

Agenda Order

Tab 1	SB 60 by McClain ; Similar to H 00595 Criminal Conflict and Civil Regional Counsel Membership in the Senior Management Service Class					
417848	A	S	L	GO, McClain	Delete L.26 - 27:	12/08 11:01 AM
Tab 2	SB 92 by Gaetz ; Identical to H 00139 Employee Protections					
776688	D	S		GO, Gaetz	Delete everything after	12/08 09:44 AM
Tab 3	SB 194 by Martin (CO-INTRODUCERS) Gaetz ; Identical to H 00125 Charlie Kirk Day of Remembrance					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY

Senator Mayfield, Chair
Senator DiCeglie, Vice Chair

MEETING DATE: Tuesday, December 9, 2025
TIME: 10:00 a.m.—12:00 noon
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 60 McClain	Criminal Conflict and Civil Regional Counsel Membership in the Senior Management Service Class; Providing that participation in the Senior Management Service Class of the Florida Retirement System is compulsory for each district's assistant regional counsel supervisors, beginning on a specified date, etc.	
		GO 12/09/2025 ACJ AP	
2	SB 92 Gaetz (Identical H 139)	Employee Protections; Prohibiting agencies and independent contractors from taking specified actions against employees or certain persons for disclosing certain information to the Commission on Ethics; requiring that information disclosed include specified violations or alleged violations; providing that specified provisions protect employees and persons who submit written complaints to the commission or provide information to an investigator during an investigation of a complaint or referral, etc.	
		GO 12/09/2025 EE RC	
3	SB 194 Martin (Identical H 125)	Charlie Kirk Day of Remembrance; Designating October 14 of each year as "Charlie Kirk Day of Remembrance"; authorizing the Governor to issue an annual proclamation, etc.	
		GO 12/09/2025 HE FP	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 60

INTRODUCER: Senator McClain

SUBJECT: Criminal Conflict and Civil Regional Counsel Membership in the Senior Management Service Class

DATE: December 8, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	<u>Pre-meeting</u>
2.	<u> </u>	<u> </u>	<u>ACJ</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SB 60 modifies the Florida Retirement System by reclassifying the district assistant regional counsel supervisor positions employed by criminal conflict and civil regional counsel offices to the Senior Management Service Class (SMSC), from the Regular Class of the Florida Retirement System (FRS). For an affected employee filling this position who participates in the pension plan of the FRS, this re-classification means that the employee will earn 2.0 percent service credit for each year of service rather than 1.6 percent service credit. For an employee filling this position who participates in the investment plan of the FRS, the employee will receive contributions into the investment account equal to 12.67 percent of salary rather than 11.30 percent of salary.¹

Any employee who is shifted from the Regular Class to the SMSC is permitted to upgrade retirement credit for service in the same position. Although the bill permits this upgrade retroactive to February 1, 1987 (the date that the SMSC was created in the FRS), the positions upgraded have only existed since the creation of the regional offices in 2007. The upgraded service credit may not be purchased by the member's employer.

It is estimated that the bill will increase the personnel costs incurred by the five offices of the criminal conflict and civil regional counsel by roughly \$1,195,096 annually. This cost is based on Fiscal Year 2025-2026 employer contribution rates and salaries earned by incumbent employees and is subject to change.

The bill appropriates \$950,000 from the General Revenue Fund to the affected officers for Fiscal Year 2026-2027 to pay for these increased retirement benefits. Because the full cost of this

¹ Florida Retirement System, Uniform FRS Contribution Rates Effective July 1, 2025 to June 30, 2026, https://frs.fl.gov/forms/2025-26_contributions_components.pdf (last visited Nov. 3, 2025).

change in retirement system classes will not be covered by this appropriation, the offices may need to allocate current resources to fund the excess costs related to this change.

The bill takes effect on July 1, 2026.

II. Present Situation:

The Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.² The FRS is a contributory system, with active members contributing three percent of their salaries.³

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

- The Regular Class⁴ consists of 562,840 active members and 9,932 in renewed membership;
- The Special Risk Class⁵ includes 79,529 active members and 1,379 in renewed membership;
- The Special Risk Administrative Support Class⁶ has 97 active members and 3 in renewed membership;
- The Elected Officers' Class⁷ has 2,148 active members and 105 in renewed membership; and
- The Senior Management Service Class (SMSC)⁸ has 7,871 active members and 253 in renewed membership.⁹

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

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

² Florida Department of Management Services, *System Pension Plan and Other State Administered Retirement Systems Comprehensive Annual Financial Report Fiscal Year 2023-2024*, at 33 (Dec. 13, 2024), https://frs.fl.gov/forms/2023-24_ACFR.pdf (2023-2024 Report)(last visited November 3, 2025).

³ 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. Between 1975 and 2011, the FRS was a non-contributory system. Employees were again required to contribute to the system after July 1, 2011. Members in the Deferred Retirement Option Program do not contribute to the system. *See* s. 121.71, F.S.

⁴ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

⁵ 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.

⁶ 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.

⁷ The Elected Officers' Class is for elected state and county officers, and for 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.

⁸ 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.

⁹ Florida Department of Management Services, Division of Retirement, *FRS Membership Data as of June 30, 2025*, https://frs.fl.gov/forms/active_data.pdf (last visited Dec. 1, 2025).

Pension Plan

The Pension Plan is administered by the secretary of the Department of Management Services through the Division of Retirement.¹⁰ The State Board of Administration handles investment of the funds of the Pension Plan.¹¹

Any member initially enrolled in the Pension Plan before July 1, 2011, vests after completing six years of service with an FRS employer.¹² For members initially enrolled on or after July 1, 2011, the member vests after eight years of creditable service.¹³ 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.¹⁴ For most current members of the Pension Plan (including members in the Regular Class and the SMSC), normal retirement (when first eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.¹⁵ Members initially enrolled in the Pension Plan on or after July 1, 2011, have longer service requirements—such members in the Regular Class or the SMSC must complete 33 years of service or attain age 65.¹⁶

The Regular Class and the SMSC share the same normal retirement dates, average final compensation calculation, and disability/survivor benefits. However, the Regular Class service credit provides a 1.6 percent accrual value for each year of creditable service, while the SMSC earns a 2.0 percent accrual value each year.¹⁷

Section 121.055 (1)(j), F.S., authorizes a member of the SMSC to upgrade service credit in the same position from Regular Class accrual value to the SMSC accrual value. Generally, the service credit may be purchased by the employer on behalf of the member.

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. The State Board of Administration (SBA) is primarily responsible for administering the investment plan.¹⁸ The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.¹⁹

¹⁰ Section 121.025, F.S.

¹¹ Section 215.44, F.S.

¹² Section 121.021(45)(a), F.S.

¹³ Section 121.021(45)(b), F.S.

¹⁴ Section 121.091, F.S.

¹⁵ Section 121.021(29)(a)1., F.S.

¹⁶ Sections 121.021(29)(a)2. and (b)2., F.S.

¹⁷ Section 121.091, F.S.

¹⁸ Section 121.4501(8), F.S.

¹⁹ FLA CONST. art. IV, s. 4.

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings.²⁰ Benefits are provided through employee-directed investments offered by approved investment providers.²¹

A member vests immediately in all employee contributions paid to the investment plan.²² With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.²³ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.²⁴ The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.²⁵ 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.²⁶

The table below shows the allocation of contributions made into the FRS for members of the investment plan participating in the Regular Class and SMSC. The contributions, which include the employee's three percent contribution, are based on a percentage of the member's gross compensation for the month.²⁷

Allocation of Contributions	Regular Class	Senior Management Service Class
Investment Account	11.30%	12.67%
Disability	0.25%	0.26%
In line of duty death	0.05%	0.05%
Administrative Assessments	0.06%	0.06%
Total	11.66%	13.04%

Offices of the Public Defender

In an effort to meet its responsibility to provide counsel to indigent defendants, as guaranteed under the Sixth Amendment of the United States Constitution, and as applied to the states in *Gideon v. Wainwright*,²⁸ the Legislature first established the office of the Public Defender in

²⁰ Section 121.4501, F.S.

²¹ Section 121.4501(8)(a), F.S.

²² Section 121.4501(6)(a), F.S.

²³ 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, then 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.

²⁴ Section 121.591, F.S.

²⁵ See s. 121.4501(16), F.S.

²⁶ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate an in-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.

²⁷ Florida Department of Management Services, *2023-2024 Report*, 186-187 (Dec. 13, 2024), https://frs.fl.gov/forms/2023-24_ACFR.pdf (last visited November 3, 2025).

²⁸ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

1963.²⁹ Subsequently, the Legislature approved a proposal to amend the Florida Constitution to elevate the Office of Public Defender to the level of a constitutional officer, which was approved by the electorate and adopted in 1972.³⁰ The public defender in each circuit is primarily responsible for representing indigent defendants who have been charged or arrested for an enumerated list of criminal offenses and in a limited number of civil proceedings.³¹ Since 2001, participation in the SMSC of the FRS is compulsory for assistant public defenders.³² Similarly, assistant state attorneys, assistant statewide prosecutors, assistant capital collateral regional counsel, and assistant attorneys general are compulsory members of the SMSC.³³

Criminal Conflict and Civil Regional Counsel

In 2007, the Legislature established five offices of criminal conflict and civil regional counsel.³⁴ When an Office of the Public Defender determines it has a conflict in representing an indigent defendant, the office of criminal conflict and civil regional counsel will be appointed to represent the defendant.³⁵ The office of criminal conflict and civil regional counsel has primary responsibility for representing persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by law in civil proceedings, such as proceedings to terminate parental rights.³⁶

Each regional counsel is recommended by the Supreme Court Judicial Nominating Commission (JNC) for appointment to a 4-year term of service.³⁷ The Governor may re-appoint the regional counsel after his or her initial term; choose a different nominee, if provided by the JNC; or request that the JNC provide a new list of three nominees and choose from this list.³⁸ The appointment is subject to Senate confirmation.³⁹ Regional counsels serve on a full-time basis and may not engage in the private practice of law while holding office.⁴⁰ Each office of criminal conflict and regional counsel is housed, for administrative purposes, in the Justice Administrative Commission (Commission). The regional counsel and the offices are not subject to control, supervision, or direction of the Commission in the performance of their duties.⁴¹ However, the employees of the offices are governed by the classification plan and the salary and benefits plan for the Commission.⁴² As of July 1, 2020, participation in the SMSC was made compulsory for each appointed criminal conflict and civil regional counsel, each district's assistant regional counsel chiefs, its administrative directors, and its chief investigators.⁴³

²⁹ See ch. 63-409, enacting s. 27.50, F.S. (1963).

