

Agenda Order

Tab 1	CS/CS/SB 96 by AHS, MS, Sharief (CO-INTRODUCERS) Rouson, Jones ; Identical to CS/H 00253 Veterans Dental Care Grant Program				
Tab 2	CS/SB 330 by CA, Bradley ; Compare to H 00739 Disability Provisions for Firefighters and Law Enforcement and Correctional Officers				
137586	A	S	AP, Bradley	Delete L.81:	02/10 02:55 PM
Tab 3	CS/SB 474 by GO, Wright ; Similar to CS/H 01211 Military Affairs				
Tab 4	CS/SB 480 by AEG, Harrell ; Compare to CS/H 01197 Information Technology				
426186	A	S	AP, Harrell	btw L.1391 - 1392:	02/11 08:29 AM
298590	A	S	AP, Harrell	Delete L.2342 - 2382:	02/11 08:28 AM
Tab 5	CS/SB 694 by JU, Brady Davis (CO-INTRODUCERS) Smith, Osgood, Berman, Davis, Arrington, Bernard, Leek, Gaetz, Sharief, Mayfield, DiCeglie, Massullo, Rouson, Jones, Simon, Wright ; Similar to H 06523 Compensation of the Descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas				
634360	A	S	AP, Brady Davis	Delete L.97 - 109:	02/11 08:28 AM
Tab 6	CS/CS/SB 1066 by AEG, EN, Brodeur ; Similar to CS/CS/H 00981 Tributaries of the St. Johns River				
Tab 7	SB 1120 by Brodeur ; Identical to H 00701 Water Management Districts				
Tab 8	SB 1216 by Rodriguez ; Similar to H 01187 Public School Personnel Compensation				
Tab 9	SB 1366 by Brodeur (CO-INTRODUCERS) Rouson ; Compare to H 00145 Claims Against the Government				
Tab 10	SB 1442 by Brodeur ; Long-range Program Plans				
Tab 11	SB 7018 by CF ; Child Welfare				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS

Senator Hooper, Chair
Senator Rouson, Vice Chair

MEETING DATE: Thursday, February 12, 2026

TIME: 9:00 a.m.—2:00 p.m.

PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Hooper, Chair; Senator Rouson, Vice Chair; Senators Berman, Brodeur, Burgess, DiCeglie, Garcia, Grall, Harrell, Martin, Massullo, McClain, Pizzo, Polsky, Sharief, Smith, Trumbull, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 96 Appropriations Committee on Health and Human Services / Military and Veterans Affairs, Space, and Domestic Security / Sharief (Identical CS/H 253)	Veterans Dental Care Grant Program; Revising the purpose of the Veterans Dental Care Grant Program, etc. MS 11/04/2025 Fav/CS AHS 02/04/2026 Fav/CS AP 02/12/2026	
2	CS/SB 330 Community Affairs / Bradley (Compare H 739)	Disability Provisions for Firefighters and Law Enforcement and Correctional Officers; Defining the terms "employing agency" and "heart disease"; providing that a certain previously conducted physical examination satisfies a requirement for a presumption; authorizing law enforcement officers, correctional officers, and correctional probation officers, under a specified condition, to use a physical examination from a former employer for the purpose of claiming a specified presumption, etc. CA 01/13/2026 Fav/CS GO 02/02/2026 Favorable AP 02/12/2026	
3	CS/SB 474 Governmental Oversight and Accountability / Wright (Similar CS/H 1211)	Military Affairs; Revising the authorization to be granted a leave of absence for military service to include the Coast Guard; revising the authorization to be granted a leave of absence for reserve or guard training to include members of the Florida State Guard; specifying that an authorization for a leave of absence for all employees of the state and the counties, municipalities, and political subdivisions of the state to perform active military service for a specified timeframe is based on a single order; deleting a requirement that certain positions from the Department of Military Affairs participate in the Senior Management Service Class, etc. GO 01/26/2026 Fav/CS AP 02/12/2026 RC	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, February 12, 2026, 9:00 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 480 Appropriations Committee on Agriculture, Environment, and General Government / Harrell (Compare CS/H 1197, S 1292)	Information Technology; Providing for a type two transfer of the duties and functions of the Florida Digital Service from the Department of Management Services to the Division of Integrated Government Innovation and Technology; creating the Division of Integrated Government Innovation and Technology (DIGIT) within the Executive Office of the Governor; requiring DIGIT to operate as the state enterprise organization for information technology governance and as the lead entity responsible for understanding needs and environments, creating standards and strategy, supporting state agency technology efforts, and reporting on the state of information technology in this state, etc.	AEG 02/04/2026 Fav/CS AP 02/12/2026
5	CS/SB 694 Judiciary / Bracy Davis (Similar H 6523)	Compensation of the Descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas; Providing that certain facts are found and declared to be true; providing that a sum is appropriated from the General Revenue Fund to the Department of State for specified relief; requiring that a specified percentage of such relief be provided to certain individuals and estates; providing that specified persons are ineligible for further compensation, etc.	JU 01/27/2026 Fav/CS ATD 02/04/2026 Favorable AP 02/12/2026
6	CS/CS/SB 1066 Appropriations Committee on Agriculture, Environment, and General Government / Environment and Natural Resources / Brodeur (Similar CS/CS/H 981)	Tributaries of the St. Johns River; Citing this act as the "Northeast Florida Rivers, Springs, and Community Investment Act"; requiring the Department of Environmental Protection, by a specified date, to hire a project lead to oversee the implementation of the act; requiring the department to develop, by a specified date, a project plan for the restoration of the Ocklawaha River; providing that the project plan is an environmental restoration or enhancement project subject to a general permit from the department and water management districts; providing for the creation of the Northeast Florida River and Springs Recreation and Economic Development Advisory Council by a specified date, etc.	EN 01/20/2026 Fav/CS AEG 02/04/2026 Fav/CS AP 02/12/2026

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, February 12, 2026, 9:00 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1120	Water Management Districts; Requiring the Commission on Ethics to investigate a lobbyist or principal who has made a prohibited expenditure and to provide the Governor with a report of its findings and recommendations regarding such investigation; requiring the South Florida Water Management District, in cooperation with the Department of Environmental Protection, to provide a detailed report that includes the total estimated remaining cost of implementation of the Comprehensive Everglades Restoration Plan and the status of applicable performance indicators for all project components; authorizing water management districts to levy certain ad valorem taxes on specified property for certain purposes; requiring that the preliminary budget for each water management district include a section that contains the district's capital improvement plan for the current fiscal year and the next fiscal year, etc.	AEG 02/04/2026 Favorable AP 02/12/2026
8	SB 1216	Public School Personnel Compensation; Providing that cost-of-living adjustments are for employees with direct student contact; deleting a limitation on such adjustments; deleting certain limitations for salary adjustments under the performance salary schedule, etc.	ED 01/20/2026 Favorable AED 02/04/2026 Favorable AP 02/12/2026
9	SB 1366	Claims Against the Government; Increasing the statutory limits on the liability of the state and its agencies and subdivisions for tort claims; requiring the Department of Financial Services, beginning on a specified date and every 5 years thereafter, to adjust the limitations of liability for claims; limiting attorney fees based on the amount of funds recovered; authorizing the Legislature to limit attorney fee awards in a claim bill or reserve any portion of the proceeds of a claim bill to the claimant, etc.	JU 02/03/2026 Favorable AP 02/12/2026 RC

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, February 12, 2026, 9:00 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 1442 Brodeur	Long-range Program Plans; Requiring that plans of state agencies be based on statutorily established policies and driven by priorities and outcomes to achieve certain goals, objectives, and policies; requiring that the plans of the judicial branch be policy based, priority driven, accountable, and developed through careful examination and justification of programs and activities; requiring that plans identify specified performance measures, trends and conditions relevant to the performance measures and state goals, agency programs implementing statutorily established policies, and the judicial branch programs implementing state policy, etc.	
		GO 01/26/2026 Favorable AP 02/12/2026	
11	SB 7018 Children, Families, and Elder Affairs	Child Welfare; Renaming the Step into Success Workforce Education and Internship Pilot Program as the Step into Success Workforce Education and Internship Program; requiring the department's Office of Continuing Care to develop certain cohorts within specified regions, collaborate with certain organizations and recruit mentors and organizations, and provide eligible former foster youth with internship placement opportunities; requiring the Office of Continuing Care to develop trauma-informed training for mentors of certain former foster youth which meets certain requirements, etc.	
		AHS 02/04/2026 Favorable AP 02/12/2026	

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 Appropriations

BILL: CS/CS/SB 96

INTRODUCER: Appropriations Committee on Health and Human Services Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Sharief and others

SUBJECT: Veterans Dental Care Grant Program

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bellamy	_____	MS	Fav/CS
2. Howard	_____	AHS	Fav/CS
3. Howard	_____	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 96 revises the Veterans Dental Care Grant Program established within the Florida Department of Veterans' Affairs (FDVA). Specifically, the bill provides that the grant program requires an additional qualification for veterans to be eligible for the Veterans Dental Care Grant Program. The additional qualification for veterans provided by the bill is an income of up to 400 percent of the federal poverty level.

