

Tab 1	CS/SB 330 by CA, Bradley ; Compare to H 00739 Disability Provisions for Firefighters and Law Enforcement and Correctional Officers				
Tab 2	SB 526 by Grall ; Similar to CS/CS/H 00405 Commercial Construction Projects				
865572	D	S	GO, Grall	Delete everything after	01/30 03:31 PM
Tab 3	SB 862 by Martin ; Identical to H 00165 Law Enforcement Officers, Correctional Officers, and Institutional Security Specialists				
Tab 4	SB 1072 by Calatayud (CO-INTRODUCERS) Pizzo ; Similar to H 00111 Antisemitism Task Force				
Tab 5	SB 1078 by Grall ; Similar to H 01063 Gubernatorial Transition				
193312	A	S	GO, Grall	Delete L.94 - 144:	01/30 03:31 PM
Tab 6	SB 1192 by Polsky ; Identical to H 01031 Customer Service Callback Queues				
Tab 7	SB 1250 by Davis ; Identical to H 01367 Florida Commission on Human Relations				
Tab 8	SB 1296 by Martin ; Similar to CS/H 00995 Public Employees Relations Commission				
Tab 9	SB 1298 by Martin ; Similar to H 00997 Public Records/Public Employees Relations Commission				
Tab 10	SB 1642 by McClain ; Similar to H 00641 Gender Identity Employment Practices				
837724	A	S	GO, McClain	Delete L.32 - 34:	01/30 02:32 PM
Tab 11	SB 1698 by McClain ; Similar to H 01495 Notice Requirements for Certain Employers to their Employees				
Tab 12	SB 7022 by ED ; Similar to H 07021 Public Records/Examination and Assessment Instruments				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY

Senator Mayfield, Chair
Senator DiCeglie, Vice Chair

MEETING DATE: Monday, February 2, 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	CS/SB 330 Community Affairs / Bradley (Compare H 739)	Disability Provisions for Firefighters and Law Enforcement and Correctional Officers; Defining the terms “employing agency” and “heart disease”; providing that a certain previously conducted physical examination satisfies a requirement for a presumption; authorizing law enforcement officers, correctional officers, and correctional probation officers, under a specified condition, to use a physical examination from a former employer for the purpose of claiming a specified presumption, etc.	CA 01/13/2026 Fav/CS GO 02/02/2026 AP
2	SB 526 Grall (Similar CS/H 405)	Commercial Construction Projects; Defining the term “awarding body”; providing that provisions contained in public construction contracts which purport to waive, release, or extinguish certain rights of a contractor are void and unenforceable under specified circumstances; providing construction; requiring the Florida Building Commission, in consultation with the Department of Business and Professional Regulation, to create a uniform commercial building permit application; defining the term “commercial construction project”; requiring local enforcement agencies to reduce permit fees for commercial construction projects by certain percentages under certain circumstances, etc.	CA 01/13/2026 Favorable GO 02/02/2026 RC

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Monday, February 2, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 862 Martin (Identical H 165)	Law Enforcement Officers, Correctional Officers, and Institutional Security Specialists; Citing this act as the "Correctional and Probation Officer Fairness Act"; requiring that the average salary of a correctional officer, a correctional probation officer, or an institutional security specialist be no less than a certain percentage of the average salaries of sworn law enforcement officers; requiring the Department of Management Services to submit an annual compensation analysis report to the Governor and the Legislature; requiring an annual salary increase for sworn law enforcement officers, correctional officers, correctional probation officers, and institutional security specialists, etc. GO 02/02/2026 ACJ AP	
4	SB 1072 Calatayud (Similar H 111)	Antisemitism Task Force; Creating the Antisemitism Task Force adjunct to the Office of Civil Rights within the Department of Legal Affairs for a specified purpose; requiring the department to provide administrative and staff support to the task force; requiring the task force to meet quarterly; requiring the task force to annually submit a report and policy recommendations to the Governor and the Legislature by a specified date, etc. GO 02/02/2026 ACJ FP	
5	SB 1078 Grall (Similar H 1063)	Gubernatorial Transition; Requiring the Governor to designate a transition liaison within the Executive Office of the Governor within a specified timeframe; providing duties of the transition liaison; requiring the head of each state agency to designate an agency transition liaison within a specified timeframe; requiring the Department of Management Services and each state agency to provide certain temporary office facilities to certain persons during the transition period; requiring the Governor-elect and his or her staff to be granted access to state agency records under certain conditions, etc. GO 02/02/2026 AEG RC	

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Monday, February 2, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1192 Polsky (Identical H 1031)	Customer Service Callback Queues; Establishing a pilot program to require specified agencies to use a callback queue for returning certain calls; requiring calls to be returned in a specified manner; requiring pilot program participants to report specified information to the Legislature by a certain date, etc. GO 02/02/2026 ATD AP	
7	SB 1250 Davis (Identical H 1367)	Florida Commission on Human Relations; Deleting the requirement that the Florida Commission on Human Relations send certain information to certain persons by registered mail, etc. GO 02/02/2026 JU RC	
8	SB 1296 Martin (Similar H 995, Compare H 997, Linked S 1298)	Public Employees Relations Commission; Deleting a provision requiring exceptions to a recommended order to be filed within a specified timeframe; authorizing subpoenas to be served by certified mail, return receipt requested, or by personal service; requiring an employee organization, within a specified timeframe, to revoke the membership of and cease the collection of membership dues from a public employee; revising requirements for the certification and recertification of an employee organization; deleting provisions relating to conflicts between any collective bargaining agreement provision and certain laws, ordinances, rules, or regulations, etc. GO 02/02/2026 AEG FP	
9	SB 1298 Martin (Similar H 997, Compare H 995, Linked S 1296)	Public Records/Public Employees Relations Commission; Providing an exemption from public records requirements for the chair, commissioners, and hearing officers of the Public Employees Relations Commission; revising the exemption from public records requirements for draft orders and related written communications or the issuance of any order by the commission or its designees; providing an exemption from public records requirements for a showing of interest signed by the employees or group of employees who no longer desire to be represented by a certified bargaining agent; providing for future legislative review and repeal of the exemption; providing statements of public necessity, etc. GO 02/02/2026 AEG FP	

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Monday, February 2, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 1642 McClain (Similar H 641)	Gender Identity Employment Practices; Citing this act as the "Freedom of Conscience in the Workplace Act"; specifying an employment policy of this state relating to a person's sex; providing applicability; prohibiting employees and contractors of certain employers from being required to use certain pronouns or requiring such employers to use a pronoun that does not correspond to the employee's or contractor's sex; prohibiting the inclusion on certain forms of specified options relating to an applicant's sex; providing that it is an unlawful employment practice for certain employers to require certain training, instruction, or activity as a condition of employment, etc. GO 02/02/2026 JU RC	
11	SB 1698 McClain (Similar H 1495)	Notice Requirements for Certain Employers to their Employees; Providing that certain employers, employment agencies, and labor organizations comply with providing their employees or members certain information by posting notice of such information on the Internet in a manner that is accessible to such employees or members, etc. GO 02/02/2026 JU RC	
12	SB 7022 Education Pre-K - 12 (Similar H 7021)	Public Records/Examination and Assessment Instruments; Deleting a duplicative exemption from public records requirements for certain examination and assessment instruments; requiring the State Board of Education and the Board of Governors to adopt rules and regulations, respectively, governing the retention and disposal process for specified records; deleting a provision requiring the State Board of Education and the Board of Governors to adopt certain rules and regulations, respectively, governing access to records; extending the scheduled repeal of the exemption; providing a statement of public necessity, etc. GO 02/02/2026 RC	

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

Florida Commission on Human Relations

13	Bufano, Vicky ()	09/30/2028
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COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Monday, February 2, 2026, 3:30—5:30 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
14	Vicente, Jose A. ()	09/30/2028	
15	Toryanski, Mitch Elich ()	09/30/2029	
16	Neff, Amanda L. ()	09/30/2027	
17	Miller, Mark ()	09/30/2029	
18	Kessie, Michael (Bradenton)	09/30/2028	
19	Bayse, Chad ()	09/30/2029	
State Retirement Commission			
20	Andreotta, Jason (Palm Beach)	12/31/2028	
21	La Torre, Alexandra (Tallahassee)	12/31/2027	
22	Dyer, Jesse (Tallahassee)	12/31/2029	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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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: CS/SB 330

INTRODUCER: Community Affairs Committee and Senator Bradley

SUBJECT: Disability Provisions for Firefighters and Law Enforcement and Correctional Officers

DATE: January 30, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	Fav/CS
2.	McVaney	McVaney	GO	Pre-meeting
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 330 amends the disability in the line of duty presumption of eligibility for workers' compensation or disability retirement benefits for firefighters, law enforcement officers, correctional officers, or correctional probation officers. The bill reorganizes existing definitions and adds definitions for the terms "employing agency" and "heart disease."

The bill also amends provisions related to requirements for law enforcement officers, correctional officers, or correctional probation officers to complete and pass physical examinations to satisfy the presumption. Under the bill, officers will be allowed to use physical examinations from previous employing agencies to satisfy the requirement under the presumption if they did not complete an examination upon entering service with their current employing agency, if the examination did not show evidence of tuberculosis, heart disease, or hypertension. The bill allows use of such examinations from previous employing agencies only if the current employing agency did not require the officer to undergo an examination upon entering service with that employing agency.

The bill provides a legislative finding and declaration that the act fulfills an important state interest.

The bill will take effect on July 1, 2026.

II. Present Situation:

Disability in the Line of Duty Presumption for Certain Conditions

Firefighters and law enforcement or correction officers are entitled to a statutory presumption that certain conditions were suffered in the line of duty and may thus be eligible for workers' compensation or disability retirement benefits. Section 112.18, F.S., provides that any condition or impairment of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter¹ or any law enforcement officer,² correctional officer,³ or correctional probation officer,⁴ caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death is to be presumed to have been accidental and to have been suffered in the line of duty unless the contrary can be shown by competent evidence. The presumption does not apply to life insurance or disability insurance benefits, unless negotiated between the insurer and insured for inclusion in the policy.⁵ The presumption in s. 112.18, F.S., applies to workers' compensation claims⁶ and determinations of eligibility for disability retirement for employees of participants in the Florida Retirement System (FRS).⁷

A similar presumption that any condition caused by tuberculosis, hypertension, or heart disease was suffered in the line of duty is included in chapter 185 and applies to pension and retirement benefits under local retirement plans established by municipalities for police officers⁸ and in

¹ The term "firefighter" is not defined for s. 112.18, F.S. Three separate definitions are included for "firefighter" in chapter 112, F.S. *See* ss. 112.1816(1)(c), 112.81(3), and 112.191(1)(b), F.S. Under chapter 633, the chapter governing firefighter training and certification standards, "firefighter" means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal under s. 633.408, F.S. Section 633.102(9), F.S.

² "Law enforcement officer means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01. Section 943.10(1), F.S.

³ "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution, not including any secretarial, clerical, or professionally trained personnel. Section 943.10(2), F.S.

⁴ "Correctional probation officer" means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including the probation and parole regional administrator level. Section 943.10(3), F.S.

⁵ Section 112.18, F.S.

⁶ *See* s. 112.18(1)(c), F.S.

⁷ *See* FLA. DEPT OF MGMT SERVICES, FLORIDA RETIREMENT SYSTEM EMPLOYER HANDBOOK 10-4 (Jan. 2025) *available at* https://frs.fl.gov/forms/Employer_Handbook_2025.pdf (last visited Jan 7, 2026) [hereinafter "FRS Handbook"]. For Fiscal Year 2025-26, participants in the FRS include numerous state agencies, state colleges and universities, county offices, school boards, municipal offices, and other governmental entities. *See* FLA. DEPT OF MGMT SERVICES, PARTICIPATING EMPLOYERS FOR FISCAL YEAR 2025-26 (Dec. 2026) *available at* <https://frs.fl.gov/forms/part-emp.pdf> (last visited Jan 7, 2026).

⁸ Section 185.34, F.S.

chapter 175, which is applicable to pension and retirement benefits under plans established by municipalities or special districts for firefighters.⁹

The term “heart disease” is not defined in statute for any of the line-of-duty disability presumptions.

Preemployment Physical Examinations

Among the minimum employment qualifications for firefighters, law enforcement officers, and corrections officers is the requirement for passage of a health examination. A person applying for certification as a firefighter must be in good physical condition as determined by a medical examination by a licensed physician, surgeon, physician assistant, or advanced practice registered nurse.¹⁰ A law enforcement officer, correctional officer, or correctional probation officer must have passed a physical examination by a licensed physician, physician assistant, or advanced practice registered nurse.¹¹

To be eligible for the presumption provided in s. 112.18, F.S., a law enforcement officer, correctional officer, or correctional probation officer must have successfully passed a physical examination upon entering service which failed to reveal any evidence of tuberculosis, heart disease, or hypertension, and may not use a physical examination from a former employing agency.¹² If a firefighter did not complete a preemployment physical examination, the medical examination required for certification is deemed to satisfy the requirement for the presumption, so long as that examination did not reveal evidence of tuberculosis, heart disease, or hypertension.¹³

For firefighters, law enforcement officers, correctional officers, or correctional probation officers who completed preemployment physical examinations, employing service providers and agencies are required to maintain preemployment physical examinations for at least five years after the employee’s separation.¹⁴ If the employing service provider or agency fails to maintain the records, it is presumed the employee has met the physical examination requirements for the line-of-duty disability presumption.¹⁵

Eligibility for Workers’ Compensation Presumption

Florida’s Workers’ Compensation laws¹⁶ generally require employers to pay compensation or furnish benefits if an employee suffers an accidental compensable injury or death arising out of work performed in the course and scope of employment.¹⁷ The Department of Financial Services (DFS) provides regulatory oversight of Florida’s workers’ compensation system.

⁹ Section 175.231, F.S.

¹⁰ Section 633.412(5), F.S.

¹¹ Section 943.13(6), F.S.

¹² Section 943.13(6), F.S.

¹³ Section 112.18(1)(b)1., F.S.

¹⁴ Sections 112.18(1)(b)2. and 943.13(6), F.S.

¹⁵ Sections 112.18(1)(b)2. and 943.13(6), F.S.

¹⁶ Chapter 440, F.S.

¹⁷ Section 440.09, F.S.

The line-of-duty disability presumption for tuberculosis, heart disease, or hypertension does not apply to workers' compensation claims if a law enforcement, correctional, or correctional probation officer:

- Departed materially from the course of treatment prescribed by his or her physician, resulting in a significant aggravation of the disease or disability or need for medical treatment; or
- Was previously compensated under workers' compensation benefits for the disabling disease, sustains and reports a new claim for the disabling disease, departed materially from the treatment prescribed by his or her physician which resulted in significant aggravation of the disabling disease, resulting in disability or increasing the disability or need for medical treatment.¹⁸

To be eligible for workers' compensation benefits, a law enforcement officer, correctional officer, or correctional probation officer must make a claim for benefits prior to or within 180 days after leaving the employment or the employing agency.¹⁹

Firefighters are not subject to the exclusion for prior treatment or compensation, and they are not covered by the claim-filing deadline that allows a law enforcement officer, correctional officer, or correctional probation officer to file a claim up to 180 days after leaving the employment.²⁰ Thus, a firefighter suffering from tuberculosis, heart disease, or hypertension is subject to the more general notice requirements of chapter 440, F.S. Since these conditions are considered occupational diseases, the firefighter must advise his or her employer within 90 days after the initial manifestation of the disease or 90 days after the firefighter obtains a medical opinion that the disease is due to the nature of the firefighter's employment, if the cause could not be identified without a medical opinion.²¹

Since the term "heart disease" is not defined in statute, the compensability of some workers' compensation claims has been subject to judicial determination of the term's meaning. In *City of Venice v. Van Dyke*, the First District Court of Appeal relied on a medical dictionary defining "heart disease" as "any organic, mechanical, or functional abnormality of the heart, its structures, or the coronary arteries" to find that a claimant's aortic disease could "reasonably be classified as heart disease."²² The court in *North Collier Fire Control and Rescue District v. Harlem* concluded that *Van Dyke* was "limited to its facts" and instead turned to historical definitions of heart disease to apply the term based on its original meaning: "the type of disease affecting and weakening the heart muscle through a degradation of the vessels or the valves, and which was prevalent as [a] major cause of death in the United States in the 1950s and 1960s."²³ Using this narrower definition, the court in *Harlem* found that the Judge of Compensation Claim's determination that the claimant's aortic aneurism was heart disease conflicted with the meaning of the term.²⁴

¹⁸ Section 112.18(1)(c)1., F.S.

¹⁹ Section 112.18(1)(c)4., F.S.

²⁰ See s. 112.18(1)(c), F.S.

²¹ Sections 440.151(6) and 440.185(1), F.S.

²² *City of Venice v. Van Dyke*, 46 So. 3d 115, 116 (Fla. 1st DCA 2010).

²³ *N. Collier Fire Control and Rescue Dist. v. Harlem*, 371 So. 3d 368, 370, 377 (Fla. 1st DCA 2023).

²⁴ *Id.* at 377.

Eligibility for Disability Retirement Presumption

The FRS is administered by the Department of Management Services, with the secretary designated as the administrator of the retirement and pension systems assigned or transferred to the department.²⁵

Under the FRS, two types of disability benefits are available: regular and in the line of duty.²⁶ Disability from illness or injury due to natural causes or an accident unrelated to employment is considered “regular disability”.²⁷ A disability caused in the line of duty must be documented by medical evidence that it was caused by a job-related illness or accident while still employed.²⁸ The member must be totally and permanently disabled, meaning that “in the opinion of the administrator, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.”²⁹ Effective July 1, 2001, members of the pension plan must have completed 8 years of service to be eligible for regular disability.³⁰ Those who qualify for line-of-duty disability may qualify from their first day of service.³¹

To qualify for disability benefits pursuant to the line-of-duty disability presumption for tuberculosis, heart disease, or hypertension, a firefighter, law enforcement officer, or corrections officer must submit proof of the disability with their application for retirement.³² Such proof must include certification of the total and permanent disability by two licensed physicians.³³ The submitted proof must document that the condition occurred or became systematic while the firefighter, law enforcement officer, or corrections officer was employed; he or she was totally and permanently disabled at the time he or she terminated employment; and that he or she has not been employed with any other employer after such termination.³⁴

III. Effect of Proposed Changes:

CS/SB 330 amends s. 112.18, F.S. to organize existing definitions within the section under one subsection and newly define the terms “employing agency” and “heart disease.” “Employing agency” is defined to have the same meaning as s. 943.10(4), F.S., and will clarify requirements related to timing of claims and satisfaction of physical examination requirements for law enforcement officers, correctional officers, or correctional probation officers for the tuberculosis, heart disease, or hypertension line-of-duty disability presumption.

The term “heart disease” is defined by the bill to mean “any organic, mechanical, or functional abnormality of the heart or its structures or of the coronary arteries,” which will clarify the entitlement of firefighters, law enforcement officers, correctional officers, or correctional

²⁵ Section 121.025, F.S.

²⁶ Section 121.091(4), F.S.

²⁷ FRS Handbook, *supra* note 7 at 10-3.

²⁸ Section 121.091(4)(c)3., F.S.

²⁹ Section 121.091(4)(b), F.S.

³⁰ Section 121.091(4)(a)1.b., F.S.

³¹ *Id.*

³² Section 121.091(4)(c), F.S.

³³ Section 121.091(4)(c)1., F.S.

³⁴ Section 121.091(4)(c)2., F.S.

probation officers to workers' compensation or disability retirement benefits pursuant to the presumption.

The bill adds a provision to s. 112.18, F.S., for law enforcement officers, correctional officers, or correctional probation officers related to the satisfaction of physical examination requirements for the presumption for those who did not complete preemployment examinations that is like a provision under the section for firefighters. Under this new provision, if an officer did not complete a physical examination upon entering service with his or her current employing agency, but did complete a physical examination upon entering service with his or her former employing agency that did not show evidence of tuberculosis, heart disease, or hypertension, the examination from the former employing agency may satisfy the examination requirements for the presumption. The bill amends s. 943.13, F.S., to align that section with this new provision. Instead of the prohibition in current law against officers being able to use a physical examination from a former employing agency to claim the presumption, the bill will authorize officers to use examinations from former employing agencies, but only if the current employing agency did not require an examination.

The bill includes the legislative finding and declaration that the act fulfills an important state interest.

The bill will take effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandates provision of Article VII, section 18 of the Florida Constitution may apply because county and municipality governments that employ firefighters, law enforcement officers, correctional officers, or correctional probation officers may be required to fund additional expenses related to workers' compensation claims or disability retirement benefits for such employees if claims or benefits are granted that would have been previously denied due to the new definition of "heart disease" or the satisfaction of physical examination requirements through previously conducted examinations. However, an exception may apply because the bill applies to all similarly situated persons, i.e., every county and municipal government that employs such individuals, in addition to the state, which also employs such individuals. Additionally, as required for the exception to apply, the bill includes the legislative finding and declaration that the act fulfills an important state interest.

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:

State and local governments that employ firefighters, law enforcement officers, correctional officers, or correctional probation officers may experience greater expenditures if additional workers' compensation claims or disability retirement benefits are granted that would have been previously denied.

VI. Technical Deficiencies:

Lines 80-90 provide that if an officer did not undergo a preemployment physical upon entering service with the current employing agency, but the officer did undergo a medical examination upon entering service with his former employing agency, the previously conducted examination is deemed to satisfy the requirement for the presumption to apply. It should be noted that although the officer is covered in this instance, the current employer will incur the claims cost even though the condition may have arisen from the officer's service with the former employing agency.

Lines 195-219 (amending s. 943.16(6), F.S.) contradict lines 80-90. These later lines provide that to be eligible for the presumption in s. 112.18, F.S., an officer must have successfully passed the medical examination upon entering service with the current employing agency. An officer may use a physical examination from a former employing agency only if the current employing agency did not require the officer to undergo an examination as required by this section. In other words, if the employing agency did not take appropriate steps to check the health of the officer, then the officer may rely on an earlier examination to be eligible for the presumption that the condition was accidental and to have been suffered in the line of duty (during the service to the current employing agency).

VII. Related Issues:

Article X, section 14 of the Florida Constitution prohibits any governmental unit responsible for any retirement or pension system from increasing benefits to members unless provision for the

funding of the increase in benefits on a sound actuarial basis is made concurrently. Section 112.63(3), F.S., similarly requires the administrator of any retirement system to issue a statement of the actuarial impact of a proposed change in retirement benefits before adoption of the change and the last public hearing on such change. The statement must also indicate whether the proposed changes comply with Article X, section 14, of the Florida Constitution.

While the definition of “heart disease” has been subject to judicial determination in the context of workers’ compensation benefits, no such definition or interpretation applies in the context of retirement system benefits. If it is determined that the definition added by CS/SB 330 would increase benefits related to disability retirement, then the requirements of Article X, section 14 of the Florida Constitution and s. 112.63, F.S. would apply.

VIII. Statutes Affected:

This bill substantially amends the sections 112.18 and 943.13 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 Community Affairs on January 13, 2026:

The committee substitute adds a statement that the Legislature finds and declares that the act fulfills an important state interest.

- B. **Amendments:**

None.

By the Committee on Community Affairs; and Senator Bradley

578-01918-26

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A bill to be entitled

An act relating to disability provisions for firefighters and law enforcement and correctional officers; amending s. 112.18, F.S.; defining the terms "employing agency" and "heart disease"; revising definitions; providing that a certain previously conducted physical examination satisfies a requirement for a presumption; deleting obsolete language; making technical changes; amending s. 943.13, F.S.; authorizing law enforcement officers, correctional officers, and correctional probation officers, under a specified condition, to use a physical examination from a former employer for the purpose of claiming a specified presumption; providing a finding and declaration of important state interest; providing an effective date.

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

Section 1. Section 112.18, Florida Statutes, is amended to read:

112.18 Firefighters and law enforcement or correctional officers; special provisions relative to disability.-

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

(a) "Correctional officer" has the same meaning as in s. 943.10(2).

(b) "Correctional probation officer" has the same meaning as in s. 943.10(3).

(c) "Employing agency" has the same meaning as in s.

Page 1 of 8

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

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943.10(4).

(d) "Fire service provider" has the same meaning as in s. 633.102(13).

(e) "Heart disease" means any organic, mechanical, or functional abnormality of the heart or its structures or of the coronary arteries.

(f) "Law enforcement officer" has the same meaning as in s. 943.10(1).

(g) "Medical specialist" means a physician licensed under chapter 458 or chapter 459 who has a board certification in a medical specialty inclusive of care and treatment of tuberculosis, heart disease, or hypertension.

(h) "Prescribed course of treatment" means prescribed medical courses of action and prescribed medicines for the specific disease or diseases claimed, as documented by the prescribing physician in the patient's medical records.

(2) (a) ~~(1) (a)~~ Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or any law enforcement officer, correctional officer, or correctional probation officer ~~as defined in s. 943.10(1), (2), or (3)~~ caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter, law enforcement officer, correctional officer, or correctional probation officer must have successfully passed a physical examination upon entering into any such service as a firefighter, law enforcement officer, correctional officer, or

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

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correctional probation officer, which examination failed to reveal any evidence of any such condition. Such presumption does not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(b)1. If a firefighter did not undergo a preemployment physical examination, the medical examination required by s. 633.412(5) ~~is shall be~~ deemed to satisfy the physical examination requirement under paragraph (a), if the medical examination completed pursuant to s. 633.412(5) failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

2. If a firefighter underwent a preemployment physical examination, the employing fire service provider, ~~as defined in s. 633.102,~~ must maintain records of the physical examination for at least 5 years after the employee's separation from the employing fire service provider. If the employing fire service provider fails to maintain the records of the physical examination for the 5-year period after the employee's separation, it is presumed that the employee has met the requirements of paragraph (a).

(c) If a current law enforcement officer, correctional officer, or correctional probation officer did not undergo a preemployment physical examination upon entering service with his or her current employing agency, but such officer underwent a medical examination as required by s. 943.13(6) upon entering service with his or her former employing agency, the previously conducted medical examination conducted pursuant to s. 943.13(6) is deemed to satisfy the physical examination requirement under

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paragraph (a), if such examination was completed and failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

(d)1. For any workers' compensation claim filed under this section and chapter 440 occurring on or after July 1, 2010, a law enforcement officer, correctional officer, or correctional probation officer ~~as defined in s. 943.10(1), (2), or (3)~~ suffering from tuberculosis, heart disease, or hypertension is presumed not to have incurred such disease in the line of duty as provided in this section if the law enforcement officer, correctional officer, or correctional probation officer:

a. Departed in a material fashion from the prescribed course of treatment of his or her personal physician and the departure is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment; or

b. Was previously compensated pursuant to this section and chapter 440 for tuberculosis, heart disease, or hypertension and thereafter sustains and reports a new compensable workers' compensation claim under this section and chapter 440, and the law enforcement officer, correctional officer, or correctional probation officer has departed in a material fashion from the prescribed course of treatment of an authorized physician for the preexisting workers' compensation claim and the departure is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment.

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117 2. As used in this paragraph, "prescribed course of
 118 treatment" means prescribed medical courses of action and
 119 prescribed medicines for the specific disease or diseases
 120 claimed and as documented in the prescribing physician's medical
 121 records.

122 2.3- If there is a dispute as to the appropriateness of the
 123 course of treatment prescribed by a physician under sub-
 124 subparagraph 1.a. or sub-subparagraph 1.b. or whether a
 125 departure in a material fashion from the prescribed course of
 126 treatment is demonstrated to have resulted in a significant
 127 aggravation of the tuberculosis, heart disease, or hypertension
 128 resulting in disability or increasing the disability or need for
 129 medical treatment, the law enforcement officer, correctional
 130 officer, or correctional probation officer is entitled to seek
 131 an independent medical examination pursuant to s. 440.13(5).

132 3.4- A law enforcement officer, correctional officer, or
 133 correctional probation officer is not entitled to the
 134 presumption provided in this section unless a claim for benefits
 135 is made prior to or within 180 days after leaving the employment
 136 of the employing agency.

137 (3)(2) This section authorizes each governmental entity
 138 specified in subsection (2) (1) to negotiate policy contracts
 139 for life and disability insurance to include accidental death
 140 benefits or double indemnity coverage which includes ~~shall~~
 141 ~~include~~ the presumption that any condition or impairment of
 142 health of any firefighter, law enforcement officer, or
 143 correctional officer caused by tuberculosis, heart disease, or
 144 hypertension resulting in total or partial disability or death
 145 was accidental and suffered in the line of duty, unless the

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146 contrary be shown by competent evidence.

147 (4)(3)(a) Notwithstanding s. 440.13(2)(c), a firefighter,
 148 law enforcement officer, correctional officer, or correctional
 149 probation officer requiring medical treatment for a compensable
 150 presumptive condition listed in subsection (2) (1) may be
 151 treated by a medical specialist. Except in emergency situations,
 152 a firefighter, law enforcement officer, correctional officer, or
 153 correctional probation officer entitled to access a medical
 154 specialist under this subsection must provide written notice of
 155 his or her selection of a medical specialist to the
 156 firefighter's or officer's workers' compensation carrier, self-
 157 insured employer, or third-party administrator, and the carrier,
 158 self-insured employer, or third-party administrator must
 159 authorize the selected medical specialist or authorize an
 160 alternative medical specialist with the same or greater
 161 qualifications. Within 5 business days after receipt of the
 162 written notice, the workers' compensation carrier, self-insured
 163 employer, or third-party administrator must authorize treatment
 164 and schedule an appointment, which must be held within 30 days
 165 after receipt of the written notice, with the selected medical
 166 specialist or the alternative medical specialist. If the
 167 workers' compensation carrier, self-insured employer, or third-
 168 party administrator fails to authorize an alternative medical
 169 specialist within 5 business days after receipt of the written
 170 notice, the medical specialist selected by the firefighter or
 171 officer is authorized. The continuing care and treatment by a
 172 medical specialist must be reasonable, necessary, and related to
 173 tuberculosis, heart disease, or hypertension; be reimbursed at
 174 no more than 200 percent of the Medicare rate for a selected

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medical specialist; and be authorized by the firefighter's or officer's workers' compensation carrier, self-insured employer, or third-party administrator.

~~(b) For purposes of this subsection, the term "medical specialist" means a physician licensed under chapter 458 or chapter 459 who has board certification in a medical specialty inclusive of care and treatment of tuberculosis, heart disease, or hypertension.~~

Section 2. Subsection (6) of section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections or to a county commission shall:

(6) Have passed a physical examination by a licensed physician, physician assistant, or licensed advanced practice registered nurse, based on specifications established by the commission. In order to be eligible for the presumption set forth in s. 112.18 while employed with an employing agency, a law enforcement officer, correctional officer, or correctional probation officer must have successfully passed the physical examination required by this subsection upon entering into service as a law enforcement officer, correctional officer, or

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correctional probation officer with the employing agency, which examination must have failed to reveal any evidence of tuberculosis, heart disease, or hypertension. A law enforcement officer, correctional officer, or correctional probation officer may ~~not~~ use a physical examination from a former employing agency for purposes of claiming the presumption set forth in s. 112.18 against the current employing agency only if the current employing agency did not require the law enforcement officer, correctional officer, or correctional probation officer to undergo a physical examination as required by this subsection. The employing agency must maintain records of the physical examination for at least 5 years after the employee's separation from the employing agency. If the employing agency fails to maintain the records of the physical examination for the 5-year period after the employee's separation, it is presumed that the employee has met the requirements of this subsection.

Section 3. The Legislature finds and declares that this act fulfills an important state interest.

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

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 526

INTRODUCER: Senator Grall

SUBJECT: Commercial Construction Projects

DATE: January 30, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shuler	Fleming	CA	Favorable
2. Harmsen	McVaney	GO	Pre-meeting
3. _____	_____	RC	_____

I. Summary:

SB 526 creates provisions governing public construction contracts to render void and unenforceable contract provisions that bar certain remedies or contractor's rights to extensions when the state, local government, or other political subdivision that has awarded the contract causes or contributes to a delay.

The bill also amends the Florida Building Codes Act to require the Florida Building Commission, in consultation with the Department of Business and Professional Regulation, to create a uniform commercial building permit application for statewide use. The minimum contents of the application are specified. Local enforcement agents are allowed to require supplemental forms and additional documentation and must allow for simultaneous relevant plan reviews.

For commercial construction projects, the bill requires local enforcement agencies to reduce permit fees by at least 50 percent of the amount attributable to plans review or building services when private providers are used, and at least 75 percent of the amount otherwise charged if a private provider performs all required plans review or building inspection services. A local enforcement agency is allowed to reduce its fees more than the required reductions, and an agency that doesn't reduce its fees forfeits the ability to collect any fees for the commercial construction project.

The bill expands the list of categories of products for which the Florida Building Commission must develop an approval system for statewide use in construction to include mitigation products.

The bill may have a negative impact on local fees as a result of the reduction in permitted fees for services performed by private providers. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Public Procurement of Personal Property and Services

Chapter 287, F.S., sets out provisions governing agency procurement of personal property and services. Section 287.012(1), F.S., defines “agency” as “any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government,” but “does not include the university and college boards of trustees or the state universities and colleges.” Section 287.05701, F.S., defines the term “awarding body” as a state agency for state contracts or as a county, municipality, special district, or other political subdivision for local government contracts.

Agencies may use different methods, depending on the cost and characteristics of the goods or services being procured, which include:

- Invitations to bid, used when an agency is capable of specifically defining the scope of work for which a contractual service is required or of establishing precise specifications defining the actual commodity or group of commodities required.¹
- Requests for proposals, used when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and the agency is capable of identifying necessary deliverables. Responsive vendors may propose various combinations or versions of commodities or contractual services to meet the agency’s specifications.²
- Invitations to negotiate, used to determine the best method for achieving a specific goal or solving a particular problem. This procurement method identifies one or more responsive vendors with which the agency may negotiate to receive the best value.³
- Single source contracts, used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase and which may be excepted from competitive-solicitation requirements.⁴

Statutes specifically relating to use and construction of public property and publicly owned buildings, including competitive solicitation of construction services, are located in ch. 255, F.S., though additional provisions related to public construction services are included in ch. 287, F.S.⁵ Provisions specifically related to transportation construction contract requirements are found in ch. 339, F.S.

Competitive Solicitation of Construction Services

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.⁶ A county, municipality, special district, or other political subdivision seeking

¹ Section 287.057(1)(a), F.S.

² Section 287.057(1)(b), F.S.

³ Section 287.057(1)(c), F.S.

⁴ Section 287.057(3)(c), F.S.

⁵ See, e.g., s. 287.05705, F.S., relating to procurements of road, bridge, and other specified public construction services.

⁶ See s. 255.0525, F.S.; see also Fla. Admin. Code R. 60D-5.002 and 60D-5.0073.

to construct or improve a public building must competitively bid the project if the estimated cost is in excess of \$300,000.⁷

The Department of Management Services (DMS) is responsible for establishing by rule requirements related to construction contracts, including procedures:⁸

- For determining the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.
- For awarding each state agency construction project to the lowest qualified bidder.
- To govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.
- For entering into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.⁹

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.¹⁰ The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.¹¹

Part IV of chapter 553, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.¹²

⁷ Section 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over \$75,000. *Id.* Certain projects are exempted from these requirements, including projects to replace, reconstruct, or repair existing public buildings, structures, or other construction works that have been damaged or destroyed by sudden turns of events. *Id.*

⁸ Section 255.29, F.S.

⁹ FLA. DEPT. OF CMTY AFFAIRS, THE FLORIDA BUILDING COMMISSION REPORT TO THE 2006 LEGISLATURE 4 (Jan 2006), http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 9, 2026).

¹⁰ *Id.*

¹¹ FLA. DEPT. OF BUS. & PRO. REGUL., *Florida Building Codes*, https://floridabuilding.org/bc/bc_default.aspx (last visited Jan. 9, 2026).

¹² Section 553.72(1), F.S.

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.¹³ The Commission reviews several International Codes published by the International Code Council,¹⁴ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.¹⁵

Amendments to the Building Code

The Commission and local governments may adopt technical and administrative amendments to the Building Code.¹⁶ The Commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.¹⁷

Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government's jurisdiction.¹⁸ Amendments by local governments expire upon the adoption of the newest edition of the Building Code, and, thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Building Code.¹⁹

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.²⁰ Every local government must enforce the Building Code and issue building permits.²¹

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.²² It is unlawful for a person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a building permit from the appropriate enforcing agency or from such persons as may, by resolution or regulation, be delegated authority to issue such permit.²³

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website.²⁴

¹³ Sections 553.73 and 553.74, F.S.

¹⁴ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. INT'L CODE COUNCIL, *Who We Are*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 9, 2026).

¹⁵ Section 553.73(7)(a), F.S.

¹⁶ Section 553.73, F.S.

¹⁷ Section 553.73(9), F.S.

¹⁸ Section 553.73(4), F.S.

¹⁹ Section 553.73(4)(e), F.S.

²⁰ Section 553.72(2), F.S.

²¹ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

²² Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 220 (2023), available at https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1_Ch02_Sec202 (last visited Jan. 10, 2026).

²³ Section 553.79(1), F.S. *See also* s. 125.56(4)(a).

²⁴ Section 553.79(1), F.S.

However, other than fire alarm building permit applications, local governments are not required to have uniform building permit applications, and they are free to create their own applications with their own requirements.²⁵

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.²⁶

Required Information in Building Permit Application

The minimum contents and format of building permit applications for every municipality and county that issues building permits for construction are prescribed by s. 713.135, F.S. The form must include the following information:²⁷

- The name and address of the owner of the property;
- The name and address of the contractor;
- A description sufficient to identify the property to be improved;
- The name and address of the bonding company, if any;
- The name and address of the architect/engineer, if any;
- The name and address of the mortgage company, if any; and
- The number or identifying symbol assigned to the building permit by the issuing authority.

In addition to the information that must be in the application, a government entity may require any additional information be included in the application.²⁸

Building Code Fees

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.²⁹ Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.³⁰ Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, enforcement action related to unlicensed contractors, review of building plans, building inspections, reinspections, building permit processing, and fire inspections associated with new construction.³¹ A local government must post all building permit and inspection fee schedules on its websites.³²

²⁵ See s. 553.7921, F.S.

²⁶ Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110 (2023), available at https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110 (last visited Jan. 10, 2026).

²⁷ Sections 713.135(5) and (7), F.S.

²⁸ Section 713.135(7), F.S.

²⁹ Section 553.80(7)(a), F.S.

³⁰ *Id.*

³¹ Section 553.80(7)(a)1., F.S.

³² Sections 125.56(4)(c) and 166.222(2), F.S.

A local government is allowed to collect only building permit fees that are sufficient to cover its costs in enforcing the Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.³³

DBPR Surcharges

Current law requires each local government to assess and collect a 1 percent surcharge on the permit fees for any building permit issued by its enforcement agency for the purpose of enforcing the Building Code. The local jurisdiction collects the assessment and remits the surcharge fees to DBPR to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.³⁴

Current law also requires each local government to assess and collect a separate 1.5 percent surcharge on the permit fees on any building permit issued by its enforcement agency for the purpose of enforcing the Building Code. The local government collects the assessment and remits the surcharge fees to DBPR, where it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board and the Florida Homeowners' Construction Recovery Fund.³⁵

Each local government building department is permitted to retain 10 percent of the amount of the surcharges it collects to fund participation by its agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.³⁶

Private Providers

Property owners or their contractors pursuant to written authorization may use a private provider to provide plans review or building inspection services.³⁷ Private providers and their duly authorized representatives may only provide such services that are within the scope of the provider's or representative's license.³⁸

A "private provider" is defined as a person licensed as a building code administrator, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less

³³ Section 553.80(7)(a), F.S.

³⁴ Section 553.721, F.S.

³⁵ Section 468.631, F.S. The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. *See ss.* 489.140-489.144, F.S.

³⁶ Sections 468.631 and 553.721, F.S.

³⁷ Section 553.791(2), F.S.

³⁸ Section 553.791(3), F.S.

in residential buildings.³⁹ An owner or contractor must notify a local government that the owner or contractor hired a private provider to perform building code inspection services, including single-trade inspections.⁴⁰

If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services.⁴¹

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a “reasonable administrative fee.” A “reasonable administrative fee” must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.⁴²

Product Evaluation and Approval

Current law requires the Commission to develop and implement an approval system of products for statewide use in construction.⁴³ The Commission has created a product approval system for products and systems that make up the building envelope and structural frame of a building.⁴⁴ To gain approval, products must have been evaluated using specified methods for compliance with or equivalency with the Building Code.⁴⁵ The Commission is required to approve the following categories of products:

- Panel walls,
- Exterior doors,
- Roofing,
- Skylights,
- Windows,
- Shutters,
- Impact protective systems, and
- Structural components as established by the Commission by rule.⁴⁶

A product may not be advertised, sold, offered, provided, distributed, or marketed as hurricane, windstorm, or impact protection from wind-borne debris from a hurricane or windstorm unless it is approved for statewide use pursuant to s. 553.842, F.S., or for local approval pursuant to s. 553.8425, F.S.⁴⁷ Any person who advertises, sells, offers, provides, distributes, or markets a product as hurricane, windstorm, or impact protection from wind-borne debris without such

³⁹ Section 553.791(1)(n), F.S.

⁴⁰ Section 553.791(4), F.S.

⁴¹ Section 553.791(2)(b), F.S.

⁴² *Id.*

⁴³ Section 553.842(1), F.S.

⁴⁴ Fla. Admin. Code R. 61G20-3.001.

⁴⁵ Section 553.842(5), F.S.

⁴⁶ Section 553.842, F.S.

⁴⁷ *Id.*

approval is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of ch. 501, F.S.⁴⁸

III. Effect of Proposed Changes:

Section 1 creates s. 287.05702, F.S., governing public procurement. to make provisions in public construction contracts void and unenforceable which purport to waive, release, or extinguish the rights of a contractor to recover costs, damages, or equitable adjustments, or to obtain a time extension, for delays in performance of the contract, when the delays are caused by the awarding body. Similarly, provisions in public construction contracts which purport to deny or restrict a contractor's right to a time extension for a concurrent delay are void and unenforceable if the awarding body contributed to the delay. Such void and unenforceable provisions must be severed from public construction contracts, and the remaining provisions remain effective.

The term "awarding body" is defined under the bill to mean a state agency for state contracts or a county, municipality, special district, or other political subdivision for local government contracts.

The bill provides that the following do not render a contract void or unenforceable:

- Requiring notice of delay by the party claiming a delay.
- Allowing an awarding body to recover liquidated damages for delays caused by contractors or subcontractors.
- Providing for arbitration or other dispute settlement procedures are.

The newly created section applies to public construction contracts entered into on or after July 1, 2026.

Section 2 creates s. 553.789, F.S., to require the Commission, in consultation with DBPR, to create a uniform commercial building permit application for statewide use. By July 1, 2026, the Commission must publish the uniform commercial building application on its website and make it available to all local enforcement agencies and applicants.

The application must, at a minimum, include:

- The property owner's name and contact information;
- The contractor's name, license number, and contact information;
- The construction project's address and parcel identification number;
- The project type and occupancy classification under the Building Code;
- A description of the construction project, including whether the project is new construction or an alteration, an addition, or a repair;
- The total square footage and declared value of the construction project; the architect or engineer of record, if applicable; and
- The identification of any private provider services, if used.

⁴⁸ *Id.*

Local enforcement agencies may require supplemental forms based on the project's scope. Such forms must be standardized and used statewide and may not expand the timelines for plans to be reviewed or permits to be issued. Supplemental forms may be used for projects to construct high-rises, health care facilities, industrial or warehouse facilities, or mixed-use occupancies. Local enforcement agencies may also require additional documentation or plans necessary to show compliance with the Building Code or local zoning ordinances. Neither supplemental forms nor additional documentation may alter the format, content, or substance of the uniform commercial building permit application. Local enforcement agencies are required to allow for simultaneous relevant plan reviews.

Section 3 amends s. 553.791, F.S., relating to the use of private providers for plans review or building inspection services for commercial construction projects. Each local enforcement agency must reduce its permit fees by at least 50 percent of the amount attributable to plans review or building services if the property owner or contractor uses a private provider. If the property owner or contractor uses a private provider for all of the required plans review and building inspection services, the local enforcement agency must reduce the permit fee by at least 75 percent of the amount otherwise charged. A local enforcement agency is allowed to reduce its fees more than the required reductions. Although currently required to reduce its permit fee as a result of the use of a private provider, this bill assigns a specific amount by which the local government must reduce the fee.

Local enforcement agencies that do not reduce fees as required are penalized by forfeiting the ability to collect any fees for the commercial construction project.

The term "commercial construction project" is defined by the bill to mean the construction, alteration, or repair of a building or structure that is primarily intended for business, industrial, institutional, or mercantile use and is not classified as residential under the Building Code.

Section 4 amends s. 553.842, F.S., relating to construction product evaluation and approval. In addition to the categories of products already specified in law, the Commission will be required to approve products related to mitigation. This may include several types of mitigation products, including those relating to radon, flood, windstorm, or other natural disasters. Such product evaluation and approval is performed as prescribed by rule, and generally requires the submission of test or evaluation reports from specific testing laboratories or approved evaluation entities.⁴⁹

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 18 of Article VII of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

⁴⁹ See, r. 61G-20.3, Fla. Admin. Code.

Section 18(b) of Article VII of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,^{50,51} which is \$2.4 million or less for Fiscal Year 2026-2027.⁵²

The REC has not yet reviewed the bill and it is not known if the required reduction in permit fees for the use of private providers for commercial construction projects exceeds the amount by which local governments reduce their permit fees pursuant to current law. If the bill reduces the authority for counties and municipalities to raise revenue in an amount that exceeds the threshold for an insignificant impact, the mandates provision of section 18 of Article VII of the Florida Constitution may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 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:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

⁵⁰ FLA. CONST. art. VII, s. 18(d).

⁵¹ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 10, 2026).

⁵² Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, <https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf> (last visited Jan. 10, 2026).

B. Private Sector Impact:

If the required reduction in permit fees for the use of private providers for commercial construction projects exceeds the amount by which local governments reduce their permit fees pursuant to current law, then those requesting permits may enjoy savings for permit fees.

C. Government Sector Impact:

The Commission and the DBPR may experience a negative fiscal impact for the resources required to develop a uniform commercial building permit application. However, they likely would be able to absorb the impact with existing resources.

If the required reduction of permit fees for the use of private providers for commercial construction projects exceeds the amount by which local governments reduce their permit fees pursuant to current law, then local governments may experience a reduction in revenue from permit fees.

It is unclear whether the required reduction of the “total permit fees” for the use of private providers for commercial construction projects is inclusive of the DBPR surcharges that would be imposed along with the permit fees charged by the local governments for their own permitting costs. If the total permit fee includes these surcharges, the required reduction could result in a negative fiscal impact to the DBPR and the activities funded by the surcharges.

The DBPR may be required to update its rules that relate to the approval of mitigation products, methods, or systems of construction.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Article III, s. 6 of the Florida Constitution requires all laws to “embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title”. The “relating to” clause of the bill is “commercial construction projects,” which relates to the contents of sections 2 and 3 of the bill. However, section 1 relates to public procurement contracts and section 4 relates to construction product evaluation and approval. Since these sections appear to be not directly related to the more specific topic of commercial construction projects, the “relating to clause” may not satisfy the requirements of Art. III, s. 6 of the Florida Constitution.

VIII. Statutes Affected:

This bill substantially amends sections 553.791 and 553.842 of the Florida Statutes.
This bill creates sections 287.05702 and 553.789 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.



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LEGISLATIVE ACTION

Senate

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House

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. Section 255.0994, Florida Statutes, is created
to read:

255.0994 Public works projects; unenforceability of certain
contract provisions regarding delays.-

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

(a) "Concurrent delays" means two or more unrelated delays



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in the contractor's performance of a contract for a public works project which happen at the same time or overlap in time, each of which on its own would have delayed the contractor's performance.

(b) "Governmental entity" has the same meaning as in s. 255.0993(1).

(c) "Public works project" has the same meaning as in s. 255.0992(1).

(2) Except as otherwise required by federal or state law, a governmental entity that contracts for a public works project may not take any of the following actions:

(a) Enforce any contract provisions that would eliminate or limit the contractor's right to receive compensation for damages and increased costs, equitable adjustments, or time extensions due to a delay in performance of the contract, either on its own behalf or on behalf of a subcontractor or supplier, to the extent the delay was caused in whole or in part by the acts or omissions of the governmental entity or of any agent, employee, or person acting on its behalf.

