

Tab 1	SB 7020 by AG ; Identical to H 07011 OGSR/Aquaculture Records Held by the Department of Agriculture and Consumer Services					
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Tab 2	SB 308 by Leek (CO-INTRODUCERS) Osgood, Sharief, Rouson ; Identical to H 00525 Florida Museum of Black History					
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Tab 3	SB 692 by Leek ; Similar to CS/H 00635 Cybersecurity Standards and Liability					
434400	A	S	RCS	GO, Leek	Delete L.33 - 71:	01/26 05:32 PM

Tab 4	SB 474 by Wright ; Similar to H 01211 Military Affairs					
797214	A	S	RCS	GO, Wright	Delete L.123:	01/26 05:32 PM
368028	A	S	RCS	GO, Wright	Delete L.222:	01/26 05:32 PM
485754	A	S	RCS	GO, Wright	Delete L.248 - 261:	01/26 05:32 PM

Tab 5	SB 572 by Harrell ; Identical to H 00603 Ethics for Public Employees					
913752	A	S	RCS	GO, Harrell	btw L.38 - 39:	01/26 05:32 PM

Tab 6	SB 1106 by Massullo ; Compare to CS/H 00031 Recognizing Judea and Samaria					
506272	D	S	RCS	GO, Massullo	Delete everything after	01/26 05:32 PM

Tab 7	SB 1650 by Gaetz ; Public Records/Commission on Ethics					
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Tab 8	SB 350 by Grall ; Identical to H 01113 Public Records/Crime Victims					
465530	D	S	RCS	GO, Grall	Delete everything after	01/26 05:32 PM
830978	AA	S	RCS	GO, Grall	Delete L.47 - 57:	01/26 05:32 PM
801624	AA	S	RCS	GO, Grall	Delete L.129 - 148:	01/26 05:32 PM

Tab 9	SB 1442 by Brodeur ; Long-range Program Plans					
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Tab 10	SPB 7032 by GO ; Fleet Management					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Mayfield, Chair
Senator DiCeglie, Vice Chair

MEETING DATE: Monday, January 26, 2026
TIME: 3:30—5:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 7020 Agriculture (Identical H 7011)	OGSR/Aquaculture Records Held by the Department of Agriculture and Consumer Services; Amending a provision which provides an exemption from public record requirements for certain aquaculture records held by the Department of Agriculture and Consumer Services; removing the scheduled repeal of the exemption, etc. GO 01/26/2026 Favorable RC	Favorable Yeas 9 Nays 0
2	SB 308 Leek (Identical H 525)	Florida Museum of Black History; Establishing the Florida Museum of Black History Board of Directors; providing for the membership of the board; prohibiting specified members of the board from holding state or local elective office while serving on the board; requiring that the board work jointly with the Foundation for the Museum of Black History, Inc., etc. CA 12/02/2025 Favorable GO 01/26/2026 Favorable RC	Favorable Yeas 9 Nays 0
3	SB 692 Leek (Similar CS/H 635)	Cybersecurity Standards and Liability; Authorizing local governments to only adopt specified cybersecurity standards; prohibiting the Department of Management Services from delegating the authority to set such standards to local governments; providing that a local government, a covered entity, or a third-party agent that complies with certain requirements is not liable in connection with a cybersecurity incident under certain circumstances, etc. GO 01/26/2026 Fav/CS JU AP	Fav/CS Yeas 5 Nays 4

COMMITTEE MEETING EXPANDED AGENDAGovernmental Oversight and Accountability
Monday, January 26, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 474 Wright (Similar H 1211)	Military Affairs; Revising the authorization to be granted a leave of absence for military service to include the Coast Guard; revising the authorization to be granted a leave of absence for reserve or guard training to include members of the Florida State Guard; specifying that an authorization for a leave of absence for all employees of the state and the counties, municipalities, and political subdivisions of the state to perform active military service for a specified timeframe is based on a single order; deleting positions from the Department of Military Affairs from compulsory participation in the Senior Management Service Class, etc. GO 01/26/2026 Fav/CS AP RC	Fav/CS Yeas 9 Nays 0
5	SB 572 Harrell (Identical H 603)	Ethics for Public Employees; Revising the definition of the term "relative" to include foster parents and foster children, etc. EE 01/13/2026 Favorable GO 01/26/2026 Fav/CS RC	Fav/CS Yeas 9 Nays 0
6	SB 1106 Massullo (Compare CS/H 31)	Recognizing Judea and Samaria; Citing this act as the "Recognizing Judea and Samaria Act"; prohibiting the use of the term "West Bank" in official government materials; prohibiting the use of moneys to create official government materials using such term, etc. GO 01/26/2026 Fav/CS JU RC	Fav/CS Yeas 9 Nays 0
7	SB 1650 Gaetz (Linked CS/S 92)	Public Records/Commission on Ethics; Providing an exemption from public records requirements for information received by the commission or derived from its investigations; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. GO 01/26/2026 Temporarily Postponed EE RC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Monday, January 26, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 350 Grall (Identical H 1113)	Public Records/Crime Victims; Expanding a public records exemption for crime victims to include the name and personal identification number of a victim and any other information or record that could be used to locate, intimidate, harass, or abuse the victim or the victim's family; providing that such exemption includes records generated by any agency that regularly generates information from or concerning the victims of crime; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. CJ 12/09/2025 Favorable GO 01/12/2026 Temporarily Postponed GO 01/26/2026 Fav/CS RC	Fav/CS Yeas 9 Nays 0
9	SB 1442 Brodeur	Long-range Program Plans; Requiring that plans of state agencies be based on statutorily established policies and driven by priorities and outcomes to achieve certain goals, objectives, and policies; requiring that the plans of the judicial branch be policy based, priority driven, accountable, and developed through careful examination and justification of programs and activities; requiring that plans identify specified performance measures, trends and conditions relevant to the performance measures and state goals, agency programs implementing statutorily established policies, and the judicial branch programs implementing state policy, etc. GO 01/26/2026 Favorable AP	Favorable Yeas 9 Nays 0
Consideration of proposed bill:			
10	SPB 7032	Fleet Management; Repealing a provision relating to the purchase or lease of motor vehicles, watercraft, or aircraft and prior approval of the Department of Management Services; authorizing state agencies to purchase vehicles from nonstate term contract vendors under a specified condition; deleting the requirement that the Department of Management Services approve the purchase of motor vehicles for certain departments and agencies; requiring that certain moneys designated or appropriated to agencies be transferred to the department upon services rendered, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0
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 7020

INTRODUCER: Agriculture Committee

SUBJECT: OGSR/Aquaculture Records Held by the Department of Agriculture and Consumer Services

DATE: January 23, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Becker</u>	<u>Becker</u>		AG Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 7020 saves from repeal the current public record exemption codified in s. 597.0042, F.S., that makes confidential and exempt from public records inspection and copying requirements certain aquaculture records held by the Department of Agriculture and Consumer Services. These confidential and exempt records include shellfish receiving and production records generated by shellfish processing facilities, audit records and supporting documentation required for submerged land leases, and aquaculture production records and receipts generated by aquaculture facilities. A record may be disclosed to another governmental entity in the performance of its duties and responsibilities. This exemption applies to aquaculture records held before, on, or after July 1, 2021.

The exemption is subject to the Open Government Sunset Review Act. Unless this exemption is saved from repeal by the Legislature, it will repeal on October 2, 2026. This bill removes the scheduled repeal to maintain the confidential and exempt status of the information.

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

The bill takes effect upon becoming a 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 applies to the official business

¹ FLA. CONST. art. I, s. 24(a).

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 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 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

² *Id.*; see *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 & Assoc.*, 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.

Only 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 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

General exemptions from the public records requirements are contained in the Public Records Act.¹³ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹⁴

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*.¹⁵ 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.¹⁶ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁷

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁸ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁹ public records or open meetings exemptions, with specified exceptions.²⁰ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.²¹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

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 The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

¹³ *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).

¹⁴ *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).

¹⁵ *WFTV, Inc. v. Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁶ *Id.*

¹⁷ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁸ Section 119.15, F.S.

¹⁹ 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.

²⁰ 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.

²¹ Section 119.15(3), F.S.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.²² 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.²³

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.²⁴ 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;²⁵
- 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;²⁶ or
- It protects trade or business secrets.²⁷

The Act also requires specified questions to be considered during the review process.²⁸ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

Aquaculture Records Held by the Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (department) is Florida's lead aquaculture agency.²⁹ The department coordinates and assists in the development of aquaculture and regulates aquafarms to protect and conserve Florida's natural resources. There are an estimated 1,500 species or varieties of fish, plants, mollusks, crustaceans, and reptiles grown in the state.³⁰

²² See generally s. 119.15, F.S.

²³ Section 119.15(7), F.S.

²⁴ Section 119.15(6)(b), F.S.

²⁵ Section 119.15(6)(b)1., F.S.

²⁶ Section 119.15(6)(b)2., F.S.

²⁷ Section 119.15(6)(b)3., F.S.

²⁸ 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?

²⁹ See s. 597.002, F.S.

³⁰ Florida Department of Agriculture and Consumer Services, *Division of Aquaculture*, <https://www.fdacs.gov/Divisions-Offices/Aquaculture> (Last visited Jan. 19, 2026).

Aquaculture producers are required to provide the department with receiving logs, production volume records, inventories, and receipts and invoices related to their aquaculture facilities to ensure compliance with the terms and conditions of sovereign submerged land lease agreements and aquaculture best management practices. These records include information, such as quantity and price of seed stock purchased and harvest times which, if released, could be detrimental to their businesses. Information regarding products, harvest times, and locations make aquaculture businesses susceptible to theft, particularly with respect to sovereign submerged land leases in remote locations.

In 2021, the Legislature created a public records exemption for certain aquaculture records held by the department.³¹ The public necessity statement provided that certain production records related to aquaculture and shellfish facilities held by the department are exempt from Florida's public records laws. Without this exemption, the department may be hindered from obtaining valuable and accurate information. With this exemption, the department can protect the aquaculture industry and its facilities while maintaining compliance with federal partners and documenting the compliance of aquaculture producers with statutory requirements.

Since 2021, the department has received three public records requests for information deemed confidential and exempt under s. 597.0042, F.S.³² Senate and House staff met with department staff in 2025 to discuss the public record exemption and department staff indicated no knowledge of litigation regarding the exemption or any concerns with applying the exemption. Department staff recommended the exemption be reenacted.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal of the current public record exemption for certain aquaculture records held by the department and thus maintains the following records as confidential and exempt from public records inspection and copying requirements:

- Shellfish receiving and production records generated by shellfish processing facilities,
- Audit records and supporting documentation required for submerged land leases, and
- Aquaculture production records and receipts generated by aquaculture facilities.

A record may be disclosed to another governmental entity in the performance of its duties and responsibilities. This exemption applies to aquaculture records held before, on, or after July 1, 2021.

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

³¹ Ch. 2021-59, Laws of Fla.

³² Email on file with Senate Agriculture Committee.

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 does not create or expand an exemption, and thus, the bill does not require 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. This bill does not create or expand an exemption, and thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, section 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 exemptions in the bill do not appear to be broader than necessary to accomplish the purposes of the laws.

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 making redactions in response to a public records request.

C. **Government Sector Impact:**

The department will continue to incur additional workload relating to the redaction of confidential and exempt records. The bill is not expected to impact state and local government revenues and expenditures.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 597.0042 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 Agriculture

575-01919-26

20267020__

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 597.0042, F.S., which
4 provides an exemption from public record requirements
5 for certain aquaculture records held by the Department
6 of Agriculture and Consumer Services; removing the
7 scheduled repeal of the exemption; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (4) of section 597.0042, Florida
13 Statutes, is amended to read:

14 597.0042 Public records exemptions; aquaculture records.-
15 ~~(4) This section is subject to the Open Government Sunset~~
16 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
17 ~~on October 2, 2026, unless reviewed and saved from repeal~~
18 ~~through reenactment by the Legislature.~~

19 Section 2. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

01/26/2026

Meeting Date

7020

Bill Number or Topic

Govt Oversight & Accountability
Committee

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

Amendment Barcode (if applicable)

Name Alex Haley

Phone /

Address 400 S. Monroe St.

Email /

Street

Tallahassee

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:

Florida Department of Agriculture and Consumer Services

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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 308

INTRODUCER: Senator Leek and others

SUBJECT: Florida Museum of Black History

DATE: January 23, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 308 specifies legislative intent recognizing the designation of St. Johns County for the Florida Museum of Black History by the Florida Museum of Black History Task Force.

The bill establishes and specifies the membership of a board of directors of the museum to oversee the commission, construction, operation, and administration of the museum. The board is directed to work with the Foundation for the Museum of Black History, Inc., in its duties. The St. Johns Board of County Commissioners is directed to provide administrative assistance and staffing to the board of directors until the planning, design, and engineering of the museum are completed.

The bill is expected to impact state and local expenditures.

The bill takes effect on July 1, 2026.

II. Present Situation:

Department of State

The Department of State, created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Arts and Culture, and Administration. The head of the Department of State is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.¹ The Secretary also serves as the state protocol officer and, in consultation with

¹ Section 20.10(1), F.S.

the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.²

Division of Historical Resources

The Division of Historical Resources (division) within the Department of State is responsible for preserving and promoting Florida's historical archaeological resources.³ The division director's office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and coordinates outreach programs.⁴ The division director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.⁵

The division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.⁶

The division is also responsible for encouraging, promoting, maintaining, and operating Florida history museums.⁷ The division provides support to museums and works to promote the use of resources for educational and cultural purposes. The division directly oversees the following museums:

- Museum of Florida History, which is the state's official history museum and showcases Florida's diverse history from prehistoric times to the present day;⁸
- Mission San Luis, a living history museum that showcases the life of the Apalachee Indians and Spanish settlers, and also hosts workshops such as pottery and blacksmithing;⁹
- Knott House Museum, which showcases the history of Tallahassee and its role in the civil war including the Emancipation Proclamation being read on the steps of the house in 1865;¹⁰ and
- The Grove Museum, which showcases the life of the Call and Collins families, who owned the property and played a significant role in Florida's history including contributions in agriculture, civil rights, and politics.¹¹

Other museums recognized by the state include:

- Certain state railroad museums;¹²

² Section 15.01(1), F.S.

³ See s. 267.031(5)(n), F.S.

⁴ Section 267.0617, F.S. See also Fla. Dep't of State, *Grants*, <https://dos.fl.gov/historical/grants/> (last visited Dec. 15, 2025).

⁵ Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Dec. 15, 2025); see also s. 267.031, F.S.

⁶ Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Dec. 15, 2025).

⁷ Section 267.071(2), F.S.

⁸ *Id.*; see also Fla. Dep't of State, *Museum of Florida History*, <https://museumoffloridahistory.com/explore/exhibits/> (last visited Dec. 15, 2025).

⁹ See Fla. Dep't of State, *Visit Mission San Luis*, <https://missionsanluis.org/visit/> (last visited Dec. 15, 2025).

¹⁰ See Fla. Dep't of State, *About the Knott House*, <https://museumoffloridahistory.com/visit/knott-house-museum/about-the-knott-house/> (last visited Dec. 15, 2025).

¹¹ See Fla. Dep't of State, *The Grove Museum*, <https://thegrovemuseum.com/> (last visited Dec. 15, 2025). The Grove Advisory Council advises the division on the operation, maintenance, and preservation of the museum. Section 267.075, F.S.

¹² See s. 15.045, F.S.

- The Florida Museum of Transportation and History;¹³
- The John and Mable Ringling Museum of Art;¹⁴
- The Ringling Museum of the Circus;¹⁵
- The Florida Historic Capitol Museum;¹⁶
- The Florida Agricultural Legacy Learning Center;¹⁷ and
- The Florida Museum of Natural History.¹⁸

Florida Museum of Black History Task Force

In the 2023 Session, the Legislature passed CS/CS/HB 1441 which provided for the creation of the Black History Task Force within the division for the purposes of providing recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History.¹⁹ The task force was comprised of nine members, three each appointed by the Governor, President of the Senate, and Speaker of the House, all of whom served without compensation.²⁰

The task force was directed to develop:

- Plans for the location, design, and construction of the museum.
- Recommendations for the operation and administration of the museum.
- A marketing plan to promote the museum.
- A transition plan for the museum to become financially self-sufficient.
- Recommendations for archival and artifact acquisition, preservation, and research; exhibits; and educational materials, which were required to include materials relating to:
 - The role of African-American participation in defending and preserving Florida and the United States, including the contributions of the residents of Fort Mose, the Tuskegee Airmen, and all African-American veterans.
 - The history of slavery in the state.
 - The history of segregation in the state.
 - Notable African Americans in the state.
 - Dr. Mary McLeod Bethune, including the founding of Bethune Cookman University.
 - The history of historically black colleges and universities in this state.
 - The inherent worth and dignity of human life, with a focus on the prevention of genocide.²¹

¹³ Section 15.046, F.S.

¹⁴ See ss. 265.27 and 1004.45, F.S.

¹⁵ Section 1004.45, F.S.

¹⁶ Section 272.129, F.S. The Florida Historic Capitol Museum Council provides guidance and support to the museum director and support staff. Section 272.131, F.S.

¹⁷ Section 570.692, F.S.

¹⁸ Section 1004.56, F.S.

¹⁹ The bill was signed into law by Governor DeSantis on May 11, 2023, and became ch. 2023-72, Laws of Fla., and was codified at s. 267.0722, F.S.

²⁰ The members were Sen. Geraldine Thompson, Chair, appointed by Senate President Passidomo; Brian M. Butler, appointed by Governor DeSantis; Howard M. Holley, Sr., appointed by Speaker Renner; Rep. Berny Jacques, appointed by Governor DeSantis; Tony Lee, Ed.D., appointed by Governor DeSantis; Rep. Kiyon Michael, appointed by Speaker Renner; Gayle Phillips, appointed by Speaker Renner; Sen. Bobby Powell, appointed by Senate President Passidomo; and Dr. Nashid Madyun, appointed by Senate President Passidomo. Fla. Dep't of State, *The Florida Museum of Black History Task Force*, <https://dos.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Dec. 15, 2025).

²¹ Section 267.0722(4), F.S.

The task force was required to submit a report to the Governor and Legislature before July 1, 2024, detailing its plans. After the task force submitted the report, the task force was required to disband.²²

Final Report of the Florida Museum of Black History Task Force

Between September 25, 2023, and June 28, 2024, the task force conducted ten public meetings. The public meetings consisted of presentations from staff, experts, and various community stakeholders. The task force also solicited input from Florida residents and visitors through a survey that gathered responses from over 4,000 individuals. The task force developed their recommendations based on the requirements of s. 267.0722, F.S., and information provided from meeting presentations, public comment, and the survey.²³

The Final Report was adopted by the task force at its final meeting on June 28, 2024.²⁴ The principal topic examined by the Task Force was the most appropriate location to recommend for the future Florida Museum of Black History. The task force heard presentations on potential locations beginning with its October 26, 2023, meeting. To aid the task force in recommending the most appropriate location, staff were asked by the task force to develop Location Selection Criteria to score locations. The Task Force's final ranking list based on these scores was: St. Augustine/St. Johns County with a score of 96.78; Eatonville/Orange County with a score of 95.33, and Opa-locka with a score of 84.89. The task force voted at its May 21, 2024, meeting to recommend St. Augustine/St. Johns County as the site for the future Florida Museum of Black History.²⁵

As required by s. 267.0722, F.S., the task force also included in the Final Report substantive recommendations for design and construction of the museum, operation, administration, and marketing of the museum, as well as recommendations for exhibits and materials to include in the museum.²⁶

Proposed site of the Florida Museum of Black History in St. Johns County

Supplemental materials included in the Final Report produced by the task force highlighted the extensive historical heritage of St. Johns County, including the Historic Downtown of St. Augustine.²⁷ St. Johns County hosts over 10 million visitors and tourists annually seeking to visit numerous historic sites such as Fort Mose, the first legally sanctioned, free African American settlement in the nation.²⁸

²² Section 267.0722(6), F.S.

²³ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) at 2-3, <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

²⁴ Fla. Dep't of State, *The Florida Museum of Black History Task Force*, <https://dos.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Dec. 15, 2025).

²⁵ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) at 4-6, <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

²⁶ *See id.*

²⁷ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

²⁸ *Id.*; see also Fort Mose Historical Society, *The Fort Mose Story*, <https://fortmose.org/about-fort-mose/> (last visited Nov. 24, 2025).

The County has formed a partnership with Florida Memorial University (FMU), a historically black university, to curate a property that is 2.5 miles away from the center of Historic Downtown St. Augustine.²⁹ The St. Johns County Board of County Commissioners voted on April 16, 2024, to negotiate an agreement with FMU to develop a museum on the FMU campus.³⁰ The site is a 14.5 acre site that is the former home of FMU, then known as the Florida Normal & Industrial Institute.³¹ The Florida Normal and Industrial Institute came to St. Augustine in 1918, originating through a merger of two previously distinct institutions dedicated to serving former slaves and their descendants.³²

The Foundation for the Museum of Black History, Inc.

The Foundation for the Museum of Black History, Inc., is a corporation not-for-profit formed under ch. 617, F.S., and operated for charitable purposes under s. 501(c)(3) of the Internal Revenue Code.³³ The Foundation was formed in October of 2024 for the purposes of assisting the community with planning and fundraising initiatives to support the design and construction of the Florida Museum of Black History in St. Johns County and planning projects and events to facilitate fundraising efforts for the creation of the Museum.³⁴

III. Effect of Proposed Changes:

The bill creates s. 267.07221, F.S., to specify legislative intent recognizing the work of the Florida Museum of Black History Task Force in selecting a location for the museum and designating St. Johns County as the site for the museum. Additionally, the bill specifies legislative intent to establish a board of directors of oversee the commission, construction, operation, and administration of the museum.

The bill establishes the Florida Museum of Black History Board of Directors (board) within the Division of Historical Resources. The bill specifies the membership of the board of directors and requires the appointments to be made by July 31, 2026. Unless the members are classified as ex officio, they may not hold state or local elective office while serving on the board. Vacancies must be filled in the same manner as the original appointments were. The membership of the board is to be composed of:

- Three individuals appointed by the Governor, one of whom shall serve as chair.

²⁹ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) <https://files.floridados.gov/media/708141/fmbhftf-report-062824-final-compressed.pdf> (last visited Nov. 24, 2025).

³⁰ St. Johns Cultural Council, *Florida Museum of Black History Task Force Recommends St. Johns County to Governor's Office as the Location of State's First Black History Museum*, (July 1, 2024) <https://stjohnsculture.com/news/florida-museum-of-black-history-task-force-recommends-st-johns-county-to-governors-office-as-the-location-of-states-first-black-history-museum/> (last visited Nov. 24, 2025).

³¹ Florida Memorial University, *Proposed Location of Black History Museum in St. Augustine*, (April 23, 2024), <https://www.fmu.edu/proposed-location-of-black-history-museum-in-st-augustine/> (last visited Nov. 24, 2025).

³² St. Johns Cultural Council, *AL Lewis Archway: Florida Normal & Industrial Institute*, <https://historiccoastculture.com/venue/al-lewis-archway-florida-normal-industrial-institute/> (last visited Nov. 24, 2025).

³³ *Articles of Incorporation of The Foundation for the Museum of Black History, Inc.*, (Oct. 21, 2024) <https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2024%5C1115%5C00369832.Tif&documentNumber=N24000013011> (last visited Nov. 24, 2025).

³⁴ *Id.* See also, *Foundation for the Museum of Black History*, <https://www.fmbh.org/> (last visited Dec. 7, 2025).

- Three individuals appointed by the President of the Senate.
- Two members of the Senate, appointed by the President of the Senate and serving ex officio.
- Three individuals appointed by the Speaker of the House of Representatives.
- Two members of the House of Representatives, appointed by the Speaker of the House of Representatives and serving ex officio.

Ex officio refers to a position or power existing “because of an office; by virtue of the authority implied by office;” the term is “often misused as a synonym for ‘nonvoting.’”³⁵ In this instance, an ex officio is likely a voting member of the board.³⁶ Accordingly, there will be 13 voting members of the board.

The board of directors is directed to work with the Foundation for the Museum of Black History, Inc., in overseeing the commission, construction, operation, and administration of the museum. The St. Johns Board of County Commissioners is directed to provide administrative assistance and staffing to the board of directors until the planning, design, and engineering of the museum are completed.

The bill takes effect on July 1, 2026.

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. If the bill does not meet an exemption or exception, 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 chamber.

St. Johns County may have to expend funds to provide administrative assistance and staffing to the board of directors.

The bill is likely exempted from the mandates provisions of the State Constitution. A bill is exempted from the required two-thirds vote and finding of important state interest if it has an insignificant fiscal impact, which for Fiscal Year 2026-2027 is forecast at

³⁵ BLACK’S LAW DICTIONARY (12th ed. 2024) (defining ex officio).

³⁶ Florida law indicates that ex officio membership does not mean nonvoting. *See Op. Att’y Gen. Fla. 296 (1975)* (discussing ex officio members of the Parole and Probation Commission, stating that the an “ex officio member of a board or commission is a ‘full member’ of that body except as expressly limited by the statute,” and that the term ex officio “simply describes the manner by which a particular official may validly serve as a member of another board or commission”); *Florida Pub. Employees Council 79, AFSCME, AFL-CIO v. Pub. Employees Relations Com'n*, 871 So. 2d 270, 272 n. 4 (Fla. 1st DCA 2004) (citing original language of s. 1001.71, F.S.) (referring to the student body president as an “ex officio as a voting member of his or her university’s board”); *see e.g.*, ss. 331.3081, 413.405 F.S. (differentiating between ex officio members and ex officio, nonvoting members); ss. 186.504, 288.987, 311.105, 446.045(2), F.S. (specifying ex officio members are nonvoting).

approximately \$2.4 million.³⁷ The costs imposed on St. Johns County by the bill likely will not exceed \$2.4 million in the aggregate, so the bill likely does not need a two-thirds vote or finding of important state interest to be binding on St. Johns County.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

Article VII, section 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

E. Other Constitutional Issues:

Separation of Powers

The government of the State of Florida is organized according to the doctrine of the separation of powers. Article II, section 3 of the State Constitution, in particular, provides that the “powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.” Two fundamental prohibitions are contained in the separation of powers doctrine in Florida. The first is that no branch may encroach upon the powers of the other; the second is that no branch may delegate to another branch its constitutionally assigned power.³⁸

The State Constitution provides that the Legislature creates the policies and laws of the state³⁹ and the executive branch executes the laws⁴⁰ and policies established by the Legislature.

³⁷ FLA. CONST. art. VII, s. 18(d). 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 Nov. 3, 2025). Based on the Florida Demographic Estimating Conference’s June 30, 2025, population forecast for 2026 of 23,681,366. Office of Economic and Demographic Research, Demographic Estimating Conference Executive Summary June 30, 2025, available at

<https://www.edr.state.fl.us/Content/conferences/population/demographicsummary.pdf> (last visited Nov. 3, 2025).

³⁸ *Chiles v. Children A, B, C, D, E, and F*, 589 So. 260 (Fla. 1991).

³⁹ Article III, section 1 of the State Constitution vests the “legislative power of the state” in the Legislature. Legislative power is further explained by the courts in *O.M. v. Dep’t of Children & Families*, 404 So. 3d 547, 552 (Fla. 3d DCA 2025); *Webb v. Hill*, 75 So. 2d 596, 605 (Fla. 1954); *State v. Barquet*, 262 So. 2d 431, 433 (Fla. 1972).

⁴⁰ The executive branch, through the governor, ensures that the “laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government.” FLA. CONST. art. IV, s. 4.

The bill creates the Florida Museum of Black History Board of Directors (board) within the Division of Historical Resources, an executive branch body. The board shall “oversee the commission, construction, operation, and administration,” of the Florida Museum of Black History (museum). The bill directs the President of the Senate and the Speaker of the House to each appoint five members to the board. A court may find that legislative appointments to a committee implementing a program (namely, the board) within the Executive Branch usurps the power of the executive branch and constitutes a violation of the separation of powers.

Dual Office Holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously and applies to public offices in state, county, and municipal government.⁴¹ The provision applies to both elected and appointed offices, ensuring that no single individual accumulates multiple governmental roles that could create a conflict of interest.⁴² Neither the State Constitution nor the Legislature has defined the term “office,” leaving the court to establish its meaning through case law. Florida courts have interpreted the term “office” in opposition to the term “employment,” with the latter not being subject to prohibition on dual office-holding. An “office,” the courts have held, refers to a position that exercises sovereign power, has a legally prescribed tenure, and is established by law rather than by contract.⁴³ The term “employment,” by contrast, “does not comprehend a delegation of any part of the sovereign authority [of government].”⁴⁴ Positions such as department heads, members of governing boards, and elected officials have typically been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.⁴⁵

A member of the Legislature—whether serving as a Senator or a Representative—is an officer and therefore subject to the prohibition on dual office holding. Similarly, serving as a member of the board likely also constitutes an office. If so, holding both offices at the same time may violate the prohibition on dual office holding in the State Constitution.

In 1996, the State Attorney General opined that serving as a member of the Alternative Education Institute, a non-profit corporation created within the Department of Education (a state agency), constituted office holding. The Institute could expend funds and enter into contracts, act as an instrumentality of the state, and carry out government functions. Therefore, even when the enacting statute specifically stated that the Institute “was not an agency,” serving on the Institute constituted holding office.⁴⁶ Similarly, in this bill, the board of directors of the museum within the Department of State is created to oversee the construction, operation, and administration of the museum. Based on the logic in the

⁴¹ FLA. CONST. art. II, s. 5(a).

⁴² *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see *Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).

⁴³ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

⁴⁴ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).

⁴⁵ See Office of the Attorney General, *Dual Office-holding*,

<https://www.myfloridalegal.com/files/pdf/page/4FF72ECF62927EEA85256CC6007B4517/DualOfficeHoldingPamplet.pdf> (last visited Mar. 23, 2025).

⁴⁶ Op. Att’y Gen. Fla. 96-95 (1996).

Attorney General’s opinion, it appears that membership on the board of directors of the museum likely constitutes an office that is subject to the constitutional prohibition on dual office holding.

There is an exemption to the dual office holding prohibition for ex officio members. The ex officio exception allows an individual to perform additional official duties if those duties are assigned by legislative designation to the office itself rather than to the individual holding it, and the additional duties are consistent with those already exercised.⁴⁷

The bill directs the President of the Senate and the Speaker of the House of Representatives to each appoint two members of their respective houses to serve “ex officio” on the board. The appointments would likely constitute a “legislative delegation” for the purposes of the ex officio exception. Accordingly, if the members of the Legislature “serving ex officio” on the board are only exercising additional duties constituent with their duties as a member of the Legislature, the ex officio exception may apply.

The board is a body within the executive branch that shall “oversee the commission, construction, operation, and administration” of the museum. These duties seem to go beyond the policy- and law- making duties of the Legislature into the executive branch’s power to execute the policy set forth by the Legislature. Accordingly, this appears to go beyond those duties already existing as a member of the Legislature and, therefore, may violate the constitutional prohibition on dual office holding.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill requires the St. Johns Board of County Commissioners to provide administrative assistance and staffing to the Florida Museum of Black History Board of Directors. The county can likely accomplish this within existing resources, so any associated costs should be negligible.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

It may be more appropriate for a state entity to provide administrative support to the board of directors (board), as opposed to a county. The Legislature may consider placing such responsibility on the Department of State, given that lines 32-34 of the bill provides that the board is established in the Division of Historical Resources (Division).

The Foundation for the Museum of Black History, Inc.: Accountability and Oversight

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created private not-for-profit entities authorized to carry out specific tasks in support of public entities or public causes. In 2014, the Legislature enacted s. 20.058, F.S., to establish a comprehensive set of transparency and reporting requirements for CSOs and DSOs.⁴⁸ This includes requiring:

- Each CSO and DSO with annual expenditures in excess of \$100,000 to submit an annual audit to the Auditor General;⁴⁹ and
- Each CSO and DSO to annually submit information related to its organization, mission, and finances to the agency it supports.⁵⁰

The Division and other public entities already utilized CSOs and DSOs to support museums and historic preservation efforts throughout the state.⁵¹ Indeed, the Division has broad authority to

⁴⁸ Section 3, ch. 2014-96, Laws of Fla.

⁴⁹ Section 215.981, F.S.,

⁵⁰ Section 20.058(2), F.S. The agency then submits this information in a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO. Section 20.058(3), F.S.

⁵¹ See s. 267.0721(3), F.S. (permitting a CSO that operates a store or holds fundraising events at the Museum of Florida History to support the Museum of Florida History and other museums operated by the Division); s. 267.074(8), F.S. (permitting a CSO to support the maintenance and public access to Official Florida Historical Markers); s. 267.1732, F.S. (authorizing a DSO with the University of West Florida to assist in the historic preservation of the City of Pensacola, Escambia County, and West Florida); s. 265.703 (authorizing CSOs to support historical and museum programs by the Division of Arts in Culture, which is a part of the Department of State); s. 267.1736, F.S. (authorizing a DSO with the University of Florida to assist in the historic preservation of St. Augustine, St. Johns County, and the state); ss. 257.131 and 257.136, F.S. (discussing and authorizing a DSO to support Florida Historic Capitol Museum); s. 1004.45, F.S. (authorizing a DSO to support the Ringling Center for Cultural Arts at Florida State University); *see also, e.g.*, s. 16.616, F.S. (requiring a DSO to support the Council on the Social Status of Black Men and Boys); s. 257.43, F.S. (authorizing the Division of Library and Information Services, also within the Department of State, to establish CSOs to provide assistance, funding, and promotional support for the library, archives, and records management programs); s. 258.015, F.S. (speaking to CSOs for parks).

establish CSOs “to provide assistance, funding, and promotional support for the archaeology, museum, folklife, and historic preservation programs.”⁵²

The bill directs a state entity (the board within the Division) to work with the Foundation for the Museum of Black History, Inc. (Foundation). The Foundation, however, is not a DSO or CSO and is, therefore, not subject to the accountability and oversight requirements.