³⁰ See art. V, § 18, Fla. Const.

³¹ See s. 27.51(1), F.S.

³² Section 121.055(1)(h)2., F.S.

³³ *Id.*

³⁴ Section 27.511(1), F.S.

³⁵ Section 27.511(5), F.S.

³⁶ Section 27.511(5) and (6), F.S. See also, Office of Criminal Conflict and Civil Regional Counsel, Fifth District, *About the Office of Criminal Conflict and Civil Regional Counsel*, <https://www.rc5state.com/about.php> (last visited Nov. 4, 2025).

³⁷ Section 27.511(3)(a), F.S.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Section 27.511(4), F.S.

⁴¹ Section 27.511(2), F.S.

⁴² *Id.*

⁴³ Section 121.055(1)(m), F.S.

As of June 30, 2025, the Justice Administrative Commission reported 64 assistant regional counsel supervisor positions within the offices of criminal conflict and civil regional counsel. While 64 positions will be reclassified into the SMSC, only 61 of the incumbent employees will be eligible for membership in the SMSC, because three incumbent employees participate in DROP (which does not have a differentiated employer contribution rate for the different classifications).⁴⁴

III. Effect of Proposed Changes:

Section 1 amends s. 121.055, F.S., to reclassify the positions of assistant regional counsel supervisors of the criminal conflict and civil regional counsel offices as compulsory members of the Senior Management Service Class (rather than the Regular Class) of the Florida Retirement System (FRS). For each employee who participates in the pension plan of the FRS, this shift means the employee earns 2.0 percent service credit for each year of service, rather than a 1.6 percent service credit. For an employee who participates in the investment plan of the FRS, the employee will receive contributions into the investment account equal to 12.67 percent of salary rather than 11.3 percent of salary. The eligible employees will also be permitted to purchase (at their own expense) upgraded services retroactive to October 1, 2007, for their service in their eligible position. There are currently 64 authorized assistant regional counsel supervisor positions among the five offices of criminal conflict and civil regional counsel that will be reclassified for membership in the SMSC.

Section 2 provides, beginning in the 2026-2027 fiscal year, a \$950,000 recurring appropriation from the General Revenue Fund to the offices of the criminal conflict and civil regional counsel for the purpose of paying retirement benefits for specified positions within those offices.

Section 3 provides that the bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴⁴ Florida Department of Management Services, *Senate Bill 60 Agency Bill Analysis* at 3 (Oct. 13, 2024) (on file with the Senate Committee on Governmental Oversight and Accountability).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The specified members of the Office of Criminal Conflict and Civil Regional Counsel will receive a greater retirement benefit as a result of their participation as compulsory members of the SMSC in the FRS.

C. Government Sector Impact:

The Department of Management Services estimates that the additional annual employer-paid contributions for the reclassification of district assistant regional counsel supervisors from membership in the Regular Class to membership in the SMSC would have been \$1,195,096 for Fiscal Year 2024-2025. These funds will be deposited into the FRS Trust Fund to be used to fund benefits upon each member's retirement. Of these funds, \$950,000 in recurring funds is appropriated from the General Revenue Fund in section 2 of the bill, but the Office of Criminal Conflict and Civil Regional Counsel will be required to also fund the balance of \$245,096 in FY 2026-2027.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The legislature may wish to specify the class code for those positions that will be reclassified as compulsory membership in the SMSC. This could prevent confusion for the implementing authorities and clarify the requirements for the reclassification.

Since 2001, s. 121.055(1)(h)2., F.S., has provided for compulsory participation in the Senior Management Class for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsel. Membership in the Senior Management Class was extended to assistant attorneys general in 2002. These positions do not require any supervisory role. The 284 attorneys who serve in the Offices of Criminal Conflict and Civil Regional Counsel serve in substantially similar roles as, if not as an actual replacement for (in the case of a conflict in cases initially referred to the office of the public defender) those attorneys who have been classified for membership in the SMSC in s. 121.055, F.S.

VIII. Statutes Affected:

This bill substantially amends s. 121.055 the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 26 - 27

and insert:

Management Service Class is compulsory for each region's
assistant regional counsel supervisors (class code 9903).

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

And the title is amended as follows:

Delete line 7



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11 and insert:
12 for each region's assistant regional counsel

By Senator McClain

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A bill to be entitled

An act relating to criminal conflict and civil regional counsel membership in the Senior Management Service Class; amending s. 121.055, F.S.; providing that participation in the Senior Management Service Class of the Florida Retirement System is compulsory for each district's assistant regional counsel supervisors, beginning on a specified date; providing an appropriation; providing an effective date.

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

Section 1. Paragraph (m) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

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

(1)

(m)1. Effective July 1, 2020, participation in the Senior Management Service Class is compulsory for each appointed criminal conflict and civil regional counsel and each district's assistant regional counsel chiefs, administrative directors, and chief investigators.

2. Effective July 1, 2026, participation in the Senior Management Service Class is compulsory for each district's assistant regional counsel supervisors.

3. A Senior Management Service Class member under this paragraph may purchase additional retirement credit in the class

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for creditable service within the purview of the Senior Management Service Class retroactive to October 1, 2007, and may upgrade retirement credit for such service in accordance with paragraph (j). However, this service credit may not be purchased by the employer on behalf of the member.

Section 2. For the 2026-2027 fiscal year, the sum of \$950,000 in recurring funds is appropriated from the General Revenue Fund to the offices of the criminal conflict and civil regional counsel for the purpose of paying retirement benefits for specified positions within those offices.

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

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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 92

INTRODUCER: Senator Gaetz

SUBJECT: Employee Protections

DATE: December 8, 2025

REVISED: _____

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

I. Summary:

SB 92 allows an employee of an agency, local government body, or independent contractor; an applicant for state employment; and other persons to file a complaint with an appropriate agency if he or she suffers a retaliatory action for disclosing information regarding potential ethical violations by public employees or officers. The employee must have disclosed information regarding one of the following alleged ethical violations to the Commission on Ethics:

- The Code of Ethics for Public Officers and Employees (part III, ch. 112, F.S.);
- Article II, section 8 of the State Constitution;
- Certain standards of conduct for the Public Service Commission and the Public Service Commission Nominating Council;
- Certain standards of conduct for the Florida Gaming Control Commission;
- Restrictions on use of public funds to retain lobbyists; and
- Requirements for the use of, and procurement for, state means of transportation.

If the employee or applicant for state employment is then discharged, disciplined, or subjected to other adverse personnel action, or denied employment as a result of his or her disclosure to the Commission on Ethics, the employee or applicant may file a complaint for such retaliatory actions with an appropriate agency. An appropriate agency is either a local government authority or the Commission on Human Relations. If the appropriate agency does not move forward with an investigation into the alleged retaliatory action, a complainant may pursue an administrative remedy or file a civil action. The bill additionally lists the relief available.

The bill provides that, upon a written request, the Commission on Ethics shall provide a copy of the complaint for ethical violations, and any timely amendments thereto, to an agency conducting an investigation into retaliatory actions prohibited by this bill, the person who filed the ethics complaint, or a current or former employee of the alleged violator who is identified in the text of the complaint or amendment thereto. The Commission on Ethics, prior to releasing the

complaint, must redact any designations regarding an ongoing ethics investigation, the records of which are protected from public records disclosures.

The Commission on Human Relations estimates it will need \$550,310 to support the increase workload, most of it recurring.¹ The Division of Administrative Hearings stated the bill would have no fiscal impact.² On a substantially similar bill from last session,³ the Commission on Ethics indicated the bill's cost to the commission would be indeterminate, although it could handle increases in complaints within existing resources.⁴

The bill takes effect July 1, 2026.

II. Present Situation:

The Commission on Ethics & the Public Trust

As required under article II, section 8 of the State Constitution (the Sunshine Amendment) the Commission on Ethics serves as an independent investigatory body into “all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.”⁵ The Commission on Ethics additionally investigates complaints and referrals for any further violations of ethical standards for public employees.⁶ Under the Florida Commission on Ethics Rule 34.50015 (Jurisdiction of the Commission), breach of public trust encompasses violations of:

- The “Sunshine Amendment” and other constitutional provisions governing public officials’ conduct;
- The Code of Ethics for Public Officers and Employees (Code of Ethics);
- Restrictions on agencies’ use of public funds to retain lobbyists;
- Standards of conduct for the Public Service Commission and its nominating council;
- Standards for the procurement relating to and use of state motor vehicles and aircraft;
- Standards of conduct for the Florida Gaming Control Commission; and
- Gift and honoraria laws.⁷

The State Constitution Sunshine Amendment

The Sunshine Amendment addresses potential conflicts between the public duties of state employees and officers and their private interests, especially private monetary interests. Under the Sunshine Amendment, elected constitutional officers, candidates for such offices, and other designated persons must file full and public disclosure of their financial interests and campaign finances. Public officers during, and for a certain period following their tenure, are prohibited

¹ Florida Commission on Human Relations, *Senate Bill 92 Agency Analysis* (Nov. 14, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

² Division of Administrative Hearings, *Senate Bill 92 Agency Analysis* (Nov. 25, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

³ See SB 352 (2025 Reg. Session)

⁴ Commission on Ethics, *Senate Bill 352 Agency Analysis* (Mar. 25, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

⁵ FLA. CONST. art. II, s. 8(g).

⁶ *Id.*; s. 112.320, F.S.

⁷ Florida Commission on Ethics, *Ethics Laws*, <https://ethics.state.fl.us/Research/EthicsLaws.aspx> (last visited Oct. 28, 2025).

from personally representing another individual before government bodies or being paid to lobby on another's behalf. Public officers and employees are additionally prohibited from using their office or position for disproportional personal benefit.

The Code of Ethics (Part III, Chapter 112, F.S.)

