

Tab 1	SB 108 by Grall (CO-INTRODUCERS) Burgess; Compare to H 00433 Administrative Procedures
Tab 2	SB 100 by Fine; Identical to H 00075 Display of Flags by Governmental Entities

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY

Senator Fine, Chair
Senator DiCeglie, Vice Chair

MEETING DATE: Tuesday, February 11, 2025

TIME: 1:45—3:45 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 108 Grall (Compare H 433)	Administrative Procedures; Requiring agencies to publish a certain notice of proposed rule within a specified timeframe; deleting a provision related to the timeframe within which rules are required to be drafted and formally proposed; providing that a proposal for a lower cost regulatory alternative submitted after a notice of change is made in good faith only if the proposal contains certain statements; requiring agencies, by a specified date and in coordination with the committee, to review specified rules adopted before a specified date; requiring that regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans, etc. GO 02/11/2025 Favorable RC	Favorable Yeas 7 Nays 0
2	SB 100 Fine (Identical H 75)	Display of Flags by Governmental Entities; Defining the term "governmental entity"; prohibiting governmental entities from erecting or displaying certain flags; requiring governmental entities to remain neutral in certain circumstances; authorizing a current or retired member of the United States Armed Forces or the National Guard to use reasonable force to prevent the desecration, destruction, or removal of the United States flag or to replace such flag to a position of prominence, etc. GO 02/11/2025 Favorable CA RC	Favorable Yeas 5 Nays 2
3	Presentation by the State Board of Administration regarding implementation of statutorily mandated prohibitions on investments of state funds in certain foreign investments and scrutinized companies relating to Israel, Iran, and China		Presented

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 108

INTRODUCER: Senators Grall and Burgess

SUBJECT: Administrative Procedures

DATE: February 10, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McVane	GO	Favorable
2.		RC	

I. Summary:

SB 108 amends the Administrative Procedures Act (APA), which provides a uniform set of procedures that agencies must follow when exercising rulemaking authority that has been delegated by the Legislature. This bill amends the APA rulemaking process and mandates an agency review of existing rules. The bill, in part:

- Requires each agency, in coordination with the Joint Administrative Procedures Committee, to review its rules for consistency with the powers and duties granted by the agency's enabling statutes and for any general need for update.
- Provides that agency action to make no change or a technical change to a rule during its rule review process is not subject to a hearing or challenge otherwise provided in ch. 120, F.S.
- Requires agency annual regulatory plans to include an outline of the agency's proposed five-year schedule of its rule review, with approximately 20 percent of the agency's total existing rules to be reviewed annually.
- Establishes a 90-day timeframe for an agency to publish a notice of proposed rule from the effective date of legislation that delegates applicable rulemaking authority.
- Requires an agency, for all rules being adopted and reviewed, to electronically publish the full text of any incorporated materials with the notice of proposed rulemaking and necessitates changes to that material to be coded in a strike-through and underlined format.
- Directs an agency to publish emergency rules in the Florida Administrative Register and the Florida Administrative Code, with an agency statement of the specific basis for the rule.
- Permits an agency to withdraw an emergency rule, where it can show that the underlying emergency no longer exists. An agency is also allowed to make a technical change to an emergency rule or to supersede it with different language that will remain in effect for the duration of the initial emergency rule.
- Defines the term "technical change" and directs an agency to publish technical changes in the Florida Administrative Register and document the change in the history of the rule.
- Mandates that a notice of rule development and a notice of proposed rule include the proposed rule number.

- Requires at least seven days to pass between the publication of a notice of rule development and a notice of proposed rule.

The bill may have a negative fiscal impact on state government. The impact, however, is likely indeterminate and not expected to impact agencies until a later date. See Section V. Fiscal Impact Statement.

The bill grants rulemaking authority to the Department of State to implement certain provisions.

The bill will take effect July 1, 2025.

II. Present Situation:

Rulemaking Authority

The Legislature is the sole branch of government with the inherent power to create laws.¹ However, the Legislature may use laws to delegate to executive branch agencies the power to create rules that have the force and effect of law.² Usually, the Legislature delegates rulemaking authority to a given agency because an agency has “expertise in a particular area for which they are charged with oversight.”³ An agency must have both a general and a specific grant of rulemaking authority from the Legislature.⁴ The general grant of rulemaking authority is usually broad, while the specific grant of rulemaking authority provides specific standards and guidelines the agency must implement through rulemaking.⁵ An agency, therefore, cannot create rules at its discretion but instead must limit the rule to the specific empowerments and responsibilities delegated by the Legislature in law.⁶ A rule can be an agency’s interpretation or implementation of a law, and includes forms and applications used to administer a program.⁷

The Florida Administrative Procedures Act (APA)⁸ provides a framework for rulemaking to be followed by agencies.⁹ The APA provides that rulemaking is not a matter of agency discretion; rather, each agency statement that is in effect a “rule” must be adopted by the rulemaking procedure set forth in the APA as soon as feasible and practicable.¹⁰ An agency must notice a majority of these steps in the Florida Administrative Register as the rulemaking progresses, with set times lines to promote the opportunity for public comment.¹¹ At the conclusion of the

¹ Article III, s. 1, FLA. CONST.; see also Art. II, s. 3, FLA. CONST.

² Section 120.52(17), F.S. See also, *Whiley v. Scott*, 79 So. 3d 702, 710 (Fla. 2011) (“Rulemaking is a derivative of lawmaking.”).

³ *Whiley*, 79 So. 3d 702, 711 (Fla. 2011).

⁴ Sections 120.52(8) and 120.536(1), F.S.

⁵ *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

⁶ Section 120.54(1)(a), F.S.

⁷ Section 120.52(16), F.S.

⁸ Sections 120.51 et seq., F.S.

⁹ *Dep’t. of Transp. v. Blackhawk Quarry Co. of Fla.*, 528 So. 2d 447, 449 (Fla. 4th DCA 1988); 2 FLA. JUR. Administrative law s. 5.

¹⁰ Sections 120.52 and 120.54(1); 2 FLA. JUR. Administrative law s. 5.

¹¹ *Rosenzweig v. Dep’t of Transp.*, 979 So. 2d 1050, 1053 (Fla. 1st DCA 2008) (citing *Fla. Home Builders Ass’n v. Dep’t of Labor*, 412 So.2d 351, 352-53 (Fla. 1982)). The FAR is a publication available online, maintained by the DOS, and subject to continuous revision. See s. 120.55, F.S.

rulemaking process, when a rule is adopted, it is typically published in the Florida Administrative Code (FAC).¹²

Generally, under the APA, rulemaking is a process consisting of a series of nondiscretionary activities within specific timeframes. The rulemaking process includes the following steps:

- First, the Legislature enacts a statute granting an agency the authority to make a rule;
- Second, the agency initiates the formal rulemaking process by publishing a notice of rule development in the Florida Administrative Register, which provides the public an initial opportunity to provide input;
- Third, an agency files a notice of intended agency action, which may take the form of a notice of proposed rule, amendment, or repeal. The agency is encouraged to engage in an analysis of the costs related to rulemaking at this time;
- Fourth, an agency must send supporting materials of the proposed action to the Joint Administrative Procedures Committee (JAPC);
- Fifth, the agency files the rule, amendment, or repeal for adoption with the Department of State (DOS); and
- Sixth, the rule, amendment, or repeal becomes effective and is officially published in the FAC.

As further discussed below, at several times throughout this process, citizens, and state bodies, such as JAPC, and the Executive Office of the Governor, through the Office of Fiscal Accountability and Regulatory Reform, have a right to intervene in the process and provide feedback. Consequently, the rulemaking process at times is more complex.

Florida Administrative Register Publication and Coding

Agencies must electronically submit any notice to be published in the Florida Administrative Register (FAR) through DOS's electronic rulemaking website.¹³ All rule notices submitted for publication in the FAR must be coded in the same manner used in legislative documents to aid understanding of the proposed changes—new language is underlined, and deleted language is stricken through. This coding requirement does not extend to documents incorporated into the rule by reference.

The FAR must include the following: (1) all notices required prior to the adoption, amendment, or repeal of any rule, along with the text of all proposed rules; (2) all notices of public meetings, hearings, and workshops, including a statement of the manner in which a copy of the agenda may be obtained; (3) a notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules; (4) notice of petitions for declaratory statements or administrative determinations; (5) a summary of each objection to any rule filed by the JAPC; (6) a list of rules filed for adoption in the previous seven days; (7) a list of all rules filed for adoption pending legislative ratification (a rule is withdrawn from this list once it is ratified or

¹² Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or a state university rules relating to internal personnel or business and finance are not published in the FAC. Forms are not published in the FAC. Section 120.55(1)(a), F.S. Emergency rules are also not published in the FAC. DOS, *Florida Administrative Code & Florida Federal Register*, <https://www.flrules.org/> (last visited on Feb. 3, 2025).

¹³ Fla. Admin. Code R. 1-1.011.

withdrawn); and (8) any other material required or authorized by law or deemed useful by the DOS.¹⁴

Prior to 2012, the FAR was published weekly, resulting in a period of at least 7 days between the agency's publication of a notice of rule development and a notice of intended agency action. In 2012, the Legislature changed the FAR from a weekly publication to a publication that is continuously revised and, as a result, eliminated the 7-day period between the two notices.¹⁵ Now, theoretically, an agency can publish a notice of proposed rule development on Monday and its notice of proposed rule on Tuesday, thereby limiting the public's ability to request a public rule workshop or negotiated rulemaking.

The Florida Administrative Code

The Florida Administrative Code (FAC) is an electronic compilation of all rules adopted by each agency and maintained by the DOS.¹⁶ While the FAR is generally a publication of rulemaking, the FAC is the publication of rules that have completed rulemaking and are now effective—which constitute administrative law. Each rule entry in the FAC must provide the rule's text, cite the grant of rulemaking authority and the specific law implemented, as well as a history note detailing the initial promulgation of the rule and any subsequent changes.¹⁷ Rules applicable to only one school district, community college district, or county or state university rules relating to internal personnel or business and finance are not required to be included in the FAC.¹⁸

The DOS is required to publish the following information at the beginning of each section of the code concerning an agency:

- The address and telephone number of the executive offices of the agency;
- The manner by which the agency indexes its rules; and
- A listing of all rules of that agency excluded from publication in the FAC with a statement as to where those rules may be inspected.¹⁹

Joint Administrative Procedures Committee

Joint Administrative Procedures Committee (JAPC) is a standing committee of the Legislature established by joint rule and created to maintain a continuous review of administrative rules, the statutory authority upon which those rules are based, and the administrative rulemaking process.²⁰ The JAPC *may* examine existing rules, but *must* examine each proposed rule to determine whether:

- The rule is a valid exercise of delegated legislative authority;
- The statutory authority for the rule has been repealed;
- The rule reiterates or paraphrases statutory material;
- The rule is in proper form;
- The notice given prior to adoption was sufficient;

¹⁴ See ss. 120.525, 120.54, and 120.55, F.S.

¹⁵ Chapter 2012-63, Laws of Fla.

¹⁶ Section 120.55(1)(a)1., F.S. See also, Fla. Admin Code. R. 1-1.011(1)(b).

¹⁷ *Id.*

¹⁸ Section 120.55(1)(a)2., F.S.

¹⁹ Section 120.55(1)(a)3., F.S.

²⁰ 2 Fla. Leg. J. Rule 4.6; *see also* s. 120.545, F.S.

- The rule is consistent with expressed legislative intent;
- The rule is necessary to accomplish the apparent or expressed objectives of the specific provision of law that the rule implements;
- The rule is a reasonable implementation of the law as it affects the convenience of the general public or persons particularly affected by the rule;
- The rule could be made less complex or more easily comprehensible to the general public;
- The rule's statement of estimated regulatory costs (discussed below) complies with the requirements of the APA and whether the rule does not impose regulatory costs on the regulated person, county, or municipality that could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives; or
- The rule will require additional appropriations.²¹

If, during its review, the JAPC has concerns that a proposed or existing rule may not be authorized or exceeds the delegated rulemaking authority, it contacts the agency. Often the agency agrees that there is no authority for the rule and withdraws or amends the rule to meet the staff concerns.²² If there is disagreement, the rule is scheduled for consideration by the full committee. The agency may appear before the JAPC and present argument and evidence in support of its rule. If, after hearing the agency's argument, the JAPC does not find statutory authority for the rule, it votes on an objection and the agency must respond.²³ If the agency refuses to modify or withdraw a rule to which the JAPC has objected, public notice of the objection is given, and a notation accompanies the rule when it is published in the FAC. The JAPC may also seek judicial review to establish the invalidity of a rule or proposed rule but has not exercised this authority to date.²⁴

The JAPC reviewed a total of 1,074 rules in 2023—the lowest reviewed in the prior 10 years (with the highest number of 2,851 rule reviews in 2015).²⁵

Rulemaking Process

The Administrative Procedure Act (APA)²⁶ provides uniform procedures that agencies must follow when they engage in rulemaking. An agency may initiate rulemaking either as the result of a legislative mandate in statute, public request,²⁷ or its own agency initiative—presuming sufficient rulemaking authority exists in statute.

²¹ Section 120.545(1), F.S.

²² JAPC, *2023 Annual Report* at 1 (Jan. 11, 2024), <https://www.japc.state.fl.us/Documents/Publications/2023AnnualReport.pdf> (last visited Jan. 30, 2025).

²³ Section 120.545(3)-(7), F.S.

²⁴ JAPC, *2023 Annual Report* at 2 (Jan. 11, 2024), <https://www.japc.state.fl.us/Documents/Publications/2023AnnualReport.pdf> (last visited Jan. 30, 2025).

²⁵ *Id.* at 6-8.

²⁶ Chapter 120, F.S.

²⁷ Section 120.54(7)(a), F.S.

Notice of Rule Development

An agency begins the formal rulemaking process²⁸ by filing a notice of rule development in the FAR, which must indicate the subject area to be addressed by the rule development and provide a short, plain explanation of the rule's purpose and effect.²⁹ Such notice is required for all rulemaking (including creation of a new rule and amendment of an existing rule) except for rule repeals. A notice of rule development may, but is not required to, include the preliminary text of the proposed rule or amendment.³⁰

The notice of rule development gives notice to the public, which provides an initial opportunity to participate in the rulemaking process through either a request for a public rule development workshop,³¹ negotiated rulemaking,³² or simply communication of one's position to the agency.³³

Additionally, unless the agency is statutorily required to adopt the rule, it may abandon the rulemaking process at this point.³⁴

Notice of Intended Agency Action

Next, an agency must file a notice of intended agency action, which may be a notice of proposed rule, a notice of proposed amendment to an existing rule, or a notice of rule repeal. The notice must contain the full text and a summary of the proposed rule or amendment, as well as a reference to the grant of rulemaking authority and the specific statute or law the agency is implementing or interpreting.³⁵ The agency must also include a summary of its statement of estimated regulatory costs (SERC), if it prepared one. The notice must be published in the FAR at least 28 days before the agency may execute its intended action.³⁶

Public Input After the Notice of Intended Agency Action

The notice of intended agency action must also provide information detailing how a member of the public can:

- Request that the agency hold a public hearing on the proposed rule. The requesting party must be affected by the proposed rule and must request the hearing within 21 days of the publication of the notice of proposed rule (or other intended agency action);³⁷
- Provide input regarding the agency's SERC;³⁸

²⁸ Alternatively, a person regulated by an agency or having substantial interest in an agency rule may petition the agency to adopt, amend, or repeal a rule. Section 120.54(7), F.S.

²⁹ Section 120.54(2), F.S.

³⁰ Section 120.54(2), F.S., requires the agency to "include the preliminary text of the proposed rules, if available..."

³¹ Section 120.54(2)(c), F.S., requires an agency to hold a public workshop for the purposes of rule development, if requested in writing by an affected person, unless the agency head explains in writing why a workshop is unnecessary.

³² Section 120.54(2)(d), F.S.

³³ Jowanna Oates, The Florida Bar, *Escaping the Labyrinth: A Practical Guide to Rulemaking*, 29 FLA. BAR J. 61, available at <https://www.floridabar.org/the-florida-bar-journal/escaping-the-labyrinth-a-practical-guide-to-rulemaking/> (last visited Feb. 3, 2025).

³⁴ Section 120.54(3)(d)2., F.S.

³⁵ Section 120.54(3)(a), F.S.

³⁶ Section 120.54(3)(a)2., F.S.

³⁷ Section 120.54(3)(c), F.S. The agency cannot file the rule for adoption with the DOS until at least 14 days after the final public hearing has occurred.

³⁸ See "Statement of Estimated Regulatory Cost" section above.

- Submit a lower cost regulatory alternative (LCRA) pursuant to s. 120.541(1)(a), F.S.; or
- Petition for an administrative hearing held by an administrative law judge at the Division of Administrative Hearings (DOAH) on whether the proposed agency action is a proper exercise of authority or is otherwise invalid.³⁹

Generally, a member of the public has 21 days from the agency's publication of a notice of intended agency action to request or take one of the above actions. To allow time for public input, the time before an agency may file the rule for final adoption (discussed below) is extended by 14-60 days upon the occurrence of one of the above actions.⁴⁰

Statements of Estimated Regulatory Costs (SERC) and Lower Cost Regulatory Alternatives

A SERC is an agency's estimation of the impact of a rule on the public, focusing on the implementation and compliance costs.⁴¹ An agency is encouraged to prepare a SERC before adopting, amending, or repealing any rule⁴² but is not required to do so unless the proposed action will have a negative impact on small businesses or increase regulatory costs by more than \$200,000 in the aggregate within 1 year.⁴³ If the SERC determines that the rule will exceed the \$200,000 impact threshold, then the rule must be referred for Legislative ratification after its adoption; the rule does not take full effect until ratified by the Legislature.⁴⁴

If the agency created a SERC, it must provide a hyperlink to it in the applicable notice of intended agency action. If the agency revises a rule before its adoption and the revision increases the rule's regulatory costs, then the agency must revise the SERC appropriately.⁴⁵

A person who is substantially affected by a proposed rule may submit a lower cost regulatory alternative (LCRA) within 21 days of the publication of a notice of intended agency action to adopt, amend, or repeal the relevant rule. A LCRA may recommend that the rule not be adopted at all, if it explains how the lower costs and objectives of the law will be achieved. The submission of an LCRA extends the period for filing a rule by an additional 21 days.⁴⁶

If an agency receives an LCRA, it must prepare a SERC if it has not done so already or revise its prior SERC to reflect the LCRA's input. The agency must either adopt the LCRA or explain its reasons for rejecting it.⁴⁷ In order to provide adequate time for review, the agency must provide its new or revised SERC to the individual who submitted the LCRA and to the JAPC.⁴⁸ The

³⁹ Section 120.56(2)(a), F.S.

