000.

(3) Fifty slot machines or devices or any part thereof or more, such person must be fined $500,000.

Notwithstanding any other law, all fines imposed and collected pursuant to this section must be deposited into the Pari-mutuel Wagering Trust Fund and may be used for the enforcement of chapters 546, 550, 551, and this chapter by the Florida Gaming Control Commission.

**Section 25. Section 849.157, Florida Statutes, is created to read:**

849.157 Making a false or misleading statement regarding the legality of slot machines or devices to facilitate sale.—

(1) Except as provided in subsection (2), a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates subsection (1), when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 26. Section 849.181, Florida Statutes, is created to read:**

849.181 Destruction of Excess Machines.—

(1) It is the intent of the Legislature to protect the public health, safety, and welfare of the residents of the state by removing slot machines or devices within the meaning of s. 849.16 from public circulation and preventing the warehousing of large quantities of such slot machines or devices.

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

(a) "Slot Machine" shall have the same meaning as the term "Slot Machine or device" provided in s. 849.16 and includes the definition of "part thereof" provided in s. 849.15.

(b) "Excess slot machines" means more than five slot machines seized during an investigation.

(c) "Criminal justice agency" shall have the same meaning as provided in s. 943.045.

(3) Notwithstanding any other provision of law, a criminal justice agency having custody of excess slot machines may destroy such excess slot machines during the pendency of any related legal proceedings or ongoing criminal investigations,

provided that such criminal justice agency:

(a) Retains at least five slot machines seized during an investigation until such time as the slot machines may be destroyed as provided in s. 849.18;

(b) Notifies the appropriate U.S. Attorney, Assistant U.S. Attorney, the responsible state or local prosecutor, or a criminal justice agency conducting a criminal investigation, that the excess slot machines will be destroyed after 60 days from the date notice is provided, unless the entity receiving the notice under this paragraph requests the criminal justice agency in writing not to destroy the excess slot machines;

(c) Photographs and takes a video recording of each excess slot machine prior to its destruction to serve as evidentiary exhibits for use at trial. Any photograph or video recording shall include a written description of the name of the person such slot machine was taken from, the location where the slot machine was located, the name of the investigating law enforcement officer, the date the photograph or video recording was taken, and the name of the photographer or videographer. Such writing shall be made under oath by the investigating law enforcement officer, and the photograph and video recording shall be authenticated by the photographer’s or videographer’s signature;

(d) Destroys each excess slot machine in the presence of a law enforcement officer, who shall create written sworn

documentation of the date, time, location, and number of excess slot machines destroyed; and

(e) Maintains such written sworn documentation created by the witnessing law enforcement officer under paragraph (d) above as required under s. 119.021.

(4) In any prosecution for a violation of this chapter, a photograph and video recording of an excess slot machine captured and documented pursuant to paragraph (c) may be deemed competent evidence and may be admissible in the prosecution to the same extent as if such excess slot machine were physically introduced as evidence.

(5) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section or chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this section are severable.

**Section 27.** Section 849.23, Florida Statutes, is repealed.

**Section 28. Section 849.47, Florida Statutes, is created to read:**

849.47 Transporting or procuring the transportation of persons to facilitate illegal gambling.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of chapter 546, chapter 550, or chapter 551, or this chapter that occurs at any business,

establishment, premises, or other location.

(2) Except as provided in subsection (3), a person who knowingly and willfully transports, or procures the transportation of, five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who transports, or procures the transportation of, 12 or more persons in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who commits a second or subsequent violation of subsection (2) within 2 years from the date of the conviction, regardless of adjudication, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 29. Section 849.48, Florida Statutes, is created to read:**

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of this chapter, chapter 546, chapter 550, or chapter 551 which occurs at any business, establishment, premises, or other location.

(2)(a) Except as otherwise specifically authorized by law, a person may not knowingly and intentionally make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling.

(b) Except as otherwise specifically authorized by law, a person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

(c) A person who violates this subsection commits:

1. For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. For a second or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not prohibit the printing or producing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited.

**Section 30. Section 849.49, Florida Statutes, is created to read:**

849.49 Preemption.— A county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule related to gaming, gambling, lotteries, or any activities described in s. 546.10 or this chapter which is less restrictive than state law.

**Section 31. Section 849.50, Florida Statutes, is created to read:**

849.50 Limited Gaming Device Surrender Program.—

(1) The Legislature finds that illegal gaming operations not only undermine public trust, but also expose Floridians to organized criminal conduct, financial exploitation, and a host of other social harms. Furthermore, the Legislature finds that certain persons or entities owning, storing, keeping, possessing, transporting, permitting the operation of, or otherwise offering illegal gaming devices for play may have been misled regarding the legality of the otherwise illegal gaming devices. Therefore, the Legislature finds that there is a

compelling state interest in creating a limited period of time in which otherwise illegal gaming devices may be surrendered without penalty to ensure such illegal gaming devices do not remain in circulation.

(2) The commission shall organize, coordinate, and execute a statewide program in which individuals and organizations can handover, surrender, or otherwise disclaim any and all interest in any gaming devices, and convey such gaming devices to the commission. Such conveyance is irrevocable and final.

(3) Any individual or organization that conveys a gaming device to the commission as described in this section, that is not already facing legal charges based on such possession, shall not face criminal prosecution for possession of such devices related to any of the devices conveyed to the commission.

(4) The statewide plan described in subsection (2) shall begin no less than 30 days before October 1, 2026 and end on October 1, 2026.

(5) The commission shall advertise the program described in this section no less than 60 days before October 1, 2026.

(6) No person or entity shall have any right, title, or interest in such property conveyed to the commission pursuant to this section.

(7) The commission may execute memorandums of understanding with other criminal justice agencies to facilitate this section.

**Section 32. Paragraphs (i), (j), (k), (l), and (m) of subsection (2) of section 903.046, Florida Statutes, are redesignated as paragraphs (j), (k), (l), (m), and (n), respectively, and paragraph (i) is added to that subsection, to read:**

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and setting the amount of such ~~what that~~ bail or other ~~those~~ conditions may be, the court shall consider:

(i) The amount of currency seized that is connected to or involved in a violation of chapter 546, chapter 550, chapter 551, or chapter 849.

**Section 33. Paragraphs (a), (c), (e), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:**

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

| Florida Statute | Felony Degree | Description |
|---|---|---|
| 24.118(3)(a) | 3rd | Counterfeit or altered state |

| | | |
|---|---|---|
| | | lottery ticket. |
| 104.0616(2) | 3rd | Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots. |
| 212.054(2)(b) | 3rd | Discretionary sales surtax; limitations, administration, and collection. |
| 212.15(2)(b) | 3rd | Failure to remit sales taxes, amount $1,000 or more but less than $20,000. |
| 316.1935(1) | 3rd | Fleeing or attempting to elude law enforcement officer. |
| 319.30(5) | 3rd | Sell, exchange, give away certificate of title or identification number plate. |
| 319.35(1)(a) | 3rd | Tamper, adjust, change, etc., an odometer. |

| | | |
|---|---|---|
| 320.26(1)(a) | 3rd | Counterfeit, manufacture, or sell registration license plates or validation stickers. |
| 322.212 (1)(a)-(c) | 3rd | Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification. |
| 322.212(4) | 3rd | Supply or aid in supplying unauthorized driver license or identification card. |
| 322.212(5)(a) | 3rd | False application for driver license or identification card. |
| 414.39(3)(a) | 3rd | Fraudulent misappropriation of public assistance funds by employee/official, value more than $200. |
| 443.071(1) | 3rd | False statement or representation to obtain or |

| | | | |
|---|---|---|---|
| | | | increase reemployment assistance benefits. |
| 509.151(1) | | 3rd | Defraud an innkeeper, food or lodging value $1,000 or more. |
| 517.302(1) | | 3rd | Violation of the Florida Securities and Investor Protection Act. |
| 713.69 | | 3rd | Tenant removes property upon which lien has accrued, value $1,000 or more. |
| 812.014(3)(c) | | 3rd | Petit theft (3rd conviction); theft of any property not specified in subsection (2). |
| 815.04(4)(a) | | 3rd | Offense against intellectual property (i.e., computer programs, data). |
| 817.52(2) | | 3rd | Hiring with intent to defraud, motor vehicle services. |

| | | |
|---|---|---|
| 817.569(2) | 3rd | Use of public record or public records information or providing false information to facilitate commission of a felony. |
| 826.01 | 3rd | Bigamy. |
| 828.122(3) | 3rd | Fighting or baiting animals. |
| 831.04(1) | 3rd | Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28. |
| 831.31(1)(a) | 3rd | Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs. |
| 832.041(1) | 3rd | Stopping payment with intent to defraud $150 or more. |
| 832.05(2)(b) & (4)(c) | 3rd | Knowing, making, issuing worthless checks $150 or more |

| | | |
|---|---|---|
| | | or obtaining property in return for worthless check $150 or more. |
| 838.15(2) | 3rd | Commercial bribe receiving. |
| 838.16 | 3rd | Commercial bribery. |
| 843.18 | 3rd | Fleeing by boat to elude a law enforcement officer. |
| 847.011(1)(a) | 3rd | Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction). |
| ~~849.09(1)(a)-(d)~~ | ~~3rd~~ | ~~Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.~~ |
| ~~849.23~~ | ~~3rd~~ | ~~Gambling-related machines; "common offender" as to property rights.~~ |

| | | |
|---|---|---|
| ~~849.25(2)~~ | ~~3rd~~ | ~~Engaging in bookmaking.~~ |
| 860.08 | 3rd | Interfere with a railroad signal. |
| 860.13(1)(a) | 3rd | Operate aircraft while under the influence. |
| 893.13(2)(a)2. | 3rd | Purchase of cannabis. |
| 893.13(6)(a) | 3rd | Possession of cannabis (more than 20 grams). |
| 934.03(1)(a) | 3rd | Intercepts, or procures any other person to intercept, any wire or oral communication. |

(c) LEVEL 3

| Florida Statute | Felony Degree | Description |
|---|---|---|
| 119.10(2)(b) | 3rd | Unlawful use of confidential information from police reports. |

| | | |
|---|---|---|
| 316.066 (3)(b)-(d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| 316.193(2)(b) | 3rd | Felony DUI, 3rd conviction. |
| 316.1935(2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 319.30(4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |
| 319.33(1)(a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |
| 319.33(1)(c) | 3rd | Procure or pass title on stolen vehicle. |
| 319.33(4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained |

| | | | |
|---|---|---|---|
| | | | title or registration. |
| 1137 | | | |
| | 327.35(2)(b) | 3rd | Felony BUI. |
| 1138 | | | |
| | 328.05(2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 1139 | | | |
| | 328.07(4) | 3rd | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number. |
| 1140 | | | |
| | 376.302(5) | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund. |
| 1141 | | | |
| | 379.2431 (1)(e)5. | 3rd | Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle |

| | | | |
|---|---|---|---|
| | | | Protection Act. |
| 1142 | | | |
| | 379.2431 (1)(e)6. | 3rd | Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act. |
| 1143 | | | |
| | 379.2431 (1)(e)7. | 3rd | Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act. |
| 1144 | | | |
| | 400.9935(4)(a) or (b) | 3rd | Operating a clinic, or offering services requiring licensure, without a license. |
| 1145 | | | |
| | 400.9935(4)(e) | 3rd | Filing a false license application or other required information or failing to report information. |
| 1146 | | | |
| | 440.1051(3) | 3rd | False report of workers' compensation fraud or |

| | | | |
|---|---|---|---|
| | | | retaliation for making such a report. |
| | 501.001(2)(b) | 2nd | Tampers with a consumer product or the container using materially false/misleading information. |
| | 624.401(4)(a) | 3rd | Transacting insurance without a certificate of authority. |
| | 624.401(4)(b)1. | 3rd | Transacting insurance without a certificate of authority; premium collected less than $20,000. |
| | 626.902(1)(a) & (b) | 3rd | Representing an unauthorized insurer. |
| | 697.08 | 3rd | Equity skimming. |
| | 790.15(3) | 3rd | Person directs another to discharge firearm from a vehicle. |

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| 794.053 | 3rd | Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older. |
| 800.045(3) | 3rd | Possess, control, or intentionally view any photographic material, motion picture, etc., which includes a lewd or lascivious image. |
| 806.10(1) | 3rd | Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting. |
| 806.10(2) | 3rd | Interferes with or assaults firefighter in performance of duty. |
| 810.09(2)(b) | 3rd | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon. |
| 810.145(2)(c) | 3rd | Digital voyeurism; 19 years of |

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| | | | age or older. |
| 1159 | | | |
| | 812.014(2)(c)2. | 3rd | Grand theft; $5,000 or more but less than $10,000. |
| 1160 | | | |
| | 812.0145(2)(c) | 3rd | Theft from person 65 years of age or older; $300 or more but less than $10,000. |
| 1161 | | | |
| | 812.015(8)(b) | 3rd | Retail theft with intent to sell; conspires with others. |
| 1162 | | | |
| | 812.081(2) | 3rd | Theft of a trade secret. |
| 1163 | | | |
| | 815.04(4)(b) | 2nd | Computer offense devised to defraud or obtain property. |
| 1164 | | | |
| | 817.034(4)(a)3. | 3rd | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000. |
| 1165 | | | |
| | 817.233 | 3rd | Burning to defraud insurer. |
| 1166 | | | |
| | 817.234 | 3rd | Unlawful solicitation of |

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| | (8)(b) & (c) | | persons involved in motor vehicle accidents. |
| 1167 | | | |
| | 817.234(11)(a) | 3rd | Insurance fraud; property value less than $20,000. |
| 1168 | | | |
| | 817.236 | 3rd | Filing a false motor vehicle insurance application. |
| 1169 | | | |
| | 817.2361 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card. |
| 1170 | | | |
| | 817.413(2) | 3rd | Sale of used goods of $1,000 or more as new. |
| 1171 | | | |
| | 817.49(2)(b)1. | 3rd | Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability. |
| 1172 | | | |
| | 831.28(2)(a) | 3rd | Counterfeiting a payment instrument with intent to |

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| | | | defraud or possessing a counterfeit payment instrument with intent to defraud. |
| 1173 | | | |
| | 831.29 | 2nd | Possession of instruments for counterfeiting driver licenses or identification cards. |
| 1174 | | | |
| | 836.13(2) | 3rd | Generating an altered sexual depiction of an identifiable person without consent. |
| 1175 | | | |
| | 836.13(4) | 3rd | Promoting, or possessing with intent to promote, an altered sexual depiction of an identifiable person without consent. |
| 1176 | | | |
| | 838.12(3) | 3rd | Betting on predetermined or prearranged professional or amateur game, contest, match, race, or sport. |
| 1177 | | | |
| | 838.021(3)(b) | 3rd | Threatens unlawful harm to public servant. |

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| 847.01385 | 3rd | Harmful communication to a minor. |
| 849.01 | 3rd | Keeping gambling house. |
| 849.02(2) | 3rd | Agents or employees of keeper of gambling house. |
| 849.03(1) | 3rd | Renting house for gambling purposes. |
| 849.086(12)(e) | 3rd | Tampering with cards or card games. |
| 849.09(1)(a)-(d) | 3rd | Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery. |
| 849.09(1)(e)-(k) | 3rd | Conducting unlawful lottery; second or subsequent offense. |
| 849.11(2) | 3rd | Offenses relating to games of |

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| | | chance. |
| 849.14 | 3rd | Betting on result of trial or contest of skill, etc. |
| 849.15(3)(b) | 3rd | Manufacture, sale, or possession of slot machine; by person of authority or with prior conviction. |
| 849.157(1) | 3rd | False or misleading statement to facilitate sale of slot machines or devices. |
| 849.25(2) | 3rd | Engaging in bookmaking. |
| 849.47(3)(a) & (b) | 3rd | Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons. |
| 860.15(3) | 3rd | Overcharging for repairs and parts. |

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| 870.01(2) | 3rd | Riot. |
| 870.01(4) | 3rd | Inciting a riot. |
| 893.13(1)(a)2. | 3rd | Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs). |
| 893.13(1)(d)2. | 2nd | Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university. |
| 893.13(1)(f)2. | 2nd | Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public |

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| | | | housing facility. |
| | 893.13(4)(c) | 3rd | Use or hire of minor; deliver to minor other controlled substances. |
| | 893.13(6)(a) | 3rd | Possession of any controlled substance other than felony possession of cannabis. |
| | 893.13(7)(a)8. | 3rd | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance. |
| | 893.13(7)(a)9. | 3rd | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc. |
| | 893.13(7)(a)10. | 3rd | Affix false or forged label to package of controlled substance. |
| | 893.13(7)(a)11. | 3rd | Furnish false or fraudulent |

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| | | | material information on any document or record required by chapter 893. |
| 1203 | | | |
| | 893.13(8)(a)1. | 3rd | Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice. |
| 1204 | | | |
| | 893.13(8)(a)2. | 3rd | Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance. |
| 1205 | | | |
| | 893.13(8)(a)3. | 3rd | Knowingly write a prescription for a controlled substance for a fictitious person. |
| 1206 | | | |
| | 893.13(8)(a)4. | 3rd | Write a prescription for a |

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| | | | controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner. |
| 1207 | | | |
| | 918.13(1) | 3rd | Tampering with or fabricating physical evidence. |
| 1208 | | | |
| | 944.47 (1)(a)1. & 2. | 3rd | Introduce contraband to correctional facility. |
| 1209 | | | |
| | 944.47(1)(c) | 2nd | Possess contraband while upon the grounds of a correctional institution. |
| 1210 | | | |
| | 985.721 | 3rd | Escapes from a juvenile facility (secure detention or residential commitment facility). |
| 1211 | | | |
| 1212 | (e) LEVEL 5 | | |
| 1213 | | | |
| | Florida | Felony | Description |

| Statute | Degree | |
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| 316.027(2)(a) | 3rd | Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene. |
| 316.1935(3)(a) | 2nd | Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 316.80(2) | 2nd | Unlawful conveyance of fuel; obtaining fuel fraudulently. |
| 322.34(6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 327.30(5)(a)2. | 3rd | Vessel accidents involving personal injuries other than serious bodily injury; leaving |

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| | | | scene. |
| 1219 | | | |
| | 365.172 (14)(b)2. | 2nd | Misuse of emergency communications system resulting in death. |
| 1220 | | | |
| | 379.365(2)(c)1. | 3rd | Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked. |
| 1221 | | | |

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| 379.367(4) | 3rd | Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy. |
| 379.407(5)(b)3. | 3rd | Possession of 100 or more undersized spiny lobsters. |
| 381.0041(11)(b) | 3rd | Donate blood, plasma, or organs knowing HIV positive. |
| 440.10(1)(g) | 2nd | Failure to obtain workers' compensation coverage. |
| 440.105(5) | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims. |
| 440.381(2) | 3rd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 624.401(4)(b)2. | 2nd | Transacting insurance without a certificate or authority; |

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| | | | premium collected $20,000 or more but less than $100,000. |
| 1228 | | | |
| | 626.902(1)(c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 1229 | | | |
| | 790.01(3) | 3rd | Unlawful carrying of a concealed firearm. |
| 1230 | | | |
| | 790.162 | 2nd | Threat to throw or discharge destructive device. |
| 1231 | | | |
| | 790.163(1) | 2nd | False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner. |
| 1232 | | | |
| | 790.221(1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 1233 | | | |
| | 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 1234 | | | |
| | 796.05(1) | 2nd | Live on earnings of a |

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| | | | prostitute; 1st offense. |
| 800.04(6)(c) | 3rd | Lewd or lascivious conduct; offender less than 18 years of age. | |
| 800.04(7)(b) | 2nd | Lewd or lascivious exhibition; offender 18 years of age or older. | |
| 806.111(1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. | |
| 810.145(4) | 3rd | Commercial digital voyeurism dissemination. | |
| 810.145(7)(a) | 2nd | Digital voyeurism; 2nd or subsequent offense. | |
| 810.145(8)(a) | 2nd | Digital voyeurism; certain minor victims. | |
| 812.014(2)(d)3. | 2nd | Grand theft, 2nd degree; theft | |

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| | | from 20 or more dwellings or their unenclosed curtilage, or any combination. |
| 812.0145(2)(b) | 2nd | Theft from person 65 years of age or older; $10,000 or more but less than $50,000. |
| 812.015 (8)(a) & (c)-(e) | 3rd | Retail theft; property stolen is valued at $750 or more and one or more specified acts. |
| 812.015(8)(f) | 3rd | Retail theft; multiple thefts within specified period. |
| 812.015(8)(g) | 3rd | Retail theft; committed with specified number of other persons. |
| 812.019(1) | 2nd | Stolen property; dealing in or trafficking in. |
| 812.081(3) | 2nd | Trafficking in trade secrets. |
| 812.131(2)(b) | 3rd | Robbery by sudden snatching. |

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| 1249 | | | |
| | 812.16(2) | 3rd | Owning, operating, or conducting a chop shop. |
| 1250 | | | |
| | 817.034(4)(a)2. | 2nd | Communications fraud, value $20,000 to $50,000. |
| 1251 | | | |
| | 817.234(11)(b) | 2nd | Insurance fraud; property value $20,000 or more but less than $100,000. |
| 1252 | | | |
| | 817.2341(1), (2)(a) & (3)(a) | 3rd | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. |
| 1253 | | | |
| | 817.568(2)(b) | 2nd | Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification |

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| | | | information of 10 or more persons. |
| 1254 | | | |
| | 817.611(2)(a) | 2nd | Traffic in or possess 5 to 14 counterfeit credit cards or related documents. |
| 1255 | | | |
| | 817.625(2)(b) | 2nd | Second or subsequent fraudulent use of scanning device, skimming device, or reencoder. |
| 1256 | | | |
| | 825.1025(4) | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |
| 1257 | | | |
| | 828.12(2) | 3rd | Tortures any animal with intent to inflict intense pain, serious physical injury, or death. |
| 1258 | | | |
| | 836.14(4) | 2nd | Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent. |

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| 839.13(2)(b) | 2nd | Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death. |
| 843.01(1) | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 847.0135(5)(b) | 2nd | Lewd or lascivious exhibition using computer; offender 18 years or older. |
| 847.0137 (2) & (3) | 3rd | Transmission of pornography by electronic device or equipment. |
| 847.0138 (2) & (3) | 3rd | Transmission of material harmful to minors to a minor by electronic device or equipment. |
| 849.02(3) | 2nd | Agents or employees of keeper of gambling house, third or subsequent offense. |

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| 849.03(2) | 2nd | Renting house for gambling purposes; second or subsequent offense. |
| 849.15(3)(c) | 2nd | Manufacture, sale, or possession of slot machine; by person of authority of five or more machines or two or more prior convictions. |
| 849.157(2) | 2nd | False or misleading statement to facilitate sale of slot machines or devices; five or more machines. |
| 849.25(3) | 2nd | Bookmaking; second or subsequent offense. |
| 874.05(1)(b) | 2nd | Encouraging or recruiting another to join a criminal gang; second or subsequent offense. |
| 874.05(2)(a) | 2nd | Encouraging or recruiting |

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| | | | person under 13 years of age to join a criminal gang. |
| 1271 | | | |
| | 893.13(1)(a)1. | 2nd | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs). |
| 1272 | | | |
| | 893.13(1)(c)2. | 2nd | Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 1273 | | | |
| | 893.13(1)(d)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), |

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| | | | (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university. |
| | 893.13(1)(e)2. | 2nd | Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site. |
| | 893.13(1)(f)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility. |
| | 893.13(4)(b) | 2nd | Use or hire of minor; deliver to minor other controlled substance. |

| Florida Statute | Felony Degree | Description |
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| 893.1351(1) | 3rd | Ownership, lease, or rental for trafficking in or manufacturing of controlled substance. |

(g) LEVEL 7

| Florida Statute | Felony Degree | Description |
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| 316.027(2)(c) | 1st | Accident involving death, failure to stop; leaving scene. |
| 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. |
| 316.1935(3)(b) | 1st | Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |

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| 327.35(3)(a)3.b. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 402.319(2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death. |
| 409.920 (2)(b)1.a. | 3rd | Medicaid provider fraud; $10,000 or less. |
| 409.920 (2)(b)1.b. | 2nd | Medicaid provider fraud; more than $10,000, but less than $50,000. |
| 456.065(2) | 3rd | Practicing a health care profession without a license. |
| 456.065(2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 458.327(1) | 3rd | Practicing medicine without a |

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| | | | license. |
| 1291 | | | |
| | 459.013(1) | 3rd | Practicing osteopathic medicine without a license. |
| 1292 | | | |
| | 460.411(1) | 3rd | Practicing chiropractic medicine without a license. |
| 1293 | | | |
| | 461.012(1) | 3rd | Practicing podiatric medicine without a license. |
| 1294 | | | |
| | 462.17 | 3rd | Practicing naturopathy without a license. |
| 1295 | | | |
| | 463.015(1) | 3rd | Practicing optometry without a license. |
| 1296 | | | |
| | 464.016(1) | 3rd | Practicing nursing without a license. |
| 1297 | | | |
| | 465.015(2) | 3rd | Practicing pharmacy without a license. |
| 1298 | | | |
| | 466.026(1) | 3rd | Practicing dentistry or dental hygiene without a license. |

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| 467.201 | 3rd | Practicing midwifery without a license. |
| 468.366 | 3rd | Delivering respiratory care services without a license. |
| 483.828(1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 483.901(7) | 3rd | Practicing medical physics without a license. |
| 484.013(1)(c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 484.053 | 3rd | Dispensing hearing aids without a license. |
| 494.0018(2) | 1st | Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more |

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| | | | victims. |
| 1306 | | | |
| | 560.123(8)(b)1. | 3rd | Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business. |
| 1307 | | | |
| | 560.125(5)(a) | 3rd | Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000. |
| 1308 | | | |
| | 655.50(10)(b)1. | 3rd | Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution. |
| 1309 | | | |
| | 775.21(10)(a) | 3rd | Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations. |
| 1310 | | | |
| | 775.21(10)(b) | 3rd | Sexual predator working where |

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| | | | children regularly congregate. |
| 1311 | | | |
| | 775.21(10)(g) | 3rd | Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator. |
| 1312 | | | |
| | 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 1313 | | | |
| | 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |
| 1314 | | | |
| | 782.071 | 2nd | Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 1315 | | | |
| | 782.072 | 2nd | Killing of a human being by the |

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| | | | operation of a vessel in a reckless manner (vessel homicide). |
| 1316 | | | |
| | 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 1317 | | | |
| | 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly weapon. |
| 1318 | | | |
| | 784.045(1)(b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 1319 | | | |
| | 784.048(4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 1320 | | | |
| | 784.048(7) | 3rd | Aggravated stalking; violation of court order. |
| 1321 | | | |
| | 784.07(2)(d) | 1st | Aggravated battery on law enforcement officer. |
| 1322 | | | |
| | 784.074(1)(a) | 1st | Aggravated battery on sexually violent predators facility |

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| | | | staff. |
| | 784.08(2)(a) | 1st | Aggravated battery on a person 65 years of age or older. |
| | 784.081(1) | 1st | Aggravated battery on specified official or employee. |
| | 784.082(1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| | 784.083(1) | 1st | Aggravated battery on code inspector. |
| | 787.025(2)(b) | 2nd | Luring or enticing a child; second or subsequent offense. |
| | 787.025(2)(c) | 2nd | Luring or enticing a child with a specified prior conviction. |
| | 787.06(3)(a)2. | 1st | Human trafficking using coercion for labor and services of an adult. |

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| 787.06(3)(e)2. | 1st | Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state. |
| 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| 790.165(2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |
| 790.165(3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony. |
| 790.166(3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |

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| 790.166(4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 790.23 | 1st,PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| 794.08(4) | 3rd | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |
| 796.05(1) | 1st | Live on earnings of a prostitute; 2nd offense. |
| 796.05(1) | 1st | Live on earnings of a prostitute; 3rd and subsequent offense. |

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| | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age. |
| 1342 | | | |
| | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older. |
| 1343 | | | |
| | 800.04(5)(e) | 1st | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense. |
| 1344 | | | |
| | 806.01(2) | 2nd | Maliciously damage structure by fire or explosive. |
| 1345 | | | |
| | 810.02(3)(a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 1346 | | | |
| | 810.02(3)(b) | 2nd | Burglary of unoccupied |

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| | | | dwelling; unarmed; no assault or battery. |
| 1347 | | | |
| | 810.02(3)(d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 1348 | | | |
| | 810.02(3)(e) | 2nd | Burglary of authorized emergency vehicle. |
| 1349 | | | |
| | 812.014(2)(a)1. | 1st | Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 1350 | | | |
| | 812.014(2)(b)2. | 2nd | Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree. |
| 1351 | | | |
| | 812.014(2)(b)3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |

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| 812.014(2)(b)4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 812.014(2)(g) | 2nd | Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5. |
| 812.0145(2)(a) | 1st | Theft from person 65 years of age or older; $50,000 or more. |
| 812.019(2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 812.133(2)(b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 817.034(4)(a)1. | 1st | Communications fraud, value greater than $50,000. |

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| 817.234(8)(a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |
| 817.234(9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 817.234(11)(c) | 1st | Insurance fraud; property value $100,000 or more. |
| 817.2341 (2)(b) & (3)(b) | 1st | Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity. |
| 817.418(2)(a) | 3rd | Offering for sale or advertising personal protective equipment with intent to defraud. |

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| 817.504(1)(a) | 3rd | Offering or advertising a vaccine with intent to defraud. |
| 817.535(2)(a) | 3rd | Filing false lien or other unauthorized document. |
| 817.611(2)(b) | 2nd | Traffic in or possess 15 to 49 counterfeit credit cards or related documents. |
| 825.102(3)(b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 825.103(3)(b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000. |
| 827.03(2)(b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. |
| 827.04(3) | 3rd | Impregnation of a child under |

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| | | | 16 years of age by person 21 years of age or older. |
| 1371 | | | |
| | 827.071(2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 1372 | | | |
| | 827.071(4) | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography. |
| 1373 | | | |
| | 837.05(2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |
| 1374 | | | |
| | 838.015 | 2nd | Bribery. |
| 1375 | | | |
| | 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 1376 | | | |
| | 838.021(3)(a) | 2nd | Unlawful harm to a public servant. |
| 1377 | | | |
| | 838.22 | 2nd | Bid tampering. |

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| 843.0855(2) | 3rd | Impersonation of a public officer or employee. |
| 843.0855(3) | 3rd | Unlawful simulation of legal process. |
| 843.0855(4) | 3rd | Intimidation of a public officer or employee. |
| 847.0135(3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 847.0135(4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 849.155 | 1st | Trafficking in slot machines or devices or any part thereof. |
| 872.06 | 2nd | Abuse of a dead human body. |
| 874.05(2)(b) | 1st | Encouraging or recruiting person under 13 to join a criminal gang; second or |

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| | | | subsequent offense. |
| 874.10 | | 1st,PBL | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity. |
| 893.13(1)(c)1. | | 1st | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 893.13(1)(e)1. | | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property |

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| | | | used for religious services or a specified business site. |
| 1389 | | | |
| | 893.13(4)(a) | 1st | Use or hire of minor; deliver to minor other controlled substance. |
| 1390 | | | |
| | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. |
| 1391 | | | |
| | 893.135 (1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 1392 | | | |
| | 893.135 (1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 1393 | | | |
| | 893.135 (1)(c)2.a. | 1st | Trafficking in hydrocodone, 28 grams or more, less than 50 grams. |
| 1394 | | | |
| | 893.135 (1)(c)2.b. | 1st | Trafficking in hydrocodone, 50 grams or more, less than 100 |

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| | | | grams. |
| 1395 | | | |
| | 893.135 (1)(c)3.a. | 1st | Trafficking in oxycodone, 7 grams or more, less than 14 grams. |
| 1396 | | | |
| | 893.135 (1)(c)3.b. | 1st | Trafficking in oxycodone, 14 grams or more, less than 25 grams. |
| 1397 | | | |
| | 893.135 (1)(c)4.b.(I) | 1st | Trafficking in fentanyl, 4 grams or more, less than 14 grams. |
| 1398 | | | |
| | 893.135 (1)(d)1.a. | 1st | Trafficking in phencyclidine, 28 grams or more, less than 200 grams. |
| 1399 | | | |
| | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, 200 grams or more, less than 5 kilograms. |
| 1400 | | | |
| | 893.135(1)(f)1. | 1st | Trafficking in amphetamine, 14 grams or more, less than 28 grams. |

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| 893.135 (1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 893.135 (1)(h)1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 893.135 (1)(j)1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 893.135 (1)(k)2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 893.135 (1)(m)2.a. | 1st | Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams. |
| 893.135 (1)(m)2.b. | 1st | Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams. |

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| 893.135 (1)(n)2.a. | 1st | Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams. |
| 893.1351(2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |
| 896.101(5)(a) | 3rd | Money laundering, financial transactions exceeding $300 but less than $20,000. |
| 896.104(4)(a)1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000. |
| 943.0435(4)(c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 943.0435(8) | 2nd | Sexual offender; remains in |

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| | | | state after indicating intent to leave; failure to comply with reporting requirements. |
| 1413 | | | |
| | 943.0435(9)(a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 1414 | | | |
| | 943.0435(13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 1415 | | | |
| | 943.0435(14) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| 1416 | | | |
| | 944.607(9) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 1417 | | | |
| | 944.607(10)(a) | 3rd | Sexual offender; failure to submit to the taking of a |

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| | | | digitized photograph. |
| 1418 | | | |
| | 944.607(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 1419 | | | |
| | 944.607(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| 1420 | | | |
| | 985.4815(10) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 1421 | | | |
| | 985.4815(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 1422 | | | |
| | 985.4815(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address |

verification; providing false registration information.

**Section 34. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:**

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual

exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, and tampering with evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of

law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

**Section 35. Paragraph (a) of subsection (12) of section 895.02, Florida Statutes, is amended to read:**

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(12) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

**Section 36.** This act shall take effect October 1, 2026.

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert:
An act relating to gambling; amending s. 16.712, F.S.; revising the contents of an annual report by the Florida Gaming Control Commission; amending s. 16.713, F.S.; prohibiting certain appointment or employment for a specified period before or during service with the commission; amending s. 16.715, F.S.; revising standards of conduct for the commission; prohibiting certain post-employment activities for former commissioners and employees for a specified period; amending s. 20.055, F.S.; allowing the commission to appoint an agency inspector general; amending s. 546.10, F.S.; authorizing certain organizations to petition the commission before purchasing, installing, or operating a game or machine on their premises before petitioning for and being issued a specified declaratory statement from the commission if the organizations are unsure if such game or machine is an amusement machine; prohibiting such organizations from purchasing or installing a game or machine until an

outstanding declaratory statement is issued; prohibiting such organizations from seeking a declaratory statement if the game or machine in question is the subject of a criminal investigation; requiring the commission to issue a declaratory statement within a specified timeframe; prohibiting the commission from denying a petition if it was validly requested; specifying the information that must be included in a request for a declaratory statement; providing that the declaratory statement is valid only for the game or machine for which it is requested; providing that the declaratory statement is invalid if the specifications for the game or machine have been changed; providing that the declaratory statement is binding on the commission and may be introduced as evidence in subsequent proceedings; providing construction; amending s. 550.002, F.S.; revising the definition of the term "ultimate equitable owner"; amending s. 550.054, F.S.; revising when commission approval is needed for transfers of stock or other evidence of ownership of certain pari-mutuel permitholders; amending s. 550.09512, F.S.; removing provisions requiring reissuance of escheated harness horse permits; amending s. 550.09515, F.S.; prohibiting reissuance of horse permits to certain

permitholders who do not pay tax on handle for live races for a specified period; removing provisions requiring reissuance of escheated horse permits; amending s. 838.12, F.S.; prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; providing criminal penalties; amending s. 849.01, F.S.; revising criminal penalties for offenses involving keeping a gambling house; amending s. 849.02, F.S.; increasing criminal penalties for specified offenses by agents or employees of a keeper of a gambling house; creating s. 849.021, F.S.; establishing criminal penalties for government employees who knowingly certify, license, approve, aid, facilitate, or conceal the operation of a gambling house; creating s. 849.023, F.S.; authorizing the Department of Business and Professional Regulation, the Florida Gaming Control Commission, and the Office of Financial Regulation, respectively, to suspend the license of any person found in violation of s. 849.01, s. 849.03, or 849.15; providing for revocation of certain licenses; providing for reissuance of a license; providing a fine for convictions of a violation; amending s. 849.03, F.S.; revising criminal penalties for offenses involving renting a house for gambling purposes;

amending s. 849.08, F.S.; providing definitions; prohibiting Internet gambling and Internet sports wagering and related offenses; providing criminal penalties; providing exceptions; amending s. 849.086, F.S.; prohibiting specified actions relating to the manipulation of card games; providing criminal penalties; creating s. 849.0932, F.S.; defining the term "fantasy sports contest"; requiring such contests to meet specified requirements; providing penalties for violations; authorizing the commission to investigate and refer violations for prosecution; authorizing enforcement actions by the Attorney General and state attorneys; providing criminal penalties for certain violations; amending s. 849.11, F.S.; prohibiting certain offenses relating to games of chance; providing criminal penalties; amending s. 849.13, F.S.; providing enhanced criminal penalties for second or subsequent violations of certain provisions; amending s. 849.14, F.S.; revising criminal penalties for betting or wagering on certain activities; repealing s. 849.142, F.S., relating to exempted activities; amending s. 849.15, F.S.; defining the terms "conviction," "part thereof," and "person of authority"; providing criminal penalties for specified offenses relating to the manufacture,

possession, and sale of slot machines or devices; creating s. 849.155, F.S.; prohibiting trafficking in slot machines, devices, or a part thereof; providing criminal penalties; providing for the deposit of fines into a specified trust fund for specified purposes; creating s. 849.157, F.S.; prohibiting the making of a false or misleading statement regarding the legality of slot machines or devices for specified purposes; providing criminal penalties; amending s. 849.18, F.S.; providing a process for the disposition of certain slot machines or devices by the commission; creating s. 849.181, F.S.; providing a process for the destruction of excess slot machines or devices by certain criminal justice agencies; repealing s. 849.23, F.S., relating to penalties for violations of specified provisions; creating s. 849.47, F.S.; defining the term "illegal gambling"; prohibiting the transportation of specified numbers of persons or persons of certain ages, for the purpose of facilitating illegal gambling; providing criminal penalties; creating s. 849.48, F.S.; defining the term "illegal gambling"; prohibiting specified gambling or gaming advertisements; providing criminal penalties; providing construction; creating s. 849.49, F.S.; preempting to the state the regulation of gaming,

gambling, lotteries, or other specified activities; creating s. 849.50, F.S.; establishing a limited gaming device surrender program that includes a certain period of time in which otherwise illegal gaming devices may be surrendered without penalty to ensure that any unknowing or otherwise innocent party can avoid criminal prosecution or civil penalty; requiring the commission to administer the program; providing immunity from criminal prosecution; providing program timeframes including an advertising period; specifying right of property in the devices; providing for a memorandum of understanding; amending s. 903.046, F.S.; providing for consideration of the amount of currency seized connected to or involved in specified gambling or gaming offenses when determining whether to release a defendant on bail prior to trial; amending s. 921.0022, F.S.; ranking offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; amending ss. 772.102 and 895.02, F.S.; conforming provisions to changes made by the act; providing an effective date.

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/HB 387 | **COMPANION BILL:** CS/CS/SB 422 (Wright) |
| **TITLE:** Automatic Dependent Surveillance Broadcasts | **LINKED BILLS:** None |
| **SPONSOR(S):** Bankson and Kendall | **RELATED BILLS:** None |

**Committee References**

| Economic Infrastructure | ➤ | Intergovernmental Affairs | ➤ | Commerce |
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| 16 Y, 0 N | | 15 Y, 0 N, As CS | | |

## SUMMARY


**Effect of the Bill:**
The bill prohibits the use of flight data derived from "automatic dependent surveillance broadcast" (ADS-B) systems to calculate, generate, or collect fees from owners and operators of certain aircraft under 12,500 pounds.

**Fiscal or Economic Impact:**
The bill may have an indeterminate negative fiscal impact on local governments to the extent those governments use flight data derived from ADS-B systems to calculate, generate, or collect fees that the local government would not otherwise collect.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

### EFFECT OF THE BILL:

The bill prohibits the use of information derived from "automatic dependent surveillance broadcast" (ADS-B) systems to calculate, generate, or collect fees from owners or operators of certain aircraft[1] within the state. Specifically, the bill:

- Provides a definition of "aircraft" for purposes of the prohibition to include aircraft under 12,500 pounds gross weight that operate under the Federal Aviation Administration's (FAA) rules for general aviation aircraft. (Section 1).
- Provides a definition of "automatic dependent surveillance broadcast" (ADS-B).[2] (Section 1).
- Provides a definition of "touch-and-go landing."
- Prohibits any airport from using information derived from ADS-B systems as a means for calculating, generating, and collecting fees from aircraft owners or operators for departures and landings, including touch-and-go landings, or for entering the airport's airspace. (Section 1).

The effective date of the bill is July 1, 2026. (Section 2).

[1] For purposes of the bill, the term "aircraft" is defined as having the same meaning as in s. 330.27, F.S., except that the aircraft must have a gross weight of 12,499 pounds or less and operate under 14 C.F.R. part 91.

[2] The bill defines "automatic dependent surveillance broadcast" to mean "an advanced aviation surveillance technology that combines an aircraft's positioning source, aircraft avionics, and a ground infrastructure to create an accurate surveillance interface between an aircraft and air traffic control. The term includes two different services, ADS-B In and ADS-B Out, that can provide information, such as an aircraft's global positioning system location, altitude, ground speed, and other data, to ground stations and other aircraft, as well as weather and traffic information to aircraft operators."

**FISCAL OR ECONOMIC IMPACT:**

LOCAL GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on local governments to the extent those governments use flight data derived from ADS-B systems to calculate, generate, or collect fees that the local government would not otherwise collect.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

Automatic Dependent Surveillance-Broadcast (ADS-B)

Automatic Dependent Surveillance–Broadcast (ADS–B) is an advanced aircraft surveillance system that replaces radar technology with a satellite-based technology. An ADS-B system periodically transmits information with no operator involvement, relies on Global Positioning System (GPS) or other satellite-based navigation systems, and provides three-dimensional aircraft positioning and identification.[3] ADS-B technology includes two different services: "ADS-B Out" broadcasts information about an aircraft's GPS location, altitude, ground speed, and other data to ground stations and other aircraft, and "ADS-B In" provides operators with weather and traffic position information.[4] Information broadcast from an airplane equipped with an ADS-B system can be received by anyone with appropriate receiving equipment.[5]

As of January 1, 2020, the Federal Aviation Administration (FAA) requires the operation of ADS-B Out systems for aircraft flying in most U.S. airspace, unless authorized by Air Traffic Control.[6] Because real-time ADS-B information, including geographic location tracking, can be received by third parties, the FAA's ADS-B Out requirement has generated privacy concerns among aircraft operators.[7] To mitigate these concerns, the FAA offers a privacy protection program that allows owners of certain aircraft to request an alternate, temporary call-sign that limits the extent to which an aircraft can be identified by non-U.S. government entities while maintaining safety and efficiency for Air Traffic Control services.[8]

General Aviation Aircraft

"General Aviation" (GA) is defined by the International Civil Aviation Organization[9] as "all civil aviation operations other than scheduled air services and nonscheduled air transport operations for remuneration or hire."[10] Thus, GA activity includes flight training, firefighting, banner towing, pipeline patrols, medevac operations, and recreational flying, among other activities.[11]

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[3] Federal Aviation Administration, *Ins and Outs*, https://www.faa.gov/air_traffic/technology/equipadsb/capabilities/ins_outs (last visited Feb. 6, 2026).
[4] *Id.*
[5] *Id.*
[6] Federal Aviation Administration, *Advisory Circular No. 90-114C: Automatic Dependent Surveillance-Broadcast Operations*, issued Jan. 14, 2025, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_90-114C.pdf (last visited Feb. 6, 2026).
[7] Federal Aviation Administration, *ADS-B Privacy*, https://www.faa.gov/air_traffic/technology/equipadsb/privacy (last visited Feb. 6, 2026).
[8] *Id.*
[9] The International Civil Aviation Organization (ICAO) is a United Nations agency of 193 member states that cooperate together to support and enable a global air transport network. *See* ICAO, *About ICAO*, https://www.icao.int/about-icao (last visited Feb. 6, 2026); ICAO, *Strategic Objectives*, https://www.icao.int/strategic-objectives (last visited Feb. 6, 2026).
[10] *See, e.g.*, Aircraft Owners and Pilots Association, *General Aviation Explained: The Backbone of America's Aviation System*, at p. 3, available at https://download.aopa.org/Media/General-Aviation-Explained-r5.pdf (last visited Feb. 6, 2026).
[11] *Id.*

Aircraft Fees in Florida

Florida law allows publicly owned and operated airports to assess fees for the use of airport[12] facilities by aircraft, and municipal airports are authorized to charge owners and operators of airplanes using such airports sufficient fees and charges to cover the cost of services provided.[13] However, publicly owned airports are prohibited from charging landing fees for aircraft operations conducted for flight training by certain accredited nonprofit institutions.[14] Florida law provides that the governing body of a publicly owned and operated airport has a lien upon all aircraft using its facilities when payment of fees and charges are not made immediately upon demand.[15]

Several airports in Florida have recently considered implementing automated landing fees using ADS-B information.[16] Operators of general aviation aircraft have opposed the proposals, and at least some airports have delayed the implementation of such automated fees.[17] However, one vendor of automatic landing fee services that uses ADS-B data to bill and collect landing fees lists at least three Florida airports as clients.[18]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Economic Infrastructure Subcommittee | 16 Y, 0 N | 1/14/2026 | Keating | Rubottom |
| Intergovernmental Affairs Subcommittee | 15 Y, 0 N, As CS | 2/5/2026 | Darden | Hilliard |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Provided a definition of "touch-and-go landing."<br>• Prohibited airports from charging the fee, rather than aircrafts or any public or private entities.<br>• Specified that the fee prohibition only applies to departures and landings, including touch-and-go landings, and for entering the airport's airspace. | | | |
| Commerce Committee | | | Hamon | Rubottom |

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

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[12] The term "airport" is defined in s. 330.27(3), F.S.
[13] *See* s. 329.40(1), F.S., and s. 332.08(1)(e), F.S.
[14] *See* s. 330.355, F.S. The accredited nonprofit institution must offer a 4-year collegiate aviation program in order for its flight training operations to be exempt from an airport's landing fees.
[15] *See* s. 329.40(1), F.S.
[16] General Aviation News Staff, *Florida Airports Prepare to Impose Landing Fees*, General Aviation News, Sep. 7, 2024, https://generalaviationnews.com/2024/09/07/florida-airports-prepare-to-impose-landing-fees/ (last visited Feb. 6, 2026).
[17] Stacey Heaton, *Florida Airport Pauses Vote on New Landing Fee*, Aircraft Owners and Pilots Association, Jan. 28, 2025, https://www.aopa.org/news-and-media/all-news/2025/january/28/florida-airport-pauses-vote-on-new-landing-fee (last visited Feb. 6, 2026).
[18] Vector Airport Systems lists the following Florida airports as clients of its "PLANEPASS" service: Kissimmee Gateway Airport, Tallahassee International Airport, and St. George Island Airport. Vector Airport Systems, *About Our Clients*, https://www.vector-us.com/clients (last visited Feb. 6, 2026).

A bill to be entitled

An act relating to automatic dependent surveillance broadcasts; creating s. 330.42, F.S.; providing definitions; prohibiting airports from using information broadcast or collected by automatic dependent surveillance broadcast systems for specified purposes under certain conditions; providing an effective date.

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

**Section 1. Section 330.42, Florida Statutes, is created to read:**

330.42 Automatic dependent surveillance broadcasts.—

(1) For purposes of this section, the term:

(a) "Aircraft" has the same meaning as in s. 330.27, except that the aircraft must have a gross weight of 12,499 pounds or less and operate under 14 C.F.R. part 91.

(b) "Automatic dependent surveillance broadcast" means an advanced aviation surveillance technology that combines an aircraft's positioning source, aircraft avionics, and a ground infrastructure to create an accurate surveillance interface between an aircraft and air traffic control. The term includes two different services, ADS-B In and ADS-B Out, that can provide information, such as an aircraft's global positioning system

location, altitude, ground speed, and other data, to ground stations and other aircraft, as well as weather and traffic information to aircraft operators.

(c) "Touch-and-go landing" means an operation by an aircraft that lands and departs on a runway without stopping or exiting the runway.

(2) An airport may not use information broadcast or collected by automatic dependent surveillance broadcast systems, regardless of whether that data originates from ADS-B In or ADS-B Out, as a means for calculating, generating, and collecting fees from aircraft owners or operators who operate aircraft within the geographic boundaries of this state under the following circumstances:

(a) When the operation for which a fee would be assessed is a departure or landing, including, but not limited to, a touch-and-go landing.

(b) When the fee would be assessed based on an aircraft entering into a specified radius of the airspace of the airport assessing the fee.

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

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** HB 465 | **COMPANION BILL:** SB 822 (Gruters) |
| **TITLE:** Community Association Management | **LINKED BILLS:** None |
| **SPONSOR(S):** Nix and Basabe | **RELATED BILLS:** None |

**Committee References**

Housing, Agriculture & Tourism
16 Y, 0 N

➤

Commerce

## SUMMARY


**Effect of the Bill:**
The bill requires condominium associations, cooperative associations, and homeowners' associations with total annual revenues of $500,000 or more to contract with a community association management firm (CAM firm). The bill requires the same for condominium associations that operate a multicondominium, regardless of the amount of annual revenue.

The bill clarifies that CAM firms that contract with a condominium association, cooperative association, or homeowners' association must possess all applicable licenses. The bill requires each board member and officer of the foregoing associations to ensure that a CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm.

**Fiscal or Economic Impact:**
The bill will have an indeterminate fiscal impact on the private sector.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

**EFFECT OF THE BILL:**

**Condominium Associations**
The bill requires condominium associations with total annual revenues of $500,000 or more to contract with a community association management (CAM) firm. The bill clarifies that each board member and officer of a condominium association has a duty to ensure that a CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm. (Section 1.)

The bill also requires a condominium association that operates a multicondominium to contract with a CAM firm, regardless of the amount of annual revenue. The bill specifies that the CAM firm must possess all applicable licenses required by part VIII of chapter 468, F.S. (Section 2.)

The bill provides that each board member and officer of a condominium association that contracts with a CAM or CAM firm has a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm. (Sections 1 and 2.)

**Cooperative Associations**
The bill requires cooperative associations with total annual revenues of $500,000 or more to contract with a CAM firm. The bill specifies that the CAM firm must possess all applicable licenses required by part VIII of chapter 468, F.S. (Section 3.)

The bill provides that each board member and officer of a cooperative association that contracts with a CAM or CAM firm has a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm. (Section 3.)

**Homeowners' Associations**

The bill requires homeowners' associations with total annual revenues of $500,000 or more to contract with a CAM firm. The bill specifies that the CAM firm must have all applicable licenses required by part VIII of chapter 468, F.S. (Section 4.)

The bill provides that each board member and officer of a homeowners' association that contracts with a CAM or CAM firm has a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm. (Section 4.)

**Effective Date**

The bill has an effective date of January 1, 2027. (Section 5.)

**FISCAL OR ECONOMIC IMPACT:**

PRIVATE SECTOR:

The bill will likely increase costs for community associations subject to the bill that do not already contract with a CAM firm. A request for a formal analysis was submitted to the Department of Business and Professional Regulation on January 5, 2026.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

**Community Associations**

A community association is a residential association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.[1]

The table below summarizes the three major types of community associations recognized in Florida,[2] the Florida laws that govern them, and the type of ownership specific to each association:

| Community Association | Ownership Structure | Governed By |
|---|---|---|
| Condominium Association | "Condominium" means that form of ownership of real property created pursuant to ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.[3] | Ch. 718, F.S. |
| Cooperative Association | "Cooperative" means that form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the cooperative association and a lease or other evidence of title or possession granted by the | Ch. 719, F.S. |

[1] S. 468.431(1), F.S.
[2] Other community associations recognized in Florida include vacation and timeshare plans. *See* ch. 721, F.S.
[3] S. 718.103(12), F.S.

| | | |
|---|---|---|
| | cooperative association as the owner of all the cooperative property.[4] | |
| Homeowners' Association | "Homeowners' association" means a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.[5] | Ch. 720, F.S. |

Under Florida law, condominium associations, cooperative associations, and homeowners' associations with total revenues of $500,000 or more are required to prepare audited financial statements.[6]

## Community Association Management

Community association managers (CAMs) and community association management firms (CAM firms) provide community association management services, which means any of the following practices requiring substantial specialized knowledge, judgement, and managerial skill when done for pay and when the community association(s) served contain more than ten units or have an annual budget(s) in excess of $100,000:

- Controlling or disbursing funds of an association;
- Preparing budgets or other financial documents for an association;
- Assisting in the noticing or conduct of association meetings;
- Determining the number of days required for statutory notices;
- Determining amounts due to the association;
- Collecting amounts due to the association before the filing of a civil action;
- Calculating the votes required for a quorum or to approve a proposition or amendment.;
- Completing forms related to the management of an association that have been created by statute or by a state agency;
- Drafting meeting notices and agendas;
- Calculating and preparing certificates of assessment and estoppel certificates;
- Responding to requests for certificates of assessment and estoppel certificates;
- Negotiating monetary or performance terms of a contract subject to approval by an association;
- Drafting pre-arbitration demands;
- Coordinating or performing maintenance for real or personal property and other related routine services involved in the operation of an association; and
- Complying with an association's governing documents and the requirements of law as necessary to perform any of the above activities.[7]

[4] S. 719.103(12), F.S.
[5] S. 720.301(9), F.S. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute.
[6] For condominium associations, *see* s. 718.111(13)(a)3., F.S. For cooperative associations, *see* s. 719.104(4)(b)3., F.S. For homeowners' associations, *see* s. 720.303(7)(a)3., F.S.
[7] S. 468.431(2), F.S.

***Licensure and Regulation***

CAMs and CAM firms are licensed and regulated by the Department of Business and Professional Regulation (DBPR), and the Regulatory Council of Community Association Managers (Council) within DBPR, pursuant to part VIII of chapter 468, F.S.[8] The Council is comprised of seven members appointed by the Governor; appointment must be confirmed by the Senate.[9]

A person may not manage (or hold herself or himself out to the public as being able to manage) a community association in the state unless she or he is licensed by DBPR.[10] Similarly, a CAM firm or other organization responsible for the management of more than 10 units or an association budget of $100,000 or greater may not engage (or hold itself out to the public as being able to engage) in the business of community association management in the state unless it is licensed by DBPR.[11]

Under Florida law, a CAM or CAM firm is deemed to act as an agent of a community association when performing duties within the scope of authority authorized by a written contract with the association or chapter 468, F.S. Florida law prohibits a CAM or CAM firm from knowingly performing any act directed by a community association if doing so would violate state or federal law.[12] CAMs and CAM firms must discharge duties authorized to be performed on behalf of an association:

- Loyally, skillfully, and diligently;
- Dealing honestly and fairly;
- In good faith;
- With care and full disclosure to the community association;
- Accounting for all funds; and
- Not charging unreasonable or excessive fees.[13]

Each contract between a community association and a CAM or CAM firm for community management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract: "The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII and chapter 468, Florida Statutes."[14] Florida law prohibits a contract between a community association and a CAM or CAM firm from waiving or limiting the professional practice standards required pursuant to part VIII of chapter 468, F.S.[15]

Florida law prohibits DBPR from renewing a CAM or CAM firm's license until the CAM or CAM firm submits proof that the CAM or CAM firm has completed the requisite hours of continuing education.[16] The number of continuing education hours, criteria, and course content requirements are set by the Council by rule.[17]

**Recent Legislation Affecting CAMs and CAM Firms**

The Legislature has enacted legislation in recent years strengthening the regulation of CAMs and CAM firms in Florida. During the 2024 Regular Session, the Legislature passed CS/CS/CS/HB 1021,[18] which, among other things:

- Required CAMs and CAM firms to return all community association records within 20 days of the termination of a services agreement or a written request for return of the records, whichever occurs first.

[8] *See* ss. 468.432(1) and 468.4315, F.S.
[9] S. 468.4315(1), F.S.
[10] S. 468.432(1), F.S.
[11] S 468.432(2), F.S.
[12] S. 468.4334(1)(a), F.S.
[13] *Id.*
[14] S. 468.4334(1)(c), F.S.
[15] S. 468.4334(1)(d), F.S.
[16] S. 468.4337, F.S.
[17] *Id.* For the current continuing education requirements, *see* R. 61E14-4.001, F.A.C.
[18] *See* ch. 2024-244, Laws of Fla.

- Provided that a CAM or CAM firm that fails to timely return community association records as described above is subject to suspension of its license and a fine of $1,000 per day for up to 10 days.
- Required CAMs and CAM firms to disclose to the board of a community association any activity that may reasonably be construed to be a conflict of interest, created certain other conflict-of-interest disclosure requirements, and specified certain grounds for which disciplinary action could be taken.

The Legislature also passed CS/CS HB 1203[19] during the 2024 Regular Session. That bill, among other things, required CAMs and CAM firms for homeowners' associations to do all of the following:

- Attend in person at least one member meeting or board meeting of the homeowners' association annually.
- Provide to the members of the homeowners' association the name and contact information for each CAM or representative of a CAM firm assigned to the homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible.
- Provide to any member, upon request, a copy of the contract between the CAM or CAM firm and the homeowners' association and include such contract with the association's official records.
- Biennially complete at least 5 hours of continuing education that pertains specifically to homeowners' associations, 3 hours of which must relate to recordkeeping.

During the 2025 Regular Session, the Legislature passed CS/CS/HB 913,[20] which, among other things:

- Prohibited a person who has had his or her CAM license revoked from having an ownership interest in, or be an employee, partner, officer, director, or trustee of, a CAM firm during the 10-year period after the effective date of the revocation.
- Required CAMs and CAM firms to create and maintain an online licensure account with DBPR, and specified certain information that must be included on the online licensure account.
- Prohibited a contract between a CAM or CAM firm and a community association from waiving or limiting the professional practice standards required by Florida law.

[19] *See* ch. 2024-221, Laws of Fla.
[20] *See* ch. 2025-175, Laws of Fla.

**RECENT LEGISLATION:**

| YEAR | BILL #/SUBJECT | HOUSE/*SENATE* SPONSOR(S) | OTHER INFORMATION |
|---|---|---|---|
| 2024 | CS/CS/CS/HB 1021 - Community Associations | Lopez, V./ *Bradley* | Created conflict of interest disclosure requirements for CAMs and CAM firms, and revised certain requirements related to contractual obligations of CAMs and CAM firms to community associations. Approved by Governor. |
| 2024 | CS/CS/HB 1203 - Homeowners' Associations | Esposito, Anderson, Porras/ *Bradley* | Required certain associations to post specified documents online, created continuing education requirements for CAMs and CAM firms, and created certain requirements related to association finances. Approved by Governor. |
| 2025 | CS/CS/HB 913 - Condominium and Cooperative Associations | Lopez, V./ *Bradley* | Required CAMs and CAM firms to create an online licensure account with DBPR, amended conflict of interest provisions, and specified that CAMs and CAM firms that contract with a condominium association must have all applicable licenses. Approved by Governor. |

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Housing, Agriculture & Tourism Subcommittee | 16 Y, 0 N | 1/13/2026 | Curtin | Fletcher |
| Commerce Committee | | | Hamon | Fletcher |

A bill to be entitled

An act relating to community association management; amending ss. 718.111, 718.405, 719.106, and 720.303, F.S.; requiring certain community associations to contract with a community association management firm; requiring the community association firm to possess all applicable licenses; providing that association board members, officers, and directors have a duty to ensure such community association firm or community association manager is properly licensed; providing an effective date.

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

**Section 1. Paragraph (g) of subsection (3) of section 718.111, Florida Statutes, is amended to read:**

718.111 The association.—

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. An association with total annual revenues of $500,000 or more must contract with a community



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

association management firm. Each board member or officer ~~All board members or officers~~ of an association that contracts with a community association manager or a community association management firm has ~~have~~ a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

**Section 2. Subsection (6) is added to section 718.405, Florida Statutes, to read:**

718.405 Multicondominiums; multicondominium associations.—

(6) An association operating a multicondominium must contract with a community association management firm. The community association management firm must possess all applicable licenses required by part VIII of chapter 468. Each board member or officer of an association that contracts with a community association manager or a community association management firm has a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

**Section 3. Paragraph (a) of subsection (1) of section 719.106, Florida Statutes, is amended to read:**

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described, indicating the titles of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and board members. In the absence of such a provision, the board of administration shall be composed of five members, unless the cooperative has five or fewer units. The board shall consist of not fewer than three members in cooperatives with five or fewer units that are not-for-profit corporations. In a residential cooperative association of more than 10 units, co-owners of a unit may not serve as members of the board of directors at the same time unless the co-owners own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. In the absence of provisions to the contrary, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of those offices customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them those duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. A person who has been suspended or removed by the

division under this chapter, or who is delinquent in the payment of any monetary obligation due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. A director or officer charged by information or indictment with a felony theft or embezzlement offense involving the association's funds or property is suspended from office. The board shall fill the vacancy according to general law until the end of the period of the suspension or the end of the director's term of office, whichever occurs first. However, if the charges are resolved without a finding of guilt or without acceptance of a plea of guilty or nolo contendere, the director or officer shall be reinstated for any remainder of his or her term of office. A member who has such criminal charges pending may not be appointed or elected to a position as a director or officer. A person who has been convicted of any felony in this state or in any United States District Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony.

3. When a unit owner files a written inquiry by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the inquiry. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within 60 days after the receipt of the inquiry, provide in writing a substantive response to the inquirer. The failure to provide a substantive response to the inquirer as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry. The association may, through its board of administration, adopt reasonable rules and regulations regarding the frequency and manner of responding to the unit owners' inquiries, one of which may be that the association is obligated to respond to only one written inquiry per unit in any given 30-day period. In such case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.

4. An association with total annual revenues of $500,000 or more must contract with a community association management

firm. The community association management firm must possess all applicable licenses required by part VIII of chapter 468.

5. Each board member or officer of an association that contracts with a community association manager or a community association management firm has a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

**Section 4. Subsection (1) of section 720.303, Florida Statutes, is amended to read:**

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(1) POWERS AND DUTIES.—An association that operates a community as defined in s. 720.301 must be operated by an association that is a Florida corporation. After October 1, 1995, the association must be incorporated and the initial governing documents must be recorded in the official records of the county in which the community is located. An association may operate more than one community. An association with total annual revenues of $500,000 or more must contract with a community association management firm. The community association management firm must possess all applicable licenses required by part VIII of chapter 468. The officers and directors of an association are subject to s. 617.0830 and have a fiduciary

relationship to the members who are served by the association. Each officer and director of an association that contracts with a community association manager or a community association management firm has a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents. After control of the association is obtained by members other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all members concerning matters of common interest to the members, including, but not limited to, the common areas; roof or structural components of a building, or other improvements for which the association is responsible; mechanical, electrical, or plumbing elements serving an improvement or building for which the association is responsible; representations of the developer pertaining to any existing or proposed commonly used facility; and protest of ad valorem taxes on commonly used facilities. The association may defend actions in eminent domain or bring inverse condemnation actions. Before commencing litigation against any party in the name of the association involving amounts in controversy in excess of $100,000, the association must obtain the affirmative approval of a majority of the voting

interests at a meeting of the membership at which a quorum has been attained. This subsection does not limit any statutory or common-law right of any individual member or class of members to bring any action without participation by the association. A member does not have authority to act for the association by virtue of being a member. An association may have more than one class of members and may issue membership certificates. An association of 15 or fewer parcel owners may enforce only the requirements of those deed restrictions established prior to the purchase of each parcel upon an affected parcel owner or owners.

**Section 5.** This act shall take effect January 1, 2027.

**COMMERCE COMMITTEE**

**HB 465 by Rep. Nix**
**Community Association Management**

**AMENDMENT SUMMARY**
**February 10, 2026**

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**Amendment #064163 by Rep. Nix (Lines 25, 124, and 146):** The amendment provides that community associations with total annual revenues of $750,000 or more, rather than $500,000 or more, are subject to the bill's requirements to hire a community association management (CAM) firm.

**Amendment #438865 by Rep. Nix (Line 185):** The amendment:

- Clarifies that timeshare management firms and CAMs employed by a timeshare management firm are governed by the Florida Vacation Plan and Timesharing Act (Timeshare Act) and are only subject to Florida's laws governing the licensure and regulation of CAMs and CAM firms.
- Provides that, if a timeshare management firm or a CAM employed by a timeshare management firm also manages other accommodations that are not part of a timeshare plan, then the management of those other accommodations are governed by Florida's laws relating to the regulation of CAMs and CAM firms.
- Specifies that the provisions of the Timeshare Act prevail in the event of a conflict between the Timeshare Act and Florida's laws relating to the regulation of CAMs and CAM firms.

**Amendment #829213 by Rep. Porras (Line 14):** The amendment:

- Requires a CAM or CAM firm to obtain an errors or omissions insurance policy with a minimum combined single limit of $1 million prior to contracting with a community association.
- Provides that a CAM's license shall be immediately revoked upon being convicted or entering a plea of nolo contendere to certain felonies, and shall be permanently barred from any future CAM licensure.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | __ (Y/N) |
| ADOPTED AS AMENDED | __ (Y/N) |
| ADOPTED W/O OBJECTION | __ (Y/N) |
| FAILED TO ADOPT | __ (Y/N) |
| WITHDRAWN | __ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Commerce Committee
Representative Nix offered the following:

**Amendment**

Remove line 25 and insert:
revenues of $750,000 or more must contract with a community

Remove line 124 and insert:
4. An association with total annual revenues of $750,000

Remove line 146 and insert:
annual revenues of $750,000 or more must contract with a

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | __ (Y/N) |
| ADOPTED AS AMENDED | __ (Y/N) |
| ADOPTED W/O OBJECTION | __ (Y/N) |
| FAILED TO ADOPT | __ (Y/N) |
| WITHDRAWN | __ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Commerce Committee
Representative Nix offered the following:

**Amendment (with title amendment)**

Between lines 185 and 186, insert:

**Section 5. Subsection (2) of section 721.03, Florida Statutes, is amended to read:**

721.03 Scope of chapter.—

(2)(a) When a timeshare plan is subject to both the provisions of this chapter and the provisions of chapter 718 or chapter 719, the plan shall meet the requirements of both chapters unless exempted as provided in this section. The division shall have the authority to adopt rules differentiating between timeshare condominiums and nontimeshare condominiums, and between timeshare cooperatives and nontimeshare cooperatives, in the interpretation and implementation of

chapters 718 and 719, respectively. In the event of a conflict between the provisions of this chapter and the provisions of chapter 718 or chapter 719, the provisions of this chapter shall prevail.

(b) A timeshare management firm, or an individual licensed under part VIII of chapter 468 who is employed by a timeshare management firm, is governed by this chapter and is only subject to the licensing and disciplinary requirements of chapter 468 pursuant to s. 721.13(13)(c)2.

**Section 6. Paragraph (c) of subsection (13) of section 721.13, Florida Statutes, is amended to read:**

721.13 Management.—

(13)

(c)1. If a timeshare management firm or an owners' association provides goods or services through a parent, affiliate, or subsidiary of the timeshare management firm, the fact that a related party is providing goods or services must be disclosed annually to the members of that owners' association in any of the following ways:

a. As an explanatory note to the annual budget pursuant to subparagraph (3)(c)1.;

b. In the management contract;

c. By mail sent to each owner's address on file for providing notice;

d. In the notice of an annual or special meeting of the owners;

e. By posting notice on the website of the applicable timeshare plan; or

f. By any owner communication used by the managing entity.

2.a. A timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm are governed by this section and s. 468.438.

b. Unless a provision of part VIII of chapter 468 is made expressly applicable to a timeshare management firm, or to an individual licensed under part VIII of chapter 468 who is employed by a timeshare management firm, such timeshare management firm, or such individual licensee, is governed by this chapter and is only subject to the licensing and disciplinary requirements of chapter 468.

c. If a timeshare management firm or individual licensee described in subparagraph b. also manages other accommodations that are not part of a timeshare plan, the provisions of subparagraph b. shall not apply to the community association management of such other accommodations, which management shall be fully governed by part VIII of chapter 468.

d. In the event of a conflict between the provisions of this chapter and the provisions of chapter 468, the provisions of this chapter shall prevail.

**Section 7. Paragraph (d) is added to subsection (4) of section 721.14, Florida Statutes, to read:**

721.14 Discharge of managing entity.—

(4)

(d) Timeshare plans are governed by this section and not by s. 468.4334(4).

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**T I T L E A M E N D M E N T**

Remove line 10 and insert:

association manager is property licensed; amending ss. 721.03, 721.13, and 721.14, F.S.; clarifying the applicability of certain laws to timeshare management firms and community association managers who are employed by timeshare management firms; providing an

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|---|---|---|
| ADOPTED | __ | (Y/N) |
| ADOPTED AS AMENDED | __ | (Y/N) |
| ADOPTED W/O OBJECTION | __ | (Y/N) |
| FAILED TO ADOPT | __ | (Y/N) |
| WITHDRAWN | __ | (Y/N) |
| OTHER | _____ | |

Committee/Subcommittee hearing bill: Commerce Committee

Representative Porras offered the following:

**Amendment (with title amendment)**

Between lines 14 and 15, insert:

**Section 1. Subsection (4) is added to section 468.432, Florida Statutes, to read:**

468.432 Licensure of community association managers and community association management firms; exceptions.—

(4) A community association manager or community association management firm, prior to contracting with or being employed by a homeowners' association, condominium association, or cooperative association, must obtain coverage under an errors or omissions insurance policy with a minimum combined single limit of $1 million, separate from any insurance coverage provided by the association.

**Section 2. Subsection (6) is added to section 468.436, Florida Statutes, to read:**

468.436 Disciplinary proceedings.—

(6) If a community association manager is convicted of or enters a plea nolo contendere to, regardless of adjudication, in any jurisdiction, a felony of the first degree, a capital felony, a felony involving money laundering, or a felony involving theft or embezzlement, the community association manager's license, issued pursuant to this part, shall be immediately revoked by the department and the community association manager shall be permanently barred from licensure under this part.

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**T I T L E A M E N D M E N T**

Between lines 2 and 3, insert:

amending s. 468.432, F.S.; providing certain insurance requirements; amending s. 468.436, F.S.; providing disciplinary procedures;

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/HB 679 | **COMPANION BILL:** SB 696 (Martin) |
| **TITLE:** Registration of Trademarks | **LINKED BILLS:** None |
| **SPONSOR(S):** Greco | **RELATED BILLS:** SB 476 (Martin) |

**Committee References**

| Industries & Professional Activities | ➤ | Transportation & Economic Development Budget | ➤ | Commerce |
|---|---|---|---|---|
| 15 Y, 0 N, As CS | | 13 Y, 0 N | | |

## 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.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## 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.[1] DOS must make the online application available by July 1, 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)

The bill has an effective date of July 1, 2026. (Section 4)

[1] 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.[2] 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.[3]

## 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.[4] 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.[5]

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.[6] 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[7]; however, the Nice Agreement which sets the international class headings and is utilized by the United States Patent and Trademark Office, is updated regularly.[8]

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.[9]

**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[10] establishing the Nice Classification which is an international

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[2] DOS, Agency Analysis of 2026 House Bill 679, p. 3 (February 3, 2026).
[3] *Id*.
[4] S. 495.011(13) F.S.
[5] United States Patent and Trademark Office, Goods and services | USPTO, (last visited Dec. 23, 2025).
[6] United States Patent and Trademark Office, What is a trademark? | USPTO, (last visited Dec. 23, 2025).
[7] S. 495.111(1), F.S.
[8] United States Patent and Trademark Office, Nice Agreement current edition version - general remarks, class headings and explanatory notes | USPTO, (last visited Feb. 3, 2026).
[9] United States Patent and Trademark Office, Why register your trademark? | USPTO, (last visited Feb. 3, 2026).
[10] 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).

classification of goods and services applied for the registration of marks. A new edition is published every five years with a new version of each addition published annually.[11] The Committee of Experts of the Nice Union sets the classification, and the World Intellectual Property Organization publishes the Nice Classification on its website.[12] 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.[13]

To register for a trademark,[14] an applicant[15] 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.[16]

The Division may require the applicant to provide additional information or amend the application as needed.[17] 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."[18]

**RECENT CHANGES AND RECOMMENDATIONS:**

In 2019, Florida law was updated to conform the state's classifications for trademark goods and services to the 11th edition of the Nice Classification;[19] however, international standards are updated often, making Florida law out of date already.[20] 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.[21] Additionally, the Florida Bar Business Law Section recommended an online application to modernize the registration system and ensure timely applications.[22]

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[11] World Intellectual Property Organization, Nice Classification, (last visited Feb. 3, 2026).
[12] United States Patent and Trademark Office, Nice Agreement current edition version - general remarks, class headings and explanatory notes | USPTO, (last visited Dec. 23, 2025).
[13] Department of State Division of Corporations, *Yearly Statistics*, available at https://dos.fl.gov/sunbiz/about-us/yearly-statistics/ (last visited Feb. 3, 2026).
[14] "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.
[15] "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.
[16] S. 495.031, F.S.
[17] S. 495.035, F.S.
[18] *Id.*
[19] *See* s. 495.111, F.S.; *see also* Fla. SB 198 (2019).
[20] 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).
[21] *Id.*
[22] *Id.*

# BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Industries & Professional Activities Subcommittee | 15 Y, 0 N, As CS | 1/14/2026 | Anstead | Miralia |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Clarified that DOS must utilize the international schedule of classes of goods and services as set by 37 CFR §6.1, as amended.<br>• Added language stating that electronic signatures can be utilized for applications. | | | |
| Transportation & Economic Development Budget Subcommittee | 13 Y, 0 N | 1/29/2026 | Davis | Andeara |
| Commerce Committee | | | Hamon | Miralia |

**----------**

**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

**----------**

A bill to be entitled

An act relating to registration of trademarks; amending s. 495.111, F.S.; removing provisions relating to the classification of goods and services for trademark purposes; requiring the Department of State to use the international schedule of classes of goods and services; creating s. 495.0315, F.S.; requiring the department to establish and maintain a secure Internet website that allows submission of an online trademark registration application and renewal application; providing website requirements; requiring the department to make the online application system available by a specified date; amending s. 495.031, F.S.; providing online application requirements; providing an effective date.