The Code of Ethics establishes statutory ethical standards for public officials and employees and applies to officers and employees of the state or a political subdivision.⁸ The Code of Ethics serves as both a guide for the official conduct of public servants as well as a basis for discipline of those who violate its provisions.⁹ Various activities by public officers and employees are limited or prohibited by the Code of Ethics, including:

- Soliciting or accepting gifts;
- Doing business with any entity in which the officer or employee or his or her spouse or child has a position or interest;
- Accepting any unauthorized compensation, payment, or thing of value;
- Corruptly using his or her official position to secure a special privilege, benefit, or exemption for him- or herself or others;
- Having or holding any employment or contractual relationship that conflicts with his or her public position;
- Using information gained by reason of his or her official position for personal gain;
- Representing another person or entity before the government body or agency of which the individual served for a specified period following vacation of office;
- Holding dual-offices simultaneously;
- Serving on a professional and occupational licensing board while serving as a member of a state examining or licensing board for the profession or occupation; and
- Lobbying by certain officers before a specified time.¹⁰

The Code of Ethics also requires lobbyists who regularly engage in lobbying to disclose their identity, expenditures, and activities, even if their lobbying is done by solicitation of others to engage in such efforts.¹¹

Restrictions on Agencies' Use of Public Funds to Retain Lobbyist

Section 11.062, F.S., prohibits executive, judicial, and quasi-judicial departments and agencies from using state funds to pay for lobbying. While a department of the executive branch, a state university, a community college, or a water management district may not use public funds to retain a lobbyist to represent it before the legislative or executive branch, their full-time employees may register and serve as a lobbyist for their employer.

The Commission on Ethics investigates potential violations of s. 11.062, F.S.¹²

⁸ *Id.*

⁹ Section 112.311(5), F.S.

¹⁰ Sections 112.311(2) and (3), and 112.313, F.S.; *see also* 9 FLA. JUR. 2D CIVIL SERVANTS s. 168 *Standards of conduct for public officers and employees* (2024).

¹¹ Section 112.311(3), F.S.

¹² Florida Commission on Ethics Rule 34.50015.

Standards of Conduct for the Public Service Commission and the Public Service Commission Nominating Council

Florida Statutes provide for standards of conduct for commissioners and employees of the Public Service Commission as well as those serving on its Nominating Council.¹³ These standards prohibit members of the council and commission, as well as their spouses, from engaging in any potential direct or indirect financial benefit from entities regulated by the commission. In addition, commissioners and employees of the Public Service Commission may not represent regulated entities in actions before the commission for a set amount of time after leaving the commission. Commissioners are additionally prohibited from entertaining certain ex parte communications concerning the merits, threat, or offer of reward in any currently pending proceeding.

The Commission on Ethics has the authority to accept and investigate alleged violations of these standards of conduct by the members or employees of the Public Service Commission or its Nominating Council.

Standards of Conduct for the Florida Gaming Control Commission

Section 16.715, F.S., sets forth standards of conduct for commissioners and employees of the Florida Gaming Control Commission (FGC). Commissioners and employees must behave professionally, avoid impropriety, and act in a manner that promotes public confidence in the impartiality and integrity of the commission.

Commissioners and employees may not accept anything from any business or entity affiliated with or that is before the commission or regulated by the commission. Nor may FGC commissioners or employees accept special financial benefits or free food at conferences that are not available to all conference participants. A commissioner may not serve as a representative, officer, or employee of a political party or any executive committee or governing body of a political party. Nor may a commissioner receive remuneration for activities on behalf of a candidate or otherwise participate in the solicitation of votes for a candidate. Commissioners are additionally prohibited from entertaining certain ex parte communications concerning the merits, threat, or offer of reward in any currently pending proceeding. A former commissioner or employee cannot represent an entity or person regulated by the commission for two years after their service with the FGC ends.

The Commission on Ethics has the authority to accept and investigate alleged violations of s. 16.715, F.S.

Use of State Motor Vehicles and Aircraft

Part III, ch. 287, F.S., governs the use and procurement of means of transportation for officers and employees of the executive and judicial branches of state government. Such state officers and employees may only purchase or continue to pay for the lease of state motor vehicles with funds appropriated by the Legislature for that purpose. Additional requirements provide for oversight by the Department of Management Services, limitations on the types and use of the vehicles, and repairs and service of the vehicles. Any violation of the standards for acquiring,

¹³ See ss. 350.031, 350.04, 350.041, 350.042, and 350.0605, F.S.

funding, and using vehicles constitutes a misuse of public position and breach of public trust. The Chief Financial Officer reports suspected violations to the Commission on Ethics who has the authority to investigate possible violations of public trust.¹⁴

Gift and Honoraria Laws

Various statutes address public officers or employees accepting expenditure, gifts, or other honoraria and require the public disclosure of any financial benefit or gifts received. The Commission on Ethics investigates any violations of these laws.

Investigations by the Commission on Ethics

The Commission on Ethics investigates written, sworn complaints of alleged breaches of public trust. Within 30 days of receiving a complaint or referral, the Commission on Ethics must conduct a preliminary investigation into the legal sufficiency of the complaint or referral and determine whether there is probable cause that a violation has occurred. If the Commission does not find probable cause, it dismisses the matter. If the Commission finds probable cause, it must send the alleged violator and complainant an order finding probable cause. The Commission must complete the investigation, including the probable cause determination, within one year of receiving the complaint.¹⁵

Prior to a probable cause determination, the complaint and records relating to the preliminary investigation are confidential and exempt from public records disclosure requirements unless the complaint is dismissed as legally insufficient or the alleged violator requests in writing that the records be made public. During the same time, related proceedings are exempt from open meetings requirements.¹⁶

The Florida Commission on Human Relations (CHR)

The Florida Commission on Human Relations (CHR) is housed within the Department of Management Services but is not subject to any control or supervision by or direction from the department.¹⁷ The CHR is comprised of 12 individuals who are appointed by the Governor and confirmed by the Senate. The members must broadly represent various racial, religious, ethnic, social, economic, political, and professional groups in Florida.¹⁸

The Legislature created the CHR to administer the predecessor to the Florida Civil Rights Act of 1992 and the Florida Fair Housing Act.¹⁹ The CHR's jurisdiction was later expanded to take over the responsibilities for administering the public Whistle-Blower's Act.

¹⁴ Section 287.175, F.S.

¹⁵ Sections 112.311-112.3261, F.S.

¹⁶ *Id.*; see Florida Office of the Attorney General, *Government-In-The-Sunshine Manual: 2025 Edition*, pp. 26, 99.

¹⁷ Section 760.04, F.S.

¹⁸ Section 760.03, F.S.

¹⁹ Chapter 760, F.S., Part II. *Cf* ch. 83-221, ss. 1 and 9, Laws of Fla. (creating the Fair Housing Act and assigning the duty of administration to the commission) and ch. 69-287 s. 1 (creating the original civil rights laws in Florida and assigning the commission to administer such laws).

The CHR now investigates complaints for certain claims of discrimination and violations of the Whistle-blower Act for public employees (WBA).

Florida Whistle-Blower's Acts

Florida has two whistleblower laws with different requirements: a private-sector law and a public-sector law. It is generally unlawful to fire or demote an employee for reporting illegal activity by the employer or refusing to participate in illegal activity. The CHR's jurisdiction is limited to the public-sector Whistle-blower's Act (WBA). The private-sector law affords remedy for private employees in civil court.

The Public-Sector Whistle-Blower's Act (WBA)

The CHR investigates complaints for certain claims of discrimination and violations of the Whistle-blower's Act for public employees (WBA). The WBA protects *public* employees who disclose inappropriate government conduct "of a specified nature," to an appropriate entity. The protected disclosures include:

- Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare; or
- Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.²⁰

An appropriate entity with which to file the protected disclosure, in this instance, refers to an agency or federal government entity that has the authority to investigate, police, manage or otherwise remedy the violation or act. An "agency" means any state, regional, county, local, or municipal government entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.

Under the WBA, an agency or independent contractor may not take any adverse action affecting the rights or interests of an employee who disclosed information pursuant to the WBA's process.²¹ The protections provided by the WBA do not extend to reports made for misconduct not specifically listed in the act, such as reports of violations of public trust and other standards of conduct for public employees that do not create and present a substantial and specific danger to the public's health, safety, or welfare.

The CHR, when investigating alleged violations of the WBA, may:

- Petition for stays and for corrective action, such as temporary reinstatement;
- Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures;
- Forward to appropriate entities, including the Florida Department of Law Enforcement, potential violations of any law, rule, or regulation;

²⁰ For purposes of the Public WBA, an "independent contractor" is a person, other than an agency, engaged in any business and who enters into a contract, including a provider agreement, with an agency. Section 112.3184(4)(e), F.S.

²¹ Section 112.3187(4), F.S.

- Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery; and
- Conduct investigations even in the absence of a complaint.²²

Employees must report prohibited retaliatory actions to the CHR or appropriate local governmental authority and cannot file an action in court until the CHR or local governmental makes an official finding.

The CHR's Employment Investigation Unit currently has 541 open investigations shared among fourteen Investigators, with an average case inventory of about 40 open investigations. The agency also has more than 400 cases awaiting to be assigned to an investigator.²³

Florida Private Sector Whistle-blower's Act

Ch. 448, F.S., provides general labor provisions for employers and employees in Florida. More specifically, ss. 448.101-448.105, F.S., the Private Sector Whistleblower's Act, prohibit retaliatory attacks on employees in private workplaces who disclose illegal workplace practices and the remedies and rights that flow from that prohibition.

Under Florida's Private Sector Whistleblower's Act, employees are protected from retaliatory actions for disclosing or threatening to disclose an activity, policy, or practice of the employer that is in violation of a law, rule, or regulation adopted by any federal, state, or local governing body. An employer, for Florida's Private Sector Whistleblower's Act, is limited to a *private* individual, partnership, institution, corporation, or association that employs ten or more persons.²⁴

It is unclear if this protection extends to employees who, in good faith, report a lawful activity, policy, or practice they believe is unlawful.²⁵ To be covered by Florida's Private-Sector Whistleblower's Act, an employee must:

- Refuse to participate in unlawful activity, policy, or practice;
- Cooperate with an investigating governmental agency; or
- Disclose the unlawful activity, policy, or practice, to an appropriate governmental agency in writing and under oath. In this instance, the employee must first, in writing, bring the unlawful activity, policy, or practice to the private employer's attention and provide the employer a reasonable opportunity to correct the activity, policy, or practice.

An employee subjected to retaliatory actions in violation of Florida's Private Sector Whistleblower's Act may file a civil action in court; the employee need not engage in

²² Section 112.31895(3)(a), F.S.