⁴⁰ Section 120.54(3)(e)2., F.S.

⁴¹ Section 120.541(2), F.S.

⁴² Section 120.54(3)(b)1., F.S.

⁴³ *Id* and s. 120.541(2)(a), F.S.

⁴⁴ See s. 120.541(3), F.S., for exceptions for the adoption of specific federal standards and updates to the Florida Building and Fire Prevention Codes. *Fernandez v. Dep't. of Health, Bd. of Medicine*, 223 So. 3d 1055, 1057-8 (Fla. 1st DCA 2017).

⁴⁵ Section 120.541(1)(c), F.S.

⁴⁶ Section 120.541(1)(a), F.S.

⁴⁷ Section 120.541(1)(d), F.S.

⁴⁸ The Joint Administrative Procedures Committee (JPAC) "examines existing and proposed rules made by agencies in accordance with [the Administrative Procedures Act]." *Comm'n on Ethics v. Sullivan*, 489 So. 2d 10, 14 (Fla. 1986); see s. 120.545, F.S. (referring to "the committee" which section 120.52, F.S., defines as the Administrative Procedures Committee).

agency must also post a notice of the SERC's availability on the agency website at least 21 days before it files the rule for adoption.⁴⁹

Agencies must also separately consider the impact of a proposed rule, amendment, or rule repeal on small businesses, small counties, and small cities, and consider alterations to the rule to lessen any impact to these entities. If an agency determines that a proposed agency action will affect small businesses, then it must forward the notice to the rules ombudsman, an appointee of the Governor.⁵⁰ The rules ombudsman makes recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to business.⁵¹ Each agency must adopt recommendations made by the rules ombudsman to minimize impacts on small businesses, unless the adopting agency finds the recommendation unfeasible or inconsistent with the proposed rule's objectives.⁵²

Notice of Supporting Materials Submitted to JAPC

At least 21 days before the date of adoption of a proposed rule, amendment, or repeal, the agency must send a packet of supporting materials to the JAPC that includes a:⁵³

- Copy of each rule or amendment it proposes to adopt or repeal;
- Copy of any material incorporated by reference therein;
- Detailed written statement of the facts and circumstances which justify the proposed rule amendment, or repeal;
- Copy of any SERC the agency prepared in relation to the proposed rule, amendment, or repeal;
- Statement of how the proposed rule, amendment, or repeal relates to federal standards or rules; and
- Copy of the Notice of Intended Agency Action.

At this time, the JAPC generally begins its review of a proposed rule pursuant to s. 120.545, F.S. (see "Joint Administrative Procedures Committee" section, *infra*).

Materials Incorporated by Reference

The APA allows an agency to incorporate material external to the text of the rule by reference.⁵⁴ The material to be incorporated must exist on the date the rule is adopted.⁵⁵ An agency may not incorporate material by reference in a rule unless:

- The material has been submitted in the prescribed electronic format to the DOS and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the FAC; or
- The agency has determined that posting the material publicly on the Internet would constitute a violation of federal copyright law, in which case a statement stating such, along with the

⁴⁹ *Id.*

⁵⁰ Sections 120.54(3)(b)2. and 288.7015, F.S.

⁵¹ Section 288.7015(3), F.S. *See also*, E.O. 11-01 (establishing the Office of Fiscal Accountability and Regulatory Reform (OFARR)) (renewed by E.O. 11-72 and 11-211).

⁵² Section 120.54(3)(b)2.b.(II), F.S.

⁵³ Section 120.54(3)(a)4., F.S.

⁵⁴ Section 120.54(1)(i), F.S.; *see also*, Fla. Admin. Code R. 1-1.013.

⁵⁵ Section 120.54(1)(i)1., F.S.

address of locations at the DOS and the agency at which the material is available for public inspection and examination, must be included in the notice.⁵⁶

If an agency wishes to alter the material incorporated by reference after the rule is effective, the rule itself must be amended.⁵⁷ However, an agency rule that incorporates another rule by reference automatically incorporates subsequent amendments to the referenced rule.⁵⁸

Notice of Change Submitted to JAPC

If an agency substantively changes the proposed rule or amendment after its initial notice of intended agency action, it must file a notice of change with the JAPC at least 21 days before it files the rule for adoption; this deadline may coincide with the submission deadline of required notice of supporting materials. An agency may substantially change a proposed rule or amendment in response to a public hearing or materials timely submitted to the agency. The notice of change must also be mailed to interested parties and published in the FAR.⁵⁹ The agency must also amend any SERC to reflect the proposed rule's substantive changes.

An agency cannot file the rule for adoption (discussed below) until at least 21 days after this notice of change is filed; however, the period allowed for filing the rule for adoption is extended by 45 days (from a range of 28-90 days to 73-135 days) upon timely filing of a notice of change.

If the agency makes no changes, or only technical changes, to the proposed rule, amendment, or repeal, then it must file a notice of no change with the JAPC at least 7 days before it files the matter for adoption.⁶⁰

Filing for Adoption of the Proposed Agency Action

Generally, an agency must file a rule or amendment for adoption between 28 and 90 days after its notice of intended agency action is published in the FAR; this time can be extended and tolled to accommodate public hearings, SERC revisions, formal hearings at the DOAH, and other rulemaking processes provided for by the APA.⁶¹ Once an agency has completed the rulemaking steps within the appropriate timeframe, the agency may file the rule for adoption with the DOS.⁶² This triggers JAPC's duty to certify the agency's compliance with its inquiries made pursuant to s. 120.545, F.S., if any.

At the time the agency files the rule for adoption, the JAPC must certify to the DOS whether the agency responded to all material and timely written comments or inquiries made on behalf of JAPC (these inquiries are outlined in additional detail above in the "Joint Administrative Procedures" section). If the JAPC notifies the agency that it is considering making an objection to the adopted rule or amendment based on its inquiry, the agency may withdraw or modify the rule by publication in the FAR and notice to interested parties. The agency's rule withdrawal

⁵⁶ Section 120.54(1)(i)3., F.S.

⁵⁷ *Id.*

⁵⁸ Section 120.54(1)(i)2., F.S.

⁵⁹ Section 120.54(3)(d)1., F.S.

⁶⁰ *Id.*

⁶¹ 120.54(3)(e)2., F.S.

⁶² 120.54(3)(e), F.S.

must occur before the rule or amendment becomes effective.⁶³ An agency may re-start rulemaking on the same subject after it has withdrawn a rule and is not required to re-publish a notice of proposed rulemaking in order to do so. However, if the agency's rulemaking is performed pursuant to a legislative delegation, it must continue the rulemaking process until a rule becomes effective.

The DOS may approve an agency rule for adoption if it finds that the agency:

- Filed the rule for adoption within the applicable timeframes;
- Complied with all rulemaking requirements;
- Timely responded to all material and timely written inquiries or comments; and
- Is not engaged in pending administrative determination on the rule in question.⁶⁴

The rule becomes effective 20 days after such filing for adoption, unless a different date is indicated in the rule.⁶⁵

Agency Review of Rules – Annual Regulatory Review

The APA requires each agency to formally review its rules and prepare an agency regulatory plan annually.⁶⁶ A regulatory plan includes a list of each law enacted during the previous 12 months that creates or modifies the duties or authority of the agency, and a statement whether the agency must adopt rules to implement the newly adopted laws.⁶⁷ The regulatory plan must also include a list of each additional law not otherwise listed that the agency expects to implement by rulemaking before the following July 1. The agency head or presiding officer and the principal legal advisor to the agency, must certify that they reviewed the regulatory plan and verify that the agency regularly reviews all of its rules and identify the period during which the rules have most recently been reviewed to determine their continued authority and consistent with implementing laws.⁶⁸

By October 1 of each year, the regulatory plan must be published on the agency's website or on another state website. The agency must also deliver a copy of its certification to the JAPC and publish a notice in the FAR identifying the date of publication of the agency's regulatory plan.⁶⁹

If a newly-enacted law requires implementation by rule, s. 120.54(1)(b), F.S., requires the agency charged with rulemaking to publish a notice of rule development by November 1 after enactment for each law. The notice of intended agency action (usually a notice of proposed rule in this circumstance) must be published by April 1 of the year following the regulatory plan. However, agencies are allowed to file extensions to any rulemaking plans or amended notices

⁶³ Section 120.54(3)(d)3., F.S. An agency may also withdraw or modify a rule after it has become effective if a final order that is not subject to appeal is entered in a pertinent rule challenge or withdraw but not modify the rule when the Legislature did not timely ratify the rule.

⁶⁴ Section 120.54(3)(e)4., F.S.

⁶⁵ Section 120.54(3)(e)6., F.S.

⁶⁶ See s. 120.74, F.S.

⁶⁷ Section 120.74(1), F.S.

⁶⁸ Section 120.74(1)(d), F.S.

⁶⁹ Section 120.74(2), F.S.

under this provision. Thus, this provision does not necessarily ensure that agencies adopt rules mandated by the Legislature in a timely manner.

Emergency Rules

An agency is authorized to respond to immediate dangers to the public health, safety, or welfare by adopting emergency rules.⁷⁰ An emergency rule is not adopted using the same procedures required of other rules.⁷¹ The notice of the emergency rule and the text of the rule is published in the first available issue of the FAR. There is no requirement, however, that an emergency rule be published in the FAC (because emergency rules are temporary in nature).⁷² The agency must publish prior to, or contemporaneously with, the rule's promulgation the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare.⁷³ An emergency rule takes effect immediately, or on a date less than 20 days after filing if specified in the rule.⁷⁴ An emergency rule is only effective for a period of no longer than 90 days.⁷⁵ An emergency rule is not renewable, except when the agency has initiated rulemaking to adopt rules relating to the subject of the emergency rule and a challenge to the proposed rules has been filed and remains pending or the proposed rule is awaiting ratification by the Legislature.⁷⁶ These exceptions allow for continuity of a needed rule where the agency has demonstrated its intent to maintain the policy (via initiation of rulemaking), but the permanent implementation of the rule is delayed for an unknown period of time. In at least one instance, however, an agency has renewed an emergency rule 12 times while its proposed permanent rule successor awaits Legislative ratification.⁷⁷ The validity of an emergency rule may be challenged at DOAH subject to an expedited filing and hearing schedule.⁷⁸

The Office of Legislative Services

The Office of Legislative Services (OLS) oversees the statutory revision plan, which involves recommending the deletion of all laws which have expired, become obsolete, and/or had their effect or served their purpose.⁷⁹ Similarly, the OLS is authorized to include duplicative, redundant, or unused statutory rulemaking authority among its recommended repeals in revisers bill recommendations.⁸⁰ The OLS is also authorized to:

- Award contracts or pay for editorial work, printing, and other things authorized for the statutory revision program;⁸¹ and

⁷⁰ Section 120.54(4), F.S.

⁷¹ Section 120.54(4)(a)1., F.S.

⁷² Section 120.54(4)(a)3, F.S.

⁷³ *Id.*

⁷⁴ Section 120.54(4)(d), F.S.

⁷⁵ Section 120.54(4)(c), F.S.

⁷⁶ *Id.*

⁷⁷ See Emergency Rule 65CER22-1, history available at <https://flrules.org/gateway/ruleNo.asp?id=65CER22-1> (last visited Feb. 8, 2025). See also, proposed rule 65C-9.004 (not yet adopted), rulemaking history available at <https://flrules.org/gateway/ruleno.asp?id=65C-9.004> (last visited Feb. 8, 2025).

⁷⁸ *Id.*

⁷⁹ Section 11.241(1)(i), F.S.

⁸⁰ Section 11.241(5)(j), F.S.

⁸¹ Section 11.241(6), F.S.

- Exchange Florida Statutes, and other available publications, with the officers, boards, and agencies of other states and of the United States, and with other governments;⁸² and exercise all other powers, duties, and functions necessary or convenient for properly carrying out the provisions of law relating to statutory revision.⁸³

III. Effect of Proposed Changes:

Technical Changes

Section 1 amends s. 120.52, F.S., to define a “technical change” as a change “limited to correcting grammatical, typographical, or similar errors not affecting the substance of the rule.”

Section 2, in part, creates s. 120.54(3)(a)5., F.S., to require an agency to publish a notice of correction in the FAR to detail a technical change made to a notice of intended agency action (rule adoption, amendment, or repeal). Examples of such a change include a technical change to the proposed rule language, an updated e-mail address for the agency employee contact, or a technical change to a SERC. A notice of correction in this instance would not affect the timeframes for filing a rule for adoption.

Section 5 in part, creates s. 120.55(1)(a)6., F.S., to require the DOS to include the date of any technical changes in the history note of the rule in the FAC, and clarifies that a technical change does not affect the effective date of the rule. Additionally, a technical change made after the adoption of a rule must be published as a notice of correction.

Timeline for Publishing a Notice of Proposed Rule

Section 2 amends s. 120.54, F.S., relating to rulemaking procedures, to include clarifying language and to narrow the time an agency has to publish a notice of proposed rule to 90 days after the effective date of the act granting rulemaking authority.⁸⁴ Previously, an agency was required to publish a notice of proposed rule by “April 1 of the year following the deadline for the regulatory plan.”⁸⁵ Assuming a bill’s effective date of July 1, the former deadline to publish a notice of proposed rule was approximately 270 days (9 months) after the delegating law took effect.

Section 6 deletes language from s. 120.74, F.S., which tied agency rulemaking timeframes to the agency regulatory plan, requiring that an agency publish a notice of rule development by November 1 and a notice of proposed rule by April 1 of the year following the deadline for the regulatory plan. The provisions also allowed for an extension for rulemaking upon agency publication of a notice of extension in the FAR.

⁸² Section 11.241(7), F.S.

⁸³ Section 11.241(8), F.S.

⁸⁴ Prior to 2015, section 120.54, F.S., directed agencies to notice proposed rules within 180 days after the effective date of an act requiring mandatory rulemaking. This provision was removed with the enactment of the annual regulatory provision - s. 120.74, F.S. Adding the 180-day rulemaking requirement will likely give the JAPC greater oversight authority.

⁸⁵ Section 120.74(5), F.S.

Public Notices

Section 2 amends s. 120.54(3), F.S., to expand the information required in notices of intended agency action to include the proposed rule number and the name, e-mail address, and telephone number of the agency employee who can be contacted with questions regarding the intended action.

Additionally, the bill re-instates the requirement that an agency publish its notice of proposed rulemaking for at least 7 days before it can publish a notice of intended agency action.

The bill allows the agency to electronically deliver notices of intended agency action to all persons who are named in the proposed rule and to those who requested a notice of proceedings at least 14 days before the agency's delivery.

The bill expands the function of a notice of change to include it as a tool for public notice of technical changes made to a Notice of Intended Agency Action (both to the notice itself, and to proposed rule text). Previously, a notice of change was used to notify the public of a change to a proposed rule that occurred after the final hearing on the proposed rule or after time for such a hearing had expired.

Material Incorporated by Reference in Rules

Section 2 amends s. 120.54(1) and (3), F.S., to require all rules proposed after July 1, 2025, and adopted or reviewed to have the full text of any incorporated materials published electronically within the notice of proposed rulemaking (if available) and the notice of intended agency action. The material incorporated by reference must also be available via hyperlink in the FAC after the rule is adopted. If such posting would violate federal copyright law, then the agency must make a statement to that effect and provide the address of the location at DOS and the agency where the material available for public inspection and examination.

Additionally, an agency update to material incorporated by reference into a rule, must be coded by underlining new text and striking through deleted text to reflect the changes.

Section 5 amends the DOS's rulemaking authority to allow it to prescribe rules requiring an agency to provide in its rulemaking notices a coded copy of any documents it creates and proposes to incorporate by reference.

Legislative Ratification

Section 2 amends s. 120.54(3)(d)3.c., F.S., to limit the time for ratification of a rule by the Legislature to one regular legislative session after the agency submits the rule for ratification. If the Legislature does not ratify the rule during the regular session immediately following the filing for adoption, the agency must withdraw the rule and re-start the rulemaking process within 90 days of adjournment sine die (assuming the continued existence the underlying delegation of legislative authority that requires rulemaking).

Section 3 amends s. 120.541(3), F.S., to require an agency to notify the JAPC within 3 business days of its submission of a rule to the Legislature for ratification.

Emergency Rules

Section 2 amends s. 120.54(4), F.S., to make several changes regarding the creation and duration of emergency rules. The bill clarifies that an agency may adopt an emergency rule both where it finds an immediate danger to the public health, safety, or welfare which requires emergency action, or *where the Legislature authorizes* the agency to adopt emergency rules based on its own finding of an immediate danger. While agencies have historically adopted administrative rules pursuant to both authorities, the bill formalizes the agency action's authority to do so.

The bill requires a notice of emergency rule to include the agency's grant of emergency rulemaking authority or finding of immediate danger, necessity, and procedural fairness. By incorporating this information into the notice of emergency rule, it must, be published in the FAR and included in the publication of the final emergency rule to be published in the FAC.

Agencies are not currently allowed to edit an emergency rule after its publication. The bill would allow an agency to:

- Make a technical change to the emergency rule within the first 7 days after it is adopted, assuming the change is published in the FAR as a notice of correction;
- Supersede the emergency rule currently in effect with a new version of the rule—which may only have effect for the remaining duration of the initial emergency rule. The agency's adoption of a superseding rule must be achieved through the same processes as initial adoption of an emergency rule; and
- Repeal an emergency rule before its expiration by providing a notice in the FAR with a short, plain explanation as to why the conditions of immediate danger specified in the adoption notice no longer require the emergency rule.