(b) Enforce any contract provisions that would eliminate or limit the contractor's right to receive time extensions due to concurrent delays, either on its own behalf or on behalf of a subcontractor or supplier, if at least one of those delays was caused in whole or in part by the acts or omissions of the governmental entity or of any agent, employee, or person acting on its behalf.

(3) This section may not be construed to render unenforceable a provision of a contract for a public works project which:



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(a) Requires the party claiming a delay to give notice of the acts or omissions giving rise to the delay;

(b) Allows a governmental entity to recover liquidated damages for a delay if it was caused by the acts or omissions of the contractor or its subcontractors, agents, or employees; or

(c) Provides for arbitration or any other procedure designed to settle contract disputes.

(4) If a contract for a public works project contains a provision that is unenforceable under this section, the provision must be severed from the contract, and the remaining provisions remain in full force and effect.

(5) This section applies to any contract for a public works project entered into on or after July 1, 2026.

Section 2. Present subsections (1) through (12) of section 553.71, Florida Statutes, are redesignated as subsections (2) through (13), respectively, and a new subsection (1) is added to that section, to read:

553.71 Definitions.—As used in this part, the term:

(1) "Commercial construction project" means the construction, alteration, or repair of a building or structure that is primarily intended for business, industrial, institutional, or mercantile use and is not classified as residential under the Florida Building Code.

Section 3. Section 553.789, Florida Statutes, is created to read:

553.789 Uniform commercial building permit application.—

(1) By December 31, 2026, the commission shall adopt rules pursuant to ss. 120.536(1) and 120.54, which establish uniform commercial building permit acceptance standards that identify



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the information required for acceptance of a commercial building permit application. The standards must be used statewide by all enforcement agencies. The standards must include, at a minimum, all of the following information:

(a) The name and contact information of the property owner.

(b) The name, license number, and contact information of the contractor, if known at the time of the application.

(c) The address and parcel identification number of the construction project.

(d) The project type and occupancy classification under the Florida Building Code.

(e) A description of the construction project, including whether the project is new construction or an alteration, an addition, or a repair.

(f) The total square footage and the declared value of the construction project.

(g) The architect or engineer of record, if applicable.

(h) The identification of any private provider services if used pursuant to s. 553.791.

(2) The commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 which create additional trade-specific acceptance standards for trades that are often present on a commercial construction project, including, but not limited to, electric, HVAC, plumbing, and water and sewer.

(3) An enforcement agency must accept a completed application if it provides the information set forth in the uniform commercial building permit acceptance standards and any other trade-specific acceptance standards that may be adopted by the commission. However, an enforcement agency may require



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submission of additional documentation or plans reasonably necessary for the applicant to demonstrate compliance with the Florida Building Code or applicable local ordinances and land development code.

Section 4. Paragraph (a) of subsection (5) and paragraph (a) of subsection (24) of section 553.79, Florida Statutes, are amended, and paragraph (g) is added to subsection (1) of that section, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(g) Permit fees imposed by a local enforcement agency must be limited to the actual and reasonable costs incurred in reviewing, processing, and administering the permit and may not be based on industry standards, market rates, or comparable retail pricing. Such fees must be proportional to the work performed in reviewing, processing, and administering the permit.

(5) (a) During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to and approved by the enforcing agency before the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the



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permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector. The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building as defined in s. 553.71 ~~under s. 553.71(12)~~, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

(24) (a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; ~~or~~

2. Imposes any requirement on the design, construction, or



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location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety; or

3. Imposes a glazing requirement that results in the glazing of more than 15 percent of the surface area of the primary facade for the first 10 feet above the ground floor for a proposed new commercial or mixed-use construction or restoration project. Such glazing requirements may not be imposed or enforced on any facade other than the primary facade, and such glazing requirements may not be imposed or enforced on any portion of the primary facade higher than the first 10 feet above the ground floor. For purposes of this subparagraph, the term:

a. "Glazing" means the installation of transparent or translucent materials, including glass or similar substances, in windows, doors, or storefronts. The term includes any actual or faux windows to be installed to a building facade.

b. "Primary facade" means the single building side housing the primary entrance to the building.

Section 5. Paragraph (b) of subsection (2) of section 553.791, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:



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553.791 Alternative plans review and inspection.-

(2)

(b) If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction shall include the applicable reduction in the permit fee on its schedule of fees which is posted on its website. The local jurisdiction may not charge fees for building inspections or plans review services if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both. The local jurisdiction shall specify the services covered by the administrative fees on its website.

(d) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services for a commercial construction project, the local enforcement agency must reduce the permit fee by at least 25 percent of the portion of the permit fee attributable to plans review or building inspection services, as applicable. If an owner or a contractor



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retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 50 percent of the amount otherwise charged for such services. If a local enforcement agency does not reduce its fees by at least the percentages provided in this paragraph, the local enforcement agency forfeits the ability to collect any fees for the commercial construction project. The surcharge required by s. 553.721 must be calculated based on the reduced permit fee. This paragraph does not prohibit a local enforcement agency from reducing its fees in excess of the percentages provided in this paragraph.

Section 6. Section 553.8411, Florida Statutes, is created to read:

553.8411 Nonresidential buildings; floodproofing.—A nonresidential structure constructed after July 1, 2026, which is located in a flood zone as designated by the Federal Emergency Management Agency must elevate its lowest floor above the required design flood elevation. As an alternative to this requirement, a nonresidential structure may be designed and constructed below the required design flood elevation if all structural areas below the required design flood elevation are substantially impermeable to water and capable of resisting the effects of the regulatory floodplain, including, but not limited to, flow velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, buoyancy, and debris impact.

Section 7. Subsection (5) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(5) Statewide approval of products, methods, or systems of



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construction may be achieved by one of the following methods. One of these methods must be used by the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, impact protective systems, mitigation products, and structural components as established by the commission by rule. A product may not be advertised, sold, offered, provided, distributed, or marketed as hurricane, windstorm, or impact protection from wind-borne debris from a hurricane or windstorm unless it is approved pursuant to this section or s. 553.8425. Any person who advertises, sells, offers, provides, distributes, or markets a product as hurricane, windstorm, or impact protection from wind-borne debris without such approval is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501 brought by the enforcing authority as defined in s. 501.203.

(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

1. A certification mark or listing of an approved certification agency, which may be used only for products for which the code designates standardized testing;

2. A test report from an approved testing laboratory;

3. A product evaluation report based upon testing or



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comparative or rational analysis, or a combination thereof, from
an approved product evaluation entity; or

4. A product evaluation report based upon testing or
comparative or rational analysis, or a combination thereof,
developed and signed and sealed by a professional engineer or
architect, licensed in this state.

A product evaluation report or a certification mark or listing
of an approved certification agency which demonstrates that the
product or method or system of construction complies with the
Florida Building Code for the purpose intended is equivalent to
a test report and test procedure referenced in the Florida
Building Code. An application for state approval of a product
under subparagraph 1. or subparagraph 3. must be approved by the
department after the commission staff or a designee verifies
that the application and related documentation are complete.
This verification must be completed within 10 business days
after receipt of the application. Upon approval by the
department, the product shall be immediately added to the list
of state-approved products maintained under subsection (13).
Approvals by the department shall be reviewed and ratified by
the commission's program oversight committee except for a
showing of good cause that a review by the full commission is
necessary. The commission shall adopt rules providing means to
cure deficiencies identified within submittals for products
approved under this paragraph.

(b) Products, methods, or systems of construction for which
there are no specific standardized testing or comparative or
rational analysis methods established in the code may be



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approved by submittal and validation of one of the following:

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was in compliance with the intent of the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code; or

2. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code.

Section 8. Section 553.8992, Florida Statutes, is created to read:

553.8992 Incorporation of standards into the Florida Building Code.—By December 31, 2026, the Florida Building Commission shall incorporate into the Florida Building Code pursuant to s. 553.73(1) standards for the adoption of sections 680.26(B)(1) Conductive Pool Shells and 680.26(B)(2) Perimeter Surfaces of the 2026 Edition of the National Electrical Code for all new construction of commercial or residential pools.

Section 9. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—



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(3) The licensing authority shall transmit the rules as adopted under subsection (2), referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they must be returned by the Florida Building Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission must adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When designated by the Florida Building Commission, such mausoleum standards must ~~shall~~ become a required element of the State Minimum Building Codes under s. 553.73(2)(a) and must ~~shall~~ be transmitted to each local enforcement agency, as defined in s. 553.71 ~~s. 553.71(5)~~. Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards must ~~shall~~ be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, must ~~shall~~ be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

Section 10. Subsection (5) of section 553.902, Florida



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Statutes, is amended to read:

553.902 Definitions.—As used in this part, the term:

(5) "Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce the Florida Building Code. The term includes any agency within the definition of s. 553.71 ~~s. 553.71(5)~~.

Section 11. This act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to commercial construction projects;
creating s. 255.0994, F.S.; defining terms;
prohibiting a governmental entity that contracts for a
public works project from taking certain actions;
providing construction; providing severability;
providing applicability; amending s. 553.71, F.S.;
defining the term "commercial construction project";
creating s. 553.789, F.S.; requiring the Florida
Building Commission to adopt by rule uniform
commercial building permit acceptance standards for a
specified purpose by a specified date; specifying the
information to be included in the acceptance
standards; requiring the commission to adopt rules to
create additional trade-specific acceptance standards
for certain trades; requiring a local enforcement



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agency to accept a completed application if it provides the information set forth in such acceptance standards adopted by the Florida Building Commission; authorizing the local enforcement agency to require additional documentation or plans; amending s. 553.79, F.S.; requiring that permit fees that are imposed by a local enforcement agency be limited to the actual and reasonable costs incurred in reviewing, processing, and administering the permit; prohibiting such fees from being based on industry standards, market rates, or comparable retail pricing; requiring that such fees be proportional to the work performed in reviewing, processing, and administering such permits; prohibiting a political subdivision from imposing certain requirements for glazing on certain proposed construction or restoration projects; defining the terms "primary facade" and "glazing"; conforming a cross-reference; amending s. 553.791, F.S.; requiring a local jurisdiction to include a certain reduction in the permit fee on its schedule of fees posted on its website; prohibiting the local jurisdiction from charging fees for plans review services under certain circumstances; requiring the local jurisdiction to specify the services covered by the administrative fees on its website; requiring the local enforcement agency to reduce the permit fee by specified percentages for an owner or a contractor that retains a private provider for specified purposes; providing that a local enforcement agency forfeits its ability



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to collect any fees for a commercial construction project if it does not reduce its fees by such specified percentages; requiring that a certain surcharge be calculated based on the reduced permit fee; providing construction; creating s. 553.8411, F.S.; requiring nonresidential structures built in a flood zone after a specified date to have the lowest floor elevated above the required design flood elevation; authorizing the building of such a structure below the required design flood elevation if all structural areas below the required design flood elevation are substantially impermeable to water and capable of resisting certain effects of the regulatory floodplain; amending s. 553.842, F.S.; revising the products requiring statewide approval to include mitigation products; creating s. 553.8992, F.S.; requiring the Florida Building Commission to incorporate into the Florida Building Code certain standards for all new construction commercial or residential pools by a specified date; amending ss. 497.271 and 553.902, F.S.; conforming cross-references; providing an effective date.

By Senator Grall

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1 A bill to be entitled
 2 An act relating to commercial construction projects;
 3 creating s. 287.05702, F.S.; defining the term
 4 "awarding body"; providing that provisions contained
 5 in public construction contracts which purport to
 6 waive, release, or extinguish certain rights of a
 7 contractor are void and unenforceable under specified
 8 circumstances; providing construction; providing that
 9 certain contract provisions that are void and
 10 unenforceable are severable from the contract;
 11 providing applicability; creating s. 553.789, F.S.;
 12 requiring the Florida Building Commission, in
 13 consultation with the Department of Business and
 14 Professional Regulation, to create a uniform
 15 commercial building permit application; requiring that
 16 such application include certain information and be
 17 accepted statewide; prohibiting such application from
 18 being modified; authorizing local enforcement agencies
 19 to require supplemental forms or additional
 20 documentation or plans for specified commercial
 21 construction projects; providing requirements for the
 22 use and standardization of such supplemental forms;
 23 requiring local enforcement agencies to allow certain
 24 reviews to take place simultaneously; requiring the
 25 commission to publish on its website and make
 26 available to local enforcement agencies and applicants
 27 the uniform commercial building application by a
 28 specified date; amending s. 553.791, F.S.; defining
 29 the term "commercial construction project"; requiring

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

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30 local enforcement agencies to reduce permit fees for
 31 commercial construction projects by certain
 32 percentages under certain circumstances; prohibiting
 33 local enforcement agencies from collecting any fees
 34 for commercial construction projects under certain
 35 circumstances; providing construction; amending s.
 36 553.842, F.S.; revising the products requiring
 37 statewide approval to include mitigation products;
 38 providing an effective date.
 39
 40 Be It Enacted by the Legislature of the State of Florida:
 41
 42 Section 1. Section 287.05702, Florida Statutes, is created
 43 to read:
 44 287.05702 Public construction contract provisions barring
 45 delay or time extensions declared void.—
 46 (1) As used in this section, the term "awarding body" has
 47 the same meaning as in s. 287.05701(1).
 48 (2) A provision contained in a public construction contract
 49 which purports to waive, release, or extinguish the rights of a
 50 contractor to recover costs, damages, or equitable adjustments,
 51 or to obtain a time extension, for delays in performing such
 52 contract, either on his or her own behalf or on behalf of a
 53 subcontractor, is void and unenforceable as against public
 54 policy if the delay is caused, in whole or in part, by acts or
 55 omissions of the awarding body, its agents or employees, or any
 56 person acting on its behalf.
 57 (3) A provision contained in a public construction contract
 58 which purports to deny or restrict a contractor's right to a

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time extension for a concurrent delay is void and unenforceable as against public policy if the awarding body contributed to the delay through acts or omissions of the awarding body, its agents or employees, or any person acting on its behalf.

(4) This section may not be construed to render void or unenforceable a provision of a public construction contract which:

(a) Requires notice of any delay by the party claiming the delay;

(b) Allows an awarding body to recover liquidated damages for a delay caused by the acts or omissions of the contractor or its subcontractors, agents, or employees; or

(c) Provides for arbitration or any other procedure designed to settle contract disputes.

(5) If a public construction contract contains a provision that is void and unenforceable under this section, the provision must be severed from the contract, and the remaining provisions remain in full force and effect.

(6) This section applies to all public construction contracts entered into on or after July 1, 2026.

Section 2. Section 553.789, Florida Statutes, is created to read:

553.789 Uniform commercial building permit application.—

(1) The commission, in consultation with the department, shall create a uniform commercial building permit application. The uniform commercial building permit application must, at a minimum, require all of the following information:

(a) The name and contact information of the property owner.

(b) The name, license number, and contact information of

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the contractor.

(c) The address and parcel identification number of the construction project.

(d) The project type and occupancy classification under the Florida Building Code.

(e) A description of the construction project, including whether the project is new construction or an alteration, an addition, or a repair.

(f) The total square footage and the declared value of the construction project.

(g) The architect or engineer of record, if applicable.

(h) The identification of any private provider service if used pursuant to s. 553.791.

(2) The uniform commercial building permit application must be accepted statewide and may not be modified.

(3) A local enforcement agency may require supplemental forms for commercial construction projects based on the scope of the project. The use of supplemental forms may not expand the applicable timelines during which plans must be reviewed and permits must be issued. Supplemental forms must be standardized and used statewide, but local enforcement agencies may not replace or alter the format, content, or substance of the uniform commercial building permit application. Supplemental forms may be used for any of the following commercial construction projects:

(a) High-rise construction.

(b) Health care facilities.

(c) Industrial or warehouse facilities.

(d) Mixed-use occupancies.

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(4) A local enforcement agency may require additional documentation or plans reasonably necessary to demonstrate compliance with the Florida Building Code or local zoning ordinances. Such additional documentation or plans may not alter the format, content, or substance of the uniform commercial building permit application.

(5) A local enforcement agency shall allow relevant plan reviews to take place simultaneously.

(6) The commission shall publish on its website and make available to all local enforcement agencies and applicants the uniform commercial building permit application by July 1, 2026.

Section 3. Present paragraphs (e) through (s) of subsection (1) of section 553.791, Florida Statutes, are redesignated as paragraphs (f) through (t), respectively, a new paragraph (e) is added to that subsection, paragraph (d) is added to subsection (2) of that section, and paragraph (b) of subsection (17) of that section is amended, to read:

553.791 Alternative plans review and inspection.—

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

(e) “Commercial construction project” means the construction, alteration, or repair of a building or structure that is primarily intended for business, industrial, institutional, or mercantile use and is not classified as residential under the Florida Building Code.

(2)

(d) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services for a commercial construction project, the local enforcement agency must reduce the permit fee by at least 50 percent of the portion

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of the permit fee attributable to plans review or building inspection services, as applicable. If an owner or a contractor retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 75 percent of the amount otherwise charged for such services. If a local enforcement agency does not reduce its fees by at least the applicable percentage provided in this paragraph, the local enforcement agency forfeits the ability to collect any fees for the commercial construction project. This paragraph does not prohibit a local enforcement agency from reducing its fees in excess of the percentages provided in this paragraph.

(17)

(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1) (o) ~~(1) (n)~~ and the insurance requirements of subsection (18).

Section 4. Subsection (5) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(5) Statewide approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, impact protective systems, mitigation, and structural components as established by the commission by rule. A product may not be advertised, sold,

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175 offered, provided, distributed, or marketed as hurricane,
 176 windstorm, or impact protection from wind-borne debris from a
 177 hurricane or windstorm unless it is approved pursuant to this
 178 section or s. 553.8425. Any person who advertises, sells,
 179 offers, provides, distributes, or markets a product as
 180 hurricane, windstorm, or impact protection from wind-borne
 181 debris without such approval is subject to the Florida Deceptive
 182 and Unfair Trade Practices Act under part II of chapter 501
 183 brought by the enforcing authority as defined in s. 501.203.

184 (a) Products for which the code establishes standardized
 185 testing or comparative or rational analysis methods shall be
 186 approved by submittal and validation of one of the following
 187 reports or listings indicating that the product or method or
 188 system of construction was in compliance with the Florida
 189 Building Code and that the product or method or system of
 190 construction is, for the purpose intended, at least equivalent
 191 to that required by the Florida Building Code:

192 1. A certification mark or listing of an approved
 193 certification agency, which may be used only for products for
 194 which the code designates standardized testing;

195 2. A test report from an approved testing laboratory;

196 3. A product evaluation report based upon testing or
 197 comparative or rational analysis, or a combination thereof, from
 198 an approved product evaluation entity; or

199 4. A product evaluation report based upon testing or
 200 comparative or rational analysis, or a combination thereof,
 201 developed and signed and sealed by a professional engineer or
 202 architect, licensed in this state.
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204 A product evaluation report or a certification mark or listing
 205 of an approved certification agency which demonstrates that the
 206 product or method or system of construction complies with the
 207 Florida Building Code for the purpose intended is equivalent to
 208 a test report and test procedure referenced in the Florida
 209 Building Code. An application for state approval of a product
 210 under subparagraph 1. or subparagraph 3. must be approved by the
 211 department after the commission staff or a designee verifies
 212 that the application and related documentation are complete.
 213 This verification must be completed within 10 business days
 214 after receipt of the application. Upon approval by the
 215 department, the product shall be immediately added to the list
 216 of state-approved products maintained under subsection (13).
 217 Approvals by the department shall be reviewed and ratified by
 218 the commission's program oversight committee except for a
 219 showing of good cause that a review by the full commission is
 220 necessary. The commission shall adopt rules providing means to
 221 cure deficiencies identified within submittals for products
 222 approved under this paragraph.

223 (b) Products, methods, or systems of construction for which
 224 there are no specific standardized testing or comparative or
 225 rational analysis methods established in the code may be
 226 approved by submittal and validation of one of the following:

227 1. A product evaluation report based upon testing or
 228 comparative or rational analysis, or a combination thereof, from
 229 an approved product evaluation entity indicating that the
 230 product or method or system of construction was in compliance
 231 with the intent of the Florida Building Code and that the
 232 product or method or system of construction is, for the purpose

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233 intended, at least equivalent to that required by the Florida
234 Building Code; or

235 2. A product evaluation report based upon testing or
236 comparative or rational analysis, or a combination thereof,
237 developed and signed and sealed by a professional engineer or
238 architect, licensed in this state, who certifies that the
239 product or method or system of construction is, for the purpose
240 intended, at least equivalent to that required by the Florida
241 Building Code.

242 Section 5. This act shall take effect July 1, 2026.

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 862

INTRODUCER: Senator Martin

SUBJECT: Law Enforcement Officers, Correctional Officers, and Institutional Security Specialists

DATE: January 30, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Pre-meeting
2.			ACJ	
3.			AP	

I. Summary:

SB 862 sets a salary goal to pay state employed correctional officers, institutional security specialists, and correctional probation officers at least 97 percent of the salary of the average law enforcement officer employed by the state. This goal is intended to be met by July 1, 2030. Beginning July 1, 2027, the Department of Management Services must submit an annual compensation analysis report which measures the progress toward meeting the 97 percent salary goal.

The bill attempts to increase the salaries of all sworn law enforcement officers, correctional officers, correctional probation officers, and institutional security specialists by at least 3 percent annually beginning in FY 2026-27. These increases appear to be based on tenure rather than merit, retention, or parity.

The bill grants authority to the Governor to issue an executive order, in the event of a declared state or federal emergency, to authorize correctional officers, institutional security specialists, and correctional probation officers to assist state and federal agencies in enforcement or support operations. The executive order may be issued for up to 60 days initially and may be renewed in 30-day increments.

The bill appropriates no state funds for salary increases.

The Department of Management Services will have increased workload to complete the annual reports. The costs associated with the annual reports should be absorbed within current resources of the department.

This bill takes effect on July 1, 2026.

II. Present Situation:

Certified Officers

Section 943.10, F.S., defines the terms law enforcement officer, correctional officer, and correctional probation officer.

- A law enforcement officer is “any person . . . who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.”¹
- A correctional officer is “any person . . . whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution.”²
- A correctional probation officer is a “person . . . whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community.”³

The term “institutional security specialist” is not defined statutorily but is a covered position within the Security Services bargaining unit. These positions are similar to correctional officers but are employed by the Department of Children and Families and the Agency for Persons with Disabilities in the forensic hospitals.

State Agencies that Employ Law Enforcement Officers and Correctional Officers

Law enforcement officers are employed by the following state agencies:

- Department of Highway Safety and Motor Vehicles (HSMV);
- Fish and Wildlife Conservation Commission (FWC);
- Department of Agriculture and Consumer Services (DACS);
- Department of Law Enforcement (DLE);
- Business and Professional Regulation;
- Florida School for the Deaf and Blind (FSDB);
- Department of Financial Services;
- Department of Corrections (DOC);
- Department of Legal Affairs; and
- Department of Education.

Correctional officers, institutional security specialists, and correctional probation officers are employed by the following state agencies:

- DOC;
- Department of Children and Families (DCF); and
- Agency for Persons with Disabilities (APD).

¹ Section 943.10(1), F.S.

² Section 943.10(2), F.S.

³ Section 943.10(3), F.S.

Statutory Powers of Law Enforcement Officers

The most significant power that a law enforcement officer has been granted is the authority to arrest a person without a warrant.⁴ Generally, a sworn law enforcement officer has the authority to arrest without a warrant when the person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or a violation of an ordinance must be made immediately or in fresh pursuit.

A law enforcement officer employed by the FWC is a constituted peace officer with the power to make arrests for violations of the laws of this state when committed in the presence of the officer or when committed on lands under supervision and management by various state entities.⁵ These officers may enforce throughout the state all laws relating to game, nongame birds, fish, and furbearing animals and all rules and regulations of the FWC relating to wild animal life, marine life, and freshwater aquatic life.⁶

Law enforcement officers employed by the DHSMV serve in the Florida Highway Patrol. These officers are “declared to be conservators of the peace and law enforcement officers of the state, with the common law right to arrest.” Patrol officers “of the Florida Highway Patrol is subject to and has the same arrest and other authority provided to law enforcement officers generally in chapter 901 and has statewide jurisdiction.”⁷

Law enforcement officers employed by the DACS serve in the Office of Agricultural Law Enforcement. These officers have the primary responsibility for enforcing laws relating to agriculture and consumer services.⁸ These officers have full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court processes, and seize contraband and the proceeds of illegal activities.⁹

Statutory Powers of Correctional Officers and Institutional Security Specialists

Other than the duties described in the definitions of correctional officer and correctional probation officer (supervision, surveillance, protection, care, custody, and control, or investigation, of inmates, probationers, parolees, or community controlees) few specific powers are statutorily granted.

A correctional officer is justified in the use of force, including deadly force, which he or she reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.¹⁰

⁴ Section 901.15, F.S.

⁵ Section 379.3311(1), F.S.

⁶ Section 379.3311(5), F.S.

⁷ Section 321.05, F.S.

⁸ Section 570.65(1), F.S.

⁹ Section 570.65(2), F.S.

¹⁰ Section 776.07, F.S.

In case of an emergency and when necessary to provide protection and security to any client, personnel, equipment, buildings, or grounds of a department or agency facility, or to citizens in the surrounding community, institutional security personnel may, when authorized by the administrator of the facility or her or his designee when the administrator is not present, use a chemical weapon against a patient housed in a forensic facility. However, such weapons should be used only to the extent necessary to provide protection and security.¹¹

Training of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

The Criminal Justice Standards and Training Commission within the DLE sets the training requirements of laws enforcement officers, correctional officers and institutional security specialists, and correctional probation officers.

Section 943.13, F.S., establishes statutory requirements for these officers. Officers must:

- Be at least 19 years of age, except that a correctional officer must be at least 18 years of age.
- Be a citizen of the United States.
- Be a high school graduate or its equivalent as the commission defines the term by rule.
- Not have been convicted on any felony or of a misdemeanor involving perjury or false statement, have received a dishonorable discharge from any Armed Forces of the United States.
- Have documentation of processed fingerprints on file with employing agency.
- Have passed a physical examination by a licensed medical provider based on specifications established by the commission by rule.
- Have a good moral character as determined by a background investigation under procedures established by the commission.
- Execute and submit to the employing agency an affidavit-of-applicant form attesting to compliance with the requirements above.
- Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless otherwise exempt under this statute.
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.
- Comply with any continuing training or education requirements.

Section 943.18, F.S., directs the Criminal Justice Standards and Training Commission to make a comprehensive study of the compensation and benefits paid to law enforcement officers and correctional officers throughout the state. The commission is charged with making recommendations to the Legislature for achieving uniformity in compensation for officers with equal or comparable responsibilities, experience, education, and training.

Training of Law Enforcement Officers, Correctional Officers, and Correctional Probation Officers

Table 1 below shows the training hours required to meet the respective certification. The “Basic Recruit” courses show the level of knowledge and skills that must be attained for the various

¹¹ Section 916.1091, F.S.

careers with law enforcement having the more intensive training program with 770 hours. Officers can “crossover” to have more than one certification. But the “Crossover” courses show that the positions are in fact different, with law enforcement and probation officers needing another 223 hours of training (above those certification training periods) to be certified as a correctional officer.

Table 1. Training Hours for Certification¹²

Training	Hours	Other Requirements
Law Enforcement Basic Recruit	770	
Correctional Probation Officer Basic Recruit	562	Must have a bachelor's degree.
Correctional Officer Basic Recruit	445	
Crossover for LEO to Correctional Officer	223	
Crossover for Correctional Officer to LEO	518	
Crossover for Correctional Officer to Corr. Probation Officer	336	
Crossover for Corr. Probation Officer to Correctional Officer	223	
Crossover to Corr. Probation Officer to LEO	520	

State Employment for Law Enforcement Officers, Correctional Officers, Institutional Security Specialists, and Correctional Probation Officers.

Table 2 below shows number of law enforcement officers (class codes 8515 and 8330) employed by state agencies. These class codes represent the basic law enforcement officers and troopers.

Table 2. Law Enforcement Officer Positions and Salaries by Agency

Agency	Class Code	Class Title	Filled Positions	Average Salary	Lowest Salary	Highest Salary
DACS	8515	L. E. Officer	118	\$62,662	\$60,231	\$82,819
FWC	8515	L. E. Officer	322	\$61,056	\$60,231	\$103,063
DLE	8515	L. E. Officer	56	\$63,643	\$54,755	\$85,523
HSMV	8330	Trooper	1230	\$71,424	\$60,000	\$107,505
FSDB	8515	L. E. Officer	5	\$78,938	\$71,592	\$94,590
Totals			1731	\$68,668	\$54,755	\$107,505

¹² For the purposes of Table 1, LEO means law enforcement officer.

Table 3 below shows the number of correctional officers, institutional security specialists, and correctional probation officers employed by state agencies.

Table 3. Correctional Officers Positions and Salaries by Agency

Agency	Class Code	Class Title	Filled Positions	Average Salary	Lowest Salary	Highest Salary
DCF	8237	Institutional Security Specialist	80	\$48,714	\$46,167	\$61,999
APD	8237	Institutional Security Specialist	37	\$47,505	\$43,848	\$54,629
DOC	8003	Correctional Officer	10,612	\$48,281	\$45,936	\$60,203
Total			10,729	\$48,281	\$43,848	\$61,999
DOC	8036	Correctional Probation Officer	511	\$48,771	\$45,936	\$61,618

In addition to base salary, law enforcement officers and correctional officers receive various pay additives. Law enforcement officers may receive pay additives for serving as a K-9 handler, regional recruiter, breath test operator/inspector, special operations group member, felony officer, criminal interdiction officer, criminal investigations and intelligence officer, drug recognition expert, or hazardous material squad member. Law enforcement officers may also receive critical market pay if the officer resides and works in certain counties. Correctional officers also receive special pay additives, most notably for those officers assigned to Rapid Response Team (including the baton, shotgun, and chemical agent teams) and the Correctional Emergency Response Teams and those officers certified in correctional mental health. Correctional officers may be eligible for \$1,000 hiring bonuses (if employed in an institution with at least a 10 percent vacancy rate for correctional officer positions during the preceding quarter) or a \$5,000 one-time bonus for correctional officers hired or retained in one of the 15 highest “understaffed” institutions.

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Correctional and Probation Officer Fairness Act.”

Section 2 provides that beginning July 1, 2030, the average salary for correctional officers, correctional probation officers, and institutional security specialists may not be less than 97 percent of the average base salary of sworn officers employed by law enforcement agencies of this state. As noted in Table 1, the average salary of a state law enforcement officer in class codes 8515 and 8330 is \$68,880. As noted in Table 2, the average base salary of a state correctional officer in class codes 8003 and 8237 is \$48,281. To meet the 97 percent goal, correctional officer salaries would need to be increased to roughly \$66,814 (or \$18,533 or 38.3 percent). That equates to roughly \$208 million annualized (without accounting for associated retirement and Federal Insurance Contribution Act costs). If on the other hand, the goal is based on starting salaries (\$60,000 for law enforcement officers and \$48,133 for the correctional officers) the cost of meeting the 97 percent goal is roughly \$10,067 per position or roughly \$113 million annualized.

This section requires the Department of Management Services, by July 1, 2027, and annually thereafter, to submit a compensation analysis to the Governor and the presiding officers of the Legislature to measure the progress toward achieving the stated goal of 97 percent.

Section 2 mandates that, beginning with the 2026-27 fiscal year, sworn law enforcement officers, correctional officers, correctional probation officers, and institutional security specialists will receive an annual salary increase of at least three percent. This salary increase must be made in addition to any bonuses and merit, retention, or parity increases separately authorized by law or policy. This in effect implements a step pay plan which requires automatic pay increases that are based on longevity rather than merit.

Section 2 also makes legislative findings and provides legislative intent.

Section 3 amends s. 252.36, F.S., to grant the Governor the authority, in the event of a declared state or federal emergency, to issue an executive order for up to 60 days which allows correctional officers, correctional probation officers, and institutional security specialists to assist state or federal agencies in enforcement or support operations. The Governor may renew this executive order in 30-day increments as necessary.

To be eligible to assist state and federal agencies under this new provision, the officer must be employed by the state, be certified by the Criminal Justice Standards and Training Commission, and have at least five years of continuous service in a full-time capacity as a correctional officer, correctional probation officer, institutional security specialist, or sworn law enforcement officer of this state.

Section 4 provides that this 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, nor 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 identified.

C. Government Sector Impact:

While the bill sets goals for parity between law enforcement officers' salaries and the salaries of correctional officers and correctional probations officers, no funds are appropriated in this bill to meet that goal. Likewise, the bill requires three percent annual raises to those same positions beginning in FY 2026-2027, but no funds are appropriated in this bill.

On the other hand, the Department of Management Services will experience increased workload associated with issuing annual reports regarding any progress made in meeting this goal. The costs associated with the increased workload should be absorbed within current resources.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 252.36 of the Florida Statutes and creates an unnumbered section of law.

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 Martin

33-00902-26

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A bill to be entitled

An act relating to law enforcement officers, correctional officers, and institutional security specialists; providing a short title; providing legislative findings and intent; requiring that the average salary of a correctional officer, a correctional probation officer, or an institutional security specialist be no less than a certain percentage of the average salaries of sworn law enforcement officers; requiring the Department of Management Services to submit an annual compensation analysis report to the Governor and the Legislature; providing criteria for the report; requiring an annual salary increase for sworn law enforcement officers, correctional officers, correctional probation officers, and institutional security specialists; requiring that such increase be made in addition to certain bonuses and increases; amending s. 252.36, F.S.; providing that the Governor may authorize certain correctional officers, correctional probation officers, and institutional security specialists to assist with law enforcement operations during a declared state or federal emergency; providing eligibility for such officers and specialists; authorizing the Governor to renew a certain executive order in specified increments as necessary; providing an effective date.

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

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

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Section 1. This act may be cited as the "Correctional and Probation Officer Fairness Act."

Section 2. Compensation of correctional officers, correctional probation officers, and institutional security specialists.—

(1) The Legislature finds that:

(a) Correctional officers, correctional probation officers, and institutional security specialists are certified by the Criminal Justice Standards and Training Commission and are held to the same professional standards as state law enforcement officers.

(b) Correctional officers, correctional probation officers, and institutional security specialists work in high-risk environments and serve a vital role in public safety, security, and offender supervision.

(c) There are disparities in compensation among correctional officers, correctional probation officers, and institutional security specialists and state law enforcement officers.

(2) It is the intent of the Legislature to:

(a) Ensure that correctional officers, correctional probation officers, and institutional security specialists receive compensation consistent with that of state law enforcement officers.

(b) Provide that the Governor may authorize emergency response roles for qualified correctional officers, correctional probation officers, and institutional security specialists during state or federal emergencies.

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(c) Establish fair and consistent annual pay raises that reflect economic realities.

(d) Guarantee permanent pay equity protection for correctional officers, correctional probation officers, and institutional security specialists.

(3)(a) Beginning July 1, 2030, the average salary for correctional officers, correctional probation officers, and institutional security specialists may not be less than 97 percent of the average salary of sworn officers employed by law enforcement agencies of this state, including the Florida Highway Patrol, the Department of Law Enforcement, and the Fish and Wildlife Conservation Commission.

(b) By July 1 of each year beginning in 2027, the Department of Management Services shall submit an annual compensation analysis report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which measures progress toward the goal of this section and continued compliance with this section.

(4)(a) Beginning with the 2026-2027 fiscal year, and each fiscal year thereafter, sworn law enforcement officers, correctional officers, correctional probation officers, and institutional security specialists shall receive an annual salary increase of at least 3 percent.

(b) The salary increase in paragraph (a) must be made in addition to any bonuses and merit, retention, or parity increases separately authorized by law or policy.

Section 3. Present subsections (9) through (12) of section 252.36, Florida Statutes, are redesignated as subsections (10) through (13), respectively, and a new subsection (9) is added to

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that section, to read:

252.36 Emergency management powers of the Governor.—

(9)(a) In the event of a declared state or federal emergency, the Governor may issue an executive order for up to 60 days which authorizes correctional officers, correctional probation officers, and institutional security specialists to assist state or federal agencies, including, but not limited to, the United States Department of Homeland Security and United States Immigration and Customs Enforcement, in enforcement or support operations.

(b) To be eligible for the authorization in paragraph (a), a correctional officer, correctional probation officer, or institutional security specialist must:

1. Be actively employed by the state.

2. Be certified by the Criminal Justice Standards and Training Commission.

3. Have at least 5 years of continuous service in a full-time capacity as a correctional officer, correctional probation officer, institutional security specialist, or sworn law enforcement officer of this state.

(c) The Governor may renew an executive order issued under this subsection in 30-day increments as necessary.

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

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 1072

INTRODUCER: Senator Calatayud

SUBJECT: Antisemitism Task Force

DATE: January 30, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. White	McVane	GO	Pre-meeting
2. _____	_____	ACJ	_____
3. _____	_____	FP	_____

I. Summary:

SB 1072 creates the Antisemitism Task Force (Task Force) for the express purpose of combating antisemitism in Florida. To this end, the Task Force has a range of responsibilities, including providing assistance, conducting studies and assessments, and engaging with local Jewish communities. The Task Force must annually “submit a report and policy recommendations” to the Governor and legislative leaders.

The Task Force is composed of 18 members serving two-year terms and is adjunct to the Office of Civil Rights in the Department of Legal Affairs. The Department of Legal Affairs will provide administrative and staff support to the Task Force.

The Task Force is automatically repealed on October 2, 2029, unless reviewed and saved by the Legislature.

The bill is expected to increase costs for the Department of Legal Affairs.

The bill takes effect July 1, 2026.

II. Present Situation:

State Definition of Antisemitism

In 2024, the Legislature adopted a definition of “antisemitism” that closely mirrors the working definition used by the International Holocaust Remembrance Alliance in order to assist with the monitoring and reporting of antisemitic hate crimes and discrimination, and to make residents aware of, and combat, such incidents.¹ However, the law “may not be construed to diminish or

¹ Chapter 2024-262, Laws of Fla.

infringe upon any right protected under the First Amendment to the United States Constitution or to conflict with federal or state antidiscrimination laws.”

As provided in s. 1.105, F.S., antisemitism is the certain perception of Jewish individuals which may be expressed as hatred toward such individuals. Rhetorical and physical manifestations of antisemitism are directed toward Jewish and non-Jewish individuals and their property and toward Jewish community institutions and religious facilities. Examples of antisemitism include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jewish individuals.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jewish individuals as such or the power of Jewish people as a collective, such as the myth of a worldwide Jewish conspiracy or of Jewish individuals controlling the media, economy, government, or other societal institutions.
- Accusing Jewish people as a collective of being responsible for real or imagined wrongdoing committed by a single Jewish person or group or for acts committed by non-Jewish individuals.
- Denying the fact, scope, and mechanisms, such as gas chambers, or the intentionality of the genocide of the Jewish people at the hands of Nazi Germany and its supporters and accomplices during the Holocaust.
- Accusing Jewish people as a collective, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jewish individuals worldwide, than to the interests of their respective nations.
- Denying Jewish people their right to self-determination, such as claiming that the existence of the State of Israel is a racist endeavor.
- Applying double standards by requiring of the Jewish State of Israel a standard of behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism, such as blood libel, to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jewish individuals collectively responsible for actions of the State of Israel.

Hate Crimes

A hate crime is a prejudice-motivated criminal act that in any way constitutes an expression of hatred toward the victim based on his or her personal characteristics. It is a crime in which the perpetrator intentionally selects the victim based on one of the following characteristics: race, religion, ethnicity, color, ancestry, sexual orientation, homeless status, advanced age, mental or physical disability, or gender and gender identity.²

² Section 887.19, F.S.; s. 775.085, F.S. (adding homelessness status, disability, and advanced age as protected categories); 34 U.S.C. s. 41305(b)(1) (adding gender and gender identity); Florida Department of Law Enforcement, *Uniform Crime Reports: Summary Reporting Guide Manual* (July 2023), at 104, available at <https://www.fdle.state.fl.us/getContentAsset/6755ee1e-aa49-4437-b8f1-c2e831c23fd5/73aabf56-e6e5-4330-95a3-5f2a270a1d2b/UCR-Summary-Guide-Manual-JUL2023.pdf?language=en> (last visited Jan. 14, 2026); Florida Attorney General, *Hate Crimes in Florida 2023*, available at <https://www.myfloridalegal.com/sites/default/files/2023hatecrimesreportfinal.pdf> (last visited Jan. 14, 2026) [hereinafter 2023 Hate Crimes Report].

Evidencing Prejudice While Committing an Offense

Current law reclassifies the penalty for any felony or misdemeanor to the next highest degree if the commission of the offense evidence prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, or advanced age of the victim, as follows:

- A misdemeanor of the second-degree is reclassified to a misdemeanor of the first-degree.
- A misdemeanor of the first-degree is reclassified to a felony of the third-degree.
- A felony of the third-degree is reclassified to a felony of the second-degree.
- A felony of the second-degree is reclassified to a felony of the first-degree.
- A felony of the first-degree is reclassified to a life felony.

Reporting of Hate Crimes

Under s. 877.19, F.S., the Florida Department of Law Enforcement (FDLE), all other state and local law enforcement agencies, and the Attorney General must collect and disseminate data on hate crimes committed in the state. Law enforcement agencies submit a monthly report to the FDLE concerning criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. The FDLE is required to compile and disseminate such information upon request to any local law enforcement agency, unit of local government, or state agency. Additionally, the Florida Attorney General publishes an annual summary of the compiled data.

Ultimately, it is up to the judgment of individual law enforcement officers and agencies to determine what the motivation of a particular crime is and whether that incident constitutes a hate crime the law enforcement agency must report to the state as a hate crime.³

Status on Hate Crimes and Antisemitism in Florida

Based on the Attorney General's summaries on hate crimes, there was a decrease in the number of reported hate crimes in 2024 compared to 2023.⁴ However, according to the Attorney General's 2023 report, there was a 94 percent increase in hate crimes against Jewish Floridians from 2022 to 2023.⁵ Of the 98 religion-based hate crimes in 2023, 70 were "anti-Jewish."⁶

³ Florida Department of Law Enforcement, *Uniform Crime Reports: Summary Reporting Guide Manual* (July 2023), at 104, available at <https://www.fdle.state.fl.us/getContentAsset/6755ee1e-aa49-4437-b8f1-c2e831c23fd5/73aabf56-e6e5-4330-95a3-5f2a270a1d2b/UCR-Summary-Guide-Manual-JUL2023.pdf?language=en> (last visited Jan. 14, 2026).

⁴ Compare the numbers in the 2024 reports with the numbers at page 8 of the 2023 report. See 2023 Hate Crimes Report; Attorney General, *Annual Summary of Data*, available at https://www.myfloridalegal.com/sites/default/files/annual_summary_of_data.pdf (last visited Jan. 14, 2025).

⁵ *Id.* at 2.

⁶ 2023 Hate Crimes Report at 25-26. Of those 70 anti-Jewish hate crimes reported, 38 were "destruction/damage/vandalism," 15 were intimidation, four were aggravated assault, four were "other larceny," four were "simple assault," two were "burglary/breaking & entering," one was robbery, one was "weapon law violations," and one was "theft from building."

The Anti-Defamation League’s most recent annual audit of antisemitic incidents showed that Florida saw a 24 percent decline in incidents of antisemitic assault, harassment, and vandalism in 2024 when compared to 2023. The nation, by comparison, saw a 5 percent increase.⁷

Advisory Bodies

Florida law provides for various types of “advisory bodies” that may be created within the executive branch, including a committee, task force, council, and advisory council.⁸ A task force is an advisory body appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem.⁹ A task force can only be created by statute when necessary and beneficial to the furtherance of a public purpose and must be in adjunct to an executive agency. The statute creating the task force must clearly define the body’s purpose.¹⁰

Task forces must keep the Legislature and public informed of the body’s purposes, memberships, activities, and expenses.¹¹ Unless otherwise exempted, all meetings of an advisory body are public meetings under s. 286.011, F.S. Minutes, including a record of all votes cast, must be maintained for all meetings.¹²

Membership and Travel Reimbursement

Members of an advisory body, unless expressly permitted otherwise by the State Constitution, are appointed for four year, staggered terms;¹³ and unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses.¹⁴ The private citizen members of an advisory body that is adjunct to an executive agency must be appointed by the Governor, the head of a department, the executive director of a department, or a Cabinet officer.¹⁵

⁷ Daniel Frank, *ADL: A disturbing trend of Israel-related antisemitic incidents continues in Florida* | *Opinion*, MIAMI HERALD, Apr. 22, 2025, available at <https://www.miamiherald.com/opinion/op-ed/article304533011.html> (last visited Jan. 13, 2025). The author of the article, Daniel Frank, is Florida regional director for the Anti-Defamation League.

⁸ See s. 20.03, F.S. (defining committee, task force, council, and advisory council as advisory bodies).

⁹ Section 20.03, F.S.

¹⁰ Section 25.052, F.S. See s. 20.03, F.S., for the relevant definitions.

¹¹ Section 20.052(3), F.S. Advisory bodies annually provide a report, uploaded to a website maintained by the Executive Office of the Governor and available to the public, detailing the following:

- The statutory authority pursuant to the advisory body was created.
- A brief description of the purpose or objective of the advisory body.
- A list indicating the membership of each advisory body, the appointing authority for each member position, whether the member positions are filled or vacant, the term of each member position, and, if vacant, when the vacancy occurred.
- A list of the meeting dates and times of each advisory body for the preceding 3 fiscal years.
- A brief summary of the work plan for each advisory body for the current fiscal year and the next 2 fiscal years.
- The amount of appropriated funds and staff time used in each fiscal year to support each advisory body.
- A recommendation by the agency, with supporting rationale, to continue, terminate, or modify each advisory body.

¹² Section 20.052, F.S.

¹³ Section 20.052(4)(c), F.S.

¹⁴ Section 20.052(4)(d), F.S. See s. 112.061, F.S., for law on per diem and reimbursement for travel expenses.

¹⁵ Section 20.052(5)(a), F.S.

All travel covered by per diem must be authorized and approved by the head of the agency or a designated representative.¹⁶ Travel expenses must be limited to those expenses necessarily incurred in the performance of a public purpose authorized by law to be performed by the agency.¹⁷ Travel expenses include reimbursement of transportation expenses, reimbursement of lodging expenses, and per diem and meal allowances.

Travelers are allowed either \$80 per diem for each day of travel or, if actual expenses exceed \$80, the amounts permitted for subsistence plus actual expenses for lodging at a single-occupancy rate.¹⁸ The allowable amounts for subsistence are \$6 for breakfast, \$11 for lunch, and \$19 for dinner.¹⁹

Sunset Provision

Law requires that a statute creating, or authorizing the creation of, an advisory body must contain a “sunset provision” that provides for the repeal of the advisory body on October 2 of the third year after enactment unless the law is reviewed and saved from repeal through reenactment by the Legislature.²⁰ The Legislature may not save the advisory body if it has served its purpose and is no longer necessary and beneficial to the furtherance of a public purpose.²¹

Office of Civil Rights in Department of Legal Affairs

The Florida Legislature established the Office of Civil Rights within the Department of Legal Affairs in 1991.²² The Office is empowered to enforce civil rights laws on behalf of the State of Florida through litigation, education, outreach, and legislative proposals. The Office additionally conducts hate crime training for law enforcement officers and develops training programs and presentations for schools.²³

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.²⁴

¹⁶ Section 112.061(3)(a), F.S.

¹⁷ Section 112.061(3)(b), F.S.

¹⁸ Section 112.061(6)(1)(a), F.S.

¹⁹ Section 112.061(6)(1)(b), F.S.

²⁰ Section 25.052(8), F.S.

²¹ Section 20.052(2), F.S.

²² See ch. 91-74, Laws of Fla.; s. 16.57, F.S. The creation of the Office of Civil Rights was based in part on a recommendation of the Racial and Ethnic Bias Study Commission of the Supreme Court for the purpose of bringing a state suit against individuals and agencies for harassment and brutality against minorities.

²³ Office of the Attorney General, *Office of Civil Rights*, <https://www.myfloridalegal.com/civil-rights> (last visited Jan. 14, 2026).

²⁴ *Chiles v. Children A, B, C, D, E, and F*, 589 So. 260 (Fla. 1991).

The State Constitution provides that the Legislature creates the policies and laws of the state²⁵ and the executive branch executes the laws²⁶ and policies established by the Legislature.

Generally, advisory bodies under ch. 20, F.S., do not “execute” laws; they, instead, typically *inform* (advise) the Legislature. In this way, the bodies typically do not enjoy any executive or legislative power.