²³ Florida Commission on Human Relations, *Senate Bill 92 Agency Analysis* (Nov. 14, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

²⁴ Section 448.101(3), F.S.

²⁵ The First and Second District Court of Appeals' opinions conflict with the Fourth District's. See *Gessner v. Southern Co.*, 396 So. 3d 908, 910 (Fla. 1st DCA 2024) (holding that the conduct must actually be unlawful); *Kearns v. Farmer Acquisition Co.*, 157 So. 3d 458, 465 (Fla. 2d DCA 2015) (same); *contra Aery v. Wallace Lincoln-Mercury, LLC*, 118 So. 3d 904, 916 (Fla. 4th DCA 2013) (holding a good faith belief that the activity was illegal, whether or not actually illegal, invokes the protections of the private-sector whistle-blower's act).

administrative procedures like those in the WBA. The CHR does not have jurisdiction over violations of Florida's Private Sector Whistleblower's Act

Overlap

Employees of independent contractors are not precluded from filing an action under both the public-sector Whistle-blower's Act (WBA) and Florida's Private-Sector Whistleblower's Act. The fact that an employer might be independent contractor of the state is incidental and does not exclude employer's actions from private-sector whistleblower act. The WBA does not claim to be an exclusive remedy for employees of independent contractors of state agencies. Both the WBA and Florida's Private-Sector Whistleblower's Act specifically state that their provisions did not diminish rights, privileges, or remedies of employees under any other law or rule.²⁶

Moreover, there may be instances in which the WBA provides protections to employees of independent contractors that are not available under Florida's Private-Sector Whistleblower's Act. As mentioned above, Florida's Private-Sector Whistleblower's Act protects an employee's disclosures of unlawful conduct by his or her *private* employer. The WBA's protections extend to disclosures by an employee or agent of an agency or independent contractor. The alleged wrong-doer does not, under the WBA, need to be the employee's actual employer.

Public Records

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.²⁷ 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.²⁸ 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*.²⁹ 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.³⁰ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.³¹

III. Effect of Proposed Changes:

The bill provides protections against retaliation to government employees, applicants for employment with state agencies, and employees of private employers doing business with state or local government, for their disclosures of alleged violations of certain standards of conduct and ethical obligations of public employees and officers. These protections cover retaliation taken as a result of specific disclosures to the Commission on Ethics. This bill provides a basis

²⁶ *Dahl v. Eckerd Family Youth Alternatives, Inc.*, 843 So. 2d 956 (Fla. 2d DCA 2003).

²⁷ FLA. CONST. art. I, s. 24(a).

²⁸ *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

²⁹ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

³⁰ *Id.*

³¹ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

for any employee or individual who faces retaliatory actions for such disclosures to file a complaint with the Commission on Human Relations. These protections and procedures closely follow similar protections against retaliation provided in the Whistle-blower's Act for public employees (WBA), but this bill extends the protections to additional ethical complaints not covered by the WBA.

These protections against retaliatory acts are only provided for information disclosed to the Commission on Ethics. Thus, if the information is disclosed through other channels, even if such channel is elsewhere permitted in law, these protections do not apply.

Definitions

An "agency," under the bill, is any state, regional, county, local, or municipal governmental entity, whether executive, legislative, or judicial; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university. Unless otherwise noted, agency refers to local and state level public entities.

Independent contractors are private persons doing business with an agency.

Adverse personnel action includes the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment.

These definitions closely mirror the WBA.

Protections Against Retaliation

Specifically, the bill prohibits agencies and independent contractors from taking adverse employment actions against an employee, or any adverse actions that affect the rights or interests of a person, in retaliation for the disclosure of any violation or suspected violation of:

- The Code of Ethics for Public Officers and Employees;
- The Sunshine Amendment and other constitutional provisions relating to public officials' conduct;
- Restrictions on agencies' use of public funds to retain non-employee lobbyists;
- Standards of conduct for the Public Service Commission and the Public Service Commission Nominating Council;
- Standards of conduct for the Florida Gaming Control Commission;
- Requirements for the use, purchase, and lease of state motor vehicles and aircraft; and
- Gift and honoraria laws.

The protections only apply to complaints filed with, or assistance provided to, the Commission on Ethics. The complaint must be provided in writing on a form prescribed by the Commission and signed under oath or affirmation.

The bill's protections do not apply where an individual makes false disclosures in bad faith or participates in the underlying violation.

Procedures for Filing for Protection Against Retaliation

The bill allows employees of, and applicants for employment with, state agencies³² who are subject to adverse personnel actions in violation of this bill to file a complaint with the Florida Commission on Human Relations. The complaint must be made in accordance with the requirements of s. 112.31895, F.S., which governs investigatory procedures of the Commission on Human Relations for adverse personnel actions prohibited by the WBA. If the Commission on Human Relations terminates its investigation, complainants have 180 days to pursue an administrative remedy with the Division of Administrative Hearings or bring a civil action in court.

Similarly, the bill allows local public employees to file a complaint with an appropriate local government authority within 60 days of the prohibited adverse personnel action so long as the local governmental authority has an appropriate administrative procedure in place. The term “local governmental authority” includes any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision thereof. A local government authority has an appropriate administrative procedure if it either contracts with the Division of Administrative Hearings to conduct hearings on the matter or establishes by ordinance a procedure for handling such complaints that provides an impartial panel. Within 180 days of a decision by the local governmental authority, the local public employee may bring a civil action in court. If the local governmental authority has not established appropriate administrative procedure, by ordinance or contract, the local public employee instead has 180 days after the prohibited action to bring a civil action in court.

Any other person protected by the bill, such as employees of private employers doing business with state or local government, after exhausting all available contractual or administrative remedies, may bring a civil action in court within 180 days of the prohibited retaliatory action.

Relief From Retaliatory Actions

The relief for an employee or applicant who successfully brings a complaint for a violation of this bill must include:

- Reinstatement of the employee to the same position held before the adverse action was commenced or to an equivalent position or reasonable front pay as alternative relief;
- Reinstatement of the employee’s full fringe benefits and seniority rights as appropriate;
- Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action;
- Payment of reasonable costs, including attorney’s fees; and
- Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

³² In this instance, the bill refers to the definition of state agency in s. 216.011, F.S.: “any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, “state agency” or “agency” includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission.”

An employee, except for a municipal employee, may also be temporarily reinstated to his or her former position or equivalent position pending the final outcome on the complaint, so long as the court or Commission on Human Relations determines that the disclosure was not made in bad faith and the agency initiated the personnel action after the disclosure to the Commission on Ethics. Such personnel action, to qualify, cannot include documentation of the employee's violation of a disciplinary standard or performance deficiency.

A prevailing employer may receive attorney's fees if the employee filed a frivolous action in bad faith.

Release of the Complaint by the Commission on Ethics

Section 2 of the bill requires the Commission on Ethics to release a complaint for violations of ethical standards, and timely amendments thereto, to:

- An agency conducting an investigation of a claim asserted under the bill. The agency must submit a written request to the commission;
- The person who filed the complaint upon receiving a notarized, written request; and
- A person who identifies himself or herself as a current or former employee or independent contractor of the agency or individual that allegedly violated the ethical standard. In this instance, the commission must receive a notarized, written request.

Typically, such complaint would be exempt from disclosures under s. 112.324(2)(a)-(d), F.S., however this bill allows the Commission on Ethics to release the information notwithstanding and without affecting the public records exemption. Prior to releasing the complaint, however, the Commission on Ethics must redact any designations regarding an ongoing ethics investigation, where the records of that investigation are exempt from public records disclosures. These designations include, but are not limited to, date stamps, receipt stamps, and complaint serial numbers.

Miscellaneous

The bill provides legislative intent to protect employees who report violations of the Code of Ethics for Public Officers and Employees, found in ss. 112.311 to 112.3261, F.S., or article II, section 8 of the State Constitution, from retaliatory actions, and to additionally protect any person who discloses information to an appropriate agency regarding alleged breaches of public trust or violations of article II, section 8(f) of the State Constitution on the part of an agency, public officer, or employee. This intent mirrors the legislative intent provided for in the Whistle-blower Act but is tailored to the protection of disclosures of ethical violations.

The bill provides an affirmative defense to employers to justify the adverse action by showing the action was predicated on other grounds and would have been taken absent the employee or person's exercise of rights under the section.

The bill explicitly states that it does not diminish the rights, privileged, or remedies of an employee under other law or rule or under any collective bargaining agreement or employment contract.

Finally, Section 1 clarifies that the language of the bill does not diminish the rights, privileges, or other remedies of an employee under any other law, collective bargaining agreement, or employment contract. The election of remedies in s. 447.401, F.S., however, does apply to actions under this section. Section 447.401, F.S., addresses labor organizations and bargaining agents for public employees.

Section 3 provides the act takes effect on July 1, 2026.

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 the authority of municipalities or counties to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will likely incur additional costs if private contractors are subjected to the Code of Ethics and other standards of conduct for public officers and employees.

C. Government Sector Impact:

The Commission on Human Relations asserts it will need additional resources to implement its responsibilities, including six new full-time equivalent positions and an annual appropriation in excess of \$500,000 from the General Revenue Fund.³³

The Division of Administrative Hearings stated the bill would have “no fiscal impact on the Division.”³⁴ For a substantially similar bill,³⁵ the Commission on Ethics indicated it could absorb any additional workload within its existing resources.³⁶

VI. Technical Deficiencies:

Application to the Legislative Branch and its Employees.

The bill creates different paragraphs prescribing specific, differing procedures to obtain relief (remedies) for any:

- “Employee of and applicant for employment with any state agency;”
- “Local public employee protected by this [bill];” and
- “Other person protected by this [bill].”

Lines 125-135 specifies that an employee or applicant for employment with a state agency must file a complaint with the Commission on Human Relations (CHR); in this instance, at line 126, “state agency” is defined according to s. 216.011, F.S. The bill’s definition of agency is broader than the definition in s. 216.011, F.S. For instance, and in relevant part, the bill’s definition of “agency” includes legislative governmental entities; the s. 216.011, F.S., definition does not. The Legislature may wish to instead provide “any state public employee or applicant for employment with a state agency who is protected by this section” to file a complaint with the CHR. This language mirrors the bill’s language for the following paragraph, under the same subsection, discussing “local public employees protected by this section.”³⁷ Without this amendment, employees of legislative state agencies may be considered “other person[s] protected by this section”³⁸ who are not permitted to file a complaint with the CHR but, alternatively, may directly file a civil action in court after exhausting administrative and contractual remedies.