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

**Section 1. Subsection (1) of section 495.111, Florida Statutes, is amended to read:**

495.111 Classification.—

(1) The department shall use the international schedule of classes of goods and services as set forth in 37 C.F.R. s. 6.1, as amended, as the state classification system for trademarks. ~~The following general classes of goods and services, conforming~~

~~to the classification adopted by the United States Patent and Trademark Office, are established for convenience of administration of this chapter:~~

~~(a) Goods:~~

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

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

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

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

~~5. Class 5 Pharmaceuticals, medical and veterinary~~

~~preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.~~

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

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

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

~~9. Class 9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers,~~

~~recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus.~~

~~10. Class 10 Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; orthopaedic articles; suture materials; therapeutic and assistive devices adapted for the disabled; massage apparatus; apparatus, devices and articles for nursing infants; sexual activity apparatus, devices and articles.~~

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

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

~~13. Class 13 Firearms; ammunition and projectiles; explosives; fireworks.~~

~~14. Class 14 Precious metals and their alloys; jewellery, precious and semi-precious stones; horological and chronometric instruments.~~

~~15. Class 15 Musical instruments.~~

~~16. Class 16 Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists;~~

~~paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks.~~

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

~~18. Class 18 Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals.~~

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

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

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

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

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

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

~~25. Class 25 Clothing, footwear, headgear.~~

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

~~27. Class 27 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).~~

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

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

~~30. Class 30 Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from~~

~~cereals; bread, pastries and confectionery; edible ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice (frozen water).~~

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

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

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

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

~~(b) Services:~~

~~1. Class 35 Advertising; business management; business administration; office functions.~~

~~2. Class 36 Insurance; financial affairs; monetary affairs; real estate affairs.~~

~~3. Class 37 Building construction; repair; installation services.~~

~~4. Class 38 Telecommunications.~~

~~5. Class 39 Transport; packaging and storage of goods; travel arrangement.~~

~~6. Class 40 Treatment of materials.~~

~~7. Class 41 Education; providing of training; entertainment; sporting and cultural activities.~~

~~8. Class 42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.~~

~~9. Class 43 Services for providing food and drink; temporary accommodation.~~

~~10. Class 44 Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.~~

~~11. Class 45 Legal services; security services for the physical protection of tangible property and individuals; personal and social services rendered by others to meet the needs of individuals.~~

~~(c) Certification and collective membership marks:~~

~~1. Class 200 Collective membership marks.~~

~~2. Class A Certification marks for goods.~~

~~3. Class B Certification marks for services.~~

~~(d) The goods and services recited in collective trademark and collective service mark applications are assigned to the same classes that are appropriate for those goods and services in general.~~

**Section 2. Section 495.0315, Florida Statutes, is created to read:**

495.0315 Online application for registration.—

(1) The department shall establish and maintain a secure Internet website that allows an applicant to submit an online trademark registration application in accordance with ss. 495.031 and 495.035 and a renewal application in accordance with s. 495.071. The website must safeguard the applicant's information to ensure data integrity and allow the applicant to:

(a) Provide an electronic version of a required specimen of use.

(b) Provide an electronic version of a drawing of the mark.

(c) Pay the fee required by s. 495.191.

(d) Complete the verification required by s. 495.031(5).

(2) The department shall make the online application system required by this section available no later than July 1, 2027.

**Section 3. Subsections (5) and (6) of section 495.031, Florida Statutes, are amended to read:**

495.031 Application for registration.—

(5) Every application under this section shall be signed and verified by the applicant or by a member of the firm or an officer or other authorized representative of the business entity applying. Verification must be made in accordance with s. 92.525 and may be accomplished electronically in compliance with ss. 668.001-668.006.

(6) Every paper application under this section shall be accompanied by three specimens or facsimiles showing the mark as actually used. Every online application under this section must be accompanied by an electronic copy of a specimen, complying with the requirements of the department, showing the mark as actually used.

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

**COMMERCE COMMITTEE**

**CS/HB 679 by Rep. Greco**
**Registration of Trademarks**

**AMENDMENT SUMMARY**
**February 10, 2026**

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**Amendment #427833 by Rep. Greco** (**lines 215-216**):

- Extends the date by which the Department of State must make the online application system available to December 31, 2027.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|---|---|---|
| ADOPTED | __ | (Y/N) |
| ADOPTED AS AMENDED | __ | (Y/N) |
| ADOPTED W/O OBJECTION | __ | (Y/N) |
| FAILED TO ADOPT | __ | (Y/N) |
| WITHDRAWN | __ | (Y/N) |
| OTHER | _____ | |

Committee/Subcommittee hearing bill: Commerce Committee

Representative Greco offered the following:

**Amendment**

Remove lines 215-216 and insert:

system required by this section available no later than December 31, 2027.

**HB 767**

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** HB 767 | **COMPANION BILL:** SB 832 (Avila) |
| **TITLE:** Residential Property Insurance | **LINKED BILLS:** None |
| **SPONSOR(S):** Benarroch | **RELATED BILLS:** None |

**Committee References**

| Insurance & Banking | ➤ | State Administration Budget | ➤ | Commerce |
|---|---|---|---|---|
| 17 Y, 0 N | | 11 Y, 0 N | | |

## SUMMARY

**Effect of the Bill:**
The bill requires property insurers seeking a rate change to prepare a rate transparency report with information in plain language that helps consumers have a better understanding of insurance. The report must be included with any offer of coverage and upon policy renewal. It must include a graphic breakdown of the factors affecting the insurance rate, including the cost of reinsurance, the cost of claims, and profits.

The bill requires the Office of Insurance Regulation (OIR) to create a resource center on its website to help consumers understand insurance. It must include, among other things, information on the dynamics of the insurance market, the claims process, consumer protection, disaster preparedness, and on the insurance coverage choices available to consumers.

The bill provides that the statewide average requested rate change and final approved statewide average rate change in a filing, as well as the county rating examples submitted to OIR through the rate collection system for the purpose of displaying rates on its website, are not a trade secret.

The bill provides that when establishing the coverage amount or adjudicating a claim for a dwelling or other structure under a homeowners' insurance policy, an insurer may not include the value of the land on which the dwelling or structure is located.

**Fiscal or Economic Impact:**
The bill results in no additional cost to OIR but may have an indeterminate fiscal impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

### EFFECT OF THE BILL:

The bill requires insurers seeking a rate change for residential property coverage after October 1, 2026, to prepare a rate transparency report. The Office of Insurance Regulation (OIR) may accept the rate transparency report. However, if OIR finds that the report does not provide the information in concise and plain language that aids consumers in their understanding of insurance or finds the report to be misleading, OIR must return the report to the property insurer for modification. (Section 1).

OIR's acceptance of the rate transparency report that accompanies a rate filing is not considered an approval of the request for a rate change. (Section 1).

The report must follow a standard format set by the Financial Services Commission (FSC) and must include a graphic breakdown of the factors that affect the insurer's rate. The report must be included with any offer of

coverage and upon policy renewal to the insured. If the report has not been accepted for use or modified in accordance with OIR's direction, the report must indicate that it is preliminary and subject to modification by the insurer. The report must include the following factors, which must add up to 100 percent:

- the percentage of the total rate factor associated with the cost of reinsurance;
- the percentage of the total rate factor associated with the cost of claims;
- the percentage of the total rate factor associated with the defense containment and costs;
- the percentage of the total rate factor associated with fees and commissions;
- the percentage of the rate factor associated with profit and contingency of the insurer; and
- any other categories deemed necessary by OIR or the FSC. (Section 1).

A rate transparency report must also include the following information:

- any major adverse findings by OIR within the previous three calendar years;
- whether the insurer uses affiliated entities to perform functions of the insurer;
- contact information for the Division of Consumer Services within the Department of Financial Services (DFS);
- contact information for OIR;
- the address for OIR's website with public access to rate filing information;
- any changes to the total insured value from the last policy period. (Section 1).

The bill requires OIR to define the terms in the transparency report in concise and plain language to help consumers understand insurance better. (Section 1).

The bill requires OIR to create a resource center on its website to help consumers understand insurance. It must include:

- Reports, using graphic information whenever possible, outlining information about the state of the market and the adverse and positive trends affecting it.
- Tools that aid consumers in finding insurers, including a list of all insurers in the state and their contact information.
- Tools that aid consumers in selecting coverages beneficial to them including:
    - educational materials that explain the types of coverage in residential property insurance coverage;
    - the difference between replacement cost reimbursement and actual cash value reimbursement;
    - a glossary of common terms used in insurance policies;
    - a comparison of the coverage, terms, conditions, and exclusions contained in different homeowners' and dwelling fire forms; and
    - answers to commonly asked questions about residential property insurance coverage.
- Information about available mitigation credits and discounts and the My Safe Florida Home Program.
- Access to the rate transparency report, annual statements, market conduct information, and other Information related to each insurer.
- Information on the Citizens Property Insurance Corporation take-out process[1], the clearinghouse[2], and general information as reported by OIR.
- Information on the claims process, including:
    - clear, step-by-step guidance on how to file a claim, what to expect during the claim process, and timelines for resolution of a claim;
    - the obligations of insurers and insureds related to claim reporting, claim handling, communications regarding claims, claim investigations, claim decisions, and claim payments; and

[1] The take-out process allows authorized private market property insurers to select Citizens' policies for the purpose of offering coverage. *See* s. 627.351, F.S.

[2] The clearinghouse program is designed to confirm eligibility for coverage through Citizens. New and renewal personal lines residential policies for Citizens are placed into the clearinghouse where participating private insurers can review and decide to make offers of coverage before policies are placed or renewed with Citizens. *See* s. 627.3518, F.S.

    - for each insurer with active policies in the state, the means by which to report a claim, including telephone numbers, e-mail addresses, or website addresses the insured can use to report a claim.
- Information on consumer protection, including:
    - the rights of insureds under Florida law related to coverage, coverage renewals, nonrenewals, and cancellations, and mandated offers of coverage; and
    - information on how to file a complaint with the Division of Consumer Services at DFS.
- Information on news and updates relevant to consumers regarding the residential property insurance market, including regulatory changes, information on insurers that enter or exit the market, and industry trends.
- Information on disaster preparedness directly related to insurance, prepared by OIR or the Division of Emergency Management.
- For any residential property rate filing: whether the insurer uses affiliated entities to perform administrative, claims handling, or other functions of the insurer, and if so, the total percentage of direct written premium paid to the affiliated entities by the insurer in the preceding calendar year. (Section 1).

The bill provides that the statewide average requested rate change and final approved statewide average rate change within a filing is not a trade secret and is not subject to the public records exemption for trade secrets provided in Florida's public records law or in the Florida Insurance Code. Additionally, the bill provides that the county rating examples submitted to OIR through the rate collection system for purpose of displaying rates on OIR's website is not a trade secret and thus not subject to the public records exemptions. (Section 1).

The bill provides that when establishing the coverage amount or adjusting a claim for a dwelling or other structure under a homeowner's insurance policy, an insurer may not include the value of the land on which such dwelling or structure is located. This provision may not be construed to permit inclusion of the value of land for dwellings or structures located on the shoreline, surrounded in whole or in part by a body of water, or on land formed or altered by erosion or accretion. (Section 2).

The bill provides an effective date of July 1, 2026. (Section 4).

**RULEMAKING:**

The bill requires the Financial Services Commission to prescribe a format for the rate transparency report required by the bill.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

OIR may need to make information technology modifications to implement the bill, however, these changes can be handled within existing resources.[3]

PRIVATE SECTOR:

There may be an indeterminate fiscal impact on the private sector to the extent that it requires insurers to print the rate transparency report and issue it to consumers when coverage is offered and when a policy is renewed.

[3] OIR, Agency Analysis of 2026 Senate Bill 832, p. #6 (Jan. 5, 2026).

# RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

## CHOICES Website

OIR has an existing rate comparison tool on its website entitled "CHOICES" that provides consumers with rate information for various types of insurance. The CHOICES homeowner's rate comparison tool provides sample average rates for a variety of companies writing insurance in each county, in addition to rates for Citizens Property Insurance Corporation.[4]

The rates provided in the CHOICES system are for illustrative purposes only. The website encourages consumers to contact either an insurance agent or the insurance company for a premium quote based on individual circumstances. Rates for insurers that submitted data as trade secret are not included.[5]

Department of Financial Services

The Department of Financial Services offers a variety of information and resources on its website to educate consumers regarding insurance and financial topics. Information may be found on homeowner's insurance, automobile insurance, life insurance and annuities, health insurance, and long-term care insurance.[6] The resources include over 30 consumer guides on specific insurance topics, including:[7]

- assignment of benefits;
- automobile insurance;
- filing an auto claim;
- automobile mediation program;
- homeowners' insurance;
- homeowner claims bill of rights;
- post-disaster insurance claims;
- premium discounts for hurricane loss mitigation;
- residential property mediation program;
- renters' insurance;
- settling a sinkhole claim;
- sinkhole and catastrophic ground cover collapse;
- Florida's hurricane deductible;
- what to expect after filing a homeowners' claim;
- the flood claim process; and
- getting help with a property insurance claim.

These guides are available in both English and Spanish.[8]

## Transparency in Rate Regulation

OIR is required to provide the following information with respect to any residential property rate filing on a publicly accessible website:[9]

- the overall rate change requested by the insurer;
- the rate change approved by OIR along with all of the actuary's assumptions and recommendations forming the basis of OIR's decision; and

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[4] OIR, *CHOICES Rate Comparison Tool*, https://floir.com/consumers/choices-rate-comparison-search (last visited Jan. 15, 2026).
[5] *Id*.
[6] DFS, *About the Division*, https://www.myfloridacfo.com/Division/Consumers/ (last visited Jan. 15, 2026).
[7] DFS, *Consumer Guides*, https://www.myfloridacfo.com/division/consumers/understanding-insurance/guides (last visited Jan. 15, 2026).
[8] *Id*.
[9] S. 627.0621(2)(a), F.S.

- certification by OIR's actuary that, based on the actuary's knowledge, his or her recommendations are consisted with accepted actuarial principles.

OIR must provide on its website a means for any policyholder who may be affected by a proposed rate change to send an e-mail to OIR regarding the proposed rate change.[10] Any such e-mail must be accessible to the actuary assigned to review the rate filing.[11]

**I**nsurer Reporting of Property Insurance Data and other Information to OIR

Every insurer and insurer group doing business in Florida must file monthly reports with OIR.[12] Every insurer and insurer group doing business in Florida must file monthly reports with OIR:[13]

- the total number of policies in force at the end of each month;
- the total number of policies canceled;
- the total number of policies nonrenewed;
- the number of policies canceled due to hurricane risk;
- the number of policies renewed due to hurricane risk;
- the number of new policies written;
- the total dollar value of structure exposure under policies that include wind coverage;
- the number of policies that exclude wind coverage;
- the number of claims opened each month;
- the number of claims closed each month;
- the number of claims pending each month; and
- the number of claims in which either the insurer or insured invoked any form of alternative dispute resolution, and specifying which form of alternative dispute resolution was used.

OIR must aggregate this data on a statewide basis and make it publicly available by publishing such on OIR's website within one month after each quarterly and annual filing.[14] This information, when aggregated on a statewide basis, is not a trade secret and is not subject to a public records exemption.[15]

## Types of Coverage and Policy Forms

There are eight different homeowners' policy forms.[16] Policy forms represent the type of property insurance needed for a homeowner, condo owner, or renter.[17] These forms include:

- HO-1 – these forms are the most basic type of home insurance, and it protects only against eleven specified perils, such as fire, lightning, windstorms, and hail, but do not provide coverage for liability nor personal property.
- HO-2 – these policies cover all the common perils from HO-1, plus seven additional perils including falling objects, certain sudden or accidental damage, and the weight of ice, snow, or sleet. These policies only cover named perils, meaning that if a peril isn't explicitly listed in the policy, it won't be covered by the insurer. Some of these policies provide coverage for personal property and personal liability.
- HO-3 – this is the most common type of homeowners insurance, and it provides coverage for all perils except those explicitly excluded. These policies also provide coverage for personal property and personal liability coverage.
- HO-4 – this policy form is for renters' insurance.

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[10] S. 627.0621(2)(b), F.S.
[11] *Id*.
[12] S. 624.424(10)(a), F.S.
[13] *Id*.
[14] S. 624.424(10)(b), F.S.
[15] *Id*.
[16] Progressive, *What are the different types of homeowners insurance policies?*, https://www.progressive.com/homeowners/faq/policy-types/ (last visited Jan. 15, 2026).
[17] *Id*.

- HO-5 – this is known as the comprehensive form and provides the most coverage. Personal property losses are repaid based on the replacement cost for the item, instead of the actual cash value. These policies tend to have higher coverage limits and less restrictions on perils.
- HO-6 – this policy form applies to condo owners.
- HO-7 – this policy form applies to mobile homes.
- HO-8 – this policy form applies to older properties, typically built more than 40 years ago.

**My Safe Florida Home Program**

In 2006, the Legislature created the My Safe Florida Home Program (MSFH Program) within DFS, with the intent that the MSFH Program provide licensed inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants, subject to the availability of funds.[18]

Grants are matched with $2 provided by the state for every $1 provided by the homeowner up to $10,000.[19]

**Residential Property Insurance Mitigation Credits, Discounts, or other Rate Differentials**

Residential property insurance rates must account for mitigation measures undertaken by policyholders to reduce hurricane losses.[20] Specifically, insurer rate filings must include actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles to consumers who implement windstorm damage mitigation techniques to their properties.[21]

Upon their filing by an insurer or rating organization, the OIR determines the discounts, credits, and other rate differentials.[22] Windstorm mitigation measures that must be evaluated for purposes of mitigation discounts include fixtures or construction techniques that enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength.[23]

An insurer is required to notify an applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability of each premium discount, credit, other rate differential for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented.[24] The FSC is required to develop a uniform mitigation verification inspection form to be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance.[25]

**Trade Secret and Public Records Exemptions**

Florida law defines "trade secret" as information that derives independent economic value from not being generally known by other people who can obtain economic value from its disclosure or us and that is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.[26]

When insurers submit documents to OIR or DFS pursuant to the Florida Insurance Code, or as required by rule of OIR, DFS, or the FSC, the insurer may file with OIR or DFS a notice of trade secret.[27] If OIR or DFS receive a public records request for a document marked as trade secret, OIR or DFS must notify the person that certified the document as trade secret.[28] The notice must inform the person that the company has 30 days following receipt of

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[18] S. 215.5586, F.S.
[19] *Id*.
[20] S. 627.062(2)(j), F.S.
[21] S. 627.0629(1), F.S.
[22] *Id*.
[23] *Id*.
[24] S. 627.711(1), F.S.
[25] S. 627.711(2)(a), F.S.
[26] S. 688.002(4), F.S.
[27] S. 624.4213, F.S.
[28] *Id*.

the notice to file an action in circuit court to get a determination of whether the document contains trade secrets and an order barring public disclosure of the document.[29]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Insurance & Banking Subcommittee | 17 Y, 0 N | 1/21/2026 | Brackett | Miguez |
| State Administration Budget Subcommittee | 11 Y, 0 N | 2/5/2026 | Topp | Helping |
| Commerce Committee | | | Hamon | Miguez |

[29] *Id.*

A bill to be entitled

An act relating to residential property insurance; amending s. 627.0621, F.S.; requiring that certain rate filings with the Office of Insurance Regulation from residential property insurers include rate transparency reports; providing for the office to accept such reports or to request that the insurer make modifications; providing construction; providing requirements for such reports; requiring insurers to provide such reports to consumers; requiring that the report indicate that it is preliminary and subject to modification by the insurer at the direction of the office under certain circumstances; requiring the office to define terms used in such reports; requiring the office to establish and maintain a comprehensive resource center on its website; providing requirements for the resource center; specifying that certain information is not a trade secret and is not subject to certain public records exemptions; amending s. 627.7011, F.S.; prohibiting an insurer from including the value of certain land when establishing a homeowner's policy coverage amount or adjusting certain claims; providing construction; amending s. 627.7142, F.S.; conforming a cross-reference; providing an effective date.

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

**Section 1. Present subsection (2) of section 627.0621, Florida Statutes, is redesignated as subsection (3) and amended, and a new subsection (2) is added to that section, to read:**

627.0621 Transparency in rate regulation.—

(2) RATE TRANSPARENCY REPORT.—

(a) Beginning October 1, 2026, every rate filing requesting a rate change for residential property coverage from a property insurer must include a rate transparency report for acceptance or, if necessary, modification by the insurer as directed by the office. The office may accept the rate transparency report for filing; or, if the office finds that the report fails to provide the required information in concise, plain language that aids consumers in their understanding of insurance or that the report is misleading, the office must return the report to the insurer with specific directions for modification. The office's acceptance of the report for use or direction for modification may not be deemed an approval pursuant to s. 627.062. The report must be compiled in a uniform format prescribed by the commission and must include a graphic representation identifying a percentage breakdown of rating factors anticipated by the company, book, or program affected by the filing.

(b) Along with an offer of coverage and upon renewal, an insurer shall provide the corresponding copy of the rate transparency report for the consumers' offered rate to aid consumers in their understanding of insurance. If the report has not been accepted for use or modified in accordance with the office's direction, the report must indicate that it is preliminary and subject to modification by the insurer at the direction of the office.

(c) The rate transparency report must include the following categories of the book or program at the cumulative level:

1. The percentage of the total rate factor associated with the cost of reinsurance.

2. The percentage of the total rate factor associated with the cost of claims.

3. The percentage of the total rate factor associated with the defense containment and costs.

4. The percentage of the total rate factor associated with fees and commissions.

5. The percentage of the rate factor associated with profit and contingency of the insurer.

6. Any other categories deemed necessary by the office or commission.

An estimated percentage of the influence of each listed factor

provided must equal 100 percent.

(d) The insurer shall provide the rate transparency report to the office upon the filing of a rate change with the office.

(e) In addition to the categories required in paragraph (c), the rate transparency report must also include the following information:

1. All major adverse findings by the office for the previous 3 calendar years.

2. Whether the insurer uses affiliated entities to perform functions of the insurer.

3. Contact information, including a telephone number, hours of service, and an e-mail address, for the Division of Consumer Services of the department.

4. Contact information for the office.

5. Address for the website for public access to rate filing and affiliate information outlined in subsection (3).

6. Any change in the total insured value from the last policy period.

(f) The office shall define, in concise and plain language, any term used in the rate transparency report to aid consumers in their understanding of insurance.

(3)~~(2)~~ WEBSITE FOR PUBLIC ACCESS TO RATE FILING INFORMATION.—

(a) The office shall establish and maintain a comprehensive resource center on its website which uses concise

and plain language to aid consumers in their understanding of insurance. The website must include substantive information on the current and historical dynamics of the market, data concerning the financial condition and market conduct of insurance companies, and insurance options available to consumers. At a minimum, the website must contain the following:

1. Reports, using graphic information whenever possible, which outline information about the state of the market and adverse and positive trends affecting it.

2. Tools that aid consumers in finding insurers, including, but not limited to, a listing of all companies actively doing business in this state which includes each company's address, website, and all telephone numbers and e-mail addresses to be used by insureds and applicants for coverage.

3. Tools that aid consumers in selecting the coverages beneficial to them, including, but not limited to:

a. Educational materials that explain the types of coverage in residential property insurance policies; the difference between replacement cost reimbursement and actual cash value reimbursement; a glossary of common terms used in policies; and a comparison of the coverage, terms, conditions, and exclusions contained in different homeowners' and dwelling fire forms.

b. Answers to commonly asked questions about residential property insurance coverage.

4. Information about mitigation credits and the My Safe Florida Home Program, as well as other credits and discounts insurers may offer beyond wind mitigation.

5. Access to the rate transparency report, annual statements, market conduct information, and other information related to each insurer.

6. Information on the Citizens Property Insurance Corporation take-out process, the clearinghouse, and general information as reported by the office.

7. Information on the claims process, including, but not limited to:

a. Clear, step-by-step guidance on how to file a claim, what to expect during the claim process, and timelines for resolution of a claim.

b. The obligations of insurers and insureds related to claim reporting, claim handling, communications regarding claims, claim investigations, claim decisions, and claim payments.

c. For each insurer with active policies in this state, the means by which to report a claim, including any telephone numbers, e-mail addresses, or website addresses used for claim reporting.

8. Information on consumer protection, including, but not limited to:

a. The rights of insureds under Florida law related to

coverage; coverage renewals, nonrenewals, and cancellations; and mandated offers of coverage.

b. Information on how to file consumer complaints with the Division of Consumer Services in the Department of Financial Services.

9. Information on news and updates relevant to consumers regarding this state's residential property insurance market, including regulatory changes, information on insurers that enter or exit the market, and industry trends.

10. Information on disaster preparedness directly related to insurance, prepared by the office or by the Division of Emergency Management.

11. With respect to any residential property rate filing~~,~~ ~~the office shall provide the following information on a publicly accessible Internet website~~:

a.~~1.~~ The overall rate change requested by the insurer.

b.~~2.~~ The rate change approved by the office along with all of the actuary's assumptions and recommendations forming the basis of the office's decision.

c.~~3.~~ Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.

d. Whether the insurer uses affiliated entities to perform administrative, claims handling, or other functions of the insurer and, if so, the total percentage of direct written

premium paid to the affiliated entities by the insurer in the preceding calendar year.

(b) For any rate filing, regardless of whether ~~or not~~ the filing is subject to a public hearing, the office shall provide on its website a means for any policyholder who may be affected by a proposed rate change to send an e-mail regarding the proposed rate change. Such e-mail must be accessible to the actuary assigned to review the rate filing.

(c) The statewide average requested rate change and final approved statewide average rate change within a filing is not a trade secret as defined in s. 688.002 or s. 812.081(1) and is not subject to the public records exemption for trade secrets provided in s. 119.0715 or s. 624.4213.

(d) County rating examples submitted to the office through the rate collection system for the purpose of displaying rates on the office website are not a trade secret as defined in s. 688.002 or s. 812.081(1) and are not subject to the public records exemption for trade secrets provided in s. 119.0715 or s. 624.4213.

**Section 2. Present subsections (5) and (6) of section 627.7011, Florida Statutes, are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:**

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(5) When establishing the coverage amount or adjusting a claim for a dwelling or other structure under a homeowner's insurance policy, an insurer may not include the value of the land on which such dwelling or structure is located. This subsection may not be construed to permit inclusion of the value of land for dwellings or structures located on the shoreline, surrounded in whole or in part by a body of water, or on land formed or altered by erosion or accretion.

**Section 3. Section 627.7142, Florida Statutes, is amended to read:**

627.7142 Homeowner Claims Bill of Rights.—An insurer issuing a personal lines residential property insurance policy in this state must provide a Homeowner Claims Bill of Rights to a policyholder within 14 days after receiving an initial communication with respect to a claim. The purpose of the bill of rights is to summarize, in simple, nontechnical terms, existing Florida law regarding the rights of a personal lines residential property insurance policyholder who files a claim of loss. The Homeowner Claims Bill of Rights is specific to the claims process and does not represent all of a policyholder's rights under Florida law regarding the insurance policy. The Homeowner Claims Bill of Rights does not create a civil cause of action by any individual policyholder or class of policyholders against an insurer or insurers. The failure of an insurer to properly deliver the Homeowner Claims Bill of Rights is subject

to administrative enforcement by the office but is not admissible as evidence in a civil action against an insurer. The Homeowner Claims Bill of Rights does not enlarge, modify, or contravene statutory requirements, including, but not limited to, ss. 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does not prohibit an insurer from exercising its right to repair damaged property in compliance with the terms of an applicable policy or ss. 627.7011(7)(e) and 627.702(7) ~~ss. 627.7011(6)(e) and 627.702(7)~~. The Homeowner Claims Bill of Rights must state:

HOMEOWNER CLAIMS
BILL OF RIGHTS

This Bill of Rights is specific to the claims process and does not represent all of your rights under Florida law regarding your policy. There are also exceptions to the stated timelines when conditions are beyond your insurance company's control. This document does not create a civil cause of action by an individual policyholder, or a class of policyholders, against an insurer or insurers and does not prohibit an insurer from exercising its right to repair damaged property in compliance with the terms of an applicable policy.

YOU HAVE THE RIGHT TO:

1. Receive from your insurance company an acknowledgment of your reported claim within 7 days after the time you communicated the claim.

2. Upon written request, receive from your insurance company within 30 days after you have submitted a complete proof-of-loss statement to your insurance company, confirmation that your claim is covered in full, partially covered, or denied, or receive a written statement that your claim is being investigated.

3. Receive from your insurance company a copy of any detailed estimate of the amount of the loss within 7 days after the estimate is generated by the insurance company's adjuster.

4. Within 60 days, subject to any dual interest noted in the policy, receive full settlement payment for your claim or payment of the undisputed portion of your claim, or your insurance company's denial of your claim.

5. Receive payment of interest, as provided in s. 627.70131, Florida Statutes, from your insurance company, which begins accruing from the date your claim is filed if your insurance company does not pay full settlement of your initial, reopened, or

supplemental claim or the undisputed portion of your claim or does not deny your claim within 60 days after your claim is filed. The interest, if applicable, must be paid when your claim or the undisputed portion of your claim is paid.

6. Free mediation of your disputed claim by the Florida Department of Financial Services, Division of Consumer Services, under most circumstances and subject to certain restrictions.

7. Neutral evaluation of your disputed claim, if your claim is for damage caused by a sinkhole and is covered by your policy.

8. Contact the Florida Department of Financial Services, Division of Consumer Services' toll-free helpline for assistance with any insurance claim or questions pertaining to the handling of your claim. You can reach the Helpline by phone at ...(toll-free phone number)..., or you can seek assistance online at the Florida Department of Financial Services, Division of Consumer Services' website at ...(website address)....

YOU ARE ADVISED TO:

1. File all claims directly with your insurance company.

2. Contact your insurance company before entering into any contract for repairs to confirm any managed repair policy provisions or optional preferred vendors.

3. Make and document emergency repairs that are necessary to prevent further damage. Keep the damaged property, if feasible, keep all receipts, and take photographs or video of damage before and after any repairs to provide to your insurer.

4. Carefully read any contract that requires you to pay out-of-pocket expenses or a fee that is based on a percentage of the insurance proceeds that you will receive for repairing or replacing your property.

5. Confirm that the contractor you choose is licensed to do business in Florida. You can verify a contractor's license and check to see if there are any complaints against him or her by calling the Florida Department of Business and Professional Regulation. You should also ask the contractor for references from previous work.

6. Require all contractors to provide proof of insurance before beginning repairs.

7. Take precautions if the damage requires you to leave your home, including securing your property; ~~and~~ turning off your gas, water, and electricity;~~, and~~

contacting your insurance company; and providing ~~provide~~ a phone number where you can be reached.

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

**COMMERCE COMMITTEE**

**HB 767 by Rep. Benarroch**
**Residential Property Insurance**

**AMENDMENT SUMMARY**
**February 10, 2026**

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**Amendment #388655 by Rep. Benarroch (strike-all):**

- Removes the requirement for property insurers to provide a rate transparency report to policyholders and OIR.
- Requires OIR's resource center to include all major adverse findings for the previous 3 calendar years for each insurer.
- Requires OIR's resource center to include contact information for the Division of Consumer Services of the Department of Financial Services.
- Requires insurers to include a notice of the resource center, the URL, and a QR code with each offer of residential property coverage to a consumer, and with every offer of renewal to a consumer.
- Requires the insurer's notice of premium discounts to applicants and policyholders for hurricane loss mitigation to include information about whether the insurer offers enhanced discounts for roof systems that use a secondary water resistance.

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | __ (Y/N) |
| ADOPTED AS AMENDED | __ (Y/N) |
| ADOPTED W/O OBJECTION | __ (Y/N) |
| FAILED TO ADOPT | __ (Y/N) |
| WITHDRAWN | __ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Commerce Committee

Representative Benarroch offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

**Section 1. Subsection (2), is amended, and subsection (3) is added to section 627.0621, Florida Statutes, to read:**

(2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING INFORMATION.—

(a) The office shall establish and maintain a comprehensive resource center on its website which uses concise and plain language to aid consumers in their understanding of insurance. The website must include substantive information on the current and historical dynamics of the market, data concerning the financial condition and market conduct of insurance companies, and insurance options available to consumers. At a minimum, the website must contain the following:

1. Reports, using graphic information whenever possible, which outline information about the state of the market and adverse and positive trends affecting it.

2. Tools that aid consumers in finding insurers, including, but not limited to, a listing of all companies actively doing business in this state which includes each company's address, website, and all telephone numbers and e-mail addresses to be used by insureds and applicants for coverage.

3. Tools that aid consumers in selecting the coverages beneficial to them, including, but not limited to:

a. Educational materials that explain the types of coverage in residential property insurance policies; the difference between replacement cost reimbursement and actual cash value reimbursement; a glossary of common terms used in policies; and a comparison of the coverage, terms, conditions, and exclusions contained in different homeowners' and dwelling fire forms.

b. Answers to commonly asked questions about residential property insurance coverage.

4. Information about mitigation credits and the My Safe Florida Home Program, as well as other credits and discounts insurers may offer beyond wind mitigation.

5. Access to annual statements, market conduct information, all major adverse findings by the office for the

previous 3 calendar years, and other information related to each insurer.

6. Information on the Citizens Property Insurance Corporation take-out process, the clearinghouse, and general information as reported by the office.

7. Information on the claims process, including, but not limited to:

a. Clear, step-by-step guidance on how to file a claim, what to expect during the claim process, and timelines for resolution of a claim.

b. The obligations of insurers and insureds related to claim reporting, claim handling, communications regarding claims, claim investigations, claim decisions, and claim payments.

c. For each insurer with active policies in this state, the means by which to report a claim, including any telephone numbers, e-mail addresses, or website addresses used for claim reporting.

8. Information on consumer protection, including, but not limited to:

a. The rights of insureds under Florida law related to coverage; coverage renewals, nonrenewals, and cancellations; and mandated offers of coverage.

b. Contact information, including a telephone number, hours of service, and an e-mail address, for the Division of

Consumer Services of the department, and information on how to file consumer complaints with the Division.

9. Information on news and updates relevant to consumers regarding this state's residential property insurance market, including regulatory changes, information on insurers that enter or exit the market, and industry trends.

10. Information on disaster preparedness directly related to insurance, prepared by the office or by the Division of Emergency Management.

11. With respect to any residential property rate filing~~, the office shall provide the following information on a publicly accessible Internet website~~:

a.~~1.~~ The overall rate change requested by the insurer.

b.~~2.~~ The rate change approved by the office along with all of the actuary's assumptions and recommendations forming the basis of the office's decision.

c.~~3.~~ Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.

d. Whether the insurer uses affiliated entities to perform administrative, claims handling, or other functions of the insurer and, if so, the total percentage of direct written premium paid to the affiliated entities by the insurer in the preceding calendar year.

(b) For any rate filing, regardless of whether ~~or not~~ the filing is subject to a public hearing, the office shall provide on its website a means for any policyholder who may be affected by a proposed rate change to send an e-mail regarding the proposed rate change. Such e-mail must be accessible to the actuary assigned to review the rate filing.

(c) The statewide average requested rate change and final approved statewide average rate change within a filing is not a trade secret as defined in s. 688.002 or s. 812.081(1) and is not subject to the public records exemption for trade secrets provided in s. 119.0715 or s. 624.4213.

(d) County rating examples submitted to the office through the rate collection system for the purpose of displaying rates on the office website are not a trade secret as defined in s. 688.002 or s. 812.081(1) and are not subject to the public records exemption for trade secrets provided in s. 119.0715 or s. 624.4213.

(3) Along with every offer of residential property insurance coverage and at renewal of such coverage, the insurer must provide notice of the website required under subsection (2), which must include the internet address for the website and a quick-response code for the website.

**Section 2. Present subsections (5) and (6) of section 627.7011, Florida Statutes, are redesignated as subsections (6)**

**and (7), respectively, and a new subsection (5) is added to that section, to read:**

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(5) When establishing the coverage amount or adjusting a claim for a dwelling or other structure under a homeowner's insurance policy, an insurer may not include the value of the land on which such dwelling or structure is located. This subsection may not be construed to permit inclusion of the value of land for dwellings or structures located on the shoreline, surrounded in whole or in part by a body of water, or on land formed or altered by erosion or accretion.

**Section 3. Subsection (1) of section 627.711, Florida Statutes, is amended to read:**

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(1) Using a form prescribed by the Office of Insurance Regulation, the insurer shall clearly notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles, and combinations of discounts, credits, rate differentials, or reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce

the amount of loss in a windstorm can be or have been installed or implemented. The prescribed form shall describe generally what actions the policyholders may be able to take to reduce their windstorm premium. The prescribed form and a list of such ranges approved by the office for each insurer licensed in the state and providing such discounts, credits, other rate differentials, or reductions in deductibles for properties described in this subsection shall be available for electronic viewing and download from the Department of Financial Services' or the Office of Insurance Regulation's Internet website. The prescribed form must also notify the applicant if the insurer offers an enhanced discount for a roof system that uses a secondary water resistance, and the form must generally list the amount of discount by type of secondary water resistance. The Financial Services Commission may adopt rules to implement this subsection.

**Section 4. Section 627.7142, Florida Statutes, is amended to read:**

627.7142 Homeowner Claims Bill of Rights.—An insurer issuing a personal lines residential property insurance policy in this state must provide a Homeowner Claims Bill of Rights to a policyholder within 14 days after receiving an initial communication with respect to a claim. The purpose of the bill of rights is to summarize, in simple, nontechnical terms, existing Florida law regarding the rights of a personal lines

residential property insurance policyholder who files a claim of loss. The Homeowner Claims Bill of Rights is specific to the claims process and does not represent all of a policyholder's rights under Florida law regarding the insurance policy. The Homeowner Claims Bill of Rights does not create a civil cause of action by any individual policyholder or class of policyholders against an insurer or insurers. The failure of an insurer to properly deliver the Homeowner Claims Bill of Rights is subject to administrative enforcement by the office but is not admissible as evidence in a civil action against an insurer. The Homeowner Claims Bill of Rights does not enlarge, modify, or contravene statutory requirements, including, but not limited to, ss. 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does not prohibit an insurer from exercising its right to repair damaged property in compliance with the terms of an applicable policy or ss. 627.7011(7)(e) and 627.702(7) ~~ss. 627.7011(6)(e) and 627.702(7)~~. The Homeowner Claims Bill of Rights must state:

HOMEOWNER CLAIMS
BILL OF RIGHTS

This Bill of Rights is specific to the claims process and does not represent all of your rights under Florida law regarding your policy. There are also exceptions to the stated timelines when conditions are

beyond your insurance company's control. This document does not create a civil cause of action by an individual policyholder, or a class of policyholders, against an insurer or insurers and does not prohibit an insurer from exercising its right to repair damaged property in compliance with the terms of an applicable policy.

YOU HAVE THE RIGHT TO:

1. Receive from your insurance company an acknowledgment of your reported claim within 7 days after the time you communicated the claim.

2. Upon written request, receive from your insurance company within 30 days after you have submitted a complete proof-of-loss statement to your insurance company, confirmation that your claim is covered in full, partially covered, or denied, or receive a written statement that your claim is being investigated.

3. Receive from your insurance company a copy of any detailed estimate of the amount of the loss within 7 days after the estimate is generated by the insurance company's adjuster.

4. Within 60 days, subject to any dual interest noted in the policy, receive full settlement payment for

your claim or payment of the undisputed portion of your claim, or your insurance company's denial of your claim.

5. Receive payment of interest, as provided in s. 627.70131, Florida Statutes, from your insurance company, which begins accruing from the date your claim is filed if your insurance company does not pay full settlement of your initial, reopened, or supplemental claim or the undisputed portion of your claim or does not deny your claim within 60 days after your claim is filed. The interest, if applicable, must be paid when your claim or the undisputed portion of your claim is paid.

6. Free mediation of your disputed claim by the Florida Department of Financial Services, Division of Consumer Services, under most circumstances and subject to certain restrictions.

7. Neutral evaluation of your disputed claim, if your claim is for damage caused by a sinkhole and is covered by your policy.

8. Contact the Florida Department of Financial Services, Division of Consumer Services' toll-free helpline for assistance with any insurance claim or questions pertaining to the handling of your claim. You can reach the Helpline by phone at ...(toll-free

phone number)..., or you can seek assistance online at the Florida Department of Financial Services, Division of Consumer Services' website at ...(website address)....

YOU ARE ADVISED TO:

1. File all claims directly with your insurance company.

2. Contact your insurance company before entering into any contract for repairs to confirm any managed repair policy provisions or optional preferred vendors.

3. Make and document emergency repairs that are necessary to prevent further damage. Keep the damaged property, if feasible, keep all receipts, and take photographs or video of damage before and after any repairs to provide to your insurer.

4. Carefully read any contract that requires you to pay out-of-pocket expenses or a fee that is based on a percentage of the insurance proceeds that you will receive for repairing or replacing your property.

5. Confirm that the contractor you choose is licensed to do business in Florida. You can verify a contractor's license and check to see if there are any complaints against him or her by calling the Florida

Department of Business and Professional Regulation. You should also ask the contractor for references from previous work.

6. Require all contractors to provide proof of insurance before beginning repairs.

7. Take precautions if the damage requires you to leave your home, including securing your property; ~~and~~ turning off your gas, water, and electricity;~~, and~~ contacting your insurance company; and providing ~~provide~~ a phone number where you can be reached.

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

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert: An act relating to residential property insurance; amending s. 627.0621, F.S.; requiring the office to establish and maintain a comprehensive resource center on its website; providing requirements for the resource center; requiring insurers to provide notice of the comprehensive resource center on the office's website with any offer of coverage and policy renewal; specifying that certain information is not a trade secret and is not subject to certain public records exemptions; amending s. 627.7011, F.S.; prohibiting an

insurer from including the value of certain land when establishing a homeowner's policy coverage amount or adjusting certain claims; providing construction; amending s. 627.711, F.S.; providing that the notice of premium discounts for hurricane loss mitigation must include information about whether the insurer offers enhanced discounts for roof systems that use a secondary water resistance; amending s. 627.7142, F.S.; conforming a cross-reference; providing an effective date.

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/HB 797 | **COMPANION BILL:** SB 554 (Bernard) |
| **TITLE:** Nonprofit Corporations | **LINKED BILLS:** None |
| **SPONSOR(S):** Tuck | **RELATED BILLS:** None |

**Committee References**

| Industries & Professional Activities | ➤ | Civil Justice & Claims | ➤ | Commerce |
|---|---|---|---|---|
| 15 Y, 0 N | | 16 Y, 0 N, As CS | | |

## SUMMARY


**Effect of the Bill:**
The bill revises Florida statutes governing nonprofit corporations to conform such statutes to the Model Nonprofit Corporation Act adopted by the American Bar Association and to align provisions in such statutes to related provisions within the Florida Business Corporation Act.

**Fiscal or Economic Impact:**
None



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

### EFFECT OF THE BILL:

The bill revises the Florida Not For Profit Corporation Act (FNFPCA), promulgated in ch. 617, F.S., to conform the FNFPCA with the Model Nonprofit Corporation Act (MNCA) and to align provisions in the FNFPCA to related provisions within the Florida Business Corporation Act (FBCA). The provisions of the bill are addressed in detail below.

**Definitions**

The bill creates definitions for the following terms, as such terms are used in the chapter: (Section 9)

- "Applicable county" means the county in which a nonprofit corporation's principal office is or was located.
- "Authorized entity" means a corporation for profit, a limited liability company (LLC), a limited liability partnership, or a limited partnership.
- "Charitable asset" means property that is given, received, or held for a charitable purpose.
- "Charitable purpose" means a purpose that would qualify a nonprofit corporation as tax exempt under s. 501(c)(3) of the Internal Revenue Code or is otherwise considered charitable under Florida law.
- "Eligible entity" means a domestic or foreign nonprofit corporation, corporation for profit, general partnership, limited partnership, LLC, or other unincorporated entity.
- "Eligible interest" means a share, a membership, or either or both of the right to receive distributions from the entity or the right to receive notice or vote on issues involving the entity's internal affairs.
- "Entity" means corporations, unincorporated associations, business trusts, estates, LLCs, partnerships, trusts, and a joint or common economic interest, as well as any State, the United States, or any foreign government.
- "Interest holder" means a shareholder of a corporation for profit, a member of a nonprofit corporation, a general partner of a general partnership, a general or limited partner of a limited partnership, a member of a LLC, a shareholder or beneficial owner of a real estate investment trust, a beneficiary of a statutory or business trust, or a direct holder of an interest.

- "Interest holder liability" means personal liability for a liability of an entity or an obligation of an interest holder to contribute to the entity.
- "Nonprofit corporation" means a corporation in which income or profit is not distributable to its members, directors, or officers, except as provided under ch. 617, F.S.
- "Organic rules" means the public organic record and private organic rules of an entity.
    - "Public organic record" means a record of the filings required for formation and any subsequent amendment or restatement of such.
    - "Private organic rule" means the rules governing the internal affairs of an entity, that are binding on its interest holders, and are not part of its public organic record.
- "Protected agreement" includes a document evidencing indebtedness of a domestic corporation or eligible entity, an agreement that is binding on a domestic corporation, the organic rules of a domestic eligible entity, and an agreement that is binding on the interest holders or directors of a domestic corporation or eligible entity.

Mutual Benefit Corporations

The bill removes the distinction between a mutual benefit corporation and a nonprofit corporation, but maintains all rights and powers available to mutual benefit corporations and members. (Sections 9, 28, and 29)

Corporate Records

The bill revises provisions on required corporate recordkeeping, and establishes the minimum retention period for certain types of records that must be maintained by the nonprofit corporation. (Section 101)

The bill enables nonprofit corporations to impose reasonable restrictions on its members' ability to disclose or otherwise use information maintained as part of the corporate record. However, the bill prohibits a nonprofit corporation from limiting a member's right to inspect the corporate record through its articles of incorporation or bylaws. (Section 102)

The bill expands the required financial disclosures a nonprofit corporation must make to its members and provides mandatory timelines for the required disclosures. However, the bill does provide an exception to stated disclosure timelines when the corporation needs additional time to comply with the request for information. (Section 105)

The bill expands the inspection rights for directors, allowing directors to inspect the corporate record as it relates to their duties at any reasonable time. (Section 106)

Registered Agent

The bill establishes the minimum duties of a nonprofit corporation's registered agent and provides the default rules for changing, replacing, or terminating a registered agent. (Sections 19, 20, and 21)

Corporate Name

The bill allows a nonprofit corporation to register under a nonunique name when the other entity of the same name consents to its use and changes its name to a distinguishable name or when the applicant demonstrates through a final court judgment its right to use the name. (Section 17)

Articles of Incorporation

The bill revises the default process for amending the articles of incorporation for a nonprofit corporation. Any amendment to the articles of incorporation must be approved by both the board of directors and the members of a nonprofit corporation, unless it is limited to:

- Extending the duration of a time limited nonprofit corporation;
- Removing the names or addresses of previous directors or registered agents if a statement of change has been filed;
- Deleting information solely of historical interest;

- Changing the entity name by substituting a word for an abbreviation or adding, removing, or changing a geographical attribution in the name; or
- Restating without change all operative provisions of the articles of incorporation.

Further, the bill details the applicable notice standards and minimum voting requirements for an amendment to the articles of incorporation requiring a member vote. (Section 56)

The bill revises the procedure for filing the articles of amendment and requires that additional information be included in the filing, following an amendment to the articles of incorporation. (Section 57)

Board of Directors

The bill defines qualified directors and establishes voting requirements for qualified directors. (Sections 11, 37, and 51)

The bill reduces the minimum number of directors required to be on the board of directors of a nonprofit corporation to one individual. However, the bill maintains the three-individual minimum requirement for 501(c)(3) organizations. (Section 41)

The bill establishes the default selection process for directors of nonprofit corporations. For nonprofit corporations with members, directors are elected by members, unless the articles of incorporation or bylaws provide otherwise. For nonprofit corporations without members, directors are elected by the board of directors, unless the articles of incorporation or bylaws provide otherwise. (Section 42)

The bill establishes the default term length for directors as 1 year, unless the articles of incorporation or bylaws provide otherwise. Further, a director whose term has expired may continue to serve until his successor is selected. (Section 43)

The bill allows the board of directors to fill **any** board vacancy after three months if the members fail to elect a successor. (Section 45)

The bill establishes the procedure for removing a director by judicial proceeding when a court finds that the director engaged in fraudulent conduct, grossly abused the position of director or intentionally inflicted harm on the entity, and that removal is in the best interest of the nonprofit corporation. (Section 46)

The bill establishes the minimum duties and standards of care a director owes to the nonprofit corporation. (Section 50)

The bill revises the procedure for dealing with a director conflict of interest. Specifically, it establishes the burden of proof when challenging a transaction and clarifies that fairness to the corporation may always be considered. (Section 51)

The bill expands who may respond to interrogatories directed to the nonprofit corporation to include any authorized officer or director of the entity, or, when appropriate, a member or fiduciary. (Section 8)

Board Meetings

The bill provides that a board meeting may be called by 20% of the directors in office. (Section 47).

Nonprofit Corporate Officers

The bill expands personal liability protections to directors and officers of all nonprofit corporations, granting them personal liability immunity for all actions or inactions taken in their role as director or officer. (Section 52)
The bill establishes the minimum duties and standards of care an officer owes to the nonprofit corporation. (Section 54)

Court-Appointed Provisional Director

The bill allows the court to appoint an impartial, provisional director in instances where there is an irreparable deadlock among the directors that is causing harm to the nonprofit corporation. A provisional director has all of the rights and powers of an elected director, and retains such authority until they are properly removed by court order or a vote of the directors or members of the nonprofit corporation. (Section 82)

Members

The bill allows the board of directors to serve as a substitute for members for any action when a nonprofit corporation does not have members or those members are not entitled to act. (Section 25)

The bill establishes that all members of a nonprofit corporation have the same rights and obligations unless the articles of incorporation or bylaws otherwise provide. (Section 25)

The bill allows a nonprofit corporation to admit members for no consideration or for consideration determined by the board of directors. (Section 25)

The bill prohibits a nonprofit corporation from being a member of itself. (Section 25)

The bill eliminates the requirement that chapters or affiliates of nonprofit corporations that have the right to vote must register with the Department of Agriculture and Consumer Services. (Section 25)

The bill creates an exception to the rule that members of a nonprofit corporation are not personally liable, by allowing a creditor of a nonprofit corporation who has obtained a judgment against the entity to bring a proceeding against a member who owes money to the entity to the extent of the amount owed. (Section 27)

Membership Interests

The bill allows for the transfer of membership interests for all nonprofit corporations as permitted by its articles of incorporation or bylaws. (Section 28)

The bill establishes that a member of a nonprofit corporation may resign at any time for any reason. (Section 29)

The bill allows nonprofit corporations to purchase membership interests of its members, as permitted by its articles of incorporation or bylaws, unless the entity is a 501(c)(3) organization. Such purchase is not considered a dividend or distribution. However, a nonprofit corporation may **not** purchase membership interests if doing so would impair its ability to pay its debts in the usual course of business. (Section 31)

Special Meetings

The bill increases the minimum percentage of members required to call a special meeting to 10% of the votes entitled on any issue to be considered at the meeting, unless otherwise provided in the articles of incorporation or bylaws. (Section 32)

Proxy Voting

The bill establishes the default rules governing proxy voting, including the procedure for implementing and terminating a proxy. (Section 33)

Derivative Proceedings

The bill revises the procedure for derivative proceedings brought on behalf of a nonprofit corporation in the following ways:

- Grants standing to directors and officers of a nonprofit corporation. (Section 34)
- Allows the filing of a complaint without prior notice to the board of directors when providing such notice would be futile. (Section 35)

Mergers

The bill permits a nonprofit corporation to merge with other eligible entities and does not require the surviving entity to be a nonprofit corporation. However, if the merging nonprofit entity holds property for a charitable purpose, the surviving entity must be a nonprofit corporation. (Sections 58 and 59)

The bill revises the default procedure for merger approval. Specifically, the bill provides an exception to the requirement that the board of directors must make a recommendation on a plan of merger to the members, when the board of directors is unable to make such recommendation due to a conflict of interest or other special circumstances. (Section 60)

The bill allows an approved merger to be abandoned any time before the articles of merger have become effective. A merger may be abandoned in the manner provided by the plan of merger, or in the same manner as the plan was approved. When a merger is abandoned after the articles of merger have been filed, the nonprofit corporation must also file a signed statement of abandonment. (Section 60)

The bill establishes a simplified merger process for a merger between a parent and subsidiary when the parent eligible entity owns at least 80% of the voting power of the subsidiary eligible entity. In such case, the merger does not require the approval of the board of directors, but does require the parent eligible entity to notify the subsidiary's members within 10 days of the merger. (Section 61)

The bill expands the disclosures required in the articles of merger. (Section 62)

Dissolution of Nonprofit Corporations

The bill revises provisions related to known claims against a dissolved nonprofit corporation and establishes court proceedings to address unknown claims against a dissolved nonprofit corporation. (Sections 72 and 73)

The bill limits the extent of liability for directors of a dissolved nonprofit corporation. (Section 74)

The bill establishes grounds for administrative and judicial dissolution of a nonprofit corporation and provides alternatives available to the court if such grounds exist. (Sections 75, 76, 77, 78 and 81)

Foreign Nonprofit Corporations

The bill establishes the duties of a registered agent of a foreign nonprofit corporation. (Section 90)

The bill allows a court to stay a proceeding brought by a foreign nonprofit corporation that does not comply with the registered agent requirement. (Section 90)

The bill establishes proper notice procedures for foreign nonprofit corporations. (Section 93)

The bill provides for the automatic withdrawal of a foreign nonprofit corporation's qualification to transact business in Florida when the foreign entity converts to a domestic nonprofit corporation. (Section 95)

The bill establishes a legal framework for a foreign nonprofit corporation that has dissolved, merged, or converted to a nonfiling entity to withdraw its certificate of authority to transact business in this state. (Section 96)

The bill establishes that the Department of Legal Affairs may bring an action to prevent a foreign nonprofit corporation from illegally conducting business in the state. (Section 97)

Domestication
The bill allows both inbound and outbound domestications of nonprofit corporations, as long as the domestication is permitted by the laws of the jurisdiction where the foreign corporation is organized, and establishes the procedure for domestication. The bill provides required disclosures and requirements for filing evidence of domestication with the department and the effect of such filing. The bill allows a plan of domestication to be amended or abandoned prior to becoming effective. (Sections 108, 109, 110, 111, and 112)

Conversion
The bill revises provisions related to conversion, including the requisite process. Specifically, the bill allows a domestic nonprofit corporation to become any other domestic or foreign entity. However, if the nonprofit corporation holds property for a charitable purpose, it may not convert into a for profit entity. Further, if the entity is a domestic nonprofit corporation holding property for a charitable purpose, it may only become a foreign nonprofit corporation. (Sections 113, 114, 115, 116, 117, 118, and 119)

Effective Date
The bill provides an effective date of July 1, 2026. (Section 190)

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

**Nonprofit Corporations**
A nonprofit corporation is a legal entity incorporated under state law for purposes other than generating profits for its owners or shareholders. Individual states have the power to promulgate laws relating to the creation, organization, operation, and dissolution of corporations, including nonprofit corporations. [1]

In addition to applicable state statutory schemes, nonprofit corporations are governed by their articles of incorporation, bylaws, and other internal governing documents. A nonprofit corporation is formed upon filing the articles of incorporation with the Department of State (Department).[2] The articles of incorporation are considered the highest governing document of a nonprofit corporation and provide all identifying information for the business entity, the purpose for which the entity is organized, and the default rules of the entity. A nonprofit corporation's bylaws are the code of rules adopted for the management of the entity.[3]

Generally, nonprofit corporations are governed by a board of directors that is responsible for overseeing the management and affairs of the entity. Nonprofit corporations also may have members who may have the right to elect directors, approve corporate actions, or vote on matters specified in the corporation's articles of incorporation or bylaws.[4]

Some, but not all, nonprofit corporations benefit from a tax-exempt status under section 501(c)(3) of the Internal Revenue Code. Common types of nonprofit corporations that have such status include charitable, religious, or educational organizations, political advocacy organizations, and private foundations.[5]

Further, nonprofit corporations may be classified as domestic or foreign. Domestic nonprofit corporations are incorporated under Florida law. Foreign nonprofit corporations are incorporated under the laws of any other

[1] Legal Information Institute, Cornell Law School, *Nonprofit Corporation*, https://www.law.cornell.edu/wex/nonprofit_corporation (last visited Feb. 3, 2026).
[2] S. 617.0203, F.S.
[3] S. 617.01401, F.S.
[4] Ss. 617.0801 and 617.0601, F.S.
[5] IRS, *Exempt Organization Types*, https://www.irs.gov/charities-non-profits/exempt-organization-types (last visited Feb. 3, 2026).

jurisdiction.[6] As of January 2026, Florida has approximately 196,076 domestic non-profit corporations in existence.[7]

Mutual Benefit Corporations

A mutual benefit corporation is a domestic nonprofit corporation that is not organized for religious purposes, is not tax exempt under section 501(c)(3) of the Internal Revenue Code, and is not organized for a public or charitable purpose.[8] Under the Florida Not For Profit Corporation Act (FNFPCA), mutual benefit corporations are afforded the following rights that other nonprofit corporations are not:

- The right to transfer membership interests.[9]
- The right to purchase membership interests of its members.[10]

**Relevant Regulatory Schemes**

The Model Corporation Acts

The American Bar Association (ABA) developed the Model Business Corporation Act (MBCA) and the Model Nonprofit Corporation Act (MNCA) in an attempt to uniformly regulate corporations and nonprofit corporations across different states. Generally, the MNCA tracks the MBCA, diverging only where necessary to address the unique aspects of nonprofit corporation law.[11]

Florida Business Corporation Act

Currently, Florida for profit corporations are regulated under the Florida Business Corporation Act (FBCA) contained in ch. 607, F.S. In 2019, upon the recommendation of the Business Law Section of The Florida Bar, the Florida Legislature adopted a comprehensive update to the FBCA, largely aligning Florida statute with the MBCA.[12]

Florida Not For Profit Corporation Act

Currently, Florida nonprofit corporations are regulated under the FNFPCA contained in ch. 617, F.S. The FNFPCA has not been significantly amended for over 15 years. As a result, the Business Law Section of The Florida Bar formed the Ch. 617 Task Force (Task Force) to examine the FNFPCA and recommend necessary amendments. After a multiyear examination, the Task Force prepared a comprehensive update to the FNFPCA intended to modernize and harmonize Florida nonprofit corporation and for profit corporation laws. The Task Force's efforts culminated in this bill. [13]

Corporate Record

A nonprofit corporation must keep comprehensive records of meetings, actions, and committees, maintain accurate accounting, and have a member list. Additionally, it must keep:[14]

- Current copies of its articles of incorporation and bylaws, and amendments to each;
- Minutes and member actions from the past three years;
- Communications to members from the past three years;
- A list of current directors and officers, with addresses; and
- The most current annual report filed with the Department.

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[6] S. 617.01401, F.S.
[7] Department of State, Division of Corporations, *Yearly Statistics*, https://dos.fl.gov/sunbiz/about-us/yearly-statistics/ (last visited Jan. 16, 2026).
[8] S. 617.01401(13), F.S.
[9] S. 617.0605, F.S.
[10] S. 617.0608, F.S.
[11] William L Boyd III, *The New Model Nonprofit Corporation Act*, American Bar Association, Business Law Section, (Oct. 16, 2023) https://www.americanbar.org/groups/business_law/resources/business-law-today/2023-october/the-new-model-nonprofit-corporation-act/ (last visited Feb. 3, 2026).
[12] *See* ch. 607, F.S.
[13] *See* The Florida Bar Business Law Section, *Task Force Report and Recommendations*, https://flabizlaw.org/wp-content/uploads/2025/09/Ch-617-NonProfit-White-Paper__Final.pdf (last visited Feb. 3, 2026).
[14] S. 617.1601, F.S.

Members of a nonprofit corporation have the right to inspect and copy corporate records. However, nonprofit corporations may deny requests to inspect the corporate record for improper purposes.[15] Upon written request, a nonprofit corporation must provide a member with its most recent annual financial statements, including a balance sheet at fiscal year-end and a statement of operations for the year.[16]

Registered Agent and Registered Office
Every nonprofit corporation must maintain a registered office and a registered agent in the state. The agent can be an individual resident, a domestic entity, or a foreign entity authorized to do business in the state. Registered agents must file a written acceptance with the Department confirming their duties.[17]

Nonprofit corporations cannot file or maintain lawsuits in the state until they have a registered agent.[18]

Corporate Name
Under the FNFPCA, a nonprofit corporate name must contain the word "corporation" or "incorporated" or an abbreviation of such and must be distinguishable from the names of all other entities registered with the Division of Corporations.[19] However, the FBCA allows a for profit corporation to register under a nonunique name when the other entity of the same name consents to its use and the names are not identical.[20]

Articles of Incorporation
A nonprofit corporation may amend its articles of incorporation at any time. Currently, the procedure for amending the articles of incorporation for a nonprofit corporation is as follows: [21]

- If the nonprofit corporation has members entitled to vote, the board of directors must approve the proposed amendment and submit it to the members for approval at an annual or special meeting with proper notice.
- If the nonprofit corporation does not have members, or if the members are not entitled to vote on the amendments, the board of directors may adopt the amendment by majority vote.

Board of Directors
The board of directors of a nonprofit corporation is responsible for exercising the entity's corporate powers and otherwise managing the entity, subject to limitations provided by the articles of incorporation.[22] Under the FNFPCA, directors of a nonprofit corporation must be natural persons who are at least 18 years old. However, the articles of incorporation or bylaws of a nonprofit corporation may provide additional qualifications for directors.[23]

Directors of nonprofit corporations are elected or appointed as provided in the articles of incorporation or bylaws. The number of directors on the board of directors may be amended as provided in the articles of incorporation or bylaws. However, the FNFPCA requires nonprofit corporations to have a minimum three-person board of directors.[24] Each director serves for a term length specified in the articles of incorporation or bylaws, and may continue to serve until their successor has been selected.[25]

Vacancies on a nonprofit corporation's board of directors may be filled by a majority of the remaining directors, or if necessary, by the members or by the circuit court in the county where the corporation's registered office is

[15] S. 617.1602, F.S.
[16] S. 617.1605, F.S.
[17] S. 617.0501, F.S.
[18] Id.
[19] S. 617.0401, F.S.
[20] S. 607.0401, F.S.
[21] Ss. 617.1001 and 617.1002, F.S.
[22] S. 617.0801, F.S.
[23] S. 617.0802, F.S.
[24] S. 617.0803, F.S.
[25] S. 617.0806, F.S.

located. However, vacancies involving directors elected by a class, chapter or similar group must be filled by that group, or by directors elected by that group. Directors appointed to fill vacancies generally serve until the next annual election.[26]

Under the FNFPCA, directors of a nonprofit corporation may be removed as provided in the articles of incorporation or bylaws. Generally, directors may be removed with or without cause by the members or directors who elected or appointed them, subject to voting thresholds.[27]

Directors of a nonprofit corporation must perform their duties in good faith, with the care an ordinarily prudent person would exercise in similar circumstances, and in a manner they reasonably believe is in the best interest of the corporation.[28]

A contract or transaction between a nonprofit corporation and one of its directors is not automatically void or voidable solely because of the director's conflicting interest. Under the FNFPCA, such transaction is valid if the conflicting interest is disclosed and the transaction is subsequently approved by either a majority of the disinterested directors or a majority of the members entitled to vote, or if the transaction is fair and reasonable to the nonprofit corporation at the time it is authorized.[29]

Officers

A nonprofit corporation's articles of incorporation or bylaws may specify corporate officers the entity is required to maintain, including how each must be selected. If no such provisions exist, officers are elected or appointed annually by the board of directors.[30]

Officers of a nonprofit corporation are responsible for performing the duties established in the bylaws, or as assigned by the board of directors or another authorized officer.[31]

Members

A nonprofit corporation may have one or more classes of members, or no members at all. If the nonprofit corporation has members, the articles of incorporation or bylaws must set forth the class designations, member qualifications and rights, voting and quorum requirements, and notice procedures. Further, members have no rights except those provided in the articles of incorporation or bylaws.[32]

Members of a nonprofit corporation are not personally liable for any act, debt, or obligation of the entity.[33]

Membership Interests

Members of a nonprofit corporation are generally prohibited from transferring a membership interest, or any rights arising from membership, unless the articles of incorporation or bylaws provide otherwise.[34] Further, a nonprofit corporation may not purchase the membership of its members.[35]

A nonprofit corporation may only expel, suspend, or terminate a member's membership interest through a fair and reasonable procedure carried out in good faith. A member who has been expelled, suspended, or terminated has

[26] S. 617.0809, F.S.
[27] S. 617.0808, F.S.
[28] S. 617.0830, F.S.
[29] S. 617.0832, F.S.
[30] S. 617.0840, F.S.
[31] S. 617.0841, F.S.
[32] S. 617.0601, F.S.
[33] S. 617.0604, F.S.
[34] S. 617.0605, F.S.
[35] S. 617.0608, F.S.

one year to challenge such action. Further, expulsion or suspension does not relieve the member from obligations incurred prior to the expulsion or suspension.[36]

Member Meetings

Nonprofit corporations may hold annual, regular, and special member meetings. The board of directors is responsible for setting the time and place of any annual and special meeting, in accordance with the its articles of incorporation or bylaws.[37]

Special meetings may be called by the board of directors, corporate officers, or members of the nonprofit corporation. Under the FNFPCA, the minimum percentage of members required to call a special meeting is 5% of the votes entitled on any issue to be considered at the meeting.[38]

Member Voting

Members of a nonprofit corporation are entitled to vote only if the articles of incorporation or bylaws grant that right. If members are entitled to vote, they may do so in person, by proxy, or when authorized, by remote communication.[39] Proxy voting is when a member authorizes another person to vote on their behalf at a meeting.[40]

Derivative Proceedings

A derivative action is a lawsuit brought by a shareholder on behalf of a corporate entity to enforce a corporate cause of action against officers, directors, or third parties.[41] A member of a nonprofit corporation may bring a derivative action on behalf of the entity, but only if the member was a member at the time of the challenged conduct, or became a member by operation of law from someone who was. Under the FNFPCA, an individual must make a demand on the board of directors before commencing a derivative proceeding. After the demand is made, the board of directors has 90 days to respond. A derivative action may be commenced before the expiration of 90-day period only if:[42]

- The demand was rejected in writing; or
- Waiting 90 days would result in irreparable injury to the nonprofit corporation.

Mergers

A merger is a legal process in which two or more business entities combine into a single entity. One entity is deemed to survive and acquires all of the assets and liabilities of the entity that is absorbed.[43]

Two or more domestic nonprofit corporations may merge into a single domestic corporation through an approved plan of merger. Each nonprofit corporation must adopt a plan specifying:[44]

- The names of the merging nonprofit corporations;
- The name of the surviving corporation;
- The terms and conditions of the merger;
- Any changes to the surviving corporation's articles of incorporation; and
- How memberships will be converted into memberships, obligations, securities, cash, or other property.

[36] S. 617.0607, F.S.
[37] S. 617.0701, F.S.
[38] S. 617.0701, F.S.
[39] S. 617.0721, F.S.
[40] S. 607.0722, F.S.
[41] S. 607.01401(17), F.S.
[42] S. 617.07401, F.S.
[43] Legal Information Institute, Cornell Law School, *Merger*, https://www.law.cornell.edu/wex/merger (last visited Feb. 3, 2026).
[44] S. 617.1101, F.S.

Under the FNFPCA, a nonprofit corporation may **only** merge with another nonprofit corporation. The surviving entity of a merger between two or more nonprofit corporations must be a nonprofit corporation.[45]

A plan of merger must be approved by either the majority of members entitled to vote, or if the nonprofit corporation has no voting members, by a majority of the board of directors. After approval, the board may abandon the proposed merger at any time prior to filing the articles of merger, unless the plan specifically requires member approval.[46]

Dissolution of Nonprofit Corporations

Dissolution is the legal process through which a corporation ceases business operations, winds up its affairs, and distributes its assets.[47] To dissolve a nonprofit corporation, a resolution must be adopted either by a majority of voting members, or when there are not voting members, by a majority of the board of directors.[48]

Upon dissolution, a nonprofit corporation remains in existence but may act only to wind up and liquidate its affairs. Dissolution does not transfer property, change governance rules, alter director or officer duties, terminate ongoing legal proceedings or affect the authority of the registered agent. Further, directors, officers, and agents maintain personal liability protection for acts taken in connection with dissolution.[49]

Unknown Claims Against Dissolved Nonprofit Corporation

A dissolved corporation may address unknown claims either by filing a notice of dissolution with the Department or by publishing a notice in a local newspaper, specifying the corporation's name, dissolution date, and claim submission instructions. Claims against the nonprofit corporation are barred after four years if the nonprofit corporation followed the proper procedure.[50]

Claims may be satisfied from the nonprofit corporations undistributed assets or from the pro rata share of assets received by members, with liability capped at the amount distributed.[51]

Known Claims Against Dissolved Nonprofit Corporation

A dissolved corporation may resolve known claims by notifying claimants of the dissolution, specifying the claim status, amount, and submission deadlines. Contingent, conditional, or unmatured claims must also be addressed and unresolved disputes may be submitted to the appropriate circuit court. Claims must be paid or adequately secured in full if funds are sufficient, or ratably if insufficient, before any remaining assets are distributed.[52]

Directors who comply with the required procedures are not personally liable. Members' liability is limited to their pro rata share of distributed assets.[53]

Administrative Dissolution

The Department may administratively dissolve a nonprofit corporation for failing to file its annual report, lacking a registered agent or office, not updating agent or office information, failing to respond to inquiries, or if its stated duration has expired, among other grounds.[54] When the Department identifies grounds for dissolution, it must

[45] S. 617.1102, F.S.
[46] S. 617.1103, F.S.
[47] Legal Information Institute, Cornell Law School, *Dissolution of Corporation*, https://www.law.cornell.edu/wex/dissolution_of_corporation (last visited Feb. 3, 2026).
[48] S. 617.1402, F.S.
[49] S. 617.1405, F.S.
[50] S. 617.1407, F.S.
[51] Id.
[52] S. 617.1408, F.S.
[53] Id.
[54] S. 617.1420, F.S.

notify the nonprofit corporation. The nonprofit corporation has 60 days to correct or demonstrate no such grounds exist. If the nonprofit corporation fails to do so, a certificate of dissolution is issued by the Department.[55]

Judicial Dissolution

A circuit court may dissolve a nonprofit corporation in the following circumstances:[56]

- At the request of the Department of Legal Affairs, if the nonprofit corporation was fraudulently formed or has exceeded its legal authority.
- At the request of its members or directors, if deadlocks threaten the corporation, directors cannot be elected, or assets are being wasted.
- At the request of a creditor, if the nonprofit corporation is insolvent and the creditor's claim is unpaid or acknowledged.
- At the request of the nonprofit corporation itself, to continue a voluntary dissolution under court supervision.

Foreign Nonprofit Corporations

A foreign nonprofit corporation authorized to do business in Florida must continuously maintain a registered office and a registered agent in the state. The registered agent can be an individual resident, a domestic entity, or a foreign entity authorized to do business in Florida, provided their business address matches the registered office. Each registered agent must file a written statement with the Department of State accepting the appointment and acknowledging the responsibilities of the role.[57]

A foreign nonprofit corporation may change its registered office or registered agent by filing a statement of change with the Department.[58] Further, a registered agent of a foreign nonprofit corporation may resign by filing a statement of resignation with the Department and sending a copy to the nonprofit corporation's principal office.[59]

A foreign nonprofit corporation may be served with legal process through its registered agent, or through certain officers or any person listed on the nonprofit corporation's most recent annual report. Alternatively, service may be made on the Secretary of State.[60]

Under the FNFPCA, a foreign nonprofit corporation must apply for and obtain a certificate of withdrawal from the Department before it can formally cease operations in the state. To apply, the nonprofit corporation must submit a prescribed form stating its name, its jurisdiction, that it is no longer conducting business in the state, and that it revokes its registered agent's authority.[61]

Domestication

A foreign nonprofit corporation may become domesticated in Florida by filing a certificate of domestication and its articles of incorporation with the Department. The certificate must identify the corporation's original formation date and jurisdiction, its name before domestication, its new name, and its prior principal place of business.[62]

Upon filing, the nonprofit corporation is considered domesticated in Florida, though its original formation date remains effective. Domestication does not alter existing liabilities or obligations, and the nonprofit corporation's property, liabilities, pending actions, articles of incorporation, and membership interests remain unchanged. After domestication, Florida law applies to the nonprofit corporation as if it had originally incorporated in the state.[63]

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[55] S. 617.1421, F.S.
[56] S. 617.1430, F.S.
[57] S. 617.1507, F.S.
[58] S. 617.1508, F.S.
[59] S. 617.1509, F.S.
[60] S. 617.1510, F.S.
[61] S. 617.1520, F.S.
[62] S. 617.1803, F.S.
[63] Id.

Conversion

Conversion requires filing a signed petition in the circuit court where the corporation's principal office is located, stating the entity's purposes and requesting the change. A for profit corporation may convert to a nonprofit corporation if it is solely engaged in purposes allowed for nonprofit corporations under Florida law. Once approved by the court, the new nonprofit corporation takes over all rights, assets, and liabilities of the original for profit corporation.[64]

To convert a for-profit corporation to a nonprofit corporation, the conversion petition must include:[65]

- Written consent of all shareholders;
- Statement affirming the new nonprofit will accept all property and assume all debts and liabilities of the original corporation; and
- Proposed articles of incorporation.

**OTHER RESOURCES:**

Model Nonprofit Corporation Act Fourth Edition

Model Nonprofit Corporation Act Resource Center

Ch-617-NonProfit-White-Paper__Final.pdf

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Industries & Professional Activities Subcommittee | 15 Y, 0 N | 1/14/2026 | Anstead | Bunnell |
| Civil Justice & Claims Subcommittee | 16 Y, 0 N, As CS | 1/21/2026 | Jones | Mawn |
| THE CHANGES ADOPTED BY THE COMMITTEE: | Made technical, clarifying changes. | | | |
| Commerce Committee | | | Hamon | Bunnell |

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

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[64] S. 617.1805, F.S.
[65] S. 617.1806, F.S.