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.²⁷ 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.²⁸ This prohibition is intended to preserve the independence of each branch and prevent conflicts of interest. 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.²⁹ The term “employment,” by contrast, “does not comprehend a delegation of any part of the sovereign authority [of government].”³⁰ 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.³¹

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.

The State Constitution provides an explicit exception from the dual office holding limitation: “any officer may be a member of a . . . statutory body having only advisory powers.” Typically, an advisory body created pursuant to ch. 20, F.S., only have advisory powers. Membership on such bodies, therefore, does not constitute an office for the purposes of the constitutional prohibition on dual office holding.

²⁵ 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).

²⁶ 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.

²⁷ FLA. CONST. art. II, s. 5(a).

²⁸ *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see *Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).

²⁹ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

³⁰ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).

³¹ See Office of the Attorney General, *Dual Office-holding*,

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

III. Effect of Proposed Changes:

The bill creates s. 16.571, F.S., establishing the Antisemitism Task Force (Task Force) for the express purpose of combating antisemitism in the state. The Task Force is adjunct to the Office of Civil Rights in the Department of Legal Affairs and is a task force as defined and discussed in ss. 20.03(5) and 20.052, F.S.³² The Department of Legal Affairs will provide administrative and staff support for the Task Force.

In addition to submitting an annual report, the Task Force is charged with:

- Identifying and acknowledging the growing threat of antisemitism in this state by conducting a comprehensive review of the prevalence of antisemitism within this state;
- Strengthening community relations by identifying and creating opportunities for new connections between state and local governments and local Jewish communities;
- Engaging with local Jewish communities and providing public officials across this state with recommendations and support for combating antisemitism;
- Advising on training programs for law enforcement relating to the investigation and prosecution of hate crimes;
- Assessing existing state programs relating to education in digital media literacy, including identifying educational gaps, studying education efficacy, and planning for enhanced educational offerings;
- Identifying best practices from efforts to combat antisemitism in other states and jurisdictions;
- Evaluating this state's hate crime statutes to consider whether amendments thereto would better protect residents from antisemitism; and
- Recommending strategies, programs, and legislation to combat antisemitism in this state.

The Task Force must annually provide a report and policy recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, the chair of the Judiciary Committee of the Senate, and the chair of the Security and Threat Assessment Committee of the House of Representatives. These reports are due before January 31 of each year. The Task Force's first report must examine antisemitism in schools and universities.

The Task Force has 18 members who serve two-year terms without compensation but are entitled to per diem. The Task Force consists of the following,

- Three members appointed by the President of the Senate, including:
 - One appointee that represents a Jewish community organization in this state; and
 - One appointee that has expertise in combatting antisemitism.
- Three members appointed by the Speaker of the House of Representatives, including:
 - One appointee that represents a Jewish community organization in this state; and
 - One appointee that has expertise in combatting antisemitism.
- One member of the Senate, appointed by the Minority Leader of the Senate.
- One member of the House of Representatives, appointed by the Minority Leader of the House of Representatives.

³² See *supra* notes 1-14 and accompanying text for discussion of ss. 20.03(5) and 20.052, F.S.

- Two members appointed by the Governor, one of whom must have legal expertise in civil rights law.
- The Attorney General or his or her designee.
- The Commissioner of Education or his or her designee.
- The chair of the Florida Commission on Human Relations or his or her designee.
- One member appointed by the Florida Association of Counties.
- One member appointed by the Florida League of Cities.
- One member appointed by the Florida Prosecuting Attorneys Association.
- One member appointed by the Florida Police Chiefs Association.
- One member appointed by the Florida Association of District School Superintendents.

The President of the Senate shall designate one of his or her appointees as co-chair of the Task Force; the other co-chair is designated by the Speaker of the House of Representatives from his or her appointees.

In accordance with s. 20.052, F.S., the bill includes a sunset provision, repealing the Task Force on October 3, 2029, unless reviewed and saved from repeal by reenactment by the Legislature.

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.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill may result in a minor increase in expenditures for the Department of Legal Affairs by adding members of the Task Force to the class of individuals entitled to per diem and travel reimbursements. The Department of Legal Affairs may further incur costs for providing administrative and staff support to the Task Force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None identified

VIII. Statutes Affected:

This bill creates section 16.571 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 Calatayud

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1 A bill to be entitled
 2 An act relating to the Antisemitism Task Force;
 3 creating s. 16.571, F.S.; creating the Antisemitism
 4 Task Force adjunct to the Office of Civil Rights
 5 within the Department of Legal Affairs for a specified
 6 purpose; requiring the department to provide
 7 administrative and staff support to the task force;
 8 providing for appointment and terms of task force
 9 members; providing for per diem and travel expenses;
 10 requiring the task force to meet quarterly;
 11 authorizing more frequent meetings at the call of the
 12 co-chairs; providing duties of the task force;
 13 requiring the task force to annually submit a report
 14 and policy recommendations to the Governor and the
 15 Legislature by a specified date; providing for future
 16 repeal; providing an effective date.
 17
 18 Be It Enacted by the Legislature of the State of Florida:
 19
 20 Section 1. Section 16.571, Florida Statutes, is created to
 21 read:
 22 16.571 Antisemitism Task Force.—
 23 (1) The Antisemitism Task Force, a task force as defined in
 24 s. 20.03(5), is created adjunct to the Office of Civil Rights
 25 within the Department of Legal Affairs for the express purpose
 26 of combating antisemitism in this state. Except as otherwise
 27 provided in this section, the task force shall operate in a
 28 manner consistent with s. 20.052. The department shall provide
 29 administrative and staff support relating to the functions of

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30 the task force.
 31 (2) (a) The task force is composed of the following members:
 32 1. Three members appointed by the President of the Senate,
 33 one of whom must be a representative of a Jewish community
 34 organization in this state and one of whom must have expertise
 35 in combating antisemitism. The President of the Senate shall
 36 designate one of his or her appointees as co-chair of the task
 37 force.
 38 2. Three members appointed by the Speaker of the House of
 39 Representatives, one of whom must be a representative of a
 40 Jewish community organization in this state and one of whom must
 41 have expertise in combating antisemitism. The Speaker of the
 42 House of Representatives shall designate one of his or her
 43 appointees as co-chair of the task force.
 44 3. One member of the Senate, appointed by the Minority
 45 Leader of the Senate.
 46 4. One member of the House of Representatives, appointed by
 47 the Minority Leader of the House of Representatives.
 48 5. Two members appointed by the Governor, one of whom must
 49 have legal expertise in civil rights law.
 50 6. The Attorney General or his or her designee.
 51 7. The Commissioner of Education or his or her designee.
 52 8. The chair of the Florida Commission on Human Relations
 53 or his or her designee.
 54 9. One member appointed by the Florida Association of
 55 Counties.
 56 10. One member appointed by the Florida League of Cities.
 57 11. One member appointed by the Florida Prosecuting
 58 Attorneys Association.

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12. One member appointed by the Florida Police Chiefs Association.

13. One member appointed by the Florida Association of District School Superintendents.

(b) Members of the task force shall serve 2-year terms. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(c) Members of the task force shall serve without compensation but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061.

(3) The task force shall hold its first meeting by August 1, 2026. The task force shall convene at least once quarterly but, at the call of the co-chairs, may meet more often as necessary to complete the duties prescribed in this section.

(4) The task force shall:

(a) Identify and acknowledge the growing threat of antisemitism in this state by conducting a comprehensive review of the prevalence of antisemitism within this state.

(b) Strengthen community relations by identifying and creating opportunities for new connections between state and local governments and local Jewish communities.

(c) Engage with local Jewish communities and provide public officials across this state with recommendations and support for combating antisemitism.

(d) Advise on training programs for law enforcement relating to the investigation and prosecution of hate crimes.

(e) Assess existing state programs relating to education in digital media literacy, including identifying educational gaps, studying education efficacy, and planning for enhanced

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educational offerings.

(f) Identify best practices from efforts to combat antisemitism in other states and jurisdictions.

(g) Evaluate this state's hate crime statutes and consider whether amendments thereto would better protect residents from antisemitism.

(h) Recommend strategies, programs, and legislation to combat antisemitism in this state. The initial report provided pursuant to paragraph (i) shall examine antisemitism in schools and universities.

(i) Before January 31 of each year, submit a report and policy recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, the chair of the Judiciary Committee of the Senate, and the chair of the Security and Threat Assessment Committee of the House of Representatives.

(5) In accordance with s. 20.052(8), this section is repealed October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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 1078

INTRODUCER: Senator Grall

SUBJECT: Gubernatorial Transition

DATE: January 30, 2026

REVISED: _____

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

I. Summary:

SB 1078 establishes a minimum level of cooperation and coordination between the incumbent gubernatorial administration and the Governor-elect's administration. This level of cooperation and coordination is primarily assigned to the liaison in the Executive Office of the Governor (as designated by the incumbent Governor) and the state agency liaisons (as designated by the agency head of each state agency). For purposes of this bill, state agency includes only those executive branch agencies for which the head of the agency is appointed solely by the Governor.

The Department of Management Services (DMS) must provide the Governor-elect and the transition staff with temporary office space within the Capitol Center during the transition period.

Upon request by the Governor-elect, the Florida Digital Service of the DMS must provide the Governor-elect and certain transition staff designated in writing by the Governor-elect with secure access to state information technology systems. The designated staff must sign a memorandum of understanding regarding the disclosure of any records made confidential and exempt from the public disclosure by the Legislature.

The bill permits the Governor-elect's staff to have access to any record of a state agency, including records that have been made confidential and exempt from public records inspection and copying requirements. The Governor-elect and transition staff must sign a memorandum of understanding regarding the disclosure of any records made confidential and exempt from the public disclosure by the legislature.

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

The bill takes effect July 1, 2026.

II. Present Situation:

The Governor-elect

The Governor-elect Generally

After the General Election for the office of Governor, the Election Canvassing Committee will certify the winner of the election. This winner is commonly referred to as the Governor-elect. However, the Governor-elect does not assume office until the first Tuesday after the first Monday in January after the election.¹ On this date, the Governor is inaugurated and begins performing the constitutional and statutory duties of the office of the Governor.

Operating Fund for the Governor-elect

An operating fund is established for use by the Governor-elect for the period beginning with the certification of the election to the inauguration as Governor. Funds appropriated in this account may be used for travel, expenses generally, the Governor-elect's salary, and staff salaries. The Governor-elect has significant discretion on how to use such funds, but the total expenditures chargeable to the operating fund may not exceed the amount appropriated.²

The Department of Management Services is directed to provide the Governor-elect, transition staff, and inauguration staff with temporary office space in the Capitol Complex.³ For this purpose, the incumbent Governor is not considered a Governor-elect if elected to a second consecutive term. In this instance, all moneys appropriated to the operating fund will revert to the General Revenue Fund.⁴

Inauguration Expense Fund for the Governor-elect

An inauguration expense fund is established for use by the Governor-elect in planning and conducting inauguration ceremonies. The Governor-elect is authorized to appoint an inauguration coordinator and other necessary staff. Salaries for the coordinator and staff are determined by the Governor-elect and are payable from the inauguration expense fund.

Capitol Complex

Chapter 272, F.S., provides that the Capitol Center⁵ is under the general control and supervision of the Department of Management Services (DMS),⁶ which includes the management and maintenance of both the grounds and buildings.⁷ The DMS is authorized to allocate space in the specified buildings to house various departments, agencies, boards, and commissions except the Supreme Court Building.⁸ Additionally, the DMS has the authority to provide for the

¹ FLA. CONST. art. IV, s. 5(a).

² Section 14.057(1), F.S.

³ Section 14.057(2), F.S.

⁴ Section 14.057(3), F.S.

⁵ Section 272.12, F.S., describes the Tallahassee area bound by South Martin Luther King, Jr. Boulevard, East and West College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

⁶ Section 272.03, F.S.

⁷ Section 272.09, F.S.

⁸ Section 272.04, F.S.

establishment of parks, walkways, and parkways on the grounds of the Capitol Center.⁹ This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management oversight of the design and construction of memorials.

The term “Capitol Complex” is defined to include:

that portion of Capitol Center, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliott Building, the R.A. Gray Building, and the associated parking garages and curtilage of each, including the state-owned lands and public streets adjacent thereto within an are bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola Street, Martin Luther King, Jr. Boulevard, and Gaines Street. The term does not include the Supreme Court Building or the public streets adjacent thereto.¹⁰

The management, maintenance, and upkeep of the Capitol Complex is the obligation of the DMS, which has the authority to employ a superintendent of the grounds and other employees.¹¹

The following agencies are located in the Capitol – The Executive Office of the Governor, the Florida Senate, the Florida House of Representatives, the Attorney General and the Department of Legal Affairs, the Chief Financial Officer and the Department of Financial Services, the Commissioner of Agriculture and the Department of Agriculture and Consumer Services, the Department of State (library), the Department of Law Enforcement (Capitol Police), and the DMS. Agencies located in the remainder of the Capitol Complex include the Department of Commerce¹² and the Department of State.

State Agencies

Agencies with Heads Appointed Solely by Governor

State agencies whose head is appointed solely by the Governor are listed below in Table 1. These agencies are headed by department secretaries or other appointed state officers.

Table1.

Agency for Health Care Administration	Fish and Wildlife Conservation Commission	Department of Elder Affairs	Department of Juvenile Justice
Department of Business and Professional Regulation	Department of Commerce	Department of Corrections	Department of Transportation
Department of Children and Families	Agency for Persons with Disabilities	Department of Military Affairs	Department of Citrus
Department of Environmental Protection	Department of Management Services	Department of Education	Department of Lottery

⁹ Section 272.07, F.S.

¹⁰ Section 272.09, F.S.

¹¹ Section 272.09, F.S.

¹² Although the Caldwell Building is within the geographic boundaries of the Capitol Complex, it is not specifically named as part of the Capitol Complex in s. 272.09, F.S.

Department of State	Department of Health	Division of Administrative Hearings	Office of Judges of Compensation Claims
Office of Regional Conflict and Civil Counsel	Capital Collateral Regional Counsel	Statewide Guardian Ad litem Office	Elections Commission
Reemployment Assistance Appeals Commission	Public Employees Relations Commission	Commission on Human Relations	Building Commission
Florida College System institutions	Florida Virtual School		

Other State Agencies

State agencies whose agency head is not appointed solely by the Governor are listed below in Table 2. These agencies are headed by elected Cabinet officers, the Governor and Cabinet together, or other collegial bodies.

Table 2

Department of Legal Affairs	Department of Agriculture and Consumer Services	Department of Financial Services	Department of Revenue
Department of Law Enforcement	Department of Highway Safety and Motor Vehicles	State Board of Administration	Financial Services Commission
Department of Veterans Affairs	Commission on Offender Review		

Public Records Law

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.¹³ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.¹⁴

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.¹⁵ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.¹⁶

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

¹³ FLA. CONST. art. I, s. 24(a).

¹⁴ *Id.*; see also *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

¹⁵ Public records laws are found throughout the Florida Statutes.

¹⁶ Section 119.01(1), F.S.

The Public Records Act does not apply to legislative or judicial records.¹⁷ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”¹⁸

Chapter 119, F.S., specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.¹⁹ A violation of the Public Records Act may result in civil or criminal liability.²⁰

Only the Legislature may create an exemption to public records requirements.²¹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.²² Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions²³ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.²⁴

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*.²⁵ 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.²⁶ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.²⁷

¹⁷ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

¹⁸ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹⁹ Section 119.07(1)(a), F.S.

²⁰ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

²¹ FLA. CONST. art. I, s. 24(c).

²² *Id.*

²³ The bill may, however, contain multiple exemptions that relate to one subject.

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

²⁶ *Id.*

²⁷ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

Governor-elect

Section 119.035, F.S., provides:

It is the policy of this state that the provisions of this chapter apply to officers-elect upon their election to public office. Such officer-elect shall adopt and implement reasonable measures to ensure compliance with the public records obligations set forth in this chapter.

If an officer-elect, individually or as part of the transition process, creates or uses an online or electronic communication or recordkeeping system, all public records maintained on the system must be preserved to ensure that the public has the ability to inspect or copy such records.²⁸ Upon taking the oath of office, the Governor-elect must deliver the records custodian of the Executive Office of the Governor all public records kept or received in the transaction of official business during the transition.²⁹

III. Effect of Proposed Changes:

Section 1 creates s. 14.059, F.S., to set requirements for the transition of state governance from the incumbent gubernatorial administration to the Governor-elect's administration. To ensure some level of cooperation and preparation, the bill requires the incumbent Governor to designate a transition liaison within the Executive Office of the Governor. This liaison is tasked with:

- Serving as the primary point of contact between the current administration and the Governor-elect and the transition staff.
- Overseeing and coordinating transition planning and operations with state agencies.
- Creating a transition directory that summarizes the statutory authority, programs, functions, and organizational structure of each state agency.
- Creating and coordinating transition training, orientation, and briefings for the Governor-elect and the transition staff.
- Establishing instructions and guidance for agency transition liaisons regarding the preparation, content, and delivery of standardized briefing books.

Likewise, the head of each state agency must designate an agency liaison. This position must:

- Serve as the primary point of contact between the agency and the Governor-elect and the transition staff.
- Prepare standardized briefing books.

For purposes of this bill, state agency includes only those executive branch agencies for which the Governor solely appoints the head of the agency.

The Department of Management Services must provide the Governor-elect, the transition staff, and the inauguration staff with temporary office facilities in the Capitol Center during the transition period. The Florida Digital Service is required to provide to the Governor-elect and designated members of the transition team access to state information technology systems.

²⁸ Section 119.035(3), F.S.

²⁹ Section 119.035(4), F.S.

Section 1 requires each state agency to provide temporary office space within the agency headquarters for use by the transition team and provide the transition staff access to the agency leadership personnel during the transition period.

The transition team must be granted access to all state agency records upon request, including public records that are confidential and exempt from public records inspection and copying requirements. Before accessing exempt or confidential and exempt records, the transition team must sign a memorandum of understanding acknowledging the status of the records and that disclosure of such records is prohibited by law.

Section 2 amends s. 14.057, F.S., to delete a duty placed on the Department of Management Services to provide the Governor-elect, the Governor-elect's staff, and the inauguration staff temporary office space in the Capitol Center from the day the election is certified to the day of the inauguration.

Section 3 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

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:

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

VI. Technical Deficiencies:**Access to State Information Technology Systems**

Lines 129-144 of the bill require the Florida Digital Service (FLDS) to provide the Governor-elect and the transition team access to “state information technology systems necessary for transition operations.” Since FLDS does not “own” any of these systems and the necessity to access systems containing confidential information is not readily apparent during the transition period, the Legislature should consider substituting the DMS for the FLDS and limit the access to the technology included on lines 139-141.

VII. Related Issues:**Access to Public Records that are Otherwise Confidential and Exempt**

The bill allows the Governor-elect and the transition staff access to all records of “state agencies” as defined by this bill.³⁰ This includes information that has been made confidential and exemption from public records inspection and copying requirements. Examples of information made confidential and exempt include criminal investigation information, criminal intelligence information, cybersecurity information, trade secrets, proprietary confidential business information, and social security numbers. Typically, information that is made confidential and exempt by the Legislature may only be released under specific circumstances authorized by the Legislature for each separate exemption.

The Governor-elect is an elected officer upon being sworn in. That occurs at the inauguration. Similarly, the transition team is not necessarily comprised of public sector employees and in the past have been private sector “experts” in various fields. In many instances, confidential and exempt information may be released to other public agencies/employees in carrying out official duties. To the extent the Governor-elect and the transition team members are not public officers and employees during the transition period, it may be inappropriate to release the information to them. If a public officer or public employee releases confidential information, the officer or employee may be subject to criminal penalties if the release is determined to be unauthorized.

Appropriations for Transition Assistance

In response to the last four gubernatorial elections, the Legislature appropriated the following amounts from the General Revenue Fund for “Transition Assistance.”

³⁰ See *supra* Table 1 in Present Situation.

Fiscal Year	Appropriation
2010-11	\$1,500,000 ³¹
2014-15	0
2018-19	\$2,377,350 ³²
2022-23	\$2,377,350 ³³

VIII. Statutes Affected:

This bill substantially amends section 14.057 of the Florida Statutes.

This bill creates section 14.059 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.

³¹ Specific Appropriation 2185, ch. 2010-52, Laws of Fla

³² Specific Appropriation 1968, ch. 2018-9, Laws of Fla.

³³ Specific Appropriation 2050A, ch. 2022-156, Laws of Fla.



193312

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 94 - 144

and insert:

(4) (a) 1. The Department of Management Services shall
provide the Governor-elect, his or her staff, and the
inauguration staff with temporary office facilities in the
Capitol Center during the transition period.

2. Each state agency shall provide temporary office space
within the agency headquarters for use by the Governor-elect and



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his or her staff during the transition period.

(b)1. Upon request of the Governor-elect, the Department of Management Services shall provide the Governor-elect and his or her staff with information technology and related resources necessary for transition operations during the transition period. The Governor-elect must designate in writing each person to be provided with information technology and related services. At a minimum, information technology and related services include:

- a. Computers and any necessary equipment for their use.
- b. Secure e-mail accounts.
- c. Cybersecurity training and monitoring.
- d. Technical assistance related to the use of the information technology.

2. Before the Governor-elect or a designee of the Governor-elect is provided with information technology, he or she must sign a memorandum of understanding acknowledging that he or she will adhere to state cybersecurity practices and will return the information technology to the department upon conclusion of the transition period.

(5) (a) Upon request and in coordination with the transition liaison, each state agency shall provide the Governor-elect and his or her staff with access to agency leadership personnel during the transition period, including the chief of staff, general counsel, deputy chiefs of staff, deputy secretaries, division directors, and bureau chiefs.

(b) Each state agency may assign limited personnel to assist the Governor-elect and his or her staff during the transition period to the extent consistent with the agency's



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operational needs.

(6)(a) During the transition period, the Governor-elect and his or her staff shall be granted access to all state agency records upon request.

(b)1. During the transition period, the Governor-elect and persons designated by the Governor-elect shall be granted access to records that are confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of the State Constitution. The Governor-elect must designate in writing each person who must be granted access to such records. No more than one person per temporary office provided pursuant to paragraph (4)(a) may be designated by the Governor-elect under this paragraph.

2. Before accessing any confidential or exempt records, the Governor-elect and his or her designees must sign a memorandum of understanding acknowledging that:

a. Such records will remain confidential or exempt.

b. Disclosure of such records or the information contained therein is prohibited unless specifically authorized by law.

c. All records will be returned to the custodian at the conclusion of the transition period.

d. The Governor-elect and his or her designees may not disclose or use confidential or exempt information for their personal gain or benefit or for the personal gain or benefit of any other person or business entity.

e. A violation of sub-subparagraphs a. through d. is a crime punishable as a felony of the third degree.

3. Any person who willfully and knowingly violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.



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

And the title is amended as follows:

 Delete lines 13 - 23

and insert:

 the transition period; requiring the department, upon request, to provide the Governor-elect and his or her staff with information technology and related resources for such transition period; requiring the Governor-elect to designate in writing the staff to be provided with such resources; requiring specified persons to sign a certain memorandum of understanding; requiring each state agency, upon request, to provide the Governor-elect and his or her staff with access to agency leadership personnel during the transition period; authorizing state agencies to assign limited personnel to assist the Governor-elect and his or her staff; requiring that the Governor-elect and his or her staff be granted access to all state agency records upon request; requiring that the Governor-elect and persons designated by the Governor-elect be granted access to confidential and exempt records under certain conditions; providing criminal penalties;

By Senator Grall

29-01485-26

20261078__

A bill to be entitled

An act relating to gubernatorial transition; creating s. 14.059, F.S.; defining terms; requiring the Governor to designate a transition liaison within the Executive Office of the Governor within a specified timeframe; providing duties of the transition liaison; requiring the head of each state agency to designate an agency transition liaison within a specified timeframe; providing duties of the agency transition liaisons; requiring the Department of Management Services and each state agency to provide certain temporary office facilities to certain persons during the transition period; requiring, upon request, each state agency to provide the Governor-elect and his or her staff with access to agency leadership personnel during the transition period; authorizing state agencies to assign limited personnel to assist the Governor-elect and his or her staff; requiring the Governor-elect and his or her staff to be granted access to state agency records under certain conditions; providing criminal penalties; requiring the Florida Digital Service to provide the Governor-elect and his or her staff with specified resources; amending s. 14.057, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 14.059, Florida Statutes, is created to

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

29-01485-26

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read:

14.059 Gubernatorial transition; coordination, access, and agency obligations.—

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

(a) "State agency" means an executive branch agency the head of which is appointed solely by the Governor.

(b) "Transition period" means the period beginning on the day the Elections Canvassing Commission certifies the results of a general election in a year in which the Governor is elected and ending on the day the Governor-elect is inaugurated as Governor. The term does not include any period following the reelection of an incumbent Governor to a second consecutive term.

(2) No later than the 10th day after the primary election, the Governor shall designate a transition liaison within the Executive Office of the Governor. The transition liaison shall:

(a) Serve as the primary point of contact between the current administration and the Governor-elect and his or her staff.

(b) Oversee and coordinate transition planning and operations with state agencies.

(c) Create a transition directory that summarizes the statutory authority, programs, functions, and organizational structure of each state agency. The transition directory must be delivered to the Governor-elect within 3 days after the beginning of the transition period.

(d) Create and coordinate transition training, orientation, and briefings for the Governor-elect and his or her staff which cover:

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1. The organizational structure of the executive branch of state government.

2. Administrative processes of state agencies, including personnel systems.

3. Public records and meeting requirements.

4. Ethics and financial disclosure laws.

5. Rulemaking procedures under the Administrative Procedure Act.

6. State budgeting and financial management processes.

7. Any additional subject identified by the Governor-elect and determined by the transition liaison to be reasonably necessary to support an orderly transition between administrations and the continuity of state agency operations.

(e) Establish instructions and guidance for agency transition liaisons regarding the preparation, content, and delivery of standardized briefing books under paragraph (3)(b).

(3) No later than the 10th day after the primary election, the head of each state agency shall designate an agency transition liaison. The agency transition liaison shall:

(a) Serve as the primary point of contact between the agency and the transition liaison.

(b) Prepare standardized briefing books in accordance with instructions and guidance established by the transition liaison. The briefing books shall be delivered to the Governor-elect within 3 days after the beginning of the transition period and shall:

1. Outline the agency's organizational structure, mission, programs, budget, major contracts, recently concluded and pending litigation, and rulemaking activity.

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2. Identify all agency leadership personnel, including the chief of staff, general counsel, deputy chiefs of staff, deputy secretaries, division directors, and bureau chiefs.

3. Include any information deemed necessary by the transition liaison to support an orderly transition between administrations and the continuity of state agency operations.

(4)(a) The Department of Management Services shall provide the Governor-elect, his or her staff, and the inauguration staff with temporary office facilities in the Capitol Center during the transition period.

(b) Each state agency shall provide temporary office space within the agency headquarters for use by the Governor-elect and his or her staff during the transition period.

(5)(a) Upon request and in coordination with the transition liaison, each state agency shall provide the Governor-elect and his or her staff with access to agency leadership personnel during the transition period, including the chief of staff, general counsel, deputy chiefs of staff, deputy secretaries, division directors, and bureau chiefs.

(b) Each state agency may assign limited personnel to assist the Governor-elect and his or her staff during the transition period to the extent consistent with the agency's operational needs.

(6)(a) During the transition period, the Governor-elect and his or her staff shall be granted access to all state agency records upon request, including records that are exempt or confidential and exempt from s. 119.07(1) or s. 24(a), Art. I of the State Constitution. Before accessing any exempt or confidential and exempt records, the Governor-elect and his or

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her staff must sign a memorandum of understanding acknowledging that:

1. Such records will remain exempt or confidential and exempt.

2. Disclosure of such records is prohibited unless specifically authorized by law.

3. A violation of subparagraph 1. or subparagraph 2. is a crime punishable as a misdemeanor of the first degree.

(b) A person who willfully and knowingly violates subparagraph (a)1. or subparagraph (a)2. commits a misdemeanor of the first degree, punishable as provided s. 775.082 or s. 775.083.

(7)(a) Upon request of the Governor-elect, the Florida Digital Service shall provide the Governor-elect and his or her staff with secure access to state information technology systems necessary for transition operations during the transition period. The Governor-elect must designate in writing each person who must be provided access to the systems. Access may not be granted until the designee signs the memorandum of understanding in subsection (6).

(b) The Florida Digital Service must provide the Governor-elect and his or her designated staff with:

1. Secure e-mail accounts.

2. Access to collaboration tools and data-sharing platforms.

3. Cybersecurity training and monitoring.

4. Technical assistance related to the use of state information technology systems.

Section 2. Subsection (2) of section 14.057, Florida

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Statutes, is amended to read:

14.057 Governor-elect; establishment of operating fund.—

~~(2) The Department of Management Services shall provide for the Governor-elect, the Governor-elect's staff, and the inauguration staff temporary office facilities in the capitol center for the period extending from the day of the certification of the Governor-elect's election by the Elections Canvassing Commission to the day of his or her inauguration.~~

Section 3. This act shall take effect upon becoming a law.

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 1192

INTRODUCER: Senator Polsky

SUBJECT: Customer Service Callback Queues

DATE: January 30, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. White	McVaney	GO	Pre-meeting
2. _____	_____	ATD	_____
3. _____	_____	AP	_____

I. Summary:

SB 1192 amends the Florida Customer Service Standards Act to create a pilot program for callback queues. Under the pilot program, the Department of Commerce and the Department of Children and Families must use a telephone system for certain calls. Under the program, a customer will have the option to be placed in a callback queue to receive a call at a later designated time, while maintaining his or her place in line, as opposed to waiting on hold. On or before December 31, 2027, any department that participates in the program must submit a report on the effectiveness of the pilot program, any suggested changes to the program, and a recommendation as to whether the program should be continued. The report is submitted to the President of the Senate and Speaker of the House of Representatives.

The government may incur indeterminate costs to the extent an entity participating in the pilot program has to update its system with the required features.

The bill takes effect July 1, 2026.

II. Present Situation:

Florida Customer Service Standards Act

The Florida Customer Service Standards Act (Act) directs executive branch agencies and the Public Service Commission to practice and employ certain measures to improve customer service.¹ For purposes of this Act, a “customer” means any person who uses or requests services or information provided by a state executive agency or who is required by statute to interact with the agency.² The measures include:

¹ Section 23.30, F.S.

² Section 20.30(3)(a), F.S.

- Designating an employee or employees to facilitate the resolution of customer complaints and developing a process for review by upper-level management for customer complaints not resolved by the designated employees.
- Promptly providing available information and accurate responses to questions and requests for assistance.
- Acknowledging receipt of a telephonic or electronic question or request by the end of the next business day.
- Providing local or toll-free telephonic or electronic access either through a centralized complaint-intake call center or directly to a departmental employee or employees designated to resolve customer complaints.
- Developing customer satisfaction measures and systems for tracking complaints and resolutions.
- Providing annual reports showing statistical data on customer complaints, resolutions, and satisfaction.
- Including in strategic plans a program outline or goal for customer service.
- Conducting interdepartmental discussions on methods of improving customer service.³

The Act requires specified each state agency to comply with its presently-available resources but does not apply penalties for an agency's failure to comply.⁴

Voice Mail Systems

There is no statutory requirement for state agencies to employ a voice mail system or a telephone menu options system. If an entity uses a telephone menu options, however, it must provide the caller with access to a nonelectronic attendant.⁵ Moreover, state employees must answer the phone—as opposed to relying on voice mail systems—when the employee is at his or her regularly assigned work station, unless (a) the telephone is in use, (b) the voice mail system provides the caller with access to a nonelectronic attendant, or (c) the voice mail system automatically transfers the call to a nonelectronic attendant.⁶

The agency head is required to ensure compliance with these provisions.⁷

For purposes of these requirements, the term “state agency” includes executive and judicial branch entities of the state.⁸ It does not include the Public Service Commission.

The level of compliance by state agencies is unknown.

III. Effect of Proposed Changes:

Section 1 establishes a pilot program under the Florida Customer Service Standards Act to determine the effectiveness of state agency use of a callback queue. The term “callback queue” is

³ Section 23.30(4), F.S.

⁴ Section 23.30(6), (7), F.S.

⁵ Section 110.1082(2), F.S.

⁶ Section 110.1082(1), F.S.

⁷ Section 110.1082(3), F.S.

⁸ Section 110.107(30), F.S.

defined to mean “a system that allows a caller to leave a telephone number at which he or she can be reached at a later time rather than receiving no answer to his or her call or remaining on hold.”

Under the pilot program, the Department of Commerce must use a callback queue for calls from claimants concerning reemployment assistance, and the Department of Children and Families must use a callback queue for calls concerning public benefits and services.

Calls must be returned in the order in which they were received and by the end of the next business day.

On or before December 31, 2027, any department that participates in the pilot program must submit a report to the President of the Senate and the Speaker of the House of Representatives. The report must include information on the effectiveness of the pilot program, any suggested changes to the program, and a recommendation as to whether the program should be continued or expanded.

Section 2 provides that this act shall take 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 identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

An entity participating in the pilot program may incur indeterminate costs to the extent it has to update its phone system in order to provide a callback queue feature.

VI. Technical Deficiencies:

The current language at lines 26-29 may be unclear. This part of the bill directs the Department of Commerce to utilize the callback queue for “calls from claimants concerning reemployment assistance;” and the Department of Children and Families for “calls concerning public benefits.” It is difficult for an agency, prior to answering the call, to determine who a caller is and why he or she is calling. Accordingly, it is difficult for a department participating in the pilot program to know whether an incoming call falls within the purview of the pilot program, thereby being entitled to a callback queue. To ease the administration of the pilot program, the Legislature may wish to specify particular phone lines to be part of the pilot program. For instance, the Department of Commerce has a phone number dedicated to “Claims and Benefits” under the Reemployment Assistance Program and the Department of Children and Families has a “Public Benefit and Services” phone number.

In the alternative, if the Legislature does not indicate the specific phone lines included in the pilot program, it may wish to provide that the bill applies exclusively to call-centers and customer service lines, as opposed to all employee’s private office lines.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 23.30 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Polsky

30-01016B-26

20261192__

1 A bill to be entitled
 2 An act relating to customer service callback queues;
 3 amending s. 23.30, F.S.; defining the term "callback
 4 queue"; establishing a pilot program to require
 5 specified agencies to use a callback queue for
 6 returning certain calls; requiring calls to be
 7 returned in a specified manner; requiring pilot
 8 program participants to report specified information
 9 to the Legislature by a certain date; providing an
 10 effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Present subsections (5) through (8) of section
 15 23.30, Florida Statutes, are redesignated as subsections (6)
 16 through (9), respectively, and a new subsection (5) is added to
 17 that section, to read:
 18 23.30 Florida Customer Service Standards Act.—
 19 (5) PILOT PROGRAMS.—
 20 (a) As used in this subsection, the term "callback queue"
 21 means a system that allows a caller to leave a telephone number
 22 at which he or she can be reached at a later time rather than
 23 receiving no answer to his or her call or remaining on hold.
 24 (b) A pilot program is implemented to require a callback
 25 queue to be used:
 26 1. By the Department of Commerce in returning calls from
 27 claimants concerning reemployment assistance.
 28 2. By the Department of Children and Families in returning
 29 calls concerning public benefits and services.

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

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30 (c) All calls must be returned, in the order in which
 31 received, by the end of the next business day.
 32 (d) On or before December 31, 2027, any department that
 33 participates in the pilot program must submit a report to the
 34 President of the Senate and the Speaker of the House of
 35 Representatives which includes information concerning the
 36 effectiveness of the pilot program, any suggested changes to the
 37 program, and a recommendation as to whether the program should
 38 be continued or expanded.
 39 Section 2. This act shall take effect July 1, 2026.

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: SB 1250

INTRODUCER: Senator Davis

SUBJECT: Florida Commission on Human Relations

DATE: January 30, 2026

REVISED: _____

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

I. Summary:

SB 1250 eliminates the requirement that the Commission on Human Relations (Commission) use registered mail to provide notice (a copy of the complaint) to the person who allegedly committed a violation under the Florida Civil Rights Act (FCRA). Likewise, the bill also eliminates the requirement that the Commission use registered mail to notify the aggrieved person and the respondent of the Commission's determination of "reasonable cause" for such complaint.

These changes allow the Commission to use a less expensive method of providing notice to parties under the FCRA.

The bill clarifies the times allowed for filing the initial complaint and the answer to the complaint and sending the notice to the respondent and the notice of whether the Commission has found reasonable cause a violation occurred.

The Commission may save an insignificant amount on mailing costs. Otherwise, the bill is not expected to impact state and local government revenues and expenditures.

The bill takes effect July 1, 2026.

II. Present Situation:

The Florida Civil Rights Act (Part I, Chapter 760, F.S.)

The Florida Civil Rights Act (FCRA) protects persons from discrimination in areas of employment, housing, certain public accommodations, and other opportunities based on race,

color, religion, sex, pregnancy, national origin, age, handicap, and marital status.¹ The FCRA establishes the Florida Commission on Human Relations (Commission) within the Department of Management Services (DMS); however, the Commission is not subject to any control of or supervision by or direction from the DMS.² The Commission possesses the requisite powers to enforce the FCRA.³ The Governor appoints, and the Senate confirms, the 12 members of the Commission.⁴

The Florida Commission on Human Relations

The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings on, and act upon complaints alleging discriminatory practices.⁵ Additionally, the Attorney General may initiate a civil action for damages, injunctive relief, civil penalties of up to \$10,000 per violation, and other appropriate relief.⁶

Administrative and Civil Remedies

An aggrieved person (the person filing the complaint), the Commission, a commissioner, or the Attorney General must file within 365 days of the alleged violation a complaint with the Commission naming the person responsible for the violation and describing the violation.⁷ The Commission, within five days of the complaint being filed, is required to send by registered mail a copy of the complaint to the respondent (the person who allegedly committed the violation).⁸ Within 180 days of the filing, the Commission must make a determination of whether reasonable cause exists to believe that a discriminatory practice has occurred.⁹ The Commission is required to notify the aggrieved person and the respondent of its determination by registered mail.¹⁰

If the Commission issues a finding of reasonable cause, the aggrieved person may request an administrative hearing or bring a civil action.¹¹ A civil action must be brought within one year after the determination of reasonable cause.¹² The FCRA expressly requires a plaintiff to exhaust his or her administrative remedy as a prerequisite to filing a civil action alleging unlawful discrimination, including housing discrimination.¹³ The remedies available through an administrative hearing are affirmative relief from the effects of the practice, including back pay, and attorney's fees, while remedies available through a civil action include affirmative relief

¹ Section 760.01(2), F.S.

² Section 760.04

³ Section 760.06(6), F.S.

⁴ Section 760.03(1), F.S.

⁵ Section 760.06(5), F.S.

⁶ Section 760.021(1), F.S.

⁷ Section 760.11(1), F.S.

⁸ *Id.*

⁹ Section 760.11(3), F.S.

¹⁰ *Id.*

¹¹ Section 760.11(4), F.S.

¹² Section 760.11(5), F.S. If, however, the commission fails to make a determination of reasonable cause, the four-year statute of limitations for cause of action based on statutory liability applies. *Joshua v. City of Gainesville*, 768 So.2d 432 at 439 (Fla. 2000).

¹³ Section 760.07, F.S.

such as back pay, injunctive relief, compensatory damages, punitive damages up to \$100,000, and attorney's fees.¹⁴

Alternatively, under s. 760.11(7), F.S., if the Commission makes a determination that there is not reasonable cause, the claimant may request an administrative hearing within 35 days of the date of the "no cause" determination. If the claim is not made within 35 days, the claim is barred.¹⁵

Registered Mail, Certified Mail, and Regular Mail

"First class mail" is the least expensive, most immediate option for mailing postcards, letters, and large envelopes. Tracking services are typically not available for this type of mail. The cost for first class mail is 78 cents for the first ounce and 29 cents for each additional ounce.¹⁶

"Priority mail" is an option of sending mail based on weight and dimension or via Flat Rate envelopes or boxes in a fast and affordable way. In most instances, delivery is made within one, two, or three days. The sender may purchase extra services such as Insurance and Return Receipt, but USPS Tracking is provided for priority mail items at no additional charge. The cost is generally \$10.30.¹⁷

"Certified mail" is an additional service added to first-class mail or priority mail whereby the sender is provided a mailing receipt as confirmation that the item was sent. This service requires a signature from the addressee, and Return Receipt Service can be added to provide the sender with proof of signature that the item was received.¹⁸ The cost for this service is generally \$5.30.¹⁹

"Registered mail" is the United States Postal Service's most secure service, protected by safes, cages, sealed containers, locks, and keys. Tracking services are not available while the item is en route to its destination. At its destination, the package can be delivered only to the addressee or the addressee's authorized agent and requires a signature upon delivery. Because registered mail is kept highly secured and processed manually, the delivery process is slower than other mail.²⁰ The cost of sending an item through registered mail starts at \$19.70 plus the costs of insurance.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 760.11, F.S., to eliminate the requirement that the Commission use registered mail to send a copy of a complaint to the person who allegedly committed a violation of the FCRA. Likewise, Section 1 eliminates the requirement that the Commission use registered

¹⁴ Section 760.11(5), (6), and (7), F.S.

¹⁵ Section 760.11(7), F.S.

¹⁶ USPS.COM, *Types of First-Class Mail*, <https://faq.usps.com/s/article/Types-of-First-Class-Mail> (last visited Jan. 27, 2026).

¹⁷ USPS.COM, *What is Priority Mail*, <https://faq.usps.com/s/article/What-is-Priority-Mail> (last visited Jan. 27, 2026).

¹⁸ USPS.COM, *Certified Mail - The Basics*, <https://faq.usps.com/s/article/Certified-Mail-The-Basics#fees> (last visited Jan. 27, 2026).

¹⁹ USPS.COM, *Insurance & Extra Services*, <https://www.usps.com/ship/insurance-extra-services.htm> (last visited Jan. 27, 2026).

²⁰ USPS.COM, *Registered Mail – The Basics*, <https://faq.usps.com/s/article/Registered-Mail-The-Basics> (last visited Jan. 27, 2026).

²¹ *Supra* note 19.

mail to send the reasonable cause determination to the aggrieved person and the respondent relating to a complaint under the FCRA. This section also clarifies the times allowed for filing the initial complaint and answer and sending the notice to the respondent and the notice of whether the Commission has found reasonable cause that a violation occurred.

Section 2 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, nor 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 Commission should reduce its costs associated with notifying the people involved in the alleged violations of the FCRA.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 760.11 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 Davis

5-00630A-26

20261250__

1 A bill to be entitled
 2 An act relating to the Florida Commission on Human
 3 Relations; amending s. 760.11, F.S.; deleting the
 4 requirement that the Florida Commission on Human
 5 Relations send certain information to certain persons
 6 by registered mail; making technical changes;
 7 providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Subsections (1) and (3) of section 760.11,
 12 Florida Statutes, are amended to read:
 13 760.11 Administrative and civil remedies; construction.-
 14 (1) Any person aggrieved by a violation of ss. 760.01-
 15 760.10 may file a complaint with the commission within 365 days
 16 after ~~of~~ the alleged violation, naming the employer, employment
 17 agency, labor organization, or joint labor-management committee,
 18 or, in the case of an alleged violation of s. 760.10(5), the
 19 person responsible for the violation and describing the
 20 violation. Any person aggrieved by a violation of s. 509.092 may
 21 file a complaint with the commission within 365 days after ~~of~~
 22 the alleged violation, naming the person responsible for the
 23 violation and describing the violation. The commission, a
 24 commissioner, or the Attorney General may in like manner file
 25 such a complaint. On the same day the complaint is filed with
 26 the commission, the commission shall clearly stamp on the face
 27 of the complaint the date the complaint was filed with the
 28 commission. In lieu of filing the complaint with the commission,
 29 a complaint under this section may be filed with the federal

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

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30 Equal Employment Opportunity Commission or with any unit of
 31 government of the state which is a fair-employment-practice
 32 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
 33 complaint is filed is clearly stamped on the face of the
 34 complaint, that date is the date of filing. The date the
 35 complaint is filed with the commission for purposes of this
 36 section is the earliest date of filing with the Equal Employment
 37 Opportunity Commission, the fair-employment-practice agency, or
 38 the commission. The complaint must ~~shall~~ contain a short and
 39 plain statement of the facts describing the violation and the
 40 relief sought. The commission may require additional information
 41 to be in the complaint. The commission, within 5 days after ~~of~~
 42 the complaint being filed, shall ~~by registered mail~~ send a copy
 43 of the complaint to the person who allegedly committed the
 44 violation. The person who allegedly committed the violation may
 45 file an answer to the complaint within 25 days after ~~of~~ the date
 46 the complaint was filed with the commission. Any answer filed
 47 must ~~shall~~ be mailed to the aggrieved person by the person
 48 filing the answer. Both the complaint and the answer must ~~shall~~
 49 be verified.
 50 (3) Except as provided in subsection (2), the commission
 51 shall investigate the allegations in the complaint. Within 180
 52 days after ~~of~~ the filing of the complaint, the commission shall
 53 determine whether ~~if~~ there is reasonable cause to believe that
 54 discriminatory practice has occurred in violation of the Florida
 55 Civil Rights Act of 1992. When the commission determines whether
 56 ~~or not~~ there is reasonable cause, the commission ~~by registered~~
 57 ~~mail~~ shall promptly notify the aggrieved person and the
 58 respondent of the reasonable cause determination, the date of

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

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59 such determination, and the options available under this
60 section.

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

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 1296

INTRODUCER: Senator Martin

SUBJECT: Public Employees Relations Commission

DATE: January 30, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McVaney	GO	Pre-meeting
2. _____	_____	AEG	_____
3. _____	_____	FP	_____

I. Summary:

SB 1296 amends several provisions relating to ch. 447, F.S., which governs public employee unions in the state. Specifically, the bill:

- Updates the Public Employee Relations Commission’s registration, certification, and recertification processes for employee organizations (unions).
- Requires a showing of interest form, signed by a bargaining unit employee within the last 12 months, to be submitted with an application for certification or recertification.
- Clarifies the bargaining unit process which allows determination of the unit after a change in case or statutory law.
- Institutes a two-tier voting threshold for the certification, recertification, and decertification of an employee organization where public safety employee organizations may be certified or recertified by a majority of the employees who vote in the election, and non-public safety employee organizations may be certified or recertified by a majority vote of the employees in the bargaining unit.
- Narrows paid union leave for non-public safety union members to only those situations where the union fully reimburses the public employer for the employee’s time performing duties that are directly-related to the union, such as engaging in collective bargaining, participating in grievances, or representing other employees in disciplinary proceedings. This does not apply to unions for public safety field workers, whose members may still engage in paid union leave for these activities without the union having to fully reimburse the public employer.
- Requires a public employer to allow equal access to any employee organization or not-for-profit organization to access its communal spaces or communications systems that it allows other employee organizations or its affiliate.
- Institutes a fast-track impasse process for public employee salary increases appropriated by the Legislature which require modification of a bargaining agreement. This does not apply to public safety units.

- Conforms various hearing procedures and timeframes to those in ss. 120.569 and 120.57, F.S., of the Administrative Procedures Act

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

The bill takes effect on July 1, 2026.

II. Present Situation:

Right-to-Work

The State Constitution provides that the “right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization.”¹ Based on this constitutional right, Florida is regarded as a “right-to-work” state.

Collective Bargaining

The State Constitution also guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.”² To implement this constitutional provision, the Legislature enacted ch. 447, F.S., which provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.³

Public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing or to refrain from forming, joining, participating in, or being represented by an employee organization.⁴ Regardless of membership in an employee organization (union), each employee is subject to the negotiated collective bargaining agreement that is applicable to the employee’s position. Through collective bargaining, public employees⁵

¹ FLA. CONST. art. 1, s. 6.

² *Id.*

³ Section 447.201, F.S. *See also*, Gregg Morton, *Unfair Labor Practices in Florida’s Public Sector Workplaces*, FLA. B. J., Sept./Oct. 2019, at 41, <https://www.floridabar.org/the-florida-bar-journal/unfair-labor-practices-in-floridas-public-sector-workplaces/> (last visited Jan. 28, 2026).

⁴ Section 447.301(1) and (2), F.S.

⁵ Section 447.203(3), F.S., defines the term “public employee” to mean any person employed by a public employer except:

collectively negotiate with their public employer⁶ in the determination of the terms and conditions of their employment.⁷ The Public Employees Relations Commission (commission) is responsible for assisting in resolving disputes between public employees and public employers.⁸ Employee organizations can be certified as a bargaining agent through a process overseen by the commission.