This section further provides for the renewal of an emergency rule. The notice of the renewal must be published in the FAR before the expiration of the existing emergency rule and must state the specific facts and reasons for the renewal. For emergency rules intended to replace existing rules with an effective period greater than 90 days, a note must be added to the history note of the existing rule which specifically identifies the emergency rule that is intended to supersede the existing rule and includes the date that the emergency rule was filed with the DOS.

JAPC Notifications

Sections 2-3 amend ss. 120.54(3)(b), 120.54(7), and 120.541(1)(a), F.S., respectively, to require the agency to provide the JAPC a copy of the following within 7 days of the agency's receipt thereof or response to:

- A LCRA received during the rulemaking proceeding;
- A petition to adopt, amend, or repeal a rule, or provide minimum public information required by ch. 120, F.S. (the agency must also notify the committee of its intended action or response to such requests within 7 days); and
- A regulatory alternative provided by the rules ombudsman.

Section 3 further provides that that an LCRA submitted after an agency's change to a proposed rule is deemed to be made "in good faith" if it states the person's reasons for believing the proposed rule as changed increases the regulatory costs or creates an adverse impact on small business that the previous proposed rule did not.

Section 2 requires an agency to provide notice to the JAPC of any regulatory alternative offered to the agency by the rules ombudsman of the Executive Office of the Governor before filing the rule for adoption.

Rule Review

Sections 4 and 6 create a rule review process that each agency, in coordination with the JAPC, must undertake between July 1, 2025, and July 1, 2030. The goal of the review is to ensure appropriate statutory authority; review the rule's exercise of delegated legislative authority; bring all rules under the same requirements (to have, for example, all materials incorporated by reference electronically-available); and allow for general clean-up of text that may not have been reviewed recently.

Beginning October 1, 2025, each agency must create a list of its existing rules and include the list in its annual agency regulatory plan. The agency regulatory plan must further detail an annual schedule of the rules the agency will review each year—totally approximately 20% of the total existing rules annually.

The agency must take one of four actions as part of its rule review: (1) make no change to the rule; (2) make a technical change to the rule; (3) substantively amend the rule; or (4) repeal the rule. By January 1 of each year of the review, the agency must submit a report to the President of the Senate and Speaker of the House of Representatives to indicate which of the above actions the agency plans to take on each rule subject to review during that fiscal year. The agency must have completed (for instances where it makes no change, or a technical change) or commenced the action (for instances where it will substantively amend or repeal the rule) by April 1.

Those rules to which the agency makes no change, or only a technical change, during its rule review are not subject to challenge or hearing otherwise provided for in the APA. If the agency chooses to make a substantive amendment or to repeal a reviewed rule, however, it must use the procedures otherwise outlined in the APA to do so. Further, the amendment or repeal is subject to challenge or hearing as otherwise prescribed in the APA.

The agency must support its actions in the rule review with a written statement of its intended action, its assessment of specific factors outlined in statute, a coded version of the recommended changes (if applicable), and a statement of the facts and circumstances justifying any recommended change. The agency must submit these documents to the JAPC, which will then examine the submissions and make additional inquiries, if needed. If the agency recommends no change or a technical change, the JAPC must complete this examination within 90 days of its receipt of the agency's submissions and ultimately certify whether the agency responded appropriately to its inquiries.

The agency may alter its rule review schedule in its next annual regulatory plan. If the agency fails to timely conclude a rule review in accordance with its schedule, it must identify the ongoing rule review and either list the rule in its next agency regulatory plan and notify the JAPC of such action or explain why the rule review is no longer necessary. Additionally, **section 5** amends s. 120.55(1)(b), F.S., to require the DOS to publish a list of all rules that were not timely reviewed by their agency in the FAR and update the list at least annually.

After the agency has completed its rule review process and received a certification from the JAPC, it may electronically file a certified copy of the reviewed rule (to which no change, or technical changes were made) with the DOS. The agency completes its rule review for rules that are substantively amended or repealed when it has filed a notice of proposed rule pursuant to s. 120.54, F.S.

The DOS must document the rule review by notice in the FAR and update the rule's history note in the FAC to reflect the rule review's date of completion.

The bill grants the DOS authority to adopt rules to implement the rule review process by no later than December 31, 2025.

Section 120.5435, F.S., created by section 4, is scheduled to repeal on July 1, 2032, unless reviewed and saved from repeal through reenactment by the Legislature.

DOS Publication of the FAR and the FAC

Section 2 amends s. 120.54(3)(e), F.S., to reduce paperwork requirements by requiring an agency to file with the DOS one electronic, rather than three paper, certified copies of a proposed rule and one certified copy of any material incorporated by reference in the rule.

Section 5 amends s. 120.55, F.S., which provides FAC publication requirements for the DOS. This section incorporates changes to notices required during rulemaking made elsewhere in the bill. Additionally, this section requires each agency to publish at the beginning of the section of code that deals with its subject matter a list of all forms and materials incorporated by reference into its rules.

Effective Date

Section 7 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

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:

The bill provides additional public notice in rulemaking. This should make it easier for the public to engage in rulemaking.

C. Government Sector Impact:

The bill may have an indeterminate, negative fiscal impact on state government. The JAPC and agencies will be required to perform additional work relating to the rule review over the next 5 years. Additionally, there are new notice and publication requirements within the rulemaking process that may create additional workload. Agencies and the JAPC will likely be required to spend funds to implement the bill's requirements. Whether these requirements may be absorbed within each agency's existing resources is not known.

However, agencies should have sufficient time to request additional funding or personnel should they determine a need for additional resources.

The DOS may have additional costs associated with rulemaking.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.52, 120.54, 120.541, 120.55, and 120.74. The bill additionally creates section 120.5435 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 Grall

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1 A bill to be entitled
 2 An act relating to administrative procedures; amending
 3 s. 120.52, F.S.; defining the term "technical change";
 4 amending s. 120.54, F.S.; requiring agencies to
 5 publish a certain notice of proposed rule within a
 6 specified timeframe; deleting a provision related to
 7 the timeframe within which rules are required to be
 8 drafted and formally proposed; prohibiting materials
 9 from being incorporated by reference for certain rules
 10 reviewed after a specified date unless certain
 11 conditions are met; prohibiting rules proposed after a
 12 specified date from having materials incorporated by
 13 reference unless certain conditions are met; requiring
 14 agencies to use specific coding if they are updating
 15 or making changes to certain documents incorporated by
 16 reference; requiring that certain notices of rule
 17 development include incorporated documents; revising
 18 the notices required to be issued by agencies before
 19 the adoption, amendment, or repeal of certain rules;
 20 requiring that such notices be published in the
 21 Florida Administrative Register within a specified
 22 timeframe; requiring that specified information be
 23 available for public inspection; requiring that
 24 materials incorporated by reference be made available
 25 in a specified manner; requiring that certain notices
 26 be delivered electronically to all persons who made
 27 requests for such notice; requiring agencies to
 28 publish a notice of correction for certain changes;
 29 providing that notices of correction do not affect

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30 certain timeframes; requiring that technical changes
 31 be published as notices of correction; requiring
 32 agencies to provide copies of any offered regulatory
 33 alternatives to the Administrative Procedures
 34 Committee before the agency files a rule for adoption;
 35 requiring that certain materials incorporated by
 36 reference be made available in a specified manner;
 37 requiring that certain rules be withdrawn if not
 38 ratified within the legislative session immediately
 39 following the filing for adoption; requiring the
 40 agency to reinstitute rulemaking within a specified
 41 timeframe of the adjournment of such legislative
 42 session; reducing the number of certified copies of a
 43 proposed rule that must be electronically filed with
 44 the Department of State; authorizing agencies to adopt
 45 emergency rules under specified conditions; requiring
 46 that specified information be published in the first
 47 available issue of the Florida Administrative Register
 48 and provided to the Administrative Procedures
 49 Committee; requiring that notices of renewal for
 50 emergency rules be published in the Florida
 51 Administrative Register before expiration of the
 52 existing emergency rule; requiring that such notices
 53 contain specified information; requiring that a note
 54 be added to a certain history note for certain
 55 emergency rules; requiring that emergency rules be
 56 published in the Florida Administrative Code;
 57 authorizing agencies to adopt emergency rules that
 58 supersede other emergency rules; requiring that the

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59 reason for such superseding rules be stated in
 60 accordance with specified provisions; authorizing
 61 agencies to make technical changes to emergency rules
 62 within a specified timeframe; requiring that such
 63 changes be published in the Florida Administrative
 64 Register as a notice of correction; authorizing
 65 agencies to repeal emergency rules by providing a
 66 certain notice in the Florida Administrative Register;
 67 requiring agencies to provide specified petitions to
 68 the committee within a specified timeframe after
 69 receipt; requiring agencies to provide a certain
 70 notification to the committee within a specified
 71 timeframe; reenacting and amending s. 120.541, F.S.;
 72 providing that a proposal for a lower cost regulatory
 73 alternative submitted after a notice of change is made
 74 in good faith only if the proposal contains certain
 75 statements; requiring agencies to provide a copy of
 76 such proposals and responses thereto to the committee
 77 within specified timeframes; prohibiting agencies from
 78 filing a rule for adoption unless such proposals are
 79 provided to the committee; requiring agencies to
 80 notify the committee within a specified timeframe that
 81 a rule has been submitted for legislative
 82 ratification; creating s. 120.5435, F.S.; requiring
 83 agencies, by a specified date and in coordination with
 84 the committee, to review specified rules adopted
 85 before a specified date; requiring agencies to include
 86 a list of existing rules and a schedule of rules they
 87 plan to review each year in a certain regulatory plan;

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88 authorizing agencies to amend such schedules under
 89 specified circumstances but requiring that at least a
 90 specified percentage of an agency's rules be reviewed
 91 each year until completion of all reviews; requiring
 92 agencies to make specified determinations during rule
 93 review; requiring agencies to submit a certain report
 94 to the Legislature annually by a specified date;
 95 requiring agencies to take one of certain specified
 96 actions during rule reviews by a specified date;
 97 providing requirements for the agencies in connection
 98 with each of the specified actions; requiring the
 99 committee to examine agencies' rule review
 100 submissions; authorizing the committee to request
 101 certain information from such agencies; requiring that
 102 such review occur within a specified timeframe under
 103 specified conditions; requiring the committee to issue
 104 a certain certification upon completion of
 105 examinations; specifying circumstances under which
 106 rule review is considered completed; requiring the
 107 department to publish a certain notice in the Florida
 108 Administrative Register; providing construction;
 109 providing applicability; requiring the department to
 110 adopt rules before a specified date; providing for
 111 future review and repeal; amending s. 120.55, F.S.;
 112 revising the contents of the Florida Administrative
 113 Code to conform to changes made by the act; requiring,
 114 after a specified date, that any material incorporated
 115 by reference be filed in a specified electronic format
 116 with the department; requiring that the Florida

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Administrative Register contain a certain list; requiring that the department prescribe coding for certain documents incorporated by reference; amending s. 120.74, F.S.; requiring that regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans; requiring agencies to take certain actions if the agencies have not completed reviewing a rule; deleting provisions related to deadlines for rule development; deleting deadlines for publishing proposed rules; deleting provisions requiring agencies to file certain certifications with the committee; authorizing agencies to correct a regulatory plan to conclude affected rulemaking proceedings by identifying certain rules; revising the timeframes within which agencies must publish certain notices; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Present subsections (20), (21), and (22) of section 120.52, Florida Statutes, are redesignated as subsections (21), (22), and (23), respectively, and a new subsection (20) is added to that section, to read:

120.52 Definitions.—As used in this act:

(20) "Technical change" means a change limited to correcting citations or grammatical, typographical, or similar errors that do not affect the substance of the rule.

Section 2. Paragraphs (b) and (i) of subsection (1),

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paragraph (a) of subsection (2), paragraphs (a), (b), (d), and (e) of subsection (3), subsection (4), and paragraph (a) of subsection (7) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking.—

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.—

(b) Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency, the agency must publish a notice of proposed rule within the executive branch of state government, such rules shall be drafted and formally proposed as provided in this section within 90 days after the effective date of the act granting rulemaking authority within the times provided in s. 120.74(4) and (5).

(i)1. A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the changes.

2. An agency rule that incorporates by specific reference another rule of that agency automatically incorporates subsequent amendments to the referenced rule unless a contrary intent is clearly indicated in the referencing rule. A notice of amendments to a rule that has been incorporated by specific reference in other rules of that agency must explain the effect of those amendments on the referencing rules.

3. In rules adopted after December 31, 2010, or reviewed pursuant to s. 120.5435, material may not be incorporated by reference unless:

a. The material has been submitted in the prescribed

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electronic format to the Department of State and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Code; or

b. The agency has determined that posting the material on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law, in which case a statement to that effect, along with the address of locations at the Department of State and the agency at which the material is available for public inspection and examination, must be included in the notice required by subparagraph (3)(a)1.

4. In rules proposed after July 1, 2025, material may not be incorporated by reference unless:

a. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Register; or

b. The agency has determined that posting the material on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law, in which case a statement to that effect, along with the address of locations at the Department of State and the agency at which the material is available for public inspection and examination, must be included in the notice required by subparagraph (3)(a)1.

5. A rule may not be amended by reference only. Amendments must set out the amended rule in full in the same manner as required by the State Constitution for laws.

~~6.5-~~ Notwithstanding any contrary provision in this

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section, when an adopted rule of the Department of Environmental Protection or a water management district is incorporated by reference in the other agency's rule to implement a provision of part IV of chapter 373, subsequent amendments to the rule are not effective as to the incorporating rule unless the agency incorporating by reference notifies the committee and the Department of State of its intent to adopt the subsequent amendment, publishes notice of such intent in the Florida Administrative Register, and files with the Department of State a copy of the amended rule incorporated by reference. Changes in the rule incorporated by reference are effective as to the other agency 20 days after the date of the published notice and filing with the Department of State. The Department of State shall amend the history note of the incorporating rule to show the effective date of such change. Any substantially affected person may, within 14 days after the date of publication of the notice of intent in the Florida Administrative Register, file an objection to rulemaking with the agency. The objection must ~~shall~~ specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency does ~~shall~~ not have the authority under this subparagraph to adopt those portions of the rule specified in such objection. The agency shall publish notice of the objection and of its action in response in the next available issue of the Florida Administrative Register.

7. If an agency updates or makes a change to a document the agency created and which is incorporated by reference pursuant to paragraph (3)(a) or subparagraph (3)(e)1., the update or change must be coded by underlining new text and striking

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233 ~~through deleted text.~~

234 ~~8.6-~~ The Department of State may adopt by rule requirements
235 for incorporating materials pursuant to this paragraph.

236 (2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.-

237 (a) Except when the intended action is the repeal of a
238 rule, agencies shall provide notice of the development of
239 proposed rules by publication of a notice of rule development in
240 the Florida Administrative Register before providing notice of a
241 proposed rule as required by paragraph (3) (a). The notice of
242 rule development must ~~shall~~ indicate the subject area to be
243 addressed by rule development, provide a short, plain
244 explanation of the purpose and effect of the proposed rule, cite
245 the specific legal authority for the proposed rule, and include
246 the preliminary text of the proposed rules and incorporated
247 documents, if available, or a statement of how a person may
248 promptly obtain, without cost, a copy of any preliminary draft,
249 if available.

250 (3) ADOPTION PROCEDURES.-

251 (a) *Notices*.-

252 1. Before ~~Prior~~ to the adoption, amendment, or repeal of
253 any rule other than an emergency rule, an agency shall, upon
254 approval of the agency head, ~~shall~~ give notice of its intended
255 action, setting forth a short, plain explanation of the purpose
256 and effect of the proposed action; the rule number; the full
257 text of the proposed rule or amendment and a summary thereof; a
258 reference to the grant of rulemaking authority pursuant to which
259 the rule is adopted; ~~and~~ a reference to the section or
260 subsection of the Florida Statutes or the Laws of Florida being
261 implemented or interpreted; and the name, e-mail address, and

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262 telephone number of the agency employee who may be contacted
263 regarding the intended action. The notice must include a summary
264 of the agency's statement of the estimated regulatory costs, if
265 one has been prepared, based on the factors set forth in s.
266 120.541(2); a statement that any person who wishes to provide
267 the agency with information regarding the statement of estimated
268 regulatory costs, or to provide a proposal for a lower cost
269 regulatory alternative as provided by s. 120.541(1), must do so
270 in writing within 21 days after publication of the notice; and a
271 statement as to whether, based on the statement of the estimated
272 regulatory costs or other information expressly relied upon and
273 described by the agency if no statement of regulatory costs is
274 required, the proposed rule is expected to require legislative
275 ratification pursuant to s. 120.541(3). The notice must state
276 the procedure for requesting a public hearing on the proposed
277 rule. Except when the intended action is the repeal of a rule,
278 the notice must include a reference both to the date on which
279 and to the place where the notice of rule development that is
280 required by subsection (2) appeared.

281 2. The notice must ~~shall~~ be published in the Florida
282 Administrative Register at least 7 days after the notice of rule
283 development and at least not less than 28 days before prior to
284 the intended action. The proposed rule, including all material
285 proposed to be incorporated by reference, ~~must~~ ~~shall~~ be
286 available for inspection and copying by the public at the time
287 of the publication of notice. Material proposed to be
288 incorporated by reference in the notice required by this
289 paragraph must be made available in the manner prescribed by
290 sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

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3. The notice ~~must~~ shall be mailed or delivered electronically to all persons named in the proposed rule and to all persons who ~~have made~~, at least 14 days ~~before~~ prior to such mailing or delivery, ~~have made~~ requests of the agency for advance notice of its proceedings. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed.

