

Tab 1	SB 214 by Polsky; Identical to H 00259 Special Observances/Fentanyl Awareness and Education Day					
Tab 2	SB 300 by Rouson; Identical to H 00373 Public Records/Appellate Court Clerks and their Spouses and Children					
741522	A	S	RS	GO, Rouson	Delete L.442 - 461:	04/01 05:51 PM
307372	SA	S	RCS	GO, Rouson	Delete L.357 - 461:	04/01 05:51 PM
Tab 3	SB 302 by Rouson; Similar to H 00155 Public Records/Judicial Qualifications Commission					
Tab 4	SB 342 by Harrell; Identical to H 00527 Public Records/Agency for Health Care Administration					
916664	A	S	RCS	GO, Harrell	Delete L.10 - 11:	04/01 05:51 PM
Tab 5	CS/SB 576 by JU, Leek; Identical to CS/H 00157 Service of Process					
Tab 6	SB 626 by Osgood; Identical to H 00197 Council on the Social Status of Black Men and Boys					
730162	A	S	RCS	GO, Osgood	Delete L.23:	04/01 05:51 PM
Tab 7	CS/SB 710 by CJ, Osgood; Similar to CS/H 00397 Public Records/Crime Stoppers Organizations					
Tab 8	SB 804 by Collins; Identical to H 00559 Designation of the Official State Flagship					
Tab 9	SB 820 by Yarborough; Similar to CS/H 00293 Office of Faith and Community					
826114	A	S	RCS	GO, Yarborough	Delete L.55 - 102:	04/01 05:51 PM
Tab 10	SB 1088 by Polsky; Identical to H 00979 State Department Customer Service Standards					
108700	A	S	RCS	GO, Polsky	Delete L.16 - 17:	04/01 05:51 PM
Tab 11	SB 1144 by Burgess; Similar to H 01327 Hope Florida Program					
826246	D	S	RCS	GO, Burgess	Delete everything after	04/01 05:51 PM
Tab 12	SB 1146 by Burgess; Similar to CS/H 01329 Public Records/Hope Florida Program					
636522	D	S	RCS	GO, Burgess	Delete everything after	04/01 05:51 PM
Tab 13	SB 1160 by Leek; Similar to H 00751 Benefits for Certain Officers Injured in the Line of Duty					
828536	A	S	RCS	GO, Leek	Delete L.67:	04/01 05:51 PM
Tab 14	SB 1260 by Yarborough; Identical to H 07007 County Constitutional Officer Budget Processes					
Tab 15	SB 1524 by Grall; Similar to CS/H 01011 Duties of the Department of State					
487810	D	S	RCS	GO, Grall	Delete everything after	04/01 05:51 PM
815920	AA	S	RCS	GO, Grall	Before L.5:	04/01 05:51 PM

Tab 16	SB 1640 by Grall ; Identical to H 01479 Public Records/Lethality Assessment Forms					
701874	D	S	RCS	GO, Grall	Delete everything after	04/01 05:51 PM
Tab 17	SB 7008 by BI (CO-INTRODUCERS) Sharief ; Identical to H 07003 OGSR/Financial Technology Sandbox					
Tab 18	SB 7010 by BI ; Compare to H 07011 OGSR/Department of Financial Services					
500896	D	S	RCS	GO, Ingoglia	Delete everything after	04/01 05:51 PM
Tab 19	SB 7018 by HP (CO-INTRODUCERS) Harrell ; Identical to H 07025 OGSR/Parental Consent Requirements Before Terminating a Pregnancy					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator DiCeglie, Vice Chair

MEETING DATE: Tuesday, April 1, 2025
TIME: 1:30—3:30 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator DiCeglie, Vice Chair; Senators Arrington, Brodeur, Grall, McClain, Polsky, and Rodriguez

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 214 Polsky (Identical H 259)	Special Observances/Fentanyl Awareness and Education Day; Designating August 21 of each year as "Fentanyl Awareness and Education Day"; encouraging specified agencies, local governments, and public schools to sponsor events to promote awareness of the dangers of fentanyl and potential overdoses, including education on specified topics, etc. GO 04/01/2025 Favorable HP RC	Favorable Yeas 7 Nays 0
2	SB 300 Rouson (Identical H 373)	Public Records/Appellate Court Clerks and their Spouses and Children; Defining the term "appellate court"; providing an exemption from public records requirements for the personal identifying and location information of current appellate court clerks and the spouses and children of such appellate court clerks; providing for future legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity, etc. JU 02/18/2025 Favorable GO 04/01/2025 Fav/CS RC	Fav/CS Yeas 7 Nays 0
3	SB 302 Rouson (Similar H 155)	Public Records/Judicial Qualifications Commission; Providing an exemption from public records requirements for the personal identifying and location information of current and former employees of the Judicial Qualifications Commission and the personal identifying and location information of the spouses and children of such employees; providing for legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity, etc. JU 02/18/2025 Favorable GO 04/01/2025 Favorable RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 342 Harrell (Identical H 527)	Public Records/Agency for Health Care Administration; Providing an exemption from public records requirements for the personal identifying and location information of certain current or former personnel of the Agency for Health Care Administration and the names and personal identifying and location information of the spouses and children of such personnel; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. HP 02/18/2025 Favorable GO 04/01/2025 Fav/CS RC	Fav/CS Yeas 7 Nays 0
5	CS/SB 576 Judiciary / Leek (Identical CS/H 157)	Service of Process; Expanding the hours during which registered agents are required to keep the designated registered office open for the purpose of process service; authorizing service of process by personally serving the receiver for specified domestic entities in receivership during pendency of the receivership; requiring that a certain substituted service of process be issued in the name of the party to be served in care of the Secretary of State; specifying that registered agents must have been designated under a specified provision for a specified purpose, etc. JU 03/12/2025 Fav/CS GO 04/01/2025 Favorable RC	Favorable Yeas 7 Nays 0
6	SB 626 Osgood (Identical H 197)	Council on the Social Status of Black Men and Boys; Revising the quorum requirements for the Council on the Social Status of Black Men and Boys to require only 9 members for a quorum; authorizing members to appear by communications media technology; providing that members who appear by such technology are considered present and may be counted toward the quorum requirement, etc. GO 04/01/2025 Fav/CS RC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 710 Criminal Justice / Osgood (Similar CS/H 397)	Public Records/Crime Stoppers Organizations; Providing an exemption from public records requirements for specified personal identifying and location information of employees of crime stoppers organizations and the board members and volunteers of such crime stoppers organizations; providing for future legislative review and repeal of the exemption; providing for retroactive application; providing a statement of public necessity, etc. CJ 03/11/2025 Fav/CS GO 04/01/2025 Favorable RC	Favorable Yeas 7 Nays 0
8	SB 804 Collins (Identical H 559, Compare CS/S 1280)	Designation of the Official State Flagship; Redesignating the official state flagship as the S.S. American Victory, etc. GO 04/01/2025 Favorable MS RC	Favorable Yeas 6 Nays 1
9	SB 820 Yarborough (Similar CS/H 293)	Office of Faith and Community; Establishing the Office of Faith and Community within the Executive Office of the Governor for a specified purpose; providing for the appointment of a liaison for faith and community; providing that the Office of Faith and Community provides administrative support to the Florida Faith-Based and Community-Based Advisory Council, etc. GO 04/01/2025 Fav/CS AEG AP	Fav/CS Yeas 6 Nays 1
10	SB 1088 Polsky (Identical H 979)	State Department Customer Service Standards; Requiring state departments to employ a callback queue system for customers who contact the departments by telephone, etc. GO 04/01/2025 Fav/CS AEG AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1144 Burgess (Similar H 1327, Compare H 1329, Linked S 1146)	Hope Florida Program; Establishing the Office of Hope Florida within the Executive Office of the Governor; specifying the functions of hope navigators under the Hope Florida program; specifying eligibility requirements for participation in the program; requiring the Executive Office of the Governor to designate agencies to perform certain functions under the program, etc. GO 04/01/2025 Fav/CS AHS AP	Fav/CS Yeas 6 Nays 1
12	SB 1146 Burgess (Similar H 1329, Compare H 1327, Linked S 1144)	Public Records/Hope Florida Program ; Providing an exemption from public records requirements for the personal identifying information of a participant in the Hope Florida program contained in records held by the Office of Hope Florida or any other state agency designated to participate in administering the program; authorizing disclosure of confidential and exempt information, subject to certain requirements and limitations; providing criminal penalties for the unlawful disclosure of confidential and exempt information; providing for future legislative review and repeal; providing a statement of public necessity, etc. GO 04/01/2025 Fav/CS AHS AP	Fav/CS Yeas 7 Nays 0
13	SB 1160 Leek (Similar H 751)	Benefits for Certain Officers Injured in the Line of Duty; Revising eligibility criteria for health insurance coverage provided to law enforcement, correctional, and correctional probation officers injured in the line of duty and to their spouses and dependent children, etc. GO 04/01/2025 Fav/CS CJ AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	SB 1260 Yarborough (Identical H 7007)	County Constitutional Officer Budget Processes; Authorizing a supervisor of elections to file a budget appeal to the Administration Commission in a specified manner; requiring the Executive Office of the Governor to conduct a budget hearing in a specified manner and make findings and recommendations to the Administration Commission; authorizing a clerk of the circuit court to file a budget appeal in a specified manner; requiring the Executive Office of the Governor to conduct a budget hearing in a specified manner and make findings and recommendations to the Administration Commission, etc. CA 03/17/2025 Favorable GO 04/01/2025 Temporarily Postponed FP	Temporarily Postponed
15	SB 1524 Grall (Similar H 1011)	Duties of the Department of State; Revising duties of the State Library Council; authorizing the Secretary of State to review and edit certain funding recommendations made by the council; requiring the secretary to ensure that construction grant funds meet certain criteria and are used for certain purposes; revising the membership of the Florida Council on Arts and Culture; authorizing the secretary to review specified lists to ensure that specified grant funds meet certain criteria and are used for certain purposes; revising mechanisms by which state funds to assist abandoned African-American cemeteries may be awarded specified grant funds, etc. GO 04/01/2025 Fav/CS ATD RC	Fav/CS Yeas 5 Nays 2
16	SB 1640 Grall (Identical H 1479)	Public Records/Lethality Assessment Forms; Providing an exemption from public records requirements for a lethality assessment form that contains certain information and responses; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CJ 03/18/2025 Favorable GO 04/01/2025 Fav/CS RC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
17	SB 7008 Banking and Insurance (Identical H 7003)	OGSR/Financial Technology Sandbox; Amending a provision which provides for an exemption from public records requirements for certain records provided to and held by the Office of Financial Regulation relating to the Financial Technology Sandbox; deleting the scheduled repeal of the exemption, etc. GO 03/18/2025 Not Considered GO 04/01/2025 Favorable RC	Favorable Yeas 7 Nays 0
18	SB 7010 Banking and Insurance (Compare H 7011)	OGSR/Department of Financial Services; Amending a provision which provides exemptions from public records requirements for records made or received by the Department of Financial Services when the department is acting as a receiver; deleting the scheduled repeal of the exemption, etc. GO 04/01/2025 Fav/CS RC	Fav/CS Yeas 7 Nays 0
19	SB 7018 Health Policy (Identical H 7025)	OGSR/Parental Consent Requirements Before Terminating a Pregnancy; Amending provisions relating to an exemption from public records requirements for certain information that could identify a minor petitioning a court to waive parental consent requirements before terminating a pregnancy; deleting the scheduled repeal of the exemption, etc. GO 04/01/2025 Favorable RC	Favorable Yeas 7 Nays 0
TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Florida Commission on Community Service			
20	Chavez, Ivan ()	09/14/2026	Recommend Confirm Yeas 7 Nays 0
21	Wheelock, Sherry (Windermere)	09/14/2026	Recommend Confirm Yeas 7 Nays 0
22	Goff, Kristen Rhea (Santa Rosa Beach)	09/14/2025	Recommend Confirm Yeas 7 Nays 0
23	Davis, John F. (Tallahassee)	09/14/2026	Recommend Confirm Yeas 7 Nays 0
Investment Advisory Council			
24	Figgers, Freddie (Coral Springs)	05/23/2027	Recommend Confirm Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, April 1, 2025, 1:30—3:30 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Chair, Public Employees Relations Commission			
25	Carpenter, Kerey ()	01/01/2028	Recommend Confirm Yeas 7 Nays 0
Public Employees Relations Commission			
26	Aaron, Jeffrey (Maitland)	01/01/2029	Recommend Confirm Yeas 7 Nays 0
State Retirement Commission			
27	Taub, Diana Lynn ()	12/31/2027	Recommend Confirm Yeas 7 Nays 0
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 214

INTRODUCER: Senator Polsky

SUBJECT: Special Observances/Fentanyl Awareness and Education Day

DATE: March 31, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McVaney	GO	Favorable
2. _____	_____	HP	_____
3. _____	_____	RC	_____

I. Summary:

SB 214 designates August 21 of each year as “Fentanyl Awareness and Education Day” to increase awareness of the dangers of fentanyl and potential overdoses.

The bill encourages specific state agencies, local governments, public schools, and other agencies to sponsor events to promote awareness of fentanyl’s dangers, community resources for drug prevention, and substance use and abuse generally.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Holidays and Special Observances

Chapter 683, F.S., establishes legal holidays and special observance days in Florida. Legal holidays are listed in s. 683.01, F.S., while ss. 683.04 – 683.336, F.S., establish special observance days. Section 683.01, F.S., enumerates legal holidays, which under Florida law are also public holidays. This section also provides that if any legal holiday falls on a Sunday, the next following Monday is deemed a public holiday. Florida currently has 21 legal holidays.

Chapter 683, F.S., includes 40 special observances.¹ Unlike legal holidays, special observances do not directly affect the definition of “legal holidays” in contracts. Special observance days may apply throughout the state, or they may be limited to particular counties. For example, “Gasparilla Day”² is a legal holiday observed only in Hillsborough County, while “Bill of Rights

¹ See ss. 683.04–683.336, F.S.

² Section 683.08, F.S.

Day,”³ if issued by the Governor, is observed throughout the state. While some special observance days encourage recognition in the public schools, others such as the Victims of Communism Day mandate 45 minutes of instruction for high school students enrolled in a required government course.⁴

In 2024, the Florida Legislature designated June 6 of each year as “Revive Awareness Day.” In recognition, the Governor is permitted to annually issue a proclamation designating June 6 as “Revive Awareness Day,” and the Department of Health is encouraged to raise awareness of the dangers of opioid overdose as well as opioid antagonists’ ability to rapidly reverse the effect of opioids.⁵

Fentanyl

“Fentanyl is a powerful synthetic opioid that is similar to morphine but is 50 to 100 times more potent. It is a prescription drug that is also used and made illegally.”⁶ In the late 1990s, health care providers began to prescribe opioid pain relievers at greater rates. This subsequently led to widespread misuse of these medications.⁷ In 2023, over 115 million pills seized by law enforcement contained illicit fentanyl, while in 2017, only 49,657 pills did.⁸

Fentanyl and other synthetic opioids are the most common drugs involved in drug overdose deaths in the United States.⁹ Fentanyl overdose was the number one cause of death of Americans aged 18-45.¹⁰

Fentanyl Awareness Day

August 21 is National Fentanyl Prevention and Awareness Day. Established by the federal government in 2022,¹¹ the day has since been recognized by numerous states, state departments, and local governments, including the Florida Department of Health.¹² This day of remembrance

³ Section 683.25, F.S.

⁴ Section 683.334, F.S.

⁵ Ch. 2024-67, Laws of Fla.

⁶ National Institute on Drug Abuse, *Fentanyl DrugFacts* (June 2021), <https://nida.nih.gov/publications/drugfacts/fentanyl> (last visited Mar. 27, 2025). As a medicine, fentanyl is “typically used to treat patients with severe pain, especially after surgery[,]” and “is also sometimes used to treat patients with chronic pain who are physically tolerant to other opioids.” *Id.*

⁷ Digital Communications Division, U.S. Dep’t of Health and Human Services, *Opioid Facts and Statistics* (Dec. 16, 2022), <https://www.hhs.gov/opioids/statistics/index.html> (last visited Mar. 27, 2025).

⁸ <https://nida.nih.gov/research-topics/trends-statistics/infographics/number-of-pills-containing-fentanyl-seized-by-law-enforcement-in-the-united-states-2017-2023> (last visited Mar. 27, 2025).

⁹ National Institute on Drug Abuse, *Fentanyl DrugFacts*, *supra* note 5.

¹⁰ Florida Statewide Drug Policy Advisory Council, *Statewide Drug Policy Advisory Council 2023 Annual Report* (Dec. 1, 2023), p. 8, <https://www.floridahealth.gov/provider-and-partner-resources/dpac/documents/dpac-2023-annual-report.pdf> (last visited Mar. 27, 2025).

¹¹ See e.g., U.S. Center for Disease Control, *Overdose Prevention: National Fentanyl Prevention and Awareness Day Toolkit*, <https://www.cdc.gov/overdose-prevention/php/toolkits/fentanyl-prevention-awareness-day.html#:~:text=August%201%20marks%20National%20Fentanyl,made%20fentanyl%20and%20save%20lives> (last visited Mar. 27, 2025); Press Release, U.S. Drug Enforcement Administration, *DEA Recognizes National Fentanyl Prevention and Awareness Day* (Aug. 20, 2024).

¹² Press Release, The Florida Dep’t of Health, *The Florida Department of Health Recognizes National Fentanyl Awareness Day* (May 10, 2023), <https://www.floridahealth.gov/newsroom/2023/05/20230509-national-fentanyl-awareness-day-pr.html> (last visited Mar. 27, 2025).

honors loved ones who have lost their lives due to fentanyl and aims to raise awareness of the dangers of illegally made fentanyl and the importance of overdose prevention.¹³

Florida Opioid and Fentanyl Crisis

Between the early 2000s and the early 2010s, Florida was infamous as the “pill mill capital” of the country. At the peak of the pill mill crisis, doctors in Florida bought 89 percent of all the oxycodone sold in the county.¹⁴ Between 2009 and 2011, the Legislature enacted a series of reforms to combat prescription drug abuse.¹⁵ Subsequently, between 2010 and 2014, deaths from prescription drugs dropped; deaths from illegal opioids, such as fentanyl, however, began to rise.¹⁶ In 2022, the most recent year with released data, Florida ranks second behind California in the highest amount of fentanyl overdose deaths in the country.¹⁷ According to Florida’s Statewide Drug Policy Advisory Council, the majority of overdose deaths in Florida in 2022 were related to opioids, and “[t]he most significant increases [in overdose deaths relative to the previous year] were deaths involving fentanyl analogs which increased by 35% and deaths caused by fentanyl analogs increased by 38%.”¹⁸ The previous year, the most significant increases in overdose deaths were those involving or caused by fentanyl.¹⁹

Recent Actions on Fentanyl and Other Opioids

In 2017, the CDC declared the opioid crisis an epidemic and shortly thereafter, on May 3, 2017, Governor Rick Scott signed executive order 17-146 declaring the opioid epidemic a public health emergency in Florida.²⁰ Subsequent Executive Orders extended the state of emergency through April 2, 2019.²¹ On April 1, 2019, Governor DeSantis created a Statewide Task Force on Opioid Abuse to research and assess the nature of opioid drug abuse in Florida and develop a statewide strategy to identify best practices to combat the opioid epidemic through education, treatment, prevention, recovery, and law enforcement.²² The Task Force published its findings and recommendations on April 1, 2020.²³

¹³ See supra note 11.

¹⁴ Lizette Alvarez, *Florida Shutting ‘Pill Mill’ Clinics*, THE NEW YORK TIMES (Aug. 31, 2011), <http://www.nytimes.com/2011/09/01/us/01drugs.html> (last visited Mar. 27, 2025).

¹⁵ See chs. 2009-198, 2010-211, and 2011-141, Laws of Fla.; Roger B. Handberg, The Florida Bar, *The Opioid Epidemic in Florida: 2000 to 2017*, 94 FL. BAR J. 18 (2020).

¹⁶ Florida Dep’t of Children and Families, *Patterns and Trends of the Opioid Epidemic in Florida: 2018*, p. 8, <https://www.floridahealth.gov/statistics-and-data/e-forcse/fl-seow-annual-report-2018.pdf> (last visited Mar. 27, 2025).

¹⁷ National Center for Health Statistics, U.S. Center for Disease Control, *Drug Overdose Mortality by State* (Jan. 10, 2025), https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm (last visited Mar. 27, 2025).

¹⁸ Florida Statewide Drug Policy Advisory Council, *Statewide Drug Policy Advisory Council 2023 Annual Report* (Dec. 1, 2023), p. 8, https://www.floridahealth.gov/provider-and-partner-resources/dpac/_documents/dpac-2023-annual-report.pdf (last visited Mar. 27, 2025).

¹⁹ Florida Statewide Drug Policy Advisory Council, *Statewide Drug Policy Advisory Council 2022 Annual Report* (Dec. 1, 2022), p. 8, https://www.floridahealth.gov/provider-and-partner-resources/dpac/_documents/2022_DPAC_Annual_Report.pdf (last visited Mar. 27, 2025).

²⁰ Office of the Governor, *Executive Order Number 17-146*, May 3, 2017 (Opioid Epidemic).

²¹ Office of the Governor, *Executive Order Number 19-36*, February 1, 2019 (Opioid Epidemic Extension).

²² Office of the Governor, *Executive Order Number 19-97*, April 1, 2019 ((Establishing the Office of Drug Control and the Statewide Task Force on Opioid Abuse to Combat Florida’s Substance Abuse Crisis).

²³ Florida Statewide Task Force on Opioid Abuse, *Findings and Recommendations of the Statewide Task Force on Opioid Abuse* (Apr. 1, 2020), <https://doseofrealityfl.com/pdfs/opioid-task-force-findings-recommendations-opioid-abuse.pdf> (last visited Mar. 27, 2025).

In 2019, Florida Attorney General Ashley Moody convened an opioid working group with the primary goal of developing an overview of current programs and providing a practical set of recommendations for the Attorney General to combat the opioid crisis and addiction to opioids throughout the State of Florida. The working group published its findings on March 1, 2019, and concluded that Florida should combat this epidemic with a three-pronged approach to include prevention, enforcement, and treatment, with education being a crucial element of each prong.²⁴ In 2023, Florida Attorney General Ashley Moody issued a “warning to Floridians about the flesh-eating ‘zombie drug,’ xylazine,” following a sharp increase in trafficked xylazine and fentanyl mixtures.²⁵

In 2023, the Florida Legislature established state funding under the State Assistance for Fentanyl Eradication (S.A.F.E.) in Florida program to conduct investigations designed to combat illegal fentanyl activity.²⁶

“The Facts. Your Future” campaign focuses on supporting students statewide to ensure they receive prevention instruction and encouragement to protect and maintain their health, avoid substance misuse, and discourage risky. This campaign is an interactive approach to ensure students are informed and can make safe decisions as they grow.²⁷

III. Effect of Proposed Changes:

Section 1 creates s. 683.3343, F.S., to designate August 21 of each year as “Fentanyl Awareness and Education Day” to increase awareness of the dangers of fentanyl and the potential to overdose.

The bill encourages the Department of Health, Department of Children and Families, local governments, public schools, and other agencies to sponsor events that promote public awareness and education on the dangers of fentanyl and potential overdoses, including, but not limited to, education on:

- The prevention of fentanyl abuse and addiction;
- The availability of resources for drug prevention at local schools and community resources, as well as any processes involved in accessing those resources; and
- Health issues relating to substance use and abuse, specifically in young people.

²⁴ Attorney General’s Opioid Working Group, *Florida’s Opioid Epidemic: Recommendations and Best Practices* (March 1, 2019), [https://myfloridalegal.com/webfiles.nsf/WF/TDGTB9UTV9/\\$file/AG+Opioid+Working+Group+Report+Final+2-28-2019.pdf](https://myfloridalegal.com/webfiles.nsf/WF/TDGTB9UTV9/$file/AG+Opioid+Working+Group+Report+Final+2-28-2019.pdf), (last visited Mar. 27, 2025).

²⁵ News Release, Office of the Attorney General, The State of Florida, *Video: AG Moody Warns of Flesh-Eating Drug Mixed with Fentanyl* (Mar. 22, 2023), <https://www.myfloridalegal.com/newsrelease/video-ag-moody-warns-flesh-eating-drug-mixed-fentanyl> (last visited Mar. 27, 2025). Attorney General Ashley Moody said, “Floridians need to be aware that xylazine is making one of the deadliest drugs in history, fentanyl, even deadlier. Xylazine is a sedative, and therefore resistant to standard opioid reversal treatments such as Narcan. There has never been a more dangerous time to take a chance on any illicit substance, and this drug is only making the problem worse. I’m urging everyone to never use illicit drugs, just one pill or one use can kill.” *Id.*

²⁶ Florida Dep’t of Law Enforcement, Office of Planning and Budgeting, *State Assistance for Fentanyl Eradication (S.A.F.E.)*, <https://www.fdle.state.fl.us/FDLE-Grants/Office-of-Planning-and-Budgeting/Programs/SAFE> (last visited Mar. 27, 2025).

²⁷ The Facts Your Future, *About the Initiative*, <https://thefactsyourfuture.org/> (last visited Mar. 27, 2025).

Section 2 provides that the act takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Agencies and schools are encouraged, but not required, to sponsor events and education to increase awareness about the dangers of Fentanyl.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 683.3343 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Polsky

30-00362A-25

2025214__

A bill to be entitled

An act relating to special observances; creating s.
683.3343, F.S.; designating August 21 of each year as
"Fentanyl Awareness and Education Day"; encouraging
specified agencies, local governments, and public
schools to sponsor events to promote awareness of the
dangers of fentanyl and potential overdoses, including
education on specified topics; providing an effective
date.

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

Section 1. Section 683.3343, Florida Statutes, is created
to read:

683.3343 Fentanyl Awareness and Education Day.—

(1) The Legislature designates August 21 of each year as
"Fentanyl Awareness and Education Day" to increase awareness of
the dangers of fentanyl and potential overdoses.

(2) The Department of Health, the Department of Children
and Families, local governments, public schools, and other
agencies are encouraged to sponsor events to promote awareness
of the dangers of fentanyl and potential overdoses, including,
but, not limited to, education on the prevention of fentanyl
abuse and addiction; the availability of local school and
community resources for drug prevention and any processes
involved in accessing those resources; and health issues,
including information about substance use and abuse,
specifically youth substance use and abuse.

Section 2. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations on Transportation, Tourism, and
Economic Development, *Vice Chair*
Appropriations
Appropriations on Criminal and Civil Justice
Environment and Natural Resources
Ethics and Elections
Governmental Oversight and Accountability
Judiciary
Joint Administrative Procedures

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR TINA SCOTT POLSKY

30th District

February 5, 2025

Chairman Randy Fine
Committee on Governmental Oversight and Accountability
330 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Fine,

I respectfully request that you place SB 214, relating to Special Observances/Fentanyl Awareness and Education Day on the agenda of the Committee on Governmental Oversight and Accountability, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

A handwritten signature in dark ink, appearing to read "Tina S. Polsky".

Senator Tina S. Polsky
Florida Senate, District 30

cc: Joe McVaney, Staff Director
Tamra Redig, Administrative Assistant

REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 300

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Rouson

SUBJECT: Public Records/Appellate Court Clerks and their Spouses and Children

DATE: April 2, 2025 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Collazo	Cibula	JU	Favorable
2. White	McVaney	GO	Fav/CS
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 300 exempts from public records copying and inspection requirements certain identifying information of current clerks of the appellate courts, current deputy clerks of the appellate courts, and current personnel of the clerk of the appellate court, and their spouses and children. The exemption restricts access to their information in the public records which may identify or locate them. Specifically, the bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.
- The names and locations of schools and day care facilities attended by the children of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.

This exemption applies to information held by an agency before, on, or after July 1, 2025. However, the exemption expires when the appellate or circuit court clerk, deputy clerk of an appellate or circuit court, or clerk of the appellate and circuit courts personnel is no longer employed in such position. The person subject to such exemption must notify via notarized letter any non-employing custodial agency of the expiration of the exemption.

It is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also extends, by one year, the repeal date for the existing exemption in s. 119.071(4)(d)2., F.S., applicable to current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel, and their spouses and children, from October 2, 2029, to October 2, 2030.

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

The bill may minimally increase costs for state and local agencies.

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records – Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

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

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), “home addresses” is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, “telephone numbers” is defined to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse’s place of work as well as the name and location of any schools or day care facilities of the public employee’s children, if any. These public employees include current clerk, deputy clerks and other personnel of each circuit court.¹⁶

Records that include exempt information relating to the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers¹⁷ and county tax collectors¹⁸ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.¹⁹

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee’s or their spouse or child’s information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual’s exemption and confirm the individual’s status as a party eligible for exempt status.²⁰

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.071(4)(d)2.y., F.S. Circuit court clerks’ exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.

¹⁷ *See* s. 192.001(3), F.S.

¹⁸ *See* s. 192.001(4), F.S.

¹⁹ Section 119.071(4)(d)4., F.S.

²⁰ Section 119.071(4)(d)3., F.S.

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.²¹ Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling²² or upon his or her death.²³

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act²⁴ (the Act), prescribe a legislative review process for newly created or substantially amended²⁵ public records or open meetings exemptions, with specified exceptions.²⁶ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.²⁷

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁸ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²⁹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁰ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³¹

The Act also requires specified questions to be considered during the review process.³² In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

²¹ Section 119.071(4)(d)6., F.S.

²² The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

²³ A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." *See* s. 28.222(2), F.S.

²⁴ Section 119.15, F.S.

²⁵ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

²⁶ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²⁷ Section 119.15(3), F.S.

²⁸ Section 119.15(6)(b), F.S.

²⁹ Section 119.15(6)(b)1., F.S.

³⁰ Section 119.15(6)(b)2., F.S.

³¹ Section 119.15(6)(b)3., F.S.

³² Section 119.15(6)(a), F.S. The specified questions are:

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.³³ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.³⁴

Clerks of the Appellate Court

The Florida Supreme Court³⁵ and each district court of appeal³⁶ are required to appoint a clerk who holds office at the pleasure of the respective courts. The office of the clerk of the Supreme Court is located in the Supreme Court Building.³⁷ The office of the clerk of the district court of appeal is in the headquarters of each district court.³⁸

The clerk of the Supreme Court³⁹ and the clerks of the district courts of appeal⁴⁰ are required to perform such duties as the courts direct. All books, papers, records, files, and seals must be kept in the clerks' offices and in their custody.⁴¹

Additionally, the clerk of each court is required to:

- Keep a docket or equivalent electronic record of all cases that are brought for review to or that originate in the court.⁴²
- Issue such mandates or processes as may be directed by the court and notify attorneys of record of such issuance or of the rendition of any final judgment.⁴³
- Return to the clerk of the lower court the original papers or files transmitted to the court for use in the cause.⁴⁴

The clerk of the Supreme Court can appoint a deputy clerk. The deputy has the same powers as the clerk, except for the power to appoint a deputy or deputies.⁴⁵

-
- What specific records or meetings are affected by the exemption?
 - Whom does the exemption uniquely affect, as opposed to the general public?
 - What is the identifiable public purpose or goal of the exemption?
 - Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
 - Is the record or meeting protected by another exemption?
 - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³³ See generally s. 119.15, F.S.

³⁴ Section 119.15(7), F.S.

³⁵ FLA. CONST. art V, s. 3(c).

³⁶ FLA. CONST. art V, s. 4(c).

³⁷ Section 25.211, F.S.

³⁸ Section 35.23, F.S.

³⁹ FLA. CONST. art V, s. 3(c).

⁴⁰ FLA. CONST. art V, s. 4(c).

⁴¹ Sections 25.221 and 35.24, F.S.

⁴² Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(3); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(2).

⁴³ Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(5); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(4).

⁴⁴ Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(6); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(5).

⁴⁵ Section 25.201, F.S.

Clerks of the Circuit Court

Each county in Florida has a clerk of the circuit court, a quasi-judicial officer⁴⁶ selected pursuant to the constitutional provision concerning the election of county officers.⁴⁷ The office of the clerk of the circuit court derives its powers and authority from the State Constitution.⁴⁸ The clerk, when acting under the authority of his or her constitutionally granted powers concerning judicial records and other matters related to the administrative operation of the courts, is an arm of the judicial branch and is subject to the oversight and control of the Florida Supreme Court.⁴⁹

Clerks of the circuit court play a vital role in the state's judicial system. They perform at least 14 key functions:⁵⁰

- Attend court hearings and trials.
- File indictments, information, and verdicts.
- Process all civil and criminal cases.
- Prepare appellate records.
- Manage juries.
- Collect and disburse fines, court costs, forfeitures, fees, and service charges.
- Conduct mortgage foreclosure sales.
- Maintain custody of all evidence and exhibits entered by the court.
- Assist in completing paperwork required to file a Small Claims action.
- Assist in completing paperwork required to file petitions for protective injunctions (domestic, repeat, sexual, and dating violence).
- Issue process service documents.
- Maintain the court registry.
- Audit guardianship reports.
- Audit child support payments.

Deputy Clerks of the Circuit Court

The clerk of the circuit court may appoint a deputy or deputies, for whose acts the clerk is liable. The deputies have the same powers that clerks may exercise, except for the power to appoint a deputy or deputies.⁵¹

III. Effect of Proposed Changes:

Section 1 exempts from public records disclosure requirements certain information relating to current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of

⁴⁶ *Givens v. Holmes*, 241 So. 3d 232, 236 (Fla. 2d DCA 2018).

⁴⁷ FLA. CONST. art. V, s. 16.

⁴⁸ *Givens*, 241 So. 3d at 236.

⁴⁹ *Times Pub. Co. v. Ake*, 660 So. 2d 255, 255 (Fla. 1995).

⁵⁰ MGT Consulting Group, *Florida Clerks of Court Study* (Nov. 15, 2019), available at <https://oppaga.fl.gov/Documents/Reports/19-CLERKS.pdf>; see also Florida Court Clerks & Comptrollers, *Role of the Clerk and Comptroller*, <https://www.flclerks.com/page/RoleoftheClerk> (last visited Feb. 10, 2025).

⁵¹ Section 28.06, F.S.

the appellate courts' current personnel.⁵² The following information will be exempt from public disclosure:

- The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.
- The names and locations of schools and day care facilities attended by the children of current clerks of the appellate courts, current deputy clerks of the appellate courts, and clerk of the appellate courts' current personnel.

For purposes of the bill, "appellate court" means the Florida Supreme Court or a district court of appeal.

Pursuant to s. 119.071(4)(d)6., F.S., the exemption applies to information held by an agency before, on, or after July 1, 2025. However, the exemption expires when the appellate or circuit court clerk, deputy clerk of an appellate or circuit court, or clerk of the appellate and circuit courts personnel is no longer employed in such position. The person subject to such exemption must notify via notarized letter any non-employing custodial agency of the expiration of the exemption.

Consistent with s. 119.15, F.S., the new exemption is subject to the Open Government Sunset Review Act⁵³ and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also extends, by one year, the repeal date for the existing exemption applicable to current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel, and their spouses and children, from October 2, 2029, to October 2, 2030.

Section 2 updates a cross reference relating to the definition of "telephone numbers."

Section 3 provides the constitutionally required public necessity statement. The public necessity statement provides that while performing their duties to issue court orders, maintain case dockets, answer telephone calls, respond to correspondence, and interact with visitors to the courthouse, appellate court clerks, appellate court deputy clerks, and clerk of the appellate court personnel may incur the ill will of litigants and their associates and families. As a result, current appellate court clerks, deputy clerks, and appellate court personnel and their spouses and children may be targets for acts of revenge. If such identifying and location information is released, the safety of current appellate court clerks, deputy clerks, and appellate court personnel and their spouses and children could be seriously jeopardized. For this reason, the bill provides that it is a public necessity that such information be exempt from public records requirements.

Section 4 provides that the bill takes effect July 1, 2025.

⁵² Section 119.07(1), F.S.; FLA. CONST. art I, s. 24(a).

⁵³ See s. 119.15, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill enacts a new exemption for current clerks of the appellate court, current deputy clerks of the appellate court, and clerk of the appellate courts' current personnel, and their spouses and children; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 3 of the bill contains a statement of public necessity for current appellate court clerks, deputy clerks, appellate court personnel, and their spouses and children.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect clerks of the appellate court, deputy clerks of the appellate court, and clerk of the appellate court personnel, and their spouses and children. This bill exempts records pertaining to the clerks of the appellate court, deputy clerks of the appellate court, and clerk of the appellate court personnel, and their spouses and children, from the public records requirements.

Enacted last year,⁵⁴ CS/HB 983 created a public records exemption for clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel, and their spouses and children. The bill amends this public records exemption to also include appellate clerks of the appellate court, deputy clerks of the appellate court, and clerk of the appellate court personnel, and their spouses and children.

Although both existing law and the bill include a public records exemption for clerks of the appellate and circuit courts personnel and their spouses and children, it is unclear whether including these categories of individuals might render the exemption overly

⁵⁴ See Ch. 2024-239, L.O.F.

broad. The term “personnel” is undefined and could include persons (e.g. building maintenance staff, custodians, receptionists, etc.) whose responsibilities will not incur the “ill will of litigants and their associates and families” as contemplated by the public necessity statement.

Consequently, there are arguments that both existing law and the bill are broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will be subject to the cost associated with an agency’s review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may increase costs minimally for agencies holding records that contain personal identifying information of clerks of the appellate court, deputy clerks of the appellate court, and clerk of the appellate court personnel, and their spouses and children, because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends sections 119.071 and 744.21031 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

- Updates the public necessity statement to specify the need for the exemption of specific personal identifying information of appellate court deputy clerks and appellate court personnel, as well as their spouses and children, in addition to the appellate court clerks themselves.
- Clarifies when an individual no longer qualifies for the exemption and requires the individual to provide notice to the records custodian when the exemption expires.

B. Amendments:

None.



741522

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Rouson) recommended the following:

Senate Amendment

Delete lines 442 - 461
and insert:

The Legislature finds that it is a public necessity that
the home addresses, telephone numbers, dates of birth, and
photographs of current appellate court clerks, deputy clerks,
and clerk of the appellate court personnel; the names, home
addresses, telephone numbers, dates of birth, and places of
employment of the spouses and children of such appellate court



741522

11 clerks, deputy clerks, and clerk of the appellate court
12 personnel; and the names and locations of schools and day care
13 facilities attended by the children of such appellate court
14 clerks, deputy clerks, and clerk of the appellate court
15 personnel, be made exempt from s. 119.07(1), Florida Statutes,
16 and s. 24(a), Article I of the State Constitution. While
17 performing their duties to issue court orders, maintain case
18 dockets, answer telephone calls, respond to correspondence, and
19 interact with visitors to the courthouse, appellate court
20 clerks, deputy clerks, and clerk of the appellate personnel, may
21 incur the ill will of litigants and their associates and
22 families. As a result, current appellate court clerks, deputy
23 clerks, and clerk of the appellate court personnel, and their
24 spouses and children may be targets for acts of revenge. If such
25 identifying and location information is released, the safety of
26 current appellate court clerks, deputy clerks, and clerk of the
27 appellate court personnel, and their spouses and children could
28 be seriously jeopardized. For this reason, the Legislature finds
29 that it is a public necessity that such information be made
30 exempt from public records.



307372

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Rouson) recommended the following:

**Senate Substitute for Amendment (741522) (with title
amendment)**

Delete lines 357 - 461
and insert:

3.a. An agency that is the custodian of the information
specified in subparagraph 2. and that is not the employer of the
officer, employee, justice, judge, or other person specified in
subparagraph 2. must maintain the exempt status of that
information only if the officer, employee, justice, judge, other



307372

11 person, or employing agency of the designated employee submits a
12 written and notarized request for maintenance of the exemption
13 to the custodial agency. The request must state under oath the
14 statutory basis for the individual's exemption request and
15 confirm the individual's status as a party eligible for exempt
16 status.

17 b. An agency that is the custodian of information specified
18 in sub-subparagraph 2.y. and that is not the employer of the
19 current appellate or circuit court clerk, current deputy clerk
20 of an appellate of circuit court, or clerk of the appellate and
21 circuit courts personnel, his or her spouse, or his or her
22 child, must maintain the exempt status of that information only
23 while the qualifying conditions for the exemption apply. The
24 person who qualifies for an exemption pursuant to sub-
25 paragraph 2.y, must submit a written and notarized letter to
26 a non-employing custodial agency that holds information
27 specified in sub-subparagraph 2.y. of the current appellate or
28 circuit court clerk, current deputy clerk of an appellate of
29 circuit court, or clerk of the appellate and circuit courts
30 personnel, his or her spouse, or his or her child, notifying it
31 of the cessation of his or her qualification for the exemption.

32 4.a. A county property appraiser, as defined in s.
33 192.001(3), or a county tax collector, as defined in s.
34 192.001(4), who receives a written and notarized request for
35 maintenance of the exemption pursuant to subparagraph 3. must
36 comply by removing the name of the individual with exempt status
37 and the instrument number or Official Records book and page
38 number identifying the property with the exempt status from all
39 publicly available records maintained by the property appraiser



307372

or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. 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 so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney



307372

duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.b. ~~1.a.~~, the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, 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. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the



307372

information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. Paragraph (c) of subsection (1) of section 744.21031, Florida Statutes, is amended to read:

744.21031 Public records exemption.—

(1) For purposes of this section, the term:

(c) "Telephone numbers" has the same meaning as provided in s. 119.071(4)(d)1.d. ~~s. 119.071(4)(d)1.e.~~

Section 3. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current appellate court clerks, deputy clerks, and clerk of the appellate court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such appellate court clerks, deputy clerks, and clerk of the appellate court personnel; and the names and locations of schools and day care facilities attended by the children of such appellate court clerks, deputy clerks, and clerk of the appellate court personnel, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. While performing their duties to issue court orders, maintain case dockets, answer telephone calls, respond to correspondence, and interact with visitors to the courthouse, appellate court clerks, deputy clerks, and clerk of the appellate court personnel, may incur the ill will of litigants and their associates and families. As a result, current appellate court clerks, deputy clerks, and clerk of the appellate court personnel, and their spouses and children may be targets for acts of revenge. If such identifying and location information is



307372

released, the safety of current appellate court clerks, deputy
clerks, and clerk of the appellate court personnel, and their
spouses and children could be seriously jeopardized. For this
reason, the Legislature finds that it is a public necessity that
such information be made exempt from public records
requirements.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 9

and insert:

the exemption; providing a method for maintenance of
an exemption; providing for retroactive application

By Senator Rouson

16-00394A-25

2025300__

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; defining the term "appellate court";
 4 providing an exemption from public records
 5 requirements for the personal identifying and location
 6 information of current appellate court clerks and the
 7 spouses and children of such appellate court clerks;
 8 providing for future legislative review and repeal of
 9 the exemption; providing for retroactive application
 10 of the exemption; amending s. 744.21031, F.S.;
 11 conforming a cross-reference; providing a statement of
 12 public necessity; providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Paragraph (d) of subsection (4) of section
 17 119.071, Florida Statutes, is amended to read:
 18 119.071 General exemptions from inspection or copying of
 19 public records.—
 20 (4) AGENCY PERSONNEL INFORMATION.—
 21 (d)1. For purposes of this paragraph, the term:
 22 a. "Appellate court" means the Florida Supreme Court or a
 23 district court of appeal.
 24 b. "Home addresses" means the dwelling location at which an
 25 individual resides and includes the physical address, mailing
 26 address, street address, parcel identification number, plot
 27 identification number, legal property description, neighborhood
 28 name and lot number, GPS coordinates, and any other descriptive
 29 property information that may reveal the home address.

Page 1 of 16

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16-00394A-25

2025300__

30 ~~c.b.~~ "Judicial assistant" means a court employee assigned
 31 to the following class codes: 8140, 8150, 8310, and 8320.
 32 ~~d.e.~~ "Telephone numbers" includes home telephone numbers,
 33 personal cellular telephone numbers, personal pager telephone
 34 numbers, and telephone numbers associated with personal
 35 communications devices.
 36 2.a. The home addresses, telephone numbers, dates of birth,
 37 and photographs of active or former sworn law enforcement
 38 personnel or of active or former civilian personnel employed by
 39 a law enforcement agency, including correctional and
 40 correctional probation officers, personnel of the Department of
 41 Children and Families whose duties include the investigation of
 42 abuse, neglect, exploitation, fraud, theft, or other criminal
 43 activities, personnel of the Department of Health whose duties
 44 are to support the investigation of child abuse or neglect, and
 45 personnel of the Department of Revenue or local governments
 46 whose responsibilities include revenue collection and
 47 enforcement or child support enforcement; the names, home
 48 addresses, telephone numbers, photographs, dates of birth, and
 49 places of employment of the spouses and children of such
 50 personnel; and the names and locations of schools and day care
 51 facilities attended by the children of such personnel are exempt
 52 from s. 119.07(1) and s. 24(a), Art. I of the State
 53 Constitution.
 54 b. The home addresses, telephone numbers, dates of birth,
 55 and photographs of current or former nonsworn investigative
 56 personnel of the Department of Financial Services whose duties
 57 include the investigation of fraud, theft, workers' compensation
 58 coverage requirements and compliance, other related criminal

Page 2 of 16

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16-00394A-25

2025300

activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and

16-00394A-25

2025300

county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers,

16-00394A-25

2025300

117 dates of birth, and places of employment of the spouses and
 118 children of general magistrates, special magistrates, judges of
 119 compensation claims, administrative law judges of the Division
 120 of Administrative Hearings, and child support enforcement
 121 hearing officers; and the names and locations of schools and day
 122 care facilities attended by the children of general magistrates,
 123 special magistrates, judges of compensation claims,
 124 administrative law judges of the Division of Administrative
 125 Hearings, and child support enforcement hearing officers are
 126 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 127 Constitution.

128 h. The home addresses, telephone numbers, dates of birth,
 129 and photographs of current or former human resource, labor
 130 relations, or employee relations directors, assistant directors,
 131 managers, or assistant managers of any local government agency
 132 or water management district whose duties include hiring and
 133 firing employees, labor contract negotiation, administration, or
 134 other personnel-related duties; the names, home addresses,
 135 telephone numbers, dates of birth, and places of employment of
 136 the spouses and children of such personnel; and the names and
 137 locations of schools and day care facilities attended by the
 138 children of such personnel are exempt from s. 119.07(1) and s.
 139 24(a), Art. I of the State Constitution.

140 i. The home addresses, telephone numbers, dates of birth,
 141 and photographs of current or former code enforcement officers;
 142 the names, home addresses, telephone numbers, dates of birth,
 143 and places of employment of the spouses and children of such
 144 personnel; and the names and locations of schools and day care
 145 facilities attended by the children of such personnel are exempt

16-00394A-25

2025300

146 from s. 119.07(1) and s. 24(a), Art. I of the State
 147 Constitution.

148 j. The home addresses, telephone numbers, places of
 149 employment, dates of birth, and photographs of current or former
 150 guardians ad litem, as defined in s. 39.01; the names, home
 151 addresses, telephone numbers, dates of birth, and places of
 152 employment of the spouses and children of such persons; and the
 153 names and locations of schools and day care facilities attended
 154 by the children of such persons are exempt from s. 119.07(1) and
 155 s. 24(a), Art. I of the State Constitution.

156 k. The home addresses, telephone numbers, dates of birth,
 157 and photographs of current or former juvenile probation
 158 officers, juvenile probation supervisors, detention
 159 superintendents, assistant detention superintendents, juvenile
 160 justice detention officers I and II, juvenile justice detention
 161 officer supervisors, juvenile justice residential officers,
 162 juvenile justice residential officer supervisors I and II,
 163 juvenile justice counselors, juvenile justice counselor
 164 supervisors, human services counselor administrators, senior
 165 human services counselor administrators, rehabilitation
 166 therapists, and social services counselors of the Department of
 167 Juvenile Justice; the names, home addresses, telephone numbers,
 168 dates of birth, and places of employment of spouses and children
 169 of such personnel; and the names and locations of schools and
 170 day care facilities attended by the children of such personnel
 171 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 172 Constitution.

173 l. The home addresses, telephone numbers, dates of birth,
 174 and photographs of current or former public defenders, assistant

16-00394A-25

2025300

public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

16-00394A-25

2025300

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and

16-00394A-25

2025300

places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed

16-00394A-25

2025300

pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(27).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

16-00394A-25

2025300

291 v. The home addresses, telephone numbers, dates of birth,
 292 and photographs of current or former inspectors or investigators
 293 of the Department of Agriculture and Consumer Services; the
 294 names, home addresses, telephone numbers, dates of birth, and
 295 places of employment of the spouses and children of current or
 296 former inspectors or investigators; and the names and locations
 297 of schools and day care facilities attended by the children of
 298 current or former inspectors or investigators are exempt from s.
 299 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 300 sub-subparagraph is subject to the Open Government Sunset Review
 301 Act in accordance with s. 119.15 and shall stand repealed on
 302 October 2, 2028, unless reviewed and saved from repeal through
 303 reenactment by the Legislature.

304 w. The home addresses, telephone numbers, dates of birth,
 305 and photographs of current county attorneys, assistant county
 306 attorneys, deputy county attorneys, city attorneys, assistant
 307 city attorneys, and deputy city attorneys; the names, home
 308 addresses, telephone numbers, photographs, dates of birth, and
 309 places of employment of the spouses and children of current
 310 county attorneys, assistant county attorneys, deputy county
 311 attorneys, city attorneys, assistant city attorneys, and deputy
 312 city attorneys; and the names and locations of schools and day
 313 care facilities attended by the children of current county
 314 attorneys, assistant county attorneys, deputy county attorneys,
 315 city attorneys, assistant city attorneys, and deputy city
 316 attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of
 317 the State Constitution. This exemption does not apply to a
 318 county attorney, assistant county attorney, deputy county
 319 attorney, city attorney, assistant city attorney, or deputy city

Page 11 of 16

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16-00394A-25

2025300

320 attorney who qualifies as a candidate for election to public
 321 office. This sub-subparagraph is subject to the Open Government
 322 Sunset Review Act in accordance with s. 119.15 and shall stand
 323 repealed on October 2, 2029, unless reviewed and saved from
 324 repeal through reenactment by the Legislature.

325 x. The home addresses, telephone numbers, dates of birth,
 326 and photographs of current or former commissioners of the
 327 Florida Gaming Control Commission; the names, home addresses,
 328 telephone numbers, dates of birth, photographs, and places of
 329 employment of the spouses and children of such current or former
 330 commissioners; and the names and locations of schools and day
 331 care facilities attended by the children of such current or
 332 former commissioners are exempt from s. 119.07(1) and s. 24(a),
 333 Art. I of the State Constitution. This sub-subparagraph is
 334 subject to the Open Government Sunset Review Act in accordance
 335 with s. 119.15 and shall stand repealed on October 2, 2029,
 336 unless reviewed and saved from repeal through reenactment by the
 337 Legislature.

338 y. The home addresses, telephone numbers, dates of birth,
 339 and photographs of current clerks of the appellate and circuit
 340 courts court, deputy clerks of the appellate and circuit courts
 341 court, and clerk of the appellate and circuit courts court
 342 personnel; the names, home addresses, telephone numbers, dates
 343 of birth, and places of employment of the spouses and children
 344 of current clerks of the appellate and circuit courts court,
 345 deputy clerks of the appellate and circuit courts court, and
 346 clerk of the appellate and circuit courts court personnel; and
 347 the names and locations of schools and day care facilities
 348 attended by the children of current clerks of the appellate and

Page 12 of 16

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16-00394A-25

2025300

circuit ~~courts court~~, deputy clerks of the appellate and circuit
~~courts court~~, and clerk of the appellate and circuit courts
~~court~~ personnel are exempt from s. 119.07(1) and s. 24(a), Art.
 I of the State Constitution. This sub-subparagraph is subject to
 the Open Government Sunset Review Act in accordance with s.
 119.15 and shall stand repealed on October 2, 2030 ~~2029~~, unless
 reviewed and saved from repeal through reenactment by the
 Legislature.

3. An agency that is the custodian of the information
 specified in subparagraph 2. and that is not the employer of the
 officer, employee, justice, judge, or other person specified in
 subparagraph 2. must maintain the exempt status of that
 information only if the officer, employee, justice, judge, other
 person, or employing agency of the designated employee submits a
 written and notarized request for maintenance of the exemption
 to the custodial agency. The request must state under oath the
 statutory basis for the individual's exemption request and
 confirm the individual's status as a party eligible for exempt
 status.

4.a. A county property appraiser, as defined in s.
 192.001(3), or a county tax collector, as defined in s.
 192.001(4), who receives a written and notarized request for
 maintenance of the exemption pursuant to subparagraph 3. must
 comply by removing the name of the individual with exempt status
 and the instrument number or Official Records book and page
 number identifying the property with the exempt status from all
 publicly available records maintained by the property appraiser
 or tax collector. For written requests received on or before
 July 1, 2021, a county property appraiser or county tax

16-00394A-25

2025300

collector must comply with this sub-subparagraph by October 1,
 2021. 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 so long as a name or personal information otherwise
 exempt from inspection and copying pursuant to this section is
 not associated with the property or otherwise displayed in the
 public records of the agency.

b. Any information restricted from public display,
 inspection, or copying under sub-subparagraph a. must be
 provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other
 person specified in subparagraph 2. may submit a written request
 for the release of his or her exempt information to the
 custodial agency. The written request must be notarized and must
 specify the information to be released and the party authorized
 to receive the information. Upon receipt of the written request,
 the custodial agency must release the specified information to
 the party authorized to receive such information.

6. The exemptions in this paragraph apply to information
 held by an agency before, on, or after the effective date of the
 exemption.

7. Information made exempt under this paragraph may be
 disclosed pursuant to s. 28.2221 to a title insurer authorized
 pursuant to s. 624.401 and its affiliates as defined in s.
 624.10; a title insurance agent or title insurance agency as
 defined in s. 626.841(1) or (2), respectively; or an attorney
 duly admitted to practice law in this state and in good standing
 with The Florida Bar.

16-00394A-25

2025300

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.b. 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, 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. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

16-00394A-25

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Section 2. Paragraph (c) of subsection (1) of section 744.21031, Florida Statutes, is amended to read:

744.21031 Public records exemption.—

(1) For purposes of this section, the term:

(c) "Telephone numbers" has the same meaning as provided in s. 119.071(4)(d)1.d. s. 119.071(4)(d)1.e.

Section 3. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current appellate court clerks; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such appellate court clerks; and the names and locations of schools and day care facilities attended by the children of such appellate court clerks be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. While performing their duties to issue court orders, maintain case dockets, answer telephone calls, respond to correspondence, and interact with visitors to the courthouse, appellate court clerks may incur the ill will of litigants and their associates and families. As a result, current appellate court clerks and their spouses and children may be targets for acts of revenge. If such identifying and location information is released, the safety of current appellate court clerks and their spouses and children could be seriously jeopardized. For this reason, the Legislature finds that it is a public necessity that such information be made exempt from public records requirements.