Registration of Employee Organization

An employee organization⁹ that seeks to become a certified bargaining agent for public employees must register with the commission prior to (a) requesting recognition by a public employer for purposes of collective bargaining and (b) submitting a petition to the commission to request certification as an exclusive bargaining agent.¹⁰ The application for registration must include:

- The name and address of the organization and of any parent organization or organization with which it is affiliated;
- The names and addresses of the principal officers and all representatives of the organization;
- The amount of the initiation fee, and the amount and collection frequency of the dues and uniform assessments that members must pay;
- The current annual financial statement of the organization as prepared by an independent certified public accountant who is licensed under ch. 473, F.S.;
- The name of its business agent and local agent for service of process, if any, and the addresses where such person or persons can be reached;
- A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin;

-
- (a) Persons appointed by the Governor or elected by the people, agency heads, and members of boards and commissions.
 - (b) Persons holding positions by appointment or employment in the organized militia.
 - (c) Individuals acting as negotiating representatives for employer authorities.
 - (d) Persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein.
 - (e) Persons holding positions of employment with the Florida Legislature.
 - (f) Persons who have been convicted of a crime and are inmates confined to institutions within the state.
 - (g) Persons appointed to inspection positions in federal/state fruit and vegetable inspection service whose conditions of appointment are affected by the following:
 1. Federal license requirement.
 2. Federal autonomy regarding investigation and disciplining of appointees.
 3. Frequent transfers due to harvesting conditions.
 - (h) Persons employed by the Public Employees Relations Commission.
 - (i) Persons enrolled as undergraduate students in a state university who perform part-time work for the state university.

⁶ The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

⁷ Section 447.301(2), F.S.

⁸ Section 447.201(3), F.S.

⁹ Section 447.203(11), F.S., defines employee organization as any “labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.”

¹⁰ Section 447.305(1), F.S.

- A copy of the current constitution and bylaws of the employee organization; and
- A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption of a rule by the commission, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.¹¹

A registration granted to an employee organization is valid for one year from the date of issuance. A registration must be renewed annually by filing an application for renewal under oath with the commission. An application for renewal must reflect any changes in the information provided to the commission in conjunction with the employee organization's preceding application for registration or previous renewal. Each application for renewal of registration must include a current annual financial statement with the following information:¹²

- Assets and liabilities at the beginning and end of the fiscal year;
- Receipts of any kind and the sources thereof;
- Disbursements by category;
- Salary, allowances, and other direct or indirect disbursements to each officer and to each employee who received during the fiscal year more than \$10,000 in the aggregate from the employee organization and any affiliated employee organization;
- Direct and indirect loans made to any officer, employee, member which aggregated more than \$250 during the fiscal year; and
- Direct and indirect loans to any business enterprise.

A registration fee of \$15 must be submitted for each registration and renewal.¹³

In addition to the information above, certain employee organizations¹⁴ must submit the following information for any renewal of registration:

- The number of employees in the bargaining unit who are eligible for representation by the employee organization.
- The number of employees in the bargaining unit who have submitted signed membership authorization forms without a subsequent revocation of such membership.
- The number of employees in the bargaining unit who paid dues to the employee organization.
- The number of employees in the bargaining unit who did not pay dues to the employee organization.
- Documentation provided by an independent certified public accountant retained by the employee organization which verifies the information provided.¹⁵

The commission may initiate an investigation to conform the validity of the information submitted in the registration or renewal of registration. The commission may revoke or deny an employee organization's registration or certification if it finds that the employee organization

¹¹ Section 447.305(1)(a-h), F.S.

¹² Section 447.305(2), F.S.

¹³ Section 447.305(10), F.S.

¹⁴ Employee organizations that have been certified as the bargaining agent to represent law enforcement officers, correctional officers, correctional probation officers, or firefighters are exempt from providing this information. Section 447.305(9), F.S.

¹⁵ Section 447.305(3), F.S.

failed to cooperate with the investigation or intentionally misrepresented the submitted information.¹⁶

Certification of Employee Organization as Bargaining Agent

After registering with the commission, an employee organization may begin the certification process. Any employee organization that is selected by a majority of public employees in a designated unit as their representative for collective bargaining purposes can request recognition by the public employer.

The employer, if satisfied as to the majority status of the employee organization and the appropriateness of the unit, must recognize the employee organization as the collective bargaining representative of employees in the designated unit. Following recognition by the employer, the employee organization must immediately petition the commission for certification.¹⁷ The commission will review only the appropriateness of the unit proposed by the employee organization. Appropriateness is defined as the history of employee relations within the organization of the public employer concerning organization and negotiation and the interest of the employees and the employer.¹⁸ If the unit is appropriate, the commission will immediately certify the employee organization as the exclusive representative of all employees in the unit. If the unit is inappropriate, the commission may dismiss the petition.

If the public employer refuses to recognize the employee organization, the employee organization may file a petition with the commission for certification as the bargaining agent. The petition has to be accompanied by dated statements signed by at least 30 percent of the employees in the proposed unit. Both the employee organization's petition and the interested employees' dated signed statements are confidential and exempt from disclosure pursuant to public records laws.¹⁹ The commission will investigate the petition to determine its sufficiency, provide for an appropriate hearing upon notice, and may order an election by secret ballot. Any registered employee organization that desires to be placed on the ballot in any election may be permitted by the commission to intervene. If an employee organization is selected by the majority of the employees *who vote* in the election, the commission must certify the employee organization as the exclusive collective representative for all employees in the unit.²⁰

Authority of the Certified Bargaining Agent

The certified bargaining agent and the chief executive of the public employer must bargain collectively and in good faith in the determination of wages, hours, and terms and conditions of employment of the employees.²¹ Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining

¹⁶ Section 447.305 (8), F.S.

¹⁷ Section 447.307(1)(a), F.S.

¹⁸ Section 447.307(4)(f), F.S.

¹⁹ Section 447.307(2), F.S.

²⁰ Section 447.307(3)(a-d), F.S.

²¹ Section 447.309(1), F.S.

agent.²² Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.²³

Current law prohibits a collective bargaining agreement from providing for a term of existence of more than three years and requires the agreement to contain all of the terms and conditions of employment of the employees during such term.²⁴ The bargaining agent also has the authority to process grievances to settle disputes between the employer and the employees in the bargaining unit.²⁵

Revocation of Certification

An employee or group of employees who no longer desires to be represented by the certified bargaining agent may file with the commission a petition to revoke certification. The petition must be accompanied by dated statements signed by at least 30 percent of the employees in the unit, indicating that such employees no longer desire to be represented by the certified bargaining agent. If the commission finds the petition to be sufficient, it must immediately order an election by secret ballot.²⁶

If a majority of voting employees vote against the continuation of representation by the certified bargaining agent, the organization's certification is revoked.²⁷ Otherwise, the employee organization is retained as the exclusive bargaining agent for the unit.²⁸

Recertification

An employee organization that has applied for a renewal of its registration must petition for recertification as a bargaining unit if it has less than 60 percent of its unit members paying dues during the prior registration period. If the employee organization fails to petition the commission for recertification as the exclusive representative of the bargaining unit within one month of its application of renewal of registration, the certification is revoked.²⁹

The commission may initiate an investigation to confirm the validity of the information submitted in the renewal of registration. The commission may revoke or deny an employee organizations registration or certification if the commission finds that the employee organization failed to cooperate with the investigation or intentionally misrepresented the information submitted on the registration or renewal.³⁰

²² *Id.*

²³ *Id.*

²⁴ Section 447.309(5), F.S.

²⁵ Section 447.401, F.S.

²⁶ Section 447.308(1), F.S.

²⁷ Section 447.308(2), F.S.

²⁸ Section 447.308(3), F.S.

²⁹ Section 447.305(6), F.S.

³⁰ Section 447.305(8), F.S.

Membership in an Employee Organization

Since July 1, 2023, employees eligible for representation must sign a membership authorization form in order to be a member of an employee organization. The form must be prescribed by the commission and contain certain information and statements. A member of an employee organization must be allowed to revoke membership at any time upon the employee organization's receipt of the written revocation. The commission is granted rulemaking authority to implement the requirements of the membership authorization form and the revocation of membership.³¹ The commission has prescribed a membership authorization form,³² which requires certain information regarding the employee organization and other information specific to the employee. The employee organization or another person may assist the employee in completing the form. The employee must sign and date the form.

The provisions requiring a signed membership form and the provisions relating to the revocation of membership do not apply to members of an employee organization certified as a bargaining agent to represent law enforcement officers, correctional officers, correctional probation officers, and firefighters.³³

Impasse Resolution

Under current law, when a public employer and a bargaining agent are unable to reach an agreement after a reasonable period of negotiation, either party may declare that the negotiations are at impasse. An impasse is deemed to occur when one of the parties provides written notice of the impasse to the other party and the commission. Upon declaration of an impasse, the parties may seek the assistance of a mediator to facilitate a resolution.³⁴ If mediation is not used, or upon request of either party, the commission must appoint a special magistrate acceptable to both parties, or if the parties cannot agree, the commission must select a qualified special magistrate. The parties may also agree in writing to waive the appointment of a special magistrate and proceed directly to legislative resolution of the impasse.³⁵

The special magistrate must conduct hearings to define the disputed issues, determine relevant facts, and render a recommended order. Recommended orders must be transmitted to the commission and the parties involved by certified mail, with return receipt requested. The recommended order is deemed approved unless a party files a written rejection within a specified timeframe. If either party rejects, the impasse proceeds to the legislative body of the public employer. The chief executive officer and the employee organization must submit their recommendations to the legislative body, which then conducts a public hearing and takes an action it deems to be in the public interest to resolve the disputed issues. The legislative body's action may become binding for the remainder of the fiscal year under certain circumstances.³⁶

³¹ Section 447.301(1), F.S.

³² PERC, *Employee Organization Membership Authorization Form*, <https://perc.myflorida.com/forms/PERC%20FORM%202023-1.101%20WITH%20INSTRUCTIONS.pdf> (last visited Jan. 28, 2026).

³³ Section 447.301(1)(b)6., F.S.

³⁴ Section 447.403(1), F.S.

³⁵ Section 447.403(2)(a), F.S.

³⁶ Section 447.403(3)-(4), F.S.

If the employer is the Governor, no mediator or special magistrate must be appointed.³⁷ Instead, the unresolved impasse issues must be presented to the Legislature during the regular session, where a joint committee appointed by the presiding officers conducts a public hearing and the Legislature takes action in accordance with law.³⁸

Financial Urgency

In the event of a financial urgency requiring modification of a collective bargaining agreement, current law requires the public employer and bargaining agent to meet as soon as practicable to negotiate the impact of the financial urgency. If the parties are unable to reach an agreement within 14 days, an impasse is deemed to have occurred and must be declared in writing to the other party and the commission. The parties are prohibited from filing an unfair labor practice charge during the 14-day negotiation period.³⁹

“Union Release Time” or “Paid Union Leave”

Release time is a negotiated benefit wherein a public employer releases an employee from duty work during work hours to tend to union activities or business while being compensated by the public employer. The provision of release time is a contractual benefit, not statutory, that may be found in the collective bargaining agreement, school board policy, personnel manual, or other procedures and practices.⁴⁰

Florida law provides that “a public employer or their agent or representative is prohibited from [...] contributing financial support to a union.”⁴¹ Therefore, release time cannot constitute a payment or benefit to the union in the form of salary paid to the employee for union work. Employer-funded release time does not violate the law if the paid release time is used for official union business,⁴² such as the direct representation of employees in grievances, discipline meetings, or contract negotiations.⁴³ The commission has found other activities, such as attendance at a union-sponsored picnic, lobbying for political issues, coordinating with other unions, or the continued payment of a salary for unspecified union activities, to be an improper use of release time that constitutes an unfair labor violation prohibited by Florida law.⁴⁴

Currently, collective bargaining agreements for public employee unions representing state employees provide for release time in the following manners:

³⁷ Section 447.403(1)-(2), F.S.

³⁸ Section 447.403(5), F.S.

³⁹ Section 447.4095, F.S.

⁴⁰ School Board of Volusia County, Michael Dyer, *Avoiding Paid Union Leave Pitfalls After PERC’s Decision in Allen v. United Faculty of Miami-Dade College*: A presentation to the Florida Education Negotiators, Volusia County Schools (Jan. 27, 2017), <https://www.flfen.org/wp-content/uploads/2017/02/Paid-union-leave-presentation-to-FEN-2017.pdf.pdf> (last visited Jan. 28 2026).

⁴¹ Section 457.501(1)(e), F.S.

⁴² *In re City of Jacksonville*, 13 FPER 1118250 (1987).

⁴³ *United Faculty of Florida v. Florida A&M University Board of Trustees*, 32 FPER 34 (2006).

⁴⁴ *Del Pino Allen v. Miami-Dade College*, CA-2015-070 (May 27, 2016), <https://perc.myflorida.com/download.aspx?Prefix=CA&CaseYr=15&CaseNo=070&File=CA15070-Ord17-052716103809.pdf> (Last visited Jan. 28, 2026).

- The Fraternal Order of Police provides administrative leave to union employees for the purposes of attending a consultation meeting with designated representatives of the state. Union representative employees may also use work hours to attend union negotiations with the State and use up to 8 hours of administrative leave to attend a negotiation preparatory meeting held during normal work hours.⁴⁵
- The Florida State Fire Service Association (FSFSA) allows union representatives to be excused from their regular duties, “without loss of pay,” for time used during a normal working hours spent to consult with the Secretary of the DMS on non-grievance matters. The agreement further provides administrative leave with pay for up to six employees in the bargaining unit to attend each single-day session as Negotiation Committee members. For negotiation preparation, the FSFSA President is permitted up to 16 hours of paid leave per fiscal year; the remaining five members of the negotiation committee are allowed to take up to eight hours of leave with pay, not to exceed 40 hours per fiscal year.⁴⁶
- The Florida Police Benevolent Association (FPBA) provides union members in its Highway Patrol unit up to eight hours of administrative leave for time spent in consultation with the Secretary of the DMS regarding non-grievance union matters, and, for up to four employees, administrative leave to attend negotiating sessions and negotiation preparatory meetings.⁴⁷
- The FPBA’s Law Enforcement unit deems time spent during normal work hours in consultation with the Secretary of the DMS regarding non-grievance union matters work hours. It additionally grants administrative leave for up to eight employees to attend negotiation sessions with the State and up to a day of administrative leave for those employees who participate in a negotiation preparatory meeting.⁴⁸
- The FPBA’s Security Services unit members may use work hours to consult with the Secretary of DMS regarding non-grievance matters (limited for up to three union representatives), and to meet with the Step-1 Management Representative. The agreement further provides administrative leave to an unspecified number employees who serve on its Negotiation Committee for the purposes of attending negotiating sessions with the State and negotiation preparatory meetings (if the preparatory meetings occurs during normal work hours). The total number of hours, including the hours spent in negotiation preparatory meetings, paid to all employees on the FPBA’s Negotiation Committee cannot exceed 1,000 hours. The agreement lastly permits any employee in the unit to request leave without pay,

⁴⁵ The Florida State Lodge Fraternal Order of Police, Inc., *Special Agent Bargaining 2023-2026 Agreement, Reopener Agreement for Fiscal Year 2025-2026, Article 9: Negotiations*, 6-7, <https://dms-media.ccplatform.net/content/download/439818/file/FOP-Special%20Agent%20Unit%20-%20FY%202025-2026%20Reopener%20Agreement.pdf> (last visited Jan. 30, 2026).

⁴⁶ Florida State Fire Service Association, *Fire Service Bargaining Unit 2025-2026 Imposed Agreement, Article 5: Representation Rights*, 5-7, <https://dms-media.ccplatform.net/content/download/440458/file/FSFSA%20-%20Fire%20Service%20Unit%20-%20FY%202025-2026%20Imposed%20Agreement.pdf> (last visited Jan. 30, 2026).

⁴⁷ Florida Police Benevolent Association, *Florida Highway Patrol Bargaining Unit 2023-2026 Agreement, Reopener Agreement for Fiscal Year 2025-2026, Article 5: Employee Representation and PBA Activities*, 5-7, <https://dms-media.ccplatform.net/content/download/439817/file/FHP%20-%20Florida%20Police%20Benevolent%20Association%20FY%202025-2026%20Reopener%20Agreement.pdf> (last visited Jan. 30, 2026).

⁴⁸ Florida Police Benevolent Association, *Law Enforcement Bargaining Unit 2023-2026 Successor Agreement, Reopener Agreement for Fiscal Year 2025-2026, Article 5: Employee Representation and PBA Activities*, 5-7, <https://dms-media.ccplatform.net/content/download/439816/file/PBA-Law%20Enforcement%20Unit%202025-2026%20Reopener%20Agreement%20%2810-13-2025%29.pdf> (last visited Jan. 30, 2026).

annual, or compensatory leave for the purpose of attending FPBA conventions, conferences, and meetings.⁴⁹

III. Effect of Proposed Changes:

Membership Authorization and Dues Collection

Section 5 creates a definition of “membership dues” to include employee organization dues; uniform assessments; fees, including initiation fees; and voluntary contributions paid in exchange for membership in the employee organization or as a member of the employee organization. This section also amends the definition of a “membership dues deduction” to conform to this definition.

Section 8 amends s. 447.301, F.S., establish a 30-day period by which an employee organization must revoke the employee’s membership and cease collection of his or her dues, if requested. This section also makes technical, non-substantive updates.

A public employee who wishes to become a member of a union must sign and date a membership authorization. Section 8 expands the information required on the membership authorization to include wages and fringe benefits paid or accruing to the employee organization’s five highest compensated officers and employees. Section 10 expands the registration renewal application to include this information.

Section 9 amends s. 447.303, F.S., to conform to the definition of “membership dues” created in the bill. It also requires a public safety unit employee—a law enforcement officer, correctional officer, correctional probation officer, firefighter, public safety telecommunicator, emergency medical technician, or paramedic—to request membership dues deduction directly of his or her employer. Previously, the bargaining unit for the public safety unit employee could request to start the deductions.

Employee Organization Registrations

Current law requires employee organizations to register before being certified as a bargaining agent and to annually renew its registration through a registration renewal application. The registration renewal application must include an annual financial statement prepared by an independent certified public accountant and a specified list of other information about the employee organization.

Section 120.60, F.S., provides timeframes for agency responses to applications for licensure and dictates that an application must be approved or denied within 90 days after receipt of a completed application. **Section 3** amends s. 120.80, F.S., to exempt the commission’s consideration of an application for *registration* from s. 120.60, F.S. Current law also exempts the *certification* of employee organizations from s. 120.60, F.S. The bill supplants the s. 120.60,

⁴⁹ Florida Police Benevolent Association, *Security Services Bargaining Unit Reopener Agreement for Fiscal Year 2025-2026*, Article 5: PBA Activities and Employee Representation, 5-7, <https://dms-media.ccplatform.net/content/download/424901/file/PBA-Security%20Services%20Unit%20-%20FY%202025-2026%20Reopener%20Agreement%20CLEAN%20FINAL1%20%28CORR%208-21-25%29.pdf> (last visited Jan. 30, 2026).

F.S., response timeframes with a similar requirement that the commission notifies the bargaining agent when its registration submission is complete but does not allow for approval of an application under ch. 447, F.S., if it is not timely acted upon by the commission. (See section 10, which amends s. 447.305(6), F.S.)

Section 10 amends s. 447.305, F.S., to expand the registration renewal submission requirements to include:

- The wages and fringe benefits paid or accruing to its top five officers and employees.
- Reporting of any reimbursements paid by the employee organization to a public employer for moneys paid by the public employer to the employee organization's officers or employees.
- The amount of membership dues retained by or distributed to the employee organization, any parent organization of the employee organization, and any affiliate of either the employee or parent organization.

The bill separately requires a bargaining agent to include in its renewal registration application the following information and verification on the 30th day immediately preceding the date of its current registration's expiration:

- The certification number for each bargaining unit for which the bargaining agent is certified. This number is assigned by the commission after the bargaining unit's certification.
- "For each certification," the number of employees in the bargaining unit who paid full membership dues sufficient to maintain membership in good standing with the bargaining agent. This is distinct from current law, which requires the number of employees in the bargaining unit who did and did not pay dues to the employee organization.

The bill clarifies that an employee organization must provide its financial report, included in its registration application, within 30 days of its filing with the commission. The bill also adds a requirement that the employee organization send a copy of the renewal registration application to the public employer (also within 30 days).

The bill extends the deadline for a bargaining agent to cure deficiencies in its registration renewal application from 10 to 30 days before the commission must dismiss the application. The commission must notify the bargaining agent once its renewal submission is deemed complete; the bill provides that a bargaining agent's failure to cure its registration renewal after this notification, must result in the application's dismissal by the commission within 30 days after its notice. The commission must notify the bargaining agent after it has met the required registration or registration renewal application requirements. Within 30 days thereafter, the bargaining agent must petition for recertification for any of its bargaining units for which less than 60 percent of the employees in the bargaining unit have submitted membership authorization forms and paid membership dues to the organization, as reported in its application.

If an employee organization fails to comply with any of the requirements in s. 447.305, F.S., as described above, the commission must revoke its certification and the employee organization is barred from seeking certification for that bargaining unit for 12 months. This provision does not apply to public safety units.

A public employer or employee may challenge a registration renewal application based on material inaccuracies only, whereas current law allows a challenge based on minor or technical

errors. Such a challenge may only be brought while the application is pending, or if the registration renewal has been granted, before the bargaining agent's current registration is scheduled to end.

Certification, Recertification, and Decertification of Employee Organizations

Section 11 removes a public employer's option to recognize an employee organization as appropriate representative for the purposes of collective bargaining, and instead routes all employee organization certifications and recertifications immediately through the commission, which conducts an election process. The commission still grants, by final order, the certification or recertification of the employee organization pursuant to the outcome of the election.

Petition for Certification or Recertification

Section 11 replaces the term "dated statements" with "showing of interest." This technical change is made throughout the bill.

A showing of interest is a written statement that is signed and dated by an appropriate employee who wishes to be, or to no longer be, represented by the bargaining agent for purposes of collective bargaining.⁵⁰ All employee organizations must include a collection of showing of interest cards from at least 30 percent of the public employees in the proposed bargaining unit in its certification or recertification petition.⁵¹ However, the bill institutes a new requirement that the showing of interest cards must have been signed and dated by the public employees not more than 12 months before the employee organization filed its petition for certification or recertification—there is no expiration to the showing of interest required in current law. This petition ultimately prompts an election; the commission now sets the election's date with "due notice."

Certification or Recertification Election and Vote Thresholds

If the employees in the proposed bargaining unit that seeks certification are already represented by another bargaining agent, then the original bargaining unit may appear on the ballot for election without filing a motion to intervene or producing any required number of showings of interest. The original bargaining unit is also automatically added as a party to the case.

The bill distinguishes the vote requirement for certification or recertification based on the type of employees that comprise the bargaining unit membership. Elections for certification or recertification of an employee organization in which a majority of the employees are public safety employees require a majority vote of the *employees voting in the election*. Elections for all other employee organizations require a majority vote of the *total employees in the bargaining unit*. This voting distinction applies to runoff elections in the same manner.

If the commission has verified the results of a certification or recertification election via order, then no other certification petition may be filed regarding that same proposed or existing bargaining unit for at least 12 months thereafter.

⁵⁰ This is a newly defined term in section 3 of the bill.

⁵¹ This threshold mimics current law, which requires signed, dated statements from 30 percent of the bargaining unit.

Decertification

Section 13 clarifies the re-titled “decertification” process of employee organizations, which replaces the “revocation of certification” terminology in s. 447.308, F.S. Like the certification process for certification, employees that wish to decertify their employee organization must file a petition for decertification with a collection of showings of interest of at least 30 percent of the bargaining unit’s employees, which must have been signed and dated not more than 12 months before filing the petition.

The bill changes the threshold question for decertification—requiring a majority of the bargaining unit to vote to decertify, rather than a majority of the employees who vote in the election, as provided in current law. However, for employee organizations that represent a public safety unit, a majority of the employees voting in the election may determine the vote to decertify.

The bill also applies the blackout periods from the certification process to decertification, prohibiting a petition to decertify within 12 months after an employee organization is certified by the commission’s order verifying the results of the certification, recertification, or decertification election. As in certification petitions, the bill limits the time during which a person may file a decertification petition—only 150-90 days before the expiration of a collective bargaining agreement, or after the expiration date, but before a new collective bargaining agreement has taken effect.

The bill permits an additional party—the employer—to contest and verify the showings of interest to decertify an employer. Current law allows an employee or employee organization to verify such showings of interest.

Lastly, this section specifies that an employee organization’s revocation is effective upon the commission’s issuance of a final order, or if the order is appealed, at the time the appeal is exhausted or any stay is vacated by the commission or a court.

Clarification of Bargaining Units

Section 12 creates s. 447.3076, F.S., which creates the clarification of a bargaining unit process. The bargaining agent of an affected bargaining unit, or the public employer of the public employees in that unit may file such a petition with the commission when a significant change in statutory or case law requires a clarification of the bargaining unit, or when a unit’s classification was:

- Created or substantially changed after the unit was initially defined by the commission;
- Retitled with no substantial change in job duties; or
- Included or excluded through the commission’s mistake or misunderstanding.

The bill establishes notice requirements for unit clarification petitions, including requiring service of the petition on (1) the public employer; and (2) any bargaining agent certified to represent employees or other employee classifications that may be substantially affected by the proposed clarification. If substantially affected employees are not represented by a bargaining

agent, the public employer must provide notice of the petition to those employees within 10 days after the petition is filed.

The commission must dismiss a petition for clarification of a bargaining unit when such clarification would result in a 25 percent or more increase in the size of the bargaining unit because it raises a question concerning representation.

Collective Bargaining and Impasse

A “public employer” is the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer.

The Governor serves as the public employer for public employees who belong to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees. The Board of Governors of the State University System, or the board’s designee, is the public employer for public employees at state university. The board of trustees of a community college is the public employer for community college employees. The district school board is the public employer for school district employees.

Section 14 amends s. 447.309, F.S., to remove a provision that requires the chief executive officer of the public employer,⁵² to submit a proposed amendment to the appropriate legislative body to change a law that is in conflict with an agreement made pursuant to collective bargaining.

Additionally, the bill adds a requirement that the collective bargaining agreement include all disputed impasse issues resolved by the legislative body’s action taken to resolve a disputed impasse issue pursuant to s. 447.403, F.S.

Section 18 amends s. 447.4095, F.S., to provide that salary increases appropriated by the Legislature are considered a financial urgency and provide for an expedited bargaining and impasse resolution process for those salary dollars. This does not apply to public safety units.

Section 16 amends s. 447.403, F.S., to provide that a mediator cannot be used in impasses declared regarding legislatively-appropriated salary increases.

Additionally, this section creates fast-tracked timeframes for a hearing and related procedures under a special magistrate for such specified impasses. The parties must agree on a special magistrate and submit his or her name to the commission within 5 calendar days of the declared impasse. The commission must appoint this magistrate within 2 calendar days thereafter. If the parties cannot agree on a special magistrate, the commission must appoint one within 10 calendar days of the declared impasse.

⁵² Section 447.309(9), F.S., defines the “chief executive officer” as, for the state, the Governor, and for other public employers, the person, whether elected or appointed, who is responsible to the legislative body of the public employer for the administration of the governmental affairs of the public employer.

Each party must give a list of its issues at impasse to the special magistrate and the other party within 5 calendar days after the special magistrate's appointment. A hearing must be held within 20 calendar days from the parties' submission of their list of issues at impasse (35 days after the declaration of impasse). The special magistrate must submit a recommended decision to the commission and the parties within 7 calendar days of the closing of the hearing. If a party wishes to reject the special magistrate's recommendation, it must do so in writing within 10 calendar days after receipt of the decision, and serve a copy of these rejections on the other party and the commission.

After a rejection of the special magistrate's recommendation, both parties must submit recommendations for settling the impasse to the Legislature. For these impasses, the Legislature must conduct a public hearing within 20 calendar days of its receipt of the recommendations and is required to take action within 10 days thereafter. An agreement that results from the legislative action must be reduced to writing by the parties within 10 calendar days of the legislative body's action. Thereafter, the chief executive officer and bargaining agent must sign the agreement within 7 calendar days and submit the agreement to the public employer and the bargaining unit for ratification within 10 calendar days from the agreement's signing. This issue cannot be signed, submitted, or ratified with other bargainable issues.

Paid Union Leave ("Release Time" or "Official Time")

Section 22 amends s. 447.509, F.S., to bar a public employer from providing any form of compensation or paid leave to a public employee for the purpose of engaging in employee organization activities.

Section 5 amends s. 447.203, F.S., to define "employee organization activities" as the following activities undertaken at the direction of, on behalf of, or to advance the purposes of an employee organization or any parent organization or affiliate of the employee organization:

- Supporting or opposing any candidate for federal, state, or local public office.
- Influencing the passage or defeat of state or federal legislation or regulation, local ordinance or resolution, or ballot measure.
- Promoting or soliciting membership or participation in, or financial support of, an employee organization of any parent organization or affiliate of the employee organization.
- Seeking certification as a bargaining agent.
- Participating in the administration, business, or internal governance of an employee organization or any parent organization or affiliate of the employee organization.
- Preparing, conducting, or attending employee organization events, conferences, conventions, meetings, or training, unless such training is directly related to the performance of public employees' job duties.
- Distributing communications of an employee organization or any parent organization or affiliate of the employee organization.
- Representing or speaking on behalf of an employee organization or any parent organization or affiliate of the employee organization in any setting, venue, or procedure in which the public employer is not a participant.

However, the bill provides exceptions to the general prohibition., if agreed to by the employer and bargaining agent, the bill authorizes a public employee to:

- Use compensated personal leave, which may be his or her own or donated by employees in the bargaining unit, for employee organization activities.
- Take time off without pay or benefits to engage in employee organization activities.
- Engage in *representational* employee organization activities on behalf of the bargaining agent while in a duty status without loss of pay or benefits, which includes:
 - Preparing, filing, or pursuing unfair labor practice charges or grievances.
 - Representing public employees in investigatory interviews, disciplinary proceedings or appeals, up to and including termination, or other administrative or legal proceedings.
 - Engaging in collective bargaining and any related mediation, factfinding, or arbitration.
 - Administering a collective bargaining agreement.
 - Participating in labor-management committees.

This will override case law determinations from the commission which allowed direct organizational activities to occur during paid leave time.

These limitations do not apply to public safety units.

Use of Public Employer Facilities

Section 19 amends s. 447.501, F.S., to require a public employer to allow any employee organization or any petitioning public employee who is seeking to support, oppose, or intervene in the certification, recertification, or decertification of a bargaining agent access to its facilities and internal means of communications. Failure to provide access is classified as an unfair labor practice.

Conforming Commission Hearing Timeframes and Procedures to the Administrative Procedures Act

The commission conducts hearings regarding the registration, certification, and election of employee organizations that represent public employees; collective bargaining impasses;⁵³ and employment cases, such as career service appeals,⁵⁴ certain age discrimination matters,⁵⁵ specified whistleblower act cases,⁵⁶ veteran's preference complaints,⁵⁷ and drug free workplace act cases.⁵⁸ The commission conducts these hearings in accordance with ss. 120.569 and 120.57, F.S.,⁵⁹ hearing procedure guidelines provided in the Administrative Procedures Act (APA). The commission may also designate a member of the commission or a designated commission employee who is a member of the Florida Bar to serve as a hearing officer in such matters.

The bill generally aligns the commission's hearing timeframes and procedures with the APA's.

⁵³ Section 447.403, F.S. *See also*, PERC, *Mediation—Impasse Resolution*, <https://myuff.org/wp-content/uploads/2021/09/PERC-Practical-Handbook-on-Collective-Bargaining-2020-edition.pdf> (last visited Jan. 27, 2026).

⁵⁴ 110.227, F.S.

⁵⁵ Section 112.044(4), F.S.

⁵⁶ Section 112.31895, F.S.

⁵⁷ Sections 295.11 and 295.14, F.S.

⁵⁸ Section 112.0455, F.S.

⁵⁹ Section 447.205(10)-(11), F.S.

Career Service Appeals

Section 1 amends s. 110.227, F.S., to require that, in an appeal of a work-related grievance made by a career service employee, the commission issue its final order in timeframes dictated by ss. 120.569 and 120.57, F.S. This generally extends the deadline for issuance of a final order from 45 days to 90 days.

Current law requires the commission to issue a final order within 45 days after the completion of the hearing, filing of exceptions, or date on which oral arguments is granted. The bill requires the commission to issue its final order in informal hearings conducted pursuant to s. 120.569, F.S., within 90 days after an informal hearing conducted by the commission; a recommended order is submitted to the agency if the hearing is conducted by an administrative law judge; or the commission received written and oral material it authorized to be submitted, if there was no hearing. If the commission refers the matter to a formal hearing involving disputed issues of material fact that is conducted by the Division of Administrative Hearings (DOAH) pursuant to s. 120.57, F.S., then the commission must issue its final order within 15 days of its receipt of a recommended order from the DOAH.

Additionally, this section substitutes current language that allows a party to file exceptions within 15 days of the hearing officer's issuance of a final order with a reference to the process for filing exceptions under ss. 120.569 and 120.57, F.S. The APA applies the same 15-day timeframe.

Drug Free Workplace Hearings

Section 2 amends s. 112.0455, F.S., to require that, in an appeal of a drug-free workplace complaint made by an executive branch employee or job applicant, the commission conduct an appeal hearing within 60 days of the employee or applicant's filing of the appeal (instead of 30 days) and issue its final order in timeframes dictated by ss. 120.569 and 120.57, F.S.

Veteran Preferences

Section 4 amends s. 295.14, F.S., to require that, in a hearing it conducts regarding an alleged unfair labor practice based on an agency's failure to provide special consideration or preference requirements for disabled veterans, veterans, current members of any reserve component of the U.S. Armed Forces or Florida National Guard, and the spouses, widows, mothers, fathers, or legal guardians of certain veterans, the commission must conduct the appeal within 60 days, rather than 30 days, after an appeal has been filed.

The section also requires the commission to issue its final order in such hearings in timeframes dictated by ss. 120.569 and 120.57, F.S.—generally within 90 days of the hearing.

Additionally, the bill deletes commission's duty to mail the final order by certified mail with a return receipt requested, and substitute's ss. 120.569 and 120.57, F.S.'s instruction to "deliver or mail" a copy of a final order to each party or the party's attorney of record.

General

Section 7 amends s. 447.207, F.S., to reflect the commission's authority to hear issues other than those brought under s. 447.307 (certification of employee organizations) or s. 447.503, F.S. (regarding unfair labor practices).

This section also:

- Deletes the requirement that the commission send a hearing, other process, or notice to a recipient via personal service or certified mail. This generally conforms to the adoption of ss. 120.569 and 120.57, F.S., procedures for notice, which require mail service.
- Updates the service requirements for any subpoena issued under Public Employees Relation Act (PERA) to align with Florida Rule of Civil Procedure 1.410's requirements, which dictate that personal service be performed by anyone specified by law to service process or by a person who is not a party and is 18 years of age or older. As is provided in current law, the commission may also serve a subpoena by certified mail, return receipt requested.
- Deletes the requirement that the commission adopt rules to prescribe the qualifications of persons who may serve as mediators in hearings held under PERA, and maintain a list of qualified mediators.

Section 20 amends s. 447.503, F.S., to require public employers, unions, and public employees to have a substantial interest in litigation brought before the commission, which conforms with the standing requirements in the APA in ch. 120, F.S. This change addresses unintended potential consequences resulting from a case heard in the 1st DCA in 2022, which found, in part, that public employers, unions, and public employees have standing to bring unfair labor practice litigation before the commission even if they have no interest in the litigation.

Miscellaneous

Section 5 alphabetizes the defined terms provided in s. 447.203, F.S., and defines the new terms "employee organization activities," "representational employee organization activities," "membership dues," "public safety unit," and a "showing of interest" as described above.

Section 6 amends s. 447.207(8), F.S., to update the name of the commission to be used on its commission seal to be "State of Florida-*Public* Employees Relations Commission."

Section 7 amends s. 447.207, F.S., to clarify that additional grants of rulemaking authority to the commission do not limit its grant of rulemaking authority in s. 447.207, F.S., relating to their authority to adopt, amend, or rescind rules as it "deems necessary and administratively feasible" to carry out the provisions of PERA.

Section 7 also amends s. 447.207(12), F.S., to maintain and expand the mass transit employee bargaining union exemption from Part II of ch. 447, F.S., rather than specific subsections of Part II, subject to approval by the commission.

Sections 17 and 28 makes conforming, non-substantive amendments to ss. 447.405 and 447.609, F.S., respectively.

Section 21 amends s. 447.507, F.S., to increase fines applicable to a public employee or union that strikes in violation of a court order from no more than \$5,000 to no more than \$30,000. The applicable fine for each officer, agent, or representative of an employee organization is increased from at least \$300, but not more than \$600 (as compared to no less than \$50, and no more than \$100).

Separately, the commission may penalize an organization that violates the no-strike requirement of s. 447.505, F.S., by fining the organization up to \$120,000 per calendar day of the violation (up from \$20,000).

Sections 23-27 and 29 make technical updates to cross-references to incorporate the renumbered definitions in section 5 of the bill.

Section 30 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the State Constitution provides, in pertinent part, that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless” one of the following is met:

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated including state and local governments.

The State Constitution exempts a law from these requirements if the law has an insignificant fiscal impact on cities and counties. Cities and counties will not be required to incur significant additional workload to comply with the changes in the release time process. They may incur some costs associated with recertification and decertification elections.

Based on these expected insignificant costs, it appears that the bill is exempt from the constitutional restrictions on mandates.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides, “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.”⁶⁰ Florida’s Equal Protection Clause guarantees that “all natural persons, female and male alike, are equal before the law and have inalienable rights.”⁶¹ Equal protection claims against government actors allege unconstitutionally unequal treatment between groups, which can be based on any form of classification. Unless a statute provokes “strict judicial scrutiny” because it interferes with a “fundamental right” or discriminates against a “suspect class,” it will ordinarily survive an equal protection claim so long as the challenged classification is rationally related to a legitimate governmental purpose.⁶² To withstand strict scrutiny, a law must be necessary to promote a compelling governmental interest and must be narrowly tailored to advance that interest.⁶³

This bill appears to create two distinct classes of public employees. These groups experience their right to associate freely and collectively bargain (in virtue of the higher threshold to certify and decertify an employee organization and thus be a member of a union), and to freedom of speech to speak on behalf of the union to seek certification as a bargaining agent and similar union activities (in virtue of the bar on use of release time for the use of representational employee organizational activities for one group but not the other).

These rights of free speech and freedom of association are fundamental rights guaranteed by the State Constitution. The right to collectively bargain, while not declared a fundamental right specifically by any court, is a right guaranteed in the state constitution’s declaration of rights. As discussed below, these rights are treated differently between the two distinct classes of public employees created by the bill. In effect, the bill risks violating those fundamental constitutional rights (speech, association, and collective bargaining) while imposing unequal treatment that may itself constitute a separate constitutional infringement.

⁶⁰ U.S. CONST. amend. XIV, s. 1.

⁶¹ FLA. CONST. art. I, s. 2.

⁶² *Kardmas v. Dickinson Public Schools*, 487 U.S. 450, 457-458 (1988); *Fla. High Sch. Activities Ass’n v. Thomas By & Through Thomas*, 434 So.2d 306, 308 (Fla. 1983).

⁶³ *Westerheide v. State*, 831 So.2d 93, 110 (Fla. 2002).

Right to Collectively Bargain

Article I, section 6 of the State Constitution states:

The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

The Florida Supreme Court has recognized this constitutional provision endows public employees with the same constitutional rights to bargain collectively as private employees possess, excluding the right to strike.⁶⁴ Moreover, as part of the State Constitution's declaration of rights, the right to collectively bargain is considered to be a fundamental right. As such, the right may be abridged only upon the showing of a compelling state interest.⁶⁵

Release time is a right subject to collective bargaining, and in its current form (as interpreted by case law), allows for the direct representation of employees during work hours for which the union employee is paid by his or her employer for normal work duties. Release time may be used for 'ancillary' union activities only where the union fully reimburses the public employer for its employee's time.

An employer cannot impose through legislative action a waiver of the right to bargain over terms and conditions of employment.⁶⁶

The prohibition created in the bill of the use of paid release time for direct representational activities on behalf of the union may constitute an unconstitutional legislative waiver of the right to bargain over terms and conditions of employment.

Delegation of Authority

Article II, section 3, of the Florida Constitution states "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."

The Legislature is permitted to transfer subordinate functions "to permit administration of legislative policy by an agency with the expertise and flexibility to deal with complex and fluid conditions." However, the Legislature "may not delegate the power to enact a law or the right to exercise unrestricted discretion in applying the law."⁶⁷ The Florida Supreme Court has found that "statutes granting power to the executive branch 'must clearly announce adequate standards to guide ... in the execution of the powers delegated. The

⁶⁴ *Dade County Classroom Teachers Ass'n. v. Ryan*, 225 So. 2d 903 (Fla. 1969).

⁶⁵ *Hillsborough County Governmental Employees Ass'n. v. Hillsborough County Aviation Authority*, 552 So. 2d 358 (1988).

⁶⁶ Section 447.203(14) and (17), F.S.

⁶⁷ *Bush v. Schiavo*, 885 So. 2d 321 (Fla. 2004).

statute must so clearly define the power delegated that the [executive] is precluded from acting through whim, showing favoritism, or exercising unbridled discretion.”⁶⁸

Additionally, administrative bodies or commissions, unless specifically created in the Constitution, are creatures of statute and derive only the powers specified therein.⁶⁹ Thus, the APA expressly states that statutory language delegating authority to executive agencies must be construed to extend no further than the powers and duties conferred by that statute.⁷⁰ Even when an agency is pursuing the policy objectives that underlie the statutory scheme it is charged with enforcing, the agency may not disregard or expand upon the terms of the statutes themselves.⁷¹ Since administrative agency action is derived from legislative delegation, it follows that the Legislature may oversee and alter that delegation.⁷²

Lines 484-486 provide that any additional grants of rulemaking authority contained in PERA do not limit the commission’s grant of rulemaking authority in s. 447.207, F.S. This acts as a limitation on a future legislative act which may intend to limit or impact this rulemaking. Additionally, this provision grants the commission authority to interpret what may or may not limit the commission’s rulemaking in s. 447.207, F.S., and work around it according to their discretion. For these reasons, this provision may be an unconstitutional delegation of authority that violates the separation of powers.

Single Subject

Article III, section 6 of the State Constitution requires every law to “embrace but one subject and matter properly connected therewith.” The purpose of this requirement is to prevent logrolling, which combines multiple unrelated measures in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.⁷³ The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in the title.⁷⁴ The subject matter to consider when determining whether a bill embraces a single subject is the bill title’s subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.⁷⁵

It is unclear whether the current state of the bill violates the single subject rule. The title of the present bill indicates that it is an act relating to “the Public Employees Relations Commission.” While all of the matters involved in the bill may touch on the commission,

⁶⁸ *Id.*

⁶⁹ *Grove Isle, Ltd. v. State Dept of Environmental Regulation*, 454 So. 2d 571 (Fla. 1st DCA 1984). *See also, WHS Trucking LLC v. Reemployment Assistance Appeals Comm’n*, 183 So. 3d 460 (Fla. 1st DCA 2016).

⁷⁰ Sections 120.52(8) and 120.536(1), F.S. *See also, Tampa Bay Downs, Inc. v. Dep’t of Bus. And Prof. Reg.*, 293 So. 3d 38 (Fla. 2d DCA 2020).

⁷¹ *Tampa Bay Downs, Inc.*, 293 So. 3d 38.

⁷² *City of Cape Coral v. GAC Utilities, Inc. of Fla.*, 281 So. 2d 493 (Fla. 1973).

⁷³ *Santos v. State*, 380 So.2d 1284 (Fla. 1980).

⁷⁴ *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).

⁷⁵ *See Ex parte Knight*, 41 So. 786 (Fla. 1906); *Brd. of Public Instruction of Broward Cnty. v. Doran*, 224 So.2d 693 (Fla. 1969).

their nexus is tenuous. For example, several parts of the bill deal with hearing procedures relating to unfair labor practices alleged by a public employee under part II of ch. 447, F.S., others deal with the Governor's (or chief executive's) and Legislature's (or legislative body's) authority and duties in resolving issues at impasse. Additionally, section 21 increases fines that a circuit court may assess against a public employee for violations of anti-strike provisions—entirely outside of the scope of the commission; section 22 deals with relations between a public employer and public employee (limiting approval of paid leave to specific instances.)

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The increase in threshold to recertify an employee organization may result in fewer unions maintaining their certification to represent public employee bargaining units.

C. Government Sector Impact:

The commission may see an increase in elections it must administer as a result of the new provisions for recertification and decertification. This may increase the commission's workload.

VI. Technical Deficiencies:

Lines 626-628, which grants public employers of public safety unit employees the authority to pay dues and uniform assessments directly to the certified employee organization may have been inadvertently deleted. Subsequent provisions appear to contemplate such a deduction by requiring the public employer to engage in a dues deduction on behalf of a public safety employee upon the employee's written authorization.

Line 723 requires specified categories "as prescribed by the commission" to be included on a registration renewal application. The commission is not required or authorized to prescribe any additional categories, therefore, this language is unnecessary.

Section 10, amending s. 447.305, F.S., clearly contemplates an application for, possible investigation of said application, and eventual denial or grant of a registration to an employee organization. However, there is not a process outlined for the commission to approve a registration or registration renewal.

Line 1037 refers to a "revocation under this section[.]" However, s. 447.307, F.S., does not provide for a revocation; s. 447.308, entitled "Decertification" does.

VII. Related Issues:

It is unclear whether the bill's updates to the membership authorization form will require public employees in a bargaining unit to re-sign the updated form to comply with the updated law. This could be clarified by inserting, at line 772, in the petition for certification process that the membership authorization forms submitted with the petition be "submitted on or after October 1, 2023." This will ensure prospective application of the requirement, rather than a retroactive application that interferes with the form as it was amended in 2023.

The text added to s. 447.4095, F.S., entitled "Financial urgency," by section 18 of the bill does not connect with the overall purpose and meaning of a financial urgency as it is used in the statute. The Florida Supreme Court has addressed the meaning and intent of s. 447.4095, F.S., and holds that a financial urgency is "a dire financial condition requiring immediate attention and demanding prompt and decisive action, but not necessarily a financial emergency or bankruptcy."⁷⁶ However, action under this statute also must require modification of the agreement—in other words, that the only way to address the dire financial condition is through a modification of the collective bargaining agreement. A local government that resorts to the eventual unilateral alteration of the collective bargaining agreement through the process permitted in s. 447.4095, F.S., without a compelling government interest (which is evinced by a true financial emergency for which there is no alternative means to resolve) may be found to infringe on the constitutional right of collective bargaining and a prohibition of the impairment to contract.⁷⁷ Therefore, it may be better to place this provision in a new section of law that applies the fast-tracked processes without classifying the Legislatively-appropriated salary increases as a financial urgency.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 110.227, 112.0455, 120.80, 295.14, 447.203, 447.205, 447.207, 447.301, 447.303, 447.305, 447.307, 447.308, 447.403, 447.405, 447.4095, 447.501, 447.503, 447.507, 447.509, 110.114, 110.205, 112.3187, 121.031, 447.02, 447.609, and 1011.60.

This bill creates the following sections of the Florida Statutes: 447.3076, 447.309, 447.401, 447.403, 447.405, 447.4095, 447.501, 447.503, 447.507, 447.509, and 110.114.

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.

⁷⁶ *Headley v. City of Miami*, 315 So.3d 1, 5 (2017).

⁷⁷ *Id.* at 10.