A bill to be entitled

An act relating to nonprofit corporations; amending s. 617.01011, F.S.; renaming the "Florida Not For Profit Corporation Act" as the "Florida Nonprofit Corporation Act"; amending s. 617.01201, F.S.; providing applicability; providing that provisions of a plan or filed document may not be made dependent upon facts outside the plan or filed document; requiring a corporation to file articles of amendment with the Department of State under certain circumstances; providing that articles of amendment are deemed to be authorized by the authorization of the original filed document to which they relate; providing that such articles of amendment may be filed by the corporation without further action by the board of directors or the members; defining the terms "filed document" and "plan"; making technical changes; amending s. 617.0123, F.S.; providing that a document accepted for filing may specify an effective time and a delayed effective date; providing that a previous effective date may be specified in the initial articles of incorporation if such date is within a specified timeframe; specifying when a document accepted for filing is effective; providing that the date or time at which a document is filed is the time and date at

the place of filing in this state; amending s. 617.0124, F.S.; revising the circumstances in which a domestic or foreign corporation may correct a document filed with the department; prohibiting articles of correction from containing a delayed effective date for the correction; authorizing a corporation to withdraw a filing delivered to the department before it takes effect by delivering a withdrawal statement to the department for filing; specifying what information must be included in a withdrawal statement; providing that the action or transaction evidenced by the original filing does not take effect upon the filing of a withdrawal statement by the department; amending s. 617.0126, F.S.; revising what a domestic or foreign corporation may do if the department refuses to file a document delivered to its office for filing; amending s. 617.0127, F.S.; requiring all courts, public offices, and official bodies to receive all certificates issued by the department as prima facie evidence of certain facts; amending s. 617.0128, F.S.; requiring the department to issue, upon request, a certificate of status for a domestic corporation or a certificate of authorization for a foreign corporation; amending s. 617.01301, F.S.; revising who must answer interrogatories

directed at a corporation; making technical changes; amending s. 617.01401, F.S.; defining, revising, and deleting terms; amending s. 617.0141, F.S.; requiring written and oral notice to be communicated in a specified manner; making technical changes; creating s. 617.0143, F.S.; defining terms; providing that a director is not automatically prevented from being a qualified director under certain circumstances; amending s. 617.0202, F.S.; revising the contents of the articles of incorporation; amending s. 617.0204, F.S.; deleting an exception for liability for preincorporation transactions; amending s. 617.0206, F.S.; providing an exception when the initial bylaws of a corporation must be adopted by its board of directors; amending s. 617.0302, F.S.; revising the corporate powers of nonprofit corporations; amending s. 617.0304, F.S.; making technical changes; amending s. 617.0401, F.S.; authorizing a corporation to register under a name that is not otherwise distinguishable on the records of the department under certain circumstances; providing that the corporate name as filed with the department is for public notice only and does not alone create any presumption of ownership of such name; providing applicability; amending s. 617.0403, F.S.; authorizing a foreign

corporation that has registered its name to conduct its affairs in this state; making technical changes; amending s. 617.0501, F.S.; specifying the duties of a registered agent; deleting the definition for the term "authorized entity"; authorizing a court to stay a proceeding commenced by a corporation until the corporation is in compliance; making technical changes; amending s. 617.0502, F.S.; revising the information required in a statement filed with the department for a corporation requesting to change its registered office or its registered agent; deleting a provision that a registered agent may resign by signing and delivering to the department a statement of resignation; revising the statement of resignation requirements; deleting the notification requirements for a registered agent who changes his or her business name or business address; deleting a provision that a registered office or registered agent may be changed on the corporation's annual report form filed with the department; deleting a requirement that the department collect a fee for filings; creating s. 617.05021, F.S.; authorizing a registered agent to resign as agent for a corporation in a specified manner under certain circumstances; providing applicability; providing that a registered agent is terminated upon

the department filing certain documents; providing that a registered agent ceases to have responsibility for any matter tendered to the agent once a statement of resignation takes effect; authorizing a registered agent to resign from a corporation regardless of whether the corporation has active status; creating s. 617.05022, F.S.; authorizing a registered agent seeking to change the registered agent's name or business address to file with the department a statement of change; specifying the information to be included in the statement of change; requiring a registered agent to furnish notice of the statement of change to the represented corporation; providing that the statement of change is effective when filed by the department; providing that such changes may be made by the corporation with other filings by the department; requiring the department to collect a fee for filings; amending s. 617.0503, F.S.; deleting applicability for alien business organizations; revising the testimony and records required to be produced for the Department of Legal Affairs by certain domestic or foreign corporations; deleting definitions; making technical changes; amending s. 617.0505, F.S.; prohibiting a corporation from paying any dividend and making distributions of any part of its net income or net

earnings to its members, directors, or officers; revising exceptions; providing that a dividend or distribution by a nonprofit insurance company subsidiary is not a distribution under certain circumstances; making technical changes; amending s. 617.0601, F.S.; providing that, for certain nonprofit corporations, notice to, the presence of, or the vote, consent, or other action by a board of directors satisfies a specified requirement; requiring corporation members who have no other rights except as provided in the articles of incorporation or the bylaws to have the same rights and obligations as every other member; authorizing a corporation to admit members for no consideration or for such consideration as determined by the board of directors; providing that such consideration may take any form; providing that payment of such consideration may be made as set forth in or authorized by the articles of incorporation, the bylaws, or the action of the board of directors; prohibiting a corporation from being a member of itself or exercising the rights of a member with respect to itself; providing that a corporation's purchase of its own membership interest is canceled under certain circumstances; making technical changes; creating s. 617.0603, F.S.; authorizing a corporation

to pay certain compensation to and confer certain benefits upon its members, directors, officers, agents, and employees; authorizing a corporation to make certain distributions to its members and others upon dissolution or final liquidation; providing that such payments, benefits, or distributions may not be deemed to be a dividend or a distribution of income or earnings; amending s. 617.0604, F.S.; authorizing a corporation to levy dues, assessments, and fees on its members to the extent authorized by the articles of incorporation or bylaws; providing that such dues, assessments, and fees may be imposed on members of the same class in alike or different amounts or proportions, and imposed on a different basis on different classes of members; providing that certain members may be made exempt from such dues, assessments, and fees to the extent provided in the articles of incorporation or bylaws; providing that the amount and method of collecting such dues, assessments, and fees may be fixed in the articles of incorporation or bylaws, or by the board of directors or its members; providing that the articles of incorporation or bylaws may provide reasonable means to enforce the collection of such dues, assessments, and fees; prohibiting a creditor of a corporation from

bringing a proceeding to reach the liability of a member of the corporation unless certain conditions are met; authorizing all creditors of a corporation to intervene in any other creditor's proceeding brought to reach and apply unpaid amounts due from the corporation; authorizing all members who owe unpaid amounts to the corporation to be joined in the proceeding; providing that satisfaction of a debt owed to a creditor by the corporation through payment of a member who owes unpaid amounts to the corporation satisfies the debt of the corporation to the creditor and the debt of the member to the corporation to the extent so paid by the member to the creditor; amending s. 617.0605, F.S.; revising the process by which membership interests of a corporation may be transferred; amending s. 617.0606, F.S.; authorizing a member to resign at any time for any reason; amending s. 617.0607, F.S.; providing that a member who had a membership suspended or terminated may be liable to the corporation for dues, assessments, or fees for obligations incurred or commitments made before the expulsion, suspension, or termination; providing that any such expulsion, suspension, or termination does not relieve the member of any obligations or commitments made before the expulsion, suspension, or

termination; authorizing a corporation to levy fines or penalize its members if such actions are authorized in the articles of incorporation or bylaws; prohibiting the levy of certain penalties until after the corporation has provided notice to the member concerned and has afforded the affected member an opportunity to be heard on the matter; amending s. 617.0608, F.S.; prohibiting certain corporations from purchasing the membership interests or any rights arising from membership of any of their members; authorizing certain other corporations to purchase the membership interest of any member or any right arising from membership, subject to the articles of incorporation or bylaws; providing that payment for such membership interest or right arising from membership is not a dividend or a distribution of income or earnings; providing circumstances in which a corporation may purchase the membership interests of a member who resigns; amending s. 617.0701, F.S.; authorizing a corporation with members to hold meetings for certain purposes; providing that specified meetings may be held in or out of this state; providing that failure to hold a required annual meeting does not work a forfeiture or dissolution of the corporation and does not affect the

validity of any corporate action; revising when special meetings of the members may be called; providing that a written demand for a special meeting may be revoked by a writing received by the corporation before receiving the written demands from certain members sufficient in number to require holding the special meeting; providing that any business other than that described in the meeting notice may not be conducted at the meeting; authorizing special meetings to be held in or out of this state at a place stated in or fixed in accordance with the articles of incorporation and bylaws; requiring that special meetings be held at the corporation's principal office if no such place is stated in or fixed in the articles of incorporation and bylaws or in the notice of special meeting; providing that action taken by written consent is effective when such written consent is signed by members entitled to cast the required number of votes on the action and has been delivered to the corporation; requiring that, for corporations whose nonvoting members must be given notice of proposed corporate action, proper notice be given to the nonvoting members after obtaining authorization by written consent; authorizing members to waive any

required notice within a certain timeframe; requiring that such waiver be in writing, signed by the member, and delivered to the corporation for filing; providing that a member's attendance at a meeting waives certain objections; making technical changes; amending s. 617.0721, F.S.; providing that a member or a member's attorney in fact may appoint a proxy to vote or otherwise act for the member for certain duties; requiring that an appointment form contain certain information; specifying when an appointment of a proxy is effective and valid; providing that the death or incapacity of a member who appoints a proxy does not affect the right of the corporation to accept the proxy's authority under certain circumstances; authorizing a member to revoke appointment of a proxy; providing an exception; providing that a corporation may reject a ballot or demand, as well as a vote, consent, waiver, or proxy appointment, under certain circumstances; providing that members of any class, their attorneys-in-fact, and proxies may participate in any meeting of members to the extent that the board of directors authorizes such participation for such class; limiting participation by remote communication to the guidelines and procedures adopted by the board of directors; providing that members, their attorneys-

in-fact, and proxies who participate by means of remote communication are deemed present in person and may vote at a meeting under certain circumstances; requiring that a vote or action taken by a member, a member's attorney in fact, or a proxy by means of remote communication be maintained by the corporation; providing that a meeting may be held solely by means of remote communication only under certain circumstances; making technical changes; creating s. 617.0741, F.S.; prohibiting directors, officers, or members from commencing a proceeding in the right of a domestic or foreign corporation unless certain circumstances exist; creating s. 617.0742, F.S.; specifying requirements for a complaint in a proceeding brought in the right of a corporation; creating s. 617.0743, F.S.; authorizing the court to stay a derivative proceeding if the corporation commences an inquiry into the allegations made in the demand or complaint; creating s. 617.0744, F.S.; authorizing the court to dismiss a derivative proceeding on motion by the corporation if a certain determination is made by specified persons; providing that the corporation has the burden of proof in all such cases in regard to certain issues; authorizing the court to appoint a panel of disinterested and

independent persons to make such determination; providing construction; creating s. 617.0745, F.S.; providing that a derivative action may not be discontinued or settled without the court's approval; requiring the court to direct that notice be given to certain members under certain circumstances; authorizing the court to determine which party bears the expense of giving such notice; creating s. 617.0746, F.S.; authorizing the court to take specified action upon the termination of a derivative proceeding; creating s. 617.0747, F.S.; providing applicability; amending s. 617.0803, F.S.; revising the number of persons to serve on the board of directors; creating s. 617.0804, F.S.; specifying the manner in which directors of membership and nonmembership corporations are elected; creating s. 617.0805, F.S.; providing that the articles of incorporation or bylaws may specify the terms of directors; providing that if a term is not specified in the articles of incorporation or bylaws, the term of a director is 1 year; providing that a decrease in the number of directors does not affect an incumbent director's term; providing that the term of a director elected to fill a vacancy expires at the end of the term the director is filling; providing that a

director continues to serve after his or her term expires until the director's successor takes office; amending s. 617.0808, F.S.; providing that a director may be removed under certain circumstances; amending s. 617.0809, F.S.; revising the manner in which a vacancy on the board of directors is filled; deleting a requirement that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting to elect directors; deleting a provision authorizing a vacancy caused by an increase in the number of directors to be filled by the board of directors in a specified manner; creating s. 617.08091, F.S.; authorizing the court to remove a director from office in a proceeding commenced by or in the right of the corporation if the court makes certain findings; limiting the persons who may bring such an action; requiring that an action by a member be brought only if the member or members collectively bringing action have a specified voting power; authorizing the court to bar the director from being reelected, redesignated, or reappointed for a period prescribed by the court; providing construction; amending s. 617.0820, F.S.; revising the criteria for when meetings of the board of directors may be called; authorizing that regular meetings of the board of

directors may be held without notice of date, time, place, or purpose; requiring that special meetings of the board of directors be preceded by a certain amount of notice of the date, time, and place of the meeting; amending s. 617.0821, F.S.; requiring that actions taken without a meeting be delivered to the corporation; revising when certain action taken is effective; providing that a director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation before delivery to the corporation of certain unrevoked written consents; amending s. 617.0823, F.S.; revising the list of what a director waives when he or she signs a waiver of notice and attends a meeting of the board of directors; amending s. 617.0830, F.S.; specifying the standards of conduct a member of the board of directors or a board committee must conform to in discharging his or her duties; authorizing members to rely on certain persons in discharging their duties; providing that a director is not a trustee in certain respects; amending s. 617.0832, F.S.; defining terms; providing that if a director's conflict of interest transaction is fair to the corporation at the time that transaction is authorized, approved, effectuated, or ratified, the transaction is not void or voidable,

and is not grounds for relief, damages, or other sanctions; providing that the person challenging the validity of such transaction or seeking relief has the burden of proving certain facts; specifying the burden of proof for the person defending or asserting the validity of the director's conflict of interest; providing that the presence of or a vote cast by a director with an interest in a transaction does not affect the validity of the action if the transaction is otherwise authorized, approved, or ratified by the board of directors; authorizing a party challenging the validity of the transaction to assert and prove that a director or member was not disinterested on certain grounds for the purpose of voting on, consenting to, or approving the transaction; requiring that an action to satisfy certain authorization requirements be taken by the board of directors or a committee in order to authorize the transaction under certain circumstances; requiring that action be taken to satisfy certain requirements by the members or a committee in order to authorize the transaction under certain circumstances; reordering and amending s. 617.0834, F.S.; revising immunity and liability of certain persons; specifying when such persons are deemed not to have derived an improper personal

benefit from any transaction under certain circumstances; revising the definition of the term "recklessness"; providing construction; amending s. 617.0835, F.S.; revising applicability; creating s. 617.0844, F.S.; providing the standards of conduct an officer must conform to in discharging his or her duties; authorizing officers to rely on certain persons in discharging their duties; specifying the duties of an officer; providing that an officer is not a trustee with respect to the corporation or any property held or administered by the corporation in trust; amending s. 617.1001, F.S.; revising the authority of the corporation to amend its articles of incorporation; amending s. 617.1002, F.S; revising the procedure for amending the articles of incorporation; amending s. 617.1006, F.S.; requiring that an amendment to the articles of incorporation be delivered to the department for filing articles of amendment; specifying what must be set forth in such articles of amendment; amending s. 617.1101, F.S.; revising the plan of merger for certain entities; specifying what a plan of merger must include; providing that terms of a plan of merger may be made dependent upon facts objectively ascertainable outside the plan; authorizing amendments to a plan of merger

with the consent of each party to the merger, except as provided in the plan; authorizing a domestic party to a merger to approve an amendment to a plan in a certain manner; amending s. 617.1102, F.S.; revising the limitations on merger for certain corporations that hold property for a charitable purpose; amending s. 617.1103, F.S.; specifying the manner in which a plan of merger must be adopted for a domestic corporation whose members are entitled to vote on the merger; authorizing the adoption of a plan of merger at the meeting of the board of directors for certain domestic corporations; providing that a plan of merger may be abandoned after the plan has been approved but before the articles of merger are effective; providing that the plan may be abandoned by the board of directors in the same manner as the plan of merger was approved by a domestic corporation or a merging domestic eligible entity; requiring that a statement of abandonment signed by all parties that signed the articles of merger be delivered to the department if the merger is abandoned after articles of merger were delivered to the department for filing but before the articles of merger become effective; specifying what must be in a statement of abandonment; creating s. 617.1104, F.S.; authorizing a domestic or foreign

parent eligible entity that holds membership in a domestic corporation and that carries a specified percentage of voting power of the domestic corporation to merge the subsidiary into itself or into another specified domestic or foreign eligible entity or to merge itself into the subsidiary; providing that such mergers do not require approval of the board of directors or members of the subsidiary unless required; providing that articles of merger do not need to be signed by the subsidiary entity; requiring the parent eligible entity to notify subsidiary members within a specified timeframe; providing construction; amending s. 617.1105, F.S.; requiring that the articles of merger be signed by each party to the merger if the merger has been approved; providing an exception; specifying what must be included in the articles of merger; requiring that the articles of merger be delivered to the department for filing; specifying when a merger becomes effective; authorizing the filing of articles of merger in a specified manner under certain circumstances; amending s. 617.1106, F.S.; revising the effects of a merger once such merger becomes effective; providing that a merger does not give rise to any rights that any interest holder or third party would have upon a

dissolution, liquidation, or winding up of that party; providing that a party to a merger is not required to wind up its affairs and cause its dissolution or termination; prohibiting certain property held in trust or otherwise used for charitable purposes from being diverted from such purposes except as provided by law; providing that any bequest, devise, gift, grant, or promise contained in certain instruments inures to the survivor of the merger; providing that a trust obligation that would govern property if the property is directed to be transferred to the nonsurviving party is transferred to the surviving party of a merger; amending s. 617.1107, F.S.; deleting provisions related to mergers of foreign corporations and domestic corporations under certain circumstances; requiring a foreign eligible entity that survives a merger to comply with ch. 617, F.S.; deleting a provision to allow abandonment of merger under certain circumstances; amending s. 617.1202, F.S.; revising the manner in which a corporation may sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property; specifying the manner in which a board of directors proposes and its members approve the proposed transaction; authorizing the corporation to abandon such disposition of

property without action by the members; providing exceptions; providing construction; reenacting and amending s. 617.1401, F.S.; revising what must be set forth in articles of dissolution; amending s. 617.1402, F.S.; making technical changes; amending s. 617.1403, F.S.; defining the term "dissolved corporation"; reenacting and amending s. 617.1405, F.S.; authorizing the circuit court to appoint a trustee, custodian, receiver, or provisional director for any property owned or acquired by the corporation to conduct its affairs for winding up and liquidating its affairs if any director or officer of the dissolved corporation is unwilling or unable to serve or cannot be located; prohibiting certain property held in trust from being diverted from its trust or charitable purpose unless done so under certain circumstances; amending s. 617.1406, F.S.; deleting obsolete language; making technical changes; amending s. 617.1407, F.S.; revising the notice requirements that a dissolved corporation or successor entity must file with the department; revising the claimants who may bring a claim against a dissolved corporation or successor entity; providing conditions under which certain claims are barred; amending s. 617.1408, F.S.; authorizing that a dissolved corporation or successor

entity may dispose of known claims against it by giving written notice to its known claimants of the dissolution within a specified timeframe after a specified timeframe; specifying what must be in such written notice; authorizing that a dissolved corporation or successor entity may reject a claim submitted by a claimant and received before the specified timeframe by mailing notice of the rejection to the claimant within a specified timeframe; specifying what must be included in such notice; providing that a claim against a dissolved corporation is barred under certain circumstances; defining the term "known claim"; providing that such notice does not revive any claim then barred or acknowledge that any person to whom such notice is sent is a proper claimant and does not operate as a waiver of any defenses or counterclaims; creating s. 617.1409, F.S.; authorizing a dissolved corporation to file with the circuit court for a determination of the amount and form of security to be provided for payment of unknown claims; specifying certain notice requirements of such proceeding; authorizing the court to appoint a guardian ad litem for a specified purpose; requiring the dissolved corporation to pay the reasonable fees and expenses of the guardian ad litem; providing that

provisions by the dissolved corporation for security ordered by the court satisfies the dissolved corporation's obligations with respect to certain claims; creating s. 617.14091, F.S.; providing that directors of certain dissolved corporations are not personally liable to its claimants; authorizing certain claims from being enforced against the dissolved corporation's undistributed assets and a member of the dissolved corporation on a pro rata share of the claim or the corporate assets distributed to such member, whichever is less; providing construction; amending s. 617.1420, F.S.; requiring the department to serve notice in a record to the corporation of its intent to administratively dissolve a corporation under certain circumstances; specifying the manner in which the department may issue the notice; requiring the department to administratively dissolve a corporation that does not respond to such notice within a specified timeframe; requiring the department to issue a notice in a record of administrative dissolution that states the grounds for the administrative dissolution; authorizing the department to issue such notice in a specified manner; reenacting and amending s. 617.1421, F.S.; making technical changes; amending s. 617.1430, F.S.;

revising when a circuit court may dissolve a corporation or order other remedies; amending s. 617.1431, F.S.; revising the venue for judicial dissolution proceedings; providing that directors need not be made parties to a proceeding to dissolve a corporation unless relief is sought against them individually; authorizing a court to award reasonable attorney fees and costs to the other parties to the proceedings if the court makes certain findings; deleting obsolete language; amending s. 617.1432, F.S.; prohibiting a court from appointing a custodian or receiver brought in certain proceedings if its members, directors, or authorized persons have provided for the appointment of a provisional director or other means for the resolution of a deadlock; authorizing the court to enforce the remedy so provided by the provisional director; revising who the court may appoint to act as receiver or custodian of the corporation; revising the duties of the receiver redesignated as custodian by the court; authorizing the court to amend the order designating the receiver as custodian and custodian as receiver; making technical changes; amending s. 617.1433, F.S.; conforming provisions to changes made by the act; making technical changes; creating s. 617.1434, F.S.;

authorizing the court to order certain actions be taken as an alternative to directing the dissolution of the corporation; creating s. 617.1435, F.S.; authorizing the court to appoint a provisional director for a certain proceeding if it appears such appointment will remedy the grounds alleged by the complaining members or directors; providing that a provisional director may be appointed without a vacancy on the board of directors; providing that a provisional director has all the rights and powers of a duly elected director, until removed; specifying the criteria for a provisional director; requiring a provisional director to report to the court concerning certain matters; providing that a provisional director is not liable for actions taken or decisions made; providing exceptions; requiring the provisional director to submit recommendations to the court if directed; authorizing any officer or director to petition the court for certain instructions; requiring the court to compensate and reimburse the provisional director; amending s. 617.1440, F.S.; providing an exception to the assets that must be deposited with the Department of Financial Services for safekeeping; making technical changes; creating s. 617.15015, F.S.; providing the governing law for a foreign corporation

for certain affairs and interests of the foreign corporation; prohibiting a foreign corporation from being denied a certificate of authority for a specified reason; providing that a certificate of authority does not authorize a foreign corporation to engage in any business or exercise any prohibited power; amending s. 617.1502, F.S.; making technical changes; providing that any member, officer, or director of a foreign corporation is not liable for the debts, obligations, or other liabilities of the foreign corporation under certain circumstances; providing applicability; requiring a foreign corporation that transacts business in this state without a certificate of authority to appoint the Secretary of State as its agent for service of process; amending s. 617.1503, F.S.; conforming a provision to changes made by the act; amending s. 617.1504, F.S.; revising the requirements for a foreign corporation to amend its certificate of authority; revising applicability; authorizing a foreign corporation to amend its certificate of authority to add, remove, or change certain information; amending s. 617.1505, F.S.; deleting a prohibition of the state to regulate the organization or internal affairs of a foreign corporation; making a

technical change; amending s. 617.1506, F.S.; revising the requirements for a foreign corporation whose name is noncompliant to use an alternate name; authorizing the foreign corporation to use its name if it becomes available; providing construction; authorizing a foreign corporation to transact business in this state under the alternate name; providing an exception; prohibiting a foreign corporation with a noncompliant name from transacting business in this state until such corporation obtains an amended certificate of authority; authorizing a foreign corporation to register under a name not otherwise distinguishable on the records of another registered entity under certain circumstances; amending s. 617.1507, F.S.; requiring certain registered agents file a statement with the department with certain information; providing the duties of a registered agent; deleting the definition of the term "authorized entity"; requiring the department to maintain an accurate record of the registered agent and registered offices; requiring the department to furnish any information for a fee; prohibiting a foreign corporation from prosecuting or maintaining any action in a court in this state until it complies with certain requirements; authorizing a court to stay a proceeding commenced by a foreign

corporation until such compliance; amending s. 617.1508, F.S.; specifying what must be in a statement of change; providing that a statement of change is effective when filed with the department; providing a statement of change may also be filed on the foreign corporation's annual report in an application for reinstatement; making technical changes; amending s. 617.1509, F.S.; requiring the registered agent of a foreign corporation to mail a copy of his or her statement of resignation to the foreign corporation after filing it with the department; providing when a registered agent is terminated; providing that a registered agent ceases to have responsibility for any matters for the foreign corporation when a statement of resignation takes effect; providing that resignation does not affect contractual rights between the foreign corporation and the registered agent; authorizing a registered agent to resign from a foreign corporation regardless if it has active status; creating s. 617.15091, F.S.; providing the permissible means of delivery of certain communications; providing when notice to the department is effective; providing an exception; amending s. 617.1520, F.S.; requiring a foreign corporation who wishes to cancel its certificate of

authority to deliver to the department a notice of withdrawal of certificate of authority; providing when the certificate is effective; requiring such certificate be signed by an officer or a director and state certain information; providing that service of process for a foreign corporation whose withdrawal is effective is on the Secretary of State; creating s. 617.1521, F.S.; providing that a foreign corporation that converts to a domestic corporation or another domestic eligible entity is deemed to have withdrawn its certificate of authority on the effective date of the conversion; creating s. 617.1522, F.S.; requiring certain entities no longer authorized to conduct affairs in this state to deliver a notice of withdrawal of certificate of authority to the department for filing; specifying service of process for such entities; creating s. 617.1523, F.S.; authorizing the Department of Legal Affairs to maintain an action to enjoin a foreign corporation from illegally conducting affairs in this state; amending s. 617.1530, F.S.; authorizing the department to revoke a foreign corporation's certificate of authority to transact business under certain circumstances; requiring revocation of a foreign corporation's certificate of authority to be done on a

specified date; requiring the department to issue notice to revoke the foreign corporation's certificate of authority and authority to transact business; authorizing the department to issue notice stating the grounds of such revocations by electronic transmission if the foreign corporation provided an e-mail address; providing that revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent; creating s. 617.15315, F.S.; authorizing a foreign corporation whose certificate of authority has been revoked to apply to the department for reinstatement at any time after the effective date of revocation; requiring the foreign corporation to submit all fees and penalties owed with its application for reinstatement; specifying what must be included in the application for reinstatement; authorizing a foreign corporation to be reinstated if it pays all fees and penalties and files its current annual report; requiring the registered agent and an officer or director to sign the annual report; requiring the department to reinstate the foreign corporation if all conditions are met; providing that a reinstatement relates back to the effective date of the revocation of authority; prohibiting another entity from using the name of the

foreign corporation whose certificate of authority has been revoked until after a specified timeframe; requiring the department to require a foreign corporation seeking reinstatement whose name has been lawfully assumed by another eligible entity to comply with choosing a new name before accepting its application for reinstatement; amending s. 617.1532, F.S.; requiring the department to serve a foreign corporation with written notice explaining the reasons for denial of its application for reinstatement; authorizing a foreign corporation to appeal the department's denial in a specified manner; specifying how service is effectuated on the department; authorizing the Circuit Court of Leon County to take certain actions; providing that the circuit court's final decision may be appealed; amending s. 617.1601, F.S.; requiring a corporation to maintain certain records; requiring such records be maintained in a certain manner; amending s. 617.1602, F.S.; revising the records a member of a corporation may inspect and copy; authorizing the corporation to impose reasonable restrictions on the disclosure, use, or distribution of, and reasonable obligations to maintain the confidentiality of, certain records; providing that persons who become members of a corporation after a

specified timeframe and who are entitled to vote at a meeting are entitled to certain information; providing an exception; prohibiting the abolishment or limitation of the right of inspection by a corporation's articles of incorporation or bylaws; revising construction; prohibiting a member from selling or distributing specific information or records; providing an exception; prohibiting a person from obtaining or using a membership list or any part thereof for any purpose unrelated to a member's interest without the consent of the board of directors; revising the definition of the term "member"; providing applicability; amending s. 617.1603, F.S.; authorizing a corporation to satisfy the right of a member to inspect specific records by means chosen by the corporation; providing that the corporation bears the reasonable costs of converting specified records; making technical changes; conforming a cross-reference; amending s. 617.1604, F.S.; revising the circumstances under which a corporation is not liable for the costs of a member inspecting and copying specified records; authorizing the court to impose reasonable restrictions on the confidentiality of such records; making technical changes; amending s. 617.1605, F.S.; requiring a

corporation to deliver or make available the latest annual financial statements to a member within a specified timeframe under certain circumstance; requiring the corporation to notify the member within a specified timeframe if the annual financial statements have not been prepared for the fiscal year requested; requiring the corporation to deliver to the member the annual financial statements within a specified timeframe; specifying how a corporation may deliver the specified annual financial statements; authorizing the corporation to place reasonable restrictions on members requesting annual financial statements; authorizing a corporation to decline to issue annual financial statements if the corporation determines the request was not made in good faith or for a proper purpose; authorizing a member who has not received a response from the corporation as required to seek relief from the circuit court in the applicable county; requiring the circuit court to expedite the matter; authorizing the circuit court to impose reasonable restrictions on the annual financial statements; providing that the corporation has the burden of proof; requiring the court to award the member's expenses under certain circumstances; providing exceptions; creating s. 617.16051, F.S.;

providing that a director of a corporation is entitled to inspect and copy specified records of the corporation at any reasonable time for a specified purpose; authorizing the circuit court of the applicable county to order inspection and copying of such records at the corporation's expense upon application of a director who has been refused such inspection rights; providing exceptions; requiring the court to expedite such application; authorizing a court that orders access to such records to include specific provisions protecting the corporation from undue burden or expense and prohibiting the director from using such information obtained for a specified purpose; authorizing the court to order the corporation to reimburse the director for the costs incurred for the application; amending s. 617.1622, F.S.; revising the information to be included in a domestic or foreign corporation's annual report to the department; providing that if the name or address of a registered agent in a corporation's annual report differs from the records of the department, the annual report is considered a statement of change; revising when the first annual report must be delivered to the department; providing reporting requirements for specified entities involved in certain mergers,

conversions, or domestications; creating s. 617.180301, F.S.; providing construction; requiring a domesticating corporation to enter into a plan of domestication; specifying what must be included in a plan of domestication; authorizing the terms of a plan of domestication to be made dependent upon facts objectively ascertainable outside the plan; providing applicability; creating s. 617.18031, F.S.; providing the manner in which a domestication of a domestic corporation into a foreign jurisdiction must be adopted; creating s. 617.18032, F.S.; providing that articles of domestication must be signed by the domesticating corporation after certain circumstances; specifying information to be included in the articles of domestication; requiring that certain information be included in the articles of domestication for a domesticated corporation that is seeking to become a domestic corporation; requiring that articles of domestication be filed with the department and take effect within certain timeframes; specifying when the domestications of domestic and foreign corporations are effective; providing that a domesticating foreign corporation's certificate of authority is automatically canceled when domestication becomes effective; authorizing the filing of a certified copy

of the articles of domestication in any county in this state in which the domesticating corporation holds an interest in real property; creating s. 617.18033, F.S.; authorizing the amending of a plan of domestication of a domestic corporation in certain manners; authorizing the abandoning of a plan of domestication under certain circumstances in the same manner that the plan was approved or determined by the board of directors; requiring a domesticating corporation seeking to abandon domestication to send to the department a statement of abandonment before the articles of domestication become effective; specifying the information the statement of abandonment must include; creating s. 617.18034, F.S.; specifying effects of domestication with respect to rights, responsibilities, and liabilities; providing that a domestication does not constitute or cause the dissolution of the domesticating corporation; prohibiting the diversion for any other purpose of certain property held in trust or otherwise dedicated to a charitable purpose and held by a domestic of foreign corporation immediately before a domestication becomes effective; providing that any bequest, devise, gift, grant, or promise in certain instruments inures to the domesticated corporation; providing that a

trust obligation that would govern property if the property is transferred to the domesticating corporation applies to property that is transferred to the domesticated corporation after domestication takes effect; creating s. 617.1804, F.S.; specifying what certain domestic and foreign entities may convert to under certain circumstances; specifying applicability of certain provisions in certain protected agreements of a domestic converting corporation; creating s. 617.18041, F.S.; prohibiting a domestic corporation that holds property for a charitable purpose from becoming a domestic eligible entity or a foreign eligible entity; providing an exception; creating s. 617.18042, F.S.; authorizing a domestic corporation to convert to a domestic or foreign eligible entity by approving a plan of conversion; specifying the information to be included in the plan of conversion; providing that the terms of a plan of conversion may be made dependent upon facts objectively ascertainable outside the plan; creating s. 617.18043, F.S.; providing for the adoption of a plan of conversion for a domestic corporation converting to a domestic or foreign eligible entity other than a domestic corporation; creating s. 617.18044, F.S.; requiring specified entities that have had plans of conversion

adopted and approved to sign articles of conversion; specifying the information to be included in such articles of conversion; requiring a converted domestic corporation to satisfy the requirements of filing its articles of incorporation; providing an exception; requiring that certain domestic eligible entities' organic records, if any, satisfy certain requirements; providing an exception; requiring that articles of conversion be delivered to the department for filing and take effect on a specified date; specifying when certain entities' conversions become effective; authorizing the filing of articles of conversion in combination with any filing required for certain entities; providing that an eligible entity that is a foreign eligible entity's foreign qualification cancels automatically on the effective date of its conversion; authorizing the filing of a certified copy of the articles of conversion in the official records of any county in this state in which the converting eligible entity holds an interest in real property; creating s. 617.18045, F.S.; authorizing the amending of a plan of conversion of a converting eligible entity that is a domestic corporation under certain circumstances; authorizing such converting eligible entity to abandon the plan of conversion without

action by its interest holders under certain circumstances; requiring a converting eligible entity to sign and deliver to the department for filing a statement of abandonment if the conversion is abandoned after the articles of conversion have been delivered to the department but before the articles of conversion become effective; specifying when the statement of abandonment takes effect; specifying the information a statement of abandonment must contain; creating s. 617.18046, F.S.; specifying the effect of a conversion of an eligible entity; providing that certain interest holders of certain eligible entities who become subject to interest holder liability as a result of the conversion have such interest holder liability only in respect of interest holder liabilities that arise after the conversion becomes effective; providing that a conversion does not require the converting eligible entity to wind up its affairs or cause the dissolution or termination of the entity; prohibiting certain property held for charitable purposes immediately before conversion of specified entities from being diverted from the purposes for which such property was given; providing exceptions; providing that any bequest, devise, gift, grant, or promise contained in certain instruments

made to a converting eligible entity takes effect or remains payable after the conversion inures to the converted eligible entity; providing for applicability of certain trust obligations under certain circumstances; amending s. 617.2005, F.S.; revising the manner in which a court may dissolve an extinct church or religious society; amending s. 617.2006, F.S.; deleting certain provisions relating to a labor union or body filing its articles of incorporation in the applicable circuit court; amending ss. 39.8298, 381.00316, 605.1025, 617.0102, 617.0121, 617.0122, 617.0125, 617.02011, 617.0203, 617.0205, 617.0301, 617.0504, 617.0806, 617.0824, 617.0825, 617.0831, 617.0901, 617.1008, 617.1009, 617.1404, 617.1422, 617.1423, 617.1501, 617.1510, 617.1606, 617.1623, 617.1701, 617.1702, 617.1703, 617.1711, 617.1808, 617.1809, 617.1904, 617.1907, 617.1908, 617.2001, 617.2002, 617.2003, 617.2007, 617.2101, 617.221, 620.2108, 620.8918, 628.910, 768.38, and 893.055, F.S.; conforming provisions to changes made by the act; conforming cross-references; making technical changes; repealing ss. 617.07401, 617.0822, 617.1108, 617.1301, 617.1302, 617.1531, 617.1533, 617.1803, 617.1805, 617.1806, 617.1807, and 617.2102, F.S., relating to members' derivative actions; notice of

meetings; merger of domestic corporation and other eligible entities; prohibited distributions; authorized distributions; procedure for and effect of revocation; reinstatement following revocation; domestication of foreign not-for-profit corporations; corporations for profit and when they may become corporations not for profit; conversion to corporation not for profit, petition, and contents; conversion to corporation not for profit and authority of circuit judge; and fines and penalties against members, respectively; reenacting s. 617.1007(3), F.S., relating to restated articles of incorporation, to incorporate the amendments to ss. 617.01201 and 617.1006, F.S., in references thereto; reenacting s. 295.21(5)(a), F.S., relating to Florida Is For Veterans, Inc., to incorporate the amendment made to s. 617.0302, F.S., in a reference thereto; reenacting ss. 409.987(4)(b), 718.1265(1), 719.128(1), and 720.316(1), F.S., relating to lead agency procurement, boards, and conflicts of interest; association emergency powers; association emergency powers; and association emergency powers, respectively, to incorporate the amendment made to s. 617.0830, F.S., in references thereto; reenacting s. 718.3027(2) and (5), F.S., relating to conflicts of interest, to

incorporate the amendment made to s. 617.0832, F.S., in references thereto; reenacting s. 720.3033(2)(a) and (b) and (3), F.S., relating to officers and directors, respectively, to incorporate the amendments made to ss. 617.0832 and 617.0834, F.S., in references thereto; reenacting s 721.13(13)(a), F.S., relating to management, to incorporate the amendment made to s. 617.0834, F.S., in a reference thereto; reenacting s. 718.111(1)(d), F.S., relating to the association, to incorporate the amendments made to ss. 617.0830 and 617.0834, F.S., in references thereto; providing an effective date.

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

**Section 1. Section 617.01011, Florida Statutes, is amended to read:**

617.01011 Short title.—This chapter ~~act~~ may be cited as the "Florida Nonprofit ~~Not For Profit~~ Corporation Act."

**Section 2. Subsections (1), (2), (3), (7), and (8) of section 617.01201, Florida Statutes, are amended, subsection (10) is added to that section, and subsection (9) of that section is reenacted, to read:**

617.01201 Filing requirements.—

(1) A document must satisfy the requirements of this

section and of any other section that adds to or varies these requirements to be entitled to filing by the department ~~of State~~.

(2) This chapter ~~act~~ must require or permit filing the document in the office of the department ~~of State~~.

(3) The document must contain the information required by this chapter ~~act~~. It may contain other information as well.

(7) The person executing the document shall sign it and state beneath or opposite such person's ~~his or her~~ signature such person's ~~his or her~~ name and the capacity in which such person ~~he or she~~ signs. The document may, but need not, contain the corporate seal, an attestation, an acknowledgment, or a verification~~:~~

~~(a) The corporate seal,~~

~~(b) An attestation by the secretary or an assistant secretary,~~

~~(c) An acknowledgment, verification, or proof~~.

(8) If the department ~~of State~~ has prescribed a mandatory form for the document under s. 617.0121, the document must be in or on the prescribed form.

(9) The document must be delivered to the department for filing. Delivery may be made by electronic transmission if and to the extent allowed by the department. If the document is filed in typewritten or printed form and not transmitted electronically, the department may require that one exact or

conformed copy be delivered with the document, except as provided in s. 617.1508. The document must be accompanied by the correct filing fee and any other tax or penalty required by law.

(10) Whenever this chapter allows any of the terms of a plan or a filed document to be dependent upon facts objectively ascertainable outside the plan or filed document, the following apply:

(a) The plan or filed document must set forth the manner in which the facts will operate upon the terms of the plan or filed document.

(b) The facts may include, but are not limited to:

1. Any of the following which are available in a nationally recognized news or information medium either in print or electronically:

a. Statistical or market indices;

b. Market prices of any security or group of securities;

c. Interest rates;

d. Currency exchange rates; and

e. Similar economic or financial data;

2. A determination or action by any person or body, including the corporation or any other party to a plan or filed document; or

3. The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

(c) The following provisions of a plan or filed document may not be made dependent upon facts outside the plan or filed document:

1. The name and address of any person required in a filed document;

2. The registered office of any entity required in a filed document;

3. The registered agent of any entity required in a filed document;

4. The effective date of a filed document; and

5. Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

(d) If a provision of a filed document is made dependent upon a fact ascertainable outside of the filed document, and that fact is not ascertainable by reference to a source described in subparagraph (b)1. or a document that is a matter of public record, and the affected members have not received notice of the fact from the corporation, the corporation must file with the department articles of amendment to the filed document setting forth the fact promptly after the time when the fact referred to is first ascertainable or thereafter changes. Articles of amendment under this section are deemed to be authorized by the authorization of the original filed document to which they relate and may be filed by the corporation without

further action by the board of directors or the members.

(e) As used in this subsection, the term:

1. "Filed document" means a document filed with the department pursuant to this chapter, except for a document filed pursuant to ss. 617.1501-617.1532.

2. "Plan" means a plan of merger, a plan of conversion, or a plan of domestication.

**Section 3. Section 617.0123, Florida Statutes, is amended to read:**

617.0123 Effective time and date of document.—

~~(1)~~ Except as provided in subsection (1) ~~(2)~~ and in s. 617.0124(3), a document accepted for filing under this chapter may specify an ~~is~~ effective ~~at the~~ time and a delayed effective date. In the case of the initial articles of incorporation, a prior effective date may be specified in the articles of incorporation if such date is within 5 business days before the date of filing ~~of filing on the date it is filed, as evidenced by the Department of State's date and time endorsement on the original document~~.

(1) Subject to s. 617.0124(3), a document accepted for filing is effective under any of the following conditions:

(a) If the record filed does not specify an effective time and does not specify a prior or a delayed effective date, on the date and at the time the record is accepted, as evidenced by the department's endorsement of the date and time on the filing.

(b) If the record filed specifies an effective time, but not a prior or delayed effective date, on the date the record is accepted, as evidenced by the department's endorsement, and at the time specified in the filing.

(c) If the record filed specifies a delayed effective date, but not an effective time, at 12:01 a.m. on the earlier of:

1. The specified date; or

2. The 90th day after the date the record is filed.

(d) If the record filed specifies a delayed effective date and an effective time, at the specified time on the earlier of:

1. The specified date; or

2. The 90th day after the date the record is filed.

(e) If the record filed is of initial articles of incorporation and specifies an effective date before the date of the filing, but no effective time, at 12:01 a.m. on the later of:

1. The specified date; or

2. The 5th business day before the date the record is filed.

(f) If the record filed is of initial articles of incorporation and specifies an effective time and an effective date before the date of the filing, at the specified time on the later of:

1. The specified date; or

2. The 5th business day before the date the record is filed.

(2) If the record filed does not specify the time zone or place at which the date or time, or both, is to be determined, the date or time, or both, at which it becomes effective will be those prevailing at the place of filing in this state ~~A document may specify a delayed effective date, and if it does the document shall become effective on the date specified. Unless otherwise permitted by this act, a delayed effective date for a document may not be later than the 90th day after the date on which it is filed~~.

(3) If a document is determined by the department ~~of State~~ to be incomplete and inappropriate for filing, the department ~~of State~~ may return the document to the person or corporation filing it, together with a brief written explanation of the reason for the refusal to file, in accordance with s. 617.0125(3). If the applicant returns the document with corrections in accordance with the rules of the department within 60 days after it was mailed to the applicant by the department, and if at the time of return the applicant so requests in writing, the filing date of the document will be the filing date that would have been applied had the original document not been deficient, except as to persons who relied on the record before correction and were adversely affected thereby.

(4) Corporate existence may predate the filing date, pursuant to s. 617.0203(1).

**Section 4. Section 617.0124, Florida Statutes, is amended to read:**

617.0124 Correcting filed document; withdrawal of filed record before effectiveness.—

(1) A domestic or foreign corporation may correct a document filed by the department within 30 days after filing if:

(a) The document contains an inaccuracy ~~incorrect statement~~;

(b) The document contains false, misleading, or fraudulent information;

(c) The document was defectively executed, attested, sealed, verified, or acknowledged; or

(d) The electronic transmission of the document to the department was defective.

(2) A document is corrected:

(a) By preparing articles of correction that:

1. Describe the document, including its filing date, or attach a copy of the document to the articles of correction;

2. Specify the inaccuracy or defect ~~incorrect statement and the reason it is incorrect or the manner in which the execution was defective~~; and

3. Correct the inaccuracy or defect ~~incorrect statement or defective execution~~; and

(b) By delivering the executed articles of correction to the department for filing.

(3) Articles of correction are effective on the effective date of the document they correct except as to persons relying on the uncorrected document and who are adversely affected by the correction. As to those persons, articles of correction are effective when filed.

(4) Articles of correction may not contain a delayed effective date for the correction.

(5) Unless otherwise provided for in s. 617.1103(3) or s. 617.1809(8), a filing delivered to the department may be withdrawn before it takes effect by delivering a withdrawal statement to the department for filing.

(a) A withdrawal statement must:

1. Be signed by each person who signed the filing being withdrawn, except as otherwise agreed to by such persons;

2. Identify the filing to be withdrawn; and

3. If not signed by all persons who signed the filing being withdrawn, state that the filing is withdrawn in accordance with the agreement of all persons who signed the filing.

(b) Upon the filing by the department of a withdrawal statement, the action or transaction evidenced by the original filing does not take effect.

(6) Articles of correction that are filed to correct

false, misleading, or fraudulent information are not subject to a fee of the department if the articles of correction are delivered to the department within 15 days after the notification of filing sent pursuant to s. 617.0125(2).

**Section 5. Section 617.0126, Florida Statutes, is amended to read:**

617.0126 Appeal from department's ~~Department of State's~~ refusal to file document.—If the department ~~of State~~ refuses to file a document delivered to its office for filing, within 30 days after return of the document by the department by mail, as evidenced by the postmark, the domestic or foreign corporation may:

(1) Appeal the refusal pursuant to s. 120.68; or

(2) Petition the Circuit Court of Leon County to compel filing of the document. ~~Appeal the refusal to the circuit court of the county where the corporation's principal office (or, if none in this state, its registered office) is or will be located. The appeal is commenced by petitioning the court to compel filing the document and by attaching to the petition~~ The document and the department's ~~department of State's~~ explanation of its refusal to file must be attached to the petition. ~~The matter shall promptly be tried de novo by the court without a jury.~~ The court may decide the matter in a summary proceeding, and the court may summarily order the department ~~of State~~ to file the document or take other action the court considers

appropriate. The court's final decision may be appealed as in other civil proceedings.

**Section 6. Section 617.0127, Florida Statutes, is amended to read:**

617.0127 Certificates to be received in evidence; ~~evidentiary~~ effect of certified copy of filed document.—All certificates issued by the department pursuant to this chapter must be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts stated therein. A certificate attached to a copy of a document filed by the department ~~of State~~, bearing the signature of the Secretary of State, ~~(~~which may be in facsimile,~~)~~ and the seal of this state, is conclusive evidence that the original document is on file with the department.

**Section 7. Subsection (1) of section 617.0128, Florida Statutes, is amended, and subsection (2) of that section is reenacted, to read:**

617.0128 Certificate of status.—

(1) ~~Anyone may apply to~~ The department, upon request, shall issue ~~of State to furnish~~ a certificate of status for a domestic corporation or a certificate of authorization for a foreign corporation.

(2) A certificate of status or authorization sets forth:

(a) The domestic corporation's corporate name or the foreign corporation's corporate name used in this state;

(b)1. That the domestic corporation is duly incorporated under the law of this state and the date of its incorporation, or

2. That the foreign corporation is authorized to conduct its affairs in this state;

(c) That all fees and penalties owed to the department have been paid, if:

1. Payment is reflected in the records of the department, and

2. Nonpayment affects the existence or authorization of the domestic or foreign corporation;

(d) That its most recent annual report required by s. 617.1622 has been delivered to the department; and

(e) That articles of dissolution have not been filed.

**Section 8. Section 617.01301, Florida Statutes, is amended to read:**

617.01301 Powers of department ~~of State~~.—

(1) The department ~~of State~~ may propound to any corporation subject to ~~the provisions of~~ this chapter ~~act~~, and to any officer or director thereof, such interrogatories as may be reasonably necessary and proper to enable it to ascertain whether the corporation has complied with all applicable filing provisions of this chapter ~~act~~. Such interrogatories must be answered within 30 days after mailing or within such additional time as fixed by the department. Answers to interrogatories must

be full and complete, in writing, and under oath. Interrogatories directed to an individual must be answered by that individual ~~him or her~~, and interrogatories directed to a corporation must be answered by an authorized officer or director of the corporation, by a member if there are no officers or directors of the corporation, or by a fiduciary if the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary ~~the president, vice president, secretary, or assistant secretary~~.

(2) The department ~~of State~~ is not required to file any document:

(a) To which interrogatories, as propounded pursuant to subsection (1) relate, until the interrogatories are answered in full;

(b) When interrogatories or other relevant evidence discloses that such document is not in conformity with ~~the provisions of~~ this chapter ~~act~~; or

(c) When the department has determined that the parties to such document have not paid all fees, taxes, and penalties due and owing this state.

(3) The department ~~of State~~ may, based upon its findings hereunder or ~~as provided~~ in s. 213.053(15), bring an action in circuit court to collect any penalties, fees, or taxes determined to be due and owing the state and to compel any filing, qualification, or registration required by law. In

connection with such proceeding the department may, without prior approval by the court, file a lis pendens against any property owned by the corporation and may further certify any findings to the Department of Legal Affairs for the initiation of any action permitted pursuant to s. 617.0503 which the Department of Legal Affairs may deem appropriate.

(4) The department has ~~of State shall have~~ the power and authority reasonably necessary to enable it to administer this chapter ~~act~~ efficiently, to perform the duties herein imposed upon it, and to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter ~~the provisions of this act conferring duties upon it~~.

**Section 9. Section 617.01401, Florida Statutes, is amended to read:**

617.01401 Definitions.—As used in this chapter, the term:

(1) "Articles of incorporation" includes original, amended, and restated articles of incorporation, articles of consolidation, and articles of merger, and all amendments thereto, including documents designated by the laws of this state as charters, and, in the case of a foreign corporation, documents equivalent to articles of incorporation in the jurisdiction of incorporation.

(2) "Applicable county" means the county in this state in which a corporation's principal office is located or was located when an action is or was commenced. If the corporation has, or

at the time of such action had, no principal office in this state, the applicable county is the county in which the corporation has, or at the time of such action had, an office in this state. If the corporation does not have an office in this state, the applicable county is the county in which the corporation's registered office is or was last located.

(3) "Authorized entity" means any of the following:

(a) A corporation for profit.

(b) A limited liability company.

(c) A limited liability partnership.

(d) A limited partnership, including a limited liability limited partnership.

(4) ~~(2)~~ "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated, including, but not limited to, managers or trustees.

(5) ~~(3)~~ "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Charitable asset" means property that is given, received, or held for a charitable purpose.

(7) "Charitable purpose" means a purpose that:

(a) Would make a corporation organized and operated exclusively for that purpose eligible to be exempt from taxation

under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, or

(b) Is considered charitable under the law of this state other than as set forth in the Internal Revenue Code of 1986, as amended.

(8) ~~(4)~~ "Corporation" or "domestic corporation" means a nonprofit corporation ~~not for profit~~, subject to the provisions of this chapter, except a foreign corporation.

~~(5) "Corporation not for profit" means a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under this chapter.~~

(9) ~~(6)~~ "Department" means the Florida Department of State.

~~(7) "Distribution" means the payment of a dividend or any part of the income or profit of a corporation to its members, directors, or officers.~~

~~(a) A donation or transfer of corporate assets or income to or from another not-for-profit corporation qualified as tax-exempt under s. 501(c) of the Internal Revenue Code or a governmental organization exempt from federal and state income taxes, if such corporation or governmental organization is a member of the corporation making such donation or transfer, is not a distribution for purposes of this chapter.~~

~~(b) A dividend or distribution by a not-for-profit insurance company subsidiary to its mutual insurance holding~~

~~company organized under part III of chapter 628, directly or indirectly through one or more intermediate holding companies authorized under that part, is not a distribution for the purposes of this chapter.~~

(10)~~(8)~~ "Electronic transmission" means any form of communication, not directly involving the physical transmission or transfer of paper, which creates a record that may be retained, retrieved, and reviewed by a recipient and which may be directly reproduced in a comprehensible and legible paper form by such recipient through an automated process. Examples of electronic transmission include, but are not limited to, electronic mail, telegrams, facsimile, and transmissions through the Internet ~~transmissions of images, and text that is sent via electronic mail between computers~~.

(11)(a) "Eligible entity" means a domestic or foreign:

1. Corporation or corporation for profit;

2. General partnership, including a limited liability partnership;

3. Limited partnership, including a limited liability limited partnership;

4. Limited liability company; or

5. Other unincorporated entity.

(b) The term does not include:

1. An individual;

2. An association or relationship that is not a

partnership solely by reason of s. 620.8202(2) or a similar provision of the law of another jurisdiction;

3. A decedent's estate; or

4. A government or a governmental subdivision, agency or instrumentality.

(12) "Eligible interest" means:

(a) A share;

(b) A membership; or

(c) Either or both of the following rights under the organic rules governing the entity:

1. The right to receive distributions from the entity either in the ordinary course of business or upon liquidation.

2. The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business, activities, or affairs.

(13) "Entity" includes corporations and foreign corporations; unincorporated associations; business trusts, estates, limited liability companies, partnerships, trusts, and two or more persons having a joint or common economic interest; any state, the United States, or any foreign government.

(14) ~~(9)~~ "Foreign corporation" means a nonprofit corporation ~~not for profit~~ organized under laws other than the laws of this state.

(15) ~~(10)~~ "Insolvent" means the inability of a corporation

to pay its debts as they become due in the usual course of its affairs.

(16) "Interest holder" means any of the following persons:

(a) A shareholder of a corporation for profit.

(b) A member of a nonprofit corporation.

(c) A general partner of a general partnership.

(d) A general partner of a limited partnership.

(e) A limited partner of a limited partnership.

(f) A member of a limited liability company.

(g) A shareholder or beneficial owner of a real estate investment trust.

(h) A beneficiary or beneficial owner of a statutory trust, business trust, or common law business trust.

(i) Another direct holder of an interest.

(17) "Interest holder liability" means:

(a) Personal liability for a liability of an entity which arises, except as otherwise provided in the organic rules of the entity, when the entity incurs the liability and which is imposed on a person:

1. Solely by reason of the status of the person as an interest holder; or

2. By the organic rules of the entity which make one or more specified interest holders or categories of interest holders liable in their capacity as interest holders for all or specified liabilities of the entity; or

(b) An obligation of an interest holder under the organic rules of an entity to contribute to the entity.

(18) ~~(11)~~ "Mail" means the United States mail, facsimile transmissions, and private mail carriers handling nationwide mail services.

(19) ~~(12)~~ "Member" means one having membership rights in a corporation in accordance with ~~the provisions of~~ its articles of incorporation or bylaws or ~~the provisions of~~ this chapter.

~~(13) "Mutual benefit corporation" means a domestic corporation that is not organized primarily or exclusively for religious purposes; is not recognized as exempt under s. 501(c)(3) of the Internal Revenue Code; and is not organized for a public or charitable purpose that is required upon its dissolution to distribute its assets to the United States, a state, a local subdivision thereof, or a person that is recognized as exempt under s. 501(c)(3) of the Internal Revenue Code. The term does not include an association organized under chapter 718, chapter 719, chapter 720, or chapter 721, or any corporation where membership in the corporation is required pursuant to a document recorded in county property records.~~

(20) "Nonprofit corporation" means a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under this chapter.

(21) "Organic rules" means the public organic record and

private organic rules of an entity.

(22)~~(14)~~ "Person" includes an individual and entity.

(23) "Private organic rules" means the rules, regardless of whether in a record, which govern the internal affairs of an entity, are binding on all its interest holders, and are not part of its public organic record, if any. If the private organic rules are amended or restated, the term means the private organic rules as last amended or restated. The term includes any of the following:

(a) The bylaws of a corporation for profit.

(b) The bylaws of a nonprofit corporation.

(c) The partnership agreement of a general partnership.

(d) The partnership agreement of a limited partnership.

(e) The operating agreement, limited liability company agreement, or similar agreement of a limited liability company.

(f) The bylaws, trust instrument, or similar rules of a real estate investment trust.

(g) The trust instrument of a statutory trust or similar rules of a business trust or common law business trust.

(24) "Protected agreement" means any of the following:

(a) A document evidencing indebtedness of a domestic corporation or eligible entity and any related agreement in effect immediately before July 1, 2026.

(b) An agreement that is binding on a domestic corporation or eligible entity immediately before July 1, 2026.

(c) The articles of incorporation or bylaws of a domestic corporation or the organic rules of a domestic eligible entity, in each case in effect immediately before July 1, 2026.

(d) An agreement that is binding on any of the interest holders, directors, or other governors of a domestic corporation or eligible entity, in their capacities as such, immediately before July 1, 2026.

(25) "Public organic record" means a record, the filing of which by a governmental body is required to form an entity, and an amendment to or restatement of such record. When a public organic record has been amended or restated, the term means the public organic record as last amended or restated. The term includes any of the following:

(a) The articles of incorporation of a corporation for profit.

(b) The articles of incorporation of a nonprofit corporation.

(c) The certificate of limited partnership of a limited partnership.

(d) The articles of organization, certificate of organization, or certificate of formation of a limited liability company.

(e) The articles of incorporation of a general cooperative association or a limited cooperative association.

(f) The certificate of trust of a statutory trust or

similar record of a business trust.

(g) The articles of incorporation of a real estate investment trust.

(26)~~(15)~~ "Successor entity" means any ~~trust, receivership, or other legal~~ entity ~~that is governed by the laws of this state~~ to which the remaining assets of the ~~and liabilities of a dissolved~~ corporation are transferred, subject to its liabilities, for purposes of liquidation ~~and that exists solely for the purposes of prosecuting and defending suits by or against the dissolved corporation and enabling the dissolved corporation to settle and close the business of the dissolved corporation, to dispose of and convey the property of the dissolved corporation, to discharge the liabilities of the dissolved corporation, and to distribute to the dissolved corporation's members any remaining assets, but not for the purpose of continuing the business for which the dissolved corporation was organized~~.

(27)~~(16)~~ "Voting power" means the total number of votes entitled to be cast for the election of directors at the time the determination of voting power is made, excluding a vote that is contingent upon the happening of a condition or event that has not yet occurred. If the corporation's directors are not elected by the members, voting power must, unless otherwise provided in the articles of incorporation or bylaws, be on a one-member, one-vote basis. If the members of a class are

entitled to vote as a class to elect directors, the determination of the voting power of the class is based on the percentage of the number of directors the class is entitled to elect relative to the total number of authorized directors. ~~If the corporation's directors are not elected by the members, voting power shall, unless otherwise provided in the articles of incorporation or bylaws, be on a one-member, one-vote basis.~~

**Section 10. Subsections (1) through (6), (8), and (9) of section 617.0141, Florida Statutes, are amended to read:**

617.0141 Notice.—

(1) Notice under this chapter ~~act~~ must be in writing, unless oral notice is:

(a) Expressly authorized by the articles of incorporation or the bylaws; and

(b) Reasonable under the circumstances.

(2) Written notice may be communicated by mail, electronic mail, facsimile ~~in person; by telephone (where oral notice is permitted), telegraph, teletype~~, or other form of electronic transmission~~; or by mail~~. When oral notice is permitted, notice may be communicated in person, by telephone, or other electronic transmission by means of which all persons participating can hear each other.

(3) Written notice by a domestic or foreign corporation authorized to conduct its affairs in this state to its member, if in a comprehensible form, is effective under any of the

following circumstances:

(a) When mailed, if mailed postpaid and correctly addressed to the member's address shown in the domestic or foreign corporation's current record of members.~~;~~

(b) When actually transmitted by facsimile ~~telecommunication~~, if correctly directed to a telephone number at which the member has consented to receive notice.~~;~~

(c) When actually transmitted by electronic mail, if correctly directed to an electronic mail address at which the member has consented to receive notice.~~;~~

(d) When posted on an electronic network that the member has consented to consult, upon the later of:

1. Such correct posting; or

2. The giving of a separate notice to the member of the fact of such specific posting.~~; or~~

(e) When correctly transmitted to the member, if by any other form of electronic transmission consented to by the member to whom notice is given.

(4) Consent by a member to receive notice by electronic transmission is ~~shall be~~ revocable by the member by written notice to the domestic or foreign corporation. Any such consent is ~~shall be~~ deemed revoked if:

(a) The domestic or foreign corporation is unable to deliver by electronic transmission two consecutive notices given by the domestic or foreign corporation in accordance with such

consent; and

(b) Such inability becomes known to the secretary or an assistant secretary of the domestic or foreign corporation, or other authorized person responsible for the giving of notice. However, the inadvertent failure to treat such inability as a revocation does not invalidate any meeting or other action.

(5) Written notice to a domestic or foreign corporation authorized to conduct its affairs in this state may be addressed to its registered agent at its registered office. Written notice may also be delivered ~~or~~ to the domestic or foreign corporation ~~or its secretary~~ at its principal office shown in its most recent annual report or, in the case of a domestic or foreign corporation that has not yet delivered an annual report, in a domestic corporation's articles of incorporation or in a foreign corporation's application for certificate of authority.

(6) Except as provided in subsection (3) or elsewhere in this chapter ~~act~~, written notice, if in a comprehensible form, is effective at the earliest date of any of the following:

(a) When received.~~;~~

(b) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.~~; or~~

(c) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

(8) An affidavit of the secretary, an assistant secretary, the transfer agent, or other authorized agent of the domestic or foreign corporation that the notice has been given by a form of electronic transmission is, in the absence of fraud, prima facie evidence of the facts stated in the notice.

(9) If this chapter ~~act~~ prescribes notice requirements for particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe notice requirements not less stringent than the requirements of this section or other provisions of this chapter ~~act~~, those requirements govern.

**Section 11. Section 617.0143, Florida Statutes, is created to read:**

617.0143 Qualified director.—

(1) For purposes of this chapter, the term:

(a) "Material interest" means an actual or potential benefit or detriment, other than one which would devolve on the corporation or the members generally, which would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken. For a corporation that is regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723, or a corporation when membership in such corporation is required pursuant to a document recorded in the county property records, a "material interest" is limited to familial, financial, professional, or employment interests.

(b) "Material relationship" means a familial, financial,

professional, employment, or other relationship that would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken.

(c) "Qualified director" is a director who, at the time action is to be taken under:

1. Section 617.0744, and who does not have an interest in the outcome of the proceeding or has a material relationship with a person who has an interest in the outcome of the proceeding;

2. Section 617.0832, and who is not a director as to whom the transaction is a director's conflict of interest transaction, or who has a material relationship with another director as to whom the transaction is a director's conflict of interest transaction; or

3. Section 617.0831, with respect to the application of ss. 607.0850-607.0859, and who:

a. Is not a party to the proceeding;

b. Is not a director as to whom a transaction is a director's conflict of interest transaction, which transaction is challenged in the proceeding; and

c. Does not have a material relationship with a director who is disqualified by virtue of not meeting the requirements of sub-subparagraph a. or sub-subparagraph b.

(2) A director is not automatically prevented from being a

qualified director if any of the following is present:

(a) The nomination or election of the director to the current board of directors by any director who is not a qualified director with respect to the matter, or by any person who has a material relationship with that director, acting alone or participating with others.

(b) Service as a director of another corporation of which a director who is not a qualified director with respect to the matter, or any individual who has a material relationship with that director is or was also a director.

(c) With respect to actions pursuant to s. 617.0744, status as a named defendant, as a director against whom action is demanded, or as a director who approved the conduct being challenged.

**Section 12. Subsections (1) and (2) of section 617.0202, Florida Statutes, are amended to read:**

617.0202 Articles of incorporation; content.—

(1) The articles of incorporation must set forth:

(a) A ~~corporate~~ name for the corporation that satisfies the requirements of s. 617.0401;~~.~~

(b) The street address of the initial principal office and, if different, the mailing address of the corporation;

(c) The purpose or purposes for which the corporation is organized;

(d) A statement of the manner in which the directors are

to be elected or appointed. In lieu thereof, the articles of incorporation may provide that the method of election of directors be stated in the bylaws;

(e) Any provision that lawfully limits the corporate powers authorized under this chapter~~, not inconsistent with this act or with any other law, which limits in any manner the corporate powers authorized under this act~~;

(f) The street address of the corporation's initial registered office and the name of its initial registered agent at that address together with a written acceptance of appointment as a registered agent as required by s. 617.0501; and

(g) The name and address of each incorporator.

(2) The articles of incorporation may set forth:

(a) The names and addresses of the individuals who are to serve as the initial directors;

(b) Any provision not inconsistent with law, regarding the regulation of the internal affairs of the corporation, including, without limitation, any provision with respect to the relative rights or interests of the members as among themselves or in the property of the corporation;

(c) The manner of termination of membership in the corporation;

(d) The rights, upon termination of membership, of the corporation, the terminated members, and the remaining members;

(e) The transferability or nontransferability of membership to the extent consistent with s. 617.0605;

(f) The distribution of assets upon dissolution or final liquidation or, if otherwise permitted by law, upon partial liquidation;

(g) If the corporation is to have one or more classes of members, any provision designating the class or classes of members and stating the qualifications and rights of the members of each class;

(h) The names of any persons or the designations of any groups of persons who are to be the initial members;

(i) A provision to the effect that the corporation will be subordinate to and subject to the authority of any head or national association, lodge, order, beneficial association, fraternal or beneficial society, foundation, federation, or other corporation, society, organization, or nonprofit association ~~not for profit~~; and

(j) Any provision that under this chapter ~~act~~ is required or permitted to be set forth in the bylaws. Any such provision set forth in the articles of incorporation need not be set forth in the bylaws.

**Section 13. Section 617.0204, Florida Statutes, is amended to read:**

617.0204 Liability for preincorporation transactions.—All persons purporting to act as or on behalf of a corporation,

knowing ~~having actual knowledge~~ that there was no incorporation under this chapter ~~act~~, are jointly and severally liable for all liabilities created while so acting ~~except for any liability to any person who also had actual knowledge that there was no incorporation~~.

**Section 14. Section 617.0206, Florida Statutes, is amended to read:**

617.0206 Bylaws.—The initial bylaws of a corporation shall be adopted by its board of directors unless that power is reserved to the members by the articles of incorporation. The power to alter, amend, or repeal the bylaws or adopt new bylaws is ~~shall be~~ vested in the board of directors unless otherwise provided in the articles of incorporation or the bylaws. The bylaws may contain any provision for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

**Section 15. Subsections (1), (3), (6), (8), (12), (14), and (16) of section 617.0302, Florida Statutes, are amended, and a new subsection (16) is added to that section, to read:**

617.0302 Corporate powers.—Every nonprofit corporation ~~not for profit~~ organized under this chapter, unless otherwise provided in its articles of incorporation or bylaws, shall have power to:

~~(1) Have succession by its corporate name for the period set forth in its articles of incorporation.~~

(2)~~(3)~~ Adopt, use, and alter a ~~common~~ corporate seal. However, such seal must always contain the words "corporation not for profit" or "nonprofit corporation."

(5)~~(6)~~ Increase or decrease~~, by a vote of its members cast as the bylaws may direct,~~ the number of its directors, subject to any minimum number of directors required under s. 617.0803 ~~so that the number shall not be less than three but may be any number in excess thereof~~.

(7)~~(8)~~ Conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this chapter ~~act~~ in any state, territory, district, or possession of the United States or any foreign country.

(11)~~(12)~~ Purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of and otherwise use and deal in and with, shares and other interests in, or obligations of, other entities ~~domestic or foreign corporations, whether for profit or not for profit, associations, partnerships~~, or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district, municipality, or of any instrumentality thereof.

(13)~~(14)~~ Make donations for the public welfare or for religious, charitable, scientific, literary, educational, or other similar purposes.

(15)~~(16)~~ Merge with other corporations or other eligible entities ~~identified in s. 607.1101~~, both for profit and nonprofit ~~not for profit~~, domestic and foreign, in accordance with the merger provisions of this chapter ~~if the surviving corporation or other surviving eligible entity is a corporation not for profit or other eligible entity that has been organized as a not-for-profit entity under a governing statute or other applicable law that permits such a merger~~.

(16) Be a promoter, incorporator, partner, member, associate, or manager of any corporation, joint venture, or other entity.

**Section 16. Section 617.0304, Florida Statutes, is amended to read:**

617.0304 Lack of power to act ~~Ultra vires~~.—

(1) Except as provided in subsection (2), the validity of corporate action, including, but not limited to, any conveyance, transfer, or encumbrance of real or personal property to or by a corporation, may not be challenged on the ground that the corporation lacks or lacked power to act.

(2) A corporation's power to act may be challenged:

(a) In a proceeding by a member against the corporation to enjoin the act;

(b) In a proceeding by the corporation, directly, derivatively, or through a receiver, trustee, or other legal representative, or through members in a representative suit,

against an incumbent or former officer, employee, or agent of the corporation; or

(c) In a proceeding by the Attorney General, as provided in this chapter ~~act~~, to dissolve the corporation or in a proceeding by the Attorney General to enjoin the corporation from the transaction of unauthorized business.

(3) In a member's proceeding under paragraph (2)(a) to enjoin an unauthorized corporate act, the court may enjoin or set aside the act, if equitable and if all affected persons are parties to the proceeding, and may award damages for loss ~~(other than anticipated profits)~~ suffered by the corporation or another party because of enjoining the unauthorized act, except the court may not award damages for anticipated profits.

**Section 17. Subsections (3), (4), and (5) are added to section 617.0401, Florida Statutes, to read:**

617.0401 Corporate name.—

(3) Notwithstanding subsection (2), a corporation may register under a name that is not otherwise distinguishable on the records of the department if:

(a) The other entity consents to the use and submits an undertaking in form satisfactory to the secretary of state to change its name to a name that is distinguishable upon the records of the department from the name of the applying corporation; or

(b) The applicant delivers to the department a certified

copy of a final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in the state.

(4) A corporate name as filed with the department is for public notice only and does not alone create any presumption of ownership of such name.

(5) This section does not apply to the use of fictitious names.

**Section 18. Subsections (1), (2), (5), and (6) of section 617.0403, Florida Statutes, are amended to read:**

617.0403 Registered name; application; renewal; revocation.—

(1) A foreign corporation may register its corporate name, or its corporate name with any addition required by s. 617.1506, if the name is distinguishable upon the records of the department ~~of State~~ from the corporate names that are not available under s. 617.0401(1)(e).

(2) A foreign corporation registers its corporate name, or its corporate name with any addition required by s. 617.1506, by delivering to the department ~~of State~~ for filing an application:

(a) Setting forth its corporate name, or its corporate name with any addition required by s. 617.1506, the state or country and date of its incorporation, and a brief description of the nature of its purposes and the affairs in which it is engaged; and

(b) Accompanied by a certificate of existence, or a certificate setting forth that such corporation is in good standing under the laws of the state or country wherein it is organized, ~~(~~or a document of similar import~~)~~, from the state or country of incorporation.

(5) A foreign corporation that has so registered its name ~~the registration of which is effective~~ may thereafter qualify to conduct its affairs in this state as a foreign corporation under the registered name or consent in writing to the use of that name by a corporation thereafter incorporated under this chapter ~~act~~ or by another foreign corporation thereafter authorized to conduct its affairs in this state. The registration terminates when the domestic corporation is incorporated or the foreign corporation qualifies or consents to the qualification of another foreign corporation under the registered name.

(6) The department ~~of State~~ may revoke any registration if, after a hearing, it finds that the application therefor or any renewal thereof was not made in good faith.

**Section 19. Present subsections (4) and (5) of section 617.0501, Florida Statutes, are redesignated as subsections (5) and (6), respectively, a new subsection (4) is added to that section, and subsections (1) and (3) and present subsection (5) and subsection (6) of that section are amended, to read:**

617.0501 Registered office and registered agent.—

(1) Each corporation shall have and continuously maintain

in this state:

(a) A registered office which may be the same as its principal office; and

(b) A registered agent, who may be ~~either~~:

1. An individual who resides in this state whose business office is identical to ~~with~~ such registered office; ~~or~~

2.~~a.~~ Another domestic entity that is an authorized entity whose business address is identical to the address of the registered office; or

3.~~b.~~ A foreign entity authorized to transact business in this state that is an authorized entity and whose business address is identical to the address of the registered office.

(3) Each initial ~~A~~ registered agent, and each ~~appointed pursuant to this section or a~~ successor registered agent that is appointed, ~~pursuant to s. 617.0502 on whom process may be served~~ shall ~~each~~ file a statement in writing with the department ~~of State~~, in the ~~such~~ form and manner ~~as shall be~~ prescribed by the department, accepting the appointment as a registered agent while simultaneously ~~with his or her~~ being designated as the registered agent. The ~~Such~~ statement of acceptance must provide ~~shall state~~ that the registered agent is familiar with, and accepts, the obligations of that position.

(4) The duties of a registered agent are:

(a) To forward to the corporation, at the address most recently supplied to the registered agent by the corporation, a

process, notice, or demand pertaining to the corporation which is served on or received by the registered agent; and

(b) If the registered agent resigns, to provide the notice required under s. 617.0502 to the corporation at the address most recently supplied to the registered agent by the corporation.

(6)~~(5)~~ A corporation may not prosecute or maintain any action in a court in this state until the corporation complies with this section or s. 617.1508, as applicable; pays to the department ~~of State~~ any amounts required under this chapter; and, to the extent ordered by a court of competent jurisdiction, pays to the department ~~of State~~ a penalty of $5 for each day it has failed to so comply or $500, whichever is less. A court may stay a proceeding commenced by a corporation until the corporation complies with this section.

~~(6) For the purposes of this section, the term "authorized entity" means:~~

~~(a) A corporation for profit;~~

~~(b) A limited liability company;~~

~~(c) A limited liability partnership; or~~

~~(d) A limited partnership, including a limited liability limited partnership.~~

**Section 20. Section 617.0502, Florida Statutes, is amended to read:**

617.0502 Change of registered office or registered agent~~;~~

~~resignation of registered agent~~.—

(1) A corporation may change its registered office or its registered agent upon filing with the department ~~of State~~ a statement of change setting forth:

(a) The name of the corporation;

(b) The name ~~street address~~ of its current registered agent ~~office~~;

(c) If the current registered agent ~~office~~ is to be changed, the name ~~street address~~ of the new registered agent ~~office~~;

(d) The street address ~~name~~ of its current registered office for its current registered agent;

(e) If the street address of the current registered office is to be changed, the new street address of the registered office in this state.

(2) If the ~~its current~~ registered agent is ~~to be~~ changed, the written acceptance ~~name~~ of the successor ~~new~~ registered agent as described in s. 617.0501(3) must be provided to the department ~~and the new agent's written consent (either on the statement or attached to it) to the appointment;~~

~~(f) That the street address of its registered office and the street address of the business office of its registered agent, as changed, will be identical; and~~

~~(g) That such change was authorized by resolution duly adopted by its board of directors or by an officer of the~~

~~corporation so authorized by the board of directors~~.

