

Tab 2	SB 1296 by Davis; (Identical to H 01225) Florida Commission on Human Relations					
Tab 3	SB 400 by Burgess (CO-INTRODUCERS) Hooper, Collins; (Identical to H 00853) Reemployment of Retired Law Enforcement Officers					
798610	D	S	RCS	GO, Burgess	Delete everything after	01/29 05:46 PM
Tab 4	SB 656 by DiCeglie; (Similar to CS/CS/H 00149) Continuing Contracts					
399540	A	S	RCS	GO, DiCeglie	Delete L.81 - 120:	01/29 05:46 PM
Tab 5	CS/SB 692 by RI, Hutson; Public Records/Florida Gaming Control Commission					
Tab 6	SB 708 by Burton; (Identical to H 00825) Underground Facilities					
Tab 7	CS/SB 884 by EE, Hutson; Audits of Campaign Finance Reports					
Tab 8	CS/SB 954 by RI, Gruters; (Similar to H 00813) Certified Public Accountants					
251744	A	S	RCS	GO, Gruters	Delete L.83:	01/29 05:46 PM
Tab 9	SB 1490 by Burgess; (Identical to H 00993) First Responders and Crime Scene Investigators					
639914	A	S	RCS	GO, Burgess	btw L.170 - 171:	01/29 05:46 PM
Tab 10	SB 1662 by Collins; (Similar to CS/H 01555) Cybersecurity					
209390	D	S	RCS	GO, Collins	Delete everything after	01/29 05:46 PM
Tab 11	SB 1712 by Collins (CO-INTRODUCERS) Perry; (Identical to H 01415) Peer Support for First Responders					
Tab 12	SPB 7042 by GO; Commodities Produced by Forced Labor					
Tab 13	SB 472 by Brodeur; (Similar to CS/H 00569) Sovereign Immunity					
702674	D	S	RCS	GO, Brodeur	Delete everything after	01/29 05:48 PM
217858	AA	S	WD	GO, Brodeur	Delete L.59 - 139:	01/29 11:27 AM
205246	AA	S	WD	GO, Brodeur	Delete L.59 - 139:	01/29 11:51 AM
749450	AA	S	RCS	GO, Brodeur	Delete L.59 - 139:	01/29 05:48 PM
Tab 14	SB 1120 by Martin (CO-INTRODUCERS) Perry; (Similar to H 00901) Display of Flags by Governmental Entities					
583778	A	S	FAV	GO, Martin	Delete L.23 - 43:	01/29 05:46 PM
646502	A	S	FAV	GO, Martin	Delete L.44 - 45:	01/29 05:46 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY

Senator Avila, Chair
Senator Polsky, Vice Chair

MEETING DATE: Monday, January 29, 2024

TIME: 1:30—3:30 p.m.

PLACE: 301 Senate Building

MEMBERS: Senator Avila, Chair; Senator Polsky, Vice Chair; Senators Albritton, Davis, Rodriguez, and Wright

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

Investment Advisory Council

1	Canida, Maria Teresa (Coral Gables)	12/12/2026	Recommend Confirm Yeas 5 Nays 0
	Olmstead, Vinny (Vero Beach)	02/01/2027	Recommend Confirm Yeas 5 Nays 0
	Jones, Kenneth (Tampa)	12/12/2027	Recommend Confirm Yeas 5 Nays 0
	Goetz, John P. (Windermere)	12/12/2026	Recommend Confirm Yeas 5 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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2	SB 1296 Davis (Identical H 1225)	Florida Commission on Human Relations; Deleting the requirement that the Florida Commission on Human Relations send certain information to certain persons by registered mail, etc.	Favorable Yeas 5 Nays 0
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GO 01/29/2024 Favorable
 JU
 RC

3	SB 400 Burgess (Identical H 853)	Reemployment of Retired Law Enforcement Officers; Authorizing retired law enforcement officers to be reemployed in specified positions after meeting specified termination requirements; authorizing such retired law enforcement officers to receive both compensation and retirement benefits after a specified period; providing that such retired law enforcement officers may not renew membership in the Florida Retirement System, except as otherwise provided, etc.	Fav/CS Yeas 6 Nays 0
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GO 01/29/2024 Fav/CS
 CA
 AP

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Monday, January 29, 2024, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 656 DiCeglie (Similar CS/CS/H 149)	Continuing Contracts; Revising the maximum estimated construction cost of construction projects for which a governmental entity may enter into a continuing contract; revising the definition of the term "continuing contract"; requiring the Department of Transportation, for specified testing continuing contracts, to select a certain number of qualified firms and assign such testing in a specified manner, etc. GO 01/29/2024 Fav/CS AEG FP	Fav/CS Yeas 6 Nays 0
5	CS/SB 692 Regulated Industries / Hutson	Public Records/Florida Gaming Control Commission; Providing an exemption from public records requirements for the personal identifying and location information of current or former commissioners of the Florida Gaming Control Commission and the spouses and children of such current or former commissioners; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. RI 01/16/2024 Fav/CS GO 01/29/2024 Favorable RC	Favorable Yeas 6 Nays 0
6	SB 708 Burton (Identical H 825)	Underground Facilities; Revising the timeframe within which an excavator is required to provide certain information through the free-access notification system established by Sunshine State One-Call of Florida, Inc., before beginning certain excavation or demolition activities; revising the timeframes during which member operators who receive such notifications are required to mark the horizontal route of an underground facility and provide a positive response to the system; providing a noncriminal infraction subject to enhanced civil penalties for a specified violation, etc. RI 01/16/2024 Favorable GO 01/29/2024 Favorable RC	Favorable Yeas 5 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Monday, January 29, 2024, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 884 Ethics and Elections / Hutson	Audits of Campaign Finance Reports; Authorizing certain candidates to request the Division of Elections of the Department of State to audit a specified report; requiring the division to conduct audits and field investigations with respect to candidates' alleged failures to file certain reports or statements; requiring the division to conduct random audits of specified reports after each general election cycle; exempting aspects of the auditing process from the Administrative Procedure Act, etc. EE 01/16/2024 Fav/CS GO 01/29/2024 Favorable RC	Favorable Yeas 6 Nays 0
8	CS/SB 954 Regulated Industries / Gruters (Similar H 813)	Certified Public Accountants; Authorizing certain certified public accountants to apply to the Department of Business and Professional Regulation to place their licenses on retired status; providing that a licensee loses retired status in certain circumstances; authorizing a retired licensee to take certain actions without losing retired status; prohibiting a retired licensee from offering or rendering certain professional services, etc. RI 01/16/2024 Fav/CS GO 01/29/2024 Fav/CS RC	Fav/CS Yeas 5 Nays 0
9	SB 1490 Burgess (Identical H 993, Compare H 211)	First Responders and Crime Scene Investigators; Defining the term "first responder"; authorizing certain diagnoses to be made through telehealth; providing that posttraumatic stress disorder suffered by a crime scene investigator is a compensable occupational disease under certain circumstances; providing requirements for benefits offered to a crime scene investigator for posttraumatic stress disorder, etc. GO 01/29/2024 Fav/CS AEG AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Monday, January 29, 2024, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 1662 Collins (Similar CS/H 1555, Compare H 1339, S 1384)	Cybersecurity; Exempting certain personnel from the career service; providing for the establishment of salary and benefits for certain positions; revising the purposes for which the Florida Digital Service is established; requiring the Florida Digital Service to ensure that independent project oversight on certain state agency information technology projects is performed in a certain manner; revising the date by which the Department of Management Services, acting through the Florida Digital Service, must provide certain recommendations to the Executive Office of the Governor and the Legislature, etc. GO 01/29/2024 Fav/CS AEG AP	Fav/CS Yeas 6 Nays 0
11	SB 1712 Collins (Identical H 1415)	Peer Support for First Responders; Revising the definition of the term "first responder" to include correctional officers and correctional probation officers for the provision of peer support, etc. GO 01/29/2024 Favorable CJ RC	Favorable Yeas 6 Nays 0
Consideration of proposed bill:			
12	SPB 7042	Commodities Produced by Forced Labor; Prohibiting a company on the forced labor vendor list from taking certain procurement actions; requiring a company to provide a certain notification to the Department of Management Services within a certain timeframe; requiring the department to create and maintain a forced labor vendor list; providing a process for the department to place a company on such list, etc.	Submitted and Reported Favorably as Committee Bill Yeas 6 Nays 0
13	SB 472 Brodeur (Similar CS/H 569)	Sovereign Immunity; Increasing the statutory limits on liability for tort claims against the state and its agencies and subdivisions; prohibiting an insurance policy from conditioning payment of benefits on the enactment of a claim bill; specifying that the limitations in effect on the date a final judgment is entered apply to that claim, etc. GO 01/29/2024 Fav/CS AP RC	Fav/CS Yeas 5 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability
Monday, January 29, 2024, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	SB 1120 Martin (Similar H 901)	Display of Flags by Governmental Entities; Prohibiting certain governmental entities from erecting or displaying certain flags; requiring the governmental entity to remain neutral in certain circumstances; providing applicability; 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 01/29/2024 Amendments Adopted - Temporarily Postponed CA RC	Amendments Adopted - Temporarily Postponed

Other Related Meeting Documents

1280

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

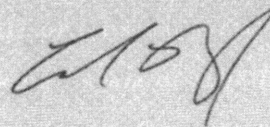
Maria Teresa "Tere" Canida

is duly appointed a member of the

Investment Advisory Council

for a term beginning on the Twenty-Fifth day of October, A.D.,
2023, until the Twelfth day of December, A.D., 2026 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twentieth day of December, A.D., 2023.*



Secretary of State





STATE BOARD OF ADMINISTRATION
OF FLORIDA

1801 HERMITAGE BOULEVARD, SUITE 100
TALLAHASSEE, FLORIDA 32308.
(850) 488-4406

POST OFFICE BOX 13300
32317-3300

RON DESANTIS
GOVERNOR
CHAIR

JIMMY PATRONIS
CHIEF FINANCIAL OFFICER

ASHLEY MOODY
ATTORNEY GENERAL

LAMAR TAYLOR
INTERIM EXECUTIVE DIRECTOR &
CHIEF INVESTMENT OFFICER

December 8, 2023

Ms. Inez Williams
Division of Elections
Commissions Issuance Section
R.A. Gray Building
500 South Bronough Street, Room 316
Tallahassee, FL 32399-0250

Re: Investment Advisory Council Appointments:
Maria Teresa "Tere" Canida
Freddie Figgers
John Goetz
Kenneth Jones
Robert "Vinny" Olmstead

Dear Ms. Williams:

The above-named individuals have been appointed by the Trustees of the State Board of Administration to serve on the Investment Advisory Council. Their terms are as follows:

36882-

Appointee	Term Expiration Date
Maria Teresa "Tere" Canida	December 12, 2026
Freddie Figgers	May 23, 2027
John Goetz	December 12, 2026
Kenneth Jones	December 12, 2027
Robert "Vinny" Olmstead	May 23, 2027

Please let us know if you need anything else.

Best regards,

Amy P. Walker

Amy P. Walker
Executive Assistant

2023 DEC -8 PM 2:56
TALLAHASSEE, FL
FLORES

CERTIFICATION

STATE OF FLORIDA
COUNTY OF _____

Leon

RECEIVED
DEPARTMENT OF STATE

2023 DEC 14 PM 3:11

DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

Maria Teresa "Tere" Canida

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Maria Teresa "Tere" Canida
Signature of Applicant-Affiant

Sworn to and subscribed before me this 12th day of December, 2023.

Amy P. Walker

Signature of Notary Public-State of Florida

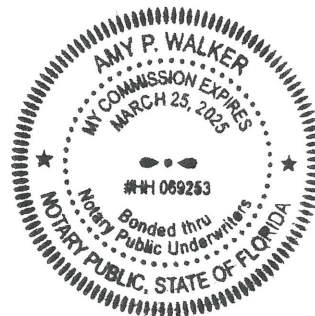
Amy P. Walker

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 03/25/2025

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



(seal)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/24

Meeting Date

IAC Appointments

Bill Number (if applicable)

Topic IAC Appointments

Amendment Barcode (if applicable)

Name Paul Groom

Job Title Deputy Executive Director, SBA

Address 1501 Hermitage Blvd
Street

Phone 850-413-1199

Tallahassee FL 32309
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

R. V. Olmstead

is duly appointed a member of the
Investment Advisory Council

for a term beginning on the Twenty-Third day of May, A.D.,
2023, until the First day of February, A.D., 2027 and is subject
to be confirmed by the Senate during the next regular session of
the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-First day of December, A.D., 2023.*

A handwritten signature in blue ink, appearing to read "C. Byrd".

Secretary of State



STATE BOARD OF ADMINISTRATION
OF FLORIDA

1801 HERMITAGE BOULEVARD, SUITE 100
TALLAHASSEE, FLORIDA 32308
(850) 488-4406

POST OFFICE BOX 13300
32317-3300

Answered

RON DESANTIS
GOVERNOR
CHAIR

JIMMY PATRONIS
CHIEF FINANCIAL OFFICER

ASHLEY MOODY
ATTORNEY GENERAL

LAMAR TAYLOR
INTERIM EXECUTIVE DIRECTOR &
CHIEF INVESTMENT OFFICER

December 8, 2023

Ms. Inez Williams
Division of Elections
Commissions Issuance Section
R.A. Gray Building
500 South Bronough Street, Room 316
Tallahassee, FL 32399-0250

Re: Investment Advisory Council Appointments:
Maria Teresa "Tere" Canida
Freddie Figgers
John Goetz
Kenneth Jones
Robert "Vinny" Olmstead

Dear Ms. Williams:

The above-named individuals have been appointed by the Trustees of the State Board of Administration to serve on the Investment Advisory Council. Their terms are as follows:

Appointee	Term Expiration Date
Maria Teresa "Tere" Canida	December 12, 2026
Freddie Figgers	February 1, 2027
John Goetz	December 12, 2026
Kenneth Jones	December 12, 2027
Robert "Vinny" Olmstead	February 1, 2027

Please let us know if you need anything else.

Best regards,

A handwritten signature in blue ink that reads "Amy P. Walker".

Amy P. Walker
Executive Assistant

Signature

RECEIVED
DEPARTMENT OF STATE

2023 NOV 27 AM 11:27

DIVISION OF ELECTIONS
TALLAHASSEE FL

CERTIFICATION

STATE OF FLORIDA

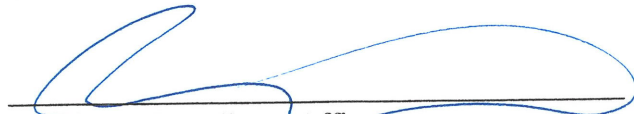
COUNTY OF

Indian River County

Before me, the undersigned Notary Public of Florida, personally appeared

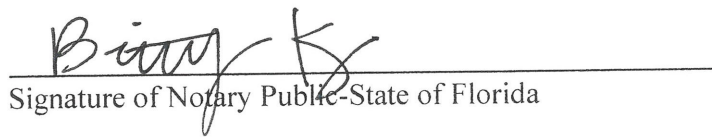
R.J. Olinsek

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.



Signature of Applicant-Affiant

Sworn to and subscribed before me this 6th day of November, 2023.



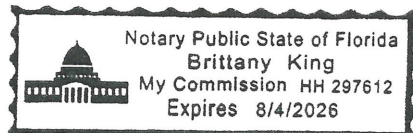
Signature of Notary Public-State of Florida

Brittany King
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 8/4/2026

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



(seal)

1280

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Kenneth P. Jones

is duly appointed a member of the
Investment Advisory Council

for a term beginning on the Twenty-Fifth day of October, A.D.,
2023, until the Twelfth day of December, A.D., 2027 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourteenth day of December, A.D., 2023.*



A handwritten signature in black ink, appearing to read "C. Byrd".

Secretary of State



STATE BOARD OF ADMINISTRATION
OF FLORIDA

1801 HERMITAGE BOULEVARD, SUITE 100
TALLAHASSEE, FLORIDA 32308
(850) 488-4406

POST OFFICE BOX 13300
32317-3300

RON DESANTIS
GOVERNOR
CHAIR

JIMMY PATRONIS
CHIEF FINANCIAL OFFICER

ASHLEY MOODY
ATTORNEY GENERAL

LAMAR TAYLOR
INTERIM EXECUTIVE DIRECTOR &
CHIEF INVESTMENT OFFICER

December 8, 2023

Ms. Inez Williams
Division of Elections
Commissions Issuance Section
R.A. Gray Building
500 South Bronough Street, Room 316
Tallahassee, FL 32399-0250

Re: Investment Advisory Council Appointments:
Maria Teresa "Tere" Canida
Freddie Figgers
John Goetz
Kenneth Jones
Robert "Vinny" Olmstead

2023 DEC - 8 PM 2:44
TALLAHASSEE, FL
RECEIVED

Dear Ms. Williams:

The above-named individuals have been appointed by the Trustees of the State Board of Administration to serve on the Investment Advisory Council. Their terms are as follows:

Appointee	Term Expiration Date
Maria Teresa "Tere" Canida	December 12, 2026
Freddie Figgers	May 23, 2027
John Goetz	December 12, 2026
Kenneth Jones	December 12, 2027
Robert "Vinny" Olmstead	May 23, 2027

37822- Please let us know if you need anything else.

Best regards,

Amy P. Walker

Amy P. Walker
Executive Assistant

(Art. II, § 5(b), Fla. Const.)

DIVISION OF ELECTIONS
TALLAHASSEE, FL


Signature

CERTIFICATION

RECEIVED
DEPARTMENT OF STATE

2023 NOV 27 AM 11:26

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

Before me, the undersigned Notary Public of Florida, personally appeared

KENNETH P. JONES

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]

Signature of Applicant-Affiant

Sworn to and subscribed before me this 7TH day of SEPTEMBER, 2023.

[Signature]

Signature of Notary Public-State of Florida

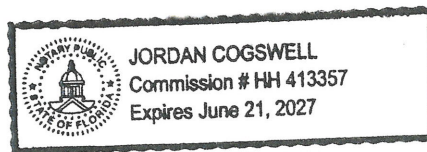
JORDAN COGSWELL

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: JUNE 21, 2027

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



(seal)

1280

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

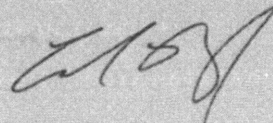
I, Cord Byrd, Secretary of State,
do hereby certify that

John Goetz

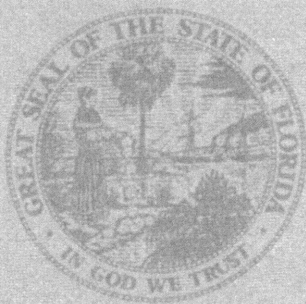
is duly appointed a member of the
Investment Advisory Council

for a term beginning on the Twenty-Fifth day of October, A.D.,
2023, until the Twelfth day of December, A.D., 2026 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourteenth day of December, A.D., 2023.*



Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



STATE BOARD OF ADMINISTRATION
OF FLORIDA

1801 HERMITAGE BOULEVARD, SUITE 100
TALLAHASSEE, FLORIDA 32308
(850) 488-4406

POST OFFICE BOX 13300
32317-3300

RON DESANTIS
GOVERNOR
CHAIR

JIMMY PATRONIS
CHIEF FINANCIAL OFFICER

ASHLEY MOODY
ATTORNEY GENERAL

LAMAR TAYLOR
INTERIM EXECUTIVE DIRECTOR &
CHIEF INVESTMENT OFFICER

December 8, 2023

Ms. Inez Williams
Division of Elections
Commissions Issuance Section
R.A. Gray Building
500 South Bronough Street, Room 316
Tallahassee, FL 32399-0250

Re: Investment Advisory Council Appointments:
Maria Teresa "Tere" Canida
Freddie Figgers
John Goetz
Kenneth Jones
Robert "Vinny" Olmstead

RECEIVED
2023 DEC -8 PM 2:44
TALLAHASSEE, FL

Dear Ms. Williams:

The above-named individuals have been appointed by the Trustees of the State Board of Administration to serve on the Investment Advisory Council. Their terms are as follows:

Appointee	Term Expiration Date
Maria Teresa "Tere" Canida	December 12, 2026
Freddie Figgers	May 23, 2027
36892 ✓ John Goetz	December 12, 2026
Kenneth Jones	December 12, 2027
Robert "Vinny" Olmstead	May 23, 2027

Please let us know if you need anything else.

Best regards,

A handwritten signature in cursive script that reads "Amy P. Walker".

Amy P. Walker
Executive Assistant

HAND DELIVERED

RECEIVED
DEPARTMENT OF STATE

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

NOV 27 AM 11:27

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Orange

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Investment Advisory Council of SBA

(Name of Office)

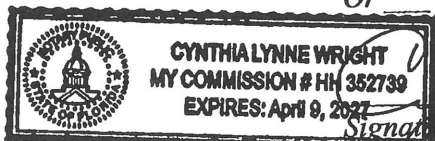
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 17 day of November, 2023



[Signature]
Signature of Officer Administering Oath or of Notary Public

Cynthia Lynne Wright
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

11331 Bridge House Road

John Goetz

Street or Post Office Box

Print Name

Windermere, FL 34786

City, State, Zip Code

[Signature]
Signature

CERTIFICATION

RECEIVED
DEPARTMENT OF STATE

2023 NOV 27 AM 11:27

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA
COUNTY OF

Orange

Before me, the undersigned Notary Public of Florida, personally appeared

John Goetz

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

John P. Goetz
Signature of Applicant-Affiant

Sworn to and subscribed before me this 17 day of November, 2023.

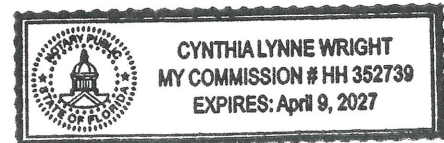
Cynthia Lynne Wright
Signature of Notary Public-State of Florida

Cynthia Lynne Wright
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 04/09/2027

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1296

INTRODUCER: Senator Davis

SUBJECT: Florida Commission on Human Relations

DATE: January 26, 2024

REVISED: _____

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

I. Summary:

SB 1296 eliminates the requirement that the Commission use registered mail to provide notice (a copy of the complaint) to the person who allegedly committed a violation under the Florida Civil Rights Act (FCRA). Likewise, the bill also eliminates the requirement that the Commission use registered mail to notify the aggrieved person and the respondent of the Commission's determination of "reasonable cause" for such complaint.

This change allows the Commission to use a less expensive method of providing notice to parties under the FCRA.

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

The bill takes effect July 1, 2024.

II. Present Situation:

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

The Florida Civil Rights Act (FCRA) protects persons from discrimination in areas of employment, housing, certain public accommodations, and other opportunities based on race, color, religion, sex, pregnancy, national origin, age, handicap, and marital status.¹ The FCRA establishes the Florida Commission on Human Relations (the Commission) within the Department of Management Services (DMS); however, the Commission is not subject to any control or supervision by or direction from the DMS.² The Commission possesses the requisite

¹ Section 760.01(2), F.S.

² Section 760.04

powers to enforce the FCRA.³ The Governor appoints, and the Senate confirms, the 12 members of the Commission.⁴

The Florida Commission on Human Relations

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

Administrative and Civil Remedies

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

If the Commission issues a finding of reasonable cause, the aggrieved person may request an administrative hearing or bring a civil action.¹¹ A civil action must be brought within one year after the determination of reasonable cause.¹² The FCRA expressly requires a plaintiff to exhaust his or her administrative remedy as a prerequisite to filing a civil action alleging unlawful discrimination, including housing discrimination.¹³ The remedies available through an administrative hearing are affirmative relief from the effects of the practice, including back pay, and attorney's fees, while remedies available through a civil action include affirmative relief such as back pay, injunctive relief, compensatory damages, punitive damages up to \$100,000, and attorney's fees.¹⁴

Alternatively, under s. 760.11(7), F.S., if the Commission makes a determination that there is not reasonable cause, the claimant may request an administrative hearing, but must do so within

³ Section 760.06(6), F.S.

⁴ Section 760.03(1), F.S.

⁵ Section 760.06(5), F.S.

⁶ Section 760.021(1), F.S.

⁷ Section 760.11(1), F.S.

⁸ *Id.*

⁹ Section 760.11(3), F.S.

¹⁰ *Id.*

¹¹ Section 760.11(4), F.S.

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

¹³ Section 760.07, F.S.

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

35 days of the date of the “no cause” determination. If the claim is not made within 35 days, the claim is barred.¹⁵

Registered Mail, Certified Mail, and Regular Mail

“First class mail” is the least expensive, most immediate option for mailing postcards, letters, and large envelopes. Tracking services is typically not available for this type of mail. The cost for first class mail is 68 cents for the first ounce and 24 cents for each additional ounce.¹⁶

“Priority mail” is an option of sending mail based on weight and dimension or via Flat Rate envelopes or boxes in a fast and affordable way. In most instances, delivery is made within one, two, or three days. The sender may purchase extra services such as Insurance and Return Receipt, but USPS Tracking is provided for priority mail items at no additional charge. The cost is generally \$9.25.¹⁷

“Certified mail” is an additional service added to first-class mail or priority mail whereby the sender is provided a mailing receipt as confirmation that the item was sent. This service requires a signature from the addressee, and Return Receipt Service can be added to provide the sender proof of signature that the item was received.¹⁸ The cost for this service is generally \$4.40.¹⁹

“Registered mail” is the United States Postal Service’s most secure service, protected by safes, cages, sealed containers, locks, and keys. Tracking services are not available while the item is en route to its destination. At its destination, the package can be delivered only to the addressee or the addressee’s authorized agent and requires a signature upon delivery. Because registered mail is kept highly secured and processed manually, the delivery process is slower than other mail.²⁰ The cost of sending an item through registered mail starts at \$16.80 plus the costs of insurance.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 760.11, F.S., to eliminate the requirement that the Commission use registered mail to send a copy of a complaint to the person who allegedly committed a violation of the FCRA. Likewise, Section 1 eliminates the requirement that the Commission use registered mail to send the “reasonable cause determination” to the aggrieved person and the respondent relating to a complaint under the FCRA.

Section 2 provides the bill takes effect July 1, 2024.

¹⁵ Section 760.11(7), F.S.

¹⁶ USPS.COM, *Types of First-Class Mail*, <https://faq.usps.com/s/article/Types-of-First-Class-Mail> (last visited Jan. 24, 2024).

¹⁷ USPS.COM, *What is Priority Mail*, <https://faq.usps.com/s/article/What-is-Priority-Mail> (last visited Jan. 24, 2024).

¹⁸ USPS.COM, *Certified Mail - The Basics*, <https://faq.usps.com/s/article/Certified-Mail-The-Basics#fees> (last visited Jan. 24, 2024).

¹⁹ USPS.COM, *Insurance & Extra Services*, <https://www.usps.com/ship/insurance-extra-services.htm> (last visited Jan. 24, 2024).

²⁰ USPS.COM, *Registered Mail – The Basics*, <https://faq.usps.com/s/article/Registered-Mail-The-Basics> (last visited Jan. 24, 2024).

²¹ *Supra* note 19.

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:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Commission should reduce its costs associated with notifying the persons involved in the alleged violations of the FCRA.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 760.11 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Davis

5-01428-24

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A bill to be entitled

An act relating to the Florida Commission on Human Relations; amending s. 760.11, F.S.; deleting the requirement that the Florida Commission on Human Relations send certain information to certain persons by registered mail; making technical changes; providing an effective date.

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

Section 1. Subsections (1) and (3) of section 760.11, Florida Statutes, are amended to read:

760.11 Administrative and civil remedies; construction.—

(1) Any person aggrieved by a violation of ss. 760.01-760.10 may file a complaint with the commission within 365 days after ~~of~~ the alleged violation, naming the employer, employment agency, labor organization, or joint labor-management committee, or, in the case of an alleged violation of s. 760.10(5), the person responsible for the violation and describing the violation. Any person aggrieved by a violation of s. 509.092 may file a complaint with the commission within 365 days after ~~of~~ the alleged violation, naming the person responsible for the violation and describing the violation. The commission, a commissioner, or the Attorney General may in like manner file such a complaint. On the same day the complaint is filed with the commission, the commission shall clearly stamp on the face of the complaint the date the complaint was filed with the commission. In lieu of filing the complaint with the commission, a complaint under this section may be filed with the federal

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

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Equal Employment Opportunity Commission or with any unit of government of the state which is a fair-employment-practice agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the complaint is filed is clearly stamped on the face of the complaint, that date is the date of filing. The date the complaint is filed with the commission for purposes of this section is the earliest date of filing with the Equal Employment Opportunity Commission, the fair-employment-practice agency, or the commission. The complaint must ~~shall~~ contain a short and plain statement of the facts describing the violation and the relief sought. The commission may require additional information to be in the complaint. The commission, within 5 days after ~~of~~ the complaint being filed, shall ~~by registered mail~~ send a copy of the complaint to the person who allegedly committed the violation. The person who allegedly committed the violation may file an answer to the complaint within 25 days after ~~of~~ the date the complaint was filed with the commission. Any answer filed must ~~shall~~ be mailed to the aggrieved person by the person filing the answer. Both the complaint and the answer must ~~shall~~ be verified.

(3) Except as provided in subsection (2), the commission shall investigate the allegations in the complaint. Within 180 days after ~~of~~ the filing of the complaint, the commission shall determine if there is reasonable cause to believe that discriminatory practice has occurred in violation of the Florida Civil Rights Act of 1992. When the commission determines whether ~~or not~~ there is reasonable cause, the commission ~~by registered mail~~ shall promptly notify the aggrieved person and the respondent of the reasonable cause determination, the date of

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

61 Section 2. This act shall take effect July 1, 2024.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 400

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Burgess and Hooper

SUBJECT: Reemployment of Retired Law Enforcement Officers

DATE: January 30, 2024

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 400 authorizes, effective July 1, 2024, an FRS retiree, regardless of membership class, to be reemployed with an employer participating in the Florida Retirement System (FRS) after meeting the definition of termination and receive both compensation from the employer and an FRS retirement benefit. This effectively eliminates the “suspension of benefits” period typically applied during months 7 through 12 after the date of termination. The retiree must still achieve a bona fide termination of service with all FRS-participating employers.

The bill is expected to increase actuarial liabilities of the Florida Retirement System by \$23.8 million annually system-wide which will be funded by increases in the annual employer-paid contributions to the FRS Trust Fund.

The bill takes effect July 1, 2024.

II. Present Situation:

The Florida Retirement System (FRS)

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers’ Retirement System, the State and County Officers and Employees’ Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was

consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.¹ The FRS is a contributory system, with active members contributing 3 percent of their salaries.²

The FRS is a multi-employer plan, governed by ch. 121, F.S., the “Florida Retirement System Act.” As of June 30, 2023, the FRS had 646,277 active non-retired members, 455,601 annuitants, 14,499 disabled retirees, and 27,767 active participants of the Deferred Retirement Option Program (DROP).³ As of June 30, 2023, the FRS consisted of 991 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and includes the 180 cities and 153 special districts that have elected to join the system.⁴

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

- The Regular Class⁵ consists of 550,931 active members and 8,433 in renewed membership;
- The Special Risk Class⁶ includes 75,495 active members and 1,168 in renewed membership;
- The Special Risk Administrative Support Class⁷ has 93 active members and one in renewed membership;
- The Elected Officers’ Class⁸ has 2,105 active members and 106 in renewed membership; and
- The Senior Management Service Class⁹ has 7,714 active members and 227 in renewed membership.¹⁰

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

¹ Florida Department of Management Services (DMS), Division of Retirement, *Florida Retirement System Summary Plan Description*, 1 (July 1, 2023), <https://frs.fl.gov/forms/spd-pp.pdf> (last visited Jan. 5, 2024).

² Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. See, ch. 2011-68, s. 33, Laws of Fla. Members in the Deferred Retirement Option Program do not contribute to the system.

³ DMS, Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2022-23 Annual Comprehensive Financial Report*, at 188, available at https://employer.frs.fl.gov/forms/2022-23_ACFR.pdf (last visited Jan. 5, 2024).

⁴ DMS, Division of Retirement, *Participating Employers for Fiscal Year 2023-2024* (Oct. 2023), available at <https://employer.frs.fl.gov/forms/part-emp.pdf> (last visited Jan. 5, 2024).

⁵ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

⁶ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S. See also, DMS, *FRS Pension Plan Member Handbook*, 9-14 (2023), available at https://frs.fl.gov/forms/member_handbook.pdf (last visited Jan. 5, 2024).

⁷ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

⁸ The Elected Officers’ Class includes elected state and county officers, and those elected municipal or special district officers whose governing body has chosen Elected Officers’ Class participation for its elected officers. Section 121.052, F.S.

⁹ The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

¹⁰ All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2022-23 Annual Comprehensive Financial Report*, at 191.

Members of the FRS have two primary plan options available for participation:¹¹

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

Investment Plan

In 2000, the Public Employee Optional Retirement Program (investment plan) was created as a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.¹² The State Board of Administration (SBA) is primarily responsible for administering the investment plan.¹³ The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.¹⁴

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.¹⁵

A member vests immediately in all employee contributions paid to the investment plan.¹⁶ With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.¹⁷ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.¹⁸ The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.¹⁹ An FRS member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.²⁰

¹¹ Florida State Board of Administration (SBA), *Plan Comparison Chart* (Jul. 2020), available at <https://www.myfrs.com/pdf/forms/plancomparison.pdf> (last visited Jan. 5, 2024).

¹² See, ch. 2000-169, Laws of Fla.

¹³ Section 121.4501(8), F.S.

¹⁴ FLA. CONST. art. IV, s. 4.

¹⁵ Section 121.4501(1), F.S.

¹⁶ Section 121.4501(6)(a), F.S.

¹⁷ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

¹⁸ Section 121.591, F.S.

¹⁹ See s. 121.4501(16), F.S.

²⁰ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate a line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line-of-duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

Pension Plan

The pension plan is a defined benefit plan administered by the Department of Management Services (DMS) through the Division of Retirement.²¹ The State Board of Administration manages the pension fund's assets.²²

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.²³ For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.²⁴ Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.²⁵

For non-special risk members of the pension plan initially enrolled before July 1, 2011, normal retirement (when first eligible for unreduced benefits) occurs at the earlier of 30 years of service or age 62.²⁶ Those non-special risk members initially enrolled in the pension plan on or after July 1, 2011, must complete 33 years of credible service or attain age 65.²⁷ For members in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earlier of 25 years of credible service or age 55.²⁸

Deferred Retirement Option Program

The Deferred Retirement Option Program (DROP) allows eligible members of the FRS Pension Plan to participate in the program and defer receipt of retirement benefits while continuing employment with an FRS employer. The deferred monthly benefits accrue, plus interest,²⁹ in the FRS on behalf of the employee for the period of time the member participates in DROP. Upon termination of employment, the member receives the total DROP benefits and begins to receive the previously determined normal retirement benefits.³⁰

A member may elect to participate in DROP any time after reaching the normal retirement date.³¹ Generally, an eligible member is authorized to participate in DROP for 8 years. However, certain instructional personnel may participate in DROP for 10 years until June 30, 2029.³²

²¹ Section 121.025, F.S.

²² SBA Florida, *Florida Retirement System Pension Plan*, <https://www.sbafla.com/fsb/FundsWeManage/FRSPensionPlan.aspx> (last visited Jan. 5, 2024).

²³ Section 121.021(45)(a), F.S.

²⁴ Section 121.021(45)(b), F.S.

²⁵ Section 121.091, F.S. See also, DMS, *FRS Pension Plan Member Handbook*, 28 (2023), https://frs.fl.gov/forms/member_handbook.pdf (last visited Jan. 5, 2024).

²⁶ Section 121.021(29)(a)1., F.S.

²⁷ Section 121.021(29)(a)2., F.S.

²⁸ Section 121.021(29)(b), F.S.

²⁹ Currently, the interest that is applied accrues at an effective annual rate of 4 percent compounded monthly. Before July 1, 2011, the rate was 6.5 percent, and between July 1, 2011, through June 30, 2023, the rate was 1.3 percent. S. 121.091(13)(c)1., F.S.

³⁰ Section 121.091(13), F.S.

³¹ Section 121.091(13)(a)2., F.S.

³² Section 121.091(13)(b), F.S.

Renewed Membership

Effective July 1, 2017,³³ retirees of the investment plan, Senior Management Service Optional Annuity Program (SMSOAP), State University System Optional Retirement Program (SUSORP), or State University System Optional Retirement Program (SCCORP) may renew membership in the FRS.³⁴ Such renewed member will participate in the appropriate membership class in the investment plan, unless employed in a position eligible for participation in the SUSORP or the SCCSORP, in which case the retiree will become a renewed member of the SUSORP or the SCCSORP, as applicable. A renewed member may not qualify for disability retirement benefits and must satisfy the vesting requirements of the specific plan. A renewed member in the FRS Investment Plan who is not receiving the maximum health insurance subsidy is entitled to earn additional credit towards the subsidy.³⁵ Retired FRS Pension Plan members are not eligible for renewed membership in the FRS.³⁶

Optional Retirement Programs

Eligible employees may choose to participate in one of three retirement programs instead of participating in the FRS:

- Members of the Senior Management Service Class may elect to enroll in the Senior Management Service Optional Annuity Program;³⁷
- Members in specified positions in the State University System may elect to enroll in the (SUSORP);³⁸ and
- Members in specified positions at a Florida College institution may elect to enroll in the SCCORP.³⁹

³³ Different renewed membership provisions apply to FRS members who retired and were reemployed prior to July 1, 2010. Prior to July 1, 2010, retirees of the pension plan or investment plan could renew membership in either plan or in another state administered retirement system similar to newly hired members and earn service credit towards a subsequent retirement benefit. From July 1, 2010, to July 1, 2017, FRS retirees were ineligible to be enrolled as a renewed member. S. 121.122(1) and (2), F.S.

³⁴ Section 121.122(3), (4), and (5), F.S. Upon renewed membership, the employer and the renewed member are required to pay applicable contributions.

³⁵ *Id.*

³⁶ Section 121.122(2), F.S.

³⁷ The Senior Management Service Optional Annuity Program (SMSOAP) was established in 1986 for members of the Senior Management Service Class. Employees in eligible positions may irrevocably elect to participate in the SMSOAP rather than the FRS. Effective July 1, 2017, the SMSOAP is closed to new members. Section 121.055(6), F.S. *See also*, Florida DMS, *Senior Management Service Optional Annuity Program*, https://www.dms.myflorida.com/workforce_operations/retirement/optional_retirement_programs/senior_management_service_optional_annuity_program (last visited Jan. 5, 2024).

³⁸ Eligible participants of the State University System Optional Retirement Program (SUSORP) are automatically enrolled in the SUSORP. However, the member must execute a contract with a SUSORP provider within the first 90 days of employment or the employee will default into the pension plan. If the employee decides to remain in the SUSORP, the decision is irrevocable and the member must remain in the SUSORP as long as the member remains in a SUSORP-eligible position. Section 121.35(3)(c), F.S.

³⁹ If the member is eligible for participation in a State Community College System Optional Retirement Program, the member must elect to participate in the program within 90 days of employment. Unlike the other optional programs, an employee who elects to participate in this optional retirement program has one opportunity to transfer to the FRS. Section 1012.875, F.S.

The SUSORP requires each employee to contribute 3 percent⁴⁰ of his or her gross compensation to the plan, and the employer must contribute the difference between the current employee contribution (3 percent) and 8.15 percent of the employee's gross monthly compensation (currently, the employer contribution is 5.15%).⁴¹ The state university employer is also required to contribute an amount equal to the UAL contribution to the FRS Trust Fund.⁴²

Contribution Rates

Employers that participate in the FRS must contribute a specific percentage of the member's monthly compensation to the Division of Retirement to be distributed into the FRS Contributions Clearing Trust Fund. The employer contribution rate is a blended contribution rate set by statute, which is the same percentage regardless of whether the member participates in the pension plan or the investment plan.⁴³ The rate is determined annually based on an actuarial study by the DMS that calculates the necessary level of funding to support all of the benefit obligations under both FRS retirement plans.

In the annual actuarial valuation of the Florida Retirement System based on July 1, 2023, plan assets and liabilities, Milliman, Inc., the state actuary, determined the following key data relating to the FRS pension plan:⁴⁴

	Valuation Results (in \$ billions)			
	July 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023
Actuarial Liability	\$200.3	\$209.6	\$217.4	\$226.2
Actuarial Value of Assets	\$164.3	\$174.9	\$179.2	\$184.2
Unfunded Actuarial Liability	\$36.0	\$34.7	\$38.3	\$42.0
Funded Percentage (Actuarial Value of Assets/Actuarial Liability)	82.0%	83.4%	82.4%	81.4%

The state actuary determines a rate associated with the normal cost of the pension plan (funding the prospective benefits) and a rate necessary to amortize prior unfunded actuarial liabilities (UAL) over a thirty-year period and new tranches of unfunded actuarial liabilities over a twenty-year period. The following are the current employer contribution rates⁴⁵ for each class and the blended rates recommended by the state actuary beginning in July 2024:⁴⁶

⁴⁰ This contribution is tied to the FRS employee contribution required by s. 121.71(3), F.S., which is three percent as of July 1, 2011.

⁴¹ Section 121.35(4)(a)4., F.S.

⁴² Section 121.35(4)(b), F.S.

⁴³ Section 121.70(1), F.S.

⁴⁴ Matt Larrabee, Milliman Actuarial Valuation, *Florida Retirement System Pension Plan Actuarial Valuation as of July 1, 2023*, 3 (Dec. 1, 2023) (on file with the Senate Committee on Governmental Oversight and Accountability).

⁴⁵ Section 121.71(4) and (5), F.S.

⁴⁶ Letter to Kathy Gould, Florida DMS Division of Retirement Director, from Milliman Actuarial Services, entitled "*Blended Proposed Statutory Rates for the 2024-2025 Plan Year Reflecting a Uniform UAL Rate for All Membership Classes and DROP: Table 1*" Dec. 1, 2023 (on file with the Senate Committee on Governmental Oversight and Accountability).

Membership Class	Current Statutory Rates Effective July 1, 2023		Recommended Rates to be effective July 1, 2024	
	Normal Cost	UAL Rate	Normal Cost	UAL Rate
Regular Class	6.73%	4.78%	6.70%	4.81%
Special Risk Class	18.66%	11.95%	18.39%	12.00%
Special Risk Administrative Support Class	11.54%	26.22%	10.92%	25.90%
Elected Officer's Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders - Justices and Judges - County Officers	10.45%	50.21 %	10.68%	49.81%
	14.90%	27.93%	14.50%	28.39%
	12.39%	44.23%	12.22%	43.44%
Senior Management Service Class	8.56%	23.90%	8.44%	22.72%
Deferred Retirement Option Program	8.49%	10.64%	8.46%	10.51%

For all membership classes, except the DROP and certain members with renewed membership, employees contribute three percent of their compensation towards retirement.⁴⁷

After employer and employee contributions are placed into the FRS Contributions Clearing Trust Fund, the allocations under the investment plan are transferred to third-party administrators to be placed in the employee's individual investment accounts, whereas contributions under the pension plan are transferred into the FRS Trust Fund.⁴⁸

Maintaining Status as a Qualified Plan

The FRS is a qualified governmental plan under section 414(d) under Internal Revenue Code. This means that the employer and employee contributions to the FRS qualify for tax deductions, and that investment earnings are tax-deferred until distributed to retirees.

“In order for a pension plan to be a qualified plan under section 401(a), the plan must be established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to its employees over a period of years, usually for life, *after retirement* (emphasis added) or attainment of normal retirement age”⁴⁹

A termination of employment must be bona fide (i.e., not a mere subterfuge in order to initiate an otherwise impermissible distribution where no substantial change in employment has occurred).⁵⁰ “Retirement does not include a mere reduction in the number of hours that an

⁴⁷ Section 121.71(3), F.S.

⁴⁸ See ss. 121.4503 and 121.72(1), F.S.

⁴⁹ Treas. Reg. section 1.401(a)-1(b)(1)(i).

⁵⁰ Private Letter Ruling 201147038 (Apr. 20, 2010).

employee works. Accordingly, benefits may not be distributed prior to normal retirement age solely due to a reduction in the number of hours that an employee works.”⁵¹

Current Florida law relating to the FRS requires an employee to terminate his or her employment in order to commence a retirement benefit, either before or after normal retirement age. The determination of whether a bona fide termination from employment has occurred is critical for both the tax qualification of the FRS and Florida statutory compliance purposes.⁵²

The Internal Revenue Service (IRS), the federal agency responsible for administering the Internal Revenue Code, has not provided an objective test for determining whether a bona fide termination of employment has occurred. Instead the IRS has applied Treasury Regulation 1.409A-1(h)(1)(ii), which states whether a termination of employment has occurred is determined based on whether the facts and circumstances indicate that the employer and employee reasonably anticipated that no further services would be performed after a certain date⁵³ or that the level of bona fide services the employee would perform after such date would permanently decrease to no more than 20 percent of the average level of bona fide services performed over the immediately preceding 36-month period.⁵⁴ However, when applying the regulation in the context of a 401(a) plan, the IRS has opined that “if both the employer and employee know at the time of ‘retirement’ that the employee will, with reasonably [sic] certainty, continue to perform services for the employer, a termination of employment has not occurred upon ‘retirement’ and the employee has not legitimately retired.”⁵⁵

To apply the requirement of a bona fide termination, Florida law states “termination” occurs “when a member ceases all employment relationships with participating employers.”⁵⁶ This includes a relationship with an FRS-participating employer as an officer, employee, or volunteer. If the retiree is reemployed by an FRS-participating employer within the first 6 calendar months after the month of retirement, termination is deemed not to have occurred, and the retiree must return all retirement distributions, including DROP accumulations.⁵⁷ Generally, if the retiree is employed by an FRS-participating employer during the 7th through 12th calendar months after the month of retirement, the retiree’s benefit for those months is suspended and is forfeited.⁵⁸ There are no restrictions on receiving salary and retirement benefits from FRS-participating employers after the 12th calendar month from retirement.

⁵¹ Treas. Reg. section 1.401(a)-1(b)(3).

⁵² Memorandum to David DiSalvo, Director, Division of Retirement, *Re: Bona Fide Terminations from Employment and Bona Fide Volunteer Services* (dated January 8, 2021).

⁵³ The regulation provides that the employment relationship is treated as continuing intact while the individual is on a bona fide leave of absence if the leave does not exceed 6 months, or if longer, as long as the individual retains a right to reemployment pursuant to statute or contract. The IRS explains in the preamble to the regulation that “a bona fide leave of absence refers to a leave of absence where there is a reasonable expectation the service provider will return to service with the service recipient.” Department of the Treasury, Internal Revenue Service, *Application of Section 409A to Nonqualified Deferred Compensation Plans*, 26 CFR Part I [TD 9321], RIN 1545-BE79 (Dated April 17, 2007).

⁵⁴ See IRS PLR 201147038; see also *Supra* note 58

⁵⁵ IRS PLR 201147038.

⁵⁶ Section 121.021(39), F.S.

⁵⁷ Section 121.091(9), F.S.

⁵⁸ Section 121.091(9)(c), F.S.

A retiree employed in violation of the reemployment limitation period and the FRS employer employing such retiree are jointly and severally liable for reimbursement to the retirement trust fund from which the benefits were paid. Pension benefits remain suspended until repayment has been made. Benefits suspended beyond the reemployment limitation period are applied towards repaying the benefits received in violation of the reemployment limitation period.⁵⁹

Florida law currently provides two exceptions to the reemployment limitation period. The first authorizes retirees to provide civic, charitable, and humanitarian services to an FRS employer during the first 12 months following retirement provided the following criteria are met:

- Before the date of retirement, there is no agreement or understanding between the employer and the retiree that the retiree will return to provide services for the employer;
- The employer or a third party does not provide any form of compensation, including any cash equivalents, to the volunteer for the volunteer service;
- Except as otherwise provided in law, a volunteer cannot be provided any employee benefits, including health or life insurance benefits. However, a volunteer may be provided certain perquisites necessary for, and for the limited purpose of, completing tasks associated with the volunteer program, such as an assigned uniform or the provision of equipment;
- The number of volunteer hours per week, including training hours, that the volunteer provides is no more than 20 percent of the number of hours that the volunteer was expected to work per week before the date of retirement;
- There is a clear distinction between the duties of a volunteer and the duties of an employee;
- The schedule of a volunteer, including the number of hours volunteered and the number and type of assignments for which he or she agrees to volunteer, is controlled by the volunteer; and
- The employer and retiree maintain adequate records to document adherence to the above criteria, which must be made available to DMS or the SBA upon request.⁶⁰

The second exception to the reemployment limitation period applies to law enforcement officers that are reemployed as school resource officers and authorizes such retirees to be reemployed during months 7 through 12 after retirement and receive both a salary and retirement benefits. The reemployed retired law enforcement officer may not renew membership in the FRS except as provided in law.⁶¹

State and County Officers and Employees Retirement System

The State and County Officers and Employees Retirement System (SCOERS) was consolidated into the FRS in 1970 as a closed plan.⁶² The SCOERS retirees may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation without limitation, unless the public employer participates in the FRS. The SCOERS retirees reemployed by an FRS employer are prohibited from receiving a salary from reemployment and retirement benefits for 12 months after their date of retirement. Any retiree employed in violation of the reemployment limitation period must provide notice of such reemployment to his or her

⁵⁹ Section 121.091(9)(b)1. and (9)(c)3., F.S.

⁶⁰ Section 121.091(15), F.S.

⁶¹ Section 121.091(9)(f), F.S.

⁶² Annual Report, *supra* note 5, at 33.

employer and the DMS, and that person's retirement benefits will be suspended for the duration of the reemployment limitation period. A retiree employed in violation of the reemployment limitation period and any agency that knowingly employs such retiree are jointly and severally liable for reimbursement to the retirement trust fund from which the benefits were paid. In order to avoid liability, the FRS employer must have a written statement from the retiree that the person is not retired from a state-administered retirement system. Any benefits suspended beyond the reemployment limitation period will apply toward the repayment of benefits received in violation of the reemployment limitation period.⁶³

III. Effect of Proposed Changes:

Section 1 amends s. 121.091, F.S, to allow, effective July 1, 2024, an FRS retiree, regardless of membership class, to be reemployed with an FRS participating employer after meeting the definition of termination and receive both compensation from the employer and an FRS retirement benefit. This effectively eliminates the "suspension of benefits" period typically applied during months 7 through 12 after the date of termination. The retiree must still achieve a bona fide termination of service with all FRS-participating employers.

Section 1 also deletes specific language allowing a retired law enforcement officer to be employed as a school resource officer during the 7 to 12 month suspension period but continue to receive salary and retirement benefits. This language is redundant to the new provision described above.

Section 2 increases the employer-paid contribution rates to fund the FRS. These amounts are in addition to other rates enacted to take effect July 1, 2024.

Section 3 makes a legislative determination and declaration that this act fulfills an important state interest.

Section 4 provides that the bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides that: "No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state interest and unless: ...the expenditure is required to comply with a law that applies to all persons similarly situated...."

This bill includes legislative findings that the bill fulfills important state interests, and the bill applies to all persons similarly situated (those employers participating in the Florida

⁶³ Section 122.16(1) and (2), F.S. The reemployment authorization does not apply to those members retired due to disability. See s. 122.16(2)(a), F.S. Employer and employee contributions are required as provided in s. 121.122, F.S. for renewed membership in the FRS. S. 122.16(2)(c), F.S.

Retirement System), including state agencies, school boards, state universities, community colleges, counties, municipalities, and special districts.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is expected to increase actuarial liabilities of the Florida Retirement System by \$23.8 million annually system-wide. The state actuary completed a study to determine the actuarial impact if the suspension of benefits during the seventh through twelfth month period is eliminated for all members of the FRS. The results indicated a system-wide cost of \$23.8 million annually. The table below shows the impacts by employer group.⁶⁴

Employer Group	Increase in Annual Contributions
State	\$3.7 m
School Boards	\$7.2 m
Universities and Colleges	\$2.6 m
Counties	\$8.9 m
Other	\$1.4 m
Total	\$23.8 m

⁶⁴ *Id* at 21.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 121.091 of the Florida Statutes.

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

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

CS by Governmental Oversight and Accountability on January 29, 2024:

The CS expands the application of the bill to allow all FRS retirees who have met the definition of termination (separated for 6 months from all FRS-participating employers) to be reemployed and receive both salary and retirement benefits. The CS also increases the employer-paid contributions to the FRS to fund the new benefits on an actuarially sound basis.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (c) and (f) of subsection (9) of
section 121.091, Florida Statutes, are amended, and paragraph
(d) of that subsection is republished, to read:

121.091 Benefits payable under the system.—Benefits may not
be paid under this section unless the member has terminated
employment as provided in s. 121.021(39) (a) or begun



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participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, who is retired under this chapter, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer. However, a person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 ~~and may not receive both a salary from the employer and retirement benefits for 6 calendar months after meeting the definition of termination, except as provided in paragraph (f).~~ Effective July 1, 2024, a retiree may be reemployed by an employer participating in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021. However, a DROP participant shall



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continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. The reemployed retiree may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System in addition to the contributions required by s. 121.76.

3. A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Florida Retirement System Investment Plan Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's 6-month reemployment limitation period shall apply toward the repayment of benefits received in violation of this paragraph.

(d) This subsection applies to retirees, as defined in s. 121.4501(2), of the Florida Retirement System Investment Plan, subject to the following conditions:

1. A retiree may not be reemployed with an employer participating in the Florida Retirement System until such person has been retired for 6 calendar months.



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2. A retiree employed in violation of this subsection and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any benefits paid to the retirement trust fund from which the benefits were paid. The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system.

~~(f) A retired law enforcement officer may be reemployed as a school resource officer by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.~~

Section 2. (1) In order to fund the benefit changes provided by this act, the required employer contribution rates for the members of the Florida Retirement System established in s. 121.71(4), Florida Statutes, are increased as follows:

(a) By 0.02 percentage point for the Regular Class.

(b) By 0.05 percentage point for the Special Risk Class.

(c) By 0.02 percentage point for the Special Risk Administrative Support Class.

(d) By 0.02 percentage point for the Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders.

(e) By 0.06 percentage point for the Elected Officers' Class—Justices, Judges.



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(f) By 0.03 percentage point for the Elected Officers'
Class-County Elected Officers.

(g) By 0.02 percentage point for the Senior Management
Service Class.

(h) By 0.03 percentage point for the DROP.

(2) In order to fund the benefit changes provided by this
act, the required employer contribution rates for the unfunded
actuarial liability of the Florida Retirement System established
in s. 121.71(5), Florida Statutes, are increased as follows:

(a) By 0.03 percentage point for the Regular Class.

(b) By 0.07 percentage point for the Special Risk Class.

(c) By 0.07 percentage point for the Special Risk
Administrative Support Class.

(d) By 0.06 percentage point for the Elected Officers'
Class-Legislators, Governor, Lt. Governor, Cabinet Officers,
State Attorneys, Public Defenders.

(e) By 0.10 percentage point for the Elected Officers'
Class-Justices, Judges.

(f) By 0.07 percentage point for the Elected Officers'
Class-County Elected Officers.

(g) By 0.05 percentage point for the Senior Management
Service Class.

(h) By 0.00 percentage point for DROP.

(3) The adjustments provided in subsections (1) and (2) are
in addition to any other changes to such contribution rates
which may be enacted into law to take effect on July 1, 2024.
The Division of Law Revision is directed to adjust accordingly
the contribution rates provided in s. 121.71, Florida Statutes.

Section 3. The Legislature finds that a proper and



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legitimate state purpose is served when employees, officers, and
retirees of the state and its political subdivisions, and the
dependents, survivors, and beneficiaries of such employees,
officers, and retirees, are extended the basic protections
afforded by governmental retirement systems. These persons must
be provided benefits that are fair and adequate and that are
managed, administered, and funded in an actuarially sound manner
as required by s. 14, Article X of the State Constitution and
part VII of chapter 112, Florida Statutes. Therefore, the
Legislature determines and declares that this act fulfills an
important state interest.

Section 4. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to reemployment of retirees in the
Florida Retirement System; amending s. 121.091, F.S.;
allowing a retiree to be reemployed by an employer
participating in the Florida Retirement System and
receive compensation from that employer and retirement
benefits after meeting the definition of termination;
establishing contributions rates necessary to fund a
new retirement benefit; directing the Division of Law
Revision to adjust accordingly the contribution rates
otherwise in effect; making a legislative declaration



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that this act fulfills and important state interest;
providing an effective date.

By Senator Burgess

23-00372A-24

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A bill to be entitled

An act relating to reemployment of retired law enforcement officers; amending s. 121.091, F.S.; authorizing retired law enforcement officers to be reemployed in specified positions after meeting specified termination requirements; authorizing such retired law enforcement officers to receive both compensation and retirement benefits after a specified period; providing that such retired law enforcement officers may not renew membership in the Florida Retirement System, except as otherwise provided; amending s. 122.16, F.S.; revising the timeframe during which a former employee is prohibited from receiving both a reemployment salary and retirement benefits; 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. Paragraph (f) of subsection (9) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information

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

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and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(f) A retired law enforcement officer may be reemployed in a position that qualifies for the Special Risk Class ~~as a school resource officer~~ by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 122.16, Florida Statutes, are amended to read:

122.16 Employment after retirement.—

(2) (a) Any person retired under this chapter, except under the disability retirement provisions of ss. 122.09 and 122.34, may be reemployed by any private or public employer in a position that qualifies for the Special Risk Class after retirement and receive retirement benefits and compensation from his or her employer without limitation, except that a ~~no~~ person may not receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 6 ~~12~~ months immediately subsequent to the date of retirement.

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

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(b) Any person to whom the limitation in paragraph (a) applies who violates such reemployment limitation and is reemployed with any agency participating in the Florida Retirement System ~~before~~ ~~prior to~~ completion of the ~~6-month 12-month~~ 12-month limitation period shall give timely notice of this fact in writing to his or her employer and to the department; and his or her retirement benefits must ~~shall~~ be suspended for the balance of the ~~6-month 12-month~~ 12-month limitation period. Any person employed in violation of this subsection and any employing agency which knowingly employs or appoints such person without notifying the department to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by such person while he or she is reemployed during this reemployment limitation period must ~~shall~~ be repaid to the retirement trust fund, and his or her retirement benefits must ~~shall~~ remain suspended until such repayment has been made. Any benefits suspended beyond the reemployment limitation period shall apply toward the repayment of benefits received in violation of the reemployment limitation.

Section 3. This act shall take effect July 1, 2024.



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January 25, 2024

Ms. Kathy Gould
State Retirement Director
Florida Department of Management Services, Division of Retirement

Re: Special Actuarial Study of Senate Concepts to Modify Reemployment Limitations

Director Gould:

In response to a request from the Senate and as outlined in our project scope letter dated December 21, 2023, this letter provides actuarial analysis on a concept that would prospectively eliminate the statutory “reemployment limitation period” requirements for eligible retirees who are reemployed on or after July 1, 2024. A reemployed member satisfying the concept’s requirements could continue to receive both her or his salary and FRS Pension Plan retirement benefits.

Executive Summary

Currently, at retirement FRS members are subject to reemployment restrictions during a statutory six-calendar-month **separation period** and a subsequent statutory six-month **reemployment limitation period**. Our analysis quantifies the impact of four variations of a proposed policy change to remove restrictions during the **reemployment limitation period** for some or all retirees. Each variation aligns with the specific subgroup of FRS members eligible for the concept, as follows:

- A. FRS retirees in any membership class returning to covered FRS employment during the reemployment limitation period;
- B. Special Risk retirees returning to employment during the reemployment limitation period in any position in the Special Risk Class;
- C. Special Risk retirees formerly employed as law enforcement officers returning to employment during the reemployment limitation period in any position in the Special Risk Class (see Senate Bill 400 as filed);
- D. Special Risk retirees formerly employed as law enforcement officers returning to employment during the reemployment limitation period in a law enforcement officer position.

A summary of the proposed concept’s effect on the 2024-2025 blended proposed statutory employer contribution rates is shown in the table below. Tabular results are shown as a blended proposed statutory employer contribution rate on the applicable payroll. The concept would increase the projected present value of future benefits for affected members. Also, under the individual entry age normal actuarial cost allocation method as most recently adopted by the 2023 FRS Actuarial Assumption Conference, each variation of the concept would increase the Normal Cost, the Actuarial Liability, and the Unfunded Actuarial Liability (UAL). The DROP Normal Cost

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Rate, which is set equal to the composite FRS Pension Plan average employer-paid Normal Cost Rate, would also be affected by each variation of the concept.

<u>2024-2025 Blended Proposed Statutory Employer Contribution Rate Changes Due to Concept (as a % of Payroll):</u>				
	Regular Class	Special Risk Class	DROP	Composite System Including DROP
Variation A: Concept Changes Applied to All Membership Classes				
Employer Normal Cost Contribution Rate	0.02%	0.05%	0.03%	0.03%
Employer UAL Contribution Rate	<u>0.03%</u>	<u>0.07%</u>	<u>0.00%</u>	<u>0.04%</u>
Total Employer Contribution Rate	0.05%	0.12%	0.03%	0.07%
Variation B: Concept Changes Applied to Only Special Risk Class Members				
Employer Normal Cost Contribution Rate	0.00%	0.05%	0.02%	0.01%
Employer UAL Contribution Rate	<u>0.00%</u>	<u>0.07%</u>	<u>0.00%</u>	<u>0.01%</u>
Total Employer Contribution Rate	0.00%	0.12%	0.02%	0.02%
Variation C or Variation D: Concept Changes Applied to Only Former Law Enforcement Officers (Subset of Special Risk Class)¹				
Employer Normal Cost Contribution Rate	0.00%	0.02%	0.01%	0.01%
Employer UAL Contribution Rate	<u>0.00%</u>	<u>0.03%</u>	<u>0.00%</u>	<u>0.01%</u>
Total Employer Contribution Rate	0.00%	0.05%	0.01%	0.02%

The table above shows the increase in 2024-2025 blended proposed statutory employer contribution rates, which would be assessed on both FRS Pension Plan and FRS Investment Plan payroll. Please note that Milliman is not a law firm, and our analysis should not be interpreted as a legal opinion on the permissibility of the concept under federal regulations.

Proposed Concept and Differences from Current Statutory Requirements

Under the proposed concept, specified FRS-retired members would be eligible to continue to receive retirement benefits provided the member satisfies the current six-calendar-month statutory

¹ Variation C would modify the reemployment limitations for former Law Enforcement Officers (LEO) reemployed in any Special Risk Class position, while Variation D would modify the reemployment limitations for former LEOs returning to employment in an LEO position. As discussed in this analysis, we anticipate no material difference in LEO members' retirement and reemployment behavior for these two variations of the concept.

separation period as described later in this section prior to returning to employment in an eligible position with an FRS-covered employer. The concept's changes would remove the current statutory six-month reemployment limitation period, which commences after six-calendar-month statutory separation period.

Current law already defines "termination" for retirement as requiring a six-calendar-month separation period. However, in addition to the six-month statutory separation period, current law includes an additional six-calendar-month reemployment limitation period at the conclusion of the six-month statutory separation period. If a retiree is reemployed within six calendar months of retirement, termination is deemed not to have occurred, retirement is voided, all benefits received must be repaid, and a new application for retirement benefits must be submitted with a future retirement date. If the retiree is reemployed within the six months after satisfying the statutory separation period requirements, his or her FRS Pension Plan retirement benefits will be suspended during each month the retiree is reemployed. Retirees who have satisfied both the statutory requirements for both the separation period and subsequent reemployment limitation period may be reemployed by an FRS employer and concurrently receive a salary from the employer and FRS Pension Plan retirement benefits. Additionally, current law generally requires a three-month period of separation from employment before benefits from the FRS Investment Plan may be distributed to the member.

The concept would remove the current six-month statutory reemployment limitation period requirement for eligible members who return to employment in eligible positions with FRS employers on or after July 1, 2024. In other words, the additional six-month period of reemployment limitation currently in statute would not apply to such reemployed retirees. Therefore, under the concept, retirees reemployed by FRS employers would be eligible to continue receiving FRS Pension Plan benefits while working for FRS employers, provided they meet the six-month statutory separation period requirement for retirement after termination of employment. In summary, the concept would allow a retiree to be reemployed without statutory restriction in month seven following separation from service, whereas current law allows this starting no earlier than month thirteen following separation from service.

Modeling of Concept

Under each variation of the concept, a different population of retired members would be eligible for the proposed modification of reemployment limitations, with Variation A applying to retired members of all membership classes, and Variations B through D applying only the Special Risk membership class or a subset thereof. We anticipate retirement behavior patterns for some eligible members would change in response to this concept's enactment. Accordingly, we have estimated the cost impact of this concept by modifying the actuarial valuation's assumptions for likelihood and timing of retirement for each membership class and subclass eligible for each variation of the concept. We expect that enactment of the concept would impact member behavior through increased likelihood of retirement at some ages. Given legislative changes enacted in 2023 that allow members greater flexibility regarding the timing of DROP entry and the maximum length of DROP participation, we do not anticipate this concept affecting member behavior surrounding DROP entry.

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To reflect the modified behavior anticipated by the concept, we modified the valuation assumptions for immediate retirement for the group(s) eligible for each variation of the concept. Variation C would modify the reemployment limitations for former Law Enforcement Officers (LEO) reemployed in any Special Risk Class position while Variation D would modify the reemployment limitations for former LEOs returning to employment in an LEO position. Because LEOs comprise approximately one-third of the Special Risk membership, we adjusted the retirement assumptions in Variation C by one-third of the adjustment for Special Risk members in Variations A and B.

We anticipate very few LEOs would be reemployed in non-LEO Special Risk Class positions. Therefore, we anticipate no material difference in member retirement behavior between Variations C and D of the concept. Table 4 summarizes the assumptions developed in this study and compares them to the current actuarial valuation assumptions for each membership class and subclass in the FRS Pension Plan. The modified immediate retirement assumptions used in the study result in a modest decrease in the average age at which members are expected to retire from active employment. Table 5 summarizes the change in weighted average age of retirement/DROP entry for sample representative membership groups.

Summary of Results

The projected impact of the concept was assessed on a member-by-member basis for each current active member not already in DROP projected to be eligible under the concept. The magnitude of the effect of the concept varies from member to member and depends on the member's age and service. Our analysis quantifies the estimated impact of the concept when compared to the current benefit structure for FRS Pension Plan participants.

Applying the adopted actuarial cost allocation method used for determining 2024-2025 fiscal year actuarially calculated contribution rates, the FRS Pension Plan Normal Cost, Actuarial Liability and Unfunded Actuarial Liability would be increased by each variation of this concept.

Under Variation A of the concept (which would affect members in all membership class), both FRS Pension Plan Actuarial Liability and Unfunded Actuarial Liability (UAL) would increase by approximately \$196 million. Under Variation B of the concept (which would affect members on in the Special Risk membership class), both FRS Pension Plan Actuarial Liability and Unfunded Actuarial Liability (UAL) would increase by approximately \$58.6 million.