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

By Senator Martin

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1 A bill to be entitled
 2 An act relating to the Public Employees Relations
 3 Commission; amending s. 110.227, F.S.; conforming
 4 final order requirements to ch. 120, F.S.; deleting a
 5 provision requiring exceptions to a recommended order
 6 to be filed within a specified timeframe; amending s.
 7 112.0455, F.S.; conforming final order requirements to
 8 ch. 120, F.S.; revising the timeframe in which an
 9 appeal hearing must be conducted; amending s. 120.80,
 10 F.S.; providing applicability; amending s. 295.14,
 11 F.S.; conforming final order requirements to ch. 120,
 12 F.S.; reordering and amending s. 447.203, F.S.;
 13 revising and defining terms; amending s. 447.205,
 14 F.S.; revising the seal of the Public Employees
 15 Relations Commission; amending s. 447.207, F.S.;
 16 providing construction relating to the rulemaking
 17 authority of the commission; authorizing subpoenas to
 18 be served by certified mail, return receipt requested,
 19 or by personal service; revising requirements for
 20 proof of service; deleting the requirement that the
 21 commission adopt rules for the qualifications of
 22 persons who may serve as mediators; authorizing the
 23 commission, under certain circumstances, to waive the
 24 application of any provision of part II of ch. 447,
 25 F.S., rather than only specified provisions; amending
 26 s. 447.301, F.S.; revising requirements for an
 27 employee organization membership authorization form;
 28 requiring an employee organization, within a specified
 29 timeframe, to revoke the membership of and cease the

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30 collection of membership dues from a public employee;
 31 amending s. 447.303, F.S.; conforming provisions to
 32 changes made by the act; amending s. 447.305, F.S.;
 33 revising application requirements for employee
 34 organization registration and renewal of registration;
 35 requiring an employee organization to provide an
 36 application for renewal of registration to certain
 37 persons within a specified timeframe; requiring a
 38 bargaining agent to provide missing application
 39 information to the commission within a specified
 40 timeframe; requiring the commission to dismiss an
 41 application for renewal of registration under certain
 42 circumstances; requiring the commission to notify the
 43 bargaining agent when such application information is
 44 complete; requiring the bargaining agent to petition
 45 for recertification within a specified timeframe
 46 thereafter; requiring the commission or one of its
 47 designated agents to conduct an investigation if a
 48 challenge to an application for renewal of
 49 registration is filed; authorizing a designated agent
 50 of the commission to conduct an investigation to
 51 confirm validity of submitted information; exempting
 52 certain employee organizations from a specified
 53 requirement; requiring a registration fee for
 54 applications for registration and renewal of
 55 registration; requiring certain employee organization
 56 accounts to be open for inspection by the commission
 57 and certain public employees at a reasonable time and
 58 place; providing for the revocation of an employee

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59 organization's certification under certain
 60 circumstances; providing that certain decisions issued
 61 by the commission are final agency actions; amending
 62 s. 447.307, F.S.; revising requirements for the
 63 certification and recertification of an employee
 64 organization; creating s. 447.3076, F.S.; providing
 65 that a petition to clarify the composition of a
 66 bargaining unit may be filed with the commission under
 67 certain circumstances; requiring that a copy of the
 68 petition be served on certain persons; requiring the
 69 public employer to provide a copy of the petition to
 70 certain affected employees within a specified
 71 timeframe; requiring a petition to be dismissed under
 72 certain circumstances; amending s. 447.308, F.S.;
 73 revising requirements for the decertification of an
 74 employee organization; amending s. 447.309, F.S.;
 75 deleting provisions relating to conflicts between any
 76 collective bargaining agreement provision and certain
 77 laws, ordinances, rules, or regulations; requiring
 78 certain agreements to be returned to the bargaining
 79 agent, rather than the employee organization;
 80 requiring collective bargaining agreements to contain
 81 specified terms and conditions; amending s. 447.401,
 82 F.S.; conforming provisions to changes made by the
 83 act; amending s. 447.403, F.S.; specifying
 84 requirements for when an impasse occurs; requiring a
 85 hearing within a specified timeframe; authorizing the
 86 recommended decision of a special magistrate from an
 87 impasse hearing to be transmitted by any method of

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88 service that establishes proof of delivery; amending
 89 s. 447.405, F.S.; conforming provisions to changes
 90 made by the act; amending s. 447.4095, F.S.; providing
 91 that salary increases appropriated by the Legislature
 92 are considered a financial urgency; providing meeting
 93 and dispute requirements; prohibiting unfair labor
 94 charges to be filed during specified time periods;
 95 providing applicability; amending s. 447.501, F.S.;
 96 requiring a public employer to provide to all employee
 97 organizations or petitioning employees equal access to
 98 the employer's facilities and communication systems
 99 for a specified time period; amending s. 447.503,
 100 F.S.; authorizing certain public employers, public
 101 employees, and employee organizations, or combinations
 102 thereof, to file certain charges with the commission;
 103 amending s. 447.507, F.S.; increasing fines for
 104 certain violations; amending s. 447.509, F.S.;
 105 prohibiting public employers, their agents or
 106 representatives, and any persons acting on their
 107 behalf from taking certain actions; authorizing
 108 certain actions by public employees under certain
 109 circumstances; providing applicability; amending ss.
 110 110.114, 110.205, 112.3187, 121.031, 447.02, 447.609,
 111 and 1011.60, F.S.; conforming cross-references and
 112 provisions to changes made by the act; providing an
 113 effective date.

114
 115 Be It Enacted by the Legislature of the State of Florida:
 116

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Section 1. Paragraph (d) of subsection (6) of section 110.227, Florida Statutes, is amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(6) The following procedures shall apply to appeals filed pursuant to subsection (5) with the Public Employees Relations Commission, hereinafter referred to as the commission:

(d) A recommended order must ~~shall~~ be issued by the hearing officer within 30 days after ~~following~~ the hearing. ~~Exceptions to the recommended order shall be filed within 15 days after the recommended order is issued. The final order must be issued shall be filed by the commission in accordance with ss. 120.569 and 120.57 no later than 45 calendar days after the hearing or after the filing of exceptions or oral arguments if granted.~~

Section 2. Paragraph (a) of subsection (14) of section 112.0455, Florida Statutes, is amended to read:

112.0455 Drug-Free Workplace Act.—

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the Public Employees Relations Commission. Any appeal must be filed within 30 calendar days after ~~of~~ receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. 447.401. Such appeals shall be resolved pursuant to the procedures established in ss. 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on

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the appeal shall be conducted within 60 ~~30~~ days after ~~of~~ the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the commission or an arbitrator. The final order must be issued by the commission in accordance with ss. 120.569 and 120.57.

Section 3. Paragraph (c) is added to subsection (12) of section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

(c) Section 120.60 does not apply to registration of employee organizations under s. 447.305.

Section 4. Subsection (1) of section 295.14, Florida Statutes, is amended to read:

295.14 Penalties.—

(1) When the Public Employees Relations Commission, after a hearing on notice conducted according to rules adopted by the commission, determines that a violation of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b) has occurred and sustains the veteran seeking redress, the commission shall order the offending agency, employee, or officer of the state to comply with ~~the provisions of~~ s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b); and, in the event of a violation of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the commission may issue an order to compensate the veteran for the loss of any wages and reasonable attorney ~~attorney's~~ fees for actual hours worked, and costs of all work, including litigation, incurred as a result of such violation, which order shall be conclusive on the agency, employee, or officer concerned. The attorney ~~attorney's~~ fees and costs may not exceed

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175 \$10,000. The final order must be issued by action of the
 176 commission in accordance with ss. 120.569 and 120.57 shall be in
 177 writing and shall be served on the parties concerned by
 178 certified mail with return receipt requested.

179 Section 5. Section 447.203, Florida Statutes, is reordered
 180 and amended to read:

181 447.203 Definitions.—As used in this part:

182 (6)(1) "Commission" means the Public Employees Relations
 183 Commission created by s. 447.205.

184 (17)(2) "Public employer" or "employer" means the state or
 185 any county, municipality, or special district or any subdivision
 186 or agency thereof which the commission determines has sufficient
 187 legal distinctiveness properly to carry out the functions of a
 188 public employer. With respect to all public employees determined
 189 by the commission as properly belonging to a statewide
 190 bargaining unit composed of State Career Service System
 191 employees or Selected Professional Service employees, the
 192 Governor is deemed to be the public employer; and the Board of
 193 Governors of the State University System, or the board's
 194 designee, is deemed to be the public employer with respect to
 195 all public employees of each constituent state university. The
 196 board of trustees of a community college is deemed to be the
 197 public employer with respect to all employees of the community
 198 college. The district school board is deemed to be the public
 199 employer with respect to all employees of the school district.
 200 The Board of Trustees of the Florida School for the Deaf and the
 201 Blind is deemed to be the public employer with respect to the
 202 academic and academic administrative personnel of the Florida
 203 School for the Deaf and the Blind. The Governor is deemed to be

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204 the public employer with respect to all employees in the
 205 Correctional Education Program of the Department of Corrections
 206 established pursuant to s. 944.801.

207 (16)(3) "Public employee" means any person employed by a
 208 public employer except:

209 (a) Those persons appointed by the Governor or elected by
 210 the people, agency heads, and members of boards and commissions.

211 (b) Those persons holding positions by appointment or
 212 employment in the organized militia.

213 (c) Those individuals acting as negotiating representatives
 214 for employer authorities.

215 (d) Those persons who are designated by the commission as
 216 managerial or confidential employees pursuant to criteria
 217 contained herein.

218 (e) Those persons holding positions of employment with the
 219 Florida Legislature.

220 (f) Those persons who have been convicted of a crime and
 221 are inmates confined to institutions within the state.

222 (g) Those persons appointed to inspection positions in
 223 federal/state fruit and vegetable inspection service whose
 224 conditions of appointment are affected by the following:

225 1. Federal license requirement.

226 2. Federal autonomy regarding investigation and
 227 disciplining of appointees.

228 3. Frequent transfers due to harvesting conditions.

229 (h) Those persons employed by the Public Employees
 230 Relations Commission.

231 (i) Those persons enrolled as undergraduate students in a
 232 state university who perform part-time work for the state

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233 university.

234 ~~(12)(4)~~ "Managerial employees" means ~~are~~ those employees
235 who:

236 (a) Perform jobs that are not of a routine, clerical, or
237 ministerial nature and require the exercise of independent
238 judgment in the performance of such jobs and to whom one or more
239 of the following applies:

240 1. They formulate or assist in formulating policies which
241 are applicable to bargaining unit employees.

242 2. They may reasonably be required on behalf of the
243 employer to assist in the preparation for the conduct of
244 collective bargaining negotiations.

245 3. They have a role in the administration of agreements
246 resulting from collective bargaining negotiations.

247 4. They have a significant role in personnel
248 administration.

249 5. They have a significant role in employee relations.

250 6. They are included in the definition of administrative
251 personnel contained in s. 1012.01(3).

252 7. They have a significant role in the preparation or
253 administration of budgets for any public agency or institution
254 or subdivision thereof.

255 (b) Serve as police chiefs, fire chiefs, or directors of
256 public safety of any police, fire, or public safety department.
257 Other police officers, as defined in s. 943.10(1), and
258 firefighters, as defined in s. 633.102, may be determined by the
259 commission to be managerial employees of such departments. In
260 making such determinations, the commission shall consider, in
261 addition to the criteria established in paragraph (a), the

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262 paramilitary organizational structure of the department
263 involved.

264
265 However, in determining whether an individual is a managerial
266 employee pursuant to paragraph (a) or paragraph (b), ~~above~~, the
267 commission may consider historic relationships of the employee
268 to the public employer and to coemployees.

269 ~~(7)(5)~~ "Confidential employees" means ~~are~~ persons who act
270 in a confidential capacity to assist or aid managerial employees
271 as defined in subsection ~~(12)~~ ~~(4)~~.

272 ~~(21)(6)~~ "Strike" means the concerted failure of employees
273 to report for duty; the concerted absence of employees from
274 their positions; the concerted stoppage of work by employees; the
275 concerted submission of resignations by employees; the
276 concerted abstinence in whole or in part by any group of
277 employees from the full and faithful performance of the duties
278 of employment with a public employer for the purpose of
279 inducing, influencing, condoning, or coercing a change in the
280 terms and conditions of employment or the rights, privileges, or
281 obligations of public employment, or participating in a
282 deliberate and concerted course of conduct which adversely
283 affects the services of the public employer; the concerted
284 failure of employees to report for work after the expiration of
285 a collective bargaining agreement; and picketing in furtherance
286 of a work stoppage. The term includes ~~"strike" shall also mean~~
287 any overt preparation, including, but not limited to, the
288 establishment of strike funds with regard to the ~~above-listed~~
289 activities listed in this subsection.

290 ~~(22)(7)~~ "Strike funds" means ~~are~~ any appropriations by an

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employee organization which are established to directly or indirectly aid any employee or employee organization to participate in a strike in the state.

~~(2)(8)~~ "Bargaining unit" means either that unit determined by the commission, that unit determined through local regulations adopted ~~promulgated~~ pursuant to s. 447.603, or that unit determined by the public employer and the public employee organization and approved by the commission to be appropriate for the purposes of collective bargaining. However, no bargaining unit shall be defined as appropriate which includes employees of two employers that are not departments or divisions of the state, a county, a municipality, or other political entity.

~~(3)(9)~~ "Chief executive officer" for the state means shall ~~mean~~ the Governor and for other public employers means shall ~~mean~~ the person, whether elected or appointed, who is responsible to the legislative body of the public employer for the administration of the governmental affairs of the public employer.

~~(11)(10)~~ "Legislative body" means the State Legislature, the board of county commissioners, the district school board, the governing body of a municipality, or the governing body of an instrumentality or unit of government having authority to appropriate funds and establish policy governing the terms and conditions of employment and which, as the case may be, is the appropriate legislative body for the bargaining unit. For purposes of s. 447.403, the Board of Governors of the State University System, or the board's designee, shall be deemed to be the legislative body with respect to all employees of each

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constituent state university. For purposes of s. 447.403, the board of trustees of a community college shall be deemed to be the legislative body with respect to all employees of the community college.

~~(8)(11)~~ "Employee organization" or "organization" means any labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.

(9) "Employee organization activities" means activities undertaken at the direction of, on behalf of, or to advance the purposes of an employee organization or any parent organization or affiliate of the employee organization by doing any of the following:

(a) Supporting or opposing a candidate for federal, state, or local public office.

(b) Influencing the passage or defeat of any federal or state legislation or regulation, local ordinance or resolution, or ballot measure.

(c) Promoting or soliciting membership or participation in, or financial support of, an employee organization or any parent organization or affiliate of the employee organization.

(d) Seeking certification as a bargaining agent.

(e) Participating in the administration, business, or internal governance of an employee organization or any parent organization or affiliate of the employee organization.

(f) Preparing, conducting, or attending employee

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organization events, conferences, conventions, meetings, or trainings, unless such training is directly related to the performance of a public employee's job duties.

(g) Distributing communications of an employee organization or any parent organization or affiliate of the employee organization.

(h) Representing or speaking on behalf of an employee organization or any parent organization or affiliate of the employee organization in any setting, venue, or procedure in which the public employer is not a participant.

(i) Preparing, filing, or pursuing unfair labor practice charges or grievances.

(j) Representing public employees in investigatory interviews; disciplinary proceedings or appeals, including termination; or other administrative or legal proceedings.

(k) Engaging in collective bargaining and any related mediation, factfinding, or arbitration.

(l) Administering a collective bargaining agreement.

(m) Participating in labor-management committees.

(1)(12) "Bargaining agent" means the employee organization that ~~which~~ has been certified by the commission as representing the employees in the bargaining unit, as provided in s. 447.307, or its representative.

(13) "Membership dues" means employee organization dues; uniform assessments; fees, including initiation fees; or voluntary contributions paid in exchange for membership in an employee organization or as a member of the employee organization.

(15)(13) "Professional employee" means:

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(a) Any employee engaged in work in any two or more of the following categories:

1. Work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work.

2. Work involving the consistent exercise of discretion and judgment in its performance.

3. Work of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

4. Work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education, an apprenticeship, or training in the performance of routine mental or physical processes.

(b) Any employee who:

1. Has completed the course of specialized intellectual instruction and study described in subparagraph (a)4. ~~4. of paragraph (a), and~~

2. Is performing related work under supervision of a professional person to qualify to become a professional employee as defined in paragraph (a).

(5)(14) "Collective bargaining" means the performance of the mutual obligations of the public employer and the bargaining agent of the employee organization to meet at reasonable times, to negotiate in good faith, and to execute a written contract with respect to agreements reached concerning the terms and conditions of employment, except that neither party shall be

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compelled to agree to a proposal or be required to make a concession unless otherwise provided in this part.

~~(14)(15)~~ "Membership dues deduction" means the practice by ~~of~~ a public employer of deducting membership dues ~~and uniform assessments~~ from the salary or wages of a public employee and. ~~Such term also means the practice of a public employer of transmitting the sums so deducted to an such employee organization on behalf of the public employee.~~

~~(4)(16)~~ "Civil service" means any career, civil, or merit system used by any public employer.

~~(10)(17)~~ "Good faith bargaining" ~~means shall mean~~, but is not ~~be~~ limited to, the willingness of both parties to meet at reasonable times and places, as mutually agreed upon, in order to discuss issues that ~~which~~ are proper subjects of bargaining, with the intent of reaching a common accord. The term includes ~~It shall include~~ an obligation for both parties to participate actively in the negotiations with an open mind and a sincere desire, as well as making a sincere effort, to resolve differences and come to an agreement. In determining whether a party failed to bargain in good faith, the commission shall consider the total conduct of the parties during negotiations as well as the specific incidents of alleged bad faith. Incidents indicative of bad faith shall include, but not be limited to, the following occurrences:

(a) Failure to meet at reasonable times and places with representatives of the other party for the purpose of negotiations.

(b) Placing unreasonable restrictions on the other party as a prerequisite to meeting.

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(c) Failure to discuss proper subjects of bargaining ~~bargainable issues~~.

(d) Refusing, upon reasonable written request, to provide public information, excluding work products as defined in s. 447.605.

(e) Refusing to negotiate because of an unwanted person on the opposing negotiating team.

(f) Negotiating directly with employees rather than with their ~~certified~~ bargaining agent.

(g) Refusing to reduce a total agreement to writing.

(18) "Public safety unit" means a bargaining unit in which the majority of the public employees are employed as a law enforcement officer, correctional officer, or correctional probation officer, as those terms are defined in s. 943.10(1), (2), or (3), respectively; a firefighter as defined in s. 633.102(9); a 911 public safety telecommunicator as defined in s. 401.465(1); or an emergency medical technician or a paramedic, as those terms are defined in s. 401.23.

(19) "Representational employee organization activities" means those activities specified in paragraphs (9)(i)-(m).

(20) "Showing of interest" means written statements signed and dated by public employees in a proposed or existing bargaining unit indicating the desire of the public employees either to be represented by the employee organization for purposes of collective bargaining or to no longer be represented by the bargaining agent for purposes of collective bargaining.

~~(23)(18)~~ "Student representative" means the representative selected by each community college or university student government association. Each representative may be present at

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all negotiating sessions that take place between the appropriate public employer and ~~a an~~ exclusive bargaining agent. The representative must be enrolled as a student with at least 8 credit hours in the respective community college or university during his or her term as student representative.

Section 6. Subsection (8) of section 447.205, Florida Statutes, is amended to read:

447.205 Public Employees Relations Commission.—

(8) The commission shall have a seal for authentication of its orders and proceedings, upon which shall be inscribed the words "State of Florida-Public Employees Relations Commission" ~~"State of Florida Employees Relations Commission"~~ and which shall be judicially noticed.

Section 7. Subsections (1), (4), (5), (6), and (12) of section 447.207, Florida Statutes, are amended to read:

447.207 Commission; powers and duties.—

(1) The commission shall, in accordance with chapter 120, adopt, promulgate, amend, or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this part. Any additional grants of rulemaking authority contained in this part do not limit the grant of rulemaking authority in this section.

(4) Any subpoena, ~~notice of hearing, or other process or notice of the commission~~ issued under the provisions of this part must either ~~shall~~ be served ~~personally or~~ by certified mail, return receipt requested, or be served personally by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. When certified mail is used, a returned post office receipt constitutes proof

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of service. When personal service is used, if the subpoena is not served by a person specified by law to serve process, an affidavit of the person making service constitutes proof of service. A return made and verified by the individual making such service and setting forth the manner of such service is proof of service, and a returned post office receipt, when certified mail is used, is proof of service. All process of any court to which application may be made under the provisions of this part shall be served in the county wherein the persons required to be served reside or may be found.

(5) The commission shall adopt rules as to the qualifications of persons who may serve as ~~mediators and~~ special magistrates and shall maintain a list ~~lists~~ of such qualified persons who are not employees of the commission. The commission may initiate dispute resolution procedures by special magistrates, pursuant to ~~the provisions of~~ this part.

(6) Pursuant to its established procedures, the commission shall resolve questions and controversies concerning claims for recognition as the bargaining agent for a bargaining unit, determine or approve units appropriate for purposes of collective bargaining, expeditiously process charges of unfair labor practices and violations of s. 447.505 by public employees, and resolve such other questions and controversies as it may be authorized herein to undertake. The petitioner, charging party, respondent, and any intervenors shall be the adversary parties before the commission in any adjudicatory proceeding conducted pursuant to this part. Any commission statement of general applicability that implements, interprets, or prescribes law or policy, made in the course of adjudicating

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a case pursuant to s. 447.307 or s. 447.503 shall not constitute a rule within the meaning of s. 120.52.

(12) Upon a petition by a public employer after it has been notified by the Department of Labor that the public employer's protective arrangement covering mass transit employees does not meet the requirements of 49 U.S.C. s. 5333(b) and would jeopardize the public employer's continued eligibility to receive Federal Transit Administration funding, the commission may waive the application of this part, but only to the extent necessary for the public employer to comply with the requirements of 49 U.S.C. s. 5333(b), any of the following for an employee organization that has been certified as a bargaining agent to represent mass transit employees:

(a) The prohibition on dues and assessment deductions provided in s. 447.303(1) as it applies to a mass transit employee who has provided a copy of his or her membership authorization form to the employer as part of the authorization of dues deduction under a waiver.

(b) The requirement to petition the commission for recertification.

(c) The revocation of certification provided in s. 447.305(6) and (7).

Section 8. Paragraph (b) of subsection (1) and subsection (2) of section 447.301, Florida Statutes, are amended to read:

447.301 Public employees' rights; organization and representation.—

(1)

(b)1. A public employee who desires to be a member of an employee organization must sign and date a membership

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authorization form, as prescribed by the commission, and submit the executed form to the bargaining agent.

2. The membership authorization form must identify the name of the bargaining agent; the name of the employee; the class code and class title of the employee; the name of the public employer and employing agency, if applicable; the amount of the membership initiation fee and of the monthly dues which the public employee member must pay; and the names name and amounts total amount of salary, allowances, and other direct or indirect disbursements, including reimbursements, paid to each of the five highest compensated officers and employees of the employee organization disclosed under s. 447.305(2)(d) for the officers and employees receiving the five highest total dollar amounts.

3. The membership authorization form must contain the following statement in 14-point type:

As a public employee in the State of Florida, is a right-to-work ~~state~~ membership or nonmembership non-membership in a labor union is not required as a condition of employment, ~~and~~ Union membership and payment of membership union dues and ~~assessments~~ are voluntary. A public employee's ~~Each person has the right to~~ join and pay membership dues to a labor union or to refrain from joining and paying membership dues to a labor union is protected by both Florida's right-to-work law and the First Amendment of the United States Constitution. A public employer may not discriminate against a public ~~No employee may be discriminated against in any manner~~ for joining and financially supporting, ~~a labor union or for refusing to join and or~~ financially support, a labor union.

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581
582 4. A public employee may revoke membership in the employee
583 organization at any time ~~of the year~~. Within 30 days after ~~Upon~~
584 receipt of the public employee's written revocation of
585 membership, the employee organization must revoke the a public
586 employee's membership and cease collection of membership dues
587 for such public employee. The employee organization may not
588 limit a public ~~an~~ employee's right to revoke membership to
589 certain dates. If a public employee must complete a form to
590 revoke membership in the employee organization, the form may not
591 require a reason for the public employee's decision to revoke
592 his or her membership.

593 5. An employee organization must retain for inspection by
594 the commission such membership authorization forms and any
595 revocations.

596 6. This paragraph does not apply to public employees in
597 public safety units ~~members of a bargaining unit the majority of~~
598 ~~whose employees eligible for representation are employed as law~~
599 ~~enforcement officers, correctional officers, or correctional~~
600 ~~probation officers as those terms are defined in s. 943.10(1),~~
601 ~~(2), or (3), respectively; firefighters as defined in s.~~
602 ~~633.102; 911 public safety telecommunicators as defined in s.~~
603 ~~401.465(1)(a); or emergency medical technicians or paramedics as~~
604 ~~defined in s. 401.23.~~

605 7. The commission may adopt rules to implement this
606 paragraph.

607 (2) Public employees ~~shall~~ have the right to be represented
608 by any employee organization of their own choosing and to
609 negotiate collectively, through a certified bargaining agent,

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610 with their public employer in the determination of the terms and
611 conditions of their employment. Public employees ~~shall~~ have the
612 right to be represented in the determination of grievances on
613 all terms and conditions of their employment. Public employees
614 ~~shall~~ have the right to refrain from exercising the right to be
615 represented.

616 Section 9. Subsections (1) and (2) of section 447.303,
617 Florida Statutes, are amended to read:

618 447.303 Membership dues; deduction and collection.—

619 (1) Except as authorized in subsection (2) or subject to a
620 waiver of the prohibition on membership dues deduction granted
621 pursuant to s. 447.207(12), a public employer may not engage in
622 membership dues deduction on behalf of s. 447.207(12)(a), an
623 employee organization ~~that has been certified as a bargaining~~
624 ~~agent may not have its dues and uniform assessments deducted and~~
625 ~~collected by the employer from the salaries of those employees~~
626 ~~in the unit. A public employee may pay dues and uniform~~
627 ~~assessments directly to the employee organization that has been~~
628 ~~certified as the bargaining agent.~~

629 (2) (a) Upon the written authorization of a public employee
630 in a public safety unit, the public employer must engage in
631 membership dues deduction for such public employee. A public
632 employee may revoke his or her authorization for membership dues
633 deduction upon providing 30 days' written notice to the public
634 employer and bargaining agent ~~An employee organization that has~~
635 ~~been certified as a bargaining agent to represent a bargaining~~
636 ~~unit the majority of whose employees eligible for representation~~
637 ~~are employed as law enforcement officers, correctional officers,~~
638 ~~or correctional probation officers as those terms are defined in~~

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s. 943.10(1), (2), or (3), respectively; firefighters as defined in s. 633.102; 911 public safety telecommunicators as defined in s. 401.465(1)(a); or emergency medical technicians or paramedics as defined in s. 401.23 has the right to have its dues and uniform assessments for that bargaining unit deducted and collected by the employer from the salaries of those employees who authorize the deduction and collection of said dues and uniform assessments. However, such authorization is revocable at the employee's request upon 30 days' written notice to the employer and employee organization. Said deductions shall commence upon the bargaining agent's written request to the employer.

(b) Reasonable costs to the public employer of engaging in membership dues said deductions is a proper subject of collective bargaining.

(c) The requirement to engage in membership dues deductions such right to deduction, unless revoked under s. 447.507, is in force as for so long as the employee organization remains the certified bargaining agent remains certified to represent for the public employees in the bargaining unit.

Section 10. Section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organizations organization.—

(1) Every employee organization seeking to become a certified bargaining agent for public employees shall register with the commission before pursuant to the procedures set forth in s. 120.60 prior to requesting recognition by a public employer for purposes of collective bargaining and prior to

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submitting a certification, recertification, or unit clarification petition to the commission requesting certification as an exclusive bargaining agent. Further, If an such employee organization is not registered, it may not participate in a certification, recertification, or unit clarification ~~representation~~ hearing; or participate in a certification or recertification ~~representation~~ election; or be certified as a ~~an~~ exclusive bargaining agent. The application for registration required by this section must ~~shall~~ be under oath, and in such form as the commission may prescribe, and shall include all of the following:

(a) The name and address of the organization and ~~of~~ any parent organization or affiliate of the employee organization with which it is affiliated.

(b) The names and addresses of the principal officers and all representatives of the organization.

(c) The amount ~~of the initiation fee and the amount~~ and collection frequency of the membership dues and uniform assessments that a member of the organization must pay.

(d) The current annual financial statement of the organization, prepared by an independent certified public accountant licensed under chapter 473.

(e) The name of its business agent, if any; if different from the business agent, the name of its local agent for service of process; and the addresses where such person or persons can be reached.

(f) A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of this ~~the~~ state and that it will accept members without regard to age,

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697 race, sex, religion, or national origin.

698 (g) A copy of the current constitution and bylaws of the
699 employee organization.

700 (h) A copy of the current constitution and bylaws of the
701 state and national groups with which the employee organization
702 is affiliated or associated. In lieu of this provision, and upon
703 adoption of a rule by the commission, a state or national
704 affiliate or parent organization of any registering employee
705 ~~labor~~ organization may annually submit a copy of its current
706 constitution and bylaws.

707 (2) A registration granted to an employee organization
708 pursuant to this section runs for 1 year after ~~from~~ the date of
709 issuance. A registration must be renewed annually by filing an
710 application for renewal under oath with the commission, which
711 application must reflect any changes in the information provided
712 to the commission in conjunction with the employee
713 organization's preceding application for registration or
714 previous renewal, whichever is applicable. Each application for
715 renewal of registration must include a current annual financial
716 statement, prepared by an independent certified public
717 accountant licensed under chapter 473 and signed by the employee
718 organization's president and treasurer or corresponding
719 principal officers, containing the following information in such
720 detail as may be necessary to accurately ~~to~~ disclose its
721 financial condition and operations for its preceding fiscal year
722 and in all of the following ~~such~~ categories as prescribed by the
723 commission ~~may prescribe~~:

724 (a) Assets and liabilities at the beginning and end of the
725 fiscal year.~~+~~

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726 (b) Receipts of any kind and the sources thereof.~~+~~

727 (c) Disbursements by category.~~+~~

728 (d) Salary, wages, fringe benefits, allowances, and other
729 direct or indirect disbursements, including reimbursed expenses,
730 paid or accruing to each of its officers ~~officer~~ and also to
731 each of its employees ~~employee~~ who, during such fiscal year,
732 received more than \$10,000 in the aggregate from such employee
733 organization and any parent organization of the ~~other~~ employee
734 organization or any affiliate of either the employee
735 organization or the parent organization. This paragraph requires
736 reporting of any reimbursements paid by the employee
737 organization to a public employer for moneys paid by the public
738 employer to the employee organization's officers or employees.
739 affiliated with it or with which it is affiliated or which is
740 affiliated with the same national or international employee
741 organization.~~+~~

742 (e) Direct and indirect loans made to any of its officers
743 officer, employees ~~employee~~, or members ~~member~~ which aggregated
744 more than \$250 during the fiscal year, together with a statement
745 of the purpose, security, if any, and arrangements for
746 repayment.~~+~~ ~~and~~

747 (f) Direct and indirect loans to any business enterprise,
748 together with a statement of the purpose, security, if any, and
749 arrangements for repayment.

750 (g) The amount of membership dues retained by or
751 distributed to the employee organization, any parent
752 organization of the employee organization, and any affiliate of
753 either the employee organization or the parent organization.

754 (3) As part of its application for renewal of registration,

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~~a In addition to subsection (2), an employee organization that has been certified as the bargaining agent for public employees must include all of for each such certified bargaining unit the following additional information and verification documentation as of the 30th day immediately preceding the date upon which its current registration is scheduled to end for any renewal of registration on or after October 1, 2023:~~

(a) For each bargaining unit for which the bargaining agent is certified, the certification number assigned to the bargaining unit by the commission.

~~(b)(a) For each certification, the number of public employees in the bargaining unit who are eligible for representation by the employee organization.~~

(c) For each certification, the number of public employees in the bargaining unit who paid full membership dues sufficient to maintain membership in good standing in the bargaining agent.

~~(d)(b) For each certification, the number of public employees in the bargaining unit who have submitted signed membership authorization forms without a subsequent revocation of such membership.~~

~~(e) The number of employees in the bargaining unit who paid dues to the employee organization.~~

~~(d) The number of employees in the bargaining unit who did not pay dues to the employee organization.~~

~~(e) Verification Documentation provided by an independent certified public accountant of retained by the employee organization which verifies the information provided in paragraphs (b), (c), and (d) (a) (d).~~

(4) Within 30 days after filing an application for renewal

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of registration with the commission, the employee organization must provide a copy of its application for renewal of registration relating to a public employer's employees to the public employer and public employees of each bargaining unit for which the employee organization is the bargaining agent on the same day the application is submitted to the commission.

~~(5) An application for renewal of registration is incomplete and is not eligible for consideration by The commission must notify the bargaining agent if it does not include all of the information or verification and documentation required in subsection (3) is incomplete. The bargaining agent must provide the missing information or verification to the commission within 30 days after such notification. If the bargaining agent fails to provide the missing information or verification within 30 days after notification, the commission must dismiss the application The commission shall notify the employee organization if the application is incomplete. An incomplete application must be dismissed if the required information and documentation are not provided within 10 days after the employee organization receives such notice.~~

(6) The commission must notify the bargaining agent when the information and verification required in subsection (3) is complete. Within 30 days after such notification, the bargaining agent must petition for recertification pursuant to s. 447.307 for each of its bargaining units Notwithstanding the provisions of this chapter relating to collective bargaining, an employee organization certified as a bargaining agent to represent a bargaining unit for which less than 60 percent of the public unit employees in the bargaining unit have submitted membership

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authorization forms without subsequent revocation and paid membership dues to the organization, as reported under subsection (3) during its last registration period must petition the commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the bargaining unit within 30 days after the date on which the employee organization applies for renewal of registration pursuant to subsection (2). The certification of an employee organization that does not comply with this section is revoked.

(7) If a The public employer or a public employee of a bargaining unit represented by a bargaining agent believes that the bargaining agent's employee may challenge an employee organization's application for renewal of registration is materially inaccurate, if the public employer or public bargaining unit employee may challenge believes that the application as materially is inaccurate during the pendency of the application or, if the registration renewal has been granted, before the date upon which the bargaining agent's current registration is scheduled to end. If a challenge is filed, the commission or one of its designated agents must conduct an investigation pursuant to subsection (8) shall review the application to determine its accuracy and compliance with this section. If the commission finds that the application is inaccurate or does not comply with this section, the commission shall revoke the registration and certification of the employee organization.

(8) The commission or one of its designated agents may conduct an investigation to confirm the validity of any information submitted pursuant to this section. The commission

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may revoke or deny an employee organization's registration or certification if it finds that the employee organization:

(a) Failed to cooperate with the investigation conducted pursuant to this subsection, including refusal to permit the commission or one of its designated agents to inspect membership authorization forms or revocations pursuant to s.

447.301(1)(b)5.; or

(b) Intentionally misrepresented the information it submitted pursuant to this section.

A decision issued by the commission pursuant to this subsection is a final agency action that is reviewable pursuant to s. 447.504.

(9) An employee organization is exempt from the requirements of subsections (3)-(8) and (12) for each public safety unit it represents only with respect to the circumstances of each bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively; firefighters as defined in s. 633.102; 911 public safety telecommunicators as defined in s. 401.465(1)(a); or emergency medical technicians or paramedics as defined in s. 401.23.

(10) A registration fee must ~~shall~~ accompany each application for registration or renewal of registration filed with the commission. The registration fee may amount charged for an application for registration or renewal of registration shall not exceed \$15. All such money collected by the commission shall

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be deposited in the General Revenue Fund.

(11) Every employee organization shall keep accurate accounts of its income and expenses, which accounts ~~must shall~~ be open for inspection at ~~a all~~ reasonable ~~time and place times~~ by ~~any member of the organization or by~~ the commission ~~or a~~ public employee in a bargaining unit for which the employee organization is the bargaining agent. ~~In addition, each employee organization that has been certified as a bargaining agent must provide to its members an annual financial report prepared by an independent certified public accountant licensed under chapter 473 that includes a detailed breakdown of revenues and expenditures in such categories as the commission may prescribe, and an accounting of membership dues and assessments. The employee organization must notify its members annually of all costs of membership.~~

(12) The certification of an employee organization that does not comply with this section is revoked. An employee organization that has its certification revoked under this subsection may not file a petition for certification under s. 447.307 which covers any of the public employees in the bargaining unit described in the revoked certification for at least 12 months after the date the certification was revoked.

(13) A decision issued by the commission under this section which revokes a certification, revokes a registration, or grants, denies, or dismisses an application for registration or renewal of registration is a final agency action that is reviewable pursuant to s. 447.504.

Section 11. Section 447.307, Florida Statutes, is amended to read:

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447.307 Certification and recertification of employee ~~organizations organization.~~

(1) (a) An Any employee organization seeking certification or recertification as a bargaining agent must file a petition with the commission accompanied by a showing of interest from at least 30 percent of the public employees in the proposed or existing bargaining unit. The showing of interest statements must be signed and dated by the public employees not more than 12 months before the filing of the petition which is designated or selected by a majority of public employees in an appropriate unit as their representative for purposes of collective bargaining shall request recognition by the public employer. The public employer shall, if satisfied as to the majority status of the employee organization and the appropriateness of the proposed unit, recognize the employee organization as the collective bargaining representative of employees in the designated unit. Upon recognition by a public employer, the employee organization shall immediately petition the commission for certification. The commission shall review only the appropriateness of the unit proposed by the employee organization. If the unit is appropriate according to the criteria used in this part, the commission shall immediately certify the employee organization as the exclusive representative of all employees in the unit. If the unit is inappropriate according to the criteria used in this part, the commission may dismiss the petition.

~~(b) Whenever a public employer recognizes an employee organization on the basis of majority status and on the basis of appropriateness in accordance with subparagraph (4)(f)5., the~~

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929 ~~commission shall, in the absence of inclusion of a prohibited~~
 930 ~~category of employees or violation of s. 447.501, certify the~~
 931 ~~proposed unit.~~

932 ~~(b)(2) A If the public employer refuses to recognize the~~
 933 ~~employee organization, the employee organization may file a~~
 934 ~~petition with the commission for certification as the bargaining~~
 935 ~~agent for a proposed bargaining unit. The petition shall be~~
 936 ~~accompanied by dated statements signed by at least 30 percent of~~
 937 ~~the employees in the proposed unit, indicating that such~~
 938 ~~employees desire to be represented for purposes of collective~~
 939 ~~bargaining by the petitioning employee organization. Once a~~
 940 ~~petition for certification has been filed by an employee~~
 941 ~~organization, any registered employee organization desiring~~
 942 ~~placement on the ballot in any certification or recertification~~
 943 ~~election to be conducted pursuant to this section may be~~
 944 ~~permitted by the commission to intervene in the proceeding upon~~
 945 ~~a motion accompanied by a showing of interest from dated~~
 946 ~~statements signed by at least 10 percent of the public employees~~
 947 ~~in the proposed or existing bargaining unit, indicating that~~
 948 ~~such employees desire to be represented for the purposes of~~
 949 ~~collective bargaining by the moving employee organization. The~~
 950 ~~showing of interest petitions and dated statements must be~~
 951 ~~signed and dated by the public employees not more than 12 months~~
 952 ~~before the filing of the petition.~~

953 ~~(c) The showing of interest is are confidential and exempt~~
 954 ~~from the provisions of s. 119.07(1), except that any public~~
 955 ~~employee, public employer, or employee organization having~~
 956 ~~sufficient reason to believe that the showing of interest was~~
 957 ~~any of the employee signatures were obtained by collusion,~~

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958 coercion, intimidation, or misrepresentation or is are otherwise
 959 invalid shall be given a reasonable opportunity to verify and
 960 challenge the showing of interest signatures appearing on the
 961 petition.

962 (d) Notwithstanding paragraph (b), if any employees in the
 963 proposed unit are represented by a bargaining agent other than
 964 the petitioning employee organization, such bargaining agent
 965 will be automatically added as a party to the case and may
 966 appear on the ballot without being required to file a motion to
 967 intervene or a showing of interest.

968 (2) (a) A certification petition may not be filed regarding
 969 any proposed or existing bargaining unit within 12 months after
 970 the date the commission issues an order that verifies the
 971 results of a certification, recertification, or decertification
 972 election covering any of the public employees in the proposed or
 973 existing bargaining unit.

974 (b) If a valid collective bargaining agreement covering any
 975 of the public employees in a proposed or existing bargaining
 976 unit is in effect, a certification petition may only be filed
 977 with the commission at least 90 but not more than 150 days
 978 immediately preceding the expiration date of the collective
 979 bargaining agreement, or at any time subsequent to such
 980 agreement's expiration date but before the effective date of a
 981 new collective bargaining agreement. The effective date of a
 982 collective bargaining agreement is the date of ratification of
 983 such agreement by both parties if such agreement becomes
 984 effective immediately or retroactively, or the collective
 985 bargaining agreement's actual effective date if such agreement
 986 becomes effective after its ratification date.

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987 (3)(a) The commission or one of its designated agents shall
 988 investigate a certification or recertification the petition to
 989 determine its sufficiency; ~~if it has reasonable cause to believe~~
 990 ~~that the petition is sufficient, the commission shall provide~~
 991 ~~for an appropriate hearing upon due notice. Such a hearing may~~
 992 ~~be conducted by an agent of the commission.~~ If the commission
 993 finds that the petition is to be insufficient, the commission
 994 must it may dismiss the petition. If the commission finds ~~upon~~
 995 ~~the record of the hearing that the petition is sufficient, the~~
 996 commission must it shall immediately:

997 (a)1- Define the proposed or existing bargaining unit and
 998 determine which public employees are ~~shall be~~ qualified and
 999 entitled to vote at any election held by the commission. Upon
 1000 providing due notice, the commission may provide for a hearing.

1001 (b)2- Identify the public employer or employers for
 1002 purposes of collective bargaining ~~with the bargaining agent.~~

1003 (c)3- Order an election by secret ballot, the cost of said
 1004 election and any required runoff election to be borne equally by
 1005 the parties, except as the commission may provide by rule. The
 1006 commission's order assessing costs of an election may be
 1007 enforced pursuant to ~~the provisions of~~ this part.

1008 (4)(a) Except as provided in paragraph (b), elections are
 1009 determined as follows for all certification or recertification
 1010 petitions filed on or after July 1, 2026:

1011 1.(b) If when an employee organization is selected by a
 1012 majority vote of the public employees who are in the bargaining
 1013 unit as of the date set by the commission ~~voting in an election,~~
 1014 the commission shall certify or recertify the employee
 1015 organization as the ~~exclusive collective bargaining agent for~~

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1016 ~~the public representative of all~~ employees in the unit.

1017 2. A runoff election shall be held according to rules
 1018 adopted by the commission if, in the election conducted under
 1019 subparagraph 1., there was more than one employee organization
 1020 on the ballot, a majority of the public employees who are in the
 1021 bargaining unit as of the date set by the commission voted in
 1022 the election, and none of the choices on the ballot received a
 1023 majority vote of the public employees who are in the bargaining
 1024 unit as of the date set by the commission.

1025 (b) Certification elections involving public safety units
 1026 are determined as follows:

1027 1. If an employee organization is selected by a majority
 1028 vote of the public employees voting in the election, the
 1029 commission shall certify the employee organization as the
 1030 bargaining agent for the public employees in the bargaining
 1031 unit.

1032 2. A runoff election shall be held according to rules
 1033 adopted by the commission if, in the election conducted under
 1034 subparagraph 1., there was more than one employee organization
 1035 on the ballot and none of the choices on the ballot received a
 1036 majority vote of the public employees voting in the election.

1037 (c) Certification, recertification, or revocation under
 1038 this section is effective upon the issuance of a the final order
 1039 by the commission or, if the final order is appealed, at the
 1040 time the appeal is exhausted or any stay is vacated by the
 1041 commission or a the court.

1042 ~~(c) In any election in which none of the choices on the~~
 1043 ~~ballot receives the vote of a majority of the employees voting,~~
 1044 ~~a runoff election shall be held according to rules promulgated~~

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by the commission.

~~(d) No petition may be filed seeking an election in any proposed or existing appropriate bargaining unit to determine the exclusive bargaining agent within 12 months after the date of a commission order verifying a representation election or, if an employee organization prevails, within 12 months after the date of an effective certification covering any of the employees in the proposed or existing bargaining unit. Furthermore, if a valid collective bargaining agreement covering any of the employees in a proposed unit is in effect, a petition for certification may be filed with the commission only during the period extending from 150 days to 90 days immediately preceding the expiration date of that agreement, or at any time subsequent to its expiration date but prior to the effective date of any new agreement. The effective date of a collective bargaining agreement means the date of ratification by both parties, if the agreement becomes effective immediately or retroactively; or its actual effective date, if the agreement becomes effective after its ratification date.~~

(5)(4) In defining a proposed bargaining unit, the commission shall take into consideration:

(a) The principles of efficient administration of government.

(b) The number of employee organizations with which the employer might have to negotiate.

(c) The compatibility of the unit with the joint responsibilities of the public employer and public employees to represent the public.

(d) The power of the officials of government at the level

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of the unit to agree, or make effective recommendations to another administrative authority or to a legislative body, with respect to matters of employment upon which the employee desires to negotiate.

(e) The organizational structure of the public employer.

(f) Community of interest among the employees to be included in the unit, considering:

1. The manner in which wages and other terms of employment are determined.

2. The method by which jobs and salary classifications are determined.

3. The interdependence of jobs and interchange of employees.

4. The desires of the employees.

5. The history of employee relations within the organization of the public employer concerning organization and negotiation and the interest of the employees and the employer in the continuation of a traditional, workable, and accepted negotiation relationship.

(g) The statutory authority of the public employer to administer a classification and pay plan.

(h) Such other factors and policies as the commission may deem appropriate.

However, a bargaining ~~no~~ unit may not ~~shall~~ be established or approved for purposes of collective bargaining which includes both professional and nonprofessional employees unless a majority of each group votes for inclusion in such bargaining unit.

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Section 12. Section 447.3076, Florida Statutes, is created to read:

447.3076 Clarification of bargaining units.—

(1) A petition to clarify the composition of a bargaining unit may be filed with the commission when significant changes in statutory law or case law require clarification of the bargaining unit or when a classification was:

(a) Created or substantially changed after the unit was initially defined by the commission;

(b) Retitled with no substantial change in job duties; or

(c) Included or excluded through inadvertence or misunderstanding by the commission.

(2) A bargaining unit clarification petition may be filed by the bargaining agent for the bargaining unit or by the public employer of the public employees in the unit.

(3) A copy of the petition must be served on the public employer and any bargaining agent that is certified to represent any employee or classification which may be substantially affected by the proposed bargaining unit clarification.

(4) If any substantially affected employees are not represented by a bargaining agent, the public employer must provide a copy of the petition to those employees within 10 days after the filing of the petition.

(5) When the clarification of a bargaining unit would result in an increase in the size of the bargaining unit by more than 25 percent, the unit clarification petition raises a question concerning representation and must be dismissed.

Section 13. Section 447.308, Florida Statutes, is amended to read:

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447.308 ~~Decertification Revocation of certification of~~
employee organizations ~~organization.~~—

(1) A public ~~Any~~ employee or group of public employees that
~~which~~ no longer desires to be represented by a ~~the certified~~
bargaining agent may file with the commission a petition to
~~decertify the bargaining agent~~ revoke certification. The
petition ~~must~~ shall be accompanied by a showing of interest from
~~dated statements signed by~~ at least 30 percent of the public
employees in the bargaining unit, ~~indicating that such employees~~
~~no longer desire to be represented for purposes of collective~~
~~bargaining by the certified bargaining agent. The time of filing~~
~~said petition shall be governed by the provisions of s.~~
~~447.307(3)(d) relating to petitions for certification. The~~
showing of interest statements must be signed and dated by the
public employees not more than 12 months before the filing of
the petition. Any employee, employer, or employee organization
having sufficient reason to believe that the showing of interest
~~was any of the employee signatures were~~ obtained by collusion,
coercion, intimidation, or misrepresentation or is ~~are~~ otherwise
invalid shall be given a reasonable opportunity to verify and
challenge the showing of interest ~~signatures appearing on the~~
~~petition.~~

(2)(a) A decertification petition may not be filed
regarding the bargaining unit within 12 months after the date
the commission issues an order that verifies the results of a
certification, recertification, or decertification election
covering any of the public employees in the unit.

(b) If a valid collective bargaining agreement covering any
of the public employees in the bargaining unit is in effect, a

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decertification petition may only be filed with the commission at least 90 but not more than 150 days immediately preceding the expiration date of the collective bargaining agreement, or at any time after such agreement's expiration date but before the effective date of a new collective bargaining agreement. The effective date of a collective bargaining agreement is the date of ratification of such agreement by both parties if such agreement becomes effective immediately or retroactively, or the collective bargaining agreement's actual effective date if such agreement becomes effective after its ratification date.