Section 4. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON

16th District

March 3, 2025

Senator Randy Fine
Chair, Committee on Governmental Oversight and Accountability
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Fine,

I write today respectfully requesting SB 300, Public Records/Appellate Court Clerks and, SB 302, Public Records/Judicial Qualifications Commission, be added to the agenda of a forthcoming meeting of the Committee on Governmental Oversight and Accountability for consideration. I look forward to the opportunity to present SB 300 and SB 302 to the committee. I am available for any questions you may have about this legislation.

Thank you in advance for the committee's time and consideration.

Sincerely –

A handwritten signature in green ink that reads "Darryl E. Rouson".

Senator Darryl E. Rouson
Florida Senate District 16

REPLY TO:

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

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

April 1, 2025

Meeting Date

Governmental Oversight and Accountability

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 300

Bill Number or Topic

Amendment Barcode (if applicable)

Name Judge Clay Roberts Phone (850) 487-1000

Address 2000 Drayton Drive Email _____
Street

Tallahassee Florida 32399
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

Florida Conference of DCA Judges

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 302

INTRODUCER: Senator Rouson

SUBJECT: Public Records/Judicial Qualifications Commission

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>White</u>	<u>McVane</u>	<u>GO</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 302 exempts from public records copying and inspection requirements certain identifying information of current and former employees of the Judicial Qualifications Commission (Commission) and their spouses and children. The exemption restricts access to their information in the public records which may identify or locate them.

Specifically, the bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former employees of the Commission.
- The names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current and former employees of the Commission.
- The names and locations of schools and day care facilities attended by the children of current and former employees of the Commission.

This exemption applies to information held by an agency before, on, or after July 1, 2025. It is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

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

The bill may increase costs minimally for state and local government agencies.

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records – Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

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

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), "home addresses" is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, "telephone numbers" is defined to include home telephone numbers, personal cellular telephone

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any.

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers¹⁶ and county tax collectors¹⁷ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.¹⁸

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.¹⁹

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.²⁰ Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling²¹ or upon his or her death.²²

¹⁶ See s. 192.001(3), F.S.

¹⁷ See s. 192.001(4), F.S.

¹⁸ Section 119.071(4)(d)4., F.S.

¹⁹ Section 119.071(4)(d)3., F.S.

²⁰ Section 119.071(4)(d)6., F.S.

²¹ The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

²² A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." See s. 28.222(2), F.S.

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act²³ (the Act), prescribe a legislative review process for newly created or substantially amended²⁴ public records or open meetings exemptions, with specified exceptions.²⁵ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.²⁶

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁷ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²⁸
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²⁹ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁰

The Act also requires specified questions to be considered during the review process.³¹ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.³² If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds

²³ Section 119.15, F.S.

²⁴ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

²⁵ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²⁶ Section 119.15(3), F.S.

²⁷ Section 119.15(6)(b), F.S.

²⁸ Section 119.15(6)(b)1., F.S.

²⁹ Section 119.15(6)(b)2., F.S.

³⁰ Section 119.15(6)(b)3., F.S.

³¹ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³² See generally s. 119.15, F.S.

vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.³³

Judicial Qualifications Commission

The Judicial Qualifications Commission is an independent state agency³⁴ created by the State Constitution.³⁵ It is charged with investigating allegations of judicial misconduct and disability against state judges.³⁶ It has jurisdiction to review complaints about judges of county and circuit courts and district courts of appeal, as well as justices of the State Supreme Court.³⁷

In 1990, the Commission was divided into an investigative panel and a hearing panel.³⁸ The investigative panel functions much like a grand jury and investigates allegations of judicial misconduct. If probable cause is found and formal charges are filed, then the hearing panel serves as a special master making findings of fact and recommendations to the State Supreme Court as to the appropriate discipline.³⁹

The Commission is comprised of 6 judges, 4 members of The Florida Bar, and 5 laypersons selected by the Governor.⁴⁰ The chair of the Commission selects 9 members to serve on the investigative panel and 6 members to serve on the hearing panel.⁴¹ The Commission also employs a staff of 3 people, including an executive director, a general counsel, and an assistant general counsel.⁴²

Doxing

“Doxing” (sometimes spelled doxxing), short for “dropping documents,”⁴³ is a type of cyber-harassment where the victim—or “target’s”—personal identifiable information is maliciously published and made readily and widely available without the victim’s consent.⁴⁴ To constitute doxing, the person doxing the target’s information—referred to as a doxer—must intend for the target to experience some level of harassment.⁴⁵

While the definition of doxing—specifically in relation to the type of information released (personal identifiable information)—is intentionally broad because “each instance [of doxing]

³³ Section 119.15(7), F.S.

³⁴ Florida Judicial Qualifications Commission (FJQC), *Home*, <https://floridajqc.com/> (last visited Feb. 10, 2025).

³⁵ FLA. CONST. art. V, s. 12(a).

³⁶ FJQC, *Home*, <https://floridajqc.com/> (last visited Feb. 10, 2025).

³⁷ FJQC, *Frequently Asked Questions*, <https://floridajqc.com/faq/> (last visited Feb. 10, 2025).

³⁸ FLA. CONST. art. V, s. 12(b); *see also* FJQC, *About*, <https://floridajqc.com/about/> (last visited Feb. 10, 2025).

³⁹ *Id.*

⁴⁰ FLA. CONST. art. V, s. 12(a)(1); *see also* FJQC, *About*, <https://floridajqc.com/about/> (last visited Feb. 10, 2025).

⁴¹ FLA. CONST. art. V, s. 12(f)(2); *see also* FJQC, *About*, <https://floridajqc.com/about/> (last visited Feb. 10, 2025).

⁴² FJQC, *Commission Staff*, <https://floridajqc.com/commission-staff/> (last visited Feb. 10, 2025).

⁴³ *Vangheluwe v. Got News, LLC*, 365 F. Supp. 3d 850, 858 (E.D. Mich. 2019).

⁴⁴ Hannah Shankman, *How to Close Pandora's Dox: A Case for the Federal Regulation of Doxing*, 33 UNI. FLA. J.L. & PUB. POL'Y 273, 273, 276, 279-281 (2023); David Cremins, *Defending the Public Quad: Doxxing, Campus Speech Policies, and the First Amendment*, 76 STAN. L. REV. 1813, 1813 (2024); Wolsters Kluwer, CHH Incorp., *Technology/Internet News: Icanv Urged To Reject Display of Website Owner Addresses*, 2015 WEST LAW 4082814, July 7, 2025.

⁴⁵ Shankman, *supra* note 44 at 279; *see Vangheluwe*, 365 F. Supp. at 859 (“The goal of doxxing is typically retribution, harassment or humiliation.” (internal quotation marks and citation omitted)).

does not necessarily involve the same release of information,”⁴⁶ at a minimum, the doxed information includes the target’s full name.⁴⁷ Other information released usually includes the victim’s home address and telephone number. Releasing this information may lead to “a wide range of crowdsourced harassment and intimidation.”⁴⁸ Harassment ranges from relatively innocuous harassment, such as unwanted pizza deliveries, to “barrages of rape and death threats,” unrelenting phone calls, stalking, job loss, and becoming “‘radioactive’ on the job market and unhirable down the line.”⁴⁹ Depending on the information released, the victim’s employers and associates may also suffer a barrage of communications “urg[ing] them to take punitive actions against the target.”⁵⁰

III. Effect of Proposed Changes:

Section 1 amends s. 119.071(4)(d)2., F.S., to exempt certain information relating to current and former employees of the Judicial Qualifications Commission (Commission) from public records disclosure requirements.⁵¹ The following information will be exempt from public records disclosure:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former employees of the Commission.
- The names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current and former employees of the Commission.
- The names and locations of schools and day care facilities attended by the children of current and former employees of the Commission.

Pursuant to s. 119.071(4)(d)6., F.S., the exemption applies to information held by an agency before, on, or after July 1, 2025.

Consistent with s. 119.15, F.S., the new exemption is subject to the Open Government Sunset Review Act⁵² and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides the public necessity statement, as required by the State Constitution. The public necessity statement provides that the responsibilities of the Judicial Qualifications Commission include the investigation of allegations of judicial misconduct which are routinely received from criminal and civil litigants who are dissatisfied with adverse results in judicial proceedings. When the Commission, after review and investigation of complaints, does not discipline a judge or does not take the complainant’s preferred course of action against a judge, dissatisfied litigants sometimes turn their ire toward Commission employees as part of their campaign against the actions of the judge in the underlying litigation. Employees of the

⁴⁶ Shankman, *supra* note 44 at 279.

⁴⁷ *Id.*

⁴⁸ Wolsters Kluwer, CHH Incorp., *supra* note 44.

⁴⁹ *Id.*; Shankman, *supra* note 44 at 276-277, 301.

⁵⁰ 1 RIGHTS OF PUBLICITY AND PRIVACY 2D s. 5:78, *Disclosure of private facts form of privacy—Disclosure privacy rights and the First Amendment—Identifying individuals and naming names* (2024).

⁵¹ Section 119.07(1), F.S.; FLA. CONST. art. I, s. 24(a).

⁵² See s. 119.15, F.S.

Commission have been subject to acts of intimidation by such dissatisfied litigants, including online doxing of staff members, posting of false and defamatory statements concerning employees on social media, threatening e-mails and telephone calls, and inappropriate contact regarding Commission affairs at the personal residences of employees and employees' family members. These acts of intimidation have placed Commission employees in fear of harm by disgruntled litigants who seek punishment of judges by the Commission for unfavorable litigation results. The release of personal identifying and location information of current or former employees of the Commission and their family members may place them at risk of physical harm and harassment. The risk of harm and harassment outweighs any public benefit that may be derived from the public disclosure of such information.

Section 3 provides that the bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill enacts a new exemption for current and former employees of the Judicial Qualifications Commission and their spouses and children; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption which provides that, as a result of their responsibilities and duties to the Commission, current and former employees of the Commission and their families may be subject to physical harm and harassment.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect current and former Judicial Qualifications Commission employees and their spouses and children from physical harm and harassment that may result from their responsibilities to the Commission. This bill

exempts only current and former Commission employees and their spouses and children from the public records disclosure requirements. The records to a large degree mirror existing exemptions for other sensitive public officers and employees in s. 119.071(4)(d), F.S. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may increase costs minimally for agencies holding records that contain personal identifying information of current and former Judicial Qualifications Commission employees and their spouses and children, because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Rouson

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements for the personal identifying and
 5 location information of current and former employees
 6 of the Judicial Qualifications Commission and the
 7 personal identifying and location information of the
 8 spouses and children of such employees; providing for
 9 legislative review and repeal of the exemption;
 10 providing for retroactive application of the
 11 exemption; providing a statement of public necessity;
 12 providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Paragraph (d) of subsection (4) of section
 17 119.071, Florida Statutes, is amended to read:
 18 119.071 General exemptions from inspection or copying of
 19 public records.—
 20 (4) AGENCY PERSONNEL INFORMATION.—
 21 (d)1. For purposes of this paragraph, the term:
 22 a. "Home addresses" means the dwelling location at which an
 23 individual resides and includes the physical address, mailing
 24 address, street address, parcel identification number, plot
 25 identification number, legal property description, neighborhood
 26 name and lot number, GPS coordinates, and any other descriptive
 27 property information that may reveal the home address.
 28 b. "Judicial assistant" means a court employee assigned to
 29 the following class codes: 8140, 8150, 8310, and 8320.

Page 1 of 17

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16-00416A-25

2025302__

30 c. "Telephone numbers" includes home telephone numbers,
 31 personal cellular telephone numbers, personal pager telephone
 32 numbers, and telephone numbers associated with personal
 33 communications devices.
 34 2.a. The home addresses, telephone numbers, dates of birth,
 35 and photographs of active or former sworn law enforcement
 36 personnel or of active or former civilian personnel employed by
 37 a law enforcement agency, including correctional and
 38 correctional probation officers, personnel of the Department of
 39 Children and Families whose duties include the investigation of
 40 abuse, neglect, exploitation, fraud, theft, or other criminal
 41 activities, personnel of the Department of Health whose duties
 42 are to support the investigation of child abuse or neglect, and
 43 personnel of the Department of Revenue or local governments
 44 whose responsibilities include revenue collection and
 45 enforcement or child support enforcement; the names, home
 46 addresses, telephone numbers, photographs, dates of birth, and
 47 places of employment of the spouses and children of such
 48 personnel; and the names and locations of schools and day care
 49 facilities attended by the children of such personnel are exempt
 50 from s. 119.07(1) and s. 24(a), Art. I of the State
 51 Constitution.
 52 b. The home addresses, telephone numbers, dates of birth,
 53 and photographs of current or former nonsworn investigative
 54 personnel of the Department of Financial Services whose duties
 55 include the investigation of fraud, theft, workers' compensation
 56 coverage requirements and compliance, other related criminal
 57 activities, or state regulatory requirement violations; the
 58 names, home addresses, telephone numbers, dates of birth, and

Page 2 of 17

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16-00416A-25

2025302

places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of

16-00416A-25

2025302

employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of

16-00416A-25

2025302

compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Page 5 of 17

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16-00416A-25

2025302

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the

Page 6 of 17

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

16-00416A-25

2025302

names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department

Page 7 of 17

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16-00416A-25

2025302

of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and

Page 8 of 17

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16-00416A-25

2025302

233 locations of schools and day care facilities attended by the
 234 children of such emergency medical technicians or paramedics are
 235 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 236 Constitution.

237 r. The home addresses, telephone numbers, dates of birth,
 238 and photographs of current or former personnel employed in an
 239 agency's office of inspector general or internal audit
 240 department whose duties include auditing or investigating waste,
 241 fraud, abuse, theft, exploitation, or other activities that
 242 could lead to criminal prosecution or administrative discipline;
 243 the names, home addresses, telephone numbers, dates of birth,
 244 and places of employment of spouses and children of such
 245 personnel; and the names and locations of schools and day care
 246 facilities attended by the children of such personnel are exempt
 247 from s. 119.07(1) and s. 24(a), Art. I of the State
 248 Constitution.

249 s. The home addresses, telephone numbers, dates of birth,
 250 and photographs of current or former directors, managers,
 251 supervisors, nurses, and clinical employees of an addiction
 252 treatment facility; the home addresses, telephone numbers,
 253 photographs, dates of birth, and places of employment of the
 254 spouses and children of such personnel; and the names and
 255 locations of schools and day care facilities attended by the
 256 children of such personnel are exempt from s. 119.07(1) and s.
 257 24(a), Art. I of the State Constitution. For purposes of this
 258 sub-subparagraph, the term "addiction treatment facility" means
 259 a county government, or agency thereof, that is licensed
 260 pursuant to s. 397.401 and provides substance abuse prevention,
 261 intervention, or clinical treatment, including any licensed

16-00416A-25

2025302

262 service component described in s. 397.311(27).

263 t. The home addresses, telephone numbers, dates of birth,
 264 and photographs of current or former directors, managers,
 265 supervisors, and clinical employees of a child advocacy center
 266 that meets the standards of s. 39.3035(2) and fulfills the
 267 screening requirement of s. 39.3035(3), and the members of a
 268 Child Protection Team as described in s. 39.303 whose duties
 269 include supporting the investigation of child abuse or sexual
 270 abuse, child abandonment, child neglect, and child exploitation
 271 or to provide services as part of a multidisciplinary case
 272 review team; the names, home addresses, telephone numbers,
 273 photographs, dates of birth, and places of employment of the
 274 spouses and children of such personnel and members; and the
 275 names and locations of schools and day care facilities attended
 276 by the children of such personnel and members are exempt from s.
 277 119.07(1) and s. 24(a), Art. I of the State Constitution.

278 u. The home addresses, telephone numbers, places of
 279 employment, dates of birth, and photographs of current or former
 280 staff and domestic violence advocates, as defined in s.
 281 90.5036(1)(b), of domestic violence centers certified by the
 282 Department of Children and Families under chapter 39; the names,
 283 home addresses, telephone numbers, places of employment, dates
 284 of birth, and photographs of the spouses and children of such
 285 personnel; and the names and locations of schools and day care
 286 facilities attended by the children of such personnel are exempt
 287 from s. 119.07(1) and s. 24(a), Art. I of the State
 288 Constitution.

289 v. The home addresses, telephone numbers, dates of birth,
 290 and photographs of current or former inspectors or investigators

16-00416A-25

2025302

291 of the Department of Agriculture and Consumer Services; the
 292 names, home addresses, telephone numbers, dates of birth, and
 293 places of employment of the spouses and children of current or
 294 former inspectors or investigators; and the names and locations
 295 of schools and day care facilities attended by the children of
 296 current or former inspectors or investigators are exempt from s.
 297 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 298 sub-subparagraph is subject to the Open Government Sunset Review
 299 Act in accordance with s. 119.15 and shall stand repealed on
 300 October 2, 2028, unless reviewed and saved from repeal through
 301 reenactment by the Legislature.

302 w. The home addresses, telephone numbers, dates of birth,
 303 and photographs of current county attorneys, assistant county
 304 attorneys, deputy county attorneys, city attorneys, assistant
 305 city attorneys, and deputy city attorneys; the names, home
 306 addresses, telephone numbers, photographs, dates of birth, and
 307 places of employment of the spouses and children of current
 308 county attorneys, assistant county attorneys, deputy county
 309 attorneys, city attorneys, assistant city attorneys, and deputy
 310 city attorneys; and the names and locations of schools and day
 311 care facilities attended by the children of current county
 312 attorneys, assistant county attorneys, deputy county attorneys,
 313 city attorneys, assistant city attorneys, and deputy city
 314 attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of
 315 the State Constitution. This exemption does not apply to a
 316 county attorney, assistant county attorney, deputy county
 317 attorney, city attorney, assistant city attorney, or deputy city
 318 attorney who qualifies as a candidate for election to public
 319 office. This sub-subparagraph is subject to the Open Government

Page 11 of 17

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16-00416A-25

2025302

320 Sunset Review Act in accordance with s. 119.15 and shall stand
 321 repealed on October 2, 2029, unless reviewed and saved from
 322 repeal through reenactment by the Legislature.

323 x. The home addresses, telephone numbers, dates of birth,
 324 and photographs of current or former commissioners of the
 325 Florida Gaming Control Commission; the names, home addresses,
 326 telephone numbers, dates of birth, photographs, and places of
 327 employment of the spouses and children of such current or former
 328 commissioners; and the names and locations of schools and day
 329 care facilities attended by the children of such current or
 330 former commissioners are exempt from s. 119.07(1) and s. 24(a),
 331 Art. I of the State Constitution. This sub-subparagraph is
 332 subject to the Open Government Sunset Review Act in accordance
 333 with s. 119.15 and shall stand repealed on October 2, 2029,
 334 unless reviewed and saved from repeal through reenactment by the
 335 Legislature.

336 y. The home addresses, telephone numbers, dates of birth,
 337 and photographs of current clerks of the circuit court, deputy
 338 clerks of the circuit court, and clerk of the circuit court
 339 personnel; the names, home addresses, telephone numbers, dates
 340 of birth, and places of employment of the spouses and children
 341 of current clerks of the circuit court, deputy clerks of the
 342 circuit court, and clerk of the circuit court personnel; and the
 343 names and locations of schools and day care facilities attended
 344 by the children of current clerks of the circuit court, deputy
 345 clerks of the circuit court, and clerk of the circuit court
 346 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 347 the State Constitution. This sub-subparagraph is subject to the
 348 Open Government Sunset Review Act in accordance with s. 119.15

Page 12 of 17

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16-00416A-25 2025302

and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

z. The home addresses, telephone numbers, dates of birth, and photographs of current and former employees of the Judicial Qualifications Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current and former employees of the Judicial Qualifications Commission; and the names and locations of schools and day care facilities attended by the children of current and former employees of the Judicial Qualifications Commission are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s.

16-00416A-25 2025302

192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. 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 so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the

16-00416A-25

2025302

exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, 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. The written request to

Page 15 of 17

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16-00416A-25

2025302

release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current or former employees of the Judicial Qualifications Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current or former employees of the Judicial Qualifications Commission; and the names and locations of schools and day care facilities attended by the children of current or former employees of the Judicial Qualifications Commission be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The responsibilities of the Judicial Qualifications Commission include the investigation of allegations of judicial misconduct which are routinely received from criminal and civil litigants who are dissatisfied with adverse results in judicial proceedings. When the commission, after review and investigation of such complaints, does not discipline a judge or does not take the complainant's preferred course of action against a judge, dissatisfied litigants sometimes turn their ire toward commission employees as part of their campaign against the actions of the judge in the

Page 16 of 17

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16-00416A-25

2025302

underlying litigation. Employees of the commission have been
subject to acts of intimidation by such dissatisfied litigants,
including online doxing of staff members, posting of false and
defamatory statements concerning employees on social media,
threatening e-mails and telephone calls, and inappropriate
contact regarding commission affairs at the personal residences
of employees and employees' family members. These acts of
intimidation have commission employees in fear of harm by
disgruntled litigants who seek punishment of judges by the
commission for unfavorable litigation results. The Legislature
finds that the release of personal identifying and location
information of current or former employees of the Judicial
Qualifications Commission and their family members may place
them at risk of physical harm and harassment and that the risk
of such harm and harassment outweighs any public benefit that
may be derived from the public disclosure of such information.

Section 3. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON

16th District

March 3, 2025

Senator Randy Fine
Chair, Committee on Governmental Oversight and Accountability
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Fine,

I write today respectfully requesting SB 300, Public Records/Appellate Court Clerks and, SB 302, Public Records/Judicial Qualifications Commission, be added to the agenda of a forthcoming meeting of the Committee on Governmental Oversight and Accountability for consideration. I look forward to the opportunity to present SB 300 and SB 302 to the committee. I am available for any questions you may have about this legislation.

Thank you in advance for the committee's time and consideration.

Sincerely –

A handwritten signature in green ink that reads "Darryl E. Rouson".

Senator Darryl E. Rouson
Florida Senate District 16

REPLY TO:

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

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

April 1, 2025

Meeting Date

Governmental Oversight and Accountability

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 302

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Blan Teagle**

Phone **(850) 488-1581**

Address **P.O. Box 14106**

Email **bteagle@floridajqc.com**

Street

Tallahassee

City

Florida

State

32317

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

**Executive Director -
Judicial Qualifications Commission**

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 342

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Harrell

SUBJECT: Public Records/Agency for Health Care Administration

DATE: April 2, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Smith</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 342 exempts from public records inspection and copying requirements the personal identifying and location information of current and former Agency for Health Care Administration personnel whose duties include the investigation of complaints filed against health care facilities, the investigation of Medicaid fraud, abuse, or waste, or the inspection of health care facilities licensed or certified by the agency. Specifically, the bill exempts from public records disclosures:

- The home addresses, telephone numbers, dates of birth, and photographs of relevant current and former Agency for Health Care Administration personnel.
- The names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of relevant current and former Agency for Health Care Administration personnel.
- The names and locations of schools and day care facilities attended by the children of relevant current and former Agency for Health Care Administration personnel.

This exemption applies to information held by an agency before, on, or after July 1, 2025. It is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill may increase costs minimally for state and local government agencies.

The bill provides an effective date of October 1, 2025.

II. Present Situation:

Access to Public Records - Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

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

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), "home addresses" is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, "telephone numbers" is defined to include home telephone numbers, personal cellular telephone

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any. These public employees include, but are not limited to, sworn law enforcement personnel and active or former civilian personnel employed by a law enforcement agency;¹⁶ current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;¹⁷ current or former state attorneys;¹⁸ current or former public defenders;¹⁹ county tax collectors;²⁰ and clerks of a circuit court.²¹

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers²² and county tax collectors²³ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.²⁴

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.²⁵

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.²⁶ Home

¹⁶ Section 119.071(4)(d)2.a., F.S. This would presumably include elected law enforcement officers such as sheriffs.

¹⁷ Section 119.071(4)(d)2.e., F.S.

¹⁸ Section 119.071(4)(d)2.f., F.S.

¹⁹ Section 119.071(4)(d)2.l., F.S.

²⁰ Section 119.071(4)(d)2.n., F.S.

²¹ Section 119.071(4)(d)2.y., F.S. Circuit court clerks' exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.

²² See s. 192.001(3), F.S.

²³ See s. 192.001(4), F.S.

²⁴ Section 119.071(4)(d)4., F.S.

²⁵ Section 119.071(4)(d)3., F.S.

²⁶ Section 119.071(4)(d)6., F.S.

addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling²⁷ or upon his or her death.²⁸

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act²⁹ (the Act), prescribe a legislative review process for newly created or substantially amended³⁰ public records or open meetings exemptions, with specified exceptions.³¹ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.³²

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³³ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;³⁴
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁵ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁶

The Act also requires specified questions to be considered during the review process.³⁷ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

²⁷ The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

²⁸ A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." *See* s. 28.222(2), F.S.

²⁹ Section 119.15, F.S.

³⁰ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

³¹ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³² Section 119.15(3), F.S.

³³ Section 119.15(6)(b), F.S.

³⁴ Section 119.15(6)(b)1., F.S.

³⁵ Section 119.15(6)(b)2., F.S.

³⁶ Section 119.15(6)(b)3., F.S.

³⁷ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.³⁸ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.³⁹

Florida Agency for Health Care Administration

Health Care Policy and Oversight

The Agency for Health Care Administration (AHCA) is created in s. 20.42, F.S. It is the chief health policy and planning entity for the state and is responsible for, among other things, health facility licensure, inspection, and regulatory enforcement. It licenses or certifies and regulates over 30 different types of health care providers, including hospitals, nursing homes, assisted living facilities, and home health agencies. In total, the AHCA licenses, certifies, regulates, or provides exemptions for more than 50,000 providers.⁴⁰

Generally applicable provisions of health care provider licensure, including facility inspections and complaints, are addressed in the Health Care Licensing Procedures Act in part II of ch. 408, F.S. Additional chapters or sections in the Florida Statutes provide specific licensure or regulatory requirements pertaining to health care providers in this state.⁴¹

Section 408.10, F.S., requires the AHCA to make a toll-free telephone number available to the public for the purpose of handling consumer complaints about the quality of care provided in Florida's health care facilities. The AHCA currently accepts complaints through its hotline and on its website through Licensed Health Care Facility Complaint and Unlicensed Health Care Facility Complaint forms.⁴² The AHCA's Complaint Administration Unit receives and processes complaints about the quality of care provided in Florida's health care facilities.

Section 408.811, F.S., outlines procedures for authorized AHCA personnel to inspect health care providers and businesses suspected of operating without a license. An authorized AHCA officer or employee may make or cause to be made *any inspection or investigation deemed necessary* by the AHCA to determine the state of compliance with the law and applicable rules. Inspections are generally unannounced, with re-licensure inspections occurring biennially, unless otherwise specified. Providers with a strong regulatory record may be exempt from routine inspections, but at least 10 percent of these providers will still be inspected by the AHCA. Inspections by

-
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
 - Is the record or meeting protected by another exemption?
 - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³⁸ See generally s. 119.15, F.S.

³⁹ Section 119.15(7), F.S.

⁴⁰ See the Agency for Health Care Administration, Health Care Policy and Oversight <https://ahca.myflorida.com/health-care-policy-and-oversight> (last visited Feb.13, 2025).

⁴¹ See s. 408.802, F.S., for the health care provider types and applicable licensure statutes.

⁴² See the Agency for Health Care Administration, Complaint Administration Unit <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-field-operations/complaint-administration-unit> (last visited Feb.13, 2025).

recognized certifying organizations may substitute for state inspections. Providers must produce requested records for inspection at no cost. If deficiencies are found, they must be corrected within 30 days, and a plan of correction must be submitted within 10 days, if required. Providers must maintain public records of inspection reports for at least three years, and these reports must be made available to clients and prospective clients upon request.

Office of Medicaid Program Integrity

The AHCA is also responsible for the administration of the Florida Medicaid program, authorized under Title XIX of the Social Security Act.⁴³ This authority includes establishing and maintaining a Medicaid state plan approved by the Centers for Medicare & Medicaid Services (CMS) and maintaining any Medicaid waivers needed to operate the Florida Medicaid program as directed by the Legislature.⁴⁴

The Medicaid program is funded with both state and federal tax dollars, and both the states and the federal government have an interest in curbing and investigating Medicaid fraud and recovering overpayments made by the government for improper services. Medicaid fraud means an intentional deception or misrepresentation made by a health care provider or a Medicaid recipient with the knowledge that the deception could result in some unauthorized benefit to him or herself or some other person.⁴⁵

Most providers who commit Medicaid fraud fall into one or more of these categories:

- Billing for patients who did not really receive services,
- Billing for a service and/or equipment that wasn't provided,
- Billing for items and services that the patient no longer needs,
- Overcharging for equipment or services,
- Concealing ownership or associations in a related company,
- Paying a "kickback" in exchange for a referral for medical services or equipment,
- Billing more than once for the same service,
- Using false credentials such as diplomas, licenses or certifications, or
- Ordering tests or prescriptions that the patient does not need.⁴⁶

The AHCA's Office of Medicaid Program Integrity audits and investigates providers suspected of overbilling or defrauding Florida's Medicaid program, recovers overpayments, issues administrative sanctions, and refers cases of suspected fraud for criminal investigation.⁴⁷

⁴³ Section 409.902, F.S.

⁴⁴ Medicaid.gov, Medicaid State Plan Amendments, available at <https://www.medicaid.gov/medicaid/medicaid-state-plan-amendments/index.html> (last visited Feb. 13, 2025).

⁴⁵ See the Agency for Health Care Administration, Medicaid Fraud: Protect Your Tax Dollars <https://ahca.myflorida.com/agency-administration/office-of-inspector-general/medicaid-fraud-protect-your-tax-dollars> (last visited Feb.13, 2025).

⁴⁶ *Id.*

⁴⁷ See the Agency for Health Care Administration, Office of Medicaid Program Integrity <https://ahca.myflorida.com/health-care-policy-and-oversight/office-of-medicaid-program-integrity> (last visited Feb.13, 2025).

III. Effect of Proposed Changes:

Section 1 exempts from public records disclosure requirements of s. 119.07(1), F.S. and Article I, Section 24(a) of the State Constitution the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the AHCA whose duties include the investigation of complaints filed against health care facilities, the investigation of Medicaid fraud, abuse, or waste, or the inspection of health care facilities licensed or certified by the agency;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and
- The names and locations of schools and day care facilities attended by the children of such personnel.

This exemption will apply to the specified personal identifying information held by state agencies before, on, and after the effective date of the bill.

These exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

At present, the agency estimates that a total of 421 current investigative staff positions would be included in this exemption. This number is fluid and will change over time due to new hires and staff changes.⁴⁸

Section 2 of the bill provides, as required by the State Constitution, a statement of public necessity. It states that the release of such personal identifying and location information might place the AHCA's current or former personnel and their family members in danger of physical and emotional harm from disgruntled individuals who have contentious reactions to actions carried out by such personnel or whose business or professional practices have come under scrutiny as a result of such investigations and AHCA actions.

Under the bill, the Legislature finds that the potential for harm outweighs any public benefit that may be derived from the disclosure of such personal identifying and location information.

Section 3 of the bill provides an effective date of October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

⁴⁸ Agency for Health Care Administration, Senate Bill 342 Legislative Analysis (Feb. 12, 2025) (on file with the Senate Committee on Health Policy).

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill enacts a new exemption for certain personal identifying and locating information of relevant current and former AHCA personnel and their spouses and children. Thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption which provides that the AHCA's current or former personnel and their family members are in danger of physical and emotional harm from disgruntled individuals who have contentious reactions to actions carried out by such personnel or whose business or professional practices have come under scrutiny as a result of such investigations.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect current and former agency personnel, and their spouse and children, from physical and emotional harm. This bill exempts only their personal identifying and location information from the public records requirements. The records to a large degree mirror existing exemptions for other sensitive public officers and employees in s. 119.071(4)(d), F.S. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

The private sector will be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may cause a minimal increase in workload on agencies holding records that contain personal identifying information of public officers as well as their spouses and children because staff responsible for complying with public record requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the workload will likely be absorbed within current resources.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

The committee substitute clarifies in the bill's title that the exemption will have retroactive effect.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Harrell) recommended the following:

Senate Amendment

Delete lines 10 - 11
and insert:

repeal of the exemption; providing for retroactive application
of the exemption; providing a statement of public necessity;
providing an effective date.

By Senator Harrell

31-00870-25

2025342__

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements for the personal identifying and
 5 location information of certain current or former
 6 personnel of the Agency for Health Care Administration
 7 and the names and personal identifying and location
 8 information of the spouses and children of such
 9 personnel; providing for future legislative review and
 10 repeal of the exemption; providing a statement of
 11 public necessity; providing an effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Paragraph (d) of subsection (4) of section
 16 119.071, Florida Statutes, is amended to read:
 17 119.071 General exemptions from inspection or copying of
 18 public records.—
 19 (4) AGENCY PERSONNEL INFORMATION.—
 20 (d)1. For purposes of this paragraph, the term:
 21 a. "Home addresses" means the dwelling location at which an
 22 individual resides and includes the physical address, mailing
 23 address, street address, parcel identification number, plot
 24 identification number, legal property description, neighborhood
 25 name and lot number, GPS coordinates, and any other descriptive
 26 property information that may reveal the home address.
 27 b. "Judicial assistant" means a court employee assigned to
 28 the following class codes: 8140, 8150, 8310, and 8320.
 29 c. "Telephone numbers" includes home telephone numbers,

Page 1 of 17

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31-00870-25

2025342__

30 personal cellular telephone numbers, personal pager telephone
 31 numbers, and telephone numbers associated with personal
 32 communications devices.
 33 2.a. The home addresses, telephone numbers, dates of birth,
 34 and photographs of active or former sworn law enforcement
 35 personnel or of active or former civilian personnel employed by
 36 a law enforcement agency, including correctional and
 37 correctional probation officers, personnel of the Department of
 38 Children and Families whose duties include the investigation of
 39 abuse, neglect, exploitation, fraud, theft, or other criminal
 40 activities, personnel of the Department of Health whose duties
 41 are to support the investigation of child abuse or neglect, and
 42 personnel of the Department of Revenue or local governments
 43 whose responsibilities include revenue collection and
 44 enforcement or child support enforcement; the names, home
 45 addresses, telephone numbers, photographs, dates of birth, and
 46 places of employment of the spouses and children of such
 47 personnel; and the names and locations of schools and day care
 48 facilities attended by the children of such personnel are exempt
 49 from s. 119.07(1) and s. 24(a), Art. I of the State
 50 Constitution.
 51 b. The home addresses, telephone numbers, dates of birth,
 52 and photographs of current or former nonsworn investigative
 53 personnel of the Department of Financial Services whose duties
 54 include the investigation of fraud, theft, workers' compensation
 55 coverage requirements and compliance, other related criminal
 56 activities, or state regulatory requirement violations; the
 57 names, home addresses, telephone numbers, dates of birth, and
 58 places of employment of the spouses and children of such

Page 2 of 17

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31-00870-25

2025342

personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former

Page 3 of 17

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31-00870-25

2025342

justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division

Page 4 of 17

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31-00870-25

2025342

of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of

Page 5 of 17

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31-00870-25

2025342

employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and

Page 6 of 17

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31-00870-25

2025342

places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination

Page 7 of 17

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31-00870-25

2025342

or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the

Page 8 of 17

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31-00870-25 2025342

233 children of such emergency medical technicians or paramedics are
 234 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 235 Constitution.

236 r. The home addresses, telephone numbers, dates of birth,
 237 and photographs of current or former personnel employed in an
 238 agency's office of inspector general or internal audit
 239 department whose duties include auditing or investigating waste,
 240 fraud, abuse, theft, exploitation, or other activities that
 241 could lead to criminal prosecution or administrative discipline;
 242 the names, home addresses, telephone numbers, dates of birth,
 243 and places of employment of spouses and children of such
 244 personnel; and the names and locations of schools and day care
 245 facilities attended by the children of such personnel are exempt
 246 from s. 119.07(1) and s. 24(a), Art. I of the State
 247 Constitution.

248 s. The home addresses, telephone numbers, dates of birth,
 249 and photographs of current or former directors, managers,
 250 supervisors, nurses, and clinical employees of an addiction
 251 treatment facility; the home addresses, telephone numbers,
 252 photographs, dates of birth, and places of employment of the
 253 spouses and children of such personnel; and the names and
 254 locations of schools and day care facilities attended by the
 255 children of such personnel are exempt from s. 119.07(1) and s.
 256 24(a), Art. I of the State Constitution. For purposes of this
 257 sub-subparagraph, the term "addiction treatment facility" means
 258 a county government, or agency thereof, that is licensed
 259 pursuant to s. 397.401 and provides substance abuse prevention,
 260 intervention, or clinical treatment, including any licensed
 261 service component described in s. 397.311(27).

31-00870-25 2025342

262 t. The home addresses, telephone numbers, dates of birth,
 263 and photographs of current or former directors, managers,
 264 supervisors, and clinical employees of a child advocacy center
 265 that meets the standards of s. 39.3035(2) and fulfills the
 266 screening requirement of s. 39.3035(3), and the members of a
 267 Child Protection Team as described in s. 39.303 whose duties
 268 include supporting the investigation of child abuse or sexual
 269 abuse, child abandonment, child neglect, and child exploitation
 270 or to provide services as part of a multidisciplinary case
 271 review team; the names, home addresses, telephone numbers,
 272 photographs, dates of birth, and places of employment of the
 273 spouses and children of such personnel and members; and the
 274 names and locations of schools and day care facilities attended
 275 by the children of such personnel and members are exempt from s.
 276 119.07(1) and s. 24(a), Art. I of the State Constitution.

277 u. The home addresses, telephone numbers, places of
 278 employment, dates of birth, and photographs of current or former
 279 staff and domestic violence advocates, as defined in s.
 280 90.5036(1)(b), of domestic violence centers certified by the
 281 Department of Children and Families under chapter 39; the names,
 282 home addresses, telephone numbers, places of employment, dates
 283 of birth, and photographs of the spouses and children of such
 284 personnel; and the names and locations of schools and day care
 285 facilities attended by the children of such personnel are exempt
 286 from s. 119.07(1) and s. 24(a), Art. I of the State
 287 Constitution.

288 v. The home addresses, telephone numbers, dates of birth,
 289 and photographs of current or former inspectors or investigators
 290 of the Department of Agriculture and Consumer Services; the

31-00870-25

2025342

291 names, home addresses, telephone numbers, dates of birth, and
 292 places of employment of the spouses and children of current or
 293 former inspectors or investigators; and the names and locations
 294 of schools and day care facilities attended by the children of
 295 current or former inspectors or investigators are exempt from s.
 296 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 297 sub-subparagraph is subject to the Open Government Sunset Review
 298 Act in accordance with s. 119.15 and shall stand repealed on
 299 October 2, 2028, unless reviewed and saved from repeal through
 300 reenactment by the Legislature.

301 w. The home addresses, telephone numbers, dates of birth,
 302 and photographs of current county attorneys, assistant county
 303 attorneys, deputy county attorneys, city attorneys, assistant
 304 city attorneys, and deputy city attorneys; the names, home
 305 addresses, telephone numbers, photographs, dates of birth, and
 306 places of employment of the spouses and children of current
 307 county attorneys, assistant county attorneys, deputy county
 308 attorneys, city attorneys, assistant city attorneys, and deputy
 309 city attorneys; and the names and locations of schools and day
 310 care facilities attended by the children of current county
 311 attorneys, assistant county attorneys, deputy county attorneys,
 312 city attorneys, assistant city attorneys, and deputy city
 313 attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of
 314 the State Constitution. This exemption does not apply to a
 315 county attorney, assistant county attorney, deputy county
 316 attorney, city attorney, assistant city attorney, or deputy city
 317 attorney who qualifies as a candidate for election to public
 318 office. This sub-subparagraph is subject to the Open Government
 319 Sunset Review Act in accordance with s. 119.15 and shall stand

Page 11 of 17

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31-00870-25

2025342

320 repealed on October 2, 2029, unless reviewed and saved from
 321 repeal through reenactment by the Legislature.

322 x. The home addresses, telephone numbers, dates of birth,
 323 and photographs of current or former commissioners of the
 324 Florida Gaming Control Commission; the names, home addresses,
 325 telephone numbers, dates of birth, photographs, and places of
 326 employment of the spouses and children of such current or former
 327 commissioners; and the names and locations of schools and day
 328 care facilities attended by the children of such current or
 329 former commissioners are exempt from s. 119.07(1) and s. 24(a),
 330 Art. I of the State Constitution. This sub-subparagraph is
 331 subject to the Open Government Sunset Review Act in accordance
 332 with s. 119.15 and shall stand repealed on October 2, 2029,
 333 unless reviewed and saved from repeal through reenactment by the
 334 Legislature.

335 y. The home addresses, telephone numbers, dates of birth,
 336 and photographs of current clerks of the circuit court, deputy
 337 clerks of the circuit court, and clerk of the circuit court
 338 personnel; the names, home addresses, telephone numbers, dates
 339 of birth, and places of employment of the spouses and children
 340 of current clerks of the circuit court, deputy clerks of the
 341 circuit court, and clerk of the circuit court personnel; and the
 342 names and locations of schools and day care facilities attended
 343 by the children of current clerks of the circuit court, deputy
 344 clerks of the circuit court, and clerk of the circuit court
 345 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 346 the State Constitution. This sub-subparagraph is subject to the
 347 Open Government Sunset Review Act in accordance with s. 119.15
 348 and shall stand repealed on October 2, 2029, unless reviewed and

Page 12 of 17

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31-00870-25

2025342

saved from repeal through reenactment by the Legislature.

z. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Agency for Health Care Administration whose duties include the investigation of complaints filed against health care facilities, the investigation of Medicaid fraud, abuse, or waste, or the inspection of health care facilities licensed or certified by the agency; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s.

31-00870-25

2025342

192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. 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 so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the

31-00870-25

2025342

407 exemption.

408 7. Information made exempt under this paragraph may be
 409 disclosed pursuant to s. 28.2221 to a title insurer authorized
 410 pursuant to s. 624.401 and its affiliates as defined in s.
 411 624.10; a title insurance agent or title insurance agency as
 412 defined in s. 626.841(1) or (2), respectively; or an attorney
 413 duly admitted to practice law in this state and in good standing
 414 with The Florida Bar.

415 8. The exempt status of a home address contained in the
 416 Official Records is maintained only during the period when a
 417 protected party resides at the dwelling location. Upon
 418 conveyance of real property after October 1, 2021, and when such
 419 real property no longer constitutes a protected party's home
 420 address as defined in sub-subparagraph 1.a., the protected party
 421 must submit a written request to release the removed information
 422 to the county recorder. The written request to release the
 423 removed information must be notarized, must confirm that a
 424 protected party's request for release is pursuant to a
 425 conveyance of his or her dwelling location, and must specify the
 426 Official Records book and page, instrument number, or clerk's
 427 file number for each document containing the information to be
 428 released.

429 9. Upon the death of a protected party as verified by a
 430 certified copy of a death certificate or court order, any party
 431 can request the county recorder to release a protected
 432 decedent's removed information unless there is a related request
 433 on file with the county recorder for continued removal of the
 434 decedent's information or unless such removal is otherwise
 435 prohibited by statute or by court order. The written request to

31-00870-25

2025342

436 release the removed information upon the death of a protected
 437 party must attach the certified copy of a death certificate or
 438 court order and must be notarized, must confirm the request for
 439 release is due to the death of a protected party, and must
 440 specify the Official Records book and page number, instrument
 441 number, or clerk's file number for each document containing the
 442 information to be released. A fee may not be charged for the
 443 release of any document pursuant to such request.

444 Section 2. The Legislature finds that it is a public
 445 necessity that the home addresses, telephone numbers, dates of
 446 birth, and photographs of current or former personnel of the
 447 Agency for Health Care Administration whose duties include the
 448 investigation of complaints filed against health care
 449 facilities, the investigation of Medicaid fraud, abuse, or
 450 waste, or the inspection of health care facilities licensed or
 451 certified by the agency; the names, home addresses, telephone
 452 numbers, dates of birth, and places of employment of the spouses
 453 and children of such personnel; and the names and locations of
 454 schools and day care facilities attended by the children of such
 455 personnel be made exempt from s. 119.07(1), Florida Statutes,
 456 and s. 24(a), Article I of the State Constitution. The
 457 Legislature finds that the release of such personal identifying
 458 and location information might place the agency's current or
 459 former personnel and their family members in danger of physical
 460 and emotional harm from disgruntled individuals who have
 461 contentious reactions to actions carried out by such personnel
 462 or whose business or professional practices have come under
 463 scrutiny as a result of such investigations and agency actions.
 464 The Legislature further finds that the harm that may result from

31-00870-25

2025342__

465 the release of such personal identifying and location
466 information outweighs any public benefit that may be derived
467 from the disclosure of the information.

468 Section 3. This act shall take effect October 1, 2025.

April 1, 2025

Meeting Date

Committee on Governmental Oversight and Accountability

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 342

Bill Number or Topic

Amendment Barcode (if applicable)

Name AHCA Deputy Secretary of Health Quality Assurance Kim Smoak Phone (888) 419-3456

Address 2727 Mahan Drive Email legaffairs@ahca.myflorida.com

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 576

INTRODUCER: Judiciary Committee and Senator Leek

SUBJECT: Service of Process

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 576 amends state laws governing service of process, which is the procedure by which a party to a lawsuit gives appropriate notice to other parties that the lawsuit has begun.

In 2022, the Legislature enacted a law that substantially revised the state’s service of process statute. Although the 2022 law has since been applied by practitioners and the courts without significant problems, a task force of the Business Law Section of The Florida Bar (the “Task Force”) has identified certain ways that the law can be improved. The Task Force’s proposed improvements are reflected in the bill.

In summary, the bill:

- Allows a process server to serve process on registered agents during additional time periods and locations and on additional individuals.
- Provides how one may serve process on business organizations in receivership.
- Clarifies how to execute substitute service of process on the Secretary of State.
- Clarifies how to execute substitute service of process on nonresidents or on individuals or business entities that are concealing their whereabouts.
- Deems former residents of this state to have appointed the Secretary of State as their agent for purposes of service of process.
- Validates service of process made in conformity with either the 2022 law, or prior law, ensuring the validity of default judgments based on service under either statutory regime.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect upon becoming a law, except as otherwise provided in the bill. The changes to Sections 1, 2, 3, and 4 of the bill are effective October 1, 2025.

II. Present Situation:

Service of Process

Generally

A fundamental concept of due process is that a person must be given fair notice of the initiation of an action against him or her.¹ Delivery of that notice is referred to as “service of process.”² Adequate service of process is also required to summon a witness for testimony or for production of evidence.³ Centuries ago, service of process was only trusted to the county sheriff.⁴ Modern concepts of due process required for adequate service of process recognize that there are numerous means by which a person or entity may be fairly appraised of a lawsuit or a requirement to produce evidence.⁵

The traditional and best form of service of process on a competent adult is by personal delivery to that individual, but that is not always possible. Individuals may be difficult to find, whether intentionally or not. Individuals may be incompetent, whether medically or by youth. Procedures need to be established to determine how to serve process on an entity in a manner likely to have it noticed by management for a timely response. A large body of law has been devoted to the allowable methods for service of process.⁶

The Secretary of State is involved in many aspects of service of process. The Secretary is head of the Department of State,⁷ which handles the administrative duties of the Secretary.⁸ The Division of Corporations, under the Department of State, accepts business entity registrations and renewals, and maintains a publicly-accessible record of every entity, listing a registered agent and the names of the related top-level individuals of the entity. Every current entity must appoint a registered agent, a person within the state who is authorized by the entity to accept service of

¹ See, e.g., *Citizens of State v. Florida Public Service Commission*, 146 So. 3d 1143, 1154 (Fla. 2014) (noting that the fundamental requirements of due process are satisfied by reasonable notice and a reasonable opportunity to be heard).

² See U.S. District Court, Middle District of Florida, *Service of Process*, <https://www.flmd.uscourts.gov/service-process> (last visited Mar. 27, 2025) (providing that “[s]ervice of process is the procedure used to notify a defendant of the lawsuit”).

³ Eleventh Judicial Circuit of Florida, *Certified Civil Process Server Program Information Manual*, 1 (Jan. 2017), available at <https://www.jud11.flcourts.org/docs/Process%20Server%20Manual%202017.pdf> [hereinafter “Process Server Manual”].

⁴ See Sheriff Roger Scott, *Office of Sheriff, ROOTS: A Historical Perspective of the Office of Sheriff*, National Sheriffs’ Association, <https://www.sheriffs.org/about-nsa/history/roots> (last visited Mar. 27, 2025) (noting, with emphasis added, that “[t]he duties of the sheriff included keeping the peace, collecting taxes, maintaining jails, arresting fugitives, maintaining a list of wanted criminals, and serving orders and writs for the Kings Court”).

⁵ Process Server Manual, *supra* note 3, at 7-11 (describing personal service, substituted and constructive service, and extraterritorial service).

⁶ See generally ch. 48, F.S. (process and service of process).

⁷ Fla. Dep’t of State, *About the Secretary*, <https://dos.fl.gov/about-the-department/about-the-secretary/> (last visited Mar. 27, 2025).

⁸ Fla. Dep’t of State, *Office History*, <https://dos.fl.gov/about-the-department/office-history/> (last visited Mar. 27, 2025).

process directed to the entity.⁹ In some instances, substituted service of process may be made on the Secretary of State.¹⁰

2022 Legislation

In 2022, resulting largely from an initiative of the Business Law Section of The Florida Bar,¹¹ the Legislature enacted ch. 2022-190, Laws of Florida, which amended several laws governing service of process including ch. 48, F.S. (the “2022 Legislation”). A goal of the 2022 legislation was to simplify, clarify, and modernize the manner of service of original process on business entities by eliminating duplicative and sometimes conflicting provisions regarding service of original process in the statutes regulating their formation, governance, and operation.¹²

Since January 2, 2023, the date that the 2022 Legislation became effective, a ch. 48, F.S., task force organized by the Business Law Section (the “Task Force”) has monitored reported judicial decisions addressing or interpreting the 2022 Legislation. The Task Force has also consulted with legal practitioners and the Florida Association of Professional Process Servers, who have had experience in applying the 2022 Legislation’s provisions.¹³

The purpose of the bill is to address certain issues that have arisen in connection with implementing the 2022 Legislation, as described more fully in Section III.

III. Effect of Proposed Changes:

Service of Process on Registered Agents and Registered Offices

Section 48.091, F.S., regulates how partnerships, corporations, and limited liability companies may designate a registered agent and registered agent office for service of process purposes. Among other things, the statute specifies a minimum amount of time (two hours, between 10 a.m. to 12 noon each day except weekends and legal holidays) that designated registered offices must be open to ensure that the registered agent is present and available to accept service.¹⁴

Following the enactment of the 2022 Legislation, the Florida Association of Professional Process Servers approached the Task Force and requested that the minimum hours be extended to make it easier to serve process on registered agents. The Task Force investigated the issue and concluded

⁹ See generally Fla. Div. of Corps., *Division FAQs*, <https://dos.fl.gov/sunbiz/about-us/faqs/> (last visited Mar. 27, 2025) (explaining how to form corporations and limited liability companies and identify registered agents and the names of top-level individuals of registered entities; maintaining a searchable database with publicly-accessible records of every entity).

¹⁰ See generally ss. 48.161 and 48.181, F.S. (permitting substituted service of process on the Secretary of State under certain conditions).

¹¹ Business Law Section of The Florida Bar, *Analysis of Proposed “Glitch” Legislation to Amend Statutory Provisions regarding Service of Process in Florida*, 1 (Aug. 2024) (on file with the Senate Committee on Judiciary) [hereinafter referred to as “Analysis”]; see also Giacomo Bossa and James B. Murphy, Jr., *Recent Legislative Changes to Service of Process: A New Ball Game?*, 97 FLA. BAR J. 3, 39 (2023), <https://www.floridabar.org/the-florida-bar-journal/recent-legislative-changes-to-service-of-process-a-new-ball-game/> (providing a more complete summary of the background and scope of the 2022 Legislation).

¹² Analysis, *supra* note 11, at 2.

¹³ *Id.* at 4-5.

¹⁴ Section 48.091(3), F.S.

that requiring designated registered offices to be open an additional two hours would not cause undue hardship for practitioners who often serve as registered agents.¹⁵

Additionally, the Task Force has expressed concern with a recent court opinion holding that service of process on a registered agent of a limited liability company was not permitted at an address other than at the individual's designated registered office, even though prior law permitted such individuals to be served at his or her principal place of abode.¹⁶ The Task Force's position is that limiting service of process on individual registered agents to the designated registered office is too restrictive and would unduly impede the ability to serve process on business entities. Accordingly, the Task Force believes that a party should be able to serve a registered agent who is an individual in the same manner as one is allowed to serve an individual who is a defendant in the litigation.¹⁷

Accordingly, **Section 1** of the bill amends s. 48.091, F.S., to:

- Expand by two additional hours (2 p.m. to 4 p.m.) the minimum number of hours that designated registered agent offices must be open.
- Authorize a process server to serve a registered agent who is a natural person in accordance with the general service of process statute.¹⁸
- Authorize a process server to serve process at a registered office on a registered agent who is a natural person by serving any employee of the agent if the agent is not present.
- Authorize a process server to serve process at a registered office on a registered agent that is not a natural person by serving the entity in accordance with applicable laws governing service of process on such entities or by serving any employee of the registered agent who is present at the designated registered office at the time of service.

Service of Process on Entities in Receivership

Section 48.101, F.S., regulates service of process on dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, and dissolved limited liability partnerships.

Not addressed in this statute or elsewhere, however, is how one would go about serving a business organization that has not been dissolved but is in receivership.¹⁹ Given the volume of litigation involving business organizations in receivership in recent years, the Task Force concluded that the issue should be addressed.²⁰

¹⁵ Analysis, *supra* note 11, at 9.

¹⁶ *Id.* at 9-10 (citing *Campbell v. ADW Consulting, LLC*, 2024 WL 245802 (M.D. Fla. 2024)).

¹⁷ *Id.* at 10.

¹⁸ Section 48.031, F.S.

¹⁹ A receiver is "a person appointed by the court to take control, custody, or management of property involved in litigation and to preserve the property, and receive rents, issues and profits." Kendall Coffey and David Freedman, *Florida's New Commercial Real Estate Receivership Act: A Roadmap for Judges and Practitioners*, 96 FLA. BAR J. 1, 18 (2022), <https://www.floridabar.org/the-florida-bar-journal/floridas-new-commercial-real-estate-receivership-act-a-roadmap-for-judges-and-practitioners/#u6da1>. "The right to the appointment of a receiver is a long-recognized equitable remedy, tracing its lineage to the English chancery courts, protecting real property and rents and profits arising therefrom." *Id.* A "receivership" means a proceeding in which a receiver is appointed. Section 714.02(15), F.S.