The changes to the FRS Pension Plan of each variation of the concept are shown in Tables 1A through 1C. The impact on the 2024-2025 blended proposed statutory employer contribution rates is as shown on the table on page two of this letter, and in Tables 2A through 2C of the attached exhibits. There are four sets of Tables 1 and 2: "A" tables correspond to Variation A of the concept, "B" tables correspond to Variation B, and "C" tables correspond to either Variation C or Variation D of the concept.

Each Table 1 of the attached exhibits shows the impact of the change on the FRS Pension Plan's July 1, 2023 actuarial valuation results prior to blending with FRS Investment Plan cost levels to

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create 2024-2025 proposed blended statutory employer contribution rates. The concept would also affect the DROP Normal Cost Rate, which is set equal to the composite FRS Pension Plan average employer-paid Normal Cost Rate. Section A of the table shows the estimated increase to the actuarially calculated Employer Normal Cost Rate and UAL Cost Rate. Section B of the table shows the estimated increase to the FRS Pension Plan's Unfunded Actuarial Liability and Present Value of Projected Benefits calculated based on the methodology used to calculate Actuarial Liability for FRS Pension Plan funding calculations as approved by the 2023 FRS Actuarial Assumption Conference.

Each Table 2 shows the estimated impact of the concept on 2024-2025 blended proposed statutory employer contribution rates. Section A of the table develops the 2024-2025 blended proposed statutory employer Normal Cost Rate reflecting the expected impact of the concept, based on the concept's increase to the FRS Pension Plan employer Normal Cost Rate for each membership class and the DROP. The FRS Pension Plan rates shown are based on the results of this study's analysis. The FRS Investment Plan rates would be unchanged by enactment of this concept.

Section B of Table 2 develops the 2024-2025 blended proposed statutory employer UAL Contribution Rate as the total employer UAL Cost derived from the FRS Pension Plan divided by the total projected payroll of the FRS Pension Plan and FRS Investment Plan. Section C of each table compares the 2024-2025 proposed blended statutory employer contribution rates reflecting the impact of the corresponding concept to those developed in the FRS 2024-2025 Blended Rate Study dated December 1, 2023. Section D of each table translates the estimated change in 2024-2025 proposed blended statutory employer contribution rates to an estimated dollar increase in employer contributions during the 2024-2025 plan year.

The payroll for some employee groups is subject to only the blended statutory employer UAL rate component of the overall statutory employer contribution rate (e.g., participants in the SUSORP, SMSOAP, and SCCORP, and reemployed members not eligible for renewed membership). The payroll for those employee groups is included in the calculation of the 2024-2025 proposed blended statutory employer UAL contribution rate but is excluded from the calculation of the 2024-2025 proposed blended statutory employer normal cost contribution rate.

The contribution rates shown in each Table 2 exclude the 0.06% of payroll contribution rate for FRS Investment Plan administration and education (applied to all membership classes except DROP) and the 2.00% of payroll contribution rate for the Florida Retiree Health Insurance Subsidy (HIS) program, which is charged to all FRS Pension Plan and FRS Investment Plan payroll.

Table 3 compares for each variation of the concept the effect on summarizes the 2024-2025 proposed blended statutory employer contribution rates, as derived on the Table 2 applicable to each variation of the concept. Table 4 compares the valuation immediate retirement assumptions to the rates as modified by this study. Table 5 summarizes the change in weighted average age of retirement/DROP entry for sample representative membership groups.

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Other Assumptions and Methods

The calculations are based on census and payroll data as of July 1, 2023 provided to us by the Division of Retirement for development of the FRS Actuarial Valuation as of July 1, 2023 and the FRS 2024-2025 Blended Rate Study. We have not audited or verified this data and other information. If the underlying data or information is inaccurate or incomplete, the results of our analysis may likewise be inaccurate or incomplete. The impact of the concept was modeled by applying the assumption changes described above to active FRS Pension Plan members included in the July 1, 2023 Actuarial Valuation.

We performed a limited review of the data used directly in our analysis for reasonableness and consistency and have not found material defects in the data. If there are material defects in the data, it is possible that they would be uncovered by a detailed, systematic review and comparison of the data to search for data values that are questionable or for relationships that are materially inconsistent. Such a review was beyond the scope of our assignment.

Except where otherwise noted in this letter, this analysis is based on the methods and assumptions as stated in the FRS Actuarial Valuation as of July 1, 2023 report. The data was based on the July 1, 2023 FRS actuarial valuation database. The results of our study depend on future experience conforming to those actuarial assumptions discussed earlier in this letter. Future actuarial measurements may differ significantly from the current measurements presented in this analysis due to many factors, including plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period) and changes in plan provisions or applicable law. Due to the limited scope of our assignment, we did not perform an analysis of the potential range of future measurements. In addition, the cost of the proposed change will depend on the actual legislation.

The FRS Pension Plan, like any retirement plan, is subject to a variety of risks that could materially impact the Plan and in some instances Plan participants. These include the potential that actual investment returns are materially lower than assumed, actual legislatively mandated contributions are below actuarially determined levels, or actual future demographic experience is materially different than assumed. As noted above, while this analysis uses a single set of modeling assumptions no set of assumptions is uniquely correct and actual plan experience will differ at least to some extent from the modeling assumptions. For additional identification, discussion and quantification of plan risks please refer to Appendix F of our most recent actuarial valuation report for system funding purposes dated December 1, 2023.

The study results were developed using models intended for valuations that use standard actuarial techniques.

Milliman's work product was prepared exclusively for the internal business use of Florida Department of Management Services, Division of Retirement. It is a complex technical analysis that

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assumes a high level of knowledge concerning the Florida Retirement System's operations, and uses Division data, which Milliman has not audited. To the extent that Milliman's work is not subject to disclosure under applicable public record laws, Milliman's work may not be provided to third parties without Milliman's prior written consent. Milliman does not intend to benefit or create a legal duty to any third-party recipient of its work product. Milliman's consent to release its work product to any third party may be conditioned on the third party signing a Release, subject to the following exceptions:

- a. The Division of Retirement may provide a copy of Milliman's work, in its entirety, to the System's professional service advisors who are subject to a duty of confidentiality and who agree to not use Milliman's work for any purpose other than to benefit the System.
- b. The Division of Retirement may provide a copy of Milliman's work, in its entirety, to other governmental entities, as required by law.

No third-party recipient of Milliman's work product should rely upon Milliman's work product. Such recipients should engage qualified professionals for advice appropriate to their own specific needs.

The consultants who worked on this assignment are retirement actuaries. Milliman's advice is not intended to be a substitute for qualified legal or accounting counsel.

Milliman consultants are independent of the plan sponsor. We are not aware of any relationship that would impair the objectivity of our work.

On the basis of the foregoing, I hereby certify that, to the best of my knowledge and belief, this report is complete and accurate and has been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the principles prescribed by the Actuarial Standards Board and the *Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States* published by the American Academy of Actuaries.

I am a consulting actuary for Milliman, Inc. I am a member of the American Academy of Actuaries and meet their Qualification Standards to render the actuarial opinion contained herein. Please call if you would like to further discuss this project.

Respectfully Submitted,



Matt Larrabee, FSA, EA, MAAA
Principal & Consulting Actuary

cc: Nicolle Bournival (Division of Retirement), Daniel Wade (Milliman), Kathryn Hunter (Milliman)

Enclosures

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FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

***Effect on July 1, 2023 Defined Benefit FRS Pension Plan Actuarial Valuation Results
Impact to FRS Pension Plan of Modified Reemployment Limitations
Variation A: Concept Changes Applied to All Membership Classes***

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	-----Elected Officers' Class----- Judicial	Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Actuarially Calculated Pension Plan Employer Contribution Rates (prior to blending to create proposed blended statutory contribution rates)										
1. Actuarially Calculated Pension Plan Employer Contribution Rates before Reflecting Proposed Concept; Developed in July 1, 2023 Valuation ¹										
a. Employer Normal Cost	5.86%	18.27%	11.07%	14.17%	9.93%	11.38%	7.73%	8.46%	8.46%	8.46%
b. UAL Cost	<u>6.59%</u>	<u>13.97%</u>	<u>34.09%</u>	<u>34.33%</u>	<u>74.88%</u>	<u>62.10%</u>	<u>32.83%</u>	<u>8.66%</u>	<u>10.51%</u>	<u>8.80%</u>
c. Total Employer Cost	12.45%	32.24%	45.16%	48.50%	84.81%	73.48%	40.56%	17.12%	18.97%	17.26%
2. Actuarially Calculated Pension Plan Employer Contribution Rates Reflecting Proposed Concept										
a. Employer Normal Cost	5.88%	18.33%	11.10%	14.24%	9.96%	11.42%	7.76%	8.49%	8.49%	8.49%
b. UAL Cost	<u>6.63%</u>	<u>14.05%</u>	<u>34.19%</u>	<u>34.46%</u>	<u>74.97%</u>	<u>62.19%</u>	<u>32.90%</u>	<u>8.71%</u>	<u>10.51%</u>	<u>8.84%</u>
c. Total Employer Cost	12.51%	32.38%	45.29%	48.70%	84.93%	73.61%	40.66%	17.20%	19.00%	17.33%
3. Change in Actuarially Calculated Pension Plan Employer Contribution Rates due to Proposed Concept										
a. Normal Cost	0.02%	0.06%	0.03%	0.07%	0.03%	0.04%	0.03%	0.03%	0.03%	0.03%
b. UAL Cost	<u>0.04%</u>	<u>0.08%</u>	<u>0.10%</u>	<u>0.13%</u>	<u>0.09%</u>	<u>0.09%</u>	<u>0.07%</u>	<u>0.05%</u>	<u>0.00%</u>	<u>0.04%</u>
c. Total Cost	0.06%	0.14%	0.13%	0.20%	0.12%	0.13%	0.10%	0.08%	0.03%	0.07%
B. FRS Pension Plan Unfunded Actuarial Liability (UAL) and Present Value of Projected Benefits (Dollars in Thousands)										
1. July 1, 2023 UAL before Reflecting Proposed Concept ²	\$23,810,748	\$10,871,520	\$16,267	\$579,372	\$71,979	\$431,240	\$2,764,118	\$38,545,244	\$3,423,800	\$41,969,044
2. July 1, 2023 UAL Reflecting Proposed Concept	<u>23,939,293</u>	<u>10,930,161</u>	<u>16,323</u>	<u>581,634</u>	<u>72,073</u>	<u>431,904</u>	<u>2,769,994</u>	<u>38,741,382</u>	<u>3,423,800</u>	<u>42,165,182</u>
3. Increase/(Decrease) in UAL due to Proposed Concept	\$128,545	\$58,641	\$56	\$2,262	\$94	\$664	\$5,876	\$196,138	\$0	\$196,138
4. Increase/(Decrease) in Present Value of Future Normal Costs	<u>(\$30,313)</u>	<u>(\$23,212)</u>	<u>(\$17)</u>	<u>(\$243)</u>	<u>(\$16)</u>	<u>(\$142)</u>	<u>(\$1,924)</u>	<u>(\$55,867)</u>	\$0	<u>(\$55,867)</u>
5. Increase/(Decrease) in Present Value of Projected Benefits (3. + 4.)	\$98,232	\$35,429	\$39	\$2,019	\$78	\$522	\$3,952	\$140,271	\$0	\$140,271

¹ As reported in the July 1, 2023 valuation - Table 4-11

² As reported in the July 1, 2023 valuation - Table 3-2

FLORIDA RETIREMENT SYSTEM

FISCAL IMPACT ANALYSIS

***Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Modified Reemployment Limitations
Variation A: Concept Changes Applied to All Membership Classes
Assumes 3.25% Annual Growth in Total Payroll***

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	-----Elected Officers' Class----- Judicial	Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Proposed Blended Statutory Normal Cost Contribution Rates Reflecting Modified Reemployment Limitations (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan Normal Cost										
a. Employer Pension Plan Normal Cost Rate	5.88%	18.33%	11.10%	14.24%	9.96%	11.42%	7.76%	8.49%	8.49%	8.49%
b. Projected Pension Plan Normal Cost Payroll	\$21,077,544	\$5,551,517	\$4,144	\$128,219	\$6,313	\$48,182	\$632,481	\$27,448,400	\$2,522,586	\$29,970,986
c. Total Employer Pension Plan Normal Cost [(A1a) x (A1b)]	\$1,239,360	\$1,017,593	\$460	\$18,258	\$629	\$5,502	\$49,081	\$2,330,883	\$214,168	\$2,545,051
2. Investment Plan Employer Cost										
a. Employer Rates effective July 1, 2023 (Sec 121.72-73; 121.735)	8.60%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.58%	0.00%	9.58%
b. Projected Investment Plan Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
c. Total Employer Investment Plan Cost [(A2a) x (A2b)]	\$803,859	\$175,191	\$137	\$4,341	\$446	\$3,275	\$28,975	\$1,016,224	\$0	\$1,016,224
3. Proposed Blended Statutory Employer Normal Cost Rate (Pension Plan + Investment Plan)										
a. Total Employer Normal Cost Contribution [(A1c) + (A2c)]	\$2,043,219	\$1,192,784	\$597	\$22,599	\$1,075	\$8,777	\$78,056	\$3,347,107	\$214,168	\$3,561,275
b. Total System Projected Payroll [(A1b) + (A2b)]	\$30,424,745	\$6,468,268	\$5,456	\$155,266	\$10,045	\$71,656	\$922,810	\$38,058,246	\$2,522,586	\$40,580,832
c. Proposed Blended Statutory Employer Normal Cost Contribution Rate ¹ As a Percentage of Total Payroll [(A3a) / (A3b)]	6.72%	18.44%	10.94%	14.56%	10.70%	12.25%	8.46%	8.79%	8.49%	8.78%
B. Proposed Blended Statutory Unfunded Actuarial Liability (UAL) Cost Contribution Rates Reflecting Modified Reemployment Limitations (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan UAL Cost										
a. Pension Plan UAL Cost Rate	6.63%	14.05%	34.19%	34.46%	74.97%	62.19%	32.90%	8.71%	10.51%	8.84%
b. Projected Pension Plan UAL Cost Payroll	\$25,192,148	\$5,586,891	\$4,144	\$129,148	\$7,413	\$54,658	\$652,296	\$31,626,698	\$2,522,586	\$34,149,284
c. Total Employer UAL Cost [(B1a) x (B1b)]	\$1,670,239	\$784,958	\$1,417	\$44,504	\$5,558	\$33,992	\$214,605	\$2,755,273	\$265,124	\$3,020,397
2. Investment Plan Projected Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
3. Proposed Blended Statutory Employer UAL Contribution Rate (Pension Plan + Investment Plan)										
a. Total Employer UAL Cost [(B1c)]	\$1,670,239	\$784,958	\$1,417	\$44,504	\$5,558	\$33,992	\$214,605	\$2,755,273	\$265,124	\$3,020,397
b. Total System Projected Payroll [(B1b) + (B2)]	\$34,539,349	\$6,503,642	\$5,456	\$156,195	\$11,145	\$78,132	\$942,625	\$42,236,544	\$2,522,586	\$44,759,130
c. Proposed Blended Statutory Employer UAL Contribution Rate ¹ As a Percentage of Total Payroll [(B3a) / (B3b)]	4.84%	12.07%	25.97%	28.49%	49.87%	43.51%	22.77%	6.52%	10.51%	6.75%

¹ Rates shown do not include the HIS contribution rate or IP administrative fees.

FLORIDA RETIREMENT SYSTEM

FISCAL IMPACT ANALYSIS

***Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Modified Reemployment Limitations******Variation A: Concept Changes Applied to All Membership Classes******Assumes 3.25% Annual Growth in Total Payroll*****Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used**

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
C. Proposed Blended Statutory Employer Contribution Rates										
1. Proposed Blended Statutory Employer Contribution Rates Based on July 1, 2023 Valuation ¹										
a. Employer Normal Cost Contribution Rate	6.70%	18.39%	10.92%	14.50%	10.68%	12.22%	8.44%	8.77%	8.46%	8.75%
b. Employer UAL Contribution Rate	<u>4.81%</u>	<u>12.00%</u>	<u>25.90%</u>	<u>28.39%</u>	<u>49.81%</u>	<u>43.44%</u>	<u>22.72%</u>	<u>6.49%</u>	<u>10.51%</u>	<u>6.71%</u>
c. Total Employer Contribution Rate [(C1a) + (C1b)]	11.51%	30.39%	36.82%	42.89%	60.49%	55.66%	31.16%	15.26%	18.97%	15.46%
2. Proposed Blended Statutory Employer Contribution Rates Reflecting Proposed Concept										
a. Employer Normal Cost Contribution Rate [(A3c)]	6.72%	18.44%	10.94%	14.56%	10.70%	12.25%	8.46%	8.79%	8.49%	8.78%
b. Employer UAL Contribution Rate [(B3c)] ²	<u>4.84%</u>	<u>12.07%</u>	<u>25.97%</u>	<u>28.49%</u>	<u>49.87%</u>	<u>43.51%</u>	<u>22.77%</u>	<u>6.52%</u>	<u>10.51%</u>	<u>6.75%</u>
c. Total Employer Contribution Rate [(C2a) + (C2b)]	11.56%	30.51%	36.91%	43.05%	60.57%	55.76%	31.23%	15.31%	19.00%	15.53%
3. Change in Proposed Blended Statutory Employer Contribution Rates due to Proposed Concept										
a. Change in Employer Normal Cost Contribution Rate [(C2a) - (C1a)]	0.02%	0.05%	0.02%	0.06%	0.02%	0.03%	0.02%	0.02%	0.03%	0.03%
b. Change in Employer UAL Contribution Rate [(C2b) - (C1b)]	<u>0.03%</u>	<u>0.07%</u>	<u>0.07%</u>	<u>0.10%</u>	<u>0.06%</u>	<u>0.07%</u>	<u>0.05%</u>	<u>0.03%</u>	<u>0.00%</u>	<u>0.04%</u>
c. Change in Total Employer Contribution Rate [(C3a) + (C3b)]	0.05%	0.12%	0.09%	0.16%	0.08%	0.10%	0.07%	0.05%	0.03%	0.07%
D. Additional/(Reduced) Proposed Statutory Employer Contributions for the 2024-2025 Plan Year Due to Modified Reemployment Limitations (Dollars in Thousands)										
1. State	\$1,493	\$1,553	\$5	\$256	\$9	\$0	\$280	\$3,596	\$105	\$3,701
2. School Boards	\$6,739	\$94	\$0	\$0	\$0	\$13	\$64	\$6,910	\$313	\$7,223
3. State Universities	\$1,964	\$47	\$0	\$0	\$0	\$0	\$10	\$2,021	\$22	\$2,043
4. Community Colleges	\$519	\$4	\$0	\$0	\$0	\$0	\$25	\$548	\$19	\$567
5. Counties	\$2,754	\$5,608	\$0	\$0	\$0	\$48	\$183	\$8,593	\$259	\$8,852
6. Other	<u>\$823</u>	<u>\$494</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$7</u>	<u>\$84</u>	<u>\$1,408</u>	<u>\$39</u>	<u>\$1,447</u>
7. Total	\$14,292	\$7,800	\$5	\$256	\$9	\$68	\$646	\$23,076	\$757	\$23,833

¹ Rates shown do not include the HIS contribution rate or IP administrative fees.

² Employers of employee groups subject to only the UAL contribution rate would pay the rates shown in line (C.2.b.) and line (C.3.b.).

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

***Effect on July 1, 2023 Defined Benefit FRS Pension Plan Actuarial Valuation Results
Impact to FRS Pension Plan of Modified Reemployment Limitations
Variation B: Concept Changes Applied Only to Special Risk Class Members***

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	-----Elected Officers' Class----- Judicial	Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Actuarially Calculated Pension Plan Employer Contribution Rates (prior to blending to create proposed blended statutory contribution rates)										
1. Actuarially Calculated Pension Plan Employer Contribution Rates before Reflecting Proposed Concept; Developed in July 1, 2023 Valuation ¹										
a. Employer Normal Cost	5.86%	18.27%	11.07%	14.17%	9.93%	11.38%	7.73%	8.46%	8.46%	8.46%
b. UAL Cost	<u>6.59%</u>	<u>13.97%</u>	<u>34.09%</u>	<u>34.33%</u>	<u>74.88%</u>	<u>62.10%</u>	<u>32.83%</u>	<u>8.66%</u>	<u>10.51%</u>	<u>8.80%</u>
c. Total Employer Cost	12.45%	32.24%	45.16%	48.50%	84.81%	73.48%	40.56%	17.12%	18.97%	17.26%
2. Actuarially Calculated Pension Plan Employer Contribution Rates Reflecting Proposed Concept										
a. Employer Normal Cost	5.86%	18.33%	11.07%	14.17%	9.93%	11.38%	7.73%	8.48%	8.48%	8.48%
b. UAL Cost	<u>6.59%</u>	<u>14.05%</u>	<u>34.09%</u>	<u>34.33%</u>	<u>74.88%</u>	<u>62.10%</u>	<u>32.83%</u>	<u>8.68%</u>	<u>10.51%</u>	<u>8.81%</u>
c. Total Employer Cost	12.45%	32.38%	45.16%	48.50%	84.81%	73.48%	40.56%	17.16%	18.99%	17.29%
3. Change in Actuarially Calculated Pension Plan Employer Contribution Rates due to Proposed Concept										
a. Normal Cost	0.00%	0.06%	0.00%	0.00%	0.00%	0.00%	0.00%	0.02%	0.02%	0.02%
b. UAL Cost	<u>0.00%</u>	<u>0.08%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.02%</u>	<u>0.00%</u>	<u>0.01%</u>
c. Total Cost	0.00%	0.14%	0.00%	0.00%	0.00%	0.00%	0.00%	0.04%	0.02%	0.03%
B. FRS Pension Plan Unfunded Actuarial Liability (UAL) and Present Value of Projected Benefits (Dollars in Thousands)										
1. July 1, 2023 UAL before Reflecting Proposed Concept ²	\$23,810,748	\$10,871,520	\$16,267	\$579,372	\$71,979	\$431,240	\$2,764,118	\$38,545,244	\$3,423,800	\$41,969,044
2. July 1, 2023 UAL Reflecting Proposed Concept	<u>23,810,748</u>	<u>10,930,161</u>	<u>16,267</u>	<u>579,372</u>	<u>71,979</u>	<u>431,240</u>	<u>2,764,118</u>	<u>38,603,885</u>	<u>3,423,800</u>	<u>42,027,685</u>
3. Increase/(Decrease) in UAL due to Proposed Concept	\$0	\$58,641	\$0	\$0	\$0	\$0	\$0	\$58,641	\$0	\$58,641
4. Increase/(Decrease) in Present Value of Future Normal Costs	\$0	(\$23,212)	\$0	\$0	\$0	\$0	\$0	(\$23,212)	\$0	(\$23,212)
5. Increase/(Decrease) in Present Value of Projected Benefits (3. + 4.)	\$0	\$35,429	\$0	\$0	\$0	\$0	\$0	\$35,429	\$0	\$35,429

¹ As reported in the July 1, 2023 valuation - Table 4-11

² As reported in the July 1, 2023 valuation - Table 3-2

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

*Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Modified Reemployment Limitations
Variation B: Concept Changes Applied Only to Special Risk Class Members
Assumes 3.25% Annual Growth in Total Payroll*

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Proposed Blended Statutory Normal Cost Contribution Rates Reflecting Modified Reemployment Limitations (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan Normal Cost										
a. Employer Pension Plan Normal Cost Rate	5.86%	18.33%	11.07%	14.17%	9.93%	11.38%	7.73%	8.48%	8.48%	8.48%
b. Projected Pension Plan Normal Cost Payroll	\$21,077,544	\$5,551,517	\$4,144	\$128,219	\$6,313	\$48,182	\$632,481	\$27,448,400	\$2,522,586	\$29,970,986
c. Total Employer Pension Plan Normal Cost [(A1a) x (A1b)]	\$1,235,144	\$1,017,593	\$459	\$18,169	\$627	\$5,483	\$48,891	\$2,326,366	\$213,915	\$2,540,281
2. Investment Plan Employer Cost										
a. Employer Rates effective July 1, 2023 (Sec 121.72-73; 121.735)	8.60%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.58%	0.00%	9.58%
b. Projected Investment Plan Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
c. Total Employer Investment Plan Cost [(A2a) x (A2b)]	\$803,859	\$175,191	\$137	\$4,341	\$446	\$3,275	\$28,975	\$1,016,224	\$0	\$1,016,224
3. Proposed Blended Statutory Employer Normal Cost Rate (Pension Plan + Investment Plan)										
a. Total Employer Normal Cost Contribution [(A1c) + (A2c)]	\$2,039,003	\$1,192,784	\$596	\$22,510	\$1,073	\$8,758	\$77,866	\$3,342,590	\$213,915	\$3,556,505
b. Total System Projected Payroll [(A1b) + (A2b)]	\$30,424,745	\$6,468,268	\$5,456	\$155,266	\$10,045	\$71,656	\$922,810	\$38,058,246	\$2,522,586	\$40,580,832
c. Proposed Blended Statutory Employer Normal Cost Contribution Rate ¹ As a Percentage of Total Payroll [(A3a) / (A3b)]	6.70%	18.44%	10.92%	14.50%	10.68%	12.22%	8.44%	8.78%	8.48%	8.76%
B. Proposed Blended Statutory Unfunded Actuarial Liability (UAL) Cost Contribution Rates Reflecting Modified Reemployment Limitations (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan UAL Cost										
a. Pension Plan UAL Cost Rate	6.59%	14.05%	34.09%	34.33%	74.88%	62.10%	32.83%	8.68%	10.51%	8.81%
b. Projected Pension Plan UAL Cost Payroll	\$25,192,148	\$5,586,891	\$4,144	\$129,148	\$7,413	\$54,658	\$652,296	\$31,626,698	\$2,522,586	\$34,149,284
c. Total Employer UAL Cost [(B1a) x (B1b)]	\$1,660,163	\$784,958	\$1,413	\$44,337	\$5,551	\$33,943	\$214,149	\$2,744,514	\$265,124	\$3,009,638
2. Investment Plan Projected Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
3. Proposed Blended Statutory Employer UAL Contribution Rate (Pension Plan + Investment Plan)										
a. Total Employer UAL Cost [(B1c)]	\$1,660,163	\$784,958	\$1,413	\$44,337	\$5,551	\$33,943	\$214,149	\$2,744,514	\$265,124	\$3,009,638
b. Total System Projected Payroll [(B1b) + (B2)]	\$34,539,349	\$6,503,642	\$5,456	\$156,195	\$11,145	\$78,132	\$942,625	\$42,236,544	\$2,522,586	\$44,759,130
c. Proposed Blended Statutory Employer UAL Contribution Rate ¹ As a Percentage of Total Payroll [(B3a) / (B3b)]	4.81%	12.07%	25.90%	28.39%	49.81%	43.44%	22.72%	6.50%	10.51%	6.72%

¹ Rates shown do not include the HIS contribution rate or IP administrative fees.

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

*Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Modified Reemployment Limitations
Variation B: Concept Changes Applied Only to Special Risk Class Members
Assumes 3.25% Annual Growth in Total Payroll*

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
C. Proposed Blended Statutory Employer Contribution Rates										
1. Proposed Blended Statutory Employer Contribution Rates Based on July 1, 2023 Valuation ¹										
a. Employer Normal Cost Contribution Rate	6.70%	18.39%	10.92%	14.50%	10.68%	12.22%	8.44%	8.77%	8.46%	8.75%
b. Employer UAL Contribution Rate	4.81%	12.00%	25.90%	28.39%	49.81%	43.44%	22.72%	6.49%	10.51%	6.71%
c. Total Employer Contribution Rate [(C1a) + (C1b)]	11.51%	30.39%	36.82%	42.89%	60.49%	55.66%	31.16%	15.26%	18.97%	15.46%
2. Proposed Blended Statutory Employer Contribution Rates Reflecting Proposed Concept										
a. Employer Normal Cost Contribution Rate [(A3c)]	6.70%	18.44%	10.92%	14.50%	10.68%	12.22%	8.44%	8.78%	8.48%	8.76%
b. Employer UAL Contribution Rate [(B3c)] ²	4.81%	12.07%	25.90%	28.39%	49.81%	43.44%	22.72%	6.50%	10.51%	6.72%
c. Total Employer Contribution Rate [(C2a) + (C2b)]	11.51%	30.51%	36.82%	42.89%	60.49%	55.66%	31.16%	15.28%	18.99%	15.48%
3. Change in Proposed Blended Statutory Employer Contribution Rates due to Proposed Concept										
a. Change in Employer Normal Cost Contribution Rate [(C2a) - (C1a)]	0.00%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.02%	0.01%
b. Change in Employer UAL Contribution Rate [(C2b) - (C1b)]	0.00%	0.07%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.00%	0.01%
c. Change in Total Employer Contribution Rate [(C3a) + (C3b)]	0.00%	0.12%	0.00%	0.00%	0.00%	0.00%	0.00%	0.02%	0.02%	0.02%
D. Additional/(Reduced) Proposed Statutory Employer Contributions for the 2024-2025 Plan Year Due to Modified Reemployment Limitations (Dollars in Thousands)										
1. State	\$0	\$1,553	\$0	\$0	\$0	\$0	\$0	\$1,553	\$70	\$1,623
2. School Boards	\$0	\$94	\$0	\$0	\$0	\$0	\$0	\$94	\$208	\$302
3. State Universities	\$0	\$47	\$0	\$0	\$0	\$0	\$0	\$47	\$15	\$62
4. Community Colleges	\$0	\$4	\$0	\$0	\$0	\$0	\$0	\$4	\$13	\$17
5. Counties	\$0	\$5,608	\$0	\$0	\$0	\$0	\$0	\$5,608	\$172	\$5,780
6. Other	\$0	\$494	\$0	\$0	\$0	\$0	\$0	\$494	\$26	\$520
7. Total	\$0	\$7,800	\$0	\$0	\$0	\$0	\$0	\$7,800	\$504	\$8,304

¹ Rates shown do not include the HIS contribution rate or IP administrative fees.

² Employers of employee groups subject to only the UAL contribution rate would pay the rates shown in line (C.2.b.) and line (C.3.b.).

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

***Effect on July 1, 2023 Defined Benefit FRS Pension Plan Actuarial Valuation Results
Impact to FRS Pension Plan of Modified Reemployment Limitations
Variation C or Variation D: Concept Changes Applied Only to Former Law Enforcement Officers (Subset of Special Risk Class)¹
Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used***

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Actuarially Calculated Pension Plan Employer Contribution Rates (prior to blending to create proposed blended statutory contribution rates)										
1. Actuarially Calculated Pension Plan Employer Contribution Rates before Reflecting Proposed Concept; Developed in July 1, 2023 Valuation ²										
a. Employer Normal Cost	5.86%	18.27%	11.07%	14.17%	9.93%	11.38%	7.73%	8.46%	8.46%	8.46%
b. UAL Cost	6.59%	13.97%	34.09%	34.33%	74.88%	62.10%	32.83%	8.66%	10.51%	8.80%
c. Total Employer Cost	12.45%	32.24%	45.16%	48.50%	84.81%	73.48%	40.56%	17.12%	18.97%	17.26%
2. Actuarially Calculated Pension Plan Employer Contribution Rates Reflecting Proposed Concept										
a. Employer Normal Cost	5.86%	18.29%	11.07%	14.17%	9.93%	11.38%	7.73%	8.47%	8.47%	8.47%
b. UAL Cost	6.59%	14.00%	34.09%	34.33%	74.88%	62.10%	32.83%	8.67%	10.51%	8.81%
c. Total Employer Cost	12.45%	32.29%	45.16%	48.50%	84.81%	73.48%	40.56%	17.14%	18.98%	17.28%
3. Change in Actuarially Calculated Pension Plan Employer Contribution Rates due to Proposed Concept										
a. Normal Cost	0.00%	0.02%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.01%	0.01%
b. UAL Cost	0.00%	0.03%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.00%	0.01%
c. Total Cost	0.00%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.02%	0.01%	0.02%
B. FRS Pension Plan Unfunded Actuarial Liability (UAL) and Present Value of Projected Benefits (Dollars in Thousands)										
1. July 1, 2023 UAL before Reflecting Proposed Concept ³	\$23,810,748	\$10,871,520	\$16,267	\$579,372	\$71,979	\$431,240	\$2,764,118	\$38,545,244	\$3,423,800	\$41,969,044
2. July 1, 2023 UAL Reflecting Proposed Concept	<u>23,810,748</u>	<u>10,891,081</u>	<u>16,267</u>	<u>579,372</u>	<u>71,979</u>	<u>431,240</u>	<u>2,764,118</u>	<u>38,564,805</u>	<u>3,423,800</u>	<u>41,988,605</u>
3. Increase/(Decrease) in UAL due to Proposed Concept	\$0	\$19,561	\$0	\$0	\$0	\$0	\$0	\$19,561	\$0	\$19,561
4. Increase/(Decrease) in Present Value of Future Normal Costs	\$0	(\$7,732)	\$0	\$0	\$0	\$0	\$0	(\$7,732)	\$0	(\$7,732)
5. Increase/(Decrease) in Present Value of Projected Benefits (3. + 4.)	\$0	\$11,829	\$0	\$0	\$0	\$0	\$0	\$11,829	\$0	\$11,829

¹ Variation C would modify the reemployment limitations for former Law Enforcement Officers (LEO) reemployed in any Special Risk Class position while Variation D would modify the reemployment limitations for former LEOs returning to employment in an LEO position.

² As reported in the July 1, 2023 valuation - Table 4-11

³ As reported in the July 1, 2023 valuation - Table 3-2

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

**Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Modified Reemployment Limitations
Variation C or Variation D: Concept Changes Applied Only to Former Law Enforcement Officers (Subset of Special Risk Class)¹
Assumes 3.25% Annual Growth in Total Payroll
Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used**

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Proposed Blended Statutory Normal Cost Contribution Rates Reflecting Modified Reemployment Limitations (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan Normal Cost										
a. Employer Pension Plan Normal Cost Rate	5.86%	18.29%	11.07%	14.17%	9.93%	11.38%	7.73%	8.47%	8.47%	8.47%
b. Projected Pension Plan Normal Cost Payroll	\$21,077,544	\$5,551,517	\$4,144	\$128,219	\$6,313	\$48,182	\$632,481	\$27,448,400	\$2,522,586	\$29,970,986
c. Total Employer Pension Plan Normal Cost [(A1a) x (A1b)]	\$1,235,144	\$1,015,372	\$459	\$18,169	\$627	\$5,483	\$48,891	\$2,324,145	\$213,663	\$2,537,808
2. Investment Plan Employer Cost										
a. Employer Rates effective July 1, 2023 (Sec 121.72-73; 121.735)	8.60%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.58%	0.00%	9.58%
b. Projected Investment Plan Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
c. Total Employer Investment Plan Cost [(A2a) x (A2b)]	\$803,859	\$175,191	\$137	\$4,341	\$446	\$3,275	\$28,975	\$1,016,224	\$0	\$1,016,224
3. Proposed Blended Statutory Employer Normal Cost Rate (Pension Plan + Investment Plan)										
a. Total Employer Normal Cost Contribution [(A1c) + (A2c)]	\$2,039,003	\$1,190,563	\$596	\$22,510	\$1,073	\$8,758	\$77,866	\$3,340,369	\$213,663	\$3,554,032
b. Total System Projected Payroll [(A1b) + (A2b)]	\$30,424,745	\$6,468,268	\$5,456	\$155,266	\$10,045	\$71,656	\$922,810	\$38,058,246	\$2,522,586	\$40,580,832
c. Proposed Blended Statutory Employer Normal Cost Contribution Rate ² As a Percentage of Total Payroll [(A3a) / (A3b)]	6.70%	18.41%	10.92%	14.50%	10.68%	12.22%	8.44%	8.78%	8.47%	8.76%
B. Proposed Blended Statutory Unfunded Actuarial Liability (UAL) Cost Contribution Rates Reflecting Modified Reemployment Limitations (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan UAL Cost										
a. Pension Plan UAL Cost Rate	6.59%	14.00%	34.09%	34.33%	74.88%	62.10%	32.83%	8.67%	10.51%	8.81%
b. Projected Pension Plan UAL Cost Payroll	\$25,192,148	\$5,586,891	\$4,144	\$129,148	\$7,413	\$54,658	\$652,296	\$31,626,698	\$2,522,586	\$34,149,284
c. Total Employer UAL Cost [(B1a) x (B1b)]	\$1,660,163	\$782,165	\$1,413	\$44,337	\$5,551	\$33,943	\$214,149	\$2,741,721	\$265,124	\$3,006,845
2. Investment Plan Projected Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
3. Proposed Blended Statutory Employer UAL Contribution Rate (Pension Plan + Investment Plan)										
a. Total Employer UAL Cost [(B1c)]	\$1,660,163	\$782,165	\$1,413	\$44,337	\$5,551	\$33,943	\$214,149	\$2,741,721	\$265,124	\$3,006,845
b. Total System Projected Payroll [(B1b) + (B2)]	\$34,539,349	\$6,503,642	\$5,456	\$156,195	\$11,145	\$78,132	\$942,625	\$42,236,544	\$2,522,586	\$44,759,130
c. Proposed Blended Statutory Employer UAL Contribution Rate ² As a Percentage of Total Payroll [(B3a) / (B3b)]	4.81%	12.03%	25.90%	28.39%	49.81%	43.44%	22.72%	6.49%	10.51%	6.72%

¹ Variation C would modify the reemployment limitations for former Law Enforcement Officers (LEO) reemployed in any Special Risk Class position while Variation D would modify the reemployment limitations for former LEOs returning to employment in an LEO position.

² Rates shown do not include the HIS contribution rate or IP administrative fees.

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Modified Reemployment Limitations
Variation C or Variation D: Concept Changes Applied Only to Former Law Enforcement Officers (Subset of Special Risk Class)¹
Assumes 3.25% Annual Growth in Total Payroll
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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
C. Proposed Blended Statutory Employer Contribution Rates										
1. Proposed Blended Statutory Employer Contribution Rates Based on July 1, 2023 Valuation ²										
a. Employer Normal Cost Contribution Rate	6.70%	18.39%	10.92%	14.50%	10.68%	12.22%	8.44%	8.77%	8.46%	8.75%
b. Employer UAL Contribution Rate	4.81%	12.00%	25.90%	28.39%	49.81%	43.44%	22.72%	6.49%	10.51%	6.71%
c. Total Employer Contribution Rate [(C1a) + (C1b)]	11.51%	30.39%	36.82%	42.89%	60.49%	55.66%	31.16%	15.26%	18.97%	15.46%
2. Proposed Blended Statutory Employer Contribution Rates Reflecting Proposed Concept										
a. Employer Normal Cost Contribution Rate [(A3c)]	6.70%	18.41%	10.92%	14.50%	10.68%	12.22%	8.44%	8.78%	8.47%	8.76%
b. Employer UAL Contribution Rate [(B3c)] ³	4.81%	12.03%	25.90%	28.39%	49.81%	43.44%	22.72%	6.49%	10.51%	6.72%
c. Total Employer Contribution Rate [(C2a) + (C2b)]	11.51%	30.44%	36.82%	42.89%	60.49%	55.66%	31.16%	15.27%	18.98%	15.48%
3. Change in Proposed Blended Statutory Employer Contribution Rates due to Proposed Concept										
a. Change in Employer Normal Cost Contribution Rate [(C2a) - (C1a)]	0.00%	0.02%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.01%	0.01%
b. Change in Employer UAL Contribution Rate [(C2b) - (C1b)]	0.00%	0.03%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%
c. Change in Total Employer Contribution Rate [(C3a) + (C3b)]	0.00%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.01%	0.02%
D. Additional/(Reduced) Proposed Statutory Employer Contributions for the 2024-2025 Plan Year Due to Modified Reemployment Limitations (Dollars in Thousands)										
1. State	\$0	\$555	\$0	\$0	\$0	\$0	\$0	\$555	\$35	\$590
2. School Boards	\$0	\$33	\$0	\$0	\$0	\$0	\$0	\$33	\$105	\$138
3. State Universities	\$0	\$17	\$0	\$0	\$0	\$0	\$0	\$17	\$7	\$24
4. Community Colleges	\$0	\$2	\$0	\$0	\$0	\$0	\$0	\$2	\$6	\$8
5. Counties	\$0	\$2,003	\$0	\$0	\$0	\$0	\$0	\$2,003	\$86	\$2,089
6. Other	\$0	\$176	\$0	\$0	\$0	\$0	\$0	\$176	\$13	\$189
7. Total	\$0	\$2,786	\$0	\$0	\$0	\$0	\$0	\$2,786	\$252	\$3,038

¹ Variation C would modify the reemployment limitations for former Law Enforcement Officers (LEO) reemployed in any Special Risk Class position while Variation D would modify the reemployment limitations for former LEOs returning to employment in an LEO position.

² Rates shown do not include the HIS contribution rate or IP administrative fees.

³ Employers of employee groups subject to only the UAL contribution rate would pay the rates shown in line (C.2.b.) and line (C.3.b.).

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

*Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Modified Reemployment Limitations
Assumes 3.25% Annual Growth in Total Payroll*

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Blended Proposed Statutory Uniform Contribution Rates										
1. Blended Statutory Employer Contribution Rates before Reflecting Proposed Concept ^{1&2}	11.51%	30.39%	36.82%	42.89%	60.49%	55.66%	31.16%	15.26%	18.97%	15.46%
2. Proposed Blended Statutory Employer Contribution Rates Reflecting Proposed Concept ²										
a. Variation A	11.56%	30.51%	36.91%	43.05%	60.57%	55.76%	31.23%	15.31%	19.00%	15.53%
b. Variation B	11.51%	30.51%	36.82%	42.89%	60.49%	55.66%	31.16%	15.28%	18.99%	15.48%
c. Variation C or Variation D	11.51%	30.44%	36.82%	42.89%	60.49%	55.66%	31.16%	15.27%	18.98%	15.48%
3. Increase in Proposed Blended Statutory Employer Contribution Rates Reflecting Proposed Concept										
a. Variation A	0.05%	0.12%	0.09%	0.16%	0.08%	0.10%	0.07%	0.05%	0.03%	0.07%
b. Variation B	0.00%	0.12%	0.00%	0.00%	0.00%	0.00%	0.00%	0.02%	0.02%	0.02%
c. Variation C or Variation D	0.00%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.01%	0.02%
B. Additional/(Reduced) Proposed Statutory Employer Contributions for the 2024-2025 Plan Year Due to Proposed Concept (Dollars in Thousands)										
1. Projected Employer Contributions before Reflecting Proposed Concept	\$3,699,166	\$1,969,942	\$2,009	\$66,847	\$6,624	\$42,701	\$292,015	\$6,079,304	\$478,535	\$6,557,839
2. Projected Employer Contributions Reflecting Proposed Concept										
a. Variation A	\$3,713,458	\$1,977,742	\$2,014	\$67,103	\$6,633	\$42,769	\$292,661	\$6,102,380	\$479,292	\$6,581,672
b. Variation B	\$3,699,166	\$1,977,742	\$2,009	\$66,847	\$6,624	\$42,701	\$292,015	\$6,087,104	\$479,039	\$6,566,143
c. Variation C or Variation D	\$3,699,166	\$1,972,728	\$2,009	\$66,847	\$6,624	\$42,701	\$292,015	\$6,082,090	\$478,787	\$6,560,877
3. Increase in Expected Employer Contributions Reflecting Proposed Concept										
a. Variation A	\$14,292	\$7,800	\$5	\$256	\$9	\$68	\$646	\$23,076	\$757	\$23,833
b. Variation B	\$0	\$7,800	\$0	\$0	\$0	\$0	\$0	\$7,800	\$504	\$8,304
c. Variation C or Variation D	\$0	\$2,786	\$0	\$0	\$0	\$0	\$0	\$2,786	\$252	\$3,038

¹ Based on July 1, 2023 Valuation.

² Rates shown do not include the HIS contribution rate or IP administrative fees.

FLORIDA RETIREMENT SYSTEM
ASSUMPTIONS

***Immediate Retirement Assumptions for the Defined Benefit FRS Pension Plan
July 1, 2023 Valuation Assumptions Compared to Modified Assumptions Adjusted by Concept
Proposal for Modified Reemployment Limitations for All Membership Classes***

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Rates of Immediate Retirement

Age	Tier I Regular K-12 School Instructional: Valuation Assumptions		Tier I Regular K-12 School Instructional: Study Assumptions		Tier II Regular K-12 School Instructional: Valuation Assumptions		Tier II Regular K-12 School Instructional: Study Assumptions	
	Female	Male	Female	Male	Female	Male	Female	Male
45	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
46	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
47	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
48	4.0%	4.0%	4.2%	4.2%	4.0%	4.0%	4.2%	4.2%
49	4.0%	4.0%	4.2%	4.2%	4.0%	4.0%	4.2%	4.2%
50	4.0%	4.0%	4.2%	4.2%	4.0%	4.0%	4.2%	4.2%
51	4.0%	4.0%	4.2%	4.2%	4.0%	4.0%	4.2%	4.2%
52	4.0%	4.0%	4.2%	4.2%	4.0%	4.0%	4.2%	4.2%
53	4.0%	4.0%	4.2%	4.2%	4.0%	4.0%	4.2%	4.2%
54	4.0%	4.0%	4.2%	4.2%	4.0%	4.0%	4.2%	4.2%
55	4.0%	5.0%	4.2%	5.3%	4.0%	5.0%	4.2%	5.2%
56	4.0%	5.0%	4.2%	5.3%	4.0%	5.0%	4.2%	5.2%
57	5.0%	5.0%	5.3%	5.3%	5.0%	5.0%	5.3%	5.2%
58	5.0%	6.0%	5.3%	6.3%	5.0%	6.0%	5.3%	6.2%
59	6.0%	6.0%	6.3%	6.3%	6.0%	6.0%	6.3%	6.2%
60	7.0%	6.0%	7.4%	6.3%	7.0%	6.0%	7.4%	6.2%
61	10.0%	10.0%	10.2%	10.2%	10.0%	10.0%	10.2%	10.2%
62	13.0%	12.0%	13.3%	12.2%	10.0%	10.0%	10.2%	10.2%
63	9.0%	9.0%	9.2%	9.2%	10.0%	10.0%	10.2%	10.2%
64	11.0%	11.0%	11.2%	11.2%	10.0%	10.0%	10.2%	10.2%
65	18.0%	15.0%	18.4%	15.3%	20.0%	17.5%	20.4%	17.9%
66	20.0%	17.5%	20.4%	17.9%	20.0%	17.5%	20.4%	17.9%
67	20.0%	17.5%	20.4%	17.9%	20.0%	17.5%	20.4%	17.9%
68	20.0%	17.5%	20.4%	17.9%	20.0%	17.5%	20.4%	17.9%
69	20.0%	17.5%	20.4%	17.9%	20.0%	17.5%	20.4%	17.9%
70-79	20.0%	17.5%	20.4%	17.9%	20.0%	17.5%	20.4%	17.9%
80	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

FLORIDA RETIREMENT SYSTEM
ASSUMPTIONS

***Immediate Retirement Assumptions for the Defined Benefit FRS Pension Plan
July 1, 2023 Valuation Assumptions Compared to Modified Assumptions Adjusted by Concept
Proposal for Modified Reemployment Limitations for All Membership Classes***

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Rates of Immediate Retirement (continued)

Age	Tier I Regular Not K-12 School Instructional: Valuation Assumptions		Tier I Regular Not K-12 School Instructional: Study Assumptions		Tier II Regular Not K-12 School Instructional: Valuation Assumptions		Tier II Regular Not K-12 School Instructional: Study Assumptions	
	Female	Male	Female	Male	Female	Male	Female	Male
45	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
46	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
47	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
48	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
49	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
50	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
51	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
52	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
53	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
54	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
55	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
56	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
57	2.5%	2.5%	2.7%	2.7%	2.5%	2.5%	2.7%	2.7%
58	5.5%	5.5%	5.8%	5.8%	2.5%	2.5%	2.7%	2.7%
59	5.5%	5.5%	5.8%	5.8%	2.5%	2.5%	2.7%	2.7%
60	5.5%	5.5%	5.8%	5.8%	2.5%	2.5%	2.7%	2.7%
61	5.5%	5.5%	5.8%	5.8%	7.5%	7.5%	7.8%	7.8%
62	5.5%	5.5%	5.8%	5.8%	7.5%	7.5%	7.8%	7.8%
63	5.5%	5.5%	5.8%	5.8%	7.5%	7.5%	7.8%	7.8%
64	5.5%	5.5%	5.8%	5.8%	7.5%	7.5%	7.8%	7.8%
65	12.5%	10.5%	12.8%	10.8%	12.5%	10.5%	12.9%	10.8%
66	12.5%	10.5%	12.8%	10.8%	12.5%	10.5%	12.9%	10.8%
67	12.5%	10.5%	12.8%	10.8%	12.5%	10.5%	12.9%	10.8%
68	12.5%	10.5%	12.8%	10.8%	12.5%	10.5%	12.9%	10.8%
69	12.5%	10.5%	12.8%	10.8%	12.5%	10.5%	12.9%	10.8%
70-79	12.5%	10.5%	12.8%	10.8%	12.5%	10.5%	12.9%	10.8%
80	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

FLORIDA RETIREMENT SYSTEM
ASSUMPTIONS

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Rates of Immediate Retirement (continued)

Age	Tier I and II Special Risk and Special Risk Admin: Valuation Assumptions		Tier I and II Special Risk and Special Risk Admin*: Study Assumptions Variations A & B		Tier I and II Special Risk and Special Risk Admin: Valuation Assumptions		Tier I and II Special Risk: Study Assumptions Variations C & D	
	Female	Male	Female	Male	Female	Male	Female	Male
45	4.00%	5.00%	4.10%	5.20%	4.00%	5.00%	4.04%	5.07%
46	4.00%	5.00%	4.10%	5.20%	4.00%	5.00%	4.04%	5.07%
47	4.00%	5.00%	4.10%	5.20%	4.00%	5.00%	4.04%	5.07%
48	4.00%	5.00%	4.10%	5.20%	4.00%	5.00%	4.04%	5.07%
49	4.00%	5.00%	4.10%	5.20%	4.00%	5.00%	4.04%	5.07%
50	4.00%	5.00%	4.10%	5.20%	4.00%	5.00%	4.04%	5.07%
51	5.00%	5.00%	5.20%	5.20%	5.00%	5.00%	5.07%	5.07%
52	5.00%	5.00%	5.20%	5.20%	5.00%	5.00%	5.07%	5.07%
53	2.50%	2.50%	2.80%	2.80%	2.50%	2.50%	2.60%	2.60%
54	2.50%	2.50%	2.80%	2.80%	2.50%	2.50%	2.60%	2.60%
55	2.50%	2.50%	2.80%	2.80%	2.50%	2.50%	2.60%	2.60%
56	2.50%	2.50%	2.80%	2.80%	2.50%	2.50%	2.60%	2.60%
57	2.50%	2.50%	2.80%	2.80%	2.50%	2.50%	2.60%	2.60%
58	2.50%	2.50%	2.80%	2.80%	2.50%	2.50%	2.60%	2.60%
59	2.50%	2.50%	2.80%	2.80%	2.50%	2.50%	2.60%	2.60%
60	4.50%	4.50%	4.80%	4.80%	4.50%	4.50%	4.59%	4.59%
61	6.50%	6.50%	6.90%	6.90%	6.50%	6.50%	6.63%	6.63%
62	17.50%	17.50%	18.00%	18.00%	17.50%	17.50%	17.68%	17.68%
63	11.50%	11.50%	11.80%	11.80%	11.50%	11.50%	11.62%	11.62%
64	11.50%	11.50%	11.80%	11.80%	11.50%	11.50%	11.62%	11.62%
65	17.50%	17.50%	17.70%	17.70%	17.50%	17.50%	17.56%	17.56%
66	22.50%	22.50%	22.70%	22.70%	22.50%	22.50%	22.58%	22.58%
67	22.50%	22.50%	22.70%	22.70%	22.50%	22.50%	22.58%	22.58%
68	22.50%	22.50%	22.70%	22.70%	22.50%	22.50%	22.58%	22.58%
69	22.50%	22.50%	22.70%	22.70%	22.50%	22.50%	22.58%	22.58%
70	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**For variations B, C, and D, Special Risk Admin use the valuation assumptions.*

FLORIDA RETIREMENT SYSTEM
ASSUMPTIONS

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Rates of Immediate Retirement (continued)

Age	Tier I Senior Management: Valuation Assumptions	Tier I Senior Management: Study Assumptions	Tier II Senior Management: Valuation Assumptions	Tier II Senior Management: Study Assumptions
	Unisex	Unisex	Unisex	Unisex
45	0.0%	0.0%	0.0%	0.0%
46	0.0%	0.0%	0.0%	0.0%
47	0.0%	0.0%	0.0%	0.0%
48	3.0%	3.3%	3.0%	3.3%
49	3.0%	3.3%	3.0%	3.3%
50	3.0%	3.3%	3.0%	3.3%
51	3.0%	3.3%	3.0%	3.3%
52	3.0%	3.3%	3.0%	3.3%
53	3.0%	3.3%	3.0%	3.3%
54	3.0%	3.3%	3.0%	3.3%
55	3.0%	3.3%	3.0%	3.3%
56	3.0%	3.3%	3.0%	3.3%
57	3.0%	3.3%	3.0%	3.3%
58	7.0%	7.3%	3.0%	3.3%
59	7.0%	7.3%	3.0%	3.3%
60	7.0%	7.3%	3.0%	3.3%
61	7.0%	7.3%	8.0%	8.2%
62	7.0%	7.3%	8.0%	8.2%
63	9.5%	9.8%	8.0%	8.2%
64	9.5%	9.8%	8.0%	8.2%
65	9.5%	9.8%	9.5%	9.8%
66	9.5%	9.8%	9.5%	9.8%
67	9.5%	9.8%	9.5%	9.8%
68	9.5%	9.8%	9.5%	9.8%
69	9.5%	9.8%	9.5%	9.8%
70-79	9.5%	9.8%	9.5%	9.8%
80	100.0%	100.0%	100.0%	100.0%

FLORIDA RETIREMENT SYSTEM
ASSUMPTIONS

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Rates of Immediate Retirement (continued)

Age	Tier I Elected Officers' Subclasses: Valuation Assumptions	Tier I Elected Officers' Subclasses: Study Assumptions	Tier II Elected Officers' Subclasses: Valuation Assumptions	Tier II Elected Officers' Subclasses: Study Assumptions
	Unisex	Unisex	Unisex	Unisex
45	0.0%	0.0%	0.0%	0.0%
46	0.0%	0.0%	0.0%	0.0%
47	0.0%	0.0%	0.0%	0.0%
48	3.0%	3.2%	3.0%	3.2%
49	3.0%	3.2%	3.0%	3.2%
50	3.0%	3.2%	3.0%	3.2%
51	3.0%	3.2%	3.0%	3.2%
52	3.0%	3.2%	3.0%	3.2%
53	3.0%	3.2%	3.0%	3.2%
54	3.0%	3.2%	3.0%	3.2%
55	3.0%	3.2%	3.0%	3.2%
56	3.0%	3.2%	3.0%	3.2%
57	3.0%	3.2%	3.0%	3.2%
58	3.0%	3.2%	3.0%	3.2%
59	3.0%	3.2%	3.0%	3.2%
60	3.0%	3.2%	3.0%	3.2%
61	3.0%	3.2%	3.0%	3.2%
62	3.0%	3.2%	3.0%	3.2%
63	3.5%	3.7%	3.0%	3.2%
64	3.5%	3.7%	3.0%	3.2%
65	3.5%	3.7%	3.0%	3.2%
66	3.5%	3.7%	3.5%	3.8%
67	10.5%	10.8%	10.5%	10.8%
68	10.5%	10.8%	10.5%	10.8%
69	10.5%	10.8%	10.5%	10.8%
70-79	10.5%	10.8%	10.5%	10.8%
80	100.0%	100.0%	100.0%	100.0%

FLORIDA RETIREMENT SYSTEM

ASSUMPTIONS

Effect on Weighted Average Age of Retirement or DROP Entry of Modified Assumptions Adjusted by Concept Proposal for Modified Reemployment Limitations

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Regular Class Non-Instructional, Tier I, Female

<u>Weighted-Average Age of Retirement or DROP Entry</u>			
Initial Eligibility Age	Current Valuation Assumption	Assumption Adjusted by Variation A	Change (Years)
52	56.9	56.8	(0.1)
53	57.9	57.8	(0.1)
54	58.9	58.8	(0.1)
55	60.0	59.9	(0.1)
56	60.9	60.8	(0.1)
57	61.8	61.7	(0.1)
58	62.4	62.3	(0.1)
59	63.1	63.0	(0.1)
60	63.7	63.6	(0.1)
61	64.6	64.5	(0.1)
62	66.2	66.1	(0.1)

Regular Class Non-Instructional, Tier II, Female

<u>Weighted-Average Age of Retirement or DROP Entry</u>			
Initial Eligibility Age	Current Valuation Assumption	Assumption Adjusted by Variation A	Change (Years)
57	60.9	60.8	(0.1)
58	61.9	61.8	(0.1)
59	62.8	62.7	(0.1)
60	63.8	63.7	(0.1)
61	64.5	64.4	(0.1)
62	65.5	65.4	(0.1)
63	66.7	66.6	(0.1)
64	68.0	67.9	(0.1)
65	69.0	68.9	(0.1)

Special Risk Class, Male, Variations A and B

<u>Weighted-Average Age of Retirement or DROP Entry</u>			
Initial Eligibility Age	Current Valuation Assumption	Assumption Adjusted by Variations A and B	Change (Years)
45	49.3	49.3	(0.1)
46	50.3	50.2	(0.1)
47	51.2	51.2	(0.1)
48	52.2	52.1	(0.1)
49	53.2	53.1	(0.1)
50	54.3	54.2	(0.1)
51	55.3	55.3	(0.1)
52	56.4	56.3	(0.1)
53	57.9	57.8	(0.1)
54	59.3	59.2	(0.1)
55	60.9	60.8	(0.1)

Special Risk Class, Male, Variations C and D

<u>Weighted-Average Age of Retirement or DROP Entry</u>			
Initial Eligibility Age	Current Valuation Assumption	Assumption Adjusted by Variations C and D	Change (Years)
45	49.35	49.33	(0.02)
46	50.30	50.28	(0.02)
47	51.25	51.23	(0.02)
48	52.18	52.16	(0.02)
49	53.22	53.20	(0.02)
50	54.28	54.25	(0.03)
51	55.35	55.32	(0.03)
52	56.44	56.41	(0.03)
53	57.91	57.88	(0.03)
54	59.34	59.30	(0.04)
55	60.89	60.85	(0.04)



1455 SW Broadway Street, Suite 1600
Portland, OR 97201
Tel 503 227 0634

1301 Fifth Avenue, Suite 3800
Seattle, WA 98101
Tel 206 624 7940

milliman.com

December 1, 2023

Kathy Gould
State Retirement Director
Florida Department of Management Services, Division of Retirement

Re: **Blended Proposed Statutory Rates for the 2024-2025 Plan Year
Reflecting a Uniform UAL Rate for All Membership Classes and DROP**

Dear Director Gould:

As requested, we have calculated the uniform or “blended” proposed statutory employer rates for the 2024-2025 plan year based on the statutory contributions for the FRS Investment Plan and the actuarially calculated 2024-2025 rates for the defined benefit FRS Pension Plan, as specified in the FRS 2023 Actuarial Valuation Report. The blended rates reflect a uniform Unfunded Actuarial Liability (UAL) Contribution Rate for all payroll bases on which the Blended UAL Contribution Rate is assessed.

Analysis

We determined the uniform blended 2024-2025 employer rate for each membership class and subclass of the Florida Retirement System by projecting contributions for both the FRS Pension Plan and the FRS Investment Plan. We did this by dividing the projected combined amount that would be contributed for both the FRS Pension Plan and the FRS Investment Plan by the total projected combined payroll for both plans. The uniform blended rate calculation assumes plan year 2024-2025 contributions for the FRS Pension Plan will be made at the actuarially calculated rate levels. The actuarially calculated rate levels are based on the July 1, 2023 actuarial valuation of the FRS Pension Plan, as presented in Table 4-11 of the FRS 2023 Actuarial Valuation Report. The FRS Investment Plan rates are the sum of the rates in Sections 121.72, 121.73, and 121.735 of Florida Statutes and assume those rates continue in effect during plan year 2024-2025. The employer contribution rates shown in the attached table are net of the 3% of payroll employee contribution rate.

The payroll for some employee groups is subject to only the UAL Cost component of the FRS Pension Plan’s contribution rate (e.g. participants in SUSORP, SMSOAP, and SCCORP, and reemployed retirees not eligible for renewed membership in a state-sponsored retirement program). The payroll for those employee groups is included in the calculation of the Blended UAL Contribution Rate, but is excluded from the calculation of the Blended Normal Cost Contribution Rate.

Based on the data provided to us for this study, as of July 1, 2023, FRS Investment Plan payroll comprised between 27% and 28% of non-DROP FRS payroll. On a headcount basis, FRS Investment Plan members constitute between 31% and 32% of active (excluding DROP) FRS membership. Please note, Senate Bill 7022 enacted by the 2017 Florida legislature changed the default plan for initial enrollments on and after January 1, 2018 from the FRS Pension Plan to the FRS Investment Plan for all membership classes other than Special Risk. As a result of the enactment, new entrants who would have

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defaulted into the FRS Pension Plan under prior statute will now default into the FRS Investment Plan in the absence of an active election. The actual levels of participation in the FRS Pension Plan and the FRS Investment Plan as of July 1, 2023 reflect that Investment Plan payroll comprises an increased percentage of total payroll than it did one year ago.

Results

Table I shows the results of our study based on actual levels of participation in the FRS Pension Plan and the FRS Investment Plan as of July 1, 2023, projected to plan year 2024-2025 using the long-term payroll growth assumption of 3.25%.

Section A of the table includes the Normal Cost Rates developed in the July 1, 2023 funding actuarial valuation of the FRS Pension Plan. Section A does not include the UAL Cost. UAL Cost Rates are applied to a larger total payroll than the Normal Cost Rates and are developed in a later section. Section A, line 3 shows the total employer Normal Cost of the FRS Pension Plan as the product of Normal Cost Rates and projected Normal Cost payroll.

Similarly, Section B calculates the total employer cost of the FRS Investment Plan as the product of applicable employer contribution rates in effect since July 1, 2023 and the projected FRS Investment Plan payroll.

Section C of the table shows the sum of the FRS Pension Plan employer Normal Cost and FRS Investment Plan employer cost as dollars and as a percentage of total projected combined payroll (FRS Pension Plan projected Normal Cost payroll plus FRS Investment Plan projected payroll).

Section D of the table shows the UAL Cost as of July 1, 2023 of the FRS Pension Plan, as shown in Table 4-11 of the FRS 2023 Actuarial Valuation Report.

Section E shows the projected payroll of the FRS Investment Plan. There is no UAL Cost attributable to the FRS Investment Plan.

Section F calculates the “Blended” UAL Cost as dollars and as a percentage of total payroll (FRS Pension Plan projected UAL payroll plus FRS Investment Plan projected payroll).

Section G shows the Total “Blended” Contribution Rates as the sum of the “Blended” Normal Cost Contribution Rates from Line (C3) and the “Blended” UAL Contribution Rates from Line (F3). The employers of employee groups subject to only the UAL Contribution Rate would contribute the “Blended” UAL Contribution Rates shown in Line (G2) of the table on applicable payroll. The Total “Blended” Contribution Rates shown in Line (G3) of the table will be applied to all other payroll subject to employer contributions.

The contribution rates shown in Table I exclude the 0.06% contribution rate for FRS Investment Plan administration and education (applied to all classes except DROP) and the 2.00% contribution rate for the Florida Retiree Health Insurance Subsidy (HIS) program, which apply across the board to the FRS Pension Plan and the FRS Investment Plan.

The calculations are based on census and payroll data provided to us by the Florida Department of Management Services, Division of Retirement for the July 1, 2023 actuarial valuation. We have not

audited or verified this data and other information. If the underlying data or information is inaccurate or incomplete, the results of our analysis may likewise be inaccurate or incomplete. These calculations are based on the Individual Entry Age actuarial cost allocation method, as described in the FRS 2023 Actuarial Valuation Report for use in developing 2024-2025 actuarially calculated contribution rates for the FRS Pension Plan.

Certification

We performed a limited review of the data used directly in our analysis for reasonableness and consistency and have not found material defects in the data. If there are material defects in the data, it is possible that they would be uncovered by a detailed, systematic review and comparison of the data to search for data values that are questionable or for relationships that are materially inconsistent. Such a review was beyond the scope of our assignment.

Except where otherwise noted in this letter, this analysis is based on the FRS Pension Plan provisions, actuarial methods and actuarial assumptions as summarized in the FRS 2023 Actuarial Valuation Report published on December 1, 2023. Further, the data used in these calculations were based on FRS Pension Plan data as summarized in the FRS 2023 Actuarial Valuation Report and FRS Investment Plan census data as of July 1, 2023 as provided to us by the Florida Department of Management Services, Division of Retirement. The results of our study depend on future experience conforming to those actuarial assumptions discussed earlier in this letter. Future actuarial measurements may differ significantly from the current measurements presented in this analysis due to many factors, including: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period) and changes in plan provisions or applicable law. Due to the limited scope of our assignment, we did not perform an analysis of the potential range of future measurements.

Milliman's work product was prepared exclusively for the internal business use of Florida Department of Management Services, Division of Retirement. It is a complex technical analysis that assumes a high level of knowledge concerning the Florida Retirement System's operations, and uses Division data, which Milliman has not audited. To the extent that Milliman's work is not subject to disclosure under applicable public record laws, Milliman's work may not be provided to third parties without Milliman's prior written consent. Milliman does not intend to benefit or create a legal duty to any third-party recipient of its work product. Milliman's consent to release its work product to any third party may be conditioned on the third party signing a Release, subject to the following exceptions:

- (a) The Florida Department of Management Services, Division of Retirement may provide a copy of Milliman's work, in its entirety, to the System's professional service advisors who are subject to a duty of confidentiality and who agree to not use Milliman's work for any purpose other than to benefit the System.
- (b) The Florida Department of Management Services, Division of Retirement may provide a copy of Milliman's work, in its entirety, to other governmental entities, as required by law.

No third-party recipient of Milliman's work product should rely upon Milliman's work product. Such recipients should engage qualified professionals for advice appropriate to their own specific needs.



Kathy Gould
Division of Retirement
December 1, 2023
Page 4

The valuation results relied upon for this work were developed using models intended for valuations that use standard actuarial techniques.