The Legislature may wish to clarify that the board must work with a CSO or DSO. Doing so would not only enhance the oversight and accountability of a group working with a government entity but also align with current practices in Florida utilizing CSOs and DSOs to support museums and historical preservation. Alternatively, the Legislature could provide that, for the purposes of working with the board, the Foundation is bound by requirements for CSOs in s. 267.17, F.S. (providing requirements for CSOs established by the Division), and reporting and transparency requirements for all CSOs and DSOs under chapter 20, F.S. This would include the relevant penalties, including dissolution of contract and partnership with the Division if the Foundation fails to meet the necessary transparency requirements.

VIII. Statutes Affected:

This bill creates section 267.07221 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.

⁵² Section 267.17, F.S., provides that these CSOs must be:

- A Florida not for profit.
- 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 of the division.
- Operate to further the goal of the Division and in the best interests of the state.

By Senator Leek

7-00326-26

2026308__

A bill to be entitled

An act relating to the Florida Museum of Black History; creating s. 267.07221, F.S.; providing legislative intent; establishing the Florida Museum of Black History Board of Directors; providing for the membership of the board; requiring that appointments to the board be made by a specified date; prohibiting specified members of the board from holding state or local elective office while serving on the board; providing for the filling of vacancies; requiring that the board work jointly with the Foundation for the Museum of Black History, Inc.; requiring the St. Johns County Board of County Commissioners to provide administrative support and staffing to the board until specified actions are completed; providing an effective date.

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

Section 1. Section 267.07221, Florida Statutes, is created to read:

267.07221 Florida Museum of Black History Board of Directors.-

(1) It is the intent of the Legislature to recognize the work of the Florida Museum of Black History Task Force in selecting a location for the Florida Museum of Black History and designating St. Johns County as the site for the museum. It is further the intent of the Legislature, under the authority provided in s. 267.0722(7), to establish a board of directors to

Page 1 of 2

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7-00326-26

2026308__

oversee the commission, construction, operation, and administration of the museum.

(2) (a) The Florida Museum of Black History Board of Directors is established within the division and shall be composed of the following members:

1. Three individuals appointed by the Governor, one of whom shall serve as chair.

2. Three individuals appointed by the President of the Senate.

3. Two members of the Senate, appointed by the President of the Senate and serving ex officio.

4. Three individuals appointed by the Speaker of the House of Representatives.

5. Two member of the House of Representatives, appointed by the Speaker of the House of Representatives and serving ex officio.

(b) Appointments must be made no later than July 31, 2026. Members appointed pursuant to subparagraphs (a)1., 2., and 4. may not hold any state or local elective office while serving on the board. Vacancies on the board must be filled in the same manner as the initial appointments.

(3) The board shall work jointly with the Foundation for the Museum of Black History, Inc., a nonprofit organization created to support the creation of the museum.

(4) The St. Johns County Board of County Commissioners shall provide administrative assistance and staffing to the board until the project planning, design, and engineering are completed.

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

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The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: December 4, 2025

I respectfully request that **Senate Bill #308**, relating to Florida Museum of Black History, 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", written over a horizontal line.

Sen. Tom Leek
Florida Senator, District 7

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 692

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Leek

SUBJECT: Cybersecurity Standards and Liability

DATE: January 27, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVaney	GO	Fav/CS
2.			JU	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 692 provides protections from liability for a cybersecurity incident to counties, municipalities, political subdivisions, private entities, and their third-party agents. To avail themselves of this protection, the local government or private entity must have implemented policies that substantially comply or align with specific cybersecurity standards or frameworks. A local government must also have adopted a disaster recovery plan for cybersecurity incidents and multi-factor authentication. A private entity and their third-party agent must additionally comply with applicable state and federal laws, such as the Florida Information Protection Act, which requires consumer notification of a breach, and applicable privacy laws.

A local government is afforded a total limitation on liability in connection with a cybersecurity incident if it meets the bill’s cybersecurity requirements. A covered entity or a third-party agent is instead granted a presumption against liability in a class action that results from a cybersecurity incident. In either case, the initial burden of proof shifts to the defendant to establish substantial compliance with the bill’s cybersecurity requirements.

The bill also provides that local governments may only impose the same or lower cybersecurity standard or process as it applies to itself to its information technology commodity or service vendors, unless otherwise required by state or federal law, or industry-specific requirements which apply to regulated sectors.

There is no impact expected on state revenues and expenditures. Local governments may experience an indeterminate impact on its expenditures related to decreased liability and costs for cyber liability insurance. See Section V.

The bill takes effect upon becoming a law but provides for applicability to any putative class action filed before, on, or after the effective date.

II. Present Situation:

Cybersecurity is the protection of networks, devices, and data from unauthorized access or criminal use and the practice of ensuring confidentiality, integrity, and availability of information.¹ Cyberattacks are usually aimed at accessing, changing, or destroying sensitive information; extorting money from users via ransomware; or interrupting normal business processes.² This bill addresses liability of local governments and private entities regarding liability for a cybersecurity incident.

Current Cybersecurity Standards

Local Government Cybersecurity Act

Section 282.3185, F.S., is known as the Local Government Cybersecurity Act (act). The act first requires counties and municipalities to adopt cybersecurity standards that safeguard the local government's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity.³ The standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology (NIST) Cybersecurity Framework.⁴ A local government must notify Florida Digital Service⁵ (FLDS) that it has adopted standards to conform as soon as possible after adoption; all counties and municipalities should have adopted at least their first version of standards by January 1, 2025.⁶

The act classifies cybersecurity or ransomware incidents into five categories based on the severity of the incident:

- Level 5 is an emergency-level incident within the specified jurisdiction that poses an imminent threat to the provision of wide-scale critical infrastructure services; national, state, or local government security; or the lives of the country, state, or local government's residents.

¹ U.S. Cybersecurity and Infrastructure Security Agency, *What is Cybersecurity?* (Feb. 1, 2021), <https://www.cisa.gov/news-events/news/what-cybersecurity> (last visited Jan. 21, 2026).

² Cisco.com, *What is Cybersecurity?* <https://www.cisco.com/c/en/us/products/security/what-is-cybersecurity.html#:~:text=Cybersecurity%20is%20the%20practice%20of,or%20interrupting%20the%20normal%20business%20processes> (last visited Jan. 20, 2026).

³ Section 282.3185(4)(a), F.S.

⁴ *Id.*

⁵ The Florida Digital Service is an office within the Department of Management Services to propose innovative solutions that securely modernize state government, including technology and information services, to achieve value through digital transformation and interoperability, and to fully support the cloud-first policy. Section 282.0051(1), F.S.

⁶ Section 282.3185(4)(c)-(d), F.S.

- Level 4 is a severe-level incident that is likely to result in a significant impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; or civil liberties.
- Level 3 is a high-level incident that is likely to result in a demonstrable impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 2 is a medium-level incident that may impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 1 is a low-level incident that is unlikely to impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.⁷

The act requires a county or municipality to provide notification of a level 3, 4, or 5 cybersecurity or ransomware incident to the Cybersecurity Operations Center, Cybercrime Office of the Department of Law Enforcement, and to the sheriff who has jurisdiction over the local government. The notification must include, at a minimum, the following information:

- A summary of the facts surrounding the cybersecurity incident or ransomware incident.
- The date on which the local government most recently backed up its data; the physical location of the backup, if the backup was affected; and if the backup was created using cloud computing.
- The types of data compromised by the cybersecurity incident or ransomware incident.
- The estimated fiscal impact of the cybersecurity incident or ransomware incident.
- In the case of a ransomware incident, the details of the ransom demanded.
- A statement requesting or declining assistance from the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement, or the sheriff who has jurisdiction over the local government.⁸

The report of a level 3, 4, or 5 ransomware incident or cybersecurity incident must be sent as soon as possible but no later than 48 hours after discovery of the cybersecurity incident and no later than 12 hours after discovery of the ransomware incident.⁹ Reporting a level 1 or 2 incident is optional and there is no deadline.¹⁰

A local government must submit to the Florida Digital Service, within 1 week after the remediation of a cybersecurity or ransomware incident, an after-action report that summarizes the incident, the incident's resolution, and any insights gained as a result of the incident.¹¹

Florida Information Protection Act (FIPA)¹²

The FIPA is a data security statute that requires governmental entities, specific business entities, and any third-party agent that holds or processes personal information on behalf of these entities,

⁷ Section 282.318(3)(c)9.a., F.S.

⁸ Section 282.3185(5)(a), F.S.

⁹ Section 282.3185(5)(b)1., F.S.

¹⁰ Section 282.3185(5)(c), F.S.

¹¹ Section 282.3185(6), F.S.

¹² Section 501.171, F.S.; Chapter 2014-189, Laws of Fla.

to take “reasonable measures to protect and secure” a consumer’s personal information.¹³ The FIPA defines “personal information” as:

- Online account information, such as security questions and answers, email addresses, and passwords; and
- An individual’s first name or first initial and last name, in combination with any one or more of the following information regarding him or her:
 - A social security number;
 - A driver license or similar identity verification number issued on a government document;
 - A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to an individual’s financial account;
 - Medical history information or health insurance identification numbers; or
 - An individual’s health insurance identification numbers.¹⁴

Personal information does not include information:

- About an individual that a federal, state, or local governmental entity has made publicly available; or
- That is encrypted, secured, or modified to remove elements that personally identify an individual or that otherwise renders the information unusable.¹⁵

The FIPA requires covered entities, including governmental entities,¹⁶ that have suffered a data breach to notify affected individuals of the breach as expeditiously as possible, and no later than 30 days after discovering the breach.¹⁷ However, the notice to affected individuals may be delayed at the request of a law enforcement agency, and notice is not required if the breach has not and will not likely result in identity theft or any other financial harm to the individuals whose personal information has been accessed.¹⁸

If more than 500 individuals were affected by the breach, notice of the breach must also be given to the Department of Legal Affairs (DLA) as expeditiously as possible and no more than 30 days later.¹⁹ If more than 1,000 individuals were affected by the breach, notice must also be given to all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis.²⁰ The Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p), provides the timing, distribution, and content of the notices to consumers.

The FIPA does not provide a private cause of action but authorizes the DLA to file a civil action against covered entities under Florida’s Unfair and Deceptive Trade Practices Act (FDUTPA).²¹

¹³ Section 501.171(2), F.S.

¹⁴ Section 501.171(1)(g)1., F.S.

¹⁵ Section 501.171(1)(g)2., F.S.

¹⁶ A “covered entity” is a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that acquires, maintains, stores, or uses personal information. Section 501.171(1)(b), F.S.

¹⁷ Section 501.171(4)(a), F.S.

¹⁸ Section 501.171(4)(c), F.S.

¹⁹ Section 501.171(3), F.S.

²⁰ Section 501.171(5), F.S.

²¹ Sections 501.171(9) and (10), F.S.

In addition to the remedies provided for under FDUTPA, a covered entity that fails to notify the DLA, or an individual whose personal information was accessed, of the data breach is liable for a civil penalty of \$1,000 per day for the first 30 days of any violation; \$50,000 for each subsequent 30-day period of violation; and up to \$500,000 for any violation that continues more than 180 days. These civil penalties apply per breach, not per individual affected by the breach.²²

Cybersecurity Standards

The National Institute of Standards and Technology (NIST) is a non-regulatory federal agency within the U.S. Department of Commerce.²³ The Cybersecurity Enhancement Act of 2014 expanded NIST’s role, directing it to support the development of cybersecurity risk frameworks. Under this mandate, NIST created a prioritized, flexible, and cost-effective framework to help critical infrastructure owners and operators identify, assess, and manage cyber risks. This framework formalized NIST’s earlier work under Executive Order 13636 (2013), “Improving Critical Infrastructure Cybersecurity,” and continues to guide future cybersecurity initiatives.²⁴ While originally designed for critical infrastructure, the framework has since evolved into a widely used cybersecurity resource across all sectors, including government, businesses, academia, and nonprofits. It is designed to be flexible, scalable, and adaptable, making it useful for organizations regardless of size, industry, or cybersecurity maturity level. Unlike prescriptive regulations, the framework provides broad, outcome-based guidance, allowing organizations to tailor their cybersecurity strategies to their unique risks, resources, and operational goals. It can be used as a standalone framework or integrated with existing cybersecurity programs. Organizations may adopt it to assess current cybersecurity postures, identify gaps, and establish a roadmap for continuous risk management. As such, there are a variety of ways to use the framework; the decision about how to apply it is left to the implementing organization.²⁵

Other guidelines and frameworks referenced in the bill are:

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
NIST Cybersecurity Framework 2.0	A publication that contains multiple approaches to cybersecurity by assembling standards, guidelines, and practices. While intended for use in critical infrastructure, many of the standards are useful to any organization to improve security and resilience.

²² Section 501.171(9)(b), F.S.

²³ NIST, *NIST History*, <https://www.nist.gov/history> (last visited Jan. 21, 2026).

²⁴ NIST, *Framework for Improving Critical Infrastructure Cybersecurity* at v-vi (Apr. 16, 2018), <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf> (last visited Jan. 21, 2026).

²⁵ NIST, *The National Institute of Standards and Technology (NIST) Cybersecurity Framework (CSF) 2.0*, <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.29.pdf> (last visited Jan. 20, 2026).

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
NIST special publication 800-171	A publication that provides recommended requirements for protecting the confidentiality of controlled unclassified information. If a manufacturer is part of a Department of Defense, General Services Administration, NASA, or other state or federal agency supply chain then they must comply with these security requirements. ²⁶
NIST special publications 800-53 and 800-53A	A category of security and privacy controls. Covers the steps in the Risk Management Framework that address security controls for federal information systems. ²⁷ These guidelines are primarily used by federal agencies and government contractors to comply with federal security mandates, but are also widely adopted by private sector organizations for cybersecurity risk management. ²⁸
The Federal Risk and Authorization Management Program (FedRAMP) security assessment framework	An organization established by the General Services Administration (a Federal Government Program) that provides government agencies and their vendors, as well as private cloud service providers a standardized set of best practices to assess, adopt, and monitor the use of cloud-based technology services under the Federal Information Security Management Act (FISMA). ²⁹
Center for Internet Security Critical Security Controls (CIS)	A prescriptive and simplified set of best practices for strengthening cybersecurity for different organizations. ³⁰

²⁶ NIST, *What is the NIST SP 800-171 and Who Needs to Follow It?*, <https://www.nist.gov/blogs/manufacturing-innovation-blog/what-nist-sp-800-171-and-who-needs-follow-it-0#:~:text=NIST%20SP%20800-171%20is%20a%20NIST%20Special%20Publication,protecting%20the%20confidentiality%20of%20controlled%20unclassified%20information%20%28CUI%29> (last visited Jan. 21, 2026).

²⁷ NIST, *Selecting Security and Privacy Controls: Choosing the Right Approach*, <https://www.nist.gov/blogs/cybersecurity-insights/selecting-security-and-privacy-controls-choosing-right-approach> (last visited Feb. 1, 2024).

²⁸ See NIST Special Publication 800-53 Revision 5, <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53r5.pdf> and NIST Special Publication 800-53A Revision 5, <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53Ar5.pdf> (last visited Jan. 21, 2026).

²⁹ See U.S. General Services Administration, *FedRAMP*, <https://www.gsa.gov/technology/government-it-initiatives/fedramp> and FedRAMP, *Overview*, <https://www.fedramp.gov/20x/> (last visited Jan. 21, 2026).

³⁰ CIS Security, *CIS Critical Security Controls*, <https://www.cisecurity.org/controls> (last visited Jan. 21, 2026); DOT Security, *Explaining the Critical Security Controls (CSC) by the Center for Internet Security* (Oct. 3, 2024), <https://dotsecurity.com/insights/blog-explaining-cis-critical-security-controls> (last visited Jan. 21, 2026).

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
The International Organization for Standardization/International Electrotechnical Commission 27000 – series family of standards	ISO/IEC 27001 (ISO) enables organizations of all sectors to manage security of financial information, intellectual property, employee data and information entrusted by third parties. ISO has auditors and is an international standard. There are 804 technical committees and subcommittees concerned with such standards of development. ³¹
HITRUST Common Security Framework (CSF)	A compliance framework primarily used in healthcare, but adaptable to other industries that consolidates multiple cybersecurity and privacy standards to help organizations streamline their security programs. ³²
Service Organization Control Type 2 Framework (SOC 2)	A framework developed by the American Institute of Certified Public Accountants, it ensures that third-party service providers securely store and process client data. Compliance is based on five trust service principles: security, privacy, availability, confidentiality, and processing integrity. ³³
Secure Controls Framework	A meta-framework incorporating various cybersecurity and data privacy controls to help organizations build secure and compliant programs. ³⁴
Health Insurance Portability and Accountability Act of 1996	Commonly referred to as HIPAA, a federal law that requires the creation of national standards to protect

³¹ ITGovernance, *ISO 27001, The International Security Standard*, <https://www.itgovernanceusa.com/iso27001#:~:text=ISO%2027001%20is%20a%20globally%20recognized%20information%20security,trusted%20benchmark.%20Protect%20your%20data%2C%20wherever%20it%20lives> (last visited Jan. 21, 2026).

³² HITrust Alliance, *Introduction to the HITRUST CSF, Version 11.7.0* at 5 (Dec. 2025), <https://hitrustalliance.net/hubfs/CSF/CSF%20v11.7/Introduction%20to%20HITRUST%20CSF%20v11.7.0.pdf> (last visited Jan. 21, 2026); Richard Rieben, LINFORD & Co, *Understanding the HITRUST CSF: A Guide for Beginners* (Mar. 15, 2023), <https://linfordco.com/blog/hitrust-csf-framework/> (last visited Jan. 21, 2026).

³³ Secureframe, *What is SOC2?*, <https://secureframe.com/hub/soc-2/what-is-soc-2> (last visited Jan. 21, 2026).

³⁴ See Secure Controls Framework, *FAQ: What is the SCF?*, <https://securecontrolsframework.com/faq/faq> (last visited Jan. 21, 2026).

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
	sensitive patient health information from being disclosed without the patient’s consent or knowledge. ³⁵
Title V of the Gramm-Leach-Bliley Act of 1999 (GLBA)	A law that governs the treatment of nonpublic personal information about consumers, which information is held by financial institutions. ³⁶
Federal Information Security Modernization Act of 2014, Pub. L. No. 113-2 (FISMA 2014)	A law that codifies the Department of Homeland Security’s role in administering the implementation of information security policies for federal Executive Branch civilian agencies, overseeing agencies’ compliance with those policies, and assisting OMB in developing those policies. ³⁷
Health Information Technology for Economic and Clinical Health Act requirements	The American Recovery & Reinvestment Act of 2009 established the Health Information Technology for Economic Clinical Health Act, which requires that Centers for Medicare and Medicaid Services provide incentive payments under Medicare and Medicaid to “Meaningful Users” of Electronic Health Records. ³⁸

³⁵ Centers for Disease Control and Prevention, *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*, https://www.cdc.gov/phlp/php/resources/health-insurance-portability-and-accountability-act-of-1996-hipaa.html?CDC_AAref_Val=https://www.cdc.gov/phlp/publications/topic/hipaa.html (last visited Jan. 21, 2026).

³⁶ Federal Deposit Insurance Corporation, *Gramm-Leach-Bliley Act* (Apr. 2021), <https://www.fdic.gov/resources/supervision-and-examinations/consumer-compliance-examination-manual/documents/8/viii-1-1.pdf> (last visited Jan. 21, 2026).

³⁷ Cybersecurity & Infrastructure Security Agency, *Federal Information Security Modernization Act*, <https://www.cisa.gov/topics/cyber-threats-and-advisories/federal-information-security-modernization-act#:~:text=Overview,OMB%20in%20developing%20those%20policies> (last visited Jan. 21, 2026). *See also*, U.S. Chief Information Officers Council, *Policy Overview*, <https://www.cio.gov/policies-and-priorities/FISMA/> (last visited Jan. 21, 2026).

³⁸ Centers for Medicare & Medicaid Services, *Health Information Technology for Economic Critical (HITECH) Audits*, <https://www.cms.gov/medicare/audits-compliance/part-a-cost-report/health-information-technology-economic-and-clinical-health-hitech-audits#:~:text=The%20American%20Recovery%20%26%20Reinvestment%20Act,Users%E2%80%9D%20of%20Electronic%20Health%20Records>, (last visited Jan. 21, 2026).

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
Criminal Justice Information Services (CJIS) Security Policy	Minimum security requirements, guidelines, and agreements to protect the sources, transmission, and storage of criminal justice information (located on the FBI’s CJIS system) held by both criminal justice and non-criminal justice agencies. ³⁹

Tort Liability and Negligence—In General

A tort is a civil legal action to recover damages for a loss, injury, or death due to the negligence of another. According to the Florida Standard Jury Instructions, negligence means “doing something that a reasonably careful person would not do” in a similar situation or “failing to do something that a reasonably careful person would do” in a similar situation.⁴⁰ To establish liability, the plaintiff must prove four elements:

- Duty – That the defendant owed a duty, or obligation, of care to the plaintiff;
- Breach – That the defendant breached that duty by not conforming to the standard required;
- Causation – That the breach of the duty was the legal cause of the plaintiff’s injury; and
- Damages – That the plaintiff suffered actual harm or loss.

In Florida, negligence cases follow a modified comparative negligence rule, which means that a plaintiff can only recover damages if they are 50 percent or less at fault for their own harm.⁴¹ Plaintiffs found to be more than 50 percent responsible are barred from recovering any damages. When awarding damages, the jury assigns a percentage of fault to each party, and any compensation awarded is reduced accordingly.

While the Legislature has the power to create, define, and modify the laws governing tort actions, much of the tort law is defined by the common (court-made) law. As to data information and cybersecurity, torts in this area are relatively new and not well defined.⁴²

Burden of Proof and Legal Presumptions

The burden of proof refers to the obligation to establish a material fact in a legal dispute.⁴³ Generally, the party asserting a fact bears the burden.⁴⁴ In civil cases, the plaintiff must prove allegations in the complaint, while in criminal cases, the prosecution must prove the defendant’s guilt. Conversely, a defendant raising an affirmative defense—whether in a civil or criminal

³⁹ Federal Bureau of Investigation, *Criminal Justice Information Services Security Policy* (Jun. 1, 2020), https://www.fbi.gov/file-repository/cjis/cjis_security_policy_v5-9_20200601.pdf/view (last visited Jan. 21, 2026)

⁴⁰ Fla. Std. Jury Instr. Civil 401.3, *Negligence*.

⁴¹ Section 768.81(6), F.S. This comparative negligence rule does not apply to an action for damages for personal injury or wrongful death arising out of medical negligence pursuant to ch. 766, F.S. Additionally, the comparative negligence standard does not apply to any action brought to recover economic damages from pollution, an intentional tort, or where joint and several liability is specifically provided for, as in chs. 403, 517, 542, and 895, F.S.

⁴² Hooker & Pill, *You’ve Been Hacked, and Now You’re Being Sued: The Developing World of Cybersecurity Litigation*, Fla. B.J., 90-7, p. 30 (July/August 2016).

⁴³ Black’s Law Dictionary (12th ed. 2024), burden of proof.

⁴⁴ See *Berg v. Bridle Path Homeowners Ass’n, Inc.*, 809 So.2d 32 (Fla. 4th DCA 2002).

case—must prove the elements of that defense.⁴⁵ In some instances, statutory or common law presumptions shift the burden of proof to the opposing party unless sufficiently rebutted.⁴⁶

Sovereign Immunity

Sovereign immunity is a legal doctrine that prevents the government from being sued without its consent.⁴⁷ The State Constitution allows the Legislature to waive this immunity,⁴⁸ and the Florida Statutes permit tort claims against the state, its agencies, and subdivisions for damages caused by negligence of government employees acting within the scope of their employment.⁴⁹ However, liability exists only when a private individual would be held liable for the same conduct and applies specifically to injury or loss of property, personal injury, or death.⁵⁰ The law also limits tort recovery against a governmental entity to \$200,000 per person and \$300,000 per incident. Although a court may enter a judgement exceeding these caps, a claimant generally cannot collect more than the statutory limits unless the Legislature approves a claim bill granting additional compensation.⁵¹ Additionally, government employees, officers, and agents are generally immune from personal liability for actions taken within the scope of employment, unless they act in bad faith, with malicious purpose, or with wanton and willful disregard for human rights, safety, or property.⁵² A government entity is not liable for actions taken by an employee outside the scope of employment or for actions committed by an employee with bad faith, malicious intent, or reckless disregard for others' rights or safety.⁵³

Class Action Lawsuits

A class action lawsuit allows one or more plaintiffs to sue on behalf of a larger group, or “class,” that has suffered similar harm. This procedural device enables courts to efficiently manage lawsuits that would be otherwise unmanageable if each affected individual had to file separately. Class actions also help protect defendants from inconsistent judgments and allow plaintiffs to share litigation costs.⁵⁴

A class action lawsuit is filed when a plaintiff submits a complaint seeking to represent a class of similarly affected individuals. However, at this stage, the case is not yet a certified class action—it is considered a putative class action until the court determines whether to grant class certification. If the court denies certification, the lawsuit continues only for the named plaintiffs and does not proceed as a class action. If certified, the judgement or settlement in the case is

⁴⁵ An affirmative defense is a defendant's assertion of facts that, if true, defeat the plaintiff's or prosecution's claim, even if the allegations in the complaint are accurate. The defendant bears the burden of proving an affirmative defense, which may include duress in civil cases or insanity and self-defense in criminal cases. Black's Law Dictionary (12th ed. 2024), defense.
⁴⁶ See Black's Law Dictionary (12th ed. 2024), presumption; Cornell Law School, Presumption (last visited January 14, 2026).

⁴⁷ Miles McCann, NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, *State Sovereign Immunity* (Nov. 11, 20217), <https://www.naag.org/attorney-general-journal/state-sovereign-immunity/> (last visited Jan. 21, 2026).

⁴⁸ Art. X, s. 13, FLA. CONST.

⁴⁹ Section 768.28(5), F.S.

⁵⁰ *Id.*

⁵¹ Section 768.28, F.S.

⁵² Section 768.28(9), F.S.

⁵³ *Id.*

⁵⁴ Legal Information Institute, Cornell Law School, *Class Action*, https://www.law.cornell.edu/wex/class_action (last visited Jan. 21, 2026).

binding on all class members, who are generally prohibited from filing individual lawsuits raising the same claim.⁵⁵

III. Effect of Proposed Changes:

Section 1 amends s. 282.3185, F.S., to prohibit a local government, which includes counties and municipalities,⁵⁶ from imposing a higher cybersecurity standard or process than it has adopted for itself on its vendors that provide information technology commodities or services, except where a higher standard is otherwise required by state or federal law, or an industry-specific requirement that applies to a regulated sector.

This provision applies to contracts entered into or amended by the local government on or after July 1, 2026, with a “vendor,” which for purposes of this section, is defined as a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity.

Section 2 creates s. 768.401, F.S., to provide that a county, municipality, or other political subdivision⁵⁷ is not liable *in any action* for a cybersecurity incident if it has implemented (1) one or more policies that substantially comply with one of the cybersecurity standards or frameworks specified in the bill or a similar standard or framework; (2) a disaster recovery⁵⁸ plan for cybersecurity incidents; and (3) multi-factor authentication (MFA). A local government is generally covered by sovereign immunity under s. 768.28, F.S., which would limit the local government’s liability to \$200,000 per person, or up to \$300,000 per incident in a negligence action that resulted in injury or the loss of property. This provision would reduce the local government’s liability to \$0 per incident, if it meets the requirements provided by the bill.

The cybersecurity standards and frameworks specified in statute are:

- The National Institute of Standards and Technology (NIST) Cybersecurity Framework 2.0;
- NIST special publication 800-171;
- NIST special publications 800-53 and 800-53A;
- The Federal Risk and Authorization Management Program Security Assessment Framework;
- The Center for Internet Security (CIS) Critical Security Controls;
- The International Organization for Standardization/International Electrotechnical Commission 27000 series (ISO/IEC 27000) family of standards;
- HITRUST Common Security Framework (CSF);
- Service Organization Control Type 2 Framework (SOC 2);
- Secure Controls Framework; or
- Other similar industry frameworks or standards.

⁵⁵ Fla. R. Civ. P. 1.220. For discussion of the rule and its meaning, see Ervin A. Gonzalez and Raymond W. Valori, *Considerations in Class Actions*, 72 FLA. B. J. 78 (1998), <https://www.floridabar.org/the-florida-bar-journal/considerations-in-class-certification/> (last visited Jan. 21, 2026).

⁵⁶ See s. 282.3185(2), F.S., which defines a “local government” for purposes the section as a county or municipality.

⁵⁷ A “political subdivision” includes counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in Florida. Section 1.01, F.S.

⁵⁸ For purposes of s. 768.401, F.S., created by this bill, “disaster recovery” means the process, policies, procedures, and infrastructure related to preparing for and implementing recovery or continuation of an agency’s vital technology infrastructure after a natural or human-induced disaster.

MFA is a security measure that requires users to verify their identity using at least two factors before accessing an account. According to industry experts, enabling MFA can prevent 99 percent of automated hacking attacks.⁵⁹

Additionally, the bill provides that a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity (“covered entity”), or their third-party agent that acquires, maintains, stores, processes, or uses personal information has a presumption against liability *in a class action* filed in connection with a cybersecurity incident if the entity substantially complies with the Florida Information Protection Act (FIPA), and has implemented a policy that substantially complies with the cybersecurity standards or frameworks listed above. However, if the covered entity is regulated by state or federal governments, their cybersecurity program may comply with the following laws, as appropriate, instead of the cybersecurity standards or frameworks:

- Health Insurance Portability and Accountability Act of 1996.
- Title V of the Gramm-Leach-Bliley Act of 1999 (GLBA).
- Federal Information Security Modernization Act of 2014, Pub. L. No. 113-2 (FISMA 2014).
- Health Information Technology for Economic and Clinical Health Act requirements.
- Criminal Justice Information Services Security Policy.
- Other similar requirements mandated by state or federal laws or regulations.

A covered entity or third-party agent that has substantially complied with the requirements of this bill and thereby attained the liability protections set forth in this bill must adopt revised conforming frameworks or standards within one year of their latest published update.

A covered entity or third-party agent may demonstrate their effective implementation of a cybersecurity program in compliance with the bill by providing documentation or other evidence of an assessment, conducted either by an internal auditor or a third-party.

The local government, covered entity, or third-party agent’s failure to implement a cybersecurity program that complies with s. 768.401, F.S., does not in and of itself constitute evidence of negligence or negligence *per se*, and according to the bill, may not be used as evidence of fault under any other theory of liability.

Whether a local government, a covered entity, or a third-party agent, in order to avail itself of the liability protections afforded by this bill, the defendant in a civil action relating to a cybersecurity incident has the burden of proof to show substantial compliance with the bill’s requirements, codified as s. 768.401, F.S. However, this affirmative defense does not apply to individual civil actions filed against a covered entity or third-party agent, whereas it does for local governments.

The bill specifies that it does not establish a private cause of action.

A putative class action is one in which the class has not yet been certified by a court. The bill specifies that it applies to a putative class action that was filed before, on, or after the effective

⁵⁹ See National Cybersecurity Alliance, *What is Multifactor Authentication and Why Should You Use It?* (Jan. 17, 2025), <https://www.staysafeonline.org/articles/multi-factor-authentication?fob=EbZrACZuzBt4U2Sw> (last visited Jan. 21, 2026).

date of the act. Although this has the effect of adding a defense for a party against whom a lawsuit has already been filed, it is likely a procedural impact rather than a substantive one. Because the affirmative defense created by the bill applies only to class action lawsuits, not to individual actions, the individual may still pursue his or her vested, substantive interest in courts without the defendant's ability to argue a newly-created affirmative defense.⁶⁰

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require municipalities or counties to spend funds, reduce the authority of municipalities or counties to raise revenue, or reduce the percentage of state tax shared with municipalities and counties.

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:

Private businesses may enjoy lower cyber liability insurance premiums as a result of their shield from liability created by the bill. Those same businesses, however, may face increased costs to comply with new standards required in the bill.

⁶⁰ See, *China Agritech v. Resh*, 584 US 732, 735 (2018) (A court's denial of a class certification leaves intact a putative class member's option to pursue an individual suit.) See also, *Am. Pipe & Const. Co. v. Utah's*, 414 U.S. 538, 94 S. Ct. 756, 38 L. Ed. 2d 713 (1974).

C. **Government Sector Impact:**

Local governments may enjoy lower cyber liability insurance premiums as a result of the protection from liability in this bill.

Courts may see a reduction in class action cases filed as a result of cybersecurity incidents. An individual may still pursue his or her claim on an individual basis, but the attorneys fees and costs associated with an individual claim may deter such claims.

VI. **Technical Deficiencies:**

While the bill provides methods to demonstrate compliance, but the term remains undefined. This may result in disparate findings by courts based on similar facts.

The bill provides that an entity's implementation of specified policies creates a presumption against liability in certain actions. However, the bill does not specify at what point before the action is instituted that the entity must have implemented the cybersecurity program. This means that certain entities may assert the presumption against liability for incidents that happened prior to the entity enacting the new cybersecurity standards. The sponsor may wish to specify that the entity must have adopted the specified policies prior to the incident which gave rise to the claim.

VII. **Related Issues:**

None identified.

VIII. **Statutes Affected:**

This bill substantially amends section 282.3185 and creates s. 768.401 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 January 26, 2026:

Requires local governments to impose the same, or a lesser cybersecurity standard or process as it has adopted for itself on a vendor that provides IT commodities or services, unless otherwise required by state or federal law, or industry-specific requirements apply to regulated sectors. This provision applies to contract the local government enters into or amends on or after July 1, 2026.

B. **Amendments:**

None.