The bill has no fiscal impact on state revenues or expenditures **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Federal Health Benefits for Veterans

The U.S. Department of Veterans Affairs (VA) provides health care and related services through an integrated health care system with the Veterans Health Administration.¹ Federal veterans'

¹ U.S. Department of Veterans Affairs, *Veterans Health Administration*, available at <http://va.gov/health/> (last visited Oct. 8, 2025).

health care benefits are generally available to a veteran who served for 24 continuous months in the active military, naval, or air service, or as a current or former member of the Reserves or the National Guard if called to and completed active duty.² A veteran is not automatically enrolled in VA health care and must apply to receive health care services. To qualify, a person must have been discharged honorably. However, exceptions are made for veterans discharged for service-related disabilities. Additionally, a discharge upgrade or a VA Character of Discharge review may allow a person to be eligible for benefits.³

VA Dental Care

The VA does provide dental care; however, the eligibility requirements are different than medical care. Generally, dental care is provided for a veteran who has a service-connected dental condition, is a former prisoner of war, or has a service-connected disability rating of 100 percent.⁴ Dental care is categorized into six distinct classes.⁵

Classification	Eligibility Criteria	Scope of Treatment Provided
Class I	Veteran has a service-connected compensable (i.e., disability compensation is paid) dental condition.	Any dental care and service needed regardless of relation to service-connected condition.
Class II	Veteran has a service-connected noncompensable dental condition (i.e., not subject to disability compensation) shown to have been in existence at the time of discharge or release from active duty service, which took place after September 30, 1981, if: <ul style="list-style-type: none"> the veteran served at least 180 days (or 90 days if a veteran of the Gulf War era); the veteran's DD214^b does not bear certification that the veteran was provided, within 90 days immediately prior to discharge or release, a complete dental examination (including dental x-rays) and all appropriate dental treatment indicated by the examination to be needed; and application for treatment is received within 180 days of discharge. 	A one-time course of dental treatment of the service-connected noncompensable dental condition.
Class II(a)	Veteran has a service-connected noncompensable dental condition or disability determined as resulting from combat wounds or service trauma.	"Any dental care necessary to provide and maintain a functioning dentition. A Dental Trauma Rating (VA Form 10-564-D) or VA Regional Office Rating Decision letter (VA Form 10-7131) identifies the tooth/teeth/condition(s) that are trauma rated."
Class II(b)	Veteran is enrolled and may be homeless and receiving care for a period of 60 consecutive days in specified settings stipulated at 38 U.S.C. §2062.	A one-time course of dental care that is determined clinically necessary to relieve pain, to help the veteran gain employment, or to "treat moderate, severe, or severe and complicated gingival and periodontal pathology."

² U.S. Department of Veterans Affairs, *Eligibility for VA Health Care*, available at <https://www.va.gov/health-care/eligibility/> (last visited Oct. 8, 2025).

³ *Id.*

⁴ Sidath Viranga Panangala & Jared S. Sussman, Congress.gov, *Health Care for Veterans: Answers to Frequently Asked Questions*, CRS Report Number R42747, available at <https://www.congress.gov/crs-product/R42747?q=%7B%22search%22%3A%22R42747%22%7D&s=1&r=1> (last visited Oct. 8, 2025).

⁵ *Id.*

Classification	Eligibility Criteria	Scope of Treatment Provided
Class II(c)	Veteran is a former prisoner of war (POW).	Any dental care and service needed regardless of relation to service-connected condition.
Class III	Veteran has a dental condition clinically determined by VA to be aggravating a disability or condition from an associated service-connected condition or disability.	Dental care and services to treat such dental condition.
Class IV	Veteran whose service-connected disabilities have been rated at 100 percent or who is receiving the 100 percent rating by reason of individual unemployability.	Any dental care and service needed regardless of relation to service-connected condition.
Class V	Veteran is actively engaged in a vocational rehabilitation program (38 U.S.C. Chapter 31).	Dental treatment clinically determined to achieve specific objectives.
Class VI	Veteran is receiving VA care or is scheduled for inpatient care and requires dental services for "a dental condition complicating a medical condition currently under treatment."	Outpatient dental care that is clinically necessary to treat "a dental condition complicating a medical condition currently under treatment."

Dental Service Programs

No-cost dental care is provided to veterans in need at two annual Florida events.

Stars, Stripes, & Smiles, a collaborative effort between a Florida congressman's office and a local county dental association provides no-cost dental services to veterans.⁶ Services provided through the annual event in Pasco County are intended to afford veterans relief from dental pain and infection.⁷ Services are funded through private donation and professional dentistry and other volunteers.

A second effort in the state to provide no-cost dental services to veterans is the Florida Mission of Mercy Dental Clinic.⁸ Part of an annual two-day dental clinic, dentistry volunteers provide dental services to persons who are underserved and uninsured. The first day of the event is for veterans only.⁹ Services provided through the annual event afford recipients, including veterans, dental exams, cleanings, fillings, extractions, root canals, and limited dentures and partials.¹⁰

United States Federal Poverty Income Guidelines

Federal poverty income guidelines are annually updated.¹¹ Current guidelines for 2026 provide the following for the 48 contiguous states¹² and the District of Columbia:

⁶ Stars, Stripes, & Smiles, *About USA Veteran Smiles*, available at <https://www.usaveteransmiles.org/about-us> (last visited Oct. 8, 2025).

⁷ *Id.*

⁸ Florida Dental Association, *2026 Florida Mission of Mercy, Jacksonville, May 15-16, 2026*, available at <https://www.flordental.org/foundation/programs/mission-of-mercy> (last visited Oct. 8, 2026).

⁹ *Id.*

¹⁰ *Id.*

¹¹ U.S. Dep't of Health and Human Services, Office of the Asst. Secretary for Planning and Evaluation, *Poverty Guidelines, HHS Poverty Guidelines for 2026*, <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited Jan. 31, 2026).

¹² *Id.* Poverty guidelines for Alaska and Hawaii are each separately calculated.

Persons in Family/Household	Poverty Guideline	300 percent	400 percent
1	\$15,650	\$46,950	\$62,600
2	\$21,640	\$63,450	\$84,600
3	\$27,320	\$79,950	\$106,600
4	\$33,000	\$96,450	\$128,600
5	\$38,680	\$112,950	\$150,600
6	\$44,360	\$129,450	\$172,600

Various federal programs use the guidelines, or percentage multiples of the guidelines, such as 125 percent or 185 percent of the guidelines, in determining eligibility for certain benefits. These include Head Start, the Supplemental Nutrition Assistance Program, the National School Lunch Program, the Low-Income Home Energy Assistance Program, and the Children's Health Insurance Program.¹³

Florida Department of Veterans' Affairs

The FDVA was created to provide assistance to all former, present, and future members of the Armed Forces of the United States and their spouses and dependents in preparing claims for and securing compensation, hospitalization, career training, and other benefits or privileges to which they are, or may become entitled to under federal or state law or regulation by reason of their service in the Armed Forces of the United States.¹⁴ There are about 1.4 million veterans living in Florida, making the state's veteran population the second largest nationally.¹⁵

Florida Veterans Foundation

The Florida Legislature authorized the FDVA to establish a direct-support organization (DSO) in 2008.¹⁶ The DSO for the FDVA is a not-for-profit corporation organized and operated exclusively to obtain funds, such as grants, gifts, and bequests of money.¹⁷ The DSO provides assistance and support to the FDVA, veterans, and congressionally chartered veteran service organizations with subdivisions in the state.¹⁸ The DSO operates under a written contract with the FDVA, is governed by a Board of Directors, and is subject to audit.¹⁹

The Florida Veterans Foundation (FVF) is the FDVA DSO. The FVF serves as the statewide lead organization for Florida veterans and their families by providing direct services and partnering with state and local governments, veteran service organizations, and educational institutions to improve their physical, financial, mental, emotional, and social well-being.²⁰

¹³ *Id.*

¹⁴ Section 292.05(1), F.S.

¹⁵ Florida Department of Veterans' Affairs, Our Veterans, available at <https://floridavets.org/our-veterans> (last visited Oct. 7, 2025).

¹⁶ Section 292.055, F.S.; ch. 2008-4, Laws of Fla.

¹⁷ Section 292.055(2)(b)2., F.S.

¹⁸ *Id.*

¹⁹ Section 292.055(3), (4), and (8), F.S.

²⁰ Florida Veterans Foundation, available <https://www.helpflvets.org/> (last visited Oct. 8, 2025).