Disclosures Protected

At lines 92-98 and 104-106, the bill includes language similar to language in the public-sector Whistle-blower’s Act (WBA), protecting from retaliatory actions individuals who disclose information “pursuant to this section.” Unlike the WBA, however, this bill protects an individual from retaliation for disclosure of the information of an ethical violation pursuant to another section of law. The complaint regarding the retaliatory action (not the underlying ethical violation) is the only complaint made under or pursuant to this section (bill). The bill, at lines 94,

³³ Florida Commission on Human Relations, *Senate Bill 92 Agency Analysis* (Nov. 14, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

³⁴ Division of Administrative Hearings, *Senate Bill 92 Agency Analysis* (Nov. 25, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

³⁵ See SB 352 (2025 Reg. Session).

³⁶ Commission on Ethics, *Senate Bill 352 Agency Analysis* (Mar. 25, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

³⁷ Lines 140-141.

³⁸ Lines 160-163.

98, and 105, should be updated to ensure the complaint regarding the original violation is covered by instead providing that the protection from retaliation extends to “disclosure of information protected under this section.”

Reports to the Chief Financial Officer

This bill protects from retaliatory action reports and disclosures regarding misuse of public position and breach of public trust within the use and procurement of the means of transportation for officers and employees of the state executive and judicial branches (made pursuant to s. part II of ch. 287, F.S.). The Chief Financial Officer (CFO) reports incidents of actual or suspected violations of these procurement provisions to the Commission on Ethics.³⁹ Presumably, the CFO is made aware of such violations by reports from a public employee or individual who suspects a violation. The bill does not extend protections to persons who report suspected violations of the relevant state motor vehicle laws to the CFO. In order to give effect to the protection provided in section 1 of the bill (lines 104-113), the Legislature may wish to extend protections to employees and persons who properly file a complaint with an agency or the CFO, rather than just the Commission on Ethics, on lines 114-123 of the bill.

Forms Used

At lines 115-117, the bill limits protections, in relevant part, to complainants disclosing the original violation “on a form prescribed by the” Commission on Ethics. The commission, pursuant to s. 112.324(1)(a), F.S., already has a complaint form to report violations of the public trust.⁴⁰ If the Legislature intends to refer to the form in s. 112.324(1)(a), F.S., it should clearly provide at lines 114-116 that the bill protects employees and persons who submit a written complaint for the original ethic violation “on the form specified in s. 112.324(1)(a), F.S.”

Consistent Use of “Adverse Personnel Action”

The bill addresses remedies available to aggrieved individuals, specifying at lines 125-127 that any aggrieved state employee “who is discharged, disciplined, or subject to other adverse personnel action” may seek the remedies provided in this bill. For clarity, the Legislature may wish to use the defined term and remove the specific reference to discharge and discipline. The Legislature may consider “[a]ny employee of or applicant for employment with any state agency as defined in s. 216.011 who is subjected to any adverse personnel action.”

Clarity in Time Limitations for Certain Remedies

At lines 160-163, the bill provides that “other persons protected” who exhaust “all available contractual or administrative remedies,” only have 180 days after the prohibited personnel action to bring an action in court. The Legislature may wish to clarify that it means exhaustion of contractual *and* administrative remedies. Additionally, it may take more than 180 days after the prohibited personnel action to exhaust the administrative and contractual remedies (for example, the Commission on Human Relations has up to 180 days to issue a fact-finding report), meaning the protected person would not be able to file a civil action. The Legislature may wish to provide that the protected person has 180 days after the final decision in the administrative and contractual remedies to file a civil action in court.

³⁹ Section 287.175, F.S.

⁴⁰ See Rule 34-7.010(1)(b), F.A.C.

VII. Related Issues:

Local Ethics Commissions

Section 112.324, F.S., addresses investigations by a local commission on ethics and public trust established by any county or municipality. At least two counties—Palm Beach⁴¹ and Miami-Dade⁴²—have established their own ethics commissions, empowered to accept and investigate complaints. Moreover, any political subdivision of the state may impose on their employees and officers “additional or more stringent standards of conduct and disclosure requirements,” than those established by state law. These political subdivisions may establish separate investigatory procedures for alleged violations of the additional and more stringent ethical standards.⁴³ These commissions also investigate alleged violations of the Code of Ethics and other ethical standards established by Florida law.

Currently, the bill does not address adverse personnel actions taken in retaliation for complaints made to or in cooperation with local ethics commissions. While the bill does discuss reports to local governmental authorities, these are reports of adverse personnel actions taken in violation of this bill and not reports made for the original violation that forms the basis for the retaliatory action. The bill also does not address any reports of violations of the additional or more stringent standards local governments may impose on their officers and employees.

The Legislature may wish to extend the antiretaliation protections in this bill to complaints to and cooperations with local commissions on ethics and public trust in response to alleged violations of ethical standards already addressed by this bill. The Legislature could additionally extend the protections in this bill to encompass complaints to and cooperation with these local commissions regarding alleged violations of any additional or more stringent ethical standards imposed by the local government.

Compared to Investigations Under the Public-Sector Whistle-blower’s Act

While the antiretaliation protections provided under this bill mirror a portion of the public-sector Whistle-blower’s Act (WBA), this bill does not include certain procedures, protections, and processes in the WBA. This may be an oversight.

The Commission on Human Relations (CHR) is a creature of ch. 760, F.S., which addresses unlawful discrimination, and administers the Florida Civil Rights Act of 1992 and the Florida Fair Housing Act. The WBA is the primary instance in which the CHR’s duties extend beyond ch. 760, F.S. Nothing in this bill, nor elsewhere in law, set forth investigatory procedures for the CHR for a complaint alleging retaliatory actions prohibited by this bill. In contrast, the WBA provides specific investigatory procedures for the CHR—primarily in s. 112.31895, F.S.⁴⁴ Currently, at lines 125-130, the bill provides that complaints to the CHR for retaliatory actions

⁴¹ See Palm Beach County Commission on Ethics, <https://www.palmbeachcountyethics.com/> (last visited Nov. 19, 2025).

⁴² See Miami-Dade County Commission on Ethics and Public Trust, <https://ethics.miamidade.gov/ethics/home.page> (last visited Nov. 19, 2025).

⁴³ Section 112.326, F.S.; see s. 112.324(2)(a), F.S.

⁴⁴ This bill only mirrors s. 112.3187, F.S.

prohibited by this bill “must be made in accordance with s. 112.31895[, F.S.].” Those procedures, however, are explicitly limited to investigations under the WBA.

Section 112.31895, F.S., of the WBA prescribes certain procedures in response to receiving a complaint, how and when the CHR creates and provides a fact-finding report, and the rights to appeal. These procedures also include instances in which the CHR must report findings to the Florida Department of Law Enforcement, more detailed directions on when and how to provide relief and allows the CHR to petition for attorney’s fees from a guilty state agency. These are not in the bill.

Given the limited nature of the CHR’s function outside of ch. 760, F.S., and the explicitly limiting language in the WBA, the Legislature may consider amending this bill and s. 112.31895, F.S., to clearly provide that the CHR should treat violations of this bill as violations of the WBA and use those investigatory procedures.

Individuals and Actions Not Protected Under This Bill

There are various means and channels available to report or disclose ethical violations. The bill, however, only protects complaints and disclosures to the Commission on Ethics. Thus, if the complainant submits a complaint through other permissible channels these protections do not apply.

For instance, the WBA protects disclosures made to a broad array of relevant entities. The WBA, unlike this bill, also protects from retaliatory actions:

- Reports made to superiors;
- Complaints and disclosures made to, and cooperations with, governmental entities other than the Commission on Ethics that are charged with investigating or having oversight authority over the alleged ethical violation;
- Complaints made via hotline or not in writing; and
- Refusals to participate in a prohibited retaliatory action.

Also excluded from this bill’s protection are:

- Disclosures to the Chief Financial Officer regarding violations of the relevant ethical standards for means of transportation for state officers and employees; and
- Reports about an employee or commissioner of the Commission on Ethics, because those complaints are not filed with the Commission on Ethics.⁴⁵

The Legislature may wish to extend protections to reports and disclosures “to an agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act,” or appropriate supervisor. This would mirror the language in the WBA.

⁴⁵ See s. 112.324(10), F.S.

Application to “Independent Contractors”

The legislative intent section, specifically lines 59-64, provides that the bill intends to “prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency any violation of this part or s. 8(f), Art. II of the State Constitution on the part of a public employer or an independent contractor.” The quoted language appears to hold independent contractors to the standards of conduct for public officers and employees under article II, section 8(f) of the State Constitution. This may pose additional cost on the private businesses working with state agencies, which in turn may discourage private businesses from working with state agencies. The Legislature may wish to amend the legislative intent section to clearly delineate whom it intends to impose these ethical standards.

VIII. Statutes Affected:

This bill creates section 112.3242 of the Florida Statutes and substantially amends section 112.324 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.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (18) is added to section 112.313,
Florida Statutes, to read:

112.313 Standards of conduct for public officers, employees
of agencies, and local government attorneys.—

(18) RETALIATION FOR PROTECTED ACTIVITY PROHIBITED.—

(a) As used in this subsection, the term:



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11 1. "Adverse personnel action" means the discharge,
12 suspension, transfer, or demotion of an employee; the
13 withholding of bonuses or reduction in salary or benefits of an
14 employee; or any other adverse action taken against an employee
15 within the terms and conditions of employment by an agency or
16 independent contractor of an agency.

17 2. "Exercise of ultimate decisionmaking authority" or
18 "grant of approval" means having and using the authority to
19 commence an adverse personnel action.

20 3. "Protected activity" means submitting a written
21 complaint to the commission executed on the form specified in s.
22 112.324(1) and signed under oath or affirmation or providing
23 information to an investigator during an investigation of a
24 complaint or referral.

25 (b) A public officer, public employee, or local government
26 attorney commits a breach of the public trust when he or she
27 initiates an adverse personnel action against an agency employee
28 or independent contractor who has engaged in a protected
29 activity by an exercise of the public officer's, public
30 employee's, or local government attorney's ultimate
31 decisionmaking authority or a grant of his or her approval, or
32 uses his or her position to cause another to initiate such an
33 adverse personnel action, if the protected activity is the
34 primary reason motivating the adverse personnel action. The
35 communication or execution of an adverse personnel action
36 initiated by another's ultimate decisionmaking authority or
37 grant of approval does not constitute an exercise of one's
38 ultimate decisionmaking authority or a grant of one's approval.