4. The adopting agency shall file with the committee, at least 21 days ~~before~~ prior to the proposed adoption date, a copy of each rule it proposes to adopt; a copy of any material incorporated by reference in the rule; a detailed written statement of the facts and circumstances justifying the proposed rule; a copy of any statement of estimated regulatory costs that has been prepared pursuant to s. 120.541; a statement of the extent to which the proposed rule relates to federal standards or rules on the same subject; and the notice required by subparagraph 1.

5. If any of the information, other than substantive changes to the rule text, which is required to be included in the notice under subparagraph 1. is omitted or is incorrect, the agency must publish a notice of correction in the Florida Administrative Register. A notice of correction does not affect the timeframes for filing the rule for adoption as set forth in paragraph (e). Technical changes must be published as a notice of correction.

(b) *Special matters to be considered in rule adoption.*—

1. Statement of estimated regulatory costs.—Before the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement

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of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

a. The proposed rule will have an adverse impact on small business; or

b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

2. Small businesses, small counties, and small cities.—

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define "small business" to include businesses employing more than 200 persons, may define "small county" to include those with populations of more than 75,000, and may define "small city" to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination

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of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule's compliance or reporting requirements.

(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency must ~~shall~~ send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the rules ombudsman in the Executive Office of the Governor and provided to the agency no later than 21 days after the rules ombudsman's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the rules ombudsman in the Executive Office of the Governor, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days. An agency shall provide the committee a copy of any regulatory alternative

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offered to the agency within 7 days after its delivery to the agency. The agency may not file a rule for adoption before such regulatory alternative, if applicable, has been provided to the committee.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it must ~~shall~~, before rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days after the filing of such notice, the agency shall send a copy of such notice to the rules ombudsman in the Executive Office of the Governor.

(d) *Modification or withdrawal of proposed rules.-*

1. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, if the rule has not been changed from the rule as previously filed with the committee, ~~or contains only technical changes,~~ the adopting agency must ~~shall~~ file a notice to that effect with the committee at least 7 days prior to filing the rule for adoption. Any change, other than a technical change that does not affect the substance of the rule, must be supported by the record of public hearings held on the rule, must be in response to written material submitted to the agency within 21 days after the date of publication of the notice of intended agency action or submitted to the agency between the date of publication of the notice and the end of the final public hearing, or must be in response to a proposed objection by the committee. In addition, when any change is made in a proposed rule, other than a technical change, the adopting agency shall provide a copy of a

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notice of change by certified mail or actual delivery to any person who requests it in writing no later than 21 days after the notice required in paragraph (a). The agency shall file the notice of change with the committee, along with the reasons for the change, and provide the notice of change to persons requesting it, at least 21 days ~~before~~ prior to filing the rule for adoption. The notice of change ~~must~~ shall be published in the Florida Administrative Register at least 21 days ~~before~~ prior to filing the rule for adoption. This subparagraph does not apply to emergency rules adopted pursuant to subsection (4). Material proposed to be incorporated by reference in the notice required by this subparagraph must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

2. After the notice required by paragraph (a) and ~~before~~ prior to adoption, the agency may withdraw the rule in whole or in part.

3. After adoption and before the rule becomes effective, a rule may be modified or withdrawn only in the following circumstances:

a. When the committee objects to the rule;

b. When a final order, which is not subject to further appeal, is entered in a rule challenge brought pursuant to s. 120.56 after the date of adoption but before the rule becomes effective pursuant to subparagraph (e)6.;

c. If the rule requires ratification, when ~~more than 90 days have passed since the rule was filed for adoption without~~ the Legislature does not ratify ~~ratifying~~ the rule by the adjournment sine die of the regular session immediately

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following the filing for adoption of the rule, in which case the rule ~~must~~ may be withdrawn and the agency must initiate rulemaking in accordance with this section within 90 days of adjournment sine die ~~but may not be modified~~; or

d. When the committee notifies the agency that an objection to the rule is being considered, in which case the rule may be modified to extend the effective date by not more than 60 days.

4. The agency shall give notice of its decision to withdraw or modify a rule in the first available issue of the publication in which the original notice of rulemaking was published, shall notify those persons described in subparagraph (a)3. in accordance with the requirements of that subparagraph, and ~~shall~~ must notify the Department of State if the rule is required to be filed with the Department of State.

5. After a rule has become effective, it may be repealed or amended only through the rulemaking procedures specified in this chapter.

(e) *Filing for final adoption; effective date.*—

1. If the adopting agency is required to publish its rules in the Florida Administrative Code, the agency, upon approval of the agency head, must electronically ~~shall~~ file with the Department of State a three ~~three~~ certified copy ~~copies~~ of the rule it proposes to adopt; one copy of any material incorporated by reference in the rule, certified by the agency; a summary of the rule; a summary of any hearings held on the rule; and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required by this

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subparagraph, in the office of the agency head, and such rules ~~must shall~~ be open to the public.

2. A rule may not be filed for adoption less than 28 days or more than 90 days after the notice required by paragraph (a), until 21 days after the notice of change required by paragraph (d), until 14 days after the final public hearing, until 21 days after a statement of estimated regulatory costs required under s. 120.541 has been provided to all persons who submitted a lower cost regulatory alternative and made available to the public, or until the administrative law judge has rendered a decision under s. 120.56(2), whichever applies. When a required notice of change is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after the date of publication. If notice of a public hearing is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after adjournment of the final hearing on the rule, 21 days after receipt of all material authorized to be submitted at the hearing, or 21 days after receipt of the transcript, if one is made, whichever is latest. The term "public hearing" includes any public meeting held by any agency at which the rule is considered. If a petition for an administrative determination under s. 120.56(2) is filed, the period during which a rule must be filed for adoption is extended to 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete.

3. At the time a rule is filed, the agency shall certify

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that the time limitations prescribed by this paragraph have been complied with, that all statutory rulemaking requirements have been met, and that there is no administrative determination pending on the rule.

4. At the time a rule is filed, the committee shall certify whether the agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee. The department shall reject any rule that is not filed within the prescribed time limits; that does not comply with all statutory rulemaking requirements and rules of the department; upon which an agency has not responded in writing to all material and timely written inquiries or written comments; upon which an administrative determination is pending; or which does not include a statement of estimated regulatory costs, if required.

5. If a rule has not been adopted within the time limits imposed by this paragraph or has not been adopted in compliance with all statutory rulemaking requirements, the agency proposing the rule must shall withdraw the rule and give notice of its action in the next available issue of the Florida Administrative Register.

6. The proposed rule ~~is shall be~~ adopted upon ~~on~~ being filed with the Department of State and becomes ~~become~~ effective 20 days after being filed, on a later date specified in the notice required by subparagraph (a)1., on a date required by statute, or upon ratification by the Legislature pursuant to s. 120.541(3). Rules not required to be filed with the Department of State ~~shall~~ become effective when adopted by the agency head, on a later date specified by rule or statute, or upon

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 ratification by the Legislature pursuant to s. 120.541(3). If the committee notifies an agency that an objection to a rule is being considered, the agency may postpone the adoption of the rule to accommodate review of the rule by the committee. When an agency postpones adoption of a rule to accommodate review by the committee, the 90-day period for filing the rule is tolled until the committee notifies the agency that it has completed its review of the rule.

For the purposes of this paragraph, the term "administrative determination" does not include subsequent judicial review.

(4) EMERGENCY RULES.—

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, or if the Legislature authorizes the agency to adopt emergency rules and finds that all conditions specified in this paragraph are met, the agency may, within the authority granted to the agency under the State Constitution or delegated to it by the Legislature, adopt any rule necessitated by the immediate danger or legislative finding. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and

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 its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules and the agency's findings of immediate danger, necessity, and procedural fairness or a citation to the grant of emergency rulemaking authority, must, ~~shall~~ be published in the first available issue of the Florida Administrative Register and provided to the committee along with any material incorporated by reference in the rules. The agency's findings of immediate danger, necessity, and procedural fairness are ~~shall be~~ judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare must ~~shall~~ include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97-102 and chapter 105 of the Election Code.

(c) 1. An emergency rule adopted under this subsection may ~~shall~~ not be effective for a period longer than 90 days and may ~~shall~~ not be renewable, except when the agency has initiated rulemaking to adopt rules addressing the subject of the emergency rule and either:

a.1- A challenge to the proposed rules has been filed and remains pending; or

b.2- The proposed rules are awaiting ratification by the Legislature pursuant to s. 120.541(3).

2. ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the agency from adopting a rule or rules identical to the emergency rule through the rulemaking procedures specified in

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subsection (3).

(d) Notice of the renewal of an emergency rule must be published in the Florida Administrative Register before the expiration of the existing emergency rule. The notice of renewal must state the specific facts and reasons for such renewal.

(e) For emergency rules with an effective period greater than 90 days which are intended to replace existing rules, a note must be added to the history note of the existing rule which specifically identifies the emergency rule that is intended to supersede the existing rule and includes the date that the emergency rule was filed with the Department of State.

(f) Emergency rules must be published in the Florida Administrative Code.

(g) An agency may supersede an emergency rule in effect through adoption of another emergency rule before the superseded rule expires. The reason for adopting the superseding rule must be stated in accordance with the procedures set forth in paragraph (a), and the superseding rule is in effect during the effective period of the superseded rule.

(h) An agency may make technical changes to an emergency rule within the first 7 days after the rule is adopted, and such changes must be published in the Florida Administrative Register as a notice of correction.

(i) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

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(j) An agency may repeal an emergency rule before it expires by providing notice of its intended action in the Florida Administrative Register. The notice must include the full text of the emergency rule and a summary thereof; if applicable, a reference to the rule number; and a short, plain explanation as to why the conditions specified in accordance with paragraph (a) no longer require the emergency rule.

(7) PETITION TO INITIATE RULEMAKING.—

(a) Any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition must ~~shall~~ specify the proposed rule and action requested. The agency shall provide to the committee a copy of the petition within 7 days after its receipt. No ~~Not~~ later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial. The agency shall notify the committee of its intended action or response within 7 days.

Section 3. Paragraph (a) of subsection (1) and subsection (3) of section 120.541, Florida Statutes, are amended, and subsection (4) of that section is reenacted, to read:

120.541 Statement of estimated regulatory costs.—

(1)(a) Within 21 days after publication of the notice required under s. 120.54(3)(a), a substantially affected person may submit to an agency a good faith written proposal for a lower cost regulatory alternative to a proposed rule which substantially accomplishes the objectives of the law being

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implemented. The proposal may include the alternative of not adopting any rule if the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. If submitted after a notice of change, a proposal for a lower cost regulatory alternative is deemed to be made in good faith only if the person reasonably believes, and the proposal states, the person's reasons for believing that the proposed rule as changed by the notice of change increases the regulatory costs or creates an adverse impact on small businesses which was not created by the previously proposed rule. If such a proposal is submitted, the 90-day period for filing the rule is extended 21 days. Upon the submission of the lower cost regulatory alternative, the agency shall prepare a statement of estimated regulatory costs as provided in subsection (2), or shall revise its prior statement of estimated regulatory costs, and either adopt the alternative or provide a statement of the reasons for rejecting the alternative in favor of the proposed rule. The agency shall provide to the committee, within 7 days after its receipt, a copy of any proposal for a lower cost regulatory alternative, and within 7 days after its release, a copy of the agency's response thereto. The agency may not file a rule for adoption before such proposal, if applicable, has been provided to the committee.

(3) If the adverse impact or regulatory costs of the rule exceed any of the criteria established in paragraph (2)(a), the rule must ~~shall~~ be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days before ~~prior to~~ the next regular legislative session, and the rule may not take effect until it is ratified by the

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Legislature. The agency shall notify the committee of its submission of the rule to the Legislature for ratification within 3 business days after submittal.

(4) Subsection (3) does not apply to the adoption of:

(a) Federal standards pursuant to s. 120.54(6).

(b) Triennial updates of and amendments to the Florida Building Code which are expressly authorized by s. 553.73.

(c) Triennial updates of and amendments to the Florida Fire Prevention Code which are expressly authorized by s. 633.202.

Section 4. Section 120.5435, Florida Statutes, is created to read:

120.5435 Agency review of rules.—

(1) By July 1, 2030, each agency, in coordination with the committee, shall review all existing rules adopted by the agency before July 1, 2025, in accordance with this section.

(2) Beginning October 1, 2025, each agency shall include a list of its existing rules in its annual regulatory plan, prepared and submitted pursuant to s. 120.74. The agency shall include a schedule of the rules it will review each year during the 5-year rule review period. The agency may amend its yearly schedule in subsequent regulatory plans but must provide for the completed review of at least 20 percent of the agency's rules per year, until all of its subject rules have been reviewed.

(3) The agency rule review must determine whether each rule:

(a) Is a valid exercise of delegated legislative authority;

(b) Has current statutory authority;

(c) Reiterates or paraphrases statutory material;

(d) Is in proper form;

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697 (e) Is consistent with expressed legislative intent
 698 pertaining to the specific provisions of law which the rule
 699 implements;
 700 (f) Requires a technical or substantive update to reflect
 701 current use; and
 702 (g) Requires updated references to statutory citations and
 703 incorporated materials.
 704 (4) By January 1 of each year, the agency shall submit a
 705 report to the President of the Senate and the Speaker of the
 706 House of Representatives which summarizes the agency's intended
 707 action on each rule under review during the current fiscal year.
 708 (5) The agency shall take one of the following actions
 709 during its rule review:
 710 (a) Make no change to the rule. If the agency determines
 711 that no change is necessary, the agency must file with the
 712 committee by April 1 a copy of the reviewed rule, a written
 713 statement of its intended action, and its assessment of factors
 714 specified in subsection (3).
 715 (b) Make a technical change to the rule. If the agency
 716 determines that one or more technical changes are necessary, the
 717 agency must file with the committee by April 1 a copy of the
 718 reviewed rule and the recommended technical change or changes
 719 coded by underlining new text and striking through deleted text,
 720 a written statement of its intended action, its assessment of
 721 the factors specified in subsection (3), and the facts and
 722 circumstances justifying the technical change or changes to the
 723 reviewed rule.
 724 (c) Make a substantive change to the rule. If the agency
 725 determines that the rule requires a substantive change, the

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726 agency must make all changes, including any technical change, to
 727 the rule in accordance with this chapter. The agency shall
 728 publish a notice of rule development in the Florida
 729 Administrative Register by April 1. The agency shall also file
 730 with the committee by April 1 a copy of the reviewed rule and
 731 the recommended change or changes coded by underlining new text
 732 and striking through deleted text, a written statement of its
 733 intended action, and its assessment of factors specified in
 734 subsection (3). This submission to the committee does not
 735 constitute a notice of rule development as contemplated by s.
 736 120.54(3)(a) and is not required to be in the same form as the
 737 rule that will be proposed by the agency.
 738 (d) Repeal the rule. If an agency determines that the rule
 739 should be repealed, the agency must repeal the rule in
 740 accordance with this chapter. The agency shall publish a notice
 741 of proposed rule development in the Florida Administrative
 742 Register by April 1. The agency shall also file with the
 743 committee by April 1 a written statement of its intended action
 744 and its assessment of factors specified in subsection (3). This
 745 submission to the committee does not constitute a notice of rule
 746 development as contemplated by s. 120.54(3)(a).
 747 (6) The committee shall examine the agency's rule review
 748 submission. The committee may request from an agency any
 749 information that is reasonably necessary for examination of a
 750 rule as required by subsection (1). If the agency recommends no
 751 change or a technical change to a rule, the committee must
 752 complete its examination within 90 calendar days after the
 753 agency transmits the report required under subsection (4). Upon
 754 completion of its examination, the committee must certify

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755 whether the agency has responded in writing to all material and
756 timely written comments or inquiries made on behalf of the
757 committee.

758 (7) The rule review is completed upon either:

759 (a) The agency, upon approval of the agency head or his or
760 her designee, electronically filing a certified copy of the
761 reviewed rule to which no changes or only technical changes were
762 made, and the committee's certification granted pursuant to
763 subsection (6), with the Department of State.

764 (b) The agency, for a reviewed rule subject to substantive
765 change or repeal, timely filing a proposed rule pursuant to s.
766 120.54.

767 (8) The Department of State shall publish in the Florida
768 Administrative Register a notice of the completed rule review
769 and shall update the history note of the rule in the Florida
770 Administrative Code to reflect the date of the rule review's
771 completion, if applicable.

772 (9) A technical change to a rule reviewed pursuant to this
773 section is not subject to a challenge as a proposed rule
774 pursuant to s. 120.56(2).

775 (10) The hearing requirements of s. 120.54 do not apply to
776 a rule reviewed pursuant to this section.

777 (11) The Department of State shall adopt rules to implement
778 this section no later than December 31, 2025.

779 (12) This section is repealed July 1, 2032, unless reviewed
780 and saved from repeal through reenactment by the Legislature.

781 Section 5. Subsection (1) of section 120.55, Florida
782 Statutes, is amended to read:

783 120.55 Publication.—

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784 (1) The Department of State shall:

785 (a)1. Through a continuous revision and publication system,
786 compile and publish electronically, on a website managed by the
787 department, the "Florida Administrative Code." The Florida
788 Administrative Code must ~~shall~~ contain all rules adopted by each
789 agency, citing the grant of rulemaking authority and the
790 specific law implemented pursuant to which each rule was
791 adopted, all history notes as authorized in ss. 120.5435 and
792 120.545(7) s. 120.545(7), complete indexes to all rules and any
793 material incorporated by reference contained in the code, and
794 any other material required or authorized by law or deemed
795 useful by the department. The electronic code must ~~shall~~ display
796 each rule chapter currently in effect in browse mode and allow
797 full text search of the code and each rule chapter. The
798 department may contract with a publishing firm for a printed
799 publication; however, the department retains ~~shall retain~~
800 responsibility for the code as provided in this section. The
801 electronic publication is ~~shall be~~ the official compilation of
802 the administrative rules of this state. The Department of State
803 retains ~~shall retain~~ the copyright over the Florida
804 Administrative Code.