~~(2)(a) Any registered agent may resign his or her agency appointment by signing and delivering for filing with the Department of State a statement of resignation and mailing a copy of such statement to the corporation at its mailing address of the respective corporation that then appears in the records of the Department of State; provided, however, that if a composite statement of resignation is being filed pursuant to paragraph (b), the registered agent must promptly mail a copy of either the composite statement of resignation or a separate notice of resignation for each respective corporation, in each case using the respective mailing address of the respective corporation that then appears in the records of the Department of State. The statement of resignation shall state that a copy of such statement of resignation or, if applicable, notice of resignation, has been mailed to the corporation at the address so stated. The agency is terminated as of the 31st day after the date on which the statement was filed and unless otherwise provided in the statement, termination of the agency acts as a termination of the registered office.~~

~~(b) If a registered agent is resigning as registered agent from one or more corporations that each have been dissolved, either voluntarily, administratively, or by court action, for a continuous period of 10 years or longer, the registered agent may elect to file the statement of resignation separately for~~

~~each such corporation or may elect to file a single composite statement of resignation covering two or more corporations. Any such composite statement of resignation must set forth, for each such corporation covered by the statement of resignation, the name of the respective corporation and the date that dissolution became effective for the respective corporation. This subsection is applicable only to resignations by registered agents from domestic corporations.~~

~~(3) If a registered agent changes his or her business name or business address, he or she may change such name or address and the address of the registered office of any corporation for which he or she is the registered agent by:~~

~~(a) Notifying all such corporations in writing of the change;~~

~~(b) Signing (either manually or in facsimile) and delivering to the Department of State for filing a statement that substantially complies with the requirements of paragraphs (1)(a)-(f), setting forth the names of all such corporations represented by the registered agent; and~~

~~(c) Reciting that each corporation has been notified of the change.~~

~~(4) Changes of the registered office or registered agent may be made by a change on the corporation's annual report form filed with the Department of State.~~

~~(5) The Department of State shall collect a fee pursuant~~

~~to s. 15.09(2) for filings authorized by this section.~~

**Section 21. Section 617.05021, Florida Statutes, is created to read:**

617.05021 Resignation of a registered agent.—

(1)(a) A registered agent may resign as agent for a corporation by delivering to the department a signed statement of resignation and mailing a copy of such statement to the corporation at its mailing address of the respective corporation that then appears in the records of the department; provided, however, that if a composite statement of resignation is being filed pursuant to paragraph (b), the registered agent must promptly mail a copy of either the composite statement of resignation or a separate notice of resignation for each respective corporation, in each case using the respective mailing address of the respective corporation that then appears in the records of the department.

(b) If a registered agent is resigning as registered agent from one or more corporations that each have been dissolved, either voluntarily, administratively, or by court action, for a continuous period of 10 years or longer, the registered agent may elect to file the statement of resignation separately for each such corporation or may elect to file a single composite statement of resignation covering two or more corporations. Any such composite statement of resignation must set forth, for each such corporation covered by the statement of resignation, the

name of the respective corporation and the date that dissolution became effective for the respective corporation. This paragraph is applicable only to resignations by registered agents from domestic corporations.

(2) A registered agent is terminated upon the earlier of:

(a) The 31st day after the department files the statement of resignation; or

(b) When a statement of change or other record designating a new registered agent is filed by the department.

(3) When a statement of resignation takes effect, the registered agent ceases to have responsibility for a matter thereafter tendered to it as agent for the corporation. The resignation does not affect contractual rights that the corporation has against the agent or that the agent has against the corporation.

(4) A registered agent may resign from a corporation regardless of whether the corporation has active status.

**Section 22. Section 617.05022, Florida Statutes, is created to read:**

617.05022 Change of name or address by a registered agent.—

(1) If a registered agent changes the registered agent's name or business address, the agent may deliver to the department for filing a statement of change that provides the following:

(a) The name of the corporation represented by the registered agent.

(b) The name of the registered agent as currently shown in the records of the department for the corporation.

(c) If the name of the registered agent has changed, its new name.

(d) If the address of the registered agent has changed, the new address.

(e) A statement that the registered agent has given the notice required under subsection (2).

(2) A registered agent shall promptly furnish notice to the represented corporation of the statement of change and the changes made in the statement, as delivered to the department.

(3) A statement of change is effective when filed by the department.

(4) The changes described in this section may also be made on the corporation's annual report, in an application for reinstatement filed with the department under s. 617.1422, or in an amendment to or restatement of the company's articles of incorporation in accordance with s. 617.1006 or s. 617.1007.

(5) The department shall collect a fee pursuant to s. 15.09(2) for filings authorized by this section.

**Section 23. Section 617.0503, Florida Statutes, is amended to read:**

617.0503 Failure to maintain registered agent; subpoena by

the Department of Legal Affairs ~~Registered agent; duties; confidentiality of investigation records~~.—

(1)(a) Each corporation or~~,~~ foreign corporation~~, or alien business organization~~ that owns real property located in this state, that owns a mortgage on real property located in this state, or that conducts affairs ~~transacts business~~ in this state shall have and continuously maintain in this state a registered office and a registered agent and shall file with the department ~~of State~~ notice of the registered office and registered agent as provided in ss. 617.0501 and 617.0502. The appointment of a registered agent in compliance with s. 617.0501 or s. 617.0502 is sufficient for purposes of this section if the registered agent so appointed files, in the form and manner prescribed by the department ~~of State~~, an acceptance of the obligations provided for in this section.

(b) Each such corporation or~~,~~ foreign corporation~~, or alien business organization~~ that fails to have and continuously maintain a registered office and a registered agent as required in this section is liable to this state for $500 for each year, or part of a year, during which the domestic or ~~corporation,~~ foreign corporation~~, or alien business organization~~ fails to comply with these requirements; but this liability is forgiven in full upon the compliance by the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ with the requirements of this subsection, even if that

compliance occurs after an action to collect such amount is instituted. The Department of Legal Affairs may file an action in the circuit court for the judicial circuit in which the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ is found or conducts affairs ~~transacts business~~, or in which real property belonging to the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ is located, to petition the court for an order directing that a registered agent be appointed and that a registered office be designated, and to obtain judgment for the amount owed under this subsection. In connection with such proceeding, the department may, without prior approval by the court, file a lis pendens against real property owned by the domestic or foreign corporation~~, foreign corporation, or alien business organization~~, which lis pendens must ~~shall~~ set forth the legal description of the real property and must ~~shall~~ be filed in the public records of the county where the real property is located. If the lis pendens is filed in any county other than the county in which the action is pending, the lis pendens that is filed must be a certified copy of the original lis pendens. The failure to comply timely or fully with an order directing that a registered agent be appointed and that a registered office be designated will result in a civil penalty of not more than $1,000 for each day of noncompliance. A judgment or an order of payment entered under this subsection

becomes a judgment lien against any real property owned by the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ when a certified copy of the judgment or order is recorded as required by s. 55.10. The department may avail itself of, and is entitled to use, any ~~provision of~~ law or of the Florida Rules of Civil Procedure to further the collecting or obtaining of payment pursuant to a judgment or order of payment. The state, through the Attorney General, may bid, at any judicial sale to enforce its judgment lien, any amount up to the amount of the judgment or lien obtained pursuant to this subsection. All moneys recovered under this subsection must ~~shall~~ be treated as forfeitures under ss. 895.01-895.09 and used or distributed in accordance with the procedure set forth in s. 895.09. A domestic or foreign corporation~~, foreign corporation, or alien business organization~~ that fails to have and continuously maintain a registered office and a registered agent as required in this section may not defend itself against any action instituted by the Department of Legal Affairs or by any other agency of this state until the requirements of this subsection have been met.

(2) Each domestic or foreign corporation~~, foreign corporation, or alien business organization~~ that owns real property located in this state, that owns a mortgage on real property located in this state, or that conducts affairs ~~transacts business~~ in this state must ~~shall~~, pursuant to

subpoena served upon the registered agent of the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ issued by the Department of Legal Affairs, produce, through its registered agent or through a designated representative within 30 days after service of the subpoena, testimony and records showing the following:

(a) True copies of documents evidencing the legal existence of the entity, including the articles of incorporation and any amendments to the articles of incorporation or the legal equivalent of the articles of incorporation and such amendments.

(b) The names and addresses of each current officer and director of the entity or persons holding equivalent positions.

(c) The names and addresses of all prior officers and directors of the entity or persons holding equivalent positions, for a period not to exceed the 5 years previous to the date of issuance of the subpoena.

(d) The names and addresses of each member ~~current shareholder, equivalent equitable owner, and ultimate equitable owner~~ of the entity, the number of which names is limited to the names of the 100 members holding the largest share of voting power of the domestic or foreign corporation ~~shareholders, equivalent equitable owners, and ultimate equitable owners that, in comparison to all other shareholders, equivalent equitable owners, or ultimate equitable owners, respectively, own the largest number of shares of stock of the corporation, foreign~~

~~corporation, or alien business organization or the largest percentage of an equivalent form of equitable ownership of the corporation, foreign corporation, or alien business organization~~.

(e) The names and addresses of all previous members ~~prior shareholders, equivalent equitable owners, and ultimate equitable owners of the entity~~ for the 12-month period preceding the date of issuance of the subpoena, the number of which names is limited to the 100 members holding the largest share of voting power of the domestic or foreign corporation ~~shareholders, equivalent equitable owners, and ultimate equitable owners that, in comparison to all other shareholders, equivalent equitable owners, or ultimate equitable owners, respectively, own the largest number of shares of stock of the corporation, foreign corporation, or alien business organization or the largest percentage of an equivalent form of equitable ownership of the corporation, foreign corporation, or alien business organization~~.

(f) The names and addresses of the person or persons who provided the records and information to the registered agent or designated representative of the entity.

(g) The requirements of paragraphs (d) and (e) do not apply to:

1. A financial institution;

2. A corporation, foreign corporation, or alien business

organization the securities of which are registered pursuant to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, if such corporation, foreign corporation, or alien business organization files with the United States Securities and Exchange Commission the reports required by s. 13 of that act; or

3. A corporation, foreign corporation, or alien business organization, the securities of which are regularly traded on an established securities market located in the United States or on an established securities market located outside the United States, if such non-United States securities market is designated by rule adopted by the Department of Legal Affairs;

upon a showing by the corporation, foreign corporation, or alien business organization that the exception in subparagraph 1., subparagraph 2., or subparagraph 3. applies to the corporation, foreign corporation, or alien business organization. Such exception in subparagraph 1., subparagraph 2., or subparagraph 3. does not, however, exempt the corporation, foreign corporation, or alien business organization from the requirements for producing records, information, or testimony otherwise imposed under this section for any period of time when the requisite conditions for the exception did not exist.

(3) The time limit for producing records and testimony may be extended for good cause shown by the domestic or foreign

corporation~~, foreign corporation, or alien business organization~~.

(4) A domestic or foreign corporation ~~person, corporation, foreign corporation, or alien business organization~~ designating an attorney or~~,~~ accountant~~, or spouse~~ as a registered agent or designated representative shall, with respect to this state or any agency or subdivision of this state, be deemed to have waived any privilege that might otherwise attach to communications with respect to the information required to be produced pursuant to subsection (2), which communications are among such domestic or foreign corporation~~, foreign corporation, or alien business organization~~; the registered agent or designated representative of such domestic or foreign corporation~~, foreign corporation, or alien business organization~~; and the beneficial owners of such domestic or foreign corporation~~, foreign corporation, or alien business organization~~. The duty to comply with ~~the provisions of~~ this section will not be excused by virtue of any privilege or ~~provision of~~ law of this state or any other state or country, which privilege or provision authorizes or directs that the testimony or records required to be produced under subsection (2) are privileged or confidential or otherwise may not be disclosed.

(5) If a domestic or foreign corporation~~, foreign corporation, or alien business organization~~ fails without lawful

excuse to comply timely or fully with a subpoena issued pursuant to subsection (2), the Department of Legal Affairs may file an action in the circuit court for the judicial circuit in which the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ is found or conducts affairs, ~~transacts business~~ or in which real property belonging to the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ is located, for an order compelling compliance with the subpoena. The failure without a lawful excuse to comply timely or fully with an order compelling compliance with the subpoena will result in a civil penalty of not more than $1,000 for each day of noncompliance with the order. In connection with such proceeding, the department may, without prior approval by the court, file a lis pendens against real property owned by the domestic or foreign corporation~~, foreign corporation, or alien business organization~~, which lis pendens must ~~shall~~ set forth the legal description of the real property and must ~~shall~~ be filed in the public records of the county where the real property is located. If the lis pendens is filed in any county other than the county in which the action is pending, the lis pendens that is filed must be a certified copy of the original lis pendens. A judgment or an order of payment entered pursuant to this subsection will become a judgment lien against any real property owned by the domestic or foreign corporation~~, foreign corporation, or alien business organization~~

when a certified copy of the judgment or order is recorded as required by s. 55.10. The department may avail itself of, and is entitled to use, any provision of law or of the Florida Rules of Civil Procedure to further the collecting or obtaining of payment pursuant to a judgment or order of payment. The state, through the Attorney General, may bid at any judicial sale to enforce its judgment lien, an amount up to the amount of the judgment or lien obtained pursuant to this subsection. All moneys recovered under this subsection shall be treated as forfeitures under ss. 895.01-895.09 and used or distributed in accordance with the procedure set forth in s. 895.09.

(6) Information provided to, and records and transcriptions of testimony obtained by, the Department of Legal Affairs pursuant to this section are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution while the investigation is active. For purposes of this section, an investigation shall be considered ~~"~~active~~"~~ while such investigation is being conducted with a reasonable, good faith belief that it may lead to the filing of an administrative, a civil, or a criminal proceeding. An investigation does not cease being ~~to be~~ active so long as the department is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the department or other administrative or law enforcement agency. Except for active criminal intelligence or criminal investigative

information, as defined in s. 119.011, and information which, if disclosed, would reveal a trade secret, as defined in s. 688.002, or would jeopardize the safety of an individual, all information, records, and transcriptions become available to the public when the investigation is completed or becomes inactive ~~ceases to be active~~. The department may ~~shall~~ not disclose confidential information, records, or transcriptions of testimony except pursuant to authorization by the Attorney General in any of the following circumstances:

(a) To a law enforcement agency participating in or conducting a civil investigation under chapter 895, or participating in or conducting a criminal investigation.

(b) In the course of filing, participating in, or conducting a judicial proceeding instituted pursuant to this section or chapter 895.

(c) In the course of filing, participating in, or conducting a judicial proceeding to enforce an order or judgment entered pursuant to this section or chapter 895.

(d) In the course of a criminal proceeding.

A person or law enforcement agency that receives any information, record, or transcription of testimony that has been made confidential by this subsection shall maintain the confidentiality of such material and may ~~shall~~ not disclose such information, record, or transcription of testimony except as

provided for herein. Any person who willfully discloses any information, record, or transcription of testimony that has been made confidential by this subsection, except as provided for in this subsection, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any information, record, or testimony obtained pursuant to subsection (2) is offered in evidence in any judicial proceeding, the court may, in its discretion, seal that portion of the record to further the policies of confidentiality set forth in this subsection.

(7) This section is supplemental and may ~~shall~~ not be construed to preclude or limit the scope of evidence gathering or other permissible discovery pursuant to any other subpoena or discovery method authorized by law or rule of procedure.

(8) It is unlawful for any person, with respect to any record or testimony produced pursuant to a subpoena issued by the Department of Legal Affairs under subsection (2), to knowingly and willfully falsify, conceal, or cover up a material fact by a trick, scheme, or device; make any false, fictitious, or fraudulent statement or representation; or make or use any false writing or document knowing the writing or document to contain any false, fictitious, or fraudulent statement or entry. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) In the absence of a written agreement to the contrary, a registered agent is not liable for the failure to give notice of the receipt of a subpoena under subsection (2) to the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ that appointed the registered agent if the registered agent timely sends written notice of the receipt of the subpoena by first-class mail or domestic or international air mail, postage fees prepaid, to the last address that has been designated in writing to the registered agent by the appointing domestic or foreign corporation~~, foreign corporation, or alien business organization~~.

(10) The designation of a registered agent and a registered office as required by subsection (1) for a domestic or foreign corporation~~, foreign corporation, or alien business organization~~ that owns real property in this state or a mortgage on real property in this state is solely for the purposes of this chapter; and, notwithstanding s. 48.181, s. 617.1502, s. 617.1503, or any other relevant section of the Florida Statutes, such designation may not be used in determining whether the domestic or foreign corporation~~, foreign corporation, or alien business organization~~ is actually doing business in this state.

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

(a) ~~"Alien business organization" means:~~

~~1. Any corporation, association, partnership, trust, joint stock company, or other entity organized under any laws other~~

~~than the laws of the United States, of any United States territory or possession, or of any state of the United States; or~~

~~2. Any corporation, association, partnership, trust, joint stock company, or other entity or device 10 percent or more of which is owned or controlled, directly or indirectly, by an entity described in subparagraph 1. or by a foreign natural person.~~

~~(b) "Financial institution" means:~~

~~1. A bank, banking organization, or savings association, as defined in s. 220.62;~~

~~2. An insurance company, trust company, credit union, or industrial savings bank, any of which is licensed or regulated by an agency of the United States or any state of the United States; or~~

~~3. Any person licensed under the provisions of chapter 494.~~

~~(c)~~ "Mortgage" means a mortgage on real property situated in this state, except a mortgage owned by a financial institution.

(b) ~~(d)~~ "Real property" means any real property situated in this state or any interest in such real property.

~~(e) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls an ownership interest in a corporation, foreign corporation, or alien business~~

~~organization, regardless of whether such natural person owns or controls such ownership interest through one or other natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.~~

~~(12) Any alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department for filing. The application shall set forth:~~

~~(a) The name of the alien business organization and the jurisdiction under the law of which it is incorporated or organized; and~~

~~(b) That it is no longer required to maintain a registered agent in this state.~~

**Section 24. Section 617.0505, Florida Statutes, is amended to read:**

617.0505 Distributions and dividends prohibited; exceptions. ~~Except as authorized in s. 617.1302,~~ A corporation may not make distributions to its members, directors, or officers.

(1) A corporation may not pay any dividend and may not make distributions of any part of the net income or net earnings of the corporation to its members, directors, or officers, except that a corporation may:

(a) Make payments for compensation and benefits as authorized in s. 617.0603, membership purchases as authorized in s. 617.0608(2), and compensation for directors as authorized in s. 617.08101;

(b) Make distributions to its members upon dissolution in conformity with the dissolution provisions of this chapter or, if expressly permitted by its articles of incorporation, upon partial liquidation; and

(c) Make distributions to another nonprofit entity or governmental unit that is a member of the distributing corporation or has the power to appoint one or more of the directors of the distributing corporation ~~A mutual benefit corporation, such as a private club that is established for social, pleasure, or recreational purposes and that is organized as a corporation of which the equity interests are held by the members, may, subject to s. 617.1302, purchase the equity membership interest of any member, and the payment for such interest is not a distribution for purposes of this section~~.

(2) ~~A corporation may pay compensation in a reasonable amount to its members, directors, or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and, upon dissolution or final liquidation, may make distributions to its members as permitted by this chapter.~~

~~(3) If expressly permitted by its articles of~~

~~incorporation, a corporation may make distributions upon partial liquidation to its members, as permitted by this section. Any such payment, benefit, or distribution does not constitute a dividend or a distribution of income or profit for purposes of this section.~~

~~(4)~~ A corporation that is a utility exempt from regulation under s. 367.022(7), whose articles of incorporation state that it is exempt from taxation under s. 501(c)(12) of the Internal Revenue Code of 1986, as amended, may make refunds to its members, before ~~prior to~~ a dissolution or liquidation, as its managing board deems necessary to establish or preserve its tax-exempt status. Any such refund does not constitute a dividend or a distribution of income or earnings ~~profit~~ for purposes of this section.

(3) ~~(5)~~ A corporation that is regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723, or a corporation where membership in such corporation is required pursuant to a document recorded in the official county property records, may make refunds to its members, give ~~giving~~ credits to its members, disburse ~~disbursing~~ insurance proceeds to its members, or disburse ~~disbursing~~ or pay ~~paying~~ settlements to its members without violating this section.

(4) A dividend or distribution by a nonprofit insurance company subsidiary to its mutual insurance holding company organized under part III of chapter 628, directly or indirectly

through one or more intermediate holding companies authorized under that part, is not a distribution for the purposes of this chapter.

**Section 25. Paragraph (b) of subsection (1) and subsections (3) through (7) of section 617.0601, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:**

617.0601 Members, generally.—

(1)

(b) For ~~The articles of incorporation or bylaws of~~ any nonprofit corporation ~~not for profit~~ that does not have members, or does not have members entitled to vote on a matter, any law requiring notice to, the presence of, or the vote, consent, or other action by members of the corporation in connection with such matter is satisfied by notice to, the presence of, or the vote, consent, or other action by the board of directors of the nonprofit corporation ~~maintains chapters or affiliates may grant representatives of such chapters or affiliates the right to vote in conjunction with the board of directors of the corporation notwithstanding applicable quorum or voting requirements of this chapter if the corporation is registered with the Department of Agriculture and Consumer Services pursuant to ss. 496.401-496.424, the Solicitation of Contributions Act~~.

(3) Corporation members have no voting or other rights except as provided in the articles of incorporation or bylaws

and each member has the same rights and obligations as every other member except as provided in the articles of incorporation or bylaws. However, members of any corporation existing on July 1, 1991, ~~shall~~ continue to have the same voting and other rights as before such date until changed by amendment of the articles of incorporation or bylaws.

(4) A corporation shall keep a membership list ~~book~~ containing, in alphabetical order, the name and address of each member. The corporation shall also keep records in accordance with s. 617.1601.

(5) A resignation, expulsion, suspension, or termination of membership pursuant to s. 617.0606 or s. 617.0607 must ~~shall~~ be recorded in the membership list ~~book~~. Unless otherwise provided in the articles of incorporation or the bylaws, all the rights and privileges of a member cease on termination of membership.

(6) Except as provided in the articles of incorporation or the bylaws, a corporation may admit members for no consideration or for such consideration as is determined by the board of directors. The consideration may take any form, including, but not limited to, promissory notes, intangible property, or past or future services. Payment of such consideration may be made at such times and upon such terms as are set forth in or authorized by the articles of incorporation, bylaws, or action of the board of directors ~~Subsections (1), (2), (3), and (4) do not apply to~~

~~a corporation that is an association as defined in s. 720.301~~.

(7) Where the articles of incorporation expressly limit membership in the corporation to property owners within specific measurable geographic boundaries and where the corporation has been formed for the benefit of all of those property owners, ~~no~~ such property owner may not ~~shall~~ be denied membership, provided that such property owner once admitted to membership complies~~, shall comply~~ with the terms and conditions of membership which may provide for termination of membership upon ceasing to be a property owner. Any bylaws, rules, or other regulations to the contrary are deemed void and any persons excluded from membership by such bylaws, rules, or other regulations are deemed members with full rights, including the right, by the majority, or as otherwise provided in the articles of incorporation, to call for a meeting of the membership.

(8) A corporation may not be a member of itself or exercise the rights of a member with respect to itself. Upon a corporation's purchase of its own membership interest in accordance with s. 617.0608, the membership interest is canceled.

(9) Subsections (1)-(4) do not apply to a corporation that is an association as defined in s. 720.301.

**Section 26. Section 617.0603, Florida Statutes, is created to read:**

617.0603 Compensation and benefits.—A corporation may do

any of the following:

(1) Pay compensation in reasonable amounts to its members, directors, officers, agents, and employees for services rendered.

(2) Confer benefits upon its members in conformity with its purposes.

(3) Upon dissolution or final liquidation, make distributions to its members or others as permitted by this chapter.

No such payments, benefits, or distributions may be deemed to be a dividend or a distribution of income or earnings.

**Section 27. Subsection (2) of section 617.0604, Florida Statutes, is amended, and subsections (3) through (7) are added to that section, to read:**

617.0604 Liability of members.—

(2) A corporation may levy dues, assessments, and fees on its members to the extent authorized in the articles of incorporation or the bylaws. Dues, assessments, and fees may be imposed on members of the same class either alike or in different amounts or proportions, and may be imposed on a different basis on different classes of members. Members of a class may be made exempt from dues, assessments, and fees to the extent provided in the articles of incorporation or the bylaws ~~A member may become liable to the corporation for dues,~~

~~assessments, or fees as provided by law~~.

(3) The amount and method of collection of dues, assessments, and fees may be fixed in the articles of incorporation or bylaws, or the articles of incorporation or bylaws may authorize the board of directors or its members to fix the amount and method of collection.

(4) The articles of incorporation or bylaws may provide reasonable means, such as termination and reinstatement of membership, to enforce the collection of dues, assessments, and fees.

(5) A creditor of a corporation may not bring a proceeding to reach the liability, if any, of a member of the corporation unless final judgment has been rendered in favor of the creditor against the corporation and execution has been returned unsatisfied in whole or in part or unless the proceeding would be useless.

(6) All creditors of a corporation, with or without reducing their claims to judgment, may intervene in any other creditor's proceeding brought pursuant to subsection (5) to reach and apply unpaid amounts due from the corporation. All members who owe unpaid amounts to the corporation may be joined in the proceeding.

(7) Satisfaction of a debt owed to a creditor by the corporation through payment of a member who owes unpaid amounts to the corporation satisfies the debt of the corporation to the

creditor and the debt of the member to the corporation to the extent so paid by the member to the creditor.

**Section 28. Section 617.0605, Florida Statutes, is amended to read:**

617.0605 Transfer of membership interests.—

(1) Except as provided in the articles of incorporation or bylaws, a member of a corporation may not transfer a membership or any right arising from membership ~~except as otherwise allowed in this section~~.

(2) ~~Except as set forth in the articles of incorporation or bylaws of a mutual benefit corporation, a member of a mutual benefit corporation may not transfer a membership or any right arising from membership.~~

~~(3)~~ Where the right to ~~If~~ transfer a membership has been provided in the articles of incorporation or bylaws ~~rights have been provided for one or more members of a mutual benefit corporation~~, a restriction on such rights is not binding with respect to a member holding a membership issued before the adoption of the restriction unless the restriction is approved by the ~~members and the~~ affected member.

**Section 29. Section 617.0606, Florida Statutes, is amended to read:**

617.0606 Resignation of members.—

(1) ~~Except as may be provided in the articles of incorporation or bylaws of a corporation,~~ A member may resign at

any time for any reason ~~of a mutual benefit corporation may not transfer a membership or any right arising from membership~~.

(2) The resignation of a member does not relieve the member from any obligations ~~that the member may have to the corporation as a result of obligations~~ incurred or commitments made before resignation.

**Section 30. Subsections (3) and (4) of section 617.0607, Florida Statutes, are amended, and subsection (5) is added to that section, to read:**

617.0607 Termination, expulsion, and suspension.—

(3) Any proceeding challenging an expulsion, suspension, or termination, including a proceeding in which ~~the~~ defective notice is alleged, must be commenced within 1 year after the effective date of the expulsion, suspension, or termination.

(4) A member who has been expelled or suspended or has had a membership suspended or terminated may be liable to the corporation for dues, assessments, or fees as a result of obligations incurred or commitments made before the expulsion, ~~or~~ suspension, or termination. The expulsion, suspension, or termination does not relieve the member of any obligations or commitments made before the expulsion, suspension, or termination.

(5) A corporation may, if authorized in the articles of incorporation or bylaws, levy fines or otherwise penalize its members. A fine or penalty, other than a late fee for nonpayment

of dues, may not be levied until after the corporation has provided notice thereof to the member concerned and has afforded the affected member an opportunity to be heard on the matter.

**Section 31. Section 617.0608, Florida Statutes, is amended to read:**

617.0608 Purchase of memberships.—

(1) A corporation described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, may not purchase the membership interests of any of its members ~~any of its memberships~~ or any right arising from membership. Any corporation that is not described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, may purchase the membership interest of any member or any right arising from membership to the extent provided in the articles of incorporation or bylaws. No such payment for purchase of membership interest or right arising from membership may be deemed a dividend or a distribution of income or earnings ~~except as provided in s. 617.0505 or subsection (2)~~.

(2) Subject to subsection (1) ~~s. 617.1302~~, a ~~mutual benefit~~ corporation may purchase the membership interest of a member who resigns, or whose membership is terminated, for the amount and pursuant to the conditions set forth in its articles of incorporation or bylaws, but only if, after the completing the purchase:

(a) The corporation is able to pay its debts as they

become due in the usual course of its activities; and

(b) The total assets of the corporation are at least equal to the sum of its liabilities.

**Section 32. Section 617.0701, Florida Statutes, is amended to read:**

617.0701 Meetings of members, generally; failure to hold annual meeting; special meeting; consent to corporate actions without meetings; waiver of notice of meetings.—

(1) A corporation with members may hold meetings of members for the transaction of any proper business at such times stated in or fixed in accordance with the articles of incorporation or bylaws. The frequency of all meetings of members, the time and manner of notice of such meetings, the conduct and adjournment of such meetings, the determination of members entitled to notice or to vote at such meetings, and the number or voting power of members necessary to constitute a quorum~~,~~ shall be determined by or in accordance with the articles of incorporation or the bylaws. Annual, regular, and special meetings of the members may be held in or out of this state, and the place and time of all meetings may be determined by the board of directors.

(2) The failure to hold an annual meeting at the time stated in or fixed in accordance with a corporation's articles of incorporation or bylaws or pursuant to this chapter does not work ~~cause~~ a forfeiture or ~~give cause for~~ dissolution of the

corporation, and ~~nor~~ does not ~~such failure~~ affect the validity of any corporate action ~~otherwise valid corporate acts~~, except as provided in s. 617.1430 in the case of a deadlock among the directors or the members.

(3)(a) Except as provided in the articles of incorporation or bylaws, special meetings of the members may be called ~~by~~ either:

1. By the corporation's board of directors or the person or persons authorized to do so by the articles of incorporation or bylaws; or

2. If members holding no less than 10 percent, or such other amount as specified in the articles of incorporation or bylaws, of all the votes entitled to be cast on any issue being considered at the proposed special meeting sign, date, and deliver to the corporation's secretary one or more written demands for the meeting describing the purpose or purposes for which it is to be held.

(b) Unless otherwise provided in the articles of incorporation or bylaws, a written demand for a special meeting may be revoked by a writing to that effect received by the corporation before the receipt by the corporation of demands sufficient in number to require holding a special meeting pursuant to subparagraph (a)2.

(c) Only business within the purpose or purposes described in the meeting notice may be conducted at a special meeting of

members.

(d) Special meetings of members may be held in or out of this state at a place stated in or fixed in accordance with the articles of incorporation or the bylaws or, when not inconsistent with the articles of incorporation or the bylaws, in the notice of the special meeting. If no place is stated or fixed in accordance with the articles of incorporation or the bylaws or in the notice of the special meeting, special meetings must be held at the corporation's principal office.

~~(a) The president;~~

~~(b) The chair of the board of directors;~~

~~(c) The board of directors;~~

~~(d) Other officers or persons as are provided for in the articles of incorporation or the bylaws;~~

~~(e) The holders of at least 5 percent of the voting power of a corporation when one or more written demands for the meeting, which describe the purpose for which the meeting is to be held, are signed, dated, and delivered to a corporate officer; or~~

~~(f) A person who signs a demand for a special meeting pursuant to paragraph (c) if notice for a special meeting is not given within 30 days after receipt of the demand. The person signing the demand may set the time and place of the meeting and give notice under this subsection.~~

(4) Unless otherwise provided in the articles of

incorporation or bylaws, action required or permitted by this chapter to be taken at an annual or special meeting of members may be taken without a meeting, without prior notice, and without a vote if the action is taken by the members entitled to vote on such action and having not less than the minimum number of votes necessary to authorize such action at a meeting at which all members entitled to vote on such action were present and voted.

(a) To be effective, the action must be evidenced by one or more written consents describing the action taken, dated and signed by approving members having the requisite number of votes and entitled to vote on such action, and delivered to the corporation to its principal office in this state, its principal place of business, the corporate secretary, or another officer or agent of the corporation having custody of the book in which proceedings of meetings of members are recorded. The action taken by written consent is effective when such written consent is signed by members entitled to cast the required number of votes on the action and has been delivered to the corporation by delivery as set forth in this section, but only if ~~Written consent to take the corporate action referred to in the consent is not effective unless~~ the consent is signed by members having the requisite number of votes necessary to authorize the action within 90 days after the date of the earliest dated consent ~~and is delivered in the manner required by this section~~.

(b) Any written consent may be revoked before ~~prior to~~ the date that the corporation receives the required number of consents to authorize the proposed action. A revocation is not effective unless in writing and until received by the corporation at its principal office ~~in this state~~ or its principal place of business, or received by the corporate secretary or other officer or agent of the corporation having custody of the book in which proceedings of meetings of members are recorded.

(c) If the articles of incorporation or bylaws require that notice of proposed corporate action be delivered to members not entitled to vote on the action and the action is to be taken by consent of the members entitled to vote, within 30 days after obtaining authorization by written consent, notice must be given to those members who are entitled to vote on the action but who have not consented in writing and to those members who are not entitled to vote. The notice must fairly summarize the material features of the authorized action.

(d) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

(e) If the action to which the members consent is such as would have required the filing of articles or a certificate under any other section of this chapter if such action had been voted on by members at a meeting, the articles or certificate filed under such other section must state that written consent

has been given in accordance with this section.

(f) Whenever action is taken pursuant to this section, the written consent of the members consenting thereto ~~to such action~~ or the written reports of inspectors appointed to tabulate such consents must be filed with the minutes of member proceedings.

(5)(a) A member may waive any notice required by this chapter, the articles of incorporation, or the bylaws before or after the date and time stated in the notice. The waiver must be in writing, signed electronically or otherwise by the member entitled to the notice, and delivered to the corporation for filing by the corporation with the minutes or corporate records ~~Notice of a meeting of members need not be given to any member who signs a waiver of notice, in person or by proxy, either before or after the meeting~~. Unless required by the articles of incorporation or bylaws, neither the affairs to be transacted at nor the purpose of the meeting need to be specified in the waiver.

(b) Attendance of a member at a meeting waives objection to:

1. Lack~~, either in person or by proxy, constitutes waiver~~ of notice or defective notice of the meeting, unless the member promptly objects to holding the meeting or transacting business at the beginning of the meeting and does not thereafter vote for or assent to action taken at the meeting; and

2. Consideration of a particular matter at the meeting

which is not within the purposes described in the meeting notice ~~waiver of any and all objections to the place of the meeting, the time of the meeting, or the manner in which it has been called or convened~~, unless the member objects to considering the matter when it is presented at the meeting ~~attends a meeting solely for the purpose of stating, at the beginning of the meeting, any such objection or objections to the transaction of affairs~~.

(6) Subsections (1) and (3) do not apply to any corporation that is an association as defined in s. 720.301; a corporation regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723; or a corporation where membership in such corporation is required pursuant to a document recorded in the county official ~~property~~ records.

**Section 33. Section 617.0721, Florida Statutes, is amended to read:**

617.0721 Voting by members.—

(1) Members are not entitled to vote except as conferred by the articles of incorporation or the bylaws.

(2) A member who is entitled to vote may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy ~~executed in writing by the member or by his or her duly authorized attorney in fact~~.

(3)(a) A member or the member's attorney-in-fact may appoint a proxy to vote or otherwise act for the member by:

1. Signing an appointment form, with his or her signature affixed, by any reasonable means, including, but not limited to, facsimile or electronic signature;

2. Transmitting or authorizing the transmission of an electronic signature to the person who will be appointed as the proxy or to a proxy solicitation firm, a proxy support service organization, a registrar, or an agent authorized by the person who will be designated as the proxy to receive such transmission; or

3. Using such other means as provided for in the articles of incorporation or the bylaws.

(b) An appointment form must contain or be accompanied by information from which it can be determined that the member or the member's attorney in fact authorized the appointment of the proxy.

(4) Notwithstanding any provision to the contrary in the articles of incorporation or bylaws, any copy, facsimile transmission, or other reliable reproduction of the appointment form ~~original proxy~~ may be substituted or used in lieu of the original proxy for any purpose for which the original proxy could be used if the copy, facsimile transmission, or other reproduction is a complete reproduction of the appointment form ~~entire proxy~~. An appointment of a proxy is effective when a signed appointment in a record is received by the inspectors of election, the officer or agent of the corporation authorized to

count votes, or the secretary. An appointment of a proxy is ~~not~~ valid for ~~after~~ 11 months ~~following the date of its execution~~ unless a longer period, which may not exceed 3 years, is expressly ~~otherwise~~ provided in the appointment form ~~proxy~~. The death or incapacity of the member appointing a proxy does not affect the right of the corporation to accept the proxy's authority unless notice of the death or incapacity is received by the inspectors of election, the officer or agent authorized to count votes, or the secretary before the proxy exercises his or her authority under the appointment. A member may revoke appointment of a proxy unless the appointment form or electronic transmission states that it is irrevocable and the appointment is coupled with an interest.

(a) If directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.

(b) A corporation may reject a vote, ballot, consent, waiver, demand, or proxy appointment if the person ~~secretary or other officer or agent~~ authorized to accept or reject such vote, ballot, consent, waiver, demand, or proxy appointment ~~tabulate votes~~, acting in good faith, has a reasonable basis to doubt ~~for doubting~~ the validity of the signature on it or the signatory's authority to sign for the member.

(5)(a) ~~(3) If authorized by the board of directors, and subject to such guidelines and procedures as the board of~~

~~directors may adopt,~~ Members of any class, their attorneys-in-fact, and proxies may participate in any ~~and proxy holders who are not physically present at a~~ meeting of members ~~may,~~ by means of remote communication to the extent the board of directors authorizes such participation for such class. Participation by means of remote communication is subject to the guidelines and procedures adopted by the board of directors and must be in conformity with paragraph (b).~~:~~

~~(a) Participate in the meeting.~~

(b) Members, their attorneys-in-fact, and proxies participating in a members' meeting by means of remote communication authorized in paragraph (a) are ~~Be~~ deemed to be present in person and may vote at the meeting if the corporation has implemented reasonable measures to:

1. ~~The corporation implements reasonable means to~~ Verify that each person participating remotely as a member is a member, a member's attorney-in-fact, or a proxy ~~deemed present and authorized to vote by means of remote communication is a member or proxy holder~~; and

2. ~~The corporation implements reasonable measures to~~ Provide such members, member's attorneys-in-fact, and proxies ~~or proxy holders with~~ a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate and to read or hear the proceedings of the meeting substantially concurrent with the

proceedings.

(c) If any member, attorney-in-fact for a member, or proxy ~~holder~~ votes or takes other action at a members' meeting by means of remote communication, a record of such vote or other action ~~that member's participation in the meeting~~ must be maintained by the corporation in accordance with s. 617.1601.

(d) Unless the articles of incorporation, bylaws, or demands of members in accordance with s. 617.0701(3) require a meeting of members to be held at a geographic location, the board of directors may determine that any meeting of members will not be held at a geographic location, and instead will be held solely by means of remote communication, but only if the corporation implements the measures required by paragraph (b).

(6)~~(4)~~ If any entity ~~corporation, whether for profit or not for profit,~~ is a member of a corporation organized under this chapter, the chair of the governing body ~~board~~, the president, any vice president, the secretary, or the treasurer of the member entity ~~corporation~~, and any such officer or cashier or trust officer of a banking or trust corporation holding such membership, and any like officer of a foreign entity ~~corporation whether for profit or not for profit,~~ holding such membership in a domestic corporation, is ~~shall be~~ deemed by the corporation in which membership is held to have the authority to vote on behalf of the member entity ~~corporation~~ and to execute proxies and written waivers and consents in relation

thereto, unless, before a vote is taken or a waiver or consent is acted upon, it appears pursuant to a certified copy of the bylaws or other governing documents of the entity or a resolution of the governing documents ~~board of directors~~ or executive committee of the member entity ~~corporation~~ that such authority does not exist or is vested in some other officer or person. In the absence of such certification, a person executing any such proxies, waivers, or consents or presenting himself or herself at a meeting as one of such officers of a ~~corporate~~ member entity is ~~shall be~~, for the purposes of this section, conclusively deemed to be duly elected, qualified, and acting as such officer and to be fully authorized. In the case of conflicting representation, the ~~corporate~~ member entity shall be represented by its senior officer, in the order stated in this subsection.

(7)~~(5)~~ The articles of incorporation or the bylaws may provide that, in all elections for directors, every member entitled to vote has the right to cumulate the member's ~~his or her~~ votes and to give one candidate a number of votes equal to the number of votes the member ~~he or she~~ could give if one director were being elected multiplied by the number of directors to be elected or to distribute such votes on the same principles among any number of such candidates. A corporation may not have cumulative voting unless such voting is expressly authorized in the articles of incorporation.

(8) ~~(6)~~ If a corporation has no members or its members do not have the right to vote, the directors ~~shall~~ have the sole voting power.

(9) ~~(7)~~ Subsections (1), (7) ~~(5)~~, and (8) ~~(6)~~ do not apply to a corporation that is an association, as defined in s. 720.301, or a corporation regulated by chapter 718 or chapter 719.

**Section 34. Section 617.0741, Florida Statutes, is created to read:**

617.0741 Standing.—A director, an officer, or a member may not commence a proceeding in the right of a domestic or foreign corporation unless such director, officer, or member holds that position at the time the action is commenced and:

(1) Was a director, an officer, or a member when the conduct giving rise to the action occurred; or

(2) The person became a member through transfer or by operation of law from a person who was a member when the conduct giving rise to the action occurred.

**Section 35. Section 617.0742, Florida Statutes, is created to read:**

617.0742 Complaint; demand and excuse.—A complaint in a proceeding brought in the right of a corporation must be verified and allege with particularity:

(1) The demand, if any, made to obtain the action desired by the director, officer, or member from the board of directors;

and

(2) Either:

(a) If such demand was made, that the demand was refused, rejected, or ignored by the board of directors before the expiration of 90 days from the date the demand was made.

(b) If such a demand was made, why irreparable injury to the corporation or misapplication or waste of corporate assets causing material injury to the corporation would result by waiting for the expiration of a 90-day period from the date the demand was made; or

(c) The reason or reasons the director, officer, or member did not make the effort to obtain the desired action from the board of directors or comparable authority.

**Section 36. Section 617.0743, Florida Statutes, is created to read:**

617.0743 Stay of proceedings.—If the corporation commences an inquiry into the allegations made in the demand or complaint, the court may stay any derivative proceeding for such period as the court deems appropriate.

**Section 37. Section 617.0744, Florida Statutes, is created to read:**

617.0744 Dismissal.—

(1) A derivative proceeding may be dismissed, in whole or in part, by the court upon motion by the corporation if a group specified in subsection (2) or subsection (3) has determined in

good faith, after conducting a reasonable inquiry upon which its conclusions are based, that the maintenance of the derivative proceeding is not in the best interests of the corporation. In all such cases, the corporation has the burden of proof regarding the qualifications, good faith, and reasonable inquiry of the group making the determination.

(2) Unless a panel is appointed pursuant to subsection (3), the determination required in subsection (1) must be made by:

(a) A majority of qualified directors present at a meeting of the board of directors if the qualified directors constitute a quorum; or

(b) A majority vote of a committee consisting of two or more qualified directors appointed by majority vote of qualified directors present at a meeting of the board of directors, regardless of whether such qualified directors constitute a quorum.

(3) Upon motion by the corporation, the court may appoint a panel consisting of one or more disinterested and independent individuals to make a determination required in subsection (1).

(4) This section does not prevent the court from:

(a) Enforcing a person's rights under the corporation's articles of incorporation or bylaws or this chapter, including the person's rights to information under s. 617.1602; or

(b) Exercising its equitable or other powers, including

granting extraordinary relief in the form of a temporary restraining order or preliminary injunction.

**Section 38. Section 617.0745, Florida Statutes, is created to read:**

617.0745 Discontinuance or settlement; notice.—

(1) A derivative action on behalf of a corporation may not be discontinued or settled without the court's approval.

(2) If the court determines that a proposed discontinuance or settlement will substantially affect the interest of any of the corporation's members, the court must direct that notice be given to the members affected. The court may determine which party or parties to the derivative action bears the expense of giving the notice.

**Section 39. Section 617.0746, Florida Statutes, is created to read:**

617.0746 Proceeds and expenses.—On termination of the derivative proceeding, the court may:

(1) Order the corporation to pay from the amount recovered in the derivative proceeding by the corporation the plaintiff's reasonable expenses, including reasonable attorney fees and costs, incurred in the derivative proceeding if it finds that, in the derivative proceeding, the plaintiff was successful in whole or in part; or

(2) Order the plaintiff to pay any of the defendant's reasonable expenses, including reasonable attorney fees and

costs, incurred in defending the derivative proceeding if it finds that the derivative proceeding was commenced or maintained without reasonable cause or for an improper purpose.

**Section 40. Section 617.0747, Florida Statutes, is created to read:**

617.0747 Applicability to foreign corporations.—In any derivative proceeding in the right of a foreign corporation brought in the courts of this state, the matters covered by ss. 617.0741-617.0747 are governed by the laws of the jurisdiction of incorporation of the foreign corporation, except for ss. 617.0743, 617.0745, and 617.0746.

**Section 41. Section 617.0803, Florida Statutes, is amended to read:**

617.0803 Number of directors.—

~~(1)~~ A board of directors must consist of one ~~three~~ or more individuals, as may be ~~with the number~~ specified in or fixed in accordance with the articles of incorporation or the bylaws, as may be amended, except that a corporation that is exempt from federal income taxation under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, must have a board of directors that consists of three or more individuals.

~~(2) The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws, but the corporation must never have fewer than three directors.~~

~~(3) Directors shall be elected or appointed in the manner and for the terms provided in the articles of incorporation or the bylaws.~~

**Section 42. Section 617.0804, Florida Statutes, is created to read:**

617.0804 Selection of directors.—

(1) The directors of a membership corporation, except for any initial directors named in the articles of incorporation or elected by the incorporators, shall be elected by the members entitled to vote at the time at the first annual meeting of members, and at each annual meeting thereafter. Notwithstanding this subsection, the articles of incorporation or bylaws may provide some other time or method of election, or provide that some or all of the directors are appointed by some other person or designated in some other manner.

(2) The directors of a nonmembership corporation, except for any initial directors named in the articles of incorporation or elected by the incorporators, shall be elected, appointed, or designated as provided in the articles of incorporation or bylaws. If no method of election, appointment, or designation is set forth in the articles of incorporation or bylaws, such directors are elected by the board of directors.

(3) If the articles of incorporation or bylaws divide, or authorize dividing, the members into classes, the articles of incorporation or bylaws may also authorize the election of all

or a specified number of directors by the holders of one or more authorized classes of members. A class or multiple classes of members entitled to elect one or more directors is a separate voting group for purposes of the election of directors.

**Section 43. Section 617.0805, Florida Statutes, is created to read:**

617.0805 Terms of directors, generally.—

(1) The articles of incorporation or bylaws may specify the terms of directors. If a term is not specified in the articles of incorporation or bylaws, the term of a director is 1 year.

(2) A decrease in the number of directors or term of office does not shorten an incumbent director's term.

(3) Except as provided in the articles of incorporation or bylaws, the term of a director elected to fill a vacancy expires at the end of the term that the director is filling.

(4) Notwithstanding the expiration of a director's term, the director continues to serve until the director's successor is elected, appointed, or designated and until the director's successor takes office unless otherwise provided in the articles of incorporation or bylaws or there is a decrease in the number of directors.

**Section 44. Present subsection (3) of section 617.0808, Florida Statutes, is redesignated as subsection (2) of that section, and subsection (1) and present subsection (2) of that**

**section are amended, to read:**

617.0808 Removal of directors.—

(1) ~~Subject to subsection (2),~~ A director may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws. Unless the articles of incorporation or bylaws provide otherwise, a director may be removed as follows ~~, which shall provide the following, and if they do not do so, shall be deemed to include the following~~:

(a) Any member of the board of directors may be removed from office with or without cause by:

1. Except as provided in paragraph (i), a majority of all votes of the directors, if the director was elected or appointed by the directors; or

2. A majority of all votes of the members, if the director was elected or appointed by the members.

(b) If a director is elected by a class, chapter, or other organizational unit, or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit, or grouping. However:

1. A director may be removed only if the number of votes cast to remove the director would be sufficient to elect the director at a meeting to elect directors, except as provided in subparagraphs 2. and 3.

2. If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect the

director under cumulative voting is voted against the removal of the director.

3. If at the beginning of the term of a director the articles of incorporation or bylaws provide that the director may be removed for missing a specified number of board meetings, the board may remove the director for failing to attend the specified number of meetings. The director may be removed only if a majority of the directors then in office vote for the removal.

(c) The notice of a meeting to recall a member or members of the board of directors must ~~shall~~ state the specific directors sought to be removed.

(d) A proposed removal of a director at a meeting requires ~~shall require~~ a separate vote for each director whose removal is sought. Where removal is sought by written consent, a separate consent is required for each director to be removed.

(e) If removal is effected at a meeting, any vacancies created shall be filled by the members or directors eligible to vote for the removal.

(f) Any director who is removed from the board is not eligible to stand for reelection until the next annual meeting at which directors are elected.

(g) Any director removed from office must ~~shall~~ turn over to the board of directors within 72 hours any and all records of the corporation in such director's ~~his or her~~ possession.

(h) If a director who is removed does not relinquish such director's ~~his or her~~ office or turn over records as required under this section, the circuit court in the county where the corporation's principal office is located may summarily order the director to relinquish such director's ~~his or her~~ office and turn over corporate records upon application of any member.

(i) A director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office or such greater number as is set forth in the articles of incorporation or bylaws.

~~(2) A director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws, and the corporation may provide in the articles of incorporation or the bylaws that it is subject to the provisions of subsection (1).~~

**Section 45. Present subsection (4) of section 617.0809, Florida Statutes, is redesignated as subsection (3) of that section, and subsections (1) and (2) and present subsection (3) of that section are amended, to read:**

617.0809 Board vacancy.—

(1) Except as otherwise provided in subsection (2) ~~s. 617.0808(1)(f)~~, the articles of incorporation, or the bylaws, if a ~~any~~ vacancy occurs ~~occurring~~ on the board of directors, including a vacancy resulting from an increase in the number of

directors, the vacancy may be filled by a ~~the affirmative vote of the~~ majority of the remaining directors in office, even if ~~though~~ the remaining directors constitute less than a quorum~~, or by the sole remaining director or, if the vacancy is not so filled or if no director remains, by the members or, on the application of any person, by the circuit court of the county where the registered office of the corporation is located~~.

(2) Except as otherwise provided in the articles of incorporation or bylaws, ~~Whenever~~ a vacancy in the position of a director who is: ~~occurs with respect to a director~~

(a) Elected by a voting group of members, a ~~class,~~ chapter or other organizational~~,~~ unit of members, or a region or other geographic grouping of members ~~group, the vacancy~~ may be filled during the first 3 months after the vacancy occurs only by ~~members of~~ that voting ~~class, chapter, unit, or~~ group, chapter, unit, region, or grouping, or by a majority of the directors then in office elected by such voting group, chapter, unit, region, or grouping ~~class, chapter, unit, or group~~. If the vacancy has not been filled within the 3-month period, the vacancy may be filled by vote of a majority of the directors remaining in office in accordance with subsection (1);

(b) Appointed by persons, other than the members, may be filled only by those persons; or

(c) Designated in the articles of incorporation or bylaws may not be filled by action of the board of directors.

~~(3) The term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected. Any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors, but only for a term of office continuing until the next election of directors by the members or, if the corporation has no members or no members having the right to vote thereon, for such term of office as is provided in the articles of incorporation or the bylaws.~~

**Section 46. Section 617.08091, Florida Statutes, is created to read:**

617.08091 Removal of directors by judicial proceedings.—

(1) The court of the county where the principal office of a corporation, or if one is not in this state, its registered office, is located may remove a director from office in a proceeding commenced by or in the right of the corporation if the court finds that:

(a) The director engaged in fraudulent conduct with respect to the corporation or its members, grossly abused the position of director, or intentionally inflicted harm on the corporation; and

(b) Considering the director's course of conduct and the inadequacy of other available remedies, removal is in the best interest of the corporation.

(2) Only a member, an officer, or a director may bring an

action under this section, and such action must comply with the requirements of ss. 617.0742-617.0747. An action by a member may not be brought unless the complaint is filed by a member having, or is formally joined by members collectively having, no less than 10 percent of the corporation's voting power.

(3) In addition to removing the director, the court may bar the director from being reelected, redesignated, or reappointed for a period prescribed by the court.

(4) This section does not limit the equitable powers of the court to order other relief.

**Section 47. Section 617.0820, Florida Statutes, is amended to read:**

617.0820 Board meetings.—

(1) The board of directors may hold regular or special meetings in or out of this state.

(2) A majority of the directors present, whether or not a quorum exists, may adjourn any meeting of the board of directors to another time and place. Unless the bylaws otherwise provide, notice of any such adjourned meeting shall be given to the directors who were not present at the time of the adjournment and, unless the time and place of the adjourned meeting are announced at the time of the adjournment, to the other directors.

(3) Unless the articles of incorporation or the bylaws provide otherwise, meetings of the board of directors may be

called and notice of the meeting delivered by the chair of the board, the president or a similarly situated officer, or 20 percent of the directors then in office ~~or by the president unless otherwise provided in the articles of incorporation or the bylaws~~.

(4) Unless the articles of incorporation or the bylaws provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

(5) Unless the articles of incorporation or the bylaws provide for a longer or shorter period, regular meetings of the board of directors may be held without notice of the date, time, place, or purpose of the meeting.

(6) Unless the articles of incorporation or the bylaws provide otherwise, a special meeting of the board of directors must be preceded by at least 2 days' notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting unless required by the articles of incorporation or the bylaws.

**Section 48. Subsections (1) and (2) of section 617.0821, Florida Statutes, are amended to read:**

617.0821 Action by directors without a meeting.—

(1) Unless the articles of incorporation or the bylaws provide otherwise, action required or permitted by this chapter ~~act~~ to be taken at a board of directors' meeting or committee meeting may be taken without a meeting if the action is taken by all members of the board or of the committee. The action must be evidenced by one or more written consents describing the action taken and signed by each director or committee member and delivered to the corporation.

(2) Action taken under this section is effective when the last director signs the consent and delivers the consent to the corporation, unless the consent specifies a different effective date. A director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation before delivery to the corporation of unrevoked written consents signed by all the directors.

**Section 49. Section 617.0823, Florida Statutes, is amended to read:**

617.0823 Waiver of notice.—Notice of a meeting of the board of directors need not be given to any director who signs a waiver of notice either before or after the meeting. Attendance of a director at a meeting constitutes ~~shall constitute~~ a waiver of notice of such meeting and a waiver of any objection ~~and all objections~~ to the date of the meeting, the place of the meeting, the time of the meeting, or the manner in which it has been

called or convened, except when a director states, at the beginning of the meeting or promptly upon arrival at the meeting, any objection to holding the meeting or the transaction of affairs because the meeting is not lawfully called or convened and, after such objection, the director does not vote for or consent to action taken at the meeting.

**Section 50. Section 617.0830, Florida Statutes, is amended to read:**

(Substantial rewording of section. See s. 617.0830, F.S., for present text.)

617.0830 General standards for directors.—

(1) Each member of the board of directors, when discharging duties of a director, including in discharging duties as a member of a board committee, shall act:

(a) In good faith; and

(b) In a manner such director reasonably believes is in the best interests of the corporation.

(2) The members of the board of directors or a board committee, when becoming informed in connection with a decisionmaking function or devoting attention to an oversight function, shall discharge their duties with the care that an ordinary prudent person in a like position would reasonably believe appropriate under similar circumstances.

(3) In discharging board or board committee duties, a director who does not have knowledge that makes reliance

unwarranted is entitled to rely on the performance by any of the persons specified in paragraph (5)(a) or paragraph (5)(b) to whom the board may have delegated, formally or informally by course of conduct, the authority or duty to perform one or more of the board's functions that are delegable under applicable law.

(4) In discharging board or board committee duties, a director who does not have knowledge that makes reliance unwarranted is entitled to rely on any information, opinions, reports, or statements, including financial statements and other financial data, prepared or presented by any of the persons specified in subsection (5).

(5) A director is entitled to rely, in accordance with subsection (3) or subsection (4), on:

(a) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the functions performed or the information, opinions, reports, or statements provided;

(b) Legal counsel, public accountants, or other persons retained by the corporation or by a committee of the board of the corporation as to matters involving skills or expertise the director reasonably believes are matters:

1. Within the particular person's professional or expert competence; or

2. As to which the particular person merits confidence; or

(c) A committee of the board of directors of which the director is not a member if the director reasonably believes the committee merits confidence.

(d) In the case of a corporation engaged in religious activity, religious authorities and ministers, priests, rabbis, imams, or other persons whose positions or duties the director reasonably believes justify reliance and confidence and whom the director believes to be reliable and competent in the matters presented.

(6) A director is not a trustee with respect to the corporation or with respect to any property held or administered by the corporation in trust, including property that may be subject to restrictions imposed by the donor or transferor of the property.

**Section 51. Section 617.0832, Florida Statutes, is amended to read:**

(Substantial rewording of section.
See s. 617.0832, F.S., for present text.)

617.0832 General standards for directors.—

(1) As used in this section, the following terms and definitions apply:

(a) "Director's conflict of interest transaction" means a transaction between a corporation and one or more of its directors, or another entity in which one or more of the corporation's directors are directly or indirectly a party to

the transaction, other than being an indirect party as a result of being a member of the corporation, and have a direct or indirect material financial interest or other material interest.

(b) "Fair to the corporation" means that the transaction, as a whole, is beneficial to the corporation and its members, taking into appropriate account whether it is:

1. Fair in terms of the director's dealings with the corporation in connection with that transaction; and

2. Comparable to what might have been obtainable in an arm's length transaction.

(c) "Family member" includes any of the following:

1. The director's spouse.

2. A child, stepchild, parent, stepparent, grandparent, sibling, step sibling, or half sibling of the director or the director's spouse.

(d) A director has an "indirect material financial interest" if a director's family member has a material financial interest in the transaction, other than having an indirect interest as a member of the corporation, or if the transaction is with an entity, other than the corporation, which has a material financial interest in the transaction and controls, or is controlled by, the director or another person specified in this section.

(e) A director is "indirectly" a party to a transaction if the director has a material financial interest in or is a

director, officer, member, manager, or partner of a person, other than the corporation, who is a party to the transaction.

(f) "Material financial interest" or "other material interest" means a financial or other interest in the transaction that would reasonably be expected to impair the objectivity of a director's judgment when participating in the action on the authorization of the transaction.

(2) If a director's conflict of interest transaction is fair to the corporation at the time it is authorized, approved, effectuated, or ratified:

(a) Such transaction is not void or voidable; and

(b) The fact that the transaction is a director's conflict of interest transaction is not grounds for any equitable relief, an award of damages, or other sanctions, because of that relationship or interest, because such director or directors are present at the meeting of the board of directors or a committee thereof which authorizes, approves, or ratifies such transaction, or because such directors or their votes are counted for such purpose.

(3)(a) In a proceeding challenging the validity of a director's conflict of interest transaction or in a proceeding seeking equitable relief, award of damages, or other sanctions with respect to a director's conflict of interest transaction, the person challenging the validity or seeking equitable relief, award of damages, or other sanctions has the burden of proving

the lack of fairness of the transaction if:

1. The material facts of the transaction and the director's interest in the transaction were disclosed or known to the board of directors or committee that authorizes, approves, or ratifies the transaction and the transaction was authorized, approved, or ratified by a vote of a majority of the qualified directors, even if the qualified directors constitute less than a quorum of the board or the committee; however, the transaction may not be authorized, approved, or ratified under this subsection solely by a single director; or

2. The material facts of the transaction and the director's interest in the transaction were disclosed or known to the members who voted upon such transaction and the transaction was authorized, approved, or ratified by a majority of the votes cast by disinterested members or by the written consent of disinterested members representing a majority of the votes that could be cast by all disinterested members. A membership interest owned by or voted under the control of a director who has a relationship or interest in the director's conflict of interest transaction may not be considered a membership interest owned by a disinterested member and may not be counted in a vote of members to determine whether to authorize, approve, or ratify a director's conflict of interest transaction under this subsection. The vote of those membership interests, however, is counted in determining whether the

transaction is approved under other sections of this chapter. A majority of the membership interests, whether or not present, that are entitled to be counted in a vote on the transaction under this subsection constitutes a quorum for the purpose of taking action under this section.

(b) If neither of the conditions provided in paragraph (a) has been satisfied, the person defending or asserting the validity of a director's conflict of interest transaction has the burden of proving its fairness in a proceeding challenging the validity of the transaction.

(4) The presence of or a vote cast by a director with an interest in the transaction does not affect the validity of an action taken under paragraph (3)(a) if the transaction is otherwise authorized, approved, or ratified as provided in subsection (3), but the presence or vote of the director may be counted for purposes of determining whether the transaction is approved under this chapter.

(5) In addition to other grounds for challenge, a party challenging the validity of the transaction is not precluded from asserting and proving that a particular director or member was not disinterested on grounds of financial or other interest for purposes of the vote on, consent to, or approval of the transaction.

(6) If directors' action under this section does not otherwise satisfy a quorum or voting requirement applicable to

the authorization of the transaction by directors as required by the articles of incorporation, the bylaws, this chapter, or any other law, an action to satisfy those authorization requirements, whether as part of the same action or by way of another action, must be taken by the board of directors or a committee in order to authorize the transaction. In such action, the vote or consent of directors who are not disinterested may be counted.

(7) If members' action under this section does not satisfy a quorum or voting requirement applicable to the authorization of the transaction by members as required by the articles of incorporation, the bylaws, this chapter, or any other law, an action to satisfy those authorization requirements, whether as part of the same action or by way of another action, must be taken by the members in order to authorize the transaction. In such action, the vote or consent of members who are not disinterested members may be counted.

**Section 52.** Section 617.0834, Florida Statutes, is reordered and amended to read:

617.0834 Liability of directors and officers ~~and directors of certain corporations and associations not for profit; immunity from civil liability~~.—

(1) A director or an officer ~~or director of a nonprofit organization recognized under s. 501(c)(3) or s. 501(c)(4) or s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, or~~

~~of an agricultural or a horticultural organization recognized under s. 501(c)(5), of the Internal Revenue Code of 1986, as amended,~~ is not personally liable for monetary damages to the corporation or any person for any statement, vote, decision to take or not~~, or failure~~ to take an action, or any failure to take any action, as a director or an officer ~~regarding organizational management or policy by an officer or director~~, unless:

(a) The director or officer ~~or director~~ breached or failed to perform the director's or officer's ~~his or her~~ duties as a director or an officer ~~or director~~; and

(b) The director's or officer's ~~or director's~~ breach of, or failure to perform, the director's or officer's ~~his or her~~ duties constitutes any of the following:

1. A violation of the criminal law, unless the ~~officer or~~ director or officer had reasonable cause to believe the director's or officer's ~~his or her~~ conduct was lawful or had no reasonable cause to believe the director's or officer's ~~his or her~~ conduct was unlawful. A judgment or other final adjudication against a director or an officer ~~or director~~ in any criminal proceeding for violation of the criminal law estops that director or officer ~~or director~~ from contesting the fact that the director's or officer's ~~his or her~~ breach, or failure to perform, constitutes a violation of the criminal law, but does not estop the director or officer ~~or director~~ from establishing

that the director or officer ~~he or she~~ had reasonable cause to believe that the director's or officer's ~~his or her~~ conduct was lawful or had no reasonable cause to believe that the director's or officer's ~~his or her~~ conduct was unlawful;

2. A transaction from which the director or officer ~~or director~~ derived an improper personal benefit, directly or indirectly; ~~or~~

3. In a proceeding by or in the right of the corporation to procure a judgment in its favor or by or in the right of a member, conscious disregard for the best interest of the corporation, or willful or intentional misconduct; or

4. In a proceeding by or in the right of someone other than the corporation or a member, recklessness or an act or omission that was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) A director or an officer is deemed not to have derived an improper personal benefit from any transaction if the transaction and the nature of any personal benefit derived by the director or officer are not prohibited by state or federal law or regulation and, without further limitation, the transaction is fair to the corporation at the time it is authorized, approved, or ratified as determined in accordance with s. 617.0832.

(3) The circumstances set forth in subsection (2) are not

exclusive and do not preclude the existence of other circumstances under which a director or officer will be deemed not to have derived an improper benefit.

(4) For the purposes of this section, the term:

(c) ~~(a)~~ "Recklessness" means the acting, or omission to act, in conscious disregard of a risk:

1. Known, or so obvious that it should have been known, to the director or officer ~~or director~~; and

2. Known to the director or officer ~~or director~~, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such action or omission.

(a) ~~(b)~~ "Director" means a person who serves as a director, trustee, or member of the governing board of an organization.

(b) ~~(c)~~ "Officer" means a person who serves as an officer without compensation except reimbursement for actual expenses incurred or to be incurred.

**Section 53. Subsection (4) of section 617.0835, Florida Statutes, is amended to read:**

617.0835 Prohibited activities by private foundations.—

(4) ~~The provisions of~~ Subsections (2) and (3) do not apply to any corporation that was incorporated before January 1, 1970, and that has been properly relieved from the requirements of 26 U.S.C. s. 508(e)(1) by a timely judicial proceeding ~~to the extent that a court of competent jurisdiction determines that~~

~~such application would be contrary to the terms of the articles of incorporation or organization or other instrument governing such corporation or governing the administration of charitable funds held by it and that the same may not properly be changed to conform to such subsections~~.

**Section 54. Section 617.0844, Florida Statutes, is created to read:**

617.0844 Standards of conduct for officers.—

(1) An officer, when discharging his or her duties, shall act:

(a) In good faith; and

(b) In a manner such officer reasonably believes to be in the best interests of the corporation.

(2) An officer, when becoming informed in connection with a decisionmaking function or devoting attention to an oversight function, shall discharge his or her duties with the care that an ordinary prudent person in a like position would reasonably believe appropriate under similar circumstances.

(3) In discharging his or her duties, an officer who does not have knowledge that makes reliance unwarranted is entitled to rely on the performance by any of the persons specified in paragraph (5)(a) or paragraph (5)(b) to whom the board may have delegated, formally or informally by course of conduct, the authority or duty to perform one or more of the board's functions that are delegable under applicable law.

(4) In discharging his or her duties, an officer who does not have knowledge that makes reliance unwarranted is entitled to rely on any information, opinions, reports, or statements, including financial statements and other financial data, prepared or presented by any of the persons specified in subsection (5).

(5) An officer is entitled to rely, in accordance with subsection (3) or subsection (4), on:

(a) One or more officers or employees of the corporation whom the officer reasonably believes to be reliable and competent in the functions performed or the information, opinions, reports, or statements provided;

(b) Legal counsel, public accountants, or other persons retained by the corporation or by a committee of the board of the corporation as to matters involving skills or expertise the officer reasonably believes are matters:

1. Within the particular person's professional or expert competence; or

2. As to which the particular person merits confidence; or

(c) A committee of the board of directors of which the officer is not a member if the officer reasonably believes the committee merits confidence.

(d) In the case of a corporation engaged in religious activity, religious authorities and ministers, priests, rabbis, imams, or other persons whose positions or duties the officer

reasonably believes justify reliance and confidence and whom the officer believes to be reliable and competent in the matters presented.

(6) The duty of an officer includes the obligation to:

(a) Inform the superior officer to whom, or the board of directors or the committee to which, the officer reports of information about the affairs of the corporation known to the officer, within the scope of the officer's functions, and known or as should be known to the officer to be material to such superior officer, board, or committee; and

(b) Inform such officer's superior officer, or another appropriate person within the corporation, or the board of directors, or a committee thereof, of any actual or probable material violation of law involving the corporation or material breach of duty to the corporation by an officer, employee, or agent of the corporation the officer believes has occurred or is likely to occur.

(7) An officer is not a trustee with respect to the corporation or to any property held or administered by the corporation in trust, including property that may be subject to restrictions imposed by the donor.

**Section 55. Subsection (1) of section 617.1001, Florida Statutes, is amended to read:**

617.1001 Authority to amend the articles of incorporation.—

(1) A corporation may amend its articles of incorporation at any time to add or change a provision that is required or permitted in the articles of incorporation or to delete a provision not required to be contained in the articles of incorporation. Whether a provision is required or permitted in the articles of incorporation is determined as of the effective date of the amendment ~~as provided in this act~~.

**Section 56. Present paragraph (b) of subsection (1) and present subsections (2) and (3) of section 617.1002, Florida Statutes, are redesignated as subsections (2), (4), and (5), respectively, a new subsection (3) is added to that section, and present subsection (1) of that section is amended, to read:**

617.1002 Procedure for amending articles of incorporation.—

(1) Unless the articles of incorporation provide otherwise ~~an alternative procedure~~, amendments to the articles of incorporation shall ~~must~~ be adopted ~~made~~ in the following manner:

(a) If there are members entitled to vote on a proposed amendment to the articles of incorporation, the proposed amendment shall first be adopted by the board of directors. ~~must adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members entitled to vote on the proposed amendment, which may be either an annual or a special meeting. Written notice setting forth the~~

~~proposed amendment or a summary of the changes to be effected by the amendment must be given to each member entitled to vote at such meeting in accordance with the articles of incorporation or the bylaws. The proposed amendment shall be adopted upon receiving at least a majority, or any larger or smaller percentage specified in the articles of incorporation or the bylaws, of the votes which members present at such meeting or represented by proxy are entitled to cast; or~~

(b) Except as provided in subsection (3) or, with respect to restatements that do not require member approval, or s. 617.1007, the members shall approve the amendment.

(c) In submitting the proposed amendment to the members for approval, the board of directors shall recommend that the members approve the amendment unless the board of directors determines that, because of a conflict of interest or other special circumstances, it should not make such a recommendation, in which case the board must inform the members of the basis for proceeding without such recommendation.

(d) The board of directors may set conditions for the approval of the amendment by the members or the effectiveness of the amendment.

(e) If the amendment is required to be approved by the members, and the approval is to be given at a meeting, the corporation must notify each member entitled to vote on the amendment of the meeting of members at which the amendment is to

be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the amendment, and must contain or be accompanied by a copy of the amendment.

(f) Unless this chapter, the articles of incorporation, or the board of directors, acting pursuant to paragraph (d), requires a greater vote or a greater quorum, the approval of the amendment requires the approval of the members at a meeting at which the current required quorum exists.

(2) ~~(b)~~ If there are no members or if members are not entitled to vote on proposed amendments to the articles of incorporation, unless the articles of incorporation provide otherwise, an amendment may be adopted at a meeting of the board of directors by a majority vote of the directors then in office, or by the incorporators if no board has been elected. Unless the articles of incorporation provide otherwise, an amendment adopted by the board of directors under this subsection must also be approved, if the amendment changes or deletes a provision regarding the appointment of a director by persons other than the board, by those persons as if they constituted a voting group.

(3) Unless the articles of incorporation provide otherwise, the board of directors of a corporation with members entitled to vote on proposed amendments may adopt amendments to the corporation's articles of incorporation without approval of

the members to:

(a) Extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(b) Delete the names and addresses of the initial directors;

(c) Delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the department;

(d) Delete any other information contained in the articles of incorporation which is solely of historical interest;

(e) Change the corporate name by substituting the word "corporation," "incorporated," or the abbreviation "Corp.," or "Inc.," for a similar word or abbreviation in the name, or by adding, deleting, or changing a geographical attribution for the name; or

(f) Restate without change all of the then operative provisions of the articles of incorporation as provided in s. 617.1007.

**Section 57. Section 617.1006, Florida Statutes, is amended to read:**

617.1006 Contents of articles of amendment.—

(1) After an amendment to the articles of incorporation has been adopted and approved as required by this chapter, the corporation shall deliver to the department for filing articles

of amendment which must be signed in accordance with ~~The articles of amendment must be executed by the corporation as provided in~~ s. 617.01201 and must set forth:

(a) ~~(1)~~ The name of the corporation;

(b) ~~(2)~~ The text of each amendment adopted or the information required by s. 617.01201(10), if applicable;

(c) If the amendment provides for an exchange, a reclassification, or a cancellation of memberships, provisions for implementing the amendment if not contained in the amendment itself, which may be made dependent upon facts objectively ascertainable outside the articles of amendment in accordance with s. 617.01201(10);

(d) The date of each amendment's adoption; and

(e) If the amendment:

1. Was adopted by the incorporators or the board of directors without member approval, a statement that the amendment was adopted by the incorporators or by the board of directors and that member approval was not required;

2. Required approval by the members, a statement that the amendment was duly approved by the members in the manner required by this chapter and by the articles of incorporation and bylaws; or

3. Is being filed pursuant to s. 617.01201(10), a statement to that effect.

(2) Articles of amendment take effect on the effective

date determined pursuant to s. 617.0123.

~~(3) If there are members entitled to vote on a proposed amendment, the date of the adoption of the amendment by the members and a statement that the number of votes cast for the amendment was sufficient for approval; and~~

~~(4) If there are no members or if members are not entitled to vote on a proposed amendment, a statement of such fact and the date of the adoption of the amendment by the board of directors.~~

**Section 58. Section 617.1101, Florida Statutes, is amended to read:**

(Substantial rewording of section.
See s. 617.1101, F.S., for present text.)

617.1101 Plan of merger.—

(1) By complying with this chapter, including adopting a plan of merger in accordance with subsection (3) and complying with s. 617.1103:

(a) Subject to and except as otherwise provided in s. 617.1102, one or more domestic corporations may merge with one or more domestic or foreign eligible entities pursuant to a plan of merger, resulting in a survivor; and

(b) Any two or more eligible entities may merge, resulting in a surviving entity that is a domestic corporation created in the merger.

(2) Subject to and except as otherwise provided in s.

617.1102, a domestic eligible entity that is not a corporation may be a party to a merger with a domestic corporation, or may be created as the survivor in a merger in which a domestic corporation is a party, but only if the parties to the merger comply with this chapter and the merger is permitted by the organic law of the domestic eligible entity that is not a corporation. A foreign eligible entity may be a party to a merger with a domestic corporation or, subject to and as otherwise provided in s. 617.1102, may be created as the survivor in a merger in which a domestic corporation is a party, but only if the parties to the merger comply with this chapter and the merger is permitted by the organic law of the foreign eligible entity.