²⁰ Analysis, *supra* note 11, at 14.

Accordingly, **Section 2** of the bill amends s. 48.101, F.S., to:

- Clarify that it addresses service on *domestic* dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, and dissolved limited liability partnerships.
- Expand the applicability of the statute to include business organizations in receivership.

The bill also amends the statute to provide that notwithstanding its provisions, and during the pendency of the receivership, a party attempting to serve process on a domestic business entity, business trust, or sole proprietorship in receivership may effectuate service by personal service on the receiver.

Method of Substituted Service on Nonresidents

Section 48.161, F.S., provides the method for substituted service on the Secretary of State with respect to nonresidents in litigation arising from business activities they conducted in the state and persons who conceal themselves to evade service of process.

The 2022 Legislation made several revisions to this statute to clarify its provisions and facilitate its application by practitioners and the courts. However, the Task Force and the Secretary of State have since identified several problems. Many of the summons received by the Secretary of State, particularly through its electronic portal, have incorrectly designated the Secretary of State as the party being served. Additionally, the Secretary of State's office has been inundated with copies of electronic filings of papers in many lawsuits after the substituted service of process has been effectuated, as if the Secretary of State were a party to those proceedings.²¹

In order to resolve these issues, **Section 3** of the bill amends s. 48.161, F.S., to:

- Clarify that the statute applies to substituted service on certain parties in care of the Secretary of State.
- Require that substituted service on parties in care of the Secretary of State be issued in the name of the party to be served, in the care of the Secretary of State.
- Eliminate the requirement that the Secretary of State keep a record of all process served on the Secretary of State.
- Authorize a process server, after exercising due diligence to locate and effectuate personal service, to use the substituted service method provided in statute in connection with any action in which the court has jurisdiction over the individual or business entity, if the individual or a business entity is a nonresident or conceals his, her, or its whereabouts.
- Require affidavits of compliance justifying the use of substituted service to contain sufficient facts showing that:
 - The process server exercised due diligence in attempting to locate and effectuate personal service on the party; and
 - To the extent applicable, the party's nonresidence or concealment, or that the party is a business entity for which substituted service is otherwise authorized by law.
- Revise the point at which substituted service is effectuated under the bill, from the date when service is received by the Department of State under existing law, to the date when the

²¹ *Id.* at 11-12.

affidavit of compliance is filed or when the notice of service requirements has been completed, whichever is later.

- Clarify that the Secretary of State and the Department of State are not parties to the lawsuit by reason of substituted service under the statute and prohibit the service or sending of additional court filings regarding the lawsuit to the Secretary of State or the Department of State.

Substituted Service on Nonresidents and Foreign Business Entities Engaged in Business in State or Concealing their Whereabouts

Section 48.181, F.S., addresses the jurisdictional basis for substituted service on the Secretary of State when nonresidents have engaged in business in this state and are being sued with respect to a transaction or operation connected to such business. The statute also applies to persons concealing their whereabouts to avoid service of process.

According to the Task Force, the 2022 Legislation inadvertently omitted language that clearly brought one particular class of nonresidents – specifically, nonresidents who were formerly residents of the state – within the scope of the statute. The Task Force concluded that there is no reason to treat such nonresidents differently than other types of nonresidents; indeed, nonresidents who have engaged in business in this state in the past should more readily expect to answer a lawsuit in connection with it than nonresidents who have never engaged in business in this state.²²

Section 4 amends s. 48.181, F.S., to restore language deleted from it by the 2022 Legislation. The bill provides that any individual who was a resident of this state, and who subsequently became a nonresident, is deemed to have appointed the Secretary of State as his or her agent on whom all process may be serviced in any action or proceeding against him or her. The proceeding must arise out of any transaction or operation connected with, or incidental to, any business or business venture carried out in this state by the individual.

Divergent Judicial Interpretations Regarding Applicability of the 2022 Legislation in Existing Cases

The Task Force is concerned that trial courts may not be consistently applying the 2022 Legislation's amendments. Most courts have applied the amendments to service of process which took place after January 2, 2023 (the effective date of the 2022 legislation). However, some federal courts have held that the amendments do not apply to service of process which took place after January 2, 2023, if the cause or causes of action alleged in the lawsuit accrued prior to January 2, 2023.²³ It is possible that there are state courts that have declined to apply the amendments in the 2022 legislation for the same reason. Judges in both federal and state courts could follow this precedent. Given applicable statutes of limitation, some cases could be filed five years or more after the cause or causes of action accrued, creating uncertainty among practitioners and courts in determining how precisely service of process should be effectuated.²⁴

²² *Id.* at 13-14.

²³ *Id.* at 5.

²⁴ *Id.* at 6.

To address this situation, the Task Force has developed statutory language creating a ‘safe harbor’ for any service of process made between January 2, 2023, and the effective date of the bill. So long as the service was properly made under *either* the amendments in the 2022 Legislation *or* under the prior law that would have otherwise applied when the cause of action accrued, the service of process will be considered valid.²⁵

Accordingly, **Section 5** of the bill provides that:

- Amendments made to ch. 48, F.S., by ch. 2022-190, Laws of Florida, apply to causes of action that accrued on or after January 2, 2023, and to all causes of action that accrued before January 2, 2023, for which service of process was effectuated on or after January 2, 2023.
- Notwithstanding the prior paragraph, any service of process that occurred between January 2, 2023, and October 1, 2025, which has not been invalidated by a court, is valid if such service complied with either ch. 48, F.S., as amended by ch. 2022-190, Laws of Florida, or the laws governing service of process in effect before January 2, 2023, which would have applied in the absence of ch. 2022-190, Laws of Florida.
- Amendments made by the bill apply to all service of process made or effectuated on or after October 1, 2025, regardless of whether the cause of action accrued before, on, or after October 1, 2025.
- The bill does not extend or modify the time for challenging the validity of any service of process and does not revive any ability to challenge the validity of service of process which has been previously waived.

Effective Date

The bill takes effect upon becoming a law, except as otherwise provided in the bill. The changes made in Sections 1, 2, 3, and 4 are effective October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

²⁵ *Id.* at 7.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill is not expected to affect state and local government revenues and expenditures.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the sections 48.091, 48.101, 48.161, and 48.181 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on March 12, 2025:

The committee substitute revises the underlying bill to:

- Reorganize and clarify what facts must be included in an affidavit of compliance to justify substituted service of process under the bill.
- Revise the point at which substituted service is effectuated under the bill, from the date when service is received by the Department of State under existing law, to the date when the affidavit of compliance is filed or when notice of service requirements have been completed, whichever is later.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Judiciary; and Senator Leek

590-02318-25

2025576c1

1 A bill to be entitled
 2 An act relating to service of process; amending s.
 3 48.091, F.S.; expanding the hours during which
 4 registered agents are required to keep the designated
 5 registered office open for the purpose of process
 6 service; specifying that certain registered agents may
 7 be served process in a specified manner; providing
 8 that process may be served on an employee of the
 9 registered agent in accordance with applicable law;
 10 authorizing a person attempting to serve process to
 11 serve an employee of the registered agent present at
 12 the registered office; amending s. 48.101, F.S.;
 13 authorizing service of process by personally serving
 14 the receiver for specified domestic entities in
 15 receivership during pendency of the receivership;
 16 amending s. 48.161, F.S.; requiring that a certain
 17 substituted service of process be issued in the name
 18 of the party to be served in care of the Secretary of
 19 State; deleting a provision requiring the Secretary of
 20 State to keep certain records; authorizing the use of
 21 a specified substituted service method under certain
 22 circumstances; requiring parties using such method to
 23 send the notice of service and a copy of the process
 24 to the last known physical and, if applicable,
 25 electronic addresses of the party being served;
 26 revising the information that must be contained in a
 27 certain affidavit of compliance; providing that a
 28 certain service of process is effectuated under
 29 specified circumstances; providing that the Secretary

Page 1 of 11

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590-02318-25

2025576c1

30 of State and the Department of State are not parties
 31 to lawsuits and may not be served additional court
 32 filings by reason of specified substituted service;
 33 amending s. 48.181, F.S.; specifying that registered
 34 agents must have been designated under a specified
 35 provision for a specified purpose; authorizing
 36 substituted service on the Secretary of State in
 37 specified circumstances; providing that certain
 38 individuals are deemed to have appointed the Secretary
 39 of State as their agents on whom all process may be
 40 served in certain actions and proceedings; providing
 41 retroactive application; providing applicability and
 42 construction; providing effective dates.
 43

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

45
 46 Section 1. Effective October 1, 2025, subsections (3) and
 47 (4) of section 48.091, Florida Statutes, are amended to read:
 48 48.091 Partnerships, corporations, and limited liability
 49 companies; designation of registered agent and registered
 50 office.—

51 (3) Every domestic limited liability partnership; domestic
 52 limited partnership, including limited liability limited
 53 partnerships; domestic corporation; domestic limited liability
 54 company; registered foreign limited liability partnership;
 55 registered foreign limited partnership, including limited
 56 liability limited partnerships; registered foreign corporation;
 57 registered foreign limited liability company; and domestic or
 58 foreign general partnership that elects to designate a

Page 2 of 11

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590-02318-25

2025576c1

registered agent, shall cause the designated registered agent to keep the designated registered office open from at least 10 a.m. to 12 noon and 2 p.m. to 4 p.m. each day except Saturdays, Sundays, and legal holidays, and shall cause the designated registered agent to keep one or more individuals who are, or are representatives of, the designated registered agent on whom process may be served at the office during these hours.

(4)(a) A registered agent who is a natural person may be served with process in accordance with s. 48.031.

(b) A person attempting to serve process at the registered office designated pursuant to subsection (2) on a registered agent who is a natural person, if such natural person is not present at the designated registered office at the time of service, may serve the process, including during the first attempt at service, on any employee of such natural person who is present at the designated registered office at the time of service.

(c) A person attempting to serve process at the registered office designated pursuant to subsection (2) this section on a registered agent that is other than a natural person may serve the process in accordance with the provisions of applicable law relating to service of process on that type of entity or on any employee of the registered agent who is present at the designated registered office at the time of service. ~~A person attempting to serve process pursuant to this section on a natural person, if the natural person is temporarily absent from his or her office, may serve the process during the first attempt at service on any employee of such natural person.~~

Section 2. Effective October 1, 2025, section 48.101,

590-02318-25

2025576c1

Florida Statutes, is amended to read:

48.101 Service on domestic dissolved corporations, dissolved limited liability companies, dissolved limited partnerships, ~~and~~ dissolved limited liability partnerships, and business organizations in receivership.

(1) Process against the directors of any corporation that was dissolved before July 1, 1990, as trustees of the dissolved corporation must be served on one or more of the directors of the dissolved corporation as trustees thereof and binds all of the directors of the dissolved corporation as trustees thereof.

(2)(a) Process against any other dissolved domestic corporation must be served in accordance with s. 48.081.

(b) In addition, provided that service was first properly attempted on the registered agent pursuant to s. 48.081(2), but was not successful, service may then be attempted as required under s. 48.081(3). In addition to the persons listed in s. 48.081(3), service may then be attempted on the person appointed by the circuit court as the trustee, custodian, or receiver under s. 607.1405(6).

(c) A party attempting to serve a dissolved domestic for-profit corporation under this section may petition the court to appoint one of the persons specified in s. 607.1405(6) to receive service of process on behalf of the corporation.

(3)(a) Process against any dissolved domestic limited liability company must be served in accordance with s. 48.062.

(b) In addition, provided that service was first properly attempted on the registered agent pursuant to s. 48.062(2), but was not successful, service may then be attempted as required under s. 48.062(3). In addition to the persons listed in s.

590-02318-25

2025576c1

117 48.062(3), service on a dissolved domestic limited liability
 118 company may be made on the person appointed as the liquidator,
 119 trustee, or receiver under s. 605.0709.

120 (c) A party attempting to serve a dissolved domestic
 121 limited liability company under this section may petition the
 122 court to appoint one of the persons specified in s. 605.0709(5)
 123 to receive service of process on behalf of the limited liability
 124 company.

125 (4) Process against any dissolved domestic limited
 126 partnership must be served in accordance with s. 48.061.

127 (5) Notwithstanding this section and during the pendency of
 128 the receivership, a party attempting to serve process on a
 129 domestic business entity, business trust, or sole proprietorship
 130 in receivership may effectuate service by personal service on
 131 the receiver.

132 Section 3. Effective October 1, 2025, section 48.161,
 133 Florida Statutes, is amended to read:

134 48.161 Method of substituted service on certain parties in
 135 care of the Secretary of State nonresident.—

136 (1) When authorized by law, substituted service of process
 137 on a nonresident individual or a corporation or other business
 138 entity incorporated or formed under the laws of any other state,
 139 territory, or commonwealth, or the laws of any foreign country,
 140 may be made by sending a copy of the process to the office of
 141 the Secretary of State. Such process must be issued in the name
 142 of the party to be served, in the care of the Secretary of
 143 State, and must be made by personal delivery; by registered
 144 mail; by certified mail, return receipt requested; by use of a
 145 commercial firm regularly engaged in the business of document or

590-02318-25

2025576c1

146 package delivery; or by electronic transmission. Such The
 147 service is sufficient service on a party that has appointed or
 148 is deemed to have appointed the Secretary of State as such
 149 party's agent for service of process. ~~The Secretary of State~~
 150 ~~shall keep a record of all process served on the Secretary of~~
 151 ~~State showing the day and hour of service.~~

152 (2) When an individual or a business entity is a
 153 nonresident or conceals his, her, or its whereabouts, the party
 154 seeking to effectuate service may, after exercising due
 155 diligence to locate and effectuate personal service, use the
 156 substituted service method specified in subsection (1) in
 157 connection with any action in which the court has jurisdiction
 158 over the individual or business entity.

159 (3) Whenever a party is using substituted service specified
 160 in subsection (1), notice of service and a copy of the process
 161 must also be sent forthwith to the party being served by the
 162 party effectuating service or by such party's attorney by
 163 registered mail; by certified mail, return receipt requested; or
 164 by use of a commercial firm regularly engaged in the business of
 165 document or package delivery. In addition, if the parties have
 166 recently and regularly used e-mail or other electronic means to
 167 communicate between themselves, the notice of service and a copy
 168 of the process must also be sent by such electronic means. ~~or,~~
 169 ~~if the party is being served by substituted service,~~ The notice
 170 of service and a copy of the process must be sent to the served
 171 ~~at such party's~~ last known physical address and, if applicable,
 172 last known electronic address of the party being served. The
 173 party effectuating service shall file proof of service or return
 174 receipts showing delivery to the other party by mail or courier

590-02318-25

2025576c1

and by electronic means, if electronic means were used, unless the party is actively refusing or rejecting the delivery of the notice or the party is concealing himself, herself, or itself. An affidavit of compliance of the party effectuating service or such party's attorney must be filed within 40 days after the date of service on the Secretary of State or within such additional time as the court allows. The affidavit of compliance must set forth the facts that justify such substituted service under this section and must contain sufficient facts showing:

(a) That ~~show~~ due diligence was exercised in attempting to locate and effectuate personal service on the party; and

(b) To the extent applicable, the party's nonresidence or concealment, or that the party is a business entity for which substituted service is otherwise authorized by law ~~before using substituted service under this section.~~ The party effectuating service does not need to allege in its original or amended complaint the facts required to be set forth in the affidavit of compliance.

(4)(3) When an individual or a business entity conceals its whereabouts, the party seeking to effectuate service may, after exercising due diligence to locate and effectuate personal service, ~~may~~ use substituted service pursuant to subsection (1) in connection with any action in which the court has jurisdiction over such individual or business entity. The party seeking to effectuate service must also comply with subsection (3) (2); however, a return receipt or other proof showing acceptance of receipt of the notice of service and a copy of the process by the concealed party need not be filed.

(5)(4) The party effectuating service is considered to have

590-02318-25

2025576c1

used due diligence if that party:

(a) Made diligent inquiry and exerted an honest and conscientious effort appropriate to the circumstances to acquire the information necessary to effectuate personal service;

(b) In seeking to effectuate personal service, reasonably employed the knowledge at the party's command, including knowledge obtained pursuant to paragraph (a); and

(c) Made an appropriate number of attempts to serve the party, taking into account the particular circumstances, during such times when and where such party is reasonably likely to be found, as determined through resources reasonably available to the party seeking to secure service of process.

(6)(5) If any individual on whom service of process is authorized under subsection (1) dies, service may be made in the same manner on his or her administrator, executor, curator, or personal representative.

(7)(6) The Secretary of State may designate an individual in his or her office to accept service.

(8)(7) Service of process is effectuated under this section on the date the affidavit of compliance is filed, or the date when the notice of service requirements under subsection (3) are completed, whichever is later ~~service is received by the Department of State.~~

(9)(8) The Department of State shall maintain a record of each process served pursuant to this section and record the time of and the action taken regarding the service. The Secretary of State and the Department of State are not parties to the lawsuit by reason of substituted service under this section, and additional court filings regarding such lawsuit may not be

590-02318-25

2025576c1

233 served upon or sent to the Secretary of State or the Department
 234 of State after the substituted service is effectuated.

235 ~~(10)(9)~~ This section does not apply to persons on whom
 236 service is authorized under s. 48.151.

237 Section 4. Effective October 1, 2025, present subsections
 238 (5) and (6) of section 48.181, Florida Statutes, are
 239 redesignated as subsections (6) and (7), respectively, a new
 240 subsection (5) is added to that section, and subsections (3) and
 241 (4) of that section are amended, to read:

242 48.181 Substituted service on nonresidents and foreign
 243 business entities engaging in business in state or concealing
 244 their whereabouts.-

245 (3) If a foreign business entity has registered to do
 246 business in this state and has maintained its registration in an
 247 active status or otherwise continued to have a registered agent
 248 designated in accordance with s. 48.091, personal service of
 249 process must first be attempted on the foreign business entity
 250 in the manner and order of priority described in this chapter as
 251 applicable to the foreign business entity. If, after due
 252 diligence, the party seeking to effectuate service of process is
 253 unable to effectuate service of process on the foreign business
 254 entity in the manner and order of priority ~~registered agent or~~
 255 ~~other official as~~ provided in this chapter, the party may use
 256 substituted service of process on the Secretary of State.

257 (4) Any individual or foreign business entity that conceals
 258 its whereabouts is deemed to have appointed the Secretary of
 259 State as its agent on whom all process may be served, in any
 260 action or proceeding against such individual or foreign business
 261 entity it, or any combination thereof, arising out of any

590-02318-25

2025576c1

262 transaction or operation connected with or incidental to any
 263 business or business venture carried on in this state by such
 264 individual or foreign business entity.

265 (5) Any individual who was a resident of this state and who
 266 subsequently became a nonresident is deemed to have appointed
 267 the Secretary of State as his or her agent on whom all process
 268 may be served in any action or proceeding against such
 269 individual arising out of any transaction or operation connected
 270 with or incidental to any business or business venture carried
 271 on in this state by such individual.

272 Section 5. (1) The amendments made to chapter 48, Florida
 273 Statutes, by chapter 2022-190, Laws of Florida, apply to causes
 274 of action that accrued on or after January 2, 2023, and to all
 275 causes of action that accrued before January 2, 2023, for which
 276 service of process was effectuated on or after January 2, 2023.

277 (2) Notwithstanding subsection (1), any service of process
 278 that occurred between January 2, 2023, and October 1, 2025,
 279 which has not been invalidated by a court, is valid if such
 280 service complied with either chapter 48, Florida Statutes, as
 281 amended by chapter 2022-190, Laws of Florida, or the laws
 282 governing service of process in effect before January 2, 2023,
 283 which would have applied in the absence of chapter 2022-190,
 284 Laws of Florida.

285 (3) The amendments made by this act apply to all service of
 286 process made or effectuated on or after October 1, 2025,
 287 regardless of whether the cause of action accrued before, on, or
 288 after October 1, 2025.

289 (4) This section does not extend or modify the time for
 290 challenging the validity of any service of process and does not

590-02318-25

2025576c1

291 revive any ability to challenge the validity of service of
292 process which has previously been waived.

293 Section 6. Except as otherwise expressly provided in this
294 act, this act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 12, 2025

I respectfully request that **Senate Bill #576**, relating to Service of Process, be placed on the:

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

Sincerely,

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

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

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

576

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

Business Law Section of the Florida Bar

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

4/1/25

Meeting Date

S Gov Oversight

Committee

SB 576

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dane Vllian - FOIA

Phone

Address

218 S Monroe St

Email

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

Florida Justice Association

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 626

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Osgood

SUBJECT: Council on the Social Status of Black Men and Boys

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	McVane	GO	Fav/CS
2.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 626 reduces the number of members necessary to constitute a quorum for the Council on the Social Status of Black Men and Boys Council to hold a meeting and vote for final actions. The bill additionally allows members to appear at meetings electronically and still count towards the Council's quorum requirements for purposes of conducting business. The bill adds notice requirements for the Council's public meetings or workshops that will be conducted using communications media technology.

The bill is not expected to impact state and local revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

The Council on the Social Status of Black Men and Boys

In 2006, in response to concerns about issues such as the disproportionate representation of black males in Florida's correctional facilities, the number of black students dropping out of high school, and the disparity between the income levels and life expectancies of black and white males,¹ the Legislature created the Council on the Social Status of Black Men and Boys (Council) within the Department of Legal Affairs in the Office of the Attorney General. The Office of the Attorney General supplies staff and administrative support to the Council.

¹ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 436 (April 24, 2006).

The Council was established, in part, to make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues, and to propose measures to alleviate and correct the underlying causes of these conditions in their annual report.² The Legislature may request the Council to conduct additional studies on other topics.³ The Council can request information from any political subdivision of the state; and ask for assistance from the Office of Program Policy Analysis and Government Accountability and the Office of Economic and Demographic Research within the Florida Legislature.⁴

The Council is comprised of 19 appointed members who serve four-year terms.⁵ These members include representatives of state agencies and the Legislature, as well as citizens who represent relevant areas of interest. The members include:

- Two members of the Senate who are not members of the same political party, appointed by the President of the Senate with the advice of the minority leader of the Senate;
- Two members of the House of Representatives who are not members of the same political party, appointed by the Speaker of the House of Representatives with the advice of the minority leader of the House of Representatives;
- The Secretary of Children and Family Services (DCF), or his or her designee;
- The director of the Mental Health Program Office within DCF, or his or her designee;
- The State Surgeon General, or his or her designee;
- The Commissioner of Education, or his or her designee;
- The Secretary of Corrections, or his or her designee;
- The Attorney General, or his or her designee;
- The Secretary of Management Services, or his or her designee;
- The executive director of the Department of Economic Opportunity, or his or her designee;
- A businessperson of black origin appointed by the Governor;
- Two persons appointed by the President of the Senate who are not members of the Legislature or employed by state government. One of these appointments must be a clinical psychologist;
- Two people appointed by the Speaker of the House of Representatives who are not members of the Legislature or employed by state government. One of these appointments must be an Africana studies professional;
- The deputy secretary for Medicaid in the Agency for Health Care Administration, or his or her designee; and
- The Secretary of Juvenile Justice, or his or her designee.⁶

² See, Florida Council on the Social Status of Black Men & Boys, *Annual Reports*, <https://cssbmb.com/annual-reports/> (last visited Mar. 26, 2025).

³ Section 16.615(4), F.S.

⁴ Section 16.615(5), F.S.

⁵ Section 16.615(1) and (2), F.S.

⁶ Section 16.615(1), F.S.

Currently, eleven members constitute a quorum.⁷ Members of the Council are entitled to reimbursement for per diem and travel expenses.⁸

The Council is subject to the provisions of chapter 119, related to public records, and the provisions of chapter 286, related to public meetings.⁹

Use of Electronic Media and Public Meetings

Section 120.54(5)(b)2., F.S., requires the Administration Commission¹⁰ to create uniform rules for state agencies to use when conducting public meetings, hearings or workshops, including procedures for conducting meetings in person and by means of communications media technology (CMT).¹¹ Specifically, a notice for a public meeting, hearing, or workshop that will use CMT must state:

- That the public meeting will be conducted using CMT;
- If attendance may be provided for through CMT;
- How persons who wish to attend¹² the meeting may do so; and
- The locations at which CMT facilities will be available to allow participation in the meeting.

Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, apply to meetings conducted by means of CMT, and must be “liberally construed in their application to such public meetings, hearings, and workshops.”¹³

A body subject to public meetings laws that will conduct its meeting exclusively using CMT must provide a means for a member of the public to attend, which must include physical attendance if the available technology is insufficient to permit all interest persons to attend.¹⁴ The public access to the meeting must be provided via a “designated place where a person interested in attending a CMT proceeding may go for the purpose of attending the proceeding.”¹⁵

Unless otherwise authorized by the Legislature, these procedures for communications media technology apply only to state agencies and not to local boards or commissions. In the absence of any law otherwise, local government bodies that require a quorum to conduct their business may only use communications media technology to do so if either a statute permits a quorum to be

⁷ Section 16.615(8), F.S.

⁸ Section 16.615(10), F.S.

⁹ Section 16.615(11), F.S.

¹⁰ Section 14.202, F.S. The Administration Commission is composed of the Governor and the Cabinet (The Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture compose the Cabinet. Section 20.03(1), F.S.).

¹¹ Section 120.54(5)(b)2., F.S. The term “communications media technology” means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available. *See also* Rules 28-109.001-.006, F.A.C.

¹² Rule 28-109.002 of the Florida Administrative Code defines attendance as having access to the CMT network being used to conduct a proceeding, or being used to take evidence, testimony, or argument relative to issues considered at the proceeding. The entity must also publish a public meeting notice which includes the address of each access point (a designated place where a person interested in attending a CMT proceeding may go for the purpose of attending). *See*, Rules 28-109.002, and .005, Fla. Admin. Code.

¹³ Section 120.54(5)(b)2., F.S.

¹⁴ *See* Rule 28-109.004, F.A.C.

¹⁵ Rule 28-109.002(1), F.S.

present by means other than in-person or the in-person requirement for constituting a quorum is lawfully suspended.¹⁶

III. Effect of Proposed Changes:

Section 1 amends s. 16.615(8), F.S., to reduce the number of Council members needed to constitute a quorum from eleven to nine. The bill additionally allows Council members who appear by communications media technology to count towards quorum requirements. For the purposes of the bill, “communications media technology” means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.¹⁷ This presumably allows the Council to hold meetings and take action with fewer members in physical attendance and voting for the proposition. For example, under current law, with 19 members, 11 are needed to meet quorum requirements, and six are needed to approve Council action. Under the bill, with 19 members but only nine needed to meet quorum requirements, only five are needed to approve Council action.

The bill additionally requires that the Council provide notice when it conducts a public meeting or workshop using communications media technology, specifically requiring that it state how an interested person may participate, and where facilities with communications media technology will be available during the meeting or workshop.

Section 2 provides the bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Section 286.011, F.S., the Government in the Sunshine Law, ensures a right of access to government proceedings. A fundamental requirement of the Government in the Sunshine Law is that meetings of entities subject to its provisions are “open to the public,” which means open to all persons who choose to attend.¹⁸ Therefore, the Council must, in its use of CMT for the purpose of allowing its members to attend Council meetings, ensure that members of the public are afforded access not only to the physical meeting, but also to the portions held via CMT.

C. Trust Funds Restrictions:

None identified.

¹⁶ Op. Att’y Gen. Fla. 2020-03.

¹⁷ See s. 120.54(5)(b)2., F.S.

¹⁸ Op. Att’y Gen. Fla. 2009-56.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

Article I, section 24(b) of the Florida Constitution and the Sunshine Law “aim[s] to prevent the evil of closed door operation of government without permitting public scrutiny and participation.”¹⁹ It is possible that a member of the Council could operate with lessened scrutiny, or be influenced by other individuals during the meeting (without obvious knowledge of such communication by a viewing member of the public).

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

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The Council will be able to conduct its meetings and take action via communications media technology (CMT), such as zoom. This may reduce costs associated with the Council’s meetings by lowering travel expense reimbursements to members who participate via CMT.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

Public meetings of a state agency may already be held by communications media technology (CMT), pursuant to s. 120.54, F.S. A state agency, in this instance, includes “governmental entit[ies] in the state having statewide jurisdiction,”²⁰ such as the Council on the Social Status of Black Men and Boys (Council). Accordingly, the language allowing the Council to meet via CMT is duplicative of existing statutory language. Should, however, the Council’s status as a state agency ever be called into question, the language of this bill ensures the Council may still meet and conduct business via CMT.

¹⁹ *Transparency for Fla. v. City of Port St. Lucie*, 240 So.2d 780, 784 (Fla. Dist. Ct. App. 2018), *quoting City of Miami Beach v. Berns*, 245 So.2d 38, 41 (Fla. 1971).

²⁰ *See* s. 120.52(1)(b), F.S.

VIII. Statutes Affected:

This bill substantially amends section 16.615 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

Adds notice requirements for any public meeting or workshop held by the Council that will use communications media technology.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



730162

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Osgood) recommended the following:

Senate Amendment (with title amendment)

Delete line 23
and insert:
requirement. A notice for a public meeting or workshop must
state whether the meeting or workshop will be conducted using
communications media technology, how an interested person may
participate, and the location of facilities where communications
media technology will be available during the meeting or
workshop.



730162

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 10

and insert:

requirement; providing notice requirements for public
meetings or workshops conducted by means
of communications media technology; providing an
effective date.

By Senator Osgood

32-00436-25

2025626__

A bill to be entitled

An act relating to the Council on the Social Status of Black Men and Boys; amending s. 16.615, F.S.; revising the quorum requirements for the Council on the Social Status of Black Men and Boys to require only 9 members for a quorum; authorizing members to appear by communications media technology; providing that members who appear by such technology are considered present and may be counted toward the quorum requirement; providing an effective date.

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

Section 1. Subsection (8) of section 16.615, Florida Statutes, is amended to read:

16.615 Council on the Social Status of Black Men and Boys.—

(8) ~~Nine~~ Eleven of the members of the council constitute a quorum, and an affirmative vote of a majority of the members present is required for final action. Members may appear by communications media technology as defined in s. 120.54(5)(b)2. Members who appear by communications media technology are considered present and may be counted toward the quorum requirement.

Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 4, 2025

I respectfully request that **Senate Bill #626**, relating to Council on the Social Status of Black Men and Boys, be placed on the:

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

A handwritten signature in blue ink that reads "Rosalind Osgood".

Senator Rosalind Osgood
Florida Senate, District 32

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 710

INTRODUCER: Criminal Justice Committee and Senator Osgood

SUBJECT: Public Records/Crime Stoppers Organizations

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 710 exempts from public records copying and inspection requirements certain identifying and location information of current or former employees, board members and volunteers, and their spouses and children, of crime stoppers organizations.¹

The bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current or former employees, board members, and volunteers of crime stoppers organizations;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of the employees, board members, and volunteers;
- The names and locations of schools and day care facilities attended by the children of the employees, board members, and volunteers.

This exemption applies to information held by an agency before, on, or after July 1, 2025, and is repealed on October 2, 2030, unless reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

¹ “Crime stoppers organization” means a private not-for-profit organization that collects and expends donations for rewards to persons who report to the organization information concerning criminal activity, and forwards that information to appropriate law enforcement agencies. Section 16.557(1)(a), F.S.

The bill creates a new public records exemption and, therefore, requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.² The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.³

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.⁴ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁵ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁶

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

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

² FLA. CONST. art. I, s. 24(a).

³ *Id.*

⁴ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024).

⁵ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁶ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹⁴ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁵ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁶

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), “home

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁵ *Id.*

¹⁶ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

addresses” is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, “telephone numbers” is defined to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse’s place of work as well as the name and location of any schools or day care facilities of the public employee’s children, if any. These public employees include, but are not limited to, sworn law enforcement personnel and active or former civilian personnel employed by a law enforcement agency;¹⁷ current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;¹⁸ current or former state attorneys;¹⁹ current or former public defenders;²⁰ county tax collectors;²¹ and clerks of a circuit court.²²

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers²³ and county tax collectors²⁴ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.²⁵

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee’s or their spouse or child’s information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual’s exemption and confirm the individual’s status as a party eligible for exempt status.²⁶

¹⁷ Section 119.071(4)(d)2.a., F.S. This would presumably include elected law enforcement officers such as sheriffs.

¹⁸ Section 119.071(4)(d)2.e., F.S.

¹⁹ Section 119.071(4)(d)2.f., F.S.

²⁰ Section 119.071(4)(d)2.l., F.S.

²¹ Section 119.071(4)(d)2.n., F.S.

²² Section 119.071(4)(d)2.y., F.S. Circuit court clerks’ exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.

²³ See s. 192.001(3), F.S.

²⁴ See s. 192.001(4), F.S.

²⁵ Section 119.071(4)(d)4., F.S.

²⁶ Section 119.071(4)(d)3., F.S.

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.²⁷ Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling²⁸ or upon his or her death.²⁹

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act³⁰ (the act), prescribe a legislative review process for newly created or substantially amended³¹ public records or open meetings exemptions, with specified exceptions.³² The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.³³ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁴ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;³⁵
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁶ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁷

The Act also requires specified questions to be considered during the review process.³⁸ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

²⁷ Section 119.071(4)(d)6., F.S.

²⁸ The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

²⁹ A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." *See* s. 28.222(2), F.S.

³⁰ Section 119.15, F.S.

³¹ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

³² Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³³ Section 119.15(3), F.S.

³⁴ Section 119.15(6)(b), F.S.

³⁵ Section 119.15(6)(b)1., F.S.

³⁶ Section 119.15(6)(b)2., F.S.

³⁷ Section 119.15(6)(b)3., F.S.

³⁸ Section 119.15(6)(a), F.S. The specified questions are:

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.³⁹ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.⁴⁰

Crime Stoppers

Crime Stoppers programs are non-profit organizations led by citizens against crime, founded on the concept that someone other than the criminal has information that can help solve a crime. These programs offer anonymity to anyone who can provide information about crimes and subsequently pay rewards when such information leads to the felony arrest of criminals and fugitives.⁴¹

The idea of providing a reward to someone with information about a crime originated in Albuquerque, New Mexico, when a detective was tasked with solving a homicide with no leads. He thought to make a video re-enactment of the murder and guarantee anonymity for anyone who was willing to call with information about the crime. After receiving calls following the re-enactment, one of which allowed police to solve a different crime, the detective persuaded the Albuquerque Police Department to permit citizens to establish the first Crime Stoppers program.⁴²

The Florida Association of Crime Stoppers (FACS) is a statewide umbrella organization operated by a volunteer board of directors from the 27 Crime Stopper programs throughout the state of Florida. The aim of FACS is to help establish local programs, and provide ongoing training, advocacy and mentoring to established programs and new programs alike.⁴³

Local citizens are responsible for forming local Crime Stopper programs. Civilian-based boards of directors generally oversee the program, establishing policies and providing direction as to the financial and promotional activities of the program.

-
- What specific records or meetings are affected by the exemption?
 - Whom does the exemption uniquely affect, as opposed to the general public?
 - What is the identifiable public purpose or goal of the exemption?
 - Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
 - Is the record or meeting protected by another exemption?
 - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³⁹ See generally s. 119.15, F.S.

⁴⁰ Section 119.15(7), F.S.

⁴¹ Crime Stoppers USA, *About CSUSA*, <https://www.crimestoppersusa.org/profile/> (last visited March 29, 2025).

⁴² Florida Association of Crime Stoppers, *Our History*, <https://facsflorida.org/who-we-are/our-history/> (last visited March 29, 2025).

⁴³ Florida Association of Crime Stoppers, *Who We Are?*, <https://facsflorida.org/#pg-8-4> (last visited March 29, 2025).

III. Effect of Proposed Changes:

The bill exempts from public records copying and inspection requirements certain identifying and location information of current or former employees, board members and volunteers, and their spouses and children, of crime stoppers organizations.

The bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current or former employees, board members, and volunteers of crime stoppers organizations;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of the employees, board members, and volunteers;
- The names and locations of schools and day care facilities attended by the children of the employees, board members, and volunteers.

Pursuant to s. 119.071(4)(d)6., F.S., this new exemption will apply to information held by an agency before, on, and after the effective date of the exemption (July 1, 2025, in this instance).

Consistent with s. 119.15, F.S., the new exemptions will expire on October 2, 2030, unless reviewed and saved from repeal by the Legislature.

Additionally, the bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides that the release of certain personal identifying and location information may jeopardize the safety of the employees, board members, volunteers of crime stoppers organizations, and their family members.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for records pertaining to employees, board members, and volunteers of crime stopper organizations; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect employees, board members, and volunteers of crime stopper organizations and their family members, and the bill exempts only records pertaining to those persons from the public records requirements. The purpose of the exemption is to protect those persons that forward tips on criminal activities and pay rewards. It is unclear how a board member of a nonprofit or a volunteer of such entity would be involved in such actions. Thus, the inclusion of these persons and their families may result in the exemption being overly broad (or the public necessity for such exemption may not be justified).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may cause a minimal increase in workload on agencies holding records that contain the exempt information of current or former employees, board members and volunteers, and their spouses and children, of crime stoppers organizations because staff

responsible for complying with public record requests may require training related to the new public record exemption.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 11, 2025:

The committee substitute:

- Expands the public record exemption to include former employees of crime stoppers organizations.

- B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Osgood

591-02286-25

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for specified personal identifying and location information of employees of crime stoppers organizations and the board members and volunteers of such crime stoppers organizations; providing for future legislative review and repeal of the exemption; providing for retroactive application; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

c. "Telephone numbers" includes home telephone numbers,

Page 1 of 17

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personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

Page 2 of 17

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591-02286-25

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personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former

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justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division

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of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of

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employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and

591-02286-25

2025710c1

places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination

591-02286-25

2025710c1

or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the

591-02286-25 2025710c1

233 children of such emergency medical technicians or paramedics are
 234 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 235 Constitution.

236 r. The home addresses, telephone numbers, dates of birth,
 237 and photographs of current or former personnel employed in an
 238 agency's office of inspector general or internal audit
 239 department whose duties include auditing or investigating waste,
 240 fraud, abuse, theft, exploitation, or other activities that
 241 could lead to criminal prosecution or administrative discipline;
 242 the names, home addresses, telephone numbers, dates of birth,
 243 and places of employment of spouses and children of such
 244 personnel; and the names and locations of schools and day care
 245 facilities attended by the children of such personnel are exempt
 246 from s. 119.07(1) and s. 24(a), Art. I of the State
 247 Constitution.

248 s. The home addresses, telephone numbers, dates of birth,
 249 and photographs of current or former directors, managers,
 250 supervisors, nurses, and clinical employees of an addiction
 251 treatment facility; the home addresses, telephone numbers,
 252 photographs, dates of birth, and places of employment of the
 253 spouses and children of such personnel; and the names and
 254 locations of schools and day care facilities attended by the
 255 children of such personnel are exempt from s. 119.07(1) and s.
 256 24(a), Art. I of the State Constitution. For purposes of this
 257 sub-subparagraph, the term "addiction treatment facility" means
 258 a county government, or agency thereof, that is licensed
 259 pursuant to s. 397.401 and provides substance abuse prevention,
 260 intervention, or clinical treatment, including any licensed
 261 service component described in s. 397.311(27).

591-02286-25 2025710c1

262 t. The home addresses, telephone numbers, dates of birth,
 263 and photographs of current or former directors, managers,
 264 supervisors, and clinical employees of a child advocacy center
 265 that meets the standards of s. 39.3035(2) and fulfills the
 266 screening requirement of s. 39.3035(3), and the members of a
 267 Child Protection Team as described in s. 39.303 whose duties
 268 include supporting the investigation of child abuse or sexual
 269 abuse, child abandonment, child neglect, and child exploitation
 270 or to provide services as part of a multidisciplinary case
 271 review team; the names, home addresses, telephone numbers,
 272 photographs, dates of birth, and places of employment of the
 273 spouses and children of such personnel and members; and the
 274 names and locations of schools and day care facilities attended
 275 by the children of such personnel and members are exempt from s.
 276 119.07(1) and s. 24(a), Art. I of the State Constitution.

277 u. The home addresses, telephone numbers, places of
 278 employment, dates of birth, and photographs of current or former
 279 staff and domestic violence advocates, as defined in s.
 280 90.5036(1)(b), of domestic violence centers certified by the
 281 Department of Children and Families under chapter 39; the names,
 282 home addresses, telephone numbers, places of employment, dates
 283 of birth, and photographs of the spouses and children of such
 284 personnel; and the names and locations of schools and day care
 285 facilities attended by the children of such personnel are exempt
 286 from s. 119.07(1) and s. 24(a), Art. I of the State
 287 Constitution.

288 v. The home addresses, telephone numbers, dates of birth,
 289 and photographs of current or former inspectors or investigators
 290 of the Department of Agriculture and Consumer Services; the

591-02286-25

2025710c1

names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand

591-02286-25

2025710c1

repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; and the names and locations of schools and day care facilities attended by the children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and

591-02286-25

2025710c1

saved from repeal through reenactment by the Legislature.

z. The home addresses, telephone numbers, dates of birth, and photographs of current or former employees of crime stoppers organizations as defined in s. 16.557(1), and the board members and volunteers of such crime stoppers organizations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of the current or former employees, board members, and volunteers of such crime stoppers organizations; and the names and locations of schools and day care facilities attended by the children of the current or former employees, board members, and volunteers of such crime stoppers organizations are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s.

591-02286-25

2025710c1

192.001(3), or a county tax collector, as defined in s.

192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. 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 so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information

591-02286-25

2025710c1

held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, 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

591-02286-25

2025710c1

prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of employees of crime stoppers organizations as defined in s. 16.557(1), Florida Statutes, and the board members and volunteers of such crime stoppers organizations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such employees, board members, and volunteers; and the names and locations of schools and day care facilities attended by the children of such employees, board members and volunteers be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The friends, associates, and family members of people who are involved in criminal investigations may retaliate against crime stoppers employees, board members, and volunteers while they perform their duties, which include collecting sensitive tip information, forwarding this information to appropriate law enforcement agencies, and paying out rewards to anonymous tipsters. Such retaliatory acts may also be targeted at the spouses and children of crime stoppers employees, board members,

591-02286-25

2025710c1

465 and volunteers. If such identifying and location information is
466 released, the safety of current and former crime stoppers
467 employees, board members, and volunteers and their spouses and
468 children could be seriously jeopardized. The Legislature
469 therefore finds that the harm that may result from the release
470 of such personal identifying and location information outweighs
471 any public benefit that may be derived from the disclosure of
472 the information.

473 Section 3. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 12, 2025

I respectfully request that **Senate Bill #710**, relating to Public Records/Crime Stoppers Organizations, be placed on the:

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

A handwritten signature in blue ink that reads "Rosalind Osgood".

Senator Rosalind Osgood
Florida Senate, District 32

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 804

INTRODUCER: Senator Collins

SUBJECT: Designation of the Official State Flagship

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	McVaney	GO	Favorable
2.			MS	
3.			RC	

I. Summary:

SB 804 redesignates the state flagship. Instead of the Schooner Western Union, the current state flagship, located in Key West, the bill designates the S.S. American Victory, located in Tampa.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida State Symbols

Chapter 15, F.S. designates official state symbols. State symbols represent the state's heritage and natural treasures. To date there are over 25 designations, including numerous animals and plants; an anthem, song, and motto; several cultural events; and a flagship—the Schooner Western Union.

Schooner Western Union

In 2012, the Florida Legislature designated the Schooner Western Union as the state's official flagship.¹ When designated as the official state flagship, the Schooner Western Union was one of the oldest working wooden schooners in the United States.

The Schooner Western Union is a 130-foot historic sailing vessel of the tall ship class. Construction of the ship began in Grand Cayman, but it was completed in Key West and first launched on April 7, 1939. The Schooner is made of yellow pine and mahogany. For 35 years the Schooner served as a cable vessel for the Western Union Telegraph Company, repairing

¹ Chapter 2012-158, Laws of Fla.

underwater cables throughout the Keys, Cuba, and the Caribbean. Since retiring, the Schooner was used as a charter boat in various events.²

After 1973, the Schooner was bought, sold, and finally donated to a not-for-profit called the Schooner Western Union Preservation Society, Inc. (SWUPS). Their mission was “to restore and maintain the historic vessel to benefit the local community and for education and outreach programs.” SWUPS has faced numerous challenges, however. In 2011, the 130-foot schooner underwent a million-dollar restoration project; the vessel’s ability to sail, however, was short-lived and the ship soon fell into disrepair.³ SWUPS is facing an estimated \$5 million restoration costs as the historic vessel currently is dry-docked in a boatyard, “being eaten away by the elements.” The riggings and masts have been removed and many of the planks on the side of the vessel are gone as well.⁴

The ship remains the official flagship of Key West and it is on the National Register of Historic Places.⁵

S.S. American Victory

The S.S. American Victory is a merchant marine vessel used to deliver cargo and troops around the world in World War II, the Korean War, and the Vietnam War.⁶ After serving three wars, the ship went through a \$2.5 million restoration in June 1985. In October of 1996, Captain John C. Timmel learned the S.S. American Victory was earmarked for scrap if not acquired for memorial purposes and saved the ship. The ship now sits by the Florida Aquarium in Tampa, Florida; where it has been for over 20 years.⁷ Out of the 534 Victory ships made between 1944 and 1946, the S.S. American Victory is one of only three left, with the other two on the West Coast of the United States.⁸ The S.S. American Victory is on the National Register of Historic Places and now cared for by the American Victory Ship and Museum, a non-profit 501(c)3 organization.⁹

² Analysis of HB 395 (2012), Comm. on State Affairs, The Florida House of Representatives, available at <https://www.flsenate.gov/Session/Bill/2012/395/Analyses/h0395c.SAC.PDF>.

³ Brad Bertelli, KeysWeekly, *Keys History: Historic Schooner Dry Docked on Stock Island Has Seen Better Days* (May 3, 2024), <https://keysweekly.com/42/keys-history-historic-schooner-dry-docked-on-stock-island-has-seen-better-days/> (last visited Mar. 3, 2025).

⁴ Timoth O’Hara, Keysnews.com, *Faded Glory: Schooner Western Union is far from its glory days* (Feb. 3, 2021), https://www.keysnews.com/news/local/schooner-western-union-is-far-from-its-glory-days/article_b447e974-64b8-11eb-b286-8ff5a3dd85c6.html (last visited Mar. 3, 2025).

⁵ *Id.*; National Register of Historic Places, National Parks Service, *National Register Database and Research*, <https://www.nps.gov/subjects/nationalregister/database-research.htm> (last visited Mar. 3, 2025).

⁶ Charles M. Fuss Jr., United States Naval Institute, *SS American Victory*, Tampa, Florida, 15 NAVAL HISTORY NO. 3 (June 2001), available at <https://www.usni.org/magazines/naval-history-magazine/2001/june/ss-american-victory-tampa-florida>.

⁷ *Mission and History*, American Victory Ship and Museum, <https://www.americanvictory.org/about/mission-and-history/> (last visited Mar. 3, 2025).

⁸ FOX 13 News Tampa Bay, *At 76 years of age, the SS American Victory lives on in Tampa* (Aug. 31, 2001), <https://www.fox13news.com/news/at-76-years-of-age-the-ss-american-ship-lives-on-in-tampa> (last visited Mar. 3, 2025);

Charles M. Fuss Jr., *supra* note 7

⁹ National Register of Historic Places, National Parks Service, *National Register Database and Research*, <https://www.nps.gov/subjects/nationalregister/database-research.htm> (last visited Mar. 3, 2025); *Home*, <https://www.americanvictory.org/> (last visited Mar. 3, 2025).

III. Effect of Proposed Changes:

The bill's preamble recognizes the historical significance of the S.S. American Victory, highlighting the ship's service in American war efforts during World War II, the Korean War, and Vietnam War; as well as the ship's contributions to the Tampa and state-wide community and its support of community, charitable, and educational groups and causes.

Section 1 amends s. 15.0465, F.S., to designate the S.S. American Victory, instead of the schooner Western Union, as the official state flagship.

Section 2 provides that the bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

Obtaining the status of state flagship could increase the marketability of S.S. American Victory Museum, thereby generating additional revenue that may be used for the purpose of maintaining the vessel.

It appears that the Schooner Western Union is not currently open to the public and would require significant investment to be restored to the condition required for public tours or seafaring.

C. Government Sector Impact:

None identified.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 15.0465 of the Florida Statutes

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Collins

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A bill to be entitled

An act relating to the designation of the official state flagship; amending s. 15.0465, F.S.; redesignating the official state flagship as the S.S. American Victory; providing an effective date.

WHEREAS, built in 1944, the S.S. American Victory is one of only five operational World War II merchant vessels left in the United States and it served in World War II, the Korean War, and the Vietnam War, and

WHEREAS, the S.S. American Victory is an interactive maritime museum located in Tampa, and

WHEREAS, the United States' entry into World War II transformed American history and directly affected more than 250,000 Floridians who served on active duty, and

WHEREAS, of these brave Floridians, more than 3,500 gave their lives in defense of the United States during World War II, and

WHEREAS, Florida is the ideal location for the S.S. American Victory, as the tourism industry caters to nationwide visitors who can experience firsthand what it was like to serve onboard the ship, and

WHEREAS, the S.S. American Victory is a 455-foot steamship that was launched on May 24, 1945, during the largest ship building effort in United States history, and

WHEREAS, the S.S. American Victory set sail from the United States into the treacherous waters of the Pacific Ocean awaiting orders for the invasion of Japan, and

WHEREAS, the S.S. American Victory assisted the war effort

Page 1 of 5

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14-01805A-25

2025804

during the final days of World War II by transporting military equipment, troops, ammunition, and supplies for the Allied Forces, and

WHEREAS, the S.S. American Victory sailed around the world delivering provisions, industrial materials, machinery, and raw materials after the war under the auspices of the Marshall Plan to countries devastated by the destruction of World War II, and

WHEREAS, the S.S. American Victory transported cargo, fuel, and ammunition during the Korean War, and

WHEREAS, the S.S. American Victory repatriated 260 casualties, including three fallen Floridians, Army Private P.C. White, Marine Second Lieutenant Robert C. Craig, and Marine Private First Class Joseph T. Jacobs, to the United States during the Korean War, and

WHEREAS, the S.S. American Victory was reactivated to service in 1966 to support the Vietnam War and conducted 12 voyages supporting the war effort by transporting military equipment, troops, ammunition, and supplies, and

WHEREAS, the S.S. American Victory sailed from the James River Reserve Fleet on March 13, 1985, to participate in the United States' Victory Ship Validation Program, a program designed to gauge the time and expense necessary to reactivate victory-class ships, which enabled the S.S. American Victory to be brought back to full operational status and to perform sea trials after restoration, and

WHEREAS, the S.S. American Victory was then transferred by an act of Congress from the Maritime Administration to The Victory Ship, Inc., in her home port of Tampa, and

WHEREAS, the S.S. American Victory has been a landmark

Page 2 of 5

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14-01805A-25

2025804

destination for the past 25 years within Tampa and was recognized as a National Historic Place in 2002, and

WHEREAS, the S.S. American Victory acts as a preeminent location for military retirement or promotion ceremonies, marriage ceremonies, and many other types of celebrations, and

WHEREAS, the S.S. American Victory actively supports military charities and foundations such as America's Gold Star Families, Warrior Ethos, Florida 4 Warriors, The Mission Continues, the Navy SEAL Foundation, and the Green Beret Foundation, and

WHEREAS, the S.S. American Victory continually supports community organizations and foundations, such as Visit Tampa Bay, Leadership Florida, Leadership Tampa Bay, Leadership Tampa, the Maritime Alliance, Propeller Club - Port of Tampa, and Friends of the Tampa Riverwalk, and

WHEREAS, the S.S. American Victory has acted as a primary platform for thousands of training hours for a wide range of organizations over her 25 years in Tampa, and

WHEREAS, the S.S. American Victory has hosted all branches of the Department of Defense as well as Special Operations Command and Central Command; Department of Justice agencies such as the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Drug Enforcement Administration; Department of Homeland Security agencies such as the United States Customs and Border Protection, the United States Immigration and Customs Enforcement, and the United States Coast Guard; and city, county, and state law enforcement agencies, and

WHEREAS, the S.S. American Victory is visited by tens of

Page 3 of 5

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14-01805A-25

2025804

thousands of guests annually and acts as an educational platform for Tampa Bay's seven-county area as well as throughout the state, including AMIkids, the Jefferson High School Maritime and Marine Exploration Academy, the Howard W. Blake High School Maritime Program, the University of South Florida College of Arts and Sciences and Muma College of Business, and various other public schools and home education programs, and

WHEREAS, the S.S. American Victory serves as the homebase for the American Victory Division and other regional Sea Cadet, Boy and Girl Scout, and ROTC programs, and

WHEREAS, the S.S. American Victory also hosts international programs such as the training ship GUNILLA, a Swedish vessel that circumnavigates the globe as an international educational platform, and

WHEREAS, the S.S. American Victory is a maritime museum and memorial that is open year-round for visitors of all ages, from across the United States and abroad, supporting Florida's vibrant tourism industry, and

WHEREAS, due to its service to the United States and past 25-year history of service to this state, the official state flagship is redesignated as the S.S. American Victory, NOW, THEREFORE,

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

Section 1. Section 15.0465, Florida Statutes, is amended to read:

15.0465 Official state flagship.—The S.S. American Victory, a 455-foot historic steamship, built in 1944 ~~schooner Western~~

Page 4 of 5

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14-01805A-25

2025804

117 ~~Union, a 130-foot historic sailing vessel of the tall ship~~
118 ~~class, built in Key West and first launched in 1939, is~~
119 designated the official state flagship.
120 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 5, 2025

I respectfully request that **Senate Bill #804**, relating to Designation of the Official State Flagship, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Jay Collins", is written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

The Florida Senate

APPEARANCE RECORD

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

4/1/25

Meeting Date

804

Bill Number or Topic

Govt. Oversight : Accountability
Committee

Amendment Barcode (if applicable)

Name Kate DeLoach

Phone 850-671-4401

Address 123 S. Adams St.
Street

Email deloach@thesoutherngroup.com

Tallahassee
City

FL
State

32301
Zip

Reset Form

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Historic Tours of America, Inc.

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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804

Bill Number or Topic

4/1/25

Meeting Date

Gov Oversight

Committee

Amendment Barcode (if applicable)

Name

ROBERT SEVART

Phone

850-577-9090

Address

301 S. BRUNNEN ST

Email

ROBERT.SEVART@FLSENATE.GOV

Street

TLH

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

CITY OF KEY WEST

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 820

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Yarborough

SUBJECT: Office of Faith and Community

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	McVaney	GO	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 820 creates the Office of Faith and Community within the Executive Office of the Governor. The purpose of the Office of Faith and Community is to connect with Florida's faith and community networks and provide administrative support to the Florida Faith-based and Community-based Advisory Council.