805 2. Rules general in form but applicable to only one school
806 district, community college district, or county, or a part
807 thereof, or state university rules relating to internal
808 personnel or business and finance may ~~shall~~ not be published in
809 the Florida Administrative Code. Exclusion from publication in
810 the Florida Administrative Code does ~~shall~~ not affect the
811 validity or effectiveness of such rules.

812 3. At the beginning of the section of the code dealing with

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an agency that files copies of its rules with the department, the department shall publish the address and telephone number of the executive offices of each agency, the manner by which the agency indexes its rules, a listing of all rules of that agency excluded from publication in the code, a listing of all forms and material incorporated by reference adopted by rule which are used by the agency, and a statement as to where those rules may be inspected.

4. Forms ~~may shall~~ not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, ~~must shall~~ be filed with the committee before it is used. Any form or instruction which meets the definition of the term "rule" provided in s. 120.52 ~~must shall~~ be incorporated by reference into the appropriate rule. The reference ~~must shall~~ specifically state that the form is being incorporated by reference and ~~shall~~ include the number, title, and effective date of the form and an explanation of how the form may be obtained. Each form created by an agency which is incorporated by reference in a rule notice of which is given under s. 120.54(3)(a) after December 31, 2007, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

5. After December 31, 2025, the department shall require any material incorporated by reference in allow adopted rules ~~and material incorporated by reference~~ to be filed in electronic form as prescribed by department rule. When a rule is filed for adoption with incorporated material in electronic form, the department's publication of the Florida Administrative Code on

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its website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

6. The department shall include the date of any technical changes in the history note of the rule in the Florida Administrative Code. A technical change does not affect the effective date of the rule. A technical change made after the adoption of a rule must be published as a notice of correction.

(b) Electronically publish on a website managed by the department a continuous revision and publication entitled the "Florida Administrative Register," which serves ~~shall serve~~ as the official publication and must contain:

1. All notices required by s. 120.54(2) and (3)(a), showing the text of all rules proposed for consideration.

2. All notices of public meetings, hearings, and workshops conducted in accordance with s. 120.525, including a statement of the manner in which a copy of the agenda may be obtained.

3. A notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules.

4. Notice of petitions for declaratory statements or administrative determinations.

5. A list of all rules that were not timely reviewed by their respective agency, pursuant to s. 120.5435, updated at least annually.

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871 6. A summary of each objection to any rule filed by the
 872 Administrative Procedures Committee.
 873 7.6- A list of rules filed for adoption in the previous 7
 874 days.
 875 8.7- A list of all rules filed for adoption pending
 876 legislative ratification under s. 120.541(3). A rule shall be
 877 removed from the list once notice of ratification or withdrawal
 878 of the rule is received.
 879 9.8- Any other material required or authorized by law or
 880 deemed useful by the department.
 881
 882 The department may contract with a publishing firm for a printed
 883 publication of the Florida Administrative Register and make
 884 copies available on an annual subscription basis.
 885 (c) Prescribe by rule the style and form required for
 886 rules, notices, and other materials submitted for filing,
 887 including any rule requiring that documents created by an agency
 888 which are proposed to be incorporated by reference in notices
 889 published pursuant to s. 120.54(3)(a) and (d) be coded as
 890 required in s. 120.54(1)(i)7.
 891 (d) Charge each agency using the Florida Administrative
 892 Register a space rate to cover the costs related to the Florida
 893 Administrative Register and the Florida Administrative Code.
 894 (e) Maintain a permanent record of all notices published in
 895 the Florida Administrative Register.
 896 Section 6. Paragraph (c) of subsection (1) and subsections
 897 (4) through (8) of section 120.74, Florida Statutes, are
 898 amended, and paragraphs (e) and (f) are added to subsection (1)
 899 of that section, to read:

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900 120.74 Agency annual rulemaking and regulatory plans;
 901 reports.-
 902 (1) REGULATORY PLAN.-By October 1 of each year, each agency
 903 shall prepare a regulatory plan.
 904 (c) The plan must include any desired update to the prior
 905 year's regulatory plan or supplement published pursuant to
 906 subsection (5) (7). If, in a prior year, a law was identified
 907 under this paragraph or under subparagraph (a)1. as a law
 908 requiring rulemaking to implement but a notice of proposed rule
 909 has not been published:
 910 1. The agency shall identify and again list such law,
 911 noting the applicable notice of rule development by citation to
 912 the Florida Administrative Register; or
 913 2. If the agency has subsequently determined that
 914 rulemaking is not necessary to implement the law, the agency
 915 shall identify such law, reference the citation to the
 916 applicable notice of rule development in the Florida
 917 Administrative Register, and provide a concise written
 918 explanation of the reason why the law may be implemented without
 919 rulemaking.
 920 (e) The plan must also include all of the following:
 921 1. A list of the agency's existing rules scheduled for
 922 review pursuant to s. 120.5435.
 923 2. A 5-year schedule for the review of all existing rules
 924 as of July 1, 2025.
 925 3. A yearly schedule for the rules it will review each year
 926 during the 5-year rule review. The agency may amend this
 927 schedule, if necessary.
 928 (f) The plan must include any desired update to the prior

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

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 929 year's regulatory plan or supplement thereof, published pursuant
 930 to subsection (5). If, in a prior year, the agency identified a
 931 rule under this paragraph as one requiring review pursuant to s.
 932 120.5435, but the agency has not yet completed an action
 933 described in s. 120.5435(5):

934 1. The agency must identify and list such rule in its
 935 regulatory plan as an untimely rule review and notify the
 936 committee of such action; or

937 2. If the agency subsequently determined that the rule
 938 review is not necessary, the agency must identify the rule and
 939 provide a concise written explanation of the reason why the rule
 940 does not require a rule review.

941 ~~(4) DEADLINE FOR RULE DEVELOPMENT. By November 1 of each~~
 942 ~~year, each agency shall publish a notice of rule development~~
 943 ~~under s. 120.54(2) for each law identified in the agency's~~
 944 ~~regulatory plan pursuant to subparagraph (1)(a)1. for which~~
 945 ~~rulemaking is necessary to implement but for which the agency~~
 946 ~~did not report the publication of a notice of rule development~~
 947 ~~under subparagraph (1)(a)2.~~

948 ~~(5) CORRECTING THE REGULATORY PLAN DEADLINE TO PUBLISH~~
 949 ~~PROPOSED RULE. For each law for which implementing rulemaking is~~
 950 ~~necessary as identified in the agency's plan pursuant to~~
 951 ~~subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall~~
 952 ~~publish a notice of proposed rule pursuant to s. 120.54(3)(a) by~~
 953 ~~April 1 of the year following the deadline for the regulatory~~
 954 ~~plan. This deadline may be extended if the agency publishes a~~
 955 ~~notice of extension in the Florida Administrative Register~~
 956 ~~identifying each rulemaking proceeding for which an extension is~~
 957 ~~being noticed by citation to the applicable notice of rule~~

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 958 ~~development as published in the Florida Administrative Register.~~
 959 ~~The agency shall include a concise statement in the notice of~~
 960 ~~extension identifying any issues that are causing the delay in~~
 961 ~~rulemaking. An extension shall expire on October 1 after the~~
 962 ~~April 1 deadline, provided that the regulatory plan due on~~
 963 ~~October 1 may further extend the rulemaking proceeding by~~
 964 ~~identification pursuant to subparagraph (1)(c)1. or conclude the~~
 965 ~~rulemaking proceeding by identification pursuant to subparagraph~~
 966 ~~(1)(c)2. A published regulatory plan may be corrected at any~~
 967 ~~time to accomplish the purpose of extending or concluding an~~
 968 ~~affected rulemaking proceeding by identifying the applicable~~
 969 ~~rule pursuant to subparagraph (1)(c)2. The regulatory plan and~~
 970 ~~is deemed corrected as of the October 1 due date. Upon~~
 971 ~~publication of a correction, the agency shall publish in the~~
 972 ~~Florida Administrative Register a notice of the date of the~~
 973 ~~correction identifying the affected rulemaking proceeding by~~
 974 ~~applicable citation to the Florida Administrative Register.~~

975 ~~(6) CERTIFICATIONS. Each agency shall file a certification~~
 976 ~~with the committee upon compliance with subsection (4) and upon~~
 977 ~~filing a notice under subsection (5) of either a deadline~~
 978 ~~extension or a regulatory plan correction. A certification may~~
 979 ~~relate to more than one notice or contemporaneous act. The date~~
 980 ~~or dates of compliance shall be noted in each certification.~~

981 ~~(5)(7) SUPPLEMENTING THE REGULATORY PLAN. After publication~~
 982 ~~of the regulatory plan, the agency shall supplement the plan~~
 983 ~~within 30 days after a bill becomes a law if the law is enacted~~
 984 ~~before the next regular session of the Legislature and the law~~
 985 ~~substantively modifies the agency's specifically delegated legal~~
 986 ~~duties, unless the law affects all or most state agencies as~~

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identified by letter to the committee from the Governor or the Attorney General. The supplement must include the information required in paragraph (1)(a) and shall be published as required in subsection (2), but no certification or delivery to the committee is required. The agency shall publish in the Florida Administrative Register notice of publication of the supplement, and include a hyperlink on its website or web address for direct access to the published supplement. For each law reported in the supplement, if rulemaking is necessary to implement the law, the agency shall publish a notice of rule development ~~by the later of the date provided in subsection (4) or~~ 60 days after the bill becomes a law, and a notice of proposed rule shall be published ~~by the later of the date provided in subsection (5) or~~ 120 days after the bill becomes a law. ~~The proposed rule deadline may be extended to the following October 1 by notice as provided in subsection (5).~~ If such proposed rule has not been filed by October 1, a law included in a supplement shall also be included in the next annual plan pursuant to subsection (1).

(7)(8) FAILURE TO COMPLY.—If an agency fails to comply with a requirement of paragraph (2)(a) ~~or subsection (5)~~, within 15 days after written demand from the committee or from the chair of any other legislative committee, the agency shall deliver a written explanation of the reasons for noncompliance to the committee, the President of the Senate, the Speaker of the House of Representatives, and the chair of any legislative committee requesting the explanation of the reasons for noncompliance.

Section 7. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: January 30, 2025

I respectfully request that **Senate Bill #108**, relating to Administrative Procedures, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

The Florida Senate

APPEARANCE RECORD

2/11/25

Meeting Date

SB108

Bill Number or Topic

Governmental Oversight & Accountability

Committee

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

Amendment Barcode (if applicable)

Name Derrick Tabertshofer

Phone 863-220-0138

Address 107 E. Collese

Email dtabertshofer@afphe.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

Americans for Prosperity

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 100

INTRODUCER: Senator Fine

SUBJECT: Display of Flags by Governmental Entities

DATE: February 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 100 prohibits a governmental agency, local government, or other unit of local government, including a public school, college, or university, from erecting or displaying a flag that represents a political viewpoint, including a politically partisan, racial, sexual orientation, gender, or political ideology viewpoint.

Any governmental entity that displays the United States flag must do so in a manner in which the United States flag is in a more prominent position than any other displayed flag.

The bill allows an active or retired member of the United States Armed Forces or National Guard to use reasonable force to prevent the desecration, destruction, or removal of the United States flag, or to replace it to a prominent position, except when directly ordered not to do so by a law enforcement officer who is acting in the scope of his or her employment.

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

The bill takes effect July 1, 2025.

II. Present Situation:

United States Flag Code

The United States Flag Code (Code) establishes advisory rules for display and care of the national flag of the United States of America (U.S.).¹ In addition to the Code, Congress has designated the national anthem and set out the proper conduct when it is played with the flag present.² The Code is designed as a guide for use by all citizens and citizen groups that may not

¹ 4 U.S.C. ss. 4-10.

² 36 U.S.C. s. 301.

be associated directly with the federal government.³ As a result, the Code does not prescribe any penalties for non-compliance nor does it include enforcement provisions. The Code does not purport to cover all possible situations, although it does empower the President of the United States to alter, modify, repeal, or prescribe additional rules regarding the flag.⁴

Display of Flags

Flag of the United States

Federal law provides that the U.S. flag should be displayed daily on or near the main administration building of every public institution, in or near every polling place on election days, and during school days in or near every schoolhouse.⁵

State law requires the U.S. flag to be displayed:

- Daily, when the weather permits, from a staff upon the state capitol and upon each county courthouse;⁶
- At all designated polling places on all days when an election is being held;⁷
- Daily, when the weather permits, at each publicly supported and controlled auditorium in a separate building;⁸
- Inside each publicly supported and controlled auditorium within a part of a building when the auditorium is open;⁹
- Daily, when the weather permits, on the grounds of each public K-20 educational institution and district school board building;¹⁰ and
- Within each classroom of a public K-20 educational institution.¹¹

Further guidance on the protocol and display of the United States flag is provided by the Florida Department of State.¹²

State of Florida Flag

Section 256.015, F.S., directs the Governor to adopt a protocol on “flag display.” The protocol must provide guidelines for the proper display of the state flag and for the lowering of the state flag to half-staff on appropriate occasions, such as on holidays and upon the death of

³ 4 U.S.C. s. 5.

⁴ 4 U.S.C. s. 10.

⁵ 4 U.S.C. s. 6.

⁶ Section 256.01, F.S.

⁷ Section 256.011, F.S.

⁸ Section 256.11, F.S.

⁹ *Id.*

¹⁰ Section 1000.06(1), F.S.

¹¹ Section 1000.06(2), F.S.

¹² Florida Department of State, *Flag Protocols and Display*, <https://dos.myflorida.com/about-the-department/flag-and-seal-protocol/flag-protocols-and-display/#:~:text=Chapter%20256%20of%20the%20Florida,be%20exposed%20to%20public%20view> (last visited Jan. 29, 2024).

high-ranking state officials, uniformed law enforcement and fire service personnel, and prominent citizens.¹³

In practice, the state flag protocol requires the official flag of Florida to be displayed on a daily basis, when weather permits, at each state educational institution, every county school building, and each elementary and secondary public school, except when it is closed for vacation.¹⁴ Generally, the state flag is flown above all other flags except the U.S. flag, the POW/MIA flag, and a foreign visitor's flag, if the foreign visitor is being honored in Florida by an agency or department of the U.S. Government.¹⁵

POW-MIA Flag

The National League of Families' POW-MIA flag is designated as the symbol of America's concern and commitment to resolving, as fully as possible, the fates of Americans still prisoner, missing, and unaccounted for in Southeast Asia.¹⁶ A POW-MIA flag must be displayed at:

- Each state-owned building at which the U.S. flag is displayed, if the POW-MIA flag is available free of charge to the agency that occupies the building, and if the display is in accordance with federal laws and regulations;¹⁷
- Each rest area along an interstate highway in the state;¹⁸ and
- Each state park where the U.S. flag is displayed.¹⁹

Honor and Remember Flag

The Honor and Remember Flag is the state's emblem of service and sacrifice of the brave men and women of the U.S. Armed Forces.²⁰ The flag may be displayed at any of the following locations:

- A state-owned building at which the U.S. flag is displayed;
- A state-owned military memorial; and
- Any other state-owned location.²¹

The flag may be displayed on the following days:

- Veterans Day;
- Gold Star Mother's Day; and
- A day on which a member of the United States Armed Forces who is a resident of this state loses his or her life in the line of duty.²²

¹³ Section 256.015(1), F.S.; see also Executive Office of the Governor, *EOG Flag Protocol*, <https://www.flgov.com/eog/sites/default/files/pdf/2022-EOG-Flag-Protocol.pdf> (last visited Feb. 3, 2025).

¹⁴ See ss. 256.032 and 1000.06(1), F.S.; Department of State, *Flag Protocols and Display*, *supra* note 12.

¹⁵ Executive Office of the Governor, *EOG Flag Protocol*, 2, <https://www.flgov.com/eog/sites/default/files/pdf/2022-EOG-Flag-Protocol.pdf> (last visited Feb. 3, 2025).

¹⁶ 36 U.S.C. s. 902(2).

¹⁷ Section 256.12, F.S.

¹⁸ Section 256.13, F.S.

¹⁹ Section 256.14, F.S.

²⁰ Section 256.16, F.S.

²¹ Section 256.16(2)(a), F.S.

²² Section 256.16(2)(b), F.S.

Local governments are empowered to adopt rules to display the Honor and Remember flag at local government locations.²³

Firefighter Memorial Flag

The Division of State Fire Marshal of the Department of Financial Services is directed by law to design, produce, and implement the creation and distribution of an official state Firefighter Memorial Flag to honor firefighters who died in the line of duty.²⁴ The flag may be displayed at memorial or funeral services of firefighters who have died in the line of duty, at firefighter memorials, at fire stations, at the Fallen Firefighter Memorial located at the Florida State Fire College in Ocala, by the families of fallen firefighters, and at any other location designated by the State Fire Marshal.²⁵

Other Government-Sponsored Flags

Various counties, municipalities, universities, colleges, and K-12 schools have adopted “flags” to garner support for the various institutions. Cities that have their own flags include Orlando,²⁶ Mount Dora,²⁷ and Tampa.²⁸ Florida counties that have their own flags include Orange County²⁹ and Osceola County.³⁰ These flags are a symbol of the local history and a source of pride to help individuals feel more connected to their city and county.

Other government-sponsored flags include the warning and safety flags displayed at public beaches.³¹ The purpose of these flags is to improve public safety. The flags provide general warnings about the overall conditions of the water.³²

Improper Use or Mutilation of Flags

In Florida, a person commits a second degree misdemeanor³³ if the person improperly uses the state or the U.S. flag³⁴ by marking the flag, exposing an improperly marked flag for public viewing,³⁵ or if a person publicly mutilates, defaces, defiles, defies, tramples upon, or by word or

²³ Section 256.16, F.S.

²⁴ Section 256.15, F.S.

²⁵ Section 256.15(1), F.S.; *see also* Rule 69A-62.050(6), F.A.C.

²⁶ City of Orlando, *Flag*, <https://www.orlando.gov/News/Our-New-City-of-Orlando-Flag> (last visited Feb. 3, 2025).

²⁷ City of Mount Dora, *City Flag*, <https://ci.mount-dora.fl.us/854/City-Flag> (last visited Feb. 3, 2025).