(3) The plan of merger must set forth:

(a) As to each party to the merger, its name, jurisdiction of formation, and type of entity;

(b) The survivor's name, jurisdiction of formation, and type of entity, and, if the survivor is to be created in the merger, a statement to that effect;

(c) The terms and conditions of the merger, including:

1. A statement that the interests in such entity are to be canceled; or

2. The manner of converting the interests in such entity into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of

the foregoing;

(d) The articles of incorporation of any domestic or foreign corporation, or the public organic record of any other domestic or foreign eligible entity to be created by the merger, or if a new domestic or foreign corporation or other eligible entity is not to be created by the merger, any amendment to, or restatement of, the survivor's articles of incorporation or other public organic record;

(e) The effective date and time of the merger, which may be on or after the filing date of filing the articles of merger; and

(f) Any other provision required by the laws under which any party to the merger is organized or by which it is governed, or by the articles of incorporation or organic rules of any such party.

(4) In addition to the requirements of subsection (3), a plan of merger may contain any other provision that is not prohibited by law.

(5) Terms of a plan of merger may be made dependent upon facts objectively ascertainable outside the plan in accordance with s. 617.01201(10).

(6) A plan of merger may be amended only with the consent of each party to the merger, except as provided in the plan. A domestic party to a merger may approve an amendment to a plan:

(a) In the same manner as the plan was approved, if the

plan does not provide for the manner in which it may be amended; or

(b) In the manner provided in the plan, except that an interest holder that was entitled to vote on or consent to the approval of the plan is entitled to vote on or consent to any amendment to the plan which will change:

1. The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received under the plan by the interest holders of any party to the merger;

2. The articles of incorporation of any domestic corporation, or the organic rules of any other type of entity, that will be the survivor of the merger, except for changes permitted by s. 617.1002(3) or by comparable provisions of the organic law of any other type of entity; or

3. Any of the other terms or conditions of the plan if the change would adversely affect the interest holder in any material respect.

**Section 59. Section 617.1102, Florida Statutes, is amended to read:**

617.1102 Limitation on merger.—A domestic corporation that holds property for a charitable purpose ~~not for profit organized under this chapter~~ may merge with one or more other eligible entities~~, as identified in s. 607.1101(1),~~ only if the surviving

entity of such merger is a domestic or foreign corporation ~~not for profit~~ or other eligible entity that has been organized as a nonprofit ~~not-for-profit~~ entity under a governing statute or other applicable law that allows such a merger.

**Section 60. Section 617.1103, Florida Statutes, is amended to read:**

(Substantial rewording of section.
See s. 617.1103, F.S., for present text.)

617.1103 Approval of plan of merger; abandonment of plan thereafter.—

(1) In the case of a domestic corporation that is a party to a merger, the plan of merger shall be adopted in the following manner if there are members of the domestic corporation entitled to vote on the merger:

(a) The plan of merger shall first be adopted by the board of directors of such domestic corporation.

(b) Except as provided in paragraph (h), and in s. 617.1104, the members entitled to vote shall vote to adopt the plan of merger.

(c) In submitting the plan of merger to the members for approval, the board of directors shall recommend that the members approve the plan, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall inform the members of the basis

for proceeding without such recommendation.

(d) The board of directors may set conditions for the approval of the proposed merger by the members or the effectiveness of the plan of merger.

(e) If the approval by members is to be given at a meeting, the corporation shall notify each member entitled to vote of the meeting of members at which the plan is submitted for approval in accordance with this chapter and the articles of incorporation and bylaws of the corporation. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger, regardless of whether the meeting is an annual or a special meeting, and contain or be accompanied by a copy of the plan. If the corporation is not to be the surviving entity, the notice must also include or be accompanied by a copy of the articles of incorporation and bylaws or the organic rules of the surviving entity.

(f) Unless this chapter, the articles of incorporation, or the board of directors, acting pursuant to paragraph (d), requires a greater vote or a greater quorum in the respective case, approval of the plan of merger shall require the approval of the members at a meeting at which the current required quorum exists by a majority of the votes entitled to be cast on the plan and, if any class of members is entitled to vote as a separate voting group on the plan of merger, the approval of each such separate voting group at a meeting at which a quorum

of the voting group is present by a majority of the votes entitled to be cast on the merger by that voting group.

(g) Subject to paragraph (h), unless otherwise provided in the articles of incorporation, separate voting on a plan of merger is required for each class of members that is to be converted under the plan of merger into securities, interests, or obligations; rights to acquire securities or other interests; or cash, other property, or any combination thereof.

(h) The articles of incorporation may expressly limit or eliminate the separate voting rights as to any class of members.

(2) If a domestic corporation that is a party to a merger has no members or if its members are not entitled to vote on a plan of merger, such plan may be adopted at a meeting of its board of directors by a majority vote of the directors then in office.

(3)(a) After a plan of merger has been approved and before articles of merger are effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, the plan may be abandoned by the board of directors in the same manner as the plan was approved by:

1. A domestic corporation; or

2. A merging domestic eligible entity if the organic law of the entity does not provide for amendment of a plan of merger.

(b) If a merger is abandoned under paragraph (a) after

articles of merger have been delivered to the department for filing but before the articles of merger have become effective, a statement of abandonment signed by all the parties that signed the articles of merger shall be delivered to the department for filing before the articles of merger become effective. The statement takes effect on filing, whereupon the merger is deemed abandoned and does not become effective. The statement of abandonment must contain:

1. The name of each party to the merger;

2. The date on which the articles of merger were filed by the department; and

3. A statement that the merger has been abandoned in accordance with this section.

**Section 61. Section 617.1104, Florida Statutes, is created to read:**

617.1104 Short-form merger between parent and subsidiary or between subsidiaries.—

(1)(a) A domestic or foreign parent eligible entity that holds a membership in a domestic corporation that carries at least 80 percent of the voting power of each class of membership of the domestic corporation which has voting power may:

1. Merge the subsidiary into itself, or into another domestic or foreign eligible entity in which the parent eligible entity owns at least 80 percent of the voting power of each class and series of the outstanding interests that have voting

power; or

2. Merge itself into the subsidiary.

(b) Mergers under subparagraphs (a)1. and 2. do not require the approval of the board of directors or members of the subsidiary unless the articles of incorporation or organic rules of the parent eligible entity or the articles of incorporation of the subsidiary entity otherwise provide. The articles of merger relating to a merger under this section do not need to be signed by the subsidiary entity.

(2) The parent eligible entity shall, within 10 days after the effective date of a merger approved under subsection (1), notify each of the subsidiary entity's members that the merger has become effective.

(3) Except as provided for in subsections (1) and (2), a merger between a parent eligible entity and a domestic subsidiary corporation is governed by ss. 617.1101-617.1107, which are applicable to mergers generally.

**Section 62. Section 617.1105, Florida Statutes, is amended to read:**

(Substantial rewording of section.

See s. 617.1105, F.S., for present text.)

617.1105 Articles of merger.—

(1) After a plan of merger has been adopted and approved as required by this chapter or, if the merger is being effected pursuant to s. 617.1101(1)(b), the merger has been approved as

required by the organic law governing the parties to the merger, the articles of merger must be signed by each party to the merger, except as provided in s. 617.1104. The articles of merger must set forth:

(a) The name, jurisdiction of formation, and type of entity of each party to the merger;

(b) If not already identified as the survivor pursuant to paragraph (a), the name, jurisdiction of formation, and type of entity of the survivor;

(c) If the articles of incorporation of the survivor are being amended, or if a new domestic corporation is being created as a result of the merger:

1. The amendments to the survivor's articles of incorporation; or

2. The articles of incorporation of the new corporation;

(d) If the plan of merger required approval by the members of a domestic corporation that is a party to the merger, a statement that the plan was duly approved by the members and, if voting by any separate voting group was required, by each such separate voting group, in the manner required by this chapter and the articles of incorporation of such domestic corporation;

(e) If the plan of merger did not require approval by the members of a domestic corporation that is a party to the merger, a statement to that effect;

(f) As to each foreign corporation that is a party to the

merger, a statement that the participation of the foreign corporation was duly authorized in accordance with such corporation's organic law;

(g) As to each domestic or foreign eligible entity that is a party to the merger and that is not a domestic or foreign corporation, a statement that the participation of the eligible entity in the merger was duly authorized in accordance with such eligible entity's organic law; and

(h) If the survivor is not a domestic or foreign corporation or other eligible entity that has been organized as a nonprofit entity under a governing statute or other applicable law that allows such a merger, as to each domestic corporation that is a party to the merger, a statement that it does not hold any property for a charitable purpose.

(2) In addition to the requirements of subsection (1), articles of merger may contain any other provision not prohibited by law.

(3) The articles of merger shall be delivered to the department for filing, and, subject to subsection (4), the merger must take effect on the effective date determined in accordance with s. 617.0123.

(4) With respect to a merger in which one or more foreign entities is a party or a foreign corporation created by the merger is the survivor, the merger itself becomes effective at the later of:

(a) When all documents required to be filed in all foreign jurisdictions to effect the merger have become effective; or

(b) When the articles of merger take effect.

(5) Articles of merger required to be filed under this section may be combined with any filing required under the organic law governing any other domestic eligible entity involved in the transaction if the combined filing satisfies the requirements of both this section and the other organic law.

**Section 63. Section 617.1106, Florida Statutes, is amended to read:**

(Substantial rewording of section.

See s. 617.1106, F.S., for present text.)

617.1106 Effect of merger.—

(1) When a merger becomes effective:

(a) The domestic or foreign eligible entity that is designated in the plan of merger as the survivor continues or comes into existence, as the case may be;

(b) The separate existence of every merging entity, other than the survivor, ceases;

(c) All property owned by, and every contract right and other right possessed by, each merging entity vests in the survivor, without transfer, reversion, or impairment;

(d) All debts, obligations, and other liabilities of each merging entity become debts, obligations, and liabilities of the survivor;

(e) The name of the survivor may be, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger;

(f) Neither the rights of creditors nor any liens upon the property of any corporation party to the merger are impaired by such merger;

(g) If the survivor is a domestic eligible entity, the articles of incorporation and bylaws or the organic rules of the survivor are amended to the extent provided in the plan of merger;

(h) The articles of incorporation and bylaws or the organic rules of a survivor that is a domestic eligible entity and is created by the merger become effective;

(i) The interests of each merging entity which are to be canceled or converted in the merger are canceled or converted, and the interest holders of those interests are entitled only to the rights provided to them under the plan of merger and to any appraisal rights they have under the merging entity's organic law;

(j) Except as provided by law or the plan of merger, all the rights, privileges, franchises, and immunities of each eligible entity that is a party to the merger, other than the survivor, become the rights, privileges, franchises, and immunities of the survivor; and

(k) If the survivor exists before the merger:

1. All the property and contract and other rights of the survivor remain its property and contract and other rights without transfer, reversion, or impairment;

2. The survivor remains subject to all of its debts, obligations, and other liabilities; and

3. Except as provided by law or the plan of merger, the survivor continues to hold all of its rights, privileges, franchises, and immunities.

(2) Except as provided in the organic law governing a party to a merger or in its articles of incorporation or organic rules, the merger does not give rise to any rights that any interest holder or third party would have upon a dissolution, liquidation, or winding up of that party. The merger does not require a party to the merger to wind up its affairs and does not constitute or cause its dissolution or termination.

(3) Property held in trust or otherwise dedicated to a charitable purpose and held by a domestic or foreign eligible entity immediately before a merger becomes effective may not, as a result of the merger, be diverted from the purposes for which it was donated, granted, devised, or otherwise transferred except pursuant to the laws of this state addressing cy pres or dealing with nondiversion of charitable assets.

(4) Any bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to an eligible entity that is a party

to a merger that is not the survivor and which takes effect or remains payable after the merger inures to the survivor.

(5) A trust obligation that would govern property if the property is directed to be transferred to a nonsurviving eligible entity applies to property that is to be transferred instead to the survivor after a merger becomes effective.

**Section 64. Section 617.1107, Florida Statutes, is amended to read:**

617.1107 Merger of domestic and foreign corporations.—

(1) ~~One or more foreign corporations and one or more domestic corporations may be merged into a corporation of this state or of another jurisdiction if such merger is permitted by the laws of the jurisdiction under which each such foreign corporation is organized and if:~~

~~(a) Each foreign corporation complies with the applicable laws of the jurisdiction under which it is organized; and~~

~~(b) Each domestic corporation complies with the provisions of this act relating to the merger of domestic corporations.~~

~~(2)~~ Following a merger in accordance with s. 617.1101, if the surviving eligible entity is a foreign eligible entity ~~corporation is to be governed by the laws of any jurisdiction other than this state~~, it must comply with ~~the provisions of~~ this chapter ~~act~~ with respect to foreign corporations if it is to conduct its affairs in this state, and in every case it will be deemed to have filed with the department ~~of State~~:

(a) An agreement that it may be served with process in this state in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger; and

(b) An irrevocable appointment of the department ~~of State of this state~~ as its agent to accept service of process in any such proceeding.

(2)~~(3)~~ Following a merger in accordance with s. 617.1101, if the surviving eligible entity is a corporation ~~is~~ to be governed by the laws of this state, the effect of such merger is the same as in the case of the merger of domestic corporations. If the surviving eligible entity ~~corporation~~ is to be governed by the laws of any jurisdiction other than this state, the effect of such merger is governed by the laws of such other jurisdiction.

~~(4) At any time prior to the filing of the articles of merger by the Department of State, the merger may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger.~~

**Section 65. Section 617.1202, Florida Statutes, is amended to read:**

617.1202 Sale, lease, exchange, or other disposition of corporate property and assets requiring member approval. ~~A sale, lease, exchange, or other disposition of all or substantially all of the property and assets of a corporation, in all cases~~

~~other than those not requiring member approval as specified in s. 617.1201, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, bonds, or other securities of any corporation or corporations for profit, domestic or foreign, and must be authorized in the following manner:~~

(1) If a ~~the~~ corporation has members entitled to vote, the corporation may sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property, with or without good will, on the terms and conditions and for the consideration determined by the corporation's board of directors, but only if the board of directors proposes and its members approve the proposed transaction in the following manner: ~~on the sale, lease, exchange, or other disposition of corporate property, the board of directors must adopt a resolution approving such sale, lease, exchange, or other disposition, and directing that it be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or special meeting. Written notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, or other disposition of all or substantially all of the property and assets of the corporation must be given to each member entitled to vote at such meeting in accordance with the articles of incorporation or the bylaws. At such meeting, the members may~~

~~authorize such sale, lease, exchange, or other disposition and may approve or fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization requires at least a majority of the votes which members present at such meeting or represented by proxy are entitled to cast. After such authorization by a vote of members, the board of directors may, in its discretion, abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating to such sale, lease, exchange, or other disposition, without further action or approval by members.~~

(a) The board of directors shall first adopt a resolution approving the disposition, and thereafter, the disposition must also be approved by the corporation's members having voting rights thereon.

(b) In submitting the disposition to the members who have voting rights for approval, the board of directors shall recommend the proposed transaction to the members of record unless the board of directors makes a determination that because of a conflict of interest or other special circumstances it should not make such a recommendation, in which event the board of directors shall inform the members of the basis for its so proceeding without such recommendation.

(c) The board of directors may set conditions for approval

of the disposition or the effectiveness of the disposition.

(d) If the disposition is required to be approved by the members under this subsection and if the approval is to be given at the meeting, the corporation must notify each member entitled to vote of the meeting of members at which the disposition is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the disposition and must contain a description of the disposition and the consideration to be received by the corporation.

(e) Unless this chapter, the articles of incorporation, or the board of directors acting pursuant to paragraph (c) requires a greater vote or a greater quorum, the approval of the disposition shall require the approval of the members entitled to vote at a meeting at which the current required quorum exists consisting of a majority of all the votes entitled to be cast on the disposition.

(2) After a disposition has been approved by the members under this section, and at any time before the disposition has been consummated, it may be abandoned by the corporation without action by the members, subject to any contractual rights of other parties to the disposition.

(3) A disposition of assets in the course of dissolution is governed by ss. 617.1401-617.1440 and not by this section.

(4) If the corporation has no members or if its members

are not entitled to vote thereon, a sale, lease, exchange, or other disposition of all or substantially all the property and assets of a corporation may be authorized by a majority vote of the directors then in office.

**Section 66. Subsection (2) of section 617.1401, Florida Statutes, is amended, and subsection (3) of that section is reenacted, to read:**

617.1401 Voluntary dissolution of corporation prior to conducting its affairs.—

(2) Articles of dissolution must be executed in accordance with s. 617.01201 and must set forth:

(a) The name of the corporation;

(b) The date of filing of its articles of incorporation;

(c) That the corporation has not commenced to conduct its affairs;

(d) That no debts of the corporation remain unpaid; ~~and~~

(e) That any net assets of the corporation remaining after winding up have been distributed in accordance with s. 617.1406; and

(f) That the incorporator or a majority of the incorporators or a majority of the directors, as the case may be, authorized the dissolution.

(3) The articles of dissolution must be filed and shall become effective in accordance with s. 617.1403, may be revoked in accordance with s. 617.1404, and shall have the effect

prescribed in s. 617.1405.

**Section 67. Section 617.1402, Florida Statutes, is amended to read:**

617.1402 Dissolution of corporation subsequent to conducting its affairs.—A corporation desiring to dissolve and wind up its affairs must adopt a resolution to dissolve in the following manner:

(1) If the corporation has members entitled to vote on a resolution to dissolve, and unless the board of directors determines that because of a conflict of interest or other substantial reason it should not make any recommendation, the board of directors must adopt a resolution recommending that the corporation be dissolved and directing that the question of such dissolution be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or special meeting. Written notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation must be given to each member entitled to vote at such meeting in accordance with the articles of incorporation or the bylaws. A resolution to dissolve the corporation must ~~shall~~ be adopted upon receiving at least a majority of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) If the corporation has no members or if its members are not entitled to vote on a resolution to dissolve, the

dissolution of the corporation may be authorized at a meeting of the board of directors by a majority vote of the directors then in office.

**Section 68. Subsection (1) of section 617.1403, Florida Statutes, is amended, and subsection (3) is added to that section, to read:**

617.1403 Articles of dissolution.—

(1) At any time after dissolution is authorized, the corporation may dissolve by delivering to the department ~~of State~~ for filing articles of dissolution setting forth:

(a) The name of the corporation;

(b) If the corporation has members entitled to vote on dissolution, the date of the meeting of members at which the resolution to dissolve was adopted, a statement that the number of votes cast for dissolution was sufficient for approval, or a statement that such a resolution was adopted by written consent and executed in accordance with s. 617.0701; and

(c) If the corporation has no members or if its members are not entitled to vote on dissolution, a statement of such fact, the date of the adoption of such resolution by the board of directors, the number of directors then in office, and the vote for the resolution.

(3) For purposes of ss. 617.1401-617.1422, the term "dissolved corporation" means a corporation whose articles of dissolution have become effective and includes a successor

entity, as defined in s. 617.01401.

**Section 69. Subsection (1) of section 617.1405, Florida Statutes, is amended, subsections (5) and (6) are added to that section, and subsection (4) of that section is reenacted, to read:**

617.1405 Effect of dissolution.—

(1) A ~~dissolved~~ corporation that has dissolved continues its corporate existence but may not conduct its affairs except to the extent appropriate to wind up and liquidate its affairs, including:

(a) Collecting its assets;

(b) Disposing of its properties that will not be distributed in kind pursuant to the plan of distribution of assets adopted under s. 617.1406;

(c) Discharging or making provision for discharging its liabilities;

(d) Distributing its remaining property in accordance with the plan of distribution of assets adopted under s. 617.1406; and

(e) Doing every other act necessary to wind up and liquidate its affairs.

(4) The name of a dissolved corporation is not available for assumption or use by another corporation until 120 days after the effective date of dissolution unless the dissolved corporation provides the department with an affidavit, executed

pursuant to s. 617.01201, authorizing the immediate assumption or use of the name by another corporation.

(5) For purposes of this section, the circuit court may appoint a trustee, custodian, receiver, or provisional director as described in s. 617.1435 for any property owned or acquired by the corporation who may engage in any act permitted in accordance with subsection (1) if any director or officer of the dissolved corporation is unwilling or unable to serve or cannot be located.

(6) Property held in trust or otherwise dedicated to a public or charitable purpose may not be diverted from its trust or charitable purpose by the dissolution of a corporation except in compliance with and pursuant to the laws of this state addressing cy pres or otherwise dealing with the nondiversion of charitable assets.

**Section 70. Section 617.1406, Florida Statutes, is amended to read:**

617.1406 Plan of distribution of assets.—A plan providing for the distribution of assets, not inconsistent with this chapter ~~act~~ or the articles of incorporation, must be adopted by a corporation in the following manner:

(1) If the corporation has members entitled to vote on a plan of distribution of assets, the board of directors must adopt a resolution recommending a plan of distribution and directing its submission to a vote at a meeting of members

entitled to vote thereon, which may be either an annual or a special meeting. Written notice setting forth the proposed plan of distribution or a summary thereof must be given to each member entitled to vote at such meeting in accordance with the articles of incorporation or the bylaws. Such plan of distribution shall be adopted upon receiving at least a majority of the votes which the members present at such meeting or represented by proxy are entitled to cast.

(2) If the corporation has no members or if its members are not entitled to vote on a plan of distribution, such plan may be adopted at a meeting of the board of directors by a majority vote of the directors then in office.

(3) A plan of distribution of assets must provide that:

(a) All liabilities and obligations of the corporation be paid and discharged, or adequate provisions be made therefor;

(b) Assets held by the corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, be returned, transferred, or conveyed in accordance with such requirements;

(c) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, ~~eleemosynary,~~ benevolent, educational, or similar purposes, but not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution, be transferred or conveyed to one or more domestic or foreign corporations,

trusts, societies, or organizations engaged in activities substantially similar to those of the dissolving corporation, as provided in the plan of distribution of assets;

(d) Other assets, if any, be distributed in accordance with the ~~provisions of the~~ articles of incorporation or the bylaws to the extent that the articles of incorporation or the bylaws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others; and

(e) Any remaining assets be distributed to such persons, trusts, societies, organizations, or domestic or foreign corporations, whether for profit or not for profit, as specified in the plan of distribution of assets.

(4) A copy of the plan of distribution of assets, authenticated by an officer of the corporation and containing the officer's certificate of compliance with the requirements of subsection (1) or subsection (2) must be filed with the department ~~of State~~.

**Section 71. Section 617.1407, Florida Statutes, is amended to read:**

617.1407 Unknown claims against dissolved corporation.—

(1) A dissolved corporation or successor entity may execute one of the following procedures to resolve payment of unknown claims:

(a) A dissolved corporation or successor entity may file

notice of its dissolution with the department on the form prescribed by the department and request that persons with ~~having~~ claims against the corporation which are not known claims as defined in s. 617.1408(5) to the corporation or successor entity present them in accordance with the notice. The notice must:

1. State the name of the corporation that is the subject ~~and the date~~ of the dissolution;

2. State that the corporation is the subject of a dissolution and the effective date of the dissolution;

3. Specify ~~Describe~~ the information that must be included in a claim;

4. State that a claim must be in writing and provide a mailing address to which the claim may be sent; and

5.~~3.~~ State that a claim against the corporation under this subsection will be ~~is~~ barred unless a proceeding to enforce the claim is commenced within 4 years after the date of the filing of the notice.

(b) A dissolved corporation or successor entity may, within 10 days after filing articles of dissolution with the department, publish a "Notice of Corporate Dissolution." The notice must appear once a week for 2 consecutive weeks in a newspaper of general circulation in the county in the state in which the corporation has its principal office, if any, or, if none, in a county in the state in which the corporation owns

real or personal property. Such newspaper shall meet the requirements as are prescribed by law for such purposes. The notice must:

1. State the name of the corporation that is the subject ~~and the date~~ of the dissolution;

2. State that the corporation is the subject of a dissolution and the effective date of the dissolution;

3. Specify ~~Describe~~ the information that must be included in a claim;

4. State that a claim must be in writing and provide a mailing address to which the claim may be sent; and

5.~~3.~~ State that a claim against the corporation under this subsection will be ~~is~~ barred unless a proceeding to enforce the claim is commenced within 4 years after the filing ~~date of the second consecutive weekly publication~~ of the notice.

(2) If the dissolved corporation or successor entity complies with paragraph (1)(a) or paragraph (1)(b), unless sooner barred by another statute limiting actions, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within 4 years after the date of filing the notice with the department or the date of the second consecutive weekly publication, as applicable:

(a) A claimant who was not given ~~did not receive~~ written notice under s. 617.1408;~~ (9), or whose claim is not provided for~~

~~under s. 617.1408(10), regardless of whether such claim is based on an event occurring before or after the effective date of dissolution.~~

(b) A claimant whose claim was timely sent to the dissolved corporation but on which no action was taken; or~~.~~

(c) A claimant whose claim was excluded as a known claim as defined in s. 617.1408(5)(b).

(3) This section does not preclude or relieve the corporation from its notification to claimants otherwise set forth in this chapter ~~A claim may be entered under this section:~~

~~(a) Against the dissolved corporation, to the extent of its undistributed assets; or~~

~~(b) If the assets have been distributed in liquidation, against a member of the dissolved corporation to the extent of such member's pro rata share of the claim or the corporate assets distributed to such member in liquidation, whichever is less; however, the aggregate liability of any member of a dissolved corporation may not exceed the amount distributed to the member in dissolution~~.

**Section 72. Section 617.1408, Florida Statutes, is amended to read:**

(Substantial rewording of section.
See s. 617.1408, F.S., for present text.)

617.1408 Known claims against dissolved corporation.

(1) A dissolved corporation or a successor entity may

dispose of the known claims against it by giving written notice that satisfies the requirements of subsection (2) to its known claimants of the dissolution at any time after the effective date of the dissolution, but no later than the date that is 270 days before the date which is 3 years after the effective date of the dissolution.

(2) The written notice must:

(a) State the name of the corporation that is the subject of the dissolution;

(b) State that the corporation is the subject of a dissolution and the effective date of the dissolution;

(c) Specify the information that must be included in a claim;

(d) State that a claim must be in writing and provide a mailing address where a claim may be sent;

(e) State the deadline, which may not be less than 120 days after the date of the written notice is received by the claimant, by which the dissolved corporation must receive the claim;

(f) State that the claim will be barred if not received by the deadline;

(g) State that the dissolved corporation or successor entity may make distributions thereafter to other claimants and the members of the corporation or persons interested as having been such claimants without further notice; and

(h) Be accompanied by a copy of ss. 617.1405-617.14091.

(3) A dissolved corporation or successor entity may reject, in whole or in part, a claim submitted by a claimant and received before the deadline specified in the written notice pursuant to subsections (1) and (2) by mailing notice of the rejection to the claimant, on or before the date that is the earlier of 90 days after the dissolved corporation receives the claim, or the date that is at least 150 days before the date which is 3 years after the effective date of the dissolution. A rejection notice sent by the dissolved corporation pursuant to this subsection must state that the claim will be barred unless the claimant, not later than 120 days after the claimant receives the rejection notice, commences an action in the circuit court in the applicable county against the dissolved corporation to enforce the claim.

(4) A claim against a dissolved corporation is barred:

(a) If a claimant who is given written notice pursuant to this section does not deliver the claim to the dissolved corporation by the specified deadline; or

(b) If the claim was timely received by the dissolved corporation but was timely rejected by the dissolved corporation under subsection (3) and the claimant does not commence the required action in the applicable county within 120 days after the claimant receives the rejection notice.

(5)(a) For purposes of this chapter, "known claim" means

any claim or liability that, as of the date of the giving of written notice described in subsections (1) and (2) above:

1. Has matured sufficiently on or before the date of dissolution to be legally capable of assertion against the dissolved corporation; or

2. Is unmatured as of the date of dissolution but will mature in the future solely because of the passage of time.

(b) For purposes of this chapter, "known claim" does not include a contingent liability or a claim based on an event occurring after the effective date of the dissolution.

(6) The giving of any notice pursuant to this section does not revive any claim then barred or constitute acknowledgment by the dissolved corporation that any person to whom such notice is sent is a proper claimant and does not operate as a waiver of any defense or counterclaim in respect of any claim asserted by any person to whom such notice is sent.

**Section 73. Section 617.1409, Florida Statutes, is created to read:**

617.1409 Court proceedings.—

(1) A dissolved corporation that has filed a notice under s. 617.1407(1)(a) or published a notice under s. 617.1407(1)(b) may file an application with the circuit court in the applicable county for a determination of the amount and form of security to be provided for payment of claims that are not known claims as defined in s. 617.1408(5) but that, based on the facts known to

the dissolved corporation, are reasonably estimated to arise after the effective date of dissolution. Provisions need not be made for any claim that is or is reasonably anticipated to be barred under s. 617.1407(2).

(2) Within 10 days after the filing of the application pursuant to subsection (1), notice of the proceeding must be given by the dissolved corporation to each claimant holding a claim whose identity and contingent claim is known to the dissolved corporation.

(3) In any proceeding under this section, the court may appoint a guardian ad litem to represent all claimants whose identities are unknown. The reasonable fees and expenses of such guardian ad litem, including all reasonable expert witness fees, must be paid by the dissolved corporation.

(4) Provisions by the dissolved corporation for security in the amount and the form ordered by the court under subsection (1) satisfies the dissolved corporation's obligations with respect to claims that are contingent, have not been made known to the dissolved corporation, or are based on an event occurring after the effective date of dissolution, and such claims may not be enforced against a person who received assets in liquidation.

**Section 74. Section 617.14091, Florida Statutes, is created to read:**

617.14091 Limitation on director liability for a dissolved corporation; claims against dissolved corporation; enforcement.—

(1) Directors of a dissolved corporation or governing persons of a successor entity that has disposed of claims under s. 617.1407, s. 617.1408, or s. 617.1409 are not personally liable to the claimants of the dissolved corporation.

(2) For a claim that is not barred by s. 617.1407 or s. 617.1408, or by any other law, limiting actions may be enforced:

(a) Against the dissolved corporation, to the extent of its undistributed assets; or

(b) Except as provided in s. 617.1409(4), if the assets have been distributed in liquidation, against a member of the dissolved corporation to the extent of the member's pro rata share of the claim or the corporate assets distributed to the member in liquidation, whichever is less, provided that the aggregate liability of any member of a dissolved corporation arising under s. 617.1408 or otherwise may not exceed the total amount distributed to the member in dissolution.

**Section 75. Subsection (1) of section 617.1420, Florida Statutes, is amended, and subsections (3) and (4) are added to that section, to read:**

617.1420 Grounds for administrative dissolution.—

(1) The department ~~of State~~ may commence a proceeding under s. 617.1421 to administratively dissolve a corporation if:

(a) The corporation has failed to file its annual report and pay the annual report filing fee by 5 p.m. Eastern Time on the third Friday in September;

(b) The corporation is without a registered agent or registered office in this state for 30 days or more;

(c) The corporation does not notify the department ~~of State~~ within 30 days after its registered agent or registered office has been changed, after its registered agent has resigned, or after its registered office has been discontinued;

(d) The corporation has failed to answer truthfully and fully, within the time prescribed by this chapter ~~act~~, interrogatories propounded by the department ~~of State~~; or

(e) The corporation's period of duration stated in its articles of incorporation has expired.

(3) If the department determines that one or more grounds exist for administratively dissolving a corporation under paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d), the department shall serve notice in a record to the corporation of its intent to administratively dissolve the corporation. Issuance of the notice may be made by electronic transmission to a corporation that has provided the department with an e-mail address.

(4) If, within 60 days after sending the notice of intent to administratively dissolve pursuant to subsection (3), a corporation does not correct each ground for dissolution under paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d), or demonstrate to the reasonable satisfaction of the department that each ground determined by the department

does not exist, the department shall dissolve the corporation administratively and issue to the corporation a notice in a record of administrative dissolution that states the grounds for dissolution. Issuance of the notice of administrative dissolution may be made by electronic transmission to a corporation that has provided the department with an e-mail address.

**Section 76. Subsections (1), (2), and (4) of section 617.1421, Florida Statutes, are amended, and subsection (3) of that section is reenacted, to read:**

617.1421 Procedure for and effect of administrative dissolution.—

(1) If the department ~~of State~~ determines that one or more grounds exist under s. 617.1420 for administratively dissolving a corporation, it shall serve the corporation with notice of its intent under s. 617.0504(2) to administratively dissolve the corporation. If the corporation has provided the department with an e-mail ~~electronic mail~~ address, such notice shall be by electronic transmission. Administrative dissolution for failure to file an annual report shall occur on the fourth Friday in September of each year. The department ~~of State~~ shall issue a certificate of dissolution to each dissolved corporation. Issuance of the certificate of dissolution may be by electronic transmission to any corporation that has provided the department with an e-mail ~~electronic mail~~ address.

(2) If the corporation does not correct each ground for dissolution under s. 617.1420(1)(b), (c), (d), or (e) or demonstrate to the reasonable satisfaction of the department ~~of State~~ that each ground determined by the department does not exist within 60 days after issuance of the notice, the department shall administratively dissolve the corporation by issuing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. Issuance of the certificate of dissolution may be by electronic transmission to any corporation that has provided the department with an e-mail ~~electronic mail~~ address.

(3) A corporation administratively dissolved continues its corporate existence but may not conduct any affairs except that necessary to wind up and liquidate its affairs under s. 617.1405 and adopt a plan of distribution of assets pursuant to s. 617.1406.

(4) A director, officer, or agent of a corporation dissolved pursuant to this section, purporting to act on behalf of the corporation, is not personally liable for the debts, obligations, and liabilities of the corporation arising from such action and incurred subsequent to the corporation's administrative dissolution unless that officer, director, or agent ~~only if he or she~~ has actual notice of the administrative dissolution at the time such action is taken. Any~~; but~~ such liability shall be terminated upon the ratification of such

action by the corporation's board of directors or members subsequent to the reinstatement of the corporation.

**Section 77. Section 617.1430, Florida Statutes, is amended to read:**

617.1430 Grounds for judicial dissolution.—A circuit court may dissolve a corporation or order such other remedy as provided in s. 617.1432 or s. 617.1434:

(1)(a) In a proceeding by the Department of Legal Affairs if it is established that:

1. The corporation obtained its articles of incorporation through fraud; or

2. The corporation has exceeded or abused, or is continuing to exceed or abuse ~~continued to exceed or abuse~~ the authority conferred upon it by law.

(b) The enumeration in paragraph (a) of grounds for judicial dissolution does not exclude actions or special proceedings by the Department of Legal Affairs or any state official for the annulment or dissolution of a corporation for other causes as provided by law.

(2) In a proceeding brought by at least 50 members or members holding at least 10 percent of the voting power, whichever is less, or by a member or group or percentage of members as otherwise provided in the articles of incorporation or bylaws, or by a director or any person authorized in the articles of incorporation, if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the members are unable to break the deadlock, and irreparable injury to the corporation or its mission is threatened or being suffered because of the deadlock;

(b) The members are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired or would have expired upon qualification of their successors; ~~or~~

(c) The corporate assets are being misapplied or wasted;

(d) The directors or those in control of the corporation have acted, are acting, or are reasonably expected to act in a manner that is illegal or fraudulent; or

(e) The corporation has insufficient assets to continue its activities and is no longer able to assemble a quorum of directors or members.

(3) In a proceeding by a creditor if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent.

(4) In a proceeding by the corporation to have its

voluntary dissolution continued under court supervision.

**Section 78. Section 617.1431, Florida Statutes, is amended to read:**

617.1431 Procedure for judicial dissolution.—

(1) Venue for a proceeding brought under s. 617.1430 lies in the circuit court of the applicable county ~~where the corporation's principal office is or was last located, as shown by the records of the Department of State, or, if none in this state, where its registered office is or was last located~~.

(2) It is not necessary to make members or directors parties to a proceeding to dissolve a corporation unless relief is sought against them individually.

(3) A court in a proceeding brought to dissolve a corporation may issue injunctions, appoint a receiver or custodian during the proceeding ~~pendente lite~~ with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the affairs of the corporation until a full hearing can be held.

(4) If the court determines that any party has commenced, continued, or participated in a proceeding under s. 617.1430, and has acted arbitrarily, frivolously, vexatiously, or in bad faith, the court may award reasonable attorney fees and costs to the other parties to the proceeding who have been affected adversely by such actions.

**Section 79. Subsections (1) through (5) of section**

**617.1432, Florida Statutes, are amended to read:**

617.1432 Receivership or custodianship.—

(1) A court in a judicial proceeding brought under s. 617.1430 to dissolve a corporation may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage, the affairs of the corporation, except as otherwise provided herein. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. The court appointing a receiver or custodian has exclusive jurisdiction over the corporation and all of its property wherever located. A court may not appoint a custodian or a receiver in a judicial proceeding brought under s. 617.1430(2)(a) or s. 617.1430(2)(b) if the members, directors, or any person authorized in the articles of incorporation, by agreement or otherwise, or a court pursuant to s. 617.1435, have provided for the appointment of a provisional director or other means for the resolution of the deadlock, but the court may enforce the remedy so provided, if appropriate.

(2) The court may appoint a natural person or an eligible entity ~~a corporation~~ authorized to act as a receiver or custodian. The eligible entity ~~corporation~~ may be a domestic ~~corporation~~ or a foreign eligible entity ~~corporation~~ authorized to transact business in this state. The court may require the receiver or custodian to post bond, with or without sureties, in

an amount the court directs.

(3) The court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:

(a) The receiver:

1. May dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the court; and

2. May sue and defend in the receiver's ~~his or her~~ own name as receiver of the corporation in all courts of this state.

(b) The custodian may exercise all of the powers of the corporation, through or in place of its board of directors or officers, to the extent necessary to manage the affairs of the corporation in the best interests of its members and creditors.

(4) The court during a receivership may redesignate the receiver to act as a custodian, and during a custodianship may redesignate the custodian to act as a receiver, if doing so is consistent with the mission of the corporation and in the best interests of the corporation, and its members, if any, and creditors. The court may amend the order designating the receiver as custodian and custodian as receiver as the court deems appropriate.

(5) The court from time to time during the receivership or custodianship may order compensation paid and expense disbursements or reimbursements made to the receiver or

custodian and ~~his or her~~ counsel for the receiver or custodian from the assets of the corporation or proceeds from the sale of the assets.

**Section 80. Section 617.1433, Florida Statutes, is amended to read:**

617.1433 Judgment of dissolution.—

(1) If after a hearing in a proceeding under s. 617.1430 the court determines that one or more grounds for judicial dissolution described in s. 617.1430 exist, it may enter a judgment dissolving the corporation and specifying the effective date of the dissolution, and the clerk of the court shall deliver a certified copy of the judgment to the department ~~of State~~, which shall file it.

(2) After entering the judgment of dissolution, the court shall direct or oversee the winding up and liquidation of the corporation's affairs in accordance with ss. 617.1405 and 617.1406, and the notification of claimants in accordance with ss. 617.1407 and 617.1408, subject to ~~the provisions of~~ subsection (3).

(3) In a proceeding for judicial dissolution, the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims, it shall fix a date, which shall be not less than 4 months after the date of

the order, as the last day for filing of claims. The court shall prescribe the method by which such notice for the deadline for filing claims ~~that~~ shall be given to creditors and claimants. Before ~~Prior to~~ the fixed date ~~so fixed~~, the court may extend the time for the filing of claims by court order. Creditors and claimants failing to file proofs of claim on or before the fixed date ~~so fixed~~ may be barred, by order of court, from participating in the distribution of the assets of the corporation. ~~Nothing in~~ This section does not affect ~~affects~~ the enforceability of any recorded mortgage or lien or the perfected security interest or rights of a person in possession of real or personal property.

**Section 81. Section 617.1434, Florida Statutes, is created to read:**

617.1434 Alternative remedies to judicial dissolution.—

(1) In a proceeding under s. 617.1430, the court may, as an alternative to directing the dissolution of the corporation and upon a showing of sufficient merit to warrant such remedy:

(a) Appoint a receiver or a custodian during the proceeding as provided in s. 617.1432;

(b) Appoint a provisional director as provided in s. 617.1435; or

(c) Make any order or grant any equitable relief other than dissolution as in its discretion it may deem appropriate.

(2) Alternative remedies, such as the appointment of a

receiver or custodian, may also be ordered upon a showing of sufficient merit to warrant such remedy, in advance of directing the dissolution of the corporation or, after a judgment of dissolution is entered, to assist in facilitating the winding up of the corporation.

**Section 82. Section 617.1435, Florida Statutes, is created to read:**

617.1435 Provisional director.—

(1)(a) In a proceeding under s. 617.1430(2), the court may appoint a provisional director if it appears that such appointment will remedy the grounds alleged by the complaining members or director to support the jurisdiction of the court under s. 617.1430. A provisional director may be appointed notwithstanding the absence of a vacancy on the board of directors, and such director has all the rights and powers of a duly elected director, including the right to notice of and to vote at meetings of directors.

(b) A provisional director retains the rights described in paragraph (a) until such time as the provisional director is removed by order of the court or, unless otherwise ordered by a court, removed by a vote of the members or directors sufficient either to elect a majority of the board of directors or, if greater than majority voting is required by the articles of incorporation or the bylaws, to elect the requisite number of directors needed to take action. A provisional director shall be

an impartial person who is neither a member nor a creditor of the corporation or of any subsidiary or affiliate of the corporation, and whose further qualifications, if any, may be determined by the court.

(2) The provisional director shall report to the court as ordered by the court concerning the matter complained of, or the status of the deadlock, if any, and of the status of the corporation's affairs, as the court shall direct. A provisional director is not liable for any action taken or decision made, except as directors may be liable under s. 617.0831. In addition, the provisional director must submit to the court, if so directed, recommendations as to the appropriate disposition of the action. Whenever a provisional director is appointed, any officer or director of the corporation may petition the court for instructions clarifying the duties and responsibilities of such officer or director.

(3) In any proceeding under which a provisional director is appointed pursuant to this section, the court must allow reasonable compensation to the provisional director for services rendered and reimbursement or direct payment of reasonable costs and expenses, which amounts shall be paid by the corporation.

**Section 83. Section 617.1440, Florida Statutes, is amended to read:**

617.1440 Deposit with Department of Financial Services.—Unless otherwise provided in ss. 617.1407-617.1409, assets of a

dissolved corporation that should be transferred to a creditor, claimant, member of the corporation, or other person who cannot be found or who is not competent to receive them must ~~shall~~ be deposited, or reduced to cash and deposited, as appropriate, within 6 months after the date fixed for the payment of the final liquidating distribution, with the Department of Financial Services for safekeeping, where such assets shall be held as abandoned property. When the creditor, claimant, member, or other person furnishes satisfactory proof of entitlement to the amount or assets deposited, the Department of Financial Services shall pay the creditor, claimant, member, or other person, or their ~~him or her or his or her~~ representative for that creditor, claimant, member or other person, that amount or those assets.

**Section 84. Section 617.15015, Florida Statutes, is created to read:**

617.15015 Foreign corporation governing law.—

(1) The laws of this state or other jurisdiction under which a foreign corporation exists govern:

(a) The organization and internal affairs of the foreign corporation; and

(b) The interest holder liability of its members.

(2) A foreign corporation may not be denied a certificate of authority by reason of a difference between the laws of its jurisdiction of formation and the laws of this state.

(3) A certificate of authority does not authorize a

foreign corporation to engage in any business or exercise any power that a corporation may not engage in or exercise in this state.

**Section 85. Subsection (4) of section 617.1502, Florida Statutes, is amended, and subsections (6), (7), and (8) are added to that section, to read:**

617.1502 Consequences of conducting affairs without authority.—

(4) A foreign corporation which conducts its affairs in this state without authority to do so is ~~shall be~~ liable to this state for the years or parts thereof during which it conducted its affairs in this state without authority in an amount equal to all fees and taxes which would have been imposed by this chapter ~~act~~ upon such corporation had it duly applied for and received authority to conduct its affairs in this state as required by this chapter ~~act~~. In addition to the payments ~~thus~~ prescribed in this subsection, such corporation is ~~shall be~~ liable for a civil penalty of not less than $500 or more than $1,000 for each year or part thereof during which it conducts its affairs in this state without a certificate of authority. The department ~~of State~~ may collect all penalties due under this subsection.

(6) A member, an officer, or a director of a foreign corporation is not liable for the debts, obligations, or other liabilities of the foreign corporation solely because the

foreign corporation transacted business in this state without a certificate of authority.

(7) Section 617.15015(1) applies even if a foreign corporation fails to have a certificate of authority to transact business in this state.

(8) If a foreign corporation transacts business in this state without a certificate of authority or cancels its certificate of authority, it appoints the Secretary of State as its agent for service of process in proceedings and actions arising out of the transaction of business in this state.

**Section 86. Subsections (1) and (3) of section 617.1503, Florida Statutes, are amended to read:**

617.1503 Application for certificate of authority.—

(1) A foreign corporation may apply for a certificate of authority to conduct its affairs in this state by delivering an application to the department ~~of State~~ for filing. Such application must ~~shall~~ be made on forms prescribed and furnished by the department ~~of State~~ and must ~~shall~~ set forth:

(a) The name of the foreign corporation or, if its name is unavailable for use in this state, a corporate name that satisfies the requirements of s. 617.1506;

(b) The jurisdiction under the law of which it is incorporated;

(c) Its date of incorporation and period of duration;

(d) The purpose or purposes which it intends to pursue in

this state and a statement that it is authorized to pursue such purpose or purposes in the jurisdiction of its incorporation;

(e) The street address of its principal office;

(f) The address of its registered office in this state and the name of its registered agent at that office;

(g) The names and usual business addresses of its current directors and officers; and

(h) Such additional information as may be necessary or appropriate in order to enable the department ~~of State~~ to determine whether such corporation is entitled to file an application for authority to conduct its affairs in this state and to determine and assess the fees and taxes payable as prescribed in this chapter ~~act~~.

~~(3) A foreign corporation may not be denied authority to conduct its affairs in this state by reason of the fact that the laws of the jurisdiction under which such corporation is organized governing its organization and internal affairs differ from the laws of this state.~~

**Section 87. Section 617.1504, Florida Statutes, is amended to read:**

617.1504 Amended certificate of authority.—

(1) A foreign corporation authorized to conduct its affairs in this state shall make application to the department ~~of State~~ to obtain an amended certificate of authority if it changes:

(a) Its corporate name;

(b) The period of its duration;

(c) The purpose or purposes which it intends to pursue in this state; ~~or~~

(d) The jurisdiction of its incorporation; or

(e) The name and street address in this state of the foreign corporation's registered agent in this state, unless the change was timely made in accordance with s. 617.1508.

(2) Such application must ~~shall~~ be made within 90 days after the occurrence of any change mentioned in subsection (1)~~, shall be made~~ on forms prescribed by the department, and must ~~shall~~ be executed and filed in the same manner as an original application for authority, and must ~~shall~~ set forth:

(a) The name of the foreign corporation as it appears on the department's records;

(b) The jurisdiction of its incorporation;

(c) The date it was authorized to conduct its affairs in this state;

(d) If the name of the foreign corporation has changed, the name relinquished, the new name, a statement that the change of name has been effected under the laws of the jurisdiction of its incorporation, and the date the change was effected;

(e) If the period of duration has changed, a statement of such change and the date the change was effected;

(f) If the jurisdiction of incorporation has changed, a

statement of such change and the date the change was effected; and

(g) If the purposes that the foreign corporation intends to pursue in this state have changed, a statement of such new purposes, and a further statement that the foreign corporation is authorized to pursue such purposes in the jurisdiction of its incorporation.

(3) The requirements of s. 617.1503 for obtaining an original certificate of authority apply to obtaining an amended certificate under this section unless the official having custody of the foreign corporation's publicly filed records in its jurisdiction of incorporation did not require an amendment to effectuate the change on its records.

(4) Subject to subsection (3), a foreign corporation authorized to transact business in this state may make an application to the department to obtain an amended certificate of authority to add, remove, or change the name, title, capacity, or address of an officer or director of the foreign corporation.

**Section 88. Section 617.1505, Florida Statutes, is amended to read:**

617.1505 Effect of certificate of authority.—

(1) Unless the department determines that an application for a certificate of authority does not comply with the filing requirements of this chapter, upon payment of all filing fees, a

certificate of authority authorizes the foreign corporation to which it is issued to conduct its affairs in this state subject, however, to the right of the department ~~of State~~ to suspend or revoke the certificate as provided in this chapter ~~act~~.

(2) A foreign corporation with a valid certificate of authority has the same but no greater rights and has the same but no greater privileges as, and except as otherwise provided by this chapter ~~act~~ is subject to the same duties, restrictions, penalties, and liabilities now or later imposed on, a domestic corporation of like character.

~~(3) This act does not authorize this state to regulate the organization or internal affairs of a foreign corporation authorized to conduct its affairs in this state.~~

**Section 89. Section 617.1506, Florida Statutes, is amended to read:**

617.1506 Corporate name of foreign corporation.—

(1) A foreign corporation whose name is unavailable under or whose name does not otherwise comply with s. 617.0401 must use an alternate name that complies with s. 617.0401 to transact business in this state. An alternate name adopted for use in this state must be cross-referenced to the actual name of the foreign corporation in the records of the Division of Corporations, provided that no cross-reference is required if the alternate name involves no more than adding the suffix "corporation" or "incorporated" or the abbreviation "Corp.," or

"Inc.," or the designation "Corp" or "Inc" to the name; provided that the name of a foreign corporation may not contain the word "company" or the abbreviation "co." If the actual name of the foreign corporation subsequently becomes available in this state and the foreign corporation elects to operate in this state under its actual name, or the foreign corporation chooses to change its alternate name, a record approving the election or change, as the case may be, by its board of directors or by its members if such members are entitled to vote on such a record, and signed as required pursuant to s. 617.01201, must be delivered to the department for filing ~~may not file an application for a certificate of authority unless the corporate name of such corporation satisfies the requirements of s. 617.0401. To obtain or maintain a certificate of authority to transact business in this state, the foreign corporation:~~

~~(a) May add the word "corporation" or "incorporated" or the abbreviation "corp." or "inc." or words of like import, which clearly indicate that it is a corporation instead of a natural person or partnership or other business entity; however, the name of a foreign corporation may not contain the word "company" or the abbreviation "co."; or~~

~~(b) May use an alternate name to transact business in this state if its real name is unavailable. Any alternate corporate name adopted for use in this state must be cross-referenced to the real corporate name in the records of the Division of~~

~~Corporations. If the real corporate name of the corporation becomes available in this state or if the corporation chooses to change its alternate name, a copy of the resolution of its board of directors, changing or withdrawing the alternate name and executed as required by s. 617.01201, must be delivered for filing~~.

(2) The corporate name, including the alternate name, of a foreign corporation must be distinguishable, within the records of the Division of Corporations, from:

(a) Any corporate name of a corporation for profit incorporated or authorized to transact business in this state.

(b) The alternate name of another foreign corporation authorized to transact business in this state.

(c) The corporate name of a nonprofit ~~not-for-profit~~ corporation incorporated or authorized to transact business in this state.

(d) The names of all other entities or filings, except fictitious name registrations pursuant to s. 865.09, organized, or registered under the laws of this state, that are on file with the Division of Corporations.

(3) A foreign corporation that adopts an alternate name under subsection (1) and obtains a certificate of authority with the alternate name need not comply with s. 865.09 with respect to the alternate name.

(4) So long as a foreign corporation maintains a

certificate of authority with an alternate name, it may transact business in this state under the alternate name unless the foreign corporation is authorized under s. 865.09 to transact business in this state under another name.

(5) If a foreign corporation authorized to transact business in this state changes its corporate name to one that does not satisfy the requirements of s. 617.0401, such corporation may not transact business in this state under the changed name until the corporation adopts a name satisfying the requirements of s. 617.0401 and obtains an amended certificate of authority under s. 617.1504.

(6) Notwithstanding this section, a foreign corporation may register under a name that is not otherwise distinguishable on the records of another entity registered with the department if:

(a) The other entity consents to the use and submits an undertaking in a form satisfactory to the Secretary of State to change its name to a name that is distinguishable upon the records of the department from the name of the applying corporation; or

(b) The applicant delivers to the department a certified copy of a final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in the state.

**Section 90. Subsections (2) and (3) of section 617.1507,**

**Florida Statutes, are amended, and subsection (4), (5), and (6) are added to that section, to read:**

617.1507 Registered office and registered agent of foreign corporation.—

(2) Each initial ~~A~~ registered agent, and each ~~appointed pursuant to this section or a~~ successor registered agent appointed pursuant to s. 617.1508 on whom process may be served shall ~~each~~ file a statement in writing with the department ~~of State~~, in the ~~such~~ form and manner ~~as shall be~~ prescribed by the department, accepting the appointment as a registered agent while simultaneously ~~with his or her~~ being designated as the registered agent. Such statement of acceptance shall state that the registered agent is familiar with, and accepts, the obligations of that position.

(3) The duties of a registered agent are:

(a) To forward to the foreign corporation at the address most recently supplied to the registered agent by the foreign corporation, a process, notice, or demand pertaining to the foreign corporation which is served on or received by the registered agent; and

(b) If the registered agent resigns, to provide the statement required under s. 617.1509 to the foreign corporation at the address most recently supplied to the registered agent by the foreign corporation ~~For purposes of this section, "authorized entity" means:~~

~~(a) A corporation for profit;~~

~~(b) A limited liability company;~~

~~(c) A limited liability partnership; or~~

~~(d) A limited partnership, including a limited liability limited partnership~~.

(4) The department shall maintain an accurate record of the registered agents and registered offices for service of process and promptly furnish any information disclosed thereby upon request and payment of the required fee.

(5) A foreign corporation may not prosecute or maintain any action in a court in this state until the foreign corporation complies with this section, pays to the department the amounts required by this chapter, and, to the extent ordered by a court of competent jurisdiction, pays to the department a penalty of $5 for each day it has failed to so comply, or $500, whichever is less.

(6) A court may stay a proceeding commenced by a foreign corporation until the corporation complies with this section.

**Section 91. Section 617.1508, Florida Statutes, is amended to read:**

617.1508 Change of registered office and registered agent of foreign corporation.—

(1) A foreign corporation authorized to conduct its affairs in this state may change its registered office or registered agent by delivering to the department ~~of State~~ for

filing a statement of change that sets forth:

(a) Its name;

(b) The street address of its current registered office;

(c) If the current registered office is to be changed, the street address of its new registered office;

(d) The name of its current registered agent; and

(e) If the current registered agent is to be changed, the name of its new registered agent and the new agent's written consent described in s. 617.1507(3), ~~(~~either on the statement or attached to it,~~)~~ to the appointment~~;~~

~~(f) That, after the change or changes are made, the street address of its registered office and the business office of its registered agent will be identical; and~~

~~(g) That any such change was authorized by resolution duly adopted by its board of directors or by an officer of the corporation so authorized by the board of directors~~.

(2) A statement of change is effective when filed by the department.

(3) If a registered agent changes the name or street address of the registered agent's ~~his or her~~ business office, they ~~he or she~~ may change the name or street address of the registered office of any foreign corporation for which they are ~~he or she is~~ the registered agent by notifying the corporation in writing of the change and signing, ~~(~~either manually or in facsimile,~~)~~ and delivering to the department ~~of State~~ for filing

a statement of change that complies with the requirements of paragraphs (1)(a)-(e) ~~(1)(a)-(f)~~ and recites that the corporation has been notified of the change.

(4) The changes described in this section may also be made on the foreign corporation's annual report or in an application for reinstatement filed with the department under s. 617.1422.

**Section 92. Section 617.1509, Florida Statutes, is amended to read:**

617.1509 Resignation of registered agent of foreign corporation.—

(1) The registered agent of a foreign corporation may resign as agent ~~his or her agency appointment~~ by signing and delivering to the department ~~of State~~ for filing a statement of resignation and mailing a copy of such statement to the corporation at the corporation's principal office address shown in its most recent annual report or, if none, shown in its application for a certificate of authority or other most recently filed document. After delivering the statement of resignation to the department for filing, the registered agent must promptly mail a copy to the foreign corporation at its current mailing address ~~The statement of resignation must state that a copy of such statement has been mailed to the corporation at the address so stated~~. The statement of resignation may include a statement that the registered office is also discontinued.

(2) A registered agent is terminated upon the earlier of:

(a) The 31st day after the department files the statement of resignation; or

(b) When a statement of change or other record designating a new registered agent is filed with the department ~~The agency appointment is terminated as of the 31st day after the date on which the statement was filed and, unless otherwise provided in the statement, termination of the agency acts as a termination of the registered office~~.

(3) When a statement of resignation takes effect, the registered agent ceases to have responsibility for a matter thereafter tendered to them as agent for the foreign corporation. The resignation does not affect contractual rights that the foreign corporation has against the agent or that the agent has against the foreign corporation.

(4) A registered agent may resign from a foreign corporation regardless of whether the foreign corporation has active status.

**Section 93. Section 617.15091, Florida Statutes, is created to read:**

617.15091 Delivery of notice or other communication.—

(1) Except as otherwise provided in this chapter, permissible means of delivery of a notice or other communication includes delivery by hand, the United States Postal Service, a commercial delivery service, and electronic transmission, all as

more particularly described in s. 617.0141.

(2) Except as provided in subsection (3), delivery to the department is effective only when a notice or other communication is received by the department.

(3) If a check is mailed to the department for payment of an annual report fee, the check is deemed to have been received by the department as of the postmark date appearing on the envelope or package transmitting the check if the envelope or the package is received by the department.

**Section 94. Section 617.1520, Florida Statutes, is amended to read:**

(Substantial rewording of section.
See s. 617.1520, F.S., for present text.)

617.1520 Withdrawal and cancellation of certificate of authority for foreign corporation.—

(1) To cancel its certificate of authority to conduct affairs in this state, a foreign corporation must deliver to the department for filing a notice of withdrawal of certificate of authority. The certificate of authority is canceled when the notice of withdrawal becomes effective pursuant to s. 617.0123. The notice of withdrawal of certificate of authority must be signed by an officer or a director and state all of the following:

(a) The name of the foreign corporation as it appears on the records with the department.

(b) The name of the foreign corporation's jurisdiction of incorporation.

(c) The date the foreign corporation was authorized to conduct affairs in this state.

(d) That the foreign corporation is withdrawing its certificate of authority in this state.

(e) That the foreign corporation revokes the authority of its registered agent to accept service on its behalf and appoints the Secretary of State as its agent for service of process based on a cause of action arising during the time it was authorized to conduct its affairs in this state.

(f) A mailing address and an e-mail address to which a party seeking to effectuate service of process may send a copy of any process served on the Secretary of State under paragraph (e).

(g) A commitment to notify the department in the future of any change in its mailing address or e-mail address.

(2) After the withdrawal of the foreign corporation is effective, service of process is on the Secretary of State using the procedures in s. 48.161 for service on the foreign corporation.

**Section 95. Section 617.1521, Florida Statutes, is created to read:**

617.1521 Withdrawal of certificate of authority deemed on conversion to domestic filing entity.—A foreign corporation

authorized to conduct affairs in this state that converts to a domestic corporation or another domestic eligible entity that is organized, incorporated, registered, or otherwise formed through the delivery of a record to the department for filing is deemed to have withdrawn its certificate of authority on the effective date of the conversion.

**Section 96. Section 617.1522, Florida Statutes, is created to read:**

617.1522 Withdrawal on dissolution, merger, or conversion to certain non-filing entities.—

(1) A foreign corporation that is authorized to conduct affairs in this state that has dissolved and completed winding up, has merged into a foreign eligible entity that is not authorized to conduct affairs in this state, or has converted to a domestic or foreign eligible entity that is not organized, incorporated, registered, or otherwise formed through the public filing of a record, must deliver a notice of withdrawal of certificate of authority to the department for filing in accordance with s. 617.1520.

(2) After a withdrawal under this section of a foreign corporation that has converted to another type of entity is effective, service of process in any action or proceeding based on a cause of action arising during the time the foreign corporation was authorized to conduct affairs in this state may be made pursuant to s. 617.1510.

**Section 97. Section 617.1523, Florida Statutes, is created to read:**

617.1523 Action against foreign corporation by Department of Legal Affairs.—The Department of Legal Affairs may maintain an action to enjoin a foreign corporation from conducting affairs in this state in violation of this chapter.

**Section 98. Section 617.1530, Florida Statutes, is amended to read:**

617.1530 ~~Grounds for~~ Revocation of certificate of authority to transact business.—

(1) A ~~conduct affairs.—The Department of State may commence a proceeding under s. 617.1531 to revoke the~~ certificate of authority of a foreign corporation to transact business ~~authorized to conduct its affairs~~ in this state may be revoked by the department if:

(a) ~~(1)~~ The foreign corporation does not deliver ~~has failed to file~~ its annual report to ~~with~~ the department ~~of State~~ by 5 p.m. Eastern Time on the third Friday in September of each year; ~~.~~

(b) ~~(2)~~ The foreign corporation does not pay a fee or penalty due to~~, within~~ the department under ~~time required by~~ this chapter; ~~act, any fees, taxes, or penalties imposed by this act or other law.~~

(c) ~~(3)~~ The foreign corporation does not appoint and maintain ~~is without~~ a registered agent as required by s.

617.1507; ~~or registered office in this state for 30 days or more.~~

~~(4) The foreign corporation does not notify the Department of State under s. 617.1508 or s. 617.1509 that its registered agent has resigned or that its registered office has been discontinued within 30 days after the date of such resignation or discontinuance.~~

(d) ~~(5)~~ The foreign corporation does not deliver for filing a statement of a change under s. 617.1508 within 30 days after the change in the name or address of the agent has occurred, unless, within 30 days after the change occurred, either:

1. The registered agent files a statement of change under s. 617.1508; or

2. The change was made in accordance with s. 617.1508(4) or s. 617.1504(1)(e);

(e) The foreign corporation has failed to amend its certificate of authority to reflect a change in its name on the records of the department or its jurisdiction of incorporation;

(f) The foreign corporation's period of duration stated in its articles of incorporation has expired;

(g) An incorporator, director, officer, or agent of the foreign corporation signs ~~signed~~ a document that he or she knew was false in a ~~any~~ material respect with the intent that the document be delivered to the department ~~of State~~ for filing;~~.~~

(h) ~~(6)~~ The department receives a duly authenticated

certificate from the secretary of state or other official having custody of corporate records in the jurisdiction under the law of which the foreign corporation is incorporated stating that it has been dissolved or is no longer active on the official's record; or ~~disappeared as the result of a merger.~~

(i)~~(7)~~ The foreign corporation has failed to answer truthfully and fully, within the time prescribed by this chapter ~~act~~, interrogatories propounded by the department ~~of State~~.

(2) Revocation of a foreign corporation's certificate of authority for failure to file an annual report shall occur on the fourth Friday in September of each year. The department shall issue a notice in a record of the revocation to the revoked foreign corporation. Issuance of the notice may be made by electronic transmission to a foreign corporation that has provided the department with an e-mail address.

(3) If the department determines that one or more grounds exist under paragraph (1)(b) for revoking a foreign corporation's certificate of authority, the department shall issue a notice in a record to the foreign corporation of the department's intent to revoke the certificate of authority. Issuance of the notice may be made by electronic transmission to a foreign corporation that has provided the department with an e-mail address.

(4) If, within 60 days after the department sends the notice of intent to revoke in accordance with subsection (3),

and the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the department that each ground determined by the department does not exist, the department shall revoke the foreign corporation's authority to transact business in this state and issue a notice in a record of revocation which states the grounds for revocation. Issuance of the notice may be made by electronic transmission to a foreign corporation that has provided the department with an e-mail address.

(5) Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

**Section 99. Section 617.15315, Florida Statutes, is created to read:**

617.15315 Reinstatement following revocation.—

(1) A foreign corporation whose certificate of authority has been revoked pursuant to s. 617.1530 or former s. 617.1531 may apply to the department for reinstatement at any time after the effective date of revocation of authority. The foreign corporation applying for reinstatement must submit all fees and penalties then owed by the foreign corporation at rates provided by law at the time the foreign corporation applies for reinstatement, together with an application for reinstatement prescribed and furnished by the department, which is signed by both the registered agent and an officer or director of the

foreign corporation and states:

(a) The name under which the foreign corporation is authorized to conduct affairs in this state.

(b) The street address of the foreign corporation's principal office and mailing address.

(c) The jurisdiction of the foreign corporation's formation and the date on which it became qualified to conduct affairs in this state.

(d) The foreign corporation's federal employer identification number or, if none, whether one has been applied for.

(e) The name, title or capacity, and address of at least one officer or director of the foreign corporation.

(f) Additional information that is necessary or appropriate to enable the department to carry out this chapter.

(2) In lieu of the requirement to file an application for reinstatement as described in subsection (1), a foreign corporation whose certificate of authority has been revoked may submit all fees and penalties owed by the corporation at the rates provided by law at the time the corporation applies for reinstatement, together with a current annual report, signed by both the registered agent and an officer or director of the corporation, which contains the information described in subsection (1).

(3) If the department determines that an application for

reinstatement contains the information required under subsection (1) or subsection (2) and that the information is correct, upon payment of all required fees and penalties, the department shall reinstate the foreign corporation's certificate of authority.

(4) When a reinstatement becomes effective, it relates back to and takes effect as of the effective date of the revocation of authority, and the foreign corporation may operate in this state as if the revocation of authority had never occurred.

(5) The name of the foreign corporation whose certificate of authority has been revoked is not available for assumption or use by another eligible entity until 1 year after the effective date of revocation of authority unless the corporation provides the department with a record signed as required by s. 617.01201, which authorizes the immediate assumption or use of the name by another eligible entity.

(6) If the name of the foreign corporation applying for reinstatement has been lawfully assumed in this state by another eligible entity, the department must require the foreign corporation to comply with s. 617.1506 before accepting its application for reinstatement.

**Section 100. Section 617.1532, Florida Statutes, is amended to read:**

(Substantial rewording of section.

See s. 617.1532, F.S., for present text.)

617.1532 Judicial review of denial of reinstatement.—

(1) If the department denies a foreign corporation's application for reinstatement after revocation of its certificate of authority, the department shall serve the foreign corporation pursuant to s. 617.1510 with a written notice that explains the reasons for the denial.

(2) Within 30 days after service of a notice of denial of reinstatement, a foreign corporation may appeal the department's denial by petitioning the Circuit Court of Leon County to set aside the revocation. The petition must be served on the department and contain a copy of the department's notice of revocation, the foreign corporation's application for reinstatement, and the department's notice of denial.

(3) The circuit court may order the department to reinstate the certificate of authority of the foreign corporation or take other action the court considers appropriate.

(4) The circuit court's final decision may be appealed as in other civil proceedings.

**Section 101. Section 617.1601, Florida Statutes, is amended to read:**

617.1601 Corporate records.—

(1) A corporation shall maintain the following records:

(a) Its articles of incorporation, as currently in effect.

(b) Its bylaws, as currently in effect.

(c) If the corporation has members, the minutes of all members' meetings and records of all action taken by members without a meeting for the past 3 years.

(d) The minutes of all meetings of its board of directors, a record of all actions taken by the board of directors without a meeting, and a record of all actions taken by a committee of the board of directors in place of the board of directors on behalf of the corporation.

(e) If the corporation has members, all written communications within the past 3 years to members generally or to members of a class, including the financial statements furnished for the past 3 years under s. 617.1605.

(f) A list of the names and business street addresses, or the home street addresses if there is no business street address, of its current directors and officers.

(g) Its most recent annual report delivered to the department under s. 617.1622 ~~keep as records minutes of all meetings of its members and board of directors, a record of all actions taken by the members or board of directors without a meeting, and a record of all actions taken by a committee of the board of directors in place of the board of directors on behalf of the corporation~~.

(2) A corporation shall maintain ~~accurate~~ accounting records in a form that permits preparation of its financial statements as required by s. 617.1605.

(3) If a corporation has members, a corporation or its agent must ~~shall~~ maintain a record of its members in a form that permits preparation of a list of the names and addresses, which may be an e-mail address or other electronic contact information, of all members in alphabetical order by class of ~~voting~~ members. This subsection does not require the corporation to include the e-mail address or other electronic contact information of a member in such record.

(4) A corporation shall maintain the ~~its~~ records specified in this section in a manner that allows them to be made available for inspection ~~written form or in another form capable of conversion into written form~~ within a reasonable time.

~~(5) A corporation shall keep a copy of the following records:~~

~~(a) Its articles of incorporation or restated articles of incorporation and all amendments to them currently in effect.~~

~~(b) Its bylaws or restated bylaws and all amendments to them currently in effect.~~

~~(c) The minutes of all members' meetings and records of all action taken by members without a meeting for the past 3 years.~~

~~(d) Written communications to all members generally or all members of a class within the past 3 years, including the financial statements furnished for the past 3 years under s. 617.1605.~~

~~(e) A list of the names and business street, or home if there is no business street, addresses of its current directors and officers.~~

~~(f) Its most recent annual report delivered to the Department of State under s. 617.1622.~~

**Section 102. Section 617.1602, Florida Statutes, is amended to read:**

617.1602 Inspection of records by members.—

(1) A member of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office or at a reasonable location specified by the corporation, any of the records of the corporation described in s. 617.1601(1) ~~s. 617.1601(5)~~, excluding minutes of meetings of, and records of actions taken without a meeting by, the corporation's board of directors and any committee of the corporation, if the member delivers to ~~gives~~ the corporation written notice of the member's ~~his or her~~ demand at least 5 ~~10~~ business days before the date on which the member ~~he or she~~ wishes to inspect and copy.

(2) A member of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the member meets the requirements of subsection (3) and gives the corporation written notice of the member's ~~his or her~~ demand at least 5 ~~10~~ business days before

the date on which the member ~~he or she~~ wishes to inspect and copy:

(a) Excerpts from minutes of any meeting of, or records of any actions taken without a meeting by, the corporation's board of directors and board committees of the corporation maintained in accordance with s. 617.1601(1)(d);~~, records of any action of a committee of the board of directors while acting in place of the board of directors on behalf of the corporation, minutes of any meeting of the members, and records of action taken by the members or board of directors without a meeting, to the extent not subject to inspection under subsection (1).~~

(b) Accounting records of the corporation;~~.~~

(c) The record of members maintained in accordance with s. 617.1601(3); and~~.~~

(d) Any other books and records.

(3) A member may inspect and copy the records described in subsection (2) only if:

(a) The member's demand is made in good faith and for a proper purpose;

(b) The member's demand ~~member~~ describes with reasonable particularity the member's ~~his or her~~ purpose and the records the member ~~he or she~~ desires to inspect; and

(c) The records are directly connected with the member's purpose.

(4) The corporation may impose reasonable restrictions on

the disclosure, use, or distribution of, and reasonable obligations to maintain the confidentiality of, records described in subsection (2).

(5) For any meeting of members for which the record date for determining members entitled to vote at the meeting is different than the record date for notice of the meeting, any person who becomes a member after the record date for notice of the meeting and is entitled to vote at the meeting is entitled to obtain from the corporation upon request the notice and any other information provided by the corporation to members in connection with the meeting, unless the corporation has made such information generally available to members by posting it on its website or by other generally recognized means. Failure of a corporation to provide such information does not affect the validity of action taken at the meeting.

(6) The right of inspection granted by this section may not be abolished or limited by a corporation's articles of incorporation or bylaws.

(7)~~(4)~~ This section does not affect:

(a) The right of a member in litigation with the corporation to inspect and copy records to the same extent as any other litigant; or~~.~~

(b) The power of a court, independently of this chapter, to compel the production of corporate records for examination and to impose reasonable restrictions as provided in s.

617.1604(3), provided that, in the case of production of records described in subsection (2) at the request of the member, the member has met the requirements of subsection (3).

(8) ~~(5)~~ A corporation may deny any demand for inspection made pursuant to subsection (2) if the demand was made for an improper purpose, or if the demanding member has within 2 years preceding the member's ~~his or her~~ demand sold or offered for sale any list of members of the corporation or any other corporation, has aided or abetted any person in procuring any list of members for any such purpose, or has improperly used any information secured through any prior examination of the records of the corporation or any other corporation.

(9) A member may not sell or otherwise distribute any information or records inspected under this section, except to the extent that such use is for a proper purpose.

(10) Without consent of the board of directors, a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a member's interest as a member. Without limiting the foregoing, without the consent of the board, a membership list or any part thereof may not be:

(a) Used to solicit money or property unless the money or property will be used solely to solicit the votes of the members;

(b) Used for any commercial purpose; or

(c) Sold to or purchased by any person.

(11)~~(6)~~ For purposes of this section, the term "member" includes a beneficial owner whose beneficial interest is ~~shares are~~ held in a voting trust or by a nominee on the individual's ~~his or her~~ behalf.

(12)~~(7)~~ For purposes of this section, a "proper purpose" means a purpose reasonably related to such person's interest as a member.

(13) The rights of a member to obtain records under subsections (1) and (2) apply to the records of subsidiaries of the corporation.

**Section 103. Section 617.1603, Florida Statutes, is amended to read:**

617.1603 Scope of inspection right.—

(1) A member's agent or attorney has the same inspection and copying rights as the member ~~he or she represents~~.

(2) The corporation may, if deemed reasonable, satisfy the right of a member to copy records under s. 617.1602 by furnishing to the member copies by such means as are chosen by the corporation, including furnishing copies through electronic delivery ~~The right to copy records under s. 617.1602 includes, if reasonable, the right to receive copies made by photographic, xerographic, or other means~~.

(3) The corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any documents provided to the member. The charge may not exceed the

estimated cost of production or reproduction of the records. If the records are kept in other than written form, the corporation must ~~shall~~ convert such records into written form upon the request of any person entitled to inspect the same. The corporation shall bear the reasonable costs of converting any records described in s. 617.1601(1) ~~s. 617.1601(5)~~. The requesting member shall bear the costs, including the cost of compiling the information requested, incurred to convert any records described in s. 617.1602(2).

(4) If requested by a member, the corporation shall comply with a member's demand to inspect the records of members under s. 617.1602(2)(c) by providing the member ~~him or her~~ with a list of its members of the nature described in s. 617.1601(3). Such a list must ~~shall~~ be compiled as of the last record date for which it has been compiled or as of a subsequent date if specified by the member.

**Section 104. Section 617.1604, Florida Statutes, is amended to read:**

617.1604 Court-ordered inspection.—

(1) If a corporation does not, within a reasonable time, allow a member who complies with s. 617.1602 to inspect and copy any record, and the member complies with any prerequisites to inspection and copying imposed by this section, the member may apply to the circuit court in the county where the corporation's principal office, or, if none in this state, its registered

office, is located for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited ~~summary~~ basis.

(2) If the court orders inspection or copying of the records demanded, it shall also order the corporation and the custodian of the particular records demanded to pay the member's costs, including reasonable attorney ~~attorney's~~ fees, reasonably incurred to obtain the order and enforce its rights under this section unless the corporation establishes that the corporation~~, or the officer, director, or agent, as the case may be, provides that it or he or she~~ refused inspection in good faith because it ~~or he or she~~ had:

(a) A reasonable basis for doubt about the right of the member to inspect or copy the records demanded; or

(b) Required reasonable restrictions on the disclosure, use, or distribution of, and reasonable obligations to maintain the confidentiality of, such records demanded to which the demanding member had been unwilling to agree.