The bill may have an indeterminate cost on state government.

The bill takes effect July 1, 2025.

II. Present Situation:

Executive Office of the Governor

The Executive Office of the Governor (EOG) is a statutorily created entity headed by the Governor. The function of the office is to assist the Governor in meeting statutory and constitutional duties. Key responsibilities include administering executive planning and budgeting functions and assessing the efficiency and effectiveness of state programs. The EOG

includes the Citizen's Assistance Office,¹ Office of Adoption and Child Protection Services,² and Office of Policy and Budget.³

Florida Faith-based and Community-based Advisory Council

In 2006, the Legislature created the Florida Faith-based and Community-based Advisory Council (Council)⁴ and administratively housed it in the Executive Office of the Governor.⁵ The Council is supported by the Governor's Faith and Community Initiative Office, with a Liaison for Faith and Community staff member within the EOG, as well as six other staff (including a director.)⁶

The Council is composed of 25 members that include representatives from various faiths, faith-based organizations, community-based organizations, foundations, corporations, and municipalities.⁷ The Council's purpose is to advise the Governor and the legislature on policies, priorities, and objectives for the state's comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based, volunteer, and other community organizations to the full extent permitted by law.⁸ The Council also submits an annual report⁹ that recommends, among other things:

- Best practices for ensuring that state policy decisions consider the capacity of faith-based and other community-based initiatives to assist in the achievement of state priorities.
- Best practices relating to the delivery of services by faith-based and other community-based organizations.¹⁰

Faith and Community Initiative

Created in 2019, the Governor's Faith and Community Initiative supports faith and community organizations of Florida. The initiative is led by a liaison and is tasked with the following:

- Hosting statewide faith calls, events, and special programming with the Governor, First Lady, and others to better connect faith and community networks with state leaders.
- Operating the Florida Faith and Community Red Phone, which is a direct line specifically created for Florida faith and community leaders to connect with the Executive Office of the Governor.

¹ Section 14.26, F.S.

² Section 39.01, F.S.

³ Section 288.095, F.S.

⁴ An "advisory council" is "an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives." Section 20.03(7), F.S.

⁵ Ch. 2006-9, L.O.F.

⁶ Florida Faith and Community Advisory Council, *Annual Report* at 2, *supra* note 8.

⁷ Section 14.31(3)(b), F.S.

⁸ Section 14.31(2), F.S.

⁹ Florida Faith and Community Advisory Council, *Annual Report* (Feb. 1, 2024), <https://www.fl DOE.org/core/fileparse.php/7739/urlt/2024-FBCBAC-Annual-Report.pdf> (last visited Mar. 26, 2025).

¹⁰ Section 14.31(5), F.S.

- Utilizing the CarePortal, a technology platform that allows faith institutions, non-profits, businesses, and individuals to see real time, verified, and vetted needs in his or her community.¹¹

III. Effect of Proposed Changes:

Section 1 creates s. 14.311, F.S., to establish the Office of Faith and Community (Office) within the Executive Office of the Governor (EOG). The Office is required to act as a liaison for faith and community to serve the most vulnerable persons in Florida by connecting with Florida's faith and community networks and providing administrative support to the Florida Faith-based and Community-based Advisory Council.

The Office must:

- Advocate for faith- and community-based organizations to obtain access, direction, and support from state agencies;
- Establish and operate the Florida Faith and Community Phone, dedicated to connecting faith-based and community-based leaders to the EOG;
- Establish meaningful lines of communication to connect with, and provide resources to, faith-based and community-based organizations in this state;
- Develop and provide resources for enhanced connections between civil service systems, state agencies, and faith-based and community-based organizations in this state;
- Develop and provide technology to connect faith-based ministries and nonprofits with local faith-based and community-based organizations to address identified needs of a community;
- Identify, in conjunction with heads of the executive agencies, bureaucratic or regulatory burdens that unnecessarily burden faith-based or community-based organizations; and
- Provide administrative support to the Florida Faith-based and Community-based Advocacy Council.

The bill provides that the Office will be led by a liaison, appointed by the Governor, who serves as a senior advisor to the Governor and connects with state agencies.

Section 2 provides that the Office will provide administrative support to the Florida Faith-based and Community-based Advisory Council established in s. 14.31, F.S.

Section 3 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

¹¹ Governor Ron Desantis' Faith and Community Initiative, *About Us*, <https://faithandcommunityflorida.com/AboutUs.htm> (last visited Mar. 25, 2025).

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill may have an indeterminate cost on state government as it creates an additional office. The Office may require additional funding to support its duties. However, it appears that this office is currently operating and staffed with the personnel required by the bill, so no new positions or appropriated funds are provided in this bill.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill creates section 14.311 and amends section 14.31 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

- Conforms language throughout the bill to refer to state agencies instead of state agencies and executive agencies; and
- Provides that the liaison must serve as the head of the Office of Faith and Community and cannot appoint another individual to do so.

- B. **Amendments:**

None.



826114

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Yarborough) recommended the following:

Senate Amendment

Delete lines 55 - 102
and insert:
the liaison for faith and community.

(b) The primary purpose of the office is to better serve
the most vulnerable persons of this state through more robust
and connected faith and community networks in coordination with
state resources.

(c) The office shall:



826114

1. Advocate for faith-based and community-based organizations seeking access to, direction from, or support from state agencies. For the purpose of this section, "state agencies" means those agencies designated in s. 20.055.

2. Establish and operate the Florida Faith and Community Phone, a dedicated phone line for faith-based and community-based leaders in this state to connect with the Executive Office of the Governor.

3. Establish meaningful lines of communication to connect with and provide resources to faith-based and community-based organizations in this state. The office shall deliver relevant and useful information from the Executive Office of the Governor and state agencies to the faith and community networks in this state.

4. Develop and provide resources for enhanced connection between civil service systems, state agencies, and faith-based and community-based organizations in this state, using technology to connect faith-based ministries and nonprofits with local faith-based and community-based organizations to address identified needs of a community.

5. In coordination with the heads of the state agencies, identify bureaucratic or regulatory burdens within state government that unnecessarily restrict, impede, or otherwise burden faith-based and community-based organizations from their involvement with, collaboration with, or service to the most vulnerable persons in this state.

6. Provide administrative support to the Florida Faith-based and Community-based Advisory Council under s. 14.31.

(4) LIAISON FOR FAITH AND COMMUNITY.—



826114

40 (a) The position of the liaison for faith and community is
41 established within the Executive Office of the Governor, and the
42 liaison shall be appointed by and serve at the pleasure of the
43 Governor.

44 (b) The duties of the liaison for faith and community
45 include, but are not limited to:

46 1. Serving as a senior advisor of faith-based and
47 community-based issues to the Governor, Lieutenant Governor, and
48 senior leadership within the Executive Office of the Governor.

49 2. Leading the Office of Faith and Community and executing
50 the objectives outlined in this section.

51 3. Engaging, advising, and coordinating with the heads of
52 the state agencies in the provision of faith-based and

By Senator Yarborough

4-01251-25

2025820

A bill to be entitled

An act relating to the Office of Faith and Community; creating s. 14.311, F.S.; providing legislative findings; establishing the Office of Faith and Community within the Executive Office of the Governor for a specified purpose; specifying the duties of the Office of Faith and Community; providing for the appointment of a liaison for faith and community; specifying the duties of the liaison for faith and community; amending s. 14.31, F.S.; providing that the Office of Faith and Community provides administrative support to the Florida Faith-Based and Community-Based Advisory Council; providing an effective date.

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

Section 1. Section 14.311, Florida Statutes, is created to read:

14.311 Office of Faith and Community.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that faith-based, community-based, and nonprofit-based organizations, otherwise known as faith and community networks, have long been the cornerstone of prosperous and flourishing societies, serving as the original model of community care. Faith and community networks play an integral role in serving the most vulnerable persons of a community, including foster children, foster families, kinship caregivers, single parents, persons in poverty, veterans, persons with unique abilities, children in the juvenile justice system, and vulnerable adults. Faith and

Page 1 of 4

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

4-01251-25

2025820

community networks offer a more impactful, efficient, and viable long-term solution, wholly apart from or in partnership with governmental programs. The impact of faith and community networks is greatly enhanced by the reduction of unnecessary bureaucracy through enhanced collaboration, communication, and connection with civil service systems. Responsible connections with faith and community networks are a just and necessary component of good governance in pursuit of greater societal growth in this state. Additionally, greater, more responsible investments in such efforts have demonstrated an exponential yield of taxpayer savings, efficiency of governance, and effectiveness of care. It is therefore the intent of the Legislature to establish and create outlets of governmental infrastructure to preserve, protect, advance, and better connect the faith and community networks of this state for the greater social and economic benefit of all.

(2) PURPOSE.—The purpose of this section is to establish an Office of Faith and Community within the Executive Office of the Governor, as well as the role of a liaison for faith and community, in order to better connect with, communicate with, and provide resources to this state's faith-based and community-based organizations.

(3) ESTABLISHMENT OF THE OFFICE OF FAITH AND COMMUNITY.—

(a) The Office of Faith and Community is established within the Executive Office of the Governor. The head of the office is the liaison for faith and community or a director appointed by the liaison who reports to the liaison.

(b) The primary purpose of the office is to better serve the most vulnerable persons of this state through more robust

Page 2 of 4

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

4-01251-25 2025820

and connected faith and community networks in coordination with state resources.

(c) The office shall:

1. Advocate for faith-based and community-based organizations seeking access to, direction from, or support from state agencies.

2. Establish and operate the Florida Faith and Community Phone, a dedicated phone line for faith-based and community-based leaders in this state to connect with the Executive Office of the Governor.

3. Establish meaningful lines of communication to connect with and provide resources to faith-based and community-based organizations in this state. The office shall deliver relevant and useful information from the Executive Office of the Governor and state agencies to the faith and community networks in this state.

4. Develop and provide resources for enhanced connection between civil service systems, state agencies, and faith-based and community-based organizations in this state, using technology to connect faith-based ministries and nonprofits with local faith-based and community-based organizations to address identified needs of a community.

5. In coordination with the heads of the executive agencies, identify bureaucratic or regulatory burdens within state government that unnecessarily restrict, impede, or otherwise burden faith-based and community-based organizations from their involvement with, collaboration with, or service to the most vulnerable persons in this state.

6. Provide administrative support to the Florida Faith-

4-01251-25 2025820

based and Community-based Advisory Council under s. 14.31.

(4) LIAISON FOR FAITH AND COMMUNITY.—

(a) The position of the liaison for faith and community is established within the Executive Office of the Governor, and the liaison shall be appointed by and serve at the pleasure of the Governor.

(b) The duties of the liaison for faith and community include, but are not limited to:

1. Serving as a senior advisor of faith-based and community-based issues to the Governor, Lieutenant Governor, and senior leadership within the Executive Office of the Governor.

2. Leading the Office of Faith and Community and executing the objectives outlined in this section.

3. Engaging, advising, and coordinating with the heads of the executive agencies in the provision of faith-based and community-based initiatives in relevant state agencies as determined by the Governor.

Section 2. Paragraph (a) of subsection (3) of section 14.31, Florida Statutes, is amended to read:

14.31 Florida Faith-based and Community-based Advisory Council.—

(3) ESTABLISHMENT OF THE COUNCIL.—

(a) The Florida Faith-based and Community-based Advisory Council, an advisory council as defined in s. 20.03, is established and assigned to the Executive Office of the Governor. The council shall be administratively housed within the Executive Office of the Governor and receive administrative support from the Office of Faith and Community.

Section 3. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #820**, relating to Office of Faith and Community, be placed on the:

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

A handwritten signature in blue ink that reads "Clay Yarborough".

Senator Clay Yarborough
Florida Senate, District 4

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/1/25

Meeting Date

Gov. Oversight

Committee

SB 820

Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O. Box 530103

Street

Email aaron.d@flfamily.org

Orlando

City

FL

State

32853

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Family Voice

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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Bill Number or Topic

Meeting Date

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/1/25

Meeting Date

Gov'tal Oversight

Committee

820

Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Shedy

Phone 850-222-3803

Address 201 W. Park Ave.

Street

TLM

City

FL

State

32301

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

FL Conference of Catholic Bishops

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4-1-25

Meeting Date

820

Bill Number or Topic

Deliver both copies of this form to
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Gov't Oversight + Accountg
Committee

Amendment Barcode (if applicable)

Name

Devon Graham

Phone

Address

Street

12th

City

FL
State

32309

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1088

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Polsky

SUBJECT: State Department Customer Service Standards

DATE: April 2, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. White	McVaney	GO	Fav/CS
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1088 amends the Florida Customer Service Standards Act to require executive branch agencies and the Public Service Commission to use a telephone system that provides customers with the option to be placed in a callback queue to receive a call at a later designated time, while maintaining their place in line, as opposed to waiting on hold. This requirement applies to a centralized call center and to any department employee who is designated to receive customer calls, rather than to all state agency phone lines.

The state government may incur indeterminate but significant costs to the extent the agency does not currently use a system with the required features.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Customer Service Standards Act

The Florida Customer Service Standards Act (Act) directs executive branch agencies and the Public Service Commission to practice and employ certain measures to improve customer service.¹ For purposes of this act, a “customer” means any person who uses or requests services

¹ Section 23.30, F.S.

or information provided by a state executive agency or who is required by statute to interact with the agency.² The measures include:

- Designating an employee or employees to facilitate the resolution of customer complaints and developing a process for review by upper-level management for customer complaints not resolved by the designated employees.
- Promptly providing available information and accurate responses to questions and requests for assistance.
- Acknowledging receipt of telephonic or electronic question or request by the end of the next business day.
- Providing local or toll-free telephonic or electronic access either through a centralized complaint-intake call center or directly to a departmental employee or employees designated to resolve customer complaints.
- Developing customer satisfaction measures and systems for tracking complaints and resolutions.
- Providing annual reports showing statistical data on customer complaints, resolutions, and satisfaction.
- Including in strategic plans a program outline or goal for customer service.
- Conducting interdepartmental discussions on methods of improving customer service.³

The Act requires specified state agencies to comply with their presently-available resources and does not apply penalties for an agency's failure to comply.⁴

Voice Mail Systems

There is no statutory requirement for state agencies to employ a voice mail system or a telephone menu options system. Telephone menu options, however, must provide the caller with access to a nonelectronic attendant.⁵ Moreover, state employees must answer the phone—as opposed to relying on voice mail systems—when the employee is at his or her regularly assigned work station, unless (a) the telephone is in use, (b) the voice mail system provides the caller with access to a nonelectronic attendant, or (c) the voice mail system automatically transfers the call to a nonelectronic attendant.⁶

The agency head is required to ensure compliance with these provisions.⁷

For purposes of these requirements, the term “state agency” includes executive and judicial branch entities of the state.⁸ It does not include the Public Service Commission.

The level of compliance by state agencies is unknown.

² Section 20.30(3)(a), F.S.

³ Section 23.30(4), F.S.

⁴ Section 23.30(6), (7), F.S.

⁵ Section 110.1082(2), F.S.

⁶ Section 110.1082(1), F.S.

⁷ Section 110.1082(3), F.S.

⁸ Section 110.107(30), F.S.

III. Effect of Proposed Changes:

Section 1 amends the Florida Customer Service Standards Act, s. 23.30, F.S., to require executive branch agencies and the Public Service Commission to use a telephonic system that allows a customer who calls a particular department to be placed in a callback queue to receive a call at a later designated time, while maintaining his or her place in line, instead of waiting on hold or allowing the telephone to continuously ring. This requirement applies to a centralized call center and to any department employee who is designated to receive customer calls rather than to all state agency phone lines.

Section 2 provides that the act takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

A state agency may incur indeterminate but significant costs to the extent the agency does not currently use a system with the required features.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 23.30 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

The committee substitute clarifies that the callback requirement applies to a centralized call center and to any department employee who is designated to receive customer calls, not to all state agency phone lines.

B. Amendments:

None.



108700

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Polsky) recommended the following:

Senate Amendment

Delete lines 16 - 17

and insert:

(e) Employ a system by which a customer who calls a
department's centralized call center or directly to a department
employee or employees designated to receive customer calls has
the option of being placed in a

By Senator Polsky

30-00849-25

20251088__

A bill to be entitled

An act relating to state department customer service standards; amending s. 23.30, F.S.; requiring state departments to employ a callback queue system for customers who contact the departments by telephone; providing an effective date.

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

Section 1. Present paragraphs (e) through (k) of subsection (4) of section 23.30, Florida Statutes, are redesignated as paragraphs (f) through (l), respectively, and a new paragraph (e) is added to that subsection, to read:

23.30 Florida Customer Service Standards Act.—

(4) MEASURES TO BE IMPLEMENTED.—State departments shall:

(e) Employ a system by which a customer who contacts a department by telephone has the option of being placed in a callback queue to receive a call at a later designated time, while maintaining his or her place in line, instead of waiting on hold or allowing the telephone to continuously ring.

Section 2. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations on Transportation, Tourism, and
Economic Development, *Vice Chair*
Appropriations
Appropriations on Criminal and Civil Justice
Environment and Natural Resources
Ethics and Elections
Governmental Oversight and Accountability
Judiciary
Joint Administrative Procedures

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR TINA SCOTT POLSKY

30th District

March 7, 2025

Chairman Randy Fine
Committee on Governmental Oversight and Accountability
330 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Fine,

I respectfully request that you place SB 1088, relating to State Department Customer Service Standards on the agenda of the Committee on Governmental Oversight and Accountability, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

Senator Tina S. Polsky
Florida Senate, District 30

cc: Joe McVaney, Staff Director
Tamra Redig, Administrative Assistant

REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1144

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Burgess

SUBJECT: Hope Florida Program

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVane	GO	Fav/CS
2.			AHS	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1144 codifies the Office of Hope Florida within the Executive Office of the Governor. The Hope Florida program uses Hope Navigators to coordinate services for Floridians in need from both the public and private sectors.

The bill defines terms, provides participant eligibility requirements, and outlines the Office's and participating agencies' duties, including the operation of a toll-free "Hope Line," development and maintenance of the program's website, and creation of a case management system.

The bill is not expected to impact state or local government expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Hope Florida—a Pathway to Prosperity, Economic Self-Sufficiency and Hope (Hope Florida) was established on September 9, 2021, by First Lady Casey DeSantis.¹ Hope Florida pairs Floridians who reach out to the program (the "client") with a care navigator. The navigator helps

¹ HopeFlorida, *Timeline*, <https://hopeflorida.com/about-us/timeline.html> (last visited Mar. 25, 2025). However, a phased-in rollout of DCF's Hope Florida

identify the client's goals and pairs the client with resources from faith-based, non-profit, government, and private sector entities to reach those goals.²

Hope Florida was initially implemented by the Department of Children and Families (DCF) in a three-phase rollout, with services beginning in August 2020 in the state's northwest and central regions with 30 full-time care navigators; phase two expanded into the Northeast and Southeast regions in January 2021 with 65 full-time care navigators; phase three launched in July 2021 in the SunCoast and Southern regions with 102 full-time care navigators.³

Hope Florida has since grown to also include the:

- Hope Florida Fund (established July 15, 2022), which “harnesses the charity of the private sector to give funds to deserving local entities.”⁴
- Activate Hope (established August 21, 2024), an emergency response entity that works with the Florida Division of Emergency Management to help Floridians who are recovering from disasters.⁵
- Hope Line – A toll-free hotline, “833-GET-HOPE.”⁶
- Hope Florida- A Pathway to Potential program with the Department of Juvenile Justice and its 40 Hope navigators, to support vulnerable youth.⁷
- Coordinated efforts between Hope Florida, CareerSource Florida and the DCF to help unemployed Floridians find jobs. This specific program received \$4.3 million in state funds to fund Hope Navigators to work at all local workforce development boards and provide other related services.⁸
- Hope Florida- A Pathway to Purpose program with the Department of Elder Affairs (DEA) to provide volunteer opportunities for and support to elderly Floridians. The DEA established their own Hope Navigators to facilitate this program.⁹

² See, Florida Dep't of Children and Families, *Hope Florida: A Pathway to Prosperity* at 2, <https://www.homelesstrust.org/resources-homeless/library/providers/training/hope-florida.pdf> (last visited Mar. 25, 2025).

³ Early Learning Coalition of Miami-Dade/Monroe, *Introducing HOPE FLORIDA A Pathway to Prosperity* (Oct. 2021), <https://www.elcmdm.org/Content/Uploads/elcmdm.org/files/Meeting%20Packages/Hope%20Florida%20PPT.pdf> (last visited Mar. 25, 2025).

⁴ Press Release, the Executive Office of the Governor, *First Lady Casey DeSantis Makes Major Announcements to Support the Hope Florida-a Pathway to Prosperity Initiative* (July 15, 2022), <https://www.flgov.com/eog/news/press/2022/first-lady-casey-desantis-makes-major-announcements-support-hope-florida-pathway> (last visited Mar. 25, 2026).

⁵ Press Release, the Executive Office of the Governor, *Governor Ron DeSantis and First Lady Casey DeSantis Announce Emergency Response Hope Florida Expansion* (Aug. 21, 2024), <https://flgov.com/eog/news/press/2024/governor-ron-desantis-and-first-lady-casey-desantis-announce-emergency-response> (last visited Mar. 26, 2025).

⁶ Hope Florida, *Get Help*, <https://hopeflorida.com/get-help/> (last visited Mar. 26, 2025).

⁷ Press Release, the Executive Office of the Governor, *First Lady Casey DeSantis Announces Hope Florida- A Pathway to Potential, Expanding the Hope Florida Model to Support At-Risk Youth and Their Families* (Mar. 29, 2023), <https://flgov.com/eog/news/press/2024/first-lady-casey-desantis-announces-hope-florida-pathway-potential-expanding-hope> (last visited Mar. 26, 2025).

⁸ Press Release, the Executive Office of the Governor, *First Lady Casey DeSantis Announces Hope Florida to Help Floridians with Barriers to Employment Find Promising Careers* (Jun. 9, 2023), <https://www.flgov.com/eog/news/press/2023/first-lady-casey-desantis-announces-hope-florida-help-floridians-barriers> (last visited Mar. 26, 2025).

⁹ Press Release, the Executive Office of the Governor, *First Lady Casey DeSantis Announces Hope Florida to Support Seniors Through 'A Pathway to Purpose,'* (Aug. 30, 2022), <https://www.flgov.com/eog/news/press/2022/first-lady-casey-desantis-expands-hope-florida-support-seniors-through-pathway> (last visited Mar. 26, 2025).

- Hope Florida- A Pathway to Promise with the Guardian ad Litem office and the Department of Elder Affairs to assist youth who age out of foster care.¹⁰
- Hope Florida- A Pathway for Patriots program with the Department of Veterans' Affairs to assist veterans navigate their benefits.¹¹

In January 2025, the Hope Florida Office was established within the Executive Office of the Governor to oversee and administer Hope Florida.¹² The Hope Florida Office works with state agencies to “deepen partnerships with the public and private sectors.”

III. Effect of Proposed Changes:

Office of Hope Florida Within the Executive Office of the Governor

The bill establishes the Office of Hope Florida (Office) within the Executive Office of the Governor to align and coordinate state agency participation in the Hope Florida Program (program). The Office's duties include:

- Establishing goals and strategies for Hope Florida;
- Facilitating coordination and collaboration among participating agencies to achieve the program's goals;
- Expanding the Hope Florida Partner Network to meet the needs of those served by the program;
- Developing and implementing care plans for program participants in partnership with Hope Navigators;
- Using participating state agencies and public-private partnerships to serve program participants and help them overcome barriers to self-sufficiency; and
- Overseeing the Hope Florida Partner Network, which is composed of designated state agencies, private-public partnerships, and nonprofit, private sector, and faith-based organizations that are engaged in Hope Florida.

The bill grants the Governor authority to appoint a director of the Office who serves at the pleasure of the Governor.

Hope Navigators

The bill describes hope navigators as resources that “must be embedded within communities” and serve as a single point of contact for program participants. The hope navigators create care plans based on the information provided by the program participant to help connect the

¹⁰ Press Release, the Executive Office of the Governor, *First Lady Casey DeSantis Announces Hope Florida- A Pathway to Promise, Expanding the Hope Florida Model to Support Youth Aging Out of Foster Care*, (Sept. 20, 2023), <https://www.flgov.com/eog/news/press/2023/first-lady-casey-desantis-announces-hope-florida-pathway-promise-expanding-hope> (last visited Mar. 26, 2025).

¹¹ Press Release, the Executive Office of the Governor, *First Lady Casey DeSantis Announces Hope Florida Initiative Expansion to Serve Florida Veterans* (Nov. 22, 2023), <https://www.flgov.com/eog/news/press/2023/first-lady-casey-desantis-announces-hope-florida-initiative-expansion-serve-florida> (last visited Mar. 26, 2025).

¹² Press Release, the Executive Office of the Governor, *Governor Ron DeSantis and First Lady Casey DeSantis Establish Hope Florida Office Within the Executive Office of the Governor* (Jan. 14, 2025), <https://www.flgov.com/eog/news/press/2025/governor-ron-desantis-and-first-lady-casey-desantis-establish-hope-florida-office> (last visited Mar. 26, 2025).

participant with community resources and realize their full potential. The bill also defines a hope navigator as an individual who coordinates care and assists participants and families seeking services through Hope Florida.

The bill defines a “care plan” as a written document that contains information provided by the Hope Florida program participant to develop and customize actionable steps and timelines to achieve their goals. The care plan must also address barriers the program participant may face. The bill additionally provides that the care plan must include “actionable steps” and timelines.

Agency Participation

The bill requires all state agencies to participate in Hope Florida if directed to do so by the Executive Office of the Governor (EOG). However, the Department of Children and Families, Agency for Persons with Disabilities, Department of Juvenile Justice, Statewide Guardian ad Litem Office, Department of Education, Agency for Health Care Administration, Division of Emergency Management, Department of Veterans’ Affairs, Department of Commerce, and the Department of Elderly Affairs are required to participate without need for the Governor’s direction. An agency that is designated by the EOG to do so must perform the following duties under Hope Florida:

- Operate the Hope Line, a toll-free hotline for Hope Florida inquiries and referrals during normal business hours Monday through Friday.
- Develop and maintain a website that allows individuals to connect with Hope Florida in order to connect with the program.
- Develop and maintain a Hope Florida case management system that can at least conduct intake for Hope Florida inquiries and referrals.

Each agency must use its existing resources and personnel, to the extent possible, to operate Hope Florida.

The bill allows public-private partners, including CareerSource Florida and the Florida Commission on Community Service, to participate in Hope Florida at the direction of the Office.

Participant Eligibility

The bill sets forth the following eligibility guidelines, requiring participants in Hope Florida be:

- A Florida resident;
- A citizen or permanent resident alien of the United States; and
- At least 18 years of age, or, if emancipated, 16 years of age. However, an unemancipated minor may participate with his or her parent or guardian’s consent.

Miscellaneous

The bill creates the “Hope Florida Act” in ss. 23.41-23.45, F.S.

The bill defines the terms:

- “Hope Florida Partner Network” as a group of entities, including state agencies, public-private partnerships, and nonprofit, private-sector, and faith-based organizations that provides goods or services directly support Hope Florida participants.
- “Hope Line” as a toll-free hotline for Hope Florida inquiries and referrals for individuals and families in need of services.
- “Office” as the Hope Florida Office within the Executive Office of the Governor.
- “Participant” as an individual who voluntarily participates in Hope Florida.
- “Participating state agency” as a state agency participating in Hope Florida at the direction of the EOG.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

This bill is linked to SB 1146, which provides a public records exemption for the personal identifying information of a participant in the Hope Florida program.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The Hope Florida program may make it easier for Floridians in need to become aware of services that could assist them.

C. Government Sector Impact:

An agency is required to use its existing resources, to the extent possible, to implement the bill. The Office may require additional funding to support its duties. However, it appears that this office is currently operating and staffed with personnel, so no new positions or appropriated funds are provided in this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates sections 23.41, 23.42, 23.43, 23.44, and 23.45 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

- Moves the program to chapter 23, regarding “miscellaneous executive functions” and provides a title for the act, the “Hope Florida Act;”
- Adds additional defined terms; and
- Provides a more narrow list of the state agencies that shall participate in the program at the direction of the Executive Office of the Governor.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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The Committee on Governmental Oversight and Accountability
(Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Part IV of chapter 23, Florida Statutes,
consisting of ss. 23.41, 23.42, 23.43, 23.44, and 23.45, is
created and entitled "Hope Florida."

Section 2. Section 23.41, Florida Statutes, is created to
read:

23.41 Short title.—This part may be cited as the "Hope



826246

Florida Act.”

Section 3. Section 23.42, Florida Statutes, is created to read:

23.42 Hope Florida goals.—The goals of Hope Florida are to:

(1) Streamline access to support, services, and assistance so that residents in need can reach their full potential within their local communities and to holistically coordinate care through Hope Navigators.

(2) Facilitate alignment and coordination of participating state agencies.

(3) Break down traditional silos and establish a seamless network of support systems, managed through one centralized system comprised of private businesses, nonprofit entities, state agencies, and faith-based organizations, to effectively achieve desired outcomes and sustain long-term results including greater self-sufficiency, community integration, and the reduction of the participant’s sole reliance on government programs.

Section 4. Section 23.43, Florida Statutes, is created to read:

23.43 Definitions.—As used in this part, the term:

(1) “Care plan” means a written document that contains information provided by Hope Florida to its participants for whom Hope Florida has developed and customized actionable steps and corresponding timelines to assist the participants in achieving their immediate, intermediate, and long-term goals. The care plan must also address barriers by directly connecting participants to community resources and opportunities.

(2) “Hope Florida partner network” means a group of



826246

entities, including state agencies, public-private partnerships, and nonprofit, private-sector, and faith-based organizations, which is actively engaged in Hope Florida and which provides goods or services to directly support the participants' goals and address identified barriers.

(3) "Hope Line" means a statewide toll-free telephone number that serves as a hotline for Hope Florida inquiries and referrals for services.

(4) "Hope Navigators" means individuals who coordinate care and assist participants and families seeking services through Hope Florida.

(5) "Office" means the Hope Florida Office within the Executive Office of the Governor.

(6) "Participant" means an individual who voluntarily participates in Hope Florida.

(7) "Participating state agency" means a state agency participating in Hope Florida at the direction of the Executive Office of the Governor.

Section 5. Section 23.44, Florida Statutes, is created to read:

23.44 Hope Florida Office; eligibility to participate; duties.—

(1) The Hope Florida Office is created within the Executive Office of the Governor. The director of the Hope Florida Office is appointed by and serves at the pleasure of the Governor.

(2) The office shall:

(a) Establish goals and strategies for Hope Florida.

(b) Facilitate coordination and collaboration among participating state agencies to achieve these goals.



826246

(c) Expand the Hope Florida partner network to meet the needs of participants.

(d) Empower and assist residents in need to help identify and achieve immediate, intermediate, and long-term goals and remove barriers to their personal goal achievement through the development and implementation of care plans in partnership with Hope Navigators.

(e) Use Hope Navigators to assist participants in identifying personal goals, developing individualized plans for achieving immediate, intermediate, and long-term goals, identifying and addressing barriers, and actively connecting participants to community resources and opportunities to achieve their goals.

(f) Use participating state agencies to serve families holistically in achieving self-sufficiency, maximizing community integration, and building a prosperous future. Barriers to self-sufficiency may include the inability to:

1. Obtain stable employment;
2. Increase wages;
3. Obtain the necessary skills for greater independence, education, or training;
4. Meet basic needs; or
5. Find stable housing.

(g) Refer participants requiring assistance with employment or vocational training to CareerSource Florida, Inc., and local workforce development boards or other entities to prepare, train, and place the participants in meaningful employment.

(3)(a) To participate in Hope Florida, an individual must be:



826246

1. A legal resident of this state.

2. A citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services.

3.a. At least 18 years of age;

b. If emancipated, at least 16 years of age; or

c. If under 18 years of age and not emancipated, authorized to participate by written consent of his or her parent or guardian.

(b) Participation in Hope Florida is voluntary.

(c) Individuals may receive assistance by calling the Hope Line.

(4) The office shall designate a state agency to, at a minimum:

(a) Operate the Hope Line, which must be available, at a minimum, during business hours Monday through Friday.

(b) Develop and maintain a website for individuals to connect with Hope Florida.

(c) Develop and maintain a Hope Florida case management system that, at a minimum, conducts intake for Hope Florida inquiries and makes referrals for individuals and families in need of services.

Section 6. Section 23.45, Florida Statutes, is created to read:

23.45 Hope Navigators; care plans; Hope Florida partner network; participating state agencies.—

(1)(a) Hope Navigators are resources who must be embedded within communities and serve as catalysts and a single point of contact for participants. Hope Navigators shall use participant



826246

information to jointly develop and implement care plans and
navigate and actively leverage community-based supports and
opportunities to create a sustainable network of supports to
help participants achieve their goals, overcome barriers, and
realize their full potential.

(b) A care plan must, at a minimum, include actionable
steps and corresponding timelines to address immediate,
intermediate, and long-term goals and barriers to achieving such
goals to help participants achieve their personal goals.
Personal goals may include goals related to barriers to self-
sufficiency.

(2) The Hope Florida partner network shall work to build a
network of partnerships to sustain the effectiveness of Hope
Florida.

(3)(a) State agencies shall participate in Hope Florida at
the direction of the Executive Office of the Governor,
including, but not limited to, the following agencies:

1. The Department of Children and Families.
2. The Agency for Persons with Disabilities.
3. The Department of Juvenile Justice.
4. The Statewide Guardian ad Litem Office.
5. The Department of Education.
6. The Agency for Health Care Administration.
7. The Division of Emergency Management.
8. The Department of Veterans' Affairs.
9. The Department of Commerce.
10. The Department of Elderly Affairs.

(b) In order to use government resources more effectively
and efficiently, participating state agencies shall use existing



826246

resources and personnel, to the extent possible, to operate Hope Florida.

(c) Other public-private partners may also participate in Hope Florida at the direction of the office, including CareerSource Florida, Inc., and the Florida Commission on Community Service.

Section 7. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to Hope Florida; creating part IV of ch. 23, F.S., entitled "Hope Florida"; creating s. 23.41, F.S.; providing a short title; creating s. 23.42, F.S.; providing the goals of Hope Florida; creating s. 23.43, F.S.; defining terms; creating s. 23.44, F.S.; creating the Hope Florida Office within the Executive Office of the Governor; requiring the Governor to appoint the director of the Hope Florida Office; providing that such director serves at the pleasure of the Governor; providing duties of the office; providing eligibility requirements for Hope Florida participants; specifying that participation in Hope Florida is voluntary; specifying mechanisms by which individuals may receive assistance; requiring the office to designate a state agency to perform certain functions; creating s. 23.45, F.S.; requiring



826246

that Hope Navigators be embedded in communities for specified purposes; requiring that care plans include certain steps and timelines; requiring the Hope Florida partner network to work to build a network of partnerships for a specified purpose; requiring specified state agencies to participate in Hope Florida at the direction of the Executive Office of the Governor; authorizing other entities to participate in Hope Florida at the direction of the office; providing an effective date.

By Senator Burgess

23-01228-25

20251144

A bill to be entitled

An act relating to the Hope Florida program; creating s. 14.37, F.S.; providing legislative intent; defining terms; establishing the Office of Hope Florida within the Executive Office of the Governor; providing the purpose of the office; providing for appointment of a director of the office; specifying duties of the office; specifying the functions of hope navigators under the Hope Florida program; specifying eligibility requirements for participation in the program; specifying how individuals may request assistance under the program; providing for participation in the program by specified state agencies, subject to certain requirements; requiring the Executive Office of the Governor to designate agencies to perform certain functions under the program; providing an effective date.

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

Section 1. Section 14.37, Florida Statutes, is created to read:

14.37 Hope Florida program.—

(1) It is the intent of the Legislature to establish the Hope Florida program to streamline access to support and services to assist Floridians in need in reaching their full potential within their local communities by holistically coordinating care through hope navigators. Furthermore, the Hope Florida program will break down traditional silos and establish

Page 1 of 6

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a seamless network of supports, managed more effectively through a centralized system, composed of private businesses, nonprofit entities, state agencies, and faith-based organizations to achieve desired outcomes and sustain long-term results, including greater self-sufficiency, community integration, and the reduction of the participants' sole reliance on government programs. To this end, the Legislature intends for the Hope Florida program to empower and assist Floridians in identifying and achieving immediate, intermediate, and long-term goals and removing barriers to goal achievement through the development and implementation of a care plan in partnership with hope navigators.

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

(a) "Care plan" means a written tool that contains information provided by the individual to develop and customize actionable steps and corresponding timelines to achieve immediate, intermediate, and long-term goals and address barriers through direct connection to community resources and opportunities to achieve their goals. Goals may include, but are not limited to, those relating to mentorship and coaching, life skills development, employment, educational obtainment, community engagement and volunteerism, and addressing barriers such as basic needs, transportation, and untreated medical and behavioral health conditions.

(b) "Hope Florida Partner Network" means designated organizations actively engaged in Hope Florida by providing goods or services that directly support Hope Florida participants' goals and address identified barriers.

(c) "Hope Line" means a toll-free number used to serve as a

Page 2 of 6

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hotline for Hope Florida inquiries and referrals for individuals and families in need of services.

(d) "Hope navigators" means individuals designated by a Hope Florida participating agency to coordinate care and assist participants and families seeking services through Hope Florida.

(3)(a) The Office of Hope Florida is established within the Executive Office of the Governor. The primary purpose of the office is to facilitate alignment and coordination of state agencies participating in Hope Florida. The Governor shall appoint a director of the Office of Hope Florida who shall serve at the pleasure of the Governor.

(b) Duties of the office include, but are not limited to, the following:

1. Establishing goals and strategies for Hope Florida.

2. Facilitating coordination and collaboration amongst participating agencies to achieve the goals of the program.

3. Expanding the Hope Florida partner network to meet the needs of participating Floridians.

4. Overseeing the Hope Florida Partner Network. The Hope Florida Partner Network shall be composed of designated state agencies, private-public partnerships, and nonprofit, private sector, and faith-based organizations actively engaged in Hope Florida by supporting and addressing the goals and barriers of participants. To sustain the effectiveness of Hope Florida and the partner network, the office shall continue to foster development of both new and existing partnerships.

(4) The program shall utilize government agencies, nonprofit organizations, faith-based organizations, and the private sector to serve families holistically in achieving self-

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sufficiency, maximizing community integration, and building a prosperous future. Barriers to self-sufficiency may include, but are not limited to, lack of stable employment, increased wages, skills for greater independence, educational or training, meeting basic needs, and stable housing. The program shall refer participants requiring assistance with employment or vocational training to CareerSource Florida, Inc., the local workforce development boards, or other appropriate entities to prepare, train, and place individuals in meaningful employment.

(5) The program shall use hope navigators as resources that are embedded to serve as a catalyst and single point of contact for participants by using participant information jointly to develop and implement care plans and navigate and actively leverage community-based supports and opportunities throughout each step to create a sustainable network of supports to allow participants to achieve their goals, overcome barriers, and realize their full potential. Hope navigators shall assist participants in identifying their personal goals, developing an individualized plan for achieving immediate, intermediate, and long-term goals, identifying and addressing barriers, and actively connecting participants to community resources and opportunities to achieve their goals.

(6)(a) In order to participate in Hope Florida, individuals must be:

1. A resident of this state and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services; and

2. Eighteen years of age or older or, if emancipated, 16

23-01228-25 20251144

years of age or older. However, any unemancipated minor may participate with the consent of his or her parent or guardian.

(b) Participation in Hope Florida is voluntary.

(c) Individuals may request assistance by calling the Hope Line, requesting assistance through the Hope Florida website, or through proactive outreach by a participating agency, and referrals may be made on behalf of an individual by community organizations to the Hope Line, Hope Florida website, or participating state agency hope navigator.

(7)(a) State agencies shall participate in Hope Florida at the direction of the Executive Office of the Governor. At a minimum, the Department of Children and Families, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Statewide Guardian ad Litem Office, the Department of Education, the Agency for Health Care Administration, the Department of Corrections, the Division of Emergency Management, the Department of Veterans' Affairs, the Department of Commerce, and the Department of Elderly Affairs shall participate in the program.

(b) In order to use government resources more effectively and efficiently, participating state agencies shall use existing resources and personnel, to the extent possible, to operate Hope Florida.

(c) Other public-private partners may participate in Hope Florida, at the direction of the Executive Office of the Governor, including, but not limited to, CareerSource Florida, Inc., and Volunteer Florida, Inc.

(8) The Executive Office of the Governor shall designate agencies to perform the following functions under the program:

23-01228-25 20251144

(a) Operate the Hope Line, which must be available, at a minimum, during business hours Monday through Friday.

(b) Develop and maintain a website for individuals to connect with Hope Florida or to volunteer their time or donate resources.

(c) Develop and maintain a Hope Florida case management system that, at a minimum, conducts intake for Hope Florida inquiries and referrals for individuals and families in need of services. The case management system must be developed and maintained by the responsible designated agency for purposes of care planning functionality, closed loop referrals, and tracking, at a minimum.

(d) Work with the Department of Commerce and CareerSource Florida, Inc., to maintain a portal for designating employers as "Hope Florida Employers." Such portal must be integrated with the Department of Commerce's one-stop delivery system to ensure all Floridians served through Hope Florida have access to employment and training services.

Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 4, 2025

I respectfully request that **Senate Bill #1144**, relating to Hope Florida Program, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

CC: Joe McVaney, Staff Director
CC: Tamra Redig, Committee Administrative Assistant

4/1/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 1144

Bill Number or Topic

Government Oversight and Accountability
Committee

Amendment Barcode (if applicable)

Name Elizabeth Phillips

Phone 850-717-2718

Address 2737 Centerville Dr.
Street

Email elizabeth.phillips@fldsj.gov

Tu

FL

32399

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

4/1/25
Meeting Date

Gov. Oversight & Acc
Committee

SB 1144
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro Phone 904-608-4471

Address P.O. Box 530103 Email aaronde@flfamily.org
Street

Orlando FL 32853
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Family Voice

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

4/1/25
Meeting Date

oversight & Accountability
Committee

SB 1144
Bill Number or Topic

826
Amendment Barcode (if applicable)

Name Gabriela Rojas Phone 305-926-3815

Address 2699 west 79th street Email _____
Street

Hialeah FL 33026
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

4-1-25

Meeting Date

1144

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Pam Olsen.

Phone

850-906-9170

Address

PO Box 14017

Email

pamolsen33@gmail.com

Street

Tut FL 32317

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1146

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Burgess

SUBJECT: Public Records/Hope Florida Program

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVane	GO	Fav/CS
2.			AHS	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1146 is a public records companion bill to CS/SB 1144 (statutory codification of the Hope Florida program within the Executive Office of the Governor) to make exempt from public records copying and inspection requirements certain personal identifying information of Hope Florida participants. The exemption applies to records held by the Office, or one of its participating agencies, on, before, or after the effective date of the bill.

This exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2030, unless saved by the Legislature from repeal.

The bill contains a statement of public necessity as required by the State Constitution. The bill creates a new public records exemption and, therefore, requires a two-thirds vote of the members present and voting for final passage.

This bill is not expected to impact state and local government revenues and expenditures.

This bill takes effect on the same day as its linked bill, CS/SB 1144, which goes into effect upon becoming law.

II. Present Situation:

Access to Public Records - Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

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

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

Hope Florida Program

CS/SB 1144, which is linked to this bill, statutorily creates the Hope Florida program and codifies the creation of a Hope Florida Office within the Executive Office of the Governor (EOG). The bill requires all state agencies to participate in Hope Florida if directed to do so by

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

the EOG. However, the Department of Children and Families, Agency for Persons with Disabilities, Department of Juvenile Justice, Statewide Guardian ad Litem Office, Department of Education, Agency for Health Care Administration, Division of Emergency Management, Department of Veterans' Affairs, Department of Commerce, and the Department of Elderly Affairs are required to participate. An agency that is designated by the EOG to do so must perform the following duties under Hope Florida:

- Operate the Hope Line, a toll-free hotline for Hope Florida inquiries and referrals during normal business hours Monday through Friday.
- Develop and maintain a website that allows individuals to connect with Hope Florida in order to connect with the program.
- Develop and maintain a Hope Florida case management system that can at least conduct intake for Hope Florida inquiries and referrals.

The bill allows public-private partners, including CareerSource Florida and the Florida Commission on Community Service, to participate in Hope Florida at the direction of the Office.

The Hope Florida program is intended to “streamline access to support, services, and assistance so that residents in need can reach their full potential within their local communities and to holistically coordinate care through Hope Navigators.” The program further strives to establish a seamless network of support systems managed through a centralized system that is composed of private businesses, nonprofit entities, state agencies, and faith-based organizations.

III. Effect of Proposed Changes:

Section 1 designates Hope Florida participants' personal identifying information as exempt from public records disclosure requirements. The exemption applies to records held by the Office, or one of its participating agencies, on, before, or after the effective date of the bill.

Consistent with s. 119.15, F.S., the new exemptions will expire on October 2, 2030, unless reviewed and saved from repeal by the Legislature.

Section 2 provides the constitutionally required public necessity statement, which states the Hope Florida program collects personal identifying information of its participants in order to fulfill its mission. These individuals are often in vulnerable situations and subject to abuse and exploitation. Allowing public access to participant data could impair the effective and efficient administration of the program and otherwise discourage individuals and families from seeking support through Hope Florida's resources.

Section 3 provides that the bill takes effect upon SB 1144 or similar legislation becoming law, which, if passed, will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities

have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill enacts a new exemption for the personal identifying information for participants in the Hope Florida program and, thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption which provides that the allowing access to the personal identification information of the program's participants could impair the effective and efficient administration of the Hope Florida program and otherwise discourage individuals and families from seeking support through Hope Florida's resources.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the proposed law is to protect participants in the Hope Florida program and further the mission of the program.

This bill exempts the personal identifying information for participants in the Hope Florida program from the public records disclosure requirements. What personal identifying information means, however, is unclear.²⁷ Thus, the exemption may be broader than necessary to accomplish the purpose of the law.

The Legislature therefore may wish to clarify what personal identifying information is to ensure that the constitutional breadth of exemption requirement is met.

Additionally, this bill may grant greater protections to individuals who sign up for government services through, or with the assistance of, the Hope Florida program than for those who independently reach out to an agency. This application of exempt status to the same information that, when held in another fashion is not exempt, may make the breadth of this exemption suspect.

²⁷ See *infra* "VI. Technical Deficiencies."

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

This bill may cause a minimal increase in workload on agencies holding records that contain personal identifying information of participants in the Hope Florida program because staff responsible for complying with public record requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the workload will likely be absorbed within current resources.

VI. Technical Deficiencies:

The bill does not define the term "personal identifying information." As the term is not universally used throughout the Florida Statutes, it is unclear what specific information is exempted from public records disclosure and inspection requirements. The lack of clarity as to what personal identifying information means could also raise a constitutional question regarding the breadth of the exemption.²⁸ The Legislature may wish to clarify what specific information is encompassed by the term personal identifying information for this purpose.

Additionally, the bill does not define the term "public-private partners." The bill allows the Office to release confidential and exempt information to a "public-private partner," but what entities qualify as one is unclear.

²⁸ See *supra* "IV. Constitutional Issue."

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill amends s. 23.44, which is created by linked SB 1144.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

- Makes a Hope Florida program participant's personal identifying information exempt, rather than confidential and exempt, from public records disclosures requirements. This allows an agency records custodian who holds such exempt information to release it at his or her discretion.
- Applies the public records exemption to records held by the Office or a participating agency before, on, or after the effective date of the bill.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) is added to section 23.44,
Florida Statutes, as created by SB 1144 or similar legislation,
2025 Regular Session, to read:

23.44 Hope Florida Office; eligibility to participate;
duties.—

(5) (a) A participant's personal identifying information



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11 contained in records held by the office or any other agency
12 designated to participate in the administration of the program
13 before, on, or after the effective date of this exemption is
14 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
15 Constitution.

16 (b) This subsection is subject to the Open Government
17 Sunset Review Act in accordance with s. 119.15 and shall stand
18 repealed on October 2, 2030, unless reviewed and saved from
19 repeal by the Legislature.

20 Section 2. The Legislature finds that it is a public
21 necessity to make the personal identifying information of Hope
22 Florida participants contained in records held by the Office of
23 Hope Florida or any other agency that participates in the Hope
24 Florida program exempt from public records requirements. The
25 Hope Florida program collects personal identifying information
26 regarding program participants in order to fulfill its mission
27 to assist and serve Florida residents who are in vulnerable
28 situations and subject to abuse or exploitation. The Hope
29 Florida program collects information regarding its participants'
30 employment status, housing status, domestic situation, and
31 access to medical care and other basic needs. As such,
32 information provided would be personal, sensitive information
33 related to a person's physical or mental health or income
34 status. Matters of personal health and financial status are
35 traditionally private concerns, and for this reason, a person's
36 expectation of a right to privacy regarding these matters
37 necessitates the exemption. Furthermore, the exemption ensures
38 the protection of the participant's identity, who may be subject
39 to abuse or exploitation as a result of his or her vulnerable



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situation. If the participant's personal identifying information were not protected, the program's mission would be significantly impaired because applicants would be less inclined to participate if their personal information would be made available to the public. The Legislature finds that the harm that may result from the release of such information outweighs the public benefit that may be derived from the disclosure of the information.

Section 3. This act shall take effect on the same date that SB 1144 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public records; amending s. 23.44,
F.S.; providing an exemption from public records
requirements for the personal identifying information
of a participant in the Hope Florida program contained
in records held by the Office of Hope Florida or any
other agency designated to participate in the
administering the program; providing retroactive
application; providing for future legislative review
and repeal; providing a statement of public necessity;
providing a contingent effective date.

By Senator Burgess

23-01229-25

20251146

A bill to be entitled

An act relating to public records; amending s. 14.37, F.S.; providing an exemption from public records requirements for the personal identifying information of a participant in the Hope Florida program contained in records held by the Office of Hope Florida or any other state agency designated to participate in administering the program; authorizing disclosure of confidential and exempt information, subject to certain requirements and limitations; providing criminal penalties for the unlawful disclosure of confidential and exempt information; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsection (9) is added to section 14.37, Florida Statutes, as created by SB 1144 or similar legislation, 2025 Regular Session, to read:

14.37 Hope Florida program.—

(9) (a) A participant's personal identifying information contained in records held by the office or any other agency designated to participate in the administration of the program are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) The office or any applicable agency may disclose information confidential and exempt under paragraph (a) to any

Page 1 of 3

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23-01229-25

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of the following persons, provided that such person maintains the confidential and exempt status of the information:

1. An office or agency employee for the purposes of maintaining a registry or periodic reporting or disclosure of information that has been redacted to exclude personal identifying information.

2. The program's designated public-private partners including, but not limited to CareerSource Florida, Inc., and Volunteer Florida, Inc.

3. An office or agency employee for the purpose of approving or disapproving a request for additional assistance within the purview of the program.

(c) Any person who willfully and knowingly, in violation of this subsection, discloses information made confidential and exempt by this subsection commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed October 2, 2030, unless reviewed and saved from repeal by the Legislature.

Section 2. The Legislature finds that it is a public necessity to make the personal identifying information of Hope Florida participants contained in records held by the Office of Hope Florida and any other state agencies participating in the Hope Florida program confidential and exempt from public records requirements. In fulfilling the program's mission, the Hope Florida program collects personal identifying information regarding program participants in order to assist and serve residents of this state who are often in vulnerable situations

Page 2 of 3

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59 and subject to abuse or exploitation. Allowing the public
60 unfettered access to participant data could impair the effective
61 and efficient administration of the program and otherwise
62 discourage individuals and families from seeking support through
63 Hope Florida's resources.

64 Section 3. This act shall take effect on the same date that
65 SB 1144 or similar legislation takes effect, if such legislation
66 is adopted in the same legislative session or an extension
67 thereof and becomes a law.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 4, 2025

I respectfully request that **Senate Bill #1146**, relating to Public Records/Hope Florida Program, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

CC: Joe McVaney, Staff Director
CC: Tamra Redig, Committee Administrative Assistant

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1160

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Leek

SUBJECT: Benefits for Certain Officers Injured in the Line of Duty

DATE: April 2, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. White	McVaney	GO	Fav/CS
2. _____	_____	CJ	_____
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1160 expands the circumstances in which a law enforcement, correction, or correctional probation officer and his or her spouse and dependent children may become eligible for the payment of employer health insurance premium payments to include coverage where the officer suffers a catastrophic injury during any in the line of duty work and during official training. Under current law, an officer and the family is eligible for coverage only if the officer suffers a catastrophic injury as the result of the officer's response to a fresh pursuit, what he or she reasonably believes is an emergency, or an unlawful act.

The state and local governments will likely have to spend money to meet the new benefits established in this bill. The magnitude of this impact has not been determined at this time.

The act takes effect on July 1, 2025

II. Present Situation:

State Personnel Management System

The state personnel management system provides means to recruit, select, train, develop, and maintain an effective and responsible workforce. The statutes include policies and procedures for employee hiring and advancement, training and career development, position classification,

salary administration, benefits, discipline, discharge, employee performance evaluations, affirmative action, and other related activities.¹

The Department of Management Services is charged with establishing and maintaining a classification and compensation program addressing Career Service, Selected Exempt Service, and Senior Management Service positions.² The classification of a position determines the types of benefits assigned and its compensation and collective bargaining. A position must be classified as Career Service unless specifically exempted by statute.³

Law Enforcement

A “law enforcement agency” means an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers.⁴ A “law enforcement or correctional officer” means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist certified under ch. 943, F.S.⁵

The table below shows the number of certified law enforcement and correctional officers employed by each state agency.^{6,7}

Agency	Number of Officers
Agriculture and Consumer Services	197
Attorney General Medicaid Fraud Control	53
Business and Professional Regulation	101
Environmental Protection	16
Financial Services	269
Gaming Control Commission	14
Highway Safety and Motor Vehicles	2,045
Law Enforcement	543
Office of the Attorney General, Medicaid Fraud Control Unit	53
Lottery	24
Fish and Wildlife Conservation Commission	821
State Attorney’s Office	250
State Court System	75
State University & Colleges Police Departments	614
Florida School For Deaf and Blind Campus Police Security Services	10

¹ Section 110.105(1), F.S. Chapter 110, F.S., establishes the state’s personnel management system.

² Section 110.2035(1), F.S.