²⁸ City of Tampa, *Flag*, <https://www.tampa.gov/city-clerk/info/archives/city-of-tampa-flag> (last visited Feb. 3, 2025).

²⁹ Orange County Government, *A Story Worth Flagging: The Origination of Orange County's Official Flag*, <https://newsroom.ocfl.net/2020/06/a-story-worth-flagging-the-origination-of-orange-countys-official-flag/> (last visited Feb. 3, 2025).

³⁰ Osceola County, *County History*, <https://www.osceola.org/Community/About-Osceola-County/General-Information/County-History> (last visited Feb. 3, 2025).

³¹ Section 380.276, F.S.

³² Florida Department of Environmental Protection, *Beach Warning Flag Program*, <https://floridadep.gov/rcp/fcmp/content/beach-warning-flag-program> (last visited Feb. 3, 2025).

³³ A second-degree misdemeanor is punishable by imprisonment not to exceed 60 days and a fine not to exceed \$500. *See ss.* 775.082 and 775.083, F.S.

³⁴ Section 256.08, F.S., defines “flag” to include any flag, standard, color, ensign or shield, or copy, picture or representation thereof, made of any substance or represented or produced thereon, and of any size, evidently purporting to be such flag, standard, color, ensign or shield of the United States or of this state, or a copy, picture or representation thereof.

³⁵ Section 256.05, F.S.

act casts contempt upon any such flag.³⁶ However, s. 876.52, F.S., makes it a first-degree misdemeanor, if a person publicly mutilates, defaces, tramples upon, or burns, with intent to insult, any flags, standards, colors, or ensigns of the U.S. or of Florida.³⁷

Freedom of Speech and Expression

The First Amendment to the U.S. Constitution guarantees that “Congress shall make no law ... abridging the freedom of speech.”³⁸ Generally, a government cannot restrict speech on the basis of the message expressed;³⁹ content-based restrictions are presumptively invalid.⁴⁰ “Speech” is not strictly limited to verbal utterances, but also includes written word, conduct, and symbolic speech.⁴¹ The rights guaranteed by the First Amendment apply with equal force to state governments through the due process clause of the Fourteenth Amendment.⁴² While the text of the state and federal constitutions differs, the protection and freedom of speech under the state constitution “is the same as is required under the First Amendment.”⁴³

Restricting Speech

The government may regulate speech in specific instances, so long as it has a sufficient government interest justifying the restriction and uses an appropriately tailored approach. Dependent on the circumstances, speech restrictions are subject to different levels of scrutiny by the courts. Strict scrutiny requires the government to prove that the restriction is narrowly tailored to achieve a compelling government interest.⁴⁴ Intermediate scrutiny requires a narrowly tailored restriction that serves a significant government interest.⁴⁵ Rational basis review requires a legitimate government purpose for the restriction.⁴⁶

Types of speech

Political speech is the highest, most protected type of speech.⁴⁷ Laws that burden political speech are subject to strict scrutiny. Political speech encompasses:

- Discussion of governmental affairs, which includes:
 - Candidates,
 - Structures and form of government,

³⁶ Section 256.06, F.S.

³⁷ A first-degree misdemeanor is punishable by imprisonment not to exceed 1 year and a fine not to exceed \$1,000. See ss. 775.082 and 775.083, F.S.

³⁸ U.S. CONST. amend. I.

³⁹ *Texas v. Johnson*, 491 U.S. 397 (1989); *State v. T.B.D.*, 656 So.2d 479 (Fla. 1995).

⁴⁰ See, e.g., *Police Dept. of Chicago v. Mosely*, 408 U.S. 92 (1972).

⁴¹ *Virginia v. Black*, 538 U.S. 343, 358 (2003); *Spence v. Washington*, 418 U.S. 405, 410-411 (1974); see, e.g., *Minnesota Voters All. v. Mansky*, 585 U.S. 1, 11 (2018) (holding that political badges, buttons, and other insignia qualify as First Amendment speech); *U.S. v. Eichman*, 496 U.S. 310, 315 (providing that flag burning is expressive conduct afforded protections as speech under the First Amendment).

⁴² U.S. CONST. amend. XIV; see also FLA. CONST., art. I.

⁴³ *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.; *Scott v. Fla.*, No. 23-7786 (U.S. Oct. 7, 2024).

⁴⁴ *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 171 (2015).

⁴⁵ *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 596 U.S. 61, 76 (2022).

⁴⁶ *Gregory v. Ashcroft*, 501 U.S. 452, 470 (1991).

⁴⁷ BLACK'S LAW DICTIONARY, *Speech* (12th ed. 2024) (citing *R.A.V. v. City of St. Paul*, 505 U.S. 377, 422 (1992) (Stevens, J., concurring in the judgment)).

- The manner in which the government is operated, and
- All similar matters relating to political processes.
- Expression of a disagreement with government policy;
- Discussion of changes in the laws and constitution; and
- Claims of government corruption, maladministration, or misuse of funds, even if it undermines confidence in or increases discontent with government.⁴⁸

“Symbolic” or “expressive” speech is the “use of action or gesture as a surrogate or substitute for words.” Most restrictions on symbolic speech are invalid; it may, however, be restricted when the type of speech or message the conduct symbolizes would not be protected.⁴⁹

A flag may be deemed symbolic speech. Regulations that cover symbolic content are subject to a strict scrutiny review and will be upheld if they:⁵⁰

- Are within the constitutional power of the government;
- Further an important or substantial governmental interest;
- Are based on a governmental interest that is unrelated to the suppression of free expression; and
- Are narrowly tailored so the incidental restriction on alleged First Amendment freedoms is no greater than is essential to further the state interest.

For example, the act of flag burning has been expressive conduct afforded protections as speech under the First Amendment by the U.S. Supreme Court.⁵¹

Types of Restrictions

In general, there are two types of restrictions on speech – content-based and content-neutral. Content-based restrictions target speech based on its subject-matter and is viewed with disfavor by the courts. Such restrictions are presumptively invalid and evaluated under strict scrutiny.⁵²

However, a content-neutral regulation, also called a time-place-manner restriction, is generally permitted. Courts apply intermediate scrutiny to time-place-manner restrictions, and allow reasonable restrictions on the time, place, and manner in which speech is made.⁵³

⁴⁸ 16B C.J.S. *Constitutional Law* s. 933 (2024).

⁴⁹ Constitutional Law Deskbook ss. 8:112 and 8:93 (2024); see *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503 (1969).

⁵⁰ *U.S. v. O’Brien*, 391 U.S. 367, 377 (1968); see also, *Firestone v. News-Press Pub. Co.*, 538 So.2d 457, 459 (Fla. 1989).

⁵¹ *Eichman*, 496 U.S. at 315.

⁵² *Vidal v. Elster*, 602 U.S. 286, 292 (2024). In particular, the Supreme Court held that view-point discrimination, which targets not just the subject matter, “but particular views taken by the speakers,” is considered “a particularly egregious form of content discrimination.”

⁵³ For time-place-manner restrictions to be upheld, the state must show that the government’s interest is unrelated to the suppression of speech, and that the restriction is not substantially broader than necessary to further the important governmental interest or that ample alternative methods of communicating the message have been left open. 16B C.J.S. *Constitutional Law* s. 957 (2024); *Heffron v. Int’l Soc. for Krishna Consciousness, Inc.*, 452 U.S. 640, 648-650 (1981).

“Place” restrictions limit where speech may happen. “[T]he standards by which limitations on speech must be evaluated differ depending on the character of the property at issue.”⁵⁴ In particular, there are three forums of government-owned property:⁵⁵

- **Traditional public forums**, such as public streets, sidewalks, and parks, are places “by long tradition or by government fiat have been devoted to assembly and debate;”⁵⁶
- **Designated public forums** are areas not traditionally open to assembly and debate, but are instead designated by the government as “a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects;”⁵⁷ and
- **Non-public forums**, where the “principal function of the property would be disrupted by expressive conduct,” such as military reservations and jailhouses.⁵⁸

Speakers may be excluded from traditional or designated public forums “only when the exclusion is necessary to serve a compelling state interest, and the exclusion is narrowly drawn to achieve that interest.” Generally, public forum speech regulations must be content-neutral, provide for alternative channels of communications, and otherwise meet intermediate scrutiny. By contrast, “access to a nonpublic forum can be based on subject matter and speaker identity so long as the limits are reasonable and are viewpoint neutral” (meet rational basis review).⁵⁹

Government Speech

The First Amendment protects citizens’ speech from government regulation, but its restrictions do not extend to government speech itself.⁶⁰ The government speech doctrine is the principle that a government can freely “select the views that it wants to express,”⁶¹ which includes the freedom not to speak and speaking through the removal of speech that the government disapproves.⁶² The U.S. Supreme Court has prescribed the following inquiries to determine whether a government action amounts to its own speech, or a regulation of private expression:

- The history of the expression at issue;
- The public’s likely perception as to who (the government or a private person) is speaking; and
- The extent to which the government has actively shaped or controlled the expression.⁶³

The U.S. Supreme Court has stated that the act of flying flags, particularly at the seat of government, tends toward an expression of government speech because “[f]lags evolved as a

⁵⁴ *Frisby v. Schultz*, 487 U.S. 474, 479 (1988) (internal quotation marks and citation omitted); see also, *Int’l Soc. for Krishna Consciousness, Inc. v. Lee*, 925 F.2d 576, 579 (2d Cir. 1991), *aff’d in part*, 505 U.S. 672 (1992), and *aff’d*, 505 U.S. 830 (1992) (citing *Perry Education Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 44 (1983)).

⁵⁵ *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 802 (1985).

⁵⁶ *Id.*; *Int’l Soc. for Krishna Consciousness, Inc.*, 925 F.2d at 579 (2d Cir. 1991).

⁵⁷ *Cornelius*, 473 U.S. at 802.

⁵⁸ *Id.* at 804; *Int’l Soc. for Krishna Consciousness, Inc.*, 925 F.2d at 580 (2d Cir. 1991).

⁵⁹ *Cornelius*, 473 U.S. at 806; *Int’l Soc. for Krishna Consciousness, Inc.*, 925 F.2d at 580 (2d Cir. 1991).

⁶⁰ *N.A.A.C.P. v. Hunt*, 891 F.2d 1555, 1565 (11th Cir. 1990), citing *Columbia Broad. Sys., Inc. v. Democratic Nat’l Comm.*, 412 U.S. 94, 139 (1973).

⁶¹ *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 467 (2009), quoting *Bd. of Regents of Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217, 229 (2000).

⁶² *Downs v. L.A. Unified Sch. Dist.*, 228 F.3d 1003, 1012 (9th Cir. 2000).

⁶³ *Shurtleff v. City of Boston, Ma.*, 596 U.S. 243, 244 (2022).

way to symbolize communities and governments ... flying a flag other than a government's own can also convey a governmental message..."⁶⁴ However, when a city allowed private groups to fly flags that it "neither actively controlled these flag raisings nor shaped the messages the flags sent," it was not exercising government speech but was allowing private speech to occur.⁶⁵ In these instances of such private speech, the government cannot discriminate against the speakers based on their viewpoint as it would violate the First Amendment.⁶⁶

Public Employees

A public employee's speech on a matter of public concern is protected by the First Amendment guarantee of free speech, as citizen speech, and may be restricted only if the state's interest, as an employer, in promoting the efficiency of the public services it performs through its employees, outweighs the employee's interests as a citizen in commenting on a matter of public concern. Actual disruption is not required, but mere speculative concerns are inadequate.⁶⁷

Generally, restrictions on public employees' free speech are subject to two tests. If a public employee's speech is a part of one's official duties, then the speech is not protected. Where the speech does not go to the "core of their jobs,"⁶⁸ the courts then determine whether the restriction of the speech or the employment discipline as a result of the speech constitutes a First Amendment violation according to the *Pickering-Connick* multi-factor balancing test.

The *Pickering-Connick* test first asks whether the public employee was speaking on a matter of "public concern" or as a private citizen.⁶⁹ The content, form, and context of a given statement determines if the speech is a matter of public concern.⁷⁰ If it does not, the speech is not protected by the First Amendment. If the speech goes to a matter of public concern, the courts will then balance "a public employee's First Amendment rights against a public employer's interest in promoting public efficiency" by considering whether the speech in question:

- Impairs discipline by superiors;
- Impairs harmony among coworkers or has a detrimental impact on close working relationships;
- Impedes the performance of the public employee's duties, or conflicts with those duties;
- Interferes with the operation or mission of the agency;
- Is communicated to the public or to coworkers in private; and
- Makes use of the authority and public accountability which the employee's role entails.⁷¹

⁶⁴ *Id.*

⁶⁵ *Id.* at 244-245.

⁶⁶ *Id.* at 247, citing *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828-830 (1995).

⁶⁷ 16B C.J.S. *Constitutional Law* s. 1062.

⁶⁸ *Garcetti v. Ceballos*, 547 U.S. 410, at 433 (J. Souter, dissenting).

⁶⁹ 16A AM. JUR. 2D *Constitutional Law* s. 491 (2024); Legal Almanac, *The First Amendment: Freedom of Speech* s. 8:4; *Connick v. Myers*, 461 U.S. 138, 142-148 (1983).

⁷⁰ 16B C.J.S. *Constitutional Law* s. 1068.

⁷¹ 63C AM. JUR. 2D *Public Officers and Employees* s. 195 (2024) (citing *Smith v. Gilchrist*, 749 F.3d 302, 309 (4th Cir. 2014)).

III. Effect of Proposed Changes:

The bill prohibits a governmental entity from erecting or displaying a flag that represents a political viewpoint, including, but not limited to, a politically partisan, racial, sexual orientation and gender, or political ideology viewpoint. The bill states that a governmental entity must remain neutral when representing political viewpoints in displaying or erecting a flag.

Thus, a governmental entity is prohibited from displaying a flag that represents a politically partisan viewpoint, including a flag representing any of the political parties (Republican, Democratic, Green, etc.). Similarly, the bill prohibits the display of a flag representing political ideology, such as Christian democracy, communism, conservatism, fascism, feminism, green politics, Islamism, liberalism, libertarianism, nationalism, populism, republicanism, social democracy, socialism, etc.

For purposes of the bill, a “governmental entity” is a governmental agency, local government, or other unit of local government, including a public school, public college, or public university. Although not specifically mentioned, the term “governmental agency” appears to include entities in all three branches of state government, cities, counties, school districts, special districts, and subcomponents of each.

The bill further provides that the prohibition on the display of a flag representing a political viewpoint by a governmental entity does not limit a private individual’s expression of private speech or viewpoints, or his or her rights otherwise protected by the First Amendment of the U.S. Constitution. Nor does the prohibition limit a governmental entity’s ability to display or erect a flag that is required or authorized by general law.

The bill requires the U.S. flag must be displayed in a prominent position that is superior to any other flag that is also displayed, which is consistent with Florida’s flag protocol.

The bill provides that an active or retired member of the U.S. Armed Forces or National Guard may use reasonable force to prevent the desecration, destruction, or removal of the United States flag, or to replace it to a prominent position, except when directly ordered not to do so by a law enforcement officer who is acting in the scope of his or her employment. This provision allows an active or retired member to interfere, using reasonable force, with private speech that is otherwise protected by the First Amendment.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

If a law fails to give persons fair notice as to what is prohibited, it may violate the Due Process Clause. A law must clearly delineate prohibited conduct so that a person of ordinary intelligence is not forced to guess about the statute's meaning or application. Where a law fails to provide such notice, it violates the void for vagueness doctrine.⁷² Additionally, a law may be unconstitutionally vague where "it authorizes or even encourages arbitrary and discriminatory enforcement."⁷³ The vagueness of content-based regulation of speech raises special First Amendment concerns because of its "obvious chilling effect on free speech."⁷⁴

While the bill provides examples of what represents a "political viewpoint" for purposes of the bill, it does not define the term. The governmental entity that merely displays a particular flag in recognition of a visiting dignitary or group of people may not be expressing a political viewpoint. However, a citizen that is opposed to that visiting dignitary or group of people may view the display that shows the governmental entity supports the dignitary or group of people (arguably a political viewpoint).

Similarly, while the bill clearly regulates governmental speech, which is not limited by First Amendment regulations, it is unclear where government speech (or that undertaken by a "governmental entity") ends and private speech begins for purposes of this regulation. For example, it is unclear whether a city commissioner who displays an Israeli flag in his personal office at City Hall is conducting private or government speech. Similarly, a university-approved French club may be uncertain of the legality of its display of the flag of France at its club meetings on university property. Prior governmental practices may have created a zone of private speech regarding erection or display of a flag in a public forum area of governmental property.

Currently, it is unclear whether specific government employees are encompassed within the bill's use of "governmental agency." All public employees have First Amendment protections, with teachers, for instance, retaining certain free speech protections at school. However, the First Amendment speech rights of public school employees are not

⁷² *Connally v. Gen. Constr. Co.*, 269 U.S. 385 (1926).

⁷³ *Hill v. Colorado*, 530 U.S. 703, 732 (2000).

⁷⁴ *Reno v. Am. C.L. Union*, 521 U.S. 844, 871-872 (1997).

so boundless that they may deliver any message to anyone anytime they wish.⁷⁵ There are certain instances in which free speech may legitimately be restricted in school.⁷⁶ For instance, public elementary, middle, and high schools may be able to restrict student speech “in light of the special characteristics of the school environment.”⁷⁷ Students have the right to express themselves in public schools as long as their “speech” does not “materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.”⁷⁸ The extent to which this extends to teachers and public universities, however, is unclear.

If a court determines that the law impermissibly regulates speech in a vague manner, including what speech and by whom, the law may be invalidated.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

Section 256.08, F.S., defines the term “flag” as applied to ss. 256.05-256.07, F.S., as “any flag, standard, color, ensign or shield, or *copy, picture or representation* thereof, made of any substance or represented or produced thereon, and of any size, evidently purporting to be such flag, standard, color, ensign or shield of the United States or of this state, or a copy, picture or representation thereof.”⁷⁹ However, this definition will not apply to s. 256.045, F.S., created by the bill.

