

Committee on Governmental Oversight and Accountability

CS/CS/HB 37 — Abandoned Cemeteries

by Infrastructure and Tourism Appropriations Subcommittee; Government Operations Subcommittee; and Rep. Driskell and others (CS/SB 222 by Governmental Oversight and Accountability Committee and Senators Cruz and Stewart)

The bill creates a 10-member Task Force on Abandoned African-American Cemeteries (task force), adjunct to the Department of State, to study the extent that unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state and to develop and recommend strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased.

The task force must hold its first meeting by August 1, 2021, and may meet as many times as it deems necessary to complete its duties. The task force must submit a report by January 1, 2022, detailing its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives.

The bill provides that the section establishing the task force expires on March 11, 2022.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

Committee on Governmental Oversight and Accountability

CS/CS/CS/HB 53 — Public Works

by State Affairs Committee; Public Integrity and Elections Committee; Government Operations Subcommittee; and Rep. DiCeglie and others (CS/CS/CS/SB 1076 by Rules Committee; Community Affairs Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur)

For competitive solicitations for construction services, the bill prohibits a local ordinance or regulation that prevents the participation of specified entities in the bidding process based upon: (1) maintaining an office or place of business within a particular local jurisdiction; (2) hiring employees or subcontractors from within a particular local jurisdiction; or (3) prior payment of local taxes, assessments, or duties within a particular local jurisdiction. The prohibitions apply if such solicitations will be paid for with any state-appropriated funds.

The bill provides that the definition of “public works project” applies to pre-bid prohibitions to activities that exceed \$1 million in value and that are paid for with any state-appropriated funds. The bill prohibits the state or any political subdivision that contracts for a public works project from preventing a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid on a public works project or the residences of employees of such contractor, subcontractor, or material supplier or carrier.

The bill requires the Office of Economic & Demographic Research (EDR), beginning with the annual assessment due January 1, 2022, to include an analysis of the expenditures necessary to repair, replace, and expand water-related infrastructure in their annual assessment of Florida's water resources and conservation lands.

By June 30, 2022, and every five years thereafter, the bill requires each county, municipality, or special district providing wastewater or stormwater services to develop a needs analysis for its jurisdiction over the subsequent 20 years. The analysis must be compiled and submitted to EDR, which must evaluate the compiled documents for the purpose of developing a statewide analysis for inclusion in the annual assessment due January 1, 2023. This bill provides that the analysis requirement applies to a rural area of opportunity as defined in s. 288.0656, F.S., unless such requirement would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 24-16; House 79-34

Committee on Governmental Oversight and Accountability

SJR 204 — Abolishing the Constitution Revision Commission

by Senator Brandes

The joint resolution proposes to abolish the Constitution Revision Commission by repealing provisions establishing commission in the State Constitution. Currently, the State Constitution requires that a constitution revision commission be convened once every 20 years to examine the State Constitution and propose any amendments that it deems appropriate.

The joint resolution will be placed on the 2022 General Election ballot or at an earlier special election specifically authorized by law for that purpose. If approved by at least 60 percent of the votes cast on the measure, the proposed amendment will take effect January 3, 2023.

If approved by the voters, this amendment will take effect January 3, 2023.

Vote: Senate 27-12; House 86-28

Committee on Governmental Oversight and Accountability

CS/SB 400 — Public Records

by Governmental Oversight and Accountability Committee and Senator Rodrigues

The bill amends s. 119.07, F.S., to prohibit an agency that receives a public record request from responding to the request by filing an action for declaratory relief against the requester to determine whether that record meets the definition of a public record or if it is confidential or exempt.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 113-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 781 — Public Records

by State Affairs Committee; Government Operations Subcommittee; and Rep. Robinson, W. (CS/CS/CS/SB 844 by Rules Committee; Community Affairs Committee; Governmental Oversight and Accountability Committee; and Senator Hooper)

The bill provides that certain exempt information, including home addresses, may be disclosed to the following persons, upon presentation of photo identification and affirmation by sworn affidavit to the county recorder, for the purpose of conducting a title search of the Official Records:

- An authorized title insurer and its affiliates.
- A title insurance agent or title insurance agency.
- An attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

For each document requested within the sworn affidavit, the bill requires the requestor to identify the Official Records book and page number, instrument number, or the clerk's file number, and to include a description of the lawful purpose and identify the individual or property that is the subject of the search within the sworn affidavit.