³ Section 110.205(1), F.S.

⁴ Section 943.1718, F.S.

⁵ Section 110.107(14), F.S.

⁶ Florida Department of Law Enforcement, *Criminal Justice Agency Profile Report 2022, State Agencies*, available at <https://www.fdle.state.fl.us/CJSTC/Publications/CJAP/CJAP.aspx> (last visited Mar. 27, 2025).

⁷ Florida Department of Law Enforcement, *Criminal Justice Agency Profile Report 2021, Schools and Ports*, available at <https://www.fdle.state.fl.us/CJSTC/Publications/CJAP/CJAP.aspx> (last visited Mar. 27, 2025).

Agency	Number of Officers
Florida Department of Corrections	17,630
Florida Department of Corrections, Office of Inspector General	181
Florida State Hospital	75
Florida State Hospital/Agency for Persons with Disabilities	57
North Florida Evaluation and Treatment Center	48
Wellpath Treasure Coast Forensic Treatment Center	68
Total Number of Officers	23,144

Injury and Death Benefits for Officers

State law provides a variety of death benefits for public employees. The current statutory benefits may be associated with supplemental benefits provided under chapter 112, F.S., death benefits provided under state and local government retirement systems, emergency responder death benefits administered by the Department of Legal Affairs, and workers compensation.

Under both the State Constitution and state law, law enforcement officers and their spouses and dependent children receive additional benefits when the officer is injured or dies in the line of duty.

Constitutional Requirements

Article X, section 31 of the State Constitution requires a death benefit to be paid by the employing agency and the state to waive certain education expenses when a law enforcement officer, correctional officer, correctional probation officer, firefighter, paramedic, emergency medical technician or a member of the Florida National Guard, while engaged in the performance of official duties, is killed accidentally, unlawfully and intentionally, or during active duty. The surviving child or children and spouse are eligible to benefit from the waiver of educational expenses while obtaining a career certificate, an undergraduate education, or a postgraduate education.

To be eligible for the benefits under the State Constitution, the law enforcement officer, correctional officer, correctional probation officer, firefighter, paramedic, and emergency medical technician must be employed by the state or any of its subdivisions at the time of death.

In addition, the State Constitution requires a death benefit to be paid from the General Revenue Fund and the state to waive certain education expenses when a member of the United States Armed Forces, including a Florida National Guard member on federal active duty, is killed accidentally, unlawfully and intentionally, or during active duty. The surviving child or children and spouse are eligible to benefit from the waiver of educational expenses while obtaining a career certificate, an undergraduate education, or a postgraduate education.

For a member of the military to be eligible, the member must have been a resident of the state or his or her duty post must have been within the state, at the time of death.

Section 112.19, F.S., Statutory Benefits

Section 112.19, F.S., provides additional benefits, including a monetary payment, waiver of educational costs, and health insurance premiums, to the families of officers killed or injured in certain circumstances; as well as benefits for the surviving officer, if applicable. For these purposes, the term “officer” includes members of bomb disposal units; certain circuit and county court bailiffs; and individuals whose duties require him or her to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and are employed or appointed as a full-time, part-time, or auxiliary by the state or political subdivision thereof as a:

- Law enforcement officer;
- Correctional officer;
- Correctional probation officer;
- State attorney investigator;
- Public defender investigator; or
- Criminal conflict and civil regional counsel investigator.⁸

Any employer who employs a full-time officer who suffers a catastrophic injury in the line of duty must cover the employee and his or her spouse and dependent child’s premium for the health insurance plan⁹ if the injury occurred while the officer was responding to a fresh pursuit, what the officer reasonably believed to be an emergency, or perceived unlawful act.¹⁰

For purposes of this benefit, the employer is required to provide the basic group health insurance plan. Additionally, the employer must cover the dependent child’s health insurance premium until the individual becomes a student or reaches the age of 25.¹¹ A catastrophic injury is a permanent impairment constituted by:

- Spinal cord injury involving severe paralysis of an arm, a leg, or the trunk;
- Amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of that appendage;
- Severe brain or closed-head injury as evidenced by:
 - Severe sensory or motor disturbances;
 - Severe communication disturbances;
 - Severe complex integrated disturbances of cerebral function;
 - Severe episodic neurological disorders; or
 - Other severe brain and closed-head injury conditions at least as severe in nature as any condition provided above;
- Second-degree or third-degree burns of 25 percent or more of the total body surface or third-degree burns of 5 percent or more to the face and hands;
- Total or industrial blindness; or
- Any other injury that would otherwise qualify under this chapter of a nature and severity that would qualify an employee to receive disability income benefits or supplemental security income benefits.¹²

⁸ Section 112.19(1)(d), F.S.; *see* s. 943.10(14), F.S. (cited by s. 112.19(1)(d), F.S.).

⁹ Section 112.19(2)(h)1., F.S.

¹⁰ Section 112.19(2)(h)2., F.S.

¹¹ Section 112.19(2)(h)1., F.S.

¹² *See* s. 440.02, F.S. (2002 version)(cited by s. 112.19(2)(h)).

These payments to the spouse and dependent child continue if the officer subsequently dies.

III. Effect of Proposed Changes:

Section 1 amends 112.19, F.S., to expand the manner in which a law enforcement, correction, or correctional probation officer, and his or her spouse and dependent children can become eligible for the payment of employer health insurance premium payments, to include coverage where the officer suffers a catastrophic injury during any in-the-line of duty work, and during official training.

The bill contains no indication that it is intended to be retroactive in effect. Thus, the bill will have prospective application and should apply only to those injured on or after July 1, 2025.

Section 2 provides that the Legislature determines and declares that the Act fulfills an important state interest.

Section 3 provides the act takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the State Constitution provides, in relevant part, that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments may be required to pay for additional health insurance premiums. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

The bill may be excepted from the mandates provision because the expenditure is required to comply with a law that applies to “all persons similarly situated” including state, counties, municipalities, and fire control districts. However, the bill applies only to public employers and excludes private employers. This is therefore unlikely to be found to affect all persons similarly situated. If it were, such exception would require a finding of important state interest on behalf of the legislature.

The mandate requirements do not apply to laws that have an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.^{13, 14, 15} The estimated costs for the bill are unknown at this time. If the costs imposed by the bill

¹³ FLA. CONST. art. VII, s. 18(d).

¹⁴ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 16, 2025).

¹⁵ Based on the Florida Demographic Estimating Conference’s February 4, 2025 population forecast for 2025 of 23,332,606. https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Mar. 16, 2025).

exceed \$2.4 million, the mandates provisions may apply. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest; such a finding is included in section 2 of the bill. Additionally, the bill must be approved by a two-thirds vote of the membership of each house.

This bill currently does not contain a finding of important state interest.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

A greater number of law enforcement officers, correctional officers, and correctional probation officers and their families may be eligible for coverage of health insurance premiums.

C. Government Sector Impact:

There will be state and local additional costs for employers of officers newly required to cover health insurance premiums. The scope of this impact has not been fully studied at this time.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 112.19 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

Adds a legislative determination and declaration that the act fulfills an important state interest, to comply with the requirements of Article VII, section 18 of the State Constitution.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



828536

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Leek) recommended the following:

Senate Amendment (with title amendment)

Delete line 67
and insert:

Section 2. The Legislature determines and declares that
this act fulfills an important state interest.

Section 3. This act shall take effect July 1, 2025.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:



828536

11 Delete line 8
12 and insert:
13 children; providing a declaration of an important
14 state interest; providing an effective date.

By Senator Leek

7-01628-25

20251160__

1 A bill to be entitled
 2 An act relating to benefits for certain officers
 3 injured in the line of duty; amending s. 112.19, F.S.;
 4 revising eligibility criteria for health insurance
 5 coverage provided to law enforcement, correctional,
 6 and correctional probation officers injured in the
 7 line of duty and to their spouses and dependent
 8 children; providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraph (h) of subsection (2) of section
 13 112.19, Florida Statutes, is amended to read:
 14 112.19 Law enforcement, correctional, and correctional
 15 probation officers; death benefits.—
 16 (2)
 17 (h)1. Any employer who employs a full-time law enforcement,
 18 correctional, or correctional probation officer who, on or after
 19 January 1, 1995, suffers a catastrophic injury, as defined in s.
 20 440.02, Florida Statutes 2002, in the line of duty shall pay the
 21 entire premium of the employer's health insurance plan for the
 22 injured employee, the injured employee's spouse, and for each
 23 dependent child of the injured employee until the child reaches
 24 the age of majority or until the end of the calendar year in
 25 which the child reaches the age of 25 if the child continues to
 26 be dependent for support, or the child is a full-time or part-
 27 time student and is dependent for support. The term "health
 28 insurance plan" does not include supplemental benefits that are
 29 not part of the basic group health insurance plan. If the

Page 1 of 3

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

7-01628-25

20251160__

30 injured employee subsequently dies, the employer must ~~shall~~
 31 continue to pay the entire health insurance premium for the
 32 surviving spouse until remarried, and for the dependent
 33 children, under the conditions outlined in this paragraph.
 34 However:
 35 a. Health insurance benefits payable from any other source
 36 ~~shall~~ reduce benefits payable under this section.
 37 b. It is unlawful for a person to willfully and knowingly
 38 make, or cause to be made, or to assist, conspire with, or urge
 39 another to make, or cause to be made, any false, fraudulent, or
 40 misleading oral or written statement to obtain health insurance
 41 coverage as provided under this paragraph. A person who violates
 42 this sub-subparagraph commits a misdemeanor of the first degree,
 43 punishable as provided in s. 775.082 or s. 775.083.
 44 c. In addition to any applicable criminal penalty, upon
 45 conviction for a violation as described in sub-subparagraph b.,
 46 a law enforcement, correctional, or correctional probation
 47 officer or other beneficiary who receives or seeks to receive
 48 health insurance benefits under this paragraph forfeits ~~shall~~
 49 ~~forfeit~~ the right to receive such health insurance benefits, and
 50 must ~~shall~~ reimburse the employer for all benefits paid due to
 51 the fraud or other prohibited activity. For purposes of this
 52 sub-subparagraph, the term "conviction" means a determination of
 53 guilt that is the result of a plea or trial, regardless of
 54 whether adjudication is withheld.
 55 2. In order for the officer, spouse, and dependent children
 56 to be eligible for such insurance coverage, the injury must have
 57 occurred while the officer was in the line of duty or in an
 58 official training as the result of the officer's response to

Page 2 of 3

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

7-01628-25

20251160

59 ~~fresh pursuit, the officer's response to what is reasonably~~
60 ~~believed to be an emergency, or an unlawful act perpetrated by~~
61 ~~another.~~ Except as otherwise provided herein, this paragraph may
62 not be construed to limit health insurance coverage for which
63 the officer, spouse, or dependent children may otherwise be
64 eligible, except that a person who qualifies under this section
65 is not eligible for the health insurance subsidy provided under
66 chapter 121, chapter 175, or chapter 185.

67 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #1160**, relating to Benefits for Certain Officers Injured in the Line of Duty, be placed on the:

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

Sincerely,

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

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

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

April 1, 2025
Meeting Date

Gov Over
Committee

1160
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lisa Henning Phone 850-766-8808

Address 242 Office Plaza Email foplegislative@aol.ca
Street

Tallahassee FL 32301
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Fraternal Order of Police

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Apr 1, 2025

Meeting Date

SB 1160

Bill Number or Topic

Gov't Oversight

Committee

Amendment Barcode (if applicable)

Name Jim Sniffen - Fraternal Order
of Police

Phone N/A

Address 242 Office Plaza Dr
Street

Email J. SNIFFEN @ FLORIDAFOP.COM

Tallahassee
City

FL
State

32402
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 1260

INTRODUCER: Senator Yarborough

SUBJECT: County Constitutional Officer Budget Processes

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

I. Summary:

SB 1260 creates a process for a clerk of the circuit court or supervisor of elections to appeal his or her budget to the Administration Commission in the same manner currently provided for sheriff budgets. The bill also revises the budget submission process for the clerk of circuit court to clarify that the board of county commissioners may require the clerk to correct errors in the budget and that the board may amend the budget as part of the county budgeting process.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

County Constitutional Officers

The Florida Constitution provides that each county in the state must have five county officers: the sheriff, tax collector, property appraiser, supervisor of elections, and the clerk of the circuit court.¹ Each of the officers is elected for a four-year term. A county charter may not abolish the offices, transfer their duties to another officer or office, or establish a method of selecting the officer other than election by the electors of the county. The clerk of the circuit court also serves as the ex officio clerk of the board of county commissioners (board), auditor, recorder and custodian of all county funds, unless those duties have been assigned elsewhere by a special act approved by the electors of the county or as provided in Article V, section 16 of the Florida Constitution.²

¹ FLA.CONST., Art. VIII, s.1(d).

² A person exercising these powers is commonly referred to as a comptroller. *See* Florida Court Clerks & Comptrollers, *Role of the Clerk and Comptroller*, <https://www.flclerks.com/page/RoleoftheClerk> (last visited Mar. 30, 2025). The only county

Administration Commission

The Administration Commission is a part of the Executive Office of the Governor (EOG) that is composed of the Governor and the Cabinet.³ The Governor serves as chair of the commission and a meeting of the commission may be called by the Governor or Chief Financial Officer. Any action taken by the commission requires the approval of the Governor and at least two other members of the commission. Among other functions, the commission is responsible for resolving sheriff and property appraiser budget appeal disputes.⁴

County Budgets

The finances of each county in the state are subject to a budget system established by general law.⁵ Each county must prepare, approve, adopt, and execute a budget for each fiscal year.⁶ At a minimum, the budget must show for each fund, as required by law and sound financial practices, budgeted revenues and expenditures by organizational unit that are at least as detailed as the categories required for the county's annual financial report to the Department of Financial Services (DFS).

Each county's budget must:

- Be prepared, summarized, and approved by the board.
- Not provide funding to any office, special district, or governmental unit exercising any power or authority allocated exclusively to a sheriff, tax collector, property appraiser, supervisor of elections, or clerk of the court by the Florida Constitution or general law.
- Be balanced so that the total of the estimated receipts available from taxation and other sources, including balances brought forward from prior fiscal years, equals the total of appropriations for expenditures and reserves.⁷
- Contain a reserve for contingencies that does not exceed 10 percent of the total appropriations and for cash balances to be carried over for the purpose of paying expenses from October 1 of the next fiscal year until the revenues for that year are expected to be available.⁸
- Make an appropriation for outstanding indebtedness in order to provide for the payment of vouchers that have been incurred in and charged against the budget for the current year or a prior year, but that are expected to be unpaid at the beginning of the next fiscal year.
- Provide that any surplus arising from an excess of the estimated cash balance over the estimated amount of unpaid obligations to be carried over in a fund at the end of the current

that currently separates the functions of these offices is Orange County. *See* ch. 72-461, Laws of Fla. (creating the office of Orange County Comptroller).

³ Section 14.202, F.S.

⁴ State of Florida, *Administration Commission: Statement of Agency Organization and Operation*, <https://www.myflorida.com/myflorida/cabinet/adcom/adcom.pdf> (last visited Mar. 30, 2025).

⁵ *See* ch. 129, F.S.

⁶ Section 129.01(1), F.S.

⁷ Budgeted receipts must include 95 percent of all receipts reasonably anticipated from all sources, including taxes to be levied and 100 percent of the amount of the balances estimated to be brought forward at the beginning of the fiscal year. Section 129.01(2)(c), F.S.

⁸ The cash balance reserve may not exceed 20 percent of total appropriations. Section 129.01(2)(d)2., F.S.

fiscal year may be transferred to any of the other funds of the county, and the amount transferred must be budgeted as a receipt to such other funds.⁹

Preparation of County Budgets

The process of preparing a county budget begins with a certification of the county property appraiser's estimate of the total taxable value of all property in the county.¹⁰ This certified amount is provided to the county budget officer and is used as the basis for estimating the millage rate and is included in each tentative and final budget.

The county budget officer is responsible for preparing a tentative budget for the fiscal year, including all estimated receipts, taxes to be levied, and balances carried forward from the previous year as well as all estimated expenditures, reserves, and balances carried over at the conclusion of the previous year.¹¹ The tentative budget includes the budgets for the sheriff, clerk of the circuit court, supervisor of elections, and certain tax collectors.¹²

The county budget officer submits the tentative budget to the board, who are responsible for examining the tentative budget and making changes as necessary to ensure the budget is balanced.¹³ The board may not adjust the county budget officer's estimates of receipts, other than taxes, or of balances brought forward, without the passage of a separate resolution.

Once revisions to the tentative budget have been completed, the board prepares a statement summarizing all the adopted tentative budgets.¹⁴ The summary statement must show the proposed tax millage, balances, reserves, and total of each major classification of receipts and expenditures for each budget category and for the budget as a whole. The summary statement must be advertised one time in a newspaper of general circulation in the county. The board must conduct a public hearing to adopt the tentative and final budgets.¹⁵

Budgets of County Constitutional Officers

Each sheriff, clerk of the circuit court, and supervisor of elections, as well as certain tax collectors, must submit their tentative budget for the following fiscal year to the board by June 1 of each year, unless the board has adopted a resolution requiring proposed budgets to be submitted by May 1.¹⁶ The proposed budget submitted to the board for the sheriff, supervisor of elections, and clerk of the circuit court must be itemized in accordance with the following uniform accounting system prescribed by DFS:

- Personnel services.
- Operating expenses.

⁹ Section 129.01(2)(f), F.S.

¹⁰ Section 129.03(1), F.S.

¹¹ Section 129.03(3), F.S.

¹² Section 129.03(2), F.S.

¹³ Section 129.03(3)(a), F.S.

¹⁴ Section 129.03(3)(b), F.S.

¹⁵ Section 129.03(3)(c), F.S.

¹⁶ Section 129.03(2), F.S. The budgets of property appraisers, as well as most tax collectors, are submitted to the Department of Revenue for review and approval. Section 195.087, F.S.

- Capital outlay.
- Debt service.
- Grants and aids.
- Other uses.¹⁷

In addition, the clerk of the circuit court is responsible for submitting a budget for the performance of court-related functions as provided by general law.¹⁸

The submitted budgets of the sheriff, supervisor of elections, and clerk of the circuit court must contain all relevant and pertinent information, including expenditures at the subject code level in accordance with DFS's uniform accounting system.¹⁹

Current law authorizes the board to require the sheriff or supervisor of elections to correct any mathematical, mechanical, factual, or clerical errors and errors of form in his or her proposed budget.²⁰ When the board conducts its budget hearing, it may amend, modify, increase, or reduce any item of expenditure in the sheriff's or supervisor of election's proposed budget. The board may approve the budget as modified but must provide written notice to the sheriff or supervisor of elections of any changes.

Sheriff Budget Appeals Process

Upon receiving the written notice that his or her budget has been changed by the board, a sheriff may appeal the modified budget by petition to the Administration Commission.²¹ The petition must contain the original proposed budget, the modified budget, and the reasons for the appeal. A copy of the petition must be filed with the EOG and served upon the chair of the board or to the clerk of the circuit court.

Upon receipt of a copy of the petition, the board has five days to submit a reply.²² After receiving the petition, the EOG must provide for a budget hearing to consider the matters presented in the petition.²³ The EOG must then compile a report of findings and recommendations to submit to the Administration Commission, which within 30 days, may approve the budget as proposed by either party or amend the budget within the limits of the proposed total expenditures. The budget as approved, amended, or modified by the Administration Commission is final. If necessary, the budget of the county funds must be brought into balance with the use of excess funds, if available. If not available, the county budget may be balanced by adding an item "vouchers unpaid" and providing for paying such vouchers during the next fiscal year.²⁴

¹⁷ Sections 30.49(2)(c) (sheriffs), 129.201(2) (supervisor of elections), and 218.35(2)(b), F.S. (clerk of the circuit court as clerk of the board, county auditor, and custodian or treasurer of all county funds and for other county-related duties).

¹⁸ Section 218.35(2)(a), F.S.

¹⁹ Sections 30.49(3), 129.201(3), and 218.35(3), F.S.

²⁰ Sections 30.49(4) and 129.201(4), F.S.

²¹ Section 30.49(4)(a), F.S.

²² Section 30.49(4)(b), F.S.

²³ Section 30.49(5), F.S.

²⁴ Section 30.49(10), F.S.

III. Effect of Proposed Changes:

The bill amends ss. 129.201 and 218.35, F.S., respectively, to create a process for the clerk of the circuit court and the supervisor of elections, respectively, to appeal changes made to their respective budgets. The bill allows a clerk of the circuit court or supervisor of elections, upon receiving notice from the board of county commissioners that the board has made a change in the proposed budget for the office, to file an appeal with the Administration Commission. The appeal process created in the bill is the same as the sheriff budget appeals process codified in s. 30.49, F.S.

The appeal petition must set forth the proposed budget of the clerk of the circuit court or supervisor of elections, the budget as approved by the board, and the reason for the appeal. The petition must be filed with EOG, with a copy served on the board. Upon receipt of the petition, the board has five days to file a reply with EOG, with a copy served to the relevant officer.

Upon receiving the petition, the bill requires EOG to schedule a budget hearing. After the hearing, the EOG must prepare a report of findings and recommendations to submit to the Administration Commission. Within 30 days of receiving the report, the Administration Commission must approve the budget as submitted by either party or modify the budget within the limits of the proposed expenditures. The budget as approved by the Administration Commission is final.

The bill additionally revises the budget submission process for the clerk of the circuit court to clarify that the board may require the clerk of the circuit court to correct any mathematical, mechanical, factual, or clerical errors or errors of form in his or her proposed budget. The bill provides that the board may make a change in the portion of the clerk of the circuit court's proposed budget dealing with non-court-related functions and must provide written notice of such changes.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may result in an insignificant increase in state and local government expenditures to the extent additional resources are necessary to adjudicate any appeals of clerk of the circuit court and supervisor of elections budgets.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 30.49, F.S., directs the county to adjust its budget to fund the amounts approved by the Administration Commission during the appeal. This bill does not direct the county to take any action other than fund the approved amounts.

VIII. Statutes Affected:

This bill substantially amends 129.201 and 218.35 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Yarborough

4-01786-25

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A bill to be entitled

An act relating to county constitutional officer budget processes; amending s. 129.201, F.S.; authorizing a supervisor of elections to file a budget appeal to the Administration Commission in a specified manner; requiring the Executive Office of the Governor to conduct a budget hearing in a specified manner and make findings and recommendations to the Administration Commission; requiring the commission to take specified actions relating to the budget; amending s. 218.35, F.S.; authorizing specified commissions to take certain actions relating to the proposed budget of the clerk of the circuit court; requiring such commissions to provide a certain notice; authorizing a clerk of the circuit court to file a budget appeal in a specified manner; requiring the Executive Office of the Governor to conduct a budget hearing in a specified manner and make findings and recommendations to the Administration Commission; requiring the commission to take specified actions relating to the budget; providing an effective date.

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

Section 1. Subsection (4) of section 129.201, Florida Statutes, is amended to read:

129.201 Budget of supervisor of elections; manner and time of preparation and presentation.—

(4) The board or commission, as appropriate, may require

Page 1 of 5

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4-01786-25

20251260__

the supervisor of elections to correct mathematical, mechanical, factual, and clerical errors and errors of form in the proposed budget. At the hearings held pursuant to s. 200.065, the board or commission may amend, modify, increase, or reduce any or all items of expenditure in the proposed budget as submitted under subsections (1) and (2); and, as amended, modified, increased, or reduced, such budget shall be approved by the board or commission, which must provide written notice of its action to specific items amended, modified, increased, or reduced.

(a) The supervisor of elections, within 30 days after receiving written notice of such action by the board or commission, in person or in his or her office, may file an appeal by petition to the Administration Commission. The petition must set forth the budget proposed by the supervisor of elections, in the form and manner prescribed by the Executive Office of the Governor and approved by the Administration Commission, and the budget as approved by the board of county commissioners or the budget commission and shall contain the reasons or grounds for the appeal. Such petition shall be filed with the Executive Office of the Governor, and a copy served upon the board or commission from the decision of which appeal is taken by delivering the same to the chair or president thereof or to the clerk of the circuit court.

(b) The board or commission shall have 5 days following delivery of a copy of such petition to file a reply with the Executive Office of the Governor, and shall deliver a copy of such reply to the supervisor of elections.

(c) Upon receipt of the petition, the Executive Office of the Governor shall provide for a budget hearing at which the

Page 2 of 5

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4-01786-25

20251260

matters presented in the petition and the reply shall be considered. A report of the findings and recommendations of the Executive Office of the Governor thereon shall be promptly submitted to the Administration Commission, which, within 30 days, shall either approve the action of the board or commission as to each separate item, or approve the budget as proposed by the supervisor of elections as to each separate item, or amend or modify the budget as to each separate item within the limits of the proposed board of expenditures and the expenditures as approved by the board of county commissioners or the budget commission, as the case may be. The budget as approved, amended, or modified by the Administration Commission shall be final.

Section 2. Present subsections (4), (5), and (6) of section 218.35, Florida Statutes, are redesignated as subsections (5), (6), and (7), respectively, and a new subsection (4) is added to that section, to read:

218.35 County fee officers; financial matters.—

(4) The board or commission, as appropriate, may require the clerk of the circuit court to correct mathematical, mechanical, factual, and clerical errors and errors of form in the proposed budget. At the hearings held pursuant to s. 200.065, the board or commission may amend, modify, increase, or reduce any or all items of expenditure in the proposed budget as submitted under paragraph (2)(b); and, as amended, modified, increased, or reduced, such budget shall be approved by the board or commission, which must provide written notice of its action to specific items amended, modified, increased, or reduced.

(a) The clerk of the circuit court, within 30 days after

4-01786-25

20251260

receiving written notice of such action by the board or commission, in person or in his or her office, may file an appeal by petition to the Administration Commission. The petition must set forth the budget proposed by the clerk of the circuit court, in the form and manner prescribed by the Executive Office of the Governor and approved by the Administration Commission, and the budget as approved by the board of county commissioners or the budget commission and shall contain the reasons or grounds for the appeal. Such petition shall be filed with the Executive Office of the Governor, and a copy served upon the board or commission from the decision of which appeal is taken by delivering the same to the chair or president thereof.

(b) The board or commission shall have 5 days following delivery of a copy of such petition to file a reply with the Executive Office of the Governor, and shall deliver a copy of such reply to the clerk of the circuit court.

(c) Upon receipt of the petition, the Executive Office of the Governor shall provide for a budget hearing at which the matters presented in the petition and the reply shall be considered. A report of the findings and recommendations of the Executive Office of the Governor thereon shall be promptly submitted to the Administration Commission, which, within 30 days, shall either approve the action of the board or commission as to each separate item, or approve the budget as proposed by the clerk of the circuit court as to each separate item, or amend or modify the budget as to each separate item within the limits of the proposed board of expenditures and the expenditures as approved by the board of county commissioners or

4-01786-25

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117 the budget commission, as the case may be. The budget as
118 approved, amended, or modified by the Administration Commission
119 shall be final.

120 Section 3. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1524

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Grall

SUBJECT: Duties of the Department of State

DATE: April 3, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2. _____	_____	<u>ATD</u>	_____
3. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1524 amends chapters 257, 265, and 267, F.S., which govern the Department of State's (DOS) Division of Library and Information Services, Division of Arts and Culture, and Division of Historical Resources. The bill additionally eliminates the \$10 fee required for commissions issued by the Governor for elected officials and notaries.

The bill grants the Secretary of the DOS the ability to comment on recommended recipients for grants administered by the above three divisions. The bill also requires that the grants awarded are expended in compliance with local, state, and federal laws and regulations and are not used for programs that are harmful to minors. "Harmful to minors" is defined as any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001, F.S.

The bill eliminates the following councils or grants:

- The individual artist fellowship grant program.
- The General Program Support and Specific Cultural Program.
- The state touring grant program.
- The cultural endowment program.
- The Grove Advisory Council.
- The Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011, F.S, manuscripts, international judgments involving

disputes between domestic and foreign businesses, and all other public matters that the department or the Florida Council of International Development deems relevant to international issues.

- The Florida Museum of Black History Task Force, which issued its recommendations on June 28, 2024, and therefore fulfilled its statutory duty.

The bill reconfigures the membership of the Florida Council on Arts and Culture and its statutory duties.

The bill generally eliminates mandatory rulemaking regarding the award of grant funding for specified grants administered by the Division of Arts and Culture.

The bill takes effect upon becoming law.

II. Present Situation:

Section 20.10, F.S., creates the Department of State (DOS) within the executive branch, headed by the Secretary of State (Secretary) who serves at the pleasure of the Governor. There are six divisions within the DOS:

- Division of Elections.
- Division of Historical Resources.
- Division of Corporations.
- Division of Library and Information Services.
- Division of Arts and Culture.
- Division of Administration.¹

The Division of Historical Resources, Division of Arts and Culture, and Division of Library and Information Services administer grants pursuant to ch. 265, F.S., and promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity.²

The remainder of the present situation relative to each section of the bill is discussed in the Effect of Proposed Changes section of this bill analysis. Generally, there will be a heading or subheading, a discussion of the present situation, then a discussion of the effect of the proposed changes.

III. Effect of Proposed Change

Commissions for Elected Officers and Notaries

A "commission" is a written authority from a competent source, given to an officer as a warrant for the exercise of the powers and duties of the office to which the officer was commissioned. Public officers, particularly those who receive their office by appointment, are required to be commissioned by the proper authority, which is usually the Florida Governor.

¹ Section 20.10(2), F.S.

² Section 15.18, F.S.

Sections 1-3 repeal ss. 113.01, 113.02, and 113.03, F.S., respectively, to eliminate the \$10 fee charged on each commission of an elected officer and notary by the governor.

Section 4 amends s. 113.051, F.S., to prohibit a commission from being issued by the governor, attested to by the Secretary or bearing the state seal until the oath of office is filed.

Sections 5 and 6 amend ss. 117.01 and 117.225, F.S., respectively, to eliminate references to the \$10 fee repealed by section 1 of the bill.

Section 7 amends s. 117.295, F.S., to update cross-reference.

Public Libraries and State Archives

The Division of Library and Information Services (Division), among its many functions, assists public libraries throughout the state, coordinates with the Division of Blind Services of the Department of Education to provide library services to the blind and physically handicapped persons of Florida, maintains a library for state employees, helps state agencies with relevant research, controls the State Library, and receives materials and funds and coordinates its distribution for the benefit of Floridians.³

With regard to its functions and duties pertaining to funding, the Division:

- May give aid and assistance—financial, advisory, or otherwise—to all school, state institutional, academic, free, and public libraries and to all Florida communities that propose to establish libraries, as to the best means of establishing and administering libraries, selecting and cataloging books, and other facets of library management;⁴
- Must establish operating standards under which libraries will be eligible to receive state moneys;⁵ and
- May accept, receive, administer, and expend any moneys, materials, or any other aid granted, appropriated, or made available by the United States or any of its agencies for the purpose of giving aid to libraries and providing educational library services in Florida.⁶

State Librarian and Library Council

The Secretary appoints the State Librarian, who serves as the director of the Division. The State Librarian manages the Division's programs.⁷ The nine members of the State Library Council, all appointed by the Secretary, advise and assist the Division on its programs and activities.⁸

Sections 8 and 10, respectively, amend ss. 257.031 and 257.031, F.S., relating to the education qualifications for the State Librarian and administrative heads of libraries that receive an

³ Section 257.04, F.S.

⁴ *Id.*

⁵ Section 257.15, F.S.

⁶ Section 257.12, F.S.

⁷ Section 257.031(1), F.S.

⁸ Section 257.02, F.S.

operating grant,⁹ require graduation from programs accredited by “a national library professional association,” rather than a program accredited by the American Library Association.

Sections 8 and 10 amend the education qualifications for the State Librarian and administrative heads of libraries receiving an operating grant so that they only need to complete a program accredited by “a national library professional association,” as opposed to the American Library Association. No accreditation program other than the American Library Association appears to exist.

Section 9 amends s. 257.12, F.S., to require the State Library Council to develop recommendations for providing available federal funds to public libraries. The Secretary may then “review and identify the funding recommendation list to identify whether federal grant funds” are expended in compliance with laws and not used to support programs that are harmful to minors.

The State and International Archives

The Florida State Archives (Archives), established pursuant to s. 257.35, F.S., is responsible for the preservation of those public records,¹⁰ manuscripts, and other archival material that have been determined by the Division (1) to have sufficient historical or other value to warrant their continued preservation; and (2) have been accepted by the Division for deposit. The Archive conducts, promotes, and encourages research in Florida history, government, and culture.¹¹ The Florida International Archive and Repository (Repository), by comparison, preserves materials, including public records, relevant to *international* issues. To the extent practical, the Repository assists state and local public entities and individuals engaged in international related activities—including research and business.¹²

Section 13 repeals s. 257.34, F.S., which created the Repository, thereby eliminating the Repository.

It is unclear what will happen to the documents and information stored by the Florida International Archive and Repository eliminated in section 13, if and how the files will be transported to a new storage institution before the International Repository closes, and whether the Florida State Archives or other agency will absorb the responsibilities and expectations of the International Repository.

Division of Library and Information Services Grants

Section 257.14, F.S., explicitly grants the Division authority to adopt administrative rules. The Division administers numerous grants with guidelines containing formation on eligibility

⁹ Discussed further *infra*.

¹⁰ Defined in s. 119.011(12), F.S., as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

¹¹ Section 257.35, F.S.

¹² Section 257.34, F.S.

requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms, in rules.

State Aid to Libraries Grant Programs

The State Aid to Libraries grant program encompasses three statutorily designated grants—operating, equalization, and multicounty library grants. An Operating Grant is an annual grant provided to single library administrative units in an amount equal to no more than 25% of all local funds expended by the relevant political subdivision for the operation and maintenance of the library during the second preceding fiscal year.¹³ An Equalization Grant is available to counties that qualify for an operating grant and have limited tax resources.¹⁴ The equalization formula, set forth in statute, was structured to provide an effective supplement to local funds for libraries serving counties with limited local tax resources, especially to those that choose to support their library at exceptionally high levels when compared to local resources and the investment of other counties.¹⁵ A Multicounty Library Grant is available to the administrative unit of a multicounty library that serves a population of 50,000 or more and serves two or more counties, at least one of which qualifies for an equalization grant.¹⁶

Grants are prorated among eligible libraries if the appropriation by the Legislature does not fully fund the State Aid to Libraries Grant Program.¹⁷

Library Cooperative Grants

Library cooperatives are any combination of academic, school, special, state institutional, and public libraries that form a nonprofit “for the purpose of sharing library resources.” The Library Cooperative Grant supports libraries participating in library cooperatives.¹⁸ In order to receive a Library Cooperative Grant, cooperatives must obtain 10% matching cash funds, be a nonprofit organization consisting of more than one type of library, headed and administered by a full-time librarian, and in good standing with the DOS.¹⁹

Public Library Construction Grants

Public Library Construction Grants give a maximum of \$500,00 matching funds to a county, municipality, special district, or special tax district for the remodeling or construction of a free, publicly-available library.²⁰ Applications are scored on a scale of a maximum of 100 points, with different points allocated based on the type of building, project narrative and library function in the community, building uses and needs, and community need.²¹

¹³ Division of Library & Information Services, Florida Dep’t of State, *State Aid to Libraries Grant Guidelines*, 18-21, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15322> (last visited Nov. 14, 2024) [hereinafter *State Aid to Libraries Grant Guidelines*].

¹⁴ *State Aid to Libraries Grant Guidelines*, at 4.

¹⁵ *Id.* at 2; s. 257.18, F.S.

¹⁶ Section 257.172, F.S.

¹⁷ *State Aid to Libraries Grant Guidelines*, at 3.

¹⁸ Section 257.41(1), F.S.

¹⁹ Section 257.42, F.S.

²⁰ See ss. 288.0656 and 288.06561, F.S.

Effects of Proposed Changes

Sections 11, 12, and 14 amend ss. 257.191, 257.23, and 257.42, F.S., respectively, relating to the library construction grants, the applicants of such grants, and the library cooperative grants, respectively, to allow the Secretary to identify whether the grants awarded or expended pursuant to those programs comply with law or are harmful to minors.

Memorials, Museums, and Arts and Culture

The Division of Arts and Culture (Division) is Florida's designated state arts agency and oversees programs relating to memorials, museums, and arts and culture. To encourage access to cultural opportunities, the Division provides funding, programs, and resources, including grants for programs and projects in arts in education, local arts agencies, state service organizations, museums, theater, dance, folk arts, literature, media arts, multidisciplinary, music, sponsor or presenter, and visual arts.²²

The Secretary currently serves as the “chief cultural officer of the state;” **section 16**, however, amends s. 265.284, F.S., to change the title to the “chief arts and culture officer.”

Florida Council on Arts and Culture

The Florida Council on Arts and Culture (FCOAC) is a 15-member panel consisting of:

- Seven members appointed by the Governor for 4-year terms;
- Four members appointed by the President of the Senate for 2-year terms; and
- Four members appointed by the Speaker of the House of Representatives for 2-year terms.

Appointments must “recognize the need for geographical representation,” and should be individuals with:

a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theater, dance, folk arts, music, architecture, photography, literature, and media arts, or in the areas of science, history, or children's museums. In addition, it is desirable that members have successfully served on boards of cultural institutions such as museums and performing arts centers or are recognized as patrons of the arts.^[23]

Section 17 amends s. 265.285, F.S., to provide that members of the FCOAC cannot receive any financial compensation as an employee or officer of an entity that receives grant funding (unless the entity is a state college or university).

The section also adds a general requirement that the appointed FCOAC representatives demonstrate an interest in and knowledge of the arts, culture, museums, folklore, and cultural

²² Florida Department of State, Division of Arts and Culture, *Mission*, <https://DoS.fl.gov/cultural/about-us/mission/> (last visited Mar. 30, 2025).

²³ Section 265.285(1)(a), F.S.

heritage conditions. Additionally, five of the Governor's appointments must now qualify as follows:

- A licensed architect with expertise in cultural facilities;
- A member of the Seminole Tribe of Florida;
- A professional public folklorist;
- A university-affiliated public folklorist; and
- A practicing or former professional artist.²⁴

Sections 17 and 19 amend ss. 265.285 and 265.2865, F.S., respectively, to modify the duties of the FCOAC.

Section 17 changes the FCOAC's duty to "encourage arts and cultural development within communities" rather than "assist in the freedom of artistic expression that is essential for the well-being of the arts."

Section 17 also eliminates the FCOAC's involvement in the nomination for the Poet Laureate, an honorary position within the DOS; and duty to promote poetry throughout the state.²⁵ This is replaced with a duty to promote and assist Division programs, "such as the Major John Leroy Haynes Florida Veterans' History Program, the Arts and Culture recognition award program, and the apprenticeship program." The Major John Leory Haynes Florida Veteran's History Program is a Florida Folklife Program within the Division created to "collect and preserve the stories and experiences of Florida's veterans and the State of Florida's military contributions throughout the nation's history."²⁶ The Division's folklorists seek out and identify those veterans willing to share their stories via interview or written submission.²⁷ The "Arts and Culture recognition award program and the apprenticeship program," also added to the bill, do not currently exist in statute and are not created in the bill.

Currently, the FCOAC accepts nominations for persons to be recommended to the Secretary to be named as a members of the Florida Artists Hall of Fame. The Florida Artist Hall of Fame recognizes and honors "those persons, living or dead, who have made significant contributions to the arts in this state, either as performing artists, or practicing artists in individual disciplines."²⁸ Currently, the Secretary names up to four members to the Florida Artists Hall of Fame annually from a list of nominations considered and recommended by the FCOAC.²⁹ Section 19 amends s. 265.2865, F.S., to decrease the number of annual nominations from four to three, and to make their nominations permissive rather than required. Consequently, the Secretary "may" (as opposed to shall) annually request an appropriation to carry out the section. This permits the DOS to effectively discontinue the activity if DOS does not accept any further applications.

²⁴ The Governor can meet these specific appointment responsibilities within the existing number of appointments he or she has and still have remaining seats to appoint.

²⁵ See ss. 265.285 and 265.2863, F.S.

²⁶ Section 265.8021(2), F.S.

²⁷ Section 265.8021(3), F.S.

²⁸ Section 265.2865(1), F.S.

²⁹ Section 265.2865(3) and (4), F.S.

Florida Folklife Council

The Florida Folklife Council advises and assists the Division and the State Folklorist to encourage statewide public interest in folk arts and folklore; promote Florida folk artists, performers, festivals, folklife projects, and folk resources; recommend projects; and develop proposals for grant applications to support the Florida folklife program.³⁰ Currently, the Secretary appoints the seven members of the Florida Folklife Council.

Section 22 amends s. 265.803, F.S., to make the Florida Folklife Council a sub-council within the FCOAC. As a consequence, the seven members of the council will come from the membership of the FCOAC. Appointed members currently provide a “geographical, ethnic, and professional representation.” This section changes “ethnic” to “cultural and traditional.”

Citizen Support Organizations

Section 265.703, F.S., permits the Division to establish citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, and museum programs. Citizen support organizations, in this instance, are nonprofit corporations organized under the provisions of ch. 617, F.S., approved by the Division in writing, operated for the direct or indirect benefit of the Division, and organized to perform specific tasks in the best interests of the state.

Section 21 amends s. 265.703, F.S., to permit citizen support organizations to support international and intergovernmental programs as well as the currently permitted support for cultural, historical, and museum programs.

Grants, generally

The Florida Arts and Culture Act (Act) is set forth in ss. 265.281-265.709, F.S., to provide state support for, and to gain national and international recognition of, the efforts, works, and performances of Florida artists, art agencies, museums, and nonprofit organizations.³¹ The Division must administer and oversee all programs authorized by the Act and may adopt rules to do so.³² This includes:

- Arts and culture grants to support science museums, youth and children’s museums, historical museums, local arts agencies, Florida artists, state service organizations, and organizations that have cultural program activities;³³
- An endowment to provide matching funds to local sponsoring organizations that engage in programs directly related to cultural activities;³⁴ and
- Grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of cultural facilities.³⁵

³⁰ Section 265.803, F.S.

³¹ Section 265.282, F.S.

³² Section 265.284(3)(j), F.S.

³³ Section 265.286, F.S.

³⁴ Sections 265.601-265.606, F.S.

³⁵ Section 265.701(1), F.S.

Generally, eligibility for grants administered by the Division requires the applicant:³⁶

- Be in good standing with the Division and the DOS at the time of the application;
- Be a public entity or a Florida non-profit, tax exempt corporation that is registered and in active status with Florida's Division of Corporations;
- Have at least one year of experience in arts and cultural programming; and
- Be registered as a vendor with the Department of Financial Services to whom they provide their most recent Federal 990 form.

Section 265.284, F.S., explicitly requires the DOS to adopt rules. Each program must be governed by guidelines, adopted as rules, which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, applicable grant administration procedures, and application forms.

Sections 18 and 19, for grants administered by the Division of Arts and Culture, eliminates review panels that evaluate grant applications or the grants themselves and empowers the Secretary to review and make comments on the recommended list of grants determined by review panels and the FCOAC.

Members of review panels are appointed by the Secretary and seven of the members of the FCOAC are appointed by the Governor.

Similar review panels and bodies, however, continue to exist for the grants administered by the DOS's other divisions—the Division of Library and Information Services and Division of Historical Resources.

Arts and Culture Grants

Section 265.286, F.S., is the art and cultural grants statute and directs the Division of Arts and Culture to adopt rules establishing eligibility requirements, procedures, and panel review processes, including criteria for reviewing grant applications.³⁷ The arts and cultural grants statute, in part, speaks to four grant programs: the General Program Support, the Specific Cultural Program, the state touring program, and individual artist fellowship program grants.

General Program Support and Specific Culture Program Grants

Section 265.286, F.S., creates:³⁸

- The General Program Support Grant program, which provides funding to directly support arts and cultural programming, including museums and local arts organizations, in statutorily authorized disciplines that “include, but are not limited to, music, dance, theater, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, programs of museums, and other such allied, major art forms,”³⁹ and

³⁶ Division of Arts & Culture, Florida Dep't of State, *General Program Support Grant Guidelines*, 5, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15677> (last visited Nov. 13, 2024) [hereinafter *General Program Support Grant Guidelines*].

³⁷ Section 265.286(6), F.S.

³⁸ Section 265.286(3) and (5), F.S.; *see* rule 1T-1.036(2), F.A.C.

³⁹ Sections 265.286(5)(b) and 265.283(1), F.S.

- The Specific Cultural Program Grant, which provides up to \$25,000 to fund a specific cultural project, program, exhibition, or series that furthers the state’s cultural objectives, has four permissible proposal types established in rule:
 - Arts in Education projects that promote arts and culture in education;
 - Discipline-Based cultural or artistic projects that further the state’s cultural objectives through a pre-approved list of disciplines;
 - Underserved Cultural Community Development projects that assist with the development of underserved cultural organizations; or
 - Artist Projects that provide public benefit through the creation or presentation of new artistic work.⁴⁰

The review process for both the General Program Support and Specific Cultural Program grants involves four steps of review, beginning with Division staff who determine eligibility before passing eligible applications to review panels.⁴¹

After the staff’s eligibility determination, review panels provide the first substantive review of applications; the panels are made up of an unspecified number of volunteer professionals appointed by the Secretary of State for one-year terms. Panels “consist of practicing artists or other professionals actively involved in the specific discipline or program for which the panel has been appointed.” Statute directs the Division to adopt rules establishing scoring criteria for the review panels. The panels must provide a forum for public comments before voting on an application. The panel then forwards its recommendations to the FCOAC.

The FCOAC has the power to amend and recalculate the review panels’ recommendations and must provide a forum for public comments before voting on any application. The FCOAC reviews the review panel’s recommendations before merging the recommendations and ranking them in a list provided to the Secretary.⁴² The Secretary reviews and approves (but cannot change) the ranked lists from the FCOAC and includes those lists in the DOS’s legislative budget request submitted to the Legislature.⁴³

State Touring Program Grants

State Touring Program Grants are “used to provide performances, activities, and exhibitions by Florida artists to communities,”⁴⁴ with a “selection procedure that ensures the maximum opportunity for Florida artists and cultural groups.”⁴⁵ The program⁴⁶ creates an Artist Roster of approved artists chosen by the Secretary, as recommended by the FCOAC and a multidisciplinary panel which selects artists based on criteria set forth in the guidelines required by s. 265.286, F.S., and incorporated in Rule 1T-1.037(2). The program further provides

⁴⁰ Division of Arts & Culture, Florida Dep’t of State, *Specific Cultural Project Grant Guidelines*, 6, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15678> (last visited Mar. 31, 2024) [hereinafter *Specific Cultural Project Grant Guidelines*].

⁴¹ *General Program Support Grant Guidelines*, 23-26; *Specific Cultural Project Grant Guidelines*, 30-33.

⁴² Section 265.286, F.S.; *General Program Support Grant Guidelines* at 25; *Specific Cultural Project Grant Guidelines* at 32.

⁴³ Section 265.286(3), F.S.

⁴⁴ Section 265.283(16), F.S.

⁴⁵ Section 265.286(5)(c), F.S.

⁴⁶ Rule 1T-1.037(1), F.A.C.

Presenter Fee Support to any not-for-profit organization or unit of city, county, or state government in Florida, including school boards, to host an artist on the Artist Roster.⁴⁷ The State Touring Presenter Guidelines,⁴⁸ incorporated by the relevant administrative rule,⁴⁹ provide for how much financial support an applicant may qualify, but not criteria or scoring on how applicants are ranked.

The reviewing process for the State Touring Roster Guidelines is essentially identical to that for General Program Support and Specific Cultural Program grants; the primary difference being that panel members are explicitly described in rule as a “multidisciplinary panel.”⁵⁰

Individual Artist Fellowship Program

The Division is statutorily charged with administering an individual artist fellowship program with a “selection procedure that identifies individual artists of exceptional talent and demonstrated ability.” The selection procedure, adopted in rule, “identifies individual artists of exceptional talent and demonstrated ability.”⁵¹ Applicants are scored by a review panel based on artistic excellence, tradition and authenticity, and community impact and engagement.⁵² The Division distributes grant funding as provided by rule, which provides that the Individual Artist Fellowship Program “fosters the development of individual artists.”⁵³ Funding is limited to Florida residents practicing in pre-determined disciplines. Fellowships are in the amount of \$2,500 or \$5,000, in order of score, until funds are depleted.⁵⁴ Grant recipients are required to submit a grant report that details expenditures and activities during the grant period.⁵⁵

Effects of Proposed Changes

Consolidation of Art and Culture Grants

Section 18 amends s. 265.286, F.S., relating to art and cultural grants, to consolidate the General Program Support, Specific Cultural Program, individual fellowship, and touring grant programs into one larger program. This consolidation also eliminates each grant’s described purposes, award eligibility, and criteria for award.

Section 15 also deletes a definition of “state touring program grants.” This provides the Division broader discretion in administering grants supplementing financial support for artistic and cultural activities that are appropriate for all age groups. Programs receiving funds cannot be

⁴⁷ Division of Arts and Culture, Florida Dep’t of State, *State Touring Artist Roster Guidelines*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-01033> (last visited Nov. 14, 2024) [hereinafter *State Touring Artist Roster Guidelines*].

⁴⁸ Division of Arts and Culture, Florida Dep’t of State, *State Touring Presenter Guidelines*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-01034> (last visited Nov. 14, 2024) [hereinafter *State Touring Presenter Guidelines*].

⁴⁹ Rule 1T-1.037(3), F.A.C.

⁵⁰ *State Touring Artist Roster Guidelines*; *State Touring Presenter Guidelines*.

⁵¹ Section 265.286(5)(d), F.S.; Rule 1T-1.038(1), F.A.C.

⁵² Rule 1T-1.038(4), F.A.C.

⁵³ Section 265.286(5)(d), F.S.; Rule 1T-1.038(1), F.A.C.

⁵⁴ Rule 1T-1.038(2), (3), and (6), F.A.C.

⁵⁵ Rule 1T-1.038(8), F.A.C.

harmful to minors. The changes additionally require the FCOAC to consider whether applications are for programs that are harmful to minors when advising the secretary about grant awards.

Section 15 and 18 delete the Division's required administration of the underserved arts community assistance program grant, defined as a grant used by qualified organizations under the Rural Economic Development Initiative, pursuant to ss. 288.0656 and 288.06561, for the purpose of economic and organizational development for underserved cultural organizations. It is unclear, however, if this grant is currently being administered.

Section 18 allows the Secretary to re-distribute grant monies returned to applicants on his or her list. Previously, the applicants had to be "approved," but this requirement is eliminated in the bill. The bill additionally provides provisions that prohibit an applicant seeking a recommendation from a reviewer from having have a substantial interest in any of its requested recommendations.

Review Panels for Art and Culture Grants

Review panels currently serve in almost all grant application review processes as the first body that provides a substantive review of the applications. They utilize grading rubrics and scoring requirements set forth by statute or rule. **Sections 15, 17, and 18** delete references to and the definition of "panels" for Arts and Culture Grants. Section 18, specifically, amends s. 265.286, F.S., to delete the use of qualified review panels in the process of determining the award of Art and Culture Grants and instead provides for "reviewers" the Secretary may appoint. While these reviewers appear to serve a similar purpose as the previously required review panels, the bill eliminates:

- Required qualifications and standards for panel members or reviewers, such as the requirement for panelist to come from relevant disciplines;
- Statutory language mandating the Division to create rules providing rubrics and scoring the panel or reviewers must us; and
- One year term limits.

The bill still requires the Division to administer awards to "activities and programs that meet the professional standards or standards of authenticity of significant merit."

2025-2026 General Appropriations Funding List

Effective upon the bill becoming law, **section 18** requires the Secretary to request, and the council to submit, an updated list of activities and programs that comply with the updated grant requirements as provided in the bill. After reviewing and making comments to the grant awardee recommendations, the secretary must submit a recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. The FCOAC and Secretary may provide another list for programs and activities that support America250 and celebrate the 50th anniversary of the signing of the Declaration of Independence. This subsection expires on July 1, 2026.

Rural Communities

As further discussed *infra*, many of the grant programs eliminated (or combined into one grant) by **sections 15 and 18** are ones that specifically target, or provide special consideration and allowances for, rural communities.

Cultural Facilities Grants⁵⁶

The Cultural Facilities Grants program coordinates support and funding of renovation, new construction, or acquisition of “cultural facilities.”⁵⁷ Eligible applicants must use or plan to use the facility to conduct arts and cultural programming and have unrestricted use of the land and buildings associated with the project, appropriate matching funds, and the support of local officials.

Section 20 amends s. 265.701, F.S., to discontinue the use of grant funds to acquire a cultural facility. The entities may still use the funds to renovate or construct a facility. Additionally, the section removes the requirement that unfunded grant applications that are approved and recommended by the Secretary be retained on the projects list for a year. The changes additionally require the Secretary to consider whether the program applying for grant money is appropriate for all ages and complies with federal, state, and local laws. It appears this empowers the Secretary to change the list recommended by the FCOAC.

Effective upon the bill becoming law, the Secretary shall request, and the council shall submit, an updated list of activities and programs that comply with the requirements of this section. After reviewing and making comments, the secretary shall submit a recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. The FCOAC and Secretary may provide another list for programs and activities that support America250 and celebrate the 50th anniversary of the signing of the Declaration of Independence. This subsection expires on July 1, 2026.

Historical Resources

The Division of Historical Resources (Division), led by a director who serves at the pleasure of the Secretary, is charged with encouraging the identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida’s historic sites and properties or objects related to Florida’s history and culture.⁵⁸ This includes cooperating with federal and state agencies, local governments, and private entities to accomplish its duties. The Division, in relevant part:

- Accepts and administers funding received by public and private sources and advances these funds and other grants on a quarterly basis;

⁵⁶ Numerous states have similar grant or funding programs or mechanisms, including but not limited to Massachusetts (MASS. GEN. LAWS ch. 23G, § 42), Ohio (OHIO REV. CODE ANN. §§ 154.23, 123.201, and 3381.07 (West 2025)), Vermont (VT. STAT. ANN. tit. 24, § 5604), Washington (WASH. REV. CODE § 23.63A.750), Nevada (NEV. REV. STAT. § 268.450), New Jersey (N.J. STAT. ANN. § 34:1B-389 (West 2025)), and New Hampshire (N.H. REV. STAT. ANN. § 19-A:13).

⁵⁷ Note that cultural facilities are not defined in statute, regulation, or materials referenced and incorporated into regulation.

⁵⁸ Florida Department of State, Division of Historical Resources, *About*, <https://dos.fl.gov/historical/about/> (last visited Mar. 25, 2025). *See also*, s. 267.031, F.S.