Current initiatives of the FVF include providing dental care to Florida's veterans and financial assistance to wounded and disabled veterans.²¹

Veterans Dental Care Grant Program

The Veterans Dental Care Grant Program was established in 2023 within the FDVA to provide no-cost dental care to veterans.²² The FDVA contracts with the FVF, the FDVA's DSO, to administer the Veterans Dental Care Grant Program.²³ Statutory eligibility is limited to being a veteran residing in the state and having been honorably discharged from service or later upgraded to honorable.²⁴ The FVF, through rule, established the following criteria to be eligible for services under the Veterans Dental Care Grant Program:

- Must have been issued a DD-214, NGB 22, or Certificate of Discharge.²⁵
- Must reside in Florida.
- Must be at a 300 percent Poverty Level or below as defined by the federal government, at the time of their application.²⁶
- Must be less than 100 percent service-connected disabled.
- Must not have a direct service-connected injury impacting their oral health.²⁷

The FDVA received \$1 million in recurring funds in the 2024-2025 General Appropriations Act for the Veterans Dental Care Grant Program.²⁸ The FDVA is required to provide a quarterly report to the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Appropriations Committee, and the chair of the House of Representatives Budget Committee no later than 30 days after the last business day of each quarter. The report must include the number of veterans served, the type of services provided, and the cost of each service.²⁹ A veteran may apply online for the Veteran Dental Care Grant Program by filing out an application using the FVF Dental Service Locator.³⁰

III. Effect of Proposed Changes:

The bill amends s. 295.157, F.S., to expand the eligibility for the Veterans Dental Care Grant Program by authorizing veterans who have incomes of up to 400 percent of the federal poverty level to qualify for the program.

²¹ Florida Veterans Foundation, available at <https://www.helpflvets.org/post/public-service-announcement-florida-veterans-foundation-launches-dental-program-with-first-grant-aw> (last visited Oct. 8, 2025).

²² Section 295.157(3), F.S.

²³ Section 295.157(4), F.S.

²⁴ Section 295.157(2)(b) and (3), F.S.

²⁵ A DD-214 and NGB 22 are discharge documents. A DD-214 is a Certificate of Release or Discharge from active duty, and a NGB 22 is a Report of Separation and Record of Service for the Departments of the Army and the Air Force National Guard Bureau. Available at <https://www.va.gov/records/discharge-documents/> (last visited Oct. 20, 2025).

²⁶ Federal poverty levels are set annually by the Department of Health and Human Services. Current federal poverty levels can be found at <https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>.

²⁷ Florida Administrative Code R. 55-15.003 (2025).

²⁸ Chapter 2025-198, Laws of Fla.

²⁹ *Id.*

³⁰ Florida Veterans Foundation, *Dental Service Locator*, available at <https://www.helpflvets.org/dentalservicelocator> (last visited Oct. 8, 2025).

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

Eligible veterans, who may not otherwise qualify for or receive Federal or State veteran dental care services, and do not currently take advantage of the two annual no-cost dental care events provided to veterans in need, may benefit financially from dental services provided by the Veterans Dental Care Grant Program in the bill.

Additionally, private entities that provide oral health care through the Veterans Dental Care Grant Program may be positively impacted.

C. Government Sector Impact:

The Veterans Dental Care Grant Program funding is limited to the funding appropriated in the General Appropriations Act (GAA).³¹ The bill has no fiscal impact on state

³¹ Section 295.175(6), F.S.

revenues or expenditures. The program currently has a recurring base appropriation of \$1,000,000 from the General Revenue Fund.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None Identified.

VIII. Statutes Affected:

This bill substantially amends section 295.157 of the Florida Statutes.

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

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

CS/CS by Appropriations Committee on Health and Human Services on February 4, 2026:

The committee substitute removes the \$500,000 appropriation from the General Revenue Fund to the Florida Department of Veterans Affairs for the Veterans Dental Care Grant Program.

CS by Military and Veterans Affairs, Space, and Domestic Security on November 4, 2025:

- Amends s. 295.157(3), F.S., to provide an income qualification for veterans, of up to 400 percent of the federal poverty level, to be eligible to receive oral health care through the Veterans Dental Care Grant Program.
- Appropriates the recurring sum of \$500,000 from the General Revenue Fund to the FDVA for the Veterans Dental Care Grant Program.

B. Amendments:

None.

By the Appropriations Committee on Health and Human Services; the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senators Sharief, Rouson, and Jones

603-02505-26

202696c2

1 A bill to be entitled

2 An act relating to the Veterans Dental Care Grant
3 Program; amending s. 295.157, F.S.; revising the
4 purpose of the Veterans Dental Care Grant Program;
5 providing an effective date.6
7 Be It Enacted by the Legislature of the State of Florida:8
9 Section 1. Subsection (3) of section 295.157, Florida
10 Statutes, is amended to read:11 295.157 Veterans Dental Care Grant Program.—
12 (3) The Veterans Dental Care Grant Program is established
13 within the Department of Veterans' Affairs. The purpose of the
14 program is to provide oral health care to veterans who reside in
15 this state and who have incomes of up to 400 percent of the
16 federal poverty level.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 330
INTRODUCER: Community Affairs Committee and Senator Bradley
SUBJECT: Disability Provisions for Firefighters and Law Enforcement and Correctional Officers
DATE: February 11, 2026 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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

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

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

The bill has an indeterminate fiscal impact to state and local governments. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Disability in the Line of Duty Presumption for Certain Conditions

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

A similar presumption that any condition caused by tuberculosis, hypertension, or heart disease was suffered in the line of duty is included in chapter 185 and applies to pension and retirement

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

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

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

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

⁵ Section 112.18, F.S.

⁶ *See* s. 112.18(1)(c), F.S.

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

benefits under local retirement plans established by municipalities for police officers⁸ and in chapter 175, which is applicable to pension and retirement benefits under plans established by municipalities or special districts for firefighters.⁹

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

Preemployment Physical Examinations

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

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

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

Eligibility for Workers’ Compensation Presumption

Florida’s Workers’ Compensation laws¹⁶ generally require employers to pay compensation or furnish benefits if an employee suffers an accidental compensable injury or death arising out of

⁸ Section 185.34, F.S.

⁹ Section 175.231, F.S.

¹⁰ Section 633.412(5), F.S.

¹¹ Section 943.13(6), F.S.

¹² Section 943.13(6), F.S.

¹³ Section 112.18(1)(b)1., F.S.

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

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

¹⁶ Chapter 440, F.S.

work performed in the course and scope of employment.¹⁷ The Department of Financial Services (DFS) provides regulatory oversight of Florida's workers' compensation system.

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

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

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

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

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

¹⁷ Section 440.09, F.S.

¹⁸ Section 112.18(1)(c)1., F.S.

¹⁹ Section 112.18(1)(c)4., F.S.

²⁰ See s. 112.18(1)(c), F.S.

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

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

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

determination that the claimant's aortic aneurism was heart disease conflicted with the meaning of the term.²⁴

Eligibility for Disability Retirement Presumption

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

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

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

III. Effect of Proposed Changes:

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

²⁴ *Id.* at 377.

²⁵ Section 121.025, F.S.

²⁶ Section 121.091(4), F.S.

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

²⁸ Section 121.091(4)(c)3., F.S.

²⁹ Section 121.091(4)(b), F.S.

³⁰ Section 121.091(4)(a)1.b., F.S.

³¹ *Id.*

³² Section 121.091(4)(c), F.S.

³³ Section 121.091(4)(c)1., F.S.

³⁴ Section 121.091(4)(c)2., F.S.

The term “heart disease” is defined by the bill to mean “any organic, mechanical, or functional abnormality of the heart or its structures or of the coronary arteries,” which will clarify the entitlement of firefighters, law enforcement officers, correctional officers, or correctional probation officers to workers’ compensation or disability retirement benefits pursuant to the presumption.

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

The bill amends s. 943.13, F.S., to align that section with this new provision. Instead of the prohibition in current law against officers being able to use a physical examination from a former employing agency to claim the presumption, the bill will authorize officers to use examinations from former employing agencies, but only if the current employing agency did not require an examination.

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

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

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

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

VII. Related Issues:

Article X, s. 14 of the Florida Constitution prohibits any governmental unit responsible for any retirement or pension system from increasing benefits to members unless provision for the funding of the increase in benefits on a sound actuarial basis is made concurrently.

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

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

The DMS provided an analysis of the bill which included the actuarial statement of fiscal soundness that the “opinion that no actuarial impact statement is required is based on the presumption that [the bill] is not expected to increase the incidence of FRS [in-the-line-of duty] ILOD designations compared to current FRS administrative practices for adjudication FRS ILOD benefit applications. If that presumption is incorrect, then an actuarial cost study would be required.”³⁵

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.18 and 943.13.

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

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

CS by Community Affairs on January 13, 2026:

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

B. Amendments:

None.