(3) The commission or one of its designated agents shall investigate the decertification petition to determine its sufficiency. If the commission finds that the petition is to be insufficient, the commission must ~~it may~~ dismiss the petition. If the commission finds that the petition is sufficient, the commission must ~~it shall immediately~~:

(a) Identify the bargaining unit and determine which public employees shall be qualified and entitled to vote in the election held by the commission.

(b) Identify the public employer or employers of the bargaining unit.

(c) Order an election by secret ballot, the cost of said election to be borne equally by the parties, except as the commission may provide by rule. The commission's order assessing costs of an election may be enforced pursuant to ~~the provisions of~~ this part.

(4) (a) Except as provided in paragraph (b), elections are determined as follows for all decertification petitions filed on or after July 1, 2026:

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1. If decertification of the bargaining agent is selected by a majority vote of the public employees who are in the bargaining unit as of the date set by the commission, the commission shall revoke the bargaining agent's certification for that bargaining unit.

2. If decertification is not selected by a majority vote of the public employees who are in the bargaining unit as of the date set by the commission, the bargaining agent shall retain its certification for that bargaining unit.

(b) Decertification elections involving public safety units are determined as follows:

1.(2) If decertification is selected by a majority vote of the public employees voting in the such election ~~vote against~~ the continuation of representation by the certified bargaining agent, the commission shall revoke the certification of the employee organization as the exclusive bargaining agent's certification for that agent for the employees in the bargaining unit ~~shall be revoked~~.

2.(3) If decertification is not selected by a majority vote of the public employees voting in the such election ~~do not vote against the continuation of representation by the certified bargaining agent~~, the bargaining agent shall retain its certification for that bargaining of the employee organization as the exclusive bargaining agent for the employees in the unit ~~shall be retained by the organization~~.

(c) Revocation under this section is effective upon the issuance of a final order by the commission or, if the final order is appealed, at the time the appeal is exhausted or any stay is vacated by the commission or a court.

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1219 Section 14. Section 447.309, Florida Statutes, is amended
 1220 to read:
 1221 447.309 Collective bargaining; approval or rejection.—
 1222 (1) After an employee organization has been certified as
 1223 the bargaining agent of a bargaining unit pursuant to ~~the~~
 1224 ~~provisions of this part, the bargaining agent for the~~
 1225 ~~organization~~ and the chief executive officer of the appropriate
 1226 public employer or employers, jointly, shall bargain
 1227 collectively in the determination of the wages, hours, and terms
 1228 and conditions of employment of the public employees within the
 1229 bargaining unit. The chief executive officer or his or her
 1230 representative and the bargaining agent or its representative
 1231 shall meet at reasonable times and bargain in good faith. In
 1232 conducting negotiations with the bargaining agent, the chief
 1233 executive officer or his or her representative shall consult
 1234 with, and attempt to represent the views of, the legislative
 1235 body of the public employer. Any collective bargaining agreement
 1236 reached by the negotiators shall be reduced to writing, and such
 1237 agreement shall be signed by the chief executive officer and the
 1238 bargaining agent. Any agreement signed by the chief executive
 1239 officer and the bargaining agent is ~~shall not be~~ binding on the
 1240 public employer until such agreement has been ratified by the
 1241 public employer and the by public employees in who are members
 1242 ~~of the bargaining unit, subject to subsection the provisions of~~
 1243 ~~subsections (2) and (3).~~ However, with respect to statewide
 1244 bargaining units, any agreement signed by the Governor and the
 1245 bargaining agent for such a bargaining unit is ~~shall not be~~
 1246 binding until approved by the public employees in who are
 1247 ~~members of the bargaining unit, subject to subsection the~~

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1248 ~~provisions of subsections (2) and (3).~~
 1249 (2) (a) Upon execution of the collective bargaining
 1250 agreement, the chief executive shall, in his or her annual
 1251 budget request or by other appropriate means, request the
 1252 legislative body to appropriate such amounts as shall be
 1253 sufficient to fund the provisions of the collective bargaining
 1254 agreement.
 1255 (b) If the state is a party to a collective bargaining
 1256 agreement in which less than the requested amount is
 1257 appropriated by the Legislature, the collective bargaining
 1258 agreement shall be administered on the basis of the amounts
 1259 appropriated by the Legislature. The failure of the Legislature
 1260 to appropriate funds sufficient to fund the collective
 1261 bargaining agreement shall not constitute, or be evidence of,
 1262 any unfair labor practice. All collective bargaining agreements
 1263 entered into by the state are subject to the appropriations
 1264 powers of the Legislature, and the provisions of this section
 1265 shall not conflict with the exclusive authority of the
 1266 Legislature to appropriate funds.
 1267 ~~(3) If any provision of a collective bargaining agreement~~
 1268 ~~is in conflict with any law, ordinance, rule, or regulation over~~
 1269 ~~which the chief executive officer has no amendatory power, the~~
 1270 ~~chief executive officer shall submit to the appropriate~~
 1271 ~~governmental body having amendatory power a proposed amendment~~
 1272 ~~to such law, ordinance, rule, or regulation. Unless and until~~
 1273 ~~such amendment is enacted or adopted and becomes effective, the~~
 1274 ~~conflicting provision of the collective bargaining agreement~~
 1275 ~~shall not become effective.~~
 1276 (3)(4) If the agreement is not ratified by the public

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1277 employer or is not approved by a majority ~~vote of the public~~
 1278 employees voting ~~in the unit~~, in accordance with procedures
 1279 adopted by the commission, the agreement shall be returned to
 1280 the chief executive officer and the bargaining agent ~~employee~~
 1281 ~~organization~~ for further negotiations.

1282 ~~(4)(5)~~ ~~A Any~~ collective bargaining agreement ~~may~~ shall not
 1283 provide for a term of existence of more than 3 years and must
 1284 ~~shall~~ contain all of the terms and conditions of employment
 1285 negotiated by the bargaining agent and the public employer and
 1286 all of the disputed impasse issues resolved by the legislative
 1287 body's action taken pursuant to s. 447.403 of the employees in
 1288 the bargaining unit during such term except those terms and
 1289 conditions provided for in applicable merit and civil service
 1290 rules and regulations.

1291 Section 15. Section 447.401, Florida Statutes, is amended
 1292 to read:

1293 447.401 Grievance procedures.—Each public employer and
 1294 bargaining agent shall negotiate a grievance procedure to be
 1295 used for the settlement of disputes between a public employer
 1296 and a public employee, or a group of public employees, involving
 1297 the interpretation or application of a collective bargaining
 1298 agreement. The ~~Such~~ grievance procedure must shall have as its
 1299 terminal step a final and binding disposition by an impartial
 1300 neutral arbitrator, mutually selected by the parties; however,
 1301 when the issue under appeal is an allegation of abuse,
 1302 abandonment, or neglect of a child by a public ~~an~~ employee under
 1303 s. 39.201 or an allegation of abuse, neglect, or exploitation of
 1304 a vulnerable adult by a public employee under s. 415.1034, the
 1305 grievance may not be decided until such allegation ~~the abuse,~~

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1306 ~~abandonment, or neglect of a child~~ has been judicially
 1307 determined. However, an arbitrator ~~arbitrator~~ or other neutral
 1308 party may ~~shall not have the power to~~ add to, subtract from,
 1309 modify, or alter the terms of a collective bargaining agreement.
 1310 If an employee organization is certified as the bargaining agent
 1311 of a bargaining unit, the grievance procedure then in existence
 1312 may be the subject of collective bargaining, and any agreement
 1313 ~~that which~~ is reached shall supersede the previously existing
 1314 procedure. All public employees ~~shall~~ have the right to a fair
 1315 and equitable grievance procedure administered without regard to
 1316 membership or nonmembership in any employee organization, except
 1317 that bargaining agents may certified employee organizations
 1318 ~~shall~~ not be required to process grievances for public employees
 1319 who are not members of the employee organization. A public
 1320 ~~career service employee may use shall have the option of~~
 1321 ~~utilizing~~ the civil service appeal procedure, an unfair labor
 1322 practice procedure, or a grievance procedure established under
 1323 this section, but may not avail ~~such employee is precluded from~~
 1324 ~~availing~~ himself or herself of ~~to~~ more than one of these
 1325 procedures.

1326 Section 16. Subsections (1) through (4) of section 447.403,
 1327 Florida Statutes, are amended to read:

1328 447.403 Resolution of impasses.—

1329 (1) If, after a reasonable period of negotiation concerning
 1330 the terms and conditions of employment to be incorporated in a
 1331 collective bargaining agreement, a dispute exists between a
 1332 public employer and a bargaining agent, either party may declare
 1333 an impasse by providing written notification ~~shall be deemed to~~
 1334 ~~have occurred when one of the parties so declares in writing to~~

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the other party and to the commission. When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may ~~use appoint~~, or secure the ~~services~~ ~~appointment~~ of, a mediator to assist in the resolution of the impasse. If the Governor is the public employer ~~or for an~~ impasse declared pursuant to s. 447.4095, a ~~no~~ mediator ~~may not~~ ~~shall~~ be appointed.

(2) (a) If ~~a no~~ mediator is ~~not used under subsection (1)~~ ~~appointed~~, or upon the request of either party, the commission ~~must shall~~ appoint, and submit all unresolved issues to, a special magistrate acceptable to both parties. If the parties are unable to agree on the appointment of a special magistrate, the commission ~~must shall~~ appoint, in its discretion, a qualified special magistrate. However, if the parties agree in writing to waive the appointment of a special magistrate, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4) (d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

(b) If the Governor is the public employer, ~~a no~~ special magistrate ~~may not shall~~ be appointed. The parties ~~must may~~ proceed directly to the Legislature for resolution of the impasse pursuant to paragraph (4) (d).

(c) For an impasse declared pursuant to s. 447.4095(2), the parties must agree on a special magistrate and submit the agreed-upon name to the commission within 5 calendar days after the declaration of impasse. Within 2 business days after the submission of the special magistrate's name, the commission must

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appoint the agreed-upon special magistrate. If the parties do not submit the name of an agreed-upon special magistrate to the commission within 5 calendar days after the declaration of impasse, the commission must appoint a special magistrate of its choosing within 5 calendar days after the parties' deadline to submit the name of the agreed-upon special magistrate. Within 5 calendar days after the special magistrate is appointed, each party must submit a list of issues at impasse to the special magistrate and serve a copy of the list on the other party at the same time.

(3) The special magistrate ~~must shall~~ hold a hearing ~~hearings~~ in order to define the area or areas of dispute, to determine facts relating to the dispute, and to render a decision on any and all unresolved contract issues. The hearing must hearings shall be held at a time, date, and place times, dates, and places to be established by the special magistrate in accordance with rules adopted promulgated by the commission. For an impasse declared pursuant to s. 447.4095(2), a hearing must be held within 20 calendar days after the parties submit the list of issues at impasse to the special magistrate. The special magistrate ~~may shall be empowered to~~ administer oaths and issue subpoenas on behalf of the parties to the dispute or on his or her own behalf. Within 15 calendar days after the close of the final hearing, or 7 calendar days after the close of the hearing for an impasse declared pursuant to s. 447.4095(2), the special magistrate must submit shall transmit his or her recommended decision to the commission and to the representatives of both parties by any method of service that establishes proof of delivery registered mail, return receipt requested. Such

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recommended decision ~~must shall~~ be discussed by the parties, and each recommendation of the special magistrate ~~is shall be~~ deemed approved by both parties unless specifically rejected by either party by written notice filed with the commission within 20 calendar days, or 10 calendar days for an impasse declared pursuant to s. 447.4095(2), after the date the party received the special magistrate's recommended decision. The written notice ~~must shall~~ include a statement of the cause for each rejection and ~~shall~~ be served upon the other party at the same time as it is filed with the commission.

(4) If either the public employer or the bargaining agent ~~employee organization~~ does not accept, in whole or in part, the recommended decision of the special magistrate, all of the following procedures apply:

(a) The chief executive officer of the governmental entity involved shall, within 10 calendar days after rejection of a recommendation of the special magistrate, submit to the legislative body of the governmental entity involved a copy of the findings of fact and recommended decision of the special magistrate, together with the chief executive officer's recommendations for settling the disputed impasse issues. The chief executive officer shall also submit ~~transmit~~ his or her recommendations to the bargaining agent at the same time as the recommendations are submitted to the legislative body. ~~employee organization.~~

(b) Within 10 calendar days after rejection of a recommendation of the special magistrate, the bargaining agent ~~employee organization~~ shall submit its recommendations for settling the disputed impasse issues to such legislative body

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and to the chief executive officer.†

(c) The legislative body or its ~~a~~ duly authorized committee ~~thereof~~ shall ~~forthwith~~ conduct a public hearing at which the parties shall ~~be required to~~ explain their positions with respect to the rejected recommendations of the special magistrate. For an impasse declared pursuant to s. 447.4095(2), the legislative body must conduct the public hearing within 20 calendar days after the parties submit their recommendations to the legislative body.†

(d) Thereafter, the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues. For an impasse declared pursuant to s. 447.4095(2), the legislative body must take action within 10 calendar days after the close of the public hearing.† and

(e) 1. Following the resolution of the disputed impasse issues by the legislative body, the parties shall reduce to writing an agreement which includes those issues agreed to by the parties and those disputed impasse issues resolved by the legislative body's action taken pursuant to paragraph (d). For an impasse declared pursuant to s. 447.4095(2), the parties must reduce the agreement to writing within 10 calendar days after the resolution of the disputed impasse issues by the legislative body.

2. The agreement ~~must shall~~ be signed by the chief executive officer and the bargaining agent and ~~shall~~ be submitted to the public employer and ~~to~~ the public employees in who are members of the bargaining unit for ratification. For an impasse declared pursuant to s. 447.4095(2), the chief executive

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officer and the bargaining agent must sign the agreement within 7 calendar days after the agreement is reduced to writing and must submit the agreement to the public employer and the bargaining unit for ratification within 10 calendar days after the agreement is signed. For an impasse declared pursuant to s. 447.4095(2), the agreement must be signed, submitted, and ratified separately from other bargainable issues.

3. If ~~the such~~ agreement is not ratified by all parties, pursuant to ~~the provisions of~~ s. 447.309, the legislative body's action taken pursuant to the provisions of paragraph (d) shall take effect as of the date of such legislative body's action for the remainder of the first fiscal year which was the subject of negotiations; however, the legislative body's action ~~may shall~~ not take effect with respect to those disputed impasse issues ~~that which~~ establish the language of contractual provisions ~~that which~~ could have no effect in the absence of a ratified agreement, including, but not limited to, preambles, recognition clauses, and duration clauses.

Section 17. Section 447.405, Florida Statutes, is amended to read:

447.405 Factors to be considered by the special magistrate.—The special magistrate shall conduct the hearings and render recommended decisions with the objective of achieving a prompt, peaceful, and just settlement of disputes between the bargaining agents ~~public employee organizations~~ and the public employers. The factors, ~~among others,~~ to be given weight by the special magistrate in arriving at a recommended decision must ~~shall~~ include:

(1) Comparison of the annual income of employment of the

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public employees in question with the annual income of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved.

(2) Comparison of the annual income of employment of the public employees in question with the annual income of employment of public employees in similar public employee governmental bodies of comparable size within this ~~the~~ state.

(3) The interest and welfare of the public.

(4) Comparison of peculiarities of employment in regard to other trades or professions, specifically with respect to:

(a) Hazards of employment.

(b) Physical qualifications.

(c) Educational qualifications.

(d) Intellectual qualifications.

(e) Job training and skills.

(f) Retirement plans.

(g) Sick leave.

(h) Job security.

(5) Availability of funds.

Section 18. Section 447.4095, Florida Statutes, is amended to read:

447.4095 Financial urgency.—

(1) In the event of a financial urgency requiring modification of an agreement, the chief executive officer or his or her representative and the bargaining agent or its representative must ~~shall~~ meet as soon as possible to negotiate the impact of the financial urgency. If after a reasonable period of negotiation, which may shall not exceed 14 calendar

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days, a dispute exists between the public employer and the bargaining agent, an impasse ~~is shall~~ be deemed to have occurred, and one of the parties ~~must shall~~ so declare in writing to the other party and to the commission. The parties ~~must shall~~ then proceed to follow the requirements under ~~pursuant to the provisions of~~ s. 447.403. An unfair labor practice charge ~~may shall~~ not be filed during the 14 calendar days during which negotiations are occurring under ~~pursuant to~~ this section.

(2) Salary increases appropriated by the Legislature are, for purposes of this section, considered a financial urgency. In the event of salary increases appropriated by the Legislature which require modification of an agreement, the chief executive officer or his or her representative and the bargaining agent or its representative must meet within 15 calendar days after the effective date of the appropriation to negotiate the impact of the financial urgency. If, 30 calendar days after the effective date of the appropriation, a dispute exists between the public employer and the bargaining agent as to the impact of the financial urgency, one of the parties must, within 2 business days, declare an impasse in writing to the other party and to the commission. The parties must then proceed to follow the requirements under s. 447.403. An unfair labor practice charge may not be filed during the 30-day period of negotiations or while the parties are proceeding through the resulting impasse process. This subsection does not apply to public employees in public safety units.

Section 19. Paragraphs (c) and (f) of subsection (1) and subsection (2) of section 447.501, Florida Statutes, are

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amended, and paragraph (g) is added to subsection (1) of that section, to read:

447.501 Unfair labor practices.—

(1) Public employers or their agents or representatives are prohibited from:

(c) Refusing to bargain collectively, failing to bargain collectively in good faith, or refusing to sign a final agreement agreed upon with the ~~certified~~ bargaining agent for the public employees in the bargaining unit.

(f) Refusing to discuss grievances in good faith pursuant to the terms of the collective bargaining agreement with either the ~~certified~~ bargaining agent for the public employee or the employee involved.

(g) Failing to provide to any employee organization or any petitioning public employee who is seeking to support, oppose, or intervene in the certification, recertification, or decertification of a bargaining agent equal access to the public employer's facilities and its internal means of communication for those purposes. The public employer must provide such equal access from the date of the filing of a petition pursuant to s. 447.307 or s. 447.308 until the final resolution of the petition.

(2) ~~An A-public~~ employee organization or anyone acting on ~~in~~ its behalf or its officers, representatives, agents, or members are prohibited from:

(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this part or interfering with, restraining, or coercing managerial employees by reason of their performance of job

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duties or other activities undertaken in the interests of the public employer.

(b) Causing or attempting to cause a public employer to discriminate against a public ~~an~~ employee because of such ~~the~~ employee's membership or nonmembership in an employee organization or attempting to cause the public employer to violate ~~any of the provisions of~~ this part.

(c) Refusing to bargain collectively or failing to bargain collectively in good faith with a public employer.

(d) Discriminating against a public ~~an~~ employee because he or she has signed or filed an affidavit, a petition, or a complaint or given any information or testimony in any proceedings provided for in this part.

(e) Participating in a strike against the public employer by instigating or supporting, in any positive manner, a strike. A person who violates ~~Any violation of~~ this paragraph is ~~shall~~ subject ~~the violator~~ to the penalties provided in this part.

(f) Instigating or advocating support, in any positive manner, for an employee organization's activities from high school or grade school students or students in institutions of higher learning.

Section 20. Subsection (1) of section 447.503, Florida Statutes, is amended to read:

447.503 Charges of unfair labor practices.—It is the intent of the Legislature that the commission act as expeditiously as possible to settle disputes regarding alleged unfair labor practices. To this end, violations of the provisions of s. 447.501 shall be remedied by the commission in accordance with the following procedures and in accordance with chapter 120;

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however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section shall govern:

(1) A proceeding to remedy a violation of ~~the provisions of~~ s. 447.501 ~~must~~ shall be initiated by the filing of a charge with the commission by a public ~~an~~ employer, a public employee, or an employee organization, or any combination thereof, whose substantial interests will be affected as referenced in chapter 120. Such a charge ~~must~~ shall contain a clear and concise statement of facts constituting the alleged unfair labor practice, including the names of all individuals involved in the alleged unfair labor practice, and include specific reference to the provisions of s. 447.501 alleged to have been violated, and such other relevant information as the commission may by rule require or allow. Service of the charge ~~must~~ shall be made upon each named respondent at the time of filing with the commission. The charge must be accompanied by sworn statements and documentary evidence sufficient to establish a prima facie violation of the applicable unfair labor practice provision. Such supporting evidence is not to be attached to the charge and is to be furnished only to the commission.

Section 21. Subsections (2) through (5) and paragraph (a) of subsection (6) of section 447.507, Florida Statutes, are amended to read:

447.507 Violation of strike prohibition; penalties.—

(2) If a public employee, a group of public employees, an employee organization, or any officer, agent, or representative of any employee organization engages in a strike in violation of s. 447.505, either the commission or any public employer whose

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public employees are involved or whose public employees may be affected by the strike may file suit to enjoin the strike in the circuit court having proper jurisdiction and proper venue of such actions under the Florida Rules of Civil Procedure and Florida Statutes. The circuit court shall conduct a hearing, with notice to the commission and to all interested parties, at the earliest practicable time. If the plaintiff makes a prima facie showing that a violation of s. 447.505 is in progress or that there is a clear, real, and present danger that such a strike is about to commence, the circuit court must ~~shall~~ issue a temporary injunction enjoining the strike. Upon final hearing, the circuit court shall either make the injunction permanent or dissolve it.

(3) If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the plaintiff, the circuit court shall immediately initiate contempt proceedings against those who appear to be in violation. An employee organization found to be in contempt of court for violating an injunction against a strike shall be fined an amount deemed appropriate by the court. In determining the appropriate fine, the court shall objectively consider the extent of lost services and the particular nature and position of the public employee group in violation. ~~A In no event shall the fine may not exceed \$30,000 \$5,000.~~ Each officer, agent, or representative of an employee organization found to be in contempt of court for violating an injunction against a strike shall be fined at least \$300, but not more than \$600, not less than \$50 nor more than \$100 for each calendar day that the violation is in progress.

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(4) An employee organization ~~is shall be~~ liable for any damages ~~that which~~ might be suffered by a public employer as a result of a violation of ~~the provisions of~~ s. 447.505 by the employee organization or its representatives, officers, or agents. The circuit court having jurisdiction over such actions ~~may is empowered to~~ enforce judgments against employee organizations in the amount deemed appropriate by the court in accordance with this section. ~~An action may not, as defined in this part, by attachment or garnishment of union initiation fees or dues which are to be deducted or checked off by public employers. No action shall be maintained pursuant to this subsection until all proceedings that which were pending before the commission at the time of the strike or that which were initiated within 30 days after of the strike have been finally adjudicated or otherwise disposed of. In determining the amount of damages, if any, to be awarded to the public employer, the trier of fact shall take into consideration any action or inaction by the public employer or its agents that provoked or tended to provoke the strike by the public employees. The trier of fact shall also take into consideration any damages that might have been recovered by the public employer under subparagraph (6) (a) 4.~~

(5) If the commission, after a hearing on notice conducted according to rules ~~adopted promulgated~~ by the commission, determines that a public ~~an~~ employee has violated s. 447.505, it may order the termination of such employee's ~~his or her~~ employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating s. 447.505 ~~the provision of said section~~ may, subsequent to such violation, be

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appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for ~~a period of~~ 18 months ~~after following~~ his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without permanent status and at the pleasure of the agency head.

(b) His or her compensation may ~~not in no event~~ exceed the compensation that received immediately before ~~prior to~~ the time of the violation.

(c) The compensation of the person may not be increased until at least after the expiration of 1 year after from such appointment, reappointment, employment, or reemployment.

(6) (a) If the commission determines that an employee organization has violated s. 447.505, it may:

1. Issue cease and desist orders as necessary to ensure compliance with its order.

2. Suspend or revoke the certification of the ~~employee organization as the~~ bargaining agent of such bargaining employee unit.

3. Revoke any requirement of the public employer to engage in membership the right of dues deduction for the and collection previously granted to said employee organization pursuant to s. 447.303.

4. Fine the organization up to \$120,000 ~~\$20,000~~ for each calendar day of such violation or determine the approximate cost to the public due to each calendar day of the strike and fine the organization an amount equal to such cost, regardless of whether the fine exceeds \$120,000, notwithstanding the fact that

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~~the fine may exceed \$20,000~~ for each such calendar day. The fines so collected ~~shall~~ immediately accrue to the public employer and ~~must shall~~ be used by the public employer him or her to replace those services denied the public as a result of the strike. In determining the amount of damages, if any, to be awarded to the public employer, the commission must consider ~~shall take into consideration~~ any action or inaction by the public employer or its agents that provoked, or tended to provoke, the strike by the public employees.

Section 22. Present subsection (3) of section 447.509, Florida Statutes, is redesignated as subsection (6), and a new subsection (3) and subsections (4) and (5) are added to that section, to read:

447.509 Other unlawful acts; exceptions.—

(3) Public employers, their agents or representatives, or any persons acting on their behalf may not provide any form of compensation or paid leave to a public employee, directly or indirectly, for the purpose of engaging in employee organization activities.

(4) Notwithstanding subsection (3), if the public employer and the bargaining agent agree, a public employee may do any of the following:

(a) Be granted time off without pay or benefits to engage in employee organization activities. An employee organization may compensate a public employee for engaging in employee organization activities.

(b) Use compensated personal leave, whether the leave is the public employee's or is voluntarily donated by other public employees in the bargaining unit, to engage in employee

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organization activities if:

1. The leave is accrued at the same rate by similarly situated public employees in the bargaining unit without regard to membership in or participation with an employee organization.

2. The public employee may freely choose how to use the leave.

(c) Engage in representational employee organization activities on behalf of the bargaining agent while in a duty status without loss of pay or benefits.

(5) Subsections (3) and (4) do not apply to public employees in public safety units.

Section 23. Subsection (3) of section 110.114, Florida Statutes, is amended to read:

110.114 Employee wage deductions.—

(3) Notwithstanding the provisions of subsections (1) and (2), the deduction of an employee's membership dues deductions as defined in s. 447.203 ~~s. 447.203(15) for an employee organization as defined in s. 447.203(11)~~ shall be authorized or permitted only for an organization that has been certified pursuant to chapter 447 as the exclusive bargaining agent pursuant to chapter 447 for a unit of public state employees in which the employee is included. Such deductions shall be subject to the provisions of s. 447.303.

Section 24. Paragraph (w) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(w) Managerial employees and, as defined in s. 447.203(4),

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confidential employees, as those terms are defined in s. 447.203 ~~s. 447.203(5)~~, and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support and attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

Section 25. Subsection (6) of section 112.3187, Florida Statutes, is amended to read:

112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.—

(6) TO WHOM INFORMATION DISCLOSED.—The information disclosed under this section must be disclosed to any agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act,

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1799 including, but not limited to, the Office of the Chief Inspector
 1800 General, an agency inspector general or the employee designated
 1801 as agency inspector general under s. 112.3189(1) or inspectors
 1802 general under s. 20.055, the Florida Commission on Human
 1803 Relations, and the whistle-blower's hotline created under s.
 1804 112.3189. However, for disclosures concerning a local
 1805 governmental entity, including any regional, county, or
 1806 municipal entity, special district, community college district,
 1807 or school district or any political subdivision of any of the
 1808 foregoing, the information must be disclosed to a chief
 1809 executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or
 1810 other appropriate local official.

1811 Section 26. Subsection (5) of section 121.031, Florida
 1812 Statutes, is amended to read:

1813 121.031 Administration of system; appropriation; oaths;
 1814 actuarial studies; public records.—

1815 (5) The names and addresses of retirees are confidential
 1816 and exempt from the provisions of s. 119.07(1) to the extent
 1817 that no state or local governmental agency may provide the names
 1818 or addresses of such persons in aggregate, compiled, or list
 1819 form to any person except to a public agency engaged in official
 1820 business. However, a state or local government agency may
 1821 provide the names and addresses of retirees from that agency to
 1822 a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to
 1823 a retiree organization for official business use. Lists of names
 1824 or addresses of retirees may be exchanged by public agencies,
 1825 but such lists shall not be provided to, or open for inspection
 1826 by, the public. Any person may view or copy any individual's
 1827 retirement records at the Department of Management Services, one

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1828 record at a time, or may obtain information by a separate
 1829 written request for a named individual for which information is
 1830 desired.

1831 Section 27. Subsection (1) of section 447.02, Florida
 1832 Statutes, is amended to read:

1833 447.02 Definitions.—The following terms, when used in this
 1834 chapter, shall have the meanings ascribed to them in this
 1835 section:

1836 (1) The term "labor organization" means any organization of
 1837 employees or local or subdivision thereof, having within its
 1838 membership residents of the state, whether incorporated or not,
 1839 organized for the purpose of dealing with employers concerning
 1840 hours of employment, rate of pay, working conditions, or
 1841 grievances of any kind relating to employment and recognized as
 1842 a unit of bargaining by one or more employers doing business in
 1843 this state, except that an "employee organization," as defined
 1844 in s. 447.203 ~~s. 447.203(11)~~, shall be included in this
 1845 definition at such time as it seeks to register pursuant to s.
 1846 447.305.

1847 Section 28. Section 447.609, Florida Statutes, is amended
 1848 to read:

1849 447.609 Representation in proceedings.—Any full-time
 1850 employee or officer of any public employer or employee
 1851 organization may represent his or her employer or any public
 1852 employee in member ~~of~~ a bargaining unit in any proceeding
 1853 authorized in this part, excluding the representation of any
 1854 person or public employer in a court of law by a person who is
 1855 not a licensed attorney.

1856 Section 29. Subsection (2) of section 1011.60, Florida

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Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(2) MINIMUM TERM.—Operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days or hours, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. A strike, as defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school district may not be considered an emergency.

Section 30. This act shall take effect July 1, 2026.

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 1298

INTRODUCER: Senator Martin

SUBJECT: Public Records/Public Employees Relations Commission

DATE: January 30, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVaney	GO	Pre-meeting
2.	_____	_____	AEG	_____
3.	_____	_____	FP	_____

I. Summary:

SB 1298 creates or expands several public records and copying and inspection or meetings requirements relating to the Public Employees Relations Commission (commission) as follows:

- Makes exempt the personal identifying information of the commission's chair, commissioners, and hearing officers and their spouses and children. This exemption will apply to the specified personal identifying information held by state agencies before, on, and after the effective date of the bill.
- Makes confidential and exempt specified commission deliberations and any draft orders and related written communication that is developed in preparation for, or preliminary to, the issuance of a final written order.
- Makes confidential and exempt the showing of interest signed by employees and filed with the commission as part of a petition to revoke the certification of their bargaining unit. The commission may release the showing of interest to any employee, employer, or employee organization that has sufficient reason to believe that any of the signatures obtained on the showings of interest were obtained by collusion, coercion, intimidation, or misrepresentation, or are otherwise invalid.

This bill is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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

The bill takes effect July 1, 2026.

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 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.

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person's right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁵ A violation of the Public Records Act may result in civil or criminal liability.⁶

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. Each agency has a duty to provide access to public records.⁷

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate,

¹ FLA. CONST. art. I, s. 24(a).

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 119.07(1)(a), F.S.

⁶ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁷ Section 119.01(1), F.S.

communicate, or formalize knowledge of some type.”⁸ It has further held that such material is a public record regardless of whether it is in final form or the ultimate product of an agency.⁹

Draft Materials

Memoranda, whether inter- or intra- office, that communicates “information from one public employee to another or merely prepared for filing, even though not a part of an agency’s later, formal public product, would nonetheless constitute public records in as much as they supply the final evidence of knowledge obtained in connection with the transaction of official business.”¹⁰ Additionally, any agency record, if circulated for review, comment, or information, is a public record regardless of whether it is an official expression of policy or marked “preliminary” or “working draft” or similar label.

When material falls within the statutory definition of “public record” in s. 119.011(12), F.S., and has been prepared to “perpetuate, communicate or formalize knowledge,” the record is subject to disclosure even if the agency believes that the release of the nonfinal product could be detrimental.¹¹ However, not every record made or received in the course of official business is prepared to “perpetuate, communicate or formalize knowledge.” Accordingly, preliminary drafts or notes prepared for the personal use of the writer may constitute mere “precursors” of public records if they are not intended to be the final evidence of the knowledge recorded.¹² Preliminary handwritten notes prepared by agency attorneys and intended only for the attorneys’ own personal use are not public records.¹³

Attorney Work Product

In the absence of legislation, an exemption from public records copying and inspection requirements that protects work product does not exist.¹⁴ The Legislature created a statutory exemption for certain agency attorney litigation work product in s. 119.071(1)(d), F.S., which states:

A public record that was prepared by an agency attorney (including an attorney employed or retained by the agency or employed or retained by another public officer or agency to protect or represent the interests of the agency having custody of the record) or prepared at the attorney’s express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and that was prepared

⁸ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁹ *Id.*

¹⁰ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d at 640. *See also National Collegiate Athletic Association v. Associated Press*, 18 So. 3d 1201, 1207 (Fla. 1st DCA 2009), review denied, 37 So. 3d 848 (Fla. 2010) (transcript and response prepared as part of NCAA disciplinary proceeding involving state university were public records because the “the purpose of the transcript was to perpetuate the information presented to the infractions committee” and the response “was designed to communicate information to the body that would hear the appeal within the NCAA”).

¹¹ *See, e.g., Gannett Corporation, Inc. v. Goldtrap*, 302 So. 2d 174 (Fla. 2d DCA 1974) (county’s concern that premature disclosure of a report could be harmful to the county does not make the document confidential).

¹² *See Shevin v. Byron, Harless, Schaffer, Reid & Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹³ *See* AGO 10-55 (handwritten personal notes taken by city manager to assist in remembering matters discussed during manager’s interviews of city employees are not public records “if the notes have not been transcribed or shown to others and were not intended to perpetuate, communicate, or formalize knowledge”).

¹⁴ *Edelstein v. Donner*, 450 So. 2d 562 (Fla. 3d DCA 1984). *Hillsborough County Aviation Authority v. Azzarelli Construction Company*, 436 So. 2d 153, 154 (Fla. 2d DCA 1983).

exclusively for civil or criminal litigation or for adversarial administrative proceedings, or that was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings, is exempt [from disclosure] until the conclusion of the litigation or adversarial administrative proceedings.

Under the terms of the statute, the work product exemption “is not waived by the release of such public record to another public employee or officer of the same agency or any person consulted by the agency attorney.”¹⁵

However, certain preliminary trial preparation materials, such as handwritten notes for the attorney’s personal use are not considered a public record and, therefore do not require the protection of an attorney work product exemption or privilege.¹⁶

This exemption would not likely apply to the documents prepared by a commissioner (or other employee) in advance of conducting a hearing as a hearing officer since the role of hearing officer is not an adversary within the concept of an ‘adversarial administrative hearing.’

Creation of Public Records Exemptions

Only the Legislature may create an exemption to public record disclosure and copying requirements.¹⁷ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁸ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹⁹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.²⁰

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 makes exempt from the Public Records Act and those which the Legislature has makes confidential and exempt from the Public Records Act.²¹ 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.²² Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.²³

¹⁵ Section 119.071(1)(d)2., F.S. *See also* AGO 94-77 (work product exemption continues to apply to records prepared by the county attorney when these records are transferred to the city attorney pursuant to a transfer agreement whereby the city is substituted for the county as a party to the litigation).

¹⁶ *Johnson v. Butterworth*, 713 So. 2d 985 (Fla. 1998).

¹⁷ FLA. CONST. art. I, s. 24(c).

¹⁸ *Id.*

¹⁹ The bill may, however, contain multiple exemptions that relate to one subject.

²⁰ FLA. CONST. art. I, s. 24(c).

²¹ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

²² *Id.*

²³ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

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

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

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse’s place of work as well as the name and location of any schools or day care facilities of the public employee’s children, if any. These public employees include, but are not limited to, sworn law enforcement personnel and active or former civilian personnel employed by a law enforcement agency;²⁴ current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;²⁵ current or former state attorneys;²⁶ current or former public defenders;²⁷ county tax collectors;²⁸ and clerks of a circuit court.²⁹

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers³⁰ and county tax collectors³¹ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.³²

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

²⁴ Section 119.071(4)(d)2.a., F.S. This would presumably include elected law enforcement officers such as sheriffs.

²⁵ Section 119.071(4)(d)2.e., F.S.

²⁶ Section 119.071(4)(d)2.f., F.S.

²⁷ Section 119.071(4)(d)2.l., F.S.

²⁸ Section 119.071(4)(d)2.n., F.S.

²⁹ Section 119.071(4)(d)2.y., F.S. Circuit court clerks’ exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.

³⁰ See s. 192.001(3), F.S.

³¹ See s. 192.001(4), F.S.

³² Section 119.071(4)(d)4., F.S.

under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.³³

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.³⁴ Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling³⁵ or upon his or her death.³⁶

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act³⁷ (the Act), prescribe a legislative review process for newly created or substantially amended³⁸ public records or open meetings exemptions, with specified exceptions.³⁹ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.⁴⁰

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.⁴¹ 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;⁴²
- 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;⁴³ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.⁴⁴

³³ Section 119.071(4)(d)3., F.S.

³⁴ Section 119.071(4)(d)6., F.S.

³⁵ The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

³⁶ A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." See s. 28.222(2), F.S.

³⁷ Section 119.15, F.S.

³⁸ 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.

³⁹ 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.

⁴⁰ Section 119.15(3), F.S.

⁴¹ Section 119.15(6)(b), F.S.

⁴² Section 119.15(6)(b)1., F.S.

⁴³ Section 119.15(6)(b)2., F.S.

⁴⁴ Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.⁴⁵ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.⁴⁶ 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.⁴⁷

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.⁴⁸ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.⁴⁹ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.⁵⁰

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law”⁵¹ or the “Sunshine Law,”⁵² requires all meetings of any board or commission of any state or local agency or authority at which official acts are taken be open to the public.⁵³ The board or commission must provide the public reasonable notice of such meetings.⁵⁴ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.⁵⁵ Minutes of a public meeting must be promptly recorded and open to public

⁴⁵ 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?

⁴⁶ See generally s. 119.15, F.S.

⁴⁷ Section 119.15(7), F.S.

⁴⁸ FLA. CONST., art. I, s. 24(b).

⁴⁹ *Id.*

⁵⁰ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

⁵¹ *Times Pub. Co. v. Williams*, 222 So.2d 470, 472 (Fla. 2d DCA 1969).

⁵² *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693, 695 (Fla. 1969).

⁵³ Section 286.011(1)-(2), F.S.

⁵⁴ *Id.*

⁵⁵ Section 286.011(6), F.S.

inspection.⁵⁶ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.⁵⁷ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.⁵⁸

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.⁵⁹ The exemption must explicitly lay out the public necessity justifying the exemption and be no broader than necessary to accomplish the stated purpose of the exemption.⁶⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.⁶¹

The Public Employees Relations Commission's Open Meetings and Public Records Exemptions

Section 447.205(10), F.S., provides that the commission's deliberations in any proceeding before it are closed and exempt from open meetings requirements. However, oral arguments heard before the commission pursuant to chs. 120 and 447, F.S., are specifically deemed to be open meetings.

Additionally, all of the commission's draft orders, which are developed in preparation for, or preliminary to, the issuance of a final written order are confidential and exempt from the statutory public copying and inspection requirements.

Examples of final orders issued by the commission include:

- Issuance of a final order approving the certification election for an employee organization.⁶² This order is granted after the commission's investigation of the organization's petition for sufficiency, and hearing conducted on the same matter by the commission or an agent of the commission.
- Unfair labor practices hearings conducted in accordance with chs. 120 and 447, F.S. The hearing officer in an unfair labor practices evidentiary hearing may be one designated by the commission—either a member of the commission, an employee agent designated by the commission, or the commission itself. This order is granted upon a finding by the commission of a violation.

The commission also issues orders and decisions, which may be considered a final order in some circumstances. For example, it “orders” an election by secret ballot during an employee organization's certification process; and “orders” the termination of a public employee's employment upon a finding of a violation of the strike ban in s. 447.505.⁶³ Likewise, the commission issues “decisions” deemed final agency action in state career service appeals, age

⁵⁶ Section 286.011(2), F.S.

⁵⁷ Section 286.011(1), F.S.

⁵⁸ Section 286.011(3), F.S.

⁵⁹ FLA. CONST., art. I, s. 24(c).

⁶⁰ *Id.*

⁶¹ *See supra* note 10.

⁶² 447.307(3)(b), F.S.

⁶³ Section 447.507(5), F.S.

discrimination hearings, and veterans preference hearings;⁶⁴ similarly, an approval or disapproval of an employee organization's registration is deemed a "decision [that]...is final agency action..."⁶⁵

III. Effect of Proposed Changes:

Section 1 amends s. 119.071(4), F.S., to exempt from public records disclosure requirements of s. 119.07(1), F.S., and article I, section 24(a) of the State Constitution the following information:

- The home addresses, telephone numbers, and dates of birth of the Public Employees Relations Commission's chair, commissioners, and hearing officers;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such commission personnel; and
- The names and locations of schools and day care facilities attended by the children of such personnel.

This exemption will apply to this personal identifying information held by state agencies before, on, and after July 1, 2026.

Section 7 provides in pertinent part that there is a public necessity for the exemption of the personal identifying information of these commission staff and their family members because such personnel and their families are at a heightened risk of physical and emotional harm, threats, and endangerment as a result of disgruntled individuals who have a contentious reaction to actions taken by the commission.

Section 2 subjects this exemption to the Open Government Sunset Review Act and repeals the exemption on October 2, 2031, unless it is reviewed and saved from repeal through reenactment by the Legislature. Additionally, this section provides that if this expansion is not saved from repeal, the text of sub-subparagraph 119.071(4)(d)2.g. will revert to its form as it existed on June 30, 2026.

Section 3 amends s. 447.205, F.S., to expand the public records and public meetings exemptions for *any* commission deliberation (whether or not it relates to a proceeding before it), and *any* draft orders and related written communication that is developed in preparation for, or preliminary to, the issuance of *any written order*.

Currently, the commission's deliberations in any proceeding before it, except for a hearing held or oral argument heard by the commission pursuant to ch. 120, F.S., is exempt from open meeting laws. All of the commission's draft orders developed in preparation for, or preliminary to, the issuance of a *final written order* are confidential and exempt from s. 119.08(1), F.S.

Section 7 provides, in pertinent part, that commission deliberations and draft orders and their related written communication must be made confidential and exempt because the commission relies on the confidentiality as a quasi-judicial body. The statement further expresses that updates

⁶⁴ Section 447.207(11), F.S.

⁶⁵ Section 447.305(8)(b), F.S.

in technology, current practices of the commission related to the use of hearing offices, and modern methods of communication require the confidential and exempt status.

Section 4 subjects this exemption to the Open Government Sunset Review Act and repeals the exemption on October 2, 2031, unless it is reviewed and saved from repeal through reenactment by the Legislature. Additionally, this section provides that if this expansion is not saved from repeal, the text of subsection 447.205, F.S. will revert to its form as it existed on June 30, 2026.

Section 5 amends s. 447.308, F.S., to make a showing of interest signed by employees confidential and exempt from s. 119.07(1) and article I, section 24(a) of the State Constitution. These showings of interest are filed with the commission by employees who are seeking a revocation of certification of their bargaining unit.

The bill allows the commission to release the showing of interest to any employee, employer, or employee organization that has sufficient reason to believe that any of the signatures obtained on the showings of interest were obtained by collusion, coercion, intimidation, or misrepresentation, or are otherwise invalid.

Showings of interest signed by employees who wish to begin representation by a bargaining agent are already made confidential and exempt in s. 447.307(2), F.S., but the commission may release the documents to any employee, employer, or employee organization that has sufficient reason to believe that any of the employee signatures were obtained by collusion, coercion, intimidation, or misrepresentation or are otherwise invalid.

Section 7 provides, in pertinent part, that the showing of interest statement signed by public employees indicating their desire to no longer be represented by their bargaining agent should enjoy the same confidentiality and exempt status as those showing of interest statements signed by employees who wish to begin representation by a bargaining agent (which is made exempt in s. 447.307(2), F.S. Additionally, section 7 states that it is necessary to make these documents confidential and exempt to avoid a chilling of the employees' exercise of their right to no longer be represented by a union.

Section 6 subjects this exemption to the Open Government Sunset Review Act and repeals the exemption on October 2, 2031, unless it is reviewed and saved from repeal through reenactment by the Legislature. Additionally, this section provides that if this expansion is not saved from repeal, the text of subsection 447.308(1), F.S. will revert to its form as it existed on June 30, 2026.

Section 8 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, nor 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 both creates a new exemption and expands two current exemptions and thus 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. This bill both creates a new exemption and expands two current exemptions and thus a statement of public necessity is required.

Section 7 of the bill contains a statement of public necessity which provides that information protected from public copying and disclosure requirements is necessary to

- Protect commission staff and their family members from a heightened risk of physical and emotional harm, threats, and endangerment as a result of disgruntled individuals who have a contentious reaction to actions taken by the commission;
- Ensure the commission has the necessary confidentiality as a quasi-judicial body; and
- Avoid a chilling of the employees' exercise of their right to no longer be represented by a union and provide similar protections to those employees wishing to no longer be represented by a union as those employees wishing to be represented already enjoy.

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.

Draft Orders and Related Communications

The exemption provided for in section 3 of the bill may be broader than necessary to accomplish the purposes of the laws.

The exemption of the commission's draft orders and related written communications developed in preparation for issuance of any order may be overbroad in two ways. First, the exemption may apply for an unnecessary length of time. Under the bill, the confidential and exempt status of the draft orders and related communications continue even after the commission has issued its final order. The final order, presumably, will include a vast majority of the information included in the draft version; it does not follow

that the necessity to protect as confidential and exempt such information should continue after its release in another document. Second, the exemption may apply to too many orders. The commission has authority to issue many types of orders, including recommended orders, an order granting certification in a labor hearing, a scheduling order, and others.

The public necessity statement states that this expansion is intended to clarify and reflect technological updates, modern communication, and the use of hearing officers “to prepare draft orders and assist in preparing final orders...”. However, similar quasi-judicial agencies do not have any parallel exemption even for drafts of their final orders. for instance, the Division of Administrative Hearings, the Public Service Commission, and the Florida Gaming Commission do not have a blanket draft order exemption. Instead, each has provisions that allow the bodies to close their meeting to discuss information that is otherwise held confidential and exempt or exempt,⁶⁶ or to maintain material that is the subject of an ongoing investigation as exempt, only until the investigation is finalized.⁶⁷

Totality of the Bill

The breadth of the exemption of specified commission personnel (section 1) and of a showing of interest to revoke a bargaining agent’s certification as signed by an employee (section 5), when considered separately as individual exemptions, appear no broader than necessary to accomplish the purpose of the laws. However, together with section 3, the exemptions in the bill may be too unrelated, as further discussed in the Other Constitutional Issues section of this analysis *infra*.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article I, section 24 of the State Constitution provides that the Legislature may pass a general law to grant an exemption from public copying and inspection requirements, but that such law “shall relate to one subject.” It is not clear that the three exemptions provided for in this bill share a close enough nexus to be considered one subject. While the commission’s chair, commissioners, and hearing officers at times are in the same physical location as the showing of interest to revoke a bargaining agent’s certification, little else that unifies them. In particular, the public necessity statement relies on vastly different rationales to justify the personal identifying information exemption, the exemption of commission draft orders and related written communications developed in preparation for the issuance of any order by the commission or its designees, and the

⁶⁶ See, e.g., ss. 16.716(1)-(2), and 350.01(9), F.S.

⁶⁷ See, e.g., ss. 350.121, 365.174, and 550.0251(9), F.S.

exemption of showing of interest cards used in an attempt to revoke a bargaining unit's certification. This may be indicative of the three exemptions not being sufficiently related to be considered "one subject."

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

The government sector may incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 119.071, 447.205, and 447.308.