- Enters into agreements for awarding grants or other contracts with any person, firm, performing arts company, educational institution, arts organization, corporation, or governmental agency as may be necessary or advisable;
- Consults with and advises individuals, groups, or public entities with the acquisition, acceptance, display, and care of fine art;
- Sponsors performances and exhibits;
- Promotes and encourages the study and appreciation of arts and culture; and
- Advertises arts and cultural programs available throughout the state.⁵⁹

The Florida Historical Resources Act⁶⁰ was established to preserve archaeological sites and objects of antiquity for the public benefit.⁶¹ The Act recognizes Florida's historic properties as an important legacy to be valued and conserved for present and future generations. Accordingly, it is Florida's policy to lead, assist, administer, and encourage public entities and private citizens to preserve the state's historic environment and resources.⁶²

The Division director is advised by the Florida Historical Commission, which, in addition to several other advising roles, is specifically charged with advising and providing recommendations on awards of special category historic preservation grant-in-aid administered by the Division.⁶³ Seven members of the Commission are appointed by the Governor in consultation with the Secretary of State; two are appointed by the President of the Senate; and two are appointed by the Speaker of the House of Representatives.⁶⁴

Sections 267.031, 267.0617, and 267.21, F.S., allows the Division to adopt rules pursuant to the Administrative Procedures Act. Each program must be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms.

The Grove Advisory Council

The Call/Collins House, commonly known as "The Grove," is a museum located in Tallahassee used to educate the public on the lives and accomplishments of The Grove's first owner and builders of the estate, Richard Keith Call, Florida's last Territorial Governor; as well as LeRoy Collins, Florida's 33rd Governor, who, with his wife, Mary Call Darby Collins (a descendant of Call's), were the last private owners of The Grove. The Grove is now listed on the National Register of Historic Places.⁶⁵

The Grove Advisory Council advises the Division on the operation, maintenance, preservation, and protection of the Grove's house, grounds, cemeteries, and all other structures thereon; the

⁵⁹ Section 265.284, F.S.

⁶⁰ Sections 267.011-267.1736, F.S.

⁶¹ Section 267.14, F.S.

⁶² Section 267.061(2)(a), F.S.

⁶³ Section 267.0612(6)(c), F.S.

⁶⁴ Section 267.0612(1)(a)1., F.S.

⁶⁵ Section 267.075(1), F.S.; Dep't of State, *Richard Kieth Call*, <https://DoS.fl.gov/florida-facts/florida-history/florida-governors/richard-keith-call/#:~:text=Call%20led%20the%20Florida%20militia,and%20the%20national%20business%20depression> (last visited Mar. 19, 2025).

furniture and furnishing located therein; any changes in the architecture, structure, furnishings, and landscaping; and the design and development of interpretive programs and exhibits in connection therewith.⁶⁶ Five members of the council are appointed by the Secretary; the remainder of the council membership is made up of the Secretary of Management Services, or his or her designee; the director of the Division; and a direct descendent of Mary Call Darby Collins. The members appointed by the Secretary consist of individuals with curatorial and museum expertise, professional architectural historic preservation expertise, and professional landscaping experience. Council members serve without compensation but receive per diem for travel expenses, and the council receives clerical support from the Division.⁶⁷

Section 25 repeals s. 267.075, F.S., to eliminate the Grove Advisory Council.

Florida Museum of Black History Task Force

In 2023, the Legislature created the Florida Museum of Black History Task Force to advise the Division on the planning, construction, operation, and administration of the yet established Florida Museum of Black History. The Florida Museum of Black History is a yet to be established museum that is supposed to be a self-sustaining museum that functions on the revenues of the museum and meeting rooms, banquet facilities, and performing arts theater therein.⁶⁸ After its tenth meeting on June 28, 2024, the Task Force issued its final report, thereby completing the purpose of the Task Force.⁶⁹

Section 25 repeals s. 267.0722, F.S., to eliminate the Florida Museum of Black History Task Force.

The Historic Preservation Grant Program

The Division administers the Historic Preservation Grant Program pursuant to s. 267.0617, F.S., which authorizes grants of moneys appropriated by the Legislature and other contributions for the purpose of historic preservation.⁷⁰ The Division adopts rules setting forth the criteria applied by the Florida Historical Commission and grant review panels in reviewing and recommending grant application.⁷¹ Grant review panels are appointed by the Secretary and chaired by a member or designee of the Florida Historical Commission. Grant money is appropriated from the Historical Resources Operating Trust Fund.⁷²

There are two relevant types of Historic Preservation Programs:

- Small Matching Grants, which provide matching funding to assist local, regional, and state-wide efforts to preserve significant historic and archaeological resources and promote knowledge and appreciation of the history of Florida.⁷³

⁶⁶ Section 267.075(2), F.S.

⁶⁷ Section 267.075(3), F.S.

⁶⁸ Section 267.0722, F.S.

⁶⁹ *Id.*; Division of Historical Resource, Dep't of State, *The Florida Museum of Black History Task Force*, <https://DoS.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Mar. 18, 2025).

⁷⁰ Section 267.0617, F.S.

⁷¹ Section 267.0617(5), F.S.

⁷² Section 267.0617(3), F.S.

⁷³ Section 267.0617(2), F.S.; Rule 1A-39.001(3)(a), F.A.C.

- Special Category Grants, which provide funding to assist major local, regional, and state-wide efforts to preserve significant historic and archaeological resources, to assist major archaeological excavations or research projects, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida.⁷⁴

Section 23 amends s. 267.0612, F.S., to consolidate the grant review processes for the special category historic preservation grants-in-aid under the Historic Preservation Grant Program provisions of s. 267.617, F.S. This does not represent a change in law.

Section 24 amends s. 267.0617, F.S., relating to the Historic Preservation Grant Program, to remove reference to the Historical Resources Operating Trust Fund, which is the current fund for all money received and paid by the Historic Preservation Grant Program. This section additionally allows the Secretary to review and provide comments on the recommended list of grants-in-aid recipients. Funds awarded must be expended in compliance with law and regulation and cannot be used for activities or programs that are harmful to minors.

Abandoned African-American Cemeteries Program

The Division administers the Historic Cemeteries Program, directed by the State Historic Preservation Officer, and addresses historic and abandoned cemeteries throughout the state—including coordinating with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.⁷⁵ Subject to legislative appropriations, the Historic Cemeteries Program provides grants to research institutions, colleges and universities, non-profits, and local governments to assist efforts to protect, preserve, repair, and restore abandoned African-American cemeteries in the State of Florida.⁷⁶ Members of the Historic Cemeteries Program Advisory Council serve as the application review panel for the Abandoned African-American Cemeteries Grant program. The Historic Cemeteries Program Advisory Council consists of nine members, all appointed by the Secretary.⁷⁷

Sections 27 and 28 amend ss. 267.21 and 267.22, F.S., respectively, which in relevant part address the abandoned African-American cemeteries grant program and corresponding task force.

As to the abandoned African-American cemeteries grant program, section 27 allows the Secretary to review recommended grant recipients and provide comments on whether the grant awardee program is harmful to minors and complies with federal, state, and local laws; and section 28 makes a conforming change.

Section 27 requires the council to review each application and submit a list to the Secretary of recommended awardees. The recommended list, with any comments made by the Secretary, is submitted as a part of the DOS legislative funding request.

⁷⁴ Section 267.0617(3), F.S.; Rule 1A-39.001(3)(b), F.A.C.

⁷⁵ Section 267.21(1), F.S.

⁷⁶ Section 267.21, F.S.; Rule 1A-39.001(3)(C), F.A.C.

⁷⁷ Section 267.22, F.S.

Section 28 amends s. 267.22, F.S., relating to the Historic Cemeteries Program Advisory Council, to codify the review requirements currently promulgated by the DOS in their guidelines. Section 28 also reorganizes the Historic Cemeteries Program Advisory Council (Advisory Council) as a sub-council within the Florida Historical Commission, who may become members of the Advisory Council; and provides that the Advisory Council only needs five members (as opposed to the current nine required) who would now be appointed by the Florida Historical Commission (as opposed to the Secretary). Terms are shortened from four to two years. Current members of the Advisory Council may serve out the rest of their turn.

Effective Date

Section 29 provides that the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

Single Subject

Article III, section 6 of the State Constitution requires every law to “embrace but one subject and matter properly connected therewith.” The purpose of this requirement is to prevent logrolling, which combines multiple unrelated measures in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.⁷⁸ The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in

⁷⁸ *Santos v. State*, 380 So.2d 1284 (Fla. 1980).

the title.⁷⁹ The subject matter to consider when determining whether a bill embraces a single subject is the bill title's subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.⁸⁰

The bill relates to fees paid for commissions issued by the Governor, in addition to the DOS grants administered by, and officers and bodies existing in, the Division of Library and Information Services, Division of Arts and Culture, and Divisions of Historical Resources. While the Secretary is required to attest to these commissions and is appointed by the Governor, this may not be sufficient to establish a natural or logical connection to the rest of the bill to meet the single subject requirement in the State Constitution.

Agency Action and Rulemaking

Constitutional law holds state and agency action to an arbitrary and capricious standard.⁸¹ Arbitrary and capricious means “founded on prejudice or preference rather than on reason or fact.”⁸² Agency action passes the arbitrary and capricious standard “only if it rests on a consideration of the relevant factors,” but is unlawful if it “entirely failed to consider an important aspect of the problem.”⁸³ A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational.⁸⁴

Overall, the bill decreases the DOS' required rulemaking and eliminates or reduces current statutory criteria for the DOS' award of state funds. These changes may allow the DOS to award grants in an arbitrary fashion, should the DOS make such awards without a clear standard outlined in rule or statutory guidelines.

Accordingly, while the present bill eliminates required rule making, this may constitutionally be problematic because it may lead to arbitrary and capricious decisions.

Review panels currently serve in almost all grant application review processes as the first body providing substantive review. They utilize grading rubrics and scoring requirements set forth by statute or the DOS in statutorily required rules. The bill not only substitutes these review panels but also eliminates the statutory requirement to adopt rules to establish a scoring system formula for such determinations. This may also result in grant applicants not knowing the criteria considered in the review of their applications, which could raise constitutional due process concerns.

In particular, section 18, amending s. 265.286, F.S., lists criteria that the Division may consider in awarding grants, namely including allowable and nonallowable costs,

⁷⁹ *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).

⁸⁰ *See Ex parte Knight*, 41 So. 786 (Fla. 1906); *Brd. of Public Instruction of Broward Cnty. v. Doran*, 224 So.2d 693 (Fla. 1969).

⁸¹ FLA. CONST., Art. IX, s. 9; U.S. CONST. amend. XIV, s. 1.

⁸² ARBITRARY, Black's Law Dictionary (11th ed. 2019).

⁸³ *Bidi Vapor LLC v. U.S. Food & Drug Admin.*, 47 F.4th 1191, 1202 (11th Cir. 2022)

⁸⁴ Section 120.52(8), F.S.

program quality, artistic quality, potential public exposure and benefit, professional excellence, fiscal stability, state or regional impact, but the permitted criteria is relatively broad and subject to personal interpretation.⁸⁵ However, these permitted criteria may not provide enough guidance to be implemented without rule, and are ultimately permissible rather than required criteria. This may result in arbitrary and capricious grant awards by the DOS.

Excess Delegation of Authority to Determine or Override Appropriations

The Legislature is the sole branch of government with the inherent power to create laws.⁸⁶ The State Constitution vests the “power of the purse” in the Legislature by granting it exclusive and plenary power to raise and appropriate state funds. The power to appropriate funds, therefore, rests with the Legislature alone.⁸⁷

On lines 224-231, the Secretary is granted authority to “review the funding recommendation list to identify whether federal grant funds awarded under this section (to libraries) are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors.”

Lines 272-276, 306-309, 332-335, 482-485, 648-651, 789-792, and 931-934 grant similar authority to the Secretary for the various grants funded by state funds and administered by the DOS. The placement of this language is consistently in provisions regarding the recommended lists prior to submission to the Legislature.

The Legislature may not delegate to the secretary the power to effectively veto or withhold the grants. However, the use of the terms “awarded” and “expended” may suggest that the Secretary can change the grants the Legislature already “approved” for funding. If this language does apply to the list of grantees selected as a part of the Legislature’s decision on appropriations, these provisions empowering the Secretary may be violative of the Legislature’s power to appropriate (subject only to gubernatorial veto).

In addition, if the provisions are applied to deny a legislative appropriation, the grant applicant must be given some level of due process to appeal the Secretary’s decision. This is particularly important when the Legislature has taken action to fund a particular applicant, notwithstanding whether a state or local law applies. No such process is established or discussed in the bill.

Lines 585-598 and 667-680, relating to arts and cultural grants, require the FCOAC to submit an updated list to the legislature for FY 2025-26 that comply with the

⁸⁵ The bill provides that “The division may adopt rules establishing [e]ligibility criteria for the award of grants, which may include, but need not be limited to, application requirements, allowable and nonallowable costs, program quality, artistic quality, creativity, potential public exposure and benefit, the ability to properly administer grant funds, professional excellence, fiscal stability, state or regional impact and economic development, matching requirements, and other requirements to further the purposes of this act.”

⁸⁶ FLA. CONST. art., III, s. 1. *See also* FLA. CONST. art. II, s. 3.

⁸⁷ FLA. CONST. art. VII, s. 1(c, d); *Graham v. Haridopolos*, 75 So. 3d 315, 318 (Fla. 1st DCA 2011), approved, 108 So. 3d 597 (Fla. 2013); *Chiles v. Child. A, B, C, D, E, & F*, 589 So. 2d 260, 267 (Fla. 1991) (explicitly providing that the Legislature and not the executive branch is entrusted with appropriating state funds).

requirements of this act. This may be problematic to the extent that the Legislature bases its funding decisions on the originally submitted list and the Secretary attempts to fund the grants based on a newly submitted list that was not contemplated by the Legislature during the appropriations process. Under ch. 216, F.S., the Secretary had the opportunity to submit such a list in the agency legislative budget request. Moreover, the DOS continues to have the authority to amend its legislative budget request. Thus, this language, in practical terms, merely grants the FCOAC the additional opportunity to submit a specific list.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

It is difficult to identify how the private sector may be impacted. Many administrative rules that will no longer be required provide ways for grant applicants to demonstrate return on investment. It is unclear how, without such rules, the DOS will continue to monitor the return on investment.

C. Government Sector Impact:

The fiscal impact of a majority of the bill on state and local governments is indeterminate at this time. Fees collected by the DOS for commissions under 113.01, F.S., for Fiscal Year 2024-2025 were \$22,765 and were deposited into the General Revenue Fund.⁸⁸

VI. Technical Deficiencies:

At lines 226-227, the bill allows the Secretary to “review *and identify* the funding recommendations on the list *to identify*...”⁸⁹ This appears to be a drafting error. Moreover, it is unclear to whom the identifications are sent to, how they are sent, and the results of such identifications.

At lines 379-384, the language appears to require each appointed member to be a public representative with demonstrated interest in all five areas of arts, culture, museums, folklore, and cultural heritage traditions. The Legislature may want to change the ‘and’ to an ‘or’ so qualifications for FCOAC members are public representatives with demonstrated interests in any of the areas of interest.

Section 17 (lines 431-437) amends the FCOAC’s duties to include promotion of the Arts and Culture Recognition award and apprenticeship programs. These programs do not exist in statute. The Legislature may wish to codify the Arts and Culture Recognition award and apprenticeship

⁸⁸ Email from Katherine Woodby, Legislative Analyst, Dep’t of State, to Mackensee White, Attorney, the Florida Senate (Apr. 2, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

⁸⁹ (Emphasis added.)

programs and provide the DOS the statutory authority to administer these programs. This would provide a statutory basis for the FCOAC's promotion of the programs.

Throughout the various grant program implementing statutes, the bill permits, rather than mandates, the DOS to adopt administrative rules to implement the application and review process. With this change, and assuming DOS repeals any rules that are merely permissive, it is unclear how reviewers' recommendations and Council recommendations will be made and applied consistently across the applicants.

VII. Related Issues:

Effect on Rural Communities

Most of the specific statutory language requiring, referencing, or mandating rules that provide special considerations or focuses on rural communities for the purpose of grants administered by the Division of Arts and Culture are eliminated in the bill.

The Rural Economic Development Initiative (REDI) recognizes that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases. Among other things, REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.

Section 22 amends s. 265.283, F.S., to delete the definitions for the state touring grant and underserved arts community assistance program grants. This presumably ends the state touring program and underserved arts community assistance program grants.

Both the General Program Support and Specific Cultural Program grants give areas involved in the REDI either a complete waiver of matching fund requirements (General Program Support grant), or a decrease in the percentage of the matching required (Specific Cultural Program grants).⁹⁰ These two grants are eliminated by the bill.

The state touring program grants and underserved community⁹¹ grants mainly support rural communities. For touring grants in particular, underpopulated counties can request twice as much fee support as other counties, and underpopulated counties are given priority.

VIII. Statutes Affected:

This bill repeals sections 113.01, 113.02, 113.03, 257.34, and 267.0722.

⁹⁰ *General Program Support Grant Guidelines* at 17; *Specific Cultural Grant Guidelines* at 7.

⁹¹ Underpopulated counties refer to counties with a population of 75,000 or less in the 2010 Census. Currently, 31 Florida counties qualify as an underpopulated county. These counties are Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Monroe, Nassau, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.

This bill substantially amends sections 113.051, 117.01, 117.225, 117.295, 257.031, 257.12, 257.17, 257.191, 257.23, 257.42, 265.283, 265.284, 265.285, 265.286, 265.2865, 265.701, 265.703, 265.803, 267.0612, 267.0617, 267.075, 267.21, and 267.22 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

- Amends language giving the Secretary of DOS the authority to alter lists of recommended grant awardees given to the Legislature to instead provide comments on the list;
- Uses and defines “harmful to minors” to replace “appropriate for all ages” language; and
- Adds sections amending or repealing ss. 113.01, 113.02, 113.03, 113.051, 177.01, 177.225, and 177.295, F.S., to eliminate a \$10 fee on commissions issued by the Governor.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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The Committee on Governmental Oversight and Accountability
(Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 257.031, Florida
Statutes, is amended to read:

257.031 State Librarian; appointment and duties.—

(1) The State Librarian shall be appointed by the Secretary
of State, shall have completed a library school program
accredited by a national library professional ~~the American~~



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~~Library~~ association, and shall serve as the director of the Division of Library and Information Services of the Department of State. The Secretary of State may, in making the appointment of State Librarian, consult the members of the State Library Council.

Section 2. Subsection (4) is added to section 257.12, Florida Statutes, to read:

257.12 Division of Library and Information Services authorized to accept and expend federal funds.—

(4) The State Library Council, as provided in s. 257.02, shall develop recommendations for providing available federal funds to public libraries. The secretary may review and identify the funding recommendation list to identify whether federal grant funds awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

Section 3. Paragraph (a) of subsection (2) of section 257.17, Florida Statutes, is amended to read:

257.17 Operating grants.—A political subdivision that has been designated by a county or municipality as the single library administrative unit is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for the operation and



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40 maintenance of a library, under the following conditions:

41 (2) The library established or maintained by such political
42 subdivision shall:

43 (a) Be operated under a single administrative head who is
44 an employee of the single library administrative unit and who
45 has completed a library education program accredited by a
46 national library professional ~~the American Library~~ association.
47 The single administrative head shall have at least 2 years of
48 full-time paid professional experience, after completing the
49 library education program, in a public library that is open to
50 the public for a minimum of 40 hours per week.

51 Section 4. Section 257.191, Florida Statutes, is amended to
52 read:

53 257.191 Construction grants.—

54 (1) The Division of Library and Information Services may
55 accept and administer library construction moneys appropriated
56 to it and shall allocate such appropriation to municipal,
57 county, and regional libraries in the form of library
58 construction grants on a matching basis. The local matching
59 portion shall be no less than the grant amount, on a dollar-for-
60 dollar basis, up to the maximum grant amount, unless the
61 matching requirement is waived by s. 288.06561. Initiation of a
62 library construction project 12 months or less prior to the
63 grant award under this section shall not affect the eligibility
64 of an applicant to receive a library construction grant. The
65 division shall adopt rules for the administration of library
66 construction grants. For the purposes of this section, s. 257.21
67 does not apply.

68 (2) (a) The secretary shall identify whether the library



487810

69 construction grants awarded under this section are expended in
70 compliance with all federal, state, and local laws and
71 regulations and are used only for activities and programs that
72 are not harmful to minors. For purposes of this paragraph, the
73 term "harmful to minors" means any reproduction, imitation,
74 characterization, description, exhibition, presentation, or
75 representation, in any manner or form, depicting sexual conduct
76 or sexual excitement as those terms are defined in s. 847.001.

77 (b) The secretary shall submit a recommended list to the
78 Legislature for funding consideration.

79 Section 5. Section 257.23, Florida Statutes, is amended to
80 read:

81 257.23 Application for grant.—

82 (1) The board of county commissioners of any county, the
83 chief executive officer of a municipality, or the governing body
84 of a special district or a special tax district desiring to
85 receive a grant under the provisions of ss. 257.14-257.25 shall
86 apply therefor to the Division of Library and Information
87 Services on or before October 1 of each year on a form to be
88 provided by the division. The application shall be signed by the
89 chair of the board of county commissioners and attested by the
90 clerk of the circuit court or the appropriate officer in a
91 charter county, by the chief executive officer of a municipality
92 and attested by the clerk of the municipality, or by the chair
93 of the governing body and attested by the chief financial
94 officer of a special district or a special tax district. The
95 county, municipality, special district, or special tax district
96 shall agree to observe the standards established by the division
97 as authorized in s. 257.15. On or before December 1 each year,



487810

the applicant shall certify the annual tax income and the rate of tax or the annual appropriation for the free library or free library service, and shall furnish such other pertinent information as the division may require.

(2) The secretary shall identify whether grants awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

Section 6. Section 257.34, Florida Statutes, is repealed.

Section 7. Section 257.42, Florida Statutes, is amended to read:

257.42 Library cooperative grants.—

(1) The administrative unit of a library cooperative is eligible to receive an annual grant from the state for the purpose of sharing library resources based upon an annual plan of service and expenditure and an annually updated 5-year, long-range plan of cooperative library resource sharing. Those plans, which must include a component describing how the cooperative will share technology and the use of technology, must be submitted to the division for evaluation and possible recommendation for funding in the division's legislative budget request. Grant funds may not be used to supplant local funds or other funds. A library cooperative must provide from local sources matching cash funds equal to 10 percent of the grant



487810

award.

(2) The secretary shall identify whether state grant funds awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

Section 8. Subsections (12), (16) and (17) of section 265.283, Florida Statutes, are amended to read:

265.283 Definitions.—The following definitions shall apply to ss. 265.281-265.703:

~~(12) "Panel" means a grant review panel.~~

~~(16) "State touring program grants" means grants used to provide performances, activities, and exhibitions by Florida artists to communities.~~

~~(17) "Underserved arts community assistance program grants" means grants used by qualified organizations under the Rural Economic Development Initiative, pursuant to ss. 288.0656 and 288.06561, for the purpose of economic and organizational development for underserved cultural organizations.~~

Section 9. Subsection (1) of section 265.284, Florida Statutes, is amended to read:

265.284 Chief arts and culture ~~cultural~~ officer; director of division; powers and duties.—

(1) The secretary ~~of State~~ is the chief arts and culture ~~cultural~~ officer of the state.



487810

Section 10. Paragraphs (a) and (c) of subsection (1) and paragraphs (c), (e), (f), and (g) of subsection (2) of section 265.285, Florida Statutes, are amended to read:

265.285 Florida Council on Arts and Culture; membership, duties.—

(1)(a) The Florida Council on Arts and Culture is created within the department as an advisory body, as defined in s. 20.03(7). The council shall be composed of, ~~consisting of~~ 15 members. Seven members shall be appointed by the Governor in consultation with the Secretary of State, four members shall be appointed by the President of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. Of the seven members appointed by the Governor, one member must be a licensed architect who has expertise in cultural facilities; one member must be an enrolled member of the Seminole Tribe of Florida; one member must be a professional public folklorist; one member must be a university affiliated folklorist; one member must be a practicing or former professional artist; and one member must be a retired chief executive officer of a Florida-based accredited museum. The remaining member appointed by the Governor and the four members appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, must be representatives of the public with demonstrated interest in and knowledge of the arts, culture, museums, folklore, and cultural heritage traditions. The appointments that are, ~~to be~~ made in consultation with the Secretary of State, shall recognize the need for geographical representation. Council members appointed by the Governor shall be appointed for 4-year terms beginning on January 1 of the year



487810

of appointment. Council members appointed by the President of the Senate and the Speaker of the House of Representatives shall be appointed for 2-year terms beginning on January 1 of the year of appointment. A member of the council who serves two 4-year terms or two 2-year terms is not eligible for reappointment for 1 year following the expiration of the member's second term. A member whose term has expired shall continue to serve on the council until such time as a replacement is appointed. Any vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as for the original appointment. Members should have a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theater, dance, folk and traditional arts, music, architecture, photography, literature, and media arts, or in the areas of science, history, or children's museums. In addition, it is desirable that members have successfully served on boards of cultural institutions such as museums and performing arts centers or are recognized as patrons of the arts. A member may not receive financial compensation as an employee or officer of an entity that has received grant funds or an applicant for division grant funding recommendations. This prohibition does not apply to an employee or officer of a state college or university.

(c) Members of the council ~~and panels~~ may not receive any compensation for their services but shall be reimbursed for travel and expenses incurred in the performance of their duties, as provided in s. 112.061.

(2) The council shall:

(c) Encourage the participation in and appreciation of



487810

arts, ~~and~~ culture, and folklife to meet the needs and aspirations of persons in all parts of the state.

(e) Encourage arts and culture development within communities ~~and assist freedom of artistic expression that is essential for the well-being of the arts.~~

(f) Advise the secretary in matters concerning the awarding of grants for arts and culture as authorized in this act and make funding recommendations for activities and programs that are not harmful to minors. For purposes of this paragraph, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

(g) Promote and assist with division programs, such as the Major John Leroy Haynes Florida Veterans' History Program, the Arts and Culture recognition award program, and the apprenticeship program ~~the reading, writing, and appreciation of poetry throughout the state and accept nominations and recommend nominees for appointment as the State Poet Laureate under s. 265.2863.~~

Section 11. Section 265.286, Florida Statutes, is amended to read:

265.286 Arts ~~Art~~ and cultural grants.—

(1) For purposes of this section, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

(2) The division shall accept applications for arts and



487810

cultural grants for activities and programs identified in subsection (8) and based on the rules adopted under this section.

(3) To be eligible for a grant, an applicant must:

(a) Be a nonprofit, tax-exempt Florida corporation or a local or state governmental entity, school district, community college, college, university, agency of state government, or artist engaged in or concerned with arts and cultural activities.

(b) Conduct activities and programs that are not harmful to minors.

(c) Strictly conform with all applicable local, state, and federal laws and regulations.

~~(4)(1) The secretary may appoint reviewers review panels consisting of members from various art and cultural disciplines and programs to assist the council in the grant application review process. Appointed reviewers shall review Each panel member shall be appointed to a 1-year term. Each panel shall consist of practicing artists or other professionals actively involved in the specific discipline or program for which the panel has been appointed. Each panel shall review and score grant applications and recommend to the council the applicants to which grants may should be awarded. The panels shall submit lists of eligible applicants by score. The division shall adopt rules establishing a formula for such scoring.~~

~~(5)(2) The council and each panel shall provide a forum for public comment before voting on any grant application.~~

~~(6)(3) After the council reviews the recommended lists of eligible applicants submitted by each review panel, it shall~~



487810

develop a list of recommended arts and culture grants ~~two lists,~~
~~one of which must consist of eligible applicants for general~~
~~program support funding and one of which must consist of~~
~~eligible applicants for specific cultural project funding,~~ and
submit the list ~~lists~~ to the secretary. The secretary may review
and provide comments to the Legislature concerning the
recommended applicants. Funds awarded under this section must be
expended in compliance with all federal, state, and local laws
and regulations and used only for activities and programs that
are not harmful to minors. The secretary shall submit the
recommended list to the Legislature annually for funding
consideration ~~shall review the council's recommendations and,~~
~~beginning July 1, 2010, include the lists of approved applicants~~
~~in the department's legislative budget request submitted to the~~
Legislature.

(7)(4) Arts and cultural Project grants shall be funded
from the secretary's submitted ~~approved~~ list ~~by score~~ until all
appropriated funds are depleted. If ~~specific project~~ grant funds
are returned to the division, it must ~~shall~~ award such funds to
the next grant applicant on the secretary's list of ~~approved~~
applicants. ~~General program support grants shall be awarded to~~
~~applicants on the secretary's list in amounts determined by~~
~~rule.~~

(8)(5) The division shall administer awarded grants ~~fund~~:

(a) To supplement the financial support of artistic and
cultural activities and programs that, without the assistance,
may otherwise be unavailable to Florida residents ~~Grants for~~
~~general program support for science museums, youth and~~
~~children's museums, historical museums, local arts agencies,~~



487810

~~state service organizations, and organizations that have cultural program activities in any of the art and cultural disciplines defined in s. 265.283.~~

~~(b) To activities and programs that have substantial artistic and cultural significance and emphasize creativity and professional excellence Grants for specific cultural projects for arts in education, museums, Culture Builds Florida, or nonprofit public or private organizations having cultural project activity in any of the art and cultural disciplines.~~

~~(c) To activities and programs that meet the professional standards or standards of authenticity of significant merit, regardless of origin Grants for a touring program that has a selection procedure that ensures the maximum opportunity for Florida artists and cultural groups.~~

~~(d) To activities and programs that are not harmful to minors An individual artist fellowship program. The division shall establish a selection procedure that identifies individual artists of exceptional talent and demonstrated ability and distribute grant appropriations as provided by rule.~~

~~(e) To other programs consistent with the purpose of this act.~~

~~(9)(6)~~ The division may ~~shall~~ adopt rules establishing:

~~(a) Eligibility criteria for the award of grants, which may include, but need not be limited to, application requirements, allowable and nonallowable costs, program quality, artistic quality, creativity, potential public exposure and benefit, the ability to properly administer grant funds, professional excellence, fiscal stability, state or regional impact and economic development, matching requirements, and other~~



487810

requirements to further the purposes of this act.

(b) Particular grant programs, categories of grants, and procedures necessary for the prudent administration of the grant programs.

(c) The ~~panel~~ review process, including, but not limited to, criteria for reviewing grant applications to identify whether there is ~~ensure~~ compliance with applicable federal and state law, including those related to discrimination and conflicts of interest and whether the activities and programs are harmful to minors. The division may not award any new grant that will, in whole or in part, inure to the personal benefit of any council ~~or review panel~~ member during the member's term of office or reviewer if the council ~~or panel~~ member or reviewer participated in the vote of the council or reviewer ~~panel~~ recommending the award. This paragraph does not prohibit the division from awarding a grant to an entity with which a council ~~or panel~~ member or reviewer is associated.

~~(7) The division shall award grants:~~

~~(a) To supplement the financial support of artistic and cultural activities and programs that, without the assistance, may otherwise be unavailable to Florida residents.~~

~~(b) To activities and programs that have substantial artistic and cultural significance and emphasize creativity and professional excellence.~~

~~(c) To activities and programs that meet the professional standards or standards of authenticity of significant merit, regardless of origin.~~

~~(d) For other reasons consistent with this act.~~

~~(8) Eligible grantees must:~~



487810

~~(a) Be a nonprofit, tax-exempt Florida corporation; or~~
~~(b) A local or state governmental entity, school district,~~
~~community college, college, university, agency of state~~
~~government, or artist engaged in or concerned with arts and~~
~~cultural activities.~~

(10)~~(9)~~ In order to equitably distribute limited state
funding, applicants may apply for and be awarded only one grant
per annual grant cycle, except for cultural facilities, ~~a~~
~~cultural endowment, or touring program grants and individual~~
~~artist fellowships.~~

(11)~~(10)~~ Of the total amount of grant funds available from
all sources for grants, except cultural facilities ~~and cultural~~
~~endowments~~, 70 percent shall be awarded on at least a dollar-to-
dollar matching basis. Up to 50 percent of the grantee's match
may consist of in-kind funds. Up to 30 percent of all grant
funds may be awarded on a nonmatching basis, ~~including~~
~~individual fellowships.~~

(12) An applicant seeking a recommendation from a reviewer
for grant funding may not have a substantial interest as set
forth in s. 120.569 in any of its requested recommendations.

(13)~~(11)~~ The division may ~~shall~~ adopt rules to administer
and implement this section.

(14) Effective upon this act becoming a law, the secretary
shall request, and the council shall submit, an updated list of
activities and programs that comply with the requirements of
this section. After reviewing and making comments, the secretary
shall submit a recommended list to the Legislature for funding
consideration in the General Appropriations Act for fiscal year
2025-2026. This subsection expires July 1, 2026.



487810

(15) The council and the secretary may provide a separate list for activities and programs that support America250 and celebrate the 250th anniversary of the signing of the Declaration of Independence on July 4, 1776. This subsection applies only if the date this act becomes law occurs before the Legislature passes the General Appropriations Act for fiscal year 2025-2026. This subsection expires July 4, 2026.

Section 12. Subsections (3), (4), and (7) of section 265.2865, Florida Statutes, are amended to read:

265.2865 Florida Artists Hall of Fame.—

(3) The Florida Council on Arts and Culture may ~~shall~~ accept nominations annually for persons to be recommended as members of the Florida Artists Hall of Fame. The council may ~~shall~~ recommend to the Secretary of State persons to be named as members of the Florida Artists Hall of Fame. The council's recommended ~~council shall recommend as~~ members to ~~of~~ the Florida Artists Hall of Fame must be persons who were born in Florida or adopted Florida as their home state and base of operation and who have made a significant contribution to the enhancement of the arts in this state.

(4) The Secretary of State shall name no more than three ~~four~~ members to the Florida Artists Hall of Fame in any one nomination year.

(7) The Secretary of State may ~~shall~~ annually request an appropriation sufficient to carry out the purposes of this section.

Section 13. Subsections (1), (2), and (3) of section 265.701, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:



487810

265.701 Cultural facilities; grants for ~~acquisition,~~
renovation, or construction; funding; approval; allocation.—

(1) The Division of Arts and Culture may accept and administer moneys appropriated to it for providing grants to counties, municipalities, and qualifying nonprofit corporations for the ~~acquisition,~~ renovation, or construction of cultural facilities.

(2) A county, municipality, or qualified corporation may apply for a grant of state funds for the ~~acquisition,~~ renovation, or construction of a cultural facility. For the purposes of this section, a "qualified corporation" is a corporation which is designated a not-for-profit corporation pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions pursuant to the provisions of, s. 170 of the Internal Revenue Code of 1954, and which is a corporation not for profit incorporated pursuant to chapter 617. The state grant must be matched by a contribution from the county, municipality, or nonprofit corporation in an amount to be determined by the Department of State.

(3) The Florida Council on Arts and Culture shall review each application for a grant to ~~acquire,~~ renovate, or construct a cultural facility which is submitted pursuant to subsection (2) and shall submit annually to the Secretary of State for approval lists of all applications that are recommended by the council for the award of grants, arranged in order of priority. The secretary may review and provide comments to the Legislature concerning the recommended applicants. Funds awarded under this section must be expended in compliance with all federal, state,



487810

and local laws and regulations and used only for activities and programs that are not harmful to minors. The secretary shall submit the recommended list to the Legislature for funding consideration. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

The division may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. ~~Projects approved and recommended by the Secretary of State which are not funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the department as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.~~

(6) Effective upon this act becoming a law, the secretary shall request, and the council shall submit, an updated list of projects that comply with the requirements of this section. After reviewing and making comments, the secretary shall submit the recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. This subsection expires July 1, 2026.

(7) The council and the secretary may provide a separate list for activities and programs that support America250 and celebrate the 250th anniversary of the signing of the Declaration of Independence on July 4, 1776. This subsection applies only if the date this act becomes law occurs before the



487810

Legislature passes the General Appropriations Act for fiscal year 2025-2026. This subsection expires July 4, 2026.

Section 14. Subsection (1) of section 265.703, Florida Statutes, is amended to read:

265.703 Citizen support organizations; use of state administrative services and property; audit.—

(1) CITIZEN SUPPORT ORGANIZATIONS.—The division may support the establishment of citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, ~~and~~ museum, and international and intergovernmental programs of the division. For the purposes of this section, a “citizen support organization” means an organization which is:

(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the division, ~~or~~ individual program units, or international and intergovernmental programs of the division.

(c) Determined by the division to be consistent with the goals of the division and in the best interests of the state.

(d) Approved in writing by the division to operate for the direct or indirect benefit of the division. Such approval shall be given in a letter of agreement from the division.



487810

Section 15. Paragraph (a) of subsection (1) of section 265.803, Florida Statutes, is amended to read:

265.803 Florida Folklife Council.—

(1)(a) The Florida Folklife Council is created as a sub-council within part of the Florida Council on Arts and Culture created by s. 265.285 Department of State, to be composed of ~~consist~~ of seven members appointed by the Secretary of State from the membership of the Florida Council on Arts and Culture. The Secretary of State shall appoint each member for a 4-year term and shall appoint a successor for each member within 90 days after the expiration of the member's term. The Secretary of State shall fill any vacancy for the remainder of the unexpired term within 90 days after the vacancy occurs. Members shall be appointed to provide geographical, cultural, traditional ~~ethnic~~, and professional representation on the council.

Section 16. Paragraph (c) of subsection (6) of section 267.0612, Florida Statutes, is amended to read:

267.0612 Florida Historical Commission; creation; membership; powers and duties.—In order to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties, there is created within the Department of State the "Florida Historical Commission." The commission shall serve in an advisory capacity to the director of the Division of Historical Resources to assist the director in carrying out the purposes, duties, and responsibilities of the division, as specified in this chapter.

(6) It shall be the responsibility of the commission to provide assistance, advice, and recommendations to the division



487810

in:

(c) Evaluating proposals for awards of special category historic preservation grants-in-aid administered by the division. Pursuant thereto, the commission shall review and evaluate proposals for special category grants and shall make recommendations, including a priority ranking, reflecting such evaluation. In making such evaluation and recommendations, the commission shall, at a minimum, consider the purpose, economic and other public benefit, location, compatibility with statewide historic preservation priorities, and cost of each proposal for special category grant assistance. Special category historic preservation grants-in-aid recommendations of the commission shall be reviewed by the Secretary of State as provided in s. 267.0617.

Section 17. Subsections (2) and (3) of section 267.0617, Florida Statutes, are amended to read:

267.0617 Historic Preservation Grant Program.—

(2) The division is authorized to conduct and carry out a program of historic preservation grants-in-aid, including matching grants, to any department or agency of the state; any unit of county, municipal, or other local government; any corporation, partnership, or other organization, whether public or private or whether or not for profit; or any individual for projects having as their purpose the identification, acquisition, protection, preservation, rehabilitation, restoration, or construction of historic sites and properties, or Florida history, or the planning of such activities. Funds appropriated from general revenue for the historic preservation grants-in-aid program shall not be provided for a project owned



487810

by private individuals or owned by for-profit corporations. ~~All moneys received from any source as appropriations, deposits, or contributions to this program shall be paid and credited to the Historical Resources Operating Trust Fund.~~

(3) All grants of state funds to assist in the preservation of historic properties ~~shall be made from the Historical Resources Operating Trust Fund~~ and may be awarded only pursuant to applications for such assistance made to the Division of Historical Resources. The Florida Historical Commission shall review each application for a special category historic preservation grant-in-aid. ~~Special category historic preservation grants-in-aid are those reviewed and recommended by the Secretary of State for submission for legislative funding consideration.~~ Grant review panels appointed by the Secretary of State and chaired by a member of the Florida Historical Commission or a designee appointed by the commission's presiding officer shall review each application for other historic preservation grants-in-aid. Each ~~The~~ reviewing body shall submit annually to the Secretary of State ~~for approval~~ lists of all historic preservation grant-in-aid applications that are recommended by the reviewing body for the award of grants, arranged in order of priority. The Secretary of State may review and provide comments to the Legislature concerning the recommended applicants. Funds awarded under this section must be expended in compliance with all federal, state, and local laws and regulations and used only for activities and programs that are not harmful to minors. The Secretary shall submit the recommended lists to the Legislature for funding consideration. For purposes of this subsection, the term "harmful to minors"



487810

means any reproduction, imitation, characterization,
description, exhibition, presentation, or representation, in any
manner or form, depicting sexual conduct or sexual excitement as
those terms are defined in s. 847.001.

Section 18. Section 267.0722, Florida Statutes, is
repealed.

Section 19. Section 267.075, Florida Statutes, is amended
to read:

267.075 The Grove; management; stewardship Advisory
Council; creation; membership; purposes.—

(1) The Call/Collins House, commonly known as "The Grove,"
located in Tallahassee, Leon County, shall be utilized as a
house museum of history for the educational benefit of the
citizens of this state. The utilization of The Grove as a museum
of history shall emphasize the lives and accomplishments of The
Grove's first owner, Richard Keith Call, Florida's last
Territorial Governor, and LeRoy Collins, Florida's 33rd
Governor, who, with his wife, Mary Call Darby Collins, were the
last owners of The Grove. The faithful restoration and
maintenance of The Grove undertaken by LeRoy Collins and Mary
Call Darby Collins during the nearly six decades of Collins
family ownership and stewardship which has preserved the
original plan of construction and design of The Grove shall be
continued as provided for in this section.

~~(2) There is created within the Department of State The~~
~~Grove Advisory Council for the purpose of advising the Division~~
~~of Historical Resources on the operation, maintenance,~~
~~preservation, and protection of the Call/Collins House, commonly~~
~~known as "The Grove," its grounds, cemetery, and all structures~~



487810

~~thereon; the furniture and furnishings located therein; any changes in the architecture, structure, furnishings, or landscaping deemed necessary or desirable by the council; and the design and development of interpretive programs and exhibits in connection therewith.~~

~~(3)(a) The Grove Advisory Council shall be composed of eight members, as follows:~~

~~1. Five members shall be private citizens appointed by the Secretary of State.~~

~~2. One member shall be the Secretary of Management Services or his or her designee.~~

~~3. One member shall be the director of the Division of Historical Resources of the Department of State.~~

~~4. At least one member shall be a direct descendant of Mary Call Darby Collins appointed by the Secretary of State with the advice of the oldest living generation of lineal descendants of Mary Call Darby Collins.~~

~~Of the citizen members, at least one member shall have professional curatorial and museum expertise, one member shall have professional architectural expertise in the preservation of historic buildings, and one member shall have professional landscape expertise. The five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State shall be appointed for staggered 4-year terms. The Secretary of State shall fill the remainder of unexpired terms for the five citizen members of the council and the member of the council who is a direct descendant~~



487810

~~of Mary Call Darby Collins.~~

~~(b) The council shall annually elect a chair from among the five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State. The chair shall serve for a term of 1 year. Meetings of the council shall be held at the call of the chair, at the request of a majority of its membership, at the request of the Secretary of State, or at such times as may be prescribed by rules of the council. The council shall meet at least twice annually. A majority of the council shall constitute a quorum for the transaction of business.~~

~~(c) The council shall obtain clerical, expert, technical, or other services from the Division of Historical Resources. The Department of Management Services shall provide reasonable assistance to the Department of State in carrying out the purposes of this section.~~

~~(d) Members of the council shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. All expenses of the council shall be paid from appropriations to be made by the Legislature to the Department of State. All vouchers shall be approved by the Division of Historical Resources before being submitted to the Chief Financial Officer for payment.~~

~~(2)-(4)~~ (a) The Division of Historical Resources, ~~with the advice and assistance of the council,~~ shall maintain the structure, style, character, and landscaping of The Grove, its grounds, its private family cemetery, and all structures thereon consistent with the character, plan, and design of The Grove at



487810

the time the state takes physical possession of The Grove and its surrounding property from Mary Call Darby Collins. It shall preserve and protect the antique furnishings and other articles of furniture, fixtures, and decorative objects and articles used or displayed in the premises.

(b) The Division of Historical Resources shall catalog and maintain a descriptive, photographic inventory of the furnishings, fixtures, and decorative objects and articles used or displayed in the premises.

(c) The Division of Historical Resources may receive, on behalf of the state, contributions, bequests, and gifts of money, furniture, works of art, memorabilia, or other property consistent with the use of The Grove as described in this section. Title to all property which is received in this manner shall vest in the state and shall be held in trust by the Division of Historical Resources solely to further the purposes of this section. No furniture, furnishings, fixtures, or decorative objects acquired from the Collins family or any of its members shall be used for any purpose except as a permanent part of The Grove's furniture, furnishings, fixtures, or decorative objects, and any such item not so utilized shall forthwith revert to the Collins family member or members from whom it was acquired. ~~No gifts, contributions, or bequests shall be accepted for The Grove without the advice and recommendation of the council.~~

Section 20. Subsection (2) of section 267.21, Florida Statutes, is amended to read:

267.21 Historic Cemeteries Program.—

(2) (a) The Historic Cemeteries Program shall, subject to



487810

legislative appropriation, provide grants to the following entities:

1.~~(a)~~ Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.

2.~~(b)~~ Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

(b) All grants of state funds to assist abandoned African-American cemeteries may be awarded only pursuant to applications for such assistance made to the division. The Florida Historic Cemeteries Program Advisory Council shall review each application for an abandoned African-American cemeteries grant made under this section. The council shall submit annually to the Secretary of State a list of all abandoned African-American cemeteries applications that it recommends for the award of grants, arranged in order of priority. The Secretary of State may review and provide comments to the Legislature concerning the recommended applicants. Funds awarded under this section must be expended in compliance with all federal, state, and local laws and regulations and used only for activities and programs that are not harmful to minors. The Secretary of State shall submit a recommended list to the Legislature for funding consideration. For purposes of this paragraph, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as



487810

those terms are defined in s. 847.001.

Section 21. Subsections (1) and (2) of section 267.22, Florida Statutes, are amended to read:

267.22 Historic Cemeteries Program Advisory Council.—

(1) The Historic Cemeteries Program Advisory Council, an advisory council as defined in s. 20.03(7), is created as a sub-council within the Florida Historical Commission created by s. 267.0612 ~~division~~ and shall be composed ~~consist~~ of at least five but no more than nine members appointed by the Florida Historical Commission ~~Secretary of State~~ after considering the recommendations of the director of the division. The council must be composed of an inclusive group of members who are regionally distributed and representative of communities throughout this state and may include members of the Florida Historical Commission. Members in place on July 1, 2025, may serve for the remainder of their respective terms. New ~~appointments to the council may not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than five members remaining. Members shall serve 4-year terms; however, for the purpose of providing staggered terms, four of the appointees initially shall be appointed to 2-year terms and the remaining five shall be appointed to 4-year terms.~~ All new subsequent appointments shall be for 2-year ~~4-year~~ terms. Annually ~~As soon as practicable after July 1, 2023,~~ the council shall ~~meet to~~ elect a chair from its membership. Except as otherwise provided in this section, the council shall operate in a manner consistent with s. 20.052.

(2) The council shall provide guidance and recommendations



487810

to the division and the Florida Historical Commission regarding the duties and responsibilities of the Historic Cemeteries Program created under s. 267.21. The council must also evaluate proposals for awards of abandoned African-American cemeteries grants, as authorized by s. 267.21(2). Pursuant thereto, the council must review and evaluate proposals for abandoned African-American cemeteries grants and make recommendations to the Secretary of State, including providing a priority ranking, reflecting the evaluation. In making its evaluation and recommendations, the council shall, at a minimum, consider the purpose, public benefit, location, and cost of each proposal for grant assistance. Abandoned African-American cemeteries grants recommendations of the council shall be reviewed by the Secretary of State in accordance with s. 267.21(2).

Section 22. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to duties of the Department of State;
amending s. 257.031, F.S.; revising the entity that
accredits a specified library school program; amending
s. 257.12, F.S.; revising duties of the State Library
Council; authorizing the Secretary of State to review
and identify certain funding recommendations made by
the council; defining the term "harmful to minors";
amending s. 257.17, F.S.; conforming provisions to



487810

changes made by the act; amending s. 257.191, F.S.;
requiring the Secretary of State to identify whether
construction grant funds meet certain criteria and are
used for certain purposes; defining the term "harmful
to minors"; requiring the secretary to submit a
recommended list to the Legislature for funding
consideration; amending s. 257.23, F.S.; requiring the
secretary to identify whether construction grant funds
meet certain criteria and are used for certain
purposes; defining the term "harmful to minors";
repealing s. 257.34, F.S., relating to the Florida
International Archive and Repository; amending s.
257.42, F.S.; requiring the secretary to identify
whether library cooperative grant funds meet certain
criteria and are used for certain purposes; defining
the term "harmful to minors"; amending s. 265.283,
F.S.; deleting the definitions of the terms "panel,"
"state touring program grants," and "underserved arts
community assistance program grants"; amending s.
265.284, F.S.; providing that the secretary is the
chief arts and culture officer of the state; amending
s. 265.285, F.S.; revising the membership of the
Florida Council on Arts and Culture; prohibiting
council members from receiving financial compensation
under specified circumstances; providing an exception;
revising duties of the council; defining the term
"harmful to minors"; amending s. 265.286, F.S.;
defining the term "harmful to minors"; requiring the
Division of Arts and Culture to accept applications



487810

for arts and cultural grants for specified purposes;
specifying eligibility criteria; deleting review panel
member appointments and criteria; authorizing the
secretary to review a specified list and provide
comments to the Legislature; requiring that specified
grant funds meet certain criteria and are used for
certain purposes; requiring the secretary to submit a
recommended list to the Legislature for funding
consideration; providing activities and programs for
which the division may award grants; revising items
for which the division may adopt rules; prohibiting
applicants for grant funding from having substantial
interests for certain recommendations; requiring the
secretary to submit a recommended list to the
Legislature for funding consideration; authorizing the
council and secretary to provide a separate list for
certain activities and programs; providing
applicability; providing expiration dates for certain
purposes; amending s. 265.2865, F.S.; authorizing,
rather than requiring, the council to accept and
recommend nominations for certain purposes annually;
reducing the number of members the secretary may name
to the Florida Artists Hall of Fame in any nomination
year; authorizing, rather than requiring, the
secretary to annually request an appropriation for
certain purposes; amending s. 265.701, F.S.; deleting
an authorization for certain grant funds to be used to
acquire cultural facilities; authorizing the secretary
to review specified list and provide comments to the



487810

Legislature; requiring that grant funds meet certain criteria and are used for certain purposes; defining the term "harmful to minors"; requiring the secretary to make submit a recommended list to the Legislature for funding considerations; authorizing the council and secretary to provide a separate list for certain activities and programs; providing applicability; providing expiration dates for a certain purpose; amending s. 265.703, F.S.; revising the programs for which citizen support organizations may provide support; amending s. 265.803, F.S.; revising programmatic set-up and functions of the Florida Folklife Council; amending s. 267.0612, F.S.; requiring the secretary to review special category historic preservation grants-in-aid recommendations of the Florida Historical Commission; amending s. 267.0617, F.S.; deleting a provision that requires certain funds to be credited to the Historical Resources Operating Trust Fund; authorizing the secretary to review specified lists and provide comments to the Legislature; requiring that grant funds meet certain criteria and are used for certain purposes; requiring the secretary to submit recommended lists to the Legislature for funding consideration; defining the term "harmful to minors"; repealing s. 267.0722, F.S., relating to the Florida Museum of Black History; amending s. 267.075, F.S.; deleting provisions relating to The Grove Advisory Council; amending s. 267.21, F.S.; revising mechanisms



487810

by which state funds to assist abandoned African-American cemeteries may be awarded; authorizing the secretary to review a specified list and provide comments to the Legislature; requiring that grant funds meet certain criteria and are used for certain purposes; requiring the secretary to submit a recommended list to the Legislature for funding consideration; defining the term "harmful to minors"; amending s. 267.22, F.S.; revising programmatic duties and composition of the Historic Cemeteries Program Advisory Council; requiring the council to evaluate proposals for awards of grants relating to abandoned African-American cemeteries; providing an effective date.



815920

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Grall) recommended the following:

**Senate Amendment to Amendment (487810) (with title
amendment)**

Before line 5
insert:

Section 1. Section 113.01, Florida Statutes, is repealed.
Section 2. Section 113.02, Florida Statutes, is repealed.
Section 3. Section 113.03, Florida Statutes, is repealed.
Section 4. Section 113.051, Florida Statutes, is amended to
read:



815920

113.051 Grants and commissions.—All grants and commissions shall be in the name and under the authority of the State of Florida, sealed with the great seal of the state, signed by the Governor, and countersigned by the Secretary of State. A commission may not be issued by the Governor or attested to by the Secretary of State and may not bear the seal of the state until the oath of office is filed as required by s. 113.06.

Section 5. Subsection (2) of section 117.01, Florida Statutes, is amended to read:

117.01 Appointment, application, suspension, revocation, application fee, bond, and oath.—

(2) The application for appointment must ~~shall~~ be signed and sworn to by the applicant and must ~~shall~~ be accompanied by a fee of \$25, ~~together with the \$10 commission fee required by s. 113.01,~~ and a surcharge of \$4, which \$4 is appropriated to the Executive Office of the Governor to be used to educate and assist notaries public. The Executive Office of the Governor may contract with private vendors to provide the services set forth in this section. However, a no commission fee is not ~~shall be~~ required for the issuance of a commission as a notary public to a veteran who served during a period of wartime service, as defined in s. 1.01(14), and who has been rated by the United States Government or the United States Department of Veterans Affairs or its predecessor to have a disability rating of 50 percent or more; such a disability is subject to verification by the Secretary of State, who has authority to adopt reasonable procedures to implement this act. The oath of office and notary bond required by this section must ~~shall~~ also accompany the application and must ~~shall~~ be in a form prescribed by the



815920

Department of State which must ~~shall~~ require, but is not ~~be~~ limited to, the following information: full name, residence address and telephone number, business address and telephone number, date of birth, race, sex, social security number, citizenship status, driver license number or the number of other official state-issued identification, affidavit of good character from someone unrelated to the applicant who has known the applicant for 1 year or more, a list of all professional licenses and commissions issued by the state during the previous 10 years and a statement as to whether ~~or not~~ the applicant has had such license or commission revoked or suspended, and a statement as to whether ~~or not~~ the applicant has been convicted of a felony, and, if there has been a conviction, a statement of the nature of the felony and restoration of civil rights. The applicant may not use a fictitious or assumed name other than a nickname on an application for commission. The application must ~~shall~~ be maintained by the Department of State for the full term of a notary commission. A notary public shall notify, in writing, the Department of State of any change in his or her business address, home telephone number, business telephone number, home address, or criminal record within 60 days after such change. The Governor may require any other information he or she deems necessary for determining whether an applicant is eligible for a notary public commission. Each applicant must swear or affirm on the application that the information on the application is true and correct.