For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with the request by October 1, 2021. However, a county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records if the name or personal information otherwise exempt from inspection and copying is not associated with the property or otherwise displayed in the public records of the agency. Further, any information restricted from public display, inspection, or copying pursuant to a written request must be provided to the individual whose information was removed.

The bill provides that upon the death of a protected party any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/HB 909 — Cultural and Historical Programs

by Infrastructure & Tourism Appropriations Subcommittee and Rep. Sirois and others (CS/SB 1404 by Appropriations Committee and Senator Hooper)

The bill designates the Museum of Florida History as the official state history museum and makes several changes relating to the Division of Cultural Affairs and the Division of Historical Resources, including:

- Renaming the “Division of Cultural Affairs” to the “Division of Arts and Culture” and providing that the Secretary of State be known as “Florida’s Chief Arts and Culture Officer.”
- Transferring the Florida Folklife Program from the Division of Historical Resources to the newly named Division of Arts and Culture.
- Transferring the operation of the Museum of Florida History from the Division of Cultural Affairs to the Division of Historical Resources. Placing a duty on the Division of Historical Resources to establish professional standards for the preservation of the collections under state ownership.
- Transferring and revising provisions relating to property on loan to museums and property abandoned at museums.
- Revising inventory responsibilities of the Division of Historical Resources for objects of historical or archaeological value.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 1040 — Duties of the Attorney General

by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur

The bill repeals several functions of the Department of Legal Affairs (DLA) and the Attorney General and transfers several functions to other state agencies.

The bill eliminates the DLA's duties and responsibilities relating to neighborhood improvement districts.

The bill also transfers the duties and responsibilities of the DLA relating to claims for restitution from the DLA to the Department of Children and Families, the Department of Health, the Department of Juvenile Justice, the Department of Corrections, or the Agency for Persons with Disabilities.

The bill transfers the duties relating to the security of convenience businesses, their training curriculums, and enforcement authority from the DLA and the Attorney General to the Department of Business and Professional Regulation.

The bill provides that during a declared state of emergency, the sale or rental of a dwelling unit or self storage facility at an unconscionable price is only prohibited if the rental or sale was necessary for inhabitation or use as a direct result of the declared emergency. The bill allows the governor, by executive order, rather than by renewals of the declared state of emergency, to extend the prohibition.

The bill extends the repeal date for the Attorney General to have access to records ordered by a court in regard to the prescription drug monitoring program. The repeal date is delayed from June 30, 2021, to June 30, 2023.

If approved by the Governor, these provisions take effect June 30, 2021.

Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

CS/HB 1055 — Pub. Rec./Trade Secrets

by Government Operations Subcommittee and Rep. Gregory and others (SB 1446 by Senator Boyd)

The bill makes confidential and exempt from public records copying and inspection requirements those trade secrets, as defined in in the Uniform Trade Secrets Act, held by an agency. This public records exemption expires October 2, 2026, unless reviewed and saved from repeal by the Legislature. An agency employee, acting in good faith and within the scope of his or her duties, is immune from criminal or civil liability for the release of the protected trade secrets.