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

³⁵ See Department of Management Services, *2026 Agency Legislative Bill Analysis for SB 330* at 6 (Jan. 7, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).



137586

LEGISLATIVE ACTION

Senate

House

•
•
•
•
•

The Committee on Appropriations (Bradley) recommended the following:

1 **Senate Amendment**

2

3 Delete line 81

4 and insert:

5 officer, or correctional probation officer was not required to
6 undergo a

By the Committee on Community Affairs; and Senator Bradley

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

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

22 112.18 Firefighters and law enforcement or correctional
23 officers; special provisions relative to disability.-

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

25 (a) "Correctional officer" has the same meaning as in s.
26 943.10(2).

(b) "Correctional probation officer" has the same meaning as in section 111.

28 as in s. 943.10(3).

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

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943.10(4).
(d) "Fire service provider" has the same meaning as in s. 633.102(13).
(e) "Heart disease" means any organic, mechanical, or functional abnormality of the heart or its structures or of the coronary arteries.
(f) "Law enforcement officer" has the same meaning as in s. 943.10(1).
(g) "Medical specialist" means a physician licensed under chapter 458 or chapter 459 who has a board certification in a medical specialty inclusive of care and treatment of tuberculosis, heart disease, or hypertension.
(h) "Prescribed course of treatment" means prescribed medical courses of action and prescribed medicines for the specific disease or diseases claimed, as documented by the prescribing physician in the patient's medical records.
(2)(a)-(1)(a) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or any law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3) caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter, law enforcement officer, correctional officer, or correctional probation officer must have successfully passed a physical examination upon entering into any such service as a firefighter, law enforcement officer, correctional officer, or

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

65 (b) 1. If a firefighter did not undergo a preemployment
 66 physical examination, the medical examination required by s.
 67 633.412(5) is shall be deemed to satisfy the physical
 68 examination requirement under paragraph (a), if the medical
 69 examination completed pursuant to s. 633.412(5) failed to reveal
 70 any evidence of tuberculosis, heart disease, or hypertension.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

185 943.13 Officers' minimum qualifications for employment or
 186 appointment.—On or after October 1, 1984, any person employed or
 187 appointed as a full-time, part-time, or auxiliary law
 188 enforcement officer or correctional officer; on or after October
 189 1, 1986, any person employed as a full-time, part-time, or
 190 auxiliary correctional probation officer; and on or after
 191 October 1, 1986, any person employed as a full-time, part-time,
 192 or auxiliary correctional officer by a private entity under
 193 contract to the Department of Corrections or to a county
 194 commission shall:

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

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 204 correctional probation officer with the employing agency, which
 205 examination must have failed to reveal any evidence of
 206 tuberculosis, heart disease, or hypertension. A law enforcement
 207 officer, correctional officer, or correctional probation officer
 208 may not use a physical examination from a former employing
 209 agency for purposes of claiming the presumption set forth in s.
 210 112.18 against the current employing agency only if the current
 211 employing agency did not require the law enforcement officer,
 212 correctional officer, or correctional probation officer to
 213 undergo a physical examination as required by this subsection.
 214 The employing agency must maintain records of the physical
 215 examination for at least 5 years after the employee's separation
 216 from the employing agency. If the employing agency fails to
 217 maintain the records of the physical examination for the 5-year
 218 period after the employee's separation, it is presumed that the
 219 employee has met the requirements of this subsection.

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

222 Section 4. 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 Appropriations

BILL: CS/SB 474

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Wright

SUBJECT: Military Affairs

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2. <u>Wells</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>
3. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 474 revises laws relating to military service leave for public employees. Specifically, the bill:

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

The bill is expected to have an indeterminate impact on state expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Leaves of Absence for Military Duty for County and State Officials

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

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

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

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

Leaves of Absence for Military Service for Public Employees

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

¹ Section 115.01, F.S.

² Section 115.06, F.S.

³ Section 114.01(1)(f), F.S.

⁴ Section 114.02, F.S.

⁵ *Id.*

⁶ Section 114.03, F.S.

⁷ Section 115.09, F.S.

⁸ *Id.*

⁹ Section 115.07(1), F.S.

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

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

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

Programs within the Department of Military Affairs

Forward March

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

About Face

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

Soldiers and Airmen Assistance Program

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

¹⁰ Section 115.07(2), F.S.

¹¹ Section 115.14, F.S.

¹² *Id.*

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

¹⁴ Section 115.15, F.S.

¹⁵ Section 250.10(2)(m), F.S.

¹⁶ Section 250.10(2)(m), F.S.

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

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

A beneficiary of an eligible guardsman designated on the United States Department of Defense Form 93 and an individual demonstrating a financial need who is a dependent or family member of a guardsman are also eligible to receive assistance.¹⁸

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

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

Because the Foundation provides the funding for the program, the financial committee of the board of directors of the Foundation must review the financial transactions on a quarterly basis. This review is provided to DMA to determine whether the Foundation is being operated in a manner consistent with the purposes of the program and in the best interests of the DMA. The financial committee also may request the Office of the Inspector General to conduct additional reviews.¹⁹

Direct-Support Organization of the Department of Military Affairs

The Foundation was formed in 1983 as a 501(c)(3) non-profit organization to protect the history of the Florida National Guard and to administer a scholarship program developed by the Florida National Guard Association of Florida. After September 11, 2001, the focus of the Foundation shifted to providing financial assistance to soldiers and airmen of the Florida National Guard and their families. In 2003, the Foundation became a direct support organization to the DMA as provided by s. 250.115, F.S., to administer the Soldiers and Airman Relief Fund. The Foundation is organized and operated exclusively to raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and make expenditures to or for the direct or indirect benefit of the Florida National Guard.²⁰

¹⁷ Section 250.116(4)(a), F.S.

¹⁸ Section 250.116(4)(b), F.S.

¹⁹ Section 250.116(6), F.S.

²⁰Department of Military Affairs, Florida National Guard Foundation, Inc., Financial Statements and Independent Auditors' Report for the Years Ended June 30, 2024 and 2023,

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

The table below shows the last reported financial statements submitted to the DMA by the Foundation.²¹

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

Miscellaneous

The term “active military service” is intended to:

...signify active duty in the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.²²

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.²³ The FRS is a contributory system, with active members contributing three percent of their salaries.²⁴

The FRS is a multi-employer plan, governed by ch. 121, F.S., the “Florida Retirement System Act.” As of June 30, 2025, the FRS had 659,233 active non-retired members, 459,428 annuitants, 14,171 disabled retirees, and 29,017 active participants of the Deferred Retirement Option

²¹ *Id.*

²² Section 115.08(1), F.S.

²³ Florida Department of Management Services (DMS), Division of Retirement, *Florida Retirement System Summary Plan Description*, (July 1, 2025), <https://frs.fl.gov/forms/spd-pp.pdf> (last visited Jan. 11, 2026).

²⁴ Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. *See*, ch. 2011-68, s. 33, Laws of Fla. Members in the Deferred Retirement Option Program do not contribute to the system.

Program (DROP).²⁵ As of December 2025, the FRS consisted of 1,000 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and includes the 187 cities and 151 special districts that have elected to join the system.²⁶

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

- The Regular Class²⁷ consists of 562,840 active members and 9,932 in renewed membership;
- The Special Risk Class²⁸ includes 79,529 active members and 1,379 in renewed membership;
- The Special Risk Administrative Support Class²⁹ has 97 active members and three are in renewed membership;
- The Elected Officers' Class³⁰ has 2,148 active members and 105 in renewed membership; and
- The Senior Management Service Class³¹ has 7,871 active members and 253 in renewed membership.³²

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

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

- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.³³

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.³⁴

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

²⁶ DMS, Division of Retirement, *Participating Employers for Fiscal Year 2025-2026* (Dec. 2025), <https://frs.fl.gov/forms/part-emp.pdf> (last visited Jan. 11, 2026).

²⁷ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

²⁸ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S. *See also*, DMS, *FRS Pension Plan Member Handbook* (2025), https://frs.fl.gov/forms/member_handbook.pdf (last visited Jan. 11, 2026).

²⁹ 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.

³⁰ The Elected Officers' Class includes elected state and county officers, and those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

³¹ 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.

³² All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems Annual Comprehensive Financial Report Fiscal Year Ended June 30, 2025*, at 226.

³³ Florida State Board of Administration (SBA), *Plan Comparison Chart* (Jul. 2020), <https://www.myfrs.com/pdf/forms/planccomparison.pdf> (last visited Jan. 11, 2026).

³⁴ See, ch. 2000-169, Laws of Fla.

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.³⁵

A member vests immediately in all employee contributions paid to the investment plan.³⁶ With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.³⁷ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.³⁸ The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.³⁹ 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.⁴⁰

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.⁴¹ The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.⁴²

Pension Plan

The pension plan is administered by the Secretary of Management Services (DMS) through the Division of Retirement.⁴³ The SBA manages the pension fund's assets.⁴⁴

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.⁴⁵ For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.⁴⁶ 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.⁴⁷ For most current members of the pension plan, normal retirement (when first

³⁵ Section 121.4501(1), F.S.