The consultants who worked on this assignment are actuaries. Milliman's advice is not intended to be a substitute for qualified legal or accounting counsel.

The signing actuaries are independent of the plan sponsor. We are not aware of any relationship that would impair the objectivity of our work.

On the basis of the foregoing, we hereby certify that, to the best of our knowledge and belief, this report is complete and accurate and has been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the principles prescribed by the Actuarial Standards Board and the *Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States* published by the American Academy of Actuaries.

We are consulting actuaries for Milliman, Inc. We are also members of the American Academy of Actuaries and meet their Qualification Standards to render the actuarial opinion contained herein. Please call if you would like to further discuss this project.

Respectfully submitted,

A blue ink signature of Matt Larrabee, consisting of stylized, cursive letters.

Matt Larrabee, FSA, EA, MAAA
Principal and Consulting Actuary

A blue ink signature of Daniel Wade, written in a cursive style.

Daniel Wade, FSA, EA, MAAA
Principal and Consulting Actuary

A blue ink signature of Kathryn Hunter, written in a cursive style.

Kathryn Hunter, FSA, EA, MAAA
Consulting Actuary

Enclosures

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

Blended Proposed Statutory Normal Cost Plus UAL Rates for 2024-2025 Plan Year
Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used.
(Dollars in Thousands)

Blended Proposed Statutory Normal Cost Contribution Rates	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Defined Benefit FRS Pension Plan Normal Cost										
1. Employer Cost										
a. Normal Cost Rate ¹	5.86%	18.27%	11.07%	14.17%	9.93%	11.38%	7.73%	8.46%	8.46%	8.46%
b. Rate Reduction Techniques	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>
c. Total Adjusted Contribution Rate ² -PYE 2025	5.86%	18.27%	11.07%	14.17%	9.93%	11.38%	7.73%	8.46%	8.46%	8.46%
2. Projected Payroll	\$21,077,544	\$5,551,517	\$4,144	\$128,219	\$6,313	\$48,182	\$632,481	\$27,448,400	\$2,522,586	\$29,970,986
3. Total Employer Normal Cost [(1c) x (2)] -PYE 2025	\$1,235,144	\$1,014,262	\$459	\$18,169	\$627	\$5,483	\$48,891	\$2,323,035	\$213,411	\$2,536,446
B. Defined Contribution FRS Investment Plan (IP) Employer Cost										
1. Employer Rates effective July 1, 2023 (Sec 121.72, Sec 121.73 and Sec 121.735)	8.60%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.58%	0.00%	9.58%
2. Projected Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
3. Total Employer Cost [(1) x (2)] -PYE 2025	\$803,859	\$175,191	\$137	\$4,341	\$446	\$3,275	\$28,975	\$1,016,224	\$0	\$1,016,224
C. Total System Normal Cost (FRS Pension Plan + FRS Investment Plan)										
1. Total Normal Cost Contribution [(A3) + (B3)]	\$2,039,003	\$1,189,453	\$596	\$22,510	\$1,073	\$8,758	\$77,866	\$3,339,259	\$213,411	\$3,552,670
2. Total System Projected Payroll [(A2) + (B2)]	\$30,424,745	\$6,468,268	\$5,456	\$155,266	\$10,045	\$71,656	\$922,810	\$38,058,246	\$2,522,586	\$40,580,832
3. "Blended" Normal Cost Contribution Rate As a Percentage of Total Payroll [(C1) / (C2)] ²	6.70%	18.39%	10.92%	14.50%	10.68%	12.22%	8.44%	8.77%	8.46%	8.75%

¹ As reported in the July 1, 2023 actuarial valuation report Table 4-11.

² Rates shown do not include the Health Insurance Subsidy contribution rate or FRS Investment Plan education and administration assessment.

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FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

Blended Proposed Statutory Normal Cost Plus UAL Rates for 2024-2025 Plan Year
Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used.
(Dollars in Thousands)

	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
Blended Proposed Statutory UAL Contribution Rates										
D. Defined Benefit FRS Pension Plan UAL Contribution										
1. Employer UAL Contribution Rate ^{1 & 2}	6.59%	13.97%	34.09%	34.33%	74.88%	62.10%	32.83%	8.66%	10.51%	8.80%
2. Projected Payroll	\$25,192,148	\$5,586,891	\$4,144	\$129,148	\$7,413	\$54,658	\$652,296	\$31,626,698	\$2,522,586	\$34,149,284
3. Total Employer UAL Contribution [(1) x (2)] -PYE 2025	\$1,660,163	\$780,489	\$1,413	\$44,337	\$5,551	\$33,943	\$214,149	\$2,740,045	\$265,124	\$3,005,169
E. Defined Contribution FRS Investment Plan Projected Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
F. Total System UAL Contribution (FRS Pension Plan + FRS Investment Plan)										
1. Total UAL Contribution [(D3)]	\$1,660,163	\$780,489	\$1,413	\$44,337	\$5,551	\$33,943	\$214,149	\$2,740,045	\$265,124	\$3,005,169
2. Total System Projected Payroll [(D2) + (E)]	\$34,539,349	\$6,503,642	\$5,456	\$156,195	\$11,145	\$78,132	\$942,625	\$42,236,544	\$2,522,586	\$44,759,130
3. "Blended" UAL Contribution Rate As a Percentage of Total Payroll [(F1) / (F2)] ²	4.81%	12.00%	25.90%	28.39%	49.81%	43.44%	22.72%	6.49%	10.51%	6.71%
Blended Proposed Statutory Uniform Contribution Rates ³										
G: Total Employer Contribution Rate (FRS Pension Plan + FRS Investment Plan)										
1. "Blended" Normal Cost Contribution Rate [(C3)]	6.70%	18.39%	10.92%	14.50%	10.68%	12.22%	8.44%	8.77%	8.46%	8.75%
2. "Blended" UAL Contribution Rates [(F3)]	<u>4.81%</u>	<u>12.00%</u>	<u>25.90%</u>	<u>28.39%</u>	<u>49.81%</u>	<u>43.44%</u>	<u>22.72%</u>	<u>6.49%</u>	<u>10.51%</u>	<u>6.71%</u>
3. Total Blended Contribution Rate ² -PYE 2025 [(G1) + (G2)]	11.51%	30.39%	36.82%	42.89%	60.49%	55.66%	31.16%	15.26%	18.97%	15.46%

¹ As reported in the July 1, 2023 actuarial valuation report Table 4-11.

² Rates shown do not include the Health Insurance Subsidy contribution rate or FRS Investment Plan education and administration assessment.

³ Employers of employee groups subject to only the UAL contribution rate will pay the rates shown in line (G2).

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The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: November 28, 2023

I respectfully request that **Senate Bill #400**, relating to Reemployment of Retired Law Enforcement Officers, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 23

The Florida Senate

APPEARANCE RECORD

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

1/29/24

Meeting Date

Gov'tal Oversight

Committee

400

Bill Number or Topic

Amendment Barcode (if applicable)

Name Eric Prutsman

Phone 850 - 894 - 6602

Address P.O. Box 10448

Email eric@tenjib.com

Street

Tallahassee FL 32302

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 Fire Chiefs Association

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 400

Bill Number or Topic

1/29/24

Meeting Date

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Senate professional staff conducting the meeting

Gov. Oversight
CRIMINAL Justice Subcommittee

Committee

Amendment Barcode (if applicable)

Name Steven Slade

Phone 850.322.5760

Address 300 E. BERNARD St

Email stevenslade@flpba.org

Street

TAUNTINGTOWN, FL 32301

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

FL PBA

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

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

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

S-001 (08/10/2021)

January 29 2024

Meeting Date

Gov Oversight & Accountab

Committee

Name Jennifer Cook Pritt

Address 2636 Mitcham Drive

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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400

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-219-3631

Email jpritt@fpca.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Police Chiefs Association

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

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

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

S-001 (08/10/2021)

1/29/24

Meeting Date

The Florida Senate
APPEARANCE RECORD

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SB 400

Bill Number or Topic

Committee

Governmental Oversight
and Accountability

Name

Angela Drzewiecki
(Drez-wick-ee)

Phone

850-577-9090

Address

301 South Bronough St

Email

Angela.Drzewieck@
gray-robinson.com

Street

Tallahassee

FL

32304

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 Sheriffs Association

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

400

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Jess McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 NW 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami

FL

33128

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:

Miami-Dade County

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 656

INTRODUCER: Governmental Oversight and Accountability Committee and Senator DiCeglie

SUBJECT: Continuing Contracts

DATE: January 30, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVaney	GO	Fav/CS
2.			AEG	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 656 amends the definition of “continuing contract” under the Consultants’ Competitive Negotiation Act (CCNA) to increase the maximum dollar amount for each individual project and each individual study under the contract for construction projects. The maximum dollar amount for each individual project is increased from \$4 million to \$7.5 million, plus an annual percentage increase based on the Annual Consumer Price Index. The Department of Financial Services must calculate the change in maximum dollar amount each year and post the calculated rate on its website.

The bill makes similar revisions to s. 255.103(4), F.S., (authorizing local governmental entities to use the CCNA selection process), increasing the maximum dollar amount for continuing contracts of local governments from \$4 million to \$7.5 million.

There is an indeterminate fiscal impact on state and local government expenditures relating to the administrative costs of competitive procurement and contract costs paid under a continuing contract.

The bill takes effect July 1, 2024.

II. Present Situation:

Competitive Procurement, Generally

The Department of Management Services (DMS) manages projects throughout the state, including new construction, renovations, and consulting services for various public works projects. The Bureau of Building Construction (Bureau), within the DMS, oversees public building construction statewide. The Bureau is also responsible for managing fixed capital outlay funds appropriated by the Legislature and for overseeing the repair and renovation of DMS-managed facilities.¹

Generally, state projects must be competitively procured. Part I of ch. 287, F.S., provides “a system of uniform procedures to be utilized by state agencies in managing and procuring commodities and contractual services” to protect the public by promoting “fair and open competition,” thereby reducing the appearance and opportunity for favoritism and misconduct.² These competitive procurement provisions apply to an agency, defined as “any of the various state officers, departments, board commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive boards of state government.”³ This definition does not include municipalities and local governments. Additionally, university and college boards of trustees, and the state universities and colleges are specifically excluded from this definition.⁴

State agencies may use a variety of procurement methods, depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These methods include the following:

- Single source contracts,⁵ used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- Invitations to bid,⁶ used when an agency determines that standard services or goods will meet needs, wide competition is available and the vendor’s experience will not greatly influence the agency’s results;
- Requests for proposals,⁷ used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- Invitations to negotiate,⁸ used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex, customized, mission-critical services, by an agency dealing with a limited number of vendors.

¹ DMS, *Building Construction*, https://www.dms.myflorida.com/business_operations/real_estate_development_and_management/building_construction (last visited Jan. 29, 2024).

² Section 287.001, F.S.

³ Section 287.012(1), F.S.

⁴ *Id.*

⁵ Section 287.057(3)(c), F.S.

⁶ Section 287.057(1)(a), F.S.

⁷ Section 287.057(1)(b), F.S.

⁸ Section 287.057(1)(c), F.S.

For procurement of commodities or contractual services in excess of \$35,000, agencies must use a competitive solicitation process.⁹ However, specified contractual services and commodities are not subject to competitive solicitation requirements.¹⁰

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.¹¹ A county, municipality, special district, or other political subdivision that seeks to construct or improve a public building must competitively award each project estimated to cost more than \$300,000.¹²

The Consultants' Competitive Negotiation Act

In 1973, the Florida Legislature enacted the Consultant's Competitive Negotiation Act (CCNA),¹³ s. 287.055, F.S., which requires state and local government agencies to procure the professional services of an architect, engineer, landscape architect, or registered surveyor and mapper using a qualifications-based selection process. The qualifications-based selection requires the selection of providers on the basis of their competency, qualifications, and experience, rather than lowest-price.¹⁴

The qualifications based selection process of the CCNA contemplates a three-step process:

- Public announcement of the project;
- Competitive selection of the professional firm based on its qualifications; and
- Arms-length competitive negotiations with the most qualified firm or firms.¹⁵

During the first phase, the public announcement, state and local agencies¹⁶ publicly announce and describe their need for professional services for one of the following:¹⁷

- A project when the basic construction cost of which is estimated by the agency to exceed \$325,000;¹⁸ or
- A planning or study activity for professional services that exceeds \$35,000.¹⁹

The public announcement must provide a general description of the project and describe how the interested consultant firms may apply for consideration.²⁰

⁹ Section 287.057(1), F.S.

¹⁰ Section 287.057(3)(e), F.S.

¹¹ Section 255.0525, F.S.

¹² Section 255.20, F.S.

¹³ Ch. 73-19, Laws of Fla., codified as s. 287.055, F.S.

¹⁴ Section 287.055(3)-(5), F.S.

¹⁵ *Id.*

¹⁶ An "agency" under the CCNA is defined as "the state, a state agency, a municipality, a political subdivision, a school district or a school board." Section 287.055(2)(b), F.S. See Section 1.01(8), F.S., defining "political subdivision" to include "counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state."

¹⁷ Section 287.055(3), F.S.

¹⁸ The amount provided in Category Five from the purchasing categories in s. 287.017, F.S.

¹⁹ The amount provide in Category Two from the purchasing categories in s. 287.017, F.S.

²⁰ Section 287.055(3)(a)1., F.S.

A firm that wishes to provide professional services to an agency must first be certified by the agency as qualified to provide the needed services pursuant to law and the agency's regulations.²¹ In determining a firm or individual to be qualified, the agency must consider its capabilities, adequacy of personnel, past record, experience, as well as whether the firm or individual is a certified minority business enterprise.²²

During the second phase, competitive selection, the agency must evaluate the bidders' current statements of qualifications and performance data.²³ The agency must select and rank at least three firms it deems to be the most highly qualified to perform the required services, based on the following:²⁴

- The ability of professional personnel;
- Whether a firm is a certified minority business enterprise;
- Past performance;
- Willingness to meet time and budget requirements;
- Location;
- Recent, current, and projected workloads of the firms; and
- The volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms.²⁵

During this qualifications phase, the agency cannot request, accept, or consider proposals for the firm's compensation.²⁶ Compensation is "the amount paid by the agency for professional services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation can be calculated."²⁷

During the third phase, competitive negotiation, the agency negotiates compensation to be paid under the contract with the highest qualified of at least three selected firms.²⁸ Should the agency be unable to negotiate a satisfactory contract with the top firm at a price the agency determines to be fair, competitive, and reasonable, the agency may progress to negotiations with the second most qualified firm, and if this fails,²⁹ with the third.³⁰ If the agency cannot negotiate a satisfactory contract with any of the ranked firms, it must begin the qualifications-based selection process again and continue negotiations until an agreement is reached.³¹

²¹ Section 287.055(3)(c) F.S.

²² Section 287.055(3)(c)-(d), F.S.

²³ Section 287.055(4)(a), F.S.

²⁴ Section 287.055(4)(b), F.S.

²⁵ *Id.*

²⁶ *Id.* The CCNS did not prohibit discussion of compensation in the competitive selection phase until 1988, when the Legislature enacted a provision that allows consideration of compensation only during the competitive negotiation phase. Ch. 88-108, Laws of Fla.

²⁷ Section 287.055(2) (d), F.S.

²⁸ Section 287.055(5)(a), F.S.

²⁹ Section 287.055(5)(b), F.S.

³⁰ *Id.*

³¹ Section 287.055(5)(c), F.S.

Continuing Contracts Under the CCNA

The CCNA expressly allows agencies to use continuing contracts for professional services.³² A continuing contract is one for professional services entered into in accordance with the CCNA between an agency and a firm whereby the firm provides professional services to the agency for projects that do not exceed specific costs.³³

Current law allows an agency to use a continuing contract for: construction projects in which the estimated construction cost of each individual project under the contract does not exceed \$4 million; for study activity, if the fee for professional services for each individual study under the contract does not exceed \$500,000; or for work of a specified nature as outlined in the agency contract, if the contract is for a fixed term or with a termination clause.³⁴

The maximum per-project and per-study limits were implemented in 1988³⁵ at \$500,000 and \$25,000, respectively, and subsequently increased three times. In 2002, the limits were increased to \$1 million and \$50,000.³⁶ In 2009, the limits were increased to \$2 million and \$200,000;³⁷ and in 2020, the limits were increased to \$4 million and \$500,000.³⁸

Construction and Program Management Entities

A governmental entity³⁹ may choose to use a construction management entity or program management entity, which it must select using the CCNA's competitive solicitation process.⁴⁰ A construction management entity is responsible for construction project scheduling and coordination in both the preconstruction and construction phases, and is generally responsible for the successful, timely, and economical completion of a construction project.⁴¹ A program management entity is responsible for schedule and cost control, and coordination in the procurement of planning, design, and construction services.⁴²

The governmental entity may use a continuing contract⁴³ to procure the services of a construction management or program management entity for work on construction projects.⁴⁴ However, a "continuing contract" entered into subject to ch. 255, F.S., is distinct from that in ch. 287. Specifically, the governmental entity may only use a continuing contract under ch. 255, F.S., to

³² Section 287.055(4)(d), F.S.

³³ Section 287.055(2)(g), F.S.

³⁴ *Id.* An entity may not use a continuing contract for work of a specified nature to exceed the monetary limits placed on construction projects and study activities. Op. Fla. Att'y. Gen. 2013-28 (2013).

³⁵ Ch. 88-108, Laws of Fla.

³⁶ Ch. 2002-20, Laws of Fla.

³⁷ Ch. 2009-227, Laws of Fla.

³⁸ Ch. 2020-127, Laws of Fla.

³⁹ Section 255.103(1), F.S. defines the term "governmental entity" to mean "a county, municipality, school district, special district, special district as defined in chapter 189, or political subdivision of the state."

⁴⁰ Section 255.103, F.S.

⁴¹ Section 255.103(2), F.S.

⁴² Section 255.103(3), F.S.

⁴³ Section 255.103(4), F.S., defines a continuing contract as "a contract with a construction management or program management entity for work during a defined period on construction projects described by type which may or may not be identified at the time of entering into the contract."

⁴⁴ Section 255.103(4), F.S.

procure construction management or program management entity services. A continuing contract under ch. 255, F.S., must also be for a defined period of time (whereas ch. 287, F.S., allows continuing contracts without a time limitation in certain circumstances).

The governmental entity may also choose to require that the construction management or program management entity offer a guaranteed maximum price or a guaranteed completion date.⁴⁵ If a project includes a grouping of substantially similar construction, rehabilitation, or renovation activities, the governmental entity may require a separate guaranteed maximum price and a separate guaranteed completion date for each grouping of substantially similar construction, rehabilitation, or renovation activities.⁴⁶

Department of Transportation

Chapter 337, F.S., governs contracts entered into by the Florida Department of Transportation (FDOT). The FDOT has authority to enter into contracts for the construction and maintenance of all State Highway or State Park systems' roads, rest areas, weigh stations, parking areas, supporting facilities, and any associated building.⁴⁷ The FDOT must certify as qualified any bidders for a construction contract, road, bridge, or public construction project that exceeds \$250,000 in cost.⁴⁸ The certification process ensures that the bidders have professional and financial competence by evaluating them "with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification."⁴⁹

Consumer Price Index and Producer Price Index

The Consumer Price Index for all Urban Consumers (CPI-U) is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services, as measured by the U.S. Bureau of Labor Statistics.⁵⁰ The U.S. Bureau of Labor Statistics issues the CPI monthly, and develops the metric from surveys of businesses' and households' reporting of their costs for food, housing, clothing, medical care, and transportation.⁵¹ While the CPI-U is the most often-cited index, the BLS also publishes several other consumer price indexes, e.g., those based on geographic area, CPI for Urban Wage Earners and Clerical Workers (CPI-W), Chained CPI for all Urban Consumers (C-CPI-U), and an average prices index.⁵² The CPI is used as a measure of U.S. consumer inflation, and to escalate Social Security payments, adjust tax brackets, convert nominal dollars to real dollars, and to adjust wages or escalate rents and other payments.⁵³

⁴⁵ Section 255.103(2), F.S.

⁴⁶ *Id.*

⁴⁷ Section 337.11, F.S. *See also*, s. 334.044, F.S.

⁴⁸ Section 337.14(1), F.S.

⁴⁹ *Id.*

⁵⁰ U.S. Bureau of Labor Statistics, *Consumer Price Index: Overview* (Sep. 6, 2023), <https://www.bls.gov/opub/hom/cpi/home.htm> (last visited Jan. 26, 2024).

⁵¹ *Id.*

⁵² U.S. Bureau of Labor Statistics, *Consumer Price Index: Presentation* (Sep. 6, 2023), <https://www.bls.gov/opub/hom/cpi/presentation.htm> (last visited Jan. 29, 2024).

⁵³ U.S. Bureau of Labor Statistics, *Consumer Price Index: Concepts* (Sep. 6, 2023), <https://www.bls.gov/opub/hom/cpi/concepts.htm> (last visited Jan. 29, 2024).

The last 5 years of the CPI have varied, as reflect in the table below:⁵⁴

Year	Annual Average CPI(-U)	Annual Percent Change (Rate of Inflation)
2019	255.7	1.8%
2020	258.8	1.2%
2021	271.0	4.7%
2022	292.7	8.0%
2023	302.9	3.5%

The Producer Price Index (PPI) is a measurement of the average change in selling prices that are received by domestic producers of goods and services. PPI measures the price change from the seller's perspective, and can be used as a tool for the adjustment of purchase and sales contract prices, an indicator of overall price movement at the producer's level, or a comparison of industry-based price data.⁵⁵ The PPI includes indexes based on commodities, including consumer goods, energy, services, transportation and warehousing services, and construction.⁵⁶

The following chart shows the percent change to certain construction input and commodity prices as of October 2023:⁵⁷

⁵⁴ Federal Reserve Bank of Minneapolis, *Consumer Price Index, 1913-; Historical Data from the era of the Modern U.S. Consumer Price Index (CPI)* <https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator/consumer-price-index-1913-> (last visited Jan. 29, 2024).

⁵⁵ U.S. Bureau of Labor Statistics, *Producer Price Index* (Mar. 16, 2023), <https://www.bls.gov/ppi/overview.htm> (last visited Jan. 29, 2024).

⁵⁶ See, e.g., U.S. Bureau of Labor Statistics, *PPI Detailed Report*, 11 (Nov. 2023), https://www.bls.gov/web/ppi/ppi_dr.pdf (last visited Jan. 29, 2024).

⁵⁷ See U.S. Bureau of Labor Statistics, *Producer Price Index Detailed Reports for February 2020 and October 2023*, <https://www.bls.gov/ppi/detailed-report/#2023> (last visited Jan. 29, 2023).

	1-month	12-month	Since Feb. 2020
Inputs to Industries			
Inputs to construction	-1.2%	-1.1%	33.1%
Inputs to multifamily construction	-0.9%	0.8%	32.4%
Inputs to nonresidential construction	-1.1%	-0.7%	33.6%
Inputs to commercial construction	-0.7%	-0.3%	33.6%
Inputs to healthcare construction	-0.7%	-0.2%	33.4%
Inputs to industrial construction	-0.9%	1.1%	30.7%
Inputs to other nonresidential construction	-1.2%	-0.9%	33.7%
Inputs to maintenance and repair construction	-1.3%	-2.0%	31.8%
Inputs to highway and street construction	-1.2%	0.0%	31.4%
Commodities			
Adhesives and sealants	0.1%	1.8%	28.9%
Concrete products	0.7%	9.7%	30.5%
Construction machinery and equipment	0.0%	6.0%	23.6%
Copper wire and cable	-1.3%	2.7%	24.2%
Crude petroleum	-2.9%	-3.0%	56.9%
Fabricated structural metal products	0.8%	-0.7%	42.3%
Insulation materials	-0.3%	1.6%	31.0%
Iron and Steel	-2.3%	-6.1%	40.79%
Lumber and wood products	-0.3%	-6.5%	22.3%
Natural gas	10.9%	-54.9%	40.8%
Plumbing fixtures and brass fittings	0.5%	1.4%	16.1%
Prepared asphalt, tar roofing, and siding products	0.7%	3.9%	34.4%
Steel mill products	-2.5%	-9.9%	47.0%
Switchgear, switchboard, industrial controls equipment	0.2%	6.3%	32.0%
Unprocessed energy materials	-0.3%	-16.2%	60.2%

III. Effect of Proposed Changes:

The bill revises the maximum dollar amount for continuing contracts for construction projects.

Section 1 amends s. 255.103, F.S., to increase the maximum dollar amount for a continuing contract for construction projects from \$4 million to \$7.5 million.

Section 2 amends s. 287.055, F.S., to increase the maximum dollar amount for a continuing contract for professional services from \$4 million to \$7.5 million, plus an annual percentage increase based on the Annual Consumer Price Index (CPI) compiled by the United States Department of Labor. The CPI increase will start at the time of the announcement of the CPI for the year 2026.

Section 3 provides that the bill takes effect on July 1, 2024.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The bill may have an indeterminate, positive fiscal impact on the private sector, especially contractors with capacity for larger (up to \$7.5 million projects). The increased maximum dollar amount for continuing contracts for construction projects could allow more projects to be covered under a continuing contract, and would reduce the competitive solicitations a firm would undergo to become qualified under the CCNA.

C. Government Sector Impact:

Governmental entities that use continuing contracts incur costs related to the competitive selection and negotiation process. The bill, by increasing the maximum dollar amount for continuing contracts, captures more related services and construction projects, and may reduce the need for solicitations and their related administrative costs. Thus, the bill may have an indeterminate positive fiscal impact on the government sector. However, the increase of the cap for projects grouped under a continuing contract may provide less oversight on the total project cost, which may result in higher-than-necessary costs to the government.

The Department of Financial Services may incur a cost related to the annual calculation of, and posting of the CPI-adjusted contract amount on its website.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The chart below illustrates the impact of a CPI growth factor on the maximum cost per project. Column 1 is the current consumer price index percentage change December over December.⁵⁸ Column 3 illustrates the maximum thresholds if the current law maximum (\$4 million) per project is grown annually by the CPI percentage increase. Column 4 illustrates the maximum thresholds if the maximum is set at \$7.5 million beginning July 1, 2024. Likewise, Column 5 illustrates the same assuming the \$10 million threshold set in this bill.

Column 1 CPI	Column 2 Year Beginning July 1	Column 3 Current Law adjusted annually by CPI	Column 4 \$7.5 million adjusted annually by CPI	Column 5 \$10 million adjusted annually by CPI
	2020	4,000,000		
1.3%	2021	4,052,000		
4.7%	2022	4,242,444		
8.0%	2023	4,581,840		
4.1%	2024	4,769,695	7,500,000	10,000,000
2.7%	2025	4,898,477	7,702,500	10,270,000
2.6%	2026	5,025,837	7,902,765	10,537,020
2.3%	2027	5,141,431	8,084,529	10,779,371
2.3%	2028	5,259,684	8,270,473	11,027,297
2.2%	2029	5,375,397	8,452,423	11,269,898
2.1%	2030	5,488,281	8,629,924	11,506,565

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 255.103 and 287.055.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on January 29, 2024:

- Decreases the maximum cost of each individual agency project that may be conducted under a continuing contract from \$10 million (in the bill) to \$7.5 million.

⁵⁸ Florida EDR, *National Economic Estimating Conference Long Run Tables—FINAL*, at 11 (Dec. 18, 2023) <http://edr.state.fl.us/Content/conferences/useconomic/index.cfm> (last visited Jan. 29, 2024).

- Clarifies the method used to calculate the CPI-adjusted maximum project cost, and requires the Department of Management Services to post that annually updated number on its website.
- Deletes language applicable to the Department of Transportation's use of continuing contracts for specific services.

B. Amendments:

None.

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



399540

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 81 - 120
and insert:
individual project under the contract does not exceed \$7.5 ~~\$4~~
million. For purposes of this subsection, the term "continuing
contract" means a contract with a construction management or
program management entity for work during a defined period on
construction projects described by type which may or may not be
identified at the time of entering into the contract.



399540

Section 2. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) 1. A “continuing contract” is a contract for any of the following:

a. Professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed \$7.5 \$4 million. Beginning July 1, 2025, and each July 1 thereafter, the department shall adjust the maximum amount allowed on the preceding June 30 for each individual project in a continuing contract by using the change in the June-to-June Consumer Price Index for All Urban Consumer issued by the Bureau of Labor Statistics of the United States Department of Labor. The department shall publish the adjusted amount on its website;

b. ~~for~~ Study activity if the fee for professional services for each individual study under the contract does not exceed \$500,000; ~~or~~

c. ~~for~~ Work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.

2. Firms providing professional services under continuing



399540

contracts may ~~shall~~ not be required to bid against one another.

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

And the title is amended as follows:

Delete lines 7 - 11

and insert:

definition of the term "continuing contract" to
increase the maximum dollar value of such contract, to
require the Department of Management Services,
beginning on a specified date and annually thereafter,
to adjust the maximum dollar value allowed under such
contracts using a specified index, and to publish the
new dollar value on its website; making technical
changes; providing an effective

By Senator DiCeglie

18-00475A-24

2024656__

A bill to be entitled

An act relating to continuing contracts; amending s. 255.103, F.S.; revising the maximum estimated construction cost of construction projects for which a governmental entity may enter into a continuing contract; amending s. 287.055, F.S.; revising the definition of the term "continuing contract"; requiring the Department of Transportation, for specified testing continuing contracts, to select a certain number of qualified firms and assign such testing in a specified manner; providing an effective date.

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

Section 1. Subsection (4) of section 255.103, Florida Statutes, is amended, and subsections (2) and (3) of that section are republished, to read:

255.103 Construction management or program management entities.—

(2) A governmental entity may select a construction management entity, pursuant to the process provided by s. 287.055, which is to be responsible for construction project scheduling and coordination in both preconstruction and construction phases and generally responsible for the successful, timely, and economical completion of the construction project. The construction management entity must consist of or contract with licensed or registered professionals for the specific fields or areas of construction to be

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

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2024656__

performed, as required by law. The construction management entity may retain necessary design professionals selected under the process provided in s. 287.055. At the option of the governmental entity, the construction management entity, after having been selected and after competitive negotiations, may be required to offer a guaranteed maximum price and a guaranteed completion date or a lump-sum price and a guaranteed completion date, in which case, the construction management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold construction subcontracts. If a project, as defined in s. 287.055(2)(f), solicited by a governmental entity under the process provided in s. 287.055 includes a grouping of substantially similar construction, rehabilitation, or renovation activities as permitted under s. 287.055(2)(f), the governmental entity, after competitive negotiations, may require the construction management entity to provide for a separate guaranteed maximum price or a separate lump-sum price and a separate guaranteed completion date for each grouping of substantially similar construction, rehabilitation, or renovation activities included within the project.

(3) A governmental entity may select a program management entity, pursuant to the process provided by s. 287.055, which is to be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services. The program management entity must consist of or contract with licensed or registered professionals for the specific areas of design or construction to be performed as required by law. The program management entity may retain necessary design professionals selected under the process

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

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2024656

provided in s. 287.055. At the option of the governmental entity, the program management entity, after having been selected and after competitive negotiations, may be required to offer a guaranteed maximum price and a guaranteed completion date or a lump-sum price and guaranteed completion date, in which case the program management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold design and construction subcontracts. If a project, as defined in s. 287.055(2)(f), solicited by a governmental entity under the process provided in s. 287.055 includes a grouping of substantially similar construction, rehabilitation, or renovation activities as permitted under s. 287.055(2)(f), the governmental entity, after competitive negotiations, may require the program management entity to provide for a separate guaranteed maximum price or a lump-sum price and a separate guaranteed completion date for each grouping of substantially similar construction, rehabilitation, or renovation activities included within the project.

(4) A governmental entity's authority under subsections (2) and (3) includes entering into a continuing contract for construction projects, pursuant to the process provided in s. 287.055, in which the estimated construction cost of each individual project under the contract does not exceed \$10 ~~\$4~~ million. For purposes of this subsection, the term "continuing contract" means a contract with a construction management or program management entity for work during a defined period on construction projects described by type which may or may not be identified at the time of entering into the contract.

Section 2. Present subsections (10) and (11) of section

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287.055, Florida Statutes, are redesignated as subsections (11) and (12), respectively, a new subsection (10) is added to that section, and paragraph (g) of subsection (2) of that section is amended, to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed \$10 ~~\$4~~ million plus an annual percentage increase based on the Annual Consumer Price Index compiled by the United States Department of Labor, beginning with the Annual Consumer Price Index announced by the United States Department of Labor for the year 2026; for study activity if the fee for professional services for each individual study under the contract does not exceed \$500,000; or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts may ~~shall~~ not be required to bid against one another.

(10) APPLICABILITY TO DEPARTMENT OF TRANSPORTATION.—
Notwithstanding any other provision of this section, for a

18-00475A-24 2024656__

117 geotechnical and materials testing continuing contract, the
118 Department of Transportation must select at least three, but no
119 more than five, qualified firms and assign such testing to the
120 selected firms on a rotating and equitable basis.

121 Section 3. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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11/29/2024

Meeting Date

Gov Oversight

Committee

656

Bill Number or Topic

399540

Amendment Barcode (if applicable)

Name Carol BOWEN

Phone (954) 465-6811

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City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
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representing:

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

Associated Builders and Contractors of FL

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

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S-001 (08/10/2021)

The Florida Senate
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1-29-24

Meeting Date

Govt. Oversight

Committee

Q56

Bill Number or Topic

Amendment Barcode (if applicable)

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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:

AIA 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 \(flsenate.gov\)](#)

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

1/29/2024

Meeting Date

656

Bill Number or Topic

Gov Oversight

Committee

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 465-6811

Address PO Box 880448

Street

Email cbowen@abcflorida.com

Boca Raton FL

City

State

33488

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Associated Builders and Contractors of FL

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

SB 656

Bill Number or Topic

Amendment Barcode (if applicable)

1/29/2024
Meeting Date
Gov. Oversight and
Accountability
Committee

Name Amir Warren Phone 850-922-4300

Address 100 S. Monroe St. Email awarren@fl-counties.com
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Association
of
Counties

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

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

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 the Senator or Senate Professional Staff conducting the meeting)

1/29/24

Meeting Date

656

Bill Number (if applicable)

Topic Continuing Contracts

Amendment Barcode (if applicable)

Name Chris Dawson

Job Title Legislative Counsel

Address 301 E. Pine Street, Suite 1400

Phone 407 843 8880

Street

Orlando FL 32801

City

State

Zip

Email chr.dawson@gray-robinson.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Roofers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 692

INTRODUCER: Regulated Industries Committee and Senator Hutson

SUBJECT: Public Records/Florida Gaming Control Commission

DATE: January 26, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 692 exempts from public records copying and inspection requirements certain identifying information of current or former commissioners of the Florida Gaming Control Commission (commission) and their family members. The exemption restricts access to information in public records which may identify or locate current or former commissioners, their spouses, and children.

The bill exempts from public disclosure the following information:

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

This exemption applies to information held by an agency before, on, or after July 1, 2024 and is repealed on October 2, 2029, unless reenacted by the Legislature.

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

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

According to the FGCC, the bill has no fiscal impact to state government.¹

The bill takes effect July 1, 2024.

II. Present Situation:

Access to Public Records - Generally

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

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

Executive Agency Records – The Public Records Act

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

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

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

¹ See Florida Gaming Control Commission, *2024 Agency Legislative Bill Analysis for SB 692* at 5 (Dec. 21, 2023) (on file with the Senate Committee on Regulated Industries).

² FLA. CONST. art. I, s. 24(a).

³ *Id.*

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

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

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

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

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

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

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

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

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

⁸ Section 119.07(1)(a), F.S.

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

¹⁰ FLA. CONST. art. I, s. 24(c).

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

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

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

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

¹⁵ *Id.*

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

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁷ (the act), prescribe a legislative review process for newly created or substantially amended¹⁸ public records or open meetings exemptions, with specified exceptions.¹⁹ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.²⁰ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²¹ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²²
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²³ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²⁴

Public Records Exemptions for Enumerated Personnel

Provisions in s. 119.071(4)(d), F.S., exempt from public disclosure the personal identification and location information of enumerated agency personnel, their spouses, and their children. The employing agency as well as the employee may assert the right to the exemption by submitting a written request to each agency that holds the employee's information.²⁵ Additionally, all of these exemptions have retroactive application.²⁶ In order to have the exemption applied to a court record or an official record held by a clerk of court, the party must make a request specifying the document name, type, identification number, and page number.²⁷ Any enumerated personnel

¹⁷ Section 119.15, F.S.

¹⁸ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁹ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²⁰ Section 119.15(3), F.S.

²¹ Section 119.15(6)(b), F.S.

²² Section 119.15(6)(b)1., F.S.

²³ Section 119.15(6)(b)2., F.S.

²⁴ Section 119.15(6)(b)3., F.S.

²⁵ Section 119.071(4)(d)3., F.S.

²⁶ Section 119.071(4)(d)6., F.S.

²⁷ Section 119.0714(2)(f) and (3)(f), F.S.

who has his or her public records held exempt may file a written and notarized request to any record custodian to have the records released to an identified party.²⁸

Enforcement of Gaming Laws and Florida Gaming Control Commission

In 2021, the Legislature updated Florida law for authorized gaming in the state and for enforcement of the gambling laws and other laws relating to authorized gaming.²⁹ The Office of Statewide Prosecution in the Department of Legal Affairs is authorized to investigate specialized crimes.³⁰ Additionally, the Office can prosecute gambling offenses and any violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) which are referred to the Office of Statewide Prosecution by the commission.³¹

The Office of Statewide Prosecution does not have exclusive jurisdiction to investigate gambling-related offenses. The commission was created³² within the Department of Legal Affairs, to do all of the following:³³

- Exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding state lottery games as authorized by the State Constitution.
- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the commission's regulatory and executive functions.
- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling).
- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage persons from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency or as the commission, information that is reported by sports governing bodies or other parties to the commission relating to:

²⁸ Section 119.071(4)(d)5., F.S.

²⁹ See ch. 2021-268, Laws of Fla., (Implementation of 2021 Gaming Compact between the Seminole Tribe of Florida and the State of Florida); ch. 2021-269, Laws of Fla., (Gaming Enforcement), ch. 2021-270, Laws of Fla., (Public Records and Public Meetings), and 2021-271, Laws of Fla., (Gaming), Laws of Fla., as amended by ch. 2022-179, Laws of Fla., (Florida Gaming Control Commission). Conforming amendments are made to the section in ch. 2022-7, Laws of Fla., (Reviser's Bill) and ch. 2023-8, Laws of Fla., (Reviser's Bill).

³⁰ Section 16.56(1)(a), F.S.

³¹ Section 16.56(1)(a)16., F.S.

³² Section 16.71, F.S.

³³ Section 16.712, F.S. The commission also administers the Pari-mutuel Wagering Trust Fund. See s. 16.71(6), F.S.

- Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
- Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing; suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
- The use of data deemed unacceptable by the commission or the Seminole Tribal Gaming Commission.
- The commission must provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that may warrant further investigation of nonproprietary information by such entities to ensure integrity of wagering activities in the state.
- Review any matter within the scope of the jurisdiction of the Division of Pari-mutuel Wagering.
- Review the regulation of licensees, permitholders, or persons regulated by the Division of Pari-mutuel Wagering and the procedures used by the division to implement and enforce the law.
- Review the procedures of the Division of Pari-mutuel Wagering which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.
- Exercise all other powers and perform any other duties prescribed by the Legislature, and adopt rules to implement the above.

Commissioners

As set forth in s. 16.71, F.S., of the five commissioners appointed as members of the commission, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for the preceding 10 years. All members serve four-year terms, but may not serve more than 12 years. As of the date of this analysis, there is one vacancy on the commission.

Current and former commissioners and their families may be harassed based on official actions taken or decisions made on behalf of the commission relating to licensees, applicants, and those

engaged in illegal conduct, such as gambling, or conducting operations that otherwise violate Florida law.

III. Effect of Proposed Changes:

Section 1 amends s. 119.071(4)(d)2., F.S., to exempt certain information relating to current or former commissioners of the commission, their spouses, and children from the public disclosure requirements. The following information will be exempt:

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

This exemption is subject to the Open Government Sunset Review Act, s. 119.15, F.S., and stands repealed on October 2, 2029, unless reenacted by the Legislature.

Section 2 provides the public necessity statement required by the State Constitution. The public necessity statement provides that the release of certain personal identifying and location information might place current or former commissioners and their family members in danger of physical and emotional harm from disgruntled individuals whose businesses or professional practices have come under the scrutiny of the commission. In addition, such personnel may be subject to threats or acts of revenge because of the duties they perform, and the harm that may result from the release of such personal identifying and location information outweighs the public benefit that may be derived from the disclosure of the information.

Section 3 provides that the bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

Vote Requirement

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

Public Necessity Statement

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

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect current and former commissioners and their family members, and the bill exempts only records pertaining to those persons from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Any individual or business that currently obtains location information that is covered by the definition of “home addresses” in the bill will not be able to obtain that information from the records custodian without a signed waiver if the employee or the employee’s agency requests that the home address information be exempted.

C. Government Sector Impact:

According to the FGCC, the bill has no fiscal impact to state government.³⁴ This bill may have a minimal negative fiscal impact on the commission or agencies holding records that contain certain personal identifying and location information relating to

³⁴ See Florida Gaming Control Commission, *2024 Agency Legislative Bill Analysis for SB 692* at 5 (Dec. 21, 2023) (on file with the Senate Committee on Regulated Industries).

commissioners and their spouses and children, because staff responsible for complying with public record requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as part of the day-to-day commission or agency responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Regulated Industries on January 16, 2024.

The CS incorporates a technical amendment to insert the word “Control” in a reference to the Florida Gaming Control Commission in Section 2 of the bill.

B. Amendments:

None.

By the Committee on Regulated Industries; and Senator Hutson

580-02121-24

2024692c1

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of current or former commissioners of the Florida Gaming Control Commission and the spouses and children of such current or former commissioners; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

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

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

(4) AGENCY PERSONNEL INFORMATION.—

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

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

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

c. "Telephone numbers" includes home telephone numbers,

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580-02121-24

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

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

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

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

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

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

580-02121-24

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

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

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

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

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

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

j. The home addresses, telephone numbers, places of

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employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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

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

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

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

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

248 s. The home addresses, telephone numbers, dates of birth,
 249 and photographs of current or former directors, managers,
 250 supervisors, nurses, and clinical employees of an addiction
 251 treatment facility; the home addresses, telephone numbers,
 252 photographs, dates of birth, and places of employment of the
 253 spouses and children of such personnel; and the names and
 254 locations of schools and day care facilities attended by the
 255 children of such personnel are exempt from s. 119.07(1) and s.
 256 24(a), Art. I of the State Constitution. For purposes of this
 257 sub-subparagraph, the term "addiction treatment facility" means
 258 a county government, or agency thereof, that is licensed
 259 pursuant to s. 397.401 and provides substance abuse prevention,
 260 intervention, or clinical treatment, including any licensed
 261 service component described in s. 397.311(26).

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

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

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

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

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

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

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written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

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

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

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the

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349 custodial agency. The written request must be notarized and must
 350 specify the information to be released and the party authorized
 351 to receive the information. Upon receipt of the written request,
 352 the custodial agency must release the specified information to
 353 the party authorized to receive such information.

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

357 7. Information made exempt under this paragraph may be
 358 disclosed pursuant to s. 28.2221 to a title insurer authorized
 359 pursuant to s. 624.401 and its affiliates as defined in s.
 360 624.10; a title insurance agent or title insurance agency as
 361 defined in s. 626.841(1) or (2), respectively; or an attorney
 362 duly admitted to practice law in this state and in good standing
 363 with The Florida Bar.

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

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378 9. Upon the death of a protected party as verified by a
 379 certified copy of a death certificate or court order, any party
 380 can request the county recorder to release a protected
 381 decedent's removed information unless there is a related request
 382 on file with the county recorder for continued removal of the
 383 decedent's information or unless such removal is otherwise
 384 prohibited by statute or by court order. The written request to
 385 release the removed information upon the death of a protected
 386 party must attach the certified copy of a death certificate or
 387 court order and must be notarized, must confirm the request for
 388 release is due to the death of a protected party, and must
 389 specify the Official Records book and page number, instrument
 390 number, or clerk's file number for each document containing the
 391 information to be released. A fee may not be charged for the
 392 release of any document pursuant to such request.

393 10. Except as otherwise expressly provided in this
 394 paragraph, this paragraph is subject to the Open Government
 395 Sunset Review Act in accordance with s. 119.15 and shall stand
 396 repealed on October 2, 2024, unless reviewed and saved from
 397 repeal through reenactment by the Legislature.

398 Section 2. The Legislature finds that it is a public
 399 necessity that the home addresses, telephone numbers, dates of
 400 birth, and photographs of current or former commissioners of the
 401 Florida Gaming Control Commission; the names, home addresses,
 402 telephone numbers, dates of birth, photographs, and places of
 403 employment of the spouses and children of such current or former
 404 commissioners; and the names and locations of schools and day
 405 care facilities attended by the children of such current or
 406 former commissioners be made exempt from s. 119.07(1), Florida

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407 Statutes, and s. 24(a), Article I of the State Constitution. The
408 Legislature finds that the release of such personal identifying
409 and location information might place the commission's current or
410 former commissioners and their family members in danger of
411 physical and emotional harm from disgruntled individuals whose
412 businesses or professional practices have come under the
413 scrutiny of the commission. In addition, such personnel may be
414 subject to threats or acts of revenge because of the duties they
415 perform. The Legislature further finds that the harm that may
416 result from the release of such personal identifying and
417 location information outweighs the public benefit that may be
418 derived from the disclosure of the information.

419 Section 3. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 17, 2024

I respectfully request that **Senate Bill #692**, relating to Public Records/Florida Gaming Control Commission, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 7

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 708

INTRODUCER: Senator Burton

SUBJECT: Underground Facilities

DATE: January 26, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Schrader	Imhof	RI	Favorable
2. McVaney	McVaney	GO	Favorable
3. _____	_____	RC	_____

I. Summary:

SB 708 revises Florida's Underground Facility Damage Prevention and Safety Act (ch. 556, F.S.), and underground excavation procedures under Sunshine State One-Call of Florida, Inc. (also known as Sunshine 811). The bill:

- Increases from two to three full business days the time period granted to excavators to notify the Sunshine 811 system before beginning any excavation or demolition;
- Increases from two to three full business days the time period within which persons who furnish or transport materials or services by means of an underground facility must respond to Sunshine 811 system notifications; and
- Subjects an excavator's failure to notify of an excavation start date for a high-priority subsurface installation to enhanced civil penalties under s. 556.107(1)(a)2., F.S.

The bill also reenacts certain portions of ch. 566, F.S., to incorporate by reference the changes made in the bill, reorders certain sections, and makes technical changes.

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

The bill takes effect October 1, 2024.

II. Present Situation:

Florida Underground Facility Damage Prevention and Safety Act

Chapter 556, F.S., is Florida's Underground Facility Damage Prevention and Safety Act (act). The purpose of the act is to:

- Prevent injuries, property damage, and interruption of services that could result from damage to an underground facility¹ caused by excavation or demolition operations;
- Create a not-for-profit corporation comprised of operators of underground facilities in this state to administer the act;
- Fund the cost of the administration of the corporation through contributions from member operators for services provided to member operators and from charges made to others for services requested and provided, such as record searches, education or training, and damage prevention activities;
- Reserve to the state the power to regulate any subject matter specifically addressed in the act;²
- Permit any local law enforcement officer, local government code inspector, or code enforcement officer to enforce the act without the need to incorporate the provisions of the act into any local code or ordinance; and
- Foster the awareness of federal laws and regulations that promote safety with respect to underground facilities, including, but not limited to, the Federal Pipeline Safety Act of 1968, as amended, the Pipeline Safety Improvement Act of 2002, OSHA Standard 1926.651, and the National Electric Safety Code, ANSI C-2, by requiring and facilitating the advance notice of activities by those who engage in excavation or demolition operations.³

Pipeline and Hazardous Materials Safety Administration

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is part of the United States Department of Transportation. PHMSA's purpose is to protect the public and the environment by advancing safe transportation of energy and other essential potentially hazardous materials. PHMSA "establishes national policy, sets and enforces standards, educates, and conducts research to prevent incidents." The agency is also involved in preparation of the public and first responders to deal with hazardous materials incidents.⁴

PHMSA's Office of Pipeline Safety "is responsible for carrying out a national program to ensure the safe, reliable, and environmentally-sound operation of the nation's natural gas and hazardous

¹ Section 556.102(13), F.S., defines the term "underground facility" as "any public or private personal property which is buried, placed below ground, or submerged on any member operator's right-of-way, easement, or permitted use which is being used or will be used in connection with the storage or conveyance of water; sewage; electronic, telephonic, or telegraphic communication; electric energy; oil; petroleum products; natural gas; optical signals; or other substances, and includes, but is not limited to, pipelines, pipes, sewers, conduits, cables, valves, and lines." For purposes of the act, "a liquefied petroleum gas line regulated under chapter 527 is not an underground facility unless such line is subject to the requirements of Title 49 C.F.R. adopted by the Department of Agriculture and Consumer Services, provided there is no encroachment on any member operator's right-of-way, easement, or permitted use." Petroleum storage systems regulated under ch. 376, F.S., are also not considered underground facilities for the purposes of the act "unless the storage system is located on a member operator's right-of-way or easement. Storm drainage systems are not considered underground facilities."

² Local governments may not adopt or enforce ordinances or rules that conflict with this chapter or that 1) require operators of underground facilities to obtain permits from local governments in order to identify underground facilities, 2) require premarking or marking, 3) specify the types of paint or other marking devices that are used to identify underground facilities, or 4) require removal of marks. Section 556.101(3)(d), F.S.

³ Section 556.101, F.S.

⁴ Pipeline and Hazardous Materials Safety Administration, *About PHMSA*, <https://www.phmsa.dot.gov/about-phmsa/phmsas-mission> (last visited Jan. 23, 2024).

liquid pipeline transportation system.” As part of this responsibility, the Office of Pipeline Safety:

- Develops, proposes, and implements policy initiatives and regulations regarding operation of pipelines;
- Directs education and outreach efforts to promote adoption and the increased use of pipeline safety programs by state and local governments, pipeline operators, and the public; and
- Administers a national pipeline safety program to support compliance with Federal pipeline safety regulations.⁵

Sunshine State One-Call of Florida

The not-for-profit corporation created under ch. 556, F.S., is called Sunshine State One-Call of Florida, Inc. (also known as Sunshine 811). Section 506.103, F.S., establishes Sunshine 811 with the purpose to administer the act. Section 506.103(1), F.S., requires that each operator of an underground facility in Florida must be a member of Sunshine 811 (i.e. member operator)⁶ and must use and participate in the free-access notification system established by Sunshine 811 (Sunshine 811 system).⁷

Sunshine 811 Procedures

Sunshine 811 is required to provide a single toll-free telephone number (811) within Florida which excavators can use to notify member operators of planned excavation or demolition activities.⁸ Excavators intending to conduct excavation or demolition must notify the Sunshine 811 system not less than two full business days before beginning operations that are not beneath the waters of the state, and not less than 10 full business days if the operation is beneath the waters of the state, with certain exceptions.⁹ The excavator must also provide specified identification, location, and operational information, which remains valid for 30 calendar days.¹⁰ Each notification is recorded to document compliance with the act.¹¹

Upon receipt of this notice, the Sunshine 811 system provides the notifying excavator with a list of the member operators who will be advised of the notification, along with a notification number to be provided to law enforcement upon request.¹² The Sunshine 811 system in turn notifies the potentially affected member operators of the planned excavation or demolition activities.¹³ Within two full business days after the time the notification is received by the Sunshine 811 system (or 10 days if the proposed excavation is in proximity to facilities beneath state waters), potentially affected member operators must determine the location of their

⁵ Pipeline and Hazardous Materials Safety Administration, *Office of Pipeline Safety*, <https://www.phmsa.dot.gov/about-phmsa/offices/office-pipeline-safety> (last visited Jan. 23, 2024).

⁶ Section 556.102, F.S., defines “member operator” as “any person who furnishes or transports materials or services by means of an underground facility.”

⁷ See s. 556.102, F.S., which defines “system” for ch. 556, F.S.

⁸ Section 556.104, F.S.

⁹ Section 556.105(1)(a), F.S. Member operators with state-owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate facilities. Section 556.105(5), F.S.

¹⁰ Section 556.105(1)(a)-(d), F.S.

¹¹ Section 556.105(2), F.S.

¹² Section 556.105(3) and (4), F.S.

¹³ Section 556.105(5), F.S.

underground facilities in relation to the proposed excavation or demolition. If this cannot be done in this time period, the member operator must contact the person giving notice and negotiate a new schedule and time that is agreeable and does not unreasonably delay the excavator. If a member operator determines that a proposed excavation or demolition is in proximity to or conflicts with an underground facility, the member operator must identify the horizontal route of the facility in a specified manner.¹⁴

An excavator is required to delay excavations until one of the following events occurs:

- Each member operator's underground facilities have been marked and located;
- The excavator has been notified that no member operator has underground facilities in the area described in the notice; or
- Expiration of the time allowed for markings.

If a member operator has not located and marked its underground facilities within the time allowed for marking, the excavator may proceed with the excavation, provided that the excavator does so with reasonable care and that detection equipment or other acceptable means to locate underground facilities are used. An excavator may not conduct demolition in an area until all member operators' underground facilities have been marked and located or removed.¹⁵

Violations of Sunshine 811 Requirements

Section 556.107, F.S., provides that certain violations of the act are noncriminal infractions enforceable by citations issued by the State Fire Marshal or his or her agents as provided in ss. 633.114 and 633.116, F.S.; the fire chief of a special district, municipality, or county; or any local or state law enforcement officer, government code inspector, or code enforcement officer. The issuer of a citation may also require an excavator to cease work on any excavation or not start a proposed excavation until such excavator comes into compliance with the act.¹⁶

Section 556.107(1)(a), F.S., provides two tiers of noncriminal infraction penalties. Excavators and member operators who violate any of the following provisions of the act may be required to pay a civil penalty of \$500 plus court costs for each infraction:¹⁷

- Section 556.105(1), F.S., relating to excavators providing required information through the Sunshine 811 system.
- Section 556.105(5)(c), F.S., relating to increased cautionary practices required to be taken during excavation in tolerance zones.¹⁸
- Section 556.105(6), F.S., relating to the avoidance of excavation during time allotted to member operators for the marking or location of underground facilities.
- Section 556.105(11), F.S., relating to the need to stop excavation or demolition because marks are no longer visible, or, in the case of underwater facilities, are inadequately documented.

¹⁴ *Id.*

¹⁵ Section 556.105(6), F.S.

¹⁶ Section 556.107(1)(b), F.S.

¹⁷ Section 556.107(1)(c)1., F.S.

¹⁸ Section 556.102(15), F.S., defines "tolerance zone" as being 24 inches from the outer edge of either side of the exterior surface of a marked underground facility.

- Section 556.105(12), F.S., relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.
- Section 556.105(5)(a) and (b), F.S., relating to the requirement to identify underground facilities, if a member operator does not mark an underground facility. The penalty does not apply, however, if a member operator marks an underground facility incorrectly.
- Section 556.109(2), F.S., relating to falsely notifying the Sunshine 811 system of an emergency situation or condition.
- Section 556.114(1), (2), (3), and (4), F.S., relating to a failure to follow low-impact marking practices, as defined in those subsections.¹⁹

Section 556.107(1)(a)2., F.S., provides enhanced penalties if an excavator or member operator violates the provisions of ss. 556.105(1), 556.105(5)(c), 556.105(6), 556.105(11), and 556.105(12), F.S., as identified above, involving an underground facility transporting hazardous materials that are regulated by the PHMSA. Such violators may be required to pay an enhanced civil penalty of \$2,500 plus court costs for each infraction.²⁰

Eighty percent of these civil penalties are distributed to the government entity whose employee issued the citation, with 20 percent of the penalty retained by the clerk of the court to cover administrative costs.²¹

Section 556.107, F.S., also provides for criminal penalties for certain violations, specifying that all of the following are misdemeanors of the second degree:²²

- Failure to properly respond to the noncriminal infractions specified in s. 556.107(1)(a), F.S., issued pursuant to s. 556.107(1)(b), F.S.;²³
- Knowingly and willfully removing or otherwise destroying the valid stakes or other valid physical markings used to mark the horizontal route of an underground facility;²⁴ and
- Knowingly and willfully removing or damaging a permanent marker placed to identify the approximate location of an underground facility.²⁵

High-Priority Subsurface Installations

Section 556.102, F.S., defines a “high-priority subsurface installation” as “an underground gas transmission or gas distribution pipeline, or an underground pipeline used to transport gasoline, jet fuel, or any other refined petroleum product or hazardous or highly volatile liquid, such as anhydrous ammonia or carbon dioxide, if the pipeline is deemed to be critical by the operator of the pipeline and is identified as a high-priority subsurface installation to an excavator who has provided a notice of intent to excavate under s. 556.105(1), F.S., or would have been identified as a high-priority subsurface installation except for the excavator’s failure to give proper notice of intent to excavate.”

¹⁹ Section 556.107(1)(a)1., F.S.

²⁰ Section 556.107(1)(c)2., F.S.

²¹ Section 556.107(1)(c), F.S.

²² Section 775.082(4)(b), F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083(1)(e), F.S., provides that a misdemeanor of the second degree is punishable by a fine not to exceed \$500.

²³ Section 556.107(1)(c)3., F.S.

²⁴ Section 556.107(3), F.S.

²⁵ *Id.*

Regarding high-priority subsurface installations, s. 556.116(1), F.S., requires that:

- When an excavator proposes to excavate or demolish within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the member operator of such a facility, the operator must, in addition to the identification requirements in s. 556.105(5)(a) and (b), F.S., notify the excavator that the facility is a high-priority subsurface installation. This must be done within the time period required in s. 556.105(9)(a), F.S;
- Upon the provision of such notice by the member operator, an excavator must notify the member operator of the planned excavation start date and time before beginning excavation; and
- If the member operator fails to timely provide such notice, the excavator may proceed to excavate without notifying the member operator of the excavation start date and time.

According to Sunshine 811, owners of high-priority subsurface installations have notified Sunshine 811 that “there is a significant problem with excavators failing to provide the date and start time of excavation.”²⁶ Currently, violations of this provision of s. 556.116(1), F.S., are not violations for which a civil penalty may be issued under s. 556.107, F.S.

Increase in Sunshine 811 Locate Requests

With the continuing substantial growth Florida has had over the past 10 years, the Sunshine 811 system has seen an increase from 1.4 million locate request tickets in the 2014-2015 fiscal year to 2.2 million locate request tickets in the 2022-2023 fiscal year (a 57 percent increase).²⁷ According to Sunshine 811, this growth “has made it difficult for the utilities to fulfill all of the locate requests within 2 days. Sunshine 811’s data shows that approximately 16 [percent] of locate requests are not fulfilled within 2 days, putting underground facilities, public safety and the environment at risk.”²⁸

III. Effect of Proposed Changes:

Section 1 amends s. 556.105, F.S., to increase the time period from two full business days to three full business day that an excavator must provide information to the Sunshine 811 system before the excavator begins any excavation or demolition that is not beneath the waters of the state. The notice period remains at 10 full business days for any excavation or demolition that is beneath the waters of the state.

Section 1 also increases the time period from two full business days to three full business days that member operators are granted to respond to notifications from the Sunshine 811 system for excavations or demolitions that are not beneath the waters of the state. The response period remains 10 full business days for any excavation or demolition that is beneath the waters of the state.

²⁶ Email from Chris Lyon, Attorney, Lewis, Longman & Walker, P.A. representing Sunshine 811, to Senate Regulated Industries Staff regarding SB 708 (Dec. 18, 2023)(on file with the Senate Regulated Industries Committee).

²⁷ Compare Sunshine 881, 2014-15 Annual Report, 3, available at: <https://www.sunshine811.com/annual-reports> (1.4 million tickets), with Sunshine 881, 2022-23 Annual Report, 3, available at: <https://www.sunshine811.com/annual-reports> (2.2 million tickets) (last visited Jan. 23, 2024).

²⁸ Lyon, *supra* note 26.

Section 2 amends s. 556.107, F.S., to add to the violations subject to enhanced penalties²⁹ an excavator's failure to notify of a planned excavation start date and time before beginning excavation, if the member operator provides timely notice of the existence of a high-priority subsurface installation. Section 2 also reenacts s. 556.107(3), F.S., relating to misdemeanor violations, to incorporate by reference changes made in Section 1 of this bill.

Sections 3, 4, and 5 reenact ss. 556.102, 556.108, and 556.114, relating to the definition of "high-priority subsurface installation," exemptions from notification requirements, low-impact marking practices, respectively, to incorporate by reference changes made in Section 1 of this bill.

Section 6 reenacts s. 556.116, F.S., relating to special procedures for high-priority marking practices, to incorporate by reference changes made in sections 1 and 2 of this bill.

Section 7 provides an effective date of October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁹ If such violation involves an underground facility transporting hazardous materials that are regulated by PHMSA.

B. Private Sector Impact:

Member operators and excavators that violate the requirements for high-priority subsurface installations under s. 556.116(1), F.S., may have a negative financial impact from the new penalty provisions provided in the bill.

C. Government Sector Impact:

The bill may have an indeterminate, positive impact on state and local government revenues for the new penalty provisions provided for violations of s. 556.116(1), F.S. As provided under s. 556.107(1)(c), F.S., civil penalties collected pursuant to s. 556.107, F.S., are distributed 80 percent to the government entity whose employee issued the citation, with 20 percent of the penalty retained by the clerk of the court to cover administrative costs. Citations may be issued by the State Fire Marshal or his or her agents as provided in ss. 633.114 and 633.116, F.S.; the fire chief of a special district, municipality, or county; or any local or state law enforcement officer, government code inspector, or code enforcement officer.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 556.105 and 556.107 of the Florida Statutes.

This bill reenacts sections 556.102, 556.107, 556.108, 556.114, and 556.116 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.

³⁰ Section 556.107,(1)(b), F.S.

By Senator Burton

12-00847-24

2024708__

1 A bill to be entitled
 2 An act relating to underground facilities; amending s.
 3 556.105, F.S.; revising the timeframe within which an
 4 excavator is required to provide certain information
 5 through the free-access notification system
 6 established by Sunshine State One-Call of Florida,
 7 Inc., before beginning certain excavation or
 8 demolition activities; revising the timeframes during
 9 which member operators who receive such notifications
 10 are required to mark the horizontal route of an
 11 underground facility and provide a positive response
 12 to the system; making technical changes; reordering
 13 and amending s. 556.107, F.S., and reenacting
 14 paragraph (3)(a) of that section; providing a
 15 noncriminal infraction subject to enhanced civil
 16 penalties for a specified violation; making technical
 17 changes; reenacting ss. 556.102(8), 556.108, and
 18 556.114(1)-(4), F.S., relating to the definition of
 19 the term "high-priority subsurface installation,"
 20 exemptions to certain notification requirements, and
 21 low-impact marking practices, respectively, to
 22 incorporate the amendment made to s. 556.105, F.S., in
 23 references thereto; reenacting s. 556.116(1) and
 24 (2)(a)-(d), F.S., relating to high-priority subsurface
 25 installations, to incorporate the amendments made to
 26 ss. 556.105 and 556.107, F.S., in references thereto;
 27 providing an effective date.
 28
 29 Be It Enacted by the Legislature of the State of Florida:

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30
 31 Section 1. Paragraph (a) of subsection (1), paragraph (a)
 32 of subsection (5), and paragraph (a) of subsection (9) of
 33 section 556.105, Florida Statutes, are amended to read:
 34 556.105 Procedures.—
 35 (1)(a) Not less than 3 ~~2~~ full business days before
 36 beginning any excavation or demolition that is not beneath the
 37 waters of the state, and not less than 10 full business days
 38 before beginning any excavation or demolition that is beneath
 39 the waters of the state, an excavator shall provide the
 40 following information through the system:
 41 1. The name of the individual who provided notification and
 42 the name, address, including the street address, city, state,
 43 zip code, and telephone number of her or his employer.
 44 2. The name and telephone number of the representative for
 45 the excavator, and a valid electronic address to facilitate a
 46 positive response by the system should be provided, if
 47 available.
 48 3. The county, the city or closest city, and the street
 49 address or the closest street, road, or intersection to the
 50 location where the excavation or demolition is to be performed,
 51 and the construction limits of the excavation or demolition.
 52 4. The commencement date and anticipated duration of the
 53 excavation or demolition.
 54 5. Whether machinery will be used for the excavation or
 55 demolition.
 56 6. The person or entity for whom the work is to be done.
 57 7. The type of work to be done.
 58 8. The approximate depth of the excavation.

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(5) All member operators within the defined area of a proposed excavation or demolition shall be promptly notified through the system, except that member operators with state-owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate the facilities.

(a) If a member operator determines that a proposed excavation or demolition is in proximity to or in conflict with an underground facility of the member operator, except a facility beneath the waters of the state, which is governed by paragraph (b), the member operator must ~~shall~~ identify the horizontal route by marking to within 24 inches from the outer edge of either side of the underground facility by the use of stakes, paint, flags, or other suitable means within 3 ~~2~~ full business days after the time the notification is received under subsection (1). If the member operator is unable to respond within such time, the member operator must ~~shall~~ communicate with the person making the request and negotiate a new schedule and time that is agreeable to, and should not unreasonably delay, the excavator.

(9) (a) After receiving notification from the system, a member operator shall provide a positive response to the system within 3 ~~2~~ full business days, or 10 such days for an underwater excavation or demolition, indicating the status of operations to protect the facility.

Section 2. Paragraph (a) of subsection (1) of section 556.107, Florida Statutes, is reordered and amended, and paragraph (a) of subsection (3) is reenacted, to read:

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556.107 Violations.—

(1) NONCRIMINAL INFRACTIONS.—

(a) 1. Violations of the following provisions are noncriminal infractions:

a. Section 556.105(1), relating to providing required information.

c.b. ~~c.b.~~ Section 556.105(5)(c), relating to excavation practices in tolerance zones.

d.e. ~~d.e.~~ Section 556.105(6), relating to the avoidance of excavation.

e.d. ~~e.d.~~ Section 556.105(11), relating to the need to stop excavation or demolition because marks are no longer visible, or, in the case of underwater facilities, are inadequately documented.

f.e. ~~f.e.~~ Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.

b.f. ~~b.f.~~ Section 556.105(5)(a) and (b), relating to identification of underground facilities, if a member operator does not mark an underground facility, but not if a member operator marks an underground facility incorrectly.

g. Section 556.109(2), relating to falsely notifying the system of an emergency situation or condition.

h. Section 556.114(1), (2), (3), and (4), relating to a failure to follow low-impact marking practices, as defined therein.