434400

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 33 - 71

and insert:

Section 1. Paragraph (a) of subsection (4) of section
282.3185, Florida Statutes, is amended to read:

282.3185 Local government cybersecurity.—

(4) CYBERSECURITY STANDARDS.—

(a)1. Each local government shall adopt cybersecurity
standards that safeguard its data, information technology, and



434400

11 information technology resources to ensure availability,
12 confidentiality, and integrity. The cybersecurity standards must
13 be consistent with generally accepted best practices for
14 cybersecurity, including the National Institute of Standards and
15 Technology Cybersecurity Framework.

16 2. A local government may not impose cybersecurity
17 standards or processes on a vendor that exceed the standards or
18 processes established under this paragraph, except as necessary
19 to comply with state or federal laws, or with industry-specific
20 requirements applicable to regulated sectors. For purposes of
21 this paragraph, "vendor" means a sole proprietorship,
22 partnership, corporation, trust, estate, cooperative,
23 association, or other commercial entity that contracts with a
24 local government to provide information technology commodities
25 or services.

26 3. A local government may not adopt or enforce any
27 cybersecurity standards or processes that are inconsistent with
28 this paragraph for contracts entered into or amended on or after
29 July 1, 2026.

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete lines 3 - 11

34 and insert:

35 liability; amending s. 282.3185, F.S.; prohibiting
36 local governments from imposing certain cybersecurity
37 standards or processes on vendors; defining the term
38 "vendor"; prohibiting local governments from adopting
39 or enforcing certain cybersecurity standards or



434400

40

processes; creating s. 768.401, F.S.;

By Senator Leek

7-00972-26

2026692__

1 A bill to be entitled
 2 An act relating to cybersecurity standards and
 3 liability; amending s. 282.3185, F.S.; authorizing
 4 local governments to only adopt specified
 5 cybersecurity standards; prohibiting the Department of
 6 Management Services from delegating the authority to
 7 set such standards to local governments; requiring
 8 vendors to comply with specified cybersecurity
 9 standards unless otherwise required by state or
 10 federal law or regulation; defining the term "vendor";
 11 providing for preemption; creating s. 768.401, F.S.;
 12 defining terms; providing that a local government, a
 13 covered entity, or a third-party agent that complies
 14 with certain requirements is not liable in connection
 15 with a cybersecurity incident under certain
 16 circumstances; requiring covered entities and third-
 17 party agents to implement revised frameworks,
 18 standards, laws, or regulations within a specified
 19 timeframe in order to retain protection from
 20 liability; providing that a private cause of action is
 21 not established; providing that the fact that a
 22 specified defendant could have obtained a liability
 23 shield or a presumption against liability is not
 24 admissible as evidence of negligence, does not
 25 constitute negligence per se, and may not be used as
 26 evidence of fault; specifying that the defendant in
 27 certain actions has a certain burden of proof;
 28 providing applicability; providing a directive to the
 29 Division of Law Revision; providing an effective date.

Page 1 of 7

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

7-00972-26

2026692__

30
 31 Be It Enacted by the Legislature of the State of Florida:
 32
 33 Section 1. Subsection (4) of section 282.3185, Florida
 34 Statutes, is amended to read:
 35 282.3185 Local government cybersecurity.-
 36 (4) CYBERSECURITY STANDARDS.-
 37 (a) 1. A local government may only adopt cybersecurity
 38 standards that are ~~Each local government shall adopt~~
 39 ~~cybersecurity standards that safeguard its data, information~~
 40 ~~technology, and information technology resources to ensure~~
 41 ~~availability, confidentiality, and integrity. The cybersecurity~~
 42 ~~standards must be consistent with the standards and processes~~
 43 ~~established by the department through the Florida Digital~~
 44 ~~Service pursuant to s. 282.318 generally accepted best practices~~
 45 ~~for cybersecurity, including the National Institute of Standards~~
 46 ~~and Technology Cybersecurity Framework. The department may not~~
 47 ~~delegate the authority to set cybersecurity standards to a local~~
 48 ~~government.~~
 49 2. Unless otherwise required by state or federal laws or
 50 regulations, a vendor must comply with cybersecurity standards
 51 that are consistent with the standards and processes established
 52 by the National Institute of Standards and Technology (NIST)
 53 Cybersecurity Framework 2.0. For purposes of this subparagraph,
 54 "vendor" means a sole proprietorship, partnership, corporation,
 55 trust, estate, cooperative, association, or other commercial
 56 entity.
 57 (b) This subsection preempts any prior cybersecurity
 58 standards or processes adopted by a local government which are

Page 2 of 7

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7-00972-26

2026692__

59 ~~inconsistent with this subsection~~ ~~Each county with a population~~
 60 ~~of 75,000 or more must adopt the cybersecurity standards~~
 61 ~~required by this subsection by January 1, 2024. Each county with~~
 62 ~~a population of less than 75,000 must adopt the cybersecurity~~
 63 ~~standards required by this subsection by January 1, 2025.~~

64 ~~(e) Each municipality with a population of 25,000 or more~~
 65 ~~must adopt the cybersecurity standards required by this~~
 66 ~~subsection by January 1, 2024. Each municipality with a~~
 67 ~~population of less than 25,000 must adopt the cybersecurity~~
 68 ~~standards required by this subsection by January 1, 2025.~~

69 ~~(d) Each local government shall notify the Florida Digital~~
 70 ~~Service of its compliance with this subsection as soon as~~
 71 ~~possible.~~

72 Section 2. Section 768.401, Florida Statutes, is created to
 73 read:

74 768.401 Limitation on liability for cybersecurity
 75 incidents.—

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

77 (a) “Covered entity” means a sole proprietorship,
 78 partnership, corporation, trust, estate, cooperative,
 79 association, or other commercial entity.

80 (b) “Cybersecurity standards or frameworks” means one or
 81 more of the following:

82 1. The National Institute of Standards and Technology

83 (NIST) Cybersecurity Framework 2.0;

84 2. NIST special publication 800-171;

85 3. NIST special publications 800-53 and 800-53A;

86 4. The Federal Risk and Authorization Management Program
 87 security assessment framework;

7-00972-26

2026692__

88 5. The Center for Internet Security (CIS) Critical Security
 89 Controls;

90 6. The International Organization for
 91 Standardization/International Electrotechnical Commission 27000
 92 series (ISO/IEC 27000) family of standards;

93 7. HITRUST Common Security Framework (CSF);

94 8. Service Organization Control Type 2 Framework (SOC 2);

95 9. Secure Controls Framework; or

96 10. Other similar industry frameworks or standards.

97 (c) “Disaster recovery” has the same meaning as in s.
 98 282.0041.

99 (d) “Local government” means a county, a municipality, or
 100 other political subdivision of this state.

101 (e) “Personal information” has the same meaning as in s.
 102 501.171.

103 (f) “Third-party agent” means an entity that has been
 104 contracted to maintain, store, or process personal information
 105 on behalf of a covered entity.

106 (2) A local government is not liable in connection with a
 107 cybersecurity incident if the local government has implemented
 108 one or more policies that substantially comply with
 109 cybersecurity standards or align with cybersecurity frameworks,
 110 disaster recovery plans for cybersecurity incidents, and multi-
 111 factor authentication.

112 (3) A covered entity or a third-party agent that acquires,
 113 maintains, stores, processes, or uses personal information has a
 114 presumption against liability in a class action resulting from a
 115 cybersecurity incident if the covered entity or the third-party
 116 agent has a cybersecurity program that does all of the

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2026692__

117 following, as applicable:

118 (a) Substantially complies with s. 501.171(3)-(6), as
 119 applicable.

120 (b) Has implemented:

121 1. One or more policies that substantially comply with
 122 cybersecurity standards or align with cybersecurity frameworks,
 123 a disaster recovery plan for cybersecurity incidents, and multi-
 124 factor authentication; or

125 2. If regulated by the state or Federal Government, or
 126 both, or if otherwise subject to the requirements of any of the
 127 following laws and regulations, a cybersecurity program that
 128 substantially complies with the current version of such laws and
 129 regulations, as applicable:

130 a. The Health Insurance Portability and Accountability Act
 131 of 1996 security requirements in 45 C.F.R. part 160 and part 164
 132 subparts A and C.

133 b. Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L.
 134 No. 106-102, as amended, and its implementing regulations.

135 c. The Federal Information Security Modernization Act of
 136 2014, Pub. L. No. 113-283.

137 d. The Health Information Technology for Economic and
 138 Clinical Health Act requirements in 45 C.F.R. parts 160 and 164.

139 e. The Criminal Justice Information Services (CJIS)
 140 Security Policy.

141 f. Other similar requirements mandated by state or federal
 142 laws or regulations.

143 (4) A covered entity's or a third-party agent's
 144 cybersecurity program's compliance with paragraph (3)(b) may be
 145 demonstrated by providing documentation or other evidence of an

Page 5 of 7

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7-00972-26

2026692__

146 assessment, conducted internally or by a third-party, reflecting
 147 that the covered entity's or third-party agent's cybersecurity
 148 program has implemented the requirements of that paragraph.

149 (5) A covered entity or a third-party agent must update its
 150 cybersecurity program to incorporate any revisions of relevant
 151 frameworks or standards or of applicable state or federal laws
 152 or regulations within 1 year after the latest publication date
 153 stated in any such revisions in order to retain protection from
 154 liability.

155 (6) This section does not establish a private cause of
 156 action.

157 (7) If a civil action is filed against a local government,
 158 a covered entity, or a third-party agent that failed to
 159 implement a cybersecurity program in compliance with this
 160 section, the fact that such defendant could have obtained a
 161 liability shield or presumption against liability upon
 162 compliance is not admissible as evidence of negligence, does not
 163 constitute negligence per se, and may not be used as evidence of
 164 fault under any other theory of liability.

165 (8) In a civil action relating to a cybersecurity incident,
 166 if the defendant is a local government covered by subsection (2)
 167 or a covered entity or third-party agent covered by subsection
 168 (3), the defendant has the burden of proof to establish
 169 substantial compliance with this section.

170 (9) This section applies to any putative class action filed
 171 before, on, or after the effective date of this act.

172 Section 3. The Division of Law Revision is directed to
 173 replace the phrase "the effective date of this act" wherever it
 174 occurs in this act with the date this act becomes a law.

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175

Section 4. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 15, 2026

I respectfully request that **Senate Bill #692**, relating to Cybersecurity Standards and Liability, 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", written over a horizontal line.

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

1/26/2026

692

Meeting Date

Bill Number or Topic

Govt Oversight & Accountability

Deliver both copies of this form to
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434400

Committee

Amendment Barcode (if applicable)

Name **Sam Wagoner**

Phone **850-701-3603**

Address **300 S Bronough St, Suite 300**

Email **swagoner@flcities.com**

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:

Florida League of Cities

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

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1/26/26

Meeting Date

SB 692

Bill Number or Topic

434400

Amendment Barcode (if applicable)

Govt Oversight

Committee

Name

Peter Abello Abello

Phone

786-715-5885

Address

100 S Monroe st

Street

Email

pabello@fl-counties.com

Tallahassee

City

FL

State

32301

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:

FL Association of Counties

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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SB 692

Bill Number or Topic

1-26-26

Meeting Date

GOV OPS

Committee

Amendment Barcode (if applicable)

Name

LAURA YOUMANS

Phone

850-294-1838

Address

218 S. MONROE ST

Email

LYOUMANS@MYFLA.ORG

Street

TAL

City

FL

State

32304

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 JUSTICE ASSOCIATION

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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11/20/20
Meeting Date

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Bill Number or Topic

Grov Oversight
Committee

Amendment Barcode (if applicable)

Name Adam Basford

Phone 352-538-4299

Address 516 N Adams
Street

Email abasford@aif.com

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:

Associated Industries of FL

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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SB 692 ✓

1/26/2026

Meeting Date

Bill Number or Topic

Gov. Oversight + Accountability

Committee

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Amendment Barcode (if applicable)

Name Turner Loesel (Low-zell)

Phone 561-401-8625

Address 100 N Duval Street

Email tloesel@jamesmadison.org

Tallahassee

City

FL

State

32301

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:

The James Madison Institute

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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SB 692

1/26/26
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Bill Number or Topic

Court Oversight
Committee

Amendment Barcode (if applicable)

Peter Abello Abello
Name

786-715-5885
Phone

100 S Monroe St
Address
Street

pabello@fl-counties.com
Email

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:
FL Association of Counties

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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1/26/2026

The Florida Senate APPEARANCE RECORD

692

Meeting Date

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Bill Number or Topic

Government Oversight & Accountability

Committee

Amendment Barcode (if applicable)

Name Lorena Holley Phone 850-443-1173

Address 227 South Adams Email Lorena@FRF.org

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:

Florida Retail Federation

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)

01.26.26

Meeting Date

Governmental Oversight and Accountability

Committee

Name **William Large**

Phone **850-222-0170**

Address **215 S. Monroe Street - Ste 140**

Email **William@fljustice.org**

Street

Tallahassee

FL

32301

City

State

Zip

The Florida Senate

APPEARANCE RECORD

692

Bill Number or Topic

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Amendment Barcode (if applicable)

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 Justice Reform Institute

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)

1/26/2026

The Florida Senate

APPEARANCE RECORD

692

Meeting Date

Governmental Oversight and Accountability

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name George Feijoo (Fay-Jew)

Phone 850-681-0024

Address 108 S Monroe St

Email grfeijoo@flapartners.com

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:
U.S. Chamber Institute for Legal Reform

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)

1/26/2026

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APPEARANCE RECORD

692

Meeting Date

Governmental Oversight and Accountability

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Bill Number or Topic

Committee

Name

Daniela Herrera

Herrera

Phone

850-681-0024

Amendment Barcode (if applicable)

Address

108 S Monroe St

Email

daniela@flapartners.com

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:

Florida Insurance Council

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

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692

1-26-26

Meeting Date

Gov Oversight

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Carlson

Phone 8505449576

Address 215 South Monroe St. Ste. 835

Email michael.carlson@piff.net

Street

Tallahassee

Florida

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:

Personal Insurance Federation

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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1/26/26

Meeting Date

Gov Oversight

Committee

Name Carolyn Johnson

Address 136 S Bronough St

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate

APPEARANCE RECORD

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SB 692

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 8505211235

Email cjohnson@flchamber.com

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:

FL Chamber of Commerce

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 \(flsenate.gov\)](#)

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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 474

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Wright

SUBJECT: Military Affairs

DATE: January 27, 2026 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Fav/CS
2.			AP	
3.			RC	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 474 revises provisions of Florida law relating to military service leave for public employees. Specifically, the bill:

- Expands eligibility for certain military service leave protections to include public officials who are also members of the United States Coast Guard.
- Expands eligibility for certain leave protections to include public officials and public employees who are also members of the Florida State Guard.
- Narrows the instances for which servicemembers who are also public officials or public employees are entitled to 30 days' pay from their government employment for federal military service to apply only when the servicemember has federal military service of 90 consecutive days or more on a single order (rather than a series of shorter orders).
- Clarifies which positions within the Department of Military Affairs and the Florida State Guard are eligible for Senior Management Service Class retirement membership.
- Deletes statutory references to the Forward March and About Face programs that have been eliminated.
- Expands the eligibility requirements for financial assistance from the Soldiers and Airmen Assistance Program.

The bill is expected to impact state expenditures.

The bill takes effect July 1, 2026.

II. Present Situation:

Leaves of Absence for Military Duty for County and State Officials

A county or state official may be granted a leave of absence from office to serve in the volunteer forces of the United States, in the National Guard of any state, or in the regular federal Army, Navy, Air Force, Marine Corps, or Space Force when the official is called into active service of the United States during war between the United States and a foreign government.¹ Upon completing the service, the county or state officer granted such leave must immediately enter into the duties of his or her office for the remainder of the term for which elected.²

Section 114.01, F.S., defines when a vacancy occurs in any office. In pertinent part, a vacancy occurs upon the officer's unexplained absence for 60 consecutive days.³ When an executive branch officer, other than a Cabinet officer, wants to be absent from the state for 60 consecutive days or more, the officer must provide written notification to the Governor.⁴ However, the officer must return to the state and perform his or her duties whenever requested by the Governor. Failure to return and perform such duties allows the Governor to declare the office vacant.⁵

The Attorney General, Chief Financial Officer, and the Commissioner of Agriculture may not be absent from the state for 60 consecutive days or more without the consent of the Governor and a majority of the Cabinet. If a Cabinet officer violates this prohibition, the office may be deemed vacant.⁶

Any official of the state or of a county, municipality and other political subdivision of the state, including a school district and a community college, who is a servicemember in the National Guard or a reserve component of the Armed Forces must be granted a leave of absence from office and duties to perform active military service.⁷ The servicemember will receive full pay from the Florida governmental entity for the first 30 days of the leave of absence if the active federal military service is equal to or greater than 90 consecutive days.⁸

Leaves of Absence for Military Service for Public Employees

Every officer or employee of the state, counties, cities, or other political subdivisions of the state who is a member of the U.S. military reserves or a member of the National Guard and assigned to active or inactive duty is entitled to a leave of absence while in training ordered pursuant to the U.S. military or naval training regulations.⁹ This leave is available without loss of vacation leave, pay, time, or efficiency rating, for those days during which the officer or employee is

¹ Section 115.01, F.S.

² Section 115.06, F.S.

³ Section 114.01(1)(f), F.S.

⁴ Section 114.02, F.S.

⁵ *Id.*

⁶ Section 114.03, F.S.

⁷ Section 115.09, F.S.

⁸ *Id.*

⁹ Section 115.07(1), F.S.

engaged in the training. This type of leave of absence may not exceed 240 working hours (equivalent of six 40-hour workweeks) in any one annual period.¹⁰

All employees of the state, counties, municipalities, and other political subdivisions of the state must be granted a leave of absence for active military service with the same rights and privileges granted officers of the governmental entities.¹¹ Like the officers, the employees receive full pay for the first 30 days of a leave of absence whenever the active federal military service is equal to or greater than 90 consecutive days.¹²

The provisions of the Uniformed Services Employment and Reemployment Rights Act, 38 United State Code ss. 4301-1335,¹³ is applicable in Florida. Florida law specifies that any state, county, or municipal official who refuses to comply with the Act is subject to removal from office.¹⁴

Programs within the Department of Military Affairs

Forward March

Forward March is job-readiness program for economically disadvantaged participants. This program provides training on topics that directly relate to the skills required for real-world success, emphasizing functional life skills, computer literacy, interpersonal relationships, and critical-thinking skills. Upon completion of the program, the participants go to the local workforce development boards for placement in the job placement pool.¹⁵ The program was terminated in 2011 when state funding was eliminated.

About Face

The About Face program is a summer and year-round after-school life preparation program for economically disadvantaged youths aged 13 through 17 years. The program is intended to provide training in academic study skills and the basic skills that businesses require for employment consideration.¹⁶ The program was terminated in 2011 when state funding was eliminated.

Soldiers and Airmen Assistance Program

This program, authorized under s. 250.116, is intended to provide financial assistance and services to eligible members of the Florida National Guard. Florida National Guard Foundation,

¹⁰ Section 115.07(2), F.S.

¹¹ Section 115.14, F.S.

¹² *Id.*

¹³ Section 115.15, F.S. The purposes of the Uniformed Services Employment and Reemployment Rights Act are to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service; minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities by providing for the prompt reemployment of such persons upon their completion of such service; and to prohibit discrimination against persons because of their service in the uniformed services. 77 AM. JUR. 2D *Veterans and Veterans' Laws* s. 86 (Nov. 2025 update).

¹⁴ Section 115.15, F.S.

¹⁵ Section 250.10(2)(m), F.S.

¹⁶ Section 250.10(2)(m), F.S.

Inc., (the Foundation), is a direct support organization that provides funding for the program. To be eligible, the guardsman:

- Must be on active duty serving in either the Global War on Terrorism or Overseas Contingency Operation, or must have requested assistance within 120 days after termination orders for such services and return to his or her home of record;¹⁷ and
- Must be deployed by the federal government and participating in state operations for homeland defense or request assistance within 120 days after termination orders for such service and return to his or her home of records.¹⁸

A beneficiary of an eligible guardsman designated on the United States Department of Defense Form 93 and an individual demonstrating a financial need who is a dependent or family member of a guardsman are also eligible to receive assistance.¹⁹

Assistance authorized includes housing assistance, living expenses that are deemed reasonable and necessary to meet basic needs, vehicle repairs or short-term rentals of vehicles, as well as health care services that are documented as necessary for the health and welfare of the individual.

The requests for assistance are reviewed and processed at the local level by an official designated by the Adjutant General. The Department of Military Affairs (DMA) makes the final review and approval of requests for assistance.

Because the Foundation provides the funding for the program, the financial committee of the board of directors of the Foundation must review the financial transactions on a quarterly basis. This review is provided to DMA to determine whether the Foundation is being operated in a manner consistent with the purposes of the program and in the best interests of the DMA. The financial committee also may request the Office of the Inspector General to conduct additional reviews.²⁰

Direct-Support Organization of the Department of Military Affairs

The Foundation was formed in 1983 as a 501(c)(3) non-profit organization to protect the history of the Florida National Guard and to administer a scholarship program developed by the Florida National Guard Association of Florida. After September 11, 2001, the focus of the Foundation shifted to providing financial assistance to soldiers and airmen of the Florida National Guard and their families. In 2003, the Foundation became a direct support organization to the DMA as provided by s. 250.115, F.S., to administer the Soldiers and Airman Relief Fund. The Foundation is organized and operated exclusively to raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities,

¹⁷ Section 250.116(4)(a)1., F.S.

¹⁸ Section 250.116(4)(a)2., F.S.

¹⁹ Section 250.116(4)(b), F.S.

²⁰ Section 250.116(6), F.S.

funds, or property; and make expenditures to or for the direct or indirect benefit of the Florida National Guard.²¹

The table below shows the last reported financial statements submitted to the DMA by the Foundation.²²

	2023	2024
Assets	\$756,545	\$588,154
Liabilities	\$7,175	0
Net Assets	\$749,370	\$588,154
Revenues	\$554,451	\$165,284
Expenses	\$184,037	\$326,500
Change in assets	\$370,414	(\$161,216)

Miscellaneous

The term “active military service” is intended to:

signify active duty in the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.²³

Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers’ Retirement System, the State and County Officers and Employees’ Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.²⁴ The FRS is a contributory system, with active members contributing three percent of their salaries.²⁵

²¹Department of Military Affairs, Florida National Guard Foundation, Inc., Financial Statements and Independent Auditors’ Report for the Years Ended June 30, 2024 and 2023,

floridafiscalportal.state.fl.us/Document.aspx?ID=33033&DocType=PDF.

²² *Id.*

²³ Section 115.08(1), F.S.

²⁴ Florida Department of Management Services (DMS), Division of Retirement, *Florida Retirement System Summary Plan Description*, (July 1, 2025), <https://frs.fl.gov/forms/spd-pp.pdf> (last visited Jan. 11, 2026).

²⁵ Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. *See*, ch. 2011-68, s. 33, Laws of Fla. Members in the Deferred Retirement Option Program do not contribute to the system.

The FRS is a multi-employer plan, governed by ch. 121, F.S., the “Florida Retirement System Act.” As of June 30, 2025, the FRS had 659,233 active non-retired members, 459,428 annuitants, 14,171 disabled retirees, and 29,017 active participants of the Deferred Retirement Option Program (DROP).²⁶ As of December 2025, the FRS consisted of 1,000 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and includes the 187 cities and 151 special districts that have elected to join the system.²⁷

The membership of the FRS is divided into five membership classes:

- The Regular Class²⁸ consists of 562,840 active members and 9,932 in renewed membership;
- The Special Risk Class²⁹ includes 79,529 active members and 1,379 in renewed membership;
- The Special Risk Administrative Support Class³⁰ has 97 active members and three are in renewed membership;
- The Elected Officers’ Class³¹ has 2,148 active members and 105 in renewed membership; and
- The Senior Management Service Class³² has 7,871 active members and 253 in renewed membership.³³

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:³⁴

- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.

²⁶ DMS, Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems Annual Comprehensive Financial Report Fiscal Year Ended June 30, 2025*, at 203, https://frs.fl.gov/forms/2024-25_ACFR.pdf (last visited Jan. 11, 2026).

²⁷ DMS, Division of Retirement, *Participating Employers for Fiscal Year 2025-2026* (Dec. 2025), <https://frs.fl.gov/forms/part-emp.pdf> (last visited Jan. 11, 2026).

²⁸ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

²⁹ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S. *See also*, DMS, *FRS Pension Plan Member Handbook (2025)*, https://frs.fl.gov/forms/member_handbook.pdf (last visited Jan. 11, 2026).

³⁰ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

³¹ The Elected Officers’ Class includes elected state and county officers, and those elected municipal or special district officers whose governing body has chosen Elected Officers’ Class participation for its elected officers. Section 121.052, F.S.

³² The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

³³ All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems Annual Comprehensive Financial Report Fiscal Year Ended June 30, 2025*, at 226.

³⁴ Florida State Board of Administration (SBA), *Plan Comparison Chart* (Jul. 2020), <https://www.myfrs.com/pdf/forms/plancomparison.pdf> (last visited Jan. 11, 2026).

Investment Plan

In 2000, the Public Employee Optional Retirement Program (investment plan) was created as a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.³⁵

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.³⁶

A member vests immediately in all employee contributions paid to the investment plan.³⁷ With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.³⁸ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.³⁹ The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.⁴⁰ An FRS member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.⁴¹

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.⁴² The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.⁴³

Pension Plan

The pension plan is administered by the Secretary of Management Services (DMS) through the Division of Retirement.⁴⁴ The SBA manages the pension fund's assets.⁴⁵

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.⁴⁶ For members initially enrolled on

³⁵ See, ch. 2000-169, Laws of Fla.

³⁶ Section 121.4501(1), F.S.

³⁷ Section 121.4501(6)(a), F.S.

³⁸ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

³⁹ Section 121.591, F.S.

⁴⁰ See s. 121.4501(16), F.S.

⁴¹ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate a line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line-of-duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

⁴² Section 121.4501(8), F.S.

⁴³ FLA. CONST. art. IV, s. 4.

⁴⁴ Section 121.025, F.S.

⁴⁵ Section 215.44, F.S.

⁴⁶ Section 121.021(45)(a), F.S.

or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.⁴⁷ Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.⁴⁸ For most current members of the pension plan, normal retirement (when first eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.⁴⁹ For public safety employees in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.⁵⁰ Members, other than Special Risk Class members, initially enrolled in the pension plan on or after July 1, 2011, have longer service requirements. For members initially enrolled after that date, the member must complete 33 years of service or attain age 65.⁵¹

Senior Management Service Class Retirement, Generally

The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S. The state agency positions in the Senior Management Service include division directors and above, assistant attorneys general, selected managerial staff of the Legislature, the Executive Service of the State University System and state university presidents, senior-level managerial staff of the State Board of Administration, specific positions in the State Court System, assistant state attorneys, and assistant public defenders.

Senior Management Service Class Retirement in the Department of Military Affairs

Participation in the Senior Management Service Class of the FRS is currently mandatory for ten positions in the DMA, with eight of the positions specifically named in the current statute, leaving only two positions to be designated at the discretion of the Adjutant General.⁵² With the activation of the Florida State Guard as an on-going program, two employees of the State Guard have been designated as members of the Senior Management Service Class. This has reduced the flexibility of the Department of Military Affairs to designate its personnel for these retirement benefits.

III. Effect of Proposed Changes:

Section 1 amends s. 115.01, F.S., to expand the instances for which a county or state official may be granted a leave of absence from office to include service in the United State Coast Guard. In addition, the purpose of the active service is broadened to include any active service, regardless of whether the active service is related to a war between the United State and a foreign government.

⁴⁷ Section 121.021(45)(b), F.S.

⁴⁸ Section 121.091, F.S. See also, DMS, *FRS Pension Plan Member Handbook*, 29 (2025), https://frs.fl.gov/forms/member_handbook.pdf (last visited Jan. 11, 2026).

⁴⁹ Section 121.021(29)(a)1., F.S.

⁵⁰ Section 121.021(29)(b), F.S.

⁵¹ Sections 121.021(29)(a)2., F.S.

⁵² Section 121.055(1)(j)

Section 2 amends s. 115.07, F.S., to grant a member of the Florida State Guard a leave of absence from duties of employment by the state, counties, municipalities or other political subdivisions of the state. During this leave of absence, the State Guard member will not lose vacation leave, pay, or time on any day during which the member is engaged in training ordered pursuant to state law relating to personnel assigned to active or inactive duty.

Section 3 amends s. 115.08, F.S., to make technical, non-substantive changes to the term “active military service.”

Section 4 amends s. 115.09, F.S., to limit when an employing governmental entity provides full pay for the first 30 days of the leave of absence of a servicemember-employee to only those instances in which the servicemember is called for active federal military service that is equal to or greater than 90 consecutive days on a single order (rather than a series of orders). This section also updates the name of the Florida College System, eliminating the reference to community colleges.

Section 5 amends s. 115.14, F.S., to limit the payment of full pay for the first 30 days of the leave of absence by the employing governmental entity to only those instances in which the servicemember is called to federal military service that is equal to or greater than 90 consecutive days on a single order (rather than a series of orders).

Section 6 amends s. 121.055, F.S., to retain only four of the eight named positions in the Senior Management Service Class and to allow other positions to be eligible for such membership based on the statutory requirements used for other state agencies (division directors and above, and managerial, confidential, and supervisory employees) if the position meets the statutory requirements for inclusion in the Senior Management Service Class of the State Personnel System set forth in s. 110.205. This is intended to give the Department of Military Affairs some flexibility as the organizational structure and size changes over time.

Section 7 amends s. 250.10, F.S., eliminates the duty of the Adjutant General to administer the youth About Face program and the adult Forward March program. These programs ended in 2011 when state funding was eliminated.

Section 8 amends s. 250.116, F.S., to expand the application of the Soldiers and Airmen Assistance Program to include any traditional drilling guardsmen on state active duty or on Title 32 United State Code duty who do not qualify for other assistance programs and who demonstrate valid financial need. A request for assistance to the program must be reviewed, processed, and approved by the board of directors of the Florida National Guard Foundation, rather than the Department of Military Affairs.

The section requires an annual external audit of the program. And the board directors of the Foundation must review annually the foundation’s bylaws that govern the program. A report of the review of bylaws, rather than financial transactions, will be forwarded to the Adjutant General for approval.

Section 9 reenacts s. 115.06, F.S. to incorporate the amendment made by section 1 in a reference contained in this section.

Section 10 provides that the act takes effect on July 1, 2026.

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 overall impact of the bill is indeterminate. Public employers of servicemembers who are on active duty for less than 90 days on a single order will no longer be obligated to pay the first 30 days of pay. The Department of Military Affairs will experience higher retirement contributions because of more than ten personnel being designated as members of the Senior Management Service Class of the Florida Retirement System.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends sections 115.01, 115.07, 115.08, 115.09, 115.14, 121.055, 250.10, 250.116, 115.06 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 January 26, 2026:

The CS makes school district and state college system employees who are servicemembers eligible for a leave of absence to take care of military obligations. The CS also clarifies that beneficiaries of the Soldiers and Airmen Assistance Program may be designated by the guardsman in his service records. Lastly, the CS reinstates the current law review of financial transactions of the Soldiers and Airmen Assistance Program and adds a required annual audit of the program.

- B. **Amendments:**

None.



797214

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
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	.	
	.	

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

Senate Amendment (with title amendment)

Delete line 123
and insert:
subdivisions of the state, including district school and
Florida College System employers, must be granted leave of
absence under

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

And the title is amended as follows:



797214

11 Delete line 17
12 and insert:
13 Amending s. 115.14, F.S.; clarifying the applicable
14 employing agencies; specifying that an



368028

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
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	.	
	.	

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

Senate Amendment

Delete line 222
and insert:
beneficiaries as designated in the servicemember's service
component records



485754

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
	.	
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	.	

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

Senate Amendment (with title amendment)

Delete lines 248 - 261

and insert:

(6) ANNUAL ~~QUARTERLY~~ FINANCIAL REVIEW.—The financial committee of the board of directors of the direct-support organization shall review financial transactions of the program each quarter. The board of directors also must ensure an annual external audit is completed and published on the publicly available website of the direct-support organization. This audit



485754

11 ~~must review shall~~ be provided to the Department of Military
12 Affairs in order to determine whether the direct-support
13 organization is being operated in a manner that is consistent
14 with the purposes of the Soldiers and Airmen Assistance Fund,
15 and in the best interests of the department. The financial
16 committee may request the Office of Inspector General to conduct
17 additional reviews.

18 (7) ANNUAL BYLAW REVIEW.—The board of directors of the
19 direct-support organization shall annually review its bylaws
20 that govern the Soldiers and Airmen Assistance Program. This
21 review shall be provided in a report to the Department of
22 Military Affairs and subject to approval by the Adjutant General
23 of Florida.