³⁶ Section 121.4501(6)(a), F.S.

³⁷ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

³⁸ Section 121.591, F.S.

³⁹ See s. 121.4501(16), F.S.

⁴⁰ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate a line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line-of-duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

⁴¹ Section 121.4501(8), F.S.

⁴² FLA. CONST. art. IV, s. 4.

⁴³ Section 121.025, F.S.

⁴⁴ Section 215.44, F.S.

⁴⁵ Section 121.021(45)(a), F.S.

⁴⁶ Section 121.021(45)(b), F.S.

⁴⁷ Section 121.091, F.S. See also, DMS, *FRS Pension Plan Member Handbook*, 29 (2025),

https://frs.fl.gov/forms/member_handbook.pdf (last visited Jan. 11, 2026).

eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.⁴⁸ For public safety employees in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.⁴⁹ Members, other than Special Risk Class members, initially enrolled in the pension plan on or after July 1, 2011, have longer service requirements. For members initially enrolled after that date, the member must complete 33 years of service or attain age 65.⁵⁰

Senior Management Service Class Retirement, Generally

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

Senior Management Service Class Retirement in the Department of Military Affairs

Participation in the Senior Management Service Class of the FRS is currently mandatory for ten positions in the DMA, with eight of the positions specifically named in the current statute, leaving only two positions to be designated at the discretion of the Adjutant General.⁵¹ With the activation of the Florida State Guard as an on-going program, two employees of the State Guard have been designated as members of the Senior Management Service Class. This has reduced the flexibility of the Department of Military Affairs to designate its personnel for these retirement benefits.

III. Effect of Proposed Changes:

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

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

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

⁴⁸ Section 121.021(29)(a)1., F.S.

⁴⁹ Section 121.021(29)(b), F.S.

⁵⁰ Sections 121.021(29)(a)2., F.S.

⁵¹ Section 121.055(1)(j)

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

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

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

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

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

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

Section 9 reenacts s. 115.06, F.S., relating to the resumption of duties for officers returning from the service of the United States, to incorporate the amendment made to s. 115.01, F.S., by section 1 of the bill.

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

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

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 115.01, 115.07, 115.08, 115.09, 115.14, 121.055, 250.10, 250.116, and 115.06.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on January 26, 2026:

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

- B. Amendments:

None.

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

By the Committee on Governmental Oversight and Accountability;
and Senator Wright

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Guard be governed by a specified provision; amending s. 250.10, F.S.; deleting a requirement that the Adjutant General administer youth About Face programs and adult Forward March programs; deleting provisions governing the programs; amending s. 250.116, F.S.; revising eligibility for the Soldiers and Airmen Assistance Program to include traditional drilling guardsmen on state active duty or on Title 32 United States Code duty and their eligible beneficiaries experiencing valid financial need; defining the term "beneficiary"; revising the review process for requests for assistance to be reviewed, processed, and approved by the Florida National Guard Foundation's board of directors; revising the criteria to review and evaluate requests for assistance; requiring an annual external audit of the program; requiring the board of directors to review annually the bylaws that govern the program; requiring the board of directors to provide a report to the Department of Military Affairs to be approved by the Adjutant General; reenacting s. 115.06, F.S., relating to resumption of duties for officers returning from the service of the United States, to incorporate the amendment made to s. 115.01, F.S., in a reference thereto; providing an effective date.

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

58 Section 1. Section 115.01, Florida Statutes, is amended to

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59 read:

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

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

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

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

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

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

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

95 115.08 Definitions.—

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

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

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

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

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

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

140 Section 6. Paragraph (g) of subsection (1) of section
 141 121.055, Florida Statutes, is amended to read:

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

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

163 Section 7. Paragraph (m) of subsection (2) of section
 164 250.10, Florida Statutes, is amended to read:

165 250.10 Appointment and duties of the Adjutant General.—
 166 (2) The Adjutant General shall:
167 (m) Subject to annual appropriations, administer youth
168 About Face programs and adult Forward March programs at sites to
169 be selected by the Adjutant General. Both programs must provide
170 schoolwork assistance, focusing on the skills needed to master
171 basic high school competencies and functional life skills,
172 including teaching students to work effectively in groups;
173 providing basic instruction in computer skills; teaching basic
174 problem-solving, decisionmaking, and reasoning skills; teaching

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 175 ~~how the business world and free enterprise work through computer simulations, and teaching home finance and budgeting and other daily living skills.~~
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178 ~~1. About Face is a summer and year-round after-school life- preparation program for economically disadvantaged and at risk youths from 13 through 17 years of age. The program must provide training in academic study skills, and the basic skills that businesses require for employment consideration.~~
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183 ~~2. Forward March is a job-readiness program for economically disadvantaged participants who are directed to Forward March by the local workforce development boards. The Forward March program shall provide training on topics that directly relate to the skills required for real-world success. The program shall emphasize functional life skills, computer literacy, interpersonal relationships, critical-thinking skills, business skills, preemployment and work maturity skills, job- search skills, exploring careers activities, how to be a successful and effective employee, and some job-specific skills. The program also shall provide extensive opportunities for participants to practice generic job skills in a supervised work setting. Upon completion of the program, Forward March shall return participants to the local workforce development boards for placement in a job placement pool.~~
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198 Section 8. Subsections (4), (5), and (6) of section
 199 250.116, Florida Statutes, are amended, and subsection (7) is
 200 added to that section, to read:

201 250.116 Soldiers and Airmen Assistance Program.-

202 (4) ELIGIBILITY.—Persons eligible for assistance from the
 203 program include:

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

223 (b) ~~1. As used in this subsection, the term "beneficiary"~~
 224 ~~means the current spouse, dependent children, or other~~
 225 ~~beneficiaries as designated in the servicemember's service~~
 226 ~~component records~~ Beneficiaries of an eligible servicemember
 227 ~~designated on United States Department of Defense Form 93.~~
 228 ~~2. Individuals demonstrating a financial need for~~
 229 ~~authorized assistance who are dependents or family members of an~~
 230 ~~eligible servicemember.~~

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

232 (a) A request for assistance ~~must~~ shall be reviewed, and

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233 processed, and approved by the Florida National Guard
 234 Foundation's board of directors at the local level by an
 235 official designated by the Adjutant General. During the initial
 236 review and processing of the request, the Department of Military
 237 Affairs may accept assistance from the direct support
 238 organization. Final review and approval of requests for
 239 assistance shall be made by the Department of Military Affairs.

240 (b) Requests for assistance must shall be reviewed and
 241 evaluated based on the following criteria:
 242 1. The impact of a servicemember's financial situation
 243 absence and inability to provide quality of life and other
 244 qualifying life-impacting assist in home and vehicle repairs or
 245 meet other family needs;
 246 2. The economic impact of deployment;
 247 3. The overall financial situation of the applicant;
 248 4. The assistance authorized under the program; and
 249 3.5. Any other consideration dictated in the bylaws of the
 250 Florida National Guard Foundation Other relevant information.

251 (6) ANNUAL QUARTERLY FINANCIAL REVIEW.—The financial
 252 committee of the board of directors of the direct-support
 253 organization shall review financial transactions of the program
 254 each quarter. The board of directors also must ensure an annual
 255 external audit is completed and published on the publicly
 256 available website of the direct-support organization. This audit
 257 must review shall be provided to the Department of Military
 258 Affairs in order to determine whether the direct-support
 259 organization is being operated in a manner that is consistent
 260 with the purposes of the Soldiers and Airmen Assistance Fund,
 261 and in the best interests of the department. The financial

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262 committee may request the Office of Inspector General to conduct
 263 additional reviews.

264 (7) ANNUAL BYLAW REVIEW.—The board of directors of the
 265 direct-support organization shall annually review its bylaws
 266 that govern the Soldiers and Airmen Assistance Program. This
 267 review shall be provided in a report to the Department of
 268 Military Affairs and subject to approval by the Adjutant
 269 General.

270 Section 9. For the purpose of incorporating the amendment
 271 made by this act to section 115.01, Florida Statutes, in a
 272 reference thereto, section 115.06, Florida Statutes, is
 273 reenacted to read:

274 115.06 Reassumption of duties.—Upon being mustered out of
 275 the service of the United States, such officer granted leave
 276 under s. 115.01 shall immediately enter into the duties of his
 277 or her office for the remainder of the term for which he or she
 278 was elected.