2. Violations of the following provisions involving an underground facility transporting hazardous materials ~~that are~~ regulated by the Pipeline and Hazardous Materials Safety

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Administration of the United States Department of Transportation are noncriminal infractions, subject to enhanced civil penalties under paragraph (c):

a. Section 556.105(1), relating to providing required information.

b. Section 556.105(5)(c), relating to excavation practices in tolerance zones.

c. Section 556.105(6), relating to the avoidance of certain excavation.

d. Section 556.105(11), relating to the need to stop excavation or demolition because certain marks are removed, no longer visible, or inadequately documented.

e. Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.

f. Section 556.116(1), relating to a failure to notify of the planned excavation start date and time before beginning excavation, if the member operator provides timely notice of the existence of a high-priority subsurface installation.

(3) MISDEMEANORS.—

(a) Any person who knowingly and willfully removes or otherwise destroys the valid stakes or other valid physical markings described in s. 556.105(5)(a) and (b) used to mark the horizontal route of an underground facility commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this subsection, stakes or other nonpermanent physical markings are considered valid for 30 calendar days after information is provided to the system under s. 556.105(1)(a).

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Section 3. For the purpose of incorporating the amendment made by this act to section 556.105, Florida Statutes, in a reference thereto, subsection (8) of section 556.102, Florida Statutes, is reenacted to read:

556.102 Definitions.—As used in this act:

(8) "High-priority subsurface installation" means an underground gas transmission or gas distribution pipeline, or an underground pipeline used to transport gasoline, jet fuel, or any other refined petroleum product or hazardous or highly volatile liquid, such as anhydrous ammonia or carbon dioxide, if the pipeline is deemed to be critical by the operator of the pipeline and is identified as a high-priority subsurface installation to an excavator who has provided a notice of intent to excavate under s. 556.105(1), or would have been identified as a high-priority subsurface installation except for the excavator's failure to give proper notice of intent to excavate.

Section 4. For the purpose of incorporating the amendment made by this act to section 556.105, Florida Statutes, in a reference thereto, section 556.108, Florida Statutes, is reenacted to read:

556.108 Exemptions.—The notification requirements provided in s. 556.105(1) do not apply to:

(1) Any excavation or demolition performed by the owner of a single-family residential property, not including property that is subdivided or is to be subdivided into more than one single-family residential property; or for such owner by a member operator or an agent of a member operator when such excavation or demolition is made entirely on such land, and only up to a depth of 10 inches; provided due care is used and there

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is no encroachment on any member operator's right-of-way, easement, or permitted use.

(2) Any excavation or demolition associated with normal agricultural or railroad activities, provided such activities are not performed on any operator's marked right-of-way, easement, or permitted use.

(3) Any excavation or demolition that occurs as the result of normal industrial activities, provided such activities are confined to the immediate secured property of the facility and the activities are not performed on any operator's marked right-of-way, easement, or permitted use. For the purposes of this act, the industrial activities are limited to the following list of Standard Industrial Classifications: Industry Group Numbers 141, 206, 242, 243, and 491, and Major Group Numbers 13, 26, 28, and 29, as published by the United States Office of Management and Budget in 1987.

(4) Any excavation of 18 inches or less for:

(a) Surveying public or private property by surveyors or mappers as defined in chapter 472 and services performed by a pest control licensee under chapter 482, excluding marked rights-of-way, marked easements, or permitted uses where marked, if mechanized equipment is not used in the process of such surveying or pest control services and the surveying or pest control services are performed in accordance with the practice rules established under s. 472.027 or s. 482.051, respectively;

(b) Maintenance activities performed by a state agency and its employees when such activities are within the right-of-way of a public road; however, if a member operator has permanently marked facilities on such right-of-way, mechanized equipment may

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not be used without first providing notification; or

(c) Locating, repairing, connecting, adjusting, or routine maintenance of a private or public underground utility facility by an excavator, if the excavator is performing such work for the current owner or future owner of the underground facility and if mechanized equipment is not used.

(5) (a) Any excavation with hand tools by a member operator or an agent of a member operator for:

1. Locating, repairing, connecting, or protecting, or routine maintenance of, the member operator's underground facilities; or

2. The extension of a member operator's underground facilities onto the property of a person to be served by such facilities.

(b) The exemption provided in this subsection is limited to excavations to a depth of 30 inches if the right-of-way has permanently marked facilities of a company other than the member operator or its agents performing the excavation.

Section 5. For the purpose of incorporating the amendment made by this act to section 556.105, Florida Statutes, in references thereto, subsections (1) through (4) of section 556.114, Florida Statutes, are reenacted to read:

556.114 Low-impact marking practices.—

(1) An excavator providing notice under s. 556.105(1)(a) shall identify in its notice only the area that will be excavated during the period that the information in such notice is considered valid under s. 556.105(1)(c).

(2) When an excavator has not completed an excavation noticed under s. 556.105(1)(a) within the period that the

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information in the notice is considered valid under s. 556.105(1)(c), the excavator must provide a subsequent notice to the system under s. 556.105(1)(a) to continue with the excavation, and such subsequent notice shall identify only the remaining area to be excavated.

(3) When an excavation site cannot be described in information provided under s. 556.105(1)(a) with sufficient particularity to enable the member operator to ascertain the excavation site, and if the excavator and member operator have not mutually agreed otherwise, the excavator shall premark the proposed area of the excavation before a member operator is required to identify the horizontal route of its underground facilities in the proximity of any excavation. However, premarking is not required when the premarking could reasonably interfere with traffic or pedestrian control.

(4) A member operator shall identify the horizontal route of its underground facilities as set forth in s. 556.105(5)(a) and (b), and excavators shall premark an excavation site as set forth in subsection (3) using flags or stakes or temporary, nonpermanent paint or other industry-accepted low-impact marking practices.

Section 6. For the purpose of incorporating the amendments made by this act to sections 556.105 and 556.107, Florida Statutes, in references thereto, subsection (1) and paragraphs (a) through (d) of subsection (2) of section 556.116, Florida Statutes, are reenacted to read:

556.116 High-priority subsurface installations; special procedures.—

(1) When an excavator proposes to excavate or demolish

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within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the operator of the facility, the operator shall, in addition to identifying the horizontal route of its facility as set forth in s. 556.105(5)(a) and (b), and within the time period set forth in s. 556.105(9)(a) for a positive response, notify the excavator that the facility is a high-priority subsurface installation. If the member operator provides such timely notice of the existence of a high-priority subsurface installation, an excavator shall notify the operator of the planned excavation start date and time before beginning excavation. If the member operator does not provide timely notice, the excavator may proceed, after waiting the prescribed time period set forth in s. 556.105(9)(a), to excavate without notifying the member operator of the excavation start date and time. The exemptions stated in s. 556.108 apply to the notification requirements in this subsection.

(2)(a) An alleged commission of an infraction listed in s. 556.107(1) which results in an incident must be reported to the system and the State Fire Marshal by a member operator or an excavator within 24 hours after learning of the alleged occurrence of an incident.

(b) Upon receipt of an allegation that an incident has occurred, the member operator or excavator shall transmit an incident report to the State Fire Marshal, who shall conduct an investigation to determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident. The State Fire Marshal may authorize his or her agents, as provided in ss. 633.114,

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633.116, and 633.118, to conduct investigations of incidents.

(c) The State Fire Marshal or his or her agents as provided in ss. 633.114, 633.116, and 633.118 may issue a citation and impose a civil penalty against a violator in an amount not to exceed \$50,000 if the person violated a provision of s. 556.107(1)(a) and that violation was a proximate cause of the incident. However, if a state agency or political subdivision caused the incident, the state agency or political subdivision may not be fined in an amount in excess of \$10,000.

(d) The civil penalty imposed under this subsection is in addition to any amount payable as a result of a citation relating to the incident under s. 556.107(1)(a).

Section 7. This act shall take effect October 1, 2024.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR COLLEEN BURTON

12th District

January 16th, 2024

The Honorable Bryan Avila
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Avila,

I respectfully request SB 708 – Underground Facilities be placed on your Committee on Governmental Oversight and Accountability agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Joe McVaney, Staff Director
Jessie Harmsen, Deputy Staff Director
Tamra Redig, Committee Administrative Assistant

REPLY TO:

- ☐ 100 South Kentucky Avenue, Suite 260, Lakeland, Florida 33801 (863) 413-1529
- ☐ 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

APPEARANCE RECORD

SB 708

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

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

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

NUCA 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

1/29/24
Meeting Date

SR 708
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 PAUL KNIGHT Phone 561-719-2164

Address 1700 S. POWERLINE ROAD Street Email PKNIGHT@REALFL.COM

DEERFIELD BEACH FL. 33442
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:

NUCA OF FLORIDA

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

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S-001 (08/10/2021)

The Florida Senate

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1/29/2024

Meeting Date

SB 708

Bill Number or Topic

Governmental Oversight

Committee

Amendment Barcode (if applicable)

Name Matt Donnell

Phone 561 718 4460

Address 400 Executive Center Dr. Suite 210

Street

Email MatteRandDPaving.com

West Palm Beach FL

City

State

33401

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:

NUCA of Florida

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)

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1/29/24
Meeting Date

Govt. Oversight
Committee

Name Chris Lyon

Address 106 E. College Ave., Ste. 1500
Street

Tallahassee FL 32301
City State Zip

708
Bill Number or Topic

Amendment Barcode (if applicable)
Phone 850/222-5702

Email clyon@llw-law.com

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Sunshine State One Call 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

1/29/24

708

Meeting Date

Governmental Oversight and Accountability

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Dale Calhoun Phone 8506810496

Address 201 S Monroe St Unit A Email dale.calhoun@floridagas.org
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Florida Natural Gas Association

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

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

SB 708

Bill Number or Topic

1/29/24

Meeting Date

Gout Oversight & Accountability

Committee

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

Amendment Barcode (if applicable)

Name

Paul Gilsdorf

Phone

904-210-9477

Address

3735 Leewood Lane

Email

gilsdorf.paul@gmail.com

Street

Jacksonville

FL

32217

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:

NUCA 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. [2020-2022 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

1/29/2024
Meeting Date

SB708
Bill Number or Topic

Gov't Oversight & Accountability
Committee

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

Amendment Barcode (if applicable)

Name Johnna Venturi-Piggee

Phone 541 7195935

Address 13610 Exotica Lane
Street

Email UCastfl@gmail.com

Wellington, FL 33414
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:

NUCA of South Florida

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

1-29-2024

Meeting Date

SB 708

Bill Number or Topic

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

Amendment Barcode (if applicable)

Govt Oversight Committee

Committee

Name Cameron Wolf

Phone 561-971-4544

Address 5935 Wedgewood Village Circle

Email CWolf@HJContracting.com

Street

Lake Worth

City

FL

State

33463

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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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:

Nuca of South Florida

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 708

Bill Number or Topic

1/29/24

Meeting Date

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

Govt. Oversight & Accountability

Committee

Amendment Barcode (if applicable)

Name Theresa Mannix

Phone 727 600 7158

Address 29888 W 9th St N.

Email tmannix@SUca.org

Street

Clearwater

City

FL

State

33761

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:

Suncoast Utility Contractors Association

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

B
S-708

1/29/24
Meeting Date

Governmental Oversight
Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Penny Danielecki

Phone 727-638-7322

Address 883 Village Way
Street

Email Penny@TSC Tampa.com

Palm Harbor FL 33683
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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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

01/29/2024

Meeting Date

Government Oversight

Committee

SB 8 708

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kathy Blackman

Phone 904 612 8692

Address 12842 Huntley Manor Dr.
Street

Email nucant@gmail.com

Jacksonville
City

FL
State

32224
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
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(travel, meals, lodging, etc.),
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 884

INTRODUCER: Ethics and Elections Committee and Senator Hutson

SUBJECT: Audits of Campaign Finance Reports

DATE: January 26, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	Fav/CS
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 884 authorizes a candidate required to dispose of surplus funds and report such funds to request that the Division of Elections (division) audit the required report prior to the disposition of funds. The bill:

- Tolls the deadline to dispose of surplus funds and file the report until 10 business days after the audit is completed; and
- Allows the requesting candidate to keep his or her campaign account open during the audit for the sole purpose of making expenditures to correct audit findings.

The bill also provides for tolling of the 90-day deadline and for limited authorization to keep a campaign account open when a candidate is selected for a random audit of his or her campaign finance reports.

The bill eliminates the division's general authority to conduct audits and field investigations of reports and statements required under ch. 106, F.S., absent a failure to file a required report or statement or outside the new randomized selection process set forth in the bill. In addition, the bill clarifies the authority of the division to audit campaign finance reports using a randomized selection process.

The division may incur additional workload in implementing the requirements of the bill. The bill is not expected to otherwise impact state and local government revenues and expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Campaign Finance Requirements

Chapter 106, F.S., governs campaign financing and prescribes requirements for candidates, political committees,¹ and electioneering communications organizations,² including but not limited to provisions regarding:

- Registration and officers;
- Reporting;
- Contributions³ and expenditures;⁴

¹ Section 106.011(16)(a), F.S., defines “political committee” to mean (a) a combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year: accepts contributions to any candidate, political committee, affiliated party committee, or political party; accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue; makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party; or (b) the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors. The following are not considered political committees for purposes of ch. 106, F.S.: national political parties; the state and county executive committees of political parties, and affiliated party committees; corporations or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions or expenditures in support of or in opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; and electioneering communications organizations.

² Section 106.011(9), F.S., defines “electioneering communications organization” to mean any group, other than a political party, affiliated party committee, or political committee, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee under this chapter. Section 106.011(8)(a), F.S., defines “electioneering communication” to mean a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which (a) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (b) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (c) is targeted to the relevant electorate in the geographic area the candidate would represent if elected. Specified types of communications are exempted from the definition.

³ Section 106.011(5), F.S., defines “contribution” to mean (a) a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication; (b) a transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups; (c) the payment, by a person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services; or (d) the transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes interest earned on such account or certificate. However, “contribution” does not include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements.

⁴ Section 106.011(10)(a), F.S., defines “expenditure” to mean a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. The term does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that

- Closure of candidate campaign accounts and disposition of surplus funds; and
- Disclaimers.

“Candidate” means a person who:

- Seeks to qualify for nomination or election by means of the petitioning process;
- Seeks to qualify for election as a write-in candidate;
- Receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures with a view to bring about his or her nomination or election to, or retention in, public office;
- Appoints a treasurer and designates a primary depository; or
- Files qualification papers and subscribes to a candidate’s oath as required by law.⁵

However, the term “candidate” does not include any candidate for a political party executive committee.⁶

Closure of Campaign Accounts

Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, is eliminated as a candidate, or is elected to office must, within 90 days, dispose of the funds⁷ in his or her campaign account and file a report reflecting the disposition of all remaining funds.⁸ This report is commonly known as the “termination report.”⁹

Audits of Campaign Finance Reports

Current law provides that it is the duty of the division to:

- Make, from time to time, audits and field investigations with respect to reports and statements filed pursuant to ch. 106, F.S., and with respect to alleged failures to file required reports or statements.¹⁰
- Conduct random audits with respect to reports and statements filed pursuant to ch. 106, F.S., and with respect to alleged failures to file required reports or statements.¹¹

election, for the purpose of printing or distributing such organization’s newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

⁵ Section 106.011(3), F.S.

⁶ *Id.*

⁷ A candidate may dispose of surplus funds by any of the following means or any combination thereof: (a) return the funds pro rata to each contributor; (b) donate the funds to a charitable organization or organizations that meet Internal Revenue Code qualifications, except that the candidate may not be employed by the organization; (c) give not more than \$25,000 of the funds to the affiliated party committee or political party of which such candidate is a member; or (d) give the funds to the state, to be deposited in the General Revenue Fund, or to a political subdivision, to be deposited in the general fund thereof (s. 106.141(4)(a), F.S.).

⁸ Section 106.141(1), F.S.

⁹ See page 61, *Candidate & Campaign Treasurer Handbook (2024 Election Cycle)*, Florida Division of Elections, available at <https://files.floridados.gov/media/707325/candidate-and-campaign-treasurer-handbook-2024-working.pdf> (last visited January 23, 2024).

¹⁰ Section 106.22(6), F.S.

¹¹ Section 106.22(1), F.S.

There is no statutory timeframe for which reports are “eligible” for audit or when an audit must be completed. This means that reports can be audited, and deficiencies found, for campaign accounts that have been closed after dispersing any remaining funds.

III. Effect of Proposed Changes:

Section 1 amends s. 106.141, F.S., regarding termination reports, to:

- Authorize a candidate required to dispose of surplus funds to request, before the disposition of the funds, that the division audit the termination report and tolls the 90-day deadline to dispose of funds until 10 business days after the audit is completed.
- Allow a candidate who requests an audit of a termination report to keep the campaign account open during the audit for the sole purpose of making expenditures to correct audit findings.

Section 2 amends s. 106.141, F.S., to authorize the tolling of the 90-day deadline to dispose of funds in an account and for limited authorization to keep a campaign account open when a candidate is selected for a random audit of his or her campaign finance reports.

In addition, the bill clarifies provisions governing the division’s audits of campaign finance reports by:

- Specifying that the two provisions in current law apply to different situations. Under the bill, the division must conduct audits and investigations of alleged failures to file required reports, and separately must randomly audit a sample of all reports.
- Prescribing requirements for the division’s random audits of a sample of all reports. Specifically, the bill provides that after each general election cycle, the division must audit a random sample of 3 percent of all political committees, of all electioneering communication organizations, and of all qualified candidates in each of the following office groups – state, judicial, multicounty, and special district. The bill requires each sample selection process to be completed no later than 30 days after each general election.
- Eliminating the general authority of the division to conduct audits and field investigations of reports and statements filed under ch. 106, F.S., absent a failure to file a required report or statement or outside the new randomized selection process set forth in the bill.

Section 3 amends s. 106.021, F.S., to update a cross-reference changed by section 1.

Section 4 amends s. 106.07, F.S., to update a cross-reference changed by section 1, and reenacts subsection (1) to incorporate by reference the changes made in section 2.

Sections 5 and 6 reenact ss. 106.11 and 717.1235, F.S., respectively, to incorporate by reference the changes made in section 2.

Section 7 provides the bill takes effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. 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:

None identified.

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

None.

B. Private Sector Impact:

The bill's authorization of candidates to keep open campaign accounts in specified circumstances will allow them to correct any audit findings from the campaign account instead of from their personal funds.

C. Government Sector Impact:

The workload of the division may increase to the extent that candidates request audits of termination reports.

VI. Technical Deficiencies:

Lines 65-72 allow a candidate to request an audit of a termination report. The candidate's duties to dispose of the funds and report such disposition are tolled until after the completion of the audit of the report. It is unclear what the division will be auditing if the candidate has not disposed of the funds in order to allow for filing of the report.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 106.141, 106.22, 106.021, 106.07, 106.11, and 717.1235 of the Florida Statutes.

IX. Additional Information:

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

CS by Ethics and Elections on January 16, 2024:

The committee substitute:

- Applies the tolled deadlines and the limited timeframe for which an audited candidate may maintain a campaign account to situations in which a candidate is randomly audited, in addition to when a termination report audit is requested by a candidate;
- Clarifies the time period during which random audits may be conducted; and
- Creates a deadline by which the division must complete each random selection process.

- B. **Amendments:**

None

By the Committee on Ethics and Elections; and Senator Hutson

582-02131-24

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1 A bill to be entitled
 2 An act relating to audits of campaign finance reports;
 3 amending s. 106.141, F.S.; authorizing certain
 4 candidates to request the Division of Elections of the
 5 Department of State to audit a specified report;
 6 providing that the period for a candidate to dispose
 7 of funds and file a report is tolled for a specified
 8 timeframe; authorizing candidates to maintain a
 9 campaign account during the audit for a specified
 10 purpose; amending s. 106.22, F.S.; requiring the
 11 division to conduct audits and field investigations
 12 with respect to candidates' alleged failures to file
 13 certain reports or statements; requiring the division
 14 to conduct random audits of specified reports after
 15 each general election cycle; providing that the
 16 auditing must consist of a certain percentage of all
 17 qualified candidates in specified office groups;
 18 requiring the division to adopt specified rules by a
 19 certain date; requiring the division to complete the
 20 selection process within a specified timeframe and
 21 promptly notify treasurers of specified entities
 22 selected; requiring such treasurers to maintain valid
 23 contact information with the division for a specified
 24 timeframe; exempting aspects of the auditing process
 25 from the Administrative Procedure Act; providing that
 26 the period for candidates to dispose of funds and file
 27 a report is tolled for a specified timeframe under
 28 specified conditions; authorizing candidates to
 29 maintain a campaign account for a specified purpose

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30 during an audit; amending s. 106.021, F.S.; conforming
 31 a cross-reference; reenacting and amending s. 106.07,
 32 F.S.; conforming a cross-reference; reenacting ss.
 33 106.11(5)(d) and 717.1235, F.S., relating to
 34 disposition of surplus funds for individuals who
 35 withdrew, became unopposed, or were eliminated as
 36 candidates and the disposition of funds in certain
 37 dormant campaign accounts, respectively, to
 38 incorporate the amendment made to s. 106.141, F.S., in
 39 references thereto; providing an effective date.

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

42
 43 Section 1. Present subsections (2) through (11) of section
 44 106.141, Florida Statutes, are redesignated as subsections (3)
 45 through (12), respectively, a new subsection (2) is added to
 46 that section, and subsection (1), present subsection (5),
 47 paragraph (b) of present subsection (6), present subsection (7),
 48 paragraph (a) of present subsection (8), and present subsection
 49 (9) are amended, to read:

50 106.141 Disposition of surplus funds by candidates.—

51 (1) Except as provided in subsection (7) ~~(6)~~, each
 52 candidate who withdraws his or her candidacy, becomes an
 53 unopposed candidate, or is eliminated as a candidate or elected
 54 to office shall, within 90 days, dispose of the funds on deposit
 55 in his or her campaign account and file a report reflecting the
 56 disposition of all remaining funds. Such candidate may not
 57 accept any contributions, nor may any person accept
 58 contributions on behalf of such candidate, after the candidate

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withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.

(2) A candidate required to dispose of funds pursuant to this section may, before such disposition, request that the division audit the report required by subsection (1). The 90-day period to dispose of funds and file the report is tolled until 10 business days after the division completes an audit conducted pursuant to this subsection or s. 106.22(10). The candidate may maintain the campaign account during such an audit for the sole purpose of making expenditures to correct audit findings.

(6)~~(5)~~ A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (5) ~~(4)~~, transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) Fifty thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) Ten thousand dollars, for a candidate for multicounty office.

(c) Ten thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) Five thousand dollars multiplied by the number of years

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in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) Three thousand dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member; personal taxes payable on office account funds by the candidate or elected public official; professional services provided by a certified public accountant or attorney for preparation of the elected public official's financial disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs to prepare, print, produce, and mail holiday cards or newsletters about the elected public official's public business to constituents if such correspondence does not constitute a political advertisement, independent expenditure, or electioneering communication as provided in s. 106.011; fees or dues to religious, civic, or charitable organizations of which the elected public official is a member; items of modest value such as flowers, greeting cards, or personal notes given as a substitute for, or in association with, an elected public

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official's personal attendance at a constituent's special event or family occasion, such as the birth of a child, graduation, wedding, or funeral; personal expenses incurred by the elected public official in connection with attending a constituent meeting or event where public policy is discussed, if such meetings or events are limited to no more than once a week; or expenses incurred in the operation of the elected public official's office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall use such funds to pay for professional services provided by a certified public accountant or attorney for preparation of the elected public official's final financial disclosure filing pursuant to s. 112.3144 or s. 112.3145, or give such funds to a charitable organization that meets the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

~~(7)(6)~~

(b) A candidate elected to state office or a candidate who

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will be elected to state office by virtue of his or her being unopposed after candidate qualifying ends, may retain up to \$20,000 in his or her campaign account, or in an interest-bearing account or certificate of deposit, for use in his or her next campaign for the same office, in addition to the disposition methods provided in subsections (5) ~~(4)~~ and (6) ~~(5)~~. All requirements applicable to candidate campaign accounts under this chapter, including disclosure requirements applicable to candidate campaign accounts, limitations on expenditures, and limitations on contributions, apply to any retained funds.

(8) ~~(7)~~ Before disposing of funds pursuant to subsection (5) ~~(4)~~, transferring funds into an office account pursuant to subsection (6) ~~(5)~~, or retaining funds for reelection pursuant to subsection (7) ~~(6)~~, any candidate who filed an oath stating that he or she was unable to pay the fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her shall reimburse the state or local governmental entity, whichever is applicable, for such waived fee. If there are insufficient funds in the account to pay the full amount of the fee, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund.

(9) ~~(a)~~ ~~(8)~~ ~~(a)~~ Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and, on or before the date by which

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such disposition is to have been made, shall file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

2. The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor;

3. The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank, savings and loan association, or credit union in which the office account is located; and

4. The amount of such funds retained pursuant to subsection (7) (6), together with the name and address of the bank, savings and loan association, or credit union in which the retained funds are located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07.

~~(10)(9)~~ Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (6) (5) shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and

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address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

Section 2. Subsections (6) and (10) of section 106.22, Florida Statutes, are amended to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(6) Conduct ~~Make, from time to time,~~ audits and field investigations with respect to ~~reports and statements filed under the provisions of this chapter and with respect to~~ alleged failures to file any report or statement required under ~~the provisions of~~ this chapter. The division shall conduct a postelection audit of the campaign accounts of all candidates receiving contributions from the Election Campaign Financing Trust Fund.

(10) After each general election cycle, conduct random audits of ~~with respect to~~ reports and statements filed under this chapter during that cycle and with respect to alleged ~~failure to file any reports and statements required under this chapter.~~

(a) The audits must be of a random sample of 3 percent of:
1. All qualified candidates in each of the following office groups:

a. State.

b. Judicial.

c. Multicounty.

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d. Special district.2. All political committees.3. All electioneering communication organizations.(b) The division shall adopt rules governing the sample selection process by October 1, 2024.(c) The division shall complete the sample selection process no later than 30 days after each general election and shall promptly notify the treasurer of each candidate, political committee, and electioneering communication organization selected.(d) The treasurer of each candidate, political committee, or electioneering communication organization shall maintain valid contact information with the division until the division determines that the candidate, political committee, or electioneering communication organization has not been selected for an audit, or, if selected, until completion of the audit.(e) The selection of a candidate, a political committee, or an electioneering communication organization for audit and the process by which the candidate, political committee, or electioneering communication organization was selected are exempt from chapter 120.(f) The 90-day period within which a candidate must dispose of funds and file a report pursuant to s. 106.141(1) is tolled until 10 business days after the division completes an audit pursuant to this subsection. The candidate may maintain the campaign account during such an audit for the sole purpose of making expenditures to correct audit findings.

Section 3. Paragraph (a) of subsection (1) of section 106.021, Florida Statutes, is amended to read:

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106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(1) (a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository before qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he or she obtains the petitions. At the same time a candidate designates a campaign depository and appoints a treasurer, the candidate shall also designate the office for which he or she is a candidate. If the candidate is running for an office that will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate for which group or district office he or she is running. This subsection does not prohibit a candidate, at a later date, from changing the designation of the office for which he or she is a candidate. However, if a candidate changes the designated office for which he or she is a candidate, the candidate must notify all contributors in writing of the intent to seek a different office and offer to return pro rata, upon their request, those contributions given in support of the original office sought. This notification shall be given within 15 days after the filing of the change of designation and shall include a standard form developed by the Division of Elections for requesting the return of contributions. The notice requirement does not apply to any change in a numerical

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291 designation resulting solely from redistricting. If, within 30
 292 days after being notified by the candidate of the intent to seek
 293 a different office, the contributor notifies the candidate in
 294 writing that the contributor wishes his or her contribution to
 295 be returned, the candidate shall return the contribution, on a
 296 pro rata basis, calculated as of the date the change of
 297 designation is filed. Up to a maximum of the contribution limits
 298 specified in s. 106.08, a candidate who runs for an office other
 299 than the office originally designated may use any contribution
 300 that a donor does not request be returned within the 30-day
 301 period for the newly designated office, provided the candidate
 302 disposes of any amount exceeding the contribution limit pursuant
 303 to the options in s. 106.11(5)(b) and (c) or s. 106.141(5)(a)1.,
 304 2., or 4. ~~s. 106.141(4)(a)1., 2., or 4.~~; notwithstanding, the
 305 full amount of the contribution for the original office shall
 306 count toward the contribution limits specified in s. 106.08 for
 307 the newly designated office. A person may not accept any
 308 contribution or make any expenditure with a view to bringing
 309 about his or her nomination, election, or retention in public
 310 office, or authorize another to accept such contributions or
 311 make such expenditure on the person's behalf, unless such person
 312 has appointed a campaign treasurer and designated a primary
 313 campaign depository. A candidate for an office voted upon
 314 statewide may appoint not more than 15 deputy campaign
 315 treasurers, and any other candidate or political committee may
 316 appoint not more than 3 deputy campaign treasurers. The names
 317 and addresses of the campaign treasurer and deputy campaign
 318 treasurers so appointed shall be filed with the officer before
 319 whom such candidate is required to qualify or with whom such

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320 political committee is required to register pursuant to s.
 321 106.03.
 322 Section 4. Paragraph (b) of subsection (8) of section
 323 106.07, Florida Statutes, is amended, and paragraph (c) of
 324 subsection (1) of that section is reenacted, to read:
 325 106.07 Reports; certification and filing.—
 326 (1) Each campaign treasurer designated by a candidate or
 327 political committee pursuant to s. 106.021 shall file regular
 328 reports of all contributions received, and all expenditures
 329 made, by or on behalf of such candidate or political committee.
 330 Except for the third calendar quarter immediately preceding a
 331 general election, reports must be filed on the 10th day
 332 following the end of each calendar quarter from the time the
 333 campaign treasurer is appointed, except that, if the 10th day
 334 following the end of a calendar quarter occurs on a Saturday,
 335 Sunday, or legal holiday, the report must be filed on the next
 336 following day that is not a Saturday, Sunday, or legal holiday.
 337 Quarterly reports must include all contributions received and
 338 expenditures made during the calendar quarter which have not
 339 otherwise been reported pursuant to this section.
 340 (c) Following the last day of qualifying for office, any
 341 unopposed candidate need only file a report within 90 days after
 342 the date such candidate became unopposed. Such report shall
 343 contain all previously unreported contributions and expenditures
 344 as required by this section and shall reflect disposition of
 345 funds as required by s. 106.141.
 346 (8)
 347 (b) Upon determining that a report is late, the filing
 348 officer shall immediately notify the candidate or chair of the

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political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine is \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine is \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(9) ~~s. 106.141(8)~~, the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

Such fine shall be paid to the filing officer within 20 days

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after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. In the case of a candidate, such fine is not an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee is not personally liable for such fine.

Section 5. For the purpose of incorporating the amendment made by this act to section 106.141, Florida Statutes, in a reference thereto, paragraph (d) of subsection (5) of section 106.11, Florida Statutes, is reenacted to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(5) A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

(d) Dispose of surplus funds as provided in s. 106.141.

Section 6. For the purpose of incorporating the amendment made by this act to section 106.141, Florida Statutes, in a reference thereto, section 717.1235, Florida Statutes, is reenacted to read:

717.1235 Dormant campaign accounts; report of unclaimed property.—Unclaimed funds reported in the name of a campaign for

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407 public office, for any campaign that must dispose of surplus
408 funds in its campaign account pursuant to s. 106.141, after
409 being reported to the department, shall be deposited with the
410 Chief Financial Officer to the credit of the State School Fund.
411 Section 7. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 17, 2024

I respectfully request that **Senate Bill #884**, relating to Audits of Campaign Finance Reports, be placed on the:

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

A handwritten signature in blue ink, reading "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 7

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB 954

INTRODUCER: Governmental Oversight and Accountability Committee; Regulated Industries Committee and Senator Gruters

SUBJECT: Certified Public Accountants

DATE: January 30, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 954 permits a certified public accountant (CPA) to place his or her license in a retired status. If a licensee with a retired status license reenters the workforce in a position that has an association with accounting or any of the CPA services, the licensee automatically loses the retired status. However, a retired licensee may serve without compensation on a board of directors or board of trustees, provide volunteer tax preparation services, participate in government-sponsored business mentoring programs, or participate in an advisory role for a similar charitable, civic, or nonprofit organization. A retired licensee may reactivate a license in a conditional manner determined by the Florida Board of Accountancy, which requires the payment of fees and the completion of required continuing education specified in the bill.

The bill amends s. 473.302(9), F.S., to revise the definition of “Uniform Accountancy Act” to reference the current Eighth Edition, dated January 2018 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy. The Uniform Accountancy Act provides uniform standards for the regulation of accountancy.

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

The bill takes effect July 1, 2024.

II. Present Situation:

Certified Public Accountants

The Florida Board of Accountancy (board) within the Department of Business and Professional Regulation (DBPR) is responsible for regulating and licensing of nearly 41,760 active CPAs and more than 5,400 accounting firms in Florida.¹ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.²

A CPA is an individual who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.³

Section 473.302(8), F.S., defines the practice of public accounting to include offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements. To engage in the practice of public accounting,⁴ an individual or firm must be licensed pursuant to ss. 473.308 or 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

CPA Licensing

Section 473.308, F.S., provides licensing requirements for CPAs. To be licensed as a CPA, a person must be of good moral character, pass the licensure exam, and have at least 150 semester hours of education with a focus on accounting and business.⁵ CPA licenses must be renewed on a biennial basis through procedures adopted by the DBPR.⁶

Continuing Education

As a part of the license renewal procedure, CPAs are required to submit proof satisfactory to the board that, during the two years prior to the application for renewal, they have successfully completed not less than 48 or more than 80 hours of continuing professional education programs in public accounting subjects approved by the board.⁷ The board has the authority to prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the reestablishment period.⁸

¹ Department of Business and Professional Regulation, *Fiscal Year 2022-2023 Annual Report*, page 12 (on file with the Senate Regulated Industries Committee).

² Section 473.303, F.S.

³ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁴ Section 473.302(8), F.S., defines the terms “practice of,” “practicing public accountancy,” and “public accounting.”

⁵ Sections 473.308(2)-(5), F.S.

⁶ Section 473.311(2), F.S.

⁷ Section 473.312(1)(a), F.S.

⁸ *Id.*

Not less than 10 percent of the total continuing education hours required by the board shall be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.⁹

Not less than five percent of the continuing education must be in ethics applicable to the practice of public accounting, including a review of the provisions of ch. 455, F.S., relating to the regulations of businesses and professions, ch. 473, F.S., and the related administrative rules. This requirement must be administered by providers approved by the board.¹⁰

Inactive Licenses

Section 473.313(1), F.S., permits a Florida-licensed CPA to request that their license be placed on inactive status. Licenses may also be placed on inactive status for failing to complete, or failure to report completion of, the continuing education requirements.¹¹ The board is authorized to adopt rules establishing fees for placing a license on inactive status, renewal of inactive status, and reactivation of an inactive license.¹²

A CPA may reactivate an inactive license by paying the DPBR a \$250 application fee¹³ and providing certification that the CPA has completed the education requirements.¹⁴ If a license that was placed on inactive status for failure to report completed continuing education requirements is inactive on January 1, the applicant must submit a complete application to the board by March 15 immediately after the delinquent period.¹⁵

Retired Status

Florida law does not currently provide CPAs the option of placing licenses into a retired status as an alternative to an inactive status.

The American Institute of Certified Public Accountants (AICPA) estimated that, as of 2015, approximately 75 percent of its members would be eligible to retire by 2020.¹⁶ In order to allow a retired CPA to continue to serve their communities without remaining an active CPA in practice, the AICPA's Board of Directors and the National Association of State Boards of Accountancy Board of Directors each approved changes in the Uniform Accountancy Act to provide for the creation of a Retired-CPA status. The changes allow inactive CPAs at least 55 years of age to place the word "retired" after their CPA title, in lieu of "inactive," with appropriate registration with their state board; offer volunteer tax preparation services; participate in government-sponsored business mentoring programs; and serve on the board of a

⁹ Section 473.312(1)(b), F.S.

¹⁰ Section 473.312(1)(c), F.S.

¹¹ Sections 473.313(2) and (3), F.S.

¹² See Rule 61H1-33.006, F.A.C. (2021).

¹³ Rule 61H1-31.006, F.A.C. (2021).

¹⁴ Section 473.313(3), F.S.

¹⁵ *Id.*

¹⁶ American Institute of Certified Public Accountants, *Proposed Revisions to AICPA/NASBA Uniform Accountability Act 2015*, at <https://us.aicpa.org/content/dam/aicpa/advocacy/state/downloadabledocuments/inactive-retired-exposure-draft-nov-2015.pdf> (last visited Jan. 23, 2024).

non-profit organization. All of these activities must be uncompensated, and the applicant must have a license in good standing.¹⁷

Uniform Accountancy Act

Section 473.302(9), F.S., defines the term “Uniform Accountancy Act” to mean the Uniform Accountancy Act, Seventh Edition, dated May 2014 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy. The Uniform Accountancy Act provides uniform standards for the regulation of accountancy. The current edition is the eighth edition, dated January 2018.¹⁸

III. Effect of Proposed Changes:

Retired Status

Under current law, a CPA licensed in Florida is not permitted to place her or his license in a retired status. The bill amends s. 473.313(2), F.S., to permit a Florida-licensed CPA to submit an application to the DBPR to place a CPA license in a retired status if the licensee:

- Is at least 65 years of age;
- Holds a current active or inactive license; and
- Is in good standing and not the subject of any sanction or disciplinary action.

Section 1 authorizes the board to prescribe by rule the application for placing a license into retired status. The application must state that the applicant has no association with accounting or any of the services defined in s. 473.302(8), F.S.

Under the bill, a licensee in retired status who reenters the workforce in a position that has an association with accounting, or any related services defined in s. 473.302(8), F.S., automatically loses his or her retired status.

The bill provides that the term “retired licensee” for the purposes of a retired license status in s. 473.313(2), F.S., means a licensee whose license has been placed in a retired status by the department.

The bill authorizes a retired licensee to serve without compensation on a board of directors or board of trustees, provide volunteer tax preparation services, participate in government-sponsored business mentoring program, such as the Internal Revenue Service’s Volunteer Income Tax Assistance program or the Small Business’s SCORE program, or participate in an advisory role for a similar charitable, civic, or nonprofit organization.

¹⁷ Uniform Accountancy Act of 2018, s. 6(d). on p. 34, at <https://us.aicpa.org/content/dam/aicpa/advocacy/state/downloadabledocuments/uaa-eighth-edition-january-2018.pdf> (last visited Jan. 23, 2024).

¹⁸ See Uniform Accountancy Act of 2018, at <https://us.aicpa.org/content/dam/aicpa/advocacy/state/downloadabledocuments/uaa-eighth-edition-january-2018.pdf> (last visited Jan. 23, 2024).

A retired licensee will be required by the board to affirm in writing his or her understanding of the limited types of activities in which he or she may engage while in retired status and that he or she has a professional duty to ensure that the retired licensee holds the professional competencies necessary to participate in such activities.

Under the bill, a retired licensee may accept routine reimbursement for actual costs of travel and meals associated with volunteer services or de minimis per diem amounts paid to the retired licensee to cover such expenses as allowed by law.

Retired licensees are permitted to use the title of “retired CPA,” but may not offer or render professional services that require her or his signature and use of the CPA title, regardless of whether the word “retired” is attached to such title.

However, a “retired CPA” title may not be used in any such a manner that could confuse the public as to the current status of the licensee, and may not offer or render professional services that require her or his signature and the use of the CPA title, regardless of whether “retired” is attached to such title.

Retired licensees are not required to have a certificate issued with the word “retired” on the certificate and are not required to maintain the continuing education requirements set forth in s. 473.312, F.S.

A retired licensee may reactivate his or her license in a conditional manner determined by the board, which must require the payment of fees and the completion of any required continuing education. The board may prescribe by rule the reactivation application.

Under the bill the continuing education requirements for reactivation are those of the most recent biennium plus one-half of the continuing education requirements in s. 473.312, F.S., for each license biennium or part thereof during which the license was on retired status.

Uniform Accountancy Act

Section 2 amends s. 473.302(9), F.S., to revise the definition of “Uniform Accountancy Act” to reference the current Eighth Edition, dated January 2018 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy. The Uniform Accountancy Act provides uniform standards for the regulation of accountancy.

Effective Date

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. 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:

Section 19(a), Article VII of the State Constitution limits the authority of the legislature to enact legislation that imposes a new state tax or fee by requiring such legislation to be approved by a 2/3 vote in each chamber of the legislature. Section 19(e), Article VII of the Florida Constitution provides that a state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.

The bill permits a licensed CPA in retired status to reactivate his or her license in a conditional manner determined by the Florida Board of Accountancy. The bill requires that the conditions for the reactivation of a license in retired status must include the payment of fees. The board currently has the authority to impose a fee for the reactivation of an inactive license. Because the bill requires the board to impose a fee of an unknown amount for the reactivation of a license in retired status, it is unclear if the voting and separate bill requirements found in the State Constitution apply to the bill.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

A retired CPA wishing to reactivate her or his license will be subject to reactivation fees in an amount determined by the board and the expense of completing required continuing education hours.

C. Government Sector Impact:

The DBPR estimates that the technological modifications required to administer the provisions of the bill may be made with existing resources.¹⁹

¹⁹ See Department of Business and Professional Regulation, 2024 Agency Legislative Bill Analysis for SB 954 (Dec. 20, 2023) (on file with the Senate Regulated Industries Committee).

VI. Technical Deficiencies:

It is not clear how a licensee whose license is on “retired” automatically loses this status after reentering the workforce in specific positions. The board must be notified in some manner in order to change the licensee’s status.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 473.313 and 473.302 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.)

CS/CS by Governmental Oversight and Accountability on January 29, 2024:

The committee substitute for committee substitute (CS/CS) removes superfluous language referring to an exception that does not exist.

CS by Regulated Industries on January 16, 2024:

The committee substitute (CS) removes from the bill the continuing education requirement for reactivation of a retired license requiring 120 hours of continuing education, including at least 30 hours in accounting-related and auditing-related subjects, a minimum of eight hours of Florida-specific ethics, and not more than 30 hours of behavioral subjects. The CS provides that the continuing education requirements for reactivation are those of the most recent “license biennium” (instead of “year”) plus one-half of the continuing education requirements in s. 473.312, F.S., for each license biennium or part thereof during which the license was on retired status.

B. Amendments:

None.



251744

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete line 83
and insert:
his retired status.

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

And the title is amended as follows:

Delete line 10
and insert:



251744

11 status; authorizing a retired

By the Committee on Regulated Industries; and Senator Gruters

580-02127-24

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A bill to be entitled

An act relating to certified public accountants; amending s. 473.313, F.S.; authorizing certain certified public accountants to apply to the Department of Business and Professional Regulation to place their licenses on retired status; authorizing the Board of Accountancy to prescribe by rule a certain application; providing requirements for the application; providing that a licensee loses retired status in certain circumstances; authorizing a retired licensee to take certain actions without losing retired status; requiring a certain affirmation; authorizing a retired licensee to accept certain reimbursements or per diem amounts; prohibiting a retired licensee from offering or rendering certain professional services; providing for the reactivation of a retired licensee's license; providing requirements for the conditions of such reactivation; providing a definition; amending s. 473.302, F.S.; revising a definition; providing an effective date.

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

Section 1. Section 473.313, Florida Statutes, is amended to read:

473.313 Inactive status; retired status.—

(1) A Florida certified public accountant may request that her or his license be placed in an inactive status by making application to the department. The board may prescribe by rule

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fees for placing a license on inactive status, renewal of inactive status, and reactivation of an inactive license.

(a)(2) A license that has become inactive under this subsection ~~(1)~~ or for failure to complete the requirements in s. 473.312 may be reactivated under s. 473.311 upon application to the department. The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The maximum continuing education requirements for reactivating a license are 120 hours, including at least 30 hours in accounting-related and auditing-related subjects, not more than 30 hours in behavioral subjects, and a minimum of 8 hours in ethics subjects approved by the board, for the reactivation of a license that is inactive or delinquent.

(b)(3) A license that is delinquent for failure to report completion of the requirements in s. 473.312 may be reactivated under s. 473.311 upon application to the department. Reactivation requires the payment of an application fee as determined by the board and certification by the Florida certified public accountant that the applicant satisfactorily completed the continuing education requirements set forth under s. 473.311. If the license is delinquent on January 1 because of failure to report completed continuing education requirements, the applicant must submit a complete application to the board by March 15 immediately after the delinquent period.

(c)(4) Any Florida certified public accountant holding an inactive license may be permitted to reactivate such license in a conditional manner. The conditions of reactivation shall require the payment of fees and the completion of required continuing education.

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(d)~~(5)~~ Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that the individual meet all continuing education requirements as provided in paragraph (a) subsection (2), pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

(2) A Florida certified public accountant who is at least 65 years of age, currently holds an active or inactive license in good standing under this chapter, and is not the subject of any sanction or disciplinary action may request that her or his license be placed on retired status by making application to the department. The board may prescribe by rule the application for placing a license on retired status, which must state that the applicant has no association with accounting or any of the services described in s. 473.302(8). If a licensee who has been granted retired status reenters the workforce in a position that has an association with accounting or any of the services described in 473.302(8), the licensee automatically loses her or his retired status except as provided in paragraph (a).

(a) A retired licensee may, without losing her or his retired status, serve without compensation on a board of directors or board of trustees, provide volunteer tax preparation services, participate in a government-sponsored

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business mentoring program such as the Internal Revenue Service's Volunteer Income Tax Assistance program or the Small Business Administration's SCORE program, or participate in an advisory role for a similar charitable, civic, or other nonprofit organization.

(b) The board shall require a retired licensee to affirm in writing her or his understanding of the limited types of activities in which she or he may engage while in retired status and that she or he has a professional duty to ensure that she or he holds the professional competencies necessary to participate in such activities.

(c) A retired licensee may accept routine reimbursement for actual costs of travel and meals associated with volunteer services or de minimis per diem amounts paid to the licensee to cover such expenses as allowed by law.

(d) A retired licensee may use the title of "retired CPA" on any business card or letterhead or any other printed or electronic document. However, such title must not be applied in such a manner that could confuse the public as to the current status of the licensee. The licensee is not required to have a certificate issued with the word "retired" on the certificate.

(e) A retired licensee is not required to maintain the continuing education requirements under s. 473.312.

(f) A retired licensee may not offer or render professional services that require her or his signature and the use of the CPA title, regardless of whether "retired" is attached to such title.

(g) A retired licensee may be permitted to reactivate her or his license in a conditional manner as determined by the

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board. The conditions of reactivation must require the payment of fees and the completion of required continuing education. The board may prescribe by rule an application for reactivating a license placed on retired status and continuing education requirements as a condition of reactivating a license placed on retired status. The minimum continuing education requirements for reactivating a license placed on retired status are those of the most recent biennium plus one-half of the requirements in s. 473.312 for each license biennium or part thereof during which the license was on retired status.

For the purposes of this subsection, the term "retired licensee" means a licensee whose license has been placed in retired status by the department.

Section 2. Subsection (9) of section 473.302, Florida Statutes, is amended to read:

473.302 Definitions.—As used in this chapter, the term:

(9) "Uniform Accountancy Act" means the Uniform Accountancy Act, Eighth ~~Seventh~~ Edition, dated January 2018 ~~May 2014~~ and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

However, these terms shall not include services provided by the American Institute of Certified Public Accountants or the Florida Institute of Certified Public Accountants, or any full service association of certified public accounting firms whose plans of administration have been approved by the board, to their members or services performed by these entities in

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reviewing the services provided to the public by members of these entities.

Section 3. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 17, 2024

I respectfully request that **Senate Bill # 954**, relating to Certified Public Accountants, be placed on the:

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

A handwritten signature in black ink that reads "Joe Gruters".

Senator Joe Gruters
Florida Senate, District 22

The Florida Senate
APPEARANCE RECORD

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

1/27/24

Meeting Date

SB 954

Bill Number or Topic

Gov Oversight

Committee

Amendment Barcode (if applicable)

Name

Jason Harrell

Phone

850-345-6835

Address

117 S. Monroe

Street

Email

Jason@FICPA.org

City

Tallahassee

State

FL

Zip

32303

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 Institute of CPAs

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1490

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Burgess

SUBJECT: First Responders and Crime Scene Investigators

DATE: January 30, 2024

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1490 extends PTSD benefits to 911 public safety telecommunicators and crime scene investigators who are diagnosed with PTSD after experiencing certain qualifying events, like witnessing a death or grievous bodily injury, or verbally aiding a person who dies during a state of emergency because first responders cannot be dispatched.

The bill also expands the definition of “first responder” relating to special rules for workers compensation benefits to include law enforcement officers, firefighters, emergency medical technicians (EMTs) and paramedics, 911 public safety telecommunicators, and federal law enforcement officers, regardless of whether the employer is a state or local government or a private sector entity.

The bill amends the special rules for workers compensation benefits for correctional officers to allow the licensed psychiatrist to diagnose PTSD either in person or using telehealth.

The bill is expected to increase contributions to the Florida Retirement System by \$3.9 million system-wide to fund the new disability benefits afforded 911 public safety telecommunicators and crime scene investigators.

The bill takes effect July 1, 2024.

II. Present Situation:

Diagnosis of Posttraumatic Stress Disorder

According to the American Psychiatric Association, Posttraumatic Stress Disorder (PTSD) is a psychiatric disorder that may occur in people who have experienced or witnessed a traumatic event, such as a natural disaster, serious accident, terrorist act, war, or rape; or people who have been threatened with death, sexual violence, or serious injury.¹ Exposure to an upsetting traumatic event may be indirect rather than first hand. PTSD can occur if a person learns of the violent death of a close family member or friend, or is repeatedly exposed to the horrible details of trauma.²

Symptoms of PTSD may begin shortly after the traumatic event, or may not appear until years after the event. For a person to be diagnosed with PTSD, symptoms must last for more than one month and must cause significant distress or interfere with the individual's daily functioning.³

Symptoms may include flashbacks, nightmares and severe anxiety, as well as uncontrollable thoughts about the event. This can lead to avoidance of any stimuli that recalls the traumatic events, negative thoughts about oneself or the world, and changes in emotional reactions to events, like being easily startled or having trouble sleeping or concentrating.⁴

Rates of PTSD are higher among veterans, police officers, firefighters, and emergency medical personnel.⁵

Florida Workers' Compensation System

Workers' compensation is a no-fault system that provides medical benefits and compensation for lost wages when an employee is injured or killed in the course of employment. Employers must secure coverage, and may do so by purchasing insurance from an authorized carrier, qualifying as a self-insurer, or purchasing coverage from the Florida Workers' Compensation Joint Underwriting Association, which is the state-sponsored insurer of last resort. In return for providing compensation, the employer is relieved of civil tort liability for workplace injuries, and may only be sued for intentional acts that result in injury or death.⁶

In addition to on-the-job injuries, employers may be required to pay compensation or furnish benefits if an occupational disease causes death or disablement.⁷ In general, an occupational disease is compensable if:

- A condition peculiar to the occupation causes the disease;

¹ American Psychiatric Association, *What is Posttraumatic Stress Disorder (PTSD)?*, <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd>, (last visited Jan. 26, 2024).

² *Id.*

³ *Id.*

⁴ Mayo Clinic, *Post-traumatic stress disorder (PTSD)*, <https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967> (last visited Jan. 26, 2024).

⁵ Institutes of Public Health, *PTSD in First Responders*, <https://institutesofhealth.org/ptsd-in-first-responders> (last visited Jan. 26, 2024).

⁶ Sections 440.015, 440.09, 440.10, 440.38, and 627.313, F.S.

⁷ Section 440.151(1), F.S.

- Epidemiological studies show exposure to a specific substance involved, at the levels to which the employee was exposed, may cause the disease;
- The disease is the result of the *nature of the employment*, meaning the occupation presents a particular hazard of the disease or the incidence of the disease is substantially higher in the occupation than in the public;
- The disease is contracted during the course and scope of employment; and
- The nature of the employment is the *major contributing cause* of the disease, meaning the cause is more than 50 percent responsible for the disease as compared to all other causes combined, as demonstrated by medical evidence only.⁸

Benefits for Temporary and Permanent Disability

An employer must pay compensation or furnish benefits if an employee suffers a compensable injury or death “arising out of work performed in the course and scope of employment.”⁹

Medical Benefits

Employees are entitled to receive all medically necessary remedial treatment, care, and attendance, including medications, medical supplies, durable medical equipment, and prostheses, for as long as the nature of the injury and process of recovery requires.¹⁰

Indemnity Benefits

Payments for lost wages, known as indemnity benefits, may be required if an injured employee is unable to work, as determined by an authorized treating medical provider, and typically begin on the eighth day after the employee loses time from work.¹¹ Indemnity benefits fall into four categories:

- Permanent Total Disability – In the case of total disability adjudged to be permanent (*i.e.*, the employee is unable to engage in any type of employment), the employer or its insurance carrier must pay two-thirds of the employee’s average weekly wages until the employee reaches the age of 75.¹²
- Temporary Total Disability – In the case of disability total in character but temporary in quality, the employer or its insurance carrier must pay two-thirds of the employee’s average weekly wages until the employee returns to work or reaches maximum medical improvement, but in no event more than 260 weeks (five years).¹³
- Permanent Impairment – Where an employee has reached maximum medical improvement, is able to return to work, but has a permanent, but partial, physical impairment, the Three-Member Panel¹⁴ establishes and uses an impairment rating schedule which represents a

⁸ Sections 440.09, and 440.151, F.S.

⁹ Section 440.09(1), F.S.

¹⁰ Section 440.13(2)(a), F.S.

¹¹ Sections 440.14(1), and 440.20(2)(a), F.S.

¹² Section 440.15(1), F.S.

¹³ Section 440.15(2)(a), F.S., limits disability benefits to 104 weeks (two years), but the Florida Supreme Court held that this limit was unconstitutional and directed that a prior limit of 260 weeks (five years) be reinstated. See *Westphal v. City of St. Petersburg*, 194 So. 3d 311 (Fla. 2016).

¹⁴ The Three-Member Panel consists of the Chief Financial Officer, or his or her designee, and two members appointed by the Governor, subject to confirmation by the Senate. S. 440.13, F.S.

percentage of disability to the body as a whole; a monetary benefit is calculated based on the percentage of impairment.¹⁵

- Temporary Partial Disability – Where an employee may work with restrictions, the employer or its insurance carrier must pay 80 percent of the difference between his or her weekly earnings prior to injury and post-injury. Payments may be required for up to 260 weeks.¹⁶

The minimum payment is \$20 per week and the maximum payment is 100 percent of the statewide average weekly wage, which is based on the average weekly wage paid by employers' subject to the Florida Reemployment Assistance Program Law as reported to the Department of Commerce.¹⁷ Payments to injured workers who earn more than the statewide average weekly wage are capped at the statewide average weekly wage that was in effect on the date of injury.¹⁸

General Rules of Compensability for Mental or Nervous Injuries

Mental or Nervous injuries may be compensable, but only if the injury is accompanied by a physical injury that requires medical treatment. Thus, if a workplace accident causes both a physical injury and a related mental or nervous injury, both may be compensable so long as the physical injury that requires medical treatment is the major contributing cause (at least 50 percent responsible) of the mental or nervous injury. A mental or nervous injury caused by “stress, fright, or excitement” is not compensable.¹⁹

As discussed above, an employee who is temporarily disabled by a workplace injury is eligible for up to 260 weeks of disability benefits, which typically results in payment of about two-thirds of the employee's regular wages, beginning on the eighth day after the employee loses time from work.²⁰ However, temporary disability benefits caused by a mental or nervous injury are limited to six months after a claimant reaches maximum medical improvement for the physical injury that triggered the mental or nervous injury.²¹

For employees who are not first responders, benefits for mental or nervous injuries: 1) may last no longer than six months from the date of the maximum medical improvement from the physical injury,²² and 2) may not exceed the 1 percent limit on permanent psychiatric impairment benefits.²³

Special Rules for First Responders

Section 112.1815, F.S., grants “first responders” relaxed standards to make it easier for these personnel to qualify for worker compensation benefits.

¹⁵ Section 440.15(3), F.S.

¹⁶ Section 440.15(4), F.S.

¹⁷ Section 440.12(2), F.S.

¹⁸ *Id.*

¹⁹ Section 440.093, F.S.

²⁰ *See supra* note 13.

²¹ Section 440.093(3), F.S.

²² Section 440.093, F.S.

²³ Section 440.15(3)(c), F.S.

The term “first responder” includes:

- A law enforcement officer as defined in s. 943.10, F.S.;
- A firefighter as defined in s. 633.102; and
- An emergency medical technician or paramedic as defined in 401.23.²⁴

These personnel must be employed by state or local government; although “volunteer” law enforcement officers, firefighters, EMTs and paramedics “engaged” by a state or local government are considered first responders for this law.²⁵

When determining benefits under s. 112.1815, F.S., the following apply:

- An injury or disease caused by exposure to a toxic substance is not an injury by accident arising out of employment unless there is a preponderance of the evidence establishing that exposure to the specific substance involved, at the levels the first responder was exposed, can cause the injury or disease sustained by the first responder.
- An adverse result or complication caused by the smallpox vaccination of a first responder is deemed an injury by accident arising out of work performed in the course and scope of employment.
- A mental or nervous injury involving a first responder and occurring as a manifestation of a compensable injury must be demonstrated by clear and convincing evidence. For a mental or nervous injury arising out of the employment unaccompanied by a physical injury involving a first responder, only medical benefits under the workers compensation program shall be payable for the mental or nervous injury. However, payment of indemnity as provided in s. 440.15, F.S., may not be made unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury. Benefits for a first responder are not subject to any limitation on temporary benefits under s. 440.093, F.S., or the 1-percent limitation on permanent psychiatric impairment benefits under s. 440.13(3)(c), F.S.²⁶

The term “occupational disease” means only a disease that arises out of employment as a first responder and is due to causes and conditions that are characteristic of and peculiar to a particular trade, occupation, process, or employment and excludes all ordinary diseases of life to which the general public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, process, or employment than for the general public.²⁷ In cases involving occupational disease, both causation and sufficient exposure to a specific harmful substance shown to be present in the workplace to support causation must be proven by a preponderance of the evidence.

Medical benefits and compensation for lost wages for first responders who are diagnosed with PTSD (as described by the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association) are permitted.

²⁴ Section 112.1815(1), F.S.

²⁵ *Id.*

²⁶ Section 112.1815(2)(a), F.S.

²⁷ Section 112.1815(4), F.S.

Posttraumatic stress disorder (PTSD), as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, suffered by a first responder is a compensable occupational disease if:

- The posttraumatic stress disorder resulted from the first responder acting within the course of his or her employment; and
- The first responder is examined and subsequently diagnosed with such disorder by a licensed psychiatrist, in person or through telehealth, due to one of the following events:
 - Seeing a deceased minor;
 - Directly witnessing the death of a minor;
 - Directly witnessing an injury to a minor who subsequently dies before or upon arrival at a hospital emergency department;
 - Participating in the treatment of an injured minor who subsequently dies before or on arrival at a hospital emergency department;
 - Manually transporting an injured minor who subsequently dies before or on arrival at a hospital emergency department;
 - Seeing a decedent whose death was due to grievous bodily harm of a nature that shocks the conscience;
 - Directly witnessing a death (including suicide) that involved grievous bodily harm of a nature that shocks the conscience;
 - Directly witnessing a homicide, whether criminal or excusable, including murder, mass killing, manslaughter, self-defense, misadventure, and negligence;
 - Directly witnessing an injury (including an attempted suicide) to a person who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;
 - Participating in the treatment of an injury (including attempted suicide) to a person who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or
 - Manually transporting a person who was injured (including by attempted suicide) who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.²⁸

The PTSD must be demonstrated by clear and convincing evidence.²⁹ However, benefits for a first responder do not require a physical injury and are not subject to:

- Apportionment due to a preexisting PTSD;
- Any limitation on temporary benefits; or
- The 1-percent limitation on permanent psychiatric impairment benefits.³⁰

Permanent total supplemental benefits received by a first responder whose employer does not participate in the social security program shall not terminate after the first responder attains the age of 62.³¹

²⁸ Section 112.1815(5)(a), F.S.

²⁹ Section 112.1815(5)(b), F.S.

³⁰ Section 112.1815(5)(c), F.S.

³¹ Section 112.1815(3), F.S.

Special Rules for Correctional Officers

In 2022, s. 112.18155, F., S., was created to authorize medical benefits and compensation for lost wages for correctional officers who are diagnosed with PTSD. As a result, a correctional officer who experiences one of the following qualifying events need not suffer a physical injury to qualify for medical benefits and be compensated for lost wages:

- Being taken hostage by an inmate or trapped in a life-threatening situation as a result of an inmate's act;
- Directly witnessing a death (including a death due to suicide) of a person who suffered grievous bodily harm of a nature that shocks the conscience;
- Directly witnessing an injury (including an attempted suicide) to a person who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;
- Participating in the physical treatment of an injury, or manually transporting a person who was injured (including by attempted suicide) who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;
- Directly witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing (three or more killings in a single incident), manslaughter, self-defense, misadventure, and negligence; or
- Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience.³²

Eligibility of First Responders and Correctional Officers for PTSD Benefits

To be eligible for workers' compensation benefits for PTSD, the above-mentioned first responders and correctional officers must demonstrate that they were acting within the scope of employment when they experienced a qualifying event,³³ that they were diagnosed with PTSD by the employer or carrier's authorized treating physician,³⁴ and that they reported the injury to their employer within 90 days of a qualifying event or the manifestation of PTSD, whichever is later.³⁵ If the employer or carrier denies benefits, the employee must file a claim for benefits within one year after the qualifying event or diagnosis of PTSD, whichever is later.³⁶

The Division of Workers' Compensation within the Department of Financial Services (DFS) adopted Rule 69L-3.009, F.A.C., to specify the types of injuries that qualify as grievous bodily harm of a nature that shocks the conscience. This rule is used to administer s. 112.1815, F.S., relating to specified first responders (for firefighters, paramedics, emergency medical technicians, and law enforcement officers) and s. 112.18155, F.S., relating to correctional officers.

³² Section 112.18155, F.S.

³³ Sections 112.1815(5) and 112.18155(2)(a)1, F.S.

³⁴ Sections 112.1815(5)(a)2 and 112.18155(2)(b), F.S.

³⁵ Sections 112.1815(5)(d) and 112.18155(5), F.S.

³⁶ *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 112.1815, F.S., to expand the definition of “first responder” to include correctional officers, 911 public safety telecommunicators, and federal law enforcement officers. With this expansion, these new positions will be eligible for medical benefits and lost wages similar to the law enforcement officers, firefighters, EMTs, and paramedics.

The section also removes the requirement that the first responders be employed by state and local governments.

Section 2 amends s. 112.18155, F.S., to eliminate the requirement that the PTSD for a correctional officer resulted from the officer acting in the course of employment as provided in s. 440.091, F.S. (this appears to be a technical correction because s. 440.091, F.S., does not appear to apply to correctional officers). The section also allows the licensed psychiatrist to diagnose PTSD in person or through telehealth (this is consistent with s. 112.1815, F.S.).

Section 3 creates s. 112.18156, F.S., to provide special rules regarding medical benefits and lost wages for crime scene investigators diagnosed with PTSD. These rules are similar to those applied in ss. 112.1815 and 112.18155, F.S.

The section defines “crime scene investigator” to mean a forensic member of a law enforcement agency, government, or civilian crime laboratory whose primary responsibility is to document, identify, collect, or preserve forensic evidence and whose primary responsibilities include, but are not limited to, collecting evidence such as fingerprints, footprints, tire tracks, blood and other biological fluids, fibers, and fire debris.

The psychiatrist must determine that the PTSD is a result of one of the following events:

- Directly witnessing a death, including a death due to suicide, that involved grievous bodily harm of a nature that shocks the conscience;
- Directly witnessing the death of a minor;
- Directly witnessing an injury, including an attempted suicide, to a person who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;
- Directly witnessing an injury to a minor who subsequently dies before or upon arrival at a hospital emergency department;
- Directly witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing, manslaughter, self-defense, misadventure, and negligence;
- Seeing for oneself a deceased minor;
- Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience; or
- Seeing for oneself a decedent who is in an advanced stage of decomposition.

Section 4 establishes increases to the employer-paid contributions to the FRS associated with the increased disability benefits payable under the changes made in this bill.

Section 5 provides a legislative finding that the bill fulfills an important state interest.

Section 6 provides that the act takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides that: “No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state interest and unless: ...the law requiring such expenditure is approved by two-thirds of the membership of each house of the legislature . . . or the expenditure is required to comply with a law that applies to all persons similarly situated....”

This bill includes legislative findings that the bill fulfills important state interests, and the bill appears to apply to all persons similarly situated (those employers participating in the Florida Retirement System and those employers employing 911 public safety telecommunicators and crime scene investigators), including state agencies, school boards, state universities, community colleges, counties, municipalities, and special districts.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill removes the requirement that the “first responders” must be employed by state or local government for the special rules contained in s. 112.1815, F.S, relating to certain occupational diseases to apply. It is unclear to what extent these occupations are employed by private sector businesses, other than correctional officers, EMTs, and

paramedics. Thus, the private sector may experience additional costs associated with the changes made to s. 112.1815, F.S.

C. Government Sector Impact:

The costs for medical and lost wages under the Florida workers compensation law related to the new claims based on the changes made in this bill have not been determined.

The state actuary under contract with the Department of Management Services completed a special study to determine the actuarial impact of benefits paid from the Florida Retirement System based on the changes made by this bill regarding 911 public safety telecommunicators and crime scene investigators. The state actuary determined the system-wide costs to the FRS are expected to increase \$3.9 million annually. These costs are borne by the FRS-participating employers who employ Regular Class and Special Risk Class members and DROP participants. The table below notes the costs by employer group.³⁷

Employer Group	Increase in Annual Contributions
State	\$0.5 m
School Boards	\$1.7 m
Universities and Colleges	\$0.3 m
Counties	\$1.1 m
Other	\$0.2 m
Total	\$3.9 m

VI. Technical Deficiencies:

Line 45 of the bill includes “correctional officer, as defined in s. 943.10(2), F.S., in the definition of “first responder”. This suggests a correctional officer will be eligible for benefits under either s. 112.1815 or s. 112.18155, F.S.

Line 48 of the bill includes “federal law enforcement officer” in the definition of “first responder” for purposes of workers compensation benefits. Federal employees working in Florida and injured on the job are not subject to Florida’s workers compensation law. Instead, these employees, including federal law enforcement officers, are covered by the federal law for such injuries.

VII. Related Issues:

None.