Without a statutory definition of a term, the courts may rely on standard dictionary meaning of the term. In this instance, Merriam-Webster Dictionary defines “flag” as “a usually rectangular piece of fabric of distinctive design that is uses as a symbol (as of a nation), as signaling device, or a decoration.”⁸⁰ Similarly, the Cambridge Dictionary defines “flag” as “a piece of cloth,

⁷⁵ *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022).

⁷⁶ *B.W.A. v. Farmington R-7 Sch. Dist.*, 554 F.3d 734, 738 (8th Cir. 2009).

⁷⁷ Killion, Congressional Research Service, *Freedom of Speech: An Overview* at 24 (quoting *Tinker*, 393 U.S. at 506; citing Cong. Rsch. Serv., School Free Speech and Government as Educator, CONSTITUTION ANNOTATED, https://constitution.congress.gov/browse/essay/amdt1-7-8-3/ALDE_00000757/), *supra* note 60.

⁷⁸ *Tinker*, 393 U.S. at 513.

⁷⁹ (Emphasis added.)

⁸⁰ Merriam-Webster, *flag*, <https://www.merriam-webster.com/dictionary/flag> (last visited Feb. 6, 2025).

usually rectangular and attached to a pole at one edge, that has a pattern that shows it represents a country or group.”⁸¹

To minimize any misinterpretation of the term “flag,” the Legislature may want to consider a definition whether narrower (similar to the typical dictionary definition limiting it to “cloth”) or broader (similar to the statutory definition expanding the meaning to include a “copy, picture, or representation, made of any substance or represented or produced thereon”).

VII. Related Issues:

Lines 43-50, or proposed s. 256.045(4), F.S., enables an “active or retired member of the United States Armed Forces or the National Guard” to use “reasonable force” to prevent damage or removal of a U.S. flag. Without any consistent training, these members may not be aware of what constitutes impermissible desecration, destruction, or removal of a U.S. flag and what actions may be protected speech under the First Amendment. If the active or retired member tries to prevent action on private property, the member may be open to trespass charges. This provision appears to allow an active or retired member to interfere, using reasonable force, with private speech that is otherwise protected by the First Amendment.

Additionally, the bill leaves to individual discretion what “reasonable force” to use. This may result in the use of excessive force that is punishable by criminal penalties for assault and battery or claims for the same in tort.⁸² A tort is where “we draw lines around acceptable and unacceptable non-criminal behavior,”⁸³ and assign a remedy for “[a] civil wrong, other than breach of contract... [or] a breach of a duty that the law imposes on persons.”⁸⁴ Criminal behavior, by comparison, is an offense against the community at large that is so severe that the government is compelled to take direct action to punish those who cause harm and protect the community.⁸⁵

The individuals subject to the active or retired member’s “reasonable force,” especially if on private property, have the right of self-defense. For both criminal and tortious assault and battery, individuals are entitled to plead self-defense.⁸⁶ Generally, a person is entitled to use force, only to the extent it is reasonably necessary, to repel an attack.⁸⁷

VIII. Statutes Affected:

This bill creates the section 256.045 of the Florida Statutes.

⁸¹ Cambridge, *flag*, https://dictionary.cambridge.org/us/dictionary/english/flag#google_vignette (last visited Feb. 6, 2025).

⁸² *Shaw v. Fletcher*, 137 Fla. 519, 522 (1939); *see, e.g., Garcia v. Carnival Corp.*, 838 F. Supp. 2d 1334, 1337 (S.D. Fla. 2012) (applying Florida law) (providing that assault and battery are recognized in Florida as intentional torts); *Herzfeld v. Herzfeld*, 781 So.2d 1070, 1071 (Fla. 2001) (classifying assault and battery as an intentional tort); ss. 784.001 and 784.03, F.S. (defining the crimes of assault and battery, respectively).

⁸³ *Jews For Jesus, Inc. v. Rapp*, 997 So.2d 1098, 1105 (Fla. 2008) (internal quotation marks and citation omitted).

⁸⁴ BLACK’S LAW DICTIONARY, *Tort* (12th ed. 2024).

⁸⁵ BLACK’S LAW DICTIONARY, *Crime* (12th ed. 2024) (citing Henry S. Maine, *Ancient Law* 320 (17th ed. 1901)); BLACK’S LAW DICTIONARY, *Criminal Law* (12th ed. 2024); *see s. 775.012*, F.S. (providing purposes for Florida Criminal Code).

⁸⁶ *See cf s. 776.085*, F.S.

⁸⁷ *Price v. Gray’s Guard Serv., Inc.*, 298 So.2d 461, 463-4 (Fla. 1st DCA 1974); ss. 776.012 and 776.041, F.S.

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 Fine

19-00465-25

2025100__

A bill to be entitled

An act relating to the display of flags by governmental entities; creating s. 256.045, F.S.; defining the term "governmental entity"; prohibiting governmental entities from erecting or displaying certain flags; requiring governmental entities to remain neutral in certain circumstances; providing applicability; requiring that a United States flag displayed by governmental entities be in a certain position relative to other flags; authorizing a current or retired member of the United States Armed Forces or the National Guard to use reasonable force to prevent the desecration, destruction, or removal of the United States flag or to replace such flag to a position of prominence; providing an exception; providing an effective date.

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

Section 1. Section 256.045, Florida Statutes, is created to read:

256.045 Display of flags; governmental agencies, local governments, or other units of local government.-

(1) For purposes of this section, the term "governmental entity" means a governmental agency, a local government, or another unit of local government and includes public schools, public colleges, and public universities.

(2)(a) A governmental entity may not erect or display a flag that represents a political viewpoint, including, but not

Page 1 of 2

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

19-00465-25

2025100__

limited to, a politically partisan, racial, sexual orientation and gender, or political ideology viewpoint. The governmental entity must remain neutral when representing political viewpoints in displaying or erecting a flag.

(b) This subsection does not limit the ability of:

1. A private individual to express private speech or viewpoints or exercise rights protected by the First Amendment to the United States Constitution.

2. A governmental entity to display or erect a flag required or authorized by general law.

(3) A governmental entity that displays the United States flag must display the United States flag in a prominent position that is superior to any other flag that is also displayed.

(4) An active or retired member of the United States Armed Forces or the National Guard may at any time use reasonable force to prevent the desecration, destruction, or removal of the United States flag or to replace the United States flag to a position of prominence consistent with subsection (3), except when directly ordered not to use such force by a law enforcement officer acting in the course and scope of the law enforcement officer's employment.

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

Page 2 of 2

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

The Florida Senate

APPEARANCE RECORD

Feb 11, 2025

Meeting Date

Government Oversight

Committee

SB100

Bill Number or Topic

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name Leydi Amaclor

Phone 786-395-7998

Address 2765 West 54th St

Email leydi.fispa@floridastudent.org

Hialeah

City

FL

State

33014

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

Florida Student Power

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/11/2025

Meeting Date

SB 100

Bill Number or Topic

Governmental Oversight + Accountability

Committee

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Amendment Barcode (if applicable)

Name Yenishel Vilorio

Phone

Address 1360 Regent St

Street

Email

Mulison

City

WI

State

53715

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Six Action

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

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

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S-001 (08/10/2021)

APPEARANCE RECORD

February 11, 2025

Meeting Date

100

Bill Number or Topic

Governmental Oversight & Accountability

Committee

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Amendment Barcode (if applicable)

Name

Pamela Burch Fort

Phone

850-425-1344

Address

104 S. Monroe Street

Email

TcgLobby@aol.com

Street

Tallahassee FL

City

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:

PEN America FL

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

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2/11/25

Meeting Date

S.B. 100

Bill Number or Topic

Gov't Affairs + Oversight

Committee

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Amendment Barcode (if applicable)

Name Alexander Marks

Phone 440-822-5784

Address 32013 Brookstone Dr

Street

Email alex.marks2001@yahoo.com

Wesley Chapel

City

FL

State

33545

Zip

Speaking:

☐ For



☐ Information

OR

Waive Speaking:

☐ In Support



PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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S-001 (08/10/2021)

2/11/2025

Meeting Date

Governmental Oversight & Accountability

Committee

Name **Jonathan Webber**

Address **400 Washington Ave**

Street

Montgomery

City

AL

State

36104

Zip

The Florida Senate

APPEARANCE RECORD

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SB 100 - Flags

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **9545934449**

Email **jonathan.webber@splcenter.org**

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Southern Poverty Law Center

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

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

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S-001 (08/10/2021)

The Florida Senate

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2-11-25

Meeting Date

Gov. Oversight

Committee

100

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

850-251-4280

Address

625 E. Brevard St

Email

barbaradevane1@yahoo.com

Street

City

Tallahassee FL 32308

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL NOW

☐

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

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

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S-001 (08/10/2021)

APPEARANCE RECORD2/11/25

Meeting Date

SB100

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name

AUSTEN ASH

Phone

850-508-9982

Address

784 FIRE ESCAPE

Street

Email

AUSTENASH31@GMAILST MARK

City

State

32355

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☐ In Support ☒ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

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S-001 (08/10/2021)

2/11/2025

Meeting Date

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SB100

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Kelsey Moore

Phone

8504084939

Address

2217 Altona Drive

Email

kelseyM22@gmail.com

Street

Tallahassee FLORIDA 32301

City

State

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

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02-11-2025

Meeting Date

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Committee

SB100

Bill Number or Topic

Amendment Barcode (if applicable)

Name Floralba Walkiewicz

Phone ~~954~~ 954-825-5311

Address 1726 Killdeer cr
Street

Email X

Venice

City

FL

State

34293

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/11/25

Meeting Date

SB100

Bill Number or Topic

Governmental Oversight

Committee

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Amendment Barcode (if applicable)

Name

Ryan Kennedy

Phone

239-671-5733

Address

5572 Cobalto way

Email

ryan@go-flca.org

Street

Avenara

FL

34142

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Florida Citizens Alliance

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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11 Feb 25

Meeting Date

SB 100

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

GREG S. MATHERS

Phone

808 772 7515

Address

4539 Jubilee Trl

Email

Street

Tallahassee

FL

32305

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB100

Bill Number or Topic

2/11/25

Meeting Date

G on Oversight Account

Committee

Amendment Barcode (if applicable)

Name Avery Cole

Phone 941-404-9737

Address 7401 Lorraine St SAR

Email vey.avery44@gmail.com

SARASOTA

FLORIDA

34291

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

2/11/25
Meeting Date
Gov Oversight + Ace
Committee

SB-100
Bill Number or Topic

Name Sebastian Martinez

Phone 385-216-3941

Address 2910 Hawthorne St
Street

Email Sebastianmzslq@gmail.com

Sarasota FL 34239
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/11/25

Meeting Date

Gov Affairs & Oversight

Committee

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

S.B. 100

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Marilee Marks

Phone

40-822-7989

Address

32013 Brookstone Dr.

Street

Email

marilee.marks@gmail.com

Westchapel

City

FL

State

33545

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

02-11-2025

Meeting Date

Committee of Gov affairs

Committee

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

SB100

Bill Number or Topic

Amendment Barcode (if applicable)

Name Floralba McAtamney

Phone 954-826-5311

Address 1726 Willdeer circle

Email X

Venice

Florida

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

S-001 (08/10/2021)

2/11/25

Meeting Date

Gov't Oversight & Accountability

Committee

Name **Kara Gross**

Phone **786-363-4436**

Address **4343 Flagler Dr**

Street

Miami

City

FL

State

33134

Zip

The Florida Senate
APPEARANCE RECORD

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

SB 100

Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**American Civil Liberties Union of
Florida**

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/11/25

Meeting Date

SB 100

Bill Number or Topic

Gov Oversight + Accountability

Committee

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

Amendment Barcode (if applicable)

Name

Iris Dougherty

Phone

941-217-2582

Address

2511 Tulip St

Email

Irisjdougherty@gmail.com

Street

Sarasota

City

FL

State

34239

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

2/11/25

The Florida Senate
APPEARANCE RECORD

SB 100

Meeting Date

G OV Oversight + Accountability

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Zander Moricz

Phone

AA1-360-0823

Address

556A Eagle Creek Rd

Email

Zandermoricz@gmail.com

Street

Sarasota

State

FL

Zip

34238

City

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Feb 11, 2029

Meeting Date

SB-100

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Alan Romero

Phone

941-726-2253

Address

2585 Wood St

Email

alan.romero160@gmail.com

Street

Sarasota

FL

34237

City

State

Zip

Speaking:

☐ For



☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB100

Bill Number or Topic

2/11/25

Meeting Date

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

Gov't Oversight and Accountability
Committee

Amendment Barcode (if applicable)

Name Harrison Lundy

Phone (813) 998-5928

Address 12010 Streambed Drive
Street

Email hf.lundy@gmail.com

Riverview
City

FL
State

33579
Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02/11/25

Meeting Date

Gov Oversight

Committee

SB 100

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida
Rising



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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/11/25

Meeting Date

SB100

Bill Number or Topic

Gov Op + Accountability

Committee

Name

NR

Hines

Phone

321 800 2095

Address

Street

Email

NR @ floriderising.org

City

State

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

Florida Rising

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

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S-001 (08/10/2021)

2/11/25

Meeting Date

Senate

Committee

The Florida Senate
APPEARANCE RECORD

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

SB100

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ann Pledger

Phone _____

Address 3093 Angora Bay Dr

Street

Email annapledger@icloud.com

Middleburg

City

FL

State

32068

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 100

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Madeline Trueman

Phone

586-899-6722

Address

4850 First Coast

Email

Street

Tallahassee FL

32224

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

2/11/2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB160

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Julia Marques

Phone

~~205-516-5814~~

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

2/11/2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 160

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Trenae Robertson

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

2/11/24

Meeting Date

SB 100

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Samuel Dohler

Phone

xxx-xxx-xxxx

Address

Street

Email

xxxxx@gmail.com

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 100

Bill Number or Topic

Amendment Barcode (if applicable)

2/11/2025
Meeting Date

Gov't Operations + Accountability
Committee

Deliver both copies of this form to

Senate professional staff conducting the meeting

Name Jon Harris Maurer Phone 954-494-1863

Address PO Box 13184 Email jonharris@equalityflorida.org
Street

St Petersburg FL 33733
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Equality Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02-11-2025

Meeting Date

G oversight + acc.

Committee

SB100

Bill Number or Topic

Amendment Barcode (if applicable)

Name Nicole Walkiewicz

Phone

Address 1726 Killdeer circle

Street

Email nwalkrew@icloud.com

Venice

City

Florida

State

34293

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

SENATE COMMITTEE ON GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY

Review of Statutory Divestment Activities within the Florida Retirement System (FRS)

Chris Spencer, Executive Director

State Board of Administration
February 11, 2025





- 5th Largest public Pension Plan in the Nation.
- The SBA manages assets of more than 25 investment mandates and trusts.
- The SBA's actual returns on Pension Plan assets have met or exceeded the long-term investment objective of the fund for 10-, 15-, 20- & 30-year periods.
- More than \$257 Billion Total Assets Under Management.
- Florida Retirement System Pension Plan Funded Ratio 80.7%.

OVERSIGHT AND COMPLIANCE

SBA TRUSTEES

The SBA is mandated by the Florida Constitution and is governed by a three-member Board of Trustees, comprised of the Governor as Chairman, the Attorney General, and the Chief Financial Officer. The Trustees have ultimate oversight for the SBA's overall strategy. The Trustees delegate authority to the Executive Director to carry out the strategic direction in the day-to-day financial investments and operations of the agency.

INVESTMENT ADVISORY COUNCIL (IAC)

The IAC independently reviews the SBA's funds and major investment responsibilities, ranging from the Florida Retirement System Pension and Investment Plans to Florida PRIME™ and other investment programs. The Board of Trustees appoints nine members to serve on the IAC for four-year terms pursuant to Section 215.444(2), Florida Statutes.

AUDIT COMMITTEE (AC)

The AC serves as an independent and objective party to monitor the SBA's processes for financial reporting, internal controls, and risks assessment compliance and review and to appraise the audit efforts of the SBA's independent auditors and Office of Internal Audit. The Board of Trustees appoints three members to serve four-year terms.

HOW DOES THE SBA INVEST?

STATUTES

Section 215.47, Florida Statutes, sets out a list of permitted investments in which the SBA may invest the assets it manages, including:

- Stocks, bonds, and real estate
- Alternative investments, derivatives and many other investment types and products

INVESTMENT POLICY STATEMENTS

These are statutorily required for the Pension Plan, Investment Plan, and Florida PRIME, and set out:

- Investment objectives, risk constraints, and investment options and benchmarks
- Developed by the Executive Director and approved by the Trustees, after review by the IAC

INVESTMENT GUIDELINES

Investments for SBA's other mandates are set out in Investment Guidelines and Trust Agreements applicable to those mandates, e.g. the Florida Hurricane Catastrophe Fund and the Florida Hurricane Catastrophe Fund Finance Corporation.

FIDUCIARY

The SBA must carry out its investment activities as a statutory fiduciary:

- Subject to highest duty of loyalty and prudence
- Must maximize financial return, manage risk, diversify investments, and defray reasonable costs
- May consider only pecuniary factors

INVESTING THE MANDATES (as of June 30, 2024)

FLORIDA RETIREMENT SYSTEM (FRS) PENSION PLAN:

\$198.2 B

Investment Objectives:

- To provide returns sufficient to ensure timely payment of promised benefits;
- Maintain reasonable costs;
- Target a long-term real return approximating 4.8% per annum.

FLORIDA RETIREMENT SYSTEM (FRS) INVESTMENT PLAN:

\$17.2 B

Investment Objectives:

- Offer diversified mix of low-cost investment options that span the risk-return spectrum and give members the opportunity to accumulate retirement benefits;
- Offer investment options that avoid excessive risk, have a prudent degree of diversification relative to broad market indices and provide a long-term rate of return;
- Offer members meaningful, independent control over the assets in their account.