24
25

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

27 And the title is amended as follows:

28 Delete line 42

29 and insert:

30 and evaluate requests for assistance; requiring an
31 annual external audit of the program; requiring the

By Senator Wright

8-00657-26

2026474__

1 A bill to be entitled
 2 An act relating to military affairs; amending s.
 3 115.01, F.S.; revising the authorization to be granted
 4 a leave of absence for military service to include the
 5 Coast Guard; deleting the condition that such service
 6 be during war between the United States and a foreign
 7 government; amending s. 115.07, F.S.; revising the
 8 authorization to be granted a leave of absence for
 9 reserve or guard training to include members of the
 10 Florida State Guard; revising legislative intent;
 11 amending s. 115.08, F.S.; revising the definition of
 12 the term "active military service"; amending s.
 13 115.09, F.S.; specifying that an authorization for a
 14 leave of absence for public officials to perform
 15 active military service for a specified timeframe is
 16 based on a single order; making a technical change;
 17 amending s. 115.14, F.S.; specifying that an
 18 authorization for a leave of absence for all employees
 19 of the state and the counties, municipalities, and
 20 political subdivisions of the state to perform active
 21 military service for a specified timeframe is based on
 22 a single order; amending s. 121.055, F.S.; deleting
 23 positions from the Department of Military Affairs from
 24 compulsory participation in the Senior Management
 25 Service Class; providing that participation in such
 26 class for all other members employed with the
 27 Department of Military Affairs and the Florida State
 28 Guard be governed by a specified provision; amending
 29 s. 250.10, F.S.; deleting a requirement that the

Page 1 of 10

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

8-00657-26

2026474__

30 Adjutant General administer youth About Face Programs
 31 and adult Forward March programs; deleting provisions
 32 governing the programs; amending s. 250.116, F.S.;
 33 revising eligibility for the Soldiers and Airmen
 34 Assistance Program to include traditional drilling
 35 guardsmen on state active duty or on Title 32 United
 36 States Code duty and their eligible beneficiaries
 37 experiencing valid financial need; defining the term
 38 "beneficiary"; revising the review process for
 39 requests of assistance to be reviewed, processed, and
 40 approved by the Florida National Guard Foundation's
 41 board of directors; revising the criteria to review
 42 and evaluate requests for assistance; requiring the
 43 board of directors to review annually the bylaws that
 44 govern the program; requiring the board to provide a
 45 report to the Department of Military Affairs to be
 46 approved by the Adjutant General; deleting provisions
 47 requiring the financial committee of the board of
 48 directors to review financial transactions quarterly
 49 and to provide a report to the department for a
 50 certain determination; reenacting s. 115.06, F.S.,
 51 relating to resumption of duties for officers
 52 returning from the service of the United States, to
 53 incorporate the amendment made to s. 115.01, F.S., in
 54 a reference thereto; providing an effective date.
 55
 56 Be It Enacted by the Legislature of the State of Florida:
 57
 58 Section 1. Section 115.01, Florida Statutes, is amended to

Page 2 of 10

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

8-00657-26

2026474__

59 read:

60 115.01 Leave of absence for military service.—Any county or
61 state official of the state, subject to the provisions and
62 conditions hereinafter set forth, may be granted leave of
63 absence from his or her office, to serve in the volunteer forces
64 of the United States, or in the National Guard of any state, or
65 in the regular Army, Navy, Air Force, Marine Corps, Coast Guard,
66 or Space Force of the United States, when the same shall be
67 called into active service of the United States ~~during war~~
68 ~~between the United States and a foreign government.~~

69 Section 2. Subsections (1) and (4) of section 115.07,
70 Florida Statutes, are amended to read:

71 115.07 Officers and employees' leaves of absence for
72 reserve or guard training.—

73 (1) All officers or employees of the state, of the several
74 counties of the state, and of the municipalities or political
75 subdivisions of the state who are commissioned reserve officers
76 or reserve enlisted personnel in the United States military or
77 naval service or members of the National Guard or the Florida
78 State Guard are entitled to leaves of absence from their
79 respective duties, without loss of vacation leave, pay, time, or
80 efficiency rating, on all days during which they are engaged in
81 training ordered under the provisions of the United States
82 military or naval training regulations or the applicable laws of
83 this state for such personnel when assigned to active or
84 inactive duty.

85 (4) It is the intent of the Legislature that the state, its
86 several counties, and its municipalities and political
87 subdivisions shall grant leaves of absence for active or

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88 inactive training to all employees who are members of the United
89 States Reserve Forces, ~~or~~ the National Guard, or the Florida
90 State Guard, to ensure the state and national security at all
91 times through a strong armed force of qualified and
92 mobilization-ready personnel.

93 Section 3. Subsection (1) of section 115.08, Florida
94 Statutes, is amended to read:

95 115.08 Definitions.—

96 (1) The term "active military service" as used in this
97 chapter means ~~shall signify~~ active duty in the Florida State
98 Guard ~~defense force~~ or federal service in training or on active
99 duty with any branch of the Armed Forces or Reservists of the
100 Armed Forces, the Florida National Guard, the Coast Guard of the
101 United States, and service of all officers of the United States
102 Public Health Service detailed by proper authority for duty with
103 the Armed Forces, and includes ~~shall include~~ the period during
104 which a person in military service is absent from duty on
105 account of sickness, wounds, leave, or other lawful cause.

106 Section 4. Section 115.09, Florida Statutes, is amended to
107 read:

108 115.09 Leave to public officials for military service.—All
109 officials of the state, the several counties of the state, and
110 the municipalities or political subdivisions of the state,
111 including district school and Florida community College System
112 officers, which officials are also servicemembers in the
113 National Guard or a reserve component of the Armed Forces of the
114 United States, must be granted leave of absence from their
115 respective offices and duties to perform active military
116 service, with the first 30 days of any such leave of absence to

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117 be with full pay for active federal military service that is
118 equal to or greater than 90 consecutive days on a single order.

119 Section 5. Section 115.14, Florida Statutes, is amended to
120 read:

121 115.14 Employees.—All employees of the state, the several
122 counties of the state, and the municipalities or political
123 subdivisions of the state must be granted leave of absence under
124 the terms of this law; upon such leave of absence being granted,
125 such employee must enjoy the same rights and privileges as are
126 granted to officials under this law, including, without
127 limitation, receiving full pay for the first 30 days for federal
128 military service that is equal to or greater than 90 consecutive
129 days on a single order. Notwithstanding s. 115.09, the employing
130 authority may supplement the military pay of its officials and
131 employees who are reservists called to active military service
132 after the first 30 days in an amount necessary to bring their
133 total salary, inclusive of their base military pay, to the level
134 earned at the time they were called to active military duty. The
135 employing authority shall continue to provide all health
136 insurance and other existing benefits to such officials and
137 employees as required by the Uniformed Services Employment and
138 Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

139 Section 6. Paragraph (g) of subsection (1) of section
140 121.055, Florida Statutes, is amended to read:

141 121.055 Senior Management Service Class.—There is hereby
142 established a separate class of membership within the Florida
143 Retirement System to be known as the "Senior Management Service
144 Class," which shall become effective February 1, 1987.

145 (1)

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146 (g) Effective July 1, 1996, participation in the Senior
147 Management Service Class shall be compulsory for any member of
148 the Florida Retirement System employed with the Department of
149 Military Affairs in the positions of the Adjutant General,
150 Assistant Adjutant General-Army, Assistant Adjutant General-Air,
151 and State Quartermaster, Director of Human Resources, Director
152 of Legislative Affairs, Inspector General, Executive Officer,
153 and additional directors as designated by the agency head, not
154 to exceed a total of 10 positions. In lieu of participation in
155 the Senior Management Service Class, such members may
156 participate in the Senior Management Service Optional Annuity
157 Program as established in subsection (6). Eligibility for
158 participation in the Senior Management Service Class for all
159 other members of the Florida Retirement System employed within
160 the Department of Military Affairs or within the Division of the
161 State Guard is separately governed by s. 110.205.

162 Section 7. Paragraph (m) of subsection (2) of section
163 250.10, Florida Statutes, is amended to read:

164 250.10 Appointment and duties of the Adjutant General.—

165 (2) The Adjutant General shall:

166 ~~(m) Subject to annual appropriations, administer youth~~
167 ~~About Face programs and adult Forward March programs at sites to~~
168 ~~be selected by the Adjutant General. Both programs must provide~~
169 ~~schoolwork assistance, focusing on the skills needed to master~~
170 ~~basic high school competencies and functional life skills,~~
171 ~~including teaching students to work effectively in groups,~~
172 ~~providing basic instruction in computer skills; teaching basic~~
173 ~~problem solving, decisionmaking, and reasoning skills; teaching~~
174 ~~how the business world and free enterprise work through computer~~

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175 ~~simulations; and teaching home finance and budgeting and other~~
 176 ~~daily living skills.~~

177 ~~1. About Face is a summer and year-round after-school life-~~
 178 ~~preparation program for economically disadvantaged and at-risk~~
 179 ~~youths from 13 through 17 years of age. The program must provide~~
 180 ~~training in academic study skills, and the basic skills that~~
 181 ~~businesses require for employment consideration.~~

182 ~~2. Forward March is a job-readiness program for~~
 183 ~~economically disadvantaged participants who are directed to~~
 184 ~~Forward March by the local workforce development boards. The~~
 185 ~~Forward March program shall provide training on topics that~~
 186 ~~directly relate to the skills required for real world success.~~
 187 ~~The program shall emphasize functional life skills, computer~~
 188 ~~literacy, interpersonal relationships, critical-thinking skills,~~
 189 ~~business skills, preemployment and work maturity skills, job-~~
 190 ~~search skills, exploring careers activities, how to be a~~
 191 ~~successful and effective employee, and some job-specific skills.~~
 192 ~~The program also shall provide extensive opportunities for~~
 193 ~~participants to practice generic job skills in a supervised work~~
 194 ~~setting. Upon completion of the program, Forward March shall~~
 195 ~~return participants to the local workforce development boards~~
 196 ~~for placement in a job placement pool.~~

197 Section 8. Subsections (4), (5), and (6) of section
 198 250.116, Florida Statutes, are amended to read:

199 250.116 Soldiers and Airmen Assistance Program.—

200 (4) ELIGIBILITY.—Persons eligible for assistance from the
 201 program include:

202 (a) Servicemembers who are members of the Florida National
 203 Guard who are+

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204 ~~1. traditional drilling guardsmen on state active duty or~~
 205 ~~on Title 32 United States Code duty, who otherwise do not~~
 206 ~~qualify for the assistance programs available to servicemembers~~
 207 ~~serving under Title 10 United States Code, and who demonstrate~~
 208 ~~valid financial need, and their eligible beneficiaries, are~~
 209 ~~authorized to apply for and receive financial assistance from~~
 210 ~~the program, as administered by the Florida National Guard~~
 211 ~~Foundation's board of directors and its governing bylaws,~~
 212 ~~contingent upon the availability of funds serving in the Global~~
 213 ~~War on Terrorism or Overseas Contingency Operation or who~~
 214 ~~request assistance within 120 days after the termination of~~
 215 ~~orders for such service and return to their home of record.~~

216 ~~2. Deployed by the Federal Government and participating in~~
 217 ~~state operations for homeland defense or request assistance~~
 218 ~~within 120 days after the termination of orders for such service~~
 219 ~~and return to their home of record.~~

220 (b) ~~1. As used in this subsection, the term "beneficiary"~~
 221 ~~means the current spouse, dependent children, or other~~
 222 ~~designated beneficiaries as determined by the Adjutant General~~
 223 ~~Beneficiaries of an eligible servicemember designated on United~~
 224 ~~States Department of Defense Form 93.~~

225 ~~2. Individuals demonstrating a financial need for~~
 226 ~~authorized assistance who are dependents or family members of an~~
 227 ~~eligible servicemember.~~

228 (5) REQUESTS FOR ASSISTANCE; REVIEW; AWARDS.—

229 (a) A request for assistance must shall be reviewed, and
 230 processed, and approved by the Florida National Guard
 231 Foundation's board of directors at the local level by an
 232 official designated by the Adjutant General. During the initial

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233 ~~review and processing of the request, the Department of Military~~
 234 ~~Affairs may accept assistance from the direct support~~
 235 ~~organization. Final review and approval of requests for~~
 236 ~~assistance shall be made by the Department of Military Affairs.~~

237 (b) Requests for assistance ~~must~~ shall be reviewed and
 238 evaluated based on the following criteria:

239 1. The impact of a servicemember's financial situation
 240 ~~absence~~ and inability to provide quality of life and other
 241 qualifying life-impacting assist in home and vehicle repairs or
 242 ~~meet other family needs;~~

243 2. ~~The economic impact of deployment;~~

244 3. ~~The overall financial situation of the applicant;~~

245 4. ~~The assistance authorized under the program; and~~

246 3.5. Any other consideration dictated in the bylaws of the
 247 Florida National Guard Foundation ~~Other relevant information.~~

248 (6) ANNUAL BYLAW QUARTERLY FINANCIAL REVIEW. ~~The board of~~
 249 ~~directors of the Florida National Guard Foundation shall review~~
 250 annually the bylaws that govern the program. The board shall
 251 provide a report of such review to the Department of Military
 252 Affairs to be approved by the Adjutant General ~~financial~~
 253 ~~committee of the board of directors of the direct support~~
 254 ~~organization shall review financial transactions of the program~~
 255 ~~each quarter. This review shall be provided to the Department of~~
 256 ~~Military Affairs in order to determine whether the direct-~~
 257 ~~support organization is being operated in a manner that is~~
 258 ~~consistent with the purposes of the Soldiers and Airmen~~
 259 ~~Assistance Fund, and in the best interests of the department.~~
 260 ~~The financial committee may request the Office of Inspector~~
 261 ~~General to conduct additional reviews.~~

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262 Section 9. For the purpose of incorporating the amendment
 263 made by this act to section 115.01, Florida Statutes, in a
 264 reference thereto, section 115.06, Florida Statutes, is
 265 reenacted to read:

266 115.06 Reassumption of duties.—Upon being mustered out of
 267 the service of the United States, such officer granted leave
 268 under s. 115.01 shall immediately enter into the duties of his
 269 or her office for the remainder of the term for which he or she
 270 was elected.

271 Section 10. This act shall take effect July 1, 2026.

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The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: December 4, 2025

I respectfully request that **Senate Bill 474**, relating to Military Affairs, be placed on the:

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

Thank you for your consideration.

A handwritten signature in cursive script that reads "Tom A. Wright".

Senator Tom A. Wright
Florida Senate, District 8

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 572

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Harrell

SUBJECT: Ethics for Public Employees

DATE: January 27, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cleary	Roberts	EE	Favorable
2.	White	McVaney	GO	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 572 revises the definition of the term “relative” in the Code of Ethics for Public Officers and Employees to include current and former foster parents and foster children. Further, the bill reenacts ss. 106.07, 106.0702, 348.0305, and 1001.421, F.S., to incorporate the amendment made to the definition of “relative.”

The inclusion of current and former foster parents and foster children extends:

- The exception to the gift disclosure requirements for public officers and employees;
- Certain contractual limitations for agency employees acting on behalf of their agency;
- Limited exception relating to contributions to a candidate for certain offices;
- Prohibition on receipt of gifts for relatives of district school board members; and
- Required disclosure of potential conflicting interests held by a relative of employees, officers, and consultants of the Greater Miami Expressway Agency.

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

The bill takes effect July 1, 2026.

II. Present Situation:

Ethical Standards

The Code of Ethics for Public Officers and Employees (Code of Ethics)¹ establishes ethical standards for public officials and applies to officers and employees of the state or a political subdivision.² The Code of Ethics ensures that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.³ The Code of Ethics addresses various issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics, among others.⁴ Various activities by public officers and employees are limited or prohibited by the Code of Ethics, including, in relevant part, solicitation and acceptance of gifts.⁵

Gift Laws

The Code of Ethics' gift law provides that Reporting Individuals⁶ and Procurement Employees⁷ (RIPE) generally may not accept gifts. This includes gifts that are for the personal benefit of a family member of the RIPE. The prohibition against solicitation is comprehensive, there is no valuation threshold, and it applies even to food and beverages.

Under s. 112.312, F.S., for purposes of ethics in government and financial disclosures, a “gift,” includes anything accepted directly by or on behalf of an individual, or paid for or given to another on that individual's behalf. Types of gifts include:

- Real property.
- The use of real property.
- Tangible or intangible personal property.
- The use of tangible or intangible personal property.
- A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
- Forgiveness of an indebtedness.

¹ See pt. III. Ch. 112, F.S.

² Section 112.311(5), F.S.

³ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1., <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=202619> (last visited January 9, 2026)

⁴ See pt III. Ch. 112, F.S.

⁵ Sections 112.311(2) and (3), and 112.313, F.S.; see also 9 FLA. JUR. 2D CIVIL SERVANTS s. 168 *Standards of conduct for public officers and employees* (2024).

⁶ Section 112.3148(2)(d), F.S. (Reporting individual “means any individual, including a candidate upon qualifying, who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office”).

⁷ Section 112.3148(2)(e), F.S., (Procurement employee “means any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year”).

- Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
- Food or beverage.
- Membership dues.
- Entrance fees, admission fees, or tickets to events, performances, or facilities.
- Plants, flowers, or floral arrangements.
- Services provided by persons pursuant to a professional license or certificate.
- Other personal services for which a fee is normally charged by the person providing the services.
- Any other similar service or thing having an attributable value not already provided for in this section.

A gift does not include:

- Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
- With certain exceptions, contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee.
- An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
- An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- The use of a public facility or public property, made available by a governmental agency, for a public purpose.
- Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
- Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

Exceptions to Gift Disclosure Requirements

However, RIPE may accept gifts from relatives.⁸ The law also provides that RIPE do not have to disclose gifts given to them by relatives, irrespective of their monetary value.⁹ Section 112.313(21), F.S., defines the term "relative" for purposes of Florida's gift law.¹⁰ The current

⁸ See s. 112.3148, F.S.

⁹ *Id.*

¹⁰ The full definition provides: 'Relative,' unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson,

statutory definition of the term “relative” is broad and includes persons sharing the same legal residence, as well as those who are engaged to be married.¹¹ However, this definition does not include the current and former foster children and foster parents of a RIPE. Gifts from such persons are therefore subject to the gifts restriction and disclosures in law.¹²

Gifts to district school board members are governed by s. 1001.421, F.S., District school board members and their “relatives” are prohibited from directly or indirectly soliciting any gift, or directly or indirectly accepting any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district. The term “relative” under s. 1001.421, F.S., uses the same definition as that in the Code of Ethics.

Other Ethical Standard Involving “Relatives”

An agency employee acting in an official capacity may not directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor.¹³

Disclosure Requirements for Candidates

Chapter 106, F.S., governs campaign financing and prescribes requirements for candidates,¹⁴ political committees,¹⁵ and electioneering communications organizations,¹⁶ including but not limited to provisions regarding:

stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

¹¹ *Id.*

¹² *Id.*

¹³ Section 112.3185, F.S.

¹⁴ Section 106.011(3), F.S., defines “candidate” to mean a person who seeks to qualify for nomination or election by means of the petitioning process; seeks to qualify for election as a write-in candidate; receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures with a view to bring about his or her nomination or election to, or retention in, public office; appoints a treasurer and designates a primary depository; or files qualification papers and subscribes to a candidate’s oath as required by law. The term “candidate” does not include any candidate for a political party executive committee.

¹⁵ Section 106.011(16)(a), F.S., defines “political committee” to mean (a) a combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year: accepts contributions to any candidate, political committee, affiliated party committee, or political party; accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue; makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party; or (b) the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors. The following are not considered political committees for purposes of ch. 106, F.S.: national political parties; the state and county executive committees of political parties, and affiliated party committees; corporations or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions or expenditures in support of or in opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; and electioneering communications organizations.

¹⁶ Section 106.011(9), F.S., defines “electioneering communications organization” to mean any group, other than a political party, affiliated party committee, or political committee, whose election-related activities are limited to making expenditures

- Registration and officers;
- Reporting;
- Contributions¹⁷ and expenditures;¹⁸
- Closure of candidate campaign accounts and disposition of surplus funds; and
- Disclaimers.

All candidates other than political party executive committee candidates, all political committees, and all electioneering communications organizations must at regular intervals¹⁹ file contribution and expenditure reports.²⁰ Contribution reporting of such candidates and political committees must include the full name, address, and occupation, if any, of each person who made a contribution to the candidate or committee within the reporting period, together with the amount and date of such contribution. However, if the contribution is less than \$100 and is from a relative, as defined in s. 112.321, F.S., provided that the relationship is reported, the occupation of the contributor need not be listed.²¹

for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee under this chapter. Section 106.011(8)(a), F.S., defines “electioneering communication” to mean a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which (a) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (b) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (c) is targeted to the relevant electorate in the geographic area the candidate would represent if elected. Specified types of communications are exempted from the definition.

¹⁷ Section 106.011(5), F.S., defines “contribution” to mean (a) a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication; (b) a transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups; (c) the payment, by a person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services; or (d) the transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes interest earned on such account or certificate. However, “contribution” does not include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements.

¹⁸ Section 106.011(10)(a), F.S., defines “expenditure” to mean a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. The term does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization’s newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

¹⁹ Current law requires quarterly, weekly, or daily reporting, depending on proximity to the election. *See* ss. 106.07(1) and 107.0703(1), F.S.

²⁰ *See* ss. 106.07 and 106.0703, F.S. Each candidate and political committee files its campaign finance reports with the same filing officer as for its initial qualifying or organization.

²¹ Section 106.07(4)(a)1., F.S.

A candidate for political party executive committee is required to file only one contribution and expenditure report, on the fourth day immediately preceding the primary election.²² Their contribution report, like that of other candidates, does not require reporting the occupation of a contributor of a relative whose relationship is reported if the contribution is \$100 or less.²³

Ethics Requirements for the Greater Miami Expressway Agency

The Greater Miami Expressway Agency (GMX) is charged with constructing expressways for Miami-Dade and Monroe counties and its powers included the power to sue and be sued, acquire and hold property, enter into leases, establish toll rates, and borrow money.²⁴ The GMX is subject to the Code of Ethics as well as additional ethical requirements. In relevant part, each officer, employee, or consultant of the GMX must promptly disclose:

- Every relationship that may create a conflict between his or her private interests and the performance of his or her duties to the agency or that would impede the full and faithful discharge of his or her duties to the agency.
- Any relative and any employment or contractual relationship of such relative which, if held by the officer, employee, or consultant, would violate any provision of s. 112.313, F.S.²⁵
- Any relative who is a lobbyist and such lobbyist's principal.
- Any direct or indirect interest in real property and such interest of any relative if such property is located within one-half mile of any actual or prospective agency project. The executive director of the agency shall provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners, to all officers, employees, and consultants.

For the purposes of these disclosure requirements, "relative" has the same definition as the Code of Ethics. Failure to make such disclosures constitutes a violation of official, employment, or contractual duties to the GMX.²⁶

III. Effect of Proposed Changes:

Section 1 revises the definition of the term "relative" in the Code of Ethics to include current and former foster parents and foster children. In effect, this allows Reporting Individuals and Procurement Employees to receive gifts from current and former foster children and foster parents without having to report the gift to the Commission on Ethics pursuant to s. 112.3148, F.S. This mirrors the exemption from reporting requirements of gifts provided to a wide variety of family members.

²² Section 106.0702, F.S. Candidates for political party executive committee file reports with the supervisor of elections of the appropriate county.

²³ Section 106.0702(4)(a)1., F.S.

²⁴ Section 348.0306, F.S.

²⁵ Under s. 112.313, F.S., no public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

²⁶ Section 348.0305, F.S.

The definition of “relative” amended by this bill also applies to certain contractual prohibitions for agency employees set forth in s. 112.3185, F.S. An agency employee acting in an official capacity may not directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor. The bill expands this prohibition on contractual relationships to include business entities in which a public employee’s current or former foster parent or foster child is an officer, partner, director, or proprietor.

Sections 2-5 reenact various statutes to incorporate the revised definition of “relative.”

- **Section 2** reenacts s. 106.07, F.S., relating to disclosures filed by campaign treasurers; and **section 3** reenacts s. 1060702, F.S., relating to the reporting of contributions required by an individual seeking a publicly elected position on a political party executive committee. In both instances, these disclosures must include the occupation of each contributor and, if a corporation, the principal type of business conducted. If the contributor is a relative, however, who contributes \$100 or less, the occupation of the contributor or the principal type of business need not be listed. The bill extends the definition of relative so the report of a contribution by a current or former foster parent or foster child need not include the contributor’s occupation.
- **Section 4** reenacts s. 348.0305, F.S., relating to ethical requirements of employees, officers, and consultants of the Greater Miami Expressway Agency. Under the changes in the bill, the disclosure of certain potential conflicting interests of relatives required of employees, officers, and consultants now includes the interests of current and former foster parents and foster children.
- **Section 5** reenacts s. 1001.421, F.S, relating to the gifts law prohibitions for district school board members and their “relatives.” District school board members and their relatives may not solicit any gift in excess of \$50 from any person, vendor, potential vendor, or other entity doing business with the school district. The bill expands this prohibitions to current and former foster parents and children or district school board members.

The Commission on Ethics proposed these changes in their Legislative Recommendations for the 2026 Legislative Session.²⁷

Section 6 provides the bill takes effect July 1, 2026.

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.

²⁷ *Legislative Recommendations for 2026*, Florida Commission on Ethics Memorandum, (dated September 18, 2025), <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7839> (providing the recommendation because foster parents do not necessarily adopt the children they foster, but these foster parents and foster children often maintain a familial relationship through their lives, even after their legal relationship ends).

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:

None.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected

This bill substantially amends sections 106.07, 106.0702, 112.312, 348.0305, and 1001.421 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 January 26, 2026:

The CS reenacts ss. 106.07, 106.0702, and 348.0305, F.S., to incorporate the updated definition of “relative.” These sections relate to ethical disclosures of gifts and contributions from a relative to a candidate for certain offices; prohibition on receipt of gifts for relatives of district school board members; and the required disclosure of potential conflicting interests held by a relative of an employee, officer, or consultant of the Greater Miami Expressway Agency.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Between lines 38 and 39

insert:

Section 2. For the purpose of incorporating the amendment made by this act to section 112.312, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 106.07, Florida Statutes, is reenacted to read:

(4) (a) Except for daily reports, to which only the contributions provisions below apply, and except as provided in



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11 paragraph (b), each report required by this section must
12 contain:

13 1. The full name, address, and occupation, if any, of each
14 person who has made one or more contributions to or for such
15 committee or candidate within the reporting period, together
16 with the amount and date of such contributions. For
17 corporations, the report must provide as clear a description as
18 practicable of the principal type of business conducted by the
19 corporation. However, if the contribution is \$100 or less or is
20 from a relative, as defined in s. 112.312, provided that the
21 relationship is reported, the occupation of the contributor or
22 the principal type of business need not be listed.

23 2. The name and address of each political committee from
24 which the reporting committee or the candidate received, or to
25 which the reporting committee or candidate made, any transfer of
26 funds, together with the amounts and dates of all transfers.

27 3. Each loan for campaign purposes to or from any person or
28 political committee within the reporting period, together with
29 the full names, addresses, and occupations, and principal places
30 of business, if any, of the lender and endorsers, if any, and
31 the date and amount of such loans.

32 4. A statement of each contribution, rebate, refund, or
33 other receipt not otherwise listed under subparagraphs 1.
34 through 3.

35 5. The total sums of all loans, in-kind contributions, and
36 other receipts by or for such committee or candidate during the
37 reporting period. The reporting forms shall be designed to
38 elicit separate totals for in-kind contributions, loans, and
39 other receipts.



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40 6. The full name and address of each person to whom
41 expenditures have been made by or on behalf of the committee or
42 candidate within the reporting period; the amount, date, and
43 purpose of each such expenditure; and the name and address of,
44 and office sought by, each candidate on whose behalf such
45 expenditure was made. However, expenditures made from the petty
46 cash fund provided by s. 106.12 need not be reported
47 individually.

48 7. The full name and address of each person to whom an
49 expenditure for personal services, salary, or reimbursement for
50 authorized expenses as provided in s. 106.021(3) has been made
51 and which is not otherwise reported, including the amount, date,
52 and purpose of such expenditure. However, expenditures made from
53 the petty cash fund provided for in s. 106.12 need not be
54 reported individually. Receipts for reimbursement for authorized
55 expenditures shall be retained by the treasurer along with the
56 records for the campaign account.

57 8. The total amount withdrawn and the total amount spent
58 for petty cash purposes pursuant to this chapter during the
59 reporting period.

60 9. The total sum of expenditures made by such committee or
61 candidate during the reporting period.

62 10. The amount and nature of debts and obligations owed by
63 or to the committee or candidate, which relate to the conduct of
64 any political campaign.

65 11. Transaction information for each credit card purchase.
66 Receipts for each credit card purchase shall be retained by the
67 treasurer with the records for the campaign account.

68 12. The amount and nature of any separate interest-bearing



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69 accounts or certificates of deposit and identification of the
70 financial institution in which such accounts or certificates of
71 deposit are located.

72 13. The primary purposes of an expenditure made indirectly
73 through a campaign treasurer pursuant to s. 106.021(3) for goods
74 and services such as communications media placement or
75 procurement services, campaign signs, insurance, and other
76 expenditures that include multiple components as part of the
77 expenditure. The primary purpose of an expenditure shall be that
78 purpose, including integral and directly related components,
79 that comprises 80 percent of such expenditure.

80 Section 3. For the purpose of incorporating the amendment
81 made by this act to section 112.312, Florida Statutes, in a
82 reference thereto, paragraph (a) of subsection (4) of section
83 106.0702, Florida Statutes, is reenacted to read:

84 (4) (a) Each report required by this section must contain:

85 1. The full name, address, and occupation of each person
86 who has made one or more contributions to or for the reporting
87 individual within the reporting period, together with the amount
88 and date of such contributions. For corporations, the report
89 must provide as clear a description as practicable of the
90 principal type of business conducted by the corporations.
91 However, if the contribution is \$100 or less or is from a
92 relative, as defined in s. 112.312, provided that the
93 relationship is reported, the occupation of the contributor or
94 the principal type of business need not be listed.

95 2. The name and address of each political committee from
96 which the reporting individual has received, or to which the
97 reporting individual has made, any transfer of funds within the



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98 reporting period, together with the amounts and dates of all
99 transfers.

100 3. Each loan for campaign purposes from any person or
101 political committee within the reporting period, together with
102 the full name, address, and occupation, and principal place of
103 business, if any, of the lender and endorser, if any, and the
104 date and amount of such loans.

105 4. A statement of each contribution, rebate, refund, or
106 other receipt not otherwise listed under subparagraphs 1.-3.

107 5. The total sums of all loans, in-kind contributions, and
108 other receipts by or for such reporting individual during the
109 reporting period. The reporting forms shall be designed to
110 elicit separate totals for in-kind contributions, loans, and
111 other receipts.

112 6. The full name and address of each person to whom
113 expenditures have been made by or on behalf of the reporting
114 individual within the reporting period; the amount, date, and
115 purpose of each such expenditure; and the name and address of,
116 and office sought by, each reporting individual on whose behalf
117 such expenditure was made.

118 7. The amount and nature of debts and obligations owed by
119 or to the reporting individual which relate to the conduct of
120 any political campaign.

121 8. Transaction information for each credit card purchase.
122 Receipts for each credit card purchase shall be retained by the
123 reporting individual.

124 9. The amount and nature of any separate interest-bearing
125 accounts or certificates of deposit and identification of the
126 financial institution in which such accounts or certificates of



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127 deposit are located.

128 Section 4. For the purpose of incorporating the amendment
129 made by this act to section 112.312, Florida Statutes, in a
130 reference thereto, section 348.0305, Florida Statutes, is
131 reenacted to read:

132 (1) Notwithstanding any other provision of law to the
133 contrary, members and employees of the agency are subject to
134 part III of chapter 112. As used in this section, the term:

135 (a) "Agency" means the Greater Miami Expressway Agency.

136 (b) "Lobby" means to seek to influence the agency, on
137 behalf of another person, with respect to a decision of the
138 agency in an area of policy or procurement or to attempt to
139 obtain the goodwill of an officer, employee, or consultant of
140 the agency. The term does not include representing a client in
141 any stage of applying for or seeking approval of any
142 administrative action, or opposition to such action, provided
143 such action does not require legislative discretion and is
144 subject to judicial review by petitioning for writ of
145 certiorari.

146 (c) "Lobbyist" means a person who is employed and receives
147 payment, or who contracts for economic consideration, to lobby
148 or a person who is principally employed for governmental affairs
149 by another person or entity to lobby on behalf of such person or
150 entity. The term does not include a person who:

151 1. Represents a client in a judicial proceeding or in a
152 formal administrative proceeding before the agency.

153 2. Is an officer or employee of any governmental entity
154 acting in the normal course of his or her duties.

155 3. Consults under contract with the agency and communicates



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156 with the agency regarding issues related to the scope of
157 services in his or her contract.

158 4. Is an expert witness who is retained or employed by an
159 employer, principal, or client to provide only scientific,
160 technical, or other specialized information provided in agenda
161 materials or testimony only in public hearings, provided the
162 expert identifies such employer, principal, or client at such
163 hearing.

164 5. Seeks to procure a contract that is less than \$20,000 or
165 a contract pursuant to s. 287.056.

166 (d) "Officer" means a member of the governing body of the
167 agency.

168 (e) "Principal" has the same meaning as in s. 112.3215.

169 (f) "Relative" has the same meaning as in s. 112.312.

170 (2)(a) A lobbyist may not be appointed or serve as a member
171 of the governing body of the agency.

172 (b) A person may not be appointed or serve as an officer if
173 that person currently represents or has in the previous 4 years
174 lobbied the agency or the former Miami-Dade County Expressway
175 Authority.

176 (c) A person may not be appointed or serve as an officer if
177 that person has in the previous 4 years done business, or been
178 an employee of a person or entity that has done business, with
179 the agency or the former Miami-Dade County Expressway Authority.

180 (d) A person may not be appointed or serve as an officer if
181 that person has in the previous 2 years been an employee of the
182 agency.

183 (3) An officer, employee, or consultant of the agency or of
184 the former Miami-Dade County Expressway Authority may not, for a



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185 period of 4 years after vacation of his or her position with the
186 agency:

187 (a) Lobby the agency.

188 (b) Have an employment or contractual relationship with a
189 business entity in connection with a contract in which the
190 officer, employee, or consultant personally and substantially
191 participated through decision, approval, disapproval,
192 recommendation, rendering of advice, or investigation while he
193 or she was an officer, employee, or consultant of the agency.
194 When an agency employee's position is eliminated and his or her
195 former duties are performed by the business entity, this
196 paragraph does not prohibit him or her from employment or a
197 contractual relationship with the business entity if the
198 employee's participation in the contract was limited to
199 recommendation, rendering of advice, or investigation and if the
200 executive director of the agency determines that the best
201 interests of the agency will be served thereby and provides
202 prior written approval for the particular employee.

203 (c) Have or hold any employment or contractual relationship
204 with a business entity in connection with any contract for
205 contractual services which was within his or her responsibility
206 while an officer, employee, or consultant. If an agency
207 employee's position is eliminated and his or her former duties
208 are performed by the business entity, this paragraph may be
209 waived by the executive director of the agency through prior
210 written approval for the particular employee if the executive
211 director determines that the best interests of the agency will
212 be served thereby.

213 (4) Each officer, employee, and consultant of the agency



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214 must promptly disclose:

215 (a) Every relationship that may create a conflict between
216 his or her private interests and the performance of his or her
217 duties to the agency or that would impede the full and faithful
218 discharge of his or her duties to the agency.

219 (b) Any relative and any employment or contractual
220 relationship of such relative which, if held by the officer,
221 employee, or consultant, would violate any provision of
222 s. 112.313.

223 (c) Any relative who is a lobbyist and such lobbyist's
224 principal.

225 (d) Any direct or indirect interest in real property and
226 such interest of any relative if such property is located within
227 one-half mile of any actual or prospective agency project. The
228 executive director of the agency shall provide a corridor map
229 and a property ownership list reflecting the ownership of all
230 real property within the disclosure area, or an alignment map
231 with a list of associated owners, to all officers, employees,
232 and consultants.

233 (5) The disclosures required under subsection (4) must be
234 filed with the agency general counsel in the manner specified by
235 the general counsel. When the disclosure is filed by the general
236 counsel, a copy must be provided to the executive director of
237 the agency.

238 (6) A violation of this section shall be considered a
239 violation of the violator's official, employment, or contractual
240 duties to the agency.

241 (7) Officers, employees, and consultants of the agency
242 shall be adequately informed and trained on the provisions of



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243 this section and the state code of ethics and shall receive
244 ongoing ethics training.

245 (8) The state code of ethics shall apply to officers,
246 employees, and consultants of the agency, and this section shall
247 be enforced by the Commission on Ethics as part of the state
248 code of ethics.

249 (9) For purposes of this section, "consultant" does not
250 include firms or individuals retained by the agency to provide
251 architectural, engineering, landscape architecture, or
252 registered surveying and mapping services as described in
253 s. 287.055.

254

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

256 And the title is amended as follows:

257 Delete lines 2 - 8

258 and insert:

259 An act relating to ethics for public officers and
260 employees; amending s. 112.312, F.S.; revising the
261 definition of the term "relative" to include foster
262 parents and foster children; reenacting s. 106.07,
263 F.S., relating to a campaign treasurer's reports of
264 campaign contributions, to incorporate the amendment
265 made to s. 112.312, F.S., in reference thereto;
266 reenacting s. 106.0702, F.S., relating to reports of
267 campaign contributions to candidates for a position on
268 a political party executive committee, to incorporate
269 the amendment made to s. 112.312, F.S., in reference
270 thereto; reenacting 348.0305, F.S., relating to
271 ethical requirements for officers, employees, and



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272 consultants for the Greater Miami Expressway Agency,
273 to incorporate the amendment made to s. 112.312, F.S.,
274 in reference thereto; reenacting s. 1001.421, F.S.,
275 relating to gifts to district school board members, to
276 incorporate the amendment made to s. 112.312, F.S., in
277 reference thereto; providing an effective date.

By Senator Harrell

31-00857-26

2026572__

A bill to be entitled

An act relating to ethics for public employees; amending s. 112.312, F.S.; revising the definition of the term "relative" to include foster parents and foster children; reenacting s. 1001.421, F.S., relating to gifts to district school board members, to incorporate the amendment made to s. 112.312, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (21) of section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(21) "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; an individual who, while the public officer or employee was a minor, was his or her legally recognized foster parent in the jurisdiction where the relationship occurred or an individual who is a current or

Page 1 of 2

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

31-00857-26

2026572__

former legally recognized foster child of the public officer or employee in the jurisdiction where the relationship occurs or occurred; a person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household; or any other natural person having the same legal residence as the public officer or employee.

Section 2. For the purpose of incorporating the amendment made by this act to section 112.312, Florida Statutes, in a reference thereto, section 1001.421, Florida Statutes, is reenacted to read:

1001.421 Gifts.—Notwithstanding any other provision of law to the contrary, district school board members and their relatives, as defined in s. 112.312(21), may not directly or indirectly solicit any gift, or directly or indirectly accept any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district. The term "gift" has the same meaning as in s. 112.312(12).

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

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Higher
Education, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Committee on Health
and
Human Services
Children, Families, and Elder Affairs
Education Postsecondary
Environment and Natural Resources
Rules

SENATOR GAYLE HARRELL
31st District

January 14, 2026

Senator Debbie Mayfield, Chair
Senate Committee on Governmental Oversight and Accountability
330 Knott Building
Tallahassee, FL 32399

Dear Chair Mayfield,

I respectfully request that SB 572 – Ethics for Public Employees, be placed on the next available agenda for the Committee on Governmental Oversight and Accountability.

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

Thank you,

A handwritten signature in blue ink that reads "Gayle".

Senator Gayle Harrell
Senate District 31

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

REPLY TO:

☐ 312 SE Denver Avenue, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
☐ 404 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



January 26, 2026

Meeting Date

Gov Oversight & Accountability

Committee

The Florida Senate APPEARANCE RECORD

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

SB 572

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kerrie Stillman, Executive Director

Phone 850-524-0625

Address 325 John Knox Road, Bldg E, Suite 200

Email stillman.kerrie@leg.state.fl.us

Street

Tallahassee

FL

32303

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 Commission on Ethics

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 \(flsenate.gov\)](https://www.flsenate.gov/legislation/joint-rules/2020-2022-joint-rules)

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 1106

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Massullo

SUBJECT: Recognizing Judea and Samaria

DATE: January 27, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1106 creates the “Recognizing Judea and Samaria Act” to direct state agencies to use the terms “Judea” and “Samaria” instead of “West Bank” in official government documents. The bill also requires public school and charter school instructional materials and library media center collections adopted or acquired on or after July 1, 2026, to refer to the land liberated by Israel from Jordan during the 1967 Six-Day War by its historical name of “Judea and Samaria” and not use the term “West Bank” to refer to that area.

The bill is expected to have a negative but indeterminate impact on state expenditures.

The act takes effect on July 1, 2026.

II. Present Situation:

Judea and Samaria

The region historically known as Judea and Samaria corresponds to the ancient Israelite kingdoms described in biblical sources. Around 1,000 years before the common era, the Kingdom of Israel split into two realms: a northern kingdom with its capital at Samaria and a southern kingdom with its capital at Judea.¹ These ancient names have been used historically to

¹ See Britannica, *What does the term “Judea and Samaria” Mean?*, <https://www.britannica.com/topic/What-Does-the-Term-Judea-and-Samaria-Mean> (last visited Jan. 21, 2026).

describe the central highlands of the land west of the Jordan River, referred to in many parts of the world today as the “West Bank.”

1948 Arab-Israeli War

Following World War I, the League of Nations² placed the land west of the Jordan River³ under British administration as part of the Mandate for Palestine.⁴ In 1947, the United Nations adopted the Partition Resolution⁵ proposing separate Jewish and Arab states, but the plan was never implemented.⁶ After Britain withdrew in May 1948, Israel’s declared independence and armed conflict immediately erupted resulting in the 1948 Arab-Israel War.⁷ At the conclusion of the war in mid-1949, the parties agreed to formal armistice lines⁸ with Israel controlling most of the territory of the former British Mandate for Palestine, Jordan controlling the West Bank, and Egypt controlling the Gaza Strip.⁹ The city of Jerusalem was divided, with Israel holding the western portion and Jordan holding the Eastern portion.¹⁰ In 1950, Jordan formally annexed the West Bank, a move that was recognized by only Great Britain and Pakistan.¹¹

² The League of Nations was an international organization formed in 1919 after World War I to promote cooperation and achieve peace and security. It operated until 1946 and was succeeded by the United Nations. United Nations, *Predecessor: League of Nations*, <https://www.un.org/en/about-us/history-of-the-un/predecessor> (last visited Jan. 22, 2026).

³ The Mandate of Palestine included the southern Levant region; however, Great Britain authorized the Hashemite dynasty to administer the portion east of the Jordan River, referred to as Transjordan, and granted the region full independence in 1946. Britannica, *World War I and After*, <https://www.britannica.com/place/Palestine/World-War-I-and-after> (last visited Jan. 22, 2026).

⁴ The Mandate’s preamble explicitly recognized the historical connection of the Jewish people with Palestine and called for reconstituting their national home in that territory, while safeguarding the rights of all non-Jewish inhabitants. The Secretary-General, United Nations, *Question of Palestine*, U.N. A/292 (Apr. 18, 1947), available at <https://digitallibrary.un.org/record/829707?ln=en&v=pdf> (last visited Jan. 22, 2026) (attached as the Mandate for Palestine).

⁵ See United Nations, *Resolution 181(II) Future Government of Palestine*, <https://www.un.org/unispal/document/auto-insert-185393/> (last visited Jan. 22, 2026).

⁶ Under the 1947 United Nations Partition Resolution, Jerusalem would remain under international control and be administered by the United Nations. U.S. Department of State, *The Arab-Israeli War of 1948*, <https://history.state.gov/milestones/1945-1952/arab-israeli-war> (last visited Jan. 22, 2026). Jewish leaders accepted the UN partition plan, but Arab leaders rejected it, arguing the plan unjustly allocated land and violated their right to self-determination. See EXPLAINING HISTORY PODCAST, THE UN PARTITION PLAN OF 1947: ORIGINS, DEBATES, AND CONSEQUENCES (Nov. 16, 2025), available at <https://explaininghistory.org/2025/11/16/the-un-partition-plan-of-1947-origins-debates-and-consequences/> (last visited Jan. 11, 2026).

⁷ See Britannica, *The Arab-Israeli War of 1948*, <https://www.britannica.com/event/1948-Arab-Israeli-War> (last visited Jan. 22, 2026).

⁸ The armistice lines were ceasefire lines agreed to without prejudice to future negotiations on boundaries or sovereignty. See Yale Law School, *Jordanian-Israeli General Armistice Agreement, April 3, 1949*, https://avalon.law.yale.edu/20th_century/arm03.asp#:~:text=9,of%20either%20Party%20relating%20thereto (last visited Jan. 22, 2026).

⁹ U.S. Department of State, *The Arab-Israeli War of 1948*, <https://history.state.gov/milestones/1945-1952/arab-israeli-war#:~:text=Under%20separate%20agreements%20between%20Israel,Union%20and%20the%20United%20States.> (last visited Jan. 22, 2026); History.com, *Palestine*, <https://www.history.com/articles/palestine> (last visited Jan. 22, 2026).

¹⁰ Britannica, *Jerusalem in the Israeli-Palestinian conflict: Whose capital is it?*, <https://www.britannica.com/place/Jerusalem-in-the-Israeli-Palestinian-conflict-Whose-capital-is-it-2231643> (last visited Jan. 22, 2026).

¹¹ Britannica, *West Bank*, <https://www.britannica.com/event/Arab-Israeli-wars> (last visited January 22, 2026). The term “West Bank” became the common designation for the territory during this period.

1967 Six-Day War

In June 1967, hostilities between Israel and neighboring states lead to the Six-Day War. Amid rising tensions, Israel launched preemptive strikes and fought against Egypt, Syria, and Jordan. Israel defeated the opposing forces and captured several territories, including the West Bank and Gaza Strip.¹² Shortly after the war, Israel extended its law and administration to East Jerusalem, while the West Bank and Gaza Strip came under Israeli military occupation.¹³

Since 1967, the status and proper terminology for the territory have remained the subject of ongoing political and diplomatic dispute.

K-12 Student and Parent Rights

Parents of public school students are required by law to receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child succeed in school.¹⁴ K-12 students and their parents are afforded numerous statutory rights pertaining to student education.¹⁵

Public School Instructional Materials

Florida Statutes addresses instructional materials for K-12 public education.¹⁶ District school boards have the constitutional duty and responsibility to select and provide instructional materials for all students, including materials in the school or classroom library.¹⁷ Instructional materials are items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course¹⁸ and must be consistent with district goals and applicable with state academic standards and course descriptions provide in law.¹⁹ School districts may purchase instructional materials from a list of state-reviewed and adopted instructional materials or establish their own review and adoption program.

The districts must provide a sufficient number of student or site licenses or sets of materials that serve as the basis for instruction in the core subject areas of mathematics, language arts, social studies, science, reading and literature to students.²⁰ Such materials may be made available in bound, unbound, kit, or package form and may consist of hardbacked or softback textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.²¹ School boards must also establish and maintain a program of school library media services for all public schools in the district. This includes traveling or

¹² See Britannica, *Six-Day War*, <https://www.britannica.com/event/Six-Day-War> (last visited Jan. 22, 2026).

¹³ See Britannica, *West Bank*, <https://www.britannica.com/place/West-Bank> (last visited Jan. 22, 2026).

¹⁴ Section 1002.20, F.S.

¹⁵ *Id.* For example, students and parents retain certain rights relating to reproductive health and disease education.

¹⁶ See ss. 1006.28-1006.42, F.S. In Florida, charter schools are public schools and a part of Florida's public education program. Section 1002.33

¹⁷ Section 1006.28(2), F.S.

¹⁸ Section 1006.29(2), F.S.; see s. 1006.28(1)(a)2., F.S. (referring the definition of instructional materials to align with s. 1006.29(2), F.S.).

¹⁹ Section 1006.28(2), F.S.

²⁰ Section 1006.28(1), F.S.

²¹ Section 1006.29, F.S.

circulating libraries that may be needed for proper operation of the district school system.²² A library media center is any collection of books, ebooks, periodicals, or videos maintained and accessible on the site of a school.²³

A publisher may offer sections of state-adopted instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers.²⁴ Publishers must make sample student editions of state-adopted instructional materials electronically available, at a discount below publisher cost, for use by teacher preparation programs and by educator preparation institutes for each adoption cycle, to enable educators to practice teaching with currently adopted instructional materials aligned to state academic standards.²⁵

Adoption of Instructional Materials

The Florida Department of Education (DOE) facilitates the statewide instructional materials adoption process. Expert reviewers chosen by the DOE are provided training on competencies for making valid, culturally sensitive, and objective recommendations regarding the content and rigor of instructional materials prior to the beginning of the review and selection process.²⁶ Reviewers must objectively evaluate materials with Florida's state-adopted standards in mind.²⁷ Based on reviewer recommendations, the Commissioner of Education (commissioner) selects and adopts instructional materials for each grade and subject under consideration.²⁸

Generally, the term of adoption for instructional materials must be for a five-year period beginning on April 1, following the adoption. The commissioner may approve a shorter schedule if the content area requires more frequent revision.²⁹ The DOE is required to annually publish an official schedule of subject areas to be called for adoption. The schedule is developed to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year.³⁰

Before adopting instructional materials in a certain subject area, the DOE publishes specifications for the materials. These specifications detail the courses for which materials are sought and the standards the materials must meet.³¹ Beginning with the 2026–2027 adoption cycle, the DOE must publish an instructional materials adoption timeline that includes publishing bid specifications, advertising in the Florida Administrative Register, and specifying deadlines for submitting bids. The adoption cycle must include at least six months between the release of the bid specifications and the deadline for the submission of bids, and publication of an initial list of state-adopted instructional materials no later than July 31 in the year preceding the adoption.³²

²² Section 1006.28(2), F.S.

²³ Section 1006.28(1), F.S.

²⁴ Section 1006.29(2), F.S.; s. 1006.28, F.S.

²⁵ Section 1006.38, F.S.

²⁶ Section 1006.29, F.S.

²⁷ Section 1006.31, F.S.

²⁸ Section 1006.34, F.S.

²⁹ Section 1006.36(1), F.S.

³⁰ Section 1006.36, F.S.

³¹ Florida Department of Education, Policies and Procedures for the Florida Instructional Materials Adoption, available at <https://www.fldoe.org/file/5574/PoliciesProceduresSpec1920.pdf> (last visited Jan. 21, 2026).

³² Section 1006.33(1)(a)1., F.S.

If extenuating circumstances warrant, the commissioner may add one or more subject areas to the official schedule, in which event the commissioner must develop criteria for such additional subject area or areas and make them available to publishers as soon as practicable before the date on which bids are due. The schedule must be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.³³

The following chart shows the adoption schedule for instructional materials through Fiscal Year 2030–2031.³⁴

Adoption Year	Subject Area	Specifications and Criteria Available	State Adoption Process	Effective Date of Contract (April 1 - March 31)
2026-2027	Mathematics and Computer Science, K-12	January 2025	June 2025-July 2026	2027-2032
2027-2028	Social Studies, K-12	January 2026	June 2026-July 2027	2028-2033
2028-2029	Science, K-12	January 2027	June 2027-July 2028	2029-2034
2029-2030	English Language Arts, K-12	January 2028	June 2028-July 2029	2030-2035
2030-2031	Career and Technical Education, 9-12 ; Health and Physical Education, K-12 ; Performing and Visual Arts, K-12 ; World Languages, K-12	January 2029	June 2029-July 2030	2031-2036

Funding for Instructional Materials

Funding for instructional materials is provided annually by the Legislature in the General Appropriations Act and is included in the base student allocation.³⁵ Each school district must certify to the commissioner the estimated allocation of state funds for instructional materials for the ensuing fiscal year, on or before July 1 each year.³⁶ Unless a school district has implemented its own instructional materials program,³⁷ any instructional materials purchased using state funds must be aligned with the state academic standards³⁸ and included on the state-adopted

³³ Section 1006.36, F.S.

³⁴ Florida Department of Education, Florida Instructional Materials Adoption Schedule For Adoption Years 2026-2027 through 2030-2031, <https://www.fldoe.org/file/5574/AdoptionCycle.pdf> (last visited Jan. 21, 2026).

³⁵ See Florida Department of Education, Funding for Florida’s School Districts, 2024-2025, <https://www.fldoe.org/file/7507/Fefpdist.pdf> (last visited Jan. 21, 2026).

³⁶ Section 1006.40(1), F.S.

³⁷ See s. 1006.283(1), F.S.

³⁸ See s. 1003.41(1), F.S.

instructional materials list.³⁹ Up to 50 percent of the amount the school district has budgeted for instructional materials may be used to:

- Purchase library and reference books and nonprint materials;
- Purchase other materials having intellectual content that assist in the instruction of a subject or course; or
- Repair or renovate textbooks and library books and replace items that were part of previously purchased instructional materials.⁴⁰

III. Effect of Proposed Changes:

Section 1 entitles the bill as the “Recognizing Judea and Samaria Act.”

Section 2 creates s. 1.016, F.S., which provides that the Legislature intends to stop using the term “West Bank” and instead refer to those lands annexed by Israel after the 1967 Six-Day War (the region) as “Judea and Samaria,” with the land south of Jerusalem being considered “Judea” and the land north of Jerusalem being considered “Samaria.”

“State agency” refers to “every department, division, office, board, commission, and institution of this state.” The bill prohibits state agencies from using the term “West Bank” to refer to the area in official government materials. “Official government materials” are defined to include any guidance, rule, material, briefing, press release, communication, or work product document prepared by a state agency. State agencies are also prohibited from using moneys to create any official government materials that uses the term “West Bank” instead of Judea and Samaria.

Section 3 requires that all instructional materials and library media center collections adopted on or after July 1, 2026, by a district school board or charter school governing board refer to the land liberated by Israel from Jordan during the 1967 Six-Day War as “Judea and Samaria.” Any such materials adopted on or after July 1, 2026, may not use the term “West Bank.”

Section 4 provides that the bill takes effect on July 1, 2026.

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.

³⁹ Section 1006.40(3)(a), F.S. Materials not on the state adopted list include library books, reference books, and nonprint materials.

⁴⁰ Section 1006.40(3)(b), F.S.

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:

Contracted education service providers and testing groups may need to update their materials and packages to reflect this change. This may increase the cost of providing and testing such materials. This cost, however, would likely be passed onto the purchaser (school districts and DOE).

C. Government Sector Impact:

The provisions of this bill requiring state agencies to revise official government material that refers to the “West Bank” has an indeterminate yet likely insignificant impact on state expenditures. The fiscal impact to school districts is also indeterminate. However, the full impact may not be immediate as the bill specifies the update is required for all materials adopted or acquired on or after July 1, 2026, rather than updating current materials.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill creates section 1.016 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 January 26, 2026:

The CS removes the provision authorizing a state agency to waive the prohibition against using the term “West Bank” in certain circumstances and requires instructional material and library media center collections collected or adopted on or after July 1, 2026, to use the terms “Judea” and “Samaria” and not the term “West Bank.”

- B. **Amendments:**

None.

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



506272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Recognizing Judea
and Samaria Act."

Section 2. Section 1.016, Florida Statutes, is created to
read:

1.016 Recognizing Judea and Samaria.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature



506272

11 to:

12 (a) Refer to the land liberated by Israel from Jordan
13 during the 1967 Six-Day War by its historical name of "Judea and
14 Samaria," with the land south of Jerusalem being considered
15 "Judea" and the land north of Jerusalem being considered
16 "Samaria."

17 (b) No longer use the term "West Bank" in official
18 government materials.

19 (2) DEFINITIONS.—As used in this act, the term:

20 (a) "Official government material" means a guidance, rule,
21 material, briefing, press release, communication, or work
22 product document prepared by a state agency.

23 (b) "State agency" means every department, division,
24 office, board, commission, and institution of this state.

25 (3) PROHIBITIONS.—A state agency may not use the term "West
26 Bank" to refer to Judea and Samaria in an official government
27 material or use moneys to create an official government material
28 that refers to Judea and Samaria as "West Bank."

29 Section 3. Instructional materials, as defined in s.
30 1006.28(1)(a), Florida Statutes, and library media center
31 collections that are adopted on or after July 1, 2026, by a
32 district school board or charter school governing board must
33 refer to the land liberated by Israel from Jordan during the
34 1967 Six-Day War by its historical name of "Judea and Samaria,"
35 with the land south of Jerusalem being considered "Judea" and
36 the land north of Jerusalem being considered "Samaria." Such
37 materials and collections adopted on or after July 1, 2026, by a
38 district school board or charter school governing board may not
39 use the term "West Bank" to refer to Judea and Samaria.



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40 Section 4. This act shall take effect July 1, 2026.

41

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

43 And the title is amended as follows:

44 Delete everything before the enacting clause

45 and insert:

46 A bill to be entitled

47 An act relating to recognizing Judea and Samaria;

48 providing a short title; creating s. 1.016, F.S.;

49 providing legislative intent; defining terms;

50 prohibiting state agencies from using the term "West

51 Bank" in official government materials; prohibiting

52 state agencies from using moneys to create official

53 government materials using such term; requiring

54 instructional materials and library media center

55 collections adopted by certain entities on or after a

56 specified date to refer to a certain area as Judea and

57 Samaria; prohibiting instructional materials and

58 library media center collections adopted by certain

59 entities on or after a specified date from using the

60 term "West Bank"; providing an effective date.

By Senator Massullo

11-01465-26

20261106__

A bill to be entitled

An act relating to recognizing Judea and Samaria;
 providing a short title; creating s. 1.016, F.S.;
 providing legislative intent; defining terms;
 prohibiting the use of the term "West Bank" in
 official government materials; prohibiting the use of
 moneys to create official government materials using
 such term; providing an exception; providing an
 effective date.

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

Section 1. This act may be cited as the "Recognizing Judea
 and Samaria Act."

Section 2. Section 1.016, Florida Statutes, is created to
 read:

1.016 Recognizing Judea and Samaria.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature
 to:

(a) Refer to the lands annexed by Israel from Jordan during
 the 1967 Six-Day War by its historical name of "Judea and
 Samaria," with the land south of Jerusalem being considered
 "Judea" and the land north of Jerusalem being considered
 "Samaria."

(b) No longer use the term "West Bank" in official
 government materials.

(2) DEFINITIONS.—As used in this act, the term:

(a) "Official government material" means a guidance, rule,
 material, briefing, press release, communication, or work

Page 1 of 2

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

11-01465-26

20261106__

product document prepared by a state agency.

(b) "State agency" means every department, division,
 office, board, commission, and institution of this state.

(3) PROHIBITIONS; EXCEPTION.—

(a) A state agency may not use the term "West Bank" to
 refer to Judea and Samaria in an official government material or
 use moneys to create an official government material that refers
 to Judea and Samaria as the "West Bank."

(b) The head of a state agency may waive the prohibition
 under paragraph (a) if he or she determines that it is in the
 best interest of the state and, within 30 days after making such
 determination, submits a written explanation of the waiver to
 the President of the Senate and the Speaker of the House of
 Representatives.

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

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 14, 2026

I respectfully request that **Senate Bill #1106**, relating to Recognizing Judea and Samaria, be placed on the:

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

Senator Ralph E. Massullo, Jr.
Florida Senate, District 11

The Florida Senate

APPEARANCE RECORD

SB 1106 ✓

1-26-26

Meeting Date

Govt Oversight

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Adam Abutaa Abutaa Phone 202 868 0787

Address 200 N 2 1st Ave Street Email aabutaa@emgaction.org

Dorlando Beach, FL 33060 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)

01/26/20

Meeting Date

The Florida Senate APPEARANCE RECORD

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

SB 1106 ✓

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Amina Spanic

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:

Florida For ALL

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 1650

INTRODUCER: Senator Gaetz

SUBJECT: Public Records/Commission on Ethics

DATE: January 23, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	McVaney	GO	Pre-meeting
2.			EE	
3.			RC	

I. Summary:

SB 1650 amends s. 112.3243, F.S., created by SB 92 (2026), to make confidential and exempt from public records inspection and copying requirements all information received, produced, or derived by the Commission on Ethics in connection with an investigation of remedies available to an aggrieved employee who is subject to an adverse personnel action in violation of SB 92.

The exemption expires on October 2, 2031, unless reviewed by the Legislature and saved from repeal by reenactment.

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 the Commission on Ethics.

The bill takes effect on the same day as SB 92 or any similar legislation. As filed, SB 92 takes effect on January 1, 2027.

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

¹ FLA. CONST. art. I, s. 24(a).

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

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

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).

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.

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 Investigations into Ethics Violations

Section 112.324, F.S., charges the Commission on Ethics with investigating breaches of ethical standards for public employees and officers. Any complaint alleging a violation of such standards; records relating to an investigation of such a complaint, and proceedings on the investigation are confidential and exempt from public records copying and inspection requirements.¹⁶ The exemption continues until the complaint is dismissed, the alleged violator requests the records and proceedings be made public, the commission chooses not to investigate, or the commission determines there is probable cause an ethics violation has occurred.¹⁷

Public Records Exemptions for the Public Whistleblower’s Act

The public-sector Whistleblower’s Act (WBA) protects public employees who disclose inappropriate government conduct. Under the WBA, an agency or independent contractor may not take any adverse action affecting the rights or interests of an employee who disclosed information pursuant to the WBA’s process.¹⁸ Documents and records relating to the

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 112.324(2), F.S.

¹⁷ *Id.*

¹⁸ Section 112.3187(4), F.S.

Commission on Human Relations' investigations under the WBA are exempt from public records disclosure requirements.¹⁹

III. Effect of Proposed Changes:

Section 1 amends s. 112.3243, F.S., to make confidential and exempt all information received, produced, or derived by the Commission on Ethics in connection with an investigation authorized under SB 92 into whether an employee is entitled to relief under s. 112.3243, F.S., created in SB 92. SB 92 protects from retaliation government employees, applicants for employment with agencies, and employees of private employers doing business with state or local government, who disclosed alleged violations of certain standards of conduct and ethical obligations of public employees and officers. As a part of that protection, SB 92 allows the Commission on Ethics to determine if an employee is entitled to certain relief, such as reinstatement to a position, back pay, and attorney's fees.

The bill does not provide when, if ever, the confidential and exempt status of the information expires.

In accordance with the Open Government Sunset Review Act, the bill provides that the exemption shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment of the Legislature.

Section 2 provides a public necessity statement that information produced or derived from fact-finding or other investigations conducted by the Commission on Ethics into prohibited retaliation for an employee's disclosure of an ethical violation remain confidential and exempt while the investigation is active. Premature release of such information could thwart the investigation and impair the efficient and effective operation of the Commission on Ethics.

Section 3 provides that the bill takes effect on the same day as SB 92 or any similar legislation. As filed, SB 92 takes effect on January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and 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

¹⁹ Sections 112.3188 and 112.31901, F.S.

exemption to the public records disclosure requirements. This bill enacts a new exemption for information received, produced, or derived by the Commission on Ethics in connection to an investigation into whether an allegedly aggrieved employee qualifies for remedies after suffering an adverse personnel action in violation of SB 92, 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 information produced or derived information produced or derived from fact-finding or other investigations conducted by the Commission on Ethics into prohibited remain confidential and exempt while the investigation is active. Premature release of such information could thwart the investigation and impair the efficient and effective operation of the Commission on Ethics.

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 exemption provided for in the bill may be unconstitutionally overbroad for three reasons.

First, the created exemption is for “[a]ll information received by the commission or information produced or derived from fact-finding or other investigations conducted by the commission” if the information is received or derived from allegations relating to an active investigation. The Legislature may wish to clearly tailor what specific information is exempted. The Legislature could provide that a complaint and records relating to the complaint or any investigation are confidential and exempt. This mirrors a similar exemption for investigatory records of the Commission on Ethics.²⁰

Second, the exemption in this bill extends to information from “other investigations” that relate to the investigation at issue in this bill. While the “other investigations” language in the bill emulates language in the Commission on Human Relations’ (CHR) public record exemption for records it holds, the CHR’s jurisdiction under ch. 112, F.S., is exclusively limited to investigations under the WBA into retaliatory actions taken for certain reports of misconduct. Another agency investigates the underlying misconduct that is reported (those investigations have their own, separate, public records exemptions). This means that the CHR is unlikely to have “other investigations” “relating to” its investigation into the retaliatory actions prohibited under ch. 112, F.S., the WBA.

By comparison, the Commission on Ethics investigates both the retaliatory action and the original misconduct that allegedly forms the basis for the retaliation. Further, the

²⁰ See s. 112.324(2), F.S.

Commission on Ethics may investigate the retaliatory action as an ethical violation in addition to the investigation subject to the public records exemptions in this bill. This means that the same conduct may instigate a parallel Commission on Ethics investigation for the same conduct. Therefore, there will always be at least one, if not more, “other investigations” by the Commission on Ethics “relating to” the investigation into the retaliations. This creates a far more expansive public records exemption as compared to the limited possible “other investigations” by the CHR “relating to” the WBA investigation. Furthermore, those related investigations already have existing public records exemptions for their records. The Legislature may wish to specify what may constitute an ‘other investigation’—such as an investigation into ethical violations pursuant to s. 112.3242, F.S., that form the basis of or are into the prohibited retaliatory actions.

Third, the bill does not provide when, if ever, the confidential and exempt status of the protected information expires. This may not be the intent, based on the public necessity statement and similar public records exemptions already existing in law. The public necessity statement speaks to the premature release of documents and states the importance of information remaining confidential and exempt *until the investigation is terminated or ceases to be active*. Additionally, similar exemptions under the WBA and for other investigations by the Commission on Ethics specify when the public records exemptions no longer apply.²¹ In contrast, the exemption created in this bill appears to continue in perpetuity. Without providing when the confidential and exempt status expires, the exemption created in the bill is likely broader than necessary to accomplish the purpose of the law. The Legislature may wish to amend the bill to specify the public records exemptions expire upon the dismissal of a complaint or the termination of an investigation.

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.

²¹ The WBA provides that the relevant public records exemption only applies if “an investigation is active,” and goes on to define when an investigation is active. Section 112.3188(2), F.S. For other information held by the Commission on Ethics during an investigation into an ethical complaint, s. 112.324, F.S., specifies when the exemptions no longer apply.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill may increase costs minimally for the Commission on Ethics to provide staff responsible for complying with public records requests training related to the new public record exemption. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

SB 92, the companion bill to this bill, provides investigatory procedures for the Commission on Ethics in response to adverse personnel actions taken in retaliation for ethics complaints. As a part of these procedures:

- If a complaint is legally sufficient, the commission must make a fact-finding *report* and share it with the agency head or independent contractor within 180 days of receiving the complaint.
- If the commission determines that reasonable grounds exist to believe that a prohibited retaliatory action has, is, or will occur and will require corrective action:
 - The commission must *report* such determination to the agency head or independent contractor and the complainant;
 - If the commission finds the agency or independent contractor has implemented a corrective action in response to the commission's reports, the commission must make a *record* of such finding which must be filed with the agency head or independent contractor, together with any *written* comments that the individual provides; but
 - If the commission finds the agency or independent contractor has not implemented a corrective action within 35 days, the commission must terminate its investigation and provide a *notice* of termination and the reason for the termination to the complainant and agency head or independent contractor; the commission must also notify the complainant of his or her right to appeal.
- If the commission determines that no reasonable grounds exist to believe that a personnel action has, is, or will occur, the commission must share this determination (which may be in writing), the fact-finding *report*, and the *notice* of termination of investigation to the agency head or independent contractor and the complainant.

As written, this bill does not provide a mechanism allowing the Commission on Ethics to release any of the above information. This appears to be contrary to the purpose of the investigation, as the Commission on Ethics will not be able to submit a written recommendation of corrective action, such as a reinstatement to a position, without violating the confidential status created in this bill. The lack of a release mechanism further appears to implicitly conflict with SB 92 because the commission cannot provide the fact-finding report, or any other required report or documentation, as is required under SB 92 without violating the confidential status provided in this bill.

The Legislature may wish to provide a release mechanism to allow the Commission on Ethics to share and submit any reports and documentation in accordance with SB 92.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 112.3243 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 Gaetz

1-01701-26

20261650__

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 112.3243, F.S.; providing an exemption from public
 4 records requirements for information received by the
 5 commission or derived from its investigations;
 6 providing for future legislative review and repeal of
 7 the exemption; providing a statement of public
 8 necessity; providing a contingent effective date.

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

11 Section 1. Present subsection (5) of section 112.3243,
 12 Florida Statutes, as created by SB 92 or similar legislation,
 13 2026 Regular Session, is redesignated as subsection (6), and a
 14 new subsection (5) is added to that section, to read:
 15 112.3243 Investigative procedures in response to prohibited
 16 personnel actions against ethics complaints.-
 17 (5) CONFIDENTIALITY.-All information received by the
 18 commission or information produced or derived from fact-finding
 19 or other investigations conducted by the commission is
 20 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 21 of the State Constitution if the information is received or
 22 derived from allegations as set forth in s. 112.3242 relating to
 23 an active investigation. This subsection is subject to the Open
 24 Government Sunset Review Act in accordance with s. 119.15 and
 25 shall stand repealed on October 2, 2031, unless reviewed and
 26 saved from repeal through reenactment by the Legislature.
 27 Section 2. The Legislature finds that it is a public
 28 necessity that all information received by the Commission on
 29

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

1-01701-26

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30 Ethics or information produced or derived from fact-finding or
 31 other investigations conducted by the commission be made
 32 confidential and exempt from s. 119.07(1), Florida Statutes, and
 33 s. 24(a), Article I of the State Constitution until the
 34 investigation is terminated or ceases to be active. The
 35 premature release of such records could frustrate or thwart an
 36 investigation and impair the ability of the commission to
 37 effectively and efficiently administer ss. 112.324, 112.3242,
 38 and 112.3243, Florida Statutes. In addition, the release of such
 39 records before completion of an active investigation could
 40 jeopardize an ongoing investigation, thereby affecting the
 41 ability of the commission to effectively and efficiently
 42 administer the investigation. Therefore, the Legislature finds
 43 that the harm that may result from the release of all
 44 information received by the commission or information produced
 45 or derived from fact-finding or other investigations conducted
 46 by the commission pursuant to s. 112.3242, Florida Statutes,
 47 outweighs the public benefit that may be derived from the
 48 disclosure of the information.

49 Section 3. This act shall take effect on the same date that
 50 SB 92 or similar legislation takes effect, if such legislation
 51 is adopted in the same legislative session or an extension
 52 thereof and becomes a law.

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 350

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Grall

SUBJECT: Public Records/Crime Victims

DATE: January 27, 2026 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 350 amends s. 119.071, F.S., to revise the current public records exemption from inspection and copying requirements for documents that identify a person as a victim of a crime. The bill specifies any portion of a public record that reveals the identity of a victim of crime, *including his or her name or personal identification number, home or employment address, or personal assets, or any other information or record that could be used to locate, intimidate, harass, or abuse the victim*, which is a public record generated or received by any agency that regularly generates or receives information from or concerning the victims of crime, is exempt from public records inspection and copying requirements. The bill also applies these protections to the portions of a public record that identifies the victim and a person who is the victim’s family member, next of kin, and lawful representative.

The bill also requires that the portion of a public record which contains the name of an officer who became a victim in the course and scope of his or her employment or official duties be held as confidential and exempt for a period of 72 hours immediately following such incident. This portion of a public record then becomes exempt from public records copying and inspection requirements for the next 60 days, which permits an agency to release the officer’s name, but does not require it. At the end of the 60-day period, the officer’s name may be released as a public record.

The bill provides definitions for “officer,” “family member,” and “victim.”

The exemption applies to information held by an agency that regularly generates or receives information about a victim on or after July 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.

The bill provides a statement of necessity as required by the State Constitution, and because it expands the 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 have an indeterminate fiscal impact. See *Section V. Fiscal Impact Statement*.

The bill takes effect July 1, 2026.

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.

Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first-degree misdemeanor.^{5,6}

Pursuant to s. 119.105, F.S., any person who comes into possession of exempt or confidential information contained in police reports is prohibited from using that information for any commercial solicitation of the victims or the relatives of the victims of the reported crimes or accidents, and is further prohibited from knowingly disclosing such information to any third party for the purpose of such solicitation during the period of time that the information remains

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

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

⁵ Section 119.10(2)(a), F.S.

⁶ A first-degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

exempt or confidential. Any person who violates such prohibitions commits a third-degree felony.^{7,8}

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act⁹ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁰ public records or open meetings exemptions, with specified exceptions.¹¹ 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.¹² 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.¹³ 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;¹⁴
- 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;¹⁵ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.¹⁶

The Act also requires specified questions to be considered during the review process.¹⁷ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

⁷ Section 119.10(2)(b), F.S.

⁸ A third-degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

⁹ Section 119.15, F.S.

¹⁰ 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.

¹¹ 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.

¹² Section 119.15(3), F.S.

¹³ Section 119.15(6)(b), F.S.

¹⁴ Section 119.15(6)(b)1., F.S.

¹⁵ Section 119.15(6)(b)2., F.S.

¹⁶ Section 119.15(6)(b)3., F.S.

¹⁷ 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?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.¹⁸ 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.¹⁹

Marsy’s Law

On November 6, 2018, a constitutional revision to article I of the State Constitution was approved by voters; such revision is colloquially known as “Marsy’s Law.”²⁰ Marsy’s Law provides crime victims specific rights, including the right:

- To be free from intimidation, harassment, and abuse.
- To be reasonably protected from the accused and any person acting on behalf of the accused within the judicial process.
- To prevent the disclosure of information or records that could be used to locate or harass the victim or the victim’s family, or which could disclose confidential or privileged information of the victim.²¹

Under Marsy’s Law, a “victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term does not include the accused.²²

Pursuant to article I, section 16(c) of the Florida Constitution, the victim can assert and seek enforcement of such rights in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority must act promptly on such a request, affording a remedy by due course of law for the violation of any right.²³

In 2023, the Florida Supreme Court held that Marsy’s Law “does not guarantee to a victim the categorical right to withhold his or her name from disclosure.”²⁴ The Court held that “Marsy’s Law speaks only to the right of victims to ‘prevent the disclosure of information or records that could be used to locate or harass’ them or their families” and that “one’s name, standing alone, is not that kind of information or record; it communicates nothing about where the individual can

-
- 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?

¹⁸ See generally s. 119.15, F.S.

¹⁹ Section 119.15(7), F.S.

²⁰ Art. I, s. 16(b)-(e), Fla. Const.

²¹ Art. I, s. 16(b), Fla. Const.

²² Art. I, s. 16(e), Fla. Const.

²³ Art. I, s. 16(c), Fla. Const.

²⁴ *City of Tallahassee v. Fla. Police Benv. Assn., Inc.*, 375 So. 3d 178, 183 (2023).

be found and bothered.”²⁵ The Court noted that by reading Marsy’s Law to only shield information that can be used to locate or harass, rather than identify, it can give effect to Marsy’s Law while also protecting a defendant’s right to confront adverse witnesses at trial.

Additionally, the question of whether police officers acting in an official capacity can be Marsy’s Law “victims” was presented to the Court. However, the Court decided to answer the question of anonymity stating, “we decide only what Marsy’s Law says and does not say; we do not pass upon the validity of any statutory right of certain persons, in certain situations, to withhold their identities from disclosure.”²⁶

Public Record Exemption for Agency Investigations

Agency Documents that Identify a Victim of a Sexual Offense

Section 119.071(2)(h), F.S., makes confidential and exempt from public records law any information that may reveal the identity of a victim of specified sexual offenses that are included in criminal intelligence information or criminal investigative information. In general, information cannot be withheld from public inspection as criminal investigative or intelligence information after its release to a defendant.²⁷ However, this is not the case for information that would reveal identifying information of a victim of a sexual offense, child abuse, or certain human trafficking crimes.²⁸

Agency Documents that Identify a Victim of a Crime

Section 119.071(2)(j), F.S., provides a public record exemption for any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and also identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime.²⁹ This provision has been interpreted to exempt only those documents received, not generated by, an agency; police reports are not included in this exemption.³⁰

Additionally, any information not otherwise held confidential or exempt from public record requirements which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public record requirements upon written request by the victim, which request must include official verification that an applicable crime has occurred. Such an exemption will cease five years after the receipt of the written request.³¹

²⁵ *Id.* at 184 (internal citations omitted).

²⁶ *Id.* at 188.

²⁷ *See* s. 119.011(3)(c)5., F.S.

²⁸ 119.071(2)(h), F.S. *See also*, Op. Att’y Gen. Fla. 2003-56 (2003), <https://www.myfloridalegal.com/ag-opinions/identity-of-sexual-crime-victim-in-court-records> (last visited Jan. 27, 2026).

²⁹ Section 119.071(2)(j)1., F.S.

³⁰ Op. Att’y Gen. Fla. 90-80 (1990).

³¹ *Id.* Notwithstanding this exemption, any state or federal agency that is authorized to have access to such documents by any provision of law must be granted access in the furtherance of such agency’s statutory duties.

III. Effect of Proposed Changes:

The bill amends s. 119.071, F.S., to revise the public record exemption for documents that identify a person as a victim of a crime. The bill specifies any portion of a public record that reveals the identity, including name or personal identification number, home or employment address, or personal assets of a victim, or any other information or record that could be used to locate, intimidate, harass, or abuse the victim which identifies the person as a victim of a crime and is a public record that is generated or received by any agency that regularly generates or receives information from or concerning the victims of crime, is exempt from public records copying and inspection requirements.

The bill applies the same exemption to any portion of a public record that reveals the identity of a lawful representative, family member, or next of kin of a person identified as a victim by the public record, or any other information that could be used to locate, intimidate, harass, or abuse such persons, if that record is a public record that was generated or received by an agency that regularly generates or receives information from or concerning victims of crime.

This portion of the bill expands the application of the exemption to include any public record, whether a document, an audio recording, or video recording, rather than just a written or electronic document—but the exemption covers only that portion of the record which provides the identity or related information of the victim, or their family, lawful representative, or next of kin. The exemption is also expanded to include public records that are generated by the agency, rather than just those records that are received by the agency. Neither the accused, nor a person whose interest is in actual or potential conflict with the victim's interest can avail themselves of this protection.

The bill additionally requires that a portion of a public record which reveals the name of an officer who becomes a victim within the course and scope of his or her employment or official duties be held confidential and exempt for a 72-hour period immediately following such incident. Thereafter, the officer's name automatically becomes exempt for a 60-day period, which allows, but does not require the agency that holds the record to release the officer's name. After the 60-day period, the officer's name may be released as a public record.

The bill provides that the protections afforded to an officer's name do not supersede the exemption provided for victims of sexual battery in s. 119.071(2)(h)1.b., F.S.

The bill provides the following definitions:

- "Officer" means any full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer certified under s. 943.13, F.S.
- "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term does not include the accused.

The exemption applies to information held by an agency on or after July 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.

The bill provides a statement of necessity as required by the State Constitution. The public necessity statement provides that exempting records or documents from s. 119.07(1), F.S., and article I, section 24(a) of the State Constitution which identify a crime victim, the victim's family, or any information that may be used to threaten or harass the victim or the victim's family is a necessity to prevent the possibility of further trauma and the release of such records may deter crime victims from cooperating with law enforcement and reporting criminal acts.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by article VII, section 18, of the State Constitution.

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 from the public records inspection and copying requirements. This bill expands an exemption for records pertaining to victims of crimes and officers involved in a use of force incident; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption from the public records inspection and copying 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, section 24(c) of the State Constitution requires an exemption from the public records inspection and copying 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 crime and such victim's family members, and the bill exempts only the portions of records pertaining to those persons from the public records inspection and copying requirements.

The bill requires any public record that reveals the identity, location information, or personal assets for a crime victim to be made exempt. The bill additionally makes the portion of a public record which reveals the name of officers who become the victim of a

crime in the course and scope of their employment or official duties confidential and exempt for 72 hours and exempt for an additional 60 days.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

Marsy's Law

If a court determines that officers are not victims for the purpose of Marsy's Law, the language in the bill may provide new protections, in particular for officers, in addition to those for other victims under current constitutional requirements.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

The bill may increase costs minimally for agencies that hold records containing identifying information about victims, their lawful representatives, family, or next of kin, because staff responsible for complying with public records requests may need 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:

Section 119.0714, F.S., excludes information made part of a court file from the exemptions provided for in ch. 119, F.S., except those documents specifically closed by a court or specifically listed in law. Additionally, Florida courts have consistently held that the judiciary is

not an “agency” for purposes of ch. 119, F.S.³² However, art. I, s. 34 of the State Constitution still provides a constitutional right of access to judicial records. In order to balance the separation of powers between the Legislative and Judicial branches, confidentiality of court records is governed by court rule and court decisions.³³ Florida Rule of General Practice and Judicial Administration 2.420, entitled “Public Access to and Protection of Judicial Branch Records”, provides that “the public shall have access to all records of the judicial branch of government except as provided [in the rule].”

Florida courts have also adopted a rule implementing Marsy's Law which sets out definitions of a crime, criminal, victim, and exempt information and the procedure for identifying exempt information in criminal and juvenile court records.³⁴

A statutory update to the exempt status of a victim’s information that is not consistent with the court’s rule implementation of Marsy’s Law regarding confidentiality of a victim’s information within court records may result in distinctions between protections provided by statute and court rule.

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 January 26, 2026:

- Narrows the exemptions provided to the portions of a public record which contain the exempt or confidential and exempt information.
- Clarifies the protections for a victim’s lawful representative, family member, and next of kin.
- Provides for the release of the portion of a public record that contains the name of an officer who became a victim in the course and scope of his or her employment after a 72-hour period in which that information is held as confidential and exempt, and a separate 60-day period in which that information is held as exempt.
- Specifies that the exemption for an officer’s name does not supersede the provisions of s. 119.071(2)(h)1.b., F.S., which makes the identifying information of a victim of a sexual offense confidential and exempt when held as criminal intelligence or criminal investigative information.

³² See, e.g., *Times Publishing Company v. Ake*, 660 So. 2d 255 (Fla. 1995); *State v. Wooten*, 260 So. 2d 1060, 1069 (Fla. 4th DCA 2018) (“Access to judicial branch records is governed by the rules and decisions of the Florida Supreme Court, not Chapter 119, Florida Statutes.”); and *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992)

³³ *State v. Wooten*, 260 So. 2d 1060, 1069 (Fla. 4th DCA 2018).

³⁴ Fla. R. Gen. Prac & Jud. Admin 2.423. Note, for purposes of the Florida Rule of General Practice and Judicial Administration, “confidential,” as applied to information contained within a record of the judicial branch, means that information is exempt from the public right of access under article I, section 24(a). of the Florida Constitution and may be released only to the persons or organizations designated by law, statute, or court order. Fla. R. Gen. Prac & Jud. Admin 2.420(b)(4).

B. Amendments:

None.

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



465530

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
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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. Paragraph (j) of subsection (2) of section
119.071, Florida Statutes, is amended to read:

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

(2) AGENCY INVESTIGATIONS.—

(j) 1.a. For purposes of this subparagraph, the term:



465530

11 (I) "Family member" means a spouse, child, parent or legal
12 guardian, or sibling. This term does not include the accused.

13 (II) "Officer" means any full-time, part-time, or auxiliary
14 law enforcement officer, correctional officer, or correctional
15 probation officer certified under s. 943.13.

16 (III) "Victim" means a person who suffers direct or
17 threatened physical, psychological, or financial harm as a
18 result of the commission or attempted commission of a crime or
19 delinquent act or against whom the crime or delinquent act is
20 committed. The term does not include the accused.

21 b.(I) Any portion of a public record ~~document~~ that reveals
22 the identity, including the name or personal identification
23 number, home or employment telephone number, home or employment
24 address, or personal assets of a ~~the~~ victim, or any other
25 information that could be used to locate, intimidate, harass, or
26 abuse the victim, which ~~of a crime and~~ identifies that person as
27 the victim of a crime, and which is a public record that is
28 generated or ~~document~~ is received by any agency that regularly
29 generates or receives information from or concerning the victims
30 of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of
31 the State Constitution.

32 (II) Any portion of a public record that reveals the
33 identity, including name or personal identification number, home
34 or employment telephone number, home or employment address, or
35 personal assets of the lawful representative, family member, or
36 next of kin of the person identified as a victim by the public
37 record, or any other information that could be used to locate,
38 intimidate, harass, or abuse such persons, and which is a public
39 record that is generated or received by any agency that



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40 regularly generates or receives information from or concerning
41 the victims of crime, is exempt from s. 119.07(1) and s. 24(a),
42 Art. I of the State Constitution. This exemption does not apply
43 to the accused, or to a lawful representative, family member, or
44 next of kin of a victim upon a showing that the interest of such
45 person would be in actual or potential conflict with the
46 interests of the victim.

47 (III) Notwithstanding sub-sub-subparagraph (2)(j)1.b.(I),
48 the portion of a public record exempted under sub-subparagraph
49 (2)(j)1.b.(I) which contains the name of an officer who became a
50 victim in the course and scope of the officer's employment or
51 official duties is exempt from s. 119.07(1) and s. 24(a), Art. I
52 of the State Constitution only for the first 60 days after the
53 incident in which the officer became a victim. After the 60-day
54 period, the portion of a public record which contains the name
55 of an officer who became a victim in the course and scope of his
56 or her employment or official duties and which identifies him or
57 her as a victim is no longer exempt.

58 (IV) This sub-subparagraph is subject to the Open
59 Government Sunset Review Act in accordance with s. 119.15 and
60 shall stand repealed on October 2, 2031, unless reviewed and
61 saved from repeal through reenactment by the Legislature. If,
62 after review, this sub-subparagraph is not reenacted, the text
63 of this sub-subparagraph shall revert to that in existence on
64 June 30, 2026, except that any amendments to this sub-
65 paragraph enacted other than by this act shall be preserved
66 and continue to operate to the extent that such amendments are
67 not dependent upon the amendments to the sub-subparagraph made
68 by this act.



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69 c. Any information not otherwise held confidential or
70 exempt from s. 119.07(1) which reveals the home or employment
71 telephone number, home or employment address, or personal assets
72 of a person who has been the victim of sexual battery,
73 aggravated child abuse, aggravated stalking, harassment,
74 aggravated battery, or domestic violence is exempt from s.
75 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
76 written request by the victim, which must include official
77 verification that an applicable crime has occurred. Such
78 information shall cease to be exempt 5 years after the receipt
79 of the written request.

80 d. Any state or federal agency that is authorized to have
81 access to such documents by any provision of law shall be
82 granted such access in the furtherance of such agency's
83 statutory duties, notwithstanding this section.

84 2.a. Any information in a videotaped statement of a minor
85 who is alleged to be or who is a victim of sexual battery, lewd
86 acts, or other sexual misconduct proscribed in chapter 800 or in
87 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
88 847.0133, or s. 847.0145, which reveals that minor's identity,
89 including, but not limited to, the minor's face; the minor's
90 home, school, church, or employment telephone number; the
91 minor's home, school, church, or employment address; the name of
92 the minor's school, church, or place of employment; or the
93 personal assets of the minor; and which identifies that minor as
94 the victim of a crime described in this subparagraph, held by a
95 law enforcement agency, is confidential and exempt from s.
96 119.07(1) and s. 24(a), Art. I of the State Constitution. Any
97 governmental agency that is authorized to have access to such



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98 statements by any provision of law shall be granted such access
99 in the furtherance of the agency's statutory duties,
100 notwithstanding the provisions of this section.

101 b. A public employee or officer who has access to a
102 videotaped statement of a minor who is alleged to be or who is a
103 victim of sexual battery, lewd acts, or other sexual misconduct
104 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
105 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
106 may not willfully and knowingly disclose videotaped information
107 that reveals the minor's identity to a person who is not
108 assisting in the investigation or prosecution of the alleged
109 offense or to any person other than the defendant, the
110 defendant's attorney, or a person specified in an order entered
111 by the court having jurisdiction of the alleged offense. A
112 person who violates this provision commits a misdemeanor of the
113 first degree, punishable as provided in s. 775.082 or s.
114 775.083.

115 Section 2. Section 2. (1) The Legislature finds that it
116 is a public necessity that the following information held by an
117 agency that regularly generates or receives information from or
118 concerning victims of crime be made exempt from s. 119.07(1),
119 Florida Statutes, and s. 24(a), Article I of the State
120 Constitution:

121 (a) The portions of public records that identify a person
122 as a victim of a crime, or any other information that could be
123 used to locate, intimidate, harass, or abuse a victim.

124 (b) The portions of public records that reveal the identity
125 of the lawful representative, family member, or next of kin of a
126 person identified as a victim by the public record, or any other



465530

127 information that could be used to locate, intimidate, harass, or
128 abuse such persons.

129 (2) Victims, their lawful representative, family member,
130 and next of kin, have a right to be free from intimidation,
131 harassment, and abuse. Community attention is often piqued when
132 a person becomes a victim, which may lead to the undue intrusion
133 into the person's privacy, as well as his or her family members,
134 legal representative, or next of kin. The identifying
135 information of such persons could be used to further traumatize
136 the them. The risk of additional harm or harassment outweighs
137 any public benefit that may be derived from the public
138 disclosure of such information. The Legislature also finds that
139 the release of such portions of records may deter crime victims
140 from cooperating with law enforcement and reporting criminal
141 acts based on a victim's fear of additional retaliation or
142 attention. This exemption is narrowly tailored to balance the
143 public's right to access public records by allowing the release
144 of the name of a law enforcement officer who becomes a victim
145 within the course and scope of his or her employment or duties
146 60 days after the incident. The risk of additional harm or
147 harassment outweighs any public benefit that may be derived from
148 the public disclosure of such information.

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

150
151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete everything before the enacting clause
154 and insert:

155 A bill to be entitled



465530

156 An act relating to public records; amending s.
157 119.071, F.S.; defining terms; expanding a public
158 records exemption for crime victims to include the
159 name and personal identification number of a victim
160 and any other information that could be used to
161 locate, intimidate, harass, or abuse the victim;
162 providing that such exemption includes the portions of
163 records generated by any agency that regularly
164 generates or receives information from or concerning
165 victims of crime; providing for a public records
166 exemption for the identity of a victim's family
167 member, lawful representative, or next of kin and any
168 other information that could be used to locate,
169 intimidate, harass, or abuse these individuals;
170 providing that such exemption includes the portions of
171 records generated by any agency that regularly
172 generates or receives information from or concerning
173 victims of crime and that the record identifies the
174 person as a family member, lawful representative, or
175 next of kin of a person identified as a victim of
176 crime in the record; providing for the release of the
177 portion of a record which contains the name of a law
178 enforcement officer and which identifies him or her as
179 a victim of crime in specified circumstances is exempt
180 after 60 days; providing for future legislative review
181 and repeal of the exemptions; providing a statement of
182 public necessity; providing an effective date.



830978

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
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The Committee on Governmental Oversight and Accountability
(Grall) recommended the following:

1 **Senate Amendment to Amendment (465530) (with title**
2 **amendment)**

3
4 Delete lines 47 - 57
5 and insert:

6 (III) (A) Notwithstanding sub-sub-subparagraph
7 (2) (j)1.b.(I), the portion of a public record exempted under
8 sub-subparagraph (2) (j)1.b.(I) which contains the name of an
9 officer who became a victim in the course and scope of the
10 officer's employment or official duties is confidential and



830978

11 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution for the first 72 hours after the incident in which
13 the officer became a victim. These portions of a public record
14 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
15 Constitution for an additional 60 days after the expiration of
16 the 72-hour period. After the expiration of the 60-day period,
17 the portion of a public record which contains the name of an
18 officer who became a victim in the course and scope of his or
19 her employment or official duties and which identifies the
20 officer as a victim is no longer exempt.

21 (B) Sub-sub-sub-paragraph (2) (j)1.b.(III) (A) does not
22 supersede the exemption provided for victims of sexual battery
23 in sub-subparagraph (2) (h)1.b.

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

27 And the title is amended as follows:

28 Delete lines 176 - 180

29 and insert:

30 providing that the name of a law enforcement officer
31 in a public record which identifies him or her as a
32 victim of crime in specified circumstances is
33 confidential and exempt for 72 hours and providing
34 that such information is exempt for 60 days
35 thereafter; providing that such exemption includes the
36 portions of records generated by any agency that
37 regularly generates or receives information from or
38 concerning victims of crime; providing for future
39 legislative review



801624

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
	.	
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	.	

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

Senate Amendment to Amendment (465530)

Delete lines 129 - 148

and insert:

(2) The Legislature finds that it is a public necessity that the portion of public records that is held by an agency that regularly generates or receives information from or concerning victims of crime, which contains the name of an officer who became a victim in the course and scope of the officer's employment or official duties be made confidential and



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11 exempt from s. 119.07(1), Florida Statutes and s. 24(a), Art. I
12 of the State Constitution for a 72-hour period after the
13 incident in which the officer became a victim. The Legislature
14 further finds it is a public necessity that these portions of a
15 public record be exempt from s. 119.07(1) and s. 24(a), Art. I
16 of the State Constitution for an additional 60 days after the
17 expiration of the 72-hour period.

18 (3) Victims, their lawful representative, family member,
19 and next of kin, have a right to be free from intimidation,
20 harassment, and abuse. Community attention is often piqued when
21 a person becomes a victim, which may lead to the undue intrusion
22 into the person's privacy, as well as his or her family members,
23 legal representative, or next of kin. The identifying
24 information of such persons could be used to further traumatize
25 them. The risk of additional harm or harassment outweighs any
26 public benefit that may be derived from the public disclosure of
27 such information. The Legislature also finds that the release of
28 such portions of records may deter crime victims from
29 cooperating with law enforcement and reporting criminal acts
30 based on a victim's fear of additional retaliation or attention.
31 This exemption is narrowly tailored to balance the public's
32 right to access public records by allowing the release of the
33 name of a law enforcement officer who becomes a victim within
34 the course and scope of his or her employment or duties 63 days
35 after the incident. The risk of additional harm or harassment
36 outweighs any public benefit that may be derived from the public
37 disclosure of such information.

By Senator Grall

29-00130-26

2026350__

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; defining terms; expanding a public
 4 records exemption for crime victims to include the
 5 name and personal identification number of a victim
 6 and any other information or record that could be used
 7 to locate, intimidate, harass, or abuse the victim or
 8 the victim's family; providing that such exemption
 9 includes records generated by any agency that
 10 regularly generates information from or concerning the
 11 victims of crime; providing that certain records
 12 identifying law enforcement officers who are involved
 13 in a use of force incident are confidential and exempt
 14 for a specified timeframe; specifying requirements for
 15 extending such timeframe; providing for future
 16 legislative review and repeal of the exemptions;
 17 providing a statement of public necessity; providing
 18 an effective date.

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

21 Section 1. Paragraph (j) of subsection (2) of section
 22 119.071, Florida Statutes, is amended to read:
 23 119.071 General exemptions from inspection or copying of
 24 public records.—
 25 (2) AGENCY INVESTIGATIONS.—
 26 (j)1.a. For purposes of this subparagraph, the term:
 27 (I) "Employing agency head" means an elected or appointed
 28 head official of an employing agency as defined in s. 943.10(4)
 29

Page 1 of 6

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

29-00130-26

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30 who is certified under s. 943.13.
 31 (II) "Officer" means any full-time, part-time, or auxiliary
 32 law enforcement officer, correctional officer, or correctional
 33 probation officer certified under s. 943.13.
 34 (III) "Use of force incident" means any incident that
 35 occurs within the scope of an officer's employment or official
 36 duties and involves the officer's use of deadly force as defined
 37 in s. 776.06, or any other use of force that results in great
 38 bodily harm.
 39 (IV) "Victim" means a person who suffers direct or
 40 threatened physical, psychological, or financial harm as a
 41 result of the commission or attempted commission of a crime or
 42 delinquent act or against whom the crime or delinquent act is
 43 committed. The term includes the victim's lawful representative,
 44 the parent or guardian of a minor, or the next of kin of a
 45 homicide victim, except upon a showing that the interest of such
 46 person would be in actual or potential conflict with the
 47 interests of the victim. The term does not include the accused.
 48 b. (I) Any public record ~~document~~ that reveals the identity,
 49 including the name or personal identification number, home or
 50 employment telephone number, home or employment address, or
 51 personal assets of a ~~the~~ victim, or any other information or
 52 record that could be used to locate, intimidate, harass, or
 53 abuse the victim or the victim's family ~~of a crime and~~
 54 identifies that person as the victim of a crime, which public
 55 record is generated or ~~document is~~ received by any agency that
 56 regularly generates or receives information from or concerning
 57 the victims of crime, is exempt from s. 119.07(1) and s. 24(a),
 58 Art. I of the State Constitution.

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29-00130-26

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59 (II) This sub-subparagraph is subject to the Open
 60 Government Sunset Review Act in accordance with s. 119.15 and
 61 shall stand repealed on October 2, 2031, unless reviewed and
 62 saved from repeal through reenactment by the Legislature. If,
 63 after review, this sub-subparagraph is not reenacted, the text
 64 of this sub-subparagraph shall revert to that in existence on
 65 June 30, 2026, except that any amendments to this sub-
 66 paragraph enacted other than by this act shall be preserved
 67 and continue to operate to the extent that such amendments are
 68 not dependent upon the amendments to the sub-subparagraph made
 69 by this act.

70 c. Any information not otherwise held confidential or
 71 exempt from s. 119.07(1) which reveals the home or employment
 72 telephone number, home or employment address, or personal assets
 73 of a person who has been the victim of sexual battery,
 74 aggravated child abuse, aggravated stalking, harassment,
 75 aggravated battery, or domestic violence is exempt from s.
 76 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
 77 written request by the victim, which must include official
 78 verification that an applicable crime has occurred. Such
 79 information shall cease to be exempt 5 years after the receipt
 80 of the written request.

81 d. Any state or federal agency that is authorized to have
 82 access to such documents by any provision of law shall be
 83 granted such access in the furtherance of such agency's
 84 statutory duties, notwithstanding this section.

85 e.(I) The identity of an officer involved in a use of force
 86 incident who becomes the victim of a crime in the course and
 87 scope of the officer's employment or official duties in the same

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88 or a related incident is confidential and exempt from the public
 89 records law as set forth in sub-sub-subparagraphs (II) and
 90 (III).

91 (II) During the 72 hours immediately following an incident
 92 in which an officer becomes the victim of a crime, the identity
 93 of the officer contained in a public record that reveals that
 94 the officer was involved in such a use of force incident is
 95 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 96 of the State Constitution. At the expiration of the 72-hour
 97 period, the officer's identity shall be subject to s. 119.07(1)
 98 unless the employing agency head provides written findings
 99 setting forth the necessity for an extension of the
 100 confidentiality of the officer's identity.

101 (III) The employing agency head may extend the
 102 confidentiality of the identity of an officer contained in a
 103 public record that reveals that the officer was involved in such
 104 a use of force incident only upon written findings. The written
 105 findings by the employing agency head must state the necessity
 106 of extending the confidentiality of the officer's identity
 107 beyond the 72-hour period and must be made public before the 72-
 108 hour period expires. Such an extension may not exceed 60 days.

109 (IV) This sub-subparagraph is subject to the Open
 110 Government Sunset Review Act in accordance with s. 119.15 and
 111 shall stand repealed on October 2, 2031, unless reviewed and
 112 saved from repeal through reenactment by the Legislature.

113 2.a. Any information in a videotaped statement of a minor
 114 who is alleged to be or who is a victim of sexual battery, lewd
 115 acts, or other sexual misconduct proscribed in chapter 800 or in
 116 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.

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117 847.0133, or s. 847.0145, which reveals that minor's identity,
 118 including, but not limited to, the minor's face; the minor's
 119 home, school, church, or employment telephone number; the
 120 minor's home, school, church, or employment address; the name of
 121 the minor's school, church, or place of employment; or the
 122 personal assets of the minor; and which identifies that minor as
 123 the victim of a crime described in this subparagraph, held by a
 124 law enforcement agency, is confidential and exempt from s.
 125 119.07(1) and s. 24(a), Art. I of the State Constitution. Any
 126 governmental agency that is authorized to have access to such
 127 statements by any provision of law shall be granted such access
 128 in the furtherance of the agency's statutory duties,
 129 notwithstanding the provisions of this section.

130 b. A public employee or officer who has access to a
 131 videotaped statement of a minor who is alleged to be or who is a
 132 victim of sexual battery, lewd acts, or other sexual misconduct
 133 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
 134 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
 135 may not willfully and knowingly disclose videotaped information
 136 that reveals the minor's identity to a person who is not
 137 assisting in the investigation or prosecution of the alleged
 138 offense or to any person other than the defendant, the
 139 defendant's attorney, or a person specified in an order entered
 140 by the court having jurisdiction of the alleged offense. A
 141 person who violates this provision commits a misdemeanor of the
 142 first degree, punishable as provided in s. 775.082 or s.
 143 775.083.

144 Section 2. The Legislature finds that s. 16(b), Article I
 145 of the State Constitution mandates that crime victims have a

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

29-00130-26

2026350__

146 right to be free from intimidation, harassment, and abuse and
 147 that it is a public necessity that information or records that
 148 may be used to locate, intimidate, harass, or abuse crime
 149 victims be made exempt from s. 119.07(1), Florida Statutes, and
 150 s. 24(a), Article I of the State Constitution. The Legislature
 151 further finds that exempting records or documents from s.
 152 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 153 State Constitution which identify a crime victim, the victim's
 154 family, or any information that may be used to threaten or
 155 harass the victim or the victim's family is a public necessity
 156 to prevent the possibility of further trauma. The Legislature
 157 also finds that the release of such records or documents may
 158 deter crime victims from cooperating with law enforcement and
 159 reporting criminal acts.

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

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

APPEARANCE RECORD

350

1/26/26

Meeting Date

Bill Number or Topic

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

GOV OVERSIGHT ACCOUNT

Committee

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST.
Street

Email W.SMITH1@FLPBA.ORG

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:

FL PBA

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.

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 1442

INTRODUCER: Senator Brodeur

SUBJECT: Long-range Program Plans

DATE: January 23, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1442 revises provisions relating to the state budgeting and planning process to update the requirements that state agencies and the judicial branch must meet regarding their constitutionally required long-range state planning documents. The primary change to the process is that the agencies and judicial branch will develop the long-range program plans (LRPP) and submit those plans to the Joint Legislative Budget Commission for approval. The bill enumerates six performance measures, outcomes, and standards that all agencies must adopt and report on. In addition, each state agency must develop and adopt at least five additional performance measures, outcomes, and standards. These additional elements must be linked to key agency functions.

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

The bill takes effect on July 1, 2026.

II. Present Situation:

State Budgeting and Planning

Chapter 216, F.S., provides guidelines and requirements for the Executive Office of the Governor, state agencies, and the judicial branch for developing and submitting legislative budget requests and implementing legislative appropriations in accordance with s. 19, Art. III, of the Florida Constitution.

Long-Range Program Plans

Art. III, section 19(h) of the State Constitution requires general law to provide for a long-range state planning document. The governor must recommend to the legislature biennially any revisions to the long-range state planning document. General law must require all agencies of state government to develop planning documents that identify statewide strategic goals and

objectives, consistent with the long-range plan. The long-range state plan and the agency planning documents are subject to review and revision by the legislature.

To meet its constitutional directive to provide for a long-range state planning document, the legislature enacted various laws relating to the Long-Range Program Plans (LRPP). Section 216.013, F.S., requires state agencies and the judicial branch to develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes.

The long-range program plans must provide the framework for the development of budget requests and identify, in part, the mission of the agency or judicial branch, the goals established to accomplish the mission, and the objectives developed to achieve state goals.¹ Each plan is required to cover a period of five fiscal years and must be revised annually. Each state agency and the judicial branch is required to post their long-range program plans on their websites no later than September 30th of each year.²

State agencies and the judicial branch were not required to develop or post an update to their plans going into planning and budgeting for FY 2025-2026³ or FY 2026-27⁴ in light of the review that the Government Efficiency Task Force had undertaken.⁵

Performance Measures and Standards

Agencies and the judicial branch are required to maintain a comprehensive accountability system containing, at a minimum, a list of performance measures that are adopted by the legislature. Agencies and the judicial branch must submit output and outcome measures and standards, as well as historical baseline performance data. The legislature is authorized to create, amend, and delete performance measures and standards.⁶

Activity-based Planning and Budgeting

Section 216.1826, F.S., requires agencies to work in consultation with the Executive Office of the Governor and the legislative appropriations committees to identify and reach consensus on the appropriate services and activities for activity-based budgeting. Additionally, agencies or the judicial branch are required to examine approved performance measures and recommend any changes so that outcomes are clearly delineated for each service or program, as appropriate, and outputs are aligned with activities. Output measures should be capable of being used to generate a unit cost for each activity resulting in a true accounting of what the state should spend on each activity it provides and what the state should expect to accomplish with those funds.

Reports on the Implementation of Laws Affecting an Agency

Section 11.52, F.S., requires each state agency to provide the legislature and the Executive Office of the Governor information regarding the status of implementation of recently enacted

¹ Section 216.013(1), F.S.

² Section 216.013(4), F.S.

³ Section 106, ch. 2024-228, Laws of Florida.

⁴ Section 118, ch. 2025-119, Laws of Florida.

⁵ Section 216.013(7), F.S.

⁶ Section 216.1827, F.S.

legislation. The status update must be provided 90 days following the effective date of the legislation and updated each August 1 thereafter until all the provisions have been fully implemented. This requirement expires July 1, 2026.

Joint Legislative Budget Commission

Art. III, section 19(j) of the State Constitution creates the Joint Legislative Budget Commission composed of members of the Senate and the House of Representatives. In addition, to the powers and duties specified in this section of the State Constitution, the Commission shall exercise all other powers and perform any other duties not in conflict with paragraph (c), relating to the appropriations process, and as prescribed by general law or joint rule of the legislature.

Art. III, section 3(c)(3) of the State Constitution grants the legislature the authority to prescribe by general law conditions under which limited adjustments to the budget may be approved without the concurrence of the full legislature.

Government Efficiency Task Force

Article III, section 19 of the State Constitution requires a Government Efficiency Task Force composed of members of the legislature and representatives from the private and public sectors to develop recommendations for improving governmental operations and reducing costs. The task force is required to meet every four years and submit its work to the Joint Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court.

In June 2024, the task force established a working group to study the LRPP. The working group reported the following recommendations and improvements:

- Improving flexibility through, creating a more dynamic process for revising plans based on new information, such as requiring agencies to update plans annually or bi-annually for more adaptable long-term strategic planning;
- Simplifying processes to reduce administrative demands and free up resources for service delivery, including a system for capturing lessons-learned and best practices from each planning cycle to aid with future planning cycles; and
- Shifting focus to outcomes, rather than outputs by requiring performance measures to focus on meaningful outcomes, rather than easily measured outputs.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 216.013, F.S., to update the LRPP requirements. The LRPP for a state agency must be based on the statutorily-established policies while the LRPP for the judicial branch must be based on state policy, including statutorily-established policy. This differentiation suggests that the LRPP for the judicial branch is not limited to statutorily-established policy.

The LRPP continues, similar to current law, to provide the framework for the development of the legislative budget requests. Each LRPP must identify:

⁷ Florida Government Efficiency Task Force, *2024-2025 Final Recommendations*, at 3, available at <https://dms-media.ccplatform.net/content/download/401041/file/GETF%20-%202024-2025%20Recommendations%20Final.pdf>.

- The mission of the agency (similar to current law);
- The performance measures required pursuant to s. 216.1827 (new requirements);
- The trends and conditions relevant to the mission, the performance measures, and the state goals and objectives (expanded from current law);
- For a state agency, the programs that will be used to implement statutorily-established policy and achieve state goals and objectives (similar to current law)
- For the judicial branch, the programs that will be used to implement state policy and achieve state goals and objectives (modified to address “state policy” rather than statutorily-established policy).

Each LRPP must also include information about the implementation status of any law enacted during the previous legislative session. A particular law must be included each year until it has been fully implemented by the agency. For the LRPP due in September 2026, the LRPP must address all laws enacted during the 2024 and 2025 regular sessions which have not been fully implemented.

The implementation status information must include:

- Actions or steps taken to implement the law, including but not limited to:
 - Administrative rules for proposed implementation.
 - Procurements required.
 - Contracts executed to assist the agency in implementation.
 - Contracts executed to implement or administer the law.
 - Programs started, offices established, or other organizational administrative changes made, including personnel changes.
 - Federal waivers requested.
- The status of any required appointments and timing of board, commission, or related public meetings.
- A description of the agency programs, outputs, and activities implemented or changed related to the law.
- All expenditures made that were directly related to the implementation.
- Any provisions remaining to be implemented.
- A description of any impediment or delay in the implementation, including, but not limited to, challenges of administrative rules or identification of any policy issue that needs to be resolved by the Legislature to ensure timely and effective implementation.
- Information related to any litigation related to the law which is not previously provided.
- Performance measures developed and the specific data identified, including data on enrollments, participants, loans, and other data elements of programs, outputs, and activities.

Each agency and the judicial branch must submit its LRPP by September 15 of each year to the Legislative Budget Commission for approval and include any update on meeting its approved performance measures and any deviation from expected performance measures. Each LRPP must be posted on the respective agency or judicial branch website no later than September 30th of each year. If an agency or the judicial branch fails to comply with the submission deadline and requirements, it may submit budget amendments or otherwise make changes to its budget until the agency or judicial branch has corrected the deficiency.

Section 2 amends s. 216.1827, F.S., to modify the requirements for performance measures, outcomes, and standards.

Each state agency must adopt performance measures, outcomes, and standards on each of the following:

- Administrative costs as a percentage of total agency costs.
- The percentage of vacant positions filled within 180 days after becoming vacant.
- Total dollar amount of salary increases awarded, delineated by the subtotal dollar amount associated with increases specifically authorized in the General Appropriations Act or other law, and the amount awarded without specific legislative authorization.
- Percentage of corrective actions taken within six months after receipt of audit findings and management letters issued to resolve such findings or letters from financial and operational audits conducted pursuant to s. 11.45, F.S.
- Private attorney service costs dollar amounts by case and as a percentage of total agency legal costs, legal costs paid to the Attorney General's office by case and as a percentage of total agency legal costs, and total agency legal costs as a percentage of total agency budget.
- Total dollar amount of expenditures for procurements using the various types of procurements.
- If applicable, the number of complete applications received and the average number of days to complete a permit, a licensure, a registration, or a certification process, from the date of the receipt of initial application to final agency action, for each permit, license, registration, or certification issued by the agency or judicial branch.
- If applicable, the total number of required inspections, total number of inspections completed, and percentage of required inspections completed.
- If applicable, average number of calendar days to award and contract for noncompetitive projects or grant programs for state or federal funds from the date of receipt of funds by the agency or receipt of budget authority, whichever is later.

Each agency must develop and adopt at least five additional performance measures, outcomes, and standards that address key agency functions. The agency must take into account the agency's mission, state goals and objectives, and statutory policy, as well as the programs, outputs and activities that are key agency functions.

The judicial branch must adopt performance measures, outcomes, and standards established by the Supreme Court.

Additionally, each agency and the judicial branch must maintain the justification for each performance measure, outcome, or standard, as well as the source of data to be used.

Section 2 also requires each LRPP to provide:

- Information regarding measurement of the performance measures, including how the data is collected, baseline data, the methodology used for measurement, the reason for the measurement, and the validity and reliability of the measurement.
- Data for the previous five years related to the performance measures, outcomes, and standards and an explanation of deviation from expected performance.

Section 2 makes several revisions to the submission, approval, and amendment process for agency LRPPs, including that:

- Each state agency and the judicial branch must submit performance measures, outcomes, and standards, including any information required under this section, to the Office of Program Policy Analysis and Government Accountability (OPPAGA).
- The performance measures, outcomes, and standards, including any amendments thereto, for each state agency and the judicial branch are subject review and approval by the Legislative Budget Commission (LBC) (rather than initially set by the Legislature).
- At least 30 days before the scheduled annual legislative session, a state agency or the Chief Justice of the Supreme Court may submit requests to delete or amend performance measures, outcomes, and standards. These deletions, amendments, or additions are subject to review and approval by the LBC (rather than subject to the review and objection procedure applicable to budget actions).
- Each state agency or the judicial branch has 30 days after the effective date of the General Appropriations Act, or other enacted legislation, to propose adjustments to its performance measures, outcomes, and standards for review and approval by the LBC (rather than subject to the review and objection procedure applicable to budget actions).
- Any new state agency created by the legislature is required to establish initial performance measures, outcomes, and standards subject to review and approval by the LBC (rather than subject to the review and objection procedure applicable to budget actions).

For the first set of performance measures, outcomes, and standards after the enactment of this bill, each state agency or the judicial branch must submit new performance measures, outcomes, and standards, including the information required by this section to the LBC by December 1, 2026. This paragraph will expire on December 31, 2027.

Section 3 amends s. 20.055, F.S., to remove the requirement that each agency inspector general assess the reliability and validity of performance measures and standards and make recommendations for improvement before submission. The inspector general must advise on the development of outcomes, as well as the performance measures and standards.

Section 4 amends s. 186.021, F.S., to direct the state agencies to use the LRPP to implement the state's goals and objectives. Moreover, the section places a duty upon each agency to develop performance measures, outcomes, and standards to measure programs, outputs, and activity performance.

Section 5 amends s. 420.0003, F.S., to direct the Florida Housing Finance Corporation (rather than the Department of Commerce) to develop a long-range plan relating to the housing policies of the state. This is consistent with the independence that the corporation typically enjoys.

Section 6 amends s. 420.511, F.S., relating to the Florida Housing Finance Corporation, to eliminate the requirement that the corporation coordinate with the Department of Commerce in developing a long-range plan for providing affordable housing in this state. The section also eliminates the designation of the Secretary of Commerce as the corporation's representative to achieve this coordinated and integrated planning relationship with the department. The section also makes a series of technical, non-substantive changes.

Section 7 reenacts s. 216.011, F.S., to incorporate the amendment to s. 216.013, F.S., which described the elements of the LRPP.

Section 8 reenacts s. 402.56, F.S., relating to the duties and responsibilities of the Children and Youth Cabinet, to incorporate the amendment to s. 216.013, F.S., which describes the process for the LRPP.

Section 9 provides that the act takes effect July 1, 2026.

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

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the sections 216.013, 216.1827, 20.055, 186.021, 420.0003, and 420.511, of the Florida Statutes. The bill reenacts ss. 216.011 and 402.56 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 Brodeur

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1 A bill to be entitled
 2 An act relating to long-range program plans; amending
 3 s. 216.013, F.S.; revising the purpose of long-range
 4 program plans; requiring that plans of state agencies
 5 be based on statutorily established policies and
 6 driven by priorities and outcomes to achieve certain
 7 goals, objectives, and policies; requiring that the
 8 plans of the judicial branch be policy based, priority
 9 driven, accountable, and developed through careful
 10 examination and justification of programs and
 11 activities; requiring that such plans provide the
 12 framework for development of legislative budget
 13 requests; requiring that plans identify specified
 14 performance measures, trends and conditions relevant
 15 to the performance measures and state goals, agency
 16 programs implementing statutorily established
 17 policies, and the judicial branch programs
 18 implementing state policy; requiring that such plans
 19 include certain information regarding the
 20 implementation status of enacted laws; requiring that
 21 such information also include laws enacted in
 22 specified years; requiring that the implementation
 23 status information include specified information;
 24 requiring that long-range program plans remain in
 25 effect until replaced or adjusted as provided by
 26 specified provisions; deleting a requirement that
 27 written notice be provided to the Governor and
 28 Legislature upon the publishing of such plans on the
 29 agency or judicial branch website; requiring state

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30 agencies and the judicial branch annually, by a
 31 specified date, to submit their long-range program
 32 plans to the Legislative Budget Commission for
 33 approval; providing that if a state agency or the
 34 judicial branch receives a certain notification of
 35 failure to comply, such agency or the judicial branch
 36 is prohibited from submitting amendments to or
 37 otherwise making changes to its approved budget for
 38 certain expenditures until compliance is achieved;
 39 deleting obsolete language; amending s. 216.1827,
 40 F.S.; requiring state agencies and the judicial branch
 41 to maintain performance measures, outcomes, and
 42 standards; requiring state agencies to adopt specified
 43 and applicable performance measures, outcomes, and
 44 standards; requiring state agencies to develop and
 45 adopt a certain number of additional specified
 46 performance measures, outcomes, and standards;
 47 requiring state agencies to consider specified factors
 48 when developing such additional performance measures,
 49 outcomes, and standards; requiring the judicial branch
 50 to adopt certain performance measures, outcomes, and
 51 standards established by the Supreme Court; requiring
 52 state agencies and the judicial branch to maintain
 53 justifications for and sources of data to be used for
 54 each performance measure adopted; requiring that the
 55 long-range program plans contain performance measures
 56 in a specified form, manner, and timeframe; requiring
 57 that such plans provide specified information and
 58 data; requiring state agencies and the judicial branch

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59 to submit performance measures, outcomes, standards,
 60 and certain information to the Office of Program
 61 Policy Analysis and Government Accountability upon
 62 request; requiring that certain performance measures
 63 be adopted by the Legislative Budget Commission;
 64 authorizing the submission of requests to delete or
 65 amend performance measures, outcomes, and standards to
 66 the Legislative Budget Commission; requiring that such
 67 requests include the justification for the deletion,
 68 amendment, or addition; providing that such deletions,
 69 amendments, or additions are subject to review and
 70 approval by the Legislative Budget Commission;
 71 requiring state agencies and the judicial branch to
 72 make appropriate adjustments to their performance
 73 measures, outcomes, and standards to be consistent
 74 with certain enacted legislation; providing that state
 75 agencies and the judicial branch have a specified
 76 timeframe to make such adjustments; deleting obsolete
 77 language; requiring new state agencies created by the
 78 Legislature to establish initial performance measures,
 79 outcomes, and standards that are subject to review and
 80 approval by the Legislative Budget Commission;
 81 requiring state agencies and the judicial branch to
 82 submit to the Legislative Budget Commission new
 83 performance measures, outcomes, and standards and
 84 specified information by a specified date; providing
 85 for the scheduled repeal of such provision; amending
 86 s. 20.055, F.S.; conforming provisions to changes made
 87 by the act; amending s. 186.021, F.S.; revising

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88 requirements for state agencies' long-range program
 89 plans; amending s. 420.0003, F.S.; providing that a
 90 certain long-range plan is from the Florida Housing
 91 Finance Corporation and not from the Department of
 92 Commerce; conforming provisions to changes made by the
 93 act; amending s. 420.511, F.S.; replacing references
 94 to a "long-range program plan" with references to a
 95 "long-range plan"; deleting a requirement that such
 96 plan be developed in coordination with the Department
 97 of Commerce; deleting a provision relating to the
 98 Secretary of Commerce, or his or her designee, serving
 99 as the Florida Housing Finance Corporation's liaison
 100 for a specified purpose; reenacting ss. 216.011(1)(ee)
 101 and 402.56(5)(d), F.S., relating to the definition of
 102 the term "long-range program plan" and the duty of the
 103 Children and Youth Cabinet to design and implement a
 104 long-range program plan, respectively, to incorporate
 105 the amendment made to s. 216.013, F.S., in references
 106 thereto; providing an effective date.

107
 108 Be It Enacted by the Legislature of the State of Florida:

109
 110 Section 1. Section 216.013, Florida Statutes, is amended to
 111 read:

112 216.013 Long-range program plans ~~plan~~.—State agencies and
 113 the judicial branch shall develop long-range program plans to
 114 achieve state goals and objectives using an interagency planning
 115 process ~~that includes the development of integrated agency~~
 116 ~~program service outcomes~~. The plans of state agencies must ~~shall~~

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117 be ~~policy based on statutorily established policies;~~ priority
 118 driven by priorities and outcomes to achieve state goals,
 119 objectives, and policies; ~~;~~ accountable; ~~;~~ and developed through
 120 careful examination and justification of all agency and judicial
 121 branch programs and activities. The plans of the judicial branch
 122 must be policy based, including consideration of any statutory
 123 policy; driven by priorities and outcomes to achieve state
 124 goals, objectives, and policies; accountable; and developed
 125 through careful examination and justification of all judicial
 126 branch programs and activities.

127 (1) Long-range program plans ~~must~~ shall provide the
 128 framework for the development of legislative budget requests.

129 (2) Long-range program plans ~~must and shall~~ identify ~~or~~
 130 update:

131 (a) The mission of the agency or judicial branch.

132 (b) The performance measures required pursuant to s.
 133 216.1827 goals established to accomplish the mission.

134 (c) ~~The objectives developed to achieve state goals.~~

135 ~~(d)~~ The trends and conditions relevant to the mission, the
 136 performance measures, and the state goals, ~~and objectives.~~

137 ~~(d)(e)~~ The state agency or judicial branch programs that
 138 will be used to implement statutorily established state policy,
 139 or the judicial branch programs that will be used to implement
 140 state policy, and achieve state goals and objectives.

141 ~~(f)~~ The program outcomes and standards to measure progress
 142 toward program objectives.

143 ~~(g)~~ Information regarding performance measurement, which
 144 includes, but is not limited to, how data is collected, the
 145 methodology used to measure a performance indicator, the

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146 validity and reliability of a measure, the appropriateness of a
 147 measure, and whether, in the case of agencies, the agency
 148 inspector general has assessed the reliability and validity of
 149 agency performance measures, pursuant to s. 20.055(2).

150 ~~(h)~~ Legislatively approved output and outcome performance
 151 measures. Each performance measure must identify the associated
 152 activity contributing to the measure from those identified in
 153 accordance with s. 216.023(4)(b).

154 ~~(i)~~ Performance standards for each performance measure and
 155 justification for the standards and the sources of data to be
 156 used for measurement. Performance standards must include
 157 standards for each affected activity and be expressed in terms
 158 of the associated unit of activity.

159 ~~(j)~~ Prior-year performance data on approved performance
 160 measures and an explanation of deviation from expected
 161 performance. Performance data must be assessed for reliability
 162 in accordance with s. 20.055.

163 ~~(k)~~ Proposed performance incentives and disincentives.

164 (3) (a) 1. Long-range program plans must include information
 165 about the implementation status of any law enacted in the
 166 previous legislative session. The implementation status must be
 167 provided until all provisions of the law related to the agency
 168 have been fully implemented.

169 2. For purposes of initial implementation of this
 170 subsection, in addition to laws enacted pursuant to the 2026
 171 Regular Session, an agency must also provide information on
 172 recently enacted laws for the 2024 and 2025 Regular Sessions
 173 which have provisions not fully implemented. This subparagraph
 174 expires on June 30, 2027.

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- 175 (b) Implementation status information must include, at a
 176 minimum, all of the following:
- 177 1. Actions or steps taken to implement the law, and actions
 178 or steps planned for implementation, including, but not limited
 179 to, all of the following, as applicable:
 - 180 a. Administrative rules proposed for implementation.
 - 181 b. Procurements required.
 - 182 c. Contracts executed to assist the agency in
 183 implementation.
 - 184 d. Contracts executed to implement or administer the law.
 - 185 e. Programs started, offices established, or other
 186 organizational administrative changes made, including personnel
 187 changes.
 - 188 f. Federal waivers requested.
 - 189 2. The status of any required appointments and all
 190 scheduled board, commission, or related public meetings.
 - 191 3. A description of the agency programs, outputs, and
 192 activities implemented or changed related to the law.
 - 193 4. All expenditures made that were directly related to the
 194 implementation.
 - 195 5. Any provisions remaining to be implemented.
 - 196 6. A description of any impediment or delay in the
 197 implementation, including, but not limited to, challenges of
 198 administrative rules or identification of any policy issue that
 199 needs to be resolved by the Legislature to ensure timely and
 200 effective implementation.
 - 201 7. Information related to any litigation related to the law
 202 which is not provided under subparagraph 6.
 - 203 8. Any performance measure developed and the specific data

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- 204 identified, including data regarding enrollments, participants,
 205 loans, and other data elements of programs, outputs, and
 206 activities.
- 207 ~~(4)(2) Each~~ Long-range program plans ~~must plan shall~~ cover
 208 a period of 5 fiscal years, ~~be revised annually,~~ and remain in
 209 effect until replaced or adjusted as provided in this section
 210 ~~revised.~~
- 211 ~~(5)(3)~~ Long-range program plans or revisions must shall be
 212 presented by state agencies and the judicial branch in a form,
 213 manner, and timeframe prescribed in written instructions
 214 prepared by the Executive Office of the Governor in consultation
 215 with the chairs of the legislative appropriations committees.
- 216 ~~(6)(4)~~ Each state executive agency and the judicial branch
 217 shall post their long-range program plans on their ~~Internet~~
 218 websites not later than September 30 ~~30th~~ of each year, ~~and~~
 219 ~~provide written notice to the Governor and the Legislature that~~
 220 ~~the plans have been posted.~~
- 221 ~~(7)(5)~~ Each state agency ~~The state agencies~~ and the
 222 judicial branch shall make appropriate adjustments to their
 223 long-range program plans, excluding adjustments to performance
 224 measures, ~~outcomes,~~ and standards, to be consistent with the
 225 appropriations in the General Appropriations Act, ~~and~~
 226 legislation implementing the General Appropriations Act, and
 227 other enacted legislation. Agencies and the judicial branch have
 228 30 days subsequent to the effective date of the General
 229 Appropriations Act and implementing legislation to make
 230 adjustments to their plans as posted on their Internet websites.
- 231 (8) Annually, no later than September 15, each state agency
 232 and the judicial branch shall submit their long-range program

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233 plans to the Legislative Budget Commission for approval,
 234 including any update on meeting their plans' approved
 235 performance measures and any deviation from expected performance
 236 measures.

237 (9) If the chairs of the legislative appropriations
 238 committees notify a state agency or the judicial branch that the
 239 agency or the judicial branch has failed to comply with this
 240 section or s. 216.1827, the agency or the judicial branch may
 241 not submit amendments or otherwise make changes to its approved
 242 budget for operations and fixed capital outlay pursuant to s.
 243 216.181 until the agency or the judicial branch has corrected
 244 its deficiency.

245 (10)(6) Long-range program plans developed pursuant to this
 246 chapter are not rules and, therefore, are not subject to the
 247 provisions of chapter 120.

248 ~~(7) Notwithstanding the provisions of this section, each~~
 249 ~~state executive agency and the judicial branch are not required~~
 250 ~~to develop or post a long-range program plan by September 30,~~
 251 ~~2025, for the 2026-2027 fiscal year, except in circumstances~~
 252 ~~outlined in any updated written instructions prepared by the~~
 253 ~~Executive Office of the Governor in consultation with the chairs~~
 254 ~~of the legislative appropriations committees. This subsection~~
 255 ~~expires July 1, 2026.~~

256 Section 2. Section 216.1827, Florida Statutes, is amended
 257 to read:

258 216.1827 Requirements for performance measures, outcomes,
 259 and standards.-

260 (1) Each state agency ~~Agencies~~ and the judicial branch
 261 shall maintain a ~~comprehensive performance accountability system~~

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262 ~~containing, at a minimum, a list of performance measures,~~
 263 ~~outcomes, and standards as required by that are adopted by the~~
 264 ~~Legislature and subsequently amended pursuant to this section.~~

265 (2) Each state agency shall adopt the following performance
 266 measures, outcomes, and standards:

267 (a) Administrative costs as a percentage of total agency
 268 costs, including salaries and benefits and excluding fixed
 269 capital outlay.

270 (b) Percentage of vacant positions filled within 180 days
 271 after becoming vacant.

272 (c) Total dollar amount of salary increases awarded,
 273 delineated by the subtotal dollar amount of the increases
 274 specifically authorized in the General Appropriations Act or
 275 other law and the subtotal dollar amount of the increases
 276 awarded without specific legislative authorization.

277 (d) Percentage of corrective actions taken within 6 months
 278 after receipt of audit findings and management letters issued to
 279 resolve such findings or letters from financial and operational
 280 audits conducted pursuant to s. 11.45.

281 (e) Private attorney service costs dollar amounts, by case
 282 and as a percentage of total agency legal costs; legal costs
 283 paid to the Attorney General's office, by case and as a
 284 percentage of total agency legal costs; and total agency legal
 285 costs as a percentage of total agency budget.

286 (f) Total dollar amount of expenditures by state term
 287 contract as defined in s. 287.012, contracts procured using
 288 alternative purchasing methods as authorized pursuant to s.
 289 287.042(16), and agency procurements through request for
 290 proposal, invitation to negotiate, invitation to bid, single

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291 source, and emergency purchases.

292 (g) If applicable, the number of complete applications
 293 received and the average number of days to complete a permit,
 294 licensure, registration, or certification process, from the date
 295 of the receipt of initial application to final agency action,
 296 for each permit, license, registration, or certification issued
 297 by the agency or judicial branch.

298 (h) If applicable, the total number of required
 299 inspections, total number of inspections completed, and
 300 percentage of required inspections completed.

301 (i) If applicable, the average number of calendar days to
 302 award and contract for noncompetitive projects or grant programs
 303 for state or federal funds from the date of receipt of funds by
 304 the agency or receipt of budget authority, whichever is later.

305 (3) In addition to the performance measures, outcomes, and
 306 standards required by subsection (2), each agency shall develop
 307 and adopt at least five additional performance measures,
 308 outcomes, and standards. Additional performance measures,
 309 outcomes, and standards must include key state agency functions.
 310 When developing the additional performance measures, outcomes,
 311 and standards, each state agency shall take all of the following
 312 into consideration:

313 (a) The mission of the agency, state goals and objectives,
 314 and statutory policy.

315 (b) Programs, outputs, and activities that are key agency
 316 functions.

317 (c) Selection of data elements that best and most
 318 accurately measure progress toward state goals and objectives,
 319 including facilitating analysis of any deviation from expected

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320 performance.

321 (4) The judicial branch shall adopt performance measures,
 322 outcomes, and standards established by the Supreme Court, which
 323 must be substantially similar to the measures, outcomes, and
 324 standards in subsection (2) and the considerations outlined in
 325 subsection (3).

326 (5) Each state agency and the judicial branch shall
 327 maintain the justification for each performance measure,
 328 outcome, or standard, and the sources of data to be used.

329 (6)(2)(a) Each state agency ~~Agencies~~ and the judicial
 330 branch shall submit long-range program plans with performance
 331 measures in the form, manner, and timeframe ~~output and outcome~~
 332 measures and standards, as well as historical baseline and
 333 performance data pursuant to s. 216.013. The long-range program
 334 plan must provide:

335 (a) Information regarding measurement of the performance
 336 measures, including how the data is collected, baseline data,
 337 the methodology used for measurement, the reason for the
 338 measurement, and the validity and reliability of the
 339 measurement; and

340 (b) Data for the previous 5 years related to the
 341 performance measures, outcomes, and standards and an explanation
 342 of deviation from expected performance.

343 (7) Each state agency ~~Agencies~~ and the judicial branch
 344 shall ~~also~~ submit performance ~~data,~~ measures, outcomes, and
 345 standards, including any information required by this section,
 346 to the Office of Program Policy Analysis and Government
 347 Accountability upon request ~~for review of the adequacy of the~~
 348 legislatively approved measures and standards.

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349 (8) For each state agency and the judicial branch,
 350 performance measures, outcomes, and standards, including any
 351 amendments thereto, must be adopted by the Legislative Budget
 352 Commission.

353 ~~(3)~~ (a) At least 30 days before the scheduled annual
 354 legislative session, a state an agency or the Chief Justice of
 355 the Supreme Court may submit requests to delete or amend its
 356 existing approved performance measures, outcomes, and standards
 357 or activities, including alignment of activities to performance
 358 measures, or submit requests to create additional performance
 359 measures, outcomes, and standards or activities to the
 360 Legislature Executive Office of the Governor for review and
 361 approval. The request must shall document the justification for
 362 the change and ensure that the revision, deletion, amendment, or
 363 addition is consistent with legislative intent. Such deletion,
 364 amendment, or addition is subject to review and approval by the
 365 Legislative Budget Commission Revisions or deletions to or
 366 additions of performance measures and standards approved by the
 367 Executive Office of the Governor are subject to the review and
 368 objection procedure set forth in s. 216.177.

369 (b) Each state agency and the judicial branch shall make
 370 appropriate adjustments to their performance measures, outcomes,
 371 and standards to be consistent with the appropriations in the
 372 General Appropriations Act, legislation implementing the General
 373 Appropriations Act, and other enacted legislation. State
 374 agencies and the judicial branch have 30 days after the
 375 effective date of the General Appropriations Act or other
 376 enacted legislation to propose adjustments to their plans for
 377 review and approval by the Legislative Budget Commission The

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378 ~~Chief Justice of the Supreme Court may submit deletions or~~
 379 ~~amendments of the judicial branch's existing approved~~
 380 ~~performance measures and standards or may submit additional~~
 381 ~~performance measures and standards to the Legislature~~
 382 ~~accompanied with justification for the change and ensure that~~
 383 ~~the revision, deletion, or addition is consistent with~~
 384 ~~legislative intent. Revisions or deletions to, or additions of~~
 385 ~~performance measures and standards submitted by the Chief~~
 386 ~~Justice of the Supreme Court are subject to the review and~~
 387 ~~objection procedure set forth in s. 216.177.~~

388 ~~(4) (a) The Legislature may create, amend, and delete~~
 389 ~~performance measures and standards. The Legislature may confer~~
 390 ~~with the Executive Office of the Governor for state agencies and~~
 391 ~~the Chief Justice of the Supreme Court for the judicial branch~~
 392 ~~prior to any such action.~~

393 ~~(b) The Legislature may require state agencies to submit~~
 394 ~~requests for revisions, additions, or deletions to approved~~
 395 ~~performance measures and standards to the Executive Office of~~
 396 ~~the Governor for review and approval, subject to the review and~~
 397 ~~objection procedure set forth in s. 216.177.~~

398 ~~(c) The Legislature may require the judicial branch to~~
 399 ~~submit revisions, additions, or deletions to approved~~
 400 ~~performance measures and standards to the Legislature, subject~~
 401 ~~to the review and objection procedure set forth in s. 216.177.~~

402 ~~(d) Any new state agency created by the Legislature shall~~
 403 ~~establish is subject to the initial performance measures,~~
 404 ~~outcomes, and standards thereof, subject to review and approval~~
 405 ~~by the Legislative Budget Commission established by the~~
 406 ~~Legislature. The Legislature may require state agencies and the~~

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407 ~~judicial branch to provide any information necessary to create~~
 408 ~~initial performance measures and standards.~~

409 (d) Each state agency and the judicial branch shall submit
 410 new performance measures, outcomes, and standards, including the
 411 information required by this section, to the Legislative Budget
 412 Commission by December 1, 2026. This paragraph expires on
 413 December 31, 2027.

414 Section 3. Paragraphs (a) and (b) of subsection (2) of
 415 section 20.055, Florida Statutes, are amended to read:

416 20.055 Agency inspectors general.—

417 (2) An office of inspector general is established in each
 418 state agency to provide a central point for coordination of and
 419 responsibility for activities that promote accountability,
 420 integrity, and efficiency in government. It is the duty and
 421 responsibility of each inspector general, with respect to the
 422 state agency in which the office is established, to:

423 (a) Advise in the development of performance measures,
 424 outcomes, standards, and procedures for the evaluation of state
 425 agency programs.

426 ~~(b) Assess the reliability and validity of the information~~
 427 ~~provided by the state agency on performance measures and~~
 428 ~~standards, and make recommendations for improvement, if~~
 429 ~~necessary, before submission of such information pursuant to s.~~
 430 ~~216.1827.~~

431 Section 4. Section 186.021, Florida Statutes, is amended to
 432 read:

433 186.021 Long-range program plans.—Pursuant to s. 216.013,
 434 each state agency shall develop a long-range program plan ~~on an~~
 435 annual basis. The plan must shall provide the framework and

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436 context for designing and interpreting the agency budget
 437 request. The plan must will be developed through careful
 438 examination and justification of agency functions ~~and their~~
 439 ~~associated costs~~. An agency shall use the long-range program
 440 plan ~~It shall be used by the agency~~ to implement the state's
 441 goals and objectives. The agency shall also develop performance
 442 measures, outcomes, and standards to measure programs, outputs,
 443 ~~Indicators shall be developed to measure service and activity~~
 444 ~~performance.~~

445 Section 5. Paragraph (b) of subsection (3) of section
 446 420.0003, Florida Statutes, is amended to read:

447 420.0003 State housing strategy.—

448 (3) IMPLEMENTATION.—The state, in carrying out the strategy
 449 articulated in this section, shall have the following duties:

450 (b) The long-range ~~program~~ program plan of the corporation
 451 ~~department~~ must include specific performance measures, goals,
 452 and objectives, and strategies that implement the housing
 453 policies in this section.

454 Section 6. Section 420.511, Florida Statutes, is amended to
 455 read:

456 420.511 Strategic business plan; long-range ~~program~~ program plan;
 457 annual report; audited financial statements.—

458 (1) The corporation shall develop a strategic business plan
 459 for the provision of affordable housing for the state. The plan
 460 must be consistent with the long-range ~~program~~ program plan prepared
 461 pursuant to subsection (2) and must shall contain performance
 462 measures and specific performance targets for the following:

463 (a) The ability of low-income and moderate-income
 464 Floridians to access housing that is decent and affordable.

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465 (b) The continued availability and affordability of housing
466 financed by the corporation to target populations.

467 (c) The availability of affordable financing programs,
468 including equity and debt products, and programs that reduce
469 gaps in conventional financing in order to increase individual
470 access to housing and stimulate private production of affordable
471 housing.

472 (d) The establishment and maintenance of efficiencies in
473 the delivery of affordable housing.

474 (e) Such other measures as directed by the corporation's
475 board of directors.

476 (2) The corporation, ~~in coordination with the department,~~
477 shall annually develop a long-range ~~program~~ plan for the
478 provision of affordable housing in this state as required
479 pursuant to chapter 186. In part, the plan must include
480 provisions that maximize the abilities of the corporation to
481 implement the state housing strategy established under s.
482 420.0003, to respond to federal housing initiatives, and to
483 develop programs in a manner that is more responsive to the
484 needs of public and private partners. The plan must ~~shall~~ be
485 developed on a schedule consistent with that established by s.
486 186.021. ~~For purposes of this section, the Secretary of Commerce~~
487 ~~or his or her designee shall serve as the corporation's~~
488 ~~representative to achieve a coordinated and integrated planning~~
489 ~~relationship with the department.~~

490 (3) The corporation shall submit to the Governor and the
491 presiding officers of each house of the Legislature, within 6
492 months after the end of its fiscal year, a complete and detailed
493 report setting forth the corporation's state and federal program

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494 accomplishments using the most recent available data. The report
495 must include, but is not limited to:

496 (a) The following tenant characteristics in the existing
497 rental units financed through corporation-administered programs:

498 1. The number of households served, delineated by income,
499 race, ethnicity, and age of the head of household.

500 2. The number of households served in large, medium, and
501 small counties as described in s. 420.5087(1) and the extent to
502 which geographic distribution has been achieved in accordance
503 with s. 420.5087.

504 3. The number of farmworker and commercial fishing worker
505 households served.

506 4. The number of homeless households served.

507 5. The number of special needs households served.

508 6. By county, the average rent charged based on unit size.

509 (b) The number of rental units to which resources have been
510 allocated in the last fiscal year, including income and
511 demographic restrictions.

512 (c) The estimated average cost of producing units under
513 each rental or homeownership unit financed under each program in
514 the last fiscal year.

515 (d) By county, the average sales price of homeownership
516 units financed in the last fiscal year.

517 (e) The number of households served by homeownership
518 programs in the last fiscal year, including the income, race,
519 ethnicity, and age of the homeowner of each household.

520 (f) The percentage of homeownership loans that are in
521 foreclosure.

522 (g) The percentage of properties in the corporation's

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523 rental portfolio which have an occupancy rate below 90 percent.

524 (h) The amount of economic stimulus created by the

525 affordable housing finance programs administered by the

526 corporation for the most recent year available.

527 (i) For the State Apartment Incentive Loan Program (SAIL),

528 a comprehensive list of all closed loans outstanding at the end

529 of the most recent fiscal year, including, but not limited to,

530 development name, city, county, developer, set-aside type, set-

531 aside percentage, affordability term, total number of units,

532 number of set-aside units, lien position, original loan amount,

533 loan maturity date, loan balance at close of year, status of

534 loan, rate of interest, and interest paid.

535 (j) For the Florida Affordable Housing Guarantee Program, a

536 list of all guaranteed loans through the close of the most

537 recent fiscal year, including, but not limited to, development

538 name, city, county, developer, total number of units, issuer of

539 the bonds, loan maturity date, participation in the United

540 States Department of Housing and Urban Development Risk-Sharing

541 Program, original guarantee amount, guarantee amount at the

542 close of the fiscal year, status of guaranteed loans, and total

543 outstanding Florida Housing Finance Corporation Affordable

544 Housing Guarantee Program revenue bonds at the close of the most

545 recent fiscal year.

546 (k) Any other information the corporation deems

547 appropriate.

548 (4) Within 6 months after the end of its fiscal year, the

549 corporation shall submit audited financial statements, prepared

550 in accordance with generally accepted accounting principles,

551 which include all assets, liabilities, revenues, and expenses of

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552 the corporation, and a list of all bonds outstanding at the end

553 of its fiscal year. The audit must be conducted by an

554 independent certified public accountant, performed in accordance

555 with generally accepted auditing standards and government

556 auditing standards, and incorporate all reports, including

557 compliance reports, as required by such auditing standards.

558 (5) The Auditor General shall conduct an operational audit

559 of the accounts and records of the corporation and provide a

560 written report on the audit to the President of the Senate and

561 the Speaker of the House of Representatives by December 1, 2016.

562 Section 7. For the purpose of incorporating the amendment

563 made by this act to section 216.013, Florida Statutes, in a

564 reference thereto, paragraph (ee) of subsection (1) of section

565 216.011, Florida Statutes, is reenacted to read:

566 216.011 Definitions.—

567 (1) For the purpose of fiscal affairs of the state,

568 appropriations acts, legislative budgets, and approved budgets,

569 each of the following terms has the meaning indicated:

570 (ee) "Long-range program plan" means a plan developed

571 pursuant to s. 216.013.

572 Section 8. For the purpose of incorporating the amendment

573 made by this act to section 216.013, Florida Statutes, in a

574 reference thereto, paragraph (d) of subsection (5) of section

575 402.56, Florida Statutes, is reenacted to read:

576 402.56 Children's cabinet; organization; responsibilities;

577 annual report.—

578 (5) DUTIES AND RESPONSIBILITIES.—The Children and Youth

579 Cabinet shall:

580 (d) Design and implement actions that will promote

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581 collaboration, creativity, increased efficiency, information
582 sharing, and improved service delivery between and within state
583 governmental organizations that provide services for children
584 and youth and their families. In particular, the efforts shall
585 include the long-range planning process mandated by s. 216.013.

586 Section 9. This act shall take effect July 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 20, 2026

I respectfully request that **Senate Bill #1442**, relating to Long-range Program Plans, be placed on the:

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

A handwritten signature in black ink that reads "Jason Brodeur".

Senator Jason Brodeur
Florida Senate, District 10

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 7032

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: Fleet Management

DATE: January 27, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McVaney		GO Submitted as Comm. Bill/Fav

I. Summary:

SB 7032 removes the Department of Management Services' (department's) required involvement in all aspects of purchasing, maintaining, and disposing of state agency motor vehicles, watercraft, and aircraft. Instead, the bill allows each state agency to make such determinations, subject to appropriations and state purchasing laws. However, a state agency may still contract with the department to perform these functions if the agency does not wish to take on these roles.

Additionally, the bill vests with individual agencies the duty to keep records of, and make reports on their fleet vehicles. The agencies must transmit their records to the department each quarter. The department must then compile the reports and forward them to legislative appropriations committees.

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

The bill takes effect July 1, 2026.

II. Present Situation:

Department of Management Services Fleet Management Duties

Section 287.16(2), F.S., directs the Department of Management Services (DMS) to establish and operate centralized processes for the purchase, maintenance, storage, and disposal of all state-owned motor vehicles, and to operate any state facilities for those purposes. In furtherance of this duty, the DMS is also designated as the state-level fleet manager responsible for maintaining a centralized database that supports statewide operations.¹ More plainly, the DMS sets statewide fleet policy and its Bureau of Fleet Management and Federal Property performs the fleet-related functions, including maintaining the state's centralized fleet database, negotiating vehicle pricing

¹ Section 287.16(8), F.S. and r. 60B-1.010, F.A.C.

for state-term contracts, and approving vehicle acquisitions and disposals.² The bureau has six staff positions and funds fleet management activities with statutorily authorized per vehicle assessments that state agencies pay monthly.³

In 2021, the DMS launched FleetWave to serve as its statewide fleet management system. The FleetWave software allows the DMS to determine management and cost information required to effectively and efficiently manage the state's fleet. FleetWave also provides accountability of equipment use and expenditures.⁴ As of September 2025, there were 27,404 agency vehicle records across more than 30 entities in FleetWave.⁵

DMS purchased FleetWave from a private vendor in Fiscal Year 2021-22 for \$506,551. FleetWave incurs recurring costs ranging from \$461,520 to \$554,238 per fiscal year for annual software and other licensing fees.

2025 Auditor General Report

In January 2025, the Florida Auditor General published an operational audit of the DMS fleet management activities.⁶ The audit made nine findings pertinent to the FleetWave system:

- The DMS' oversight and administration of the State's fleet is challenged by limited centralized fleet management resources, the absence of clear guidance, the cycling through three fleet management information systems in less than 3 years, and ineffective data analysis.
- The DMS's Fleetwave had unmatched, inconsistent, missing, or incomplete vehicle records, often as the result of omissions or inaccuracies in vehicle identification numbers and serial numbers.
- The DMS' policies and procedures did not reflect current operating practices for fleet management.
- The DMS did not use reasonable criteria to set the FleetWave access and support fees it charged agencies.
- The DMS did not consistently process state agency vehicle purchase requests in a timely manner, or properly communicate approvals.
- The DMS' control over the approval of state agency vehicle disposal requests needs improvement.
- The DMS' control over the approval of state vehicle disposals and sale at public auction needs improvement.
- The DMS needs to institute better information technology controls relating to FleetWave to prevent and detect inappropriate access of the system.

² Section 287.16(2), F.S. and r. 60B-1.001, F.A.C. *See also*, Department of Management Services, *Fleet Management*, https://www.dms.myflorida.com/business_operations/fleet_management_and_federal_property_assistance/fleet_management (last visited Jan. 22, 2026).

³ Section 287.16(5), F.S.

⁴ Department of Management Services, *Fleet Management*, https://www.dms.myflorida.com/business_operations/fleet_management_and_federal_property_assistance/fleet_management (last visited Jan. 22, 2026).

⁵ Department of management Services, Fleet Management Update Presentation to the Senate Governmental Oversight and Accountability Committee on Oct. 14, 2025, available at <https://flsenate.gov/Committees/DownloadMeetingDocument/7825>.

⁶ Department of Management Services—Fleet management, Selected Administrative Activities, and Prior Audit Follow-Up, Florida Auditor General Report 2025-096, January 2025.

- FleetWave controls need improvement to better ensure that state agency fuel and vehicle expense reports are accurately uploaded to the system.

The DMS responded to the Auditor General’s findings and generally stated that it plans to update its policies and procedures, or otherwise standardize them, to better address many of the issues raised.

Agency Fleet Tracking

Each agency is tasked with the day-to-day operations of its fleet vehicles, such as fueling and maintenance. According to DMS procedures, agencies are required to submit certain standardized forms to request and receive authorization to acquire⁷ or dispose of motor vehicles.⁸ Department rules also require state agencies to maintain records and submit data to DMS’s fleet management information system by the 15th of each month and add vehicle acquisitions and remove vehicle disposals within 30 days.⁹ When acquiring new vehicles, agency staff completes a standardized acquisition form and emails it to DMS for approval.¹⁰ Agency staff must manually enter various other information about their vehicles into FleetWave, including the vehicle identification number, maintenance information, or assignment to individuals, but fueling data is imported through a linked WEX card, which the vehicle user uses as a credit card.

The State Auditor General 2025 report found that “[I]n practice, the State’s fleet is managed and maintained by dozens of State agencies which largely exercise near-autonomous discretion over fleet management.”¹¹

Several agencies use their own fleet management software to help maintain their agency vehicles. For example, the Florida Department of Agriculture and Consumer Services, which has approximately 2,613 wheeled passenger vehicles, spent \$804,000 for its department-wide tracking solution. Its software links to an individual tracker on approximately 48 percent of its fleet vehicles, which allows for immediate updates on the vehicle’s fuel usage and location, among other information.¹² The Department also reports that it expects the tracker to help keep track of required vehicle maintenance.

The Florida Wildlife Commission (FWC), with approximately 4,255 total vehicles (including ATVs, heavy equipment, and vessels), uses Samsara to track its fleet. The FWC reports that Samsara allows for greater data collection than FleetWave, including vehicle diagnostics, daily odometer and fuel reading, real-time location tracking, and general fleet reporting.¹³

⁷ DMS form, *Request for Acquisition of Motor Vehicles, Watercraft, Aircraft, and Mobile Equipment*, <https://dms-media.ccplatform.net/content/download/109300/file/MP6301%202025.pdf> (last visited Jan. 22, 2026); DMS FMP1

⁸ DMS form, *Request for Disposal of Motor Vehicles, Watercraft, Aircraft, and Mobile Equipment*, <https://dms-media.ccplatform.net/content/download/3980/file/MP6401%202025.pdf> (last visited Jan. 22, 2026).

⁹ Rule 60B-1.010(2) and (3), F.A.C.

¹⁰ Rule 60B-1.010, F.A.C.

¹¹ Fla. Aud. Gen. Report No. 2025-096, p. 4 (Jan. 2025),

¹² Florida Department of Agriculture and Consumer Services Presentation to the Senate Governmental Oversight and Accountability Committee on Dec. 2, 2025, <https://flsenate.gov/Committees/DownloadMeetingDocument/7975> (last visited Jan. 22, 2026).

¹³ Florida Fish and Wildlife Commission Presentation to the Senate Governmental Oversight and Accountability Committee on Dec. 2, 2025, <https://flsenate.gov/Committees/DownloadMeetingDocument/7975> (last visited Jan. 22, 2026).

The Florida Department of Highway Safety and Motor Vehicles, with approximately 3,066 total vehicles, uses WEX.¹⁴ This Department reports better integration of collected data in their WEX software, and easier access to said data.¹⁵

III. Effect of Proposed Changes:

The bill removes the DMS' *required* involvement in all aspects of purchasing, maintaining, and disposing of state agency motor vehicles, watercraft, and aircraft. Instead, the bill grants each state agency the authority to make such determinations, subject to appropriations and state purchasing laws. A state agency retains the authority to contract with the DMS to perform these functions if the agency does not wish to take on these roles.

Transfer of Authority from the Department of Management Services

Section 1 repeals s. 287.15, F.S., which requires the DMS's approval of any agency purchase, lease, or acquisition of a vehicle.

Section 2 allows a state agency to purchase vehicles, pursuant to appropriation, from nonstate term contract vendors if it is able to secure a contract for a similar class of vehicle at a lesser cost than it was negotiated for on the state-term contract by the DMS. The DMS will continue its role as the negotiator of state-term contracts for vehicles—but its terms and procurement processes will apply only when the agency cannot find a less expensive alternative.

Section 3 amends s. 287.155, F.S., to eliminate the DMS's role in the purchase of automobiles, trucks, tractors, and other automotive equipment by the Department of Children and Families, the Agency for Persons with Disabilities, the Department of Health, the Department of Juvenile Justice, and the Department of Corrections for use in institutions or developmental disabilities centers under their management.

Section 5 amends s. 287.16, F.S., to eliminate the current law grant of authority to DMS to supervise and control agency vehicles and to require every state agency to transfer its ownership of an aircraft, motor vehicle, associated maintenance facilities and equipment to the DMS.

This section also revises the DMS' authority to record and report fleet management data by eliminating its authority to require a state agency to keep records. Instead, the DMS is required to compile reports from the individual agencies and submit a quarterly consolidated report to the legislative appropriation committees.

Section 6 amends s. 287.18, F.S., to allow the DMS to request, rather than require, that a department or agency share its vehicle repair or gasoline facilities with other departments or agencies.

¹⁴ Although WEX operates the state-level purchasing card for fuel and maintenance purchases, it also operates fleet management software, which, according to the DHSMV “offers easier access [to data] and greater detail.”

¹⁵ Florida Department of Highway Safety and Motor Vehicles Presentation to the Senate Governmental Oversight and Accountability Committee on Dec. 2, 2025, <https://flsenate.gov/Committees/DownloadMeetingDocument/7975> (last visited Jan. 22, 2026).

Section 7 amends s. 287.19, F.S., to require an agency to transfer funds appropriated for the use, operation, maintenance, repair, or replacement of a state-owned or leased motor vehicle or aircraft to the DMS only when it has rendered services to the agency.

Section 8 amends s. 273.055, F.S., to delete the requirement that the DMS give prior approval for an agency's disposal of its motor vehicle, watercraft, or aircraft.

Transfer of Authority and Duties to Individual Agencies

Section 4 creates s. 287.156, F.S., to specifically delegate powers and duties to individual agencies regarding the acquisition (purchase, lease, or other), maintenance, management, and disposal of its fleet vehicles—including motor vehicles, watercraft, and aircraft. This authority also extends to the creation of facilities for the repair, storage, and maintenance of its vehicles.

Additionally, this section requires each agency to keep records of its fleets and transmit those records to the DMS on a quarterly basis. The DMS must then forward a consolidated report to the legislative appropriations committees each quarter. The agency records must include the following information:

- The number of motor vehicles and aircraft, including a unique entry for each motor vehicle and aircraft which details its make, model, year, and vehicle identification number or tail number.
- The disposal of a motor vehicle or aircraft and any associated costs and proceeds, and the reason for the disposal.
- The use of motor vehicles and aircraft, including total mileage or hours flown.
- The fuel usage and costs related to the motor vehicles and aircraft.
- Maintenance operations and costs related to the motor vehicle and aircraft.
- Any planned upgrade or replacement of motor vehicles or aircraft, and an estimate of associated costs.

Effective Date

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require municipalities or counties to spend funds, reduce the authority of municipalities or counties to raise revenue, or reduce the percentage of state tax shared with municipalities and counties.

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.

C. Government Sector Impact:

The DMS will not need to continue to maintain the FleetWave contract; this may result in a cost savings. Agencies will be required to implement fleet management practices, which may require the expenditure of funds, however, many individual agencies already pay for such software, and therefore will not be required to purchase any additional program. As a result, agencies may see an overall cost benefit because they will no longer be subject to the per-vehicle FleetWave fees, particularly for those vehicles no longer in service.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 287.15 of the Florida Statutes.

This bill substantially amends sections 287.151, 287.155, 287.16, 287.18, 287.19, and 273.055, of the Florida Statutes.

This bill creates section 287.156 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.

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

585-01999A-26

20267032pb

1 A bill to be entitled
 2 An act relating to fleet management; repealing s.
 3 287.15, F.S., relating to the purchase or lease of
 4 motor vehicles, watercraft, or aircraft and prior
 5 approval of the Department of Management Services;
 6 amending s. 287.151, F.S.; authorizing state agencies
 7 to purchase vehicles from nonstate term contract
 8 vendors under a specified condition; amending s.
 9 287.155, F.S.; deleting the requirement that the
 10 Department of Management Services approve the purchase
 11 of motor vehicles for certain departments and
 12 agencies; creating s. 287.156, F.S.; requiring state
 13 agencies to engage in certain powers, duties, and
 14 responsibilities relating to purchasing, leasing,
 15 acquiring, and disposing motor vehicles, watercraft,
 16 and aircraft; amending s. 287.16, F.S.; revising the
 17 powers, duties, and responsibilities of the department
 18 relating to motor vehicles, watercraft, and aircraft;
 19 amending s. 287.18, F.S.; authorizing the Secretary of
 20 Management Services to request, rather than require,
 21 certain departments and state agencies to repair
 22 aircraft and motor vehicles and store and distribute
 23 certain fuels; amending s. 287.19, F.S.; requiring
 24 that certain moneys designated or appropriated to
 25 agencies be transferred to the department upon
 26 services rendered; amending s. 273.055, F.S.; deleting
 27 the requirement of having approval from the department
 28 before disposing of motor vehicles, watercraft, and
 29 aircraft pursuant to specified provisions; providing

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30 an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Section 287.15, Florida Statutes, is repealed.
 35 Section 2. Subsection (2) of section 287.151, Florida
 36 Statutes, is amended to read:
 37 287.151 Limitation on classes of motor vehicles procured.—
 38 (2) ~~Ne~~ Funds in the General Appropriations Act may not
 39 ~~shall~~ be used to purchase any vehicle at prices in excess of the
 40 standard prices negotiated by the Department of Management
 41 Services. State agencies may purchase vehicles from nonstate
 42 term contract vendors if the cost of the motor vehicle is equal
 43 to or less than the cost of a similar class of vehicle found on
 44 a state term contract.
 45 Section 3. Subsections (1) and (3) of section 287.155,
 46 Florida Statutes, are amended to read:
 47 287.155 Motor vehicles; purchase by Department of Children
 48 and Families, Agency for Persons with Disabilities, Department
 49 of Health, Department of Juvenile Justice, and Department of
 50 Corrections.—
 51 (1) The Department of Children and Families, the Agency for
 52 Persons with Disabilities, the Department of Health, the
 53 Department of Juvenile Justice, and the Department of
 54 Corrections ~~may, subject to the approval of the Department of~~
 55 ~~Management Services,~~ purchase automobiles, trucks, tractors, and
 56 other automotive equipment for the use of institutions or
 57 developmental disabilities centers under the management of the
 58 Department of Children and Families, the Agency for Persons with

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59 Disabilities, the Department of Health, and the Department of
60 Corrections, and for the use of residential facilities managed
61 or contracted by the Department of Juvenile Justice.

62 (3) The Department of Health is authorized, ~~subject to the~~
63 ~~approval of the Department of Management Services,~~ to purchase
64 automobiles, trucks, and other automotive equipment for use by
65 county health departments.

66 Section 4. Section 287.156, Florida Statutes, is created to
67 read:

68 287.156 Powers and duties of state agencies.—State agencies
69 shall have all of the following powers, duties, and
70 responsibilities:

71 (1) To purchase, lease, acquire, or dispose of a motor
72 vehicle, a watercraft, or an aircraft.

73 (2) To establish and operate facilities for the
74 acquisition, disposal, operation, maintenance, repair, storage,
75 supervision, control, and regulation of motor vehicles,
76 watercraft, and aircraft and to operate facilities for those
77 purposes. An agency may contract for the maintenance of its
78 motor vehicles.

79 (3) To maintain records and make quarterly reports to the
80 Department of Management Services regarding motor vehicles and
81 aircraft owned or leased by the agency, including all of the
82 following:

83 (a) The number of motor vehicles and aircraft, including a
84 unique entry for each motor vehicle or aircraft which details
85 its make, model, year, and vehicle identification number or tail
86 number.

87 (b) The disposal of motor vehicles and aircraft, associated

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88 costs and proceeds, and the reason for the disposal.

89 (c) The use of motor vehicles and aircraft, including total
90 mileage or hours flown.

91 (d) The fuel usage and costs related to the motor vehicles
92 and aircraft.

93 (e) The maintenance operations and costs related to the
94 motor vehicles and aircraft, including, if apparent, the reason
95 for needed maintenance.

96 (f) Any planned upgrade or replacement of motor vehicles or
97 aircraft, and an estimate of associated costs.

98 Section 5. Subsections (2), (3), and (8) of section 287.16,
99 Florida Statutes, are amended to read:

100 287.16 Powers and duties of department.—The Department of
101 Management Services shall have the following powers, duties, and
102 responsibilities:

103 (2) To establish and operate central facilities for the
104 acquisition, disposal, operation, maintenance, repair, storage,
105 supervision, control, and regulation of all state-owned or
106 state-leased aircraft, watercraft, and motor vehicles and to
107 operate any state facilities for those purposes. Acquisition may
108 be by purchase, lease, loan, or in any other legal manner. The
109 department may contract for the maintenance of motor vehicles.

110 ~~(3) In its discretion, to require every state agency to~~
111 ~~transfer its ownership, custody, and control of every aircraft~~
112 ~~and motor vehicle, and associated maintenance facilities and~~
113 ~~equipment, except those used principally for law enforcement,~~
114 ~~state fire marshal, or fire control purposes, to the Department~~
115 ~~of Management Services, including all right, title, interest,~~
116 ~~and equity therein.~~

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117 ~~(7)(8)~~ To require any state agency to submit ~~keep~~ records
 118 and make reports regarding aircraft and motor vehicles to the
 119 department as may be required. The department shall compile the
 120 state agency reports quarterly and provide such reports to
 121 legislative appropriation committees ~~Department of Highway~~
 122 ~~Safety and Motor Vehicles shall use a reporting system approved~~
 123 ~~by the department.~~

124 Section 6. Section 287.18, Florida Statutes, is amended to
 125 read:

126 287.18 Repair and service of motor vehicles and aircraft.—
 127 The Secretary of Management Services or his or her designee may
 128 request ~~require~~ a department or any state agency having
 129 facilities for the repair of aircraft or motor vehicles and for
 130 the storage and distribution of gasoline and other petroleum
 131 products to repair aircraft and motor vehicles and to furnish
 132 gasoline and other petroleum products to any other department or
 133 agency and shall compensate for the cost of such services and
 134 products.

135 Section 7. Section 287.19, Florida Statutes, is amended to
 136 read:

137 287.19 Transfer of funds.—~~All~~ Moneys designated for or
 138 appropriated to any agency for the use, operation, maintenance,
 139 repair, or replacement of any state-owned or leased motor
 140 vehicles or aircraft must ~~shall~~ be transferred to the Department
 141 of Management Services upon services rendered ~~as required by the~~
 142 ~~department.~~

143 Section 8. Subsection (4) of section 273.055, Florida
 144 Statutes, is amended to read:

145 273.055 Disposition of state-owned tangible personal

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146 property.—

147 (4) Each custodian shall adopt guidelines or administrative
 148 rules and regulations pursuant to chapter 120 providing for, but
 149 not limited to, transferring, warehousing, bidding, destroying,
 150 scrapping, or other disposing of state-owned tangible personal
 151 property. ~~However, the approval of the Department of Management~~
 152 ~~Services is required prior to the disposal of motor vehicles,~~
 153 ~~watercraft, or aircraft pursuant to ss. 287.15 and 287.16.~~

154 Section 9. This act shall take effect July 1, 2026.

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CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Governmental Oversight and Accountability Committee

Judge:

Started: 1/26/2026 3:30:08 PM

Ends: 1/26/2026 4:18:03 PM

Length: 00:47:56

3:30:16 PM Chair Mayfield calls meeting to order
3:30:18 PM Roll Call
3:30:35 PM Chair Mayfield makes opening remarks
3:31:18 PM Pledge of Allegiance
3:31:28 PM Tab 2, SB 308 by Senator Leek, Florida Museum of Black History
3:31:35 PM Chair Mayfield recognizes Senator Leek
3:31:40 PM Senator Leek explains the bill
3:32:47 PM Senator Leek waives close
3:32:52 PM Roll Call
3:33:14 PM Tab 3, SB 474 by Senator Leek, Cybersecurity Standards and Liability
3:33:23 PM Chair Mayfield recognizes Senator Leek
3:33:26 PM Senator Leek explains the bill
3:34:23 PM Amendment 434400
3:34:30 PM Senator Leek explains the amendment
3:35:24 PM Chair Mayfield recognizes public testimony
3:35:34 PM Senator Leek waives close
3:35:39 PM Chair Mayfield reports amendment
3:35:44 PM Questions:
3:35:47 PM Senator Arrington
3:36:15 PM Senator Leek
3:36:47 PM Senator Arrington
3:37:01 PM Senator Leek
3:37:16 PM Senator Polsky
3:37:39 PM Senator Leek
3:37:58 PM Chair Mayfield recognizes public testimony:
3:38:19 PM Laura Youmans, Florida Justice Association
3:41:27 PM Adam Basford, Associated Industries of Florida
3:42:35 PM Turner Loesel, The James Madison Institute
3:43:33 PM Chair Mayfield recognizes public testimony waiving
3:44:07 PM Debate:
3:44:11 PM Senator Arrington
3:44:43 PM Senator Leek closes on the bill
3:46:57 PM Roll Call
3:47:41 PM Tab 5, SB 572 by Senator Harrell, Ethics for Public Employees
3:47:49 PM Chair Mayfield recognizes Senator Harrell
3:47:55 PM Senator Harrell explains the bill
3:49:03 PM Amendment 913752
3:49:11 PM Senator Harrell explains the amendment
3:49:32 PM Senator Harrell waives close
3:49:36 PM Chair Mayfield reports amendment
3:49:48 PM Chair Mayfield recognizes public testimony waiving
3:50:10 PM Senator Harrell closes on the bill
3:50:13 PM Roll Call
3:50:56 PM Tab 9, SB 1442 by Senator Brodeur, Long-range Program Plans
3:51:09 PM Chair Mayfield recognizes Senator Brodeur
3:51:15 PM Senator Brodeur explains the bill
3:52:34 PM Senator Brodeur waives close
3:52:36 PM Roll Call
3:53:11 PM Tab 6, SB 1106 by Senator Massullo, Recognizing Judea and Samaria
3:53:21 PM Chair Mayfield recognizes Senator Massullo
3:53:32 PM Amendment 506272
3:53:39 PM Senator Massullo explains the amendment

3:54:45 PM Questions:
3:54:56 PM Senator Bracy-Davis
3:55:03 PM Senator Massullo
3:55:46 PM Senator Bracy-Davis
3:56:07 PM Senator Massullo
3:56:40 PM Senator Massullo waives close
3:56:48 PM Chair Mayfield reports amendment
3:57:05 PM Chair Mayfield recognizes public testimony:
3:57:21 PM Adam Abuton, Engage Action Florida
3:59:47 PM Senator Massullo closes on the bill
4:00:37 PM Roll Call
4:01:16 PM Tab 1, SB 7020 by Agriculture Committee and Senator Truenow, OGSR/Aquaculture Records Held by
the Department of Agriculture and Consumer Services
4:01:23 PM Chair Mayfield recognizes Senator Truenow
4:01:27 PM Senator Truenow explains the bill
4:02:22 PM Chair Mayfield recognizes public testimony waiving
4:02:25 PM Senator Truenow waives close
4:02:28 PM Roll Call
4:02:53 PM Tab 4, SB 474 by Senator Wright, Military Affairs
4:02:58 PM Chair Mayfield recognizes Senator Wright
4:03:03 PM Senator Wright explains the bill
4:04:31 PM Amendment 797214
4:04:35 PM Senator Wright explains the amendment
4:04:54 PM Senator Wright waives close
4:05:00 PM Chair Mayfield reports amendment
4:05:08 PM Amendment 368028
4:05:12 PM Senator Wright explains the amendment
4:05:31 PM Senator Wright waives close
4:05:36 PM Chair Mayfield reports amendment
4:05:42 PM Amendment 485754
4:05:49 PM Senator Wright explains the amendment
4:06:26 PM Senator Wright waives close
4:06:32 PM Chair Mayfield reports amendment
4:06:46 PM Senator Wright waives close
4:06:49 PM Roll Call
4:07:26 PM Tab 8, SB 350 by Senator Grall, Public Records/Crime Victims
4:07:37 PM Chair Mayfield recognizes Senator Grall
4:07:51 PM Amendment 465530
4:07:56 PM Senator Grall explains amendment 465530
4:08:42 PM Amendment to the Amendment 830978
4:08:50 PM Senator Grall explains the amendment to the amendment
4:09:31 PM Senator Grall waives close
4:09:37 PM Chair Mayfield reports amendment to the amendment
4:09:46 PM Amendment to the amendment 801624
4:09:57 PM Senator Grall explains the amendment to the amendment
4:10:12 PM Senator Grall waives close
4:10:21 PM Chair Mayfield reports the amendment to the amendment
4:10:56 PM Back on the main amendment as amended; Senator Grall closes on amendment
4:11:03 PM Chair Mayfield reports amendment
4:11:06 PM Questions:
4:11:13 PM Senator Bracy-Davis
4:11:28 PM Senator Grall
4:12:40 PM Chair Mayfield recognizes public testimony:
4:12:49 PM William Smith, Florida PBA
4:13:28 PM Debate:
4:13:31 PM Chair Mayfield
4:13:50 PM Senator Grall closes on the bill
4:14:55 PM Roll Call
4:15:30 PM Chair Mayfield passes the gavel to Vice Chair DiCeglie
4:15:50 PM Tab 10, SPB 7032 by Governmental Oversight and Accountability Committee and Senator Mayfield, Fleet
Management
4:15:59 PM Senator Mayfield explains the proposed bill

4:16:49 PM Senator McClain moves to submit SPB 7032 as a committee bill
4:16:50 PM Roll Call
4:17:15 PM Chair DiCeglie passes the gavel back to Senator Mayfield
4:17:22 PM Senator Polsky moves to record missed votes
4:17:26 PM Senator Grall moves to record missed votes
4:17:48 PM Senator Bracy-Davis moves to record missed votes
4:17:56 PM Senator Bracy-Davis moves to adjourn
4:17:57 PM Meeting Adjourned