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 Martin

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the chair, commissioners, and hearing officers of the Public Employees Relations Commission; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing for the reversion of specified statutory text under certain conditions; amending s. 447.205, F.S.; revising the exemption from public records requirements for draft orders and related written communications or the issuance of any order by the commission or its designees; providing for future legislative review and repeal of the exemption; providing for the reversion of specified statutory text under certain conditions; amending s. 447.308, F.S.; providing an exemption from public records requirements for a showing of interest signed by the employees or group of employees who no longer desire to be represented by a certified bargaining agent; providing for future legislative review and repeal of the exemption; providing for the reversion of specified statutory text under certain conditions; providing statements of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section

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119.071, Florida Statutes, is amended to read:

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

(4) AGENCY PERSONNEL INFORMATION.—

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

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

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

c. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home

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

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

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

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

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

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys,

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117 assistant state attorneys, statewide prosecutors, or assistant
 118 statewide prosecutors; and the names and locations of schools
 119 and day care facilities attended by the children of current or
 120 former state attorneys, assistant state attorneys, statewide
 121 prosecutors, or assistant statewide prosecutors are exempt from
 122 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

123 g. The home addresses, dates of birth, and telephone
 124 numbers of general magistrates, special magistrates, judges of
 125 compensation claims, administrative law judges of the Division
 126 of Administrative Hearings, ~~and~~ child support enforcement
 127 hearing officers, and the chair, commissioners, and hearing
 128 officers of the Public Employees Relations Commission; the
 129 names, home addresses, telephone numbers, dates of birth, and
 130 places of employment of the spouses and children of general
 131 magistrates, special magistrates, judges of compensation claims,
 132 administrative law judges of the Division of Administrative
 133 Hearings, ~~and~~ child support enforcement hearing officers, and
 134 the chair, commissioners, and hearing officers of the Public
 135 Employees Relations Commission; and the names and locations of
 136 schools and day care facilities attended by the children of
 137 general magistrates, special magistrates, judges of compensation
 138 claims, administrative law judges of the Division of
 139 Administrative Hearings, ~~and~~ child support enforcement hearing
 140 officers, and the chair, commissioners, and hearing officers of
 141 the Public Employees Relations Commission are exempt from s.
 142 119.07(1) and s. 24(a), Art. I of the State Constitution.

143 h. The home addresses, telephone numbers, dates of birth,
 144 and photographs of current or former human resource, labor
 145 relations, or employee relations directors, assistant directors,

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146 managers, or assistant managers of any local government agency
 147 or water management district whose duties include hiring and
 148 firing employees, labor contract negotiation, administration, or
 149 other personnel-related duties; the names, home addresses,
 150 telephone numbers, dates of birth, and places of employment of
 151 the spouses and children of such personnel; and the names and
 152 locations of schools and day care facilities attended by the
 153 children of such personnel are exempt from s. 119.07(1) and s.
 154 24(a), Art. I of the State Constitution.

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

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

171 k. The home addresses, telephone numbers, dates of birth,
 172 and photographs of current or former juvenile probation
 173 officers, juvenile probation supervisors, detention
 174 superintendents, assistant detention superintendents, juvenile

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

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

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

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

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

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

p. The home addresses, telephone numbers, dates of birth,

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

244 q. The home addresses, telephone numbers, dates of birth,
 245 and photographs of current or former emergency medical
 246 technicians or paramedics certified under chapter 401; the
 247 names, home addresses, telephone numbers, dates of birth, and
 248 places of employment of the spouses and children of such
 249 emergency medical technicians or paramedics; and the names and
 250 locations of schools and day care facilities attended by the
 251 children of such emergency medical technicians or paramedics are
 252 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 253 Constitution.

254 r. The home addresses, telephone numbers, dates of birth,
 255 and photographs of current or former personnel employed in an
 256 agency's office of inspector general or internal audit
 257 department whose duties include auditing or investigating waste,
 258 fraud, abuse, theft, exploitation, or other activities that
 259 could lead to criminal prosecution or administrative discipline;
 260 the names, home addresses, telephone numbers, dates of birth,
 261 and places of employment of spouses and children of such

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

266 s. The home addresses, telephone numbers, dates of birth,
 267 and photographs of current or former directors, managers,
 268 supervisors, nurses, and clinical employees of an addiction
 269 treatment facility; the home addresses, telephone numbers,
 270 photographs, dates of birth, and places of employment of the
 271 spouses and children of such personnel; and the names and
 272 locations of schools and day care facilities attended by the
 273 children of such personnel are exempt from s. 119.07(1) and s.
 274 24(a), Art. I of the State Constitution. For purposes of this
 275 sub-paragraph, the term "addiction treatment facility" means
 276 a county government, or agency thereof, that is licensed
 277 pursuant to s. 397.401 and provides substance abuse prevention,
 278 intervention, or clinical treatment, including any licensed
 279 service component described in s. 397.311(27).

280 t. The home addresses, telephone numbers, dates of birth,
 281 and photographs of current or former directors, managers,
 282 supervisors, and clinical employees of a child advocacy center
 283 that meets the standards of s. 39.3035(2) and fulfills the
 284 screening requirement of s. 39.3035(3), and the members of a
 285 Child Protection Team as described in s. 39.303 whose duties
 286 include supporting the investigation of child abuse or sexual
 287 abuse, child abandonment, child neglect, and child exploitation
 288 or to provide services as part of a multidisciplinary case
 289 review team; the names, home addresses, telephone numbers,
 290 photographs, dates of birth, and places of employment of the

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291 spouses and children of such personnel and members; and the
 292 names and locations of schools and day care facilities attended
 293 by the children of such personnel and members are exempt from s.
 294 119.07(1) and s. 24(a), Art. I of the State Constitution.

295 u. The home addresses, telephone numbers, places of
 296 employment, dates of birth, and photographs of current or former
 297 staff and domestic violence advocates, as defined in s.
 298 90.5036(1)(b), of domestic violence centers certified by the
 299 Department of Children and Families under chapter 39; the names,
 300 home addresses, telephone numbers, places of employment, dates
 301 of birth, and photographs of the spouses and children of such
 302 personnel; and the names and locations of schools and day care
 303 facilities attended by the children of such personnel are exempt
 304 from s. 119.07(1) and s. 24(a), Art. I of the State
 305 Constitution.

306 v. The home addresses, telephone numbers, dates of birth,
 307 and photographs of current or former inspectors or investigators
 308 of the Department of Agriculture and Consumer Services; the
 309 names, home addresses, telephone numbers, dates of birth, and
 310 places of employment of the spouses and children of current or
 311 former inspectors or investigators; and the names and locations
 312 of schools and day care facilities attended by the children of
 313 current or former inspectors or investigators are exempt from s.
 314 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 315 sub-subparagraph is subject to the Open Government Sunset Review
 316 Act in accordance with s. 119.15 and shall stand repealed on
 317 October 2, 2028, unless reviewed and saved from repeal through
 318 reenactment by the Legislature.

319 w. The home addresses, telephone numbers, dates of birth,

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320 and photographs of current county attorneys, assistant county
 321 attorneys, deputy county attorneys, city attorneys, assistant
 322 city attorneys, and deputy city attorneys; the names, home
 323 addresses, telephone numbers, photographs, dates of birth, and
 324 places of employment of the spouses and children of current
 325 county attorneys, assistant county attorneys, deputy county
 326 attorneys, city attorneys, assistant city attorneys, and deputy
 327 city attorneys; and the names and locations of schools and day
 328 care facilities attended by the children of current county
 329 attorneys, assistant county attorneys, deputy county attorneys,
 330 city attorneys, assistant city attorneys, and deputy city
 331 attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of
 332 the State Constitution. This exemption does not apply to a
 333 county attorney, assistant county attorney, deputy county
 334 attorney, city attorney, assistant city attorney, or deputy city
 335 attorney who qualifies as a candidate for election to public
 336 office. This sub-subparagraph is subject to the Open Government
 337 Sunset Review Act in accordance with s. 119.15 and shall stand
 338 repealed on October 2, 2029, unless reviewed and saved from
 339 repeal through reenactment by the Legislature.

340 x. The home addresses, telephone numbers, dates of birth,
 341 and photographs of current or former commissioners of the
 342 Florida Gaming Control Commission; the names, home addresses,
 343 telephone numbers, dates of birth, photographs, and places of
 344 employment of the spouses and children of such current or former
 345 commissioners; and the names and locations of schools and day
 346 care facilities attended by the children of such current or
 347 former commissioners are exempt from s. 119.07(1) and s. 24(a),
 348 Art. I of the State Constitution. This sub-subparagraph is

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349 subject to the Open Government Sunset Review Act in accordance
 350 with s. 119.15 and shall stand repealed on October 2, 2029,
 351 unless reviewed and saved from repeal through reenactment by the
 352 Legislature.

353 y. The home addresses, telephone numbers, dates of birth,
 354 and photographs of current clerks of the circuit court, deputy
 355 clerks of the circuit court, and clerk of the circuit court
 356 personnel; the names, home addresses, telephone numbers, dates
 357 of birth, and places of employment of the spouses and children
 358 of current clerks of the circuit court, deputy clerks of the
 359 circuit court, and clerk of the circuit court personnel; and the
 360 names and locations of schools and day care facilities attended
 361 by the children of current clerks of the circuit court, deputy
 362 clerks of the circuit court, and clerk of the circuit court
 363 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 364 the State Constitution. This sub-subparagraph is subject to the
 365 Open Government Sunset Review Act in accordance with s. 119.15
 366 and shall stand repealed on October 2, 2029, unless reviewed and
 367 saved from repeal through reenactment by the Legislature.

368 z.(I) As used in this sub-subparagraph, the term:

369 (A) "Congressional member" means a person who is elected to
 370 serve as a member of the United States House of Representatives
 371 or is elected or appointed to serve as a member of the United
 372 States Senate.

373 (B) "Partial home address" means the dwelling location at
 374 which an individual resides and includes the physical address,
 375 mailing address, street address, parcel identification number,
 376 plot identification number, legal property description,
 377 neighborhood name and lot number, GPS coordinates, and any other

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378 descriptive property information that may reveal the partial
 379 home address, except for the city and zip code.

380 (C) "Public officer" means a person who holds one of the
 381 following offices: Governor, Lieutenant Governor, Chief
 382 Financial Officer, Attorney General, Agriculture Commissioner,
 383 state representative, state senator, property appraiser,
 384 supervisor of elections, school superintendent, school board
 385 member, mayor, city commissioner, or county commissioner.

386 (II) The following information is exempt from s. 119.07(1)
 387 and s. 24(a), Art. I of the State Constitution:

388 (A) The partial home addresses of a current congressional
 389 member or public officer and his or her spouse or adult child.

390 (B) The telephone numbers of a current congressional member
 391 or public officer and his or her spouse or adult child.

392 (C) The name, home addresses, telephone numbers, and date
 393 of birth of a minor child of a current congressional member or
 394 public officer and the name and location of the school or day
 395 care facility attended by the minor child.

396 (III) This sub-subparagraph is subject to the Open
 397 Government Sunset Review Act in accordance with s. 119.15 and
 398 shall stand repealed on October 2, 2030, unless reviewed and
 399 saved from repeal through reenactment by the Legislature.

400 3.a. An agency that is the custodian of the information
 401 specified in subparagraph 2. and that is not the employer of the
 402 officer, employee, justice, judge, or other person specified in
 403 subparagraph 2. must maintain the exempt status of that
 404 information only if the officer, employee, justice, judge, other
 405 person, or employing agency of the designated employee submits a
 406 written and notarized request for maintenance of the exemption

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to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

b. An agency that is the custodian of information specified in sub-subparagraph 2.z. and that is not the employer of the congressional member, public officer, or other person specified in sub-subparagraph 2.z. must maintain the exempt status of that information only if an individual requests the maintenance of an exemption pursuant to sub-subparagraph 2.z. on the basis of eligibility as a current congressional member or public officer and his or her spouse or child submits, as part of the written and notarized request required by sub-subparagraph a., the date of the congressional member's or public officer's election or appointment to public office, the date on which that office is next subject to election, and, if applicable, the date on which the current congressional member's or public officer's minor child reaches the age of majority. The custodian must maintain an exemption granted pursuant to sub-subparagraph 2.z. until the qualifying conditions for the exemption no longer apply to the person subject to the exemption.

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

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

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

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

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

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

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

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

481 9. Upon the death of a protected party as verified by a
482 certified copy of a death certificate or court order, any party
483 can request the county recorder to release a protected
484 decedent's removed information unless there is a related request
485 on file with the county recorder for continued removal of the
486 decedent's information or unless such removal is otherwise
487 prohibited by statute or by court order. The written request to
488 release the removed information upon the death of a protected
489 party must attach the certified copy of a death certificate or
490 court order and must be notarized, must confirm the request for
491 release is due to the death of a protected party, and must
492 specify the Official Records book and page number, instrument
493 number, or clerk's file number for each document containing the

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

496 Section 2. The amendment made by this act to s.
497 119.071(4)(d)2.g., Florida Statutes, is subject to the Open
498 Government Sunset Review Act in accordance with s. 119.15,
499 Florida Statutes, and shall stand repealed on October 2, 2031,
500 unless reviewed and saved from repeal through reenactment by the
501 Legislature. If the expansion of the exemption is not saved from
502 repeal, the text of that sub-subparagraph shall revert to that
503 in existence on June 30, 2026, except that any amendments to
504 such text enacted other than by this act shall be preserved and
505 continue to operate to the extent that such amendments are not
506 dependent upon the amendment to the text which expires pursuant
507 to this section.

508 Section 3. Subsection (10) of section 447.205, Florida
509 Statutes, is amended to read:

510 447.205 Public Employees Relations Commission.—

511 (10) The deliberations of the commission ~~in any proceeding~~
512 ~~before it~~ are closed and exempt from ~~the provisions of s.~~
513 286.011. However, any hearing held or oral argument heard by the
514 commission pursuant to this chapter or chapter 120 is or this
515 ~~chapter shall be~~ open to the public. All draft orders and
516 related written communications that are developed in preparation
517 for, or preliminary to, the issuance of any order by the
518 commission or its designees a final written order are
519 confidential and exempt from ~~the provisions of s. 119.07(1) and~~
520 s. 24(a), Art. I of the State Constitution.

521 Section 4. The amendment made by this act to s.
522 447.205(10), Florida Statutes, is subject to the Open Government

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523 Sunset Review Act in accordance with s. 119.15, Florida
 524 Statutes, and shall stand repealed on October 2, 2031, unless
 525 reviewed and saved from repeal through reenactment by the
 526 Legislature. If the expansion of the exemption is not saved from
 527 repeal, the text of that subsection shall revert to that in
 528 existence on June 30, 2026, except that any amendments to such
 529 text enacted other than by this act shall be preserved and
 530 continue to operate to the extent that such amendments are not
 531 dependent upon the amendment to the text which expires pursuant
 532 to this section.

533 Section 5. Subsection (1) of section 447.308, Florida
 534 Statutes, is amended to read:

535 447.308 Revocation of certification of employee
 536 organization.—

537 (1) Any employee or group of employees which no longer
 538 desires to be represented by the certified bargaining agent may
 539 file with the commission a petition to revoke certification. The
 540 petition must ~~shall~~ be accompanied by dated statements signed by
 541 at least 30 percent of the employees in the unit, indicating
 542 that such employees no longer desire to be represented for
 543 purposes of collective bargaining by the certified bargaining
 544 agent. The time of filing said petition ~~is shall be~~ governed by
 545 ~~the provisions of~~ s. 447.307(3) (d) relating to petitions for
 546 certification. The showing of interest signed by the employees
 547 is confidential and exempt from s. 119.07(1) and s. 24(a),
 548 Article I of the State Constitution, except that any employee,
 549 employer, or employee organization having sufficient reason to
 550 believe any of the employee signatures were obtained by
 551 collusion, coercion, intimidation, or misrepresentation or are

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552 otherwise invalid shall be given a reasonable opportunity to
 553 verify and challenge the signatures appearing on the petition.
 554 The commission or one of its designated agents shall investigate
 555 the petition to determine its sufficiency. If the commission
 556 finds the petition to be insufficient, it may dismiss the
 557 petition. If the commission finds that the petition is
 558 sufficient, it shall immediately:

559 (a) Identify the bargaining unit and determine which public
 560 employees shall be qualified and entitled to vote in the
 561 election held by the commission.

562 (b) Identify the public employer or employers.

563 (c) Order an election by secret ballot, the cost of said
 564 election to be borne equally by the parties, except as the
 565 commission may provide by rule. The commission's order assessing
 566 costs of an election may be enforced pursuant to the provisions
 567 of this part.

568 Section 6. The amendment made by this act to s. 447.308(1),
 569 Florida Statutes, is subject to the Open Government Sunset
 570 Review Act in accordance with s. 119.15, Florida Statutes, and
 571 shall stand repealed on October 2, 2031, unless reviewed and
 572 saved from repeal through reenactment by the Legislature. If the
 573 expansion of the exemption is not saved from repeal, the text of
 574 that subsection shall revert to that in existence on June 30,
 575 2026, except that any amendments to such text enacted other than
 576 by this act shall be preserved and continue to operate to the
 577 extent that such amendments are not dependent upon the amendment
 578 to the text which expires pursuant to this section.

579 Section 7. (1) The Legislature finds that it is a public
 580 necessity that the home addresses, dates of birth, and telephone

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581 numbers of the chair, commissioners, and hearing officers of the
 582 Public Employees Relations Commission; the names, home
 583 addresses, telephone numbers, dates of birth, and places of
 584 employment of the spouses and children of such personnel; and
 585 the names and locations of schools and day care facilities
 586 attended by the children of such personnel be made exempt from
 587 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 588 State Constitution. Such personnel and their families are at a
 589 heightened risk of physical and emotional harm from disgruntled
 590 individuals who have contentious reactions to actions taken by
 591 the commission. In addition, such personnel may be subject to
 592 threats or acts of revenge because of the duties they perform.
 593 The spouses and children of such personnel are also endangered
 594 by individuals who seek to intimidate or harm such personnel.
 595 The Legislature finds that the harm that may result from the
 596 release of such personal identifying and location information
 597 outweighs any public benefit that may be derived from the
 598 disclosure of the information.

599 (2) The Legislature finds that it is a public necessity
 600 that draft orders and related written communications that are
 601 developed in preparation for, or preliminary to, the issuance of
 602 any order by the Public Employees Relations Commission or its
 603 designees be made confidential and exempt from s. 119.07(1),
 604 Florida Statutes, and s. 24(a), Article I of the State
 605 Constitution. The Public Employees Relations Commission, as a
 606 quasi-judicial agency, speaks through its written orders based
 607 on the law and facts. The commission and its hearing officers
 608 rely on the confidentiality of draft orders and written
 609 communications related to these drafts before they become final

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610 and are released to the public. The existing provision in s.
 611 447.205(10), Florida Statutes, addresses this confidentiality
 612 and recognizes its importance to the proper functioning of the
 613 commission. However, it was adopted in 1977, with the only
 614 substantive amendment being made in 1991. To avoid the existing
 615 provision from being inadvertently read so as to allow public
 616 access to draft orders or commission deliberations, including
 617 preliminary work prepared by commission hearing officers, the
 618 Legislature finds that it is a public necessity that the
 619 language of the provision providing for confidentiality and
 620 exemption of commission deliberations and draft orders be
 621 clarified to reflect updates in technology, current practices of
 622 the commission related to the use of hearing officers, and
 623 modern methods of communication. The confidentiality and
 624 exemption of commission deliberations and draft orders are
 625 essential to the operation of the commission. Likewise, the
 626 confidentiality and exemption of written communications related
 627 to draft orders are essential to the operation of the commission
 628 given updates in technology, commission practice of using
 629 hearing officers as designees to prepare draft orders and assist
 630 in preparing final orders, and modern methods of communication.
 631 The Legislature further finds that the harm that may result from
 632 the release of written communications related to draft orders,
 633 in light of current technology, practices, and methods of
 634 communication, outweighs any public benefit that may be derived
 635 from the disclosure of such written communications.

636 (3) The Legislature further finds that it is a public
 637 necessity that the showing of interest statements signed by
 638 public employees indicating their desire to no longer be

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639 represented by their bargaining agent be made confidential and
640 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
641 Article I of the State Constitution. The showing of interest
642 statements signed by public employees indicating their desire to
643 be represented by a bargaining agent is already confidential and
644 exempt pursuant to s. 447.307, Florida Statutes, in order to
645 avoid the practical effect of chilling the employees' exercise
646 of the right to form and join a union. Similarly, the showing of
647 interest statements seeking to decertify a union must be kept
648 confidential in order to avoid the practical effect of chilling
649 the employees' exercise of the right to no longer be represented
650 by a union. The Legislature finds that the harm that may result
651 from the release of this showing of interest information
652 outweighs any public benefit that may be derived from the
653 disclosure of the information.

654 Section 8. This act shall take effect July 1, 2026.

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 1642

INTRODUCER: Senator McClain

SUBJECT: Gender Identity Employment Practices

DATE: January 30, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	McVane	GO	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 1642 creates s. 110.1051, F.S., the “Freedom of Conscience in the Workplace Act,” to prohibit specific behaviors that accommodate the use of preferred pronouns that do not correspond to a person’s sex within the context of employment by the state or a county, municipality, special district, or any subdivision or agency thereof.

Additionally, the bill makes it an unlawful employment practice for an employer to:

- Take adverse personnel action against an applicant, employee, or contractor because of their sincerely held religious, moral, conscience-based, or biology-based beliefs against gender ideology, whether those views are expressed at or away from the worksite.
- Require, as a condition of employment, any training, instruction, or other activity on sexual orientation, gender identity, or gender expression.

The bill provides that an employee or contractor may not be required, as a condition of employment or to avoid adverse personnel action, to refer to another individual by that person’s preferred pronouns if such pronouns do not correspond with that person’s sex. Similarly, an employee or contractor cannot require an employer to use his or her preferred pronouns.

Job applications and other similar employment forms cannot provide a nonbinary option on questions of a person’s sex.

The bill grants the Department of Management Services authority to adopt rules to implement portions of the bill.

The bill may result in increased costs for the state and local governments.

The bill takes effect July 1, 2025.

II. Present Situation:

Unlawful Discrimination in Florida

Florida has long guaranteed civil rights protections in the State Constitution, which prohibits, in relevant part, forms of discrimination on the basis of gender, race, religion, national origin, and physical disability, and guarantees equality under the laws to all peoples.¹

In 2019, Governor DeSantis reaffirmed the policy of nondiscrimination in government employment and declared it the policy of his administration to prohibit discrimination in employment based on age, sex, race, color, religion, national origin, marital status, or disability.²

The Florida Civil Rights Act (Part I, Chapter 760, F.S.)

The Florida Civil Rights Act (FCRA) protects persons from discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. The FCRA establishes the Florida Commission on Human Relations (the Commission) within the Department of Management Services. The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings on, and act upon complaints alleging discriminatory practices.³ Additionally, the Attorney General may initiate a civil action for damages, injunctive relief, civil penalties of up to \$10,000 per violation, and other appropriate relief.⁴ The Governor appoints, and the Senate confirms, the 12 members of the Commission.⁵

Unlawful Employment Practices

Employers, employment agencies, labor organizations, and joint labor-management committees are prohibited from engaging in employment practices that discriminate against individuals based on race, color, religion, sex, pregnancy, national origin, age, disability, or marital status.⁶

Administrative and Civil Remedies

Following a potential violation of the FCRA, an aggrieved person, the Commission, a commissioner, or the Attorney General has 365 days to file a complaint with the Commission naming the person responsible for the violation and describing the violation.⁷ Within 180 days of the filing, the Commission must make a determination of whether reasonable cause exists to believe that a discriminatory practice has occurred.⁸

¹ FLA. CONST. art. I *passim*.

² Office of the Governor, *Executive Order Number 19-10*, Jan. 8, 2019 (Reaffirming Commitment to Diversity in Government).

³ Section 760.06(5), F.S.

⁴ Section 760.021(1), F.S.

⁵ Section 760.03(1), F.S.

⁶ See s. 760.10, F.S. Limited exceptions apply in bona-fide scenarios where authorized by law or necessary for the performance of the particular employment. See s. 760.10(8), F.S.

⁷ Section 760.11(1), F.S.

⁸ Section 760.11(3), F.S.

If the Commission issues a finding of reasonable cause, the aggrieved person may request an administrative hearing or bring a civil action.⁹ A civil action must be brought within a year after the determination of reasonable cause.¹⁰ The FCRA expressly requires a plaintiff to exhaust his or her administrative remedies as a prerequisite to filing a civil action alleging unlawful discrimination, including housing discrimination.¹¹ The remedies available through an administrative hearing are affirmative relief from the effects of the practice, including back pay and attorney's fees. While remedies available through a civil action include affirmative relief such as back pay, injunctive relief, compensatory damages, punitive damages up to \$100,000, and attorney's fees.¹²

Alternatively, under s. 760.11(7), F.S., if the Commission makes a determination that there is not reasonable cause, the claimant may request an administrative hearing but must do so within 35 days of the date of the "no cause" determination. If the claim is not made within 35 days, the claim is barred.¹³

III. Effect of Proposed Changes:

Section 1 provides the title "Freedom of Conscience in the Workplace Act."

Section 2 creates s. 110.1051, F.S., to address the use of pronouns in the context of the public workplace where those pronouns do not correspond to an individual's sex. This act, in part, declares as the state's policy that a person's sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person's sex. Sex is defined to mean "the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth."

An employer, for purposes of the prohibitions and protections created by the bill, is the state or any county, municipality, or special district or any subdivision or agency thereof. A "political subdivision" is defined in s. 1.01(8), F.S., as cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in Florida. The bill defines "employee" to mean any individual employed by, or attempting to be employed by, an employer, and "contractor" to mean an individual or business entity that enters, or attempts to enter into, a contract for services with an employer.

This section provides that:

- An employer may not require an applicant, employee, or contractor, within the context of their state or county employment, to use a person's preferred pronouns if the pronouns do not correspond to that person's sex;

⁹ Section 760.11(4), F.S.

¹⁰ Section 760.11(5), F.S. If, however, the commission fails to make a determination of reasonable cause, the four-year statute of limitations for cause of action based on statutory liability applies. *Joshua v. City of Gainesville*, 768 So.2d 432 at 439 (Fla. 2000).

¹¹ Section 760.07, F.S.

¹² Section 760.11(5), (6), and (7), F.S.

¹³ Section 760.11(7), F.S.

- An applicant, employee, or contractor may not require a public employer to use his or her preferred pronouns if they do not correspond to his or her sex; and
- An application or other employment form that asks about sex may *only* offer male or female as answers and may not provide a nonbinary or other option.

This section additionally prohibits taking adverse personnel actions against an employee or contractor for certain actions protected under the bill. “Adverse personnel action” means the discharge, suspension, transfer, demotion, or lack of promotion of an employee or a contractor or the withholding of bonuses, the withholding of promotional opportunities, the reduction in salary or benefits, or any other adverse action taken against an employee or a contractor within the terms and conditions of employment by an employer. Under this bill, it is an unlawful employment practice for an employer to take any adverse personnel action against an applicant, employee, or contractor because of his or her sincerely held religious, moral, conscience-based, or biology-based beliefs against gender ideology. Gender ideology means “the false belief that replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and become women and vice versa, and requiring all institutions of society to regard this false claim as true.” The bill provides that the phrase gender ideology “includes the idea that there is a vast spectrum of genders that are disconnected from a person’s sex.” Gender ideology, according to the bill, “is internally inconsistent in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.”

An applicant, employee, or contractor’s expression of such beliefs against gender ideology both at and away from the worksite is protected from adverse personnel action. An aggrieved party can seek a remedy for the violation pursuant to the Florida Civil Rights Act. Such a complaint must be filed with either the Florida Commission on Human Rights, the Equal Employment Opportunity Commission, or the fair employment practice agency under federal law within 365 days of the alleged violation. Additionally, the bill provides that a court must award reasonable attorney fees and costs to the prevailing party in such a matter.

The bill grants the Department of Management Services rulemaking authority to adopt rules implementing section 2.

Section 3 amends s. 760.10, F.S., to classify it as an unlawful employment practice under the Florida Civil Rights Act for an employer who receives funding from the state to require, as a condition of employment, any training, instruction, or other activity on sexual orientation, gender identity, or gender expression. The term employer, for the purposes of this prohibition, includes the state and any county, municipality, or special district or any subdivision or agency thereof.

Section 4 reenacts s. 760.11, F.S., for the purpose of incorporating by reference the changes made to s. 760.10, F.S., by this act. This law provides administrative and civil remedies for violations of the Florida Civil Rights Act.

Section 5 provides that 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.

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:**Freedom of Speech**

The state and federal constitutions protect freedom of speech. The First Amendment to the U.S. Constitution guarantees that “Congress shall make no law ... abridging the freedom of speech;”¹⁴ and the State Constitution’s free speech protections are “the same as is required under the First Amendment.”¹⁵ If the government is able to meet the applicable level of judicial scrutiny, the law is constitutional, even if it restricts free speech.

The most exacting scrutiny test is applied to regulations that suppress, disadvantage, or impose different burdens upon speech on the basis of its content; such laws are subject to strict judicial scrutiny regardless of the government’s benign motive.¹⁶ Government regulation of speech that is content-based or is focused on a specific viewpoint is presumptively unconstitutional.¹⁷

The bill protects an “employee’s or contractor’s sincerely held. . . beliefs against gender ideology.” In this manner, the bill only protects one type of view—those *against* gender ideology. The bill does not, however, extend such protections to views *for* or ambivalent to gender ideology. In this way, the bill may violate freedom of speech principles because it treats speech differently based on the position it takes. The Legislature may wish to

¹⁴ U.S. CONST. amend. I.

¹⁵ *Dep’t of Educ. v. Lewis*, 416 So. 2d 455, 461 (Fla. 1982); *Scott v. State*, 368 So. 3d 8, 10 (Fla. 4th DCA 2023), *review denied*, No. SC2023-1188 (Fla. Nov. 22, 2023), and *cert. denied sub nom.*, No. 23-7786 (U.S. Oct. 7, 2024).

¹⁶ *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 641 (1994); *Reed v. Town of Gilbert*, 576 U.S. 155, 165 (2015).

¹⁷ *United States v. Alvarez*, 567 U.S. 709, 717 (2012)

clarify, instead, that the protections in the bill are for sincerely held beliefs *on* gender ideology.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

Those companies that provide human resources training may have to tailor their offerings to conform to the bill's requirement that no training be offered on sexual orientation, gender identity, or gender expression.

It is unclear whether contractors could be subject to colorable claims of discrimination or hostile work environment when enforcing the bill. As a result of the bill's prohibition on adverse actions against an individual for sincerely held beliefs against gender ideology, a contractor and the contractor's employees may be subject to discriminatory acts or unlawful harassment on the basis of his or her sex. If such action constitutes unlawful discrimination or harassment, an employer who participates in or fails to stop such actions may be subject to suit. This could increase costs relating to litigation.

C. Government Sector Impact:

As a result of the bill's prohibition on adverse actions against employees who act in the workplace based on their deeply held beliefs, public employees may be subject to discriminatory acts on the basis of the employee's status in a protected class (sex) in the workplace; this could constitute an unfair labor practice. The employer would not be legally permitted to take appropriate action to protect the employee from that unfair labor practice (or continued violations) and therefore may be subject to suit by the aggrieved employee. This could increase costs relating to litigation.

State agencies and local governments will be required to examine their employment requirements to remove prohibited training, amend employment forms, and adopt policies to conform to the law. Such agencies will have an increased workload to conduct such reviews and make necessary conforming updates. The cost of conducting such reviews and updates is unknown.

The Department of Management Services may be required to adopt rules to implement section 2 of the bill. The Department of Management Services should be able to absorb such duties into its current workload.

The Commission on Human Relations, Equal Employment Opportunity Commission, and similar agencies that can hear allegations of unfair labor practices may see an increase in workload as a result of the creation of new unfair labor practices.

VI. Technical Deficiencies:

Section 2 of the bill creates in chapter 110, F.S., a public employer policy regarding the use of personal pronouns that is applicable to “the state or any county, municipality, or special district or any subdivision or agency thereof.” However, chapter 110, F.S., is typically limited to *state* employment. The Legislature may consider moving this new provision to chapter 112, F.S., which relates to more of the public employers discussed in the bill.

VII. Related Issues:

Discrimination Under Title VII

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employment discrimination on several different bases, including by barring covered employers from discriminating against any individual “because of . . . sex.”¹⁸ It is unclear whether using different pronouns can give rise to a claim of discrimination based on transgender identity, and whether such discrimination would be considered discrimination “on the basis of sex.” The legal landscape regarding use of pronouns in the context of Title VII in U.S. labor law is shifting.

Federal Courts on Transgender Status and Title VII

The Supreme Court of the United States held in *Bostock* that Title VII forbids employers from firing an individual for being gay or transgender; the Court found that such discrimination is on the basis of that individual’s sex.¹⁹ The Court reasoned that it is impossible to act on the basis of transgender status without considering sex. The Court noted, if an employer fires a transgender man (assigned female gender at birth who now identifies as a man) for being transgender, the employer penalizes that person for being assigned the female gender at birth for traits that it would tolerate in a person assigned the male gender at birth.²⁰

In *Copeland*, the Eleventh Circuit addressed a Title VII hostile work environment claim predicated on the plaintiff’s transgender identity. The Court determined that consistently and publicly identifying an individual by terms not aligning with their gender identity (in this case, referring to someone as ma’am, she, her, it, and that, instead of masculine pronouns as requested) can constitute unlawful sexual harassment. The Court noted that “most people have a special sense of privacy in their genitals,” and the consistent reference to an individual with gendered pronouns and honorifics that disagreed with the individual’s requested identity “transgressed this boundary in a humiliating way.” By doing so, the plaintiff’s “supervisors, subordinates, and

¹⁸ 42 U.S.C. ss. 2000e - 2000e17 (as amended).

¹⁹ *Bostock v. Clayton County*, 590 U.S. 644 (2020) (Title VII covers discrimination based on sexual orientation and reaches bias against transsexuals; Justice Gorsuch in writing for six Justices stated that by discriminating against homosexuals, the employer intentionally penalizes men for being attracted to men and women for being attracted to women; by discriminating against transgender persons, the employer unavoidably discriminates against persons with one sex identified at birth and another today; the employer intentionally refuses to hire applicants in part because of the affected individuals’ sex, even if it never learns any applicant’s sex; the ruling rejected the argument put forward by dissenting Justice Kavanaugh that because homosexuality and transgender status can’t be found on that the Title VII list and because they are conceptually distinct from sex, the employers reason, they are implicitly excluded from Title VII’s reach).

²⁰ *Bostock v. Clayton Cnty*, 590 U.S. 644 (2020)

peers publicly humiliated him because his gender identity differs from the sex he was assigned at birth.” The Court held that “Title VII does not countenance such behavior.”²¹

It is unclear the extent to which utilizing pronouns that are different from the ones an individual prefers can alone constitute a hostile work environment or form the basis for other discrimination-based challenges. In *Copeland*, the harassment at issue additionally included other incidents of insubordination and aggression based on the plaintiff’s transgender identity. In *Bostock*, the Court explicitly limited its opinion to the context of firing an employee, sidestepping issues such as “bathrooms, locker rooms... or anything else of the kind.”²²

Federal Executive and Agency Policy Developments

Whether refusal to use an individual’s preferred pronouns, if indeed was previously considered impermissible harassment, *continues* to constitute impermissible harassment is further unclear given the new policy directions of the Trump administration and U.S. Equal Employment Opportunity Commission (EEOC). Among the slew of his executive actions his first day back in office, President Trump signed the executive order *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, declaring “[i]t is the policy of the United States to recognize two sexes, male and female.”²³ On January 22, 2026, the EEOC rescinded anti-harassment guidance issued in 2024 under the Biden administration, which included guidance related to issues of gender identity discrimination and harassment, including the refusal to use preferred pronouns, against LGBTQ+ individuals. The rescission follows through on the policy priorities of the Trump administration, including the shift in federal policy to a binary interpretation of “sex.”²⁴

Recent Decisions on Freedom of Speech and Pronouns in Classrooms

Governments can typically restrict speech that is a part of an employee’s official duties without encroaching on freedom of speech, but the restrictions must be on employee speech that has the potential to affect the employer’s operations.²⁵ Courts typically apply a two-part test to determine the constitutional protection afforded to a public employee’s speech. The test first asks whether the employee was speaking as a private citizen or government employee, with the latter having limited First Amendment protections from an employer’s reaction to the speech. The second part of the test is a more detailed inquiry into whether the government entity has an adequate justification for treating the employee differently from any other member of the public.²⁶

²¹ *Copeland v. Georgia Dep’t of Corr.*, 97 F.4th 766 (11th Cir. 2024)

²² *Id.* at 681.

²³ Exec. Order No. 14168 (Jan. 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/> (last visited Jan. 27, 2026).

²⁴ U.S. Equal Employment Opportunity Commission, *Meeting of January 22, 2026*, available at <https://www.eeoc.gov/meetings/meeting-january-22-2026> (last visited Jan. 27, 2026); Claire Savage and Leah Askarinam, *Workplace rights agency scraps anti-harassment guidance, citing Trump’s orders*, THE ASSOCIATED PRESS, Jan. 22, 2026, available at <https://apnews.com/article/eeoc-harassment-workplace-gender-trump-lucas-lgbtq-0ac048763668ac4f8946aa26a3a6a907> (last visited Jan. 27, 2026).

²⁵ *Connick v. Myers*, 461 U.S. 138, 143 (1983).

²⁶ *Id.* at 142-148; *Garcetti v. Ceballos*, 547 U.S. 410 (majority); *Rankin v. McPherson*, 483 U.S. 378, 388 (1987); 16A AM. JUR. 2D *Constitutional Law* s. 491 (2024); Legal Almanac: *The First Amendment: Freedom of Speech* s. 8:4; 63C AM. JUR. 2D *Public Officers and Employees* s. 195 (2024) (citing *Smith v. Gilchrist*, 749 F.3d 302, 309 (4th Cir. 2014)).

Section 1000.071(1), F.S., provides that “[a]n employee or contractor of a public K-12 educational institution may not provide to a student his or her preferred personal title or pronouns if [it does] not correspond to his or her sex.” A teacher alleged that enforcing the law violated their freedom of speech in *Wood v. Florida Department of Education*. The U.S. Northern District Federal Court found that this is a viewpoint-discriminatory prohibition that chills the First Amendment right of the employees’ right to speak freely.²⁷ The Eleventh Circuit, however, disagreed and held that a teacher was speaking in her capacity as a government employee, and not as a private citizen, when the teacher identified requested students in the classroom to use the honorific “Ms.” and the pronouns “she,” “her,” and “hers.”²⁸

In *Wood*, the teacher did not raise a question of harassment or Title VII protections. The extent to which s. 1000.071, F.S., could form a basis for a defense to harassment or sex-based discrimination claims is unclear. However, at least within the context of the teacher’s First Amendment claim, the *Wood* Court did not find s. 1000.071, F.S., to patently offend notions of free speech.

Potential Impact

Given the shifting landscape in employment law, it is unclear if (and to what extent) the refusal to use one’s preferred pronouns constitutes sexual harassment or discrimination. It is unlikely that state law—the bill—could form a basis for a defense for a violation of a federal law, such as Title VII. It is therefore further unclear whether, if a refusal to use an individual’s preferred pronouns constitutes a violation of Title VII, the bill provides a viable defense.

If the persistent use of an individual’s non-preferred pronouns constitutes harassment under Title VII, the fact that such use is permissible under state law does not constitute a colorable defense. Employers may therefore be subject to hostile work environment claims.

Medical Disclosures

The bill prohibits forced use of pronouns that “do not correspond to that person’s sex,” and provides an exemption for “individuals born with a genetically or biochemically verifiable disorder of sex development [(DSD)].” There are concerns related to the practical application of this portion of the bill. The *Copeland* Court stated that “most people have a special sense of privacy in their genitals,” when discussing an individual’s sexual and gender identity at work. The Court further provided that violation of that privacy is particularly humiliating and hostile.

To receive the exception recognized in this bill, an individual born with a genetically or biochemically verifiable DSD will have to demonstrate that they fall within the exemption to be called by the “right” pronoun. Presumably, individuals born with a genetically or biochemically verifiable DSD still “have a special sense of privacy in their genitals.” It is unclear whether

²⁷ *Wood v. Fla. Dep’t of Educ.*, 729 F. Supp. 3d 1255 (N.D. Fla. 2024), vacated and remanded, 142 F.4th 1286 (11th Cir. 2025).

²⁸ *Wood v. Fla. Dep’t of Educ.*, 142 F.4th 1286, 1290 (11th Cir. 2025). *But see Meriwether v. Hartop*, 992 F.3d 492 (6th Cir. 2021) (holding that the First Amendment protects free speech rights of a professor’s and the professor couldn’t be required to use a student’s preferred pronouns).

requiring an individual to reveal such ‘DSD to an employer in order to establish what pronouns the employee desires, would violate the “special sense of privacy in their genitals.”

Individuals who must now disclose their verifiable DSD in order to be referred to by the ‘right’ pronoun are now treated differently under the law from individuals without a verifiable DSD. It is unclear if this raises discrimination concerns, as individuals without such disorders do not have to provide medical documentation to be referred to by their “preferred pronouns.”

VIII. Statutes Affected:

This bill creates section 110.1051 and substantially amends sections 760.10 and 760.11 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.



837724

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 32 - 34

and insert:

Section 2. Section 112.0456, Florida Statutes, is created
to read:

112.0456 Personal pronouns.-

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



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11 And the title is amended as follows:
12 Delete line 4
13 and insert:
14 112.0456, F.S.; defining terms; specifying an

By Senator McClain

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1 A bill to be entitled
2 An act relating to gender identity employment
3 practices; providing a short title; creating s.
4 110.1051, F.S.; defining terms; specifying an
5 employment policy of this state relating to a person's
6 sex; providing applicability; prohibiting employees
7 and contractors of certain employers from being
8 required to use certain pronouns or requiring such
9 employers to use a pronoun that does not correspond to
10 the employee's or contractor's sex; prohibiting the
11 inclusion on certain forms of specified options
12 relating to an applicant's sex; prohibiting adverse
13 personnel action on the basis of sincerely held
14 religious, moral, conscience-based, or biology-based
15 beliefs against gender ideology; providing
16 administrative and civil remedies; providing
17 reasonable attorney fees and costs; authorizing the
18 Department of Management Services to adopt rules;
19 amending s. 760.10, F.S.; providing that it is an
20 unlawful employment practice for certain employers to
21 require certain training, instruction, or activity as
22 a condition of employment; defining the term
23 "employer"; reenacting s. 760.11(1) and (15), F.S.,
24 relating to administrative and civil remedies, to
25 incorporate the amendment made to s. 760.10, F.S., in
26 references thereto; providing an effective date.

28 Be It Enacted by the Legislature of the State of Florida:
29

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

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30 Section 1. This act may be cited as the "Freedom of
31 Conscience in the Workplace Act."
32 Section 2. Section 110.1051, Florida Statutes, is created
33 to read:
34 110.1051 Personal pronouns.—
35 (1) As used in this section, the term:
36 (a) "Adverse personnel action" means the discharge,
37 suspension, transfer, demotion, or lack of promotion of an
38 employee or a contractor or the withholding of bonuses, the
39 withholding of promotional opportunities, the reduction in
40 salary or benefits, or any other adverse action taken against an
41 employee or a contractor within the terms and conditions of
42 employment by an employer.
43 (b) "Contractor" means an individual, a partnership, a
44 corporation, or a business entity that enters or attempts to
45 enter into a contract for services with an employer.
46 (c) "Employee" means an individual employed by, or
47 attempting to be employed by, an employer.
48 (d) "Employer" means the state or any county, municipality,
49 or special district or any subdivision or agency thereof.
50 (e) "Gender identity" means a fully internal and subjective
51 sense of self, disconnected from biological reality and sex, and
52 existing on an infinite continuum that does not provide a
53 meaningful basis for identification and cannot be recognized as
54 a replacement for sex.
55 (f) "Gender ideology" means the false belief that replaces
56 the biological category of sex with an ever-shifting concept of
57 self-assessed gender identity, permitting the false claim that
58 males can identify as and become women and vice versa, and

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59 requiring all institutions of society to regard this false claim
 60 as true. The term includes the idea that there is a vast
 61 spectrum of genders that are disconnected from a person's sex.
 62 Gender ideology is internally inconsistent in that it diminishes
 63 sex as an identifiable or useful category but nevertheless
 64 maintains that it is possible for a person to be born in the
 65 wrong sexed body.

66 (g) "Sex" means the classification of a person as either
 67 female or male based on the organization of the body of such
 68 person for a specific reproductive role, as indicated by the
 69 person's sex chromosomes, naturally occurring sex hormones, and
 70 internal and external genitalia present at birth.

71 (2) It is the policy of this state that a person's sex is
 72 an immutable biological trait and that it is false to ascribe to
 73 a person a pronoun that does not correspond to such person's
 74 sex. This section does not apply to individuals born with a
 75 genetically or biochemically verifiable disorder of sex
 76 development, including, but not limited to, 46,XX disorder of
 77 sex development; 46,XY disorder of sex development; sex
 78 chromosome disorder of sex development; XX or XY sex reversal;
 79 and ovotesticular disorder.

80 (3) An employee or a contractor may not be required, as a
 81 condition of employment or to avoid adverse personnel action, to
 82 refer to another person using that person's preferred pronouns
 83 if such pronouns do not correspond to that person's sex.

84 (4) An employee or a contractor may not require an employer
 85 to use his or her preferred pronouns if such preferred pronouns
 86 do not correspond to the employee's or contractor's sex.

87 (5) A job application or other related employment form that

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88 requires an applicant to mark his or her sex may only inquire if
 89 the applicant is male or female and may not provide a nonbinary
 90 or other option.

91 (6) (a) It is an unlawful employment practice for an
 92 employer to take adverse personnel action against an employee or
 93 a contractor because of the employee's or contractor's sincerely
 94 held religious, moral, conscience-based, or biology-based
 95 beliefs against gender ideology, whether those views are
 96 expressed by the employee or contractor at or away from the
 97 worksite.

98 (b) An employee or a contractor aggrieved by a violation of
 99 this subsection may avail himself or herself of the
 100 administrative and civil remedies provided in s. 760.11. The
 101 court shall award reasonable attorney fees and costs to the
 102 prevailing party.

103 (7) The Department of Management Services may adopt rules
 104 to administer this section.

105 Section 3. Present subsections (10) and (11) of section
 106 760.10, Florida Statutes, are redesignated as subsections (11)
 107 and (12), respectively, and a new subsection (10) is added to
 108 that section, to read:

109 760.10 Unlawful employment practices.-

110 (10) It is an unlawful employment practice for an employer
 111 who receives funding from the state to require, as a condition
 112 of employment, any training, instruction, or other activity on
 113 sexual orientation, gender identity, or gender expression. For
 114 purposes of this subsection, the term "employer" includes the
 115 state or any county, municipality, or special district or any
 116 subdivision or agency thereof.

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Section 4. For the purpose of incorporating the amendment made by this act to section 760.10, Florida Statutes, in references thereto, subsections (1) and (15) of section 760.11, Florida Statutes, are reenacted to read:

760.11 Administrative and civil remedies; construction.—

(1) Any person aggrieved by a violation of ss. 760.01-760.10 may file a complaint with the commission within 365 days of the alleged violation, naming the employer, employment agency, labor organization, or joint labor-management committee, or, in the case of an alleged violation of s. 760.10(5), the person responsible for the violation and describing the violation. Any person aggrieved by a violation of s. 509.092 may file a complaint with the commission within 365 days of the alleged violation naming the person responsible for the violation and describing the violation. The commission, a commissioner, or the Attorney General may in like manner file such a complaint. On the same day the complaint is filed with the commission, the commission shall clearly stamp on the face of the complaint the date the complaint was filed with the commission. In lieu of filing the complaint with the commission, a complaint under this section may be filed with the federal Equal Employment Opportunity Commission or with any unit of government of the state which is a fair-employment-practice agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the complaint is filed is clearly stamped on the face of the complaint, that date is the date of filing. The date the complaint is filed with the commission for purposes of this section is the earliest date of filing with the Equal Employment Opportunity Commission, the fair-employment-practice agency, or

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the commission. The complaint shall contain a short and plain statement of the facts describing the violation and the relief sought. The commission may require additional information to be in the complaint. The commission, within 5 days of the complaint being filed, shall by registered mail send a copy of the complaint to the person who allegedly committed the violation. The person who allegedly committed the violation may file an answer to the complaint within 25 days of the date the complaint was filed with the commission. Any answer filed shall be mailed to the aggrieved person by the person filing the answer. Both the complaint and the answer shall be verified.

(15) In any civil action or administrative proceeding brought pursuant to this section, a finding that a person employed by the state or any governmental entity or agency has violated s. 760.10 shall as a matter of law constitute just or substantial cause for such person's discharge.

Section 5. This act shall take effect July 1, 2026.

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 1698

INTRODUCER: Senator McClain

SUBJECT: Notice Requirements for Certain Employers to their Employees

DATE: January 30, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	McVane	GO	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 1698 allows employers to post certain required notices and posters electronically as opposed to physically at a worksite. These notices typically inform employees of their rights and protections under various federal and state laws. The electronic postings must be on the Internet in a manner that is accessible to its employees. The specific notices and posters included in the bill are:

- Those required by the U.S. Department of Labor and the U.S. Equal Employment Opportunity Commission;
- Notices to employees by certain employers who legally elect to not provide workers' compensation coverage;
- Notices informing employees about their rights and other matters relating to the Reemployment Assistance Program Law;
- Notices regarding the Child Labor Law, required by employers who hire, employ, or suffers to work any minor; and
- Information provided by the Commission on Human Relations on the Florida Civil Rights Act of 1992.