FLORIDA PRIME™:

\$25.5 B

Investment Objectives:

- Safety;
- Liquidity;
- Competitive returns with minimization of risks.

Investment performance of Florida PRIME™ is evaluated on a monthly basis against the Standard & Poor's U.S. AAA & AA Rated GIP All 30-Day Net Yield Index.

FLORIDA HURRICANE CATASTROPHE FUND AND FINANCE CORP.:

\$15.4 B

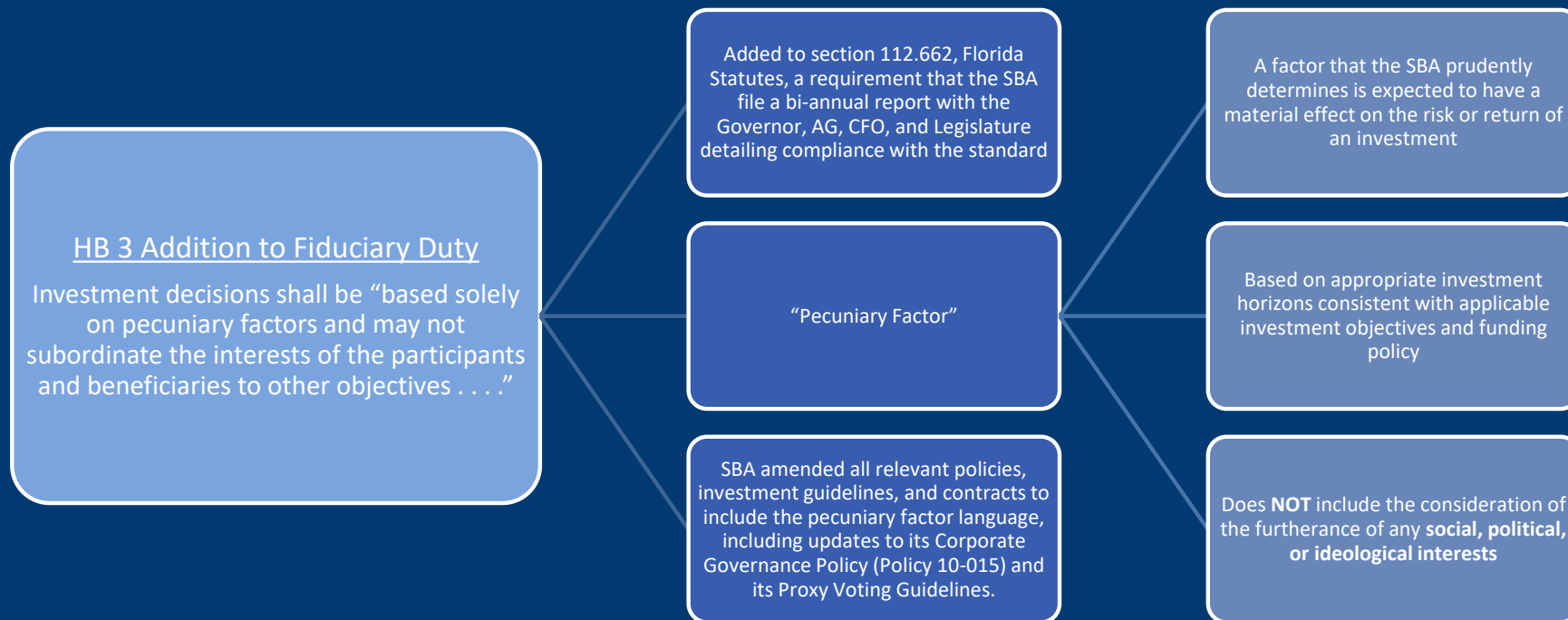
Investment Objectives:

- Liquidity;
- Safety of principal;
- Competitive returns.

For the contract year June 1 2024-May 31, 2025 the CAT Fund has projected available total liquid resources of approximately \$10.37 billion, which is made up of \$7.12 billion of projected year-end fund balance, \$2.25 billion of the \$3.50 billion Series 2020A pre-event bond proceeds, and \$1 billion of the Series 2024A pre-event bond proceeds.

INVESTMENT DECISIONS – HOUSE BILL 3 (signed into law May 2, 2023)

Section 215.47(10), Florida Statutes, requires that “[i]nvestments made by the State Board of Administration [] be designed to maximize the financial return to the fund consistent with the risks incumbent in each investment and [] be designed to preserve an appropriate diversification of the portfolio.” This duty shall be discharged “solely in the interest of its participants and beneficiaries.”



PROHIBITED INVESTMENTS & DIVESTITURE

The Florida Legislature has acted to limit SBA investments in certain companies with foreign ties. The SBA reviews all investments to ensure compliance with these legislative mandates.

Northern Ireland

§215.4702 F.S.

1. **Encouraged** to determine which publicly traded companies in the FRS Trust Fund operate in Northern Ireland
2. **Inquire** about companies' adoption of MacBride Principles
3. **Encourage** adoption of and adherence to the Principles

Cuba/Venezuela

§215.471 F.S.

§215.472 F.S.

1. **Shall divest** from and is **prohibited** from investing in:
 - Certain companies doing business in or with Cuba
 - Certain companies doing business in or with the government of Venezuela
2. **Prohibited** from investing in:
 - Certain financial institutions doing business with Cuba
 - Certain financial institutions doing business with Venezuela

Israel

§215.4725 F.S.

1. **Shall identify** all companies that "boycott Israel" in which the fund has holdings and:
 - **Engage** the company by placing it on the "Scrutinized Companies that Boycott Israel List"
 - **Divest** if, after 90 days, the company continues to boycott Israel
2. **Prohibited** from acquiring securities of companies on the List

Sudan/Iran

§215.473 F.S.

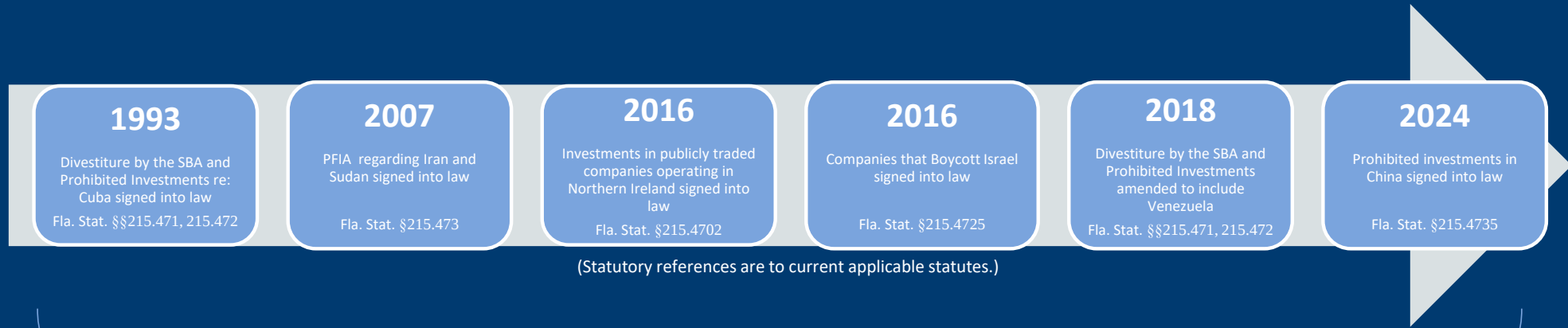
1. **Shall identify** all companies with certain ties to Sudan and Iran in which the fund has holdings and:
 - **Maintain** the "Scrutinized Companies with Activities in Sudan List" and the "Scrutinized Companies with Activities in Iran Terrorism Sectors List"
 - **Engage** scrutinized companies
 - **Divest** if, after 90 days, the company does not cease the scrutinized conduct
2. **Prohibited** from acquiring securities of companies on the Lists

China

§215.4735 F.S.

1. **May not acquire** direct holdings in a Chinese company
2. **Must** review all current holdings to determine if any holdings are in Chinese companies and:
 - **Develop** a divestment plan by 9/1/24
 - **Divest** by 9/1/25

PROTECTING FLORIDA'S INVESTMENTS ACT (PFIA), COMPANIES THAT BOYCOTT ISRAEL, AND PROHIBITED INVESTMENTS IN CHINA



Collectively referred to as the "PFIA"

PFIA Iran/Sudan

- Defines "scrutinized business operations" in Iran and Sudan
- Focus on the petroleum and energy sectors, oil and mineral extraction, power production or military support activities
- 2023: the list of sectors subject to Iranian scrutinized operations is expanded to include the energy, petrochemical, financial, construction, manufacturing, textile, mining, metals, shipping, shipbuilding, and port sectors of Iran

Companies that Boycott Israel

- Creates a "scrutinized companies that boycott Israel" list
- Includes companies that participate in a boycott of Israel including actions that limit commercial relations with Israel or Israeli-controlled territories in a discriminatory manner

Prohibited Investments in China

- Defines "Chinese company," "company," and "Majority-owned."
- Requires divestment of holdings in any majority-owned Chinese state-owned companies

CURRENT PFIA IDENTIFIED COMPANIES

The following are the total identified companies per country as of the Q4 2024 Global Governance Report:

- **Sudan**—62 companies on the Scrutinized Companies with Activities in Sudan List
- **Iran**—59 companies on the Scrutinized Companies with Activities in the Iran Terrorism Sectors List
- **Both Iran & Sudan**— 30 companies of the 121 companies in Sudan and Iran that are on both the Sudan and Iran lists
- **Boycott Israel**—18 companies on the Scrutinized Companies that Boycott Israel List (Anti-BDS)
- **China**—570 companies on the Prohibited Investments in China List



RECENT CHANGES TO THE PFIA

PFIA: Iran/Sudan

2023: list of sectors subject to Iranian scrutinized operations expanded to include the energy, petrochemical, financial, construction, manufacturing, textile, mining, metals, shipping, shipbuilding, and port sectors of Iran

The SBA enlisted external research providers to analyze companies with revenue exposure to Iran and compared results with internal research and company engagement

2024: Seven companies were added to the Iran Terrorism Sectors List in response to the legislative expansion of sectors subject to Iranian scrutinized operations.

- China Railway Group Limited
- Engineers India Limited
- Japan Post Bank Co Ltd
- Norinco International Cooperation Ltd
- Power Construction Corporation of China Ltd
- Sberbank Russia PJSC
- VINCI SA (removed in Q4 due to SBA engagement and correspondence)

Companies that Boycott Israel

2023: the Florida Legislature enhanced section 215.4725 by:

- Requiring divestment of companies on the Scrutinized Companies that Boycott Israel list within 12 months, if engagement efforts do not change company scrutinized operations
- Expanded the term, “boycott of Israel”, to include taking adverse action, including changes to published commercial financial ratings, risk ratings, and controversy ratings based on nonpecuniary factors, to inflict economic harm on Israel or persons or entities doing business in Israel or in Israeli-controlled territories.
- Expanded legislation resulted in addition of Morningstar/Sustainalytics to the Israel list. Subsequent engagement resulted in positive changes in Morningstar methodology and subsequent removal

Prohibited Investments in China

May 15, 2024: China prohibited investment legislation signed into law— F.S. 215.4735

June 12, 2024: the initial Prohibited Investments in China List (547 companies) is published in the Global Governance Report

- 570 Chinese companies are now prohibited investments.
- 23 companies were added as of Q4 2024

August 19, 2024: the SBA shared its China Divestment Plan and informed all affected managers of the requirement to divest no later than September 1, 2025

FRS direct holdings subject to the China Divestment Plan:

5/15/24 Initial: 33 companies with a market cap of \$172.4M

12/31/24: 13 companies with a market cap of \$63.9M

RECENT ACTION – DIVESTITURE OF CHINESE COMPANIES & EXCLUSION OF CHINA AND HONG KONG IN GLOBAL EQUITY BENCHMARKS

Chinese SOE Holdings

Initial Screen 5/15/24	33 companies with market value of \$172.4M
As of 12/31/24	13 companies with market value of \$63.9M

DIVESTITURE

The SBA:

- Updated Investment Portfolio Guidelines to add exclusion of Chinese Companies and to update permitted holdings language;
- Updated Investment Policy Statement of Defined Benefit Plan to incorporate requirements of Section 215.4735, Florida Statutes;
- Adopted a Divestment Plan as required by the new statute; and
- Notified external managers of Divestment Plan and required the divestiture of investments in Chinese Companies within statutorily prescribed timeframe.

CUMULATIVE INDEX PERFORMANCE – GROSS RETURNS (USD)
(OCT 2009 – OCT 2024)



Source: [MSCI China Index](#)

EXCLUSION FROM THE BENCHMARKS

During the December IAC meeting, SBA recommended and IAC approved eliminating China and Hong Kong from Global Equity Benchmarks due to potential asymmetric risk/reward expectations in light of increasing geopolitical tensions. This will effectively eliminate any passive exposure to China and Hong Kong in the Global Equity portfolio.

Q&A

CONTACT: Emily Percival, Director of External Affairs and Special Projects Legal Counsel
Email: Emily.percival@sbafla.com

STATE BOARD OF ADMINISTRATION OF FLORIDA

APPEARANCE RECORD

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

2/11/25

Meeting Date

Gov. Oversight + Acct.

Committee

SBA - PFIA

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Spencer

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

SBA

☐

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ERIN GRALL

29th District

February 10, 2025

Dear Chair Fine,

I respectfully request an excused absence from the Committee on Governmental Oversight and Accountability on February 11, 2025 at 1:45pm.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29

COMMITTEES:

Education Postsecondary, *Chair*
Agriculture
Appropriations
Appropriations Committee on Agriculture,
Environment, and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Education Pre-K -12
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Administrative Procedures Committee

REPLY TO:

- ☐ 3209 Virginia Avenue, Suite A149, Fort Pierce, Florida 34981 (772) 595-1398
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Committee on Governmental Oversight and Accountability

Judge:

Started: 2/11/2025 1:48:12 PM

Ends: 2/11/2025 3:02:54 PM

Length: 01:14:43

1:48:12 PM	Vice Chair DiCeglie calls meeting to order
1:48:23 PM	Roll call
1:48:36 PM	Vice Chair DeCeglie makes opening remarks
1:48:55 PM	Tab 1, SB 108 by Grall--Administrative Procedures
1:49:12 PM	Senator Burgess explains bill
1:50:19 PM	Questions:
1:50:24 PM	Vice Chair DeCeglie recognizes public appearances:
1:50:30 PM	Derick Taberfshefer
1:50:43 PM	Debate:
1:50:46 PM	Senator Burgess closes on the bill
1:50:52 PM	Roll call
1:51:21 PM	Tab 3, Presentation by the State Board Administration regarding implementation of statutorily mandated prohibitions on investments of state funds in certain foreign investments and scrutinized companies relating to Israel, Iran, and China
1:51:45 PM	Chris Spencer, State Board Administration
2:03:40 PM	Questions:
2:03:52 PM	Vice Chair DeCeglie thanks Chris Spencer
2:04:06 PM	Tab 2, SB 100 by Fine--Display of Flags in Governmental Entities
2:04:15 PM	Senator Fine explains the bill
2:04:41 PM	Questions:
2:04:44 PM	Senator Arrington
2:05:03 PM	Senator Fine
2:05:26 PM	Senator Arrington
2:05:39 PM	Senator Fine
2:06:08 PM	Senator Arrington
2:06:17 PM	Senator Fine
2:06:54 PM	Senator Arrington
2:07:09 PM	Senator Fine
2:07:23 PM	Senator Arrington
2:07:37 PM	Senator Fine
2:08:13 PM	Senator Arrington
2:08:28 PM	Senator Fine
2:08:49 PM	Senator Arrington
2:09:02 PM	Senator Fine
2:09:07 PM	Senator Arrington
2:09:20 PM	Senator Fine
2:09:32 PM	Senator Arrington
2:09:51 PM	Senator Fine
2:10:17 PM	Senator Arrington
2:10:34 PM	Senator Fine
2:10:59 PM	Senator Arrington
2:11:09 PM	Senator Fine
2:11:13 PM	Senator Arrington
2:11:14 PM	Senator Polsky
2:11:44 PM	Senator Fine
2:11:58 PM	Senator Polsky
2:12:40 PM	Senator Fine
2:13:53 PM	Senator Polsky
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2:18:44 PM	Senator Polsky
2:19:21 PM	Senator Fine
2:19:33 PM	Senator Polsky
2:19:40 PM	Senator Fine
2:19:57 PM	Senator Polsky
2:20:12 PM	Senator Fine
2:20:51 PM	Vice Chair DeCeglie recognizes public appearance
2:21:18 PM	Vice Chair DeCeglie recognizes those who waive speaking
2:22:18 PM	Vice Chair DeCeglie recognizes those speaking:
2:22:21 PM	Greg Mathers
2:24:29 PM	Nicole Walkiewicz
2:24:40 PM	Avery Cole
2:25:21 PM	Sebastian Martinez
2:26:33 PM	Marilee Marks
2:29:45 PM	Kara Gross
2:31:23 PM	Iris Dougherty
2:32:29 PM	Zander Moricz
2:33:28 PM	Alan Romero
2:34:28 PM	Harrison Lundy
2:35:27 PM	Senator Brodeur
2:35:30 PM	Vice Chair DiCeglie
2:35:33 PM	Harrison Lundy
2:37:21 PM	Jackson Oberlink
2:38:40 PM	NR Hines
2:40:56 PM	Ann Pledger
2:43:05 PM	Madeline Trudeau
2:44:49 PM	Jon Harris Mourer
2:47:53 PM	Nicole Walkiewicz
2:48:51 PM	Debate:
2:48:55 PM	Senator Polsky
2:53:13 PM	Senator Arrington
2:55:12 PM	Senator Brodeur
2:57:04 PM	Senator Rodriguez
2:57:59 PM	Senator Fine closes on the bill
3:01:51 PM	Roll call
3:02:15 PM	Vice Chair DiCeglie gives gavel back to Chair Fine
3:02:21 PM	Chair Fine closing remarks
3:02:43 PM	Vice Chair DiCeglie moves to adjourn
3:02:46 PM	Meeting adjourned