³⁷ Milliman, *Special Actuarial Study of PTSD Presumption for Public Safety Telecommunicators and Crime Scene Investigators*, Table 2, Effect of Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year Impact to FRS Pension Plan and FRS Investment Plan of Proposed Concept Telecommunicator and Crime Scene Investigator PTSD Presumption Study, at p. 2 (Jan. 23, 2024) (On file with Senate Committee on Governmental Oversight and Accountability).

VIII. Statutes Affected:

This bill substantially amends sections 112.1815, 112.18155, of the Florida Statutes.

This bill creates section 112.18156 of the Florida Statutes.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on January 29, 2024:

The committee substitute establishes increases to the employer-paid contributions to the FRS associated with the increased disability benefits payable under the changes made in this bill.

- B. **Amendments:**

None.

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



639914

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Between lines 170 and 171
insert:

Section 4. (1) In order to fund the benefit changes
provided by this act, the required employer contribution rates
for the members of the Florida Retirement System established in
s. 121.71(4), Florida Statutes, are increased as follows:

(a) By 0.01 percentage point for the Regular Class.

(b) By 0.01 percentage point for the Special Risk Class.



639914

(c) By 0.01 percentage point for the DROP.

(2) The adjustments provided in subsection (1) are in addition to any other changes to such contribution rates which may be enacted into law to take effect on July 1, 2024. The Division of Law Revision is directed to adjust accordingly the contribution rates provided in s. 121.71, Florida Statutes.

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

And the title is amended as follows:

Delete line 22

and insert:

adopt rules; establishing employer paid contribution rates necessary to fund the retirement system benefits; directing the Division of Law Revision to adjust accordingly the contribution rates otherwise in effect; declaring that the act fulfills an

By Senator Burgess

23-00344A-24

20241490__

A bill to be entitled

An act relating to first responders and crime scene investigators; amending s. 112.1815, F.S.; defining the term "first responder"; amending s. 112.18155, F.S.; authorizing certain diagnoses to be made through telehealth; removing a cross-reference; creating s. 112.18156, F.S.; defining terms; providing that posttraumatic stress disorder suffered by a crime scene investigator is a compensable occupational disease under certain circumstances; authorizing certain diagnoses to be made through telehealth; specifying the evidentiary standard for demonstrating such disorder; specifying that benefits do not require a physical injury and are not subject to certain apportionment or limitations; providing requirements for benefits offered to a crime scene investigator for posttraumatic stress disorder; specifying when a claim for posttraumatic stress disorder must be noticed; requiring a crime scene investigator's employing agency to provide specified mental health training; requiring the Department of Financial Services to adopt rules; declaring that the act fulfills an important state interest; providing an effective date.

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

Section 1. Subsection (1) of section 112.1815, Florida Statutes, is amended to read:

112.1815 Firefighters, paramedics, emergency medical

Page 1 of 6

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

23-00344A-24

20241490__

technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—

(1) ~~The term "first responder"~~ As used in this section, the term "first responder" means any of the following persons who is a full-time paid employee, a part-time paid employee, or an unpaid volunteer:

(a) A law enforcement officer, as defined in s. 943.10(1).
~~s. 943.10,~~

(b) A firefighter, as defined in s. 633.102, ~~or~~

(c) An emergency medical technician or a paramedic, as those terms are defined in s. 401.23.

(d) A correctional officer, as defined in s. 943.10(2).

(e) A 911 public safety telecommunicator, as defined in s. 401.465(1).

(f) A federal law enforcement officer, as defined in s. 901.1505(1) employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Section 2. Subsection (2) of section 112.18155, Florida Statutes, is amended to read:

112.18155 Correctional officers; special provisions for posttraumatic stress disorders.—

(2) For purposes of this section and chapter 440, and notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, suffered by a correctional officer is a

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

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compensable occupational disease within the meaning of s. 440.151 if both of the following apply:

(a) The posttraumatic stress disorder resulted from the correctional officer acting within the course of his or her employment ~~as provided in s. 440.091.~~

(b) The correctional officer is examined and subsequently diagnosed with such disorder by a licensed psychiatrist, in person or through telehealth as that term is defined in s. 456.47(1), who is an authorized treating physician as provided in chapter 440 due to one of the following events:

1. Being taken hostage by an inmate or trapped in a life-threatening situation as a result of an inmate's act;

2. Directly witnessing a death, including a death due to suicide, of a person who suffered grievous bodily harm of a nature that shocks the conscience;

3. Directly witnessing an injury, including an attempted suicide, to a person who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;

4. Participating in the physical treatment of an injury, or manually transporting a person who was injured, including by attempted suicide, who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;

5. Directly witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing, manslaughter, self-defense, misadventure, and negligence; or

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6. Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience.

Section 3. Section 112.18156, Florida Statutes, is created to read:

112.18156 Crime scene investigators; special provisions for posttraumatic stress disorders.—

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

(a) "Advanced stage of decomposition" means the breaking down of soft tissue, skin, and hair, as well as muscle and connective tissue.

(b) "Crime scene investigator" means a forensic member of a law enforcement agency, government, or civilian crime laboratory whose primary responsibility is to document, identify, collect, or preserve forensic evidence relevant to a law enforcement, death, or natural disaster investigation, and whose primary responsibilities include, but are not limited to, collecting evidence such as fingerprints, footprints, tire tracks, blood and other biological fluids, fibers, and fire debris.

(c) "Directly witnessing" means to see or hear for oneself.

(d) "Mass killing" means three or more killings in a single incident.

(2) For purposes of this section and chapter 440, and notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, suffered by a crime scene investigator is a compensable occupational disease within the meaning of s. 440.151 if both of the following apply:

(a) The posttraumatic stress disorder resulted from the

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crime scene investigator acting within the course of his or her employment.

(b) The crime scene investigator is examined and subsequently diagnosed with such disorder by a licensed psychiatrist, in person or through telehealth as that term is defined in s. 456.47(1), who is an authorized treating physician as provided in chapter 440 due to one of the following events:

1. Directly witnessing a death, including a death due to suicide, that involved grievous bodily harm of a nature that shocks the conscience;

2. Directly witnessing the death of a minor;

3. Directly witnessing an injury, including an attempted suicide, to a person who subsequently dies before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;

4. Directly witnessing an injury to a minor who subsequently dies before or upon arrival at a hospital emergency department;

5. Directly witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing, manslaughter, self-defense, misadventure, and negligence;

6. Seeing for oneself a deceased minor;

7. Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience; or

8. Seeing for oneself a decedent who is in an advanced stage of decomposition.

(3) The posttraumatic stress disorder must be demonstrated

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by clear and convincing medical evidence.

(4) Benefits for a crime scene investigator under this section:

(a) Do not require a physical injury to the crime scene investigator.

(b) Are not subject to any of the following:

1. Apportionment due to a preexisting posttraumatic stress disorder.

2. Any limitation on temporary benefits under s. 440.093.

3. The 1-percent limitation on permanent psychiatric impairment benefits under s. 440.15(3).

(5) The time for notice of injury or death in cases of compensable posttraumatic stress disorder under this section is the same as in s. 440.151(6) and is measured from one of the qualifying events listed in paragraph (2)(b) or the diagnosis of the disorder, whichever is later. A claim under this section must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later.

(6) The employing agency of a crime scene investigator must provide educational training related to mental health awareness, prevention, mitigation, and treatment.

(7) The Department of Financial Services shall adopt rules specifying injuries qualifying as grievous bodily harm of a nature that shocks the conscience for the purposes of this section.

Section 4. The Legislature determines and declares that this act fulfills an important state interest.

Section 5. This act shall take effect July 1, 2024.



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January 23, 2024

Ms. Kathy Gould
State Retirement Director
Florida Department of Management Services, Division of Retirement

Re: Special Actuarial Study of PTSD Presumption for Public Safety Telecommunicators and Crime Scene Investigators

Director Gould:

In response to a request from the Senate and as outlined in our project scope letter dated September 6, 2023, this letter provides actuarial analysis on a concept that would provide that post-traumatic stress disorder (PTSD) arising in 911 public safety telecommunicators (“telecommunicators”) or crime scene investigators (“investigators”) who participate in the FRS Pension Plan or the FRS Investment Plan would presumptively become a compensable occupational disease provided certain conditions are satisfied. The concept would increase the expected incidence of in-line-of-duty (ILOD) disability and death events among telecommunicators and investigators.

Executive Summary

A summary of the proposed concept’s effect on the 2024-2025 blended proposed statutory employer contribution rates is shown in the table below. Tabular results are shown as a blended proposed statutory employer contribution rate on the applicable payroll. The concept would increase the Normal Cost for the Regular and Special Risk membership classes, and the DROP.

<u>Increase in 2024-2025 Blended Proposed Statutory Employer Contribution Rates Due to Concept (as a % of Payroll Subject to Both Normal Cost and UAL Cost Contributions):</u>			
	Regular Class	Special Risk Class	Composite System Including DROP
Employer Normal Cost Contribution Rate	0.01%	0.01%	0.01%
Pension Plan UAL Cost	0.00%	0.00%	0.00%
Total Blended Proposed Statutory Rate	0.01%	0.01%	0.01%

While the contribution rate change for each of the two large membership classes is only 0.01% of payroll, that does not mean that the concept’s effect is not financially significant. The concept’s projected financial effect is significant for the eligible members (telecommunicators and investigators). We anticipate materially higher rates of ILOD disability events for eligible members. Eligible members, however, constitute approximately 0.7% of the active membership of each of the

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two large membership classes. In other words, approximately one out of every 150 Regular Class or Special Risk Class members is a telecommunicator or investigator. While the concept only provides a potential ILOD disability or death benefit to one out of every 150 Regular Class or Special Risk Class member, the projected cost of the concept is levied on the payroll of every employee in the membership class. **Allocating cost for a benefit for a comparatively small eligibility group across a much broader membership class-wide group is the reason the contribution rate change for the concept is so low.**

The table above shows the increase in blended proposed 2024-2025 statutory contribution rates, which would be assessed on both FRS Pension Plan and FRS Investment Plan payroll. The concept would affect the allocations paid for Investment Plan members for member line-of-duty death benefits and member disability coverage as specified in Sections 121.735 and 121.73 Florida Statutes. The impact to these allocations is detailed in Table 1-IP.

Proposed Concept

The concept would provide that post-traumatic stress disorder (PTSD) arising in 911 public safety telecommunicators ("telecommunicators") or crime scene investigators ("investigators") who participate in the FRS Pension Plan or the FRS Investment Plan would presumptively become a compensable occupational disease provided certain conditions are satisfied. The concept would increase the expected incidence of in-line-of-duty (ILOD) disability and death events among telecommunicators and investigators.

Telecommunicator and investigator members who receive a diagnosis of PTSD resulting from acting within the course of their employment would be affected by the concept. Affected members who are diagnosed by an authorized licensed psychiatrist may be eligible for FRS Pension Plan ILOD disability benefits, or ILOD death benefits to their survivor beneficiaries. Eligibility for FRS Pension Plan disability benefits requires certification that the affected member has permanent and total disability that prevents the member from performing the material and substantial duties of a job in any occupation.

FRS Investment Plan (IP) members who meet the disability criteria could elect to transfer all IP accumulations to the FRS Pension Plan and be eligible for the Pension Plan ILOD disability benefits. Beneficiaries of affected members who die as a result of the posttraumatic stress disorder before regular or disability FRS retirement benefits commence could be eligible for FRS Pension Plan ILOD death benefits.

The concept would enhance benefits for these members and their eligible beneficiaries, as some disabilities and deaths that were previously considered to be non-duty would now be considered ILOD. In addition to the higher benefits that are often payable for ILOD, there is no minimum service

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requirement for ILOD benefits, while there is a minimum creditable service requirement¹ for non-duty FRS Pension Plan death or disability benefits. As such, the concept would increase the number of members receiving ILOD disability benefits and the number of survivor beneficiaries receiving ILOD death benefits.

While the benefit enhancements would only affect telecommunicators and investigators, it is our understanding that the contribution rate impact would be spread across the entire Regular Class and Special Risk Membership Class.

The effective date of the concept described above is July 1, 2024. Our understanding is that the provided benefit would increase annually by COLA if the member was eligible for a COLA.

Summary of Affected Members

The Division of Retirement provided a listing of approximately 3,600 active member telecommunicator positions (once duplicates were removed) that would be eligible for the concept. All but seven of the telecommunicator records matching active pension plan members included in the July 1, 2023 valuation are Regular Class members. The Division of Retirement also provided a listing of 425 active member crime scene investigator positions that would be eligible for the concept. Of the 425 investigator positions, 42 were within the Regular Class and 383 were within the Special Risk Class. The additional benefits provided by this concept to telecommunicators and investigators would be funded by the statutory contribution rates charged on the payroll of all Regular Class and Special Risk Class employers.

Exclusions

The analysis is based on our understanding that the exclusions listed below for post-retirement events are not included in the concept. A change in the exclusions could lead to additional liability for the system. The use of “member” below is intended to refer to a telecommunicator or investigator who would be eligible for the concept.

- A member who finalizes retirement under either the FRS Pension Plan or the FRS Investment Plan and is later diagnosed with PTSD.
- The spouse of a member who retired under ILOD disability due to PTSD cannot change the option selected at retirement or change from ILOD disability retirement to ILOD death retirement after the member’s death.

¹ The credible service requirement for non-duty FRS Pension Plan disability benefits is eight years, regardless of membership tier. To be eligible for non-duty FRS Pension Plan death benefits, the member must have six years of service for Tier 1 or eight years of service in Tier 2 and the FRS Investment Plan account balance must be surrendered.

Summary of Results

While most Regular Class and Special Risk Class members would not be eligible for the enhanced benefits under this concept, it is our understanding that the concept will not create a new membership class in FRS. Instead, the cost of the additional benefits will be funded by employer contribution rates on the entire Regular Class and Special Risk Class payroll.

There would be no expected change in the total number of qualifying deaths due to enactment of the concept, but there would be an expected increase in the proportion of deaths considered to be ILOD. Additionally, the concept would increase the expected number of qualifying ILOD disabilities but would not change the expected number of non-duty disabilities, resulting in a larger total number of disabilities.

The assumed increase in the number of ILOD disability and death benefits claimed under the concept would increase the FRS Pension Plan-specific Employer Normal Cost Rate for the Regular Class and the Special Risk Class, however, the Actuarial Liability would not be increased by enactment of the concept.

Note that the FRS Pension Plan Employer Normal Cost Rate for DROP members is set equal to the system-average normal cost rate for the FRS Pension Plan. The 0.01% change in the FRS Pension Plan Employer Normal Cost Rate for both Regular Class and Special Risk Class members would increase the composite system average FRS Pension Plan Employer Normal Cost Rate by 0.01% of payroll. As such, the 2024-2025 Employer Normal Cost Rate for DROP members would increase by 0.01% of DROP payroll due to the enactment of this concept.

Tables 1-PP, 1-IP and 2 summarize the financial impact of this concept. Table 1-PP shows the impact of the change on the FRS Pension Plan's actuarial valuation results prior to blending with FRS Investment Plan cost levels to create 2024-2025 proposed blended statutory employer contribution rates. Section A of the table shows the estimated increase to the actuarially calculated Employer Normal Cost Rate, and the absence of impact from the concept on the 2024-2025 actuarially calculated UAL Cost rate.

Table 1-IP shows the actuarially calculated FRS Investment Plan employer contribution rates due to the concept. The FRS Investment Plan rates shown in this table are prior to blending with FRS Pension Plan contribution rates to create 2024-2025 proposed blended statutory employer contribution rates.

Table 2 shows the estimated impact of the concept on the proposed blended statutory rates for the 2024-2025 plan year. Section A of the table develops the 2024-2025 proposed blended statutory employer-paid Normal Cost Rate reflecting the expected impact of the concept, based on the concept's change to the FRS Pension Plan employer Normal Cost Rate for each membership class and the DROP. This section of the table is unchanged by the concept. The FRS Pension Plan and FRS Investment Plan rates in this section are based on the results of this study's analysis.

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Section B of Table 2 develops the proposed blended statutory Employer UAL Contribution Rate as the total employer UAL Cost derived from the FRS Pension Plan divided by the total projected payroll of the FRS Pension Plan and FRS Investment Plan. Section C of the table compares the proposed blended statutory rates reflecting the impact of the concept to those developed in the FRS 2024-2025 Blended Rate Study dated December 1, 2023. Section D of the table translates the estimated change in 2024-2025 proposed blended statutory rates to an estimated increase in employer contributions during the 2024-2025 plan year.

The payroll for some employee groups is subject to only the blended Employer UAL Contribution Rate component of the overall employer contribution rate (e.g., participants in the SUSORP, SMSOAP, and SCCORP, and reemployed members not eligible for renewed membership). The payroll for those employee groups is included in the calculation of the proposed blended statutory Employer UAL Contribution Rate but is excluded from the calculation of the proposed blended statutory Employer Normal Cost Contribution Rate.

The contribution rates shown in Table 2 exclude the 0.06% contribution rate for FRS Investment Plan administration and education (applied to all membership classes except DROP) and the 2.00% contribution rate for the Florida Retiree Health Insurance Subsidy (HIS) program, which is charged to all FRS Pension Plan and FRS Investment Plan payroll.

Analysis-Specific Assumptions and Methodology

To reflect the impact of this concept, we increased the assumption for ILOD disability rates. When rounded to the nearest percentage, the estimated increased number of ILOD deaths resulting from this concept did not increase the assumption for the proportion of all future Regular Class (2%) or Special Risk Class (30%) active member deaths assumed to occur in the line of duty. Table 3 shows the increase in ILOD disability rates. Note that all disability rates applied before a member is eligible for non-duty FRS Pension Plan disability benefits (eight years of service) are treated as ILOD.

Other Assumptions and Methods

The calculations are based on census and payroll data as of July 1, 2023 provided to us by the Division of Retirement for development of the FRS Actuarial Valuation as of July 1, 2023 and the FRS 2024-2025 Blended Rate Study. We have not audited or verified this data and other information. If the underlying data or information is inaccurate or incomplete, the results of our analysis may likewise be inaccurate or incomplete. The impact of the concept was modeled by applying the assumption changes described above to all Regular Class and Special Risk Class FRS Pension Plan members included in the July 1, 2023 Actuarial Valuation.

The assessment of the Section 121.73 and 121.735 allocations for FRS Investment Plan member disability coverage and in-line-of-duty death benefits was based on the FRS Investment Plan (IP) member census and payroll data as of July 1, 2023 and IP account balance information as of June 30, 2023 as provided to us by the Division of Retirement. Individual member account balances

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were projected forward to the assumed date of death or disability assuming 5.75% annual return plus annual contributions to member accounts as specified in Section 121.72, effective July 1, 2023. FRS Investment Plan members were assumed to receive salary increases and leave active employment (due to death, disability, termination, or retirement) consistent with the assumptions applied to a similarly situated FRS Pension Plan member.

We performed a limited review of the data used directly in our analysis for reasonableness and consistency and have not found material defects in the data. If there are material defects in the data, it is possible that they would be uncovered by a detailed, systematic review and comparison of the data to search for data values that are questionable or for relationships that are materially inconsistent. Such a review was beyond the scope of our assignment.

Except where otherwise noted in this letter, this analysis is based on the methods and assumptions as stated in the FRS Actuarial Valuation as of July 1, 2023 report. The data was based on the July 1, 2023 FRS actuarial valuation database. The results of our study depend on future experience conforming to those actuarial assumptions discussed earlier in this letter. Future actuarial measurements may differ significantly from the current measurements presented in this analysis due to many factors, including plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period) and changes in plan provisions or applicable law. Due to the limited scope of our assignment, we did not perform an analysis of the potential range of future measurements. In addition, the cost of the proposed change will depend on the actual legislation.

The FRS Pension Plan, like any retirement plan, is subject to a variety of risks that could materially impact the Plan and in some instances Plan participants. These include the potential that actual investment returns are materially lower than assumed, actual legislatively mandated contributions are below actuarially determined levels, or actual future demographic experience is materially different than assumed. As noted above, while this analysis uses a single set of modeling assumptions no set of assumptions is uniquely correct and actual plan experience will differ at least to some extent from the modeling assumptions. For additional identification, discussion and quantification of plan risks please refer to Appendix F of our most recent actuarial valuation report for system funding purposes dated December 1, 2023.

The study results were developed using models intended for valuations that use standard actuarial techniques.

Milliman's work product was prepared exclusively for the internal business use of Florida Department of Management Services, Division of Retirement. It is a complex technical analysis that assumes a high level of knowledge concerning the Florida Retirement System's operations, and uses Division data, which Milliman has not audited. To the extent that Milliman's work is not subject to disclosure under applicable public record laws, Milliman's work may not be provided to third parties without Milliman's prior written consent. Milliman does not intend to benefit or create a legal

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duty to any third-party recipient of its work product. Milliman's consent to release its work product to any third party may be conditioned on the third party signing a Release, subject to the following exceptions:

- a. The Division of Retirement may provide a copy of Milliman's work, in its entirety, to the System's professional service advisors who are subject to a duty of confidentiality and who agree to not use Milliman's work for any purpose other than to benefit the System.
- b. The Division of Retirement may provide a copy of Milliman's work, in its entirety, to other governmental entities, as required by law.

No third-party recipient of Milliman's work product should rely upon Milliman's work product. Such recipients should engage qualified professionals for advice appropriate to their own specific needs.

The consultants who worked on this assignment are retirement actuaries. Milliman's advice is not intended to be a substitute for qualified legal or accounting counsel.

Milliman consultants are independent of the plan sponsor. We are not aware of any relationship that would impair the objectivity of our work.

On the basis of the foregoing, I hereby certify that, to the best of my knowledge and belief, this report is complete and accurate and has been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the principles prescribed by the Actuarial Standards Board and the *Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States* published by the American Academy of Actuaries.

I am a consulting actuary for Milliman, Inc. I am a member of the American Academy of Actuaries and meet their Qualification Standards to render the actuarial opinion contained herein. Please call if you would like to further discuss this project.

Respectfully Submitted,



Matt Larrabee, FSA, EA, MAAA
Principal & Consulting Actuary

cc: Nicolle Bournival (Division of Retirement), Daniel Wade (Milliman), Kathryn Hunter (Milliman)

Enclosures

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FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

Effect on July 1, 2023 Defined Benefit FRS Pension Plan Actuarial Valuation Results
Impact to FRS Pension Plan of Proposed Concept
Telecommunicator and Crime Scene Investigator PTSD Presumption Study
Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Actuarially Calculated Pension Plan Employer Contribution Rates (prior to blending to create proposed blended statutory contribution rates)										
1. Actuarially Calculated Pension Plan Employer Contribution Rates before Reflecting Proposed Concept; Developed in July 1, 2023 Valuation ¹										
a. Employer Normal Cost	5.86%	18.27%	11.07%	14.17%	9.93%	11.38%	7.73%	8.46%	8.46%	8.46%
b. UAL Cost	6.59%	13.97%	34.09%	34.33%	74.88%	62.10%	32.83%	8.66%	10.51%	8.80%
c. Total Employer Cost	12.45%	32.24%	45.16%	48.50%	84.81%	73.48%	40.56%	17.12%	18.97%	17.26%
2. Actuarially Calculated Pension Plan Employer Contribution Rates Reflecting Proposed Concept										
a. Employer Normal Cost	5.87%	18.28%	11.07%	14.17%	9.93%	11.38%	7.73%	8.47%	8.47%	8.47%
b. UAL Cost	6.59%	13.97%	34.09%	34.33%	74.88%	62.10%	32.83%	8.66%	10.51%	8.80%
c. Total Employer Cost	12.46%	32.25%	45.16%	48.50%	84.81%	73.48%	40.56%	17.13%	18.98%	17.27%
3. Change in Actuarially Calculated Pension Plan Employer Contribution Rates due to Proposed Concept										
a. Normal Cost	0.01%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.01%	0.01%
b. UAL Cost	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
c. Total Cost	0.01%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.01%	0.01%
B. FRS Pension Plan Unfunded Actuarial Liability (UAL) and Present Value of Projected Benefits (Dollars in Thousands)										
1. July 1, 2023 UAL before Reflecting Proposed Concept ²	\$23,810,748	\$10,871,520	\$16,267	\$579,372	\$71,979	\$431,240	\$2,764,118	\$38,545,244	\$3,423,800	\$41,969,044
2. July 1, 2023 UAL Reflecting Proposed Concept	23,798,502	10,871,510	16,267	579,372	71,979	431,240	2,764,118	38,532,988	3,423,800	41,956,788
3. Increase/(Decrease) in UAL due to Proposed Concept	(\$12,246)	(\$10)	\$0	\$0	\$0	\$0	\$0	(\$12,256)	\$0	(\$12,256)
4. Increase/(Decrease) in Present Value of Future Normal Costs	\$11,915	(\$817)	\$0	\$0	\$0	\$0	\$0	\$11,098	\$0	\$11,098
5. Increase/(Decrease) in Present Value of Projected Benefits (3. + 4.)	(\$331)	(\$827)	\$0	\$0	\$0	\$0	\$0	(\$1,158)	\$0	(\$1,158)

¹ As reported in the July 1, 2023 valuation - Table 4-11

² As reported in the July 1, 2023 valuation - Table 3-2

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

***Impact to FRS Investment Plan Allocations of Proposed Concept
Telecommunicator and Crime Scene Investigator PTSD Presumption Study
Applied to Disability and Line-of-Duty Death Benefits Paid through the FRS Pension Plan***
**Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used
(Dollars in Thousands)**

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite
A. Actuarially Calculated Investment Plan Employer Contribution Rates (prior to blending to create proposed blended statutory contribution rates)								
1. Investment Plan Employer Contribution Rates before Reflecting Proposed Concept								
a. Employer Cost (excludes member contributions) ¹	8.60%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.58%
b. UAL Cost	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>
c. Total Employer Cost	8.60%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.58%
2. Actuarially Calculated Investment Plan Employer Contribution Rates Reflecting Proposed Concept								
a. Employer Cost (excludes member contributions)	8.61%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.59%
b. UAL Cost	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>
c. Total Employer Cost	8.61%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.59%
3. Change in Actuarially Calculated Investment Plan Employer Contribution Rates due to Proposed Concept								
a. Employer Cost	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%
b. UAL Cost	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>
c. Total Employer Cost	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%
Increase in Allocation for Member Line-of-Duty Death Benefits	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Increase in Allocation for Member Disability Coverage	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%

¹ Employer Rates effective July 1, 2023 (Sec 121.72-73; 121.735).

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

*Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Proposed Concept
Telecommunicator and Crime Scene Investigator PTSD Presumption Study
Assumes 3.25% Annual Growth in Total Payroll*

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	-----Elected Officers' Class----- Judicial	Leq-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Proposed Blended Statutory Normal Cost Contribution Rates Reflecting Proposed Concept (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan Normal Cost										
a. Employer Pension Plan Normal Cost Rate	5.87%	18.28%	11.07%	14.17%	9.93%	11.38%	7.73%	8.47%	8.47%	8.47%
b. Projected Pension Plan Normal Cost Payroll	\$21,077,544	\$5,551,517	\$4,144	\$128,219	\$6,313	\$48,182	\$632,481	\$27,448,400	\$2,522,586	\$29,970,986
c. Total Employer Pension Plan Normal Cost [(A1a) x (A1b)]	\$1,237,252	\$1,014,817	\$459	\$18,169	\$627	\$5,483	\$48,891	\$2,325,698	\$213,663	\$2,539,361
2. Investment Plan Employer Cost										
a. Total Employer Contribution Rate Reflecting Proposed Change ¹	8.61%	19.11%	10.43%	16.05%	11.94%	13.95%	9.98%	9.59%	0.00%	9.59%
b. Projected Investment Plan Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
c. Total Employer Investment Plan Cost [(A2a) x (A2b)]	\$804,794	\$175,191	\$137	\$4,341	\$446	\$3,275	\$28,975	\$1,017,159	\$0	\$1,017,159
3. Proposed Blended Statutory Employer Normal Cost Rate (Pension Plan + Investment Plan)										
a. Total Employer Normal Cost Contribution [(A1c) + (A2c)]	\$2,042,046	\$1,190,008	\$596	\$22,510	\$1,073	\$8,758	\$77,866	\$3,342,857	\$213,663	\$3,556,520
b. Total System Projected Payroll [(A1b) + (A2b)]	\$30,424,745	\$6,468,268	\$5,456	\$155,266	\$10,045	\$71,656	\$922,810	\$38,058,246	\$2,522,586	\$40,580,832
c. Proposed Blended Statutory Employer Normal Cost Contribution Rate ² As a Percentage of Total Payroll [(A3a) / (A3b)]	6.71%	18.40%	10.92%	14.50%	10.68%	12.22%	8.44%	8.78%	8.47%	8.76%
B. Proposed Blended Statutory Unfunded Actuarial Liability (UAL) Cost Contribution Rates Reflecting Proposed Concept (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan UAL Cost										
a. Pension Plan UAL Cost Rate	6.59%	13.97%	34.09%	34.33%	74.88%	62.10%	32.83%	8.66%	10.51%	8.80%
b. Projected Pension Plan UAL Cost Payroll	\$25,192,148	\$5,586,891	\$4,144	\$129,148	\$7,413	\$54,658	\$652,296	\$31,626,698	\$2,522,586	\$34,149,284
c. Total Employer UAL Cost [(B1a) x (B1b)]	\$1,660,163	\$780,489	\$1,413	\$44,337	\$5,551	\$33,943	\$214,149	\$2,740,045	\$265,124	\$3,005,169
2. Investment Plan Projected Payroll	\$9,347,201	\$916,751	\$1,312	\$27,047	\$3,732	\$23,474	\$290,329	\$10,609,846	\$0	\$10,609,846
3. Proposed Blended Statutory Employer UAL Contribution Rate (Pension Plan + Investment Plan)										
a. Total Employer UAL Cost [(B1c)]	\$1,660,163	\$780,489	\$1,413	\$44,337	\$5,551	\$33,943	\$214,149	\$2,740,045	\$265,124	\$3,005,169
b. Total System Projected Payroll [(B1b) + (B2)]	\$34,539,349	\$6,503,642	\$5,456	\$156,195	\$11,145	\$78,132	\$942,625	\$42,236,544	\$2,522,586	\$44,759,130
c. Proposed Blended Statutory Employer UAL Contribution Rate ² As a Percentage of Total Payroll [(B3a) / (B3b)]	4.81%	12.00%	25.90%	28.39%	49.81%	43.44%	22.72%	6.49%	10.51%	6.71%

¹ As derived in Table 1-IP of this study.

² Rates shown do not include the HIS contribution rate or IP administrative fees.

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

*Effect on Proposed Blended Statutory Employer Contribution Rates for 2024-2025 Plan Year
Impact to FRS Pension Plan and FRS Investment Plan of Proposed Concept
Telecommunicator and Crime Scene Investigator PTSD Presumption Study
Assumes 3.25% Annual Growth in Total Payroll*

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

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	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
C. Proposed Blended Statutory Employer Contribution Rates										
1. Blended Statutory Employer Contribution Rates before Reflecting Proposed Concept ^{1&2}										
a. Employer Normal Cost Contribution Rate	6.70%	18.39%	10.92%	14.50%	10.68%	12.22%	8.44%	8.77%	8.46%	8.75%
b. Employer UAL Contribution Rate	<u>4.81%</u>	<u>12.00%</u>	<u>25.90%</u>	<u>28.39%</u>	<u>49.81%</u>	<u>43.44%</u>	<u>22.72%</u>	<u>6.49%</u>	<u>10.51%</u>	<u>6.71%</u>
c. Total Employer Contribution Rate [(C1a) + (C1b)]	11.51%	30.39%	36.82%	42.89%	60.49%	55.66%	31.16%	15.26%	18.97%	15.46%
2. Proposed Blended Statutory Employer Contribution Rates Reflecting Proposed Concept ²										
a. Employer Normal Cost Contribution Rate [(A3c)]	6.71%	18.40%	10.92%	14.50%	10.68%	12.22%	8.44%	8.78%	8.47%	8.76%
b. Employer UAL Contribution Rate [(B3c)] ³	<u>4.81%</u>	<u>12.00%</u>	<u>25.90%</u>	<u>28.39%</u>	<u>49.81%</u>	<u>43.44%</u>	<u>22.72%</u>	<u>6.49%</u>	<u>10.51%</u>	<u>6.71%</u>
c. Total Employer Contribution Rate [(C2a) + (C2b)]	11.52%	30.40%	36.82%	42.89%	60.49%	55.66%	31.16%	15.27%	18.98%	15.47%
3. Change in Proposed Blended Statutory Employer Contribution Rates due to Proposed Concept										
a. Change in Employer Normal Cost Contribution Rate [(C2a) - (C1a)]	0.01%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.01%	0.01%
b. Change in Employer UAL Contribution Rate [(C2b) - (C1b)]	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>
c. Change in Total Employer Contribution Rate [(C3a) + (C3b)]	0.01%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%	0.01%	0.01%
D. Additional/(Reduced) Proposed Statutory Employer Contributions for the 2024-2025 Plan Year Due to Proposed Concept (Dollars in Thousands)										
1. State	\$344	\$110	\$0	\$0	\$0	\$0	\$0	\$454	\$35	\$489
2. School Boards	\$1,557	\$7	\$0	\$0	\$0	\$0	\$0	\$1,564	\$105	\$1,669
3. State Universities	\$199	\$3	\$0	\$0	\$0	\$0	\$0	\$202	\$7	\$209
4. Community Colleges	\$115	\$0	\$0	\$0	\$0	\$0	\$0	\$115	\$6	\$121
5. Counties	\$637	\$400	\$0	\$0	\$0	\$0	\$0	\$1,037	\$86	\$1,123
6. Other	<u>\$191</u>	<u>\$35</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$226</u>	<u>\$13</u>	<u>\$239</u>
7. Total	\$3,043	\$555	\$0	\$0	\$0	\$0	\$0	\$3,598	\$252	\$3,850

¹ Based on July 1, 2023 Valuation.

² Rates shown do not include the HIS contribution rate or IP administrative fees.

³ Employers of employee groups subject to only the UAL contribution rate would pay the rates shown in line (C.2.b.).

FLORIDA RETIREMENT SYSTEM
ASSUMPTIONS

***Impact to FRS Pension Plan of Proposed Concept
Telecommunicator and Crime Scene Investigator PTSD Presumption Study***

Please see attached letter for details regarding data, assumptions, methodology and plan provisions used

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Line-of-Duty Disability Annual Rates for Affected Members

Age	Special Risk Class		Regular Class	
	July 1, 2023 Valuation Basis	Updated to Reflect Concept Study Basis	July 1, 2023 Valuation Basis	Updated to Reflect Concept Study Basis
<42	0.025%	0.025%	0.001%	0.003%
42-46	0.250%	0.253%	0.001%	0.003%
47-50	0.250%	0.253%	0.002%	0.005%
51-54	0.450%	0.455%	0.004%	0.010%
55-56	0.450%	0.455%	0.005%	0.013%
57-58	0.450%	0.455%	0.006%	0.015%
59	0.450%	0.455%	0.007%	0.018%
60-61	0.450%	0.455%	0.006%	0.015%
62	0.450%	0.455%	0.003%	0.008%
63	0.450%	0.455%	0.002%	0.005%
64+	0.450%	0.455%	0.001%	0.003%



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 10, 2024

I respectfully request that **Senate Bill #1490**, relating to First Responders and Crime Scene Investigators, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 23

The Florida Senate

APPEARANCE RECORD

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date: 7/29/24
Gov. Oversight
~~Criminal Justice Subcommittee~~
Committee

Name Steven Slade Phone 850.322.5760

Address 300 E. BREVARD ST Email stevenslade@flpba.org
Street
City TALLAHASSEE State FL Zip 32301

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL PBA

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

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

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

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/
Meeting Date

1490
Bill Number (if applicable)

Topic PTSD

Amendment Barcode (if applicable)

Name Richard Pinsky

Job Title _____

Address 201 E. Park Ave #300

Phone _____

Street

Tallahassee FL 32301

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing 911 Emergency Dispatchers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1662

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Collins

SUBJECT: Cybersecurity

DATE: January 31, 2024

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

Over the last decade, cybersecurity has rapidly become a growing concern. Currently, the Department of Management Services (DMS) oversees information technology (IT) governance and security for the executive branch of state government. Through the Florida Digital Service (FLDS), the DMS implements duties and policies for IT and cybersecurity for state agencies.

CS/SB 1662:

- Expands the FLDS' duties;
- Provides that the state chief information officer (CIO), in consultation with the Secretary of DMS, must designate a state chief technology officer and specifies the position's responsibilities;
- Requires the FLDS to create guidelines for and ensure independent project oversight on all state agency IT projects of \$25 million or more (up from \$10 million in current law);
- Deletes the requirement that the FLDS conduct annual assessments of state agencies to determine compliance with the DMS' IT standards and guidelines;
- Requires state agency information security managers to ensure compliance with cybersecurity governance and the state enterprise security program and incident response plan;
- Shortens the timeframe in which state agencies must report ransomware and cybersecurity incidents, and applies this notification requirement to all such incidents, regardless of severity level;

- Removes the Florida Department of Law Enforcement’s (FDLE) Cybercrime Office from the parties that must receive immediate notification of ransomware and cybersecurity incidents, instead requiring notification to the only the DMS’ CSOC. The CSOC must then immediately notify the FDLE cybercrime office of such notifications from state agencies, and the Cybercrime Office and the local sheriff for notifications from local governments;
- Requires CSOC to immediately notify the state CIO and the state cyber security information officer of a reported incident;
- Authorizes the DMS to brief legislative committees that are responsible for cybersecurity policy on cybersecurity matters in a closed setting;
- Allows a legislator who serves on a committee that is responsible for cybersecurity policy to attend Cybersecurity Advisory Council (CAC) meetings, including those portions that are closed to the Sunshine;
- Permits the DMS to exercise authority to obtain immediate access to public or private infrastructure that hosts agency data, and to direct measures to assess, monitor, and safeguard that data; and
- Requires that one of the three representatives on the CAC from the critical infrastructure sectors must be from a utility provider and requires that one of the members of the CAC is a representative from a local government.

The bill may increase state expenditures relating to new data governance duties assigned to the FLDS and the DMS, and to additional authorities assigned to the FLDS.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

Over the last decade, cybersecurity has rapidly become a growing concern. The cyberattacks are growing in frequency and severity. Cybercrime is expected to inflict \$8 trillion worth of damage globally in 2023.¹ The United States is often a target of cyberattacks,² including attacks on critical infrastructure, and has been a target of more significant cyberattacks³ over the last 14 years than any other country.⁴ The Colonial Pipeline is an example of critical infrastructure that was attacked, disrupting what is arguably the nation’s most important fuel conduit.⁵

¹ Steve Morgan, CYBERCRIME MAGAZINE, *Cybercrime to Cost the World \$8 Trillion Annually in 2023* (Oct. 17, 2022), [Cybercrime To Cost The World 8 Trillion Annually In 2023 \(cybersecurityventures.com\)](https://cybersecurityventures.com) (last visited Jan. 25, 2024).

² Chris Jaikaran, CONGRESSIONAL RESEARCH SERVICE, *Cybersecurity: Selected Cyberattacks, 2012-2022* (Aug. 9, 2023), <https://crsreports.congress.gov/product/pdf/R/R46974> (last visited Jan. 25, 2024).

³ “Significant cyber-attacks” are defined as cyber-attacks on a country’s government agencies, defense and high-tech companies, or economic crimes with losses equating to more than a million dollars. Kyle Brasseur, FRA CONFERENCES, *Study: U.S. Largest Target for Significant Cyber-Attacks* (Jul. 13, 2020), <https://www.fraconferences.com/insights-articles/compliance/study-us-largest-target-for-significant-cyber-attacks/#:~:text=The%20United%20States%20has%20been%20on%20the%20receiving,article%20is%20from%20FRA%27s%20sister%20company%20C%20Compliance%20Week> (last visited March 21, 2023).

⁴ *Id.*

⁵ S&P Global, *Pipeline operators must start reporting cyberattacks to government: TSA orders*, https://www.spglobal.com/commodityinsights/en/market-insights/latest-news/electric-power/052721-pipeline-operators-must-start-reporting-cyberattacks-to-government-tsa-orders?utm_campaign=corporatepro&utm_medium=contentdigest&utm_source=esgmay2021 (last visited Jan. 25, 2024).

Ransomware is a type of cybersecurity incident where malware⁶ that is designed to encrypt files on a device and renders the files and the systems that rely on them unusable. In other words, critical information is no longer accessible. During a ransomware attack, malicious actors demand a ransom in exchange for regained access through decryption. If the ransom is not paid, the ransomware actors will often threaten to sell or leak the data or authentication information. Even if the ransom is paid, there is no guarantee that the bad actor will follow through with decryption.

In recent years, ransomware incidents have become increasingly prevalent among the nation's state, local, tribal, and territorial government entities and critical infrastructure organizations.⁷ For example, Tallahassee Memorial Hospital was hit by a ransomware attack February 2023, and the hospital's systems were forced to shut down, impacting many local residents in need of medical care.⁸

Information Technology and Cybersecurity Management

The Department of Management Services (DMS) oversees information technology (IT)⁹ governance and security for the executive branch in Florida.¹⁰ The Florida Digital Service (FLDS) is housed within the DMS and was established in 2020 to replace the Division of State Technology.¹¹ The FLDS works under the DMS to implement policies for information technology (IT) and cybersecurity for state agencies.¹²

The head of the FLDS is appointed by the Secretary of Management Services¹³ and serves as the state chief information officer (CIO).¹⁴ The CIO must have at least five years of experience in the development of IT system strategic planning and IT policy and, preferably, have leadership-level experience in the design, development, and deployment of interoperable software and data solutions.¹⁵ The FLDS must propose innovative solutions that securely modernize state government, including technology and information services, to achieve value through digital transformation and interoperability, and to fully support Florida's cloud first policy.¹⁶

⁶ "Malware" means hardware, firmware, or software that is intentionally included or inserted in a system for a harmful purpose. [malware - Glossary | CSRC \(nist.gov\)](https://www.nist.gov/glossary/term/malware) (last visited Jan. 25, 2024).

⁷ Cybersecurity and Infrastructure Agency, *Ransomware 101*, <https://www.cisa.gov/stopransomware/ransomware-101> (last visited March 21, 2023).

⁸ Caitlyn Stroh-Page, TALLAHASSEE DEMOCRAT, *Social Security Numbers, Some Patient Treatment Info Involved in TMH Cybersecurity Incident* (Apr. 1, 2023) <https://www.tallahassee.com/story/news/local/2023/03/31/tmh-updates-what-information-was-affected-during-cybersecurity-incident/70069655007/> (last visited Jan. 25, 2024).

⁹ The term "information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form. Section 282.0041(19), F.S.

¹⁰ See s. 20.22, F.S.

¹¹ Chapter 2020-161, Laws of Fla.

¹² See s. 20.22(2)(b), F.S.

¹³ The Secretary of Management Services serves as the head of the DMS and is appointed by the Governor, subject to confirmation by the Senate. Section 20.22(1), F.S.

¹⁴ Section 282.0051(2)(a), F.S.

¹⁵ *Id.*

¹⁶ Section 282.0051(1), F.S.

The DMS, through the FLDS, has the following powers, duties, and functions:¹⁷

- Develop IT policy for the management of the state’s IT resources;
- Develop an enterprise architecture;
- Establish IT project management and oversight standards for state agencies;
- Oversee all state agency IT projects that have a total cost of \$10 million or more and that are funded in the General Appropriations Act or any other law;¹⁸ and
- Standardize and consolidate IT services that support interoperability, Florida’s cloud first policy, and business functions and operations that are common across state agencies.

State Cybersecurity Act

While it has existed in some form for more than 10 years, in 2022, the Legislature passed the State Cybersecurity Act,¹⁹ which requires the DMS and the heads of the state agencies²⁰ to meet certain requirements to enhance the cybersecurity²¹ of the state agencies.

The DMS through FLDS is tasked with completing the following:²²

- Establish standards for assessing agency cybersecurity risks;
- Adopt rules to mitigate risk, support a security governance framework, and safeguard agency digital assets, data,²³ information, and IT resources;²⁴
- Designate a chief information security officer (CISO);
- Develop and annually update a statewide cybersecurity strategic plan such as identification and mitigation of risk, protections against threats, and tactical risk detection for cyber incidents;²⁵
- Develop and publish for use by state agencies a cybersecurity governance framework;
- Assist the state agencies in complying with the State Cybersecurity Act;
- Provide annual training on cybersecurity for information security managers and computer security incident response team members;
- Annually review the strategic and operational cybersecurity plans of state agencies;
- Track the state agencies’ implementation of remediation plans;

¹⁷ *Id.*

¹⁸ The FLDS provides project oversight on IT projects that have a total cost of \$20 million or more for the Department of Financial Services, the Department of Legal Affairs, and the Department of Agriculture and Consumer Services. Section 282.0051(1)(m), F.S.

¹⁹ Section 282.318, F.S.

²⁰ For purposes of the State Cybersecurity Act, the term “state agency” includes the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services. Section 282.318(2), F.S.

²¹ “Cybersecurity” means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of data, information, and information technology resources. Section 282.0041(8), F.S.

²² Section 282.318(3), F.S.

²³ “Data” means a subset of structured information in a format that allows such information to be electronically retrieved and transmitted. Section 282.0041(9), F.S.

²⁴ “Information technology resources” means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training. Section 282.0041(22), F.S.

²⁵ “Incident” means a violation or imminent threat of violation, whether such violation is accidental or deliberate, of information technology resources, security, policies, or practices. An imminent threat of violation refers to a situation in which the state agency has a factual basis for believing that a specific incident is about to occur. Section 282.0041(19), F.S.

- Provide cybersecurity training to all state agency technology professionals that develops, assesses, and documents competencies by role and skill level;
- Maintain a Cybersecurity Operations Center (CSOC) led by the CISO to serve as a clearinghouse for threat information and coordinate with the FDLE to support responses to incidents; and
- Lead an Emergency Support Function under the state emergency management plan.

The State Cybersecurity Act requires the head of each state agency to designate an information security manager to administer the state agency's cybersecurity program.²⁶ The head of the agency has additional tasks in protecting against cybersecurity threats as follows:²⁷

- Establish a cybersecurity incident response team with the FLDS and the Cybercrime Office, which must immediately report all confirmed or suspected incidents to the CISO;
- Annually submit to the DMS the state agency's strategic and operational cybersecurity plans;
- Conduct and update a comprehensive risk assessment to determine the security threats once every three years;
- Develop and update written internal policies and procedures for reporting cyber incidents;
- Implement safeguards and risk assessment remediation plans to address identified risks;
- Ensure internal audits and evaluations of the agency's cybersecurity program are conducted;
- Ensure that the cybersecurity requirements for the solicitation, contracts, and service-level agreement of IT and IT resources meet or exceed applicable state and federal laws, regulations, and standards for cybersecurity, including the National Institute of Standards and Technology (NIST)²⁸ cybersecurity framework;
- Provide cybersecurity training to all agency employees within 30 days of employment;
- Develop a process that is consistent with the rules and guidelines established by the FLDS for detecting, reporting, and responding to threats, breaches, or cybersecurity incidents; and
- Submit an after-action report to the FLDS within one week after remediation of a cybersecurity incident or ransomware incident.

Florida Cybersecurity Advisory Council

The Florida Cybersecurity Advisory Council²⁹ (CAC) within the DMS³⁰ assists state agencies in protecting IT resources from cyber threats and incidents.³¹ The CAC must assist the FLDS in implementing best cybersecurity practices, taking into consideration the final recommendations

²⁶ Section 282.318(4)(a), F.S.

²⁷ Section 282.318(4), F.S.

²⁸ NIST, otherwise known as the National Institute of Standards and Technology, "is a non-regulatory government agency that develops technology, metrics, and standards to drive innovation and economic competitiveness at U.S.-based organizations in the science and technology industry." Nate Lord, *What is NIST Compliance*, DataInsider (May. 6, 2023), <https://www.digitalguardian.com/blog/what-nist-compliance> (last visited Jan. 25, 2024).

²⁹ Under Florida law, an "advisory council" means an advisory body created by specific statutory enactment and appointed to function on a continuing basis. Generally, an advisory council is enacted to study the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives. Section 20.03(7), F.S.; *See also* s. 20.052, F.S.

³⁰ Section 282.319(1), F.S.

³¹ Section 282.319(2), F.S.

of the Florida Cybersecurity Task Force – a task force created to review and assess the state’s cybersecurity infrastructure, governance, and operations.³² The CAC meets at least quarterly to:³³

- Review existing state agency cybersecurity policies;
- Assess ongoing risks to state agency IT;
- Recommend a reporting and information sharing system to notify state agencies of new risks;
- Recommend data breach simulation exercises;
- Assist the FLDS in developing cybersecurity best practice recommendations; and
- Examine inconsistencies between state and federal law regarding cybersecurity.

The CAC must work with NIST and other federal agencies, private sector businesses, and private security experts to identify which local infrastructure sectors, not covered by federal law, are at the greatest risk of cyber-attacks and to identify categories of critical infrastructure as critical cyber infrastructure if cyber damage to the infrastructure could result in catastrophic consequences.³⁴

The CAC must also prepare and submit a comprehensive report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that includes data, trends, analysis, findings, and recommendations for state and local action regarding ransomware incidents as stated below:³⁵

- Descriptive statistics, including the amount of ransom requested, duration of the incident, and overall monetary cost to taxpayers of the incident;
- A detailed statistical analysis of the circumstances that led to the ransomware incident which does not include the name of the state agency or local government, network information, or system identifying information;
- Statistical analysis of the level of cybersecurity employee training and frequency of data backup for the state agencies or local governments that reported incidents;
- Specific issues identified with current policy, procedure, rule, or statute and recommendations to address those issues; and
- Other recommendations to prevent ransomware incidents.

Cyber Incident Response

The National Cyber Incident Response Plan (NCIRP) was developed by the U.S. Department of Homeland Security, according to the direction of Presidential Policy Directive (PPD)-41.³⁶ The NCIRP is part of the broader National Preparedness System and establishes the strategic framework for a whole-of-Nation approach to mitigating, responding to, and recovering from cybersecurity incidents posing risk to critical infrastructure.³⁷ The NCIRP was developed in

³² Section 282.319(2)-(3), F.S.

³³ Section 282.319(9), F.S.

³⁴ Section 282.319(10), F.S.

³⁵ Section 282.319(11), F.S.

³⁶ Annex for PPD-41: U.S. *Cyber Incident Coordination*, <https://obamawhitehouse.archives.gov/the-press-office/2016/07/26/annex-presidential-policy-directive-united-states-cyber-incident> (last visited Jan. 25, 2024).

³⁷ Cybersecurity & Infrastructure Security Agency, *Cybersecurity Incident Response*, <https://www.cisa.gov/topics/cybersecurity-best-practices/organizations-and-cyber-safety/cybersecurity-incident-response#:~:text=%20National%20Cyber%20Incident%20Response%20Plan%20%28NCIRP%29%20The,incidents%20and%20how%20those%20activities%20all%20fit%20together> (last visited Jan. 25, 2024).

coordination with federal, state, local, and private sector entities and is designed to interface with industry best practice standards for cybersecurity, including the NIST Cybersecurity Framework.

The NCIRP adopted a common schema for describing the severity of cybersecurity incidents affecting the U.S. The schema establishes a common framework to evaluate and assess cybersecurity incidents to ensure that all departments and agencies have a common view of the severity of a given incident; urgency required for responding to a given incident; seniority level necessary for coordinating response efforts; and level of investment required for response efforts.³⁸

The severity level of a cybersecurity incident in accordance with the NCIRP is determined as follows:

- Level 5: An emergency-level incident within the specified jurisdiction if the incident poses an imminent threat to the provision of wide-scale critical infrastructure services; national, state, or local security; or the lives of the country's, state's, or local government's citizens.
- Level 4: A severe-level incident if the incident is likely to result in a significant impact within the affected jurisdiction which affects the public health or safety; national, state, or local security; economic security; or individual civil liberties.
- Level 3: A high-level incident if the incident is likely to result in a demonstrable impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 2: A medium-level incident if the incident may impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 1: A low-level incident if the incident is unlikely to impact public health or safety; national, state, or local security; economic security; or public confidence.³⁹

State agencies and local governments in Florida, must report to the Cybersecurity Operations Center (CSOC) all ransomware incidents and any cybersecurity incidents at severity levels of three, four, or five as soon as possible, but no later than 48 hours after discovery of a cybersecurity incident and no later than 12 hours after discovery of a ransomware incident.⁴⁰ The CSOC is required to notify the President of the Senate and the Speaker of the House of Representatives of any incidents at severity levels of three, four, or five as soon as possible, but no later than 12 hours after receiving the incident report from the state agency or local government.⁴¹ For state agency incidents at severity levels one and two, they must report these to the CSOC and the Cybercrime Office at the FDLE as soon as possible.⁴²

The notification must include a high-level description of the incident and the likely effects. An incident report for a cybersecurity or ransomware incident by a state agency or local government must include, at a minimum:

- A summary of the facts surrounding the cybersecurity or ransomware incident;

³⁸ *Id.*

³⁹ Section 282.318(3)(c)9.a, F.S.

⁴⁰ Sections 282.318(3)(c)9.c(I), F.S. and 282.3185(5)(b)1., F.S.

⁴¹ Section 282.318(3)(c)9.c(II), F.S.

⁴² Section 282.318(3)(c)(9)(d), F.S.

- The date on which the state agency or local government most recently backed up its data, the physical location of the backup, if the backup was affected, and if the backup was created using cloud computing;
- The types of data compromised by the cybersecurity or ransomware incident;
- The estimated fiscal impact of the cybersecurity or ransomware incident;
- In the case of a ransomware incident, the details of the ransom demanded; and
- If the reporting entity is a local government, a statement requesting or declining assistance from the CSOC, FDLE Cybercrime Office, or sheriff.⁴³

In addition, the CSOC must provide consolidated incident reports to the President of the Senate, Speaker of the House of Representatives, and the CAC on a quarterly basis.⁴⁴ The consolidated incident reports to the CAC may not contain any state agency or local government name, network information, or system identifying information, but must contain sufficient relevant information to allow the CAC to fulfill its responsibilities.⁴⁵

State agencies and local governments must submit an after-action report to the FLDS within one week of the remediation of a cybersecurity or ransomware incident.⁴⁶ The report must summarize the incident, state the resolution, and any insights from the incident.

Public Record and Public Meetings Exemption for Specific Cybersecurity Records Held by Agencies

The State Cybersecurity Act makes confidential and exempt from public records copying and inspection requirements the portions of risk assessments, evaluations, external audits, and other agency cybersecurity program reports that are held by an agency, if the disclosure would facilitate unauthorized access to, modification, disclosure, or destruction of data or IT resources.⁴⁷ However, this information must be shared with the Auditor General, DLE Cybercrime Office, FLDS, and the Chief Inspector General. An agency may share its confidential and exempt documents with a local government, another agency, or a federal agency if given for a cybersecurity purpose, or in furtherance of the agency's official duties.⁴⁸ Additionally, any document that, when held by an agency, is exempt or confidential and exempt under s. 119.07(1), F.S., maintains its exempt status when the custodian agency shares it with the legislature.⁴⁹

The State Cybersecurity Act also exempts portions of any public meeting that would reveal records that it makes confidential and exempt.⁵⁰

⁴³ Section 282.318(3)(c)9.b, F.S.

⁴⁴ Section 282.318(3)(c)9.e, F.S.

⁴⁵ *Id.*

⁴⁶ Section 282.318(4)(k), F.S.

⁴⁷ Section 282.318(5), F.S.

⁴⁸ Section 282.318(7), F.S.

⁴⁹ Section 11.0431(2)(a), F.S.

⁵⁰ Section 282.318(6), F.S.

Florida Fusion Center

To help unify the Nation’s efforts to share information and exchange intelligence, the Intelligence Reform and Terrorism Prevention Act of 2004 (Act) was passed. The Act provides guidance to agencies at all levels about information sharing, access and collaboration. Part of this guidance is the need to designate a single fusion center in each state to serve as the “hub” for these activities.⁵¹

The Florida Fusion Center, also known as FFC, began operations in 2007 and is located in Tallahassee, Florida. The FFC was designated as the state’s primary fusion center by the Governor in March of 2008 and serves as the head of the Network of Florida Fusion Centers. There are regional fusion centers in each of the seven FDLE regions to support local and state intelligence needs.⁵²

The FFC provides connectivity and coordinates intelligence sharing among seven regional fusion centers located throughout the state. Operations are guided by the understanding that the key to effectiveness is the development and sharing of information to the fullest extent permitted by law and agency policy. The FFC consists of approximately 45 FDLE members, federal agencies, and twelve multi-disciplinary state agency partners; and includes outreach to private sector entities.⁵³

III. Effect of Proposed Changes:

IT Project Oversight

Section 2 expands the FLDS’ powers, duties, and functions, vesting it with the authority to:

- Lead enterprise cybersecurity efforts;
- Safeguard enterprise digital data; and
- Test, develop, and deploy solutions that securely modernize state government, including technology and information services.

The bill amends the FLDS’ duty to perform project oversight of state IT projects and create related guidelines to require the FLDS to “ensure that independent project oversight...is performed in compliance with applicable state and federal law.” This will apply to state agency IT projects that will cost \$25 million or more, rather than \$10 million. Additionally, the bill increases the threshold from \$10 million to \$25 million per IT project at which state agencies must allow the FLDS to participate in the project’s development and specifications and to provide post-award contract monitoring.

The bill maintains the FLDS’ duty to perform project oversight, rather than ensure, on IT projects for the DFS, DLA, and DACS, but increases the total project cost which qualifies the IT project for FLDS oversight from \$20 million to \$25 million.

⁵¹ Florida Department of Law Enforcement, *Florida Fusion Center History*, <https://www.fdle.state.fl.us/FFC/FusionCenterHistory> (last visited January 29, 2024).

⁵² *Id.*

⁵³ Florida Department of Law Enforcement, *Long-Range Program Plan Fiscal Years 2010-2011 through 2014-2015*, September 30, 2009, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=2215&DocType=PDF> (last visited Jan. 29, 2024).

Section 2 deletes the FLDS' duty to annually assess and report on state agency compliance with IT standards and guidelines, as developed by the DMS.

State Chief Technology Officer

Section 2 also creates the position of state chief technology officer, who is responsible for:

- Establishing and maintaining an enterprise architecture framework that ensures that IT investments align with Florida's strategic objectives and initiatives;
- Conducting comprehensive evaluations of potential technological solutions;
- Cultivating strategic partnerships among both the state enterprise agencies and the private sector to develop expertise, promote collaboration, and advance Florida's technological capabilities;
- Supervising program management of specific state agency IT projects;
- Providing advisory support and oversight for technology-related projects; and
- Identifying and recommending best practices to enhance the state's technological efficiency and effectiveness, and technology project outcomes.

The CIO, in consultation with the Secretary of DMS, will designate the state chief technology officer.

Enterprise Digital Data

Section 2 amends s. 282.0051(5), F.S., to delete the requirement that the DMS enter into a shared-data agreement with an agency that has primary custody responsibility of, or data-sharing responsibility for, data before the DMS may retrieve or disclose such data.

Section 1 defines "enterprise digital data" as information that is held by a state agency in electronic form that is deemed to be owned by the state and held for state purposes by the state agency. It further states that enterprise digital data that is subject to statutory requirements for particular types of sensitive data or to contractual limitations for data marked as trade secrets or sensitive corporate data held by state agencies "shall be treated in accordance with such requirements or limitations" and that the DMS must maintain personnel who are appropriately certified to "steward such enterprise digital data" and must also be maintained in accordance with chapter 119, F.S.

It is unclear how an agency that agrees to be the sole custodian of such data may comply with such contractual provisions if the agency is also required to share the data with the FLDS. Similarly, certain public records exemptions apply only when held by the specific custodian agency; the exemption does not necessarily transfer with the record if it is disclosed to a different agency.

Additionally, section 4 grants the DMS, through the FLDS, authority to obtain immediate access to public or private infrastructure that hosts enterprise digital data. The bill additionally grants authority to the DMS to direct, in consultation with the state agency that holds the particular enterprise digital data, measures to assess, monitor, and safeguard the digital data.

Cybersecurity

Section 4 amends s. 282.318, F.S., to make FLDS the sole entity responsible for leading cybersecurity efforts and safeguarding agency digital data, in addition to the current duties of establishing standards and processes for assessing state agency cybersecurity risks and determining appropriate security measures. The DMS “acting through the FLDS” was formerly responsible for this provision.

Cybersecurity Operations Center

Agency Notifications to CSOC

Pursuant to s. 282.318(3)(c)9.c.(I), F.S., state agencies must report all ransomware incidents and any cybersecurity incidents of severity levels 3-5 to the CSOC and the FDLE Cybercrime Office within specific timeframes. The bill narrows this reporting requirement, requiring an agency to report only to the CSOC, not to the FDLE. However, the agency must now report *all* ransomware incidents and cybersecurity incidents, regardless of their severity level, and must do so no later than 12 hours (for cybersecurity incidents) or 6 hours (for ransomware incidents) after discovery of the incident.

After such a notification, the CSOC must immediately notify the FDLE Cybercrime Office and provide regular reports on the incident’s status, preserve forensic data; and provide aid to the Cybercrime’s investigate efforts; if the CISO finds that such efforts do not impede remediation of the incident and that there is no risk to the public or to critical state functions. The CSOC must also immediately notify the CIO and CISO of any ransomware or cybersecurity incident reported by an agency. Within 24 hours of receipt of such information, the CISO, rather than the CSOC, must notify within a secure environment the President of the Senate and Speaker of the House of Representatives of incidents with a severity level of 3-5.

Similarly, the bill amends s. 282.318(3)(a), F.S., to require the CSOC to immediately notify the CIO and CISO of all confirmed or suspected incidents or threats to state agency IT resources.

Local Government Notifications to CSOC

Section 5 removes the requirement that a local government report any cybersecurity incident determined to be level 3, 4, or 5 to the Cybercrime Office of FDLE and the sheriff who has jurisdiction over the local government. The bill instead requires a local government to report a cybersecurity incident to CSOC within 12 hours of discovery and to report a ransomware incident within 6 hours after discovery.

After CSOC receives such a report from a local government, it must immediately notify the FDLE Cybercrime Office and the local sheriff with jurisdiction over the local government. The CSOC must provide these entities with regular reports on the status of the incident, preserve forensic data to support a subsequent investigation, and provide aid to the investigative efforts of the Cybercrime Office upon the office’s request if the state CISO finds that the investigation does not impede remediation of the incident and that there is no risk to the public and no risk to critical state functions. This may be interpreted to allow, at the CISO’s discretion, the CSOC’s provision of incident reports and assistance to the FDLE and local sheriff, based on the CISO’s determination of impediment to remediation.

Similarly, the bill requires the CSOC to immediately notify the CISO of the reported incident. The state CISO must notify the President of the Senate and the Speaker of the House of Representatives in a secure environment, no later than 24 hours after receiving report of the incident.

A local government is permitted, but not required, to report a level 1 or 2 cybersecurity incident to the CSOC. If the CSOC receives this optional report, it must conduct the same notifications and reporting as is required for a local government's report of a level 3-5 cybersecurity incident.

Quarterly Incident Reports from CSOC

The CSOC must now additionally distribute its quarterly consolidated incident report to the Governor, Attorney General, and executive director of the FDLE, in addition to the President of the Senate, Speaker of the House of Representatives, and Cybersecurity Advisory Council.

Cybersecurity Briefings

The bill requires the DMS, through the FLDS, to provide cybersecurity briefings to the members of any legislative committee or subcommittee that is responsible for policy matters that relate to cybersecurity.

Section 282.318(10), F.S. is amended to allow legislative committees or subcommittees that are responsible for cybersecurity-related policy to hold closed meetings for the purpose of briefing the body on records that are confidential and exempt pursuant to s. 282.318(5), F.S. The bill directs that such meetings must be closed by the respective body pursuant to its rules, if the briefing includes records made confidential and exempt pursuant to s. 282.318(5) and (6), F.S., which includes portions of risk assessments, evaluations, external audits, and other agency cybersecurity reports; and state agency IT resources.⁵⁴ The bill also provides that a legislative committee or subcommittee must maintain the confidential and exempt status of such records. This is duplicative of s. 11.0431, F.S., which requires the Legislature to maintain exempt or confidential and exempt records in the same manner required by the agency.

Cybersecurity Advisory Council

Section 6 amends s. 282.319, F.S., to change the membership requirements of the Advisory Council. The bill replaces the requirement that the Governor appoint a water treatment facility representative as one of the three representatives from critical infrastructure sectors, with a requirement that one of the members be a representative of a utility provider. The bill also adds a representative of local government to the Council's overall required membership.

The bill states that legislative members of legislative committees or subcommittees that are responsible for cybersecurity policy must be invited to attend Advisory Council meetings, including any portion closed to the public pursuant to s. 286.011 and s. 24(b), Art. I of the State Constitution.

⁵⁴ Section 282.318(6), F.S., makes exempt from public meetings laws any portion of a meeting that would reveal documents that are confidential and exempt under s. 282.318(5), F.S.

Agency Chief Information Security Officer

Section 4 requires each agency's⁵⁵ annually designated information security manager to ensure compliance with cybersecurity governance and with the state's enterprise security program and incident response plan. The manager must coordinate with his or her agency's information security personnel and the CSOC.

Florida Center for Cybersecurity

Section 7 provides that the Florida Center for Cybersecurity may also be referred to as "Cyber Florida." The bill clarifies that Cyber Florida operates under the discretion of the University of South Florida's (USF) president or designee. The USF president may assign, with the USF board of trustee's approval, Cyber Florida to a college within USF that has a strong emphasis on cybersecurity, technology, or computer sciences and engineering.

The bill allows Cyber Florida, at the request of the DMS, FLDS, or other state agency, to assist any state-funded initiatives that relate to (1) cybersecurity training, professional development, and education for state and local government employees, and (2) increasing the cybersecurity effectiveness of the state and local government technology platforms and infrastructure.

The bill also clarifies the mission and goals of Cyber Florida.

Miscellaneous

Section 2 defines terms used in ch. 282, F.S.

Section 3 updates cross-references to conform to updates made in s. 282.0051, F.S., by section 2.

The bill updates reporting deadlines throughout to reflect a 15-30 day grace period after the calendar-year or quarterly reporting timeframe.

The bill updates a reference from "ESF CYBER" to "ESF 20"⁵⁶ to reflect the current Emergency Support Function for cybersecurity emergency needs, developed as part of the state comprehensive emergency management plan, pursuant to s. 252.35, F.S.

Section 8 provides that the bill takes effect July 1, 2024.

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

⁵⁵ This excludes Cabinet-level agencies. See, s. 282.0041(34), F.S.