Section 6. Subsection (3) of section 117.225, Florida Statutes, is amended to read:

117.225 Registration; qualifications.—A notary public, a



815920

civil-law notary appointed under chapter 118, or a commissioner of deeds appointed under part IV of chapter 721 may complete registration as an online notary public with the Department of State by:

~~(3) Paying a notary public registration fee as required by s. 113.01.~~

Section 7. Paragraph (b) of subsection (2) of section 117.295, Florida Statutes, is amended to read:

117.295 Standards for electronic and online notarization; rulemaking authority.—

(2) The Department of State shall:

(b) Publish on its website a list containing each online notary public, the online notary public's RON service providers from January 1, 2022, and thereafter, the effective dates during which the online notary public used each RON service provider, as identified pursuant to ss. 117.225(4) and 117.265(5) (b) ~~ss. 117.225(5) and 117.265(5) (b)~~, any secure repositories to which the online notary public may have delegated his or her duties pursuant to s. 117.245(4) from January 1, 2022, and thereafter, and the effective dates of that delegation.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 786

and insert:

An act relating to the Department of State; repealing s. 113.01, F.S., relating to a fee for commissions issued by the Governor; repealing s. 113.02, F.S., relating to fees to be paid before commissions are



815920

98 issued; repealing s. 113.03, F.S., relating to
99 disposition of proceeds; amending s. 113.051, F.S.;
100 prohibiting commissions from being issued by the
101 Governor, attested to by the Secretary of State, or
102 bearing the seal of the state until the oath of office
103 is filed as required; amending ss. 117.01 and 117.225,
104 F.S.; conforming provisions to changes made by the
105 act; amending s. 117.295, F.S.; conforming a cross-
106 reference;

By Senator Grall

29-01072A-25

20251524

1 A bill to be entitled
 2 An act relating to duties of the Department of State;
 3 amending s. 257.031, F.S.; revising the entity that
 4 accredits a specified library school program; amending
 5 s. 257.12, F.S.; revising duties of the State Library
 6 Council; authorizing the Secretary of State to review
 7 and edit certain funding recommendations made by the
 8 council; amending s. 257.17, F.S.; conforming
 9 provisions to changes made by the act; amending s.
 10 257.191, F.S.; requiring the secretary to ensure that
 11 construction grant funds meet certain criteria and are
 12 used for certain purposes; requiring the secretary to
 13 submit a recommended list to the Legislature for
 14 funding consideration; amending s. 257.23, F.S.;
 15 requiring the secretary to ensure that construction
 16 grant funds meet certain criteria and are used for
 17 certain purposes; repealing s. 257.34, F.S., relating
 18 to the Florida International Archive and Repository;
 19 amending s. 257.42, F.S.; requiring the secretary to
 20 ensure that library cooperative grant funds meet
 21 certain criteria and are used for certain purposes;
 22 amending s. 265.283, F.S.; deleting definitions;
 23 amending s. 265.284, F.S.; replacing the term "chief
 24 cultural officer" with the term "chief arts and
 25 culture officer"; providing that the secretary is the
 26 chief arts and culture officer of the state; amending
 27 s. 265.285, F.S.; revising the membership of the
 28 Florida Council on Arts and Culture; prohibiting
 29 council members from receiving financial compensation

Page 1 of 29

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

29-01072A-25

20251524

30 under specified circumstances; providing an exception;
 31 revising duties of the council; amending s. 265.286,
 32 F.S.; authorizing the Division of Arts and Culture to
 33 accept applications for arts and cultural grants for
 34 specified purposes; specifying eligibility criteria;
 35 deleting review panel member appointments and
 36 criteria; authorizing the secretary to review a
 37 specified list to ensure that specified grant funds
 38 meet certain criteria and are used for certain
 39 purposes; requiring the secretary to submit a
 40 recommended list to the Legislature for funding
 41 consideration; providing activities and programs for
 42 which the division may award grants; revising items
 43 for which the division may adopt rules; prohibiting
 44 applicants for grant funding from having substantial
 45 interests for certain recommendations; requiring the
 46 secretary to submit a recommended list to the
 47 Legislature for funding consideration; providing
 48 requirements for prioritized funding; providing an
 49 expiration date for certain purposes; amending s.
 50 265.2865, F.S.; authorizing, rather than requiring,
 51 the council to accept and recommend nominations for
 52 certain purposes annually; revising the number of
 53 members the secretary may name to the Florida Artists
 54 Hall of Fame in any nomination year; authorizing,
 55 rather than requiring, the secretary to annually
 56 request an appropriation for certain purposes;
 57 amending s. 265.701, F.S.; revising the purposes for
 58 which grant funds may be used; authorizing the

Page 2 of 29

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29-01072A-25

20251524__

59 secretary to review a specified list to ensure that
 60 specified grant funds meet certain criteria and are
 61 used for certain purposes; requiring the secretary to
 62 make certain recommendations to the Legislature before
 63 a certain date; amending s. 265.703, F.S.; revising
 64 the programs for which citizen support organizations
 65 may provide support; amending s. 265.803, F.S.;
 66 revising the programmatic set-up and functions of the
 67 Florida Folklife Council; amending s. 267.0612, F.S.;
 68 requiring the secretary to review special category
 69 historic preservation grants-in-aid recommendations of
 70 the Florida Historical Commission; amending s.
 71 267.0617, F.S.; deleting a provision that requires
 72 certain funds to be credited to the Historical
 73 Resources Operating Trust Fund; authorizing the
 74 secretary to review specified lists to ensure that
 75 specified grant funds meet certain criteria and are
 76 used for certain purposes; requiring the secretary to
 77 submit recommended lists to the Legislature for
 78 funding consideration; repealing s. 267.0722, F.S.,
 79 relating to the Florida Museum of Black History;
 80 amending s. 267.075, F.S.; deleting provisions
 81 relating to The Grove Advisory Council; amending s.
 82 267.21, F.S.; revising mechanisms by which state funds
 83 to assist abandoned African-American cemeteries may be
 84 awarded specified grant funds; authorizing the
 85 secretary to review a specified list to ensure that
 86 specified grant funds meet certain criteria and are
 87 used for certain purposes; requiring the secretary to

Page 3 of 29

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29-01072A-25

20251524__

88 submit a recommended list to the Legislature for
 89 funding consideration; amending s. 267.22, F.S.;
 90 revising the programmatic duties and make-up of the
 91 Historic Cemeteries Program Advisory Council;
 92 requiring the council to evaluate proposals for awards
 93 of grants relating to abandoned African-American
 94 cemeteries; providing an effective date.
 95

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

97
 98 Section 1. Subsection (1) of section 257.031, Florida
 99 Statutes, is amended to read:

100 257.031 State Librarian; appointment and duties.—

101 (1) The State Librarian shall be appointed by the Secretary
 102 of State, shall have completed a library school program
 103 accredited by a national library professional ~~the American~~
 104 ~~Library~~ association, and shall serve as the director of the
 105 Division of Library and Information Services of the Department
 106 of State. The Secretary of State may, in making the appointment
 107 of State Librarian, consult the members of the State Library
 108 Council.

109 Section 2. Subsection (4) is added to section 257.12,
 110 Florida Statutes, to read:

111 257.12 Division of Library and Information Services
 112 authorized to accept and expend federal funds.—

113 (4) The State Library Council, as provided in s. 257.02,
 114 shall develop recommendations for providing available federal
 115 funds to public libraries. The secretary may review and edit the
 116 funding recommendation list to ensure that federal grant funds

Page 4 of 29

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29-01072A-25

20251524__

awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are appropriate for all age groups.

Section 3. Paragraph (a) of subsection (2) of section 257.17, Florida Statutes, is amended to read:

257.17 Operating grants.—A political subdivision that has been designated by a county or municipality as the single library administrative unit is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:

(2) The library established or maintained by such political subdivision shall:

(a) Be operated under a single administrative head who is an employee of the single library administrative unit and who has completed a library education program accredited by a national library professional ~~the American Library~~ association. The single administrative head shall have at least 2 years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of 40 hours per week.

Section 4. Section 257.191, Florida Statutes, is amended to read:

257.191 Construction grants.—

(1) The Division of Library and Information Services may accept and administer library construction moneys appropriated to it and shall allocate such appropriation to municipal,

29-01072A-25

20251524__

county, and regional libraries in the form of library construction grants on a matching basis. The local matching portion shall be no less than the grant amount, on a dollar-for-dollar basis, up to the maximum grant amount, unless the matching requirement is waived by s. 288.06561. Initiation of a library construction project 12 months or less prior to the grant award under this section shall not affect the eligibility of an applicant to receive a library construction grant. The division shall adopt rules for the administration of library construction grants. For the purposes of this section, s. 257.21 does not apply.

(2) The secretary must ensure that the library construction grants awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are appropriate for all age groups. The secretary shall submit a recommended list to the Legislature for funding consideration.

Section 5. Section 257.23, Florida Statutes, is amended to read:

257.23 Application for grant.—

(1) The board of county commissioners of any county, the chief executive officer of a municipality, or the governing body of a special district or a special tax district desiring to receive a grant under the provisions of ss. 257.14–257.25 shall apply therefor to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. The application shall be signed by the chair of the board of county commissioners and attested by the clerk of the circuit court or the appropriate officer in a

29-01072A-25

20251524__

175 charter county, by the chief executive officer of a municipality
 176 and attested by the clerk of the municipality, or by the chair
 177 of the governing body and attested by the chief financial
 178 officer of a special district or a special tax district. The
 179 county, municipality, special district, or special tax district
 180 shall agree to observe the standards established by the division
 181 as authorized in s. 257.15. On or before December 1 each year,
 182 the applicant shall certify the annual tax income and the rate
 183 of tax or the annual appropriation for the free library or free
 184 library service, and shall furnish such other pertinent
 185 information as the division may require.

186 (2) The secretary shall ensure that any grants awarded
 187 under this section are expended in compliance with all federal,
 188 state, and local laws and regulations and are used only for
 189 activities and programs that are appropriate for all age groups.

190 Section 6. Section 257.34, Florida Statutes, is repealed.

191 Section 7. Section 257.42, Florida Statutes, is amended to
 192 read:

193 257.42 Library cooperative grants.—

194 (1) The administrative unit of a library cooperative is
 195 eligible to receive an annual grant from the state for the
 196 purpose of sharing library resources based upon an annual plan
 197 of service and expenditure and an annually updated 5-year, long-
 198 range plan of cooperative library resource sharing. Those plans,
 199 which must include a component describing how the cooperative
 200 will share technology and the use of technology, must be
 201 submitted to the division for evaluation and possible
 202 recommendation for funding in the division's legislative budget
 203 request. Grant funds may not be used to supplant local funds or

29-01072A-25

20251524__

204 other funds. A library cooperative must provide from local
 205 sources matching cash funds equal to 10 percent of the grant
 206 award.

207 (2) The secretary must ensure that state grant funds
 208 awarded under this section are expended in compliance with all
 209 federal, state, and local laws and regulations and are used only
 210 for activities and programs that are appropriate for all age
 211 groups.

212 Section 8. Subsections (12), (16), and (17) of section
 213 265.283, Florida Statutes, are amended to read:

214 265.283 Definitions.—The following definitions shall apply
 215 to ss. 265.281-265.703:

216 ~~(12) "Panel" means a grant review panel.~~

217 ~~(16) "State touring program grants" means grants used to~~
 218 ~~provide performances, activities, and exhibitions by Florida~~
 219 ~~artists to communities.~~

220 ~~(17) "Underserved arts community assistance program grants"~~
 221 ~~means grants used by qualified organizations under the Rural~~
 222 ~~Economic Development Initiative, pursuant to ss. 288.0656 and~~
 223 ~~288.06561, for the purpose of economic and organizational~~
 224 ~~development for underserved cultural organizations.~~

225 Section 9. Subsection (1) of section 265.284, Florida
 226 Statutes, is amended to read:

227 265.284 Chief arts and culture ~~cultural~~ officer; director
 228 of division; powers and duties.—

229 (1) The secretary ~~of State~~ is the chief arts and culture
 230 ~~cultural~~ officer of the state.

231 Section 10. Paragraphs (a) and (c) of subsection (1) and
 232 paragraphs (c), (e), (f), and (g) of subsection (2) of section

29-01072A-25

20251524

265.285, Florida Statutes, are amended to read:

265.285 Florida Council on Arts and Culture; membership, duties.—

(1) (a) The Florida Council on Arts and Culture is created within the department as an advisory body, as defined in s. 20.03(7). The council shall be composed of 15 members. Nine members shall be appointed by the Governor in consultation with the Secretary of State, three members shall be appointed by the President of the Senate, and three members shall be appointed by the Speaker of the House of Representatives. Of the nine members appointed by the Governor, one member must be a licensed architect who has expertise in cultural facilities; one member must be an enrolled member of the Seminole Tribe of Florida; one member must be a professional public folklorist; one member must be a university-affiliated folklorist; and one member must be a practicing or former professional artist. The remaining four members appointed by the Governor and the three members appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, must be representatives of the public with demonstrated interest in and knowledge of the arts, culture, museums, folklore, and cultural heritage traditions, consisting of 15 members. Seven members shall be appointed by the Governor, four members shall be appointed by the President of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. The appointments that are, ~~to be~~ made in consultation with the Secretary of State, shall recognize the need for geographical representation. Effective July 1, 2025, the first vacancy existing or occurring in a council seat previously occupied by a member appointed by

29-01072A-25

20251524

the Speaker of the House of Representatives and the first vacancy existing or occurring in a council seat previously occupied by a member appointed by the President of the Senate shall be filled by the Governor. Council members appointed by the Governor shall be appointed for 4-year terms beginning on January 1 of the year of appointment. Council members appointed by the President of the Senate and the Speaker of the House of Representatives shall be appointed for 2-year terms beginning on January 1 of the year of appointment. A member of the council who serves two 4-year terms or two 2-year terms is not eligible for reappointment for 1 year following the expiration of the member's second term. A member whose term has expired shall continue to serve on the council until such time as a replacement is appointed. Any vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as for the original appointment. Members should have a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theater, dance, folk and traditional arts, music, architecture, photography, literature, and media arts, or in the areas of science, history, or children's museums. In addition, it is desirable that members have successfully served on boards of cultural institutions such as museums and performing arts centers or are recognized as patrons of the arts. A member may not receive financial compensation as an employee or officer of an entity that has received grant funds or as an applicant for division grant funding recommendations. This prohibition does not apply to an employee or officer of a state college or university.

29-01072A-25

20251524

291 (c) Members of the council ~~and panels~~ may not receive any
 292 compensation for their services but shall be reimbursed for
 293 travel and expenses incurred in the performance of their duties,
 294 as provided in s. 112.061.

295 (2) The council shall:

296 (c) Encourage the participation in and appreciation of
 297 arts, ~~and~~ culture, and folklife to meet the needs and
 298 aspirations of persons in all parts of the state.

299 (e) Encourage arts and culture development within
 300 communities and assist freedom of artistic expression that is
 301 essential for the well-being of the arts.

302 (f) Advise the secretary in matters concerning the awarding
 303 of grants for arts and culture as authorized in this act and
 304 make funding recommendations for activities and programs that
 305 are appropriate for all age groups.

306 (g) Promote and assist with division programs such as the
 307 Major John Leroy Haynes Florida Veterans' History Program, the
 308 Arts and Culture recognition award program, and the
 309 apprenticeship program ~~the reading, writing, and appreciation of~~
 310 ~~poetry throughout the state and accept nominations and recommend~~
 311 ~~nominees for appointment as the State Poet Laureate under s.~~
 312 ~~265.2863.~~

313 Section 11. Section 265.286, Florida Statutes, is amended
 314 to read:

315 265.286 Arts ~~Art~~ and cultural grants.—

316 (1) The division may accept applications for arts and
 317 cultural grants for activities and programs identified in
 318 subsection (7) and based on the rules adopted under this
 319 section.

29-01072A-25

20251524

320 (2) To be eligible for a grant, an applicant must:

321 (a) Be a nonprofit, tax-exempt Florida corporation, or a
 322 local or state governmental entity, school district, community
 323 college, college, university, agency of state government, or
 324 artist engaged in or concerned with arts and cultural
 325 activities.

326 (b) Conduct activities and programs that are appropriate
 327 for all age groups.

328 (c) Strictly conform with all applicable local, state, and
 329 federal laws and regulations.

330 (3)(1) The secretary may appoint reviewers ~~review panels~~
 331 ~~consisting of members from various art and cultural disciplines~~
 332 ~~and programs~~ to assist the council in the grant application
 333 review process. Appointed reviewers shall review ~~Each panel~~
 334 ~~member shall be appointed to a 1-year term. Each panel shall~~
 335 ~~consist of practicing artists or other professionals actively~~
 336 ~~involved in the specific discipline or program for which the~~
 337 ~~panel has been appointed. Each panel shall review and score~~
 338 ~~grant applications and recommend to the council the applicants~~
 339 ~~to which grants may should be awarded. The panels shall submit~~
 340 ~~lists of eligible applicants by score. The division shall adopt~~
 341 ~~rules establishing a formula for such scoring.~~

342 (4)(2) The council ~~and each panel~~ shall provide a forum for
 343 public comment before voting on any grant application.

344 (5)(3) After the council reviews the recommended lists ~~of~~
 345 ~~eligible applicants submitted by each review panel, it shall~~
 346 develop a list of recommended arts and culture grants ~~two lists,~~
 347 ~~one of which must consist of eligible applicants for general~~
 348 ~~program support funding and one of which must consist of~~

29-01072A-25

20251524

~~eligible applicants for specific cultural project funding, and submit the list lists to the secretary. The secretary may review and edit the list to ensure that any grant funds awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are appropriate for all age groups. The secretary shall submit the recommended list to the Legislature annually for funding consideration shall review the council's recommendations and, beginning July 1, 2010, include the lists of approved applicants in the department's legislative budget request submitted to the Legislature.~~

~~(6)(4) Arts and cultural Project grants shall be funded from the secretary's submitted approved list by score until all appropriated funds are depleted. If specific project grant funds are returned to the division, it shall award such funds to the next grant applicant on the secretary's list of approved applicants. General program support grants shall be awarded to applicants on the secretary's list in amounts determined by rule.~~

~~(7)(5) The division shall administer awarded grants fund:~~

~~(a) To supplement the financial support of artistic and cultural activities and programs that, without the assistance, may otherwise be unavailable to Florida residents Grants for general program support for science museums, youth and children's museums, historical museums, local arts agencies, state service organizations, and organizations that have cultural program activities in any of the art and cultural disciplines defined in s. 265.283.~~

~~(b) To activities and programs that have substantial~~

29-01072A-25

20251524

~~artistic and cultural significance and emphasize creativity and professional excellence Grants for specific cultural projects for arts in education, museums, Culture Builds Florida, or nonprofit public or private organizations having cultural project activity in any of the art and cultural disciplines.~~

~~(c) To activities and programs that meet the professional standards or standards of authenticity of significant merit, regardless of origin Grants for a touring program that has a selection procedure that ensures the maximum opportunity for Florida artists and cultural groups.~~

~~(d) To activities and programs that are appropriate for all age groups An individual artist fellowship program. The division shall establish a selection procedure that identifies individual artists of exceptional talent and demonstrated ability and distribute grant appropriations as provided by rule.~~

~~(e) To other programs consistent with the purpose of this act.~~

~~(8)(6) The division may shall adopt rules establishing:~~

~~(a) Eligibility criteria for the award of grants, which may include, but need not be limited to, application requirements, allowable and nonallowable costs, program quality, artistic quality, creativity, potential public exposure and benefit, the ability to properly administer grant funds, professional excellence, fiscal stability, state or regional impact and economic development, matching requirements, and other requirements to further the purposes of this act.~~

~~(b) Particular grant programs, categories of grants, and procedures necessary for the prudent administration of the grant programs.~~

29-01072A-25

20251524__

(c) The ~~panel~~ review process, including, but not limited to, criteria for reviewing grant applications to ensure compliance with applicable federal and state law, including those related to discrimination and conflicts of interest and appropriateness of content for all age groups. The division may not award any new grant that will, in whole or in part, inure to the personal benefit of any council ~~or review panel~~ member during the member's term of office or reviewer if the council ~~or panel~~ member or reviewer participated in the vote of the council or reviewer ~~panel~~ recommending the award. This paragraph does not prohibit the division from awarding a grant to an entity with which a council ~~or panel~~ member or reviewer is associated.

~~(7) The division shall award grants.~~

~~(a) To supplement the financial support of artistic and cultural activities and programs that, without the assistance, may otherwise be unavailable to Florida residents.~~

~~(b) To activities and programs that have substantial artistic and cultural significance and emphasize creativity and professional excellence.~~

~~(c) To activities and programs that meet the professional standards or standards of authenticity of significant merit, regardless of origin.~~

~~(d) For other reasons consistent with this act.~~

~~(8) Eligible grantees must:~~

~~(a) Be a nonprofit, tax-exempt Florida corporation; or~~

~~(b) A local or state governmental entity, school district, community college, college, university, agency of state government, or artist engaged in or concerned with arts and cultural activities.~~

29-01072A-25

20251524__

(9) In order to equitably distribute limited state funding, applicants may apply for and be awarded only one grant per annual grant cycle, except for cultural facilities, ~~a cultural endowment, or touring program grants and individual artist fellowships.~~

(10) Of the total amount of grant funds available from all sources for grants, except cultural facilities ~~and cultural endowments~~, 70 percent shall be awarded on at least a dollar-to-dollar matching basis. Up to 50 percent of the grantee's match may consist of in-kind funds. Up to 30 percent of all grant funds may be awarded on a nonmatching basis, ~~including individual fellowships.~~

(11) An applicant seeking a recommendation from a reviewer for grant funding may not have a substantial interest as set forth in s. 120.569 in any of its requested recommendations.

(12)~~(11)~~ The division may ~~shall~~ adopt rules to administer and implement this section.

(13) Effective upon this act becoming a law, the secretary shall request, and the council shall submit, an updated list of activities and programs that comply with the requirements of this section. After reviewing and making edits, the secretary shall submit a recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. The council and the secretary must give priority to activities and programs that support America250 and celebrate the 250th anniversary of the signing of the Declaration of Independence on July 4, 1776. This subsection applies only if the date this act becomes law occurs before the Legislature passes the General Appropriations Act for fiscal year 2025-2026.

29-01072A-25

20251524__

465 This subsection expires July 1, 2026.

466 Section 12. Subsections (3), (4), and (7) of section
467 265.2865, Florida Statutes, are amended to read:

468 265.2865 Florida Artists Hall of Fame.—

469 (3) The Florida Council on Arts and Culture ~~may shall~~
470 accept nominations annually for persons to be recommended as
471 members of the Florida Artists Hall of Fame. The council ~~may~~
472 ~~shall~~ recommend to the Secretary of State persons to be named as
473 members of the Florida Artists Hall of Fame. The council's
474 recommended council shall recommend as members to of the Florida
475 Artists Hall of Fame must be persons who were born in Florida or
476 adopted Florida as their home state and base of operation and
477 who have made a significant contribution to the enhancement of
478 the arts in this state.

479 (4) The Secretary of State shall name no more than three
480 ~~four~~ members to the Florida Artists Hall of Fame in any one
481 nomination year.

482 (7) The Secretary of State ~~may shall~~ annually request an
483 appropriation sufficient to carry out the purposes of this
484 section.

485 Section 13. Subsections (1), (2), and (3) of section
486 265.701, Florida Statutes, are amended, and subsection (6) is
487 added to that section, to read:

488 265.701 Cultural facilities; grants for ~~acquisition,~~
489 ~~renovation,~~ or construction; funding; approval; allocation.—

490 (1) The Division of Arts and Culture may accept and
491 administer moneys appropriated to it for providing grants to
492 counties, municipalities, and qualifying nonprofit corporations
493 for the ~~acquisition,~~ ~~renovation,~~ or construction of cultural

29-01072A-25

20251524__

494 facilities.

495 (2) A county, municipality, or qualified corporation may
496 apply for a grant of state funds for the ~~acquisition,~~
497 ~~renovation,~~ or construction of a cultural facility. For the
498 purposes of this section, a "qualified corporation" is a
499 corporation which is designated a not-for-profit corporation
500 pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of
501 1954, and which is described in, and allowed to receive
502 contributions pursuant to the provisions of, s. 170 of the
503 Internal Revenue Code of 1954, and which is a corporation not
504 for profit incorporated pursuant to chapter 617. The state grant
505 must be matched by a contribution from the county, municipality,
506 or nonprofit corporation in an amount to be determined by the
507 Department of State.

508 (3) The Florida Council on Arts and Culture shall review
509 each application for a grant to ~~acquire,~~ renovate, or construct
510 a cultural facility which is submitted pursuant to subsection
511 (2) and shall submit annually to the Secretary of State for
512 approval lists of all applications that are recommended by the
513 council for the award of grants, arranged in order of priority.
514 The secretary may review and edit the list to ensure that state
515 grant funds awarded under this section are expended in
516 compliance with all federal, state, and local laws and
517 regulations and are used only for activities and programs that
518 are appropriate for all age groups. The secretary shall submit
519 the recommended list to the Legislature for funding
520 consideration. The division may allocate grants only for
521 projects that are approved or for which funds are appropriated
522 by the Legislature. ~~Projects approved and recommended by the~~

29-01072A-25

20251524__

~~Secretary of State which are not funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the department as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.~~

(6) Effective upon this act becoming a law, the secretary shall request, and the council shall submit, an updated list of projects that comply with the requirements of this section. After reviewing and making edits, the secretary shall submit the recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. The council and the secretary shall give priority in their funding recommendations to projects that support America250 and celebrate the 250th anniversary of the signing of the Declaration of Independence on July 4, 1776. This subsection applies only if the date this act becomes law occurs before the Legislature passes the General Appropriations Act for fiscal year 2025-2026. This subsection expires July 1, 2026.

Section 14. Subsection (1) of section 265.703, Florida Statutes, is amended to read:

265.703 Citizen support organizations; use of state administrative services and property; audit.—

(1) CITIZEN SUPPORT ORGANIZATIONS.—The division may support the establishment of citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, ~~and~~ museum, and international and intergovernmental programs of the division. For the purposes of this section, a “citizen support organization” means an

29-01072A-25

20251524__

organization which is:

(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the division, ~~or~~ individual program units, or international and intergovernmental programs of the division.

(c) Determined by the division to be consistent with the goals of the division and in the best interests of the state.

(d) Approved in writing by the division to operate for the direct or indirect benefit of the division. Such approval shall be given in a letter of agreement from the division.

Section 15. Paragraph (a) of subsection (1) of section 265.803, Florida Statutes, is amended to read:

265.803 Florida Folklife Council.—

(1)(a) The Florida Folklife Council is created as a sub-council within part of the Florida Council on Arts and Culture created by s. 265.285 ~~Department of State~~, to consist of seven members appointed by the Secretary of State from the membership of the Florida Council on Arts and Culture. The Secretary of State shall appoint each member for a 4-year term and shall appoint a successor for each member within 90 days after the expiration of the member’s term. The Secretary of State shall fill any vacancy for the remainder of the unexpired term within

29-01072A-25

20251524

581 90 days after the vacancy occurs. Members shall be appointed to
 582 provide geographical, cultural, traditional ~~ethnic~~, and
 583 professional representation on the council.

584 Section 16. Paragraph (c) of subsection (6) of section
 585 267.0612, Florida Statutes, is amended to read:

586 267.0612 Florida Historical Commission; creation;
 587 membership; powers and duties.—In order to enhance public
 588 participation and involvement in the preservation and protection
 589 of the state's historic and archaeological sites and properties,
 590 there is created within the Department of State the "Florida
 591 Historical Commission." The commission shall serve in an
 592 advisory capacity to the director of the Division of Historical
 593 Resources to assist the director in carrying out the purposes,
 594 duties, and responsibilities of the division, as specified in
 595 this chapter.

596 (6) It shall be the responsibility of the commission to
 597 provide assistance, advice, and recommendations to the division
 598 in:

599 (c) Evaluating proposals for awards of special category
 600 historic preservation grants-in-aid administered by the
 601 division. Pursuant thereto, the commission shall review and
 602 evaluate proposals for special category grants and shall make
 603 recommendations, including a priority ranking, reflecting such
 604 evaluation. In making such evaluation and recommendations, the
 605 commission shall, at a minimum, consider the purpose, economic
 606 and other public benefit, location, compatibility with statewide
 607 historic preservation priorities, and cost of each proposal for
 608 special category grant assistance. Special category historic
 609 preservation grants-in-aid recommendations of the commission

29-01072A-25

20251524

610 shall be reviewed by the Secretary of State as provided in s.
 611 267.0617.

612 Section 17. Subsections (2) and (3) of section 267.0617,
 613 Florida Statutes, are amended to read:

614 267.0617 Historic Preservation Grant Program.—

615 (2) The division is authorized to conduct and carry out a
 616 program of historic preservation grants-in-aid, including
 617 matching grants, to any department or agency of the state; any
 618 unit of county, municipal, or other local government; any
 619 corporation, partnership, or other organization, whether public
 620 or private or whether or not for profit; or any individual for
 621 projects having as their purpose the identification,
 622 acquisition, protection, preservation, rehabilitation,
 623 restoration, or construction of historic sites and properties,
 624 or Florida history, or the planning of such activities. Funds
 625 appropriated from general revenue for the historic preservation
 626 grants-in-aid program shall not be provided for a project owned
 627 by private individuals or owned by for-profit corporations. ~~All~~
 628 ~~moneys received from any source as appropriations, deposits, or~~
 629 ~~contributions to this program shall be paid and credited to the~~
 630 ~~Historical Resources Operating Trust Fund.~~

631 (3) All grants of state funds to assist in the preservation
 632 of historic properties ~~shall be made from the Historical~~
 633 ~~Resources Operating Trust Fund and~~ may be awarded only pursuant
 634 to applications for such assistance made to the Division of
 635 Historical Resources. The Florida Historical Commission shall
 636 review each application for a special category historic
 637 preservation grant-in-aid. ~~Special category historic~~
 638 ~~preservation grants-in-aid are those reviewed and recommended by~~

29-01072A-25

20251524

~~the Secretary of State for submission for legislative funding consideration.~~ Grant review panels appointed by the Secretary of State and chaired by a member of the Florida Historical Commission or a designee appointed by the commission's presiding officer shall review each application for other historic preservation grants-in-aid. Each ~~The~~ reviewing body shall submit annually to the Secretary of State ~~for approval~~ lists of all historic preservation grant-in-aid applications that are recommended by the reviewing body for the award of grants, arranged in order of priority. The Secretary of State may review and edit the recommended lists to ensure that state grant funds awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are appropriate for all age groups. The Secretary shall submit the recommended lists to the Legislature for funding consideration.

Section 18. Section 267.0722, Florida Statutes, is repealed.

Section 19. Section 267.075, Florida Statutes, is amended to read:

267.075 The Grove; management; stewardship Advisory Council; creation; membership; purposes.

(1) The Call/Collins House, commonly known as "The Grove," located in Tallahassee, Leon County, shall be utilized as a house museum of history for the educational benefit of the citizens of this state. The utilization of The Grove as a museum of history shall emphasize the lives and accomplishments of The Grove's first owner, Richard Keith Call, Florida's last Territorial Governor, and LeRoy Collins, Florida's 33rd

29-01072A-25

20251524

Governor, who, with his wife, Mary Call Darby Collins, were the last owners of The Grove. The faithful restoration and maintenance of The Grove undertaken by LeRoy Collins and Mary Call Darby Collins during the nearly six decades of Collins family ownership and stewardship which has preserved the original plan of construction and design of The Grove shall be continued as provided for in this section.

~~(2) There is created within the Department of State The Grove Advisory Council for the purpose of advising the Division of Historical Resources on the operation, maintenance, preservation, and protection of the Call/Collins House, commonly known as "The Grove," its grounds, cemetery, and all structures thereon; the furniture and furnishings located therein; any changes in the architecture, structure, furnishings, or landscaping deemed necessary or desirable by the council; and the design and development of interpretive programs and exhibits in connection therewith.~~

~~(3) (a) The Grove Advisory Council shall be composed of eight members, as follows:~~

~~1. Five members shall be private citizens appointed by the Secretary of State.~~

~~2. One member shall be the Secretary of Management Services or his or her designee.~~

~~3. One member shall be the director of the Division of Historical Resources of the Department of State.~~

~~4. At least one member shall be a direct descendant of Mary Call Darby Collins appointed by the Secretary of State with the advice of the oldest living generation of lineal descendants of Mary Call Darby Collins.~~

29-01072A-25

20251524

~~Of the citizen members, at least one member shall have professional curatorial and museum expertise, one member shall have professional architectural expertise in the preservation of historic buildings, and one member shall have professional landscape expertise. The five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State shall be appointed for staggered 4-year terms. The Secretary of State shall fill the remainder of unexpired terms for the five citizen members of the council and the member of the council who is a direct descendant of Mary Call Darby Collins.~~

~~(b) The council shall annually elect a chair from among the five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State. The chair shall serve for a term of 1 year. Meetings of the council shall be held at the call of the chair, at the request of a majority of its membership, at the request of the Secretary of State, or at such times as may be prescribed by rules of the council. The council shall meet at least twice annually. A majority of the council shall constitute a quorum for the transaction of business.~~

~~(c) The council shall obtain clerical, expert, technical, or other services from the Division of Historical Resources. The Department of Management Services shall provide reasonable assistance to the Department of State in carrying out the purposes of this section.~~

29-01072A-25

20251524

~~(d) Members of the council shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. All expenses of the council shall be paid from appropriations to be made by the Legislature to the Department of State. All vouchers shall be approved by the Division of Historical Resources before being submitted to the Chief Financial Officer for payment.~~

(2)(4)(a) The Division of Historical Resources, ~~with the advice and assistance of the council,~~ shall maintain the structure, style, character, and landscaping of The Grove, its grounds, its private family cemetery, and all structures thereon consistent with the character, plan, and design of The Grove at the time the state takes physical possession of The Grove and its surrounding property from Mary Call Darby Collins. It shall preserve and protect the antique furnishings and other articles of furniture, fixtures, and decorative objects and articles used or displayed in the premises.

(b) The Division of Historical Resources shall catalog and maintain a descriptive, photographic inventory of the furnishings, fixtures, and decorative objects and articles used or displayed in the premises.

(c) The Division of Historical Resources may receive, on behalf of the state, contributions, bequests, and gifts of money, furniture, works of art, memorabilia, or other property consistent with the use of The Grove as described in this section. Title to all property which is received in this manner shall vest in the state and shall be held in trust by the Division of Historical Resources solely to further the purposes of this section. No furniture, furnishings, fixtures, or

29-01072A-25

20251524

decorative objects acquired from the Collins family or any of its members shall be used for any purpose except as a permanent part of The Grove's furniture, furnishings, fixtures, or decorative objects, and any such item not so utilized shall forthwith revert to the Collins family member or members from whom it was acquired. ~~No gifts, contributions, or bequests shall be accepted for The Grove without the advice and recommendation of the council.~~

Section 20. Subsection (2) of section 267.21, Florida Statutes, is amended to read:

267.21 Historic Cemeteries Program.—

(2)(a) The Historic Cemeteries Program shall, subject to legislative appropriation, provide grants to the following entities:

1.(a) Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.

2.(b) Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

(b) All grants of state funds to assist abandoned African-American cemeteries may be awarded only pursuant to applications for such assistance made to the division. The Florida Historic Cemeteries Program Advisory Council shall review each application for an abandoned African-American cemeteries grant made under this section. The council shall submit annually to the Secretary of State a list of all abandoned African-American

29-01072A-25

20251524

cemeteries grant applications it recommends for the award of grants, arranged in order of priority. The Secretary of State may review and edit the list to ensure that state grant funds awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are appropriate for all age groups. The Secretary of State shall submit a recommended list to the Legislature for funding consideration.

Section 21. Subsections (1) and (2) of section 267.22, Florida Statutes, are amended to read:

267.22 Historic Cemeteries Program Advisory Council.—

(1) The Historic Cemeteries Program Advisory Council, an advisory council as defined in s. 20.03(7), is created as a sub-council within the Florida Historical Commission created by s. 267.0612 division and shall consist of at least five but no more than nine members appointed by the Florida Historical Commission ~~Secretary of State~~ after considering the recommendations of the director of the division. The council must be composed of an inclusive group of members who are regionally distributed and representative of communities throughout this state and may include members of the Florida Historical Commission. Members in place on July 1, 2025, may serve for the remainder of their respective terms. New appointments to the council may not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than five members remaining. Members shall serve 4-year terms; however, for the purpose of providing staggered terms, four of the appointees initially shall be appointed to 2-year terms and the remaining five shall be appointed to 4-year terms. All new

29-01072A-25

20251524__

subsequent appointments shall be for 2-year ~~4-year~~ terms.
Annually ~~As soon as practicable after July 1, 2023,~~ the council
shall meet to elect a chair from its membership. Except as
otherwise provided in this section, the council shall operate in
a manner consistent with s. 20.052.

(2) The council shall provide guidance and recommendations
to the division and the Florida Historical Commission regarding
the duties and responsibilities of the Historic Cemeteries
Program created under s. 267.21. The council shall also evaluate
proposals for awards of abandoned African-American cemeteries
grants, as authorized by s. 267.21(2). Pursuant thereto, the
council must review and evaluate proposals for abandoned
African-American cemeteries grants and make recommendations to
the Secretary of State, including providing a priority ranking,
reflecting the evaluation. In making its evaluation and
recommendations, the council shall, at a minimum, consider the
purpose, public benefit, location, and cost of each proposal for
grant assistance. Abandoned African-American cemeteries grant
recommendations of the council shall be reviewed by the
Secretary of State in accordance with s. 267.21(2).

Section 22. This act shall take effect upon becoming a law.

Redig, Tamra

From: White, Mackensee
Sent: Thursday, April 3, 2025 2:52 PM
To: Redig, Tamra
Subject: FW: Commission fees under s. 113.01, F.S.

- Mackensee "Emy" White

From: Woodby, Katherine <Katherine.Woodby@dos.fl.gov>
Sent: Wednesday, April 2, 2025 9:47 AM
To: White, Mackensee <WHITE.MACKENSEE@flsenate.gov>; Harmsen, Jessie <Harmsen.Jessie@flsenate.gov>; McVaney, Joe <MCVANEY.JOE@flsenate.gov>
Subject: RE: Commission fees under s. 113.01, F.S.

The fees collected for FY24-25 were \$22,765 and it went to GR.



Best Regards,
Katherine M. Woodby
Florida Department of State
Legislative Affairs Director
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399
850-245-6509
Katherine.Woodby@dos.fl.gov

From: White, Mackensee <WHITE.MACKENSEE@flsenate.gov>
Sent: Tuesday, April 1, 2025 4:51 PM
To: Harmsen, Jessie <Harmsen.Jessie@flsenate.gov>; McVaney, Joe <MCVANEY.JOE@flsenate.gov>; Woodby, Katherine <Katherine.Woodby@dos.fl.gov>
Subject: Commission fees under s. 113.01, F.S.

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good afternoon Ms. Woodby,

Can you give us the total amount collected in fiscal year 2024-2025 for the fees eliminated in the amendment to the amendment in 1524. (Collection fees established in s. 113.01, F.S.). Where did that money go (into a particular trust fund?)

Thank you!

Respectfully,

Mackensee White

Governmental Oversight and Accountability Committee | The Florida Senate
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399
Office Phone: (850) 487-5177





The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 6, 2025

I respectfully request that **Senate Bill #1524**, relating to Duties of the Department of State, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

4/1/2025

Meeting Date

Gov Oversight and Accountability

Committee

Name Katherine Woodby

Address 500 South Bronough Street
Street

Tallahassee

City

FL

State

32399

Zip

The Florida Senate

APPEARANCE RECORD

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

SB 1524-Duties of the Dept of State

Bill Number or Topic

~~487810 & 815920~~

Amendment Barcode (if applicable)

Phone 850-245-6509

Email katherine.woodby@dos.fl.gov

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Department of State

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

4-1-25

Meeting Date

1524

Bill Number or Topic

Government oversight

Committee

Amendment Barcode (if applicable)

Name Yerimiah Evans - Rise Tallahassee Phone 321-315-0495

Address 1510 Althea Gibson way Email Y.Ruiz.Evans@gmail.com
Street

Tallahassee FL 32307
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1640

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Grall

SUBJECT: Public Records/Lethality Assessment Forms

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.	McVaney	McVaney	GO	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1640 makes confidential and exempt from public records copying and inspection requirements a lethality assessment form which contains a victim's information and responses to a lethality assessment. Lethality assessments are used to determine a victim's risk of serious bodily injury or death at the hands of an aggressor and are administered by law enforcement for any call relating to intimate partner violence. The information may be shared with domestic violence centers but may not be disclosed to the state attorney's office. The exemption applies to forms completed before, on, and after the date the exemption takes effect.

This exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

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

The bill may increase costs minimally for state and local government agencies.

The bill takes effect upon becoming a law.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024).

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

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

Lethality Assessments

Florida is the second state to pass legislation mandating law enforcement to administer a lethality assessment when speaking with suspected domestic violence victims. The bill, also known as the Gabby Petito Act, was passed in 2024.²⁷

To administer a lethality assessment, a law enforcement officer must ask a series of questions which, in part, include:²⁸

- Did the aggressor ever use a weapon against you or threaten you with a weapon?
- Did the aggressor ever threaten to kill you or your children?
- Has the aggressor ever choked you or attempted to choke you?

All law enforcement officers are required to receive instruction on the policies and procedures for administering a lethality assessment as part of basic recruit training or as part of the required instruction continued for employment. A law enforcement officer may not administer a lethality assessment to a victim if the officer has not received training. Each law enforcement agency must ensure that all its sworn personnel have completed the training by October 1, 2026.²⁹

A law enforcement officer must advise the victim of the results of the lethality assessment and refer the victim to the nearest locally certified domestic violence center if certain criteria are met.³⁰ A law enforcement officer may not include in a probable cause statement, written police report, or incident report the domestic violence center to which a victim was referred.³¹

III. Effect of Proposed Changes:

The bill amends s. 741.29, F.S., to make confidential and exempt from public records disclosure requirements a lethality assessment form that contains a victim's information and responses to a lethality assessment. The information may be shared with domestic violence centers but may not be disclosed to the state attorney's office. The exemption applies to forms completed before, on, and after the date the exemption takes effect.

The exemption is subject to the Open Government Sunset Review Act will expire on October 2, 2030, unless reviewed and saved from repeal by the Legislature.

Additionally, the bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of abuse. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such form is protected from disclosure.

²⁷ Herald-Tribune, *Law enforcement discusses Gabby Petito Act*, (March 7, 2025), <https://www.heraldtribune.com/story/news/courts/2025/03/07/sarasota-county-law-enforcement-talks-gabby-petito-act-family-feuds/80532980007/> (last visited March 28, 2025).

²⁸ Section 741.29(2)(e), F.S.

²⁹ Section 741.29(2)(b), F.S.

³⁰ Section 741.29(2)(f), F.S.

³¹ Section 741.29(2)(h), F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for records pertaining to a lethality assessment form that contains a victim's information and responses; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of domestic violence, and the bill exempts only records pertaining to lethality assessments from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill may cause a minimal increase in workload on agencies holding records that contain personal identifying information of public officers as well as their spouses and children because staff responsible for complying with public record requests may require training related to the new public record exemption. However, the workload will likely be absorbed within current resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 741.29 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

The committee substitute changes the effective date to “upon becoming a law,” applies the exemption retroactively, allows the confidential and exempt information to be shared with domestic violence centers, and prohibits sharing the information with the state attorney’s office.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (i) is added to subsection (2) of
section 741.29, Florida Statutes, to read:

741.29 Domestic violence; investigation of incidents;
notice to victims of legal rights and remedies; reporting.—

(2) The department shall consult with the Department of
Children and Families, the Florida Sheriffs Association, the
Florida Police Chiefs Association, the Florida Partnership to



701874

End Domestic Violence, and at least two domestic violence advocacy organizations to develop the policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Such policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners and establish a statewide process for referring a victim to a certified domestic violence center. The group must review the questions in paragraph (e) and make a recommendation as to whether all questions should be included in the statewide lethality assessment instrument and form. By January 1, 2025, the department must adopt a statewide lethality assessment instrument and form. If a question in paragraph (e) is eliminated from the assessment, the department must confirm that the remaining or altered questions constitute an evidence-based lethality assessment. By January 31, 2025, the department shall report to the President of the Senate and the Speaker of the House of Representatives the results and recommendations of the group, including any proposed statutory changes that are necessary for implementation of a statewide lethality assessment. Training on how to administer a lethality assessment and the approved lethality assessment form must be accessible to a law enforcement officer in an online format.

(i) A lethality assessment form that contains a victim's information and responses to the lethality assessment completed on, before, or after January 1, 2025, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A lethality form may be disclosed to a domestic violence center, as defined in s. 39.902, and the domestic violence center must treat the form and the information on such



701874

form as confidential. However, the victim's information and responses on a lethality form may not be disclosed to, or used by, a state attorney's office. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that a lethality assessment form that contains a victim's information and responses to the lethality assessment be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of abuse. Such information contained on a lethality assessment form is sensitive in nature. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such form is protected from public disclosure. The Legislature finds that the harm that may result from the release of such information outweighs the public benefit that may be derived from the disclosure of the information.

Section 3. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled



701874

69 An act relating to public records; amending s. 741.29,
70 F.S.; providing an exemption from public records
71 requirements for a lethality assessment form that
72 contains certain information and responses; providing
73 for future legislative review and repeal of the
74 exemption; providing for retroactive application of
75 the exemption; providing a statement of public
76 necessity; providing an effective date.

By Senator Grall

29-00851-25

20251640__

A bill to be entitled

An act relating to public records; amending s. 741.29, F.S.; providing an exemption from public records requirements for a lethality assessment form that contains certain information and responses; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (2) of section 741.29, Florida Statutes, to read:

741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.—

(2) The department shall consult with the Department of Children and Families, the Florida Sheriffs Association, the Florida Police Chiefs Association, the Florida Partnership to End Domestic Violence, and at least two domestic violence advocacy organizations to develop the policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Such policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners and establish a statewide process for referring a victim to a certified domestic violence center. The group must review the questions in paragraph (e) and make a recommendation as to whether all questions should be included in the statewide lethality assessment instrument and form. By January 1, 2025, the department must adopt a statewide

Page 1 of 3

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

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lethality assessment instrument and form. If a question in paragraph (e) is eliminated from the assessment, the department must confirm that the remaining or altered questions constitute an evidence-based lethality assessment. By January 31, 2025, the department shall report to the President of the Senate and the Speaker of the House of Representatives the results and recommendations of the group, including any proposed statutory changes that are necessary for implementation of a statewide lethality assessment. Training on how to administer a lethality assessment and the approved lethality assessment form must be accessible to a law enforcement officer in an online format.

(i) A lethality assessment form that contains a victim's information and responses to the lethality assessment is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that a lethality assessment form that contains a victim's information and responses to the lethality assessment be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of abuse. Such information contained on a lethality assessment form is sensitive in nature. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such form is

Page 2 of 3

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59 protected from public disclosure. The Legislature finds that the
60 harm that may result from the release of such information
61 outweighs the public benefit that may be derived from the
62 disclosure of the information.

63 Section 3. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Randy Fine, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 19, 2025

I respectfully request that **Senate Bill #1640**, relating to Public Records/Lethality Assessment Forms, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 7008

INTRODUCER: Banking and Insurance Committee and Senator Sharief

SUBJECT: OGSR/Financial Technology Sandbox

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Moody</u>	<u>Knudson</u>		BI Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 7008 saves from repeal the current public records exemption for certain information held by the Office of Financial Regulation (OFR) for certain records containing proprietary business information related to the Financial Technology Sandbox, which offers financial technology innovators a more flexible regulatory framework to operate in Florida for a limited time. Specifically, the bill makes confidential and exempt from public disclosure requirements the following information:

- The reasons why the general law or rule requirements for which an exception or waiver is sought prevent the innovative financial product or service from being made available to consumers;
- Certain information submitted to the OFR to consider in deciding whether to approve an application for the Financial Technology Sandbox; and
- Information provided for evaluation of whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service.

The Open Government Sunset Review Act requires the Legislature to review each public record exemption 5 years after enactment. The affected exemption stands repealed on October 2, 2025, unless reenacted by the Legislature. This bill removes the scheduled repeal of the exemptions, thereby continuing the confidential and exempt status of the information.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect October 1, 2025.

II. Present Situation:

Florida Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2 of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable public purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

Public Record Exemption Related to Financial Technology Sandbox

The Financial Technology Sandbox is intended to allow financial technology innovators to test innovative financial products or services in a supervised, flexible regulatory sandbox, using waivers of specified general law and corresponding rule requirements under defined conditions.²⁷

The Financial Technology Sandbox makes confidential and exempt from public inspection and copying the following records relating to the Financial Technology Sandbox applications because they contain proprietary business information:²⁸

- The reasons why any of the following general law or rule requirements for which a waiver is sought prevent the innovative financial product or service from being made available to consumers, including requirements regarding:

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ FLA. CONST. art. I, s. 24(c). *See generally* s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Section 559.952, F.S.

²⁸ Section 559.952(5)(h)1., F.S.

- An application for consumer finance lender license,²⁹ except specified requirements such as certain fees and the OFR's authority to investigate the applicant's background.³⁰
- A license for consumer finance lender,³¹ except that the OFR must investigate the applicant's background.³²
- An examination or investigation of a money services business³³ only to the extent that the OFR is required to examine a licensee once every 5 years.³⁴
- Reports by a money services business.³⁵
- A license to engage in the business of a money transmitter or payment instrument seller during the sandbox period.³⁶
- Providing each customer with contact information for the money services business and displaying a license at specified locations.³⁷
- Certain license application provisions for a money services business.³⁸
- A license renewal for a money services business³⁹ except that the OFR may prorate renewal fees in certain circumstances.⁴⁰
- Fees for a money services business⁴¹ only to the extent that they are prorated for renewal fees as provided above.⁴²
- A license for a payment instrument seller or money transmitter⁴³ only to the extent that the requirement prohibits a licensee from engaging in, or advertising that it engages in, the activity of a payment instrument seller or money transmitter during the sandbox period.⁴⁴
- A license provision providing a sample form of payment instrument, if applicable.⁴⁵
- The authority for a money transmitter to charge a different price for a money transmitter service based on the mode of transmission provided the price charged for using a credit card is not more than the price charged when the service is paid with currency or other similar means accepted within the same mode of transmission.⁴⁶
- A licensed payment instrument seller and money transmitter to have a specified net worth, provide a corporate surety bond, or maintain collateral deposit in lieu of bond⁴⁷ to the extent that the OFR may lower such amounts to be commensurate with certain

²⁹ Section 516.03(1), F.S.

³⁰ Section 559.952(5)(h)1.a., F.S.

³¹ Section 516.05(1) and (2), F.S.

³² Section 559.952(5)(h)1.a., F.S.

³³ Section 560.109, F.S.

³⁴ Section 559.952(5)(h)1.a., F.S.

³⁵ Sections 559.952(5)(h)1.a. and 560.118, F.S.

³⁶ Sections 559.952(5)(h)1.a. and 560.125(1), F.S.

³⁷ Sections 559.952(5)(h)1.a. and 560.128, F.S.

³⁸ Sections 559.952(5)(h)1.a. and 560.141, F.S.

³⁹ Section 560.142(1) and (2), F.S.

⁴⁰ Section 559.952(5)(h)1.a., F.S.

⁴¹ Section 560.143(2), F.S.

⁴² Section 559.952(5)(h)1.a., F.S.

⁴³ Section 560.204, F.S.

⁴⁴ Section 559.952(5)(h)1.a., F.S.

⁴⁵ Section 559.952(5)(h)1.a. and 560.205(2), F.S.

⁴⁶ Sections 559.952(5)(h)1.a. and 560.208(2), F.S.

⁴⁷ Section 560.209, F.S.

- factors⁴⁸ and the maximum number of consumers authorized to receive the financial product or service.⁴⁹
- Specified information that the OFR must consider in deciding whether to approve or deny an application for the Financial Technology Sandbox⁵⁰ regarding the nature of the innovative financial product or service and the applicant's business plan;⁵¹ and
 - Information provided for evaluation of whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service.⁵²

This information may be released to appropriate state and federal agencies for the purposes of investigation.⁵³

III. Effect of Proposed Changes:

Section 1 amends s. 559.952(5)(h)1., F.S., to remove the scheduled repeal date of the public record exemption for information held by the OFR relating to a Financial Technology Sandbox application.

The OFR reports that 14 Financial Technology Sandbox applications have been received but none of them have been approved. The OFR states "Applicants either withdrew their application or the application was abandoned for failing to respond to requests for information."⁵⁴

Section 2 provides that the bill is effective October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the

⁴⁸ Section 559.952(5)(c), F.S. (providing certain factors that the OFR must consider when deciding whether to approve or deny an application, such as the nature of the innovative financial product, the potential risk to consumers and methods that will be used to protect them, the business plan, and whether the applicant has the necessary personnel with adequate expertise).

⁴⁹ Section 559.952(5)(h)1.a., F.S.

⁵⁰ Section 559.952(5)(h)1.b., F.S.

⁵¹ Section 559.952(5)(c)1. and 3., F.S.

⁵² Section 559.952(5)(c)4. and (h)1.c., F.S.

⁵³ *Id.*

⁵⁴ The OFR, *OGSR Questionnaire*, p. 2 (July 26, 2024) (on file with the Senate Committee on Banking and Insurance).

public records disclosure requirements. This bill continues a current public records exemption beyond its current date of repeal. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records and public meetings exemption without expansion. Thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemption in the bill does not appear to be broader than necessary to accomplish the purpose of the law. The bill provides the specific information that would be made exempt to prevent the unintentional release of information that may injure the financial technology innovator applying for a license under the Financial Technology Sandbox by providing competitors with confidential business information.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill amends section 559.952 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Banking and Insurance

597-02099-25

20257008__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 559.952, F.S., which provides for an exemption from public records requirements for certain records provided to and held by the Office of Financial Regulation relating to the Financial Technology Sandbox; deleting the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (h) of subsection (5) of section 559.952, Florida Statutes, is amended to read:

559.952 Financial Technology Sandbox.—

(5) FINANCIAL TECHNOLOGY SANDBOX APPLICATION; STANDARDS FOR APPROVAL.—

(h) ~~1.~~ The following information provided to and held by the office in a Financial Technology Sandbox application under this subsection is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1.a. The reasons why a general law enumerated in paragraph (4)(a) prevents the innovative financial product or service from being made available to consumers.

2.b. The information provided for evaluation of the factors specified in subparagraphs (c)1. and 3.