279 Section 10. 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 Appropriations

BILL: CS/SB 480

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government and Senator Harrell

SUBJECT: Information Technology

DATE: February 11, 2026 **REVISED:** _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Hunter	Betta	AEG	Fav/CS
2. Hunter	Sadberry	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 480 establishes the Division of Integrated Government Innovation and Technology (DIGIT) under the Executive Office of the Governor. The Florida Digital Service (FLDS) is transferred to DIGIT via a Type 2 transfer. The state Chief Information Officer (CIO) will serve as the DIGIT's executive director, appointed by the Governor and confirmed by the Senate.

The DIGIT will absorb non-operational functions of the FLDS, adding responsibilities such as master data management, legacy system needs assessments, and information technology (IT) expenditure tracking. The DIGIT will also develop career training programs for the state's IT workforce.

The bill also mandates biennial cybersecurity risk assessments for state agencies, including vulnerability and penetration testing, with leadership acknowledgment of the risks. It eliminates the Cybersecurity Advisory Council, removes outdated data center management language from law, requires the Northwest Regional Data Center (NWRDC) to meet or exceed the standards established by the DIGIT, and requires the NWRDC to provide projected state data center costs to the Executive Office of the Governor's Office of Policy and Budget and the Legislature by November 15 each year.

The bill has no fiscal impact on state expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect January 5, 2027.

II. Present Situation:

Over the past decade, the landscape of information technology governance and management has evolved significantly, with state governments across the U.S. striving to modernize their Information Technology (IT) infrastructure and enhance digital services. The need for sound management and governance has been exacerbated by the rapidly growing concern of cybersecurity. The cyberattacks are growing in frequency and severity. Cybercrime was expected to inflict \$10.5 trillion worth of damage globally in 2025.¹ The United States is often a target of cyberattacks, including attacks on critical infrastructure, and has been a target of more significant cyberattacks² over the last 14 years than any other country.³ The Colonial Pipeline is an example of critical infrastructure that was attacked, disrupting what is arguably the nation's most important fuel conduit.⁴

Ransomware is a type of cybersecurity incident where malware⁵ that is designed to encrypt files on a device renders the files and the systems that rely on them unusable. In other words, critical information is no longer accessible. During a ransomware attack, malicious actors demand a ransom in exchange for regained access through decryption. If the ransom is not paid, the ransomware actors will often threaten to sell or leak the data or authentication information. Even if the ransom is paid, there is no guarantee that the bad actor will follow through with decryption.

In recent years, ransomware incidents have become increasingly prevalent among the nation's state, local, tribal, and territorial government entities and critical infrastructure organizations.⁶ For example, Tallahassee Memorial Hospital was hit by a ransomware attack February 2023, and the hospital's systems were forced to shut down, impacting many local residents in need of medical care.⁷

¹ Cybercrime Magazine, *Cybercrime to Cost the World \$10.5 Trillion Annually By 2025*, <https://cybersecurityventures.com/cybercrime-damage-costs-10-trillion-by-2025/> (last visited January 22, 2026).

² "Significant cyber-attacks" are defined as cyberattacks on a country's government agencies, defense and high-tech companies, or economic crimes with losses equating to more than a million dollars. Infosecurity Magazine, *US the Primary Target of "Significant" Cyber-Attacks*, [https://www.infosecurity-magazine.com/news/us-primary-target-significant/#:~:text=The%20US%20experienced%20far%20more,\)%20and%20Vietnam%20\(6\).](https://www.infosecurity-magazine.com/news/us-primary-target-significant/#:~:text=The%20US%20experienced%20far%20more,)%20and%20Vietnam%20(6).) (last visited January 22, 2026).

³ *Id.*

⁴ S&P Global, *Pipeline operators must start reporting cyberattacks to government: TSA orders*, <https://www.spglobal.com/energy/en/news-research/latest-news/electric-power/052721-pipeline-operators-must-start-reporting-cyberattacks-to-government-tsa-orders> (last visited January 22, 2026).

⁵ "Malware" means hardware, firmware, or software that is intentionally included or inserted in a system for a harmful purpose. NIST, Computer Security Resource Center Glossary, *malware*, <https://csrc.nist.gov/glossary/term/malware> (last visited January 22, 2026).

⁶ Cybersecurity and Infrastructure Agency, *Ransomware 101*, <https://www.cisa.gov/stopransomware/ransomware-101> (last visited January 22, 2026).

⁷ Tallahassee Democrat, *TMH says it has taken 'major step' toward restoration after cybersecurity incident* (February 15, 2023) <https://www.tallahassee.com/story/news/local/2023/02/14/tmh-update-hospital-has-taken-major-step-toward-restoration/69904510007/> (last visited January 22, 2026).

Information Technology and Cybersecurity Management

The Department of Management Services (DMS) oversees IT⁸ governance and security for the executive branch in Florida.⁹ The Florida Digital Service (FLDS) is housed within the DMS and was established in 2020 to replace the Division of State Technology.¹⁰ The FLDS works under the DMS to implement policies for IT and cybersecurity for state agencies.¹¹

The head of the FLDS is appointed by the Secretary of Management Services¹² and serves as the state chief information officer (CIO).¹³ The CIO must have at least five years of experience in the development of IT system strategic planning and IT policy and, preferably, have leadership-level experience in the design, development, and deployment of interoperable software and data solutions.¹⁴ The FLDS must propose innovative solutions that securely modernize state government, including technology and information services, to achieve value through digital transformation and interoperability, and to fully support Florida's cloud first policy.¹⁵

The DMS, through the FLDS, has the following powers, duties, and functions:

- Develop and publish IT policy for the management of the state's IT resources;
- Develop an enterprise architecture;
- Establish project management and oversight standards with which state agencies must comply when implementing IT projects;
- Perform project oversight on all state agency IT projects that have a total cost of \$10 million or more and that are funded in the General Appropriations Act or any other law; and
- Identify opportunities for standardization and consolidation of IT services that support interoperability, Florida's cloud first policy, and business functions and operations that are common across state agencies.¹⁶

Information Technology Security Act

In 2021, the Legislature passed the IT Security Act,¹⁷ which requires the DMS and the state agency¹⁸ heads to meet certain requirements in order to enhance the IT security of state agencies.

⁸ The term "information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form. Section 282.0041(20), F.S.

⁹ See s. 20.22, F.S.

¹⁰ Chapter 2020-161, L.O.F.

¹¹ See s. 20.22(2)(b), F.S.

¹² The Secretary of Management Services serves as the head of the DMS and is appointed by the Governor, subject to confirmation by the Senate. Section 20.22(1), F.S.

¹³ Section 282.0051(2)(a), F.S.

¹⁴ *Id.*

¹⁵ Section 282.0051 (1), F.S.

¹⁶ *Id.*

¹⁷ Section 282.318, F.S.

¹⁸ The term "state agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; the Justice Administrative Commission; and the Public Service Commission. The term does not include university boards of trustees or state universities. Section 282.0041(33), F.S. For purposes of the IT

Specifically, the IT Security Act provides that the DMS is responsible for establishing standards and processes consistent with accepted best practices for IT security,¹⁹ including cybersecurity, and adopting rules that help agencies safeguard their data, information, and IT resources to ensure availability, confidentiality, integrity, and to mitigate risks.²⁰ In addition, the DMS must:

- Designate a state chief information security officer to oversee state IT security;
- Develop, and annually update, a statewide IT security strategic plan;
- Develop and publish an IT security governance framework for use by state agencies;
- Collaborate with the Cybercrime Office within the Florida Department of Law Enforcement (FDLE) to provide training; and
- Annually review the strategic and operational IT security plans of executive branch agencies.²¹

State Cybersecurity Act

In 2022, the Legislature passed the State Cybersecurity Act,²² which requires the DMS and the heads of the state agencies²³ to meet certain requirements to enhance the cybersecurity²⁴ of the state agencies.

The DMS through the FLDS is tasked with completing the following:

- Establishing standards for assessing agency cybersecurity risks;
- Adopting rules to mitigate risk, support a security governance framework, and safeguard agency digital assets, data,²⁵ information, and IT resources,²⁶
- Designating a chief information security officer (CISO);
- Developing and annually updating a statewide cybersecurity strategic plan such as identification and mitigation of risk, protections against threats, and tactical risk detection for cyber incidents;²⁷
- Developing and publishing a cybersecurity governance framework for use by state agencies;
- Assisting the state agencies in complying with the State Cybersecurity Act;
- Annually providing training on cybersecurity for managers and team members;

Security Act, the term includes the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services. Section 282.318(2), F.S.

¹⁹ The term “information technology security” means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the integrity, availability, and confidentiality of data, information, and information technology resources. Section 282.0041(22), F.S.

²⁰ Section 292.318(3), F.S.

²¹ *Id.*

²² Section 282.318, F.S.

²³ For purposes of the State Cybersecurity Act, the term “state agency” includes the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services. Section 282.318(2), F.S.

²⁴ “Cybersecurity” means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of data, information, and information technology resources. Section 282.0041(8), F.S.