(3) If the court orders inspection or copying of the records demanded, it may impose reasonable restrictions on their confidentiality and the use or distribution of the records by the demanding member.

**Section 105. Section 617.1605, Florida Statutes, is amended to read:**

617.1605 Financial reports for members.—

(1) A corporation, upon a member's written demand, shall furnish that member its latest annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries or affiliates, as appropriate, and which include a balance sheet as of the end of the fiscal year and a statement of operations for that year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on such basis.

(2) A corporation must deliver or make available the latest annual financial statements to such member within 5 business days after the request if the annual financial statements have already been prepared and are available. If the annual financial statements have not been prepared for the fiscal year requested, the corporation must notify the member within 5 business days that the annual financial statements have not yet been prepared and must deliver or make available such annual financial statements to the member within 60 days after the corporation receives the request, or within such additional time thereafter as is reasonably necessary to enable the corporation to prepare its annual financial statements if, for reasons beyond the corporation's control, it is unable to prepare its annual financial statements within the prescribed period.

(3) A corporation may fulfill its responsibilities under

this section by delivering the specified annual financial statements by posting the specified annual financial statements on its website or by any other generally recognized means.

(4) Notwithstanding subsections (1), (2), and (3):

(a) As a condition to delivering or making available annual financial statements to any requesting member, the corporation may require the requesting member to agree to reasonable restrictions on the confidentiality, use, and distribution of such annual financial statements; and

(b) The corporation may, if it reasonably determines that the member's request is not made in good faith or for a proper purpose, decline to deliver or make available such annual financial statements to that member.

(5) If a corporation does not respond to a member's request for annual financial statements pursuant to this section within the applicable period specified in subsection (2), all of the following apply:

(a) The requesting member may apply to the circuit court in the applicable county for an order requiring delivery of or access to the requested annual financial statements. The court shall dispose of an application under this subsection on an expedited basis.

(b) If the court orders delivery or access to the requested annual financial statements, it may impose reasonable restrictions on their confidentiality, use, or distribution.

(c) In such proceeding, if the corporation has declined to deliver or make available such annual financial statements because the member had been unwilling to agree to restrictions proposed by the corporation on the confidentiality, use, and distribution of such financial statements, the corporation has the burden of demonstrating that the restrictions proposed by the corporation were reasonable.

(d) In such a proceeding, if the corporation has declined to deliver or make available such annual financial statements pursuant to this section, the corporation has the burden of demonstrating that it reasonably determined that the member's request was not made in good faith or for a proper purpose.

(6) If the court orders delivery or access to the requested annual financial statements, it shall order the corporation to pay the member's expenses, including reasonable attorney fees, incurred to obtain such order unless the corporation establishes that it had refused delivery or access to the requested annual financial statements because the member had refused to agree to reasonable restrictions on the confidentiality, use, or distribution of the annual financial statements or that the corporation had reasonably determined that the member's request was not made in good faith or for a proper purpose.

**Section 106. Section 617.16051, Florida Statutes, is created to read:**

617.16051 Inspection rights of directors.—

(1) A director of a corporation is entitled to inspect and copy the books, records, and documents of the corporation at any reasonable time to the extent reasonably related to the performance of the director's duties as a director, including duties as a member of a board committee, but not for any other purpose or in any manner that would violate any duty to the corporation or attorney-client privilege or work-product privilege of the corporation.

(2) The circuit court of the applicable county may order inspection and copying of the books, records, and documents at the corporation's expense, upon application of a director who has been refused such inspection rights, unless the corporation establishes that the director is not entitled to such inspection rights. The court shall dispose of an application under this subsection on an expedited basis.

(3) If an order is issued, the court may include provisions protecting the corporation from undue burden or expense and prohibiting the director from using information obtained upon exercise of the inspection rights in a manner that would violate a duty to the corporation, and may also order the corporation to reimburse the director for the director's costs, including reasonable attorney fees, incurred in connection with the application.

**Section 107. Section 617.1622, Florida Statutes, is**

**amended to read:**

617.1622 Annual report for department ~~of State~~.—

(1) Each domestic corporation and each foreign corporation authorized to transact business ~~conduct its affairs~~ in this state shall deliver to the department ~~of State~~ for filing an ~~a~~ ~~sworn~~ annual report~~, on such form as the Department of State prescribes,~~ that states the following ~~sets forth~~:

(a) The name of the corporation or, if a foreign corporation, the name under which the foreign corporation is authorized to transact business in this state ~~and the state or country under the law of which it is incorporated~~;

(b) The date of its incorporation and ~~or~~, if a foreign corporation, the jurisdiction of its incorporation and the date on which it became qualified to transact business ~~was admitted to conduct its affairs~~ in this state;

(c) The street address of its ~~the~~ principal office and the mailing address of the corporation;

(d) The corporation's or foreign corporation's federal employer identification number, if any, or, if none, whether one has been applied for;

(e) The names and business street addresses of its directors and principal officers; and

(f) ~~The street address of its registered office in this state and the name of its registered agent at that office; and~~

~~(g)~~ Any ~~such~~ additional information that the department

has identified as ~~may be~~ necessary or appropriate to enable the department ~~of State~~ to carry out the provisions of this chapter ~~act~~.

(2) If an annual report contains the name and address of a registered agent which differs from the information shown in the records of the department immediately before the annual report becomes effective, the differing information in the annual report is considered a statement of change under s. 617.0502 or s. 617.1508, as the case may be ~~The deposit of such report, on or before May 1, in the United States mail in a sealed envelope, properly addressed with postage prepaid, constitutes compliance with subsection (1)~~.

(3) If an annual report does not contain the information required by this section ~~subsection (1)~~, the department ~~of State~~ shall promptly notify the reporting domestic corporation or foreign corporation ~~in writing and return the report to it for correction~~. If the report is corrected to contain the information required by subsection (1) and delivered to the department ~~of State~~ within 30 days after the effective date of notice, it will ~~is deemed to~~ be considered timely delivered ~~filed~~.

(4) ~~Each annual report must be executed by the corporation by an officer or director or, if the corporation is in the hands of a receiver or trustee, must be executed on behalf of the corporation by such receiver or trustee, and the signing of the~~

~~annual report shall have the same legal effect as if made under oath, without the necessity of appending such oath thereto.~~

~~(5)~~ The first annual report must be delivered to the department ~~of State~~ between January 1 and May 1 of the year following the calendar year in which a domestic corporation's articles of incorporation became effective or a foreign corporation obtained its certificate of authority to transact business in this state ~~corporation was incorporated or a foreign corporation was authorized to conduct affairs~~. Subsequent annual reports must be delivered to the department ~~of State~~ between January 1 and May 1 of each ~~the subsequent~~ calendar year thereafter. If one or more forms of annual report are submitted for a calendar year, the department shall file each of them and make the information contained in them part of the official record. The first form of annual report filed in a calendar year shall be considered the annual report for that calendar year, and each report filed after that one in the same calendar year shall be treated as an amended report for that calendar year ~~years~~.

(5)~~(6)~~ Information in the annual report must be current as of the date the annual report is delivered to the department for filing ~~executed on behalf of the corporation~~.

~~(7) If an additional report is received, the department shall file the document and make the information contained therein part of the official record.~~

(6)~~(8)~~ Any domestic corporation or foreign corporation

that fails to file an annual report that ~~which~~ complies with the requirements of this section may not prosecute or maintain ~~or defend~~ any action in any court of this state until the ~~such~~ report is filed and all fees and penalties ~~taxes~~ due under this chapter ~~act~~ are paid, and ~~such corporation~~ is subject to dissolution or cancellation of its certificate of authority to transact business ~~conduct its affairs~~ as provided in this chapter ~~act~~.

(7) ~~(9)~~ The department shall prescribe the forms, which may be in an electronic format, on which to make the annual report called for in this section and may substitute the uniform business report, pursuant to s. 606.06, as a means of satisfying the requirement of this chapter ~~section~~.

(8) As a condition of a merger under s. 617.1101, each party to a merger which exists under the laws of this state, and each party to a merger which exists under the laws of another jurisdiction and has a certificate of authority to transact business or conduct its affairs in this state, must be active and current in filing its annual reports in the records of the department through December 31 of the calendar year in which the articles of merger are submitted to the department for filing.

(9) As a condition of a conversion of an entity to a corporation under s. 617.1804, the entity, if it exists under the laws of this state or if it exists under the laws of another jurisdiction and has a certificate of authority to transact

business or conduct its affairs in this state, must be active and current in filing its annual reports in the records of the department through December 31 of the calendar year in which the articles of conversion are submitted to the department for filing.

(10) As a condition of a conversion of a domestic corporation to another type of entity under s. 617.1804, the domestic corporation converting to the other type of entity must be active and current in filing its annual reports in the records of the department through December 31 of the calendar year in which the articles of conversion are submitted to the department for filing.

(11) As a condition of domestication of a domestic corporation into a foreign jurisdiction under s. 617.180301, the domestic corporation domesticating into a foreign jurisdiction must be active and current in filing its annual reports in the records of the department through December 31 of the calendar year in which the articles of domestication are submitted to the department for filing.

**Section 108. Section 617.180301, Florida Statutes, is created to read:**

617.180301 Domestication.—

(1) By complying with this section and ss. 617.18031-617.18034, as applicable, a foreign corporation may become a domestic corporation if the domestication is permitted by the

organic law of the foreign corporation.

(2) By complying with this section and ss. 617.18031-617.18034, as applicable, a domestic corporation may become a foreign corporation pursuant to a plan of domestication if the domestication is permitted by the organic law of the foreign corporation.

(3) In a domestication under subsection (2), the domesticating corporation must enter into a plan of domestication. The plan of domestication must include:

(a) The name of the domesticating corporation;

(b) The name and governing jurisdiction of the domesticated corporation;

(c) The manner and basis of cancelling or converting the eligible interests or other rights of the domesticating corporation into other eligible interests, other rights, obligations, rights to acquire eligible interests, cash, other property, other rights, or any combination of the foregoing of the domesticated corporation;

(d) The proposed organic rules of the domesticated corporation, which must be in writing; and

(e) The other terms and conditions of the domestication.

(4) In addition to the requirements of subsection (3), a plan of domestication may contain any other provision not prohibited by law.

(5) The terms of a plan of domestication may be made

dependent upon facts objectively ascertainable outside the plan in accordance with s. 617.01201(10).

(6) If a protected agreement of a domesticating corporation in effect immediately before the domestication becomes effective contains a provision applying to a merger of the corporation and the agreement does not refer to a domestication of the corporation, the provision applies to a domestication of the corporation as if the domestication were a merger until such time as the provision is first amended after July 1, 2026.

**Section 109. Section 617.18031, Florida Statutes, is created to read:**

617.18031 Action on a plan of domestication.—In the case of a domestication of a domestic corporation into a foreign jurisdiction, the plan of domestication must be adopted in the following manner:

(1) Except as otherwise provided in the articles of incorporation or bylaws, the plan of domestication must first be adopted by the board of directors of such domestic corporation. If the domesticating corporation does not have any members entitled to vote on the domestication, a plan of domestication is adopted by the corporation when it has been adopted by the board of directors pursuant to this section.

(2) If the domesticating corporation has members entitled to vote on the domestication, the plan of domestication must be

approved by such members. In submitting the plan of domestication to the members for approval, the board of directors shall recommend that the members approve the plan, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors must inform the members of the basis for its so proceeding without such recommendation.

(3) The board of directors may set conditions for approval of the plan of domestication by the members or the effectiveness of the plan of domestication.

(4) If the plan of domestication is required to be approved by the members, and if the approval of the members is to be given at a meeting, the corporation must notify each member entitled to vote on the domestication of the meeting of members at which the plan of domestication is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan of domestication and must contain or be accompanied by a copy of the plan. The notice must include or be accompanied by a written copy of the organic rules of the domesticated corporation as they will be in effect immediately after the domestication.

(5) Unless this chapter, the articles of incorporation, the bylaws, or the board of directors acting pursuant to subsection (3) require a greater vote or a greater quorum in the

respective case, approval of the plan of domestication requires:

(a) The approval of the members entitled to vote on the domestication at a meeting at which a quorum exists consisting of a majority of the votes entitled to be cast on the plan; and

(b) If any class of members is entitled to vote as a separate group on the plan of domestication, the approval of each class of members voting as a separate voting group at a meeting at which a quorum of the voting group exists consisting of a majority of the votes entitled to be cast on the plan by that voting group.

(6) The articles of incorporation may expressly limit or eliminate the separate voting rights provided in paragraph (5)(b) as to any class of members, except when the public organic rules of the foreign corporation resulting from the domestication include what would be in effect an amendment that would entitle the class to vote as a separate voting group if it were a proposed amendment of the articles of incorporation of a domestic domesticating corporation.

(7) If, as a result of a domestication, one or more members of a domestic domesticating corporation would become subject to interest holder liability, approval of the plan of domestication must require the signing in connection with the domestication, by each such member, of a separate written consent to become subject to such interest holder liability, unless in the case of a member that already has interest holder

liability with respect to the domesticating corporation, the terms and conditions of the interest holder liability with respect to the domesticated corporation are substantially identical to those of the existing interest holder liability, other than for changes that eliminate or reduce such interest holder liability.

(8) In addition to the adoption and approval of the plan of domestication by the board of directors and any members entitled to vote on the domestication as required by this section, the plan of domestication must be approved in writing by any person or group of persons whose approval is required under the articles of incorporation or bylaws or whose approval is required to amend the articles of incorporation or bylaws.

**Section 110. Section 617.18032, Florida Statutes, is created to read:**

617.18032 Articles of incorporation; effectiveness.—

(1) Articles of domestication must be signed by the domesticating corporation after:

(a) A plan of domestication of a domestic corporation has been adopted and approved as required by this chapter; or

(b) A foreign corporation that is the domesticating corporation has approved a domestication as required by this chapter and under the foreign corporation's organic law.

(2) Articles of domestication must set forth:

(a) The name of the domesticating corporation and its

governing jurisdiction;

(b) The name and governing jurisdiction of the domesticated corporation; and

(c)1. If the domesticating corporation is a domestic corporation, a statement that the plan of domestication was approved in accordance with this chapter; or

2. If the domesticating corporation is a foreign corporation, a statement that the domestication was approved in accordance with its organic law.

(3) If the domesticated corporation is to be a domestic corporation, articles of incorporation of the domesticated corporation that satisfy the requirements of s. 617.0202 must be attached to the articles of domestication. Provisions that would not be required to be included in restated articles of incorporation may be omitted from the articles of incorporation attached to the articles of domestication.

(4) The articles of domestication shall be delivered to the department for filing and shall take effect on the effective date determined in accordance with s. 617.0123.

(5)(a) If the domesticated corporation is a domestic corporation, the domestication becomes effective when the articles of domestication are effective.

(b) If the domesticated corporation is a foreign corporation, the domestication becomes effective on the later of the date and time provided by the organic law of the

domesticated corporation or when the articles of domestication are effective.

(6) If the domesticating corporation is a foreign corporation that is qualified to transact business in this state under ss. 617.1501-617.1532, its certificate of authority is automatically canceled when the domestication becomes effective.

(7) A copy of the articles of domestication, certified by the department, may be filed in the official records of any county in this state in which the domesticating corporation holds an interest in real property.

**Section 111. Section 617.18033, Florida Statutes, is created to read:**

617.18033 Amendment of a plan of domestication; abandonment.—

(1) Except as otherwise provided in the plan of domestication and before the articles of domestication have taken effect, a plan of domestication of a domestic corporation adopted under s. 617.180301(3) may be amended:

(a) In the same manner as the plan of domestication was approved, if the plan does not provide for the manner in which it may be amended; or

(b) In the manner provided in the plan of domestication, except that an interest holder who was entitled to vote on or consent to approval of the plan is entitled to vote on or consent to any amendment of the plan which will change:

1. The amount or kind of eligible interests or other rights, obligations, rights to acquire eligible interests, cash, other property, other rights, or any combination of the foregoing, to be received by any of the interest holders of the domesticating corporation under the plan;

2. The organic rules of the domesticated corporation that are to be in writing and that will be in effect immediately after the domestication becomes effective, except for changes that do not require approval of the interest holder of the domesticated corporation under its proposed organic rules as set forth in the plan of domestication; or

3. Any of the other terms or conditions of the plan, if the change would adversely affect the interest holder in any material respect.

(2) After a plan of domestication has been adopted and approved by a domestic corporation as required by this chapter, and before the articles of domestication have become effective, the plan may be abandoned by the corporation in the same manner as the plan was approved by the corporation without action by its interest holders in accordance with any procedures set forth in the plan or, if no such procedures are set forth in the plan, in the manner determined by the board of directors of the domestic corporation.

(3) If a domestication is abandoned after the articles of domestication have been delivered to the department for filing

but before the articles of domestication become effective, a statement of abandonment signed by the domesticating corporation must be delivered to the department for filing before the articles of domestication become effective. The statement shall take effect upon filing, and the domestication shall be deemed abandoned and may not become effective. The statement of abandonment must contain:

(a) The name of the domesticating corporation;

(b) The date on which the articles of domestication were filed by the department; and

(c) A statement that the domestication has been abandoned in accordance with this section.

**Section 112. Section 617.18034, Florida Statutes, is created to read:**

617.18034 Effect of domestication.—

(1) When a domestication becomes effective:

(a) All real property and other property owned by the domesticating corporation, including any interests therein and all title thereto, and every contract right and other right possessed by the domesticating corporation, are the property, contract rights, and other rights of the domesticated corporation without transfer, reversion, or impairment;

(b) All debts, obligations, and other liabilities of the domesticating corporation are the debts, obligations, and other liabilities of the domesticated corporation;

(c) The name of the domesticated corporation may be, but need not be, substituted for the name of the domesticating corporation in any pending action or proceeding;

(d) The organic rules of the domesticated corporation become effective;

(e) The eligible interests or other rights of the domesticating corporation are cancelled or reclassified into eligible interests or other rights, obligations, rights to acquire eligible interests, cash, other property, or any combination of the foregoing, in accordance with the terms of the domestication, and the interest holders of the domesticating corporation are entitled only to the rights provided to them by those terms; and

(f) The domesticated corporation is:

1. Incorporated under and subject to the organic law of the domesticated corporation;

2. The same corporation, without interruption, as the domesticating corporation; and

3. Deemed to have been incorporated on the date the domesticating corporation was originally incorporated.

(2) Except as otherwise provided in the organic law or organic rules of a domesticating foreign corporation, the interest holder liability of an interest holder in a foreign corporation that is domesticated into this state who had interest holder liability with respect to such domesticating

corporation before the domestication becomes effective must be as follows:

(a) The domestication does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the domestication becomes effective.

(b) The organic law of the domesticating corporation must continue to apply to the collection or discharge of any interest holder liabilities preserved by paragraph (a), as if the domestication had not occurred.

(c) The interest holder shall have such rights of contribution from other persons as are provided by the organic law of the domesticating corporation with respect to any interest holder liabilities preserved by paragraph (a), as if the domestication had not occurred.

(d) The interest holder may not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities that are incurred after the domestication becomes effective.

(3) An interest holder who becomes subject to interest holder liability in respect of the domesticated corporation as a result of the domestication has such interest holder liability only with respect to interest holder liabilities that arise after the domestication becomes effective.

(4) A domestication does not constitute or cause the

dissolution of the domesticating corporation.

(5) Property held in trust or otherwise dedicated to a charitable purpose and held by a domestic or foreign corporation immediately before a domestication becomes effective may not, as a result of the domestication, be diverted from the purposes for which it was donated, granted, devised, or otherwise transferred except pursuant to the laws of this state addressing cy pres or dealing with nondiversion of charitable assets.

(6) A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to the domesticating corporation, and which takes effect or remains payable after the domestication inures to the domesticated corporation.

(7) A trust obligation that would govern property if transferred to the domesticating corporation applies to property that is to be transferred to the domesticated corporation after the domestication takes effect.

**Section 113. Section 617.1804, Florida Statutes, is created to read:**

617.1804 Conversion.—

(1) By complying with this chapter, including being eligible under s. 617.18041, adopting a plan of conversion in accordance with s. 617.18042, and complying with s. 617.18043, a domestic corporation may become:

(a) A domestic eligible entity, other than a domestic

corporation; or

(b) If the conversion is permitted by the organic law of the foreign eligible entity, a foreign eligible entity.

(2) By complying with this section and ss. 617.18042-617.18046, as applicable, and applicable provisions of its organic law, a domestic eligible entity other than a domestic corporation may become a domestic corporation.

(3) By complying with this section and ss. 617.18042-617.18046, as applicable, and by complying with the applicable provisions of its organic law, a foreign eligible entity may become a domestic corporation, but only if the organic law of the foreign eligible entity permits it to become a nonprofit corporation in another jurisdiction.

(4) If a protected agreement of a domestic converting corporation in effect immediately before the conversion becomes effective contains a provision applying to a merger of the corporation that is a converting corporation and the agreement does not refer to a conversion of the corporation, the provision applies to a conversion of the corporation as if the conversion were a merger, until such time as the provision is first amended after July 1, 2026.

**Section 114. Section 617.18041, Florida Statutes, is created to read:**

617.18041 Limitation on conversion.—A domestic corporation that holds property for a charitable purpose is prohibited from

becoming a domestic eligible entity or a foreign eligible entity, except by domestication to become a foreign corporation.

**Section 115. Section 617.18042, Florida Statutes, is created to read:**

617.18042 Plan of conversion.—

(1) A domestic corporation may convert to a domestic or foreign eligible entity under this chapter by approving a plan of conversion. The plan of conversion must include all of the following:

(a) The name of the domestic converting corporation.

(b) The name, governing jurisdiction, and type of entity of the converted eligible entity.

(c) The manner and basis of canceling or converting the eligible interests or other rights of the domestic corporation; or the rights to acquire eligible interests, obligations, other rights, or any combination of the foregoing of the domestic corporation, into:

1. Shares.

2. Other securities.

3. Eligible interests.

4. Obligations.

5. Rights to acquire shares, other securities, or eligible interests.

6. Cash.

7. Other property.

8. Other rights.

(d) The other terms and conditions of the conversion.

(e) The full text, as it will be in effect immediately after the conversion becomes effective, of the organic rules of the converted eligible entity, which are to be in writing.

(2) In addition to the requirements of subsection (1), a plan of conversion may contain any other provision not prohibited by law.

(3) The terms of a plan of conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with s. 617.01201(10).

**Section 116. Section 617.18043, Florida Statutes, is created to read:**

617.18043 Action on a plan of conversion.—In the case of a conversion of a domestic corporation to a domestic or foreign eligible entity other than a domestic corporation, the plan of conversion must be adopted in the following manner:

(1) Except as provided in the articles of incorporation or bylaws, the plan of conversion must first be adopted by the board of directors of such domestic corporation. If the converting corporation does not have any members entitled to vote on the conversion, a plan of conversion is adopted by the corporation when it has been adopted by the board of directors pursuant to this section.

(2)(a) If the converting corporation has members entitled

to vote on the conversion, the plan of conversion must then be approved by such members.

(b) In submitting the plan of conversion to the members for approval, the board of directors must recommend that the members approve the plan of conversion, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors must inform the members of the basis for proceeding without such recommendation.

(3) The board of directors may set conditions for approval of the plan of conversion by the members or the effectiveness of the plan of conversion.

(4) If a plan of conversion is required to be approved by the members, and if the approval of the members is to be given at a meeting, the corporation must notify each member entitled to vote on the conversion of the meeting of members at which the plan of conversion is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan of conversion and must contain or be accompanied by a copy of the plan. The notice must include or be accompanied by a written copy of the organic rules of the converted eligible entity as they will be in effect immediately after the conversion.

(5) Unless this chapter, the articles of incorporation,

bylaws, or the board of directors acting pursuant to subsection (3) require a greater vote or a greater quorum in the respective case, approval of the plan of conversion requires:

(a) The approval of the members entitled to vote on the conversion at a meeting at which a quorum exists consisting of a majority of the votes entitled to be cast on the plan; and

(b) If any class of members is entitled to vote as a separate group on the plan of conversion, the approval of each class of members voting as a separate voting group at a meeting at which a quorum of the voting group exists consisting of a majority of the votes entitled to be cast on the plan by that voting group.

(6) If, as a result of the conversion, one or more members of the converting domestic corporation would become subject to interest holder liability, approval of the plan of conversion must require the signing in connection with the conversion, by each such member, of a separate written consent to become subject to such interest holder liability, unless in the case of a member that already has interest holder liability with respect to the converting corporation, the terms and conditions of the interest holder liability with respect to the converted entity are substantially identical to those of the existing interest holder liability, other than for changes that eliminate or reduce such interest holder liability.

(7) If the converted eligible entity is a partnership or

limited partnership, a member of the converting domestic corporation may not, as a result of the conversion, become a general partner of the partnership or limited partnership, unless such member specifically consents in writing to becoming a general partner of such partnership or limited partnership, and, unless such written consent is obtained from each such member, such conversion may not become effective under s. 617.18044. Any member providing such consent in writing is deemed to have voted in favor of the plan of conversion pursuant to which the member became a general partner.

(8) In addition to the adoption and approval of the plan of conversion by the board of directors and any members entitled to vote on the conversion as required by this section, the plan of conversion must also be approved in writing by any person or group of persons whose approval is required under the articles of incorporation or bylaws or whose approval is required to amend the articles of incorporation or bylaws.

**Section 117. Section 617.18044, Florida Statutes, is created to read:**

617.18044 Articles of conversion; effectiveness.—

(1) After a plan of conversion of a domestic corporation has been adopted and approved as required by this chapter, or a domestic or foreign eligible entity, other than a domestic corporation, that is the converting eligible entity has approved a conversion as required by its organic law, articles of

conversion must be signed by the converting eligible entity as required by s. 617.01201 and must:

(a) State the name, governing jurisdiction, and type of entity of the converting eligible entity;

(b) State the name, governing jurisdiction, and type of entity of the converted eligible entity;

(c) If the converting eligible entity is:

1. A domestic corporation, state that the plan of conversion was approved in accordance with this chapter; or

2. A domestic or foreign eligible entity other than a domestic corporation, state that the conversion was approved by the eligible entity in accordance with its organic law; and

(d) If the converted eligible entity is:

1. A domestic corporation or a domestic or foreign eligible entity that is not a domestic corporation, attach the public organic record of the converted eligible entity, except that provisions that would not be required to be included in a restated public organic record may be omitted; or

2. A domestic limited liability partnership, attach the filing or filings required to become a domestic limited liability partnership.

(2) If the converted eligible entity is a domestic corporation, its articles of incorporation must satisfy the requirements of s. 617.0202, except that provisions that would not be required to be included in restated articles of

incorporation may be omitted from the articles of incorporation. If the converted eligible entity is a domestic eligible entity that is not a domestic corporation, its public organic record, if any, must satisfy the applicable requirements of the organic law of this state, except that the public organic record does not need to be signed.

(3) The articles of conversion must be delivered to the department for filing and shall take effect on the effective date determined in accordance with s. 617.0123.

(4)(a) If the converted eligible entity is a domestic eligible entity, the conversion becomes effective when the articles of conversion are effective.

(b) If the converted eligible entity is a foreign eligible entity, the conversion becomes effective at the later of:

1. The date and time provided by the organic law of that eligible entity; or

2. When the articles of conversion take effect.

(5) Articles of conversion required to be filed under this section may be combined with any filing required under the organic law of a domestic eligible entity that is the converting eligible entity or the converted eligible entity if the combined filing satisfies the requirements of both this section and the other organic law.

(6) If the converting eligible entity is a foreign eligible entity that is authorized to transact business in this

state under a law similar to ss. 617.1501-617.1532, its foreign qualification is canceled automatically on the effective date of its conversion.

(7) A copy of the articles of conversion, certified by the department, may be filed in the official records of any county in this state in which the converting eligible entity holds an interest in real property.

**Section 118. Section 617.18045, Florida Statutes, is created to read:**

617.18045 Amendment to a plan of conversion; abandonment.—

(1) Except as otherwise provided in the plan of conversion and before the articles of conversion have taken effect, a plan of conversion of a converting eligible entity that is a domestic corporation may be amended:

(a) In the same manner as the plan of conversion was approved, if the plan does not provide for the manner in which it may be amended; or

(b) In the manner provided in the plan of conversion, except that an interest holder that was entitled to vote on or consent to approval of the plan is entitled to vote on or consent to any amendment of the plan which will change:

1. The amount or kind of interests; obligations; rights to acquire other interests; cash; other property; or any combination of the foregoing, to be received by any of the interest holders of the converting corporation under the plan;

2. The organic rules of the converted eligible entity which will be in effect immediately after the conversion becomes effective, except for changes that do not require approval of the eligible interest holders of the converted eligible entity under its organic law or organic rules; or

3. Any other terms or conditions of the plan, if the change would adversely affect such interest holders in any material respect.

(2) After a plan of conversion has been adopted and approved by a converting eligible entity that is a domestic corporation in the manner required by this chapter and before the articles of conversion become effective, the plan may be abandoned by the domestic corporation without action by its interest holders in accordance with any procedures set forth in the plan or, if no such procedures are set forth in the plan, in the manner determined by the board of directors of the domestic corporation.

(3) If a conversion is abandoned after the articles of conversion have been delivered to the department for filing but before the articles of conversion have become effective, a statement of abandonment signed by the converting eligible entity must be delivered to the department for filing before the articles of conversion become effective. The statement takes effect upon filing, and the conversion is deemed abandoned and may not become effective. The statement of abandonment must

contain:

(a) The name of the converting eligible entity;

(b) The date on which the articles of conversion were filed by the department; and

(c) A statement that the conversion has been abandoned in accordance with this section.

**Section 119. Section 617.18046, Florida Statutes, is created to read:**

617.18046 Effect of conversion.—

(1) When a conversion becomes effective:

(a) All real property and other property owned by the converting eligible entity, including any interest therein and all title thereto, and every contract right and other right possessed by the converting eligible entity remain the property, contract rights, and other rights of the converted eligible entity without transfer, reversion, or impairment;

(b) All debts, obligations, and other liabilities of the converting eligible entity remain the debts, obligations, and other liabilities of the converted eligible entity;

(c) The name of the converted eligible entity may be substituted for the name of the converting eligible entity in any pending action or proceeding;

(d) If the converted eligible entity is a filing entity, a domestic corporation, or a domestic or foreign corporation, its public organic record and its private organic rules become

effective;

(e) If the converted eligible entity is a nonfiling entity, its private organic rules become effective;

(f) If the converted eligible entity is a limited liability partnership, the filing required to become a limited liability partnership and its private organic rules become effective;

(g) The shares; obligations; eligible interests; other securities; and rights to acquire shares, obligations, eligible interests, or other securities of the converting eligible entity are reclassified into shares; obligations; eligible interests; other securities; and rights to acquire shares, obligations, eligible interests, or other securities; or eligible interests, cash; other property; or any combination of the foregoing, in accordance with the terms of the conversion, and the members or interest holders of the converting eligible entity are entitled only to the rights provided to them by those terms or under the organic law of the converting eligible entity; and

(h) The converted eligible entity is:

1. Deemed to be incorporated or organized under and subject to the organic law of the converted eligible entity;

2. Deemed to be the same entity without interruption as the converting eligible entity; and

3. Deemed to have been incorporated or otherwise organized on the date that the converting eligible entity was originally

incorporated or organized.

(2) Except as otherwise provided in the articles of incorporation or bylaws of a domestic corporation or the organic law or organic rules of a domestic or foreign eligible entity other than a domestic corporation, a member or eligible interest holder who becomes subject to interest holder liability in respect of a domestic corporation or domestic or foreign eligible entity other than a domestic corporation as a result of the conversion shall have such interest holder liability only in respect of interest holder liabilities that arise after the conversion becomes effective.

(3) Except as otherwise provided in the organic law or the organic rules of the domestic or foreign eligible entity, the interest holder liability of an interest holder in a converting eligible entity that converts to a domestic corporation who had interest holder liability in respect of such converting eligible entity before the conversion becomes effective is as follows:

(a) The conversion does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the conversion became effective.

(b) The organic law of the eligible entity continues to apply to the collection or discharge of any interest holder liabilities preserved by paragraph (a), as if the conversion had not occurred.

(c) The eligible interest holder has such rights of

contribution from other persons as are provided by the organic law of the eligible entity with respect to any interest holder liabilities preserved by paragraph (a), as if the conversion had not occurred.

(d) The eligible interest holder may not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities that arise after the conversion becomes effective.

(4) A conversion does not require the converting eligible entity to wind up its affairs and does not constitute or cause the dissolution or termination of the entity.

(5) Property held for charitable purposes under the laws of this state by a domestic or foreign eligible entity immediately before a conversion becomes effective may not, as a result of the conversion, be diverted from the purposes for which it was donated, granted, devised, or otherwise transferred except and to the extent permitted by or pursuant to the laws of this state addressing cy pres or dealing with nondiversion of charitable assets.

(6) Any bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to the converting eligible entity and which takes effect or remains payable after the conversion inures to the converted eligible entity.

(7) A trust obligation that would govern property if

transferred to the converting eligible entity applies to property that is to be transferred to the converted eligible entity after the conversion becomes effective.

**Section 120. Section 617.2005, Florida Statutes, is amended to read:**

617.2005 Extinct churches and religious societies; dissolution.—Any church or religious society in this state which has ceased or failed to maintain religious worship or service, or to use its property for religious worship or services according to the tenets, usages, and customs of a church of the denomination of which it is a member in this state for the space of 2 consecutive years, or whose membership has so diminished in numbers or in financial strength as to render it impossible for such church or society to maintain religious worship or services, or to protect its property from exposure to waste and dilapidation for a period of 2 years, shall be extinct. Upon an action filed by a member of the church or religious society, the facts being established to the satisfaction of the circuit court in and for the county in which such church or society has been situated, an order of such court may be made dissolving the church or religious society and the property of such church or society, or the property which may be held in trust for such church or society, may by court order be transferred to and the title and possession thereof vested in the denomination of which such church or society was a member. A copy of the decree of

dissolution must ~~shall~~ be filed with the department ~~of State~~.

**Section 121. Section 617.2006, Florida Statutes, is amended to read:**

617.2006 Incorporation of labor unions or bodies.—

(1) Any group or combination of groups of workers or wage earners, bearing the name labor, organized labor, federation of labor, brotherhood of labor, union labor, union labor committee, trade union, trades union, union labor council, building trades council, building trades union, allied trades union, central labor body, central labor union, federated trades council, local union, state union, national union, international union, district labor council, district labor union, American Federation of Labor, Florida Federation of Labor, or any component parts or significant words of such terms, whether the same be used in juxtaposition or with interspace, may be incorporated under this chapter ~~act~~.

(2)~~(1)~~ In addition to the requirements of ss. 617.02011 and 617.0202, the articles of incorporation for a labor union or body must ~~shall~~ set forth the necessity for the incorporation, ~~shall~~ be subscribed to by not less than five persons, and ~~shall~~ be acknowledged by all of the subscribers, who shall also make and subscribe to an oath, to be endorsed on the articles of incorporation, that it is intended in good faith to carry out the purposes and objects set forth in the articles of incorporation. ~~The articles of incorporation shall be filed in~~

~~the office of the clerk of the circuit court of the county in which the labor union or body is organized, and the approval of the judge of the circuit court shall be obtained.~~

~~(2) The subscribers of the articles of incorporation shall give notice of their intention to obtain approval thereof by the circuit judge. Such notice shall state the name of the judge, the date the articles of incorporation will be presented, and the general nature and necessity of the articles of incorporation. Notice shall be published in a newspaper of general circulation in the county in which the labor union or body is organized at least once, or posted at the courthouse door in counties having no newspapers, at least 10 days prior to the date the articles of incorporation will be presented to the judge.~~

~~(3) When presented to the judge, the articles of incorporation shall be accompanied by a petition, signed and sworn to by the subscribers, stating fully the aims and purposes of such organization and the necessity therefor.~~

~~(4) Upon the filing of the articles of incorporation and the petition, and the giving of such notice, the circuit judge to whom such petition may be addressed shall, upon the date stated in such notice, take testimony and inquire into the admissions and purposes of such organization and the necessity therefor, and upon such hearing, if the circuit judge shall be satisfied that the allegations set forth in the petition and~~

~~articles of incorporation have been substantiated, and shall find that such organization will not be harmful to the community in which it proposes to operate, or to the state, and that it is intended in good faith to carry out the purposes and objects set forth in the articles of incorporation, and that there is a necessity therefor, the judge shall approve the articles of incorporation and endorse his or her approval thereon. Upon the filing of the articles of incorporation with its endorsements thereupon with the Department of State and payment of the filing fees specified in s. 617.0122, the subscribers and their associates and successors shall be a corporation by the name given.~~

~~(5) Any person may intervene by filing an answer to the petition stating his or her reasons, if any, and be heard thereon, why the circuit judge shall not approve the articles of incorporation.~~

~~(6) The existence, amendment of the articles of incorporation, and dissolution of any such corporation shall be in accordance with this act.~~

**Section 122. Subsection (7) of section 39.8298, Florida Statutes, is amended to read:**

39.8298 Guardian ad Litem direct-support organization.—

(7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.—The direct-support organization shall not exercise any power under s. 617.0302(11) or (15) ~~s. 617.0302(12) or (16)~~. No state employee

shall receive compensation from the direct-support organization for service on the board of directors or for services rendered to the direct-support organization.

**Section 123. Paragraph (a) of subsection (2) of section 381.00316, Florida Statutes, is amended to read:**

381.00316 Discrimination by governmental and business entities based on health care choices; prohibition.—

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

(a) "Business entity" has the same meaning as in s. 606.03. The term also includes a charitable organization as defined in s. 496.404, a nonprofit corporation ~~not for profit~~ as defined in s. 617.01401, or any other business operating in this state.

**Section 124. Subsection (6) of section 605.1025, Florida Statutes, is amended to read:**

605.1025 Articles of merger.—

(6) A limited liability company is not required to deliver articles of merger for filing pursuant to subsection (1) if the limited liability company is named as a merging entity or surviving entity in articles of merger or a certificate of merger filed for the same merger in accordance with s. 607.1105, ~~s. 617.1108,~~ s. 620.2108(3), or s. 620.8918(3), and if such articles of merger or certificate of merger substantially comply with the requirements of this section. In such a case, the other articles of merger or certificate of merger may also be used for

purposes of subsection (5).

**Section 125. Section 617.0102, Florida Statutes, is amended to read:**

617.0102 Reservation of power to amend or repeal.—The Legislature has the power to amend or repeal all or part of this chapter ~~act~~ at any time, and all domestic and foreign corporations subject to this chapter ~~act~~ shall be governed by the amendment or repeal.

**Section 126. Section 617.0121, Florida Statutes, is amended to read:**

617.0121 Forms.—

(1) The department ~~of State~~ may prescribe and furnish on request forms for:

(a) An application for certificate of status,

(b) A foreign corporation's application for certificate of authority to conduct its affairs in the state,

(c) A foreign corporation's application for certificate of withdrawal, and

(d) The annual report, for which the department may prescribe the use of the uniform business report, pursuant to s. 606.06.

If the department ~~of State~~ so requires, the use of these forms are ~~shall be~~ mandatory.

(2) The department ~~of State~~ may prescribe and furnish on

request forms for other documents required or permitted to be filed by this chapter ~~act~~, but their use may ~~shall~~ not be mandatory.

**Section 127. Section 617.0122, Florida Statutes, is amended to read:**

617.0122 Fees for filing documents and issuing certificates.—The department ~~of State~~ shall collect the following fees on documents delivered to the department for filing:

(1) Articles of incorporation: $35.

(2) Application for registered name: $87.50.

(3) Application for renewal of registered name: $87.50.

(4) Corporation's statement of change of registered agent or registered office or both if not included on the annual report: $35.

(5) Designation of and acceptance by registered agent: $35.

(6) Agent's statement of resignation from a corporation that has not been dissolved: $87.50.

(7) Agent's statement of resignation from a dissolved corporation or a composite statement of resignation from two or more dissolved corporations pursuant to s. 617.05021(1)(b) ~~s. 617.0502(2)(b)~~: $35.

(8) Amendment of articles of incorporation: $35.

(9) Restatement of articles of incorporation with

amendment of articles: $35.

(10) Articles of merger for each party thereto: $35.

(11) Articles of dissolution: $35.

(12) Articles of revocation of dissolution: $35.

(13) Application for reinstatement following administrative dissolution: $175.

(14) Application for certificate of authority to transact business in this state by a foreign corporation: $35.

(15) Application for amended certificate of authority: $35.

(16) Application for certificate of withdrawal by a foreign corporation: $35.

(17) Annual report: $61.25.

(18) Articles of correction: $35.

(19) Application for certificate of status: $8.75.

(20) Certified copy of document: $52.50.

(21) Serving as agent for substitute service of process: $87.50.

(22) Certificate of conversion of a limited agricultural association to a domestic corporation: $35.

(23) Any other document required or permitted to be filed by this chapter: $35.

Any citizen support organization that is required by rule of the Department of Environmental Protection to be formed as a

nonprofit organization and is under contract with the Department of Environmental Protection ~~department~~ is exempt from any fees required for incorporation as a nonprofit organization, and the Secretary of State may not assess any such fees if the citizen support organization is certified by the Department of Environmental Protection to the Secretary of State as being under contract with the Department of Environmental Protection.

**Section 128. Section 617.0125, Florida Statutes, is amended to read:**

617.0125 Filing duties of the department ~~of State~~.—

(1) If a document delivered to the department for filing satisfies the requirements of s. 617.01201, the department shall file it.

(2) The department files a document by stamping or otherwise endorsing "filed," together with the Secretary of State's official title and the date and time of receipt. After filing a document, the department shall send a notice of the filing to the electronic mail address on file for the domestic or foreign corporation or its representative or send a copy of the document to the mailing address of such corporation or its representative. If the record changes the electronic mail address of the domestic or foreign corporation, the department must send such notice to the new electronic mail address and to the most recent prior electronic mail address. If the record changes the mailing address of the domestic or foreign

corporation, the department must send such notice to the new mailing address and to the most recent prior mailing address.

(3) If the department refuses to file a document, it shall return it to the domestic or foreign corporation or its representative within 15 days after the document was received for filing, together with a brief, written explanation of the reason for refusal.

(4) The department's duty to file documents under this section is ministerial. The filing or refusing to file a document does not:

(a) Affect the validity or invalidity of the document in whole or part;

(b) Relate to the correctness or incorrectness of information contained in the document; or

(c) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

(5) If not otherwise provided by law and ~~the provisions of~~ this chapter ~~act~~, the department shall determine, by rule, the appropriate format for, number of copies of, manner of execution of, method of electronic transmission of, and amount of and method of payment of fees for, any document placed under its jurisdiction.

**Section 129. Section 617.02011, Florida Statutes, is amended to read:**

617.02011 Incorporators.—One or more persons may act as the incorporator or incorporators of a corporation by delivering articles of incorporation to the department ~~of State~~ for filing.

**Section 130. Subsection (2) of section 617.0203, Florida Statutes, is amended to read:**

617.0203 Incorporation.—

(2) The department's ~~Department of State's~~ filing of the articles of incorporation, and the original recorded charter or certified copy of the charter of a corporation which has not been reincorporated under s. 617.0901, is conclusive proof that the incorporators satisfied all conditions precedent to incorporation and that the corporation has been incorporated under this chapter ~~act~~, except in a proceeding by the state to cancel or revoke the incorporation or involuntarily dissolve the corporation.

**Section 131. Subsection (2) of section 617.0205, Florida Statutes, is amended to read:**

617.0205 Organizational meeting of directors.—

(2) Action required or permitted by this chapter ~~act~~ to be taken by incorporators or directors at an organizational meeting may be taken without a meeting if the action taken is evidenced by one or more written consents describing the action taken and signed by each incorporator or director.

**Section 132. Section 617.0301, Florida Statutes, is amended to read:**

617.0301 Purposes and application.—Corporations may be organized under this chapter ~~act~~ for any lawful purpose or purposes not for pecuniary profit and not specifically prohibited to corporations under other laws of this state. Such purposes include, without limitation, charitable, benevolent, ~~eleemosynary,~~ educational, historical, civic, patriotic, political, religious, social, fraternal, literary, cultural, athletic, scientific, agricultural, horticultural, animal husbandry, and professional, commercial, industrial, or trade association purposes. If special provisions are made, by law, for the organization of designated classes of nonprofit corporations ~~not for profit~~, such corporations must ~~shall~~ be formed under such provisions and not under this chapter ~~act~~.

**Section 133. Subsection (2) of section 617.0504, Florida Statutes, is amended to read:**

617.0504 Serving process, giving notice, or making a demand on a corporation.—

(2) Any notice to or demand on a corporation made pursuant to this chapter ~~act~~ may be made to the chair of the board, the president, any vice president, the secretary, the treasurer, the registered agent of the corporation at the registered office of the corporation in this state, or any address in this state that is in fact the principal office of the corporation in this state.

**Section 134. Section 617.0806, Florida Statutes, is**

**amended to read:**

617.0806 Staggered terms for directors.—The articles of incorporation or bylaws may provide that directors be divided into classes. Each director shall hold office for the term to which such director ~~he or she~~ is elected or appointed and until such director's ~~his or her~~ successor has been elected or appointed and qualified or until such director's ~~his or her~~ earlier resignation, removal from office, or death.

**Section 135. Subsection (4) of section 617.0824, Florida Statutes, is amended to read:**

617.0824 Quorum and voting.—

(4) A director of a corporation who is present at a meeting of the board of directors or a committee of the board of directors when corporate action is taken is deemed to have assented to the action taken unless:

(a) The director objects, at the beginning of the meeting or promptly upon such director's ~~his or her~~ arrival, to holding the meeting or transacting specified affairs at the meeting; or

(b) The director votes against or abstains from the action taken.

**Section 136. Subsections (3), (4), and (7) of section 617.0825, Florida Statutes, are amended to read:**

617.0825 Board committees and advisory committees.—

(3) To the extent provided by the board of directors in a resolution or in the articles of incorporation or the bylaws of

the corporation, each such committee has ~~shall have~~ and may exercise powers and authority of the board of directors, except that ~~no~~ such committee does not ~~shall~~ have the power or authority to:

(a) Approve or recommend to members actions or proposals required by this chapter ~~act~~ to be approved by members.

(b) Fill vacancies on the board of directors or any committee thereof.

(c) Adopt, amend, or repeal the bylaws.

(4) Unless the articles of incorporation or the bylaws provide otherwise, ss. 617.0820, 617.0823, and 617.0824 ~~ss. 617.0820, 617.0822, 617.0823, and 617.0824~~, which govern meetings, ~~notice and~~ waiver of notice, and quorum and voting requirements of the board of directors, apply to committees and their members as well.

(7) ~~Neither~~ The designation of any such committee, the delegation thereto of authority, or ~~nor~~ action by such committee pursuant to such authority does not ~~shall~~ alone constitute compliance by any member of the board of directors not a member of the committee in question with such member's ~~his or her~~ responsibility to act in good faith, in a manner such member ~~he or she~~ reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances.

**Section 137. Section 617.0831, Florida Statutes, is**

**amended to read:**

617.0831 Indemnification and liability of officers, directors, employees, and agents.— Sections ~~Except as provided in s. 617.0834, s. 607.0831 and ss.~~ 607.0850-607.0859 apply to a corporation organized under this chapter ~~act~~ and a rural electric cooperative organized under chapter 425. Any reference to "directors" in those sections includes the directors, managers, or trustees of a corporation organized under this chapter ~~act~~ or of a rural electric cooperative organized under chapter 425. However, the term "director" as used in s. 607.0831 and ss. 607.0850-607.0859 does not include a director appointed by the developer to the board of directors of a condominium association under chapter 718, a cooperative association under chapter 719, a homeowners' association defined in s. 720.301, or a timeshare managing entity under chapter 721. Any reference to "shareholders" in those sections includes members of a corporation organized under this chapter ~~act~~ and members of a rural electric cooperative organized under chapter 425.

**Section 138. Section 617.0901, Florida Statutes, is amended to read:**

617.0901 Reincorporation.—

(1) Any corporation which has a charter approved by a circuit judge under former chapter 617, Florida Statutes (1989), or a charter granted by the Legislature of this state, on or prior to September 1, 1959, the effective date of chapter 59-

427, Laws of Florida, may reincorporate under this chapter ~~act~~ by filing with the department ~~of State~~ a copy of its charter and all amendments thereto, certified by the clerk of the circuit court of the county wherein recorded, as to charters and amendments granted by circuit judges, and by the department ~~of State~~, as to legislative charters, together with a certificate containing the provisions required in original articles of incorporation by s. 617.0202, and accepting ~~the provisions of~~ this chapter ~~act~~.

(2) A certificate of reincorporation must be executed in accordance with s. 617.01201, and it must show that its issuance was duly authorized by a meeting of its members regularly called, or if there are no members entitled to vote on reincorporation, by a meeting of its board of directors. Upon the filing of a certificate of reincorporation in accordance with s. 617.01201, the corporation is ~~shall be~~ deemed to be incorporated under this chapter ~~act~~ and the certificate constitutes ~~shall constitute~~ its articles of incorporation.

(3) The corporation shall then be entitled to and be possessed of all the privileges, franchises, and powers as if originally incorporated under this chapter ~~act~~, and all the properties, rights, and privileges belonging to the corporation before ~~prior to~~ reincorporation, which were acquired by gift, grant, conveyance, assignment, or otherwise are hereby ratified, approved, confirmed, and assured to the corporation with like

effect and to all intents and purposes as if they had been originally acquired pursuant to incorporation under this chapter ~~act~~. However, any corporation reincorporating under this chapter is ~~act shall be~~ subject to all the contracts, duties, and obligations resting upon the corporation before ~~prior to~~ reincorporation or to which the corporation is ~~shall then be~~ in any way liable.

**Section 139. Subsection (2) of section 617.1008, Florida Statutes, is amended to read:**

617.1008 Amendment pursuant to reorganization.—

(2) The individual or individuals designated by the court shall deliver to the department ~~of State~~ for filing articles of amendment setting forth:

(a) The name of the corporation;

(b) The text of each amendment approved by the court;

(c) The date of the court's order or decree approving the articles of amendment;

(d) The title of the reorganization proceeding in which the order or decree was entered; and

(e) A statement that the court had jurisdiction of the proceeding under federal or state law.

**Section 140. Section 617.1009, Florida Statutes, is amended to read:**

617.1009 Effect of amendment.—An amendment to articles of incorporation does not affect a cause of action existing against

or in favor of the corporation, a proceeding to which the corporation is a party, or the existing rights of persons other than members of the corporation. An amendment changing a corporation's name does not affect ~~abate~~ a proceeding brought by or against the corporation in its former name.

**Section 141. Subsection (3) of section 617.1404, Florida Statutes, is amended to read:**

617.1404 Revocation of dissolution.—

(3) After the revocation of dissolution is authorized, the corporation may revoke the dissolution by delivering to the department ~~of State~~ for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth:

(a) The name of the corporation;

(b) The effective date of the dissolution that was revoked;

(c) The date that the revocation of dissolution was authorized;

(d) If the corporation's board of directors revoked a dissolution authorized by the members, a statement that revocation was permitted by action by the board of directors alone pursuant to that authorization; and

(e) If member action was required to revoke the dissolution, the information required by s. 617.1403(1)(b) or (c), whichever is applicable.

**Section 142. Subsection (1) of section 617.1422, Florida Statutes, is amended, and subsection (4) of that section is reenacted, to read:**

617.1422 Reinstatement following administrative dissolution.—

(1) A corporation administratively dissolved under s. 617.1421 may apply to the department for reinstatement at any time after the effective date of dissolution. The corporation must submit a reinstatement form prescribed and furnished by the department or a current uniform business annual report signed by a registered agent and an officer or director and submit all fees owed by the corporation and computed at the rate provided by law at the time the corporation applies for reinstatement.

(4) The name of the dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution unless the dissolved corporation provides the department with an affidavit executed pursuant to s. 617.01201 authorizing the immediate assumption or use of the name by another corporation.

**Section 143. Subsections (2) and (3) of section 617.1423, Florida Statutes, are amended to read:**

617.1423 Appeal from denial of reinstatement.—

(2) After exhaustion of administrative remedies, the corporation may appeal the denial of reinstatement to the appropriate court as provided in s. 120.68 within 30 days after

service of the notice of denial is perfected. The corporation appeals by petitioning the court to set aside the dissolution and attaching to the petition copies of the department's ~~department of State's~~ certificate of dissolution, the corporation's application for reinstatement, and the department's notice of denial.

(3) The court may summarily order the department ~~of State~~ to reinstate the dissolved corporation or may take other action the court considers appropriate.

**Section 144. Subsection (1) of section 617.1501, Florida Statutes, is amended to read:**

617.1501 Authority of foreign corporation to conduct affairs required.—

(1) A foreign corporation may not conduct its affairs in this state until it obtains a certificate of authority from the department ~~of State~~.

**Section 145. Subsection (2) of section 617.1510, Florida Statutes, is amended to read:**

617.1510 Serving process, giving notice, or making a demand on a foreign corporation.—

(2) Any notice to or demand on a foreign corporation made pursuant to this chapter ~~act~~ may be made in accordance with the procedures for notice to or demand on domestic corporations under s. 617.0504.

**Section 146. Section 617.1606, Florida Statutes, is**

**amended to read:**

617.1606 Access to records.—Sections 617.1601-617.16051 ~~617.1601-617.1605~~ do not apply to a corporation that is an association, as defined in s. 720.301, or a corporation regulated under chapter 718 or chapter 719.

**Section 147. Paragraphs (a), (b), (d), and (e) of subsection (1) of section 617.1623, Florida Statutes, are amended, to read:**

617.1623 Corporate information available to the public; application to corporations incorporated by circuit courts and by special act of the Legislature.—

(1)(a) Each corporation incorporated in this state shall maintain a registered agent and registered office in accordance with s. 617.0501, and current information regarding the corporations incorporated in this state must ~~shall~~ be readily available to the public. At a minimum, such information must include the text of the charter or articles of incorporation and all amendments thereto, the name of the corporation, the date of incorporation, the street address of the principal office of the corporation, the corporation's federal employer identification number, the name and business street address of each officer, the name and business street address of each director, the name of its registered agent, and the street address of its registered office.

(b) Any corporation which has a charter approved by a

circuit judge under former chapter 617, Florida Statutes 1989, or a charter granted by the Legislature on or before September 1, 1959, the effective date of chapter 59-427, Laws of Florida, must file with the department ~~of State~~, not later than July 1, 1992, a copy of its charter and all amendments thereto, certified by the clerk of the circuit court of the county wherein recorded, together with a registration containing the provisions required in paragraph (a), as to charters and amendments granted by circuit judges, and by the department ~~of State~~, as to legislative charters, and the corporation thereafter is ~~shall be~~ subject to the requirements of ss. 617.0501 and 617.1622.

(d) Any corporation dissolved pursuant to paragraph (c) shall be reinstated upon application to the department ~~of State~~, signed by an officer or director thereof, accompanied by a copy of its charter and all amendments thereto, certified by the clerk of the circuit court of the county wherein recorded, as to charters and amendments granted by circuit judges, and by the department ~~of State~~, as to legislative charters, together with a registration containing the provisions required in paragraph (a), and the payment of all fees due from the time of dissolution computed at the rate provided by law at the time the corporation applies for reinstatement.

(e) Whenever the application for reinstatement is approved and filed by the department ~~of State~~, the corporate existence is

~~shall be~~ deemed to have continued without interruption from the date of dissolution. The reinstatement terminates any personal liability of the directors, officers, or agents of the corporation incurred on account of actions taken during the period between dissolution and reinstatement. Upon reinstatement, the corporation is ~~shall be~~ subject to the requirements of ss. 617.0501 and 617.1622.

**Section 148. Section 617.1701, Florida Statutes, is amended to read:**

617.1701 Application to existing domestic corporation.—This chapter ~~act~~ applies to all domestic corporations in existence on July 1, 1991, that were incorporated under any general statute of this state providing for incorporation of nonprofit corporations ~~not for profit~~ if power to amend or repeal the statute under which the corporation was incorporated was reserved.

**Section 149. Section 617.1702, Florida Statutes, is amended to read:**

617.1702 Application to qualified foreign corporations.—A foreign corporation authorized to conduct its affairs in this state on July 1, 1991, is subject to this chapter ~~act~~ but is not required to obtain a new certificate of authority to conduct its affairs under this chapter ~~act~~.

**Section 150. Subsection (2) of section 617.1703, Florida Statutes, is amended to read:**

617.1703 Application of chapter.—

(2) Sections ~~The provisions of ss.~~ 617.0605-617.0608 do not apply to corporations regulated by any of the foregoing chapters or to any other corporation where membership in the corporation is required pursuant to a document recorded in the county's official ~~county property~~ records.

**Section 151. Section 617.1711, Florida Statutes, is amended to read:**

617.1711 Application to foreign and interstate commerce.— ~~The provisions of~~ This chapter applies ~~act apply~~ to commerce with foreign nations and among the several states only insofar as such commerce may be permitted under the Constitution and laws of the United States.

**Section 152. Section 617.1808, Florida Statutes, is amended to read:**

617.1808 Application of chapter ~~act~~ to corporation converted to nonprofit corporation ~~not for profit~~. ~~All the provisions of~~ This chapter ~~act~~ relating to corporations ~~not for profit~~, except insofar as they are inconsistent with ss. 617.1804-617.18046, apply ~~ss. 617.1805, 617.1806, and 617.1807, shall be applicable~~ to any for profit corporation whose character has been changed under ss. 617.1804-617.18046 ~~ss. 617.1805, 617.1806, and 617.1807~~ and shall henceforth govern such corporation.

**Section 153. Section 617.1809, Florida Statutes, is**

**amended to read:**

617.1809 Limited agricultural association; conversion to a domestic corporation ~~not for profit~~.—

(1) As used in this section, the term "limited agricultural association" or "association" means a limited agricultural association formed under ss. 604.09-604.14.

(2) A limited agricultural association may convert to a domestic corporation ~~not for profit~~ by filing the following documents with the department in accordance with s. 617.01201:

(a) A certificate of conversion, which must be executed by a person authorized in s. 617.01201(6) and such other persons that may be required in the association's articles of association or bylaws.

(b) Articles of incorporation, which must comply with s. 617.0202 and be executed by a person authorized in s. 617.01201(6).

(3) The certificate of conversion must include:

(a) The date upon which the association was initially formed under ss. 604.09-604.14.

(b) The name of the association immediately before filing the certificate of conversion.

(c) The name of the domestic corporation as set forth in its articles of incorporation.

(d) The effective date of the conversion. If the conversion does not take effect upon filing the certificate of

conversion and articles of incorporation, the delayed effective date for the conversion, subject to the limitation in s. 617.0123(1) ~~s. 617.0123(2)~~, must be a date certain and the same as the effective date of the articles of incorporation.

(4) When the certificate of conversion and articles of incorporation are filed with the department, or upon the delayed effective date, the association is converted to the domestic corporation, and the corporation becomes subject to this chapter. However, notwithstanding s. 617.0123, the existence of the corporation is deemed to have commenced when the association was initially formed under ss. 604.09-604.14.

(5) Conversion of a limited agricultural association to a domestic corporation does not affect any obligation or liability of the association that was incurred before the conversion.

(6) When a conversion takes effect under this section, all rights, privileges, and powers of the converting association, all property, real, personal, and mixed, and all debts due to the association, as well as all other assets and causes of action belonging to the association, are vested in the domestic corporation to which the association is converted and are the property of the corporation as they were of the association. The title to any real property that is vested by deed or otherwise in the converting association does not revert and is not impaired by the operation of this chapter, but all rights of creditors and all liens upon any property of the association are

preserved unimpaired, and all debts, liabilities, and duties of the association attach to the domestic corporation and are enforceable against it to the same extent as if the debts, liabilities, and duties had been incurred or contracted by the corporation.

(7) The limited agricultural association is not required to wind up its affairs or pay its liabilities and distribute its assets. Conversion does not constitute a dissolution of the association but is a continuation of the association's existence in the form of the domestic corporation.

(8) Before a limited agricultural association may file a certificate of conversion with the department, unless otherwise specified in the association's articles of association or bylaws, the conversion must be approved by a majority vote of the association's members, and the articles of incorporation must be approved by the same authorization required for approval of the conversion. As part of the approval, the converting association may provide a plan or other record of conversion which describes the manner and basis of converting the membership interests in the association into membership interests in the domestic corporation. The plan or other record may also contain other provisions relating to the conversion, including, but not limited to, the right of the converting association to abandon the proposed conversion or an effective date for the conversion that is consistent with paragraph

(3)(d).

**Section 154. Section 617.1904, Florida Statutes, is amended to read:**

617.1904 Estoppel.—A ~~No~~ body of persons acting as a corporation may not ~~shall~~ be permitted to set up the lack of legal organization as a defense to an action against them as a corporation, nor may ~~shall~~ any person sued on a contract made with the corporation or sued for an injury to its property or a wrong done to its interests be permitted to set up the lack of such legal organization in such person's ~~his or her~~ defense.

**Section 155. Subsection (2) of section 617.1907, Florida Statutes, is amended to read:**

617.1907 Effect of repeal or amendment of prior acts.—

(2) If a penalty or punishment imposed for violation of a statute repealed or amended by this chapter is reduced by this chapter ~~act~~, the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

**Section 156. Section 617.1908, Florida Statutes, is amended to read:**

617.1908 Applicability of Florida Business Corporation Act.—Except as made applicable by specific reference in any other section of this chapter, part I of chapter 607, the Florida Business Corporation Act, does not apply to any nonprofit corporations ~~not for profit~~.

**Section 157. Section 617.2001, Florida Statutes, is**

**amended to read:**

617.2001 Corporations which may be incorporated hereunder; incorporation of certain medical services corporations.—

(1) Corporations may be organized and incorporated under this chapter ~~act~~ for any one or more lawful purposes not for pecuniary profit. However, nonprofit corporations ~~not for profit~~ which may be incorporated under any other law of this state governing particular types of corporations may not be incorporated under this chapter ~~act~~.

(2) A nonprofit corporation ~~not for profit~~ organized before ~~prior to~~ December 1, 1987, pursuant to ~~the provisions of~~ chapter 85-56, Laws of Florida, or to ~~the provisions of~~ s. 2, chapter 87-296, Laws of Florida, may conduct the practice of medicine, conduct programs of medical education, and carry on major medical research efforts.

**Section 158. Section 617.2002, Florida Statutes, is amended to read:**

617.2002 Nonprofit corporation ~~not for profit~~ organized pursuant to s. 2, ch. 87-296; requirements.—A nonprofit corporation ~~not for profit~~ organized pursuant to ~~the provisions of~~ s. 2, chapter 87-296, Laws of Florida, must meet the following requirements:

(1) At least 25 percent of its physicians must have a full-time contract for the provision of medical services with the corporation, be currently certified as specialists by the

appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association, and have clinical privileges at one or more hospitals in this state.

(2) A hospital owned by a corporation organized pursuant to s. 2, chapter 87-296, Laws of Florida, must provide Medicaid and charity care.

**Section 159. Section 617.2003, Florida Statutes, is amended to read:**

617.2003 Proceedings to revoke articles of incorporation or charter or prevent its use.—If any member or citizen complains to the Department of Legal Affairs that any corporation organized under this chapter ~~act~~ was organized or is being used as a cover to evade any of the laws against crime, or for purposes inconsistent with those stated in its articles of incorporation or charter, or that an officer or director of a corporation has participated in a sale or transaction that is affected by a conflict of interest or from which the officer or director ~~he or she~~ derived an improper personal benefit, either directly or indirectly, and submits ~~shall submit~~ prima facie evidence to sustain such charge, together with sufficient money to cover court costs and expenses, the department shall institute and in due course prosecute to final judgment such legal or equitable proceedings as may be considered advisable either to revoke the articles of incorporation or charter, to prevent its improper use, or to recover on behalf of the

corporation or its unknown beneficiaries any profits improperly received by the corporation or its officers or directors.

**Section 160. Section 617.2007, Florida Statutes, is amended to read:**

617.2007 Sponge packing and marketing corporations.—Persons engaged in the business of buying, selling, packing, and marketing commercial sponges may incorporate under this chapter ~~act~~ to aid in facilitating the orderly cooperative buying, selling, packing, and marketing of commercial sponges. Such association is not a combination in restraint of trade or an illegal monopoly or an attempt to lessen competition or fix prices arbitrarily, and any marketing contract or agreement by the corporation and its members, or the exercise of any power granted by this chapter ~~act~~ is not illegal or in restraint of trade.

**Section 161. Section 617.2101, Florida Statutes, is amended to read:**

617.2101 Corporation authorized to act as trustee.—Any corporation, organized under this chapter ~~act~~, may act as trustee of property whenever the corporation has either a beneficial, contingent, or remainder interest in such property. Any corporation may accept and hold the legal title to property, the beneficial interest of which is owned by any other ~~eleemosynary institution or~~ nonprofit corporation or fraternal, benevolent, charitable, or religious society or association.

**Section 162. Subsection (1) of section 617.221, Florida Statutes, is amended to read:**

617.221 Membership associations.—

(1) As used in this section, the term "membership association" means a nonprofit ~~not-for-profit~~ corporation, including a department or division of such corporation, the majority of whose board members are constitutional officers who, pursuant to s. 1001.32(2), operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The term does not include a labor organization as defined in s. 447.02 or an entity funded through the Justice Administrative Commission.

**Section 163. Subsection (3) of section 620.2108, Florida Statutes, is amended to read:**

620.2108 Filings required for merger; effective date.—

(3) Each constituent limited partnership shall deliver the certificate of merger for filing in the Department of State unless the constituent limited partnership is named as a party or constituent organization in articles of merger or a certificate of merger filed for the same merger in accordance with ~~s. 605.1025,~~ s. 607.1105, s. 617.1108, or s. 620.8918(1) and (2) and such articles of merger or certificate of merger

substantially complies with the requirements of this section. In such a case, the other articles of merger or certificate of merger may also be used for purposes of s. 620.2109(3).

**Section 164. Subsection (3) of section 620.8918, Florida Statutes, is amended to read:**

620.8918 Filings required for merger; effective date.—

(3) Each domestic constituent partnership shall deliver the certificate of merger for filing with the Department of State, unless the domestic constituent partnership is named as a party or constituent organization in articles of merger or a certificate of merger filed for the same merger in accordance with s. 605.1025, s. 607.1105, ~~s. 617.1108,~~ or s. 620.2108(3). The articles of merger or certificate of merger must substantially comply with the requirements of this section. In such a case, the other articles of merger or certificate of merger may also be used for purposes of s. 620.8919(3). Each domestic constituent partnership in the merger shall also file a registration statement in accordance with s. 620.8105(1) if it does not have a currently effective registration statement filed with the Department of State.

**Section 165. Paragraph (b) of subsection (1) and subsections (5), (8), and (9) of section 628.910, Florida Statutes, are amended to read:**

628.910 Incorporation options and requirements.—

(1) A pure captive insurance company may be:

(b) Incorporated as a public benefit, mutual benefit, or religious nonprofit corporation with members in accordance with the Florida Nonprofit ~~Not For Profit~~ Corporation Act.

(5) The articles of incorporation, the certificate issued pursuant to this section, and the organization fees required by the Florida Business Corporation Act or the Florida Nonprofit ~~Not For Profit~~ Corporation Act, as applicable, must be transmitted to the Secretary of State, who must record the articles of incorporation and the certificate.

(8) A captive insurance company formed as a corporation or a nonprofit corporation, pursuant to ~~the provisions of~~ this chapter, has the privileges and is subject to the ~~provisions of the~~ general corporation law, including the Florida Nonprofit ~~Not For Profit~~ Corporation Act for nonprofit corporations, as applicable, as well as the applicable provisions contained in this chapter. If a conflict occurs between ~~a provision of~~ the general corporation law, including the Florida Nonprofit ~~Not For Profit~~ Corporation Act for nonprofit corporations, as applicable, and ~~a provision of~~ this chapter, the latter controls. The provisions of this title pertaining to mergers, consolidations, conversions, mutualizations, and redomestications apply in determining the procedures to be followed by a captive insurance company in carrying out any of the transactions described in such provisions, except that the office may waive or modify the requirements for public notice

and hearing in accordance with rules the office may adopt addressing categories of transactions. If a notice of public hearing is required, but no one requests a hearing, the office may cancel the hearing.

(9) The articles of incorporation or bylaws of a captive insurance company may authorize a quorum of a board of directors to consist of no fewer than one-third of the fixed or prescribed number of directors as provided for by the Florida Business Corporation Act or the Florida Nonprofit ~~Not For Profit~~ Corporation Act.

**Section 166. Paragraph (a) of subsection (2) of section 768.38, Florida Statutes, is amended to read:**

768.38 Liability protections for COVID-19-related claims.—

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

(a) "Business entity" has the same meaning as provided in s. 606.03. The term also includes a charitable organization as defined in s. 496.404 and a nonprofit corporation ~~not for profit~~ as defined in s. 617.01401.

**Section 167. Paragraph (f) of subsection (15) of section 893.055, Florida Statutes, is amended to read:**

893.055 Prescription drug monitoring program.—

(15) The department may establish a direct-support organization to provide assistance, funding, and promotional support for the activities authorized for the prescription drug monitoring program.

(f) The direct-support organization may not exercise any power under s. 617.0302(11) or (15) ~~s. 617.0302(12) or (16)~~.

**Section 168.** Section 617.07401, Florida Statutes, is repealed.

**Section 169.** Section 617.0822, Florida Statutes, is repealed.

**Section 170.** Section 617.1108, Florida Statutes, is repealed.

**Section 171.** Section 617.1301, Florida Statutes, is repealed.

**Section 172.** Section 617.1302, Florida Statutes, is repealed.

**Section 173.** Section 617.1531, Florida Statutes, is repealed.

**Section 174.** Section 617.1533, Florida Statutes, is repealed.

**Section 175.** Section 617.1803, Florida Statutes, is repealed.

**Section 176.** Section 617.1805, Florida Statutes, is repealed.

**Section 177.** Section 617.1806, Florida Statutes, is repealed.

**Section 178.** Section 617.1807, Florida Statutes, is repealed.

**Section 179.** Section 617.2102, Florida Statutes, is

repealed.

**Section 180. For the purpose of incorporating the amendment made by this act to sections 617.01201 and 617.1006, Florida Statutes, in references thereto, subsection (3) of section 617.1007, Florida Statutes, is reenacted to read:**

617.1007 Restated articles of incorporation.—

(3) A corporation restating its articles of incorporation shall deliver to the department for filing articles of restatement, executed in accordance with s. 617.01201, setting forth the name of the corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(a) Whether the restatement contains an amendment to the articles of incorporation requiring member approval and, if it does not, that the board of directors adopted the restatement; or

(b) If the restatement contains an amendment to the articles of incorporation requiring member approval, the information required by s. 617.1006.

**Section 181. For the purpose of incorporating the amendment made by this act to section 617.0302, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 295.21, Florida Statutes, is reenacted to read:**

295.21 Florida Is For Veterans, Inc.—

(5) POWERS.—In addition to the powers and duties

prescribed in chapter 617 and the articles and bylaws adopted thereunder, the board of directors may:

(a) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions. However, notwithstanding s. 617.0302, the corporation may not issue bonds.

The credit of the State of Florida may not be pledged on behalf of the corporation.

**Section 182. For the purpose of incorporating the amendment made by this act to section 617.0830, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 409.987, Florida Statutes, is reenacted to read:**

409.987 Lead agency procurement; boards; conflicts of interest.—

(4) In order to serve as a lead agency, an entity must:

(b) Be governed by a board of directors or a board committee composed of board members. Board members shall provide oversight and ensure accountability and transparency for the system of care. The board of directors shall provide fiduciary oversight to prevent conflicts of interest, promote accountability and transparency, and protect state and federal funding from misuse. The board of directors shall act in accordance with s. 617.0830. The membership of the board of directors or board committee must be described in the bylaws or

articles of incorporation of each lead agency, which must provide that at least 75 percent of the membership of the board of directors or board committee must be composed of persons residing in this state, and at least 51 percent of the state residents on the board of directors must reside within the service area of the lead agency. The lead agency shall ensure that board members participate in annual training related to their responsibilities. The department shall set forth minimum training criteria in the contracts with the lead agencies. However, for procurements of lead agency contracts initiated on or after July 1, 2014:

1. At least 75 percent of the membership of the board of directors must be composed of persons residing in this state, and at least 51 percent of the membership of the board of directors must be composed of persons residing within the service area of the lead agency. If a board committee governs the lead agency, 100 percent of its membership must be composed of persons residing within the service area of the lead agency.

2. The powers of the board of directors or board committee include, but are not limited to, approving the lead agency's budget and setting the lead agency's operational policy and procedures. A board of directors must additionally have the power to hire the lead agency's executive director, unless a board committee governs the lead agency, in which case the board committee must have the power to confirm the selection of the

lead agency's executive director.

**Section 183. For the purpose of incorporating the amendment made by this act to section 617.0830, Florida Statutes, in a reference thereto, subsection (1) of section 718.1265, Florida Statutes, is reenacted to read:**

718.1265 Association emergency powers.—

(1) To the extent allowed by law, unless specifically prohibited by the declaration of condominium, the articles, or the bylaws of an association, and consistent with s. 617.0830, the board of administration, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the locale in which the condominium is located, may exercise the following powers:

(a) Conduct board meetings, committee meetings, elections, and membership meetings, in whole or in part, by telephone, real-time videoconferencing, or similar real-time electronic or video communication with notice given as is practicable. Such notice may be given in any practicable manner, including publication, radio, United States mail, the Internet, electronic transmission, public service announcements, and conspicuous posting on the condominium property or association property or any other means the board deems reasonable under the circumstances. Notice of decisions also may be communicated as provided in this paragraph.

(b) Cancel and reschedule any association meeting.

(c) Name as assistant officers persons who are not directors, which assistant officers shall have the same authority as the executive officers to whom they are assistants during the state of emergency to accommodate the incapacity or unavailability of any officer of the association.

(d) Relocate the association's principal office or designate alternative principal offices.

(e) Enter into agreements with local counties and municipalities to assist counties and municipalities with debris removal.

(f) Implement a disaster plan or an emergency plan before, during, or following the event for which a state of emergency is declared which may include, but is not limited to, shutting down or off elevators; electricity; water, sewer, or security systems; or air conditioners.

(g) Based upon advice of emergency management officials or public health officials, or upon the advice of licensed professionals retained by or otherwise available to the board, determine any portion of the condominium property or association property unavailable for entry or occupancy by unit owners, family members, tenants, guests, agents, or invitees to protect the health, safety, or welfare of such persons.