3.c. The information provided for evaluation of whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service, under subparagraph (c)4.

Page 1 of 2

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

597-02099-25

20257008__

However, the confidential and exempt information may be released to appropriate state and federal agencies for the purposes of investigation. Nothing in this paragraph shall be construed to prevent the office from disclosing a summary of the innovative financial product or service.

~~2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2025.

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 7010

INTRODUCER: Governmental Oversight and Accountability Committee and Banking and Insurance Committee

SUBJECT: OGSR/Department of Financial Services

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Thomas	Knudson		BI Submitted as Comm. Bill/Fav
1.	McVaney	McVaney	GO	Fav/CS
2.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7010 narrows the information held by the Department of Financial Services acting as receiver for an insolvent insurer that will continue to be confidential and exempt from public records copying and inspection requirements. The information that will continue to be confidential and exempt only includes consumer information, certain personnel information, and information received from the National Association of Insurance Commissioners and other governmental entities.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2025, unless reenacted by the Legislature. This bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the current confidential and exempt status of the information.

The bill is not expected to impact state and local revenues and expenditures.

The bill takes effect October 1, 2025.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person who acts on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that:

It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted. Section 119.011(12), F.S., defines “public records” to include:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.⁶

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any government public record at any reasonable time, under reasonable conditions, and under

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Public Records Act contains general exemptions that apply across agencies. Agency or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program. Only the Legislature may create an exemption to public records requirements.¹⁰ An exemption must be created by general law and must specifically state the public necessity which justifies the exemption.¹¹ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill that enacts an exemption may not contain other substantive provisions¹² and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹⁴ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁵ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁶

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁷ with specified exceptions.¹⁸ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Id.*

¹² The bill may, however, contain multiple exemptions that relate to one subject.

¹³ FLA. CONST., art. I, s. 24(c).

¹⁴ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁵ *Id.*

¹⁶ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption. If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

Public Record Exemption Related to Records of Insolvent Insurers

Along with the Department of Financial Services (DFS), the Office of Insurance Regulation (OIR) is tasked with enforcing the provisions of the Florida Insurance Code, chs. 624-632, 634-636, 641-642, 648 and 651, F.S.²⁷ OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each authorized insurer.²⁸ In the event that the OIR determines that one or more grounds²⁹ for the initiation of delinquency proceedings against an insurer exist,

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specific questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ FLA. CONST. art. I, s. 24(c).

²⁶ Section 119.15(7), F.S.

²⁷ See Sections 624.307(1) and 624.01, F.S.

²⁸ Section 624.316(1)(a), F.S.

²⁹ Grounds for rehabilitation generally include, but are not limited to, impairment, insolvency, failure to comply with OIR orders or to submit records for examination, and other violations of law. See Section 631.051, F.S. Grounds for liquidation include imminent or actual insolvency, an attempt or actual commencement of voluntary liquidation or dissolution, and a failure to timely complete organization and obtain a certificate of authority. Section 631.061, F.S. The DFS may also apply to the circuit court for an order appointing it as ancillary receiver of, and directing it to liquidate the business and assets of, a foreign insurer which has assets, business, or claims in this state upon the appointment in the domiciliary state of such insurer.

such as insolvency,³⁰ the Insurers Rehabilitation and Liquidation Act³¹ requires the Director of the OIR to notify the DFS of that determination, and to provide the DFS with all necessary documentation and evidence, thereby enabling the DFS to initiate the delinquency proceeding.³² This documentation and evidence may include confidential and sensitive information. Upon such notice, the DFS is tasked with initiating delinquency proceedings pursuant to ch. 631, F.S., which constitute the sole and exclusive method of liquidating, rehabilitating, reorganizing, or conserving an insurer.³³

The nature of the DFS's statutory duties regarding delinquency proceedings require the DFS to assume custodianship of insurer records. When the DFS is appointed as receiver of an insurer during the course of a delinquency proceeding, Florida Statutes expressly vest the DFS with the title to all of the property of the insurer, including all of the books and records, wherever located.³⁴ Similarly, orders to rehabilitate or liquidate a domestic insurer must direct the DFS to take possession of the property of the insurer.³⁵ Orders to liquidate the business of a United States branch of an alien insurer having trustee assets in this state shall be on the same terms as those prescribed for domestic insurers, but the DFS only takes possession of the assets within that branch.³⁶ Orders to conserve the assets of a foreign or alien insurer likewise must require the DFS to take possession of the property of the insurer within this state.³⁷

Section 631.195(2), F.S., provides that the following records of an insurer which are made or received by the DFS, acting as receiver for an insolvent insurer, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- All personal financial and health information of a consumer.
- Underwriting files of a type customarily maintained by an insurer transacting lines of insurance similar to those lines transacted by the insurer.
- Personnel and payroll records of the insurer.
- Consumer claim files.
- An own-risk and solvency assessment (ORSA) summary report, a substantially similar ORSA summary report, and supporting documents submitted to the OIR pursuant to s. 628.8015, F.S.

of a receiver, liquidator, conservator, rehabilitator, or other officer by whatever name called for the purpose of liquidating the business of such insurer. Section 631.091, F.S. Grounds for conservation of foreign insurers include the same as those for rehabilitation and liquidation, or when the insurer's property has been sequestered in its domiciliary sovereignty or in any other sovereignty. Section 631.071, F.S. Grounds for the conservation of alien insurers are the same but additionally include an insurer's failures to timely comply with an OIR order to make good an impairment of trustee funds. Section 631.081, F.S.

³⁰ "Insolvency" means that all the assets of the insurer, if made immediately available, would not be sufficient to discharge all its liabilities or that the insurer is unable to pay its debts as they become due in the usual course of business. Section 631.011(14), F.S. Depending on the context, insolvency also includes and is defined as "impairment of surplus" and "impairment of capital" as defined in s. 631.011(13) and (12), F.S., respectively.

³¹ Part I of Chapter 631, F.S.

³² Section 631.031(1), F.S.

³³ Section 631.021(3), F.S.

³⁴ See s. 631.141(1)-(2), F.S.

³⁵ See ss. 631.101 and 631.111, F.S., respectively.

³⁶ Section 631.121, F.S.

³⁷ Section 631.131(1), F.S.

- A corporate governance annual disclosure and supporting documents submitted to the OIR pursuant to s. 628.8015, F.S.
- Information received from the National Association of Insurance Commissioners (NAIC), a governmental entity in this or another state, the Federal Government, or a government of another nation which is confidential or exempt if held by that entity and which is held by the DFS for use in the performance of its duties relating to insurer solvency.

There are limited circumstances under which the DFS may disclose this confidential and exempt information, including:

- To any state or federal agency, upon written request, if disclosure is necessary for the receiving entity to perform its duties and responsibilities.
- To comply with a properly authorized civil, criminal, or regulatory investigation or a subpoena or summons by a federal, state, or local authority.
- To the NAIC and its affiliates and subsidiaries, if the recipient agrees in writing to maintain the confidential and exempt status of the records.
- To the guaranty associations and funds of the various states which are receiving, adjudicating, and paying claims of the insolvent insurer subject to delinquency proceedings pursuant to this chapter.
- Upon written request, to persons identified as designated employees as described in s. 626.989(4)(d), whose responsibilities include the investigation and disposition of claims relating to suspected fraudulent insurance acts
- In the case of personal financial and health information of a consumer, upon written request of the consumer or the consumer's legally authorized representative.³⁸

Consumer Personal Financial and Health Information

Insurance companies routinely possess records of policyholders and claimants during the normal course of business which include personal, private financial and medical information. Such information held by solvent insurers is not freely available to any person or entity. If such records are made available, it is usually through confidentiality agreements or court orders, and with reference to certain state and federal privileges and confidentiality laws and regulations. The Legislature often enacts public records exemptions to restrict disclosure of private financial and medical information, an example of which is found in s. 624.23, F.S., which makes confidential and exempt the personal financial and health information held by the DFS or the OIR relating to a consumer's complaint or inquiry regarding a matter or activity regulated under the Florida Insurance Code or s. 440.191, F.S.

ORSA Summary Reports and Corporate Governance Annual Disclosures

Section 624.4212(3)(a)-(b), F.S., provides that, except for information obtained by the OIR that would otherwise be available for public inspection, the following information held by the OIR is confidential and exempt from the disclosure requirements of s. 119.07(1), F.S. and s. 24(a), Art. I of the State Constitution:

- *ORSA Reports.* Own-Risk and Solvency Assessments (ORSA) are internal assessments conducted by insurers and insurance groups of the material and relevant risks associated with

³⁸ Section 631.195(4)(a)-(f), F.S.

their business plan and the sufficiency of their capital resources to support those risks.³⁹ An ORSA Summary Report is a high-level ORSA summary of an insurer or insurance group, consisting of a single report or combination of reports.⁴⁰ Insurers are required to conduct an ORSA at least annually.⁴¹ Unless an insurer or insurance group is exempted from this requirement or compliance is otherwise waived, insurers must submit an ORSA summary report to the OIR once every calendar year.⁴²

- *Corporate Governance Annual Disclosures.* Corporate governance annual disclosures are reports filed with the OIR by insurers and insurance groups which describe the corporate governance framework and structure of the insurer or insurance group, the policies and practices for directing senior management and of the most senior governing entity and its significant committees, and the processes by which the board, its committees, and senior management ensure the appropriate amount of oversight to critical risk areas that impact the insurer's business activities.⁴³ Insurers, or insurer members of an insurance group of which the OIR is the lead state regulator, must submit corporate governance annual disclosure to the OIR annually.⁴⁴

III. Effect of Proposed Changes:

The Open Government Sunset Review Act requires the Legislature to review each public record and public meeting exemption 5 years after enactment. The affected exemptions are scheduled for repeal on October 2, 2025. The bill removes the scheduled repeal to continue the exempt status.

Section 1 amends s. 631.195(5), F.S., to narrow the information held by the Department of Financial Services acting as receiver for an insolvent insurer that will continue to be confidential and exempt from public records copying and inspection requirements. The information that will continue to be confidential and exempt only includes consumer information, certain personnel information, and information received from the National Association of Insurance Commissioners and other governmental entities. The bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the confidential and exempt status of the enumerated information.

Records that will no longer be confidential and exempt under the bill include an own-risk and solvency assessment (ORSA) summary report, a substantially similar ORSA summary report, and supporting documents submitted to the Office of Insurance Regulation pursuant to s. 628.8015, F.S., and any corporate governance annual disclosure and supporting documents submitted to the Office pursuant to s. 628.8015, F.S.

Section 2 provides that the bill is effective October 1, 2025.

³⁹ Section 628.8015(1)(d), F.S.

⁴⁰ Section 628.8015(1)(f), F.S.

⁴¹ Section 628.8015(2)(b), F.S.

⁴² Section 628.8015(2)(c)1.a.(I), F.S. See Section 628.8015(2)(d), F.S., for exemptions, and s. 628.8015(2)(e), F.S., for waiver requirements.

⁴³ Section 628.8015(1)(a) and (3)(c)4.a.-d., F.S.

⁴⁴ Section 628.8015(3)(b)1.a.-c., F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill narrows a current public records exemption. Thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The bill codifying the exemption originally stated that the specific information originally made exempt was intended to prevent the unintentional release of information that may subject persons to identity theft, financial harm, or other adverse impacts, as well as, information of a confidential nature concerning entities, such as trade or business secrets. The exemption in the bill does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 631.195.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

The committee substitute narrows the public record exemption for certain records received by the Department of Financial Services while acting as a receiver of insolvent insurers to apply only to consumer information, certain personnel information, and information received from the National Association of Insurance Commissioners or a government entity.

B. Amendments:

None.



500896

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 631.195, Florida Statutes, is amended to
read:

631.195 Records of insurers; public records exemptions.—

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

(a) "Consumer" means a prospective purchaser of, a
purchaser of, a beneficiary of, or an applicant for any



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insurance product or service. The term also includes a family member or dependent of such person.

(b) "Personal financial and health information" means:

1. A consumer's personal health condition, disease, or injury;

2. A history of a consumer's personal medical diagnosis or treatment;

3. The existence, nature, source, or amount of a consumer's personal income or expenses;

4. Records of, or relating to, a consumer's personal financial transactions of any kind;

5. The existence, identification, nature, or value of a consumer's assets, liabilities, or net worth;

6. The existence or content of, or any individual coverage or status under a consumer's beneficial interest in, any insurance policy or annuity contract; or

7. The existence, identification, nature, or value of a consumer's interest in any insurance policy, annuity contract, or trust.

(2) The following records, in whatever form, of an insurer which are made or received by the department, acting as receiver pursuant to this chapter, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) All personal financial and health information of a consumer.

~~(b) Underwriting files of a type customarily maintained by an insurer transacting lines of insurance similar to those lines transacted by the insurer.~~

(b)(c) Personnel and payroll records of the insurer, except



500896

for the names, benefits, and compensation of executive officers.

~~(c)(d)~~ Consumer claim files.

~~(e) An own risk and solvency assessment (ORSA) summary report, a substantially similar ORSA summary report, and supporting documents submitted to the office pursuant to s. 628.8015.~~

~~(f) A corporate governance annual disclosure and supporting documents submitted to the office pursuant to s. 628.8015.~~

~~(d)(g)~~ Information received from the National Association of Insurance Commissioners, a governmental entity in this or another state, the Federal Government, or a government of another nation which is confidential or exempt if held by that entity and which is held by the department for use in the performance of its duties relating to insurer solvency.

(3) The exemptions in subsection (2) apply to records held by the department before, on, and after July 1, 2020.

(4) Records or portions of records made confidential and exempt by this section may be released under any of the following circumstances:

(a) To any state or federal agency, upon written request, if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving agency shall maintain the confidential and exempt status of such record or portion of such record.

(b) To comply with a properly authorized civil, criminal, or regulatory investigation or a subpoena or summons by a federal, state, or local authority.

(c) To the National Association of Insurance Commissioners and its affiliates and subsidiaries, if the recipient agrees in



500896

writing to maintain the confidential and exempt status of the records.

(d) To the guaranty associations and funds of the various states which are receiving, adjudicating, and paying claims of the insolvent insurer subject to delinquency proceedings pursuant to this chapter. The receiving guaranty association shall maintain the confidential and exempt status of such record or portion of such record.

(e) Upon written request, to persons identified as designated employees as described in s. 626.989(4)(d), whose responsibilities include the investigation and disposition of claims relating to suspected fraudulent insurance acts.

(f) In the case of personal financial and health information of a consumer, upon written request of the consumer or the consumer's legally authorized representative.

~~(5) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2025.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to a review under the Open Government
Sunset Review Act; amending s. 631.195, F.S., which
provides an exemption from public records requirements



500896

98 for certain records made or received by the Department
99 of Financial Services acting as receiver pursuant to
100 specified provisions; revising the list of records
101 that are exempt from public records requirements;
102 removing the scheduled repeal of the exemption;
103 providing an effective date.

By the Committee on Banking and Insurance

597-02098-25

20257010__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 631.195, F.S., which provides exemptions from public records requirements for records made or received by the Department of Financial Services when the department is acting as a receiver; deleting the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Subsection (5) of section 631.195, Florida Statutes, is amended to read:

631.195 Records of insurers; public records exemptions.-

~~(5) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 7018

INTRODUCER: Health Policy Committee

SUBJECT: OGSR/Parental Consent Requirements Before Terminating a Pregnancy

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Davis</u>	<u>Brown</u>		HP Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 7018 saves an existing public record exemption from repeal under the Open Government Sunset Review Act. The exemption protects certain information that can be used to identify a minor who is petitioning for a judicial waiver of parental consent under the Parental Notice of and Consent for Abortion Act.

The exemption protects from disclosure any identifying information held by a circuit or appellate court, the Office of Criminal Conflict and Civil Regional Counsel, or the Justice Administrative Commission. These entities may obtain the information when the minor seeks a judicial waiver from a court, when the Office of Criminal Conflict and Civil Regional Counsel represents the minor in a court proceeding, or when the Justice Administrative Commission processes payments for a court-appointed private attorney who represents the minor.

The Open Government Sunset Review Act requires the Legislature to review each public record five years after enactment. The exemption is scheduled for repeal on October 2, 2025. The bill removes the scheduled repeal date to continue the confidential and exempt status.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect October 1, 2025.

II. Present Situation:

Public Records Law

Background

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

Legislative and Judicial Records

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.

“Public Records” Defined

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are intended to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

Access

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person's right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature's Exclusive Authority to Create an Exemption

Only the Legislature may create an exemption from public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and the bill must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

"Exempt" or "Confidential and Exempt"

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those that the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is *expanded*, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is *narrowed*, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁵

Parental Notice of and Consent for Abortion Act

In 2020, the Legislature amended The Parental Notice of Abortion Act to also require parental *consent* for a physician to perform or induce an abortion on a minor.²⁶ Unless certain exceptions apply,²⁷ the statute now prohibits a physician from performing or inducing an abortion on a

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Section 390.01114, F.S.; Ch. 2020-147, s. 2.

²⁷ The requirement for parental consent has several exceptions. It does not apply if: parental notice is not required because a medical emergency exists and notice cannot be accomplished; notice has been waived by a minor who is, or has been

minor unless the physician receives a notarized, written consent statement signed, dated, and initialed on each page by the mother, father, or legal guardian. The consenting parent or guardian must also provide the physician with a copy of a government-issued proof of identification. The statute prescribes language that the statement must include, requires documentation that must be maintained in the physician's records, provides exceptions for when the consent requirement does not apply, and specifies a process to obtain a judicial waiver to "bypass" the consent requirement.²⁸

Judicial Waiver of Parental Notice and Consent Requirements, or the Judicial Bypass Proceeding

The Parental Notice of and Consent for Abortion Act authorizes a minor to petition a circuit court where she resides for a waiver of the parental notice and consent requirements. To initiate the process, a minor may file the petition under a pseudonym or by using initials, as provided by court rule. The petition must contain a statement that the petitioner is pregnant and that the notice and consent requirements of the law have not been waived. The court must advise the petitioner that she has a right to court-appointed counsel and if she requests counsel, it will be provided to her at no cost.²⁹

Once a petition is filed, the court must rule and issue written findings of fact and conclusions of law within three business days after the petition is filed. This time period may be extended at the request of the minor.³⁰

If the circuit court determines, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to terminate her pregnancy, the court must issue an order authorizing the minor to consent to the abortion.³¹ If the court finds that the minor does not possess the requisite maturity to make that determination, it must dismiss the petition.³² If the court determines by a preponderance of the evidence that the minor is a victim of child abuse or sexual abuse inflicted by her parent or guardian, or if the court determines by clear and convincing evidence that the notification or consent requirement of a parent or guardian is not in her best interest, the court must issue an order authorizing the minor to consent to the performance or inducement of a termination of the pregnancy.³³

married, or has had the disability of nonage removed; or notice is waived because the patient has a minor child dependent on her. Parental consent is not required if notice is not required because the minor's parent or legal guardian has waived the right to receive notice and waived the right to consent in a signed and notarized statement. The consent requirement also does not apply if the physician certifies that a medical emergency exists and there is not enough time to obtain consent. Finally, consent is not required if the minor has obtained a judicial waiver from the circuit court. See s. 390.01114(5)(b), F.S. for the full text of the statute.

²⁸ Section 390.01114(5) and (6), F.S.

²⁹ Section 390.01114(6)(a), F.S.

³⁰ Section 390.01114(6)(b)1., F.S.

³¹ Section 390.01114(6)(c), F.S.

³² *Id.*

³³ Section 390.01114(6)(d), F.S.

Roles of the Office of Criminal Conflict and Civil Regional Counsel and the Justice Administrative Commission

The Office of Criminal Conflict and Civil Regional Counsel

The Legislature created the Office of Criminal Conflict and Civil Regional Counsel in 2007 to represent people entitled to court-appointed counsel.³⁴ When a minor initiates a judicial bypass proceeding in the circuit court, a private court-appointed attorney is available to represent her upon request.³⁵ The statute is clear that private court-appointed counsel approved for this type of work is to be used first for minors who request counsel, but if no attorney is available through the clerk's list of attorneys, then the Office of Criminal Conflict and Civil Regional Counsel in that area will supply an attorney for the proceedings.³⁶ Any record that could identify a minor while in an office's possession is exempt from public disclosure requirements.

The Justice Administrative Commission

The Justice Administrative Commission is a state agency that was created in 1965 to provide administrative services for judicial-related offices.³⁷ One of the Commission's roles is to process the invoices for the attorneys who volunteer for the judicial bypass cases. Similarly, any record that could identify a minor in the Commission's possession is exempt from public disclosure requirements.

According to the Justice Administrative Commission's staff, any invoice it receives from a private attorney does not contain the full name of the minor. The Commission asks the attorneys to use only the minor's initials when submitting an invoice. Once an invoice is received, the name "Jane Doe" is entered into the system and substituted for the minor's initials. If an attorney mistakenly submits a minor's first name, the staff redacts the name and then locks the redaction so that no one may discover it.

Data Published by the Office of the State Courts Administrator – Annual Number of Petitions Filed for Judicial Bypass Waivers

The Florida Supreme Court, through the Office of the State Courts Administrator, is required to report by February 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives the number of petitions filed for judicial bypass waivers in the previous year for each circuit court. The report must also contain the timing and manner of disposal of the petitions by each circuit.³⁸ Below is a statewide summary of the number of petitions filed in the past five years.³⁹

³⁴ Ch. 2007-62, s. 1, Laws of Fla.

³⁵ The chief judge of the circuit maintains a list of qualified attorneys in private practice, by county and by category of cases, and provides the list to the clerk of court in each county. Section 27.40(3)(a), F.S.

³⁶ Section 27.511(6)(a), F.S.

³⁷ See <https://www.justiceadmin.org/>.

³⁸ Section 390.01114(8), F.S.

³⁹ Florida Office of the State Court Administrator, *Fiscal Years 2020-2024, Parental Notice of and Consent for Abortion Act, Petitions Filed and Disposed By Circuit and County, January through December* (on file with the Senate Committee on Health Policy).

<u>Year</u>	<u>Total Petitions Filed</u>
2024	130
2023	170
2022	228
2021	216
2020	195
Total	939

Professional Staff's Open Government Sunset Review

During the summer and fall of 2025, Senate committee staff, working with staff from the House of Representatives, conducted an Open Government Sunset Review as required by statute. Staff surveyed the state county clerks of court, the Office of Criminal Conflict and Civil Regional Counsel, and the Justice Administrative Commission to determine whether they supported continuing the public record exemption for minors seeking a judicial bypass.

Data Reported from the County Clerks of Court for Judicial Bypass Waivers

The 67 county clerks of court were surveyed to determine:

- The number of petitions that had been filed between January 2020 and November 2024, seeking a judicial waiver of parental notice and consent for termination of a pregnancy.
- The number of times the clerk's office had received a public records request for the minor's identifying information.
- Whether the office believed this information should be available to the public.
- Whether the office believed the exemption should be reenacted, repealed, or modified in some form.

Of the 67 clerk offices that received surveys, 53 offices responded for a response rate of 79 percent.

Number of Petitions Filed Seeking a Judicial Waiver from January 2020 – November 2024

The 53 clerk's offices reported that they had received a combined total of 726 petitions for judicial waiver.⁴⁰

Number of Public Records Requests Received from January 2020 – November 2024

Only one office reported a request for identifying information in the five-year span.

Whether the Minor's Identifying Information Should Be Made Available to the Public

- No – 47
- Yes, because the information should be available to the minor's parents – 1
- Only if a criminal subpoena is involved – 1

⁴⁰ The difference between the number of petitions reported by the Office of the State Courts Administrator, 939, and the number reported by the county clerks, 726, for a discrepancy of 213 petitions, could be explained by the fact that 14 county clerks did not respond to the survey.

- Did not answer the question – 4

Whether the Exemption Should be Reenacted, Repealed, or Modified

These responses varied but the majority responded that the exemption should be reenacted as it is currently written. The responses were:

- Reenact the exemption as it is currently written – 41
- Repeal the exemption because parents have a right to know – 2
- Reenact the exemption with changes because the minor’s parents should know – 3
- Did not answer the question – 7

Data Reported from the Office of Criminal Conflict and Civil Regional Counsel and Justice Administrative Commission

Office of Criminal Conflict and Civil Regional Counsel

Surveys were sent to the five regional offices, and four offices responded. The offices reported handling a total of 64 petitions from January 2020 through November 2024.

Three offices recommended reenacting the exemption as it currently exists, and one office recommended reenacting the exemption with changes.

Justice Administrative Commission

Because the Justice Administrative Commission serves in an administrative capacity to process the invoices for the attorneys who volunteer for the judicial bypass hearings, the Commission has no direct involvement with these minors. As such, the Commission did not register an opinion on whether the exemption should be repealed, reenacted as is, or reenacted with changes.

Committee Open Government Sunset Review Recommendation

Based upon a review of this public record exemption under the Open Government Sunset Review Act and information received from the clerks of county court, Offices of Criminal Conflict and Civil Regional Counsel, and the Justice Administrative Commission, committee staff recommends that the Legislature retain the public records exemption established in s. 390.01118, F.S. The clerks and volunteer attorneys support continuing the exemption to protect the privacy of the minor seeking to bypass the parental notification and consent requirements.

III. Effect of Proposed Changes:

SB 7018 continues a public records exemption that was created in 2020 which will otherwise be repealed on October 2, 2025. The exemption protects from disclosure any identifying information of a minor seeking a judicial bypass under the Parental Notice of and Consent for Abortion Act if the information is held by a circuit or appellate court, an Office of Criminal Conflict and Civil Regional Counsel, or by the Justice Administrative Commission.

Section 1 amends s. 390.01118, F.S., to remove the scheduled repeal of the public records exemption for identifying information held by the circuit and appellate courts, the Offices of Criminal Conflict and Civil Regional Counsel, or the Justice Administrative Commission.

Section 2 provides that the bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. Because this bill continues a current public records exemption beyond its current date of repeal, it does not require an extraordinary vote for enactment.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 390.01118 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By the Committee on Health Policy

588-02293-25

20257018__

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 390.01118, F.S.,
4 relating to an exemption from public records
5 requirements for certain information that could
6 identify a minor petitioning a court to waive parental
7 consent requirements before terminating a pregnancy;
8 deleting the scheduled repeal of the exemption;
9 providing an effective date.
10
11 Be It Enacted by the Legislature of the State of Florida:
12
13 Section 1. Section 390.01118, Florida Statutes, is amended
14 to read:
15 390.01118 Public records exemptions; minors seeking waiver
16 of consent requirements.—Any information that can be used to
17 identify a minor who is petitioning a circuit court for a
18 judicial waiver, as provided in s. 390.01114, of the consent
19 requirements under the Parental Notice of and Consent for
20 Abortion Act is:
21 (1) Confidential and exempt from s. 24(a), Art. I of the
22 State Constitution, if held by a circuit court or an appellate
23 court.
24 (2) Confidential and exempt from s. 119.07(1) and s. 24(a),
25 Art. I of the State Constitution, if held by the office of
26 criminal conflict and civil regional counsel or the Justice
27 Administrative Commission.
28
29 ~~This section is subject to the Open Government Sunset Review Act~~

Page 1 of 2

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

588-02293-25

20257018__

30 ~~in accordance with s. 119.15 and shall stand repealed on October~~
31 ~~2, 2025, unless reviewed and saved from repeal through~~
32 ~~reenactment by the Legislature.~~
33 Section 2. This act shall take effect October 1, 2025.

Page 2 of 2

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

270

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

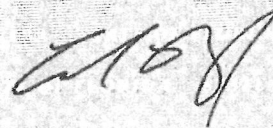
Ivan Chavez

is duly appointed a member of the

Florida Commission on Community Service

for a term beginning on the Third day of May, A.D., 2024, until
the Fourteenth day of September, A.D., 2026 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of June, A.D., 2024.*



Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RON DESANTIS
GOVERNOR

RECEIVED

2024 MAY -7 PM 4:18

DIVISION OF ELECTIONS
TALLAHASSEE, FL

COPY

May 3, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 14.29, Florida Statutes:

Mr. Ivan Chavez

as a member of the Florida Commission on Community Service, filling a vacant seat previously occupied by Maria Sullivan, subject to confirmation by the Senate. This appointment is effective May 3, 2024, for a term ending September 14, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/es

COPY

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

2024 JUN 10 AM 10:15

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of MIAMI-Dade

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Commission on Community Service (Volunteer Florida)
(Full Name of Office – Abbreviations Not Accepted)

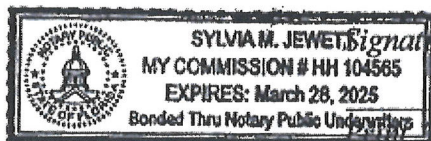
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 29th day of MAY, 2024.



[Signature]
Signature of Officer Administering Oath or of Notary Public

Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

Street or Post Office Box

Ivan Chavez
Print Name

City, State, Zip Code

[Signature]
Signature

CERTIFICATION

STATE OF FLORIDA

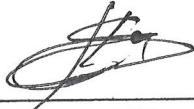
COUNTY OF MIAMI - Dade

RECEIVED
2024 JUN 10 AM 10:15
DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

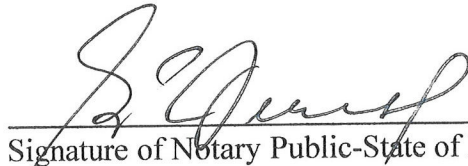
Ivan A. Chavez

who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

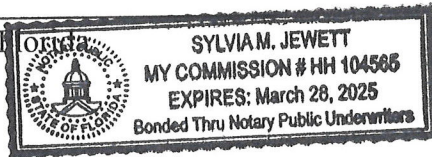


Signature of Applicant-Affiant

Sworn to and subscribed before me this 29th day of MAY, 2024



Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)

270

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Sherry Wheelock

is duly appointed a member of the

Florida Commission on Community Service

for a term beginning on the Third day of May, A.D., 2024, until
the Fourteenth day of September, A.D., 2026 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourteenth day of August, A.D., 2024.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED

2024 MAY -7 PM 4:18

DIVISION OF ELECTIONS
TALLAHASSEE, FL

May 3, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 14.29, Florida Statutes:

Ms. Sherry Wheelock
1915 Don Wickham Drive
Clermont, Florida 34711

as a member of the Florida Commission on Community Service, subject to confirmation by the Senate. This appointment is effective May 3, 2024, for a term ending September 14, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/es

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.) 2024 JUL 12 PM 1:04

STATE OF FLORIDA

DIVISION OF ELECTIONS
TALLAHASSEE, FL

County of Lake

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Chairman, Florida Commission on Community Service

(Full Name of Office – Abbreviations Not Accepted)

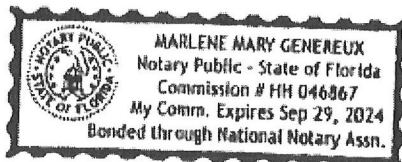
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 9th day of July, 2024.



Marlene M Genereux

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

1915 Don Wickham Drive

Sherry Wheelock

Street or Post Office Box

Print Name

Clermont, FL 34711

City, State, Zip Code

Signature

CERTIFICATION

RECEIVED
DEPARTMENT OF STATE
2024 AUG 13 AM 11:18
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

COUNTY OF Lake

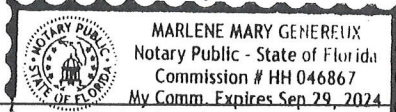
Before me, the undersigned Notary Public of Florida, personally appeared

Sherry Wheelock,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read
the answers to the foregoing questions; (2) that the information contained in said answers is
complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the
United States and of the State of Florida.


Signature of Applicant-Affiant

Sworn to and subscribed before me this 9th day of July, 2024


Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 9/29/2024

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)

270

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Kristen Rhea Goff

is duly appointed a member of the

Florida Commission on Community Service

for a term beginning on the Third day of May, A.D., 2024, until
the Fourteenth day of September, A.D., 2025 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twentieth day of May, A.D., 2024.



Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

RECEIVED

2024 MAY -7 PM 4:18

DIVISION OF ELECTIONS
TALLAHASSEE, FL

May 3, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 14.29, Florida Statutes:

Ms. Kristen "Rhea" Goff
437 Pisces Drive
Santa Rosa Beach, Florida 32459

as a member of the Florida Commission on Community Service, succeeding Lynette Cardoch, subject to confirmation by the Senate. This appointment is effective May 3, 2024, for a term ending September 14, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/es

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2024 MAY 20 AM 8:16

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Bay

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Commission on Community Service

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

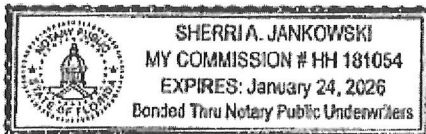
Kristen Rhea Goff

Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence

Or ☐ online notarization this 6th day of May, 2024.



[Signature]

Signature of Officer Administering Oath or of Notary Public

Sherri Jankowski

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

437 Pisces Dr.

Street or Post Office Box

Santa Rosa Beach, FL 32459

City, State, Zip Code

Kristen Rhea Goff

Print Name

Kristen Rhea Goff

Signature

RECEIVED

CERTIFICATION

2024 MAY 20 AM 8:16

STATE OF FLORIDA
COUNTY OF

Bay

DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

Kristen Rhea Goff

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Kristen Rhea Goff

Signature of Applicant-Affiant

Sworn to and subscribed before me this 6th day of May, 2024.

[Signature]
Signature of Notary Public-State of Florida

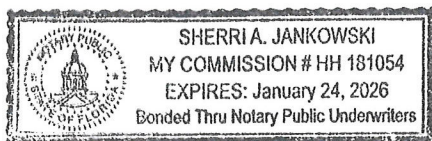
Sherri Jankowski

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 1-24-2026

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



(seal)

270

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

John F. Davis

is duly appointed a member of the

Florida Commission on Community Service

for a term beginning on the Third day of May, A.D., 2024, until
the Fourteenth day of September, A.D., 2026 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Sixth day of February, A.D., 2025.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED

2024 MAY -7 PM 4:18

DIVISION OF ELECTIONS
TALLAHASSEE, FL

May 3, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 14.29, Florida Statutes:

Mr. John Davis
250 Marriott Drive
Tallahassee, Florida 32301

as a member of the Florida Commission on Community Service, subject to confirmation by the Senate. This appointment is effective May 3, 2024, for a term ending September 14, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/es

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2015 FEB 25 AM 8:45

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Florida Commission on Community Service

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence

Or ☐ online notarization this 21st day of February, 2025.

Dayana Torres
Signature of Officer Administering Oath or of Notary Public

Dayana Torres
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____



DAYANA M. TORRES
Commission # HH 304014
Expires August 23, 2026

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

250 Marriott Drive

Street or Post Office Box

Tallahassee, FL 32301

City, State, Zip Code

John F. Davis

Print Name

[Signature]
Signature

1280

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Freddie Figgers

is duly appointed a member of the

Investment Advisory Council

for a term beginning on the Seventh day of January, A.D., 2025,
until the Twenty-Third day of May, A.D., 2027 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Sixteenth day of January, A.D., 2025.*



A handwritten signature in black ink, appearing to read "C. Byrd", is written over the printed name of the Secretary of State.

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



STATE BOARD OF ADMINISTRATION
OF FLORIDA

1801 HERMITAGE BOULEVARD, SUITE 100
TALLAHASSEE, FLORIDA 32308
(850) 488-4406

POST OFFICE BOX 13300
32317-3300

RON DESANTIS
GOVERNOR
CHAIR

JIMMY PATRONIS
CHIEF FINANCIAL OFFICER

ASHLEY MOODY
ATTORNEY GENERAL

LAMAR TAYLOR
INTERIM EXECUTIVE DIRECTOR &
CHIEF INVESTMENT OFFICER

HAND DELIVERED

January 7, 2025

Ms. Inez Williams
Division of Elections
Commissions Issuance Section
R.A. Gray Building
500 South Bronough Street, Room 316
Tallahassee, FL 32399-0250

RECEIVED
DEPARTMENT OF STATE
2025 JAN - 8 AM 10:40
DIVISION OF ELECTIONS
TALLAHASSEE, FL

Re: Investment Advisory Council Appointments:
Freddie Figgers
Jeffrey Thomas Jackson

Dear Ms. Williams:

The above-named individuals have been appointed by the Trustees of the State Board of Administration to serve on the Investment Advisory Council. Their terms are as follows:

Appointee	Term Expiration Date
Freddie Figgers	May 23, 2027
Jeffrey Thomas Jackson	February 1, 2028

Please let us know if you need anything else.

Best regards,

A handwritten signature in cursive script that reads "Amy P. Walker".

Amy P. Walker
Senior Executive Assistant

HAND DELIVERED

RECEIVED
DEPARTMENT OF STATE

2025 JAN -8 AM 10:40

DIVISION OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Broward

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

State Board of Administration of Florida Investment Advisory Council (IAC)

(Name of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Freddie Figgers
Signature

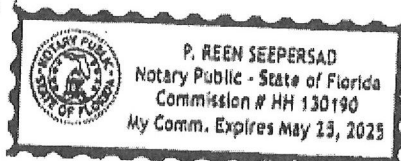
(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence

Or ☐ online notarization this 28th day of August, 2024.

P. Reen Seepersad
Signature of Officer Administering Oath or of Notary Public

P. R. Seepersad
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

5260 Whisper Drive

Street or Post Office Box

Coral Springs, Florida 33067

City, State, Zip Code

Freddie Figgers

Print Name

Freddie Figgers
Signature

CERTIFICATION

STATE OF FLORIDA
COUNTY OF

Broward

Before me, the undersigned Notary Public of Florida, personally appeared

_____,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Freddie Fisser

Signature of Applicant-Affiant

Sworn to and subscribed before me this 26th day of December, 2024

P. Reen Seepersad

Signature of Notary Public-State of Florida

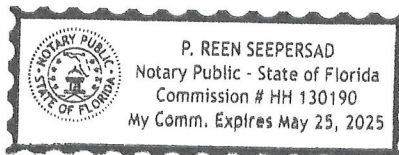
P. Reen Seepersad

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 05-25-2025

Personally Known ☒ **OR** Produced Identification ☐

Type of Identification Produced _____



(seal)

RECEIVED
OFFICE OF STATE
ATTORNEY
2025 JAN -8 AM 10:40
DIVISION OF ELECTIONS
TALLAHASSEE, FL

2000

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Kerey Carpenter

is duly appointed Chair of the

Public Employees Relations Commission

for a term beginning on the Eighth day of March, A.D., 2024,
until the First day of January, A.D., 2028 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of March, A.D., 2024.*

Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED

2024 MAR 11 AM 9:25

DIVISION OF ELECTIONS
TALLAHASSEE, FL

March 8, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 447.205, Florida Statutes:

Ms. Kerey Carpenter

as Chair of the Public Employees Relations Commission, succeeding Donald Rubottom, subject to confirmation by the Senate. This appointment is effective March 8, 2024, for a term ending January 1, 2028.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/ch

HAND DELIVERED

RECEIVED

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

2024 MAR 12 AM 9:01

STATE OF FLORIDA

DIVISION OF ELECTIONS
TALLAHASSEE, FL

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Chair, Florida Public Employees Relations
(Full Name of Office – Abbreviations Not Accepted) Commission

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence

Or ☐ online notarization this 11th day of March, 202024



[Signature]
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

Street or Post Office Box

Print Name

City, State, Zip Code

Kerrey Carpenter
[Signature]
Signature

HAND DELIVERED

RECEIVED

CERTIFICATION

2024 MAR 12 AM 9:54

STATE OF FLORIDA

COUNTY OF

Leon

DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

Kerey Carpenter

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.



Signature of Applicant-Affiant

Sworn to and subscribed before me this 11th day of March, 2024.



Signature of Notary Public-State of Florida

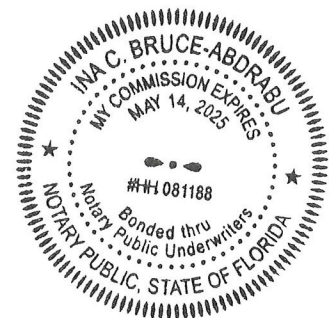
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)



1980

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Jeff Aaron

is duly appointed a member of the

Public Employees Relations Commission

for a term beginning on the Fourteenth day of February, A.D.,
2025, until the First day of January, A.D., 2029 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of March, A.D., 2025.



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED

2025 FEB 25 AM 10:09

DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 14, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 447.205, Florida Statutes:

Mr. Jeff Aaron
766 Terra Place
Maitland, Florida 32751

as a member of the Public Employees Relations Commission, subject to confirmation by the Senate. This appointment is effective February 14, 2025, for a term ending January 1, 2029.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/js

(Art. II, § 5(b), Fla. Const.)

2025 MAR -7 PM 2:50

DIVISION OF ELECTIONS
TALLAHASSEE, FL

County of Leir

Commissioner of Public Employee Relations Commission
(Full Name of Office – Abbreviations Not Accepted)

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature _____

BRANDI MANLEY
Commission # HH 532204
Expires September 15, 2028

Sworn to and subscribed before me by means of X physical presence
Or online notarization this 5th day of March, 2025.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

Tolo Terra Place

Street or Post Office Box

Maitland, FL 32751

City, State, Zip Code

Print Name _____

Signature _____

2181

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

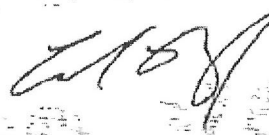
Diana Lynn Taub

is duly appointed a member of the
State Retirement Commission

for a term beginning on the Eighth day of March, A.D., 2024,
until the Thirty-First day of December, A.D., 2027 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Sixth day of March, A.D., 2024.*




Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2024 MAR 12 AM 10:21
TALLAHASSEE, FL

March 8, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 121.22, Florida Statutes:

Ms. Diana Taub

as a member of the State Retirement Commission, subject to confirmation by the Senate. This appointment is effective March 8, 2024, for a term ending December 31, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/es

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2024 MAR 22 AM 8:07
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of BROWARD

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

STATE RETIREMENT COMMISSION

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Diana Lynn Taub
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of X physical presence

Or online notarization this 18th day of March, 2024.



NATASHA L. TAYLOR
Notary Public
State of Florida
Comm# HH254463
Expires 4/18/2026

Natasha Taylor
Signature of Officer Administering Oath or of Notary Public

Natasha Taylor
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ or Produced Identification ☒

Type of Identification Produced FL Driver license

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

DIANA LYNN TAUB

Street or Post Office Box

Print Name

Diana L Taub

City, State, Zip Code

Signature

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Broward

RECEIVED
DEPARTMENT OF STATE
2024 MAR 22 AM 8:06
DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared
Diana Lynn Taub,

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Diana L. Taub

Signature of Applicant-Affiant

Sworn to and subscribed before me this 18th day of March, 2024

[Signature]

Signature of Notary Public-State of Florida

Natasha Taylor

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 04/18/2026

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL Driver license



NATASHA L. TAYLOR
Notary Public
State of Florida
Comm# HH254463
Expires 4/18/2026



NATASHA L. TAYLOR
Notary Public
State of Florida
Comm# HH254463 (seal)
Expires 4/18/2026



CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Committee on Governmental Oversight and Accountability

Judge:

Started: 4/1/2025 1:31:20 PM

Ends: 4/1/2025 3:07:37 PM **Length:** 01:36:18

1:31:23 PM Chair DiCeglie calls the meeting to order
1:31:32 PM Roll call
1:31:44 PM Chair DiCeglie announces that at the request of Senator Yarborough, SB 1260 is Temporarily Postponed
1:31:53 PM Chair DiCeglie makes opening remarks
1:32:24 PM Tab 4, SB 342 by Senator Harrell, Public Records/Agency for Health Care Administration
1:32:36 PM Senator Harrell explains the bill
1:34:29 PM Amendment 916664 by Senator Harrell
1:34:38 PM Senator Harrell explains the amendment
1:34:48 PM Senator Harrell waives close on the amendment
1:34:56 PM Chair DiCeglie reports the amendment
1:35:03 PM Back on the bill
1:35:09 PM Chair DiCeglie recognizes those who waive speaking on the bill
1:35:30 PM Senator Harrell waives close on the bill
1:35:36 PM Roll call
1:35:58 PM Tab 19, SB 7018 by Health Policy, OGSR/Parental Consent Requirements Before Terminating a Pregnancy
1:36:31 PM Senator Harrell explains the bill
1:37:24 PM Senator Harrell waives close on the bill
1:37:30 PM Roll call
1:37:52 PM Tab 6, SB 626 by Senator Osgood, Council on the Social Status of Black Men and Boys
1:38:07 PM Senator Osgood explains the bill
1:38:42 PM Amendment 730162 by Senator Osgood
1:38:55 PM Senator Osgood explains the amendment
1:39:51 PM Senator Osgood waives close on the amendment
1:40:04 PM Chair DiCeglie reports the amendment
1:40:09 PM Back on the bill
1:40:13 PM Senator Osgood waives close on the bill
1:40:24 PM Roll call
1:40:43 PM Tab 7, CS/SB 710 by Senator Osgood, Public Records/Crime Stoppers Organizations
1:40:53 PM Senator Osgood explains the bill
1:42:04 PM Senator Osgood waives close on the bill
1:42:10 PM Roll call
1:42:30 PM Tab 2, SB 300 by Senator Rouson, Public Records/Appellate Court Clerks and their Spouses and Children
1:42:44 PM Senator Rouson explains the bill
1:43:52 PM Substitute Amendment 307372 to Amendment 741522 by Senator Rouson
1:44:15 PM Senator Rouson explains the substitute amendment
1:45:15 PM Senator Rouson waives close on the substitute amendment
1:45:25 PM Chair DiCeglie reports the amendment
1:45:33 PM Chair DiCeglie recognizes those who waive in support
1:45:43 PM Senator Rouson waives close on the bill
1:45:51 PM Roll call
1:46:10 PM Tab 3, SB 302 by Senator Rouson, Public Records/Judicial Qualifications Commission
1:46:20 PM Senator Rouson explains the bill
1:47:43 PM Chair DiCeglie recognizes those who waive speaking
1:48:01 PM Senator Rouson waives close on the bill
1:48:06 PM Roll call
1:48:42 PM Tab 18, SB 7010 by Banking and Insurance, OGSR/Department of Financial Services
1:49:10 PM Senator Ingoglia explains the bill
1:50:18 PM Amendment 500896 by Ingoglia
1:50:20 PM Senator Ingoglia explains the amendment
1:51:10 PM Senator Ingoglia waives close on the amendment

1:51:13 PM Chair DiCeglie reports the amendment
1:51:14 PM Back on the bill
1:51:25 PM Senator Ingoglia waives close on the bill
1:51:28 PM Roll call
1:51:52 PM Tab 17, SB 7008 by Banking and Insurance, OGSR/Financial Technology Sandbox
1:52:17 PM Senator Ingoglia explains the bill
1:52:31 PM Senator Ingoglia waives close on the bill
1:52:39 PM Roll call
1:53:06 PM Tab 9, SB 820 by Senator Yarborough, Office of Faith and Community
1:53:18 PM Senator Yarborough explains the bill
1:54:56 PM Amendment 826114 by Senator Yarborough
1:55:12 PM Senator Yarborough explains the amendment
1:55:31 PM Senator Yarborough waives close on the amendment
1:55:38 PM Chair DiCeglie reports the amendment
1:55:44 PM Back on the bill
1:55:47 PM Questions:
1:55:53 PM Senator Polsky
1:56:16 PM Senator Yarborough
1:56:20 PM Senator Polsky
1:56:30 PM Senator Yarborough
1:56:57 PM Senator Polsky
1:57:04 PM Senator Yarborough
1:58:29 PM Senator Polsky
1:58:41 PM Senator Yarborough
1:59:20 PM Senator Polsky
1:59:25 PM Senator Yarborough
1:59:29 PM Senator Polsky
1:59:39 PM Senator Yarborough
1:59:56 PM Senator Polsky
2:00:10 PM Senator Yarborough
2:00:13 PM Senator Polsky
2:00:38 PM Senator Yarborough
2:01:50 PM Chair DiCeglie recognizes public appearances
2:02:02 PM Speaker Aaron DiPietro
2:04:32 PM Debate:
2:04:35 PM Senator Polsky
2:07:03 PM Senator Yarborough closes on the bill
2:08:29 PM Roll call
2:08:52 PM Tab 11, SB 1144 by Senator Burgess, Hope Florida Program
2:09:14 PM Senator Burgess explains the bill
2:10:50 PM Amendment 826246 by Senator Burgess
2:11:11 PM Senator Burgess explains the amendment
2:11:20 PM Senator Burgess waives close on the amendment
2:11:28 PM Chair DiCeglie reports the amendment
2:11:39 PM Back on the bill
2:11:42 PM Questions:
2:11:44 PM Senator Polsky
2:11:59 PM Senator Burgess
2:13:09 PM Senator Polsky
2:13:20 PM Senator Burgess
2:14:16 PM Senator Polsky
2:14:24 PM Senator Burgess
2:14:46 PM Senator Polsky
2:15:19 PM Senator Burgess
2:15:39 PM Senator Arrington
2:15:54 PM Senator Burgess
2:16:25 PM Senator Arrington
2:16:42 PM Senator Burgess
2:17:46 PM Chair DiCeglie recognizes public appearances:
2:17:58 PM Elizabeth Phillips
2:21:10 PM Aaron DiPietro
2:23:23 PM Gabriela Rojas

2:25:05 PM Debate:
2:25:06 PM Senator Polsky
2:28:15 PM Chair DiCeglie
2:29:34 PM Senator Burgess closes on the bill
2:32:05 PM Roll call
2:32:34 PM Tab 8, SB 804 by Senator Collins, Designation of the Official State Flagship
2:32:53 PM Senator Collins explains the bill
2:33:56 PM Chair DiCeglie recognizes those who waive speaking
2:34:29 PM Debate:
2:34:32 PM Senator Rodriguez
2:35:09 PM Senator Collins closes on the bill
2:35:43 PM Roll call
2:36:10 PM Tab 12, SB 1146 by Senator Burgess, Public Records/Hope Florida Program
2:36:19 PM Senator Burgess explains the bill
2:37:01 PM Amendment 636522 by Senator Burgess
2:37:16 PM Senator Burgess explains the amendment
2:37:35 PM Senator Burgess waives close on the amendment
2:37:42 PM Chair DiCeglie reports the amendment
2:37:51 PM Back on the bill
2:37:55 PM Senator Burgess waives close on the bill
2:37:59 PM Roll call
2:38:22 PM Tab 1, SB 214 by Senator Polsky, Special Observances/Fentanyl Awareness and Education Day
2:38:35 PM Senator Polsky explains the bill
2:39:45 PM Senator Polsky waives close on the bill
2:39:55 PM Roll call
2:40:12 PM Tab 10, SB 1088 by Polsky, State Department Customer Service Standards
2:40:20 PM Senator Polsky explains the bill
2:41:16 PM Amendment 108700 by Senator Polsky
2:41:36 PM Senator Polsky explains the amendment
2:41:59 PM Senator Polsky waives close on the amendment
2:42:07 PM Senator DiCeglie reports the amendment
2:42:14 PM Back on the bill
2:42:17 PM Debate:
2:42:20 PM Senator Arrington
2:42:29 PM Senator Polsky closes on the bill
2:42:36 PM Roll call
2:42:59 PM Tab 15, SB 1524 by Senator Grall, Duties of the Department of State
2:43:05 PM Amendment #487810 by Senator Grall
2:43:28 PM Senator Grall explains the amendment
2:44:55 PM Amendment 815920 by Senator Grall
2:45:08 PM Senator Grall explains the amendment to the amendment
2:45:50 PM Chair DiCeglie recognizes those who waive speaking on the amendment to the amendment
2:46:03 PM Senator Grall waives close on the amendment to the amendment
2:46:18 PM Back on the main amendment
2:46:29 PM Chair DiCeglie recognizes those who waive speaking on the amendment
2:46:39 PM Senator Grall closes on the amendment
2:46:51 PM Chair DiCeglie reports the amendment
2:47:01 PM Back on the bill
2:47:05 PM Questions:
2:47:08 PM Senator Arrington
2:47:30 PM Senator Grall
2:48:04 PM Senator Arrington
2:48:20 PM Senator Grall
2:48:44 PM Senator Arrington
2:49:22 PM Senator Grall
2:50:05 PM Senator Arrington
2:50:27 PM Senator Grall
2:50:56 PM Senator Polsky
2:51:22 PM Senator Grall
2:51:45 PM Senator Polsky
2:51:57 PM Senator Grall
2:52:08 PM Senator Polsky

2:52:16 PM Senator Grall
2:52:19 PM Senator Polsky
2:52:36 PM Senator Grall
2:53:16 PM Senator Polsky
2:53:44 PM Senator Grall
2:54:29 PM Chair DiCeglie recognizes those who waive speaking
2:54:43 PM Debate:
2:54:45 PM Senator Arrington
2:55:23 PM Senator Grall closes on the bill
2:55:43 PM Roll call
2:56:05 PM Tab 16, SB 1640 by Senator Grall, Public Records/Lethality Assessment Forms
2:56:16 PM Amendment 701874 by Senator Grall
2:56:36 PM Senator Grall explains the amendment
2:57:56 PM Senator Grall waives close on the amendment
2:58:07 PM Chair DiCeglie reports the amendment
2:58:15 PM Back on the bill
2:58:17 PM Senator Grall waives close on the bill
2:58:25 PM Roll call
2:58:46 PM Tab 5, CS/SB 576 by Judiciary, Senator Leek, Service of Process
2:59:12 PM Senator Leek explains the bill
2:59:45 PM Chair DiCeglie recognizes those who waive speaking
3:00:05 PM Senator Leek waives close on the bill
3:00:14 PM Roll call
3:00:32 PM Tab 13, SB 1160 by Senator Leek, Benefits for Certain Officers Injured in the Line of Duty
3:00:45 PM Senator Leek explains the bill
3:02:22 PM Amendment 828536 by Senator Leek
3:02:38 PM Senator Leek explains the amendment
3:02:55 PM Senator Leek waives close on the amendment
3:03:04 PM Chair DiCeglie reports the amendment
3:03:12 PM Back on the bill
3:03:19 PM Chair DiCeglie recognizes those who waive speaking
3:03:37 PM Senator Leek closes on the bill
3:03:50 PM Roll call
3:04:17 PM Tab 20-27, Confirmation of Appointees - Senator DiCeglie reads appointee's names
3:05:43 PM Senator Grall moves to recommend the confirmation of all appointees
3:05:57 PM Roll call
3:06:17 PM Chair DiCeglie recognizes those wishing to record missed votes
3:06:32 PM Senator Brodeur
3:06:34 PM Senator Grall
3:06:52 PM Senator Arrington
3:07:17 PM Chair DiCeglie makes closing remarks
3:07:22 PM Senator Rodriguez moves to adjourn
3:07:29 PM Meeting adjourned