²⁵ “Data” means a subset of structured information in a format that allows such information to be electronically retrieved and transmitted. Section 282.0041(9), F.S.

²⁶ “Information technology resources” means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training. Section 282.0041(22), F.S.

²⁷ “Incident” means a violation or imminent threat of violation, whether such violation is accidental or deliberate, of information technology resources, security, policies, or practices. An imminent threat of violation refers to a situation in which the state agency has a factual basis for believing that a specific incident is about to occur. Section 282.0041(19), F.S.

- Annually reviewing the strategic and operational cybersecurity plans of state agencies;
- Tracking the state agencies' implementation of remediation plans;
- Providing cybersecurity training to all state agency technology professionals that develops, assesses, and documents competencies by role and skill level;
- Maintaining a Cybersecurity Operations Center (CSOC) led by the CISO to serve as a clearinghouse for threat information and coordinate with the FDLE to support responses to incidents; and
- Leading an Emergency Support Function under the state emergency management plan.²⁸

The State Cybersecurity Act requires the head of each state agency to designate an information security manager to administer the state agency's cybersecurity program.²⁹ The head of the agency has additional tasks in protecting against cybersecurity threats as follows:

- Establish a cybersecurity incident response team with the FLDS and the Cybercrime Office, which must immediately report all confirmed or suspected incidents to the CISO;
- Annually submit to the DMS the state agency's strategic and operational cybersecurity plans;
- Conduct and update a comprehensive risk assessment to determine the security threats once every three years;
- Develop and update written internal policies and procedures for reporting cyber incidents;
- Implement safeguards and risk assessment remediation plans to address identified risks;
- Ensure internal audits and evaluations of the agency's cybersecurity program are conducted;
- Ensure the cybersecurity requirements for the solicitation, contracts, and service-level agreement of IT and IT resources meet or exceed applicable state and federal laws, regulations, and standards for cybersecurity, including the National Institute of Standards and Technology (NIST)³⁰ cybersecurity framework;
- Provide cybersecurity training to all agency employees within 30 days of employment; and
- Develop a process consistent with the rules and guidelines established by the FLDS for detecting, reporting, and responding to threats, breaches, or cybersecurity incidents.³¹

Florida Cybersecurity Advisory Council

The Florida Cybersecurity Advisory Council³² (CAC) within the DMS³³ assists state agencies in protecting IT resources from cyber threats and incidents.³⁴ The CAC must assist the FLDS in implementing best cybersecurity practices, taking into consideration the final recommendations

²⁸ Section 282.318(3), F.S.

²⁹ Section 282.318(4)(a), F.S.

³⁰ NIST, otherwise known as the National Institute of Standards and Technology, "is a non-regulatory government agency that develops technology, metrics, and standards to drive innovation and economic competitiveness at U.S.-based organizations in the science and technology industry." Nate Lord, *What is NIST Compliance*, Fortra (Dec. 1, 2020), <https://www.digitalguardian.com/blog/what-nist-compliance> (last visited January 22, 2026).

³¹ Section 282.318(4), F.S.

³² Under Florida law, an "advisory council" means an advisory body created by specific statutory enactment and appointed to function on a continuing basis. Generally, an advisory council is enacted to study the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives. Section 20.03(7), F.S.; *See also* s. 20.052, F.S.

³³ Section 282.319(1), F.S.

³⁴ Section 282.319(2), F.S.

of the Florida Cybersecurity Task Force – a task force created to review and assess the state’s cybersecurity infrastructure, governance, and operations.³⁵ The CAC meets at least quarterly to:

- Review existing state agency cybersecurity policies;
- Assess ongoing risks to state agency IT;
- Recommend a reporting and information sharing system to notify state agencies of new risks;
- Recommend data breach simulation exercises;
- Assist the FLDS in developing cybersecurity best practice recommendations;
- Examine inconsistencies between state and federal law regarding cybersecurity;
- Review information relating to cybersecurity and ransomware incidents [reported by state agencies and local governments] to determine commonalities and develop best practice recommendations for those entities; and
- Recommend any additional information that should be reported by a local government to FLDS as part of a cybersecurity or ransomware incident report.³⁶

The CAC must work with NIST and other federal agencies, private sector businesses, and private security experts to identify which local infrastructure sectors, not covered by federal law, are at the greatest risk of cyber-attacks and to identify categories of critical infrastructure as critical cyber infrastructure if cyber damage to the infrastructure could result in catastrophic consequences.³⁷

Each December 1, the CAC must also prepare and submit a comprehensive report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that includes data, trends, analysis, findings, and recommendations for state and local action regarding ransomware incidents. At a minimum, the report must include:

- Descriptive statistics, including the amount of ransom requested, duration of the incident, and overall monetary cost to taxpayers of the incident;
- A detailed statistical analysis of the circumstances that led to the ransomware incident which does not include the name of the state agency or local government, network information, or system identifying information;
- Statistical analysis of the level of cybersecurity employee training and frequency of data backup for the state agencies or local governments that reported incidents;
- Specific issues identified with current policy, procedure, rule, or statute and recommendations to address those issues; and
- Other recommendations to prevent ransomware incidents.³⁸

Cyber Incident Response

The National Cyber Incident Response Plan (NCIRP) was developed according to the direction of Presidential Policy Directive (PPD)-41,³⁹ by the U.S. Department of Homeland Security. The NCIRP is part of the broader National Preparedness System and establishes the strategic

³⁵ Section 282.319(3), F.S.

³⁶ Section 282.319(9), F.S.

³⁷ Section 282.319(10), F.S.

³⁸ ³⁹ Section 282.319(12), F.S.

³⁹ Annex for PPD-41: *U.S. Cyber Incident Coordination*, available at: <https://obamawhitehouse.archives.gov/the-press-office/2016/07/26/annex-presidential-policy-directive-united-states-cyber-incident> (last visited January 22, 2026).

framework for a whole-of-nation approach to mitigating, responding to, and recovering from cybersecurity incidents posing risk to critical infrastructure.⁴⁰ The NCIRP was developed in coordination with federal, state, local, and private sector entities and is designed to interface with industry best practice standards for cybersecurity, including the NIST Cybersecurity Framework.

The NCIRP adopted a common schema for describing the severity of cybersecurity incidents affecting the U.S. The schema establishes a common framework to evaluate and assess cybersecurity incidents to ensure that all departments and agencies have a common view of the severity of a given incident; urgency required for responding to a given incident; seniority level necessary for coordinating response efforts; and level of investment required for response efforts.⁴¹

The severity level of a cybersecurity incident in accordance with the NCIRP is determined as follows:

- Level 5: An emergency-level incident within the specified jurisdiction if the incident poses an imminent threat to the provision of wide-scale critical infrastructure services; national, state, or local security; or the lives of the country's, state's, or local government's citizens.
- Level 4: A severe-level incident if the incident is likely to result in a significant impact within the affected jurisdiction which affects the public health or safety; national, state, or local security; economic security; or individual civil liberties.
- Level 3: A high-level incident if the incident is likely to result in a demonstrable impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 2: A medium-level incident if the incident may impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 1: A low-level incident if the incident is unlikely to impact public health or safety; national, state, or local security; economic security; or public confidence.⁴²

State agencies and local governments in Florida must report to the Cybersecurity Operations Center (CSOC) all ransomware incidents and any cybersecurity incidents at severity levels of 3, 4, or 5 as soon as possible, but no later than 48 hours after discovery of a cybersecurity incident and no later than 12 hours after discovery of a ransomware incident.⁴³ The CSOC is required to notify the President of the Senate and the Speaker of the House of Representatives of any incidents at severity levels of 3, 4, or 5 as soon as possible, but no later than 12 hours after receiving the incident report from the state agency or local government.⁴⁴ For state agency incidents at severity levels 1 and 2, they must report these to the CSOC and the Cybercrime Office at the FDLE as soon as possible.⁴⁵

⁴⁰ Cybersecurity & Infrastructure Security Agency, *Cybersecurity Incident Response*, available at: <https://www.cisa.gov/topics/cybersecurity-best-practices/organizations-and-cyber-safety/cybersecurity-incident-response#:~:text=%20National%20Cyber%20Incident%20Response%20Plan%20%28NCIRP%29%20The,incidents%20and%20how%20those%20activities%20all%20fit%20together> (last visited January 22, 2026).

⁴¹ *Id.*

⁴² Section 282.318(3)(c)9.a, F.S.

⁴³ Section 282.318(3)(c)9.a, F.S.

⁴⁴ Section 282.318(3)(c)9.c.(II), F.S.

⁴⁵ Section 282.318(3)(c)(9)(d), F.S.

The notification must include a high-level description of the incident and the likely effects. An incident report for a cybersecurity or ransomware incident by a state agency or local government must include, at a minimum:

- A summary of the facts surrounding the cybersecurity or ransomware incident;
- The date on which the state agency or local government most recently backed up its data, the physical location of the backup, if the backup was affected, and if the backup was created using cloud computing;
- The types of data compromised by the cybersecurity or ransomware incident;
- The estimated fiscal impact of the cybersecurity or ransomware incident;
- In the case of a ransomware incident, the details of the ransom demanded;⁴⁶ and
- If the reporting entity is a local government, a statement requesting or declining assistance from the CSOC, FDLE Cybercrime Office, or local sheriff with jurisdiction.⁴⁷

In addition, the CSOC must provide consolidated incident reports to the President of the Senate, Speaker of the House of Representatives, and the CAC on a quarterly basis.⁴⁸ The consolidated incident reports to the CAC may not contain any state agency or local government name, network information, or system identifying information, but must contain sufficient relevant information to allow the CAC to fulfill its responsibilities.⁴⁹

State agencies and local governments are required to submit an after-action report to the FLDS within one week of the remediation of a cybersecurity or ransomware incident.⁵⁰ The report must summarize the incident, state the resolution, and any insights from the incident.

Inspector General

The Office of Chief Inspector General (CIG) is responsible for promoting accountability, integrity, and efficiency in agencies under the Governor's jurisdiction.⁵¹ The CIG is required to do the following:

- Initiate, supervise, and coordinate investigations; recommend policies; and carry out other activities designed to deter, detect, prevent, and eradicate fraud, waste, abuse, mismanagement, and misconduct in government;
- Investigate, upon receipt of a complaint or for cause, any administrative action of any agency, the administration of which is under the direct supervision of the Governor;
- Request such assistance and information as may be necessary for the performance of the CIG's duties;
- Examine the records and reports of any agency the administration of which is under the direct supervision of the Governor;
- Coordinate complaint-handling activities with agencies;
- Coordinate the activities of the Whistle-blower's Act and maintain the whistle-blower's hotline to receive complaints and information concerning the possible violation of law or

⁴⁶ Section 282.318(3)(c)9.b, F.S.

⁴⁷ Section 282.3185(5)(a)6, F.S.

⁴⁸ Section 282.318(3)(c)9.e, F.S.

⁴⁹ *Id.*

⁵⁰ Section 282.318(4)(k), F.S, and s. 282.3185(6), F.S.

⁵¹ Section 14.32(1), F.S.

- administrative rules, mismanagement, fraud, waste, abuse of authority, malfeasance, or a substantial or specific danger to the health, welfare, or safety of the public;
- Report expeditiously to and cooperate fully with the Department of Law Enforcement, the Department of Legal Affairs, and other law enforcement agencies when there are recognizable grounds to believe that there has been a violation of criminal law or that a civil action should be initiated;
 - Act as liaison with outside agencies and the federal government to promote accountability, integrity, and efficiency in state government;
 - Act as liaison and monitor the activities of the inspectors general in the agencies under the Governor's jurisdiction;
 - Review, evaluate, and monitor the policies, practices, and operations of the Executive Office of the Governor; and
 - Conduct special investigations and management reviews at the request of the Governor.⁵²

Authorized under s. 20.055, F.S., an Office of Inspector General (OIG) is established in each state agency⁵³ to provide a central point for the coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government.⁵⁴ Each agency OIG is responsible for the following:

- Advising in the development of performance measures, standards, and procedures for the evaluation of state agency programs;
- Assessing the reliability and validity of information provided by the agency on performance measures and standards, and making recommendations for improvement, if necessary;
- Reviewing the actions taken by the agency to improve program performance and meet program standards, and making recommendations for improvement, if necessary;
- Supervising and coordinating audits, investigations, and management reviews relating to the programs and operations of the agency;
- Conducting, supervising, or coordinating other activities carried out or financed by the agency for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;
- Keeping the agency head,⁵⁵ or the CIG for agencies under the jurisdiction of the Governor, informed concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the agency; recommending corrective action concerning fraud, abuses, and deficiencies; and reporting on the progress made in implementing corrective action;

⁵² Section 14.32(2), F.S.

⁵³ Section 20.055(1)(d), F.S. defines the term "state agency" as each department created pursuant to ch. 20, F.S., and the Executive Office of the Governor, the Department of Military Affairs, the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, the Board of Governors of the State University System, the Florida Housing Finance Corporation, the Florida Gaming Control Commission, and the state courts system.

⁵⁴ Section 20.055(2), F.S.

⁵⁵ Section 20.055(1)(a), F.S., defines the term "agency head" as the Governor, a Cabinet officer, a secretary as defined in s. 20.03(5), F.S., or an executive director as defined in s. 20.03(6), F.S., the chair of the Public Service Commission, the Director of the Office of Insurance Regulation of the Financial Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, the chair of the Florida Gaming Control Commission, and the Chief Justice of the State Supreme Court.

- Ensuring effective coordination and cooperation between the Auditor General, federal auditors, and other governmental bodies to avoid duplication;
- Reviewing rules relating to the programs and operations of the agency and making recommendations concerning their impact;
- Ensuring that an appropriate balance is maintained between audit, investigative, and other accountability activities; and
- Complying with the General Principles and Standards for Offices of Inspector General as published and revised by the Association of Inspectors General.⁵⁶

III. Effect of Proposed Changes:

Section 1 provides for a Type Two transfer pursuant to s. 20.06, F.S., of all duties, functions, records, pending issues, existing contracts, administrative authority, and administrative rules from the Florida Digital Service (FLDS) to the Division of Integrated Government Innovation and Technology (DIGIT). Any unexpended balances of public funds will revert or will be appropriated or allocated as provided in the General Appropriations Act or otherwise by law.

Section 2 creates s. 14.205, F.S., to create the DIGIT to serve as Florida's centralized Information Technology (IT) governance body, overseeing statewide technology initiatives and cybersecurity efforts. The DIGIT will be led by the Governor.

The Executive Director of the DIGIT serves as the State Chief Information Officer (CIO). The Governor must appoint a CIO subject to confirmation by the Senate. The CIO is prohibited from having any financial, personal, or business conflicts of interest related to technology vendors, contractors, or other information technology service providers doing business with the state.

The bill requires the CIO to meet one of the following education requirements criteria:

- Hold a bachelor's degree from an accredited institution in IT, computer science, business administration, public administration, or a related field; or
- Hold a master's degree in any of the fields listed above, which may be substituted for a portion of the experience requirement, as determined by the selection committee.

The CIO must have at least ten years of progressively responsible experience in IT management, digital transformation, cybersecurity, or IT governance, including:

- A minimum of five years in an executive or senior leadership role, overseeing IT strategy, operations, or enterprise technology management in either the public or private sector;
- Managing large-scale IT projects, enterprise infrastructure, and implementation of emerging technologies;
- Budget planning, procurement oversight, and financial management of IT investments; and
- Working with state and federal IT regulations, digital services, and cybersecurity compliance frameworks.

As it relates to technical and policy expertise, the CIO must have demonstrated expertise in:

⁵⁶ Section 20.055(2), F.S.

- Cybersecurity and data protection by demonstrating knowledge of cybersecurity risk management, compliance with National Institute for Standards and Technology (NIST), ISO 27001, and applicable federal and state security regulations;
- Cloud and digital services with experience with cloud computing, enterprise systems modernization, digital transformation, and emerging IT trends;
- IT governance and policy development by demonstrating an understanding of statewide IT governance structures, digital services, and IT procurement policies; and
- Public sector IT management by demonstrating familiarity with government IT funding models, procurement requirements, and legislative processes affecting IT strategy.

In addition, the bill addresses leadership and administrative experience qualifications.

Specifically, the CIO must demonstrate:

- Strategic vision and innovation by possessing the capability to modernize IT systems, drive digital transformation, and align IT initiatives with state goals;
- Collaboration and engagement with stakeholders by working with legislators, agency heads, local governments, and private sector partners to implement IT initiatives;
- Crisis management and cyber resilience by possessing the capability to develop and lead cyber incident response, disaster recovery, and IT continuity plans; and
- Fiscal management and budget expertise managing multi-million-dollar IT budgets, cost-control strategies, and financial oversight of information technology projects.

The deputy director of the DIGIT will serve as the deputy chief information officer. The CIO will also select a state chief information security officer, a state chief data officer, a state chief technology officer, and a state chief technology procurement officer.

Section 3 provides that, until a permanent CIO is appointed, the current CIO of the Department of Management Services (DMS) must be transferred to the DIGIT and serve as the interim CIO, assuming all responsibilities of the Executive Director of the DIGIT. To establish long-term leadership, the Governor must appoint a permanent CIO by June 30, 2027.

Section 4 amends s. 20.055, F.S., by requiring each inspector general to review and evaluate his or her agency's compliance with IT reporting requirements and standards for IT projects, contracts, and procurements published by the DIGIT and provide an annual agency IT compliance report to the agency head, the Auditor