⁵⁶ Florida Department of Emergency Management, *Emergency Support Function 20- Cybersecurity Annex* (2022), <https://portal.floridadisaster.org/preparedness/External/CEMP/2022%20State%20CEMP%20ESF%2020%20Annex.pdf> (last visited Jan. 24, 2024).

raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

Section 2 deletes the current requirement in s. 282.0051(5), F.S., that the DMS retrieve or disclose data only pursuant to a shared-data agreement with the agency that holds the subject data. Additionally, the bill contemplates FLDS' handling of "enterprise digital data" (defined as all state data, which includes public records or documents that are exempt from disclosure as a public record). Although the bill directs that "enterprise digital data must be maintained in accordance with chapter 119", it is unclear that this will achieve the full statutory public records exemption protections. Public records law exists throughout the Florida statutes and Constitution, not just in ch. 119, F.S.

Additionally, the act of locating or transferring data outside the originating agency may undermine the document's status as an exempt public record. It may also complicate the individual's duty to provide access to a public record if it is unable to access or organize its stored documents according to its known process. Lastly, because the FLDS may consider itself a custodian of all enterprise data, it may use its discretion to release exempt (but not confidential and exempt) records without the originating agency's knowledge or approval. The FLDS' basis for the sharing or release of such data would likely be very different from the originating agency's basis. This could undermine the basis for the exemption and result in certain exempt documents being classified as public records in virtue of their prior release by the FLDS.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Open Meetings

Meetings of the Legislature must be open and noticed as provided in article. III, section 4(e), of the Florida Constitution, except with respect to those meetings exempted by the Legislature pursuant to article I, section 24, Florida Constitution, or specifically closed by the Constitution.⁵⁷ The Legislature must adopt rules which provide that all legislative committee and subcommittee meetings of each house and joint conference committee meetings be open and noticed.⁵⁸ Such rules must also provide:

[A]ll prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker

⁵⁷ FLA. CONST. art. I, s. 24.

⁵⁸ FLA. CONST. art. III, s. 4(e).

of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public. All open meetings shall be subject to order and decorum. This section shall be implemented and defined by the rules of each house, and such rules shall control admission to the floor of each legislative chamber and may, where reasonably necessary for security purposes or to protect a witness appearing before a committee, provide for the closure of committee meetings. Each house shall be the sole judge for the interpretation, implementation, and enforcement of this section.

Rule 1.44 of the Florida Senate requires that all meetings at which legislative business⁵⁹ is discussed between two or more members of the Legislature be open to the public, unless, at the sole discretion of the President after consultation with appropriate authorities—the meeting concerns measures to address security, espionage, sabotage, attack, and other acts of terrorism, or for the protection of a witness as required by law.

Lines 585-587 allows the DMS to provide cybersecurity briefings to the members of any legislative committees or subcommittees that are responsible for matters relating to cybersecurity. This does not appear to contemplate that the briefings occur at a meeting of the legislative committee, but rather in private. If the briefings involve more than one legislator at a time, the meeting is a public meeting subject to open meetings laws and must be publicly noticed, unless the Senate President has closed the meeting pursuant to Senate Rule 1.44.

Additionally, lines 605 through 616 state that legislative committees or subcommittees that are responsible for matters that relate to cybersecurity may hold closed meetings, if approved by the respective legislative body under the rules of such legislative body. This is duplicative of Senate Rule 1.44. Additionally, it may conflict with article III, section 4(e), of the Florida Constitution, because the statute—rather than a legislative rule or constitutional provision—provides for the methods in which a Legislative body may close its meetings (even though the statute contemplates legislative rule).

Legislative Authority to Review State Agencies

The bill's provision of DMS' authority to provide briefings to specific legislative committees may be unnecessary. Senate Rule 2.2 allows any permanent standing committee and standing subcommittee to “maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area” and to “invite public officials [and] employees ... to appear before the committee or subcommittee to submit information.” The committees may also inspect and investigate the records, data, operation, and other related items of any state public agency. The chair of each standing committee and subcommittee may to issue subpoenas, subpoenas *duces tecum*, and other necessary process to compel the attendance of witnesses and the production of evidence.

⁵⁹ “Legislative business” is defined as “issues pending before, or upon which foreseeable action is reasonably expected to be taken by the Senate, a Senate committee, or a Senate subcommittee.” Fla. Senate R. 1.44.

Access to Private Infrastructure, Unreasonable Search and Seizure

Lines 588-592 grant the DMS, acting through the FLDS, authority to obtain access to public or private infrastructure that hosts enterprise digital data. This appears to allow government access to private property without any basis. This may violate the Fourth Amendment of the U.S. Constitution, which holds that individual privacy and security must be safeguarded against arbitrary invasions by governmental officials.⁶⁰ “[S]earches conducted outside the judicial process ... are *per se* unreasonable under the Fourth Amendment—subject only to a few ... exceptions.”⁶¹ One exception is for administrative searches.⁶² To be constitutional, the subject of an administrative search must, among other things, be afforded an opportunity to obtain precompliance review before a neutral decisionmaker.⁶³ This rule “applies to commercial premises as well as to homes.”⁶⁴

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

None.

B. Private Sector Impact:

Private sector IT and cybersecurity companies may have new opportunities to contract with the DMS in its implementation of provisions of the bill.

A private entity with a contract with an individual agency for the storage or other function related to agency data may incur legal fees relating to the attempted renegotiation of its ongoing contract.

C. Government Sector Impact:

The bill will likely have a significant fiscal impact on state agency resources used to implement new guidelines and trainings as required to transfer data ownership and related cybersecurity processes.

There will likely be a transition of public records requests functions to the DMS as it takes on its new role regarding enterprise data, and this could impact the DMS’ need for additional staff and trainings and certifications required to respond to such requests and handle specialized data in the manner required by federal law.

Individual agencies and the DMS may be subject to higher litigation fees for the resolution of public records exemption disputes that arise from the new framework of state agency data sharing implemented by the bill.

⁶⁰ *Camara v. Mun. Ct. of City & Cnty. of San Francisco*, 387 U.S. 523, 528 (1967).

⁶¹ *Arizona v. Gant*, 556 U.S. 332, 338 (2009).

⁶² *See, Camara v. Municipal Court of City and County of San Francisco*, 387 U.S. 523, 534.

⁶³ *See See v. Seattle*, 387 U.S. 541, 545.

⁶⁴ *Marshall v. Barlow's, Inc.*, 436 U.S. 307, 312 (1978).

VI. Technical Deficiencies:

Line 370 requires the DLA, DFS, and DACS to adopt, by rule, standards that facilitate the deployment of applications or solutions to the existing enterprise system in a controlled and phased approach. It is not clear that this constitutes sufficient rulemaking authority for those agencies to adopt rules; the rulemaking authority may need to be placed in sections of law specific to their agency authority.

Line 405 refers to “threats *of* state agency information technology.” It may intend to refer to “threats *to* state agency information technology.”

It is not clear when or who must assess the severity level of a cybersecurity incident that occurs at a state agency. The bill deletes the state agency requirement to perform this assessment (see lines 490-491), but, then still requires certain actions based on the severity level determination (see, e.g., lines 510-518).

The bill requires the CISO to notify the President of the Senate and Speaker of the House of Representatives of certain cybersecurity and ransomware incidents in a “secure environment.” This is an undefined term that can be a term of art in both technological and security realms, and it is therefore unclear what standards the bill requires. The agency’s or local government’s initial report of the cybersecurity or ransomware incidents is not required to be made in a secure environment—it may be unnecessary to require a higher standard of security at a subsequent reporting.

VII. Related Issues:

The bill changes the FLDS’ role from the creation of standards and oversight of the implementation of those standards to operation of IT and cybersecurity efforts. It is unclear what functions are included in this role, and it may need to be more clearly defined. For example, it is unclear:

- What enterprise security “efforts” the FLDS must lead (lines 120-121);
- How the DMS, through the FLDS, will “ensure” independent project oversight of agency IT projects (lines 160); and
- What a cultivation of strategic partnerships with the private sector to leverage expertise, foster collaboration, and advance Florida’s technological capabilities would entail (lines 334-339).

Enterprise Digital Data, Impairment of Contracts

Through its definition of the term “enterprise digital data,” the bill allows the DMS, acting through the FLDS, to take an ownership interest in data that belongs to other agencies. This includes the duties to assess and monitor the data, and the general duty to safeguard it. Additionally, the bill allows the DMS to “obtain immediate access to public or private infrastructure” that hosts such data. This implicates contracts that are currently in effect between private entities and individual state agencies that may require the data to be held in a specific manner, or to not be shared with any other entity. It is not clear that the DMS would be able to assume the individual agency’s current contracting authority.

Article I, section 10 of the Florida Constitution prohibits the state from enacting laws that impair the obligation of contracts. While Florida courts have historically strictly applied this restriction, they have exempted laws when they find there is an overriding public necessity for the state to exercise its police powers.⁶⁵ This exception extends to laws that are reasonable and necessary to serve an important public purpose,⁶⁶ to include protecting the public's health, safety or welfare.⁶⁷ For a statute to offend the constitutional prohibition against impairment of contract, the statute must have the effect of changing substantive rights of the parties to an existing contract. Any retroactive application of a statute affecting substantive contractual rights would be constitutionally suspect.⁶⁸

Enterprise Digital Data, Public Records

This broad 'ownership' of agency data also implicates public record exemptions that apply only when the exempt information is held by a specific agency. Therefore, documents "shared" with the FLDS via its assertion of authority over enterprise digital data may lose their exempt status.

Enterprise Digital Data, Trade Secrets

Section 119.0715, F.S., makes trade secrets⁶⁹ that are held by an agency confidential and exempt from public inspection and copying. An agency may disclose a trade secret to an officer or employee of another agency or governmental entity *whose use of the trade secret is within the scope of his or her lawful duties and responsibilities*.⁷⁰ It is unclear whether the role of the DMS in safeguarding, monitoring, and measuring to assess enterprise digital data equates to a use of a trade secret within his or her lawful duties and responsibilities. Additionally, it is unclear how the DMS will be made aware of the data's status as a trade secret, as such communication usually occurs with the individual recipient agency at the time the document is transmitted to it.

Enterprise Digital Data, Attorney-Client privilege

Certain agencies, such as the Department of Legal Affairs, hold information in the scope of their role as an attorney. For attorney-client privilege to apply in Florida, a communication between the lawyer and client must have been made during the actual rendition of legal services to the client and be "confidential," meaning "it is not intended to be disclosed to third persons" except as provided in the Florida Evidence Code.⁷¹ This sharing of data with the DMS may violate the attorney's ethical requirement to guard the confidentiality of documentation regarding her representation.⁷²

⁶⁵ *Park Benziger & Co. v. Southern Wine & Spirits, Inc.*, 391 So.2d 681 (Fla. 1980).

⁶⁶ *Yellow Cab Co. v. Dade County*, 412 So.2d 395 (Fla. 3rd DCA 1982), petition den. 424 So.2d 764 (Fla. 1982).

⁶⁷ *Khoury v. Carvel Homes South, Inc.*, 403 So.2d 1043 (Fla. 1st DCA 1981), petition den. 412 So.2d 467 (Fla. 1981).

⁶⁸ *Tri-Properties, Inc. v. Moonspinner Condominium Association, Inc.*, 447 So.2d 965 (Fla. 1st DCA 1984).

⁶⁹ A "trade secret" is information, including a formula, pattern, compilation, program, device, method, technique, or process that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. See, 688.002(4), F.S.

⁷⁰ But compare with s. 252.88, F.S., which prohibits the agency from disclosing a trade secret without a final determination by the EPA's Administrator.

⁷¹ Sections 90.502(1)(c) and (2), F.S.; Deanna Rahming, *FLORIDA BAR NEWS, The Attorney-Client Privilege v. the Confidentiality Rule: A Lawyer's Conundrum in the Use and Application of the Evidence Code v. the Rules of Professional Conduct* (Jun. 20, 2023), <https://www.floridabar.org/the-florida-bar-news/the-attorney-client-privilege-v-the-confidentiality-rule-a-lawyers-conundrum-in-the-use-and-application-of-the-evidence-code-v-the-rules-of-professional-conduct/> (last visited Jan. 25, 2024).

⁷² Rule 4-1.6, R.Reg. the Fla. Bar.

Enterprise Digital Data, Federal Policy

Certain agencies hold data pursuant to federal agreements. The FDLE cites the removal of the DMS' requirement to enter into a data sharing agreement to access agency data as a possible violation risk of the Health Insurance Portability Accountability Act (HIPAA), FBI Criminal Justice Information Services (CJIS) Security Policy, Family Educational Rights and Privacy Act (FERPA), and other federal law.⁷³ This may also disrupt agreements to access federal data on the FTC Consumer Sentinel Network, which is limited to federal, state, or local law enforcement.⁷⁴ agencies.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 110.205, 282.0041, 282.0051, 282.00515, 282.318, 282.3185, 282.319.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on January 29, 2024:

- Removes provisions of the bill that designate certain information security personnel positions as selected exempt positions.
- Removes provisions of the bill that require each state agency head to designate a chief information security officer that reports to the FLDS' chief information officer, and instead amends the role of the currently-serving agency information security manager to “ensure compliance with cybersecurity governance and with the state’s enterprise security program and incident response plan.” This amendment also requires the agency information security manager to coordinate with information security personnel within his or her agency and the Cybersecurity Operations Center within the FLDS.
- Updates the mission, goals, and responsibilities of the Florida Center for Cybersecurity (“Cyber Florida”) housed within USF, and authorizes the USF president to assign the Center to an appropriate college within the university, with approval of the board of trustees.

⁷³ FDLE, *SB 1662 Agency Analysis* (Jan. 12, 2024) (on file with the Committee on Governmental Oversight and Accountability).

⁷⁴ Federal Trade Commission, *Consumer Sentinel Network*, <https://www.ftc.gov/enforcement/consumer-sentinel-network> (last visited Jan. 26, 2024). See, e.g., s. 570.077, F.S., which makes criminal or civil intelligence or investigative information, or any other information held by the Department of Agriculture and Consumer Services as part of a joint or multiagency examination with another state or federal agency, confidential and exempt from s. 119.07(1), F.S., The DACS may only obtain, use, and release the information in accordance with the joint or multiagency agreement, or in furtherance of its official duties and responsibilities.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (3), (4), and (5), (6)
through (16), and (17) through (38) of section 282.0041, Florida
Statutes, are redesignated as subsections (4), (5), and (6), (8)
through (18), and (20) through (41), respectively, and new
subsections (3), (7), and (19) are added to that section, to
read:



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282.0041 Definitions.—As used in this chapter, the term:

(3) “As a service” means the contracting with or outsourcing to a third party of a defined role or function as a means of delivery.

(7) “Cloud provider” means an entity that provides cloud-computing services.

(19) “Enterprise digital data” means information held by a state agency in electronic form that is deemed to be data owned by the state and held for state purposes by the state agency. Enterprise digital data that is subject to statutory requirements for particular types of sensitive data or to contractual limitations for data marked as trade secrets or sensitive corporate data held by state agencies shall be treated in accordance with such requirements or limitations. The department must maintain personnel with appropriate licenses, certifications, or classifications to steward such enterprise digital data, as necessary. Enterprise digital data must be maintained in accordance with chapter 119. This subsection may not be construed to create or expand an exemption from public records requirements under s. 119.07(1) or s. 24(a), Art. I of the State Constitution.

Section 2. Subsections (1), (4), and (5) of section 282.0051, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

282.0051 Department of Management Services; Florida Digital Service; powers, duties, and functions.—

(1) The Florida Digital Service is established ~~has been created~~ within the department to lead enterprise cybersecurity efforts, to safeguard enterprise digital data, to propose, test,



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40 develop, and deploy innovative solutions that securely modernize
41 state government, including technology and information services,
42 to achieve value through digital transformation and
43 interoperability, and to fully support the cloud-first policy as
44 specified in s. 282.206. The department, through the Florida
45 Digital Service, shall have the following powers, duties, and
46 functions:

47 (a) Develop and publish information technology policy for
48 the management of the state's information technology resources.

49 (b) Develop an enterprise architecture that:

50 1. Acknowledges the unique needs of the entities within the
51 enterprise in the development and publication of standards and
52 terminologies to facilitate digital interoperability;

53 2. Supports the cloud-first policy as specified in s.
54 282.206; and

55 3. Addresses how information technology infrastructure may
56 be modernized to achieve cloud-first objectives.

57 (c) Establish project management and oversight standards
58 with which state agencies must comply when implementing
59 information technology projects. The department, acting through
60 the Florida Digital Service, shall provide training
61 opportunities to state agencies to assist in the adoption of the
62 project management and oversight standards. To support data-
63 driven decisionmaking, the standards must include, but are not
64 limited to:

65 1. Performance measurements and metrics that objectively
66 reflect the status of an information technology project based on
67 a defined and documented project scope, cost, and schedule.

68 2. Methodologies for calculating acceptable variances in



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the projected versus actual scope, schedule, or cost of an information technology project.

3. Reporting requirements, including requirements designed to alert all defined stakeholders that an information technology project has exceeded acceptable variances defined and documented in a project plan.

4. Content, format, and frequency of project updates.

5. Technical standards to ensure an information technology project complies with the enterprise architecture.

(d) Ensure that independent ~~Perform~~ project oversight on all state agency information technology projects that have total project costs of \$25 ~~\$10~~ million or more and that are funded in the General Appropriations Act or any other law is performed in compliance with applicable state and federal law. The department, acting through the Florida Digital Service, shall report at least quarterly to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that the department identifies as high-risk due to the project exceeding acceptable variance ranges defined and documented in a project plan. The report must include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project, and a recommendation for corrective actions required, including suspension or termination of the project.

(e) Identify opportunities for standardization and consolidation of information technology services that support interoperability and the cloud-first policy, as specified in s. 282.206, and business functions and operations, including



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administrative functions such as purchasing, accounting and reporting, cash management, and personnel, and that are common across state agencies. The department, acting through the Florida Digital Service, shall biennially on January 15 ~~+~~ of each even-numbered year provide recommendations for standardization and consolidation to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(f) Establish best practices for the procurement of information technology products and cloud-computing services in order to reduce costs, increase the quality of data center services, or improve government services.

(g) Develop standards for information technology reports and updates, including, but not limited to, operational work plans, project spend plans, and project status reports, for use by state agencies.

(h) Upon request, assist state agencies in the development of information technology-related legislative budget requests.

~~(i) Conduct annual assessments of state agencies to determine compliance with all information technology standards and guidelines developed and published by the department and provide results of the assessments to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

(i) ~~(j)~~ Conduct a market analysis not less frequently than every 3 years beginning in 2021 to determine whether the information technology resources within the enterprise are utilized in the most cost-effective and cost-efficient manner, while recognizing that the replacement of certain legacy



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information technology systems within the enterprise may be cost prohibitive or cost inefficient due to the remaining useful life of those resources; whether the enterprise is complying with the cloud-first policy specified in s. 282.206; and whether the enterprise is utilizing best practices with respect to information technology, information services, and the acquisition of emerging technologies and information services. Each market analysis shall be used to prepare a strategic plan for continued and future information technology and information services for the enterprise, including, but not limited to, proposed acquisition of new services or technologies and approaches to the implementation of any new services or technologies. Copies of each market analysis and accompanying strategic plan must be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 31 of each year that a market analysis is conducted.

(j)~~(k)~~ Recommend other information technology services that should be designed, delivered, and managed as enterprise information technology services. Recommendations must include the identification of existing information technology resources associated with the services, if existing services must be transferred as a result of being delivered and managed as enterprise information technology services.

(k)~~(l)~~ In consultation with state agencies, propose a methodology and approach for identifying and collecting both current and planned information technology expenditure data at the state agency level.

(l)~~1. (m)~~1. Notwithstanding any other law, provide project



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oversight on any information technology project of the Department of Financial Services, the Department of Legal Affairs, and the Department of Agriculture and Consumer Services which has a total project cost of \$25 ~~\$20~~ million or more. Such information technology projects must also comply with the applicable information technology architecture, project management and oversight, and reporting standards established by the department, acting through the Florida Digital Service.

2. When performing the project oversight function specified in subparagraph 1., report by the 30th day after the end of each quarter ~~at least quarterly~~ to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that the department, acting through the Florida Digital Service, identifies as high-risk due to the project exceeding acceptable variance ranges defined and documented in the project plan. The report shall include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project and a recommendation for corrective actions required, including suspension or termination of the project.

(m) ~~(n)~~ If an information technology project implemented by a state agency must be connected to or otherwise accommodated by an information technology system administered by the Department of Financial Services, the Department of Legal Affairs, or the Department of Agriculture and Consumer Services, consult with these departments regarding the risks and other effects of such projects on their information technology systems and work cooperatively with these departments regarding the connections, interfaces, timing, or accommodations required to implement such



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projects.

(n)~~(e)~~ If adherence to standards or policies adopted by or established pursuant to this section causes conflict with federal regulations or requirements imposed on an entity within the enterprise and results in adverse action against an entity or federal funding, work with the entity to provide alternative standards, policies, or requirements that do not conflict with the federal regulation or requirement. The department, acting through the Florida Digital Service, shall annually by January 15 report such alternative standards to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(o)~~1. (p)~~ 1. Establish an information technology policy for all information technology-related state contracts, including state term contracts for information technology commodities, consultant services, and staff augmentation services. The information technology policy must include:

a. Identification of the information technology product and service categories to be included in state term contracts.

b. Requirements to be included in solicitations for state term contracts.

c. Evaluation criteria for the award of information technology-related state term contracts.

d. The term of each information technology-related state term contract.

e. The maximum number of vendors authorized on each state term contract.

f. At a minimum, a requirement that any contract for information technology commodities or services meet the National



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Institute of Standards and Technology Cybersecurity Framework.

g. For an information technology project wherein project oversight is required pursuant to paragraph (d) or paragraph (1) ~~(m)~~, a requirement that independent verification and validation be employed throughout the project life cycle with the primary objective of independent verification and validation being to provide an objective assessment of products and processes throughout the project life cycle. An entity providing independent verification and validation may not have technical, managerial, or financial interest in the project and may not have responsibility for, or participate in, any other aspect of the project.

2. Evaluate vendor responses for information technology-related state term contract solicitations and invitations to negotiate.

3. Answer vendor questions on information technology-related state term contract solicitations.

4. Ensure that the information technology policy established pursuant to subparagraph 1. is included in all solicitations and contracts that are administratively executed by the department.

(p) ~~(q)~~ Recommend potential methods for standardizing data across state agencies which will promote interoperability and reduce the collection of duplicative data.

(q) ~~(r)~~ Recommend open data technical standards and terminologies for use by the enterprise.

(r) ~~(s)~~ Ensure that enterprise information technology solutions are capable of utilizing an electronic credential and comply with the enterprise architecture standards.



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(2)

(c) The state chief information officer, in consultation with the Secretary of Management Services, shall designate a state chief technology officer who shall be responsible for all of the following:

1. Establishing and maintaining an enterprise architecture framework that ensures information technology investments align with the state's strategic objectives and initiatives pursuant to paragraph (1) (b).

2. Conducting comprehensive evaluations of potential technological solutions and cultivating strategic partnerships, internally with state enterprise agencies and externally with the private sector, to leverage collective expertise, foster collaboration, and advance the state's technological capabilities.

3. Supervising program management of enterprise information technology initiatives pursuant to paragraphs (1) (c), (d), and (1); providing advisory support and oversight for technology-related projects; and continuously identifying and recommending best practices to optimize outcomes of technology projects and enhance the enterprise's technological efficiency and effectiveness.

(4) For information technology projects that have a total project cost of \$25 ~~\$10~~ million or more:

(a) State agencies must provide the Florida Digital Service with written notice of any planned procurement of an information technology project.

(b) The Florida Digital Service must participate in the development of specifications and recommend modifications to any



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planned procurement of an information technology project by state agencies so that the procurement complies with the enterprise architecture.

(c) The Florida Digital Service must participate in post-award contract monitoring.

~~(5) The department, acting through the Florida Digital Service, may not retrieve or disclose any data without a shared data agreement in place between the department and the enterprise entity that has primary custodial responsibility of, or data-sharing responsibility for, that data.~~

Section 3. Subsection (1) of section 282.00515, Florida Statutes, is amended to read:

282.00515 Duties of Cabinet agencies.—

(1) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall adopt the standards established in s. 282.0051(1)(b), (c), and (q) and (3)(e) ~~s. 282.0051(1)(b), (c), and (r) and (3)(e)~~ or adopt alternative standards based on best practices and industry standards that allow for open data interoperability.

Section 4. Present subsection (10) of section 282.318, Florida Statutes, is redesignated subsection (11), a new subsection (10) is added to that section, and subsection (3) and paragraph (a) of subsection (4) of that section are amended, to read:

282.318 Cybersecurity.—

(3) The ~~department, acting through the Florida Digital Service,~~ is the lead entity responsible for leading cybersecurity efforts, safeguarding enterprise digital data,



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establishing standards and processes for assessing state agency cybersecurity risks, and determining appropriate security measures. Such standards and processes must be consistent with generally accepted technology best practices, including the National Institute for Standards and Technology Cybersecurity Framework, for cybersecurity. The department, acting through the Florida Digital Service, shall adopt rules that mitigate risks; safeguard state agency digital assets, data, information, and information technology resources to ensure availability, confidentiality, and integrity; and support a security governance framework. The department, acting through the Florida Digital Service, shall also:

(a) Designate an employee of the Florida Digital Service as the state chief information security officer. The state chief information security officer must have experience and expertise in security and risk management for communications and information technology resources. The state chief information security officer is responsible for the development, operation, and oversight of cybersecurity for state technology systems. The Cybersecurity Operations Center shall immediately notify the state chief information officer and the state chief information security officer ~~shall be notified~~ of all confirmed or suspected incidents or threats of state agency information technology resources. The state chief information officer, in consultation with the state chief information security officer, ~~and~~ must report such incidents or threats to ~~the state chief information officer and~~ the Governor.

(b) Develop, and annually update by February 1, a statewide cybersecurity strategic plan that includes security goals and



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objectives for cybersecurity, including the identification and mitigation of risk, proactive protections against threats, tactical risk detection, threat reporting, and response and recovery protocols for a cyber incident.

(c) Develop and publish for use by state agencies a cybersecurity governance framework that, at a minimum, includes guidelines and processes for:

1. Establishing asset management procedures to ensure that an agency's information technology resources are identified and managed consistent with their relative importance to the agency's business objectives.

2. Using a standard risk assessment methodology that includes the identification of an agency's priorities, constraints, risk tolerances, and assumptions necessary to support operational risk decisions.

3. Completing comprehensive risk assessments and cybersecurity audits, which may be completed by a private sector vendor, and submitting completed assessments and audits to the department.

4. Identifying protection procedures to manage the protection of an agency's information, data, and information technology resources.

5. Establishing procedures for accessing information and data to ensure the confidentiality, integrity, and availability of such information and data.

6. Detecting threats through proactive monitoring of events, continuous security monitoring, and defined detection processes.

7. Establishing agency cybersecurity incident response



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teams and describing their responsibilities for responding to cybersecurity incidents, including breaches of personal information containing confidential or exempt data.

8. Recovering information and data in response to a cybersecurity incident. The recovery may include recommended improvements to the agency processes, policies, or guidelines.

9. Establishing a cybersecurity incident reporting process that includes procedures for notifying the department and the Department of Law Enforcement of cybersecurity incidents.

a. The level of severity of the cybersecurity incident is defined by the National Cyber Incident Response Plan of the United States Department of Homeland Security as follows:

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

(II) Level 4 is a severe-level incident that is likely to result in a significant impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; or civil liberties.

(III) Level 3 is a high-level incident that is likely to result in a demonstrable impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

(IV) Level 2 is a medium-level incident that may impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

(V) Level 1 is a low-level incident that is unlikely to



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impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

b. The cybersecurity incident reporting process must specify the information that must be reported by a state agency following a cybersecurity incident or ransomware incident, which, at a minimum, must include the following:

(I) A summary of the facts surrounding the cybersecurity incident or ransomware incident.

(II) The date on which the state agency most recently backed up its data; the physical location of the backup, if the backup was affected; and if the backup was created using cloud computing.

(III) The types of data compromised by the cybersecurity incident or ransomware incident.

(IV) The estimated fiscal impact of the cybersecurity incident or ransomware incident.

(V) In the case of a ransomware incident, the details of the ransom demanded.

c.(I) A state agency shall report all ransomware incidents and ~~any cybersecurity incidents incident determined by the state agency to be of severity level 3, 4, or 5~~ to the Cybersecurity Operations Center ~~and the Cybercrime Office of the Department of Law Enforcement~~ as soon as possible but no later than 12 ~~48~~ hours after discovery of the cybersecurity incident and no later than 6 ~~12~~ hours after discovery of the ransomware incident. The report must contain the information required in sub-subparagraph b.

(II) The Cybersecurity Operations Center shall:



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(A) Immediately notify the Cybercrime Office of the Department of Law Enforcement of a reported incident and provide to the Cybercrime Office of the Department of Law Enforcement regular reports on the status of the incident, preserve forensic data to support a subsequent investigation, and provide aid to the investigative efforts of the Cybercrime Office of the Department of Law Enforcement upon the office's request if the state chief information security officer finds that the investigation does not impede remediation of the incident and that there is no risk to the public and no risk to critical state functions.

(B) Immediately notify the state chief information officer and the state chief information security officer of a reported incident. The state chief information security officer shall notify the President of the Senate and the Speaker of the House of Representatives of any severity level 3, 4, or 5 incident as soon as possible but no later than 24 ~~42~~ hours after receiving a state agency's incident report. The notification must include a high-level description of the incident and the likely effects and must be provided in a secure environment.

~~d. A state agency shall report a cybersecurity incident determined by the state agency to be of severity level 1 or 2 to the Cybersecurity Operations Center and the Cybercrime Office of the Department of Law Enforcement as soon as possible. The report must contain the information required in sub-subparagraph b.~~

~~e.~~ The Cybersecurity Operations Center shall provide a consolidated incident report by the 30th day after the end of each quarter ~~on a quarterly basis~~ to the Governor, the Attorney



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General, the executive director of the Department of Law Enforcement, the President of the Senate, the Speaker of the House of Representatives, and the Florida Cybersecurity Advisory Council. The report provided to the Florida Cybersecurity Advisory Council may not contain the name of any agency, network information, or system identifying information but must contain sufficient relevant information to allow the Florida Cybersecurity Advisory Council to fulfill its responsibilities as required in s. 282.319(9).

10. Incorporating information obtained through detection and response activities into the agency's cybersecurity incident response plans.

11. Developing agency strategic and operational cybersecurity plans required pursuant to this section.

12. Establishing the managerial, operational, and technical safeguards for protecting state government data and information technology resources that align with the state agency risk management strategy and that protect the confidentiality, integrity, and availability of information and data.

13. Establishing procedures for procuring information technology commodities and services that require the commodity or service to meet the National Institute of Standards and Technology Cybersecurity Framework.

14. Submitting after-action reports following a cybersecurity incident or ransomware incident. Such guidelines and processes for submitting after-action reports must be developed and published by December 1, 2022.

(d) Assist state agencies in complying with this section.

(e) In collaboration with the Cybercrime Office of the



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Department of Law Enforcement, annually provide training for state agency information security managers and computer security incident response team members that contains training on cybersecurity, including cybersecurity threats, trends, and best practices.

(f) Annually review the strategic and operational cybersecurity plans of state agencies.

(g) Annually provide cybersecurity training to all state agency technology professionals and employees with access to highly sensitive information which develops, assesses, and documents competencies by role and skill level. The cybersecurity training curriculum must include training on the identification of each cybersecurity incident severity level referenced in sub-subparagraph (c)9.a. The training may be provided in collaboration with the Cybercrime Office of the Department of Law Enforcement, a private sector entity, or an institution of the State University System.

(h) Operate and maintain a Cybersecurity Operations Center led by the state chief information security officer, which must be primarily virtual and staffed with tactical detection and incident response personnel. The Cybersecurity Operations Center shall serve as a clearinghouse for threat information and coordinate with the Department of Law Enforcement to support state agencies and their response to any confirmed or suspected cybersecurity incident.

(i) Lead an Emergency Support Function, ESF-20 ~~ESF-CYBER~~, under the state comprehensive emergency management plan as described in s. 252.35.

(j) Provide cybersecurity briefings to the members of any



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legislative committee or subcommittee responsible for policy matters relating to cybersecurity.

(k) Have the authority to obtain immediate access to public or private infrastructure hosting enterprise digital data and to direct, in consultation with the state agency that holds the particular enterprise digital data, measures to assess, monitor, and safeguard the enterprise digital data.

(4) Each state agency head shall, at a minimum:

(a) Designate an information security manager to ensure compliance with cybersecurity governance and with the state's enterprise security program and incident response plan. The information security manager must coordinate with the agency's information security personnel and the Cybersecurity Operations Center to ensure that the unique needs of the agency are met ~~administer the cybersecurity program of the state agency.~~ This designation must be provided annually in writing to the department by January 15 ~~4~~. A state agency's information security manager, for purposes of these information security duties, shall report directly to the agency head.

(10) The department may brief any legislative committee or subcommittee responsible for cybersecurity policy in a meeting or other setting closed by the respective body under the rules of such legislative body at which the legislative committee or subcommittee is briefed on records made confidential and exempt under subsections (5) and (6). The legislative committee or subcommittee must maintain the confidential and exempt status of such records. A legislator serving on a legislative committee or subcommittee responsible for cybersecurity policy may also attend meetings of the Florida Cybersecurity Advisory Council,



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including any portions of such meetings that are exempt from s.
286.011 and s. 24(b), Art. I of the State Constitution.

Section 5. Paragraphs (b) and (c) of subsection (5) of
section 282.3185, Florida Statutes, are amended to read:

282.3185 Local government cybersecurity.—

(5) INCIDENT NOTIFICATION.—

(b)1. A local government shall report all ransomware
incidents and any cybersecurity incident determined by the local
government to be of severity level 3, 4, or 5 as provided in s.
282.318(3)(c) to the Cybersecurity Operations Center, ~~the~~
~~Cybercrime Office of the Department of Law Enforcement, and the~~
~~sheriff who has jurisdiction over the local government~~ as soon
as possible but no later than 12 ~~48~~ hours after discovery of the
cybersecurity incident and no later than 6 ~~12~~ hours after
discovery of the ransomware incident. The report must contain
the information required in paragraph (a).

2. The Cybersecurity Operations Center shall:

a. Immediately notify the Cybercrime Office of the
Department of Law Enforcement and the sheriff who has
jurisdiction over the local government of a reported incident
and provide to the Cybercrime Office of the Department of Law
Enforcement and the sheriff who has jurisdiction over the local
government regular reports on the status of the incident,
preserve forensic data to support a subsequent investigation,
and provide aid to the investigative efforts of the Cybercrime
Office of the Department of Law Enforcement upon the office's
request if the state chief information security officer finds
that the investigation does not impede remediation of the
incident and that there is no risk to the public and no risk to



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critical state functions.

b. Immediately notify the state chief information security officer of a reported incident. The state chief information security officer shall notify the President of the Senate and the Speaker of the House of Representatives of any severity level 3, 4, or 5 incident as soon as possible but no later than 24 ~~42~~ hours after receiving a local government's incident report. The notification must include a high-level description of the incident and the likely effects and must be provided in a secure environment.

(c) A local government may report a cybersecurity incident determined by the local government to be of severity level 1 or 2 as provided in s. 282.318(3)(c) to the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government. The report shall contain the information required in paragraph (a). The Cybersecurity Operations Center shall immediately notify the Cybercrime Office of the Department of Law Enforcement and the sheriff who has jurisdiction over the local government of a reported incident and provide regular reports on the status of the cybersecurity incident, preserve forensic data to support a subsequent investigation, and provide aid to the investigative efforts of the Cybercrime Office of the Department of Law Enforcement upon request if the state chief information security officer finds that the investigation does not impede remediation of the cybersecurity incident and that there is no risk to the public and no risk to critical state functions.

Section 6. Paragraph (j) of subsection (4) of section



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282.319, Florida Statutes, is amended, and paragraph (m) is added to that subsection, to read:

282.319 Florida Cybersecurity Advisory Council.—

(4) The council shall be comprised of the following members:

(j) Three representatives from critical infrastructure sectors, one of whom must be from a utility provider ~~water treatment facility~~, appointed by the Governor.

(m) A representative of local government.

Section 7. Section 1004.444, Florida Statutes, is amended to read:

1004.444 Florida Center for Cybersecurity.—

(1) The Florida Center for Cybersecurity, which may also be referred to as "Cyber Florida," is established as a center within the University of South Florida under the direction of the president of the university or the president's designee. The president may assign the center within a college of the university if the college has a strong emphasis on cybersecurity, technology, or computer sciences and engineering as determined and approved by the university's board of trustees.

(2) The mission and goals of the center are to:

(a) Position Florida as the national leader in cybersecurity and its related workforce primarily through advancing and funding education and ~~research and development initiatives in cybersecurity and related fields, with a secondary emphasis on~~ and community engagement and cybersecurity awareness.

(b) Assist in the creation of jobs in the state's



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cybersecurity industry and enhance the existing cybersecurity workforce through education, research, applied science, and engagements and partnerships with the private and military sectors.

(c) Act as a cooperative facilitator for state business and higher education communities to share cybersecurity knowledge, resources, and training.

(d) Seek out research and development agreements and other partnerships with major military installations and affiliated contractors to assist, when possible, in homeland cybersecurity defense initiatives.

(e) Attract cybersecurity companies and jobs to the state with an emphasis on defense, finance, health care, transportation, and utility sectors.

(f) Conduct, fund, and facilitate research and applied science that leads to the creation of new technologies and software packages that have military and civilian applications and which can be transferred for military and homeland defense purposes or for sale or use in the private sector.

(3) Upon receiving a request for assistance from the Department of Management Services, the Florida Digital Service, or another state agency, the center is authorized, but may not be compelled by the agency, to conduct, consult on, or otherwise assist any state-funded initiatives related to:

(a) Cybersecurity training, professional development, and education for state and local government employees, including school districts and the judicial branch.

(b) Increasing the cybersecurity effectiveness of the state's and local governments' technology platforms and



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infrastructure, including school districts and the judicial
branch.

Section 8. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to cybersecurity; amending s.
282.0041, F.S.; defining terms; amending s. 282.0051,
F.S.; revising the purposes for which the Florida
Digital Service is established; requiring the Florida
Digital Service to ensure that independent project
oversight on certain state agency information
technology projects is performed in a certain manner;
revising the date by which the Department of
Management Services, acting through the Florida
Digital Service, must provide certain recommendations
to the Executive Office of the Governor and the
Legislature; removing certain duties of the Florida
Digital Service; revising the total project cost of
certain projects for which the Florida Digital Service
must provide project oversight; specifying the date by
which the Florida Digital Service must provide certain
reports; requiring the state chief information
officer, in consultation with the Secretary of
Management Services, to designate a state chief
technology officer; providing duties of the state



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chief technology officer; revising the total project cost of certain projects for which certain procurement actions must be taken; removing provisions prohibiting the department, acting through the Florida Digital Service, from retrieving or disclosing certain data in certain circumstances; amending s. 282.00515, F.S.; conforming a cross-reference; amending s. 282.318, F.S.; providing that the Florida Digital Service is the lead entity for a certain purpose; requiring the Cybersecurity Operations Center to provide certain notifications; requiring the state chief information officer to make certain reports in consultation with the state chief information security officer; revising the timeframe for a state agency to report ransomware and cybersecurity incidents to the Cybersecurity Operations Center; requiring the Cybersecurity Operations Center to immediately notify certain entities of reported incidents and take certain actions; requiring the state chief information security officer to notify the Legislature of certain incidents within a certain period; requiring that a certain notification be provided in a secure environment; requiring the Cybersecurity Operations Center to provide a certain report to certain entities by a specified date; requiring the department, acting through the Florida Digital Service, to provide cybersecurity briefings to certain legislative committees; authorizing the department, acting through the Florida Digital Service, to obtain certain access



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to certain infrastructure and direct certain measures;
revising the purpose of a state agency's information
security manager and the date by which he or she must
be designated; authorizing the department to brief
certain legislative committees in a closed setting on
certain records that are confidential and exempt from
public records requirements; requiring such
legislative committees to maintain the confidential
and exempt status of certain records; authorizing
certain legislators to attend meetings of the Florida
Cybersecurity Advisory Council; amending s. 282.3185,
F.S.; requiring local governments to report ransomware
and certain cybersecurity incidents to the
Cybersecurity Operations Center within certain time
periods; requiring the Cybersecurity Operations Center
to immediately notify certain entities of certain
incidents and take certain actions; requiring the
state chief information security officer to provide
certain notification to the Legislature within a
certain timeframe and in a secure environment;
amending s. 282.319, F.S.; revising the membership of
the Florida Cybersecurity Advisory Council; amending
s. 1004.444, F.S.; providing that the Florida Center
for Cybersecurity may be referred to as "Cyber
Florida"; providing that such center is under the
direction of the president of the University of South
Florida or his or her designee; authorizing the
president to assign the center within a certain
college of the university; revising the mission and



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736 goals of the center; authorizing the center, if
737 requested by specified entities, to conduct, consult
738 on, or assist on specified state-funded initiatives;
739 providing an effective date.

By Senator Collins

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1 A bill to be entitled
 2 An act relating to cybersecurity; amending s. 110.205,
 3 F.S.; exempting certain personnel from the career
 4 service; providing for the establishment of salary and
 5 benefits for certain positions; amending s. 282.0041,
 6 F.S.; providing definitions; amending s. 282.0051,
 7 F.S.; revising the purposes for which the Florida
 8 Digital Service is established; requiring the Florida
 9 Digital Service to ensure that independent project
 10 oversight on certain state agency information
 11 technology projects is performed in a certain manner;
 12 revising the date by which the Department of
 13 Management Services, acting through the Florida
 14 Digital Service, must provide certain recommendations
 15 to the Executive Office of the Governor and the
 16 Legislature; removing certain duties of the Florida
 17 Digital Service; revising the total project cost of
 18 certain projects for which the Florida Digital Service
 19 must provide project oversight; specifying the date by
 20 which the Florida Digital Service must provide certain
 21 reports; requiring the state chief information
 22 officer, in consultation with the Secretary of
 23 Management Services, to designate a state chief
 24 technology officer; providing duties of the state
 25 chief technology officer; revising the total project
 26 cost of certain projects for which certain procurement
 27 actions must be taken; removing provisions prohibiting
 28 the department, acting through the Florida Digital
 29 Service, from retrieving or disclosing certain data in

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30 certain circumstances; amending s. 282.00515, F.S.;
 31 conforming a cross-reference; amending s. 282.318,
 32 F.S.; providing that the Florida Digital Service is
 33 the lead entity for a certain purpose; requiring the
 34 Cybersecurity Operations Center to provide certain
 35 notifications; requiring the state chief information
 36 officer to make certain reports in consultation with
 37 the state chief information security officer; revising
 38 the timeframe for a state agency to report ransomware
 39 and cybersecurity incidents to the Cybersecurity
 40 Operations Center; requiring the Cybersecurity
 41 Operations Center to immediately notify certain
 42 entities of reported incidents and take certain
 43 actions; requiring the state chief information
 44 security officer to notify the Legislature of certain
 45 incidents within a certain period; requiring that
 46 certain notification be provided in a secure
 47 environment; requiring the Cybersecurity Operations
 48 Center to provide a certain report to certain entities
 49 by a specified date; requiring the department, acting
 50 through the Florida Digital Service, to provide
 51 cybersecurity briefings to certain legislative
 52 committees; authorizing the department, acting through
 53 the Florida Digital Service, to obtain certain access
 54 to certain infrastructure and direct certain measures;
 55 requiring state agency heads to annually designate a
 56 chief information security officer by a specified
 57 date; revising the purpose of an agency's information
 58 security manager and the date by which he or she must

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be designated; authorizing the department to brief certain legislative committees in a closed setting on certain records that are confidential and exempt from public records requirements; requiring such legislative committees to maintain the confidential and exempt status of certain records; authorizing certain legislators to attend meetings of the Florida Cybersecurity Advisory Council; amending s. 282.3185, F.S.; requiring local governments to report ransomware and certain cybersecurity incidents to the Cybersecurity Operations Center within certain time periods; requiring the Cybersecurity Operations Center to immediately notify certain entities of certain incidents and take certain actions; requiring the state chief information security officer to provide certain notification to the Legislature within a certain timeframe and in a secure environment; amending s. 282.319, F.S.; revising the membership of the Florida Cybersecurity Advisory Council; providing an effective date.

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

Section 1. Paragraph (y) is added to subsection (2) of section 110.205, Florida Statutes, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(y) Chief information security officers, information

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security managers designated pursuant to s. 282.318(4), and personnel employed by or reporting to the state chief information security officer, the state chief data officer, or an agency information security manager. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules of the Selected Exempt Service, except that the salary and benefits for agency information security managers shall be established by the department in accordance with the rules of the Senior Management Service.

Section 2. Present subsections (3) through (5), (6) through (16), and (17) through (38) of section 282.0041, Florida Statutes, are redesignated as subsections (4) through (6), (8) through (18), and (20) through (41), respectively, and new subsections (3), (7), and (19) are added to that section, to read:

282.0041 Definitions.—As used in this chapter, the term:

(3) "As a service" means the contracting with or outsourcing to a third party of a defined role or function as a means of delivery.

(7) "Cloud provider" means an entity that provides cloud-computing services.

(19) "Enterprise digital data" means information held by a state agency in electronic form that is deemed to be data owned by the state and held for state purposes by the state agency. Enterprise digital data that is subject to statutory requirements for particular types of sensitive data or to contractual limitations for data marked as trade secrets or sensitive corporate data held by state agencies shall be treated

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in accordance with such requirements or limitations. The department must maintain personnel with appropriate licenses, certifications, or classifications to steward such enterprise digital data, as necessary. Enterprise digital data must be maintained in accordance with chapter 119. This subsection may not be construed to create or expand an exemption from public records requirements under s. 119.07(1) or s. 24(a), Art. I of the State Constitution.

Section 3. Subsections (1), (4), and (5) of section 282.0051, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

282.0051 Department of Management Services; Florida Digital Service; powers, duties, and functions.—

(1) The Florida Digital Service is established ~~has been created~~ within the department to lead enterprise cybersecurity efforts, to safeguard enterprise digital data, to propose, test, develop, and deploy innovative solutions that securely modernize state government, including technology and information services, to achieve value through digital transformation and interoperability, and to fully support the cloud-first policy as specified in s. 282.206. The department, through the Florida Digital Service, shall have the following powers, duties, and functions:

(a) Develop and publish information technology policy for the management of the state's information technology resources.

(b) Develop an enterprise architecture that:

1. Acknowledges the unique needs of the entities within the enterprise in the development and publication of standards and terminologies to facilitate digital interoperability;

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2. Supports the cloud-first policy as specified in s. 282.206; and

3. Addresses how information technology infrastructure may be modernized to achieve cloud-first objectives.

(c) Establish project management and oversight standards with which state agencies must comply when implementing information technology projects. The department, acting through the Florida Digital Service, shall provide training opportunities to state agencies to assist in the adoption of the project management and oversight standards. To support data-driven decisionmaking, the standards must include, but are not limited to:

1. Performance measurements and metrics that objectively reflect the status of an information technology project based on a defined and documented project scope, cost, and schedule.

2. Methodologies for calculating acceptable variances in the projected versus actual scope, schedule, or cost of an information technology project.

3. Reporting requirements, including requirements designed to alert all defined stakeholders that an information technology project has exceeded acceptable variances defined and documented in a project plan.

4. Content, format, and frequency of project updates.

5. Technical standards to ensure an information technology project complies with the enterprise architecture.

(d) Ensure that independent ~~Perform~~ project oversight on all state agency information technology projects that have total project costs of \$25 ~~\$10~~ million or more and that are funded in the General Appropriations Act or any other law is performed in

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175 compliance with applicable state and federal law. The
 176 department, acting through the Florida Digital Service, shall
 177 report at least quarterly to the Executive Office of the
 178 Governor, the President of the Senate, and the Speaker of the
 179 House of Representatives on any information technology project
 180 that the department identifies as high-risk due to the project
 181 exceeding acceptable variance ranges defined and documented in a
 182 project plan. The report must include a risk assessment,
 183 including fiscal risks, associated with proceeding to the next
 184 stage of the project, and a recommendation for corrective
 185 actions required, including suspension or termination of the
 186 project.

187 (e) Identify opportunities for standardization and
 188 consolidation of information technology services that support
 189 interoperability and the cloud-first policy, as specified in s.
 190 282.206, and business functions and operations, including
 191 administrative functions such as purchasing, accounting and
 192 reporting, cash management, and personnel, and that are common
 193 across state agencies. The department, acting through the
 194 Florida Digital Service, shall biennially on January 15 ~~1~~ of
 195 each even-numbered year provide recommendations for
 196 standardization and consolidation to the Executive Office of the
 197 Governor, the President of the Senate, and the Speaker of the
 198 House of Representatives.

199 (f) Establish best practices for the procurement of
 200 information technology products and cloud-computing services in
 201 order to reduce costs, increase the quality of data center
 202 services, or improve government services.

203 (g) Develop standards for information technology reports

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204 and updates, including, but not limited to, operational work
 205 plans, project spend plans, and project status reports, for use
 206 by state agencies.

207 (h) Upon request, assist state agencies in the development
 208 of information technology-related legislative budget requests.

209 ~~(i) Conduct annual assessments of state agencies to~~
 210 ~~determine compliance with all information technology standards~~
 211 ~~and guidelines developed and published by the department and~~
 212 ~~provide results of the assessments to the Executive Office of~~
 213 ~~the Governor, the President of the Senate, and the Speaker of~~
 214 ~~the House of Representatives.~~

215 (i) (j) Conduct a market analysis not less frequently than
 216 every 3 years beginning in 2021 to determine whether the
 217 information technology resources within the enterprise are
 218 utilized in the most cost-effective and cost-efficient manner,
 219 while recognizing that the replacement of certain legacy
 220 information technology systems within the enterprise may be cost
 221 prohibitive or cost inefficient due to the remaining useful life
 222 of those resources; whether the enterprise is complying with the
 223 cloud-first policy specified in s. 282.206; and whether the
 224 enterprise is utilizing best practices with respect to
 225 information technology, information services, and the
 226 acquisition of emerging technologies and information services.
 227 Each market analysis shall be used to prepare a strategic plan
 228 for continued and future information technology and information
 229 services for the enterprise, including, but not limited to,
 230 proposed acquisition of new services or technologies and
 231 approaches to the implementation of any new services or
 232 technologies. Copies of each market analysis and accompanying

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strategic plan must be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 31 of each year that a market analysis is conducted.

~~(j)(*)~~ Recommend other information technology services that should be designed, delivered, and managed as enterprise information technology services. Recommendations must include the identification of existing information technology resources associated with the services, if existing services must be transferred as a result of being delivered and managed as enterprise information technology services.

~~(k)(*)~~ In consultation with state agencies, propose a methodology and approach for identifying and collecting both current and planned information technology expenditure data at the state agency level.

~~(l)1.(m)1-~~ Notwithstanding any other law, provide project oversight on any information technology project of the Department of Financial Services, the Department of Legal Affairs, and the Department of Agriculture and Consumer Services which has a total project cost of \$25 ~~\$20~~ million or more. Such information technology projects must also comply with the applicable information technology architecture, project management and oversight, and reporting standards established by the department, acting through the Florida Digital Service.

2. When performing the project oversight function specified in subparagraph 1., report by the 30th day after the end of each quarter ~~at least quarterly~~ to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project

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that the department, acting through the Florida Digital Service, identifies as high-risk due to the project exceeding acceptable variance ranges defined and documented in the project plan. The report shall include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project and a recommendation for corrective actions required, including suspension or termination of the project.

~~(m)(*)~~ If an information technology project implemented by a state agency must be connected to or otherwise accommodated by an information technology system administered by the Department of Financial Services, the Department of Legal Affairs, or the Department of Agriculture and Consumer Services, consult with these departments regarding the risks and other effects of such projects on their information technology systems and work cooperatively with these departments regarding the connections, interfaces, timing, or accommodations required to implement such projects.

~~(n)(*)~~ If adherence to standards or policies adopted by or established pursuant to this section causes conflict with federal regulations or requirements imposed on an entity within the enterprise and results in adverse action against an entity or federal funding, work with the entity to provide alternative standards, policies, or requirements that do not conflict with the federal regulation or requirement. The department, acting through the Florida Digital Service, shall annually by January 15 report such alternative standards to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

~~(o)1.(p)1-~~ Establish an information technology policy for

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291 all information technology-related state contracts, including
 292 state term contracts for information technology commodities,
 293 consultant services, and staff augmentation services. The
 294 information technology policy must include:

295 a. Identification of the information technology product and
 296 service categories to be included in state term contracts.

297 b. Requirements to be included in solicitations for state
 298 term contracts.

299 c. Evaluation criteria for the award of information
 300 technology-related state term contracts.

301 d. The term of each information technology-related state
 302 term contract.

303 e. The maximum number of vendors authorized on each state
 304 term contract.

305 f. At a minimum, a requirement that any contract for
 306 information technology commodities or services meet the National
 307 Institute of Standards and Technology Cybersecurity Framework.

308 g. For an information technology project wherein project
 309 oversight is required pursuant to paragraph (d) or paragraph (1)
 310 ~~(m)~~, a requirement that independent verification and validation
 311 be employed throughout the project life cycle with the primary
 312 objective of independent verification and validation being to
 313 provide an objective assessment of products and processes
 314 throughout the project life cycle. An entity providing
 315 independent verification and validation may not have technical,
 316 managerial, or financial interest in the project and may not
 317 have responsibility for, or participate in, any other aspect of
 318 the project.

319 2. Evaluate vendor responses for information technology-

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320 related state term contract solicitations and invitations to
 321 negotiate.

322 3. Answer vendor questions on information technology-
 323 related state term contract solicitations.

324 4. Ensure that the information technology policy
 325 established pursuant to subparagraph 1. is included in all
 326 solicitations and contracts that are administratively executed
 327 by the department.

328 (p) ~~(q)~~ Recommend potential methods for standardizing data
 329 across state agencies which will promote interoperability and
 330 reduce the collection of duplicative data.

331 (q) ~~(r)~~ Recommend open data technical standards and
 332 terminologies for use by the enterprise.

333 (r) ~~(s)~~ Ensure that enterprise information technology
 334 solutions are capable of utilizing an electronic credential and
 335 comply with the enterprise architecture standards.

336 (2)

337 (c) The state chief information officer, in consultation
 338 with the Secretary of Management Services, shall designate a
 339 state chief technology officer who shall be responsible for all
 340 of the following:

341 1. Establishing and maintaining an enterprise architecture
 342 framework that ensures information technology investments align
 343 with the state's strategic objectives and initiatives pursuant
 344 to paragraph (1) (b).

345 2. Conducting comprehensive evaluations of potential
 346 technological solutions and cultivating strategic partnerships,
 347 internally with state enterprise agencies and externally with
 348 the private sector, to leverage collective expertise, foster

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collaboration, and advance the state's technological capabilities.

3. Supervising program management of enterprise information technology initiatives pursuant to paragraphs (1)(c), (d), and (1); providing advisory support and oversight for technology-related projects; and continuously identifying and recommending best practices to optimize outcomes of technology projects and enhance the enterprise's technological efficiency and effectiveness.

(4) For information technology projects that have a total project cost of \$25 \$10 million or more:

(a) State agencies must provide the Florida Digital Service with written notice of any planned procurement of an information technology project.

(b) The Florida Digital Service must participate in the development of specifications and recommend modifications to any planned procurement of an information technology project by state agencies so that the procurement complies with the enterprise architecture.

(c) The Florida Digital Service must participate in post-award contract monitoring.

~~(5) The department, acting through the Florida Digital Service, may not retrieve or disclose any data without a shared data agreement in place between the department and the enterprise entity that has primary custodial responsibility of, or data-sharing responsibility for, that data.~~

Section 4. Subsection (1) of section 282.00515, Florida Statutes, is amended to read:

282.00515 Duties of Cabinet agencies.—

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(1) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall adopt the standards established in s. 282.0051(1)(b), (c), and (q) and (3)(e) ~~s. 282.0051(1)(b), (c), and (r) and (3)(e)~~ or adopt alternative standards based on best practices and industry standards that allow for open data interoperability.

Section 5. Present paragraphs (a) through (k) of subsection (4) and subsection (10) of section 282.318, Florida Statutes, are redesignated as paragraphs (b) through (l) of subsection (4) and subsection (11), respectively, a new paragraph (a) is added to subsection (4) and a new subsection (10) is added to that section, and subsection (3) and present paragraph (a) of subsection (4) of that section are amended, to read:

282.318 Cybersecurity.—

(3) The ~~department, acting through the~~ Florida Digital Service, is the lead entity responsible for leading cybersecurity efforts, safeguarding enterprise digital data, establishing standards and processes for assessing state agency cybersecurity risks, and determining appropriate security measures. Such standards and processes must be consistent with generally accepted technology best practices, including the National Institute for Standards and Technology Cybersecurity Framework, for cybersecurity. The department, acting through the Florida Digital Service, shall adopt rules that mitigate risks; safeguard state agency digital assets, data, information, and information technology resources to ensure availability, confidentiality, and integrity; and support a security governance framework. The department, acting through the Florida

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Digital Service, shall also:

(a) Designate an employee of the Florida Digital Service as the state chief information security officer. The state chief information security officer must have experience and expertise in security and risk management for communications and information technology resources. The state chief information security officer is responsible for the development, operation, and oversight of cybersecurity for state technology systems. The Cybersecurity Operations Center shall immediately notify the state chief information officer and the state chief information security officer ~~shall be notified~~ of all confirmed or suspected incidents or threats of state agency information technology resources. The state chief information officer, in consultation with the state chief information security officer, ~~and~~ must report such incidents or threats to ~~the state chief information officer and~~ the Governor.

(b) Develop, and annually update by February 1, a statewide cybersecurity strategic plan that includes security goals and objectives for cybersecurity, including the identification and mitigation of risk, proactive protections against threats, tactical risk detection, threat reporting, and response and recovery protocols for a cyber incident.

(c) Develop and publish for use by state agencies a cybersecurity governance framework that, at a minimum, includes guidelines and processes for:

1. Establishing asset management procedures to ensure that an agency's information technology resources are identified and managed consistent with their relative importance to the agency's business objectives.

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2. Using a standard risk assessment methodology that includes the identification of an agency's priorities, constraints, risk tolerances, and assumptions necessary to support operational risk decisions.

3. Completing comprehensive risk assessments and cybersecurity audits, which may be completed by a private sector vendor, and submitting completed assessments and audits to the department.

4. Identifying protection procedures to manage the protection of an agency's information, data, and information technology resources.

5. Establishing procedures for accessing information and data to ensure the confidentiality, integrity, and availability of such information and data.

6. Detecting threats through proactive monitoring of events, continuous security monitoring, and defined detection processes.

7. Establishing agency cybersecurity incident response teams and describing their responsibilities for responding to cybersecurity incidents, including breaches of personal information containing confidential or exempt data.

8. Recovering information and data in response to a cybersecurity incident. The recovery may include recommended improvements to the agency processes, policies, or guidelines.

9. Establishing a cybersecurity incident reporting process that includes procedures for notifying the department and the Department of Law Enforcement of cybersecurity incidents.

a. The level of severity of the cybersecurity incident is defined by the National Cyber Incident Response Plan of the

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United States Department of Homeland Security as follows:

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

(II) Level 4 is a severe-level incident that is likely to result in a significant impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; or civil liberties.

(III) Level 3 is a high-level incident that is likely to result in a demonstrable impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

(IV) Level 2 is a medium-level incident that may impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

(V) Level 1 is a low-level incident that is unlikely to impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.

b. The cybersecurity incident reporting process must specify the information that must be reported by a state agency following a cybersecurity incident or ransomware incident, which, at a minimum, must include the following:

(I) A summary of the facts surrounding the cybersecurity incident or ransomware incident.

(II) The date on which the state agency most recently backed up its data; the physical location of the backup, if the

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backup was affected; and if the backup was created using cloud computing.

(III) The types of data compromised by the cybersecurity incident or ransomware incident.

(IV) The estimated fiscal impact of the cybersecurity incident or ransomware incident.

(V) In the case of a ransomware incident, the details of the ransom demanded.

c. (I) A state agency shall report all ransomware incidents and any cybersecurity incidents ~~incident determined by the state agency to be of severity level 3, 4, or 5~~ to the Cybersecurity Operations Center ~~and the Cybercrime Office of the Department of Law Enforcement~~ as soon as possible but no later than 12 ~~48~~ hours after discovery of the cybersecurity incident and no later than 6 ~~12~~ hours after discovery of the ransomware incident. The report must contain the information required in sub-subparagraph b.

(II) The Cybersecurity Operations Center shall:

(A) Immediately notify the Cybercrime Office of the Department of Law Enforcement of a reported incident and provide to the Cybercrime Office of the Department of Law Enforcement regular reports on the status of the incident, preserve forensic data to support a subsequent investigation, and provide aid to the investigative efforts of the Cybercrime Office of the Department of Law Enforcement upon the office's request if the state chief information security officer finds that the investigation does not impede remediation of the incident and that there is no risk to the public and no risk to critical state functions.

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523 (B) Immediately notify the state chief information officer
 524 and the state chief information security officer of a reported
 525 incident. The state chief information security officer shall
 526 notify the President of the Senate and the Speaker of the House
 527 of Representatives of any severity level 3, 4, or 5 incident as
 528 soon as possible but no later than 24 12 hours after receiving a
 529 state agency's incident report. The notification must include a
 530 high-level description of the incident and the likely effects
 531 and must be provided in a secure environment.

532 ~~d. A state agency shall report a cybersecurity incident~~
 533 ~~determined by the state agency to be of severity level 1 or 2 to~~
 534 ~~the Cybersecurity Operations Center and the Cybercrime Office of~~
 535 ~~the Department of Law Enforcement as soon as possible. The~~
 536 ~~report must contain the information required in sub-subparagraph~~
 537 ~~b.~~

538 d.e. The Cybersecurity Operations Center shall provide a
 539 consolidated incident report by the 30th day after the end of
 540 each quarter on a quarterly basis to the Governor, the Attorney
 541 General, the executive director of the Department of Law
 542 Enforcement, the President of the Senate, the Speaker of the
 543 House of Representatives, and the Florida Cybersecurity Advisory
 544 Council. The report provided to the Florida Cybersecurity
 545 Advisory Council may not contain the name of any agency, network
 546 information, or system identifying information but must contain
 547 sufficient relevant information to allow the Florida
 548 Cybersecurity Advisory Council to fulfill its responsibilities
 549 as required in s. 282.319(9).

550 10. Incorporating information obtained through detection
 551 and response activities into the agency's cybersecurity incident

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552 response plans.

553 11. Developing agency strategic and operational
 554 cybersecurity plans required pursuant to this section.

555 12. Establishing the managerial, operational, and technical
 556 safeguards for protecting state government data and information
 557 technology resources that align with the state agency risk
 558 management strategy and that protect the confidentiality,
 559 integrity, and availability of information and data.

560 13. Establishing procedures for procuring information
 561 technology commodities and services that require the commodity
 562 or service to meet the National Institute of Standards and
 563 Technology Cybersecurity Framework.

564 14. Submitting after-action reports following a
 565 cybersecurity incident or ransomware incident. Such guidelines
 566 and processes for submitting after-action reports must be
 567 developed and published by December 1, 2022.

568 (d) Assist state agencies in complying with this section.

569 (e) In collaboration with the Cybercrime Office of the
 570 Department of Law Enforcement, annually provide training for
 571 state agency information security managers and computer security
 572 incident response team members that contains training on
 573 cybersecurity, including cybersecurity threats, trends, and best
 574 practices.

575 (f) Annually review the strategic and operational
 576 cybersecurity plans of state agencies.

577 (g) Annually provide cybersecurity training to all state
 578 agency technology professionals and employees with access to
 579 highly sensitive information which develops, assesses, and
 580 documents competencies by role and skill level. The

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

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581 cybersecurity training curriculum must include training on the
582 identification of each cybersecurity incident severity level
583 referenced in sub-subparagraph (c)9.a. The training may be
584 provided in collaboration with the Cybercrime Office of the
585 Department of Law Enforcement, a private sector entity, or an
586 institution of the State University System.

587 (h) Operate and maintain a Cybersecurity Operations Center
588 led by the state chief information security officer, which must
589 be primarily virtual and staffed with tactical detection and
590 incident response personnel. The Cybersecurity Operations Center
591 shall serve as a clearinghouse for threat information and
592 coordinate with the Department of Law Enforcement to support
593 state agencies and their response to any confirmed or suspected
594 cybersecurity incident.

595 (i) Lead an Emergency Support Function, ESF-20 ~~ESF CYBER~~,
596 under the state comprehensive emergency management plan as
597 described in s. 252.35.

598 (j) Provide cybersecurity briefings to the members of any
599 legislative committee or subcommittee responsible for policy
600 matters relating to cybersecurity.

601 (k) Have the authority to obtain immediate access to public
602 or private infrastructure hosting enterprise digital data and to
603 direct, in consultation with the state agency that holds the
604 particular enterprise digital data, measures to assess, monitor,
605 and safeguard the enterprise digital data.

606 (4) Each state agency head shall, at a minimum:

607 (a) Designate a chief information security officer to
608 integrate the agency's technical and operational cybersecurity
609 efforts with the Cybersecurity Operations Center. This

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610 designation must be provided annually in writing to the Florida
611 Digital Service by January 15. For a state agency under the
612 jurisdiction of the Governor, the agency's chief information
613 security officer shall be under the general supervision of the
614 agency head or designee for administrative purposes but shall
615 report to the state chief information officer. An agency may
616 request that the department procure a chief information security
617 officer as a service to fulfill the agency's duties under this
618 paragraph.

619 (b) ~~(a)~~ Designate an information security manager to ensure
620 compliance with cybersecurity governance and with the state's
621 enterprise security program and incident response plan
622 ~~administer the cybersecurity program of the state agency.~~ This
623 designation must be provided annually in writing to the
624 department by January 15 ~~1~~. A state agency's information
625 security manager, for purposes of these information security
626 duties, shall report directly to the agency head.

627 (10) The department may brief any legislative committee or
628 subcommittee responsible for cybersecurity policy in a meeting
629 or other setting closed by the respective body under the rules
630 of such legislative body at which the legislative committee or
631 subcommittee is briefed on records made confidential and exempt
632 under subsections (5) and (6). The legislative committee or
633 subcommittee must maintain the confidential and exempt status of
634 such records. A legislator serving on a legislative committee or
635 subcommittee responsible for cybersecurity policy may also
636 attend meetings of the Florida Cybersecurity Advisory Council,
637 including any portions of such meetings that are exempt from s.
638 286.011 and s. 24(b), Art. I of the State Constitution.