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

Vote: Senate 40-0; House 112-2

Committee on Governmental Oversight and Accountability

CS/CS/HB 1079 — Agency Contracts for Commodities and Contractual Services

by State Affairs Committee; Government Operations Subcommittee; and Rep. Mariano and others (CS/CS/SB 1616 by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur)

The bill includes several provisions for the evaluation, management, and oversight of competitively procured contracts for commodities and contractual services. Specifically, the bill:

- Prohibits an agency from initiating a competitive solicitation that would require a change in law or a change to the agency's budget, unless specifically authorized by the Legislature.
- Requires each agency contract to include authorization for the agency to inspect certain financial and programmatic records of the contractor relevant to the performance of the contract.
- Prohibits a contract by a state agency from containing a nondisclosure clause exempting certain information from disclosure by the contractor.
- For contract renewals or amendments that result in a longer contract term or increased payments, decreases from \$10 million to \$5 million the total contract threshold for when a report concerning contract performance must be submitted to the Governor and Legislature before executing the renewal or amendment.
- Requires the Secretary of Management Services to evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services and make a determination in writing that the contract will provide the best value to the state.
- Requires an agency issuing a request for quote for contractual services for any contract with 25 approved vendors or fewer, to issue a request for quote to all approved vendors. For any contract with more than 25 approved vendors, the agency must issue a request for quote to at least 25 of the approved vendors.
- Requires a description of the commodities or contractual services subject to a single source contract be electronically posted for at least 15 business days.
- Requires each agency inspector general to complete a risk-based compliance audit of all contracts executed by the agency for the preceding three fiscal years and requires the audit to identify and evaluate any trend in vendor preference.
- Requires the creation of a "continuing oversight team" for each contractual services contract of \$5 million or greater and establishes meeting and reporting requirements for the teams.
- Expands training requirements and delineates the roles and responsibilities of contract managers, contract negotiators, and contract administrators.
- Requires supervisors of certain contract managers and contract administrators to annually complete training in public procurement.
- Provides that a vendor who is placed on the suspended vendor list is disqualified from bidding on or renewing a contract with the state.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1137 — Information Technology Procurement

by State Affairs Committee; Government Operations Subcommittee; and Rep. Fabricio and others (CS/CS/SB 1448 by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Jones)

The bill expands the powers, duties, and functions of the Florida Digital Service (FDS).

The bill requires the FDS to establish technical standards to ensure that state agencies' information technology (IT) projects comply with the enterprise architecture.

The bill decreases the cost threshold that triggers the FDS oversight of cabinet agency IT projects from \$25 million to \$20 million and removes the requirement that a cabinet agency IT project impact one or more other agencies before triggering the FDS project oversight.

The bill requires the FDS to include in its IT-related policies a requirement that IT commodities and services purchased by the state meet the National Institute of Standards and Technology Cybersecurity Framework.

For an IT project where project oversight is required, the FDS must include in its IT-related policies a requirement that independent verification and validation (IV&V) be employed throughout the project lifecycle. Entities providing IV&V may not have a technical, managerial, or financial interest.

For state agency IT projects totaling \$10 million or more, a state agency must provide written notice to the FDS of any planned procurements. For these IT projects, the FDS must participate in the development of specifications and recommend modification of any planned procurements to ensure it complies with the enterprise architecture and must participate in post-award contract monitoring.

The bill provides that if an agency issues a request for quote (RFQ) to purchase information technology commodities, consultant services, or staff augmentation contractual services from the state term contract, for any contract with 25 approved vendors or fewer, the agency must issue a RFQ to all vendors approved to provide such commodity or service. For any contract with more than 25 approved vendors, the agency must issue a RFQ to at least 25 of the vendors approved to provide such commodity or contractual service.

Beginning October 1, 2021, and annually thereafter, the Department of Management Services must prequalify firms and individuals to provide IT staff augmentation contractual services on a state term contract.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 107-10

Committee on Governmental Oversight and Accountability

CS/CS/HB 1297 — Cybersecurity

by State Affairs Committee; Government Operations Subcommittee; and Reps. Giallombardo, Byrd and others (CS/CS/SB 1900 by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Boyd)

The bill expands the duties and responsibilities of the Florida Digital Service (FDS) relating to the state's cybersecurity governance framework.