(h) Require the evacuation of the condominium property in the event of an evacuation order in the locale in which the

condominium is located. If a unit owner or other occupant of a condominium fails or refuses to evacuate the condominium property or association property for which the board has required evacuation, the association is immune from liability or injury to persons or property arising from such failure or refusal.

(i) Based upon advice of emergency management officials or public health officials, or upon the advice of licensed professionals retained by or otherwise available to the board, determine whether the condominium property, association property, or any portion thereof can be safely inhabited, accessed, or occupied. However, such determination is not conclusive as to any determination of habitability pursuant to the declaration.

(j) Mitigate further damage, injury, or contagion, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus or contagion, including, but not limited to, mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the condominium property, even if the unit owner is obligated by the declaration or law to insure or replace those fixtures and to remove personal property from a unit.

(k) Contract, on behalf of any unit owner or owners, for items or services for which the owners are otherwise

individually responsible, but which are necessary to prevent further injury, contagion, or damage to the condominium property or association property. In such event, the unit owner or owners on whose behalf the board has contracted are responsible for reimbursing the association for the actual costs of the items or services, and the association may use its lien authority provided by s. 718.116 to enforce collection of the charges. Without limitation, such items or services may include the drying of units, the boarding of broken windows or doors, the replacement of damaged air conditioners or air handlers to provide climate control in the units or other portions of the property, and the sanitizing of the condominium property or association property, as applicable.

(l) Regardless of any provision to the contrary and even if such authority does not specifically appear in the declaration of condominium, articles, or bylaws of the association, levy special assessments without a vote of the owners.

(m) Without unit owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association when operating funds are insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions as are contained in the declaration of condominium, articles, or bylaws of the association.

**Section 184. For the purpose of incorporating the amendment made by this act to section 617.0830, Florida Statutes, in a reference thereto, subsection (1) of section 719.128, Florida Statutes, is reenacted to read:**

719.128 Association emergency powers.—

(1) To the extent allowed by law, unless specifically prohibited by the cooperative documents, and consistent with s. 617.0830, the board of administration, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the area encompassed by the cooperative, may exercise the following powers:

(a) Conduct board meetings, committee meetings, elections, or membership meetings, in whole or in part, by telephone, real-time videoconferencing, or similar real-time electronic or video communication after notice of the meetings and board decisions is provided in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, electronic transmission, public service announcements, conspicuous posting on the cooperative property, or any other means the board deems appropriate under the circumstances. Notice of decisions may also be communicated as provided in this paragraph.

(b) Cancel and reschedule an association meeting.

(c) Designate assistant officers who are not directors. If

the executive officer is incapacitated or unavailable, the assistant officer has the same authority during the state of emergency as the executive officer he or she assists.

(d) Relocate the association's principal office or designate an alternative principal office.

(e) Enter into agreements with counties and municipalities to assist counties and municipalities with debris removal.

(f) Implement a disaster or an emergency plan before, during, or following the event for which a state of emergency is declared, which may include turning on or shutting off elevators; electricity; water, sewer, or security systems; or air conditioners for association buildings.

(g) Based upon the advice of emergency management officials or public health officials, or upon the advice of licensed professionals retained by or otherwise available to the board of administration, determine any portion of the cooperative property unavailable for entry or occupancy by unit owners or their family members, tenants, guests, agents, or invitees to protect their health, safety, or welfare.

(h) Based upon the advice of emergency management officials or public health officials, or upon the advice of licensed professionals retained by or otherwise available to the board of administration, determine whether the cooperative property or any portion thereof can be safely inhabited or occupied. However, such determination is not conclusive as to

any determination of habitability pursuant to the cooperative documents.

(i) Require the evacuation of the cooperative property in the event of an evacuation order in the area in which the cooperative is located or prohibit or restrict access to the cooperative property in the event of a public health threat. If a unit owner or other occupant of a cooperative fails or refuses to evacuate the cooperative property for which the board has required evacuation, the association is immune from liability for injury to persons or property arising from such failure or refusal.

(j) Mitigate further damage, injury, or contagion, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus, including mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the cooperative property, regardless of whether the unit owner is obligated by the cooperative documents or law to insure or replace those fixtures and to remove personal property from a unit or to sanitize the cooperative property.

(k) Contract, on behalf of a unit owner, for items or services for which the owner is otherwise individually responsible, but which are necessary to prevent further injury, contagion, or damage to the cooperative property. In such event, the unit owner on whose behalf the board has contracted is

responsible for reimbursing the association for the actual costs of the items or services, and the association may use its lien authority provided by s. 719.108 to enforce collection of the charges. Such items or services may include the drying of the unit, the boarding of broken windows or doors, the replacement of a damaged air conditioner or air handler to provide climate control in the unit or other portions of the property, and the sanitizing of the cooperative property.

(l) Notwithstanding a provision to the contrary, and regardless of whether such authority does not specifically appear in the cooperative documents, levy special assessments without a vote of the owners.

(m) Without unit owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association if operating funds are insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions contained in the cooperative documents.

**Section 185. For the purpose of incorporating the amendment made by this act to section 617.0830, Florida Statutes, in a reference thereto, subsection (1) of section 720.316, Florida Statutes, is reenacted to read:**

720.316 Association emergency powers.—

(1) To the extent allowed by law, unless specifically prohibited by the declaration or other recorded governing

documents, and consistent with s. 617.0830, the board of directors, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the area encompassed by the association, may exercise the following powers:

(a) Conduct board meetings, committee meetings, elections, or membership meetings, in whole or in part, by telephone, real-time videoconferencing, or similar real-time electronic or video communication after notice of the meetings and board decisions is provided in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, electronic transmission, public service announcements, conspicuous posting on the common area, or any other means the board deems appropriate under the circumstances. Notice of decisions may also be communicated as provided in this paragraph.

(b) Cancel and reschedule an association meeting.

(c) Designate assistant officers who are not directors. If the executive officer is incapacitated or unavailable, the assistant officer has the same authority during the state of emergency as the executive officer he or she assists.

(d) Relocate the association's principal office or designate an alternative principal office.

(e) Enter into agreements with counties and municipalities

to assist counties and municipalities with debris removal.

(f) Implement a disaster or an emergency plan before, during, or following the event for which a state of emergency is declared, which may include, but is not limited to, turning on or shutting off elevators; electricity; water, sewer, or security systems; or air conditioners for association buildings.

(g) Based upon the advice of emergency management officials or public health officials, or upon the advice of licensed professionals retained by or otherwise available to the board, determine any portion of the common areas or facilities unavailable for entry or occupancy by owners or their family members, tenants, guests, agents, or invitees to protect their health, safety, or welfare.

(h) Based upon the advice of emergency management officials or public health officials or upon the advice of licensed professionals retained by or otherwise available to the board, determine whether the common areas or facilities can be safely inhabited, accessed, or occupied. However, such determination is not conclusive as to any determination of habitability pursuant to the declaration.

(i) Mitigate further damage, injury, or contagion, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus, including mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the common

areas or facilities or sanitizing the common areas or facilities.

(j) Notwithstanding a provision to the contrary, and regardless of whether such authority does not specifically appear in the declaration or other recorded governing documents, levy special assessments without a vote of the owners.

(k) Without owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association if operating funds are insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions contained in the declaration or other recorded governing documents.

**Section 186. For the purpose of incorporating the amendment made by this act to section 617.0832, Florida Statutes, in a reference thereto, subsections (2) and (5) of section 718.3027, Florida Statutes, are reenacted to read:**

718.3027 Conflicts of interest.—

(2) If a director or an officer, or a relative of a director or an officer, proposes to engage in an activity that is a conflict of interest, as described in subsection (1), the proposed activity must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to, the meeting agenda. The association shall comply with the requirements of s. 617.0832, and the disclosures

required by s. 617.0832 shall be entered into the written minutes of the meeting. Approval of the contract or other transaction requires an affirmative vote of two-thirds of all other directors present. At the next regular or special meeting of the members, the existence of the contract or other transaction shall be disclosed to the members. Upon motion of any member, the contract or transaction shall be brought up for a vote and may be canceled by a majority vote of the members present. If the contract is canceled, the association is only liable for the reasonable value of the goods and services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

(5) A contract entered into between a director or an officer, or a relative of a director or an officer, and the association, which is not a timeshare condominium association, that has not been properly disclosed as a conflict of interest or potential conflict of interest as required by this section or s. 617.0832 is voidable and terminates upon the filing of a written notice terminating the contract with the board of directors which contains the consent of at least 20 percent of the voting interests of the association.

**Section 187. For the purpose of incorporating the amendment made by this act to sections 617.0832 and 617.0834, Florida Statutes, in references thereto, paragraphs (a) and (b)**

**of subsection (2) and subsection (3) of section 720.3033, Florida Statutes, are reenacted to read:**

720.3033 Officers and directors.—

(2) If the association enters into a contract or other transaction with any of its directors or a corporation, firm, association that is not an affiliated homeowners' association, or other entity in which an association director is also a director or officer or is financially interested, the board must:

(a) Comply with the requirements of s. 617.0832.

(b) Enter the disclosures required by s. 617.0832 into the written minutes of the meeting.

(3) An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback. As used in this subsection, the term "kickback" means any thing or service of value for which consideration has not been provided for an officer's, a director's, or a manager's benefit or for the benefit of a member of his or her immediate family from any person providing or proposing to provide goods or services to the association. An officer, a director, or a manager who knowingly solicits, offers to accept, or accepts a kickback commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and is subject to monetary damages under s. 617.0834. If the board finds that an officer or a director has violated this subsection, the board

must immediately remove the officer or director from office. The vacancy shall be filled according to law until the end of the officer's or director's term of office. However, an officer, a director, or a manager may accept food to be consumed at a business meeting with a value of less than $25 per individual or a service or good received in connection with trade fairs or education programs.

**Section 188. For the purpose of incorporating the amendment made by this act to section 617.0834, Florida Statutes, in a reference thereto, paragraph (a) of subsection (13) of section 721.13, Florida Statutes, is reenacted to read:**

721.13 Management.—

(13)(a) Notwithstanding any provisions of chapter 607, chapter 617, or chapter 718, an officer, director, or agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, shall discharge its duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner it reasonably believes to be in the interests of the owners' association. An officer, director, or agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, is exempt from liability for monetary damages in the same manner as provided in s. 617.0834

unless such officer, director, agent, or firm breached or failed to perform its duties and the breach of, or failure to perform, its duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

**Section 189. For the purpose of incorporating the amendment made by this act to sections 617.0830 and 617.0834, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 718.111, Florida Statutes, is reenacted to read:**

718.111 The association.—

(1) CORPORATE ENTITY.—

(d) As required by s. 617.0830, an officer, director, or agent shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the interests of the association. An officer, director, or agent shall be liable for monetary damages as provided in s. 617.0834 if such officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties constitutes

a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Forgery of a ballot envelope or voting certificate used in a condominium association election is punishable as provided in s. 831.01, the theft or embezzlement of funds of a condominium association is punishable as provided in s. 812.014, and the destruction of or the refusal to allow inspection or copying of an official record of a condominium association that is accessible to unit owners within the time periods required by general law in furtherance of any crime is punishable as tampering with physical evidence as provided in s. 918.13 or as obstruction of justice as provided in chapter 843. An officer or director charged by information or indictment with a crime referenced in this paragraph must be removed from office, and the vacancy shall be filled as provided in s. 718.112(2)(d)2. until the end of the officer's or director's period of suspension or the end of his or her term of office, whichever occurs first. If a criminal charge is pending against the officer or director, he or she may not be appointed or elected to a position as an officer or a director of any association and may not have access to the official records of any association,

except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the officer or director must be reinstated for the remainder of his or her term of office, if any.

**Section 190.** This act shall take effect July 1, 2026.

**COMMERCE COMMITTEE**

**CS/HB 797 by Rep. Tuck**
**Nonprofit Corporations**

**AMENDMENT SUMMARY**
**February 10, 2026**

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**Amendment #182849 by Rep. Tuck (lines 4730-4731):**

- Makes technical, clarifying changes.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | ___ (Y/N) |
| ADOPTED AS AMENDED | ___ (Y/N) |
| ADOPTED W/O OBJECTION | ___ (Y/N) |
| FAILED TO ADOPT | ___ (Y/N) |
| WITHDRAWN | ___ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Commerce Committee

Representative Tuck offered the following:

**Amendment**

Remove lines 4730-4731 and insert:

(2) A claim that is not barred by s. 617.1407, s. 617.1408, or by any other law limiting claims, may be enforced:

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** HB 929 | **COMPANION BILL:** SB 1020 (Truenow) |
| **TITLE:** Local Government Regulation of Chickees | **LINKED BILLS:** None |
| **SPONSOR(S):** Cobb and Gentry | **RELATED BILLS:** None |

**Committee References**

| Industries & Professional Activities | ➤ | Intergovernmental Affairs | ➤ | Commerce |
|---|---|---|---|---|
| 14 Y, 0 N | | 14 Y, 0 N | | |

## SUMMARY


**Effect of the Bill:**
The bill prohibits a county or municipality from enacting an ordinance that prevents a member of the Miccosukee or Seminole Tribes from constructing a chickee under certain conditions.

**Fiscal or Economic Impact:**
The bill may have a positive indeterminate fiscal impact on the private sector.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

**EFFECT OF THE BILL:**

The bill prohibits counties and municipalities from enacting any ordinance or policy that prevents or has the effect of preventing a member of the Miccosukee Tribe of Indians of Florida or Seminole Tribe of Florida from constructing a chickee as defined in 553.73, F.S.:

- In a side yard if the chickee is at least 10 feet away from the property line.
- Near another structure if the chickee is at least 10 feet away from any other structure. (Sections 1 and 2)

The bill also prohibits counties and municipalities from enacting an ordinance or regulation concerning chickees that is more restrictive than federal floodplain management regulations. (Sections 1 and 2)

The bill revises the definition of "chickee" for purposes of exemption from the Florida Building Code to include chickees that:

- Have a wooden deck.
- Incorporate nonwood fasteners.
- Incorporate electrical or plumbing features in accordance with a building permit for those specific features. (Section 3)

The bill adds a criminal penalty for a person who is not a member of the tribes who constructs a chickee in an attempt to assert an exemption. (Section 3)

The bill exempts a chickee from the Florida Fire Prevention Code if:

- The chickee is at least 20 feet from another structure subject to the Florida Building Code, or
- The chickee otherwise implements fire-proofing measures approved by a certified fire protection system contractor. (Section 4)

The bill sets an effective date of July 1, 2026. (Section 5)

**RELEVANT INFORMATION**

**SUBJECT OVERVIEW:**

## Indian Tribes in Florida

Two tribes, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, currently reside and have tribal lands in the state. Most state law governing the relationship between the state and the federally-recognized tribes with tribal lands in the state is contained in ch. 285, F.S.[1]

## Chickee

Chickee is the word Seminoles use for "house." Chickees are palmetto thatch over cypress log frame.



[2]

Florida law currently defines "chickee" as an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or nonwood features. They are exempt from the Florida Building Code when contructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida.[3]

## Florida Building Code

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[4]

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[5]

## Florida Fire Prevention Code

The SFM adopts by rule the Florida Fire Prevention Code (FFPC), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such fire safety laws and rules.[6] The SFM adopts a new edition of the FFPC every three years[7] and the 8th edition of the FFPC took effect on December 31, 2023.[8] The FFPC is largely based on the *National Fire Protection Association's (NFPA) Standard 1, Fire Prevention Code,* along with the current edition of the *NFPA's Life Safety Code, NFPA 101*.[9]

The FFPC is the minimum fire prevention code deemed adopted in each municipality, county, and special district with firesafety responsibilities, and applies to every building and structure throughout the state with few

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[1] Ch. 285, F.S.
[2] Seminole Tribe of Florida, https://www.semtribe.com/culture/chickee (last visited Jan. 15, 2026).
[3] S. 553.73(10)(i), F.S.
[4] *See* s. 553.72(1), F.S.
[5] S. 553.72, F.S.
[6] Ch. 69A, F.A.C.
[7] S. 633.202, F.S.
[8] *See* Florida Fire Prevention Code (FFPC), https://www.myfloridacfo.com/division/sfm/bfp/florida-fire-prevention-code (last visited January 28, 2026).
[9] S. 633.202(2), F.S.

exceptions.[10] Municipalities, counties, and special districts with firesafety responsibilities may supplement the FFPC with more stringent standards.[11] Local fire authorities (authorities having jurisdiction or LAHJs) set standards for radio signal strength throughout buildings within their jurisdiction to ensure consistent fire and rescue communication capabilities.

**Building Permits**

Every local government must enforce the Florida Building Code and issue building permits.[12]A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[13] It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local enforcement agency or from such persons as may, by resolution or regulation, be directed to issue such permit.[14]

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Florida Building Code.[15] The Florida Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.[16] Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.[17]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Industries & Professional Activities Subcommittee | 14 Y, 0 N | 1/20/2026 | Anstead | Miralia |
| Intergovernmental Affairs Subcommittee | 14 Y, 0 N | 2/5/2026 | Darden | Burgess |
| Commerce Committee | | | Hamon | Miralia |

[10] S. 633.208, F.S. and R. 69A-60.002(1), F.A.C.
[11] S. 633.208(3), F.S., and R. 69A-60.002(2), F.A.C.
[12] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[13] S. 468.603, F.S.; S. 202 of the Eighth edition of the Florida Building Code (Building).
[14] Ss. 125.56(4)(a) and 553.79(1), F.S.
[15] S. 553.79(2)(a)1., F.S.
[16] *See* s. 553.73(1), F.S.
[17] Section 110 of the Eighth Edition of the Florida Building Code (Building).

A bill to be entitled

An act relating to local government regulation of chickees; creating ss. 125.489 and 166.04845, F.S.; prohibiting counties and municipalities, respectively, from enacting an ordinance, regulation, or policy that prevents a chickee from being constructed by certain persons in specified locations; prohibiting counties and municipalities from enacting an ordinance, regulation, or policy concerning chickees that is more restrictive than certain federal regulations; amending s. 553.73, F.S.; revising the definition of the term "chickee"; providing a penalty for certain persons who construct chickees in an attempt to assert an exemption from the Florida Building Code; amending s. 633.202, F.S.; defining the term "chickee"; exempting certain chickees from the Florida Fire Prevention Code; providing an effective date.

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

**Section 1. Section 125.489, Florida Statutes, is created to read:**

125.489 Ordinances, regulations, and policies concerning chickees.—

(1) A county may not enact an ordinance, regulation, or



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

policy that prevents or has the effect of preventing a person who is a member of the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida from constructing a chickee, as defined in s. 553.73(10)(i):

(a) In a side yard if the chickee is at least 10 feet from the property line.

(b) Near another structure if the chickee is at least 10 feet from any other structure.

(2) A county may not enact an ordinance, regulation, or policy concerning chickees that is more restrictive than federal floodplain management regulations.

**Section 2. Section 166.04845, Florida Statutes, is created to read:**

166.04845 Ordinances, regulations, and policies concerning chickees.—

(1) A municipality may not enact an ordinance, regulation, or policy that prevents or has the effect of preventing a person who is a member of the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida from constructing a chickee, as defined in s. 553.73(10)(i):

(a) In a side yard if the chickee is at least 10 feet from the property line.

(b) Near another structure if the chickee is at least 10 feet from any other structure.

(2) A municipality may not enact an ordinance, regulation,

or policy concerning chickees that is more restrictive than federal floodplain management regulations.

**Section 3. Paragraph (i) of subsection (10) of section 553.73, Florida Statutes, is amended to read:**

553.73 Florida Building Code.—

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm, ~~or~~ palmetto, or other traditional materials; that may have a wooden deck; ~~,~~ and that does not incorporate any electrical, plumbing, or other nonwood features, except that a chickee may:

1. Incorporate nonwood fasteners, including, but not limited to, nails, screws, bolts, nuts, washers, staples, and hurricane straps.

2. Incorporate electrical or plumbing features in accordance with a building permit for the incorporation of such features.

A person who is not a member of the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida and who constructs a

chickee in an attempt to assert an exemption from the Florida Building Code commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

**Section 4. Subsection (22) is added to section 633.202,**

**Florida Statutes, to read:**

633.202 Florida Fire Prevention Code.—

(22)(a) As used in this subsection, the term "chickee" has the same meaning as in s. 553.73(10)(i).

(b) Notwithstanding any other provision of law, a chickee is exempt from the Florida Fire Prevention Code, including the national fire codes and other national codes incorporated by reference, if:

1. The chickee is at least 20 feet from another structure subject to the Florida Building Code; or

2. The chickee otherwise implements fire-proofing measures approved by a certified fire protection system contractor.

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

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/HB 1137 | **COMPANION BILL:** CS/SB 678 (Mayfield) |
| **TITLE:** Deductions for Certain Losses of Alcoholic Beverages | **LINKED BILLS:** None |
| **SPONSOR(S):** Robinson, W. and Overdorf | **RELATED BILLS:** None |

**Committee References**

| Ways & Means | ➤ | Industries & Professional Activities | ➤ | Commerce |
|---|---|---|---|---|
| 15 Y, 0 N, As CS | | 15 Y, 0 N | | |

## SUMMARY


**Effect of the Bill:**
The bill allows alcoholic beverage distributors a deduction from alcoholic beverage excise taxes for standard product losses, including losses caused by breakage, spoilage, evaporation, or expiration. The bill also allows an alternate deduction for extraordinary, one-time losses. The extraordinary loss deduction is for the actual gallonage of the beverages lost. The bill establishes documentation, reporting, and recordkeeping requirements and authorizes the Division of Alcoholic Beverages and Tobacco to adopt rules to administer and enforce the deductions.

**Fiscal or Economic Impact:**
The Revenue Estimating Conference has estimated that the bill will have zero impact on state revenues.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

### EFFECT OF THE BILL:

The bill allows alcoholic beverage distributors to deduct certain losses of unsalable products from the excise taxes they owe using one of two deductions: a deduction that applies to all dealers (standard deduction) or a deduction that applies only to extraordinary losses. The bill reinstates a similar deduction that was previously authorized under Rule 61A-4.0371, F.A.C.

### Standard Deduction

The bill creates s. 561.1215, F.S., which allows alcoholic beverage distributors to deduct losses in the ordinary course of business. Distributors of malt beverages (beer), vinous beverages (wine), and spirituous beverages (liquor) can deduct excise taxes paid on alcoholic beverages that cannot be sold due to warehouse breakage, spoilage, evaporation, expiration, or products that are unfit for human consumption. A deduction is also allowed when the breakage, spoilage, or destruction is witnessed and documented by an employee of the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation.

The deduction amounts are set as a percentage of gross excise tax collected:

- Wine: 0.49 percent
- Liquor: 0.15 percent
- Malt beverages: 0.20 percent, or the actual breakage or spoliation.

For malt beverages, distributors must annually elect whether to use the percentage method or the gallonage of actual breakage or spoliation. The election is binding for the calendar year unless the license is transferred or 100 percent of inventory is sold to a new owner.

Distributors handling multiple alcohol types must calculate deductions separately under each category's rules.

**Deduction for Extraordinary Losses**

The bill also creates a separate deduction for "extraordinary losses" of alcoholic beverages, calculated based on the actual gallonage lost. An extraordinary loss is defined as:

- An unusual, non-recurring loss resulting from an act of God or natural event;
- An accident during interstate or intrastate shipment between manufacturers, distributors, or retailers; or
- A manufacturer product recall that requires the destruction, dumping, or recycling of the product.

Extraordinary loss does not include losses incurred during the normal course of business that exceed the standard deduction.

A distributor claiming an extraordinary loss must immediately notify the Division of Alcoholic Beverages and Tobacco and submit supporting proof, which may include:

- A copy of the traffic accident report or incident report;
- A division employee or authorized representative witnessing the loss on the premises where the loss occurs; or
- Other documentation deemed appropriate by the division which clearly and objectively establishes the loss.

The distributor must also submit a written statement from the employee responsible for the destruction, dumping, or recycling of the product. The statement must include:

- A description of the location where the extraordinary loss occurred;
- The identity of alcoholic beverages lost, by gallonage and tax category (malt, wine, or liquor); and
- The location of the site where the product was destroyed, dumped, or recycled.

After notification from a distributor of an extraordinary loss, the division must inspect the remaining inventory. The distributor must show proof that the standard excise tax deduction or any other source of recovery has not been recovered through any other means. The division may require copies of insurance claims, receipts, or other supporting documentation.

The distributor must record on forms prescribed by the division:

- The actual gallonage of breakage, spoilage, or evaporation;
- The date of product destruction;
- The quantity destroyed by tax classification; and
- A statement by an authorized employee or agent of the destruction that the product was destroyed.

All forms and documentation must be maintained for three years by the division.

The new statute created by the bill applies retroactively to January 1, 2025.

The bill authorizes the Division of Alcoholic Beverages & Tobacco to adopt rules to implement these provisions. (Section 1)

The bill takes effect upon becoming law. (Section 2)

**RULEMAKING:**

The bill grants rulemaking authority to the Division of Alcoholic Beverages & Tobacco within the Department of Business and Professional Regulation to implement the provisions of the act.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The Revenue Estimating Conference has estimated that this bill will have no impact on state revenues as the bill codifies preexisting administrative practice.[1]

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

Division of Alcoholic Beverages and Tobacco

The Division of Alcoholic Beverages and Tobacco (the "division") administers and enforces[2] the Beverage Law,[3] which regulates the manufacture, distribution, and sale of wine, beer, and liquor, including the:

- Receipt and processing of license applications;[4]
- Collection[5] and auditing of taxes, surcharges, and fees paid by licensees;[6] and
- Review and collection of reports detailing the beverages manufactured, imported, exported, and sold.[7]

The division is also responsible for the administration and enforcement of tobacco products under ch. 569, F.S.

Beer

The term "beer" means a brewed beverage that meets the federal definition of beer in 27 C.F.R. s. 25.11 and contains less than 6 percent alcohol by volume. A "malt beverage" means any brewed beverage containing malt. The terms "beer" and "malt beverage" are used interchangeable for purposes of the Beverage Law, but do not include alcoholic beverages that require a certificate of label approval by the Federal Government as wine or as distilled spirits.[8]

Wine

The term "wine" means "all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, sake, vermouths, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer's

[1] Revenue Estimating Impact Conference Meeting, Jan. 30 2026, https://edr.state.fl.us/content/conferences/revenueimpact/archives/2026/_pdf/impact0130.pdf (last visited Feb. 3, 2026).
[2] Section 561.08, F.S.
[3] Section 561.01(6), F.S. The "Beverage Law" is comprised of Chapters 561 through 568, F.S.
[4] See, e.g., s. 561.17, F.S.
[5] Section 561.025, F.S.
[6] See, e.g., s. 563.02, F.S., s. 564.02, F.S., and s. 565.02, F.S.
[7] Section 561.55, F.S.
[8] Section 563.01, F.S.

taste, except that the ultimate flavor or the color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine."[9]
"Fortified wine" means all wines containing more than 17.259 percent of alcohol by volume.[10]

Liquor

The term "liquor" is used interchangeably with "distilled spirits," "spirituous liquors," "spirituous beverages," or "distilled spirituous liquors," and means the substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.[11]

Excise Taxes on Alcoholic Beverages

Excise taxes on alcoholic beverages are levied at the wholesale level and collected from distributors. Current rates under Chs. 564 and 565, F.S., are as follows:

- malt beverages (beer) at $0.48 per gallon[12];
- wine at $2.25 to $3.50 per gallon, depending on type and alcohol content[13];
- cider at $0.89 per gallon[14]; and
- liquor at $6.50 to $9.53 per gallon, depending on proof[15].

Distributors are required to pay the tax to the division on or before the 10th day of the following month.[16] Of the monthly collections, 2 percent is deposited into the Alcoholic Beverage and Tobacco Trust Fund, specified distributions totaling no more than $60 million are distributed to specified medical facilities in the state, and the remainder is credited to the General Revenue Fund.[17]

Prior Excise Tax Deduction for Breakage and Spoilage of Alcoholic Beverages

The bill authorizes provisions that previously existed in rule. On July 7, 2025, the division published a notice of intent to repeal Fla. Admin. Code R. Rule 61A-4.0371[18] because the original statutory authority in s. 564.06(5), F.S. (1972) was repealed in 1985.[19] The Joint Administrative Procedures Committee subsequently issued a Notice of Nullification of the rule pursuant to s. 120.536(2)(a), F.S.[20]

Under the repealed rule, distributors could deduct an amount equal to:

- 0.49 percent of gross tax for wine;
- 0.15 percent of gross tax for liquor; and
- 0.20 percent of gross tax for male beverages (beer).

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[9] Section 564.01(1), F.S.
[10] Section 564.01(2), F.S.
[11] Section 565.01, F.S.
[12] Section 564.06, F.S.
[13] Ibid
[14] Ibid.
[15] Section 565.12, F.S.
[16] See, e.g., s. 564.06(7), F.S.
[17] Section 561.121(1), F.S.
[18] See Vol. 51 No. 130, July 7, 2025, issue of the Florida Administrative Register
[19] See Section 1, ch. 85-204, Laws of Fla
[20] *See* Joint Administrative Procedures Committee, *Notice of Nullification of Rule 61A-4.0371, F.A.C.*, dated August 27, 2025 (on file with the House Ways & Means Committee). Section 120.536(2)(a), F.S., provides that, if a law is repealed, any administrative rule created solely to implement that specific law is automatically rendered null and void. Whenever a notice of the nullification of a rule is received from the Joint Administrative Procedures Committee, the Department of State must remove the rule from the Florida Administrative Code as of the effective date of the law effecting the nullification and update the historical notes for the code to show the rule repealed by operation of law.

Alternatively, distributors could deduct the actual breakage or spoilage destruction witnessed and documented by the division employee or other authorized person. Distributors were required to annually elect the method of breakage for malt beverages (percentage or actual) and such election will be effective for 1 year unless the license is transferred or 100 percent of the stock is sold to a new owner.[21]

Distributors could also deduct the amount due to extraordinary losses, including losses which are:

- Not expected to recur and resulting from acts of God or nature;
- Accidents which occur during interstate or intrastate shipment; or
- Products being recalled by a manufacturer and destroyed by a distributor.

Extraordinary losses did not include losses from evaporation, breakage, or spoilage incurred on the licensed premises in the normal course of business which merely exceed the standard deductions.[22]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Ways & Means Committee | 15 Y, 0 N, As CS | | Aldridge | Hallaian |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Made non-substantive changes to align with Senate companion.<br>• Provisions will be retroactive to January 1, 2025. | | | |
| Industries & Professional Activities Subcommittee | 15 Y, 0 N | | Anstead | Dallas |
| Commerce Committee | | | Hamon | Dallas |

**----------**

**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

**----------**

[21] Fla. Admin. Code R. Rule 61A-4.0371(1)
[22] Fla. Admin. Code R. Rule 61A-4.0371(2)

A bill to be entitled

An act relating to deductions for certain losses of alcoholic beverages; creating s. 561.1215, F.S.; authorizing a distributor of vinous, spirituous, or malt beverages to make an excise tax deduction in its monthly tax report for alcoholic beverages that have become unsellable through warehouse breakage, spoliation, evaporation, or expiration or that have become unfit for human consumption; specifying the percentage a distributor may deduct for such alcoholic beverages; requiring that the method of determining breakage for malt beverages be elected annually; providing that the method is effective for a specified timeframe; providing an exception; requiring distributors that distribute more than one type of alcoholic beverage to deduct their gross taxes for products according to those specified in a specified manner; excluding extraordinary losses of vinous, spirituous, or malt beverages from such deductions; defining the term "extraordinary loss"; requiring a distributor to immediately notify the Division of Alcoholic Beverages and Tobacco when an extraordinary loss occurs; authorizing a distributor to deduct the actual gallonage of the extraordinary loss; requiring such distributors to show proof of the extraordinary

loss before recovering or crediting any excise tax due to the unsellable alcoholic beverages; specifying the manner in which a distributor may show such proof; requiring a distributor to show proof of the destruction, dumping, or recycling of the alcoholic beverages involved in the extraordinary loss; specifying the manner in which to show such proof; requiring the division to inspect any remaining undamaged invoiced inventory intended to be distributed upon being notified by the distributor; requiring a distributor reporting extraordinary losses to furnish proof that the excise tax has not been recovered from any other source; requiring the distributor to provide the division with copies of all insurance claims and receipts of payment upon request; requiring distributors to record certain information on forms prescribed by the division; requiring the division to retain such forms for a specified timeframe; authorizing the division to adopt rules and forms; providing retroactive application; providing an effective date.

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

**Section 1. Section 561.1215, Florida Statutes, is created**

**to read:**

561.1215 Deductions for breakage, spoliation, evaporation, expiration, and extraordinary losses.—

(1)(a) Distributors of vinous, spirituous, or malt beverages may make deductions against any excise tax due under s. 563.05, s. 564.06, or s. 565.12 on their monthly tax report for alcoholic beverages that have become unsellable through warehouse breakage, spoliation, evaporation, or expiration or that have become unfit for human consumption, in an amount equal to the following:

1. For vinous beverage sales, 0.49 percent of gross tax.

2. For spirituous beverage sales, 0.15 percent of gross tax.

3. For malt beverage sales, 0.20 percent of gross tax or the actual breakage or spoliation.

(b) The method of determining breakage for malt beverages, either percentage or actual gallonage, must be elected annually and will be effective for 1 calendar year unless the license is transferred or 100 percent of the stock is sold to a new owner.

(c) Distributors that distribute more than one type of alcoholic beverage shall deduct the gross taxes for their products as prescribed in this subsection for vinous, spirituous, or malt beverages.

(2)(a) Extraordinary losses of vinous, spirituous, or malt beverages are excluded from the deductions in subsection (1).

For purposes of this section, the term "extraordinary loss" means an unusual loss resulting from acts of God or nature which are not expected to recur; accidents that occur during interstate or intrastate shipment from manufacturer to distributor, from distributor to distributor, or from distributor to retailer; or products being recalled by a manufacturer and destroyed by a distributor. The term does not include a loss from evaporation, breakage, or spoliation incurred on the licensed premises in the normal course of business which exceeds the standard deductions prescribed in subsection (1).

(b) A distributor shall immediately notify the division when an extraordinary loss occurs. A distributor may deduct the actual gallonage of the extraordinary loss. The distributor shall show proof of the extraordinary loss before recovering or crediting any excise tax due to the unsellable alcoholic beverages by:

1. Providing a copy of a traffic accident investigation report or an incident report from the investigating agency when the loss occurs in transit;

2. Having the extraordinary loss witnessed or documented by an authorized division employee when the extraordinary loss occurs on the premises of the distributor; or

3. Clearly and objectively establishing the extraordinary loss through appropriate documentation as determined by the

division.

(c) The distributor shall show proof of the destruction, dumping, or recycling of the alcoholic beverages involved in the extraordinary loss by providing a statement to the division from the distributor, or the distributor's authorized employee or agent, evidencing such destruction, dumping, or recycling. The statement must include a description of the location of the extraordinary loss; the alcoholic beverages, by gallonage and tax category, which have been destroyed, dumped, or recycled; and the location of the site where the alcoholic beverages were destroyed, dumped, or recycled.

(3)(a) Upon notification by a distributor, the division shall inspect any remaining undamaged invoiced inventory intended to be distributed.

(b)1. A distributor reporting extraordinary losses must furnish proof that the excise tax has not been recovered from any other source. The distributor shall provide the division with copies of all insurance claims and receipts of payment upon request by the division.

2. The distributor shall record on forms prescribed by the division the actual gallonage of breakage, spoliation, or evaporation of alcoholic beverages; the date of product destruction; the quantity destroyed, by tax classification; and a statement signed by the distributor, or the distributor's authorized employee or agent, that the product was destroyed.

3. The division shall retain all completed forms for 3 years.

(4) The division may adopt rules and forms to implement this section.

(5) This section applies retroactively to January 1, 2025.

**Section 2.** This act shall take effect upon becoming a law.

**HB 1307**

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** HB 1307 | **COMPANION BILL:** SB 1380 (Martin) |
| **TITLE:** Unauthorized Aliens | **LINKED BILLS:** None |
| **SPONSOR(S):** Jacques | **RELATED BILLS:** None |

**Committee References**

Commerce ➤ State Affairs ➤ Judiciary

## SUMMARY


**Effect of the Bill:**
The bill establishes a framework to restrict access by unauthorized aliens to licenses issued by the Department of Financial Services, workers' compensation benefits, employment, financial services, housing benefits, and auto insurance.

**Fiscal or Economic Impact:**
The bill may have an indeterminate fiscal impact on state government.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

**EFFECT OF THE BILL:**

The bill defines "unauthorized alien" as a person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act. (Multiple Sections).

**Licensing**
The bill prohibits the Department of Financial Services ("DFS") from issuing licenses or certifications to any person who is an unauthorized alien. (Section 1).

The bill requires all licensing procedures, prelicensing instruction, and licensing testing for Commercial Driver Licenses to be conducted in English. The bill prohibits the use of interpreters, translators, translations, and other alternate language accommodations. (Section 4).

**Division of Risk Management**
The bill provides that the Division of Risk Management within DFS may approve or deny claims relating to an unauthorized alien who is a minor, but may not approve a claim submitted by an adult unauthorized alien or by a person who does not provide lawful documentation of citizenship to the division as required by state and federal law. (Section 3).

**Housing**
The bill authorizes counties to require proof that a borrower is lawfully present in the United States when providing homeownership assistance for low-income and moderate-income families. (Section 2).

The bill prohibits state and local governmental entities, the Florida Housing Finance Corporation ("Corporation"), and private corporations, including nonprofit organizations, that participate in down payment assistance programs or silent second mortgage programs, from providing any form of down payment assistance to a person who is an unauthorized alien. (Section 5).

The bill provides the following definitions:

- "Down payment assistance" includes, but is not limited to, grants to assist a person in the purchase of a residential property which takes the form of a loan or a silent second mortgage.
- "Silent second mortgage" means a second mortgage used to secure funds for a down payment for a residential property which is not disclosed to the original mortgage lender before closing occurs. (Section 5).

The bill requires an unauthorized alien who receives down payment assistance in violation of the bill's provisions to immediately repay the down payment assistance to the applicable entity. If an unauthorized alien does not repay the down payment assistance as required, the state or local governmental entity, the Corporation, or the private corporation, as applicable, must initiate foreclosure proceedings[1] against the unauthorized alien. (Section 5).

The bill specifies that loans available through the Florida Homeownership Assistance Program and the Florida Hometown Hero Program, which are both administered by the Corporation, to assist certain persons in purchasing their first home, are limited to persons who are lawfully present in the United States (Sections 6 and 7).

**Workers' Compensation**

The bill revises the definition of "employee" for purposes of workers' compensation to exclude unlawfully employed aliens. The bill also revises the definition to specify that the term includes "lawfully or unlawfully employed minors." (Section 8).

The bill provides that an employer who knowingly hires or employs an individual who is not authorized to work in the United States is personally and fully liable for all medical and treatment costs and related expenses resulting from an injury sustained by the unauthorized alien in the course of employment. The bill provides that the employer may not transfer this risk to a third-party, including an insurance company or state agency. (Section 10).

The bill provides penalties for employers who violate the workers' compensation provisions of the bill. These penalties include:

- fines of up to $50,000 per violation;[2]
- reimbursement of any public funds used to provide medical care to the unauthorized alien; and
- revocation of the employer's business license, registration, or certification issued by the appropriate licensing authority.
    - DFS is required to forward reported violations of the bill to the appropriate licensing authority for enforcement. (Section 10).

The bill requires employers to verify an employee's employment eligibility through the E-Verify system before submitting a claim for workers' compensation benefits. If the employer fails to do so, the employer is:

- ineligible to receive indemnity or medical coverage from the employer's workers' compensation insurance provider for injuries sustained by that employee; and
- personally liable for all costs, expenses, and benefits that would have otherwise been covered under Florida's workers' compensation laws. (Section 11).

The bill provides that employers must retain copies of the documentation provided and any verification generated by the E-Verify system for each employee. Employers must provide such documentation to DFS or the insurer upon request. (Section 11).

**Employment of Unauthorized Aliens**

The bill increases current penalties for employers who knowingly employ, hire, recruit, or refer for private or public employment an unauthorized alien.

[1] Pursuant to ch. 702, F.S.

[2] Fines collected pursuant to this provision must be deposited into the Workers' Compensation Administration Trust Fund.

For a first time violation, the bill increases the penalty from the Department of Commerce ("Commerce") to suspend for one year all licenses held by the employer which were issued by a licensing agency under the Administrative Procedure Act,[3] and impose a fine not to exceed $10,000 per violation, rather than a one-year suspension and reporting. (Section 12).

For a second time violation, the bill increases penalties from a 30- or 60-day suspension or revocation, depending on the number of unauthorized aliens employed, of all licenses held by the employer which were issued by a licensing agency under the Administrative Procedure Act, to a five-year suspension of all such licenses and fines of up to $100,000 per violation. (Section 12).

For employers who knowingly employ, hire, recruit, or refer for private or public employment a third time, Commerce must permanently revoke all licenses held by the employer personally, as well as any license held by the entity if the employer is a corporation, which were issued by a licensing agency under the Administrative Procedure Act, and must impose a fine of up to $250,000 per violation. (Section 12).

Regardless of the number of violations, if an employer knowingly employs, hires, recruits, or refers for private or public employment and the actions of an unauthorized alien employee result in injuries to another person, Commerce must suspend for five years all licenses held by the employer which were issued by a licensing agency under the Administrative Procedure Act, and impose a fine of up to $100,000 per violation. (Section 12).

If the actions of an unauthorized alien employee result in the death of another person, Commerce must permanently revoke all licenses held by the employer which were issued by a licensing agency under the Administrative Procedure Act, and impose a fine of up to $500,000 per violation. (Section 12).

The bill creates a civil cause of action against an employer who knowingly employs, hires, recruits, or refers for private or public employment and the actions of an unauthorized alien employee cause injuries or death to another person. The bill specifies that the injured person or the next of kin of the deceased person may bring a civil cause of action against the employer. (Section 12).

The bill provides that it is a third-degree felony for an employer to knowingly hire more than 50 unauthorized aliens, and Commerce is required to permanently revoke all licenses held by the employer personally, as well as any licenses held by the entity if the employer is a corporation, which were issued by a licensing agency under the Administrative Procedure Act. (Section 12).

Fines collected under this section must be deposited into the State Economic Enhancement and Development Trust Fund. (Section 12).

The bill grants DFS authority to request from an employer copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility. (Section 13).

**Money Services Businesses**

The bill prohibits money services businesses from initiating a foreign remittance transfer[4] before verifying that the sender is not an unauthorized alien. A remittance transfer is an electronic transfer of funds requested by a sender to a designated recipient that is sent by a remittance transfer provider. A foreign remittance transfer takes place when the recipient is outside of the United States.

The bill requires money services business to provide confirmation of verification of the sender's lawful status on forms prescribed by the Financial Services Commission. These forms must be submitted to the Office of Financial Regulation ("OFR") by the 15th of the month after the close of each calendar quarter. (Section 14).

[3] Chapter 120, F.S., may be cited as the "Administrative Procedure Act." *See* s. 120.51, F.S.

[4] The bill defines "foreign remittance transfer" as "a remittance transfer as defined in the Electronic Fund Transfer Act, 15 U.S.C. s. 1693o-1, as amended, the recipient of which is located in any country other than the United States."

The bill provides that if a money services business initiates a foreign remittance transfer without verifying the sender's lawful presence, it must pay a penalty equal to 25% of the amount transferred, excluding any fees or charges imposed by the money services business. The penalties must be remitted to OFR along with the verification forms by the 15th of the month after the close of each calendar quarter. OFR must deposit any penalties collected into the Regulatory Trust Fund. (Section 14).

The bill requires money services businesses to keep for five years any documentation used to verify that the sender of a foreign remittance transfer is not an unauthorized alien, and the penalties paid to OFR, including the date and amount of each foreign remittance transfer and the name, date of birth, and address of each sender. (Section 15).

The bill provides that OFR may request at any time records of the documentation used to verify that the sender of a foreign remittance transfer is not an unauthorized alien. Money services businesses must provide these records upon OFR's request. (Section 16).

The bill provides that a person may file a complaint with OFR if the person has a good faith belief that a money services business is not verifying a sender of a foreign remittance transfer's lawful presence in the United States. If the complaint is substantiated by evidence, OFR must notify the money services business of the complaint and the substantiated evidence, and the money services business must pay the 25% penalty created in Section 14 of the bill. (Section 16).

Beginning July 1, 2026, the bill requires OFR to conduct random quarterly audits of money services businesses. During these audits, a money services business must produce the records of documentation it used to verify that each sender of a foreign remittance transfer is not an unauthorized alien. (Section 16).

The bill provides that failing to pay the penalty as a result of a complaint or failing to provide documentation upon request or during an audit constitute grounds for the suspension of all licenses held by the money services business that were issued by OFR. (Section 16).

The bill provides that money services businesses may not accept the following as forms of personal identification for purposes of verifying the customer's identity when the payment instrument is $1,000 or more:

- a driver license or identification card issued exclusively to an unauthorized alien or undocumented immigrant;
- a driver license or identification card that is substantially the same as a license or identification card issued to a United States citizen or resident or others lawfully present in the United States but which has markings establishing that the license holder did not present proof of his or her lawful presence in the United States. (Section 17).

**State-chartered Financial Institutions**

The bill provides that state-chartered financial institutions may not accept the following forms of identification for the purpose of opening a deposit account, loan account, safe deposit box, or to receive any other services from the institution:

- a driver license or identification card issued exclusively to an unauthorized alien or undocumented immigrant;
- a driver license or identification card that is substantially the same as a license or identification card issued to a United States citizen or resident or others lawfully present in the United States but which has markings establishing that the license holder did not present proof of his or her lawful presence in the United States. (Section 19).

**Presumption of Fault for Unauthorized Out-of-State Drivers**

The bill creates a rebuttable presumption that if an unauthorized out-of-state driver[5] is involved in a motor vehicle accident in the state, the unauthorized out-of-state driver is at fault for purposes of filing an insurance claim. This presumption applies regardless of the unauthorized out-of-state driver's compliance with other traffic laws at the time of the accident. (Section 18).

The presumption does not apply if the other driver involved in the motor vehicle accident is determined, by clear and convincing evidence,[6] to be at egregious fault because of, but not limited to:

- reckless driving,
- leaving the scene of an accident, or
- racing on highways. (Section 18).

The presumption may be rebutted by clear and convincing evidence that the unauthorized out-of-state driver was not at fault based on witness statements, accident reconstruction, or video evidence directly related to the circumstances of the accident. (Section 18).

The bill requires law enforcement officers investigating motor vehicle accidents to verify whether any person involved is an unauthorized out-of-state driver or has an invalid out-of-state driver license. If the law enforcement officer finds that a driver involved in an accident has an invalid out-of-state driver license, the law enforcement officer must note that on the Florida Traffic Crash Report, Long Form or short-form crash report, and notify the Department of Highway Safety and Motor Vehicles within 48 hours after the accident. (Section 18).

The bill requires insurers to apply the presumption in processing claims and may not pay benefits to or settle claims with an unauthorized out-of-state driver. Insurers are required by the bill to report any suspected noncompliance or rebuttal attempts by the unauthorized out-of-state driver to the Office of Insurance Regulation ("OIR") within 30 days after the filing of the insurance claim. If an insurer fails to do so, they are subject to administrative penalties. (Section 18).

If an unauthorized out-of-state driver's insurer is a foreign insurer[7] and not licensed in this state, any party aggrieved by nonenforcement of the presumption and requirements of the bill may bring a civil action for injunctive relief and the prevailing party is entitled to reasonable attorney fees and costs. (Section 18).

These provisions only apply to all insurance policies issued or renewed on or after the effective date of the bill and to all motor vehicle accidents that occur on or after the effective date of the bill. (Section 18).

**Effective Date**

The bill becomes effective upon becoming a law. (Section 21).

**RULEMAKING:**

The bill requires DFS to adopt rules to establish criteria to verify that an applicant is lawfully present in the United States before issuing a license or certificate. (Section 1).

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[5] The bill defines "unauthorized out-of-state driver" as "a person operating a vehicle who has an invalid out-of-state driver license." A driver license is an invalid out-of-state driver license if it is of a class of licenses issued by another state exclusively to unauthorized aliens or undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued. This includes licenses that are issued exclusively to unauthorized aliens or undocumented immigrants or licenses that are substantially the same as licenses issued to citizens, residents, or those lawfully present in the United States but have markings establishing that the licenseholder did not exercise the option of providing proof of lawful presence. *See* s. 322.033, F.S.

[6] "Clear and convincing evidence" is evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue. Fla. Std. Jury Instr. (Civ.) 414.3 (Clear and convincing evidence).

[7] A "foreign insurer" is an insurer domiciled outside of Florida, but within the United States. *See* s. 624.06, F.S.

The bill allows DFS to adopt rules to implement and enforce the requirement that employers use E-Verify to verify an employee's eligibility for employment before submitting a workers' compensation claim. (Section 11).

The bill requires the Financial Services Commission to adopt rules relating to acceptable forms of documentation that a money services business must use to verify that the sender of a foreign remittance transfer is not an unauthorized alien. (Section 14).

The bill requires the Department of Highway Safety and Motor Vehicles and OIR to adopt rules to implement the rebuttable presumption that unauthorized out-of-state drivers involved in a motor vehicle accident are at fault. These rules must include standardized verification forms and procedures for interagency coordination. (Section 18).

The bill requires OFR to adopt rules to ensure compliance and enforcement of the provision that state-chartered financial institutions may not accept certain forms of identification. (Section 19).

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The bill may have an indeterminate fiscal impact on the Department of Financial Services, the Office of Financial Regulation, and the Office of Insurance Regulation to the extent they may need additional resources to enforce the provisions of the bill.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

**Department of Financial Services**

The Chief Financial Officer is a constitutional officer who is the head of the Department of Financial Services ("DFS"). DFS enforces certain provisions of the Florida Insurance Code, including those related to insurance agents, insurance agencies, managing general agents, insurance adjusters, reinsurance intermediaries, viatical settlement brokers, customer representatives, service representatives, and agencies.[8] The Department of Financial Services oversees workers' compensation carriers, including carrier responsibilities, coverage requirements, claim procedures, timelines, and penalties.[9]

**Division of Risk Management**

The Division of Risk Management, within DFS, manages the State Risk Management Trust Fund. This trust fund provides for all departments of the state, and their employees, agents, and volunteers: [10]

- coverage for workers' compensation claims;
- general liability;
- fleet automotive liability;
- federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes;
- benefits payable to firefighters diagnosed with cancer under certain conditions; and
- court-awarded attorney fees in other proceedings against the state, except for cases of eminent domain, inverse condemnation, or for awards by the Public Employees Relations Commission.

[8] S. 626.016, F.S.
[9] Chapter 440, F.S.
[10] S. 284.30, F.S. and s. 284.31, F.S.

## Florida Housing Finance Corporation

The Florida Housing Finance Corporation ("Corporation") was created in 1997 as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians.[11] The Corporation is held by the state and housed within the Department of Commerce ("Commerce").[12] The Corporation is a separate budget entity and its operations are not subject to control, supervision, or direction by Commerce.[13]

The Corporation's mission is to increase the supply of safe, affordable housing for individuals and families in Florida.[14] The Corporation encourages the investment of private capital and facilitates public and private sector housing partnerships.[15] As a financial institution, the Corporation administers federal and state resources to finance the development and preservation of affordable rental housing and assist homebuyers with financing and down payments.[16]

The Corporation may prevent an applicant or an applicant's affiliate from participating in any of its programs under certain circumstances if the applicant or affiliate has:

- Made a material misrepresentation or engaged in fraudulent actions in connection with any Corporation program;
- Been convicted or found guilty of, or entered a plea of guilty or nolo contendere[17] to, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds;
- Been excluded from any federal funding program related to providing housing, including debarment[18] from participation in federal housing programs by the U.S. Department of Housing and Urban Development;
- Been excluded from any federal or Florida procurement programs;
- Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution;
- Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the Corporation in the construction, operation, or management of one or more developments funded through a Corporation program; or
- Materially or repeatedly violated any condition imposed by the corporation in connection with the administration of a corporation program, including a land use restriction agreement, an extended use agreement, or any other financing or regulatory agreement with the Corporation.[19]

[11] *See* ch. 97-167, Laws of Fla.
[12] S. 420.504(1), F.S.
[13] S. 420.504(3), F.S.
[14] S. 420.502, F.S. *See also* Florida Housing Finance Corporation (Corporation), *About Florida Housing*, https://www.floridahousing.org/about-florida-housing/ (last visited Feb. 6, 2026).
[15] S. 420.502, F.S. *See also* Office of Program Policy Analysis & Government Accountability, *Report No. 09-S15*: *Florida Housing Finance Corporation Overview*, The Florida Legislature Sunset Review, Jan. 2009, p. 1. https://oppaga.fl.gov/Documents/Reports/09-15S.pdf (last visited Feb. 6, 2026).
[16] *See* Corporation, *About Florida Housing*, https://www.floridahousing.org/about-florida-housing/ (last visited Feb. 6, 2026).
[17] By entering a plea of nolo contendere, a defendant does not admit the allegations of the charge against him or her in a technical sense, but rather represents the defendant's unwillingness to contest the charge. *Grizzard v. State*, 881 So. 2d 673, at 676-677 (Fla. Dist. Ct. App. 2004). *See also, Vinson v. State*, 345 So.2d 711 (Fla.1977); *Kelly v. Dep't of Health & Rehab. Serv.*, 610 So.2d 1375 (Fla. 2d DCA 1992).
[18] "Debarment" means an action taken by a federal agency to prohibit a recipient from participating in federal government procurement contracts and covered nonprocurement transactions. 1 C.F.R. § 182.630.
[19] S. 420.518(1), F.S.

**Florida Homeownership Assistance Program**

The Florida Homeownership Assistance Program ("HAP"), which is administered by the Corporation, uses state funds to assist low-income and moderate-income persons in purchasing a home as their primary residence.[20]

In administering HAP, the Corporation is authorized to underwrite and issue mortgage loans to persons or families who have incomes that do not exceed 120 percent of the state or local median income, whichever is greater, adjusted for family size.[21] Such loans may be subordinated loans to assist with down payments or closing costs related to the purchase of a primary residence, or permanent loans to assist with the purchase of a primary residence.[22]

The Corporation is also authorized to underwrite and issue mortgage loans through HAP to developers or nonprofit sponsors for the purchase of property or for the construction or financing of housing to be offered for sale to certain persons as a primary residence at an affordable price.[23] For projects financed through this type of HAP loan, the following conditions (among others) apply:

- At least 30 percent of the units in a project financed through HAP must be sold to persons or families who have incomes that do not exceed 30 percent of the state or local median income, whichever is greater, adjusted for family size; and
- At least another 30 percent of the units in such a project must be sold to persons or families who have incomes that do not exceed 65 percent of the state or local median income, whichever amount is greater, adjusted for family size.[24]

In the 2023-2024 fiscal year, 2,719 households received a total of $27,190,000 through HAP.[25]

**Florida Hometown Hero Program**

The Florida Hometown Hero Program ("HHP"), which is administered by the Corporation, uses state funds to assist Florida's hometown workforce in attaining homeownership by providing financial assistance to certain persons to purchase a home as their primary residence.[26]

Under HHP, a borrower may apply to the Corporation for a loan to reduce the amount of the down payment and closing costs paid by the borrower by a minimum of $10,000 and up to 5 percent of the first mortgage loan, not to exceed $35,000.[27] The loan is made available at a zero percent interest rate for the term of the first mortgage.[28]

The Corporation is authorized to underwrite and issue mortgage loans through HHP to persons or families who have household incomes that do not exceed 150 percent of the state median income or local median income, whichever is greater.[29] To be eligible to participate in HHP, the borrower must be:

- Seeking to purchase a home as a primary residence;
- A first-time homebuyer;
- A Florida resident; and
- Employed full-time by a Florida-based employer.[30]

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[20] S. 420.4088, F.S.
[21] S. 420.5088(1)(a), F.S.
[22] S. 420.507(23)(a)1.-2., F.S.
[23] S. 420.507(23)(a)3., F.S.
[24] S. 420.5088(2)(e), F.S.
[25] Corporation, *2024 Annual Report*, p. 12, https://www.flipsnack.com/98FB7CA8B7A/2024-annual-report-tulw5aajiq/full-view.html (last visited Feb. 6, 2026).
[26] S. 420.5096(2), F.S.
[27] *Id.*
[28] *Id.*
[29] S. 420.5096(2), F.S.
[30] The borrower must provide documentation of full-time employment or full-time status for self-employed individuals. The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty servicemember of a branch of the armed forces or the Florida National Guard, as defined in s. 250.01, F.S., or a veteran. S. 420.5096(2), F.S.

For the 2025-2026 fiscal year, financial assistance through HHP appropriated in the 2025-2026 General Appropriations Act is limited to the following borrowers:

- A person employed full-time by a Florida-based employer as a health care worker, school staff member, first responder, public safety or court employee, or child care worker;
- A servicemember of the U.S. military or military reserves, the U.S. Coast Guard or its reserves, or the Florida National Guard; or
- A veteran employed full-time by a Florida-based employer.[31]

In the 2023-2024 fiscal year, 8,300 households received a total of $132,276,190 in down payment assistance through HHP, resulting in a total of $2,618,285,404 in first mortgage assistance through HHP overall.[32]

## Workers' Compensation

Workers' compensation is a no-fault system that provides disability and medical benefits and compensation for lost wages when an employee is injured in the course of employment.[33] Employers must secure coverage, and may do so by purchasing insurance from an authorized carrier, qualifying as a self-insurer, or purchasing coverage from the Florida Workers' Compensation Joint Underwriting Association, which is the state-sponsored insurer of last resort.[34]

## E-Verify

Current law requires private employers with 25 or more employees to use the federal E-Verify system to confirm immigration status for new employees.[35] E-Verify is a federal Internet-based system through which an employer can verify that a newly hired employee is authorized to work in the United States. E-Verify is administered by the Department of Homeland Security in partnership with the Social Security Administration. It is free for employers to use and provides an automated link to government records to help employers confirm the employment eligibility of new hires.

The following specified government entities may request, and an employer must provide, copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility:[36]

- The Department of Law Enforcement;
- The Attorney General;
- The state attorney in the circuit in which the new employee works;
- The statewide prosecutor; or
- The Department of Commerce.

These entities must rely on the federal government to verify an employee's employment eligibility and may not independently make a final determination as to whether an employee is an unauthorized alien.[37]

An employer that uses the E-Verify system or, if that system is unavailable, the Form I-9, with respect to the employment of an unauthorized alien has established a rebuttable presumption and an affirmative defense that the employer has not violated the state prohibition on hiring unauthorized aliens,[38] with respect to such employment.[39]

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[31] S. 420.5096(5)(a), F.S.
[32] *Supra* note 25, p. 13.
[33] S. 440.015, F.S.
[34] Ss. 440.38 and 627.311(5), F.S.
[35] S. 448.095, F.S.
[36] S. 448.095(3)(a), F.S.
[37] *Id*.
[38] S. 448.09, F.S.
[39] S. 448.095(4)(a), F.S.

According to the federal Immigration and Nationality Act ("INA"), an employer using E-Verify or the Form I-9, establishing good faith compliance with the law, has established an affirmative defense and a rebuttable presumption that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.[40]

## Department of Commerce

The Department of Commerce ("Commerce") is responsible for enforcing the requirement to use E-Verify. If Commerce determines that an employer failed to use the E-Verify system to verify the employment eligibility of employees, Commerce must notify the employer of its determination of noncompliance and provide the employer with 30 days to cure the noncompliance.[41] If an employer is determined to not have used the E-Verify system three times in any 24-month period, Commerce must impose a fine of $1,000 per day until the employer provides sufficient proof to Commerce that the noncompliance is cured.[42]

Noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to the Administrative Procedure Act until the noncompliance is cured.[43] Fines collected must be deposited into the State Economic Enhancement and Development Trust Fund for use by Commerce for employer outreach and public notice of the state's employment verification laws.[44]

If Commerce finds that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility of such person, Commerce must enter an order pursuant to the Administrative Procedure Act, making such determination and require repayment of any state economic development incentive. Commerce must also place the employer on probation for one year and require the employer to report quarterly to demonstrate compliance with the employment requirements.[45]

Any violation that takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing agency subject to the Administrative Procedure Act, under the following conditions:

- One to 10 unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 30 days by the respective agencies that issued them.
- Eleven to 50 unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 60 days by the respective agencies that issued them.
- More than 50 unauthorized aliens, revocation of all applicable licenses held by a private employer by the respective agencies that issued them.[46]

## Commercial Driver Licenses

Federal law establishes minimum qualification standards for individuals operating commercial motor vehicles and motor carriers are prohibited from permitting unqualified individuals to drive.[47]

To be qualified, a commercial driver must, among other requirements:[48]

- be at least 21 years old[49];

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[40] 8 U.S.C. s. 1324a(a)(3) and (b)(6); 8 U.S.C. s. 1324a notes, *Pilot Programs for Employment Eligibility Confirmation.*
[41] S. 448.095(6), F.S.
[42] *Id.*
[43] *Id.*
[44] *Id.*
[45] S. 448.09(3), F.S.
[46] S. 448.09(4), F.S.
[47] 49 C.F.R. § 391.11(a).
[48] 49 C.F.R. § 391.11(b)(1)-(3).
[49] An individual who is at least 18 years of age, but younger than 21, is restricted to intrastate operation only. https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/commercial-driver-license/ (last visited Feb. 6, 2026). *See also*, 49 C.F.R. § 383.71(a). A Commercial Learner's Permit can be issued to a person 18 years of age or older.

- be able to read and speak the English language sufficiently to communicate with the general public, understand traffic signs and signals, respond to official inquiries, and accurately complete required reports and records; and
- have the training, experience, or both, necessary to safely operate the type of commercial motor vehicle driven.

Drivers must also meet federal physical qualification standards, hold a valid commercial driver license issued by one jurisdiction, not be subject to federal disqualification, and have successfully completed a road skills test or an equivalent licensing requirement accepted by the employing motor carrier.[50]

Beginning, February 6, 2026, all driver license knowledge and skills examinations will be administered exclusively in English.[51]

Florida law prohibits the Department of Highway Safety and Motor Vehicles from issuing a driver license to a person who is an unauthorized alien or undocumented immigrant.[52]

**Invalid Out-of-State Driver Licenses**

Licenses that are issued exclusively to unauthorized aliens or undocumented immigrants, and licenses that have markings establishing that the licenseholder did not exercise the option of providing proof of lawful presence are invalid in Florida.[53]

The Department of Highway Safety and Motor Vehicles ("DHSMV") must maintain a list of out-of-state classes of driver licenses that are invalid in Florida.[54]

DHSMV has identified two states that issue licenses exclusively to unauthorized aliens: Connecticut and Delaware.[55]

Additionally, 18 states issue licenses that are substantially the same as those issued to those lawfully present in the United States, but that include a marking establishing that the licenseholder did not exercise the option of providing proof of lawful presence. These markings include "federal limits apply," "not valid for official federal purposes," "limited purpose driver's license," and "not for 'REAL ID' purposes."[56] The states and jurisdictions that issue this class of license include: California, Colorado, D.C., Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Virginia, and Washington.[57]

**Money Services Businesses**

A money services business is, "any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter."[58] Money services businesses must be licensed with OFR.[59]

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[50] 49 C.F.R. § 391.11(b)(4)-(7).
[51] DHSMV, *Driver Licenses & ID Cards* (Jan. 30, 2026), https://www.flhsmv.gov/2026/01/30/flhsmv-announces-driver-license-exams-to-be-administered-in-english-only/ (last visited Feb. 6, 2026).
[52] S. 322.033, F.S.
[53] S. 322.033(2), F.S.
[54] S. 322.033(4), F.S.
[55] DHSMV, *Out-of-state license classes no longer accepted in Florida*, https://www.flhsmv.gov/driver-licenses-id-cards/visiting-florida-faqs/sb1718/ (last visited Feb. 6, 2026).
[56] *Id*.
[57] *Id*.
[58] S. 560.103(23), F.S.
[59] S. 560.125, F.S.

## Office of Financial Regulation ("OFR")

OFR is responsible for all activities of the Financial Services Commission relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.[60] The Division of Consumer Finance within OFR licenses and regulates various aspects of the non-depository financial services industries, including mortgage and money services businesses.[61]

## Regulatory Trust Fund

The Regulatory Trust Fund is used by OFR to pay the costs associated with carrying out OFR's responsibilities under the Money Services Businesses chapter.[62] The Regulatory Trust Fund is funded by money paid in license application fees, license renewal fees, late payment penalties, civil penalties, administrative fines, and other fees, costs, or penalties paid to OFR pursuant to the Money Services Businesses chapter.[63]

## State-Chartered Financial Institutions

A financial institution must hold a federal or state charter to accept deposits. Banks are chartered either as national banks by the Office of the Comptroller of the Currency ("OCC") under the United States Department of the Treasury, or as state banks by a state regulator.[64]

In Florida, the Florida Financial Institutions Code governs all state-authorized and state-chartered banks, trust companies, and related entities.[65] OFR licenses and regulates 196 financial entities, including 57 state-chartered banks.[66]

## Office of Insurance Regulation

The Office of Insurance Regulation ("OIR") regulates all activities relating to insurers and other risk bearing entities, including licensing, rates, policy forms, marked conduct, claims, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision.[67] OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each authorized insurer in the state.[68] As part of that process, insurers must make available all records relating to the subject of the examination.[69] OIR is also authorized to carry out market conduct examinations to determine compliance with the Florida Insurance Code.[70]

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[60] S. 20.121(3)(a)(2), F.S.
[61] OFR, *Division of Consumer Finance*, https://flofr.gov/divisions-offices/division-of-consumerfinance (last visited Feb. 6, 2026).
[62] S. 560.144, F.S.
[63] *Id*.
[64] Congressional Research Service, Introduction to Financial Services: Banking, p. 1, January 5, 2023, available at: https://crsreports.congress.gov/product/pdf/IF/IF10035 (last visited Feb. 6, 2026).
[65] S. 655.005(1)(k), F.S., states that the Financial Institutions Codes includes: Ch. 655, F.S., financial institutions generally; Ch. 657, F.S., credit unions; Ch. 658, F.S., banks and trust companies; Ch. 660, F.S., trust business; Ch. 662, F.S., family trust companies; Ch. 663, F.S., international banking; Ch. 665, F.S., relating to associations; and Ch. 667, F.S., savings banks.
[66] OFR, Fast Facts (2025 ed.), available at: https://flofr.gov/docs/default-source/documents/fast-facts.pdf (last visited Feb. 6, 2026).
[67] S. 20.121(3)(a), F.S.
[68] S. 624.316(1)(a), F.S.
[69] S. 624.318(2), F.S.
[70] S. 624.3161, F.S.

**RECENT LEGISLATION:**

| YEAR | BILL #/SUBJECT | HOUSE/*SENATE* SPONSOR(S) | OTHER INFORMATION |
|---|---|---|---|
| 2025B | HB 1B - Immigration | McClure/ *Gruters* | Passed and became law. |
| 2023 | CS/CS/SB 1718 - Immigration | Michael/ *Ingoglia* | Passed and became law. |
| 2022 | CS/SB 1808 - Immigration Enforcement | Snyder/ *Bean* | Passed and became law. |

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Commerce Committee | | | Hamon | Miguez |
| State Affairs Committee | | | | |
| Judiciary Committee | | | | |

A bill to be entitled

An act relating to unauthorized aliens; creating s. 17.72, F.S.; prohibiting the Department of Financial Services from issuing a license or certification to unauthorized aliens; requiring the department to adopt rules; amending s. 125.0167, F.S.; authorizing a county to require a borrower to provide proof of being lawfully present in the United States; creating s. 284.52, F.S.; providing definitions; authorizing the Division of Risk Management to approve or deny claims relating to a minor who is an unauthorized alien; prohibiting the division from approving any claim submitted by an adult who is an authorized alien or fails to provide lawful documentation of citizenship; amending s. 322.53, F.S.; requiring certain procedures, instruction, and testing to be conducted in English; prohibiting alternate language accommodations; creating s. 420.56, F.S.; providing definitions; prohibiting certain entities and corporations from providing down payment assistance to unauthorized aliens; requiring an unauthorized alien to repay such down payment assistance if received; authorizing certain entities and corporations to initiate foreclosure proceedings under certain circumstances; amending s. 420.5088, F.S.; providing

that the Florida Homeownership Assistance Program is to assist certain persons who are lawfully present in the United States; amending s. 420.5096, F.S.; providing that the Florida Hometown Hero Program is to assist certain persons who are lawfully present in the United States; amending s. 440.02, F.S.; revising the definition of the term "employee"; amending s. 440.10, F.S.; conforming a provision to changes made by the act; creating s. 440.1001, F.S.; defining the term "unauthorized alien"; providing that an employer who hires or employs an unauthorized alien is personally liable for any medical and treatment costs resulting from an injury to such person; prohibiting an employer from transferring or shifting financial responsibility for such injury to others; providing penalties; requiring the Department of Financial Services to transfer reported violations to appropriate licensing authorities; creating s. 440.1002, F.S.; defining the term "E-Verify system"; requiring an employer to verify an employee's employment eligibility before submitting a workers' compensation claim; requiring employers to retain and provide to the Department of Financial Services upon request certain documentation and verification; providing construction; authorizing the department to adopt rules; amending s. 448.09,

F.S.; providing penalties for an employer who knowingly employs, hires, recruits, or refers an unauthorized alien; requiring fines collected to be deposited into the State Economic Enhancement and Development Trust Fund; providing a civil cause of action; amending s. 448.095, F.S.; authorizing the Department of Financial Services to request certain verification of an employee's employment eligibility; amending s. 560.208, F.S.; requiring a licensee to verify a person's citizenship status before initiating a foreign remittance transfer; defining the term "foreign remittance transfer"; requiring the Financial Services Commission to adopt certain rules; requiring licensees to submit certain forms to the commission within a specified time period; providing a penalty; requiring a licensee to submit such penalty to the commission within a specified time period; requiring the commission to deposit penalties collected into the Regulatory Trust Fund; providing construction; amending s. 560.211, F.S.; requiring licensees to make, keep, and preserve certain documentation used to verify a sender of a foreign remittance transfer is not an unauthorized alien; creating s. 560.2115, F.S.; defining the terms "foreign remittance transfer" and "unauthorized alien"; authorizing the Office of

Financial Regulation of the commission to request records of certain documentation; authorizing a person to file a complaint with the office; requiring the office to notify a licensee upon a substantiated complaint; requiring the office to conduct random quarterly audits beginning on a specified date; providing for the suspension of licenses under certain circumstances; amending s. 560.310, F.S.; prohibiting certain forms of personal identification for certain corporate payment instruments; creating s. 627.7408, F.S.; defining the terms "invalid out-of-state driver license" and "unauthorized out-of-state driver"; creating a rebuttable presumption of fault against unauthorized out-of-state drivers involved in motor vehicle accidents; providing an exception; providing for the rebuttal of the presumption upon the showing of clear and convincing evidence; requiring law enforcement officers to note the presence of a presumption on a crash report form and notify the Department of Highway Safety and Motor Vehicles within a specified timeframe; requiring insurers to apply the presumption when processing claims; prohibiting insurers from paying or settling claims with unauthorized out-of-state drivers; requiring insurers to notify the Office of Insurance Regulation within a

specified timeframe under certain circumstances; providing administrative penalties; authorizing a private cause of action under certain circumstances; providing for attorney fees and costs; requiring the Department of Highway Safety and Motor Vehicles and the Office of Insurance Regulation to adopt certain rules; providing applicability and construction; creating s. 655.98, F.S.; prohibiting a state-chartered financial institution from accepting certain forms of personal identification; requiring the Office of Financial Regulation to adopt certain rules; providing a directive to the Division of Law Revision; providing an effective date.

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

**Section 1. Section 17.72, Florida Statutes, is created to read:**

17.72 Prohibition on licensing and certification of unauthorized aliens.—

(1) The department may not issue a license or certification to any person who is an unauthorized alien as defined in s. 908.111(1).

(2) The department shall adopt rules to establish criteria for verifying compliance with subsection (1) before issuing any

license or certificate.

**Section 2. Paragraph (c) of subsection (5) of section 125.0167, Florida Statutes, is amended to read:**

125.0167 Discretionary surtax on documents; adoption; application of revenue.—

(5)

(c) A county may not impose any requirement as a condition to receiving any financial assistance on a borrower other than requiring proof that the borrower is lawfully present in the United States and that the borrower's income does not exceed 140 percent of the area median income. In addition to the income eligibility requirement, borrowers may only be subject to loan qualifications of lenders licensed to provide mortgage financing as to the amount of the loan. A county may not create requirements that restrict participation by eligible borrowers.

**Section 3. Section 284.52, Florida Statutes, is created to read:**

284.52 Denial of claims.—

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

(a) "Adult" has the same meaning as in s. 847.001.

(b) "Minor" has the same meaning as in s. 847.001.

(c) "Unauthorized alien" has the same meaning as in s. 908.111(1).

(2) The Division of Risk Management may approve or deny claims relating to an unauthorized alien who is a minor;

however, the division may not approve a claim submitted by an unauthorized alien who is an adult or by a person who fails to provide lawful documentation of citizenship to the division as required by state and federal law.

**Section 4. Subsection (5) of section 322.53, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:**

322.53 License required; exemptions.—

(5) All licensing procedures, prelicensing instruction, and licensing testing under this chapter must be conducted in English. The use of interpreters, translators, translations, or alternate language accommodations are prohibited.

**Section 5. Section 420.56, Florida Statutes, is created to read:**

420.56 Down payment assistance for unauthorized aliens prohibited.—

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

(a) "Down payment assistance" includes, but is not limited to, grants to assist a person in the purchase of a residential property which takes the form of a loan or a silent second mortgage.

(b) "Silent second mortgage" means a second mortgage used to secure funds for a down payment for a residential property which is not disclosed to the original mortgage lender before closing occurs.

(c) "Unauthorized alien" has the same meaning as in s. 908.111(1).

(2) State and local governmental entities, the corporation, and private corporations, including nonprofit organizations incorporated under chapter 617, participating in down payment assistance programs or silent second mortgage programs may not provide any form of down payment assistance to a person who is an unauthorized alien.

(3) If an unauthorized alien is discovered to have received down payment assistance from a state or local governmental entity, the corporation, or a private corporation, the unauthorized alien must immediately repay the down payment assistance to the appropriate entity or corporation. If the unauthorized alien does not repay the down payment assistance, the state or local governmental entity, the corporation, or the private corporation must initiate foreclosure proceedings under chapter 702 against the unauthorized alien.