39 Section 2. Section 112.3242, Florida Statutes, is created



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to read:

112.3242 Adverse action against employee for disclosing information of specified nature to the Commission on Ethics prohibited; employee remedy and relief.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency any violation of this part or s. 8, Art. II of the State Constitution on the part of a public employer or an independent contractor. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency regarding alleged breaches of the public trust or violations of s. 8, Art. II of the State Constitution on the part of an agency, a public officer, or an employee.

(2) DEFINITIONS.—As used in this section and s. 112.3243, unless otherwise specified, the term:

(a) "Adverse personnel action" means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by an agency or independent contractor.

(b) "Agency" means any state, regional, county, local, or municipal governmental entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.



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69 (c) "Employee" means a person who performs services for,
70 and is under the control and direction of, or contracts with, an
71 agency or independent contractor for wages or other
72 remuneration.

73 (d) "Independent contractor" means a person, other than an
74 agency, who is engaged in any business and enters into a
75 contract, including a provider agreement, with an agency.

76 (3) ACTIONS PROHIBITED.—

77 (a) An agency or independent contractor may not dismiss,
78 discipline, or take any other adverse personnel action against
79 an employee for disclosing information protected under this
80 section.

81 (b) An agency or independent contractor may not take any
82 adverse personnel action that affects the rights or interests of
83 a person in retaliation for the person's disclosure of
84 information protected under this section.

85 (c) This subsection does not apply when an employee or a
86 person discloses information known by the employee or person to
87 be false or when the employee or person discloses information
88 that forms the basis of an award of costs or attorney fees or
89 both pursuant to s. 112.317(7).

90 (4) NATURE OF INFORMATION DISCLOSED.—The protected
91 information disclosed under this section must include any
92 violation or suspected violation of:

93 (a) Any standard of conduct imposed by this part;

94 (b) Section 8, Art. II of the State Constitution; or

95 (c) Section 11.062, s. 16.715, part II of chapter 287, s.
96 350.031, s. 350.04, s. 350.041, s. 350.042, or s. 350.0605.

97 (5) TO WHOM INFORMATION IS DISCLOSED.—The information



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disclosed under this section must be disclosed to the
commission.

(6) EMPLOYEES AND PERSONS PROTECTED.—This section protects employees and persons who submit a written complaint to the commission executed on the form specified in s. 112.324(1) and signed under oath or affirmation or who provide information to an investigator during an investigation of a complaint. A remedy or other protection under this section does not apply to any employee or person who has committed or intentionally participated in committing the violation or suspected violation for which protection under this section is being sought.

(7) REMEDIES.—Any employee of or applicant for employment with an agency who is subjected to adverse personnel action because he or she engaged in an activity protected by this section may file a complaint, which must be made in accordance with s. 112.3243. Upon receipt of notice from the commission of termination of the investigation, the complainant may elect to pursue the administrative remedy available under s. 112.3243 or bring a civil action within 180 days after receipt of the notice.

(8) RELIEF.—In any action brought under this section, the relief must include the following:

(a) Reinstatement of the employee to the same position held before the adverse personnel action was commenced, or to an equivalent position, or reasonable front pay as an alternative relief.

(b) Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

(c) Compensation to the employee, if appropriate, for lost



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wages, benefits, or other lost remuneration caused by the
adverse personnel action.

(d) Payment of reasonable costs, including attorney fees,
to a substantially prevailing employee, or to the prevailing
employer if the employee filed a frivolous action in bad faith.

(e) Issuance of an injunction, if appropriate, by a court
of competent jurisdiction.

(f) Temporary reinstatement of the employee to his or her
former position or to an equivalent position, pending the final
outcome on the complaint, if an employee complains of being
discharged in retaliation for a protected disclosure and if a
court of competent jurisdiction or the commission, as applicable
under s. 112.3243, determines that the disclosure was not made
in bad faith or for a wrongful purpose or that the disclosure
occurred after an agency's or independent contractor's
initiation of a personnel action against the employee which
includes documentation of the employee's violation of a
disciplinary standard or performance deficiency. This paragraph
does not apply to an employee of a municipality.

(9) DEFENSE.—It is an affirmative defense to any action
brought pursuant to this section that the adverse personnel
action was predicated upon grounds other than, and would have
been taken absent, the employee's or person's exercise of rights
protected by this section.

(10) EXISTING RIGHTS.—This section does not diminish the
rights, privileges, or remedies of an employee under any other
law or rule or under any collective bargaining agreement or
employment contract; however, the election of remedies in s.
447.401 also applies to actions under this section.



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Section 3. Paragraphs (g) and (h) are added to subsection (2) of section 112.324, Florida Statutes, to read:

112.324 Procedures on complaints of violations and referrals; public records and meeting exemptions.—

(2)

(g) Notwithstanding the exemptions in paragraphs (a)-(d), the Commission on Ethics shall deliver a copy of an ethics complaint, and its timely amendments, to the Public Employees Relations Commission upon receiving a written request from the agency. The Commission on Ethics' delivery of the complaint, and any amendment thereto, does not affect the exemptions in paragraphs (a)-(d) in any other context. The Commission on Ethics shall deliver the complaint, and any amendment thereto, within a reasonable timeframe. If the exemptions in paragraphs (a)-(d) are applicable at the time of the request, the commission must redact any designation to the complaint form it supplied after the form was filed, including, but not limited to, date stamps, receipt stamps, and complaint serial numbers.

(h) Notwithstanding the exemptions in paragraphs (a)-(d), the commission shall deliver a copy of an ethics complaint, and its timely amendments, to the person who filed the ethics complaint and identified himself or herself in the text of the complaint or its timely amendments as a current or former employee of the agency associated with the respondent named in the complaint or of an independent contractor of that agency, upon receiving a notarized, written request from such person. The commission's delivery of the complaint, and any amendment thereto, does not affect the exemptions in paragraphs (a)-(d) in any other context. The commission shall deliver the complaint



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within a reasonable timeframe. If the exemptions in paragraphs (a)-(d) are applicable at the time of the request, the commission must redact any designation to the complaint form it supplied after the form was filed, including, but not limited to, date stamps, receipt stamps, and complaint serial numbers.

Section 4. Section 112.3243, Florida Statutes, is created to read:

112.3243 Investigative procedures in response to prohibited personnel actions against ethics complaints.—

(1) COMPLAINT.—

(a) If a disclosure under s. 112.3242 results in alleged retaliation by an employer, the employee or former employee of an agency or independent contractor that is so affected may file a complaint alleging a prohibited personnel action, which must be made by filing a written complaint with the commission no later than 60 days after the prohibited personnel action.

(b) Within 5 working days after receiving a complaint under this section, the commission shall acknowledge receipt of the complaint and provide copies of the complaint and any other preliminary information available concerning the disclosure of information under s. 112.3242 to the employer, who shall acknowledge receipt of such copies to the complainant.

(2) FACT-FINDING.—The commission shall:

(a) Receive any allegation of a personnel action prohibited by s. 112.3242, including a proposed or potential action, and conduct informal fact-finding regarding any allegation of a legally sufficient complaint under this section to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action under s. 112.3242 has



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occurred, is occurring, or is to be taken.

(b) Within 180 days after receiving the complaint, provide the agency head or independent contractor and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report is admissible in any subsequent or related administrative or judicial review.

(3) INVESTIGATIVE POWERS AND TERMINATION OF INVESTIGATION.—

(a) The commission, in accordance with this section, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by agencies or independent contractors.

2. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.

3. Create fact-finding reports and make determinations regarding investigations under subparagraph 1.

(b) The commission shall notify a complainant of the status of the investigation and any action taken at such times as the commission deems appropriate.

(c)1. If the commission determines that, in connection with any investigation, reasonable grounds exist to believe that a prohibited action has occurred, is occurring, or is to be taken which requires corrective action, the commission must report the determination together with a fact-finding report to the agency head or independent contractor and the complainant. The commission may include in the report recommendations for



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corrective action.

2. If the commission, in consultation with the individual subject to the prohibited action, finds that the agency or independent contractor has implemented a corrective action in response to the commission's determination and fact-finding report, the commission must file such finding with the agency head or independent contractor, together with any written comments that the individual provides, and terminate the investigation. The commission shall provide notice of the termination of its investigation, along with the reason for termination, to the complainant and the agency head or independent contractor.

3. If the agency or independent contractor, after 35 days, does not implement a corrective action, the commission must terminate the investigation. If an investigation is terminated pursuant to this subparagraph, the commission must provide notice of the termination of its investigation, along with the reason for termination, to the complainant and the agency head or independent contractor, and notify the complainant of the right to appeal under subsection (4).

(d) If the commission determines that there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or is to be taken, the commission must terminate its investigation and report its determination, together with a fact-finding report and a notice of termination of investigation, to the agency head or independent contractor and the complainant.

(e) During any investigation under this section, disciplinary action may not be taken against an employee of an



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agency or independent contractor for reporting an alleged prohibited personnel action that is under investigation, or for reporting any related activity, or against any employee for participating in an investigation without notifying the commission.

(4) RIGHT TO APPEAL.—

(a) The complainant may, within 21 days after receipt of a notice of termination of an investigation from the commission, file a complaint against the employer agency regarding the alleged prohibited personnel action with the Public Employees Relations Commission. The Public Employees Relations Commission has jurisdiction over such complaints under ss. 112.3242 and 447.503(4) and (5).

(b) Judicial review of any final order of the commission must be as provided in s. 120.68.

(5) RULEMAKING.—The commission may adopt rules to implement this section.

Section 5. For the purpose of incorporating the amendment made by this act to section 112.313, Florida Statutes, in a reference thereto, subsection (1) of section 112.3136, Florida Statutes, is reenacted to read:

112.3136 Standards of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions.—The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision, for the



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purposes of the following sections, are public officers and employees who are subject to the following standards of conduct of this part:

(1) Section 112.313, and their "agency" is the political subdivision that they serve; however, the contract under which the business entity serves as chief executive or administrative officer of the political subdivision is not deemed to violate s. 112.313(3) or (7).

Section 6. This act shall take effect January 1, 2027.