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Section 6. Paragraphs (b) and (c) of subsection (5) of section 282.3185, Florida Statutes, are amended to read:

282.3185 Local government cybersecurity.—

(5) INCIDENT NOTIFICATION.—

(b)1. A local government shall report all ransomware incidents and any cybersecurity incident determined by the local government to be of severity level 3, 4, or 5 as provided in s. 282.318(3)(c) to the Cybersecurity Operations Center, ~~the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government~~ as soon as possible but no later than 12 ~~48~~ hours after discovery of the cybersecurity incident and no later than 6 ~~12~~ hours after discovery of the ransomware incident. The report must contain the information required in paragraph (a).

2. The Cybersecurity Operations Center shall:

a. Immediately notify the Cybercrime Office of the Department of Law Enforcement and the sheriff who has jurisdiction over the local government of a reported incident and provide to the Cybercrime Office of the Department of Law Enforcement and the sheriff who has jurisdiction over the local government regular reports on the status of the incident, preserve forensic data to support a subsequent investigation, and provide aid to the investigative efforts of the Cybercrime Office of the Department of Law Enforcement upon the office's request if the state chief information security officer finds that the investigation does not impede remediation of the incident and that there is no risk to the public and no risk to critical state functions.

b. Immediately notify the state chief information security

14-00407A-24

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officer of a reported incident. The state chief information security officer shall notify the President of the Senate and the Speaker of the House of Representatives of any severity level 3, 4, or 5 incident as soon as possible but no later than 24 ~~12~~ hours after receiving a local government's incident report. The notification must include a high-level description of the incident and the likely effects and must be provided in a secure environment.

(c) A local government may report a cybersecurity incident determined by the local government to be of severity level 1 or 2 as provided in s. 282.318(3)(c) to the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government. The report shall contain the information required in paragraph (a). The Cybersecurity Operations Center shall immediately notify the Cybercrime Office of the Department of Law Enforcement and the sheriff who has jurisdiction over the local government of a reported incident and provide regular reports on the status of the cybersecurity incident, preserve forensic data to support a subsequent investigation, and provide aid to the investigative efforts of the Cybercrime Office of the Department of Law Enforcement upon request if the state chief information security officer finds that the investigation does not impede remediation of the cybersecurity incident and that there is no risk to the public and no risk to critical state functions.

Section 7. Paragraph (j) of subsection (4) of section 282.319, Florida Statutes, is amended, and paragraph (m) is added to that subsection, to read:

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20241662__

697 282.319 Florida Cybersecurity Advisory Council.—

698 (4) The council shall be comprised of the following
699 members:

700 (j) Three representatives from critical infrastructure
701 sectors, one of whom must be from a utility provider ~~water~~
702 ~~treatment facility~~, appointed by the Governor.

703 (m) A representative of local government.

704 Section 8. This act shall take effect July 1, 2024.



2024 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

BILL NUMBER:	SB1662
BILL TITLE:	Cybersecurity
BILL SPONSOR:	Senator Collins
EFFECTIVE DATE:	July 1, 2024

COMMITTEES OF REFERENCE

- 1) Governmental Oversight and Accountability
- 2) Appropriations Committee on Agriculture, Environment, and General Government
- 3) Appropriations
- 4)
- 5)

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

Governmental Oversight and Accountability

SIMILAR BILLS

BILL NUMBER:	HB 1555
SPONSOR:	Rep. Giallombardo

IDENTICAL BILLS

BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	January 12, 2024
LEAD AGENCY ANALYST:	Lori Mizell, Becky Bezemek
ADDITIONAL ANALYST(S):	Mike Duffey, Brett Cureton, Joey Hornsby
LEGAL ANALYST:	Jim Martin, Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Exempting certain personnel from the career service; providing for the establishment of salary and benefits for certain positions; revising the purposes for which the Florida Digital Service (FL[DS]) is established; requiring FL[DS] to ensure that independent project oversight on certain state agency information technology projects is performed in a certain manner; revising the date by which the Department of Management Services, acting through the FL[DS], must provide certain recommendations to the Executive Office of the Governor and the Legislature, etc.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** Currently, the Florida Department of Law Enforcement (FDLE) Cyber Bureau is tasked with working data breaches as requested statewide and in coordination with FL[DS]. Pursuant to s. 282.318(3)(c)9.c(I), F.S., all state agencies must report cybersecurity incidents directly to both the state Security Operations Center (SOC) and FDLE within certain time limits depending on the severity of the incident. Pursuant to s. 282.3185(5)(a), F.S., all local governments in the state of Florida must report cybersecurity incidents directly to the SOC, FDLE, and local sheriff's office within certain time limits depending on the severity of the incident.
2. **EFFECT OF THE BILL:** The bill requires FL[DS] to establish a cybersecurity incident reporting process that includes procedures for notifying FDLE of cybersecurity incidents. The Cybersecurity Operations Center shall immediately notify FDLE of a reporting incident and provide the Cybercrime Office of FDLE regular reports on the status of the incident, preserve forensic data to support a subsequent investigation, and provide aid to the investigative efforts of FDLE upon request.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES? Y ☒ N ☐

If yes, explain:	
What is the expected impact to the agency's core mission?	
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☒ N ☐

If yes, provide a description:	The Cybersecurity Operations Center shall provide a consolidated incident report to the Governor, The Attorney General, the executive director of FDLE, the President of the Senate, the Speaker of the House of Representatives, and the Florida Cybersecurity Advisory Council.
Date Due:	On the 30 th day of the end of each quarter
Bill Section Number:	Section 5, Subsection (9), lines 538-549

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
--------	--

Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	See notes
--	-----------

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☐

If yes, describe the anticipated impact including any fiscal impact.	
--	--

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	
--	--

ADDITIONAL COMMENTS

- Lines 87-97: Provides FL[DS] the authority to set agency salaries and elevates agency Information security managers to a SMS position. These changes may cause internal agency issues and represent unfunded mandates unless FL[DS] is providing positions and funding.
- Lines 105-124 and Lines 393-395: This language appears to authorize FL[DS] access to agency data which may present issues or violations of federal policy.
- Lines 132-133: This language implies FL[DS] will assume custodianship of all agency data and will have the authority to test, develop and deploy solutions in state agencies.
- Line 171: Clarification is needed on what "independent oversight" entails.
- Lines 345-350: Clarification is needed as to "solutions" refer to agency solutions or FL[DS] solutions. It appears to give the authority to FL[DS] to conduct evaluations on agency solutions.
- Lines 353-354: Clarification is needed as to the intent of this language. Line 171 mentions independent oversight however this section implies FL[DS] oversight on agency technology projects.
- Lines 370-374: Removes the restrictions on DMS access to other agency's data which would allow DMS to access to individual agency data 'with or without' permission of the data owner agency. This deletion creates risks for agencies

and the citizens they support as it appears to allow FL[DS] to retrieve or disclose any data without agency consent. This potentially could violate HIPAA, FBI CJIS Security Policy, FERPA, etc. This may also have a public records implication.

- Lines 502-510: This language drastically increases the number of incidents to FL[DS]. The volume of low-level incidents raises concern and workload issues on the agencies.
- Lines 504-508: Amends the state agency reporting requirements for ransomware incidents to the FDLE Cybercrime Office.
 - The affected state agencies would only have to report the incident to the FL[DS] State Cybersecurity Operations Center (SOC). The SOC must then report to the FDLE Cybercrime Office 'immediately'. The bill essentially transfers this reporting requirement so as not to overburden a state agency with multiple reporting requirements during the early stages of an incident.
- Lines 512-522: It is unclear which entity decides there is no risk to the public.
- Lines 515-525: Requires the State Chief Information Security Officer (CISO) to assist in law enforcement investigations but provides a discretionary authority to assist based on the CISO's assessment that any assistance doesn't 'impede remediation of the incident'. As the bill reads, IT remediation takes precedent over criminal investigations, based on the discretion of a non-law enforcement entity. Lines 657-659 have this same change for local governments.
- Line 531: Request a definition for "secure environment."
- Lines 601-605: Clarification is needed. This may violate HIPAA, FBI CJIS Security Policy, FERPA, etc. Private infrastructure may have issues with contracts for all state agencies with vendors who provide SaaS solutions. (Azure, AWS, etc). Attempts to do this may result in fiscal impacts to the agencies.
- Lines 607-609: This language gives FL[DS] authority to set agency salaries. These changes may cause internal agency issues and represent unfunded mandates unless FL[DS] is providing positions and funding. Additionally, this language appears to require agencies to fund a position and all functional control will be handled by FL[DS].
- Line 611: This language moves control of the integration of all agency cyber security (technical and operational) efforts to FL[DS].



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 17, 2024

I respectfully request that **Senate Bill #1662**, relating to Cybersecurity, be placed on the:

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

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

Senator Jay Collins
Florida Senate, District 14

1-29-24

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1662

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 Jake Holmgreen

Phone 850-597-3677

Address 4050 Esplanade Way

Street

Email Jake.Holmgreen@DMS.FL.GOV

Tallahassee

FL

32399

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Department of
Management Services

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

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

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 1712

INTRODUCER: Senator Collins

SUBJECT: Peer Support for First Responders

DATE: January 26, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Limones-Borja	McVaney	GO	Favorable
2. _____	_____	CJ	_____
3. _____	_____	RC	_____

I. Summary:

SB 1712 expands the limitation on the disclosure of “peer support communications” to include communications between a correctional officer or correctional probation officer and a first responder peer. This expands the protection for peer support communications to correctional officers and correctional probation officers.

The bill is not expected to have a fiscal impact on state or local governments.

The bill takes effect July 1, 2024.

II. Present Situation:

First Responders

Under s. 112.1815, F.S., the term “first responder” means a law enforcement officer¹ as defined in s. 943.10, a firefighter² as defined in s. 633.102, or an emergency medical technician³ or

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

² Section 633.102(9), F.S., defines “firefighter” as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408.

³ Section 401.23(12), F.S., defines “emergency medical technician” as a person who is certified by the department to perform basic life support pursuant to this part.

paramedic⁴ as defined in s. 401.23 employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Peer Support for First Responders

Under s. 111.09, F.S., the term “peer support” means the provision of physical, moral, or emotional support to a first responder by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder. Under s. 111.09, F.S., the term “first responder peer” means a person who:

- Is not a health care practitioner as defined in s. 456.001, F.S.
- Has experience working as or with a first responder regarding any physical or emotional conditions or issues associated with the first responder’s employment.
- Has been designated by the first responder’s employing agency to provide peer support as provided in this section and has received training for this purpose.

Peer support programs can assist individuals facing post-traumatic stress disorder, sleep deprivation, suicide ideations, substance abuse, and depression. Statistics show nearly 30% of first responders will develop a behavioral health condition, including but not limited to depression and PTSD, during the course of their career.⁵ The Orlando Firefighters Peer Support Team provides support and wellness to fellow firefighters and their families through the process listening, providing referrals, and support. None of the members are professional counselors, but they receive extensive training to guide and support individuals through various situations.⁶

Peer Support Communications

Under s. 111.09, F.S., the term “peer support communication” means electronic, oral, or written communication, made with a mutual expectation of confidentiality while a first responder peer is providing peer support in his or her official capacity. First responder peers are prohibited from divulging information from, or testifying about, a peer support communication in a civil, criminal, administrative, or disciplinary proceeding, unless:

- The first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer support communication, in which case such information may be divulged but is limited to the scope of the proceeding;⁷
- The first responder who was a party to the peer support communication agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support communications;⁸

⁴ Section 401.23(18), F.S., defines “paramedic” as a person who is certified by the department to perform basic and advanced life support pursuant to this part.

⁵ Substance Abuse and Mental Health Services Administration, *First Responders: Behavioral Health Concerns, Emergency Response, and Trauma* (May 2018), <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf> (last visited Jan. 23, 2024).

⁶ Orlando Professional Firefighters Local 1365, *Our Team*, <https://www.orlandolocal1365.org/peer-support-3/#tab-id-6> (last visited Jan. 23, 2024).

⁷ Section 111.09(2)(a), F.S.

⁸ Section 111.09(2)(b), F.S.

- Based on the peer support communications, the first responder peer suspects that the first responder who was a party to the peer support communications has committed a criminal act or intends to commit a criminal act; or⁹
- There are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder who was a party to the peer support communication, another person, or society, and the first responder peer communicates the information only to a potential victim and law enforcement or other appropriate authorities.¹⁰

Section 111.09, F.S., does not prevent the disclosure, discovery, or admissibility of information, testimony, or evidence that is obtained by a first responder peer from a source other than a first responder through a peer support communication.

III. Effect of Proposed Changes:

Section 1 amends s. 111.09, F.S., relating to peer support communication, to expand the definition of “first responder” to include correctional officers and correctional probation officers as defined in s. 943.10, F.S. This expansion affords correctional officers and correctional probation officers the same protection for peer support communications, especially regarding the confidentiality of the communication between a first responder peer and fellow first responder.

Section 2 provides that the bill will take effect on July 1, 2024.

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:

None identified.

⁹ Section 111.09(2)(c), F.S.

¹⁰ Section 111.09(2)(d), F.S.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 111.09 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Collins

14-01365-24

20241712__

A bill to be entitled

An act relating to peer support for first responders;
amending s. 111.09, F.S.; revising the definition of
the term "first responder" to include correctional
officers and correctional probation officers for the
provision of peer support; providing an effective
date.

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

Section 1. Paragraph (b) of subsection (1) of section
111.09, Florida Statutes, is amended to read:

111.09 Peer support for first responders.—

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

(b) "First responder" has the same meaning as provided in
s. 112.1815 and includes 911 public safety telecommunicators as
defined in s. 401.465, correctional officers as defined in s.
943.10(2), and correctional probation officers as defined in s.
943.10(3).

Section 2. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 15, 2024

I respectfully request that **Senate Bill # 1712**, relating to Peer Support for First Responders, be placed on the:

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

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

Senator Jay Collins
Florida Senate, District 14

01/29/2024

Meeting Date

Governmental Oversight and Accountability

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 1712

Bill Number or Topic

Amendment Barcode (if applicable)

Name **George Wallace**

Phone **352-895-7255**

Address **3887 SE 97 Lane**

Email **gator.george@gmail.com**

Street

Bellevue

FL

34420

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

Jan 29

Meeting Date

Gov. Oversight & Accountability

Committee

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SB 1712

Bill Number or Topic

N/A

Amendment Barcode (if applicable)

Name James Baiardi

Phone 305 986 4071

Address 300 East Breard Street

Email Jimmy@FLPBA.org

Street

Tallahassee FLA 32301

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida PBA



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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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: SPB 7042

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: Commodities Produced by Forced Labor

DATE: January 30, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Limones-Borja</u>	<u>McVaney</u>	_____	GO Submitted as Comm. Bill/Fav

I. Summary:

SPB 7042 creates a new provision in ch. 287, F.S., preventing contracts with companies for commodities produced, in whole or in part, by forced labor. For purposes of this legislation, “forced labor” means work or service exacted from any person, including a minor, under the menace of a penalty for nonperformance and for which the worker does not offer himself or herself voluntarily or an activity that violates s. 787.06, F.S.

The bill requires the Department of Management Services (DMS) to create and maintain a forced labor vendor list that identifies companies that are disqualified from public contracting and purchasing process for 365 days. The DMS shall publish an updated version of the list quarterly, and electronically post the list on its website.

A company is considered disqualified from the public contracting and purchasing process as of the date a final order is entered. Once placed on the forced labor vendor list, a company may not:

- Submit a bid, proposal, or reply on a contract to provide any commodities to an agency;
- Be awarded a contract or perform work as a contractor, supplier, or subcontractor; or
- Transact business pertaining to the provision of commodities with an agency.

Likewise, an agency (a state executive branch entity generally) may not (1) accept a bid, proposal, or reply from; (2) award a contract to; or (3) transact business with a company on the forced labor vendor list. These prohibitions apply for a period of 365 days after the date the company was placed on the list, unless the company is removed from the list earlier.

The bill requires all invitations to bid, requests for proposals, invitations to negotiate, and any written contracts for the provision of commodities by an agency to include a statement informing companies of such requirements related to forced labor. Contracts with an agency for the provision of commodities entered into or renewed on or after July 1, 2024, must contain a provision that allows the awarding agency to terminate the contract if the company is placed on the forced labor vendor list.

Prior to putting a company on the forced labor vendor list, the DMS must investigate reasonable and credible information that a company has submitted a false certification or provided a commodity produced by forced labor. If good cause exists, and if placement on the list is in the public interest, the DMS must notify the company in writing of its intent to place the company on the list. The notice must include a notice of ch. 120, F.S., hearing rights and of the applicable hearing procedures and time requirements.

A company that submits a false certification that the commodities it offered to the agency had not been produced, in whole or in part, by forced labor and is subsequently placed on the forced labor vendor list must be assessed a fine by the DMS.

The bill clarifies that placement on the forced labor vendor list does not affect any rights or obligations under any contract, franchise, or other binding agreement which predate such placement.

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

The bill takes effect July 1, 2024.

II. Present Situation:

Government Contracting and Procurement

Chapter 287, F.S., regulates state agency¹ procurement of personal property and services. The Department of Management Services (DMS) is responsible for overseeing state purchasing activity including professional and contractual services as well as commodities needed to support agency activities.² Its responsibilities include creating uniform agency procurement rules,³ implementing the online procurement program,⁴ and procuring state term contracts.⁵ The DMS is also responsible for registering vendors that wish to provide goods or services to the state⁶ and maintaining lists of vendors who may not submit bids, proposals, or replies to agency solicitations.⁷ The Division of State Purchasing in the DMS establishes statewide purchasing rules and negotiates contracts and purchasing agreements that are intended to leverage the state's buying power.⁸

¹ As defined in s. 287.012(1), F.S., "agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges.

² See ss. 287.032 and 287.042, F.S.

³ See ss. 287.032(2) and 287.042(3), (4), and (12), F.S.

⁴ See s. 287.057(24), F.S. See ss. 287.032 and 287.042, F.S.

⁵ See ss. 287.042(2) and 287.056, F.S.

⁶ See ss. 287.032 and 287.042, F.S.; see also Department of Management Services, *Vendor Registration and Vendor Lists*, https://www.dms.myflorida.com/business_operations/state_purchasing/state_agency_resources/vendor_registration_and_vendor_lists (last visited Jan. 23, 2024).

⁷ See ss. 287.1351, 287.133, 287.134, and 287.137, F.S.

⁸ Chapter 287, F.S., provides requirements for the procurement of personal property and services. Part I of that chapter pertains to commodities, insurance, and contractual services, and part II pertains to means of transport.

Current law requires contracts for commodities or contractual services in excess of \$35,000 to be procured utilizing a competitive solicitation process.^{9,10} These competitive procurement provisions apply to an agency, defined as “any of the various state officers, departments, board commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive boards of state government.”¹¹ This definition does not include municipalities and local governments; and university and college boards of trustees, and the state universities and colleges are specifically excluded from this definition.¹²

State agencies may use a variety of procurement methods, depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These methods include the following:

- Invitations to bid,¹³ used when an agency determines that standard services or goods will meet needs, wide competition is available and the vendor’s experience will not greatly influence the agency’s results;
- Requests for proposals,¹⁴ used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- Invitations to negotiate,¹⁵ used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex, customized, mission-critical services, by an agency dealing with a limited number of vendors.

A competitive solicitation for contractual services in excess of \$35,000 must be evidenced by a written agreement (contract) embodying all provisions and conditions of the procurement.¹⁶ The contract must include, but not be limited to, provisions on the following:

- Bills for fees or other compensation for services or expenses must be submitted in detail sufficient for a proper preaudit and postaudit of such items;¹⁷
- Bills for any travel expenses be submitted in accordance with the law on per diem and travel expenses of public officers, employees, or authorized persons;¹⁸
- Allowing unilateral cancellation by the agency for refusal by the contractor to allow public access to all documents, papers, letters, or other material made or received by the contractor in conjunction with the contract, unless the records are exempt;¹⁹

⁹ Section 287.057(1), F.S., requires all projects that exceed the Category Two (\$35,000) threshold provided in s. 287.017, F.S., to be competitively bid.

¹⁰ As defined in s. 287.012(6), F.S., “competitive solicitation” means the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement.

¹¹ Section 287.012(1), F.S.

¹² *Id.*

¹³ Section 287.057(1)(a), F.S.

¹⁴ Section 287.057(1)(b), F.S.

¹⁵ Section 287.057(1)(c), F.S.

¹⁶ Section 287.058(1), F.S., provides an exception for the written agreement for contractual services that provide health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured state employees or provide other benefits as required by ch. 440, F.S.

¹⁷ Section 287.058(1)(a), F.S.

¹⁸ Section 287.058(1)(b), F.S.

¹⁹ Section 287.058(1)(c), F.S.

- Specifying a scope of work clearly establishing all tasks the contractor is required to perform;²⁰
- Dividing the contract into quantifiable, measurable, and verifiable units of deliverables that must be received and accepted in writing by the contract manager before payment;²¹
- Specifying the performance criteria and the final date by which such criteria must be met for completion of the contract;²²
- Specifying the conditions that must be met for a renewal of the contract, including, but not limited to:²³
 - The contract may be renewed for a period not exceeding three years or the term of the original contract, whichever is longer;
 - The renewal price for the contractual service as set forth in the bid, proposal, or reply;
 - Specifying that contract renewals are contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds;
- Specifying the financial consequences if the contractor fails to perform in accordance with the contract;²⁴ and
- Addressing the property rights of any intellectual property related to the contract and the specific rights of the state regarding the intellectual property if the contractor fails to provide the services or is no longer providing services.²⁵

The contract must be signed by the agency head or designee and the contractor before the rendering of any contractual service in excess of \$35,000.²⁶ The Chief Financial Officer (CFO) may waive the contracting requirements for the procurement of certain specified commodities or services, unless otherwise provided in the annual General Appropriations Act (GAA) or the substantive bill implementing the GAA.²⁷ A contract may not prohibit a contractor from lobbying the executive or legislative branch concerning the scope of services, performance, term, or compensation regarding any contract to which the contractor and a state agency are parties, after contract execution and during the contract term.²⁸ Each public agency contract for services must authorize the public agency to inspect the following records within 10 days after the agency makes a request:²⁹

- Financial records, papers, and documents of the contractor that are directly related to the performance of the contract or the expenditure of state funds.³⁰
- Programmatic records, papers, and documents of the contractor that the public agency determines are necessary to monitor the performance of the contract or to ensure that the terms of the contract are being met.³¹

²⁰ Section 287.058(1)(d), F.S.

²¹ Section 287.058(1)(e), F.S.

²² Section 287.058(1)(f), F.S.

²³ Section 287.058(1)(g), F.S.

²⁴ Section 287.058(1)(h), F.S.

²⁵ Section 287.058(1)(i), F.S.

²⁶ Section 287.058(2), F.S.

²⁷ Section 287.058(5), F.S., incorporates s. 287.057(3)(e), F.S., which lists 13 specific types of commodities or services for which the contracting requirement may be waived, including, for example, artistic services, lectures by individuals, certain health services, family placement services, and services or commodities provided by governmental entities.

²⁸ Section 287.058(6), F.S.

²⁹ Section 216.1366(1), F.S.

³⁰ Section 216.1366(1)(a), F.S.

³¹ Section 216.1366(1)(b), F.S.

Department Vendor Lists

The DMS maintains a vendor list based on the vendor registration process,³² and may remove from the vendor list any source of supply that fails to fulfill any of its duties specified in a contract.³³ The DMS also maintains the following lists of disqualified, scrutinized, or removed vendors:

- Suspended Vendor List;³⁴
- Convicted Vendor List;³⁵
- Discriminatory Vendor List;³⁶
- Scrutinized List of Prohibited Companies; and³⁷
- Antitrust Violator Vendor List.³⁸

Forced Labor

The term “forced labor” is defined as part of the Tariff Act of 1930 (Act), to mean “all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily, including forced or indentured child labor.”³⁹ The Act also prohibits importing any product into the U.S. that was mined, produced, or manufactured wholly or in part by forced labor, with some limited exceptions.⁴⁰

Florida Law includes the term “forced labor” within the context of human trafficking⁴¹, finding that that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.⁴² Human trafficking occurs in many forms of labor exploitation including domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.⁴³ Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a

³² Section 287.042, F.S. See also The Department of Management Services, *Vendor Resources*, available at https://www.dms.myflorida.com/business_operations/state_purchasing/vendor_resources (last visited Jan. 23, 2024).

³³ Section 287.042(1)(b), F.S.

³⁴ Section 287.1351, F.S.

³⁵ Section 287.133, F.S.

³⁶ Section 287.134, F.S.

³⁷ Section 287.135, F.S.

³⁸ Section 287.137, F.S.

³⁹ 19 U.S.C. § 1307.

⁴⁰ *Id.*

⁴¹ Section 787.06 (2)(d), F.S., defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.

⁴² Section 787.06(1)(a), F.S.

⁴³ Section 787.06(1)(b), F.S.

person to human trafficking for labor,⁴⁴ services,⁴⁵ or commercial sexual activity, commits a crime.⁴⁶

Administrative Procedures Act

The Administrative Procedures Act (APA) provides that a party who wishes to challenge an agency determination of his or her substantial interests must file a petition for a hearing with the agency. An agency request for an administrative law judge (ALJ) must be made to the Division of Administrative Hearings within 15 days after receiving the petition.^{47,48} All parties shall be given an opportunity for a hearing after reasonable notice.⁴⁹ Generally, agency determinations that impact a party's substantial interests are subject to either an informal hearing in which the petitioner does not dispute any material facts of the agency's final action,⁵⁰ or a formal hearing, in which the petitioner disputes a material fact of the agency's final action.⁵¹

III. Effect of Proposed Changes:

Section 1 creates s. 287.1346, F.S., to define the following terms:

- “Forced labor” means work or service exacted from any person, including a minor, under the menace of a penalty for nonperformance and for which the worker does not offer himself or herself voluntarily or an activity that violates s. 787.06.
- “Forced labor vendor list” or “list” means the list required to be created and maintained by the DMS pursuant to paragraph (4)(d).
- “Senior management” includes chief executive officers; assistant chief executive officers, including, but not limited to, assistant presidents, vice presidents, or assistant treasurers; chief financial officers; chief personnel officers; or any employee of an entity performing similar functions.

Agency Procurement of Commodities

The bill prevents a company on the forced labor vendor list from:

- Submitting a bid, proposal, or reply on a contract to provide any commodities to an agency;
- Being awarded a contract or performing work as a contractor, supplier, subcontractor, or consultant with an agency for the provision of commodities; or
- Transacting business pertaining to the provision of commodities with any agency.

Likewise, an agency cannot (1) accept a bid, proposal, or reply from; (2) award a contract to; or (3) transact business with a company on the forced labor vendor list. These prohibitions apply for

⁴⁴ Section 787.06(2)(e), F.S., defines “labor” as: work of economic or financial value.

⁴⁵ Section 787.06(2)(h), F.S., defines “services” as: any act committed at the behest of, under the supervision of, or for the benefit of another. The term includes, but is not limited to, forced marriage, servitude, or the removal of organs.

⁴⁶ Section 787.06(3), F.S.

⁴⁷ Section 120.569(2)(a), F.S.

⁴⁸ Section 120.569, F.S., applies except when mediation is elected by all parties pursuant to s. 120.573, or when a summary hearing is elected by all parties pursuant to s. 120.574, F.S.

⁴⁹ The notice must contain a statement of (1) time, place, and nature of the hearing; and (2) the legal authority and jurisdiction under which the hearing is to be held. Section 120.569(2)(b), F.S.

⁵⁰ Section 120.57(2), F.S.

⁵¹ Sections 120.569 and 120.57(1), F.S.

a period of 365 days after the date the company was placed on the list, unless the company is removed from the list earlier.

The bill requires all invitations to bid, requests for proposals, invitations to negotiate, and any written contracts for the provision of commodities by an agency to include a statement informing companies of such requirements related to forced labor. Contracts with an agency for the provision of commodities entered into or renewed on or after July 1, 2024, must contain a provision that allows the awarding agency to terminate the contract if the company is placed on the forced labor vendor list.

A member of a company's senior management must certify in writing that, to the best of his/her knowledge, the commodities offered to the agency have not been produced, in whole or in part, by forced labor when a company submits a bid, proposal, or reply for a contract and before the company enters into or renews a contract with an agency for the provision of commodities. A company must notify the Department of Management Services (DMS) within 30 days of gaining knowledge that it provided a commodity produced, in whole or in part, by forced labor. Additionally, an agency that learns that it received a commodity produced, in whole or in part, by forced labor must report this information to the DMS in writing within 10 days.

Forced Labor Vendor List

The DMS must create and maintain a forced labor vendor list. The list must contain the name and address of each company that has been disqualified from the public contracting and purchasing process. The DMS shall publish an updated version of the list quarterly, and electronically post the list on its website. A company is disqualified from the public contracting and purchasing process as of the date a final order is entered. A company is removed automatically from the list 366 days after the date of the final order placing the company on the list.

The DMS must investigate reasonable and credible information that a company has submitted a false certification or provided a commodity produced by forced labor. If good cause exists, and if placement on the list is in the public interest, the DMS must initiate a proceeding to place the company on the forced labor vendor list, and notify the company in writing of its intent. The DMS's notice must include a notice of ch. 120, F.S., hearing rights and of the applicable hearing procedures and time requirements.

The bill provides specific guidance on when it is not in the public interest to place a company on the forced labor list. Specifically, a company cannot be placed on the list if any of the following apply:

- The company did not provide to an agency a commodity produced, in whole or in part, by forced labor;
- The company's senior management did not have actual or constructive knowledge that its employee provided an agency a commodity produced, in whole or in part, by forced labor;
- The member of the company's senior management responsible for the contract under which the company provided to the agency a commodity produced, in whole or in part, by forced labor did not have actual or constructive knowledge that the commodity was produced, in whole or in part, by forced labor and a reasonable person under similar circumstances to that

of such member would not have known that the commodity was produced, in whole or in part, by forced labor;

- The member of the company's senior management responsible for the contract under which the company provided to the agency a commodity produced, in whole or in part, by forced labor is no longer an employee of the company; or
- One of the following occur:
 - For a contract with an executive agency, the Governor makes a public finding that, absent the provision of such commodities by the company, the agency would be unable to obtain the commodities.
 - For a contract with an agency of a state constitutional officer other than the Governor, that officer makes a public finding that, absent the provision of such commodities by the company, the agency would be unable to obtain the commodities.

The bill also requires the following factors be considered when determining whether it is in the public interest to place a company on the forced labor vendor list:

- The nature and details of the provision of the commodity produced, in whole or in part, by forced labor.
- The degree of culpability of the company proposed to be placed on the forced labor vendor list.
- Prior or future self-policing by the company to prevent the provision of a commodity produced, in whole or in part, by forced labor.
- The company's compliance with the notification requirements.
- The needs of agencies for additional competition in the procurement of commodities in their respective markets.
- Mitigation based upon any demonstration of good citizenship by the company, including, but not limited to, the adoption of a formal plan to cease producing or providing commodities produced, in whole or in part, by forced labor.

A company may file a petition for a hearing to dispute issues of material fact pursuant to the agency's determination within 21 days of its receipt of the DMS's notice of intent to place the company on the forced labor vendor list. The bill specifically prevents a company from filing a petition for a hearing unless it involves disputed issues of material fact. If a company does not request a hearing, the DMS is required to enter a final order, which places the company on the list.

The bill requires that ch. 120, F.S., applies to such hearings, but sets the following exceptions:

- The petition must be filed with the DMS. The DMS shall be a party to the proceeding for all purposes.
- Within 5 days after the filing of the petition, the department shall notify the Division of Administrative Hearings (DOAH) of the request for a hearing. DOAH shall, within 5 days after receipt of notice from the DMS, assign an administrative law (ALJ) judge to the proceeding. The ALJ, upon request by a party, may consolidate related proceedings.
- The ALJ shall conduct the hearing within 30 days after being assigned, unless otherwise stipulated by the parties.
- Within 30 days after the hearing or receipt of the hearing transcript, whichever is later, the ALJ shall enter a final order, which shall consist of findings of fact, conclusions of law,

interpretation of agency rules, and any other information required by law or rule to be contained in the final order. The final order must determine whether or not to place the company on the forced labor vendor list.

- The ALJ's final order constitutes final agency action for purposes of s. 120.68, F.S.
- At any time after the filing of the petition, the parties may opt to informally dispose of the matter pursuant to s. 120.57(4), F.S. In that event, the ALJ shall enter a final order adopting the stipulation, agreed settlement, or consent order.

The DMS must prove by clear and convincing evidence that it is in the public interest to place the company on the forced labor vendor list. The bill creates a rebuttable presumption, wherein proof that the company provided a commodity produced, in whole or in part, by forced labor to an agency constitutes a presumption that it is in the public interest for the company to be placed on the forced labor vendor list. The company may rebut this presumption by proving, by a preponderance of the evidence, that it is not in the public interest for such company to be placed on the list based upon evidence required in the bill.

The ALJ must issue a final order, which constitutes final agency action, determining whether to place the company on the forced labor vendor list.

Removal from the Forced Labor Vendor List

The bill allows a company placed on the forced labor vendor list to petition for its removal after 6 months since the date a final order is entered placing them on the list. Such petition must be filed with the DMS.

An ALJ may remove a company from the forced labor vendor list upon a determination that removal is in the public interest. The ALJ must consider any relevant factors, including whether the company has prepared a corrective action plan that addresses the original grounds for placement on the list as well as any additional evidence that the company has in good faith taken significant remedial action.

A company cannot petition for another hearing if a petition for removal is denied. The bill allows the DMS to petition for removal prior to the 365-day period.

False Certification

A company that submits a false certification that the commodities it offered to the agency were not been produced, in whole or in part, by forced labor and is subsequently placed on the forced labor vendor list must be assessed a fine by the DMS. Specifically, the bill requires the fine be the greater of \$1,000, or an amount equal to 20 percent of the value of the commodity provided to the agency under the contract.

Miscellaneous

The bill clarifies that placement on the forced labor vendor list does not affect any rights or obligations under any contract, franchise, or other binding agreement which predate such placement.

The bill provides that any fines collected be deposited into the General Revenue Fund.

Section 2 provides that the bill will take effect on July 1, 2024.

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:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DMS may incur additional workload for the oversight and management for maintaining and administering the forced labor vendor list; however, such, workload should be absorbed within the current resources of the DMS. The bill may have an indeterminate positive fiscal impact on the General Revenue Fund by fines collected under the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 287.1346 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

585-01998B-24

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1 A bill to be entitled
 2 An act relating to commodities produced by forced
 3 labor; creating s. 287.1346, F.S.; defining terms;
 4 prohibiting a company on the forced labor vendor list
 5 from taking certain procurement actions; prohibiting
 6 an agency from procuring commodities from certain
 7 companies for a certain timeframe; requiring that
 8 certain solicitations and contracts include a certain
 9 statement; requiring that certain contracts include a
 10 certain termination provision; requiring a member of a
 11 company's senior management to provide a certain
 12 certification within a specified timeframe; requiring
 13 a company to provide a certain notification to the
 14 Department of Management Services within a certain
 15 timeframe; requiring an agency to provide certain
 16 information to the department within a certain
 17 timeframe; requiring the department to create and
 18 maintain a forced labor vendor list; providing
 19 requirements for such list; requiring the department
 20 to publish such list quarterly and to post such list
 21 on its website; providing for automatic removal from
 22 the list if certain conditions are met; providing a
 23 process for the department to place a company on such
 24 list; subjecting a company that submits a false
 25 certification or that should have had certain
 26 knowledge to a fine; authorizing a company that
 27 receives certain notice to file a petition for a
 28 certain hearing; providing requirements and procedures
 29 for such hearings; providing evidentiary standards for

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30 certain proceedings; authorizing a company placed on
 31 such list to petition for removal; providing
 32 requirements for such petitions; authorizing the
 33 removal of a company from such list under certain
 34 circumstances; providing construction; requiring that
 35 collected fines be deposited into the General Revenue
 36 Fund; providing an effective date.
 37
 38 Be It Enacted by the Legislature of the State of Florida:
 39
 40 Section 1. Section 287.1346, Florida Statutes, is created
 41 to read:
 42 287.1346 Provision of commodities produced by forced labor;
 43 denial or revocation of the right to transact business with
 44 agencies.—
 45 (1) As used in this section, the term:
 46 (a) "Forced labor" means work or service exacted from any
 47 person, including a minor, under the menace of a penalty for
 48 nonperformance and for which the worker does not offer himself
 49 or herself voluntarily or an activity that violates s. 787.06.
 50 (b) "Forced labor vendor list" or "list" means the list
 51 required to be created and maintained by the department pursuant
 52 to paragraph (4)(d).
 53 (c) "Senior management" includes chief executive officers;
 54 assistant chief executive officers, including, but not limited
 55 to, assistant presidents, vice presidents, or assistant
 56 treasurers; chief financial officers; chief personnel officers;
 57 or any employee of an entity performing similar functions.
 58 (2) A company on the forced labor vendor list may not:

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59 (a) Submit a bid, proposal, or reply on a contract to
 60 provide any commodities to an agency.

61 (b) Be awarded a contract or perform work as a contractor,
 62 supplier, subcontractor, or consultant with an agency for the
 63 provision of commodities.

64 (c) Transact business for the provision of commodities with
 65 any agency.

66 (3) An agency may not accept a bid, proposal, or reply
 67 from, award a contract to, or transact business pertaining to
 68 the provision of commodities with a company on the forced labor
 69 vendor list, or an entity under the control of such company, for
 70 a period of 365 days after the date the company is placed on the
 71 list unless the company is removed from the list pursuant to
 72 paragraph (5) (d).

73 (4) (a) 1. All invitations to bid, requests for proposals,
 74 and invitations to negotiate and any written contract for the
 75 provision of commodities by an agency must include a statement
 76 informing companies of the requirements of this section.

77 2. Any contract with an agency for the provision of
 78 commodities entered into or renewed on or after July 1, 2024,
 79 must include a provision that allows for the termination of such
 80 contract at the option of the awarding agency if the company is
 81 placed on the forced labor vendor list.

82 (b) At the time a company submits a bid, proposal, or reply
 83 for a contract and before the company enters into or renews a
 84 contract with an agency for the provision of commodities, a
 85 member of the company's senior management must certify, in
 86 writing, that to the best of his or her knowledge the
 87 commodities such company is offering to the agency have not been

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88 produced, in whole or in part, by forced labor.

89 (c) A company must notify the department within 30 days
 90 after gaining actual knowledge that the company has provided to
 91 an agency a commodity produced, in whole or in part, by forced
 92 labor. Any agency that receives information that a company has
 93 provided to an agency a commodity produced, in whole or in part,
 94 by forced labor must provide that information to the department
 95 in writing within 10 days.

96 (d) The department shall create and maintain a forced labor
 97 vendor list that contains the name and address of each company
 98 that has been disqualified from the public contracting and
 99 purchasing process under this section. The department shall
 100 publish an updated version of the list quarterly. The updated
 101 quarterly list shall be electronically posted on the
 102 department's website. Notwithstanding this paragraph, a company
 103 disqualified from the public contracting and purchasing process
 104 pursuant to this section shall be disqualified as of the date a
 105 final order is entered pursuant to paragraph (e) or paragraph
 106 (5) (a). A company is removed automatically from the list 366
 107 days after the date of the final order placing the company on
 108 the list.

109 (e) Upon receiving from any source reasonable and credible
 110 information that a company has submitted a false certification
 111 or provided to an agency a commodity produced, in whole or in
 112 part, by forced labor, the department shall investigate the
 113 information and determine whether good cause exists to place the
 114 company on the forced labor vendor list and whether such
 115 placement is in the public interest. If good cause exists and
 116 placement is in the public interest, the department shall notify

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the company in writing of the department's intent to place the company on the list and of the company's right to a hearing, the procedure that must be followed, and the applicable time requirements. If the company does not request a hearing, the department shall enter a final order placing the company on the forced labor vendor list. A company may not be placed on the forced labor vendor list without receiving an individual notice of intent from the department.

1. It is not in the public interest to place a company on the forced labor vendor list if any of the following applies:

a. The company did not provide to an agency a commodity produced, in whole or in part, by forced labor;

b. The provision to an agency of a commodity produced, in whole or in part, by forced labor was committed by an employee of the company without the actual or constructive knowledge of any member of the company's senior management;

c. The member of the company's senior management responsible for the contract under which the company provided to the agency a commodity produced, in whole or in part, by forced labor did not have actual or constructive knowledge that the commodity was produced, in whole or in part, by forced labor and a reasonable person under similar circumstances to that of such member would not have known that the commodity was produced, in whole or in part, by forced labor;

d. The member of the company's senior management responsible for the contract under which the company provided to the agency a commodity produced, in whole or in part, by forced labor is no longer an employee of the company; or

e. One of the following occurs:

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(I) For a contract with an executive agency, the Governor makes a public finding that, absent the provision of such commodities by the company, the agency would be unable to obtain the commodities for which the contract is offered.

(II) For a contract with an agency of a state constitutional officer other than the Governor, the state constitutional officer makes a public finding that, absent the provision of such commodities by the company, the agency would be unable to obtain the commodities for which the contract is offered.

2. In determining whether it is in the public interest to place a company on the forced labor vendor list, the following factors shall be considered:

a. The nature and details of the provision of the commodity produced, in whole or in part, by forced labor.

b. The degree of culpability of the company proposed to be placed on the forced labor vendor list.

c. Prior or future self-policing by the company to prevent the provision of a commodity produced, in whole or in part, by forced labor.

d. The company's compliance with paragraph (c).

e. The needs of agencies for additional competition in the procurement of commodities in their respective markets.

f. Mitigation based upon any demonstration of good citizenship by the company, including, but not limited to, the adoption of a formal plan to cease producing or providing commodities produced, in whole or in part, by forced labor.

(f) A company that submits a false certification under paragraph (b) or that should have known that a commodity

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provided under a contract with an agency was produced, in whole or in part, by forced labor and is subsequently placed on the forced labor vendor list shall be assessed a fine of \$1,000 or an amount equal to 20 percent of the value of the commodity provided to the agency under the contract, whichever is greater.

(5) (a) Within 21 days after receipt of the notice of intent pursuant to paragraph (4) (e), the company may file a petition for a hearing involving disputed issues of material fact pursuant to ss. 120.569 and 120.57(1) to challenge the agency's determination that the company's placement on the forced labor vendor list is in the public interest. A company may not file a petition for a hearing not involving disputed issues of material fact under s. 120.57(2). Chapter 120 applies to a hearing under this section except that:

1. The petition shall be filed with the department. The department shall be a party to the proceeding for all purposes.

2. Within 5 days after the filing of the petition, the department shall notify the Division of Administrative Hearings of the request for a hearing pursuant to ss. 120.569 and 120.57(1). The director of the Division of Administrative Hearings shall, within 5 days after receipt of notice from the department, assign an administrative law judge to preside over the proceeding. The administrative law judge, upon request by a party, may consolidate related proceedings.

3. The administrative law judge shall conduct the hearing within 30 days after being assigned, unless otherwise stipulated by the parties.

4. Within 30 days after the hearing or receipt of the hearing transcript, whichever is later, the administrative law

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judge shall enter a final order, which shall consist of findings of fact, conclusions of law, interpretation of agency rules, and any other information required by law or rule to be contained in the final order. Such final order shall place or not place the company on the forced labor vendor list.

5. The final order of the administrative law judge shall be final agency action for purposes of s. 120.68.

6. At any time after the filing of the petition, informal disposition may be made pursuant to s. 120.57(4). In that event, the administrative law judge shall enter a final order adopting the stipulation, agreed settlement, or consent order.

(b) In any proceeding under this section, the department is required to prove by clear and convincing evidence that it is in the public interest for the company to which the department has provided notice of intent pursuant to paragraph (4) (e) to be placed on the forced labor vendor list. Proof that such company provided to an agency a commodity produced, in whole or in part, by forced labor constitutes a rebuttable presumption that it is in the public interest for the company to be placed on the forced labor vendor list.

(c) Upon establishment of the rebuttable presumption in paragraph (b) that it is in the public interest for the company to be placed on the forced labor vendor list, that company may prove by a preponderance of the evidence that it is not in the public interest for such company to be placed on the list based upon evidence addressing the provisions of sub-subparagraph (4) (e)1. or the factors in sub-subparagraph (4) (e)2.

(d)1. A company on the forced labor vendor list may petition for such company's removal from the list no sooner than

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233 6 months after the date a final order is entered placing the
234 company on the list. The petition shall be filed with the
235 department, and the proceeding shall be conducted pursuant to
236 this subsection.

237 2. A company may be removed from the forced labor vendor
238 list subject to such terms and conditions as may be prescribed
239 by the administrative law judge upon a determination that
240 removal is in the public interest. In determining whether
241 removal is in the public interest, the administrative law judge
242 shall give consideration to any relevant factors, including
243 whether the company has prepared a corrective action plan that
244 addresses the original grounds for placement on the list as well
245 as any additional evidence that the company has in good faith
246 taken significant remedial action.

247 3. If a petition for removal is denied, the company may not
248 petition for another hearing on removal. The department may
249 petition for removal before the expiration of the 365-day period
250 provided in subsection (3) if, in the department's discretion,
251 the department determines that removal would be in the public
252 interest.

253 (6) Placement on the forced labor vendor list does not
254 affect any rights or obligations under any contract, franchise,
255 or other binding agreement which predate such placement.

256 (7) Any fines collected under this section shall be
257 deposited into the General Revenue Fund.

258 Section 2. This act shall take effect July 1, 2024.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 472

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Brodeur

SUBJECT: Sovereign Immunity

DATE: January 31, 2024

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 472 increases the cap on the payment of judgments against government entities from \$200,000 to \$400,000 per individual, and from \$300,000 to \$600,000 per instance. The bill provides for the annual adjustment of the cap to reflect changes in the Consumer Price Index, beginning on July 1, 2029, and recalculated every 5 years thereafter.

The bill allows local government entities to settle a claim in any amount without the approval of a claim bill by the Legislature. If a state agency agrees to settle a claim or has a judgment render against it, the state agency may pay the amount in excess of the waiver of sovereign immunity and any insurance coverage, only by seeking excess payment from the Legislature through a claim bill.

The bill abolishes home venue privilege, thereby allowing a claimant to bring a suit against the state, its agency, or a subdivision thereof in the claimant's home county, the county where the action accrued, or the county in which the property in litigation is located.

The bill reduces from 3 years to 18 months the time allotted for pre-suit notice to the state, its agency, or a subdivision thereof, and also reduces the duration that entity has to review the notice from 6 months to 4 months.

The bill removes the statute of limitations and statute of repose for civil actions against state entities where the plaintiff in a sexual battery matter was younger than 16 years old at the time of

the injury. The bill also reduces the statute of limitations for a negligence claim against the state, its agency, or a subdivision thereof from 4 years to 2 years.

The bill takes effect October 1, 2024, and applies to any claim that was not concluded by a final judgment or settlement before then.

II. Present Situation:

Home Venue Privilege

Common law is the common and statute laws of England which are of a general and not a local nature before July 4, 1776.¹ Under the common law in Florida, the “home venue privilege” provides that venue for civil actions brought against the state or one of its agencies or subdivisions, absent waiver or exception, is proper in the county where the state, agency, or subdivision maintains its principal headquarters.² As such, absent waiver or exception, an action brought against a state agency in a county other than that of its official residence may be dismissed, severed, or transferred to the proper venue.³

Presuit Procedures for a Claim Against the Government

Before a claimant files a lawsuit against a government entity, the claimant must present the claim in writing to the government entity within a time period prescribed by law, which is generally 3 years.⁴ If the claim is brought against the state, the claimant must also present the claim to the Department of Financial Services (DFS). The government entity generally then has 6 months to review the claim. If the government entity does not dispose of the claim within that 6-month period, the claimant may generally proceed with the lawsuit.⁵

Sovereign Immunity

Sovereign immunity is “[a] government’s immunity from being sued in its own courts without its consent.”⁶ The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows:

A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.⁷

Article X, s. 13 of the Florida Constitution authorizes the Legislature to enact laws that permit suits against the state and its subdivisions, thereby waiving sovereign immunity. Currently,

¹ Section 2.01, F.S.

² 56 Fla. Jur. 2d Venue § 43; *Bush v. State*, 945 So. 2d 1207 (Fla. 2006)

³ 56 Fla. Jur. 2d Venue § 43.

⁴ See s. 768.28(6)(a), F.S.

⁵ See s. 768.28(6)(d), F.S.

⁶ BLACK’S LAW DICTIONARY (11th ed. 2019).

⁷ *Cauley v. City of Jacksonville*, 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawananakoa v. Polyblank*, 205 U.S. 349, 353 (1907)).

Florida law allows tort lawsuits against the state and its subdivisions⁸ for damages that result from the negligence of government employees acting in the scope of their employment, but limits payment of judgments to \$200,000 per person and \$300,000 per incident.⁹ Harmed persons who seek to recover amounts in excess of these limits may request that the Legislature enact a claim bill to appropriate the remainder of their court-awarded judgment.¹⁰ Article VII, s. 1(d) of the State Constitution prohibits funds from being drawn from the State Treasury except in pursuance of an appropriation made by law. However, local governments and municipalities are not subject to this provision, and therefore may appropriate their local funds according to their processes.

History of Florida Sovereign Immunity Law

Florida has adopted the common law of England as it existed on July 4, 1776.¹¹ This adoption of English common law includes the doctrine of sovereign immunity. The doctrine of sovereign immunity was in existence centuries before the Declaration of Independence.¹²

The Legislature was first expressly authorized to waive the state's sovereign immunity under s. 19, Art. IV of the 1868 Florida Constitution.¹³ When the Florida Constitution was amended in 1968, it again expressly authorized the Legislature to waive the state's sovereign immunity under s. 13, Art. X.¹⁴

Although the first general waiver of the state's sovereign immunity was not adopted until 1969, "one . . . could always petition for legislative relief by means of a claims bill."¹⁵ The first claim bill was passed by the Legislative Council of the Territory of Florida in 1833.¹⁶ The claim bill authorized payment to a person who supplied labor and building materials for the first permanent capitol building.¹⁷

The 1969 Legislature enacted s. 768.15, F.S., the state's first general waiver of sovereign immunity,¹⁸ which expired after one year.¹⁹ In 1973, the Legislature again adopted a law that

⁸ Section 768.28(2), F.S., defines "state agencies or subdivisions" to include "executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority."

⁹ Section 768.28, F.S.

¹⁰ Section 768.28(5)(a), F.S. *See also*, s. 11.066, F.S., which states that state agencies are not required to pay monetary damages under a court's judgment except pursuant to an appropriation made by law.

¹¹ Section 2.01, F.S. English common law that is inconsistent with state or federal law is not included.

¹² *North Carolina Dept. of Transp. v. Davenport*, 432 S.E.2d 303, 305 (N.C. 1993).

¹³ Section 19, Art. VI, State Const. (1868), states: "Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating."

¹⁴ FLA. CONST. Art. X, s.13 states: "Provision may be made by general law for bringing suit against the state as to all liabilities now existing or hereafter originating."

¹⁵ *Cauley*, 403 So. 2d at note 5.

¹⁶ D. Stephen Kahn, *Legislative Claim Bills: A Practical Guide to a Potent(ial) Remedy*, THE FLORIDA BAR JOURNAL, 23 (April, 1988).

¹⁷ *Id.*

¹⁸ Chapter 69-116, Laws of Fla.

¹⁹ Chapter 69-357, Laws of Fla.

waived the state's sovereign immunity.²⁰ The statute, s. 768.28, F.S., was modeled after the Federal Tort Claims Act and remains substantially the same today.

Under s. 768.28(5), F.S. (1973), the state's ability to pay a tort judgment was limited to \$50,000 per person and \$100,000 per incident. In 1981, the Legislature increased the amount of damages that could be paid to \$100,000 per person and \$200,000 per incident.²¹ In 2010, the Legislature increased the limits to \$200,000 per person and \$300,000 per incident.²² Attorney fees have been limited to 25 percent of the proceeds of judgments or settlements since 1979.²³

Statutory Waivers of Sovereign Immunity

Section 768.28(1), F.S., allows tort lawsuits to be filed against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting in the scope of employment. This liability exists only where a private person would be liable for the same conduct. Section 768.28, F.S., applies only to "injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment"²⁴

Section 768.28(5), F.S., caps tort recovery from a governmental entity at \$200,000 per person and \$300,000 per accident. Although a court may award a judgment in excess of these statutory limits, a claimant cannot collect more than provided for in statute without passage of a special claim bill passed by the legislature.²⁵

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken in the scope of employment unless the damages result from the employee's bad faith, malicious purpose, or wanton and willful disregard for human rights, safety, or property.²⁶ A government entity is not liable for any damages resulting for actions by an employee outside the scope of his or her employment and is not liable for damages resulting from actions committed by the employee in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.²⁷

Claim Bill Process

"A claim bill is not an action at law, but rather a legislative measure that directs the Chief Financial Officer of Florida, or if appropriate, a unit of local government, to pay a specific sum of money to a claimant to satisfy an equitable or moral obligation."²⁸

Persons who wish to seek the payment of claims in excess of the statutory cap must have a state legislator introduce a claim bill in the Legislature, which must pass both houses. Once a claim

²⁰ Chapter 73-313, Laws of Fla.

²¹ Chapter 81-317, Laws of Fla.

²² Chapter 2010-26, Laws of Fla.

²³ Section 768.28(8), F.S.

²⁴ *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4th DCA 2019) (quoting s. 768.28(1), F.S.).

²⁵ See, *Breaux v. City of Miami Beach*, 899 So. 2d 1059 (Fla. 2005).

²⁶ Section 768.28(9)(a), F.S.

²⁷ *Id.*

²⁸ *Wagner v. Orange Cty.*, 960 So. 2d 785, 788 (Fla. 5th DCA 2007).

bill is filed, the presiding officer of each house of the Legislature may refer the bill to a Special Master, as well as to one or more committees, for review. Senate and House Special Masters typically hold a quasi-judicial, *de novo* hearing to determine whether the elements of negligence have been satisfied: duty, breach, causation, and damages.²⁹

The amount awarded by the Legislature in a claim bill is based on the Legislature's concept of fair treatment of a person who has been injured or damaged but who is without a complete judicial remedy or who is not otherwise compensable.³⁰ "Unlike civil judgments, private relief acts are not obtainable by right upon the claimant's proof of his entitlement. Private relief acts are granted strictly as a matter of legislative grace."³¹

The beneficiary of a claim bill recovers by its enactment, regardless of whether the governmental tortfeasor purchased liability insurance to pay an excess judgment.³² However, where the governmental tortfeasor has liability insurance above the statutory cap, and the claimant receives compensation above that statutory cap through a claim bill, the claim bill is paid with funds of the insured, not general revenue.³³

The following table represents the annual summary of all claim bill activity in the Florida Legislature from 2019-2023:

Session Year	Total Claims Filed	Number of Claims that Became Law	Total Dollar Amount Claimed	Total Dollar Amount Paid
2019	19	5	\$30,209,967	\$4,000,000
2020	15	2	\$59,555,928.40	\$6,650,000
2021	13	2	\$46,099,864	\$2,800,000
2022	18	5	\$43,305,151	\$2,297,500
2023	16	8	\$54,120,900	\$20,112,000

Effect of Insurance Coverage on Damages Cap

A government entity may, without a claim bill, settle a claim against it for an amount above the caps in s. 768.28, F.S., if that amount is within the limits of insurance coverage.³⁴

Cost of Florida's Waiver of Sovereign Immunity

The exact cost of the state's waiver of sovereign immunity under s. 768.28, F.S., is unknown. No centralized location exists for local government entities, such as cities, counties, school boards, sheriff's offices, special districts, and other entities to record the value of the total claims paid

²⁹ See Fla. Senate R. 4.09(3) (2020-2024). See also, Florida Senate, *Legislative Claim Bill Manual*, 8-10 (Aug. 2023), available at <https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf> (last visited Jan. 29, 2023).

³⁰ *Wagner*, 960 So. 2d at 788 (citing Kahn, Legislative Claim Bills, Fla. B. Journal (April 1988)).

³¹ *United Servs. Auto. Ass'n v. Phillips*, 740 So. 2d 1205, 1209 (Fla. 2d DCA 1999).

³² *Servs. Auto Ass'n v. Phillips*, 740 So. 2d 1205 (Fla. 2d DCA 1999).

³³ *Fla. Mun. Ins. Trust v. Village of Golf*, 850 So. 2d 544, 548 (Fla. 4th DCA 2003), citing *Bonvento v. Bd. of Pub. Instruction*, 194 So.2d 605 (Fla. 1967).

³⁴ *Michigan Millers Mut. Ins. Co. v. Burke*, 607 So. 2d 418, 421-22 (Fla. 1992); Section 768.28(5), F.S.

under the current sovereign immunity waiver. Information documenting the cost of the sovereign immunity waiver to state government entities is available from the Division of Risk Management (Division). The Division provides general liability insurance to state agencies up to the amount of the sovereign immunity waiver.³⁵ The Division also settles and defends tort suits filed against the agencies.

In Fiscal Year 2021-22, the Division paid \$7,637,712 for the resolution of 2,080 general liability claims.³⁶ Additionally, the Division provides auto liability insurance to state agencies for claims arising out of the use of state vehicles. In Fiscal Year 2021-22, the Division paid \$6,691,380 for the resolution of 472 automobile liability claims.³⁷

Sovereign Immunity in Other Jurisdictions

At least 27 other state legislatures have placed monetary caps on recovery from actions in tort against their state or political subdivisions:

- Colorado: \$350,000 per person; \$990,000 per occurrence.³⁸
- Georgia: \$1 million per person; \$3 million per occurrence.³⁹
- Idaho: \$500,000 per occurrence, regardless of the number of people, unless the government is insured above the limit.⁴⁰
- Illinois: \$2,000,000.⁴¹
- Indiana: \$700,000 per person; \$5 million per occurrence.⁴²
- Kansas: \$500,000 per occurrence.⁴³
- Louisiana: \$500,000 per occurrence.⁴⁴
- Maine: \$400,000 per occurrence.⁴⁵
- Maryland: \$400,000 per person; \$890,000 per occurrence.⁴⁶
- Massachusetts: \$100,000.⁴⁷
- Minnesota: \$500,000 per person; \$1,500,000 per occurrence.⁴⁸
- Mississippi: \$500,000.⁴⁹
- Missouri: \$300,000 per person and \$2 million per occurrence.⁵⁰

³⁵ Section 284.30, F.S.

³⁶ Department of Financial Services, Division of Risk Management, *Fiscal Year 2022 Annual Report*, 8-9 (2022), available at https://www.myfloridacfo.com/docs-sf/risk-management-libraries/risk-documents/annual-reports/risk-mgmt-annual-report-2022---final.pdf?sfvrsn=59248690_2 (last visited Jan. 29, 2023).

³⁷ *Id.*

³⁸ Colo. Rev. Stat. §24-10-114.

³⁹ Ga. Code §50-21-29(a)-(b)(1).

⁴⁰ Idaho Code §6-926.

⁴¹ Ill. Ann. Stat. ch. 705, §505/8.

⁴² Ind. Code §34-13-3-4.

⁴³ Kan. Stat. Ann. §75-6105.

⁴⁴ La. Rev. Stat. Ann. §13:5106.

⁴⁵ Me. Rev. Stat. Ann. tit. 14, §8105.

⁴⁶ Md. State Government Code Ann. §12-104(a)(2).

⁴⁷ Mass. Gen. Laws Ann. ch. 258, §2.

⁴⁸ Minn. Stat. Ann. §3.736(4).

⁴⁹ Miss. Code Ann. 11-46-15.

⁵⁰ Mo. Ann. Stat. §537.610.

- Montana: \$750,000 per claim and \$1.5 million per occurrence.⁵¹
- New Hampshire: \$475,000 per claimant and \$3.75 million per occurrence.⁵²
- New Mexico: \$200,000 per claim of property damage; \$300,000 per claim of medical expenses; \$400,000 for claims other than property damages or medical expenses; all claims limited to \$750,000 per occurrence.⁵³
- North Carolina: \$1 million per occurrence.⁵⁴
- North Dakota: \$375,000 per person; \$1 million per occurrence.⁵⁵
- Oklahoma: \$125,000 per person, with higher limits for specific categories; \$1 million per occurrence.⁵⁶
- Pennsylvania: \$250,000 per person; \$1 million per occurrence.⁵⁷
- Rhode Island: \$100,000.⁵⁸
- South Carolina: \$300,000 per person; \$600,000 per occurrence.⁵⁹
- Tennessee: \$300,000 per person; \$1 million per occurrence.⁶⁰
- Texas: \$250,000 per person; \$500,000 per occurrence (\$100,000 per claim of destruction of personal property).⁶¹
- Utah: \$233,600 for property damage; \$583,900 for personal injury person; \$3 million per occurrence.⁶²
- Vermont: \$500,000 per person; \$2 million per occurrence.⁶³
- Virginia: \$100,000.⁶⁴

III. Effect of Proposed Changes:

Home Venue Privilege

The bill amends s. 47.011(2), F.S., to abolish the common law doctrine of home venue privilege with respect to suits against the state. Therefore, the standard venue provisions apply to claims against the state, allowing venue in the county where the defendant resides, the county where the cause of action accrued, or the county in which the property in dispute is located.

Liability Caps

The bill amends s. 786.28, F.S., to increase the limits of the waiver of sovereign immunity for a claim made against the state and its agencies and subdivisions from \$200,000 to \$400,000 per person, and from \$300,000 to \$600,000 per incident. Beginning July 1, 2025, the bill provides

⁵¹ Mont. Code. Ann. §2-9-108.

⁵² N.H. Rev. Stat. Ann. §541-B:14.

⁵³ N.M. Stat. Ann. §41-4-19.

⁵⁴ N.C. Gen. Stat. §143-299.2.

⁵⁵ N.D. Cent. Code S32-12.2-02.

⁵⁶ Okla. Stat. tit. 51, §154.

⁵⁷ Pa. Cons. Stat. Ann. Tit. 42, §8528.

⁵⁸ R.I. Gen. Laws §9-31-2.

⁵⁹ S.C. Code Ann. §15-78-120.

⁶⁰ Tenn. Code Ann. §9-8-307.

⁶¹ Tex. Civ. Prac. & Rem. Code Ann. §101.023.

⁶² Utah Code. Ann. §63G-7-604.

⁶³ Vt. Stat. Ann. tit. 12, §5601.

⁶⁴ Va. Code §8.01-195.3.

for the adjustment of the cap every 5 years to reflect changes in the Southeast Consumer Price Index or a successor index as calculated by the U.S. Department of Labor. A claim's liability limits will be determined on the date that a final judgment is entered on a claim.

Settlement in Excess of Liability Cap

The bill allows a subdivision of the state, but not the state or an agency, to settle a claim in any amount without approval of a claim bill by the Legislature. Under current law, amounts that exceed the sovereign immunity caps may be paid without approval of the Legislature only from the proceeds of an insurance policy.⁶⁵

This provision therefore allows a local government to pay a settled amount in excess of the sovereign immunity caps out of its own coffers, or through its insurance coverage. A state entity, however, is limited in its ability to pay above the sovereign immunity caps by either its insurance policy limit or a legislative appropriation resulting from the claim bill process.⁶⁶

Additionally, the bill prohibits a party from lobbying against any agreed upon settlement brought to the Legislature in the claims bill process and prohibits an insurance company from placing any conditions on the payment of benefits on the enactment of a claim bill.⁶⁷

Pre-suit Notice and Statutes of Limitation

The bill reduces the pre-suit notice timeframe from 3 years to 18 months, therefore requiring that a claimant provide quicker notice to the state, or one of its agencies or subdivisions than required under current law. The bill also reduces the DFS' or appropriate agency's allotted time to review a claim in the pre-suit notice phase from 6 months to 4 months—during which the statute of limitations is now tolled for all defendants, not just in cases for medical malpractice and wrongful death actions. After the DFS or state agency issues its final disposition of a claim, or a final denial of a claim has occurred, the claimant has the greater of 60 days or the remainder of the period of the applicable statute of limitations to file suit against the appropriate actor.

The bill imposes varied statutes of limitations (barring the action unless commenced within prescribed timeframe), requiring a claimant to file a civil action against the state or an agency or subdivision of as follows:

- For claims based on negligence, within 2 years.
- For claims of sexual battery where the plaintiff was younger than 16 years old at the time of the injury (other than one which would have been time barred on or before July 1, 2010), there is no statute of limitations.
- For any other claim—within 4 years.

⁶⁵ “No claims bill is necessary if excess insurance is purchased and the plaintiffs find it necessary to proceed directly against the excess carrier.” *Hillsborough Co. v. Star Ins. Co.*, 847 F.3d 1296, 1306 (2017).

⁶⁶ See discussion of FLA. CONST. art. VII, s. 1(d), *infra*.

⁶⁷ This provision will likely prevent inclusion of contractual provisions that bar recovery for claimants pursuant to an insurance policy by, e.g., requiring the claimant to first go through the Legislative Claims Bill process before the insurance policy may be used for payment of a settlement. See, *Martin v. Nat'l. Union Fire Ins. Co. of Pittsburgh, Pa.*, 616 So.2d 1143, 1145 (Fla. 4th DCA 1993).

The bill takes effect October 1, 2024, and applies to any claim that was not concluded by a final judgment or settlement before then.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article I, s. 10 of the State Constitution prohibits laws that impair the obligations of existing contracts.⁶⁸ Because the bill bars insurance conditioned on the payment of a claim bill, the Legislature should specify that this provision applies to insurance contracts entered into or renewed on or after the effective date of the bill.

V. Fiscal Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may enable more individuals harmed by a state entity-tortfeasor to receive larger payments without the need to pursue a claim bill. The capacity for a larger reward without a claim bill may incentivize private attorneys to represent such claimants.

C. Government Sector Impact:

The increased cap on the payment of tort settlements and judgments by state entities increases the likelihood that state entities will spend more of their resources to satisfy tort

⁶⁸ *Searcy, Denney, Scarola, Barnhart & Shipley, etc. v. State*, 209 So. 3d 1181, 1190 (Fla. 2017).

claims, including travel to venues throughout the state. This may negatively impact funds for government services.

Local governments will likely experience an increase in costs related to the settlement and award of claims and other legal costs.

Additionally, the state and its subdivisions may experience an increase in insurance premiums for liability coverage, or their cost for self-insurance.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 47.011 and 768.28 of the Florida Statutes.