**Section 6. Section 420.5088, Florida Statutes, is amended to read:**

420.5088 Florida Homeownership Assistance Program. ~~There is created~~ The Florida Homeownership Assistance Program is created for the purpose of assisting low-income and moderate-income persons who are lawfully present in the United States in purchasing a home as their primary residence by reducing the cost of the home with below-market construction financing, by

reducing the amount of down payment and closing costs paid by the borrower to a maximum of 5 percent of the purchase price, or by reducing the monthly payment to an affordable amount for the borrower ~~purchaser~~. Loans must ~~shall~~ be made available at an interest rate that does not exceed 3 percent. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(1) For loans made available pursuant to s. 420.507(23)(a)1. or 2.:

(a) The corporation may underwrite and make those mortgage loans through the program to persons or families who are lawfully present in the United States and have incomes that do not exceed 120 percent of the state or local median income, whichever is greater, adjusted for family size.

(b) Loans must ~~shall~~ be made available for the term of the first mortgage.

(c) Loans may not exceed the lesser of 35 percent of the purchase price of the home or the amount necessary to enable the borrower ~~purchaser~~ to meet credit underwriting criteria.

(2) For loans made pursuant to s. 420.507(23)(a)3.:

(a) Availability is limited to nonprofit sponsors or developers who are selected for program participation pursuant to this subsection.

(b) Preference must be given to community-based

organizations as defined in s. 420.503.

(c) Priority must be given to projects that have received state assistance in funding project predevelopment costs.

(d) The benefits of making such loans must ~~shall~~ be contractually provided to the persons or families purchasing homes financed under this subsection.

(e) At least 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who are lawfully present in the United States and who have incomes that do not exceed 80 percent of the state or local median income, whichever amount is greater, adjusted for family size; and at least another 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who are lawfully present in the United States and who have incomes that do not exceed 65 percent of the state or local median income, whichever amount is greater, adjusted for family size.

(f) The maximum loan amount may not exceed 33 percent of the total project cost.

(g) A person who is lawfully present in the United States and purchases a home in a project financed under this subsection is eligible for a loan authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the construction loan made pursuant to this subsection. The home purchaser must meet all the requirements for loan recipients established pursuant to the

applicable loan program.

(h) The corporation shall provide, by rule, for the establishment of a review committee composed of corporation staff and shall establish, by rule, a scoring system for evaluating and ranking applications submitted for construction loans under this subsection, including, but not limited to, the following criteria:

1. The affordability of the housing proposed to be built.

2. The direct benefits of the assistance to the persons who will reside in the proposed housing.

3. The demonstrated capacity of the applicant to carry out the proposal, including the experience of the development team.

4. The economic feasibility of the proposal.

5. The extent to which the applicant demonstrates potential cost savings by combining the benefits of different governmental programs and private initiatives, including the local government contributions and local government comprehensive planning and activities that promote affordable housing.

6. The use of the least amount of program loan funds compared to overall project cost.

7. The provision of homeownership counseling.

8. The applicant's agreement to exceed the requirements of paragraph (e).

9. The commitment of first mortgage financing for the

balance of the construction loan and for the permanent loans to the purchasers of the housing.

10. The applicant's ability to proceed with construction.

11. The targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

12. The extent to which the proposal will further the purposes of this program.

(i) The corporation may reject any and all applications.

(j) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the corporation board regarding program participation under this subsection. The corporation board shall make the final ranking for participation based on the scores received in the ranking, further review of the applications, and the recommendations of the review committee. The corporation board shall approve or reject applicants for loans and shall determine the tentative loan amount available to each program participant. The final loan amount shall be determined pursuant to rule adopted under s. 420.507(23)(h).

(3) The corporation shall publish a notice of fund availability in a publication of general circulation throughout this ~~the~~ state at least 60 days before ~~prior to~~ the anticipated availability of funds.

(4) ~~There is authorized to be established by~~ The

corporation may establish with a qualified public depository meeting the requirements of chapter 280 the Florida Homeownership Assistance Fund to be administered by the corporation according to the provisions of this program. Any amounts held in the Florida Homeownership Assistance Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Florida Homeownership Assistance Fund, whereupon the Florida Homeownership Assistance Trust Fund must be closed. There shall be deposited in the fund moneys from the State Housing Trust Fund created by s. 420.0005, or moneys received from any other source, for the purpose of this program and all proceeds derived from the use of such moneys. In addition, all unencumbered funds, loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities of the programs described in this section shall be transferred to this fund. In addition, all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities conducted under ~~the provisions of~~ the Florida Homeownership Assistance Program shall be deposited in the fund and may ~~shall~~ not revert to the General Revenue Fund. Expenditures from the Florida Homeownership Assistance Fund are ~~shall~~ not ~~be~~ required to be included in the corporation's budget request or be subject to appropriation by the Legislature.

(5) No more than one-fifth of the funds available in the Florida Homeownership Assistance Fund may be made available to provide loan loss insurance reserve funds to facilitate homeownership for eligible persons.

**Section 7. Subsections (2) and (3) of section 420.5096, Florida Statutes, are amended to read:**

420.5096 Florida Hometown Hero Program.—

(2) The Florida Hometown Hero Program is created to assist Florida's hometown workforce in attaining homeownership by providing financial assistance to residents to purchase a home as their primary residence. Under the program, a borrower who is lawfully present in the United States may apply to the corporation for a loan to reduce the amount of the down payment and closing costs paid by the borrower by a minimum of $10,000 and up to 5 percent of the first mortgage loan, not exceeding $35,000. Loans must be made available at a zero percent interest rate and must be made available for the term of the first mortgage. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(3) For loans made available pursuant to s. 420.507(23)(a)1. or 2., the corporation may underwrite and make those mortgage loans through the program to persons or families who are lawfully present in the United States and who have household incomes that do not exceed 150 percent of the state

median income or local median income, whichever is greater. A borrower must be seeking to purchase a home as a primary residence; must be a first-time homebuyer, ~~and~~ a Florida resident, and lawfully present in the United States; and must be employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment or full-time status for self-employed individuals. The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty servicemember of a branch of the armed forces or the Florida National Guard, as defined in s. 250.01, or a veteran.

**Section 8. Subsection (18) of section 440.02, Florida Statutes, is amended to read:**

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(18)(a) "Employee" means any person who receives remuneration from an employer for the performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship, express or implied, oral or written, ~~whether lawfully or unlawfully employed,~~ and includes~~, but is not limited to,~~ aliens authorized for employment under federal law and lawfully or unlawfully employed minors.

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are

continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing notice of the election with the department as provided in s. 440.05.

2. As to officers of a corporation who are engaged in the construction industry, no more than three officers of a corporation or of any group of affiliated corporations may elect to be exempt from this chapter by filing a notice of the election with the department as provided in s. 440.05. Officers must be shareholders, each owning at least 10 percent of the stock of such corporation and listed as an officer of such corporation with the Division of Corporations of the Department of State, in order to elect exemptions under this chapter. For purposes of this subparagraph, the term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes, but is not limited to, the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one

business is affiliated with the other.

3. An officer of a corporation who elects to be exempt from this chapter by filing a notice of the election with the department as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) "Employee" includes:

1. A sole proprietor or a partner who is not engaged in the construction industry, devotes full time to the proprietorship or partnership, and elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05.

2. All persons who are being paid by a construction contractor as a subcontractor, unless the subcontractor has validly elected an exemption as permitted by this chapter, or has otherwise secured the payment of compensation coverage as a subcontractor, consistent with s. 440.10, for work performed by or as a subcontractor.

3. An independent contractor working or performing services in the construction industry.

4. A sole proprietor who engages in the construction industry and a partner or partnership that is engaged in the construction industry.

(d) "Employee" does not include:

1. An independent contractor who is not engaged in the construction industry.

a. In order to meet the definition of independent contractor, at least four of the following criteria must be met:

(I) The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

(II) The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal regulations;

(III) The independent contractor receives compensation for services rendered or work performed and such compensation is paid to a business rather than to an individual;

(IV) The independent contractor holds one or more bank accounts in the name of the business entity for purposes of paying business expenses or other expenses related to services rendered or work performed for compensation;

(V) The independent contractor performs work or is able to perform work for any entity in addition to or besides the employer at his or her own election without the necessity of completing an employment application or process; or

(VI) The independent contractor receives compensation for

work or services rendered on a competitive-bid basis or completion of a task or a set of tasks as defined by a contractual agreement, unless such contractual agreement expressly states that an employment relationship exists.

b. If four of the criteria listed in sub-subparagraph a. do not exist, an individual may still be presumed to be an independent contractor and not an employee based on full consideration of the nature of the individual situation with regard to satisfying any of the following conditions:

(I) The independent contractor performs or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work.

(II) The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform.

(III) The independent contractor is responsible for the satisfactory completion of the work or services that he or she performs or agrees to perform.

(IV) The independent contractor receives compensation for work or services performed for a commission or on a per-job basis and not on any other basis.

(V) The independent contractor may realize a profit or suffer a loss in connection with performing work or services.

(VI) The independent contractor has continuing or recurring business liabilities or obligations.

(VII) The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

c. Notwithstanding anything to the contrary in this subparagraph, an individual claiming to be an independent contractor has the burden of proving that he or she is an independent contractor for purposes of this chapter.

2. A real estate licensee, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish motor vehicle equipment as identified in the written contract and the principal costs incidental to the performance of the contract, including, but not limited to, fuel and repairs, provided a motor carrier's advance of costs to the owner-operator when a written contract evidences the owner-operator's obligation to

reimburse such advance shall be treated as the owner-operator furnishing such cost and the owner-operator is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Unless otherwise prohibited by this chapter, any

officer of a corporation who elects to be exempt from this chapter. Such officer is not an employee for any reason under this chapter until the notice of revocation of election filed pursuant to s. 440.05 is effective.

8. An officer of a corporation that is engaged in the construction industry who elects to be exempt from the provisions of this chapter, as otherwise permitted by this chapter. Such officer is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors

an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

12. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Home and Community-Based or the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

13. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

14. An unauthorized alien as defined in s. 908.111(1).

**Section 9. Subsection (2) of section 440.10, Florida Statutes, is amended to read:**

440.10 Liability for compensation.—

(2) Compensation shall be payable irrespective of fault as a cause for the injury, except as provided in ss. 440.09(3) and 440.1001 ~~s. 440.09(3)~~.

**Section 10. Section 440.1001, Florida Statutes, is created to read:**

440.1001 Employer liability for injuries to unauthorized aliens.—

(1) As used in this section, the term "unauthorized alien" has the same meaning as in s. 908.111(1).

(2) An employer who knowingly hires or employs an individual who is not authorized to work in the United States under federal law is personally and fully liable for all medical and treatment costs and related expenses resulting from an injury sustained by the unauthorized alien during his or her employment.

(3) An employer may not transfer or otherwise shift financial responsibility for medical and treatment costs and related expenses resulting from an injury to any third party, including an insurance company, a state agency, or any other entity.

(4) An employer who violates this section is subject to the following penalties:

(a) A fine not to exceed $50,000 per violation. Fines collected under this paragraph must be deposited into the Workers' Compensation Administration Trust Fund.

(b) Reimbursement of any public funds expended to provide medical care to the unauthorized alien.

(c) Revocation of the employer's business license, registration, or certification issued by the appropriate licensing authority.

(5) The department shall transfer reported violations of this section to the appropriate licensing authority for enforcement.

**Section 11. Section 440.1002, Florida Statutes, is created to read:**

440.1002 Employment eligibility for purposes of workers' compensation eligibility.—

(1) As used in this section, the term "E-Verify system" has the same meaning as in s. 448.095(1).

(2) Before an employer may submit a claim for workers' compensation benefits for an employee, the employer must first verify the employee's employment eligibility through the E-Verify system.

(3) If an employer fails to check an employee's employment eligibility through the E-Verify system before submitting a claim for workers' compensation benefits, the employer is:

(a) Ineligible to receive indemnity or medical coverage

from the employer's workers compensation insurance provider for injuries sustained by that employee.

(b) Personally liable for all costs, expenses, and benefits that would have otherwise been covered under this chapter.

(4) An employer must retain a copy of the documentation provided and any verification generated, if applicable, by the E-Verify system for each employee. The employer must provide such documentation or verification to the department or insurer upon request.

(5) This section may not be construed to bestow any employment rights or legal status on an employee who is verified through the E-Verify system.

(6) The department may adopt rules to implement and enforce this section.

**Section 12. Subsection (5) of section 448.09, Florida Statutes, is renumbered as subsection (9), subsections (3) and (4) are amended, and new subsections (4) through (8) are added to that section, to read:**

448.09 Unauthorized aliens; employment prohibited.—

(3) For an employer who knowingly violates ~~a violation of~~ this section, the department shall suspend for 1 year all licenses held by the employer which were issued by a licensing agency under chapter 120 and impose a fine not to exceed $10,000 per violation. Fines collected under this subsection must be

deposited into the State Economic Enhancement and Development Trust Fund.

(4) For an employer who knowingly violates this section a second time, the department shall suspend for 5 years all licenses held by the employer which were issued by a licensing agency under chapter 120 and impose a fine not to exceed $100,000 per violation. Fines collected under this subsection must be deposited into the State Economic Enhancement and Development Trust Fund.

(5) For an employer who knowingly violates this section a third time, the department shall permanently revoke all licenses held by the employer personally, as well as any licenses held by the entity if the employer is a corporation, which were issued by a licensing agency under chapter 120 and impose a fine not to exceed $250,000 per violation. Fines collected under this subsection must be deposited into the State Economic Enhancement and Development Trust Fund.

(6)(a) For an employer who knowingly violates this section and the actions of an unauthorized alien employee result in injuries to another person, the department shall suspend for 5 years all licenses held by the employer which were issued by a licensing agency under chapter 120 and impose a fine not to exceed $100,000 per violation.

(b) For an employer who knowingly violates this section and the actions of an unauthorized alien employee result in the

death of another person, the department shall permanently revoke all licenses held by the employer which were issued by a licensing agency under chapter 120 and impose a fine not to exceed $500,000 per violation.

(c) Fines collected under this subsection must be deposited into the State Economic Enhancement and Development Trust Fund.

(d) There is created a civil cause of action against an employer who violates this section and such violation results in injuries to or the death of another person.

(7) An employer who knowingly hires more than 50 unauthorized aliens commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and the department shall permanently revoke all licenses held by the employer personally, as well as any licenses held by the entity if the employer is a corporation, which were issued by a licensing agency under chapter 120.

(8) A person who is injured or the next of kin, as defined in s. 744.102, of a person who is killed by the actions of an unauthorized alien employee may bring a cause of action under subsection (6) against the employer for damages for bodily injury or death ~~place the employer on probation for a 1-year period and require that the employer report quarterly to the department to demonstrate compliance with the requirements of subsection (1) and s. 448.095.~~

~~(4) Any violation of this section which takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing agency subject to chapter 120. The department shall take the following actions for a violation involving:~~

~~(a) One to ten unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 30 days by the respective agencies that issued them.~~

~~(b) Eleven to fifty unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 60 days by the respective agencies that issued them.~~

~~(c) More than fifty unauthorized aliens, revocation of all applicable licenses held by a private employer by the respective agencies that issued them~~.

**Section 13. Paragraph (a) of subsection (3) of section 448.095, Florida Statutes, is amended to read:**

448.095 Employment eligibility.—

(3) ENFORCEMENT.—

(a) For the purpose of enforcement of this section, any of the following persons or entities may request, and an employer must provide, copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility:

1. The Department of Law Enforcement;

2. The Attorney General;

3. The state attorney in the circuit in which the new employee works;

4. The statewide prosecutor;

5. The Department of Financial Services; or

6.~~5.~~ The Department of Commerce.

**Section 14. Subsection (7) is added to section 560.208, Florida Statutes, to read:**

560.208 Conduct of business.—In addition to the requirements specified in s. 560.1401, a licensee under this part:

(7) May not initiate a foreign remittance transfer unless the licensee has verified that the sender is not an unauthorized alien as defined in s. 908.111(1).

(a) As used in this subsection, the term "foreign remittance transfer" means a remittance transfer as defined in the Electronic Fund Transfer Act, 15 U.S.C. s. 1693o-1, as amended, the recipient of which is located in any country other than the United States.

(b) The commission shall adopt rules relating to acceptable forms of documentation that a licensee must use to verify that the sender of a foreign remittance transfer is not an unauthorized alien. The licensee must provide confirmation of verification on forms the commission prescribes. All required forms must be submitted to the office by the 15th of the month after the close of each calendar quarter.

(c) A licensee who initiates a foreign remittance transfer in violation of this subsection, must pay a penalty equal to 25 percent of the United States dollar amount transferred, excluding any fees or charges imposed by the licensee. A licensee must remit to the office the amount of any penalty owed, along with any forms prescribed by the office, by the 15th of the month after the close of each calendar quarter. Notwithstanding ss. 252.3711 and 560.144, the office must deposit in the Regulatory Trust Fund the penalties collected under this paragraph. Notwithstanding any other provision of law, the penalty imposed in this paragraph is the only remedy for a violation of this subsection and a licensee may not be subject to any other penalty.

**Section 15. Paragraphs (i) and (j) of subsection (1) of section 560.211, Florida Statutes, are redesignated as paragraphs (j) and (k), respectively, and a new paragraph (i) is added to that subsection, to read:**

560.211 Required records.—

(1) In addition to the record retention requirements under s. 560.1105, each licensee under this part must make, keep, and preserve the following books, accounts, records, and documents for 5 years:

(i) The documentation used to verify that the sender of a foreign remittance transfer, as defined in s. 560.208(7)(a), is not an unauthorized alien, as defined in s. 908.111(1), and the

penalties paid to the office pursuant to s. 560.208(7)(c), including the date and amount of each foreign remittance transfer and the name, date of birth, and address of each sender.

**Section 16. Section 560.2115, Florida Statutes, is created to read:**

560.2115 Required records audit.—

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

(a) "Foreign remittance transfer" has the same meaning as in s. 560.208(7)(a).

(b) "Unauthorized alien" has the same meaning as in s. 908.111(1).

(2) For enforcement purposes, the office may at any time request, and the licensee must provide, records of documentation used to verify that the sender of a foreign remittance transfer is not an unauthorized alien.

(3)(a) A person who has a good faith belief that a licensee is failing to comply with s. 560.208(7) may file a complaint with the office.

(b) Upon receipt of a valid complaint of a violation of s. 560.208(7), which is substantiated by evidence, the office must notify the licensee of the complaint and the substantiated evidence and the licensee must pay the penalty under s. 560.208(7)(c).

(4) Beginning July 1, 2026, the office must conduct random

quarterly audits of licensees to ensure compliance with s. 560.208(7). During an audit, the licensee must produce to the office records of documentation the licensee used to verify that each sender of a foreign remittance transfer is not an unauthorized alien.

(5) Failure to comply with subsections (1)-(4) constitutes grounds for the suspension of all licenses held by the licensee which were issued by the office.

**Section 17. Subsection (2) of section 560.310, Florida Statutes, is amended to read:**

560.310 Records of check cashers and foreign currency exchangers.—

(2) If the payment instrument is ~~exceeds~~ $1,000 or more, the following additional information must be maintained or submitted:

(a) Customer files, as prescribed by rule, on all customers who cash corporate payment instruments that are ~~exceed~~ $1,000 or more.

(b) A copy of the personal identification that bears a photograph of the customer used as identification and presented by the customer. Acceptable personal identification is limited to a valid driver license; a state identification card issued by any state of the United States or its territories or the District of Columbia, and showing a photograph and signature; a United States Government Resident Alien Identification Card; a

passport; or a United States Military identification card. The following may not be used as a form of personal identification:

1. A license or identification card issued exclusively to an unauthorized alien or undocumented immigrant.

2. A license or identification card that is substantially the same as a license or identification card issued to a United States citizen or resident or others lawfully present in the United States but which has markings establishing that the license holder did not present proof of his or her lawful presence in the United States.

(c) A thumbprint of the customer taken by the licensee when the payment instrument is presented for negotiation or payment.

(d) The office shall, at a minimum, require licensees to submit the following information to the check cashing database or electronic log, before entering into each check cashing transaction for each payment instrument being cashed, in such format as required by rule:

1. Transaction date.

2. Payor name as displayed on the payment instrument.

3. Payee name as displayed on the payment instrument.

4. Conductor name, if different from the payee name.

5. Amount of the payment instrument.

6. Amount of currency provided.

7. Type of payment instrument, which may include personal,

payroll, government, corporate, third-party, or another type of instrument.

8. Amount of the fee charged for cashing of the payment instrument.

9. Branch or location where the payment instrument was accepted.

10. The type of identification and identification number presented by the payee or conductor.

11. Payee's workers' compensation insurance policy number or exemption certificate number, if the payee is a business.

12. Such additional information as required by rule.

For purposes of this subsection, multiple payment instruments accepted from any one person on any given day which total $1,000 or more must be aggregated and reported in the check cashing database or on the log.

**Section 18. Section 627.7408, Florida Statutes, is created to read:**

627.7408 Presumption of fault in motor vehicle accidents involving unauthorized out-of-state drivers.—

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

(a) "Invalid out-of-state driver license" means a driver license deemed invalid under s. 322.033.

(b) "Unauthorized out-of-state driver" means a person operating a vehicle who has an invalid out-of-state driver

license.

(2) If an unauthorized out-of-state driver is involved in a motor vehicle accident in this state, there is a rebuttable presumption that the unauthorized-out-of-state driver is at fault for the accident for purposes of filing an insurance claim. This presumption applies regardless of the unauthorized out-of-state driver's compliance with other traffic laws at the time of the motor vehicle accident.

(3) The presumption under subsection (2) does not apply if the other driver involved in the motor vehicle accident is determined, by clear and convincing evidence, to be at egregious fault because of, but not limited to, reckless driving in violation of s. 316.192, leaving the scene of an accident in violation of s. 316.027, or racing on highways in violation of s. 316.191.

(4) The presumption established under subsection (2) may be rebutted by clear and convincing evidence that the unauthorized out-of-state driver was not at fault based on factors such as witness statements, accident reconstruction, or video evidence directly related to the circumstances of the motor vehicle accident.

(5) Upon investigation of a motor vehicle accident, a law enforcement officer, as defined in s. 943.10(1), must verify whether any person involved in the motor vehicle accident is an unauthorized out-of-state driver or has an invalid out-of-state

driver license in violation of s. 322.033. If a driver is determined to be in violation of s. 322.033 and he or she does not qualify for an exemption under subsection (3), the law enforcement officer must note the presumption of fault on the Florida Traffic Crash Report, Long Form or short-form crash report under s. 316.066, as applicable, and notify the Department of Highway Safety and Motor Vehicles within 48 hours after the accident.

(6) Insurers licensed under chapter 624 must apply the presumption under subsection (2) in processing claims and may not pay benefits to or settle claims with an unauthorized out-of-state driver. Insurers must report any suspected noncompliance or rebuttal attempts by the unauthorized out-of-state driver to the Office of Insurance Regulation within 30 days after the filing of an insurance claim. An insurer that fails to comply with this subsection is subject to administrative penalties under s. 624.4211.

(7) If an unauthorized out-of-state-driver's insurer is a foreign insurer as defined in s. 624.06(2) and not licensed in this state under chapter 624, any party aggrieved by the nonenforcement of this section may bring a civil action for injunctive relief and the prevailing party is entitled to reasonable attorney fees and costs.

(8) The Department of Highway Safety and Motor Vehicles and the Office of Insurance Regulation shall adopt rules to

implement this section, including standardized verification forms and procedures for interagency coordination.

(9)(a) This section applies to all insurance policies issued or renewed on or after the effective date of this act and to all motor vehicle accidents occurring on or after the effective date of this act.

(b) This section may not be construed to interfere with or limit a law enforcement officer's authority delegated under a 287(g) agreement with United States Immigration and Customs Enforcement.

**Section 19. Section 655.98, Florida Statutes, is created to read:**

655.98 Prohibited forms of identification for state-chartered financial institutions.—

(1) A state-chartered financial institution may not accept any of the following as a form of identification for the purpose of opening a deposit account, loan account, safe deposit box, or to receive any other services from a state-chartered financial institution:

(a) A license or identification card issued exclusively to an unauthorized alien or undocumented immigrant.

(b) A license or identification card that is substantially the same as a license or identification card issued to a United States citizen or resident or others lawfully present in the United States but which has markings establishing that the

license holder did not present proof of his or her lawful presence in the United States.

(2) The Office of Financial Regulation shall adopt rules to ensure compliance with, and to enforce, this section.

**Section 20.** The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

**Section 21.** This act shall take effect upon becoming a law.

**COMMERCE COMMITTEE**

**HB 1307 by Rep. Jacques**
**Unauthorized Aliens**

**AMENDMENT SUMMARY**
**February 10, 2026**

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**Amendment #270373 by Rep. Jacques (strike-all):**

- Removes the definition of "silent second mortgage."
- Clarifies that private organizations may not use state and local funds for down payment assistance programs for unauthorized aliens.
- Clarifies that foreclosure proceedings may only be initiated if the recipient of down payment assistance was an unauthorized alien at the time they received such assistance.
- Removes the provision that an employer may not transfer financial responsibility for any workplace injuries to an adult unauthorized alien, and instead provides that an employer must reimburse a carrier for any workers' compensation benefits paid to an adult unauthorized alien.
- Requires any litigation related to an injury or death suffered by an adult unauthorized alien to go through a Judge of Compensation Claims and not the regular court system.
- Requires the Department of Commerce to notify other state agencies if an employer hires unauthorized aliens, instead of requiring the department to suspend or revoke the employer's licenses issued by other state agencies.
- Mandates state agencies to suspend or revoke an employer's licenses upon receiving the notification from the Department of Commerce.
- Clarifies that the Office of Insurance Regulation determines whether the presumption that an unauthorized out-of-state driver is at fault in an accident has been rebutted based on the evidence presented to the office.
- Removes the civil cause of action against foreign insurers who do not comply with the requirements of the bill.

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | ___ (Y/N) |
| ADOPTED AS AMENDED | ___ (Y/N) |
| ADOPTED W/O OBJECTION | ___ (Y/N) |
| FAILED TO ADOPT | ___ (Y/N) |
| WITHDRAWN | ___ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Commerce Committee

Representative Jacques offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

**Section 1. Section 17.72, Florida Statutes, is created to read:**

17.72 Prohibition on licensing and certification of unauthorized aliens.—

(1) The department may not issue a license or certification to any person who is an unauthorized alien as defined in s. 908.111(1).

(2) The department shall adopt rules to establish criteria for verifying compliance with subsection (1) before issuing any license or certificate.

**Section 2. Paragraph (c) of subsection (5) of section 125.0167, Florida Statutes, is amended to read:**

125.0167 Discretionary surtax on documents; adoption; application of revenue.—

(5)

(c) A county may not impose any requirement as a condition to receiving any financial assistance on a borrower other than requiring proof that the borrower is lawfully present in the United States and that the borrower's income does not exceed 140 percent of the area median income. In addition to the income eligibility requirement, borrowers may only be subject to loan qualifications of lenders licensed to provide mortgage financing as to the amount of the loan. A county may not create requirements that restrict participation by eligible borrowers.

**Section 3. Section 284.52, Florida Statutes, is created to read:**

284.52 Denial of claims.—

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

(a) "Adult" has the same meaning as in s. 847.001.

(b) "Minor" has the same meaning as in s. 847.001.

(c) "Unauthorized alien" has the same meaning as in s. 908.111(1).

(2) The Division of Risk Management may approve or deny claims relating to an unauthorized alien who is a minor; however, the division may not approve a claim submitted by an

unauthorized alien who is an adult or by a person who fails to provide lawful documentation of lawful presence in the United States to the division as required by state and federal law.

**Section 4. Subsection (5) of section 322.53, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:**

322.53 License required; exemptions.—

(5) All licensing procedures, prelicensing instruction, and licensing testing under this chapter must be conducted in English. The use of interpreters, translators, translations, or alternate language accommodations are prohibited.

**Section 5. Section 420.56, Florida Statutes, is created to read:**

420.56 Down payment assistance for unauthorized aliens prohibited.—

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

(a) "Down payment assistance" includes, but is not limited to, grants to assist a person in the purchase of a residential property which takes the form of a loan or a silent second mortgage.

(b) "Unauthorized alien" has the same meaning as in s. 908.111(1).

(2) State and local governmental entities, the corporation, and private corporations, including nonprofit organizations incorporated under chapter 617, participating in

down payment assistance programs or silent second mortgage programs may not use state or local government funds to provide any form of down payment assistance to a person who is an unauthorized alien.

(3) If a person is discovered to have been an unauthorized alien at the time they received down payment assistance funded entirely or in part by state or local government funds from a state or local governmental entity, the corporation, or a private corporation, the unauthorized alien must immediately repay the down payment assistance to the appropriate entity or corporation. If the unauthorized alien does not repay the down payment assistance, the state or local governmental entity, the corporation, or the private corporation must initiate foreclosure proceedings under chapter 702 against the unauthorized alien.

**Section 6. Section 420.5088, Florida Statutes, is amended to read:**

420.5088 Florida Homeownership Assistance Program. ~~There is created~~ The Florida Homeownership Assistance Program is created for the purpose of assisting low-income and moderate-income persons who are lawfully present in the United States in purchasing a home as their primary residence by reducing the cost of the home with below-market construction financing, by reducing the amount of down payment and closing costs paid by the borrower to a maximum of 5 percent of the purchase price, or

by reducing the monthly payment to an affordable amount for the borrower ~~purchaser~~. Loans must ~~shall~~ be made available at an interest rate that does not exceed 3 percent. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(1) For loans made available pursuant to s. 420.507(23)(a)1. or 2.:

(a) The corporation may underwrite and make those mortgage loans through the program to persons or families who are lawfully present in the United States and have incomes that do not exceed 120 percent of the state or local median income, whichever is greater, adjusted for family size.

(b) Loans must ~~shall~~ be made available for the term of the first mortgage.

(c) Loans may not exceed the lesser of 35 percent of the purchase price of the home or the amount necessary to enable the borrower ~~purchaser~~ to meet credit underwriting criteria.

(2) For loans made pursuant to s. 420.507(23)(a)3.:

(a) Availability is limited to nonprofit sponsors or developers who are selected for program participation pursuant to this subsection.

(b) Preference must be given to community-based organizations as defined in s. 420.503.

(c) Priority must be given to projects that have received state assistance in funding project predevelopment costs.

(d) The benefits of making such loans must ~~shall~~ be contractually provided to the persons or families purchasing homes financed under this subsection.

(e) At least 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who are lawfully present in the United States and who have incomes that do not exceed 80 percent of the state or local median income, whichever amount is greater, adjusted for family size; and at least another 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who are lawfully present in the United States and who have incomes that do not exceed 65 percent of the state or local median income, whichever amount is greater, adjusted for family size.

(f) The maximum loan amount may not exceed 33 percent of the total project cost.

(g) A person who is lawfully present in the United States and purchases a home in a project financed under this subsection is eligible for a loan authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the construction loan made pursuant to this subsection. The home purchaser must meet all the requirements for loan recipients established pursuant to the applicable loan program.

(h) The corporation shall provide, by rule, for the establishment of a review committee composed of corporation staff and shall establish, by rule, a scoring system for evaluating and ranking applications submitted for construction loans under this subsection, including, but not limited to, the following criteria:

1. The affordability of the housing proposed to be built.

2. The direct benefits of the assistance to the persons who will reside in the proposed housing.

3. The demonstrated capacity of the applicant to carry out the proposal, including the experience of the development team.

4. The economic feasibility of the proposal.

5. The extent to which the applicant demonstrates potential cost savings by combining the benefits of different governmental programs and private initiatives, including the local government contributions and local government comprehensive planning and activities that promote affordable housing.

6. The use of the least amount of program loan funds compared to overall project cost.

7. The provision of homeownership counseling.

8. The applicant's agreement to exceed the requirements of paragraph (e).

9. The commitment of first mortgage financing for the balance of the construction loan and for the permanent loans to the purchasers of the housing.

10. The applicant's ability to proceed with construction.

11. The targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

12. The extent to which the proposal will further the purposes of this program.

(i) The corporation may reject any and all applications.

(j) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the corporation board regarding program participation under this subsection. The corporation board shall make the final ranking for participation based on the scores received in the ranking, further review of the applications, and the recommendations of the review committee. The corporation board shall approve or reject applicants for loans and shall determine the tentative loan amount available to each program participant. The final loan amount shall be determined pursuant to rule adopted under s. 420.507(23)(h).

(3) The corporation shall publish a notice of fund availability in a publication of general circulation throughout this ~~the~~ state at least 60 days before ~~prior to~~ the anticipated availability of funds.

(4) ~~There is authorized to be established by~~ The corporation may establish with a qualified public depository meeting the requirements of chapter 280 the Florida Homeownership Assistance Fund to be administered by the corporation according to the provisions of this program. Any amounts held in the Florida Homeownership Assistance Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Florida Homeownership Assistance Fund, whereupon the Florida Homeownership Assistance Trust Fund must be closed. There shall be deposited in the fund moneys from the State Housing Trust Fund created by s. 420.0005, or moneys received from any other source, for the purpose of this program and all proceeds derived from the use of such moneys. In addition, all unencumbered funds, loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities of the programs described in this section shall be transferred to this fund. In addition, all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities conducted under ~~the provisions of~~ the Florida Homeownership Assistance Program shall be deposited in the fund and may ~~shall~~ not revert to the General Revenue Fund. Expenditures from the Florida Homeownership Assistance Fund are ~~shall~~ not ~~be~~ required to be included in the

corporation's budget request or be subject to appropriation by the Legislature.

(5) No more than one-fifth of the funds available in the Florida Homeownership Assistance Fund may be made available to provide loan loss insurance reserve funds to facilitate homeownership for eligible persons.

**Section 7. Subsections (2) and (3) of section 420.5096, Florida Statutes, are amended to read:**

420.5096 Florida Hometown Hero Program.—

(2) The Florida Hometown Hero Program is created to assist Florida's hometown workforce in attaining homeownership by providing financial assistance to residents to purchase a home as their primary residence. Under the program, a borrower <u>who is lawfully present in the United States</u> may apply to the corporation for a loan to reduce the amount of the down payment and closing costs paid by the borrower by a minimum of $10,000 and up to 5 percent of the first mortgage loan, not exceeding $35,000. Loans must be made available at a zero percent interest rate and must be made available for the term of the first mortgage. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(3) For loans made available pursuant to s. 420.507(23)(a)1. or 2., the corporation may underwrite and make those mortgage loans through the program to persons or families

who are lawfully present in the United States and who have household incomes that do not exceed 150 percent of the state median income or local median income, whichever is greater. A borrower must be seeking to purchase a home as a primary residence; must be a first-time homebuyer, ~~and~~ a Florida resident, and lawfully present in the United States; and must be employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment or full-time status for self-employed individuals. The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty servicemember of a branch of the armed forces or the Florida National Guard, as defined in s. 250.01, or a veteran.

**Section 8. Subsection (18) of section 440.02, Florida Statutes, is amended to read:**

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(18)(a) "Employee" means any person who receives remuneration from an employer for the performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship, express or implied, oral or written, ~~whether lawfully or unlawfully employed,~~ and includes~~, but is not limited to,~~ aliens authorized for employment under federal law and lawfully or unlawfully employed minors,

including minors who are not lawfully present in the United States.

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing notice of the election with the department as provided in s. 440.05.

2. As to officers of a corporation who are engaged in the construction industry, no more than three officers of a corporation or of any group of affiliated corporations may elect to be exempt from this chapter by filing a notice of the election with the department as provided in s. 440.05. Officers must be shareholders, each owning at least 10 percent of the stock of such corporation and listed as an officer of such corporation with the Division of Corporations of the Department of State, in order to elect exemptions under this chapter. For purposes of this subparagraph, the term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes, but is not limited to,

the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business is affiliated with the other.

3. An officer of a corporation who elects to be exempt from this chapter by filing a notice of the election with the department as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) "Employee" includes:

1. A sole proprietor or a partner who is not engaged in the construction industry, devotes full time to the proprietorship or partnership, and elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05.

2. All persons who are being paid by a construction contractor as a subcontractor, unless the subcontractor has validly elected an exemption as permitted by this chapter, or has otherwise secured the payment of compensation coverage as a subcontractor, consistent with s. 440.10, for work performed by or as a subcontractor.

3. An independent contractor working or performing services in the construction industry.

4. A sole proprietor who engages in the construction industry and a partner or partnership that is engaged in the construction industry.

(d) "Employee" does not include:

1. An independent contractor who is not engaged in the construction industry.

a. In order to meet the definition of independent contractor, at least four of the following criteria must be met:

(I) The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

(II) The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal regulations;

(III) The independent contractor receives compensation for services rendered or work performed and such compensation is paid to a business rather than to an individual;

(IV) The independent contractor holds one or more bank accounts in the name of the business entity for purposes of paying business expenses or other expenses related to services rendered or work performed for compensation;

(V) The independent contractor performs work or is able to perform work for any entity in addition to or besides the employer at his or her own election without the necessity of completing an employment application or process; or

(VI) The independent contractor receives compensation for work or services rendered on a competitive-bid basis or completion of a task or a set of tasks as defined by a contractual agreement, unless such contractual agreement expressly states that an employment relationship exists.

b. If four of the criteria listed in sub-subparagraph a. do not exist, an individual may still be presumed to be an independent contractor and not an employee based on full consideration of the nature of the individual situation with regard to satisfying any of the following conditions:

(I) The independent contractor performs or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work.

(II) The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform.

(III) The independent contractor is responsible for the satisfactory completion of the work or services that he or she performs or agrees to perform.

(IV) The independent contractor receives compensation for work or services performed for a commission or on a per-job basis and not on any other basis.

(V) The independent contractor may realize a profit or suffer a loss in connection with performing work or services.

(VI) The independent contractor has continuing or recurring business liabilities or obligations.

(VII) The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

c. Notwithstanding anything to the contrary in this subparagraph, an individual claiming to be an independent contractor has the burden of proving that he or she is an independent contractor for purposes of this chapter.

2. A real estate licensee, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the

responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish motor vehicle equipment as identified in the written contract and the principal costs incidental to the performance of the contract, including, but not limited to, fuel and repairs, provided a motor carrier's advance of costs to the owner-operator when a written contract evidences the owner-operator's obligation to reimburse such advance shall be treated as the owner-operator furnishing such cost and the owner-operator is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and

per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Unless otherwise prohibited by this chapter, any officer of a corporation who elects to be exempt from this chapter. Such officer is not an employee for any reason under this chapter until the notice of revocation of election filed pursuant to s. 440.05 is effective.

8. An officer of a corporation that is engaged in the construction industry who elects to be exempt from the provisions of this chapter, as otherwise permitted by this chapter. Such officer is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing,

insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

12. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Home and Community-Based or the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

13. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

14. An adult unauthorized alien as defined in s. 908.111(1).

**Section 9. Subsection (2) of section 440.10, Florida Statutes, is amended to read:**

440.10 Liability for compensation.—

(2) Compensation shall be payable irrespective of fault as a cause for the injury, except as provided in ss. 440.09(3) and 440.1001 ~~s. 440.09(3)~~.

**Section 10. Section 440.1001, Florida Statutes, is created to read:**

440.1001 Employer liability for injuries to unauthorized aliens.—

(1) As used in this section, the term "unauthorized alien" has the same meaning as in s. 908.111(1).

(2) An employer who hires or employs an adult who is not authorized to work in the United States under federal law is personally and fully liable for all medical and treatment costs, disability, and death benefits compensable under this chapter

resulting from an injury sustained by the unauthorized alien during his or her employment.

(3) An employer remains financially responsible and must reimburse a carrier for any medical and treatment costs, disability, and death benefits compensable under this chapter resulting from an injury.

(4) Any dispute arising out of this chapter between an employer and an adult unauthorized alien must be adjudicated by a judge of compensation claims. Judicial review shall be sought pursuant to s. 440.271.

(5) An employer who violates this section is subject to the following penalties:

(a) A fine not to exceed $50,000 per violation. Fines collected under this paragraph must be deposited into the Workers' Compensation Administration Trust Fund.

(b) Reimbursement of any public funds expended to provide medical care to the unauthorized alien.

(c) Revocation of the employer's business license, registration, or certification issued by the appropriate licensing authority.

(6) The department shall transfer reported violations of this section to the appropriate licensing authority for enforcement.

**Section 11. Section 440.1002, Florida Statutes, is created to read:**

440.1002 Employment eligibility for purposes of workers' compensation eligibility.—

(1) As used in this section, the term "E-Verify system" has the same meaning as in s. 448.095(1).

(2) Before an employer may submit a claim for workers' compensation benefits for an employee, the employer must first verify the employee's employment eligibility through the E-Verify system.

(3) If an employer fails to check an employee's employment eligibility through the E-Verify system before submitting a claim for workers' compensation benefits, the employer is:

(a) Financially responsible for reimbursement of all indemnity or medical coverage from the employer's workers compensation carrier for injuries sustained by that employee.

(b) Personally liable for all costs, expenses, and benefits that would have otherwise been covered under this chapter.

(4) An employer must retain for five years a copy of the documentation provided and any verification generated, if applicable, by the E-Verify system for each employee. The employer must provide such documentation or verification to the department or carrier upon request.

(5) This section may not be construed to bestow any employment rights or legal status on an employee who is verified through the E-Verify system.

(6) The department may adopt rules to implement and enforce this section.

**Section 12. Section 448.09, Florida Statutes, is amended, to read:**

448.09 Unauthorized aliens; employment prohibited.—

(1) For purposes of this section, the term "license" has the same meaning as in s. 120.52.

(2) ~~(1)~~ It is unlawful for any person to knowingly employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within this state, an alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security.

(3) ~~(2)~~ If the Department of Commerce finds or is notified by an entity specified in s. 448.095(3)(a) that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility of such person, the department must enter an order pursuant to chapter 120 making such determination and require repayment of any economic development incentive pursuant to s. 288.061(6).

(4) ~~(3)~~ For an employer who knowingly violates ~~a violation of~~ this section, the department shall impose a fine not to exceed $10,000, and notify any licensing agency subject to chapter 120 that issued a license to the employer. Upon

receiving a notification pursuant to this subsection, a licensing agency subject to chapter 120 must suspend for 1 year any licenses held by the employer which were issued by the licensing agency. Fines collected under this subsection must be deposited into the State Economic Enhancement and Development Trust Fund.

(5) For an employer who knowingly violates this section a second time, the department shall impose a fine not to exceed $100,000, and notify any licensing agency subject to chapter 120 that issued a license to the employer. Upon receiving a notification pursuant to this subsection, a licensing agency subject to chapter 120 must suspend for 5 years any licenses held by the employer which were issued by that licensing agency. Fines collected under this subsection must be deposited into the State Economic Enhancement and Development Trust Fund.

(6) For an employer who knowingly violates this section a third time, the department shall impose a fine not to exceed $250,000 and notify any licensing agency subject to chapter 120 that issued a license to the employer. Upon receiving a notification pursuant to this subsection, a licensing agency subject to chapter 120 must permanently revoke any licenses held by the employer personally, as well as any licenses held by the entity if the employer is a corporation, which were issued by that licensing agency. Fines collected under this subsection

must be deposited into the State Economic Enhancement and Development Trust Fund.

(7)(a) For an employer who knowingly violates this section and the actions of an unauthorized alien employee result in injuries to another person, the department shall at a minimum impose a fine of at least $100,000 and notify any licensing agency subject to chapter 120 that issued a license to the employer. Upon receiving a notification pursuant to this paragraph, a licensing agency subject to chapter 120 must suspend for 5 years any licenses held by the employer which were issued by that licensing agency.

(b) For an employer who knowingly violates this section and the actions of an unauthorized alien employee result in the death of another person, the department shall impose a fine not to exceed $500,000 and notify any licensing agency subject to chapter 120 that issued a license to the employer. Upon receiving a notification pursuant to this paragraph, a licensing agency subject to chapter 120 must permanently revoke any licenses held by the employer, which were issued by the licensing agency.

(c) Fines collected under this subsection must be deposited into the State Economic Enhancement and Development Trust Fund.

(d) There is created a civil cause of action against an employer who violates this section and such violation results in injuries to or the death of another person.

(8) Any person, including an owner, officer, agent, or employee of an employer who knowingly hires more than 50 unauthorized aliens commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and the department shall notify any licensing agency subject to chapter 120 that issued a license to the employer. Upon receiving a notification pursuant to this subsection, a licensing agency subject to chapter 120 must permanently revoke any licenses held by the employer, which were issued by the licensing agency.

(9) A person who is injured or the next of kin, as defined in s. 744.102, of a person who is killed by the actions of an unauthorized alien employee may bring a cause of action under subsection (7) against the employer for damages for bodily injury or death ~~place the employer on probation for a 1-year period and require that the employer report quarterly to the department to demonstrate compliance with the requirements of subsection (1) and s. 448.095.~~

~~(4) Any violation of this section which takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing~~

~~agency subject to chapter 120. The department shall take the following actions for a violation involving:~~

~~(a) One to ten unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 30 days by the respective agencies that issued them.~~

~~(b) Eleven to fifty unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 60 days by the respective agencies that issued them.~~

~~(c) More than fifty unauthorized aliens, revocation of all applicable licenses held by a private employer by the respective agencies that issued them~~.

(10)~~(5)~~ An alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security and who knowingly uses a false identification document or who fraudulently uses an identification document of another person for the purpose of obtaining employment commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**Section 13. Paragraph (a) of subsection (3), and paragraph (b) of subsection (6), of section 448.095, Florida Statutes, is amended to read:**

448.095 Employment eligibility.—

(3) ENFORCEMENT.—

(a) For the purpose of enforcement of this section, any of the following persons or entities may request, and an employer must provide, copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility:

1. The Department of Law Enforcement;

2. The Attorney General;

3. The state attorney in the circuit in which the new employee works;

4. The statewide prosecutor;

5. The Department of Financial Services; or

6.~~5.~~ The Department of Commerce.

(6) COMPLIANCE.—

(b) If the Department of Commerce determines that an employer failed to use the E-Verify system as required under this section three times in any 24-month period, the department must impose a fine of $1,000 per day until the employer provides sufficient proof to the department that the noncompliance is cured. Noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to chapter 120 until the noncompliance is cured. For purposes of this paragraph, "license" has the same meaning as in s. 120.52.

**Section 14. Subsection (7) is added to section 560.208, Florida Statutes, to read:**

560.208 Conduct of business.—In addition to the requirements specified in s. 560.1401, a licensee under this part:

(7) May not initiate a foreign remittance transfer unless the licensee has verified that the sender is not an unauthorized alien as defined in s. 908.111(1).

(a) As used in this subsection, the term "foreign remittance transfer" means a remittance transfer as defined in the Electronic Fund Transfer Act, 15 U.S.C. s. 1693o-1, as amended, the recipient of which is located in any country other than the United States.

(b) The commission shall adopt rules relating to acceptable forms of documentation that a licensee must use to verify that the sender of a foreign remittance transfer is not an unauthorized alien. The licensee must provide confirmation of verification on forms the commission prescribes. All required forms must be submitted to the office by the 15th of the month after the close of each calendar quarter.

(c) A licensee who initiates a foreign remittance transfer in violation of this subsection, must pay a penalty equal to 25 percent of the United States dollar amount transferred, excluding any fees or charges imposed by the licensee. A licensee must remit to the office the amount of any penalty owed, along with any forms prescribed by the office, by the 15th of the month after the close of each calendar quarter.

Notwithstanding ss. 252.3711 and 560.144, the office must deposit in the Regulatory Trust Fund the penalties collected under this paragraph. Notwithstanding any other provision of law, the penalty imposed in this paragraph is the only remedy for a violation of this subsection and a licensee may not be subject to any other penalty.

**Section 15. Paragraphs (i) and (j) of subsection (1) of section 560.211, Florida Statutes, are redesignated as paragraphs (j) and (k), respectively, and a new paragraph (i) is added to that subsection, to read:**

560.211 Required records.—

(1) In addition to the record retention requirements under s. 560.1105, each licensee under this part must make, keep, and preserve the following books, accounts, records, and documents for 5 years:

(i) The documentation used to verify that the sender of a foreign remittance transfer, as defined in s. 560.208(7)(a), is not an unauthorized alien, as defined in s. 908.111(1), and the penalties paid to the office pursuant to s. 560.208(7)(c), including the date and amount of each foreign remittance transfer and the name, date of birth, and address of each sender.

**Section 16. Section 560.2115, Florida Statutes, is created to read:**

560.2115 Required records audit.—

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

(a) "Foreign remittance transfer" has the same meaning as in s. 560.208(7)(a).

(b) "Unauthorized alien" has the same meaning as in s. 908.111(1).

(2) For enforcement purposes, the office may at any time request, and the licensee must provide, records of documentation used to verify that the sender of a foreign remittance transfer is not an unauthorized alien.

(3)(a) A person who has a good faith belief that a licensee is failing to comply with s. 560.208(7) may file a complaint with the office.

(b) Upon receipt of a valid complaint of a violation of s. 560.208(7), which is substantiated by evidence, the office must notify the licensee of the complaint and the substantiated evidence and the licensee must pay the penalty under s. 560.208(7)(c).

(4) Beginning July 1, 2026, the office must conduct random quarterly audits of licensees to ensure compliance with s. 560.208(7). During an audit, the licensee must produce to the office records of documentation the licensee used to verify that each sender of a foreign remittance transfer is not an unauthorized alien.

(5) Failure to comply with subsections (1)-(4) constitutes grounds for the suspension of all licenses held by the licensee which were issued by the office.

**Section 17. Subsection (2) of section 560.310, Florida Statutes, is amended to read:**

560.310 Records of check cashers and foreign currency exchangers.—

(2) If the payment instrument is ~~exceeds~~ $1,000 or more, the following additional information must be maintained or submitted:

(a) Customer files, as prescribed by rule, on all customers who cash corporate payment instruments that are ~~exceed~~ $1,000 or more.

(b) A copy of the personal identification that bears a photograph of the customer used as identification and presented by the customer. Acceptable personal identification is limited to a valid driver license; a state identification card issued by any state of the United States or its territories or the District of Columbia, and showing a photograph and signature; a United States Government Resident Alien Identification Card; a passport; or a United States Military identification card. The following may not be used as a form of personal identification:

1. A license or identification card issued exclusively to an unauthorized alien or undocumented immigrant.

2. A license or identification card that is substantially the same as a license or identification card issued to a United States citizen or resident or others lawfully present in the United States but which has markings establishing that the license holder did not present proof of his or her lawful presence in the United States.

(c) A thumbprint of the customer taken by the licensee when the payment instrument is presented for negotiation or payment.

(d) The office shall, at a minimum, require licensees to submit the following information to the check cashing database or electronic log, before entering into each check cashing transaction for each payment instrument being cashed, in such format as required by rule:

1. Transaction date.

2. Payor name as displayed on the payment instrument.

3. Payee name as displayed on the payment instrument.

4. Conductor name, if different from the payee name.

5. Amount of the payment instrument.

6. Amount of currency provided.

7. Type of payment instrument, which may include personal, payroll, government, corporate, third-party, or another type of instrument.

8. Amount of the fee charged for cashing of the payment instrument.

9. Branch or location where the payment instrument was accepted.

10. The type of identification and identification number presented by the payee or conductor.

11. Payee's workers' compensation insurance policy number or exemption certificate number, if the payee is a business.

12. Such additional information as required by rule.

For purposes of this subsection, multiple payment instruments accepted from any one person on any given day which total $1,000 or more must be aggregated and reported in the check cashing database or on the log.

**Section 18. Section 627.7408, Florida Statutes, is created to read:**

627.7408 Presumption of fault in motor vehicle accidents involving unauthorized out-of-state drivers.—

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

(a) "Invalid out-of-state driver license" means a driver license deemed invalid under s. 322.033.

(b) "Unauthorized out-of-state driver" means a person operating a vehicle who has an invalid out-of-state driver license.

(2) If an unauthorized out-of-state driver is involved in a motor vehicle accident in this state, there is a rebuttable presumption that the unauthorized-out-of-state driver is at

fault for the accident for purposes of filing an insurance claim. This presumption applies regardless of the unauthorized out-of-state driver's compliance with other traffic laws at the time of the motor vehicle accident.

(3) The presumption under subsection (2) does not apply if the other driver involved in the motor vehicle accident is determined, by clear and convincing evidence, to be at egregious fault because of, but not limited to, reckless driving in violation of s. 316.192, leaving the scene of an accident in violation of s. 316.027, or racing on highways in violation of s. 316.191.

(4) The presumption established under subsection (2) may be rebutted by clear and convincing evidence that the unauthorized out-of-state driver was not at fault based on factors such as witness statements, accident reconstruction, or video evidence directly related to the circumstances of the motor vehicle accident. The office must determine whether the evidence presented is sufficient to rebut the presumption. The office must make a determination within five business days of receiving the evidence.

(5) Upon investigation of a motor vehicle accident, a law enforcement officer, as defined in s. 943.10(1), must verify whether any person involved in the motor vehicle accident is an unauthorized out-of-state driver or has an invalid out-of-state driver license in violation of s. 322.033. If a driver is

849 determined to be in violation of s. 322.033 and he or she does
850 not qualify for an exemption under subsection (3), the law
851 enforcement officer must note the presumption of fault on the
852 Florida Traffic Crash Report, Long Form or short-form crash
853 report under s. 316.066, as applicable, and notify the
854 Department of Highway Safety and Motor Vehicles within 48 hours
855 after the accident.
856 (6) Insurers licensed under chapter 624 must apply the
857 presumption under this section in processing claims and may not
858 pay benefits to or settle claims with an unauthorized out-of-
859 state driver, unless the office has determined the presumption
860 has been rebutted. Insurers must report any suspected
861 noncompliance or rebuttal attempts by the unauthorized out-of-
862 state driver to the office within 30 days after the filing of an
863 insurance claim. An insurer that fails to comply with this
864 subsection is subject to administrative penalties under s.
865 624.4211.
866 (7) The Department of Highway Safety and Motor Vehicles
867 and the office shall adopt rules to implement this section,
868 including standardized verification forms and procedures for
869 interagency coordination.
870 (8)(a) This section applies to all insurance policies
871 issued or renewed on or after the effective date of this act and
872 to all motor vehicle accidents occurring on or after the
873 effective date of this act.

(b) This section may not be construed to interfere with or limit a law enforcement officer's authority delegated under a 287(g) agreement with United States Immigration and Customs Enforcement.

**Section 19. Section 655.98, Florida Statutes, is created to read:**

655.98 Prohibited forms of identification for state-chartered financial institutions.—

(1) A state-chartered financial institution may not accept any of the following as a form of identification for the purpose of opening a deposit account, loan account, safe deposit box, or to receive any other services from a state-chartered financial institution:

(a) A license or identification card issued exclusively to an unauthorized alien or undocumented immigrant.

(b) A license or identification card that is substantially the same as a license or identification card issued to a United States citizen or resident or others lawfully present in the United States but which has markings establishing that the license holder did not present proof of his or her lawful presence in the United States.

(2) The Office of Financial Regulation shall adopt rules to ensure compliance with, and to enforce, this section.

**Section 20.** The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

**Section 21.** This act shall take effect upon becoming a law.

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert:
An act relating to unauthorized aliens; creating s. 17.72, F.S.; prohibiting the Department of Financial Services from issuing a license or certification to unauthorized aliens; requiring the department to adopt rules; amending s. 125.0167, F.S.; authorizing a county to require a borrower to provide proof of being lawfully present in the United States; creating s. 284.52, F.S.; providing definitions; authorizing the Division of Risk Management to approve or deny claims relating to a minor who is an unauthorized alien; prohibiting the division from approving any claim submitted by an adult who is an authorized alien or fails to provide documentation of lawful presence in the United States; amending s. 322.53, F.S.; requiring certain procedures, instruction, and testing to be conducted in English; prohibiting alternate language

accommodations; creating s. 420.56, F.S.; providing definitions; prohibiting certain entities and corporations from using state or local funds to provide down payment assistance to unauthorized aliens; requiring an unauthorized alien to repay such down payment assistance if received if the unauthorized alien was not lawfully present at the time of receiving such assistance; authorizing certain entities and corporations to initiate foreclosure proceedings under certain circumstances; amending s. 420.5088, F.S.; providing that the Florida Homeownership Assistance Program is to assist certain persons who are lawfully present in the United States; amending s. 420.5096, F.S.; providing that the Florida Hometown Hero Program is to assist certain persons who are lawfully present in the United States; amending s. 440.02, F.S.; revising the definition of the term "employee"; amending s. 440.10, F.S.; conforming a provision to changes made by the act; creating s. 440.1001, F.S.; defining the term "unauthorized alien"; providing that an employer who hires or employs an unauthorized alien is personally liable for any medical and treatment costs, disability, and death benefits compensable under the workers' compensation statute resulting from an injury to such person;

prohibiting an employer from transferring or shifting financial responsibility for such injury to others; providing that disputes must be adjudicated by a judge of compensation claims; providing penalties; requiring the Department of Financial Services to transfer reported violations to appropriate licensing authorities; creating s. 440.1002, F.S.; defining the term "E-Verify system"; requiring an employer to verify an employee's employment eligibility before submitting a workers' compensation claim; requiring employers to retain and provide to the Department of Financial Services upon request certain documentation and verification; providing construction; authorizing the department to adopt rules; amending s. 448.09, F.S.; defining “license;” providing penalties for an employer who knowingly employs, hires, recruits, or refers an unauthorized alien; requiring fines collected to be deposited into the State Economic Enhancement and Development Trust Fund; providing a civil cause of action; amending s. 448.095, F.S.; authorizing the Department of Financial Services to request certain verification of an employee's employment eligibility; providing a definition; amending s. 560.208, F.S.; requiring a licensee to verify a person's citizenship status before initiating

a foreign remittance transfer; defining the term "foreign remittance transfer"; requiring the Financial Services Commission to adopt certain rules; requiring licensees to submit certain forms to the commission within a specified time period; providing a penalty; requiring a licensee to submit such penalty to the commission within a specified time period; requiring the commission to deposit penalties collected into the Regulatory Trust Fund; providing construction; amending s. 560.211, F.S.; requiring licensees to make, keep, and preserve certain documentation used to verify a sender of a foreign remittance transfer is not an unauthorized alien; creating s. 560.2115, F.S.; defining the terms "foreign remittance transfer" and "unauthorized alien"; authorizing the Office of Financial Regulation of the commission to request records of certain documentation; authorizing a person to file a complaint with the office; requiring the office to notify a licensee upon a substantiated complaint; requiring the office to conduct random quarterly audits beginning on a specified date; providing for the suspension of licenses under certain circumstances; amending s. 560.310, F.S.; prohibiting certain forms of personal identification for certain corporate payment instruments; creating s. 627.7408,

F.S.; defining the terms "invalid out-of-state driver license" and "unauthorized out-of-state driver"; creating a rebuttable presumption of fault against unauthorized out-of-state drivers involved in motor vehicle accidents; providing an exception; providing for the rebuttal of the presumption upon the showing of clear and convincing evidence; requiring law enforcement officers to note the presence of a presumption on a crash report form and notify the Department of Highway Safety and Motor Vehicles within a specified timeframe; requiring insurers to apply the presumption when processing claims; prohibiting insurers from paying or settling claims with unauthorized out-of-state drivers; requiring insurers to notify the Office of Insurance Regulation within a specified timeframe under certain circumstances; providing administrative penalties; providing for attorney fees and costs; requiring the Department of Highway Safety and Motor Vehicles and the Office of Insurance Regulation to adopt certain rules; providing applicability and construction; creating s. 655.98, F.S.; prohibiting a state-chartered financial institution from accepting certain forms of personal identification; requiring the Office of Financial Regulation to adopt certain rules; providing a

directive to the Division of Law Revision; providing an effective date.

**CS/HB 1343**

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/HB 1343 | **COMPANION BILL:** CS/SB 1504 (Calatayud) |
| **TITLE:** Insurance Customer Representative Licensing Qualifications | **LINKED BILLS:** None |
| **SPONSOR(S):** Hodgers | **RELATED BILLS:** None |

**Committee References**

| | | |
|---|---|---|
| Insurance & Banking<br>16 Y, 0 N, As CS | ➤ Careers & Workforce<br>16 Y, 0 N | ➤ Commerce |

## SUMMARY


**Effect of the Bill:**
The bill provides that an individual who has earned a high school diploma in Florida satisfies the education requirement for an insurance customer representative's license, if the individual completed a course in insurance and personal finance as part of the curriculum.

The bill directs the Department of Education to develop a course in insurance and personal finance in consultation with the Department of Financial Services.

**Fiscal or Economic Impact:**
There may be an indeterminate impact on the state and private sector.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

### EFFECT OF THE BILL:

The bill provides that an individual who has earned a diploma from a Florida high school, which included a course in insurance and personal finance, satisfies the education requirement for an insurance customer representative's license if the diploma was obtained within 4 years before filing the license application with the Department of Financial Services (DFS). (Section 1).

The bill directs the Department of Education, in consultation with DFS, to develop a 0.5 credit course in insurance and personal finance. The course must include a comprehensive analysis of property and casualty lines of insurance consistent with the other instructional programs that applicants for an insurance customer representative's license may use to satisfy the education requirement for licensure. (Section 2).

The course must be available to school districts for use beginning with the 2027-2028 school year. (Section 2).

The bill provides an effective date of July 1, 2026. (Section 3).

### FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

There may be an indeterminate negative fiscal impact on the Department of Education related to creating a course on insurance and personal finance.

PRIVATE SECTOR:

There may be an indeterminate impact on the private sector to the extent that creating a new pathway to licensure may encourage more people to obtain an insurance customer representative's license.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

**Insurance Customer Representatives**

A customer representative is an individual appointed by a general lines agent or agency to assist them in transacting the business of insurance from the office of that agent or agency.[1]

Current law requires a general lines agent to supervise a customer representative. If an agency appoints a customer representative, then it must designate an agent to supervise the customer representative. A customer representative may only be appointed to one agency or agent at a time.[2] The license expires if the licensee is unappointed for 48 months.[3]

Customer representatives may perform the following functions:[4]

- Take insurance applications.
- Give quotes.
- Interpret policies.
- Explain procedures.
- Give insurance advice.
- Solicit new customers at the agent's office or by telephone from the office.
- Bind new or additional coverages.
- A customer representative may perform preliminary work to assist in processing a claim, including:
    - taking claims statements;
    - getting estimates;
    - advising claimants about procedures;
    - preparing claims paperwork;
    - taking photos; and
    - assembling or ordering claims files.
- Any other function consistent with assisting insurance agents in the transaction of property and casualty insurance which is consistent with the Florida Insurance Code or any DFS rule.

Customer representatives may not make or sign the actual substantive determination of the amount of a claim, loss, or damage payable, nor conduct settlement negotiations, settle a claim, or issue or sign claims checks or drafts.[5] A customer representative may not transact life insurance or any kind of insurance for which the agent or agency by which he or she is appointed does not have a license to transact.[6]

[1] S. 626.015(6), F.S.
[2] Ss. 626.7351(5) and 626.7353, F.S.
[3] DFS, *Resident Customer Representative License*, https://www.myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/4-40-resident-customer-representative.pdf (last visited Jan. 25, 2026).
[4] Fla. Admin Code R. 69B-213.130.
[5] *Id*.
[6] S. 626.7354(1), F.S.

Qualifications to Obtain a Customer Representative License

To obtain a resident customer representative license, the applicant must be at least 18 years old, be a resident of Florida, be a United States citizen or a legal alien with valid employment authorization, and not hold a resident license in another state.[7]

Additionally, the applicant must have been awarded one of the following designations within the last four years:[8]

- Accredited Advisor in Insurance (AAI) from the Insurance Institute of America.
- Accredited Customer Service Representative (ACSR) from the Insurance Institute of America.
- Associate in General Insurance (AINS) from the Insurance Institute of America.
- Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors.
- Certified Insurance Representative (CIR) from the All-Lines Training provider.
- Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives.
- Certified Professional Service Representative (CPSR) from the National Foundation for CPSR.
- Chartered Property and Casualty Underwriters (CPCU) from the American Institute for Chartered Property Casualty Underwriters.
- Insurance Customer Service Representative (ICSR) from Statewide Insurance Associates LLC.
- Professional Customer Service Representative (PCSR) from the Professional Career Institute.
- Registered Customer Service Representative (RCSR) from an Accredited Postsecondary Institution.

An applicant may also qualify for licensure without earning one of the designations above if they earned a degree which includes at least nine credit hours of insurance instruction with specific instruction in property, casualty, and inland marine insurance from an accredited college or university.[9]

The license application requires a $50 fee.[10] Applicants must also submit fingerprint verification, and the associated fees which must be paid directly to the vendor who processes the fingerprints.[11]

[7] DFS, *Resident Customer Representative License*, https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/4-40-resident-customer-representative332ddeb4-13d4-4c18-90f8-e105361c41a3.pdf?sfvrsn=c31941aa_1 (last visited Jan. 24, 2026).
[8] S. 626.7351(3), F.S.
[9] *Id*.
[10] DFS, *Fees & Payment Methods*, https://myfloridacfo.com/division/agents/licensing/agents-and-adjusters/fees (last visited Jan. 23, 2026).
[11] *Id*.

# BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Insurance & Banking Subcommittee | 16 Y, 0 N, As CS | 1/29/2026 | Brackett | Miguez |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Removed the requirement for an individual to complete courses in personal finance & money management and economics & personal finance to satisfy the education requirement for an insurance customer representative license through a high school diploma.<br>• Directed the Department of Education, in consultation with the Department of Financial Services, to develop a course in insurance & personal finance. The course must be available to school districts beginning in the 2027-2028 school year and must include a comprehensive analysis of basic property and casualty lines of insurance. | | | |
| Careers & Workforce Subcommittee | 16 Y, 0 N | 2/4/2026 | Kiner | Kiner |
| Commerce Committee | | | Hamon | Miguez |

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

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A bill to be entitled

An act relating to insurance customer representative licensing qualifications; amending s. 626.7351, F.S.; revising the methods by which applicants can qualify for the customer representative license; creating s. 1003.4207, F.S.; requiring the Department of Education, in consultation with the Department of Financial Services, to develop a specified insurance and personal finance course beginning in a specified school year; providing an effective date.

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

**Section 1. Subsection (3) of section 626.7351, Florida Statutes, is amended to read:**

626.7351 Qualifications for customer representative's license.—The department shall not grant or issue a license as customer representative to any individual found by it to be untrustworthy or incompetent, or who does not meet each of the following qualifications:

(3) Within 4 years preceding the date that the application for license was filed with the department, the applicant has earned the designation of Accredited Advisor in Insurance (AAI), Associate in General Insurance (AINS), or Accredited Customer Service Representative (ACSR) from the Insurance Institute of

America; the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors; the designation of Certified Professional Service Representative (CPSR) from the National Foundation for CPSR; the designation of Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives; the designation of Certified Insurance Representative (CIR) from All-Lines Training; the designation of Chartered Customer Service Representative (CCSR) from American Insurance College; the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute; the designation of Insurance Customer Service Representative (ICSR) from Statewide Insurance Associates LLC; the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in the state whose curriculum is approved by the department and includes comprehensive analysis of basic property and casualty lines of insurance and testing which demonstrates mastery of the subject; a diploma from a Florida high school in which the applicant completed the insurance and personal finance course provided in s. 1003.4207; or a degree from an accredited institution of higher learning approved by the department when the degree includes a minimum of 9 credit hours of insurance instruction, including specific instruction in the areas of property, casualty, and inland marine insurance. The department shall

adopt rules establishing standards for the approval of curriculum.

**Section 2. Section 1003.4207, Florida Statutes, is created to read:**

1003.4207 Insurance and personal finance course.—No later than January 1, 2027, the Department of Education, in consultation with the Department of Financial Services, shall develop a 0.5 credit course in insurance and personal finance which is available to school districts for use beginning with the 2027-2028 school year. The course must include a comprehensive analysis of basic property and casualty lines of insurance consistent with the instructional designations provided under s. 626.7351(3).

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

# PCS for HB 885

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** PCS for HB 885 | **COMPANION BILL:** None |
| **TITLE:** Transportation Facility Designations | **LINKED BILLS:** None |
| **SPONSOR(S):** Commerce Committee | **RELATED BILLS:** None |

**Committee References**

Orig. Comm.: Commerce

## SUMMARY


**Effect of the Bill:**
The bill designates transportation facilities for memorial purposes and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each designation.

**Fiscal or Economic Impact:**
The bill will have an insignificant negative impact on state government expenditures.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

**EFFECT OF THE BILL:**

The bill requires FDOT to erect suitable markers for the following transportation facility designations: (Section 1)

State Representative/Circuit Judge John J. Crews, Jr. Memorial Highway
That portion of U.S. 90 between the intersection of North 3rd Street in Baker County and the Nassau County line is designated as "State Representative/Circuit Judge Hon. John J. Crews, Jr., Memorial Highway."

Warrior Sacrifice Way
That portion of S.R. 295/Navy Boulevard between Duncan Road and S.R. 292/Gulf Beach Highway in Escambia County is designated as “Warrior Sacrifice Way.”

Bernard Wilkes Ribault River Bridge
The bridge on Moncrief Road West over the Ribault River in Duval County is designated as "Bernard Wilkes Ribault River Bridge."

Dickey Betts Memorial Highway
That portion of U.S. 41 between North Creek and Blackburn Point Road in Sarasota County is designated as “Dickey Betts Memorial Highway.”

Phil Smith Memorial Highway
That portion of S.R. 5/U.S. 1 between NE 38th Street and E Commercial Boulevard in Broward County is designated as “Phil Smith Memorial Highway.”

The bill provides for an effective date of July 1, 2026. (Section 2)

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The bill will have an insignificant negative impact on state government expenditures. In 2025, FDOT estimated a cost of $2,400 per designation for the appropriate markers, which provides for two signs per designation at $1,200 per sign.[1] Therefore, the bill has an estimated negative fiscal impact of $12,000 to the State Transportation Trust Fund. This cost can be absorbed within existing FDOT resources.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

**Legislative Designation of Transportation Facilities**

The Legislature may designate a transportation facility, such as a bridge or a portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not officially change the existing names of facilities and may not require local governments or private parties to change street signs, mailing addresses, or 911 emergency telephone number system listing.[2]

Unless specifically provided by law, public facilities such as roads, bridges, and other similar facilities may not be named for any living person.[3]

**Transportation Facility Markers**

Following a legislative designation, FDOT is required to place markers at the termini or intersections specified for each highway segment or bridge designated and may place other markers it deems as appropriate.[4] Before markers may be erected, the appropriate city or county commission must pass a resolution in support of the particular honorary designation. If the designated bridge or road segment is located in more than one city or county, there must be resolutions supporting the designation from each affected local government before markers may be erected.[5]

**Biographical Information**

State Representative/Circuit Judge Hon. John J. Crews, Jr.

The Hon. John J. Crews Jr. served his country in World War II as a Marine Corps Fighter Pilot before serving the state of Florida as a state representative for Baker County in the Florida House of Representatives for 14 years from 1953 to 1966, including a stint as acting Speaker of the House. Crews was also a renowned lawyer who served as the Chief Judge of the 8th Judicial Circuit of Florida.

Warrior Sacrifice Way

Warrior Sacrifice Way honors the victims of the terrorist attack at Naval Air Station Pensacola on December 6, 2019, where three men were killed and eight others were injured.[6]

Bernard Wilkes

Coach Bernard Wilkes was recognized as one of the most successful high school coaches in Florida's history. He dedicated 30 years of service to the Duval County Public School System, teaching and coaching basketball at

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[1] Email from Jack Rogers, Director of Legislative Affairs, Department of Transportation, RE: Road Designations Review (Feb. 13, 2025).
[2] S. 334.071(1), F.S.
[3] S. 267.062(1), F.S.
[4] S. 334.071(2), F.S.
[5] S. 334.071(3), F.S.
[6] NBC News, *Suspected shooter at Naval Air Station Pensacola was Saudi Air Force member,* December 6, 2019, https://www.nbcnews.com/news/us-news/active-shooter-reported-naval-air-station-pensacola-n1096966 (last visited Jan.16, 2026).

Ribault Senior High School. Throughout his career, Coach Wilkes led the basketball team to four state championships, 12 Gateway Conference championships, 21 district titles, and reached the Florida High School Athletic Association Finals 16 times. Coach Wilkes passed away on March 5, 2006.

Dickey Betts

Dickey Betts was a guitarist, vocalist, and co-founder of the legendary Allman Brothers Band, a group that pioneered the southern rock sound. Betts was inducted into the Rock and Roll Hall of Fame as a member of the band and received a Grammy Award with the group for Best Rock Performance. Betts was ranked as one of Rolling Stone's 100 Greatest Guitarists of All-Time and was the writer and vocalist of the band's biggest hit, "Ramblin' Man." Betts was a Florida native, born in West Palm Beach, and resided in the Sarasota area for most of his life. Betts passed away on April 18, 2024.

Phil Smith

Philip P. "Phil" Smith was an auto dealer and philanthropist who passed away at age 70 in 2016 after a battle with ALS, known as Lou Gehrig's Disease. Under the Phil Smith Management Co., he led an auto dealership and property management company with 780 employees and some $500 million in annual revenue. Smith once owned as many as 17 auto dealerships in Florida and North Carolina. He also owned the Coral Ridge Country Club in Fort Lauderdale. Among their many charitable contributions, he and his wife donated a $5 million gift to Florida Atlantic University's College of Business in Boca Raton[7] and a $7 million gift in to Holy Cross Hospital in Fort Lauderdale to create the Phil Smith Neuroscience Institute at Holy Cross Hospital.[8]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Orig. Comm.: Commerce Committee | | | Hamon | Dallas |

[7] Florida Atlantic University, *Remembering Alumnus and Local Businessman Phil Smith*, https://www.fau.edu/president/blog/blog-entry-121916/ (last visited Feb. 6, 2026).
[8] Holy Cross Health, *Neurosciences*, https://www.holy-cross.com/services/neurosciences (last visited Feb. 6, 2026).

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

**Section 1.** Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. 90 in Baker County between North 3rd Street and the Nassau County line is designated as "State Representative/Circuit Judge Hon. John J. Crews, Jr., Memorial Highway."

(2) That portion of S.R. 295/Navy Boulevard between Duncan Road and S.R. 292/Gulf Beach Highway in Escambia County is designated as "Warrior Sacrifice Way."

(3) The bridge on Moncrief Road West over the Ribault River in Duval County is designated as "Bernard Wilkes Ribault River Bridge."

(4) That portion of U.S. 41 between North Creek and Blackburn Point Road in Sarasota County is designated as "Dickey Betts Memorial Highway."



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

(5) That portion of S.R. 5/U.S. 1 between NE 38th Street and E Commercial Boulevard in Broward County is designated as "Phil Smith Memorial Highway."

(6) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

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



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