===== 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 employee protections; amending s. 112.313, F.S.; defining terms; providing that public officers, public employees, and local government attorneys commit a breach of the public trust when they initiate adverse personnel actions against specified agency employees or independent contractors under certain circumstances; providing construction; creating s. 112.3242, F.S.; providing legislative intent; defining terms; prohibiting agencies and independent contractors from taking specified actions against employees or certain persons for disclosing certain information to the Commission on Ethics; providing applicability; requiring that information disclosed include specified violations or alleged



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violations; requiring disclosure of specified information to the commission under specified circumstances; providing that specified provisions protect employees and persons who submit written complaints to the commission or provide information to an investigator during an investigation of a complaint or referral; providing applicability; authorizing certain employees or applicants for employment to file complaints in accordance with specified provisions; authorizing certain complainants to pursue a specified administrative remedy or a civil action within a specified timeframe; requiring specified relief; providing applicability; providing that it is an affirmative defense to certain actions that the adverse personnel action was predicated on grounds other than the exercising of certain protected rights; providing construction; amending s. 112.324, F.S.; requiring the Commission on Ethics to deliver copies of complaints and any amendment thereto to the Public Employees Relations Commission upon receiving a written request from the agency; providing that such delivery does not affect specified exemptions in regard to the complaint and amendments; requiring that such delivery be within a reasonable timeframe; requiring that the Commission on Ethics redact certain information under specified conditions; requiring the commission to deliver complaints and any amendment thereto to certain persons upon a notarized written request; providing that such delivery does not affect



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the specified exemptions of the complaint; requiring that such delivery be within a reasonable timeframe; requiring that the commission redact certain information under specified conditions; creating s. 112.3243, F.S.; authorizing certain employees to file a complaint with the commission within a specified timeframe; requiring that the commission acknowledge receipt of such complaint and provide copies of the complaint and any other information to the agency head or independent contractor within a specified timeframe; requiring the commission to conduct informal fact-finding regarding legally sufficient complaints and provide, within a specified timeframe, a certain report to the agency head or independent contractor; providing that the commission is empowered to take specified actions; requiring the commission to notify a complainant of the status of the investigation and actions taken when appropriate; requiring the commission to make a certain determination and provide a fact-finding report to specified entities under specified conditions; requiring the commission to file such determination and report with the agency head or independent contractor under specified conditions; requiring the commission to provide a certain notice to specified entities under specified conditions; requiring the commission to terminate investigations under specified circumstances; prohibiting disciplinary action against an employee under specified conditions; authorizing



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388 complainants to file a complaint against the employer
389 agency with the Public Employees Relations Commission;
390 providing that such commission has jurisdiction over
391 such complaints; authorizing the Commission on Ethics
392 to adopt rules; reenacting s. 112.3136(1), F.S.,
393 relating to standards of conduct for officers and
394 employees of entities serving as chief administrative
395 officer of political subdivisions, to incorporate the
396 amendment made to s. 112.313, F.S., in a reference
397 thereto; providing an effective date.

By Senator Gaetz

1-00194A-26

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1 A bill to be entitled
 2 An act relating to employee protections; creating s.
 3 112.3242, F.S.; providing legislative intent; defining
 4 terms; prohibiting agencies and independent
 5 contractors from taking specified actions against
 6 employees or certain persons for disclosing certain
 7 information to the Commission on Ethics; providing
 8 applicability; requiring that information disclosed
 9 include specified violations or alleged violations;
 10 requiring disclosure of specified information to the
 11 commission under specified circumstances; providing
 12 that specified provisions protect employees and
 13 persons who submit written complaints to the
 14 commission or provide information to an investigator
 15 during an investigation of a complaint or referral;
 16 providing applicability; authorizing certain employees
 17 or applicants for employment to file complaints in
 18 accordance with specified provisions; authorizing such
 19 employees or applicants to pursue a specified
 20 administrative remedy or a civil action within a
 21 specified timeframe; defining the term "local
 22 governmental authority"; authorizing local public
 23 employees to file a complaint with the appropriate
 24 local governmental authority under specified
 25 circumstances; specifying requirements for
 26 administrative procedures created by local
 27 governmental authorities; authorizing such employees
 28 to bring civil actions in a court of competent
 29 jurisdiction under specified conditions; requiring

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

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30 specified relief; providing applicability; providing
 31 that it is an affirmative defense to certain actions
 32 that the adverse personnel action was predicated on
 33 grounds other than the exercising of certain protected
 34 rights; providing construction; amending s. 112.324,
 35 F.S.; requiring the commission to deliver complaints
 36 and any amendment thereto to the agency conducting a
 37 certain investigation, upon the agency's written
 38 request; providing that such delivery does not affect
 39 specified exemptions in regard to the complaint and
 40 amendments; requiring that such delivery be within a
 41 reasonable timeframe; requiring that the commission
 42 redact certain information under specified conditions;
 43 requiring the commission to deliver complaints and any
 44 amendment thereto to certain persons upon a notarized
 45 written request; providing that such delivery does not
 46 affect the specified exemptions of the complaint;
 47 requiring that such delivery be within a reasonable
 48 timeframe; requiring that the commission redact
 49 certain information under specified conditions;
 50 providing an effective date.

51
 52 Be It Enacted by the Legislature of the State of Florida:

53
 54 Section 1. Section 112.3242, Florida Statutes, is created
 55 to read:

56 112.3242 Adverse action against employee for disclosing
 57 information of specified nature to the Commission on Ethics
 58 prohibited; employee remedy and relief.-

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

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(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency any violation of this part or s. 8(f), Art. II of the State Constitution on the part of a public employer or an independent contractor. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency regarding alleged breaches of the public trust or violations of s. 8(f), Art. II of the State Constitution on the part of an agency, a public officer, or an employee.

(2) DEFINITIONS.—As used in this section, unless otherwise specified, the term:

(a) “Adverse personnel action” means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by an agency or independent contractor.

(b) “Agency” means any state, regional, county, local, or municipal governmental entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.

(c) “Employee” means a person who performs services for, and is under the control and direction of, or contracts with, an agency or independent contractor for wages or other remuneration.

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(d) “Independent contractor” means a person, other than an agency, who is engaged in any business and enters into a contract, including a provider agreement, with an agency.

(3) ACTIONS PROHIBITED.—

(a) An agency or independent contractor may not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to this section.

(b) An agency or independent contractor may not take any adverse personnel action that affects the rights or interests of a person in retaliation for the person’s disclosure of information under this section.

(c) This subsection does not apply when an employee or a person discloses information known by the employee or person to be false or when the employee or person discloses information that forms the basis of an award of costs or attorney fees or both pursuant to s. 112.317(7).

(4) NATURE OF INFORMATION DISCLOSED.—The information disclosed under this section must include any violation or suspected violation of:

(a) Any standard of conduct imposed by this part;

(b) Section 8, Art. II of the State Constitution; or

(c) Section 11.062, s. 16.715, part II of chapter 287, s. 350.031, s. 350.04, s. 350.041, s. 350.042, or s. 350.0605.

(5) TO WHOM INFORMATION IS DISCLOSED.—The information disclosed under this section must be disclosed to the Commission on Ethics.

(6) EMPLOYEES AND PERSONS PROTECTED.—This section protects employees and persons who submit a written complaint to the Commission on Ethics executed on a form prescribed by the

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commission and signed under oath or affirmation or who provide information to an investigator during an investigation of a complaint or referral. A remedy or other protection under this section does not apply to any employee or person who has committed or intentionally participated in committing the violation or suspected violation for which protection under this section is being sought.

(7) REMEDIES.—

(a) Any employee of or applicant for employment with any state agency as defined in s. 216.011 who is discharged, disciplined, or subjected to other adverse personnel action or denied employment because he or she engaged in an activity protected by this section may file a complaint, which complaint must be made in accordance with s. 112.31895. Upon receipt of notice from the Florida Commission on Human Relations of termination of the investigation, the complainant may elect to pursue the administrative remedy available under s. 112.31895 or bring a civil action within 180 days after receipt of the notice.

(b) For the purpose of this paragraph, the term “local governmental authority” includes any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision thereof. Within 60 days after the action prohibited by this section, any local public employee protected by this section may file a complaint with the appropriate local governmental authority if that authority has established by ordinance an administrative procedure for handling such complaints or has contracted with the Division of Administrative Hearings under s. 120.65 to

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conduct hearings under this section. The administrative procedure created by ordinance must provide for the complaint to be heard by a panel of impartial persons appointed by the appropriate local governmental authority. Upon hearing the complaint, the panel shall make findings of fact and conclusions of law for a final decision by the local governmental authority. Within 180 days after the entry of a final decision by the local governmental authority, the local public employee who filed the complaint may bring a civil action in any court of competent jurisdiction. If the local governmental authority has not established an administrative procedure by ordinance or contract, a local public employee may, within 180 days after the action prohibited by this section, bring a civil action in a court of competent jurisdiction.

(c) Any other person protected by this section may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this section.

(8) RELIEF.—In any action brought under this section, the relief must include the following:

(a) Reinstatement of the employee to the same position held before the adverse personnel action was commenced, or to an equivalent position, or reasonable front pay as an alternative relief.

(b) Reinstatement of the employee’s full fringe benefits and seniority rights, as appropriate.

(c) Compensation to the employee, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse personnel action.

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(d) Payment of reasonable costs, including attorney fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

(e) Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

(f) Temporary reinstatement of the employee to his or her former position or to an equivalent position, pending the final outcome on the complaint, if an employee complains of being discharged in retaliation for a protected disclosure and if a court of competent jurisdiction or the Florida Commission on Human Relations, as applicable under s. 112.31895, determines that the disclosure was not made in bad faith or for a wrongful purpose or occurred after an agency's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency. This paragraph does not apply to an employee of a municipality.

(9) DEFENSE.—It is an affirmative defense to any action brought pursuant to this section that the adverse personnel action was predicated upon grounds other than, and would have been taken absent, the employee's or person's exercise of rights protected by this section.

(10) EXISTING RIGHTS.—This section does not diminish the rights, privileges, or remedies of an employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies in s. 447.401 also applies to actions under this section.