The bill reenacts the following sections of the Florida Statutes: 45.061, 110.504, 111.071, 125.01015, 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395, 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706, 409.175, 409.993, 420.504, 420.507, 455.221, 455.32, 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1335, 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33, 1002.333, 1002.34, 1002.351, 1002.37, 1002.55, 1002.83, 1002.88, 1006.24, 1006.261.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on January 29, 2024:

- Abolishes the common law doctrine of “home venue privilege” in relation to negligence suits against the state.
- Allows a subdivision of the state, but not the state or an agency, to agree to settle a claim in excess of the sovereign immunity cap, and without regard to insurance coverage limits, without further state action.
- Allows the state or an agency to agree to settle a claim pursuant to the sovereign immunity waiver, and seek excess payment from the Legislature through a claim bill, or up to the maximum limit of its insurance coverage without further legislative action.
- Prohibits a party from lobbying the Legislature to vote against a claims bill that it agreed to settle.
- Sets the date on which a claim’s liability limits are determined as that on which a final judgment is entered.

- Delays the calculation of an adjusted sovereign immunity cap (based on CPI) to July 1, 2029, and requires a recalculation every 5 years.
- Requires a claimant to file pre-suit notice of a claim with the appropriate agency no later than 18 months, rather than 3 years, after the claim accrues in order to pursue an action against the state or one of its agencies or subdivisions.
- Reduces from six months to four months the general pre-suit statutory timeframe for a government entity's review and disposal of a claim.
- Tolls the statute of limitations for all defendants, not just those in medical malpractice and wrongful death actions, for the duration of the DFS' or agency's pre-suit consideration of a claim.
- Provides 60 days or the remainder of the statute of limitations, whichever is greater, from the date on which the DFS or appropriate agency issues a final disposition of a claim or otherwise is deemed to have issued a final denial, for a claimant to file suit.
- Reduces the statute of limitations for filing a claim against a governmental entity for claims based in negligence from 4 to 2 years, but maintains the 4-year statute of limitations for "any other action not specified."
- Removes the statute of limitations for filing a claim against a governmental entity for sexual battery of a victim under the age of 16.
- Changes the effective date to October 1, 2024, and states that it applies to claims that accrue on or after that date.

B. Amendments:

None.



702674

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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The Committee on Governmental Oversight and Accountability
(Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 47.011, Florida Statutes, is amended to
read:

47.011 Where actions may be begun.—

(1) Actions shall be brought only in the county where the
defendant resides, where the cause of action accrued, or where
the property in litigation is located. This section shall not



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apply to actions against nonresidents.

(2) The common-law doctrine of home venue privilege is abolished with respect to civil actions brought against the state. This subsection does not affect any venue provision otherwise established in law.

Section 2. Subsection (5), paragraphs (a) and (d) of subsection (6), and subsection (14) of section 768.28, Florida Statutes, are amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; civil liability for damages caused during a riot; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(5) (a) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of \$400,000 ~~\$200,000~~ or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of \$600,000 ~~\$300,000~~. However, a judgment or judgments may be claimed and rendered in excess of these amounts ~~and may be settled~~ and paid pursuant to this act up to \$400,000 ~~or \$600,000~~ ~~\$200,000 or \$300,000~~, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, and ~~but~~ may be paid in part or in whole ~~only~~ by further act of the Legislature.



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40 (b) Notwithstanding the limited waiver of sovereign
41 immunity provided in paragraph (a):

42 1. ~~herein,~~ The state or an agency ~~or subdivision~~ thereof
43 may agree, within the limits of insurance coverage provided, to
44 settle a claim made or a judgment rendered against it in excess
45 of the waiver provided in paragraph (a) without further action
46 by the Legislature.

47 2. A subdivision of the state may agree to settle a claim
48 made or a judgment rendered against it in excess of the waiver
49 provided in paragraph (a) without further action by the
50 Legislature.

51
52 However, ~~but~~ the state or an agency or subdivision thereof shall
53 not be deemed to have waived any defense of sovereign immunity
54 or to have increased the limits of its liability as a result of
55 its obtaining insurance coverage for tortious acts in excess of
56 the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (a).

57 However, a party may not lobby against any agreed upon
58 settlement brought to the Legislature as a settled claims bill
59 above.

60 (c) The limitations of liability set forth in this
61 subsection ~~shall~~ apply to the state and its agencies and
62 subdivisions whether or not the state or its agencies or
63 subdivisions possessed sovereign immunity before July 1, 1974.

64 (d) ~~(b)~~ A municipality has a duty to allow the municipal law
65 enforcement agency to respond appropriately to protect persons
66 and property during a riot or an unlawful assembly based on the
67 availability of adequate equipment to its municipal law
68 enforcement officers and relevant state and federal laws. If the



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governing body of a municipality or a person authorized by the governing body of the municipality breaches that duty, the municipality is civilly liable for any damages, including damages arising from personal injury, wrongful death, or property damages proximately caused by the municipality's breach of duty. The sovereign immunity recovery limits in paragraph (a) do not apply to an action under this paragraph.

(e) When determining liability limits for a claim, the limitations of liability in effect on the date a final judgment is entered shall apply to the settled claim.

(f) Beginning July 1, 2029, and on July 1 every 5 years thereafter, the Department of Financial Services shall adjust the limitations of liability in this subsection to reflect changes in the Consumer Price Index for the Southeast or a successor index as calculated by the United States Department of Labor.

(6) (a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality, county, or the Florida Space Authority, presents such claim in writing to the Department of Financial Services, within 18 months ~~3 years~~ after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. Such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no



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such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability; or

2. Such action arises from a violation of s. 794.011 involving a victim who was younger than 16 years of age at the time of the act, the claimant may present the claim in writing at any time pursuant to s. 95.11(9) ~~is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues.~~

(d) For purposes of this section, complete, accurate, and timely compliance with the requirements of paragraph (c) shall occur prior to settlement payment, close of discovery or commencement of trial, whichever is sooner; provided the ability to plead setoff is not precluded by the delay. This setoff shall apply only against that part of the settlement or judgment payable to the claimant, minus claimant's reasonable attorney's fees and costs. Incomplete or inaccurate disclosure of unpaid adjudicated claims due the state, its agency, officer, or subdivision, may be excused by the court upon a showing by the preponderance of the evidence of the claimant's lack of knowledge of an adjudicated claim and reasonable inquiry by, or on behalf of, the claimant to obtain the information from public records. Unless the appropriate agency had actual notice of the information required to be disclosed by paragraph (c) in time to assert a setoff, an unexcused failure to disclose shall, upon hearing and order of court, cause the claimant to be liable for double the original undisclosed judgment and, upon further motion, the court shall enter judgment for the agency in that



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amount. Except as provided otherwise in this subsection, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 4 ~~6~~ months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions and in wrongful death actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The statute of limitations for medical malpractice actions and wrongful death actions is tolled for the period of time taken by the Department of Financial Services or the appropriate agency to deny the claim. The provisions of this subsection do not apply to such claims as may be asserted by counterclaim pursuant to s. 768.14.

(14) Every claim against the state or one of its agencies or subdivisions for damages for a negligent or wrongful act or omission pursuant to this section shall be forever barred unless the civil action is commenced by filing a complaint in the court of appropriate jurisdiction:

(a) Within 2 4 years for an action founded on negligence.

(b) Within the limitations provided in s. 768.31(4) for an action for contribution.

(c) Within the limitations provided in s. 95.11(4) for an action for damages arising from medical malpractice or wrongful death.

(d) At any time for an action arising from acts constituting a violation of s. 794.011 involving a victim who was younger than 16 years of age pursuant to s. 95.11(9).



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(e) Within 4 years for any other action not specified in this subsection after such claim accrues; except that an action for contribution must be commenced within the limitations provided in s. 768.31(4), and an action for damages arising from medical malpractice or wrongful death must be commenced within the limitations for such actions in s. 95.11(4).

Section 3. Sections 45.061, 110.504, 111.071, 125.01015, 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395, 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706, 409.175, 409.993, 420.504, 420.507, 455.221, 455.32, 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355, 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33, 1002.333, 1002.34, 1002.351, 1002.37, 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261, Florida Statutes, are reenacted for the purpose of incorporating the amendments made by this act to s. 768.28, Florida Statutes, in references thereto.

Section 4. This act applies to claims accruing on or after October 1, 2024.

Section 5. This act shall take effect October 1, 2024.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to suits against the government;
amending s. 47.011, F.S.; abolishing the common-law



702674

doctrine of home venue privilege with respect to
action against the state; amending s. 768.28, F.S.;
increasing the statutory limits on liability for tort
claims against the state and its agencies and
subdivisions; authorizing a subdivision of the state
to settle a claim in excess of the statutory limit
without further action by the Legislature regardless
of insurance coverage limits; prohibiting a party from
lobbying against any agreed upon settlement brought to
the Legislature as a claims bill; specifying that the
limitations in effect on the date a final judgment is
entered apply to that claim; requiring the Department
of Financial Services to adjust the limitations on
tort liability every 5 years after a specified date;
revising the period within which certain claims must
be presented to certain entities; revising exceptions
relating to instituting actions on tort claims against
the state or one of its agencies or subdivisions;
revising the period after which the failure of certain
entities to make final disposition of a claim shall be
deemed a final denial of the claim for certain
purposes; revising the statute of limitations for tort
claims against the state or one of its agencies or
subdivisions and exceptions thereto; reenacting ss.
45.061, 110.504, 111.071, 125.01015, 163.01, 190.043,
213.015, 252.51, 252.89, 252.944, 260.0125, 284.31,
284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,
375.251, 381.0056, 393.075, 394.9085, 395.1055,
403.706, 409.175, 409.993, 420.504, 420.507, 455.221,



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214 455.32, 456.009, 456.076, 471.038, 472.006, 497.167,
215 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611,
216 760.11, 766.1115, 766.112, 768.1355, 768.1382,
217 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,
218 1002.333, 1002.34, 1002.351, 1002.37, 1002.55,
219 1002.83, 1002.88, 1006.24, and 1006.261, F.S., to
220 incorporate the amendments made to s. 768.28, F.S., in
221 references thereto; providing applicability; providing
222 an effective date.



217858

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/29/2024	.	
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The Committee on Governmental Oversight and Accountability
(Brodeur) recommended the following:

1 **Senate Amendment to Amendment (702674) (with title**
2 **amendment)**

3
4 Delete lines 59 - 139
5 and insert:

6 above. An insurance policy may not condition the payment of
7 benefits, in whole or in part, on the enactment of a claims
8 bill.

9 (c) The limitations of liability set forth in this



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subsection ~~shall~~ apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

(d) ~~(b)~~ A municipality has a duty to allow the municipal law enforcement agency to respond appropriately to protect persons and property during a riot or an unlawful assembly based on the availability of adequate equipment to its municipal law enforcement officers and relevant state and federal laws. If the governing body of a municipality or a person authorized by the governing body of the municipality breaches that duty, the municipality is civilly liable for any damages, including damages arising from personal injury, wrongful death, or property damages proximately caused by the municipality's breach of duty. The sovereign immunity recovery limits in paragraph (a) do not apply to an action under this paragraph.

(e) When determining liability limits for a claim, the limitations of liability in effect on the date a final judgment is entered shall apply to the settled claim.

(f) Beginning July 1, 2029, and on July 1 every 5 years thereafter, the Department of Financial Services shall adjust the limitations of liability in this subsection to reflect changes in the Consumer Price Index for the Southeast or a successor index as calculated by the United States Department of Labor.

(6) (a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality, county, or the Florida Space Authority, presents such claim in



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39 writing to the Department of Financial Services, within 18
40 months ~~3 years~~ after such claim accrues and the Department of
41 Financial Services or the appropriate agency denies the claim in
42 writing; except that, if:

43 1. Such claim is for contribution pursuant to s. 768.31, it
44 must be so presented within 6 months after the judgment against
45 the tortfeasor seeking contribution has become final by lapse of
46 time for appeal or after appellate review or, if there is no
47 such judgment, within 6 months after the tortfeasor seeking
48 contribution has either discharged the common liability by
49 payment or agreed, while the action is pending against her or
50 him, to discharge the common liability; or

51 2. Such action arises from a violation of s. 794.011
52 involving a victim who was younger than 16 years of age at the
53 time of the act, the claimant may present the claim in writing
54 at any time pursuant to s. 95.11(9) ~~is for wrongful death, the~~
55 ~~claimant must present the claim in writing to the Department of~~
56 ~~Financial Services within 2 years after the claim accrues.~~

57 (d) For purposes of this section, complete, accurate, and
58 timely compliance with the requirements of paragraph (c) shall
59 occur prior to settlement payment, close of discovery or
60 commencement of trial, whichever is sooner; provided the ability
61 to plead setoff is not precluded by the delay. This setoff shall
62 apply only against that part of the settlement or judgment
63 payable to the claimant, minus claimant's reasonable attorney's
64 fees and costs. Incomplete or inaccurate disclosure of unpaid
65 adjudicated claims due the state, its agency, officer, or
66 subdivision, may be excused by the court upon a showing by the
67 preponderance of the evidence of the claimant's lack of



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knowledge of an adjudicated claim and reasonable inquiry by, or on behalf of, the claimant to obtain the information from public records. Unless the appropriate agency had actual notice of the information required to be disclosed by paragraph (c) in time to assert a setoff, an unexcused failure to disclose shall, upon hearing and order of court, cause the claimant to be liable for double the original undisclosed judgment and, upon further motion, the court shall enter judgment for the agency in that amount. Except as provided otherwise in this subsection, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 4 ~~6~~ months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions and in wrongful death actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The statute of limitations ~~for medical malpractice actions and wrongful death actions~~ is tolled as to all prospective defendants for the period of time taken by the Department of Financial Services or the appropriate agency to deny the claim. Upon receiving notice of termination of negotiations in an extended period, as provided in s. 766.106(4), the claimant has 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit. The provisions of this

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

And the title is amended as follows:



217858

97 Delete lines 189 - 208
98 and insert:
99 subdivisions; prohibiting insurance policies from
100 placing conditions for payment upon the enactment of a
101 claim bill; authorizing a subdivision of the state to
102 settle a claim in excess of the statutory limit
103 without further action by the Legislature regardless
104 of insurance coverage limits; prohibiting a party from
105 lobbying against any agreed upon settlement brought to
106 the Legislature as a claims bill; specifying that the
107 limitations in effect on the date a final judgment is
108 entered apply to that claim; requiring the Department
109 of Financial Services to adjust the limitations on
110 tort liability every 5 years after a specified date;
111 revising the period within which certain claims must
112 be presented to certain entities; revising exceptions
113 relating to instituting actions on tort claims against
114 the state or one of its agencies or subdivisions;
115 revising the period after which the failure of certain
116 entities to make final disposition of a claim shall be
117 deemed a final denial of the claim for certain
118 purposes; revising the statute of limitations for tort
119 claims against the state or one of its agencies or
120 subdivisions and exceptions thereto; providing a
121 claimant a specific timeframe to file suit upon
122 receiving a notice of termination of negotiations
123 during an extended period; reenacting ss.



205246

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/29/2024	.	
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The Committee on Governmental Oversight and Accountability
(Brodeur) recommended the following:

**Senate Amendment to Amendment (702674) (with title
amendment)**

Delete lines 59 - 139
and insert:

~~above.~~ An insurance policy may not condition the payment of
benefits, in whole or in part, on the enactment of a claims
bill.

(c) The limitations of liability set forth in this
subsection shall apply to the state and its agencies and



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subdivisions whether or not the state or its agencies or
subdivisions possessed sovereign immunity before July 1, 1974.

(d) ~~(b)~~ A municipality has a duty to allow the municipal law
enforcement agency to respond appropriately to protect persons
and property during a riot or an unlawful assembly based on the
availability of adequate equipment to its municipal law
enforcement officers and relevant state and federal laws. If the
governing body of a municipality or a person authorized by the
governing body of the municipality breaches that duty, the
municipality is civilly liable for any damages, including
damages arising from personal injury, wrongful death, or
property damages proximately caused by the municipality's breach
of duty. The sovereign immunity recovery limits in paragraph (a)
do not apply to an action under this paragraph.

(e) When determining liability limits for a claim, the
limitations of liability in effect on the date a final judgment
is entered shall apply to the settled claim.

(f) Beginning July 1, 2029, and on July 1 every 5 years
thereafter, the Department of Financial Services shall adjust
the limitations of liability in this subsection to reflect
changes in the Consumer Price Index for the Southeast or a
successor index as calculated by the United States Department of
Labor.

(6) (a) An action may not be instituted on a claim against
the state or one of its agencies or subdivisions unless the
claimant presents the claim in writing to the appropriate
agency, and also, except as to any claim against a municipality,
county, or the Florida Space Authority, presents such claim in
writing to the Department of Financial Services, within 18



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months ~~3 years~~ after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. Such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability; or

2. Such action arises from a violation of s. 794.011 involving a victim who was younger than 16 years of age at the time of the act, the claimant may present the claim in writing at any time pursuant to s. 95.11(9) ~~is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues.~~

(d) For purposes of this section, complete, accurate, and timely compliance with the requirements of paragraph (c) shall occur prior to settlement payment, close of discovery or commencement of trial, whichever is sooner; provided the ability to plead setoff is not precluded by the delay. This setoff shall apply only against that part of the settlement or judgment payable to the claimant, minus claimant's reasonable attorney's fees and costs. Incomplete or inaccurate disclosure of unpaid adjudicated claims due the state, its agency, officer, or subdivision, may be excused by the court upon a showing by the preponderance of the evidence of the claimant's lack of knowledge of an adjudicated claim and reasonable inquiry by, or



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on behalf of, the claimant to obtain the information from public records. Unless the appropriate agency had actual notice of the information required to be disclosed by paragraph (c) in time to assert a setoff, an unexcused failure to disclose shall, upon hearing and order of court, cause the claimant to be liable for double the original undisclosed judgment and, upon further motion, the court shall enter judgment for the agency in that amount. Except as provided otherwise in this subsection, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 4 6 months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions and in wrongful death actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The statute of limitations ~~for medical malpractice actions and wrongful death actions~~ is tolled as to all prospective defendants for the period of time taken by the Department of Financial Services or the appropriate agency to deny the claim. The claimant has 60 days from the time of the Department of Financial Services' or the appropriate agency's final disposition of a claim or the time at which final denial of the claim is deemed to have occurred, or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit. The provisions of this

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

And the title is amended as follows:



205246

98 Delete lines 189 - 208
99 and insert:
100 subdivisions; prohibiting insurance policies from
101 placing conditions for payment upon the enactment of a
102 claim bill; authorizing a subdivision of the state to
103 settle a claim in excess of the statutory limit
104 without further action by the Legislature regardless
105 of insurance coverage limits; prohibiting a party from
106 lobbying against any agreed upon settlement brought to
107 the Legislature as a claims bill; specifying that the
108 limitations in effect on the date a final judgment is
109 entered apply to that claim; requiring the Department
110 of Financial Services to adjust the limitations on
111 tort liability every 5 years after a specified date;
112 revising the period within which certain claims must
113 be presented to certain entities; revising exceptions
114 relating to instituting actions on tort claims against
115 the state or one of its agencies or subdivisions;
116 revising the period after which the failure of certain
117 entities to make final disposition of a claim shall be
118 deemed a final denial of the claim for certain
119 purposes; revising the statute of limitations for tort
120 claims against the state or one of its agencies or
121 subdivisions and exceptions thereto; providing a
122 claimant a specific timeframe to file suit; reenacting
123 ss.



749450

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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The Committee on Governmental Oversight and Accountability
(Brodeur) recommended the following:

**Senate Amendment to Amendment (702674) (with title
amendment)**

Delete lines 59 - 139
and insert:

~~above.~~ An insurance policy may not condition the payment of
benefits, in whole or in part, on the enactment of a claims
bill.

(c) The limitations of liability set forth in this
subsection shall apply to the state and its agencies and



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subdivisions whether or not the state or its agencies or
subdivisions possessed sovereign immunity before July 1, 1974.

(d) ~~(b)~~ A municipality has a duty to allow the municipal law
enforcement agency to respond appropriately to protect persons
and property during a riot or an unlawful assembly based on the
availability of adequate equipment to its municipal law
enforcement officers and relevant state and federal laws. If the
governing body of a municipality or a person authorized by the
governing body of the municipality breaches that duty, the
municipality is civilly liable for any damages, including
damages arising from personal injury, wrongful death, or
property damages proximately caused by the municipality's breach
of duty. The sovereign immunity recovery limits in paragraph (a)
do not apply to an action under this paragraph.

(e) When determining liability limits for a claim, the
limitations of liability in effect on the date a final judgment
is entered shall apply to the settled claim.

(f) Beginning July 1, 2029, and on July 1 every 5 years
thereafter, the Department of Financial Services shall adjust
the limitations of liability in this subsection to reflect
changes in the Consumer Price Index for the Southeast or a
successor index as calculated by the United States Department of
Labor.

(6) (a) An action may not be instituted on a claim against
the state or one of its agencies or subdivisions unless the
claimant presents the claim in writing to the appropriate
agency, and also, except as to any claim against a municipality,
county, or the Florida Space Authority, presents such claim in
writing to the Department of Financial Services, within 18



749450

months ~~3 years~~ after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. Such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability; or

2. Such action arises from a violation of s. 794.011 involving a victim who was younger than 16 years of age at the time of the act, the claimant may present the claim in writing at any time pursuant to s. 95.11(9) ~~is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues.~~

(d) For purposes of this section, complete, accurate, and timely compliance with the requirements of paragraph (c) shall occur prior to settlement payment, close of discovery or commencement of trial, whichever is sooner; provided the ability to plead setoff is not precluded by the delay. This setoff shall apply only against that part of the settlement or judgment payable to the claimant, minus claimant's reasonable attorney's fees and costs. Incomplete or inaccurate disclosure of unpaid adjudicated claims due the state, its agency, officer, or subdivision, may be excused by the court upon a showing by the preponderance of the evidence of the claimant's lack of knowledge of an adjudicated claim and reasonable inquiry by, or



749450

on behalf of, the claimant to obtain the information from public records. Unless the appropriate agency had actual notice of the information required to be disclosed by paragraph (c) in time to assert a setoff, an unexcused failure to disclose shall, upon hearing and order of court, cause the claimant to be liable for double the original undisclosed judgment and, upon further motion, the court shall enter judgment for the agency in that amount. Except as provided otherwise in this subsection, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 4 ~~6~~ months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions and in wrongful death actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The statute of limitations ~~for medical malpractice actions and wrongful death actions~~ is tolled as to all prospective defendants for the period of time taken by the Department of Financial Services or the appropriate agency to deny the claim. The claimant has 60 days from the time of the Department of Financial Services' or the appropriate agency's final disposition of a claim or the time at which final denial of the claim is deemed to have occurred, or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit. The provisions of this

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

And the title is amended as follows:



749450

98 Delete lines 189 - 208
99 and insert:
100 subdivisions; prohibiting insurance policies from
101 placing conditions for payment upon the enactment of a
102 claim bill; authorizing a subdivision of the state to
103 settle a claim in excess of the statutory limit
104 without further action by the Legislature regardless
105 of insurance coverage limits; prohibiting a party from
106 lobbying against any agreed upon settlement brought to
107 the Legislature as a claims bill; specifying that the
108 limitations in effect on the date a final judgment is
109 entered apply to that claim; requiring the Department
110 of Financial Services to adjust the limitations on
111 tort liability every 5 years after a specified date;
112 revising the period within which certain claims must
113 be presented to certain entities; revising exceptions
114 relating to instituting actions on tort claims against
115 the state or one of its agencies or subdivisions;
116 revising the period after which the failure of certain
117 entities to make final disposition of a claim shall be
118 deemed a final denial of the claim for certain
119 purposes; revising the statute of limitations for tort
120 claims against the state or one of its agencies or
121 subdivisions and exceptions thereto; providing a
122 claimant a specific timeframe to file suit; reenacting
123 ss.

By Senator Brodeur

10-00448-24

2024472__

1 A bill to be entitled
 2 An act relating to sovereign immunity; amending s.
 3 768.28, F.S.; increasing the statutory limits on
 4 liability for tort claims against the state and its
 5 agencies and subdivisions; prohibiting an insurance
 6 policy from conditioning payment of benefits on the
 7 enactment of a claim bill; specifying that the
 8 limitations in effect on the date a final judgment is
 9 entered apply to that claim; requiring the Department
 10 of Financial Services to adjust the limitations on
 11 tort liability annually beginning on a specified date;
 12 revising exceptions relating to instituting actions on
 13 claims against the state or one of its agencies or
 14 subdivisions and to the statute of limitations for
 15 such claims; reenacting ss. 29.0081, 39.8297, 45.061,
 16 110.504, 111.071, 119.15, 125.01015, 163.01, 190.043,
 17 213.015, 252.36, 252.51, 252.89, 252.944, 260.0125,
 18 284.31, 284.38, 288.9625, 322.13, 324.022, 337.19,
 19 341.302, 351.03, 373.1395, 375.251, 379.2293,
 20 381.0056, 393.075, 394.9085, 395.1055, 395.50,
 21 401.425, 403.0862, 403.706, 409.175, 409.993,
 22 415.1103, 420.504, 420.507, 455.221, 455.32, 456.009,
 23 456.048, 456.076, 458.320, 459.0085, 471.038, 472.006,
 24 497.167, 513.118, 548.046, 556.106, 589.19, 616.242,
 25 624.461, 624.462, 627.733, 627.7491, 723.0611,
 26 741.316, 760.11, 766.1115, 766.112, 766.203, 766.207,
 27 768.1315, 768.1335, 768.135, 768.1355, 768.1382,
 28 768.295, 944.713, 946.5026, 946.514, 961.06, 984.09,
 29 985.037, 1002.33, 1002.333, 1002.34, 1002.351,

Page 1 of 6

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

10-00448-24

2024472__

30 1002.37, 1002.451, 1002.55, 1002.83, 1002.88, 1004.41,
 31 1004.43, 1004.447, 1006.23, 1006.24, and 1006.261,
 32 F.S., to incorporate the amendments made to s. 768.28,
 33 F.S., in references thereto; providing applicability;
 34 making technical changes; providing an effective date.
 35

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

37
 38 Section 1. Subsection (5), paragraph (a) of subsection (6),
 39 and subsection (14) of section 768.28, Florida Statutes, are
 40 amended to read:

41 768.28 Waiver of sovereign immunity in tort actions;
 42 recovery limits; civil liability for damages caused during a
 43 riot; limitation on attorney fees; statute of limitations;
 44 exclusions; indemnification; risk management programs.—

45 (5)(a) The state and its agencies and subdivisions are
 46 ~~shall be~~ liable for tort claims in the same manner and to the
 47 same extent as a private individual under like circumstances,
 48 but liability may ~~shall~~ not include punitive damages or interest
 49 for the period before judgment. Neither the state nor its
 50 agencies or subdivisions are ~~shall be~~ liable to pay a claim or a
 51 judgment by any one person which exceeds the sum of \$400,000
 52 ~~\$200,000~~ or any claim or judgment, or portions thereof, which,
 53 when totaled with all other claims or judgments paid by the
 54 state or its agencies or subdivisions arising out of the same
 55 incident or occurrence, exceeds the sum of \$600,000 ~~\$300,000~~.
 56 However, a judgment or judgments may be claimed and rendered in
 57 excess of these amounts ~~and may be settled~~ and paid pursuant to
 58 this act up to \$400,000 or \$600,000 ~~\$200,000 or \$300,000~~, as the

Page 2 of 6

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

10-00448-24

2024472__

case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, ~~and but~~ may be paid in part or in whole ~~only~~ by further act of the Legislature.

(b) Notwithstanding the limited waiver of sovereign immunity provided in paragraph (a) herein, the state or an agency or subdivision thereof may agree, ~~within the limits of insurance coverage provided~~, to settle a claim made or a judgment rendered against it in excess of the waiver provided in paragraph (a) without further action by the Legislature, but the state or agency or subdivision thereof may ~~shall~~ not be deemed to have waived any defense of sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (a). An insurance policy may not condition the payment of benefits, in whole or in part, on the enactment of a claim bill above.

(c) The limitations of liability set forth in this subsection ~~shall~~ apply to the state and its agencies and subdivisions regardless of whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

(d) ~~(b)~~ A municipality has a duty to allow the municipal law enforcement agency to respond appropriately to protect persons and property during a riot or an unlawful assembly based on the availability of adequate equipment to its municipal law enforcement officers and relevant state and federal laws. If the governing body of a municipality or a person authorized by the governing body of the municipality breaches that duty, the municipality is civilly liable for any damages, including

Page 3 of 6

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

10-00448-24

2024472__

damages arising from personal injury, wrongful death, or property damages proximately caused by the municipality's breach of duty. The sovereign immunity recovery limits in paragraph (a) do not apply to an action under this paragraph.

(e) When determining liability limits for a claim, the limitations of liability in effect on the date a final judgment is entered apply to the claim.

(f) Beginning July 1, 2025, and every July 1 thereafter, the Department of Financial Services shall adjust the limitations of liability in this subsection to reflect changes in the Consumer Price Index for the Southeast or a successor index as calculated by the United States Department of Labor.

(6) (a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality, county, or the Florida Space Authority, presents such claim in writing to the Department of Financial Services, within 3 years after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. Such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability; ~~or~~

Page 4 of 6

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

10-00448-24

2024472

2. Such action is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues; or

3. Such action arises from a violation of s. 794.011 involving a victim who was younger than 16 years of age at the time of the act, the claimant may present the claim in writing at any time pursuant to s. 95.11(9).

(14) Every claim against the state or one of its agencies or subdivisions for damages for a negligent or wrongful act or omission pursuant to this section ~~is shall be~~ forever barred unless the civil action is commenced by filing a complaint in the court of appropriate jurisdiction within 4 years after such claim accrues; except that:

(a) An action for contribution must be commenced within the limitations provided in s. 768.31(4); ~~and~~

(b) An action for damages arising from medical malpractice or wrongful death must be commenced within the limitations for such actions in s. 95.11(4); and

(c) An action arising from acts constituting a violation of s. 794.011 involving a victim who was younger than 16 years of age at the time of the act may be commenced at any time pursuant to s. 95.11(9).

Section 2. Sections 29.0081, 39.8297, 45.061, 110.504, 111.071, 119.15, 125.01015, 163.01, 190.043, 213.015, 252.36, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 288.9625, 322.13, 324.022, 337.19, 341.302, 351.03, 373.1395, 375.251, 379.2293, 381.0056, 393.075, 394.9085, 395.1055, 395.50, 401.425, 403.0862, 403.706, 409.175, 409.993, 415.1103, 420.504, 420.507, 455.221, 455.32, 456.009, 456.048, 456.076, 458.320,

10-00448-24

2024472

459.0085, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 616.242, 624.461, 624.462, 627.733, 627.7491, 723.0611, 741.316, 760.11, 766.1115, 766.112, 766.203, 766.207, 768.1315, 768.1335, 768.135, 768.1355, 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06, 984.09, 985.037, 1002.33, 1002.333, 1002.34, 1002.351, 1002.37, 1002.451, 1002.55, 1002.83, 1002.88, 1004.41, 1004.43, 1004.447, 1006.23, 1006.24, and 1006.261, Florida Statutes, are reenacted for the purpose of incorporating the amendments made by this act to s. 768.28, Florida Statutes, in references thereto.

Section 3. This act applies to claims accruing on or after July 1, 2024.

Section 4. This act shall take effect July 1, 2024.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Agriculture,
Environment, and General Government, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Committee on Health
and Human Services
Children, Families, and Elder Affairs
Community Affairs
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JASON BRODEUR

10th District

December 4, 2023

The Honorable Bryan Avila
Chair, Committee on Government Oversight and Accountability
326 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Avila,

I respectfully request that **Senate Bill 472, Sovereign Immunity**, be placed on the agenda of the Government Oversight and Accountability Committee meeting to be considered at your earliest convenience.

If you have any questions or concerns, please do not hesitate to reach out to me or my office.

Sincerely,

A handwritten signature in black ink that reads "Jason Brodeur". The signature is fluid and cursive, with the first name "Jason" being more prominent than the last name "Brodeur".

Senator Jason Brodeur – District 10

CC: Joe McVaney – Staff Director
Jessie Harmsen – Deputy Staff Director
Tamra Redig – Administrative Assistant

REPLY TO:

- 110 Timberlachen Circle, Suite 1012, Lake Mary, Florida 32746 (407) 333-1802
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/24
Meeting Date

472
Bill Number (if applicable)

702674
Amendment Barcode (if applicable)

Topic Sovereign Immunity

Name BOB HARRIS

Job Title General Counsel

Address 2618 Centennial Place

Street

Tallahassee
City

FL
State

32308
Zip

Phone 850-222-0720

Email bharris@tafb.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Panhandle Area Educational Consortium

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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1/29/24

Meeting Date

Gov. Oversight

Committee

472

Bill Number or Topic

Amendment Barcode (if applicable)

Name David Cruz

Phone 701-3676

Address P.O. Box 1757

Street

Email DCRUZ@FLcities.com

Tallahassee FL 32302

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida League of Cities

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

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

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S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/24

Meeting Date

472

Bill Number (if applicable)

Topic Sovereign Immunity

Amendment Barcode (if applicable)

Name BOB HARRIS

Job Title General Counsel

Address 2618 Centennial Play

Phone 850-222-0720

Tallahassee FL 32308
City State Zip

Email bharris@lawfla.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Panhandle Area Educational Consortium

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

APPEARANCE RECORD

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

472

Bill Number or Topic

11/29/24

Meeting Date

Gov. Oversight

Committee

Amendment Barcode (if applicable)

Name Jess McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 NW 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami

FL

33128

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:

Miami-Dade County

☐ 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

SB 472 sovereign immunity
Bill Number or Topic

1-29-24
Meeting Date

GOA
Committee

Amendment Barcode (if applicable)

Name Kim Castro, Vice Mayor Phone 561-881-3301

Address Town of Lake Park
Street 835 Park Ave
City Lake Park State FL Zip 33403
Email kglas-castro@lakeparkflorida.gov

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ 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

Meeting Date

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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)

1/29/2024

Meeting Date

Government Oversight & Accountability

Committee

The Florida Senate

APPEARANCE RECORD

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

472

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Robert Stuart, Commissioner, City of Orlando Dist. 3**

Phone **4072462003**

Address **400 S Orange Ave**
Street

Email **robert.stuart@orlando.gov**

Orlando

City

FL

State

32801

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

1-29-24

Meeting Date

472

Bill Number or Topic

Gov. Ops & Accounts

Committee

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

Amendment Barcode (if applicable)

Name

Chris Doolin

Phone

850-508-5492

Address

1018 Thomasville Rd. 102B

Email

cdoolin@doolinandassociates.com

Street

TALL.

City

FLA

State

32303

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:

SMALL COUNTY COALITION and
SMALL SCHOOL DISTRICT COUNCIL Consortium

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

01/29/24

Meeting Date

Governmental

Committee

472

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Doro thea Taylor Bogert
Mayor - City of Auburndale

Phone

863-967-0096

Address

1 Bobby Green Plze

Email

DTBogertCOA@gmail.com

Street

Auburndale FL 33823

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 the Senator or Senate Professional Staff conducting the meeting)

1/29/2024
Meeting Date

472
Bill Number (if applicable)

Topic Sovereign Immunity

Amendment Barcode (if applicable)

Name Mark Delegal

Job Title General Counsel

Address 201 E. Park Ave. #200B
Street

Phone 850583-2400

TLH FL 32301
City State Zip

Email mark@dacfl.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Safety Net Hospital Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

1/29/24

Meeting Date

SB 472

Bill Number or Topic

S Gov. Oversight

Committee

Amendment Barcode (if applicable)

Name Jared Grigas

Phone (850) 322-0229

Address 100 S Monroe St,

Street

Email jgrigas@fl-counties.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

FL. Assoc. of Counties

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 472

Bill Number or Topic

1.29.24

Meeting Date

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

Committee

Amendment Barcode (if applicable)

Name

COUNCILMAN DAN JANSON-JACKSONVILLE BEACH

Phone

904.568.5854

Address

11 N. 3RD ST.

Street

Email

DJANSON@JAX3CHFL.NET

JACKSONVILLE BEACH, FL 32250

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

1-29-24

Meeting Date

472

Bill Number or Topic

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

Gov OVERSIGHT

Committee

Amendment Barcode (if applicable)

Name John D Agostino

Phone 861-881-3304

Address 535 PARK AVE

Email JDAgostino@LakeParkFlorida.com

Street

Lake Park FL

33403

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

1/29/2024

Meeting Date

Gov. Oversight

Committee

SB 472

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Stephen Cain

Phone

305-358-6644

Address

1 SE 3rd Ave Suite 3000

Email

scain@stahlaw.com

Street

Miami

City

FL

State

33131

Zip

Speaking:



☐

Against

☐

Information

OR

Waive Speaking:



☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1120

INTRODUCER: Senators Martin and Perry

SUBJECT: Display of Flags by Governmental Entities

DATE: January 26, 2024

REVISED: _____

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

I. Summary:

SB 1120 prohibits a governmental agency, local government, or other unit of local government, including public schools, colleges, and universities, 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 U.S. 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, 2024.

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. § 4-10.

² 36 U.S.C. § 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 flag of the United States of America 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 school house.⁵

State law requires the flag of the United States 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 U.S. 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 flag display protocol. 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 high-ranking state officials, uniformed law enforcement and fire service personnel, and prominent citizens.¹³

³ 4 U.S.C. § 5.

⁴ 4 U.S.C. § 10.

⁵ 4 U.S.C. § 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. 26, 2024).

¹³ Section 256.015(1), F.S. See also Executive Office of the Governor, *Flag Protocol*, <https://www.flgov.com/wp-content/uploads/2022/11/2022-EOG-Flag-Protocol.pdf> (last visited Jan. 26, 2024).

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

POW-MIA Flag

The National League of Families POW-MIA flag is designated as the symbol America's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for in Southeast Asia.¹⁵ 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;¹⁶
- Each rest area along an interstate highway in the state; and¹⁷
- Each state park where the U.S. flag is displayed.¹⁸

Honor and Remember Flag

The mission of the Honor and Remember Flag is “to perpetually recognize the sacrifice of America's military fallen service members and their families.”¹⁹ The state designated the Honor and Remember Flag as its emblem of service and sacrifice of the brave men and women of the United State Armed Forces.²⁰ The flag may be displayed at any of the following locations:

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

The flag must 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.

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.²² 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

¹⁴ See, Sections 256.032 and 1000.06(1), F.S. and *DOS Flag Protocols and Display*, *supra* note 12.

¹⁵ 36 U.S.C. § 902(2).

¹⁶ Section 256.12, F.S.

¹⁷ Section 256.13, F.S.

¹⁸ Section 256.14, F.S.

¹⁹ Honor and Remember, *Our Mission*, <https://honorandremember.org/mission> (last visited Jan. 26, 2024).

²⁰ Section 256.16, F.S.

²¹ Section 256.16(2), F.S.

²² Section 256.15, F.S.

College in Ocala, by the families of fallen firefighters, and at any other location designated by the State Fire Marshal.²³

Other Government-Sponsored Flags

Various counties, municipalities, universities, colleges, and K-12 schools have adopted “flags” in an attempt to garner support for the various institutions. Cities that have their own flags include Orlando,²⁴ Mount Dora,²⁵ and Tampa.²⁶ Florida counties that have their own flags include Orange County²⁷ and Osceola County.²⁸ 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.²⁹ The purpose of the flags are to improve public safety. The flags provide general warnings about the overall conditions of the water.³⁰

Mutilation of Flag

Section 876.52, F.S., penalizes as a first-degree misdemeanor, the mutilation, defacement, or trampling upon or burning with intent to insult any flag, standard, colors, or ensign of the United States or of Florida.³¹

The determination of the reasonableness of use of force in the course of an arrest is based on the Fourth Amendment’s reasonableness standard, which examines the “nature and quality of the intrusion on the individual’s Fourth Amendment [right of freedom from unreasonable searches and seizures] interests’ against the countervailing governmental interests at stake.”³²

Freedom of Speech and Expression

The First Amendment protects freedom of speech, the press, assembly, and the right to petition the Government for redress of grievances.³³ A government cannot restrict speech on the basis of the message expressed;³⁴ content-based restrictions are presumptively invalid.³⁵

²³ Section 256.15(1), F.S. See also R. 69A-62.050(6), F.A.C.

²⁴ City of Orlando, *Flag*, <https://www.orlando.gov/News/Our-New-City-of-Orlando-Flag> (last visited Jan. 26, 2024).

²⁵ City of Mount Dora, *City Flag*, <https://ci.mount-dora.fl.us/854/City-Flag> (last visited Jan. 26, 2024).

²⁶ City of Tampa, *Flag*, <https://www.tampa.gov/city-clerk/info/archives/city-of-tampa-flag> (last visited Jan. 26, 2024).

²⁷ 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 Jan. 26, 2024).

²⁸ Osceola County, *History of Osceola County*, <https://www.osceola.org/about-osceola-county/history/> (last visited Jan. 26, 2024).

²⁹ Section 380.276, F.S.

³⁰ Florida Department of Environmental Protection, *Beach Warning Flag Program*, available at <https://floridadep.gov/rcp/fcmp/content/beach-warning-flag-program> (last visited Jan. 26, 2024).

³¹ A first degree misdemeanor is punishable by up to imprisonment not to exceed 1 year, and a fine not to exceed \$1,000. See ss. 775.082 and 775.083, F.S.

³² *Graham v. Connor*, 490 U.S. 386, 395 (1989).

³³ U.S. CONST. Amend. 1.

³⁴ *Texas v. Johnson*, 491 U.S. 397 (1989); *State v. T.B.D.*, 656 So.2d 479 (Fla. 1995).

³⁵ See, e.g., *Police Dept. of Chicago v. Mosely*, 408 U.S. 92 (1972).

A flag may be deemed symbolic speech. Regulations that cover symbolic content will be upheld if they:³⁶

- 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; or
- Are narrowly tailored so the incidental restriction on alleged First Amendment freedoms is no greater than is essential to further the state interest.

The First Amendment protects citizens' speech from government regulation, but its restrictions do not extend to government speech itself.³⁷ The government speech doctrine is the principle that a government can freely "select the views that it wants to express"³⁸ which includes the freedom not to speak, and speaking through the removal of speech that the government disapproves.³⁹ 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:⁴⁰

- 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.

The U.S. Supreme Court has stated about the act of flying flags, particularly at the seat of government, tends toward an expression of government speech because "[f]lags evolved as a way to symbolize communities and governments. ... Flying a flag other than a government's own can also convey a governmental message..."⁴¹ However, when the 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 allowing private speech to occur.⁴² In these instances of such private speech, the government cannot discriminate against the speakers based on their viewpoint in violation of the First Amendment.⁴³

III. Effect of Proposed Changes:

The bill prohibits governmental entities 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 governmental entities must remain neutral when representing political viewpoints in displaying or erecting a flag.

³⁶ *United States v. O'Brien*, 391 U.S. 367, 377 (1968). See also, *Firestone v. News-Press Pub. Co.*, 538 So.2d 457, 459 (Fla. 1989).

³⁷ *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).

³⁸ *Pleasant Grove City, Utah v. Summum*, 555 U.S. at 467 (2009), quoting *Bd. of Regents of Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217, 229 (2000).

³⁹ *Downs v. L.A. Unified Sch. Dist.*, 228 F.3d 1003, 1012 (9th Cir. 2000).

⁴⁰ *Shurtleff v. City of Boston, Ma.*, 596 U.S. 243, 244 (2022).

⁴¹ *Id.* at 244.

⁴² *Id.* at 244-245.

⁴³ *Id.* at 247, citing *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828-830 (1995).

For purposes of the bill, a “governmental entity” is a governmental agency, local government, or other unit of local government, including public schools, public colleges, and public universities.

The bill further provides that it 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 United States Constitution. The bill also expressly states that it does not limit a governmental entity’s ability to display or erect a flag that is required or authorized by general law.

The bill adopts as law the current requirement in Florida’s flag protocol that a governmental entity that displays the United States flag must display it in a prominent position that is superior to any other flag that is also displayed.

The bill provides that an active or retired member of the United States 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 may not comport with the bill’s statement that it does not limit a private individual’s expression of private speech or viewpoints, as even the burning of a flag is protected speech under the First Amendment.⁴⁴ This provision allows a member of the United States Armed Forces or National Guard to interfere, using reasonable force, with that private speech to prevent the desecration (burning) of a United States Flag.

The bill takes effect July 1, 2024.

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.

⁴⁴ *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

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.⁴⁵ Additionally, a law may be unconstitutionally vague where it authorizes or even encourages arbitrary and discriminatory enforcement.”⁴⁶ The vagueness of content-based regulation of speech raises special First Amendment concerns because of its “obvious chilling effect on free speech.”⁴⁷

While the bill provides examples of what represents a “political viewpoint” for purposes of the bill, it does not define the term. 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.

If a court determines that the law impermissibly regulates speech in a vague manner, the law may be invalidated.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

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

⁴⁵ *Connally v. Gen. Constr. Co.*, 269 U.S. 385 (1926).

⁴⁶ *Hill v. Colorado*, 530 U.S. 703 (2000).

⁴⁷ *Reno v. Am. C.L. Union*, 521 U.S. 844 (1997).

flag, standard, color, ensign or shield of the United States or of this state, or a copy, picture or representation thereof.” This definition will not apply to s. 256.045, F.S., created by the bill. The Legislature may wish to consider a definition as it is unclear whether artistic representations (such as a mural or artwork) will be affected by the bill.

VII. Related Issues:

It is unclear how enforcement of this bill by active or retired member of the United States Armed Forces or National Guard will occur. Without any consistent training, these members may not be aware of what constitutes impermissible desecration, destruction, or removal of a United States flag. 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.

VIII. Statutes Affected:

This bill substantially amends section 256.045 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.



583778

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/29/2024	.	
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	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 23 - 43
and insert:

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

(a) "Governmental entity" means a governmental agency, a
local government, or another unit of local government and
includes public schools, public colleges, and public
universities.

(b) "Veteran" means a person who is an active or former



583778

member of the United States Armed Forces or Coast Guard,
including reserve components.

(2) (a) A governmental entity may not erect or display 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 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) A veteran may, at any time, use reasonable force to

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

And the title is amended as follows:

Delete lines 4 - 11

and insert:

defining terms; prohibiting certain governmental
entities from erecting or displaying certain flags;
requiring governmental entities to remain neutral in
certain circumstances; providing applicability;
requiring certain governmental entities to display the
United States flag in a certain position; authorizing



583778

40

veterans



646502

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/29/2024	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 44 - 45
and insert:
prevent the desecration, destruction, or removal of a
government-owned United States flag or to replace a government-
owned United States flag to a position



646502

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

11 And the title is amended as follows:

12 Delete line 13

13 and insert:

14 destruction, or removal of a government-owned United

15 States flag or

By Senator Martin

33-00775C-24

20241120__

A bill to be entitled

An act relating to the display of flags by governmental entities; creating s. 256.045, F.S.; providing a definition; prohibiting certain governmental entities from erecting or displaying certain flags; requiring the governmental entity to remain neutral in certain circumstances; providing applicability; requiring certain governmental entities to display the United States flag in a certain position; 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 limited to, a politically partisan, racial, sexual orientation

33-00775C-24

20241120__

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 National Guard at any time may 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, 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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1-29-24

Meeting Date

Govt Oversight

Committee

SB 1120

Bill Number or Topic

583178

Amendment Barcode (if applicable)

Name ANITA HATCHER

Phone 757-286-0342

Address 215 E VA ST
Street

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TALL-
City

FL
State

32301
Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ 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)

The Florida Senate

APPEARANCE RECORD

Jan 29 2024

Meeting Date

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

SB1120

Bill Number or Topic

Govt Oversight +

Committee

Accountability

583778

Amendment Barcode (if applicable)

Name

Delcina Beattie

Phone

850-758-2891

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207 Brittany Ln

Street

Email

Crestview FL

City

State

32536

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-29-24

Meeting Date

Government Oversight & Accountability

Committee

Deliver both copies of this form to

Senate professional staff conducting the meeting

SB 1120

Bill Number or Topic

583778

Amendment Barcode (if applicable)

Name Michelle Foglia

Phone 407-808 0681

Address 205 Pine Cone Drive

Street

Fort Walton Beach FL 32548

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

1/29/2024

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB1120

Bill Number or Topic

Governmental Oversight and Accountability

Committee

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

Amendment Barcode (if applicable)

Name

Ryan Kennedy

Phone

239-671-5733

Address

9745 Roundstone Cir.

Email

ryan@9oflca.org

Street

Fort Myers

FL

33967

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 \(flsenate.gov\)](#)

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

1/29/28

Meeting Date

Gov Oversight

Committee

1120

Bill Number or Topic

5583 278

Amendment Barcode (if applicable)

Name

Bill Helmich

Phone

850-251-3126

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:

VFW / American Legion

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

1/29/24

Bill Number or Topic

1120

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

Committee

Amendment Barcode (if applicable)

Name

Gov Over Sgt
Bill Helmich

Phone

850 251 3126

Address

Street

City

State

Zip

Email

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

VFW / American Legion



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 the Senator or Senate Professional Staff conducting the meeting)

1/29/2024
Meeting Date

SB 1120
Bill Number (if applicable)

Topic Governmental Oversight and Accountability Code Amendment Barcode (if applicable)

Name John Labriola

Job Title Representative

Address Po Box 650216
Street

Phone 954-515-2084

Miami FL 33265
City State Zip

Email John.Labriola@cf-florida.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Christian Family Coalition Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

1/29/24

Meeting Date

SB 1120

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Jennifer Solomon

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:

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

1/29/24

Meeting Date

SB 1120

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

JOE SMITH

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:

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

1/29/24

Meeting Date

SB1120

Bill Number or Topic

Oversight

Committee

Amendment Barcode (if applicable)

Name

Sen Cousins

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:

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

1/29/2024
Meeting Date

SB 1120
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 Laura Fellman on behalf of
Florida PTA

Florida PTA

Phone _____

Address 1747 Orlando Central Parkway
Street

Email resolutions@floridapta.org

Orlando
City

FL
State

32809
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

ASB
108 1120

Bill Number or Topic

1/29/2024

Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Tom Holdcraft

Phone

850-303-3218

Address

2948 Tipperary Dr.

Email

tmholdcraft@gmail.com

Street

Tallahassee, FL

32309

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

1/29/24

Meeting Date

S. Gov't Oversight

Committee

SB 1120

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Phone

Address 201 E. Park Ave.

Street

Email

TLH

City

FL

State

32301

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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 the Senator or Senate Professional Staff conducting the meeting)

1/29/24

Meeting Date

1120

Bill Number (if applicable)

Topic Display of flags

Amendment Barcode (if applicable)

Name Nancy Metayer Bowen

Job Title ~~Design Coordinator~~

Address 861 NW 127th Ave.

Phone 954-857-5441

Street

Coral Springs

City

FL

State

33071

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/24

Meeting Date

1120

Bill Number (if applicable)

Topic Display of Flags

Amendment Barcode (if applicable)

Name Aurelie Colon (ow-ray-lee)

Job Title Policy Associate

Address 403 Washington Ave

Phone 954 881 8595

Street

Montgomery AL 36104

City

State

Zip

Email aurelie.colon-larrai@spicactionfund.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing SPLC Action Fund

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/24
Meeting Date

SB1120
Bill Number (if applicable)

Topic FLAG BAN

Amendment Barcode (if applicable)

Name Jeremy Rodriguez

Job Title Manager

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/24

Meeting Date

SB 1120

Bill Number (if applicable)

Topic Flag Bans

Amendment Barcode (if applicable)

Name Kolyn Brown

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1125

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name ANDREA MONTANEZ

Job Title _____

Address _____

Phone _____

Street

Orlando

FL

32821

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

The Florida Senate
APPEARANCE RECORD

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

01/29/24

Meeting Date

8B1120

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Natalia Vargas Cotto

Phone

Address

Tallahassee

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

Bill Number or Topic

Amendment Barcode (if applicable)

11/29/24
Meeting Date

Govt. Oversight / Accountability
Committee

Name Laura Munoz Phone _____

Address _____ Email _____
Street

City _____ State _____ Zip _____

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

SB 1120

Bill Number or Topic

1/29

Meeting Date

Governmental Oversight

Committee

Name

Erin Bigalke

Phone

414-690-3746

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)

The Florida Senate

APPEARANCE RECORD

1-29-24

Meeting Date

1120

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

Abdelilah SKhir (Ab-dee-luh Skeer)

Phone

76-363-1660

Address

4343 W Flagler St Ste 400

Email

askhir@acluf.org

Street

Miami

FL

33134

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:

ACLU 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

January 29, 2024

Meeting Date
Governmental Oversight & Accountability

Committee

The Florida Senate
APPEARANCE RECORD

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

1120

Bill Number or Topic

Amendment Barcode (if applicable)

Name Pamela Burch Fort Phone 850-425-1344

Address 104 S. Monroe Street Email TcgLobby@aol.com

Street

Tallahassee

City

FL

State

32301

Zip

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

PEN America

☐

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 the Senator or Senate Professional Staff conducting the meeting)

1/24

Meeting Date

SB 1120

Bill Number (if applicable)

Topic Flag Bill

Amendment Barcode (if applicable)

Name Quinn Swearingen

Job Title _____

Address _____

Phone 954-815-8605

Street

Orlando

City

FL

State

32822

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/29

Meeting Date

SB 1120

Bill Number (if applicable)

Topic Display of Flags

Amendment Barcode (if applicable)

Name Parker Keaton

Job Title _____

Address _____

Phone (352) 727-3746

Street

Tallahassee

City

FL

State

32304

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

1/29/2024

Meeting Date

The Florida Senate
APPEARANCE RECORD

~~HB 900~~ SB 1120

Bill Number or Topic

Gov. Oversight and Accountability
Committee

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

Amendment Barcode (if applicable)

Name Chloe Caldwell

Phone (850) 320-1707

Address

Street

Tallahassee FL 32304

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/2024

Meeting Date

SB 1120

Bill Number (if applicable)

Topic Display of Flags

Amendment Barcode (if applicable)

Name Abigail Kessler

Job Title _____

Address _____

Phone 850 606 2803

Street

Tallahassee

FL

32313

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/24
Meeting Date

~~HB 1120~~ SB 1120
Bill Number (if applicable)

Topic Display of Flags

Amendment Barcode (if applicable)

Name Kaitlyn Krause

Job Title _____

Address _____

Phone 907-920-0984

Street

Tallahassee

City

FL

State

32304

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

1/29/24

Meeting Date

Governmental Oversight

Committee

SB 1120

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kevonté Ford

Phone

Address

Email

Street

City

State

Zip

32301

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

SB 1120

Bill Number or Topic

1/29/2024

Meeting Date

gov oversight

Committee

Name

Jack Porter

Phone

Address

300 S Adams St

Street

Tallahassee FL

City

State

32301

Zip

Email

jack.porter@telgov.com

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:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-29-24

Meeting Date

1120

Bill Number (if applicable)

Topic Pride Flag Ban

Amendment Barcode (if applicable)

Name AKIVA BELL

Job Title _____

Address _____

Street

Phone (786) 458-5020

City

State

Zip

Email akiva.l.bell@famv.edu

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing EQUALITY FLORIDA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

01/29/2024

Meeting Date

1120
Pride Flag ban

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Genesis Walker

Phone 912-337-4980

Address
Street

Email genesiswalker007@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
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

11/28/2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 1120

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Jordan Butler

Phone

4105960703

Address

1510 Wahnish way

Email

Street

Tallahassee

FL

32307

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

1/29/2024

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB1120

Bill Number or Topic

Governor's Oversight

Committee

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

(pour show) planning

Amendment Barcode (if applicable)

Name

Yolanda Pourciau

Phone

Address

444 Jennings

Email

Street

Tally

FL

State

32307

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

01/29/24
Meeting Date

SB 1120
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Nia Bozeman Phone 404-333-4181

Address 400 Putnam Dr Email nial.bozeman@famu.edu
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:

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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

1/29/24

Meeting Date

SB 1120

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jordyn Powell

Phone (912) 531-2533

Address 1930 Bloomington Ave

Street

Email 111Jordyncpowell@gmail.com

Tallahassee FL 32304

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ 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)

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Governmental Oversight and Accountability Committee

Judge:

Started: 1/29/2024 1:30:53 PM

Ends: 1/29/2024 3:30:29 PM

Length: 01:48:47

1:30:52 PM Meeting called to order, roll call
1:31:05 PM Quorum is present
1:31:08 PM Chair Avila makes opening remarks
1:31:37 PM Tab 1, Executive Appointments for the Investment Advisory Council- Maria Teresa Canida, Vinny Olmstead, Kenneth Jones, John P. Goetz
1:32:39 PM Chair Avila reads appearance cards waiving
1:33:27 PM Roll call
1:33:41 PM Chair Avila reports the appointments
1:33:49 PM Tab 2, SB 296- Florida Commission on Human Relations by Senator Davis
1:33:59 PM Senator Davis explains the bill
1:35:41 PM Senator Davis waives close
1:35:48 PM Roll call on SB 296
1:35:57 PM Chair Avila reports the bill
1:36:05 PM Tab 6, SB 708- Underground Facilities by Senator Burton
1:36:12 PM Senator Burton explains the bill
1:36:46 PM Questions:
1:36:47 PM Senator Davis
1:37:14 PM Senator Burton
1:37:50 PM Public testimony:
1:37:59 PM Kari Huberank, Nuca of Florida
1:39:43 PM Paul Knight, Nuca Florida
1:41:52 PM Matt Dunncil, Nuca Florida
1:44:00 PM Chris Lyon, Sunshine State One Call of Florida
1:45:15 PM Questions:
1:45:16 PM Senator Davis
1:45:43 PM Chris Lyon
1:46:37 PM Senator Davis
1:47:23 PM Chris Lyon
1:47:58 PM Senator Davis
1:48:10 PM Chris Lyon
1:48:52 PM Chair Avila reads appearance cards waiving
1:50:15 PM Debate:
1:50:16 PM Senator Davis
1:52:27 PM Senator Burton closes on the bill
1:53:18 PM Roll call on SB 708
1:53:35 PM Chair Avila reports the bill
1:53:43 PM Tab 8, SB 954- Certified Public Accountants by Senator Gruters
1:53:56 PM Senator Gruters explains the bill
1:54:12 PM Amendment 251744
1:54:18 PM Senator Gruters explains the amendment
1:54:33 PM Senator Gruters waives close
1:54:42 PM Chair Avila reports the amendment
1:54:51 PM Chair Avila reads appearance cards waiving
1:55:06 PM Senator Gruters closes on the bill
1:55:16 PM Roll call on SB 954
1:55:25 PM Chair Avila reports the bill
1:55:41 PM Tab 4, SB 656- Continuing Contracts by Senator DiCeglie
1:55:50 PM Senator DiCeglie explains the bill
1:56:31 PM Questions:
1:56:31 PM Senator Wright
1:56:38 PM Senator Gruters
1:56:50 PM Amendment 399540

1:56:56 PM Senator DiCeglie explains the amendment
1:57:24 PM Chair Avila reads appearance cards waiving
1:57:44 PM Senator DiCeglie waives close
1:57:48 PM Chair Avila reports the amendment
1:58:06 PM Chair Avila reads appearance cards waiving
1:58:47 PM Senator DiCeglie closes on the bill
1:59:05 PM Roll call on SB 656
1:59:16 PM Chair Avila reports the bill
1:59:27 PM Tab 7, SB 884- Audits of Campaign Finance Reports by Senator Hutson
1:59:34 PM Senator Hutson explains the bill
2:00:17 PM Questions:
2:00:19 PM Senator Davis
2:00:37 PM Senator Hutson
2:01:01 PM Senator Davis
2:01:10 PM Senator Hutson
2:01:16 PM Senator Davis
2:01:50 PM Senator Hutson
2:02:25 PM Senator Hutson waives close
2:02:28 PM Roll call on SB 884
2:02:39 PM Chair Avila reports bill
2:02:45 PM Tab 5, SB 692- Public Records/Florida Gaming Control Commission by Senator Hutson
2:02:52 PM Senator Hutson explains the bill
2:03:20 PM Questions:
2:03:22 PM Senator Davis
2:03:38 PM Senator Hutson
2:04:28 PM Senator Hutson waives close
2:04:35 PM Roll call on SB 692
2:04:46 PM Chair Avila reports the bill
2:04:53 PM Tab 11, SB 1712- Peer Support for First Responders by Senator Collins
2:05:05 PM Senator Collins explains the bill
2:05:32 PM Public testimony:
2:05:44 PM George Wallace
2:07:14 PM James Baiardi, Florida PBA
2:08:18 PM Debate:
2:08:19 PM Senator Wright
2:08:44 PM Senator Albritton
2:09:28 PM Senator Collins closes on the bill
2:10:17 PM Roll call on SB 1712
2:10:28 PM Chair Avila reports the bill
2:10:35 PM Tab 10, SB 1662- Cybersecurity by Senator Collins
2:10:41 PM Amendment 209390
2:11:07 PM Senator Collins explains the amendment
2:12:49 PM Senator Collins waives close
2:13:04 PM Back to SB 1662 as amended
2:13:09 PM Questions:
2:13:10 PM Senator Davis
2:14:11 PM Senator Collins
2:14:26 PM Chair Avila reads appearance cards waiving
2:14:49 PM Senator Collin waives close
2:14:54 PM Roll call on SB 1662
2:15:02 PM Chair Avila reports the bill
2:15:22 PM Tab 9, SB 1490- First Responders and Crime Scene Investigators by Senator Burgess
2:15:35 PM Senator Burgess explains the bill
2:16:32 PM Amendment 639914
2:16:47 PM Senator Burgess explains the amendment
2:17:26 PM Senator Burgess waives close
2:17:29 PM Chair Avila reports the amendment
2:17:37 PM back to SB 1490 as amended
2:17:39 PM Questions:
2:17:40 PM Senator Davis
2:17:51 PM Senator Burgess
2:18:00 PM Senator Davis

2:18:17 PM Senator Burgess
 2:18:48 PM Chair Avila reads appearance cards waiving
 2:19:12 PM Senator Burgess closes on the bill
 2:19:39 PM Roll call on SB 1490
 2:19:52 PM Chair Avila reports the bill
 2:20:00 PM Tab 3, SB 400- Reemployment of Retired Law Enforcement Officers by Senator Burgess
 2:20:08 PM Senator Burgess explains the bill
 2:20:21 PM Amendment 798610
 2:20:34 PM Senator Burgess explains the amendment
 2:21:55 PM Questions:
 2:21:59 PM Senator Davis
 2:22:13 PM Senator Burgess
 2:22:38 PM Debate:
 2:23:13 PM Senator Albritton
 2:24:26 PM Senator Wright
 2:25:32 PM Senator Burgess closes on the amendment
 2:26:16 PM Chair Avila reports the amendment
 2:26:23 PM Back to SB 400 as amended
 2:26:25 PM Questions:
 2:26:26 PM Senator Wright
 2:26:59 PM Senator Burgess
 2:27:14 PM Chair Avila reads appearance cards waiving
 2:27:59 PM Debate:
 2:28:00 PM Senator Wright
 2:28:47 PM Senator Davis
 2:29:49 PM Senator Burgess closes on the bill
 2:31:15 PM Roll call on SB 400
 2:31:28 PM Chair Avila reports the bill
 2:31:47 PM Chair Avila hands the chair to Vice Chair Polsky
 2:31:59 PM Tab 12, SPB 7042- Commodities Produced by Forced Labor by the Senate Committee on Governmental Oversight and Accountability
 2:32:11 PM Senator Avila explains the bill
 2:33:31 PM Questions:
 2:33:32 PM Senator Davis
 2:33:49 PM Senator Avila
 2:34:15 PM Senator Davis
 2:34:34 PM Senator Avila
 2:35:18 PM Roll call on SPB 7042
 2:35:31 PM Chair Polsky reports the bill
 2:35:41 PM Meeting recessed
 2:36:16 PM **Recording paused**
 2:47:07 PM **Recording resumed (Recording Part 2)**
 2:47:08 PM Meeting called back to order
 2:47:33 PM Tab 13, SB 472- Sovereign Immunity by Senator Brodeur
 2:47:40 PM Senator Brodeur explains the bill
 2:48:09 PM Amendment 702674
 2:48:50 PM Senator Brodeur explains the amendment
 2:49:58 PM Amendment 749450
 2:50:07 PM Senator Brodeur explains the amendment
 2:50:44 PM Senator Brodeur waives close
 2:50:55 PM Chair Avila reports the amendment
 2:51:02 PM Amendment 702604
 2:51:10 PM Questions:
 2:51:12 PM Senator Davis
 2:51:41 PM Senator Brodeur
 2:53:04 PM Senator Davis
 2:53:32 PM Senator Brodeur
 2:54:09 PM Public testimony:
 2:54:21 PM Bob Harris, Panhandle Area Educational Consortium
 2:58:59 PM Senator Brodeur closes on the amendment
 3:01:20 PM Chair Avila reports the bill
 3:01:26 PM Back to SB 472 as amended

3:01:33 PM Public testimony:
3:01:41 PM David Cruz, Florida League of Cities
3:05:05 PM Jess McCarty, Executive Assistant County Attorney, Miami-Dade County
3:05:59 PM Chair Avila reads appearance cards waiving
3:08:07 PM Mark Delegal, Safety Net Hospital Alliance
3:10:35 PM Debate:
3:10:36 PM Senator Wright
3:11:07 PM Senator Albritton
3:12:47 PM Senator Davis
3:14:08 PM Senator Rodriguez
3:14:52 PM Senator Brodeur closes on the bill
3:16:57 PM Roll call on SB 472
3:17:11 PM Chair Avila reports the bill
3:17:21 PM Tab 14, SB 1120- Display of Flags by Governmental Entities by Senator Martin
3:17:28 PM Senator Martin explains the bill
3:18:30 PM Amendment 583778
3:18:37 PM Senator Martin explains the amendment
3:19:18 PM Public testimony:
3:19:34 PM Anita Hatcher
3:22:14 PM Delcina Beattie
3:23:16 PM Chair Avila reads appearance cards waiving
3:23:30 PM Senator Martin closes on the amendment
3:23:54 PM Chair Martin reports the amendment
3:24:01 PM Amendment 646502
3:24:04 PM Senator Martin explains the amendment
3:24:35 PM Senator Martin waives close
3:24:42 PM Chair Avila reports the amendment
3:24:50 PM Back on the bill as amended. Questions?
3:24:53 PM Senator Polsky
3:26:59 PM Senator Martin
3:27:01 PM Senator Polsky
3:27:14 PM Senator Martin
3:27:43 PM Senator Polsky
3:28:06 PM Senator Martin
3:28:14 PM Senator Polsky
3:28:42 PM Senator Martin
3:28:59 PM Senator Polsky
3:29:16 PM Senator Martin
3:29:43 PM Senator Polsky
3:29:49 PM Senator Martin
3:29:55 PM Senator Polsky
3:30:10 PM Meeting adjourned