The bill additionally reenacts ss. 440.185 and 440.19, F.S., to incorporate changes made in the bill. Respectively, these statutes cover the availability of remedies under the workers' compensation program when an employee does not promptly inform the employer of his or her injuries and the burden of proof at a particular stage of a workers' compensation case.

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

The act takes effect on July 1, 2026.

II. Present Situation:

Federal U.S. Department of Labor Posters

The U.S. Department of Labor (DOL) requires employers to provide certain notices to employees, which Florida Law reinforces in s. 112.044, F.S. The DOL provides free electronic copies of the required posters and some of the posters are available in languages other than English. Generally, these posters must be posted in a conspicuous place where they can be readily seen by employees.¹

These posters and notices include:²

- “Employee Rights Under the Fair Labor Standards Act” Poster. The Fair Labor Standards Act (FLSA) establishes minimum wages, overtime pay and record keeping requirements, and child labor standards for private sector and government workers.
- “Employee Rights for Workers with Disabilities Paid at Special Minimum Wages” Poster. Required under section 14(c) of the FLSA, every employer must provide this notification to any workers employed under special minimum wage certificates.
- “Job Safety and Health: It’s the Law” Poster. This poster covers the Occupational Safety and Health Act, which requires employers to comply with occupational safety and health standards issued by the Occupational Safety and Health Administration and to provide employees with a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm.
- “Employee Rights and Responsibilities Under the Family Medical Leave Act” Poster. The Family Medical Leave Act (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees for the following reasons:
 - Birth and care of the eligible employee’s child, or placement for adoption or foster care of a child with the employee;
 - Care of an immediate family member (spouse, child, parent) who has a serious health condition; or
 - When the employee is unable to work due to his or her own serious health condition.
- Migrant and Seasonal Agricultural Worker Protection Act Notice. This act requires farm labor contractors, agricultural employers, and agricultural associations who recruit, solicit, hire, employ, furnish, transport, or house agricultural workers, as well as providers of migrant housing, to meet certain minimum requirements in their dealings with migrant and seasonal agricultural workers. Each employer covered by the act who provides housing to migrant agricultural workers shall post in a conspicuous place, throughout the occupancy period, information on the terms and conditions of occupancy of such housing.
- Employee Polygraph Protection Act (EPPA) Notice. The EPPA prohibits most private employers from using lie detector tests, either for pre-employment screening or during the course of employment.

¹ U.S. Dep’t of Labor, *Workplace Posters*, <https://www.dol.gov/general/topics/posters> (last visited Jan. 26, 2026). In some instances, the notice can be directly provided to a relevant employee and not posted (Employee Rights for Workers with Disabilities Paid at Special Minimum Wage), or via email (Uniformed Services Employment and Re-employment Rights Act (USERRA)).

² U.S. Dep’t of Labor, *Workplace Posters*, <https://www.dol.gov/general/topics/posters> (last visited Jan. 26, 2026).

- “Your Rights Under USERRA” Notice/Poster. The Uniformed Services Employment and Reemployment Rights Act (USERRA) ensures that service members are not disadvantaged in their civilian careers because of their military service. Employers are required to provide to persons entitled to the rights and benefits under the USERRA a notice of the rights, benefits, and obligations of employees and employers under the USERRA.
- Employee rights under the H-2A program. This notice lists certain rights of temporary, non-immigrant workers in agriculture, such as rights relating to wages, transportation, discrimination, and disclosures.

Federal contractors have additional workplace poster requirements. These include:³

- Notices required under the Davis-Bacon Act by employers to all employees working on federal or federally financed construction projects. The act requires all contractors and subcontractors performing work on federal or District of Columbia construction contracts in excess of \$2,000, or on federally assisted contracts, to pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits.
- “Employee Rights on Government Contracts” Poster.⁴ This poster relates to three separate laws:
 - McNamara-O’Hara Service Contract Act (SCA) – The SCA covers contracts entered into by the federal government and the District of Columbia where the principal purpose of the contract is to furnish services in the U.S. through the use of “service employees.” The SCA requires contractors and subcontractors performing services on prime contracts in excess of \$2,500 to pay service employees in various classes no less than the wage rates and fringe benefits found prevailing in the locality, or the rates (including prospective increases) contained in a predecessor contractor’s collective bargaining agreement.⁵
 - Walsh-Healey Public Contracts Act (PCA) – The PCA, as amended, establishes minimum wage, maximum hours, and safety and health standards for work on contracts in excess of \$15,000 for the manufacturing or furnishing of materials, supplies, articles, or equipment to the U.S. government or the District of Columbia.⁶
 - The Contract Work Hours and Safety Standards Act (CWHSSA) – The CWHSSA applies to contractors on certain contracts with the federal government or the District of Columbia that require or involve the employment of laborers or mechanics (including guards and watchpersons), including federal service contracts and federal construction contracts over \$150,000 (or \$100,000 in certain instances). Under the CWHSSA, contractors must pay laborers and mechanics, including watchpersons and guards, employed in the performance of covered contracts not less than one and one-half times their basic rate of pay for all hours worked over 40 in a workweek.⁷

³ *Id.*

⁴ U.S. Dep’t of Labor, eLaws Advisors: Compliance Assistance Resources, *FirstStep Poster Advisor*, https://webapps.dol.gov/elaws/firststep/poster_direct.htm?p_sca=1 (last visited Jan. 25, 2026).

⁵ U.S. Dep’t of Labor, Wage and Hour Division, *McNamara-O’Hara Service Contract Act (SCA)*, <https://www.dol.gov/agencies/whd/government-contracts/service-contracts> (last visited Jan. 25, 2026).

⁶ U.S. Dep’t of Labor, Wage and Hour Division, *Walsh-Healey Public Contracts Act (PCA)*, <https://www.dol.gov/agencies/whd/government-contracts/pca> (last visited Jan. 25, 2026).

⁷ U.S. Dep’t of Labor, eLaws Advisors: Compliance Assistance Resources, *Employment Law Guide: Federal Contracts-Working Conditions: Hours and Safety Standards in Construction Contracts*, <https://webapps.dol.gov/elaws/elg/cwhssa.htm> (last visited Jan. 25, 2026).

- “Notification of Employee Rights Under Federal Labor Laws” Poster. Federal contractors and subcontractors are required to inform employees of their rights under the National Labor Relations Act (NLRA), the primary law governing relations between unions and employers in the private sector. The notice, prescribed in the DOL’s regulations, informs employees of federal contractors and subcontractors of their rights under the NLRA to organize and bargain collectively with their employers and to engage in other protected concerted activity. Additionally, the notice provides examples of illegal conduct by employers and unions, and it provides contact information to the National Labor Relations Board.⁸

Federal law provides various potential penalties for employers who fail to make required postings depending on what information is not provided. For instance, there are no penalties or citations for failure to post about the FLSA; but an employer may be fined for failure to post about the FMLA, MSPA, or EPPA.⁹

Whether notices are provided electronically or in hard-copy format, it is an employer’s obligation to provide the required notices to all affected individuals.

Electronic Posting

Generally, electronic postings of the DOL posters do not replace the statutory and regulatory requirements that employers post hard-copy notice.¹⁰ Responding to the increase in employees working remotely during and after the COVID-19 pandemic, the DOL provided guidance to Wage and Hour Division field staff on the limited instances in which the posting of required notices may be done electronically. The DOL directed that where laws or regulations require a notice to be continuously posted at a worksite,¹¹ electronic posting is an acceptable substitute only when “all of the employer’s employees exclusively work remotely.”¹² All required postings under the FMLA, EPPA, SCA, and FLSA (except the special minimum wage FLSA notice) must be continuous and therefore be provided at the physical worksite (unless one does not exist because the employer utilizes an exclusively remote workforce).

Even though an employer has an exclusively remote workforce, the employer must still ensure the notices are readily and easily available at all times. Employees must have access to the electronic postings without having to specifically request permission to view a file or access a computer. The employer must take further steps to inform employees of where and how to access the notice electronically. Posting on an unknown or little-known electronic location has the effect of hiding the notice and is thus insufficient. Moreover, if the affected individuals cannot easily determine which electronic posting is applicable to them and their worksite, the DOL will

⁸ U.S. Dep’t of Labor, Office of Labor-Management Standards, *Executive Order 13496: Notification of Employee Rights Under Federal Labor Laws*, <https://www.dol.gov/agencies/olms/poster/labor-rights-federal-contractors> (last visited Jan. 25, 2026).

⁹ U.S. Dep’t of Labor, *Workplace Posters*, <https://www.dol.gov/general/topics/posters> (last visited Jan. 26, 2026).

¹⁰ U.S. Dep’t of Labor Wage and Hour Division, Field Assistance Bulletin No. 2020-7, Electronic posting for purposes of the FLSA, FMLA, Section 14(c) of the FLSA, EPPA, and SCA (Dec. 23, 2020), available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fab_2020_7.pdf (last visited Jan. 25, 2026). The field guide spoke to the FLSA, FMLA, Section 14(c) of the FLSA, EPPA, and SCA.

¹¹ The field guide noted that several governing statutes and corresponding regulations—such as the FLSA and FMLA—require employers to “post and keep posted” or require posting of notice “at all times.”

¹² *Id.*

consider the electronic posting insufficient. Electronic means are not sufficient where the employer does not customarily post notices to affected employees or other affected individuals electronically.

Further, in some instances, law requires the notice to be readily seen by both employees and applicants for employment.¹³ If the employer uses an exclusively electronic posting, he or she must still ensure applicants for employment can still readily see the notice. Accordingly, solely posting on an intranet or non-publicly accessible medium may be insufficient if not specifically shared with an applicant.¹⁴

Equal Employment Opportunity Commission's Discrimination Posting Requirements

The U.S. Equal Employment Opportunity Commission requires employers to post the “Know Your Rights: Workplace Discrimination is Illegal” Poster. This poster describes the federal laws prohibiting job discrimination based on race, color, sex (including pregnancy and related conditions, sexual orientation, or transgender status), national origin, religion, age (40 and older), equal pay, disability, or genetic information (including family medical history or genetic tests or services). The poster further discusses law prohibiting retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding. Failure to post this information results in a fine.¹⁵ The Commission additionally addresses required postings under the Pregnant Workers Fairness Act, which requires covered employers to make reasonable accommodations to employees and applicants who have certain limitations relating to or arising out of pregnancy and child birth, and the Americans with Disabilities Act (ADA), which makes it unlawful to discriminate in employment against a qualified individual with a disability.¹⁶

These postings must be in a conspicuous location in the workplace where notices to applicants and employees are customarily posted. In addition to physically posting the posters, covered employers are encouraged to post the notice digitally on their web sites in a conspicuous location. In most cases, electronic posting supplements, but does not replace, the physical posting requirement. In some situations (for example, for employers without a physical location or for employees who telework or work remotely and do not visit the employer's workplace on a regular basis), it may be acceptable to only provide the online posting.¹⁷

¹³ See, e.g., 29 C.F.R. s. 801.6 (EPPA) and 29 C.F.R. 825.300(a)(1) (FMLA).

¹⁴ See U.S. Dep't of Labor Wage and Hour Division, Field Assistance Bulletin No. 2020-7, Electronic posting for purposes of the FLSA, FMLA, Section 14(c) of the FLSA, EPPA, and SCA (Dec. 23, 2020), available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fab_2020_7.pdf (last visited Jan. 25, 2026).

¹⁵ U.S. Equal Employment Opportunity Commission, “Know Your Rights: Workplace Discrimination is Illegal” Poster, <https://www.eeoc.gov/poster> (last visited Jan. 25, 2026).

¹⁶ *Id.*; U.S. Equal Employment Opportunity Commission, *The ADA: Your Responsibilities as an Employer*, <https://www.eeoc.gov/publications/ada-your-responsibilities-employer> (last visited Jan. 26, 2026); U.S. Equal Employment Opportunity Commission, *What You Should Know About the Pregnant Workers Fairness Act*, <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act> (last visited Jan. 26, 2026).

¹⁷ U.S. Equal Employment Opportunity Commission, “Know Your Rights: Workplace Discrimination is Illegal” Poster, <https://www.eeoc.gov/poster> (last visited Jan. 25, 2026).

State Minimum Wage Posting Requirements

During the 2005 Special Legislative Session (2005 B), the Legislature passed, and the Governor approved, SB 18-B creating the Florida Minimum Wage Act.¹⁸ This bill implemented the provisions of Article X, section 24 of the State Constitution, which resulted from the passage of Constitutional Amendment number 5 on the November 2, 2004, ballot. As a part of the Florida Minimum Wage Act, employers must hang posters in the workplace. Under s. 448.109, F.S., the posters must state:

- The minimum wage and the minimum wage amount for tipped workers, in addition to tips, as of January 1 of each year;¹⁹
- That the minimum wage is calculated yearly on September 30 using the consumer price index and will take effect each January 1;
- That retaliation by employers against employees who exercise their rights under the minimum wage law is prohibited. Those protected rights include filing a complaint or informing any person about an employer's noncompliance and informing any person of his or her rights under the State Constitution;
- That prior to filing a civil action against an employer to recover back wages, an employee must give the employer 15 days to resolve any claims for those wages, and that any civil action includes recovery for back wages plus damages and attorney's fees;
- That an employer who intentionally violates the minimum wage requirements may be subject to a fine of \$1,000 per violation, payable to the state;
- That the Attorney General or other official appointed by the Legislature may bring a civil action to enforce the minimum wage; and
- That further information may be obtained from Article X, section 24 of the State Constitution.

The poster must be at least 8.5 inches by 11 inches and in a format easily seen by employees. The text in the poster must be of a conspicuous size. The text in the first line must be larger than the text of any other line, and the text of the first sentence must be in bold type and larger than the text in the remaining lines.²⁰

Florida's Child Labor Law

The Department of Business and Professional Regulation, Division of Regulation, administers and enforces Florida's Child Labor Law²¹ through its Child Labor Program. The "mission of the Child Labor Program is to provide a program of education, enforcement, and administrative initiatives designed to achieve full compliance in the enforcement of Child Labor laws and

¹⁸ Chapter 2005-353, L.O.F

¹⁹ Effective September 30, 2025, the Florida minimum wage was \$14.00 per hour, with a minimum wage of at least \$10.98 per hour for tipped employees, in addition to tips, through September 29, 2026. Florida Commerce, *MINIMUM WAGE IN FLORIDA: Notice to Employees*, available at https://www.floridajobs.org/docs/default-source/business-growth-and-partnerships/for-employers/posters-and-required-notices/2025-minimum-wage/2025-minimum-wage-poster---english.pdf?sfvrsn=db953eb0_3 (last visited Jan. 25, 2026).

²⁰ Section 448.109, F.S.

²¹ See ss. 450.001-450.165, F.S.

ensure the health, education and welfare of Florida's working minors."²² Florida's Child Labor Law restricts the employment of minors, sometimes more than federal law. An employer who employs a minor must contact the division for a copy of the poster required under the Child Labor Law.

Florida Civil Rights Law

The Florida Civil Rights Act of 1992 secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state. The Commission on Human Relations is tasked with providing information about the Florida Civil Rights Act of 1992 to each employer, employment agency, and labor organization. The information must be posted in a conspicuous place on employer, employment agency, and labor organization's premises.

ADA Online Posting Requirements

The ADA requires that title II entities (State and local governments) and title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. Communication disabilities encompass vision, hearing, and speech disabilities. Under the ADA, printed notices should also be made available in an accessible format, as needed, to people with communication disabilities. Notices can be recorded on an audio file, provided in an electronic format that can be utilized by screen-reading technology, or read to applicants or employees.

The Department of Justice also adopted specific regulations regarding accessibility of online sources.²³ The rule has specific requirements about how to make sure that web content and mobile applications are accessible to people with disabilities. Some examples of accessibility barriers to effective online communication addressed in the rule include poor color contrast, small text size and text spacing, lack of alternative text, and mouse-only navigation.²⁴

III. Effect of Proposed Changes:

The bill allows employers to provide notifications for employees either on the Internet in a manner that is accessible to its employees or members or, as current law requires, posted in hard-copy at the workplace. To authorized the alternative electronic postings, **sections 1-6**, respectively, amend the following:

- Section 112.044, F.S., which requires the state and any county, municipality, or special district or any subdivision or agency thereof; any person, including any agent thereof,

²² Florida Dep't of Business & Professional Regulation, *Child Labor Waiver Information*, <https://www2.myfloridalicense.com/child-labor/> (last visited Jan. 25, 2026).

^a

²⁴ U.S. Dep't of Justice, Civil Rights Division, *Guidance on Web Accessibility and the ADA* (Mar. 18, 2022), ADA.GOV, <https://www.ada.gov/resources/web-guidance/> (last visited Jan. 27, 2026); World Wide Web Consortium, *How to Meet WCAG (Quick Reference)*, <https://www.w3.org/WAI/WCAG22/quickref/#adaptable> (last visited Jan. 27, 2026). These guidelines were adopted by the Department of Justice. 89 CFR 31320.

regularly undertaking, with or without compensation, to procure employees for an employer, including state and local employment services receiving federal assistance; and labor organization to post notices required by the U.S. Department of Labor and the Equal Employment Opportunity Commission. The bill allows these postings to be on the Internet.

- Section 440.055, F.S., which allows an employer with less than four employees to elect to not secure payment of workers' compensation if the employer posts clear notice in a conspicuous location at each worksite. The bill permits the employer to provide such notification on the Internet in a manner accessible to his or her employees.
- Section 443.151, F.S., which requires employers to post and maintain in places readily accessible to her or his employee printed statements concerning benefit rights, claims for benefits, and other matters relating to the administration of the Reemployment Assistance Program Law. Under the bill, employers alternatively are permitted to provide this information on the Internet in a manner accessible to the employees.
- Section 450.045, F.S., which requires any person who hires, employs, or suffers to work any minor to post at a conspicuous place on the property or place of employment, where it may be easily read, a poster notifying minors of the Child Labor Law (ss. 450.001-450.165, F.S.). The bill allows the employer to post a copy of the poster in a manner accessible to employees.
- Section 760.10, F.S., which requires employers, employing agencies, and labor organizations to post and keep posted in conspicuous places upon its premises a notice by the Commission on Human Relations on the Florida Civil Rights Act of 1992. Employers, employing agencies, and labor organizations, under the bill, could instead provide this information on the Internet in a manner accessible to employees or members.

Sections 7 and 8, to incorporate changes made to s. 440.055, F.S., respectively reenact:

- Section 440.185, F.S., which allows an employee who suffers an injury arising out of and in the course of employment to seek benefits under workers' compensation laws even if he or she does not advise his or her employer of the injury within 30 days after the date of or initial manifestation of the injury, if the employer failed to post required notices; and
- Section 440.19, F.S., which provides burdens of proof in certain instances in workers' compensation cases.

Section 9 provides 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 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:

Employers may save costs related to printing and shipping of physical posters to the worksite.

Employers that misinterpret their duties under federal law and fail to still post a hard-copy of posters required by federal law posted at a physical worksite may be subject to fines or suit.

C. Government Sector Impact:

None identified.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

For federally required notices, federal law requires employers, outside of limited circumstances, to provide hard-copies at the physical worksite. Section 1 of the bill amends 112.044, F.S., which discusses notices required by the U.S. Department of Labor (DOL) and the Equal Employment Opportunity Commission. While the bill permits an employer to provide such notices on the Internet, federal law may still require an employer to physically provide the poster at the worksite. Employers may be confused by the conflicting posting requirements and could mistakenly fall short of federal requirements by relying on Florida standards.

To address this, the Legislature may wish to clarify, at lines 23-28, that an employer, employment agency, or labor organization may provide notices required by the DOL or the Equal Employment Opportunity Commission in a manner permissible under federal law. This

provides clarity to employers and adopts those instances in which the DOL or the Equal Employment Opportunity Commission permit employers to provide the relevant notices online.

VIII. Statutes Affected:

This bill substantially amends sections 12.044, 440.055, 443.151, 448.109, 450.045, 760.10, 440.185, and 440.19 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 McClain

9-01114-26

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A bill to be entitled

An act relating to notice requirements for certain employers to their employees; amending ss. 112.044, 440.055, 443.151, 448.109, 450.045, and 760.10, F.S.; providing that certain employers, employment agencies, and labor organizations comply with providing their employees or members certain information by posting notice of such information on the Internet in a manner that is accessible to such employees or members; reenacting ss. 440.185(1) and 440.19(4), F.S., relating to notice of injury or death and time bars to filing petitions for benefits, respectively, to incorporate the amendment made to s. 440.055, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (5) of section 112.044, Florida Statutes, is amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(5) NOTICE TO BE POSTED.—Each employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises, or on the Internet in a manner that is accessible to its employees or members, notices required by the United States Department of Labor and the Equal Employment Opportunity Commission.

Section 2. Section 440.055, Florida Statutes, is amended to

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read:

440.055 Notice requirements.—An employer who employs fewer than four employees, who is permitted by law to elect not to secure payment of compensation under this chapter, and who elects not to do so ~~must~~ shall post clear written notice in a conspicuous location at each worksite directed to all employees and other persons performing services at the worksite, or on the Internet in a manner that is accessible to his or her employees, of their lack of entitlement to benefits under this chapter.

Section 3. Paragraph (a) of subsection (1) of section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

(1) POSTING OF INFORMATION.—

(a) Each employer shall ~~must~~ post and maintain in places readily accessible to individuals in her or his employ ~~printed~~ statements concerning benefit rights, claims for benefits, and other matters relating to the administration of this chapter as the Department of Commerce may by rule prescribe. Each employer shall:

1. ~~must~~ Supply to individuals copies of printed statements or other materials relating to claims for benefits as directed by the rules of the department. The department shall supply these printed statements and other materials to each employer without cost to the employer; or

2. Post copies of such statements on the Internet in a manner that is accessible to her or his employees.

Section 4. Subsection (2) of section 448.109, Florida Statutes, is amended to read:

448.109 Notification of the state minimum wage.—

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(2) Each employer who must pay an employee the Florida minimum wage must:

(a) ~~shall~~ Prominently display a poster substantially similar to the one made available pursuant to subsection (3) in a conspicuous and accessible place in each establishment where such employees are employed; or

(b) Post a copy of such poster on the Internet in a manner that is accessible to his or her employees.

Section 5. Subsection (2) of section 450.045, Florida Statutes, is amended to read:

450.045 Proof of identity and age; posting of notices.—

(2) Any person who hires, employs, or suffers to work any minor must:

(a) ~~shall~~ Post at a conspicuous place on the property or place of employment, where it may be easily read, a poster notifying minors of the Child Labor Law, to be provided by the division upon request; or

(b) Post a copy of such poster on the Internet in a manner that is accessible to his or her employees.

Section 6. Subsection (11) of section 760.10, Florida Statutes, is amended to read:

760.10 Unlawful employment practices.—

(11) Each employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises, or on the Internet in a manner that is accessible to its employees or members, a notice provided by the commission setting forth such information as the commission deems appropriate to effectuate the purposes of ss. 760.01-760.10.

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Section 7. For the purpose of incorporating the amendment made by this act to section 440.055, Florida Statutes, in a reference thereto, subsection (1) of section 440.185, Florida Statutes, is reenacted to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(1) An employee who suffers an injury arising out of and in the course of employment shall advise his or her employer of the injury within 30 days after the date of or initial manifestation of the injury. Failure to so advise the employer shall bar a petition under this chapter unless:

(a) The employer or the employer's agent had actual knowledge of the injury;

(b) The cause of the injury could not be identified without a medical opinion and the employee advised the employer within 30 days after obtaining a medical opinion indicating that the injury arose out of and in the course of employment;

(c) The employer did not put its employees on notice of the requirements of this section by posting notice pursuant to s. 440.055; or

(d) Exceptional circumstances, outside the scope of paragraph (a) or paragraph (b) justify such failure.

In the event of death arising out of and in the course of employment, the requirements of this subsection shall be satisfied by the employee's agent or estate. Documents prepared by counsel in connection with litigation, including but not limited to notices of appearance, petitions, motions, or complaints, shall not constitute notice for purposes of this

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117 section.

118 Section 8. For the purpose of incorporating the amendment
119 made by this act to section 440.055, Florida Statutes, in a
120 reference thereto, subsection (4) of section 440.19, Florida
121 Statutes, is reenacted to read:

122 440.19 Time bars to filing petitions for benefits.—

123 (4) Notwithstanding the provisions of this section, the
124 failure to file a petition for benefits within the periods
125 prescribed is not a bar to the employee's claim unless the
126 carrier advances the defense of a statute of limitations in its
127 initial response to the petition for benefits. If a claimant
128 contends that an employer or its carrier is estopped from
129 raising a statute of limitations defense and the carrier
130 demonstrates that it has provided notice to the employee in
131 accordance with s. 440.185 and that the employer has posted
132 notice in accordance with s. 440.055, the employee must
133 demonstrate estoppel by clear and convincing evidence.

134 Section 9. This act shall take effect July 1, 2026.

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 7022

INTRODUCER: Education Pre-K - 12 Committee

SUBJECT: Public Records/Examination and Assessment Instruments

DATE: January 30, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Brick</u>	<u>Bouck</u>		ED Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Pre-meeting
2.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 7022 expands the public records exemption for examination and assessment instruments by adding public schools, district school boards, university boards of trustees, the State Board of Education, and the Board of Governors as additional records custodians, beyond Florida College System institutions, state universities, and the Department of Education. The bill also repeals a duplicative exemption and provides that the exemption may not be construed to limit a student or parent's rights relating to student records and education records.

The bill narrows and clarifies rulemaking and regulation authority by revising the duties of the State Board of Education and the Board of Governors: instead of adopting provisions governing access, maintenance, and destruction of exempt examination and assessment instruments, they will now adopt rules and regulations limited to establishing retention schedules and disposal processes for those exempt records.

The bill extends the scheduled repeal of the exemption from October 2, 2026, to October 2, 2031. If the bill does not become law, the exemption is scheduled to stand repealed on October 2, 2026. Because the bill expands an existing public records exemption, it requires a two-thirds vote of the members present and voting for final passage.

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

The bill takes effect upon becoming a law.

II. Present Situation:

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

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

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

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

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and 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

¹ FLA. CONST. art. I, s. 24(a).

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

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

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 create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

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

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of 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.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

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

¹⁴ *Id.*

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

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁵

Education Governance

The State Board of Education has such supervision of the system of free public education as is provided by law and is the chief implementing and coordinating body of public education in Florida, except for the State University System; the State Board of Education has authority to adopt rules to implement laws conferring duties upon it.²⁶

District school boards operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.²⁷ District school boards require the district school superintendent, as secretary, to keep minutes and records necessary to set forth clearly all actions and proceedings of the school board, and the superintendent keeps such other records as may be necessary to provide complete information regarding the district school system.²⁸

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S. The specified questions are:

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

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ FLA. CONST. art. IX, s. 2; s. 1001.02(1), F.S.

²⁷ FLA. CONST. art. IX, s. 4(b); s. 1001.32(2), F.S.

²⁸ Section 1001.42(1), F.S.; s. 1001.51(3), F.S.

Each institution within the Florida College System is governed by a local board of trustees.²⁹ Each Florida College System institution's board of trustees is constituted as a body corporate and is vested with responsibility to govern the institution and make cost-effective policy decisions appropriate to the institution's mission.³⁰

The Board of Governors has authority to regulate the State University System and may adopt regulations when expressly authorized or required by law.³¹ Each local constituent university is administered by a university board of trustees.³²

Confidentiality of Assessment Instruments

The public record exemption under review makes confidential and exempt from public records inspection and copying requirements all examination or assessment instruments, including developmental materials and workpapers directly related thereto, which are prepared by, prescribed, or administered by a Florida College System institution, a state university, or the Department of Education.³³ In addition, the exemption specifically protects from disclosure the following types of examinations and assessments:³⁴

- Statewide student assessment programs for public schools and the coordinated screening and progress monitoring system (ss. 1008.22 and 1008.25, F.S.).
- Educator certification examinations and assessments (s. 1012.56, F.S.).
- English language examinations and assessments for public schools (s. 1003.56, F.S.).
- Assessments prescribed for students in Department of Juvenile Justice Education programs (s. 1003.52, F.S.).
- Florida Civic Literacy Exam (s. 1007.25, F.S.).
- Examinations and assessments given under the Florida Partnership for Minority and Underrepresented Student Achievement, which include the PSAT/NMSQT, CLT10, and PreACT (s. 1007.35, F.S.).

Provisions governing access, maintenance, and destruction of such instruments and related materials are required to be prescribed by rules of the State Board of Education and the Board of Governors, as applicable.³⁵

This exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.³⁶

²⁹ Section 1001.60(3), F.S.

³⁰ Sections 1001.63 and 1001.64(1)-(2), F.S.

³¹ FLA. CONST. art. IX, s. 7; s. 1001.706(1)(a)-(b), F.S.

³² FLA. CONST. art. IX, s. 7(c); s. 1001.71(1), F.S.

³³ Section 1008.23(2)(a), F.S.

³⁴ Section 1008.23(1), F.S.

³⁵ Section 1008.23(1) and (2)(b), F.S.

³⁶ Section 1008.23(3), F.S.

Open Government Sunset Review Findings and Recommendations

In August 2025, the Senate Education Pre-K–12 Committee and the House Government Operations Subcommittee jointly sent an Open Government Sunset Review questionnaire to the 12 institutions of the State University System, the 28 institutions of the Florida College System, and 67 school districts. The survey sought information regarding the need to maintain the exemption related to examination and assessment instruments.

All of the respondents recommended that the exemption remain in effect to maintain the integrity of examination and assessment instruments. Several school districts reported spending funds to develop assessments used to evaluate teachers and students and requested that the exemption also apply to examination and assessment instruments prepared by a district school board.

Student and Parent Rights Regarding Education Records

Student and parent rights with respect to education records created, maintained, or used by public educational institutions and agencies are protected in accordance with the Family Educational Rights and Privacy Act (FERPA), the implementing regulations, and Florida law.³⁷ Compliance with FERPA is tied to the eligibility of public educational institutions and agencies to receive federal funds and participate in federal programs.³⁸

Test instruments or question booklets that do not identify a student and do not contain personally identifiable information are not education records subject to FERPA access provisions.³⁹ Completed test instruments or question booklets that contain information identifying a particular student constitute education records subject to FERPA. When an answer sheet is separate from a question booklet that is not directly related to a student, the answer sheet generally constitutes the education record. When a question booklet includes both the questions and the student's responses, the booklet constitutes an education record.⁴⁰

III. Effect of Proposed Changes:

The bill amends s. 1008.23(2)(a), F.S., to provide that all examination and assessment instruments, including developmental materials and workpapers directly related thereto, are confidential and exempt from public records inspection and copying requirements when held by any of the following entities, rather than when such instruments are prepared, prescribed, or administered by a Florida College System institution, a state university, or the Department of Education:

- A public school.
- A district school board.
- A Florida College System institution.

³⁷ Section 1002.22(2), F.S.

³⁸ Section 1002.22(2), F.S.

³⁹ U.S. Department of Education, Student Privacy Policy Office, *Letter to Britt Silver, Esq., Ingermann Smith, L.L.P., re: Test Protocols and FERPA* (Aug. 7, 1998), 2, available at https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Letter_to_Attorney_in_New_York_Regarding_Test_Protocols_and_FERPA_August1998.pdf.

⁴⁰ *Id.*

- A state university.
- A board of trustees.
- The Department of Education.
- The State Board of Education.
- The Board of Governors.

The bill deletes the duplicative exemption codified in s. 1008.23(1), F.S., that applies only to examination and assessment instruments prepared, prescribed, or administered pursuant to specified statutes, including provisions relating to statewide student assessment, student progression, and educator certification examinations.

Retention Schedules and Disposal Process

The bill requires the State Board of Education and the Board of Governors to adopt rules and regulations, respectively, establishing retention schedules and a disposal process for the exempt records. The bill deletes language requiring rules and regulations governing “access, maintenance, and destruction” of the instruments and related materials.

Authorized and Required Disclosures of Exempt Information

The bill authorizes any covered entity to disclose confidential and exempt instruments and related materials to any other covered entity. The bill also requires a public school, district school board, Florida College System institution, or state university to provide the confidential and exempt information to the Department of Education, the State Board of Education, or the Board of Governors upon request.

Construction of Student and Parent Rights

The bill provides that the exemption may not be construed to limit, abridge, or infringe student and parent rights regarding student records and education records under state law.

Open Government Sunset Review Public Necessity

The bill extends the scheduled repeal of the exemption from October 2, 2026, to October 2, 2031.

The bill includes a public necessity statement finding that disclosure would facilitate cheating and academic dishonesty, compromise the validity and reliability of assessments, and undermine the fair measurement of student learning and program effectiveness.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands the exemption for records relating to certain examinations and assessments, thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

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

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption from the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to:

- Prevent cheating and academic dishonesty by maintaining the confidentiality of examination and assessment instruments and related secure materials.
- Protect the validity and reliability of examinations and assessments by preventing public disclosure of test items, prompts, answer keys, scoring rubrics, item specifications, and related developmental materials and workpapers.
- Preserve fair measurement of student learning and program effectiveness through secure administration of recurring assessments.
- Avoid significant public expenditures that would be required to replace compromised instruments and rebuild secure item banks.

This bill exempts from public inspection and copying requirements only examinations and assessments, including developmental materials and workpapers directly related thereto, which are held by a district school board, Florida College System institution, a state university, or the Florida Department of Education. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 1008.23 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By the Committee on Education Pre-K - 12

581-02047-26

20267022

A bill to be entitled

An act relating to public records; amending s. 1008.23, F.S.; deleting a duplicative exemption from public records requirements for certain examination and assessment instruments; expanding an exemption from public records requirements for examination and assessment instruments to include such instruments when held by certain entities; requiring the State Board of Education and the Board of Governors to adopt rules and regulations, respectively, governing the retention and disposal process for specified records; deleting a provision requiring the State Board of Education and the Board of Governors to adopt certain rules and regulations, respectively, governing access to records; authorizing specified entities to disclose exempt information to certain entities; requiring specified entities to disclose confidential and exempt information in certain circumstances; providing construction; extending the scheduled repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 1008.23, Florida Statutes, is amended to read:

1008.23 Confidentiality of assessment instruments.—

(1) ~~All examination and assessment instruments, including developmental materials and workpapers directly related thereto,~~

Page 1 of 4

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

581-02047-26

20267022

~~which are prepared, prescribed, or administered pursuant to ss. 1002.69, 1003.52, 1003.56, 1007.25, 1007.35, 1008.22, 1008.25, and 1012.56 shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the State Board of Education.~~

(2) (a) All examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are held prepared, prescribed, or administered by a public school, a district school board, a Florida College System institution, a state university, a board of trustees, or the Department of Education, the State Board of Education, or the Board of Governors shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) The State Board of Education and the Board of Governors shall adopt rules and regulations, respectively, establishing retention schedules and a disposal process for the records described in paragraph (a) ~~Provisions governing access, maintenance, and destruction of the instruments and related materials identified under paragraph (a) shall be prescribed by rules of the State Board of Education and regulations of the Board of Governors, respectively.~~

(c) 1. An entity listed in paragraph (a) may disclose the information made confidential and exempt from public records inspection and copying requirements by this section to any other entity listed in that paragraph.

2. A public school, district school board, Florida College

Page 2 of 4

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

581-02047-26

20267022

system institution, or state university must, upon request, disclose the information made confidential and exempt from public records inspection and copying requirements by this section to the Department of Education, the State Board of Education, or the Board of Governors.

(d) Nothing in this section shall be construed to limit, abridge, or infringe on the rights of students and parents with respect to student records and education records pursuant to ss. 1002.20 and 1002.22.

(2)(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are held by a public school, a district school board, a Florida College System institution, a state university, a board of trustees, the Department of Education, the State Board of Education, or the Board of Governors be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Public schools and district school boards routinely develop, license, and administer recurring classroom, course, school, and district assessments, frequently drawing upon secure item banks and developmental materials used across schools and administrations. Public disclosure of test items, prompts, answer keys, scoring rubrics, item specifications, field-testing materials, and related developmental workpapers would enable cheating and academic

581-02047-26

20267022

dishonesty, compromise the validity and reliability of local assessments, undermine fair measurement of student learning and program effectiveness, and necessitate significant public expenditures to replace compromised instruments and rebuild secure item banks. The boards of trustees of Florida College System institutions and universities as well the State Board of Education and the Board of Governors oversee institutions that develop, license, and administer examinations and assessment instruments and in that role receive such information, which, if made public, would enable cheating and academic dishonesty, compromise the validity and reliability of examinations and assessments, undermine fair measurement of student learning and program effectiveness, and necessitate significant public expenditures to replace compromised instruments and rebuild secure item banks. As such, the Legislature finds that the harm that may result from the release of such examination and assessment instruments outweighs any public benefit that may be derived from disclosure.

Section 3. This act shall take effect upon becoming a law.

1160

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Vicky Bufano

is duly appointed a member of the

Florida Commission on Human Relations

for a term beginning on the Tenth day of October, A.D., 2025,
until the Thirtieth day of September, A.D., 2028 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Sixth day of November, A.D., 2025.*



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 OCT 16 AM 11:36
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 10, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 760.03, Florida Statutes:

Mrs. Vicky Bufano



as a member of the Florida Commission on Human Relations, filling a vacant seat previously occupied by Vivian Myrtetus, subject to confirmation by the Senate. This appointment is effective October 10, 2025, for a term ending September 30, 2028.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

RECEIVED
DEPARTMENT OF STATE
2025 NOV -3 AM 9:26
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Jefferson

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Commission of Human Relations

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature Vicky Bufano

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 26th day of October, 2025

Gloria Ann Mediate

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Gloria Ann Mediate

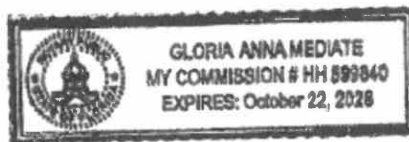
Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FLDL

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

[Redacted]
Street or Post Office Box

Vicky Bufano
Print Name

[Redacted]
City, State, Zip Code

Vicky Bufano
Signature

1160

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Jose A. Vicente

is duly appointed a member of the

Florida Commission on Human Relations

for a term beginning on the Tenth day of October, A.D., 2025,
until the Thirtieth day of September, A.D., 2028 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of December, A.D., 2025.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 OCT 16 AM 11:36
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 10, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 760.03, Florida Statutes:

Mr. Jose Vicente



as a member of the Florida Commission on Human Relations, succeeding Jay Pichard, subject to confirmation by the Senate. This appointment is effective October 10, 2025, for a term ending September 30, 2028.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

RECEIVED
DEPARTMENT OF STATE
2025 NOV 24 AM 8:50
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of ORANGE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Commission on Human Relations
(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature [Signature]

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this ☐ day of November, 2025.

[Signature]

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name _____

Title _____

Court _____

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



SYDNEY ESCOBEDO
Commission # HH 650642
Expires March 12, 2029

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

[Redacted]
Street of Post Office Box

[Redacted]
City, State, Zip Code

JOSE A. VICENTE
Print Name

[Signature]
Signature

1160

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Mitch Elich Toryanski

is duly appointed a member of the

Florida Commission on Human Relations

for a term beginning on the Tenth day of October, A.D., 2025,
until the Thirtieth day of September, A.D., 2029 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of December, A.D., 2025.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 OCT 16 AM 11:36
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 10, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 760.03, Florida Statutes:

Mr. Mitch Toryanski



as a member of the Florida Commission on Human Relations, succeeding Larry Hart, subject to confirmation by the Senate. This appointment is effective October 10, 2025, for a term ending September 30, 2029.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

RECEIVED

OATH OF OFFICE

2025 NOV 24 AM 8:59

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

DIVISION OF ELECTIONS
STATE OF FLORIDA

County of Sarasota

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Commission on Human Relations

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

M. Toryanski

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 11 day of October, 2025

[Signature]
Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath – see § 92.50, Florida Statutes.)

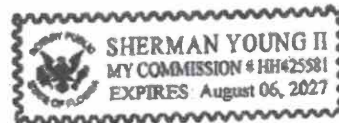
Print Name

Title

Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known ☐ OR Produced Identification ☒
Type of Identification Produced Driver's License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

[Redacted]
Street or Post Office Box

[Redacted]
City, State, Zip Code

Mitchell Elich Toryanski

Print Name

Signature

M. Toryanski

1160

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Amanda L. Neff

is duly appointed a member of the

Florida Commission on Human Relations

for a term beginning on the Tenth day of October, A.D., 2025,
until the Thirtieth day of September, A.D., 2027 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twentieth day of October, A.D., 2025.*



A handwritten signature in dark ink, appearing to read "C. Byrd".

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RON DeSANTIS
GOVERNOR

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DEPARTMENT OF STATE
2025 OCT 16 AM 11:35
DIVISION OF ELECTIONS
TALLAHASSEE, FL.

October 10, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 760.03, Florida Statutes:

Ms. Amanda Neff



as a member of the Florida Commission on Human Relations, succeeding Pamela Payne, subject to confirmation by the Senate. This appointment is effective October 10, 2025, for a term ending September 30, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

2025 OCT 15 PM 1:56

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Florida Commission on Human Relations

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

A. L. Neff

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 15th day of October, 2025.

Amanda Miller

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath – see § 92.50, Florida Statutes.)

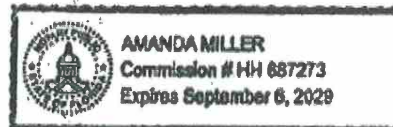
Print Name

Title

Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL DL

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒

Office ☐

Street or Post Office Box

City, State, Zip Code

Amanda L. Neff

Print Name

Signature

A. L. Neff

1160

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Mark Miller

is duly appointed a member of the

Florida Commission on Human Relations

for a term beginning on the Tenth day of October, A.D., 2025,
until the Thirtieth day of September, A.D., 2029 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Nineteenth day of November, A.D., 2025.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 OCT 16 AM 11:36
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 10, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 760.03, Florida Statutes:

Mr. Mark Miller



as a member of the Florida Commission on Human Relations, succeeding Brian Battaglia, subject to confirmation by the Senate. This appointment is effective October 10, 2025, for a term ending September 30, 2029.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

2025 NOV 18 AM 11:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of

MARTIN

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner for the Florida Commission on Human Relations

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

[Signature]

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 10th day of November 2025

Paula Puccio

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



PAULA PUCCIO
Commission #HH348031
Expires February 12, 2027

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

Street or Post Office Box

City, State, Zip Code

MARK MILLER

Print Name

Signature

1160

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Michael A. Kessie

is duly appointed a member of the

Florida Commission on Human Relations

for a term beginning on the Tenth day of October, A.D., 2025,
until the Thirtieth day of September, A.D., 2028 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fourth day of October, A.D., 2025.*



Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 OCT 16 AM 11:36
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 10, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 760.03, Florida Statutes:

Mr. Michael Kessie
6609 64th Terrace East
Bradenton, Florida 34203

as a member of the Florida Commission on Human Relations, succeeding Angela Primiano, subject to confirmation by the Senate. This appointment is effective October 10, 2025, for a term ending September 30, 2028.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

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DEPARTMENT OF STATE

2025 OCT 20 PM 3:40

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Manatee

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Commission on Human Relations Commissioner

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Michael A. Kessie

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 17 day of Oct, 2025

CIARA HAWK

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



CIARA HAWK
Notary Public
State of Florida
Comm# HH468754
Expires 11/29/2027

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL DL

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒

Office ☐

Street or Post Office Box

City, State, Zip Code

Michael A. Kessie

Print Name

Signature

Michael A. Kessie

1160

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Chad Bayse

is duly appointed a member of the

Florida Commission on Human Relations

for a term beginning on the Tenth day of October, A.D., 2025,
until the Thirtieth day of September, A.D., 2029 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirtieth day of October, A.D., 2025.*



Secretary of State



RON DESANTIS RECEIVED
GOVERNOR DEPARTMENT OF STATE
2025 OCT 16 AM 11:36

DIVISION OF ELECTIONS
TALLAHASSEE FL

October 10, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 760.03, Florida Statutes:

Mr. Chad Bayse



as a member of the Florida Commission on Human Relations, succeeding Matthew Klein, subject to confirmation by the Senate. This appointment is effective October 10, 2025, for a term ending September 30, 2029.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

RECEIVED
DEPARTMENT OF STATE

2025 OCT 29 PM 2:04

DIVISION OF ELECTIONS
TALLAHASSEE FL

STATE OF FLORIDA

County of Manatee

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Florida Commission on Human Relations

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature Chad Bayse

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 28th day of OCTOBER, 2022

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath— see § 92.50, Florida Statutes.)

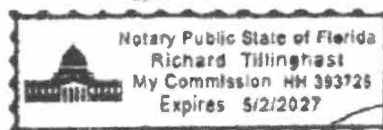
Print Name

Title

Court

(To be completed by officer administering oath, other than judges— see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL DL

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

Street or Post Office Box

City, State, Zip Code

Chad Bayse

Print Name

Signature

2181

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Jason Andreotta

is duly appointed a member of the
State Retirement Commission

for a term beginning on the Thirtieth day of September, A.D.,
2025, until the Thirty-First day of December, A.D., 2028 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirtieth day of October, A.D., 2025.*



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 OCT -1 PM 4:11
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 30, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 121.22, Florida Statutes:

Mr. Jason Andreotta
1716 Kelso Avenue
Lake Worth, Florida 33460

as a member of the State Retirement Commission, filling a vacant seat previously occupied by James Percival, subject to confirmation by the Senate. This appointment is effective September 30, 2025, for a term ending December 31, 2028.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes) 2025 OCT 27 AM 11:42

STATE OF FLORIDA

County of Palm Beach

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Retirement Commission

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

(NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.)

Signature

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 10th day of October, 2025.

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

1716 Kelso Ave

Street or Post Office Box

Lake Worth Beach, FL 33460

City, State, Zip Code

Jason Andreotta

Print Name

Signature

2181

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Alexandra La Torre

is duly appointed a member of the
State Retirement Commission

for a term beginning on the Thirtieth day of September, A.D.,
2025, until the Thirty-First day of December, A.D., 2027 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Third day of December, A.D., 2025.*



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 OCT -1 PM 4:11
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 30, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 121.22, Florida Statutes:

Ms. Alexandra La Torre
1935 Temple Drive
Tallahassee, Florida 32303

as a member of the State Retirement Commission, filling a vacant seat previously occupied by Jonathon Manalo, subject to confirmation by the Senate. This appointment is effective September 30, 2025, for a term ending December 31, 2027.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Chair of the State Retirement Commission

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Alexandra La Torre

Sworn to and subscribed before me by means of physical presence ☐ OR online notarization ☐
this 16 day of December, 2025.

Holly Wiggins

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



HOLLY WIGGINS
Commission # HH 393875
Expires May 3, 2027

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

1935 Temple Drive

Street or Post Office Box

Tallahassee, FL 32303

City, State, Zip Code

Alexandra La Torre

Print Name

Alexandra La Torre
Signature

2181

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Jesse Dyer

is duly appointed a member of the
State Retirement Commission

for a term beginning on the First day of January, A.D., 2026,
until the Thirty-First day of December, A.D., 2029 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of December, A.D., 2025.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 OCT -1 PM 4:11
DIVISION OF ELECTIONS
TALLAHASSEE, FL.

September 30, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 121.22, Florida Statutes:

Mr. Jesse Dyer
215 South Monroe Street
Suite 804
Tallahassee, Florida 32301

as a member of the State Retirement Commission, subject to confirmation by the Senate. This appointment is effective January 1, 2026, for a term ending December 31, 2029.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

RECEIVED
DEPARTMENT OF STATE
2025 NOV 20 PM 2:05
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

State Retirement Commission

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Jesse Dyer

Sworn to and subscribed before me by means of physical presence ☒ OR online notarization ☐
this 18th day of November, 2025.

Abbey C. Stowers

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

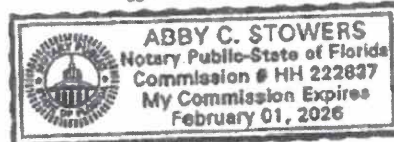
Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known ☒ OR Produced Identification ☐
Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

215 S. Monroe St, Suite 804 Jesse Dyer
Street or Post Office Box Print Name

Tallahassee, FL 32301
City, State, Zip Code

Signature

Jesse Dyer