Section 2. Paragraphs (g) and (h) are added to subsection (2) of section 112.324, Florida Statutes, to read:

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112.324 Procedures on complaints of violations and referrals; public records and meeting exemptions.—

(2)

(g) Notwithstanding the exemptions in paragraphs (a)-(d), the commission shall deliver a copy of an ethics complaint, and its timely amendments, to an agency conducting an investigation of a claim asserted under s. 112.3242, upon receiving a written request from the agency. The commission's delivery of the complaint, and any amendments thereto, does not affect the exemptions in paragraphs (a)-(d) in any other context. The commission shall deliver the complaint, and any amendments thereto, within a reasonable timeframe. If the exemptions in paragraphs (a)-(d) are applicable at the time of the request, the commission must redact any designations to the complaint form it supplied after the form was filed, including, but not limited to, date stamps, receipt stamps, and complaint serial numbers.

(h) Notwithstanding the exemptions in paragraphs (a)-(d), the commission shall deliver a copy of an ethics complaint, and its timely amendments, to the person who filed the ethics complaint and to the person who identified himself or herself in the text of the complaint or its timely amendments as a current or former employee of the agency associated with the respondent named in the complaint or of an independent contractor of that agency, upon receiving a notarized, written request from such person. The commission's delivery of the complaint, and any amendments thereto, does not affect the exemptions in paragraphs (a)-(d) in any other context. The commission shall deliver the complaint in a reasonable timeframe. If the exemptions in

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233 paragraphs (a)-(d) are applicable at the time of the request,
234 the commission must redact any designations to the complaint
235 form it supplied after the form was filed, including, but not
236 limited to, date stamps, receipt stamps, and complaint serial
237 numbers.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 194

INTRODUCER: Senators Martin and Gaetz

SUBJECT: Charlie Kirk Day of Remembrance

DATE: December 8, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Pre-meeting
2.			HE	
3.			FP	

I. Summary:

SB 194 designates October 14 of each year as “Charlie Kirk Day of Remembrance.” The bill authorizes the Governor to issue a proclamation designating the day as “Charlie Kirk Day of Remembrance.”

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

The bill takes effect July 1, 2026.

II. Present Situation:

Charlie Kirk

Charlie Kirk was a co-founder and executive director of Turning Point USA, Inc. Mr. Kirk was born “Charles James Kirk” on October 14, 1993, in Arlington Heights, Illinois. He died September 10, 2025, after being shot while speaking to a crowd at Utah Valley University in Orem, Utah.

Turning Point USA, Inc.

Turning Point USA, Inc. is a nonprofit corporation domiciled in Indiana.¹ “It is organized and operated exclusively for educational and charitable purposes in accordance with section 501(c)(3), to empower informed civic and cultural engagement grounded in American exceptionalism and a positive spirit of action. Turning Point USA guides citizens through development of knowledge, skills, values, and motivation, so they can meaningfully engage in

¹ Indiana Secretary of State: Business Services Division, *Public Business Search*, INBIZ, <https://bsd.sos.in.gov/PublicBusinessSearch> (search “turning point usa, inc.” as business name) (last visited Nov. 24, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

their communities to restore traditional American values like patriotism, respect for life, liberty, family, and fiscal responsibility.”²

Legal Holidays and Special Observances in Florida

The legislature has designated numerous days as “legal holidays.” Whenever reference is made to “legal holidays” in contracts performed in Florida, the term is understood to include those holidays designated in s. 683.01, F.S., and any other days designated by law.³ Section 683.01, F.S., designates the following days as legal or public holidays:

- Sunday;
- New Year’s Day, January 1;
- Birthday of Martin Luther King, Jr., January 15;
- Birthday of Robert E. Lee, January 19;
- Lincoln’s Birthday, February 12;
- Susan B. Anthony’s Birthday, February 15;
- Washington’s Birthday, the third Monday in February;
- Tuskegee Airmen Commemoration Day, the fourth Thursday in March;
- Good Friday;
- Pascua Florida Day, April 2;
- Confederate Memorial Day, April 26;
- Memorial Day, the last Monday in May;
- Birthday of Jefferson Davis, June 3;
- Flag Day, June 14;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Columbus Day and Farmers’ Day, the second Monday in October;
- Veterans’ Day, November 11;
- General Election Day.
- Thanksgiving Day, the fourth Thursday in November;
- Christmas Day, December 25; and
- Shrove Tuesday, sometimes known as “Mardi Gras” in counties where carnival associations are organized for celebrating the day.

Whenever a legal holiday falls on a Sunday, the Monday next following will be deemed the public holiday.⁴

In addition, the legislature has designated the following days for special observances statewide:

- Three Kings Day, January 6;⁵
- Arbor Day, the third Friday in January;⁶

² Turning Point U.S.A., Inc., Form 990: Return of Organization Exempt from Income Tax (2021), *available at* https://apps.irs.gov/pub/epostcard/cor/800835023_202206_990_2023060921420938.pdf

³ Section 683.02, F.S.

⁴ Section 683.01(2), F.S.

⁵ Section 683.33, F.S.

⁶ Section 683.04, F.S.

- Florida Alzheimer’s Disease Day, February 6;⁷
- Ronald Reagan Day, February 6;⁸
- Save the Florida Panther Day, the third Saturday of March;⁹
- Medal of Honor Day, March 25;¹⁰
- Parents’ and Children’s Day, the first Sunday in April;¹¹
- Everglades Day, April 7;¹²
- Pan-American Day, April 14;¹³
- Patriots’ Day, April 19;¹⁴
- Law Enforcement Appreciation Day, May 1;¹⁵
- Law Day, May 1;¹⁶
- Child Welfare Professionals Recognition Day, the second Monday in May;¹⁷
- Law Enforcement Memorial Day, May 15;¹⁸
- Teacher’s Day, the third Friday in May;¹⁹
- Revive Awareness Day, June 6;²⁰
- Juneteenth Day, June 19;²¹
- Purple Heart Day, August 7;²²
- Fentanyl Awareness and Education Day, August 21;²³
- Grandparents’ Day and Family Caregivers’ Day, the first Sunday after Labor Day;²⁴
- Florida Missing Children’s Day, the second Monday in September;²⁵
- I am an American Day, the third Sunday in October;²⁶
- Retired Teachers’ Day, the Sunday commencing the third week of November;²⁷
- Bill of Rights Day, December 15;²⁸ and
- Homeless Persons’ Memorial Day, December 21.²⁹

⁷ Section 683.24, F.S.

⁸ Section 683.26, F.S.

⁹ Section 683.18, F.S.

¹⁰ Section 683.147, F.S.

¹¹ Section 683.17, F.S.

¹² Section 683.185, F.S.

¹³ Section 683.05, F.S.

¹⁴ Section 683.14, F.S.

¹⁵ Section 683.11, F.S.

¹⁶ Section 683.22, F.S.

¹⁷ Section 683.331, F.S.

¹⁸ Section 683.115, F.S.

¹⁹ Section 683.15, F.S.

²⁰ Section 683.3342, F.S.

²¹ Section 683.21, F.S.

²² Section 683.146, F.S.

²³ Section 683.3343, F.S.

²⁴ Section 683.10, F.S.

²⁵ Section 683.23, F.S.

²⁶ Section 683.145, F.S.

²⁷ Section 683.16, F.S.

²⁸ Section 683.25, F.S.

²⁹ Section 683.325, F.S.

The legislature has directed the governor to annually proclaim various days of special observances. These days of special observances include:

- Pan-American Day, April 14;³⁰
- Holocaust Remembrance Day, January 27;³¹
- Victims of Communism Day, November 7;³² and
- 9/11 Heroes' Day, September 11.³³

Days of special observance, whether designated by the legislature or proclaimed by the Governor, have no impact on contracts in Florida or the operations of state government.³⁴

III. Effect of Proposed Changes:

The bill designates October 14, the anniversary of Mr. Kirk's birth, as "Charlie Kirk Remembrance Day." It also authorizes the Governor to issue a proclamation designating the same. The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

³⁰ Section 683.05, F.S.

³¹ Section 683.196, F.S.

³² Section 683.34, F.S.

³³ Section 683.335, F.S.

³⁴ Section 110.117, F.S., delineates the paid holidays observed by state branches and agencies.

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 or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 683.338 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 Martin

33-00520-26

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1 A bill to be entitled
 2 An act relating to Charlie Kirk Day of Remembrance;
 3 creating s. 683.338, F.S.; designating October 14 of
 4 each year as "Charlie Kirk Day of Remembrance";
 5 authorizing the Governor to issue an annual
 6 proclamation; providing an effective date.
 7
 8 WHEREAS, Charlie Kirk was a champion of free speech, civil
 9 dialogue, and faith, and
 10 WHEREAS, Charlie Kirk consistently promoted the values of
 11 individual liberty, open debate, civic engagement, and defense
 12 of constitutional principles, and
 13 WHEREAS, Charlie Kirk believed in the power of free speech
 14 and the open debate of ideas as the foundation of a free
 15 society, and he dedicated his life to ensuring those principles
 16 were upheld on college and university campuses and in public
 17 life, and
 18 WHEREAS, Charlie Kirk was a co-founder and the executive
 19 director of Turning Point USA, a nonprofit organization with
 20 thousands of chapters nationwide, including active chapters at
 21 colleges and universities across this state, where his work
 22 inspired Florida students to embrace civic participation and the
 23 principles of liberty and democracy, and
 24 WHEREAS, through his public speaking, writing, and media
 25 presence, Charlie Kirk reached millions of Americans, including
 26 Floridians of all ages, encouraging them to take part in civic
 27 life and defend constitutional freedoms, and
 28 WHEREAS, Charlie Kirk's life's work contributed to
 29 strengthening civic education, youth leadership, free speech,

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

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30 and public discourse within this state and across the nation,
 31 and
 32 WHEREAS, Charlie Kirk is honored for his contributions to
 33 free speech, open debate, civic education, youth leadership, and
 34 the advancement of individual liberties, which left a lasting
 35 impact on this state's students and civic organizations, and
 36 WHEREAS, Charlie Kirk's tragic death on September 10, 2025,
 37 was not only a national loss but also deeply felt within
 38 Florida's civic and educational communities, NOW, THEREFORE,
 39
 40 Be It Enacted by the Legislature of the State of Florida:
 41
 42 Section 1. Section 683.338, Florida Statutes, is created to
 43 read:
 44 683.338 Charlie Kirk Day of Remembrance.—
 45 (1) October 14 of each year is designated as "Charlie Kirk
 46 Day of Remembrance."
 47 (2) The Governor may annually issue a proclamation
 48 designating October 14 as "Charlie Kirk Day of Remembrance."
 49 Section 2. This act shall take effect July 1, 2026.

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