The bill defines "cybersecurity" to mean the protection afforded to an automated information system in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of data, information, and information technology (IT) resources. The bill makes conforming changes across several provisions by replacing all versions of the term "information technology security" with the term "cybersecurity."

The bill requires that a cybersecurity audit plan be included in the long-term and annual audit plans that agency inspectors general are required to complete.

The bill specifies the Department of Management Services (DMS), acting through the FDS, is the lead entity responsible for assessing state agency cybersecurity risks and determining appropriate security measures to combat such risks. The bill creates new, and amends current, cybersecurity-related duties and responsibilities of the DMS. The bill also expands the responsibilities of each state agency head in relation to cybersecurity.

The bill creates the Florida Cybersecurity Advisory Council (council) within the DMS. The purpose of the council is to assist the state in protecting the state's IT resources from cyber threats and incidents, and to assist the FDS in implementing best cybersecurity practices. The bill outlines membership requirements of the council, term requirements of each member, and duties and responsibilities of the council as a whole. The bill requires the members of the council to maintain the confidential or exempt status of information received in the performance of their duties and responsibilities as members of the council.

Beginning June 30, 2022, and annually thereafter, the council is required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives outlining any recommendations considered necessary by the council to address cybersecurity.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Governmental Oversight and Accountability

SB 7018 — Employer Contributions to Fund Retiree Benefits

by Governmental Oversight and Accountability Committee

The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2021. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly \$373.5 million more in revenue on an annual basis beginning July 1, 2021. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, municipalities, and other governmental entities that participate in the FRS.

The bill will have a fiscal impact on state funds appropriated by the Legislature for employee salaries and benefits. The bill will increase the amounts, in the aggregate, employers participating in the FRS must pay for retiree benefits.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0

Committee on Governmental Oversight and Accountability

SB 7072 — Social Media Platforms

by Governmental Oversight and Accountability Committee and Senator Rodriguez

The bill establishes a violation for social media deplatforming of a political candidate or journalistic enterprise and requires a social media platform to meet certain requirements when it restricts speech by users. The bill prohibits a social media platform from willfully deplatforming a candidate for political office and allows the Florida Elections Commission to fine a social media platform \$250,000 per day for deplatforming a candidate for statewide office and \$25,000 per day for deplatforming any other candidate, in addition to the remedies provided in ch. 106, F.S. If a social media platform willfully provides free advertisements for a candidate, such advertisement is deemed an in-kind contribution, and the candidate must be notified.

The bill establishes restrictions for receiving economic benefits or contracting with public entities for certain social media platforms who have violated antitrust laws and who have been placed on the Antitrust Violator Vendor List. The Department of Management Services is required to maintain the Antitrust Violator Vendor List of the names and addresses of the people or affiliates who have been disqualified from the public contracting and purchasing process. The Attorney General is authorized to place an entity on the Antitrust Violator List on a temporary basis under specified circumstances. The bill provides for exceptions from the applicability of the antitrust violator provisions.

A social media platform that fails to comply with the requirements under the bill may be found in violation of the Florida Deceptive and Unfair Trade Practices Act by the Department of Legal Affairs. Additionally, a user of a social media platform may bring a private cause of action against a social media platform for failing to apply consistently certain standards and for censoring or deplatforming without proper notice.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 23-17; House 77-38

Committee on Governmental Oversight and Accountability

SB 7074 — Public Records/Social Media Platform Activities

by Governmental Oversight and Accountability Committee

The bill makes confidential and exempt from public records copying and inspection requirements information received by the Attorney General in an investigation into whether a social media platform has committed an antitrust violation based on a case brought by a governmental entity; or failed to meet certain requirements before restricting a user's speech. All such information remains confidential and exempt during the active investigation. Once the investigation ceases to be active, the following information remains confidential and exempt:

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

This public records exemption expires October 2, 2026, unless saved from repeal by the Legislature.

If approved by the Governor, and if SB 7072 becomes law, these provisions take effect July 1, 2021.

Vote: Senate 27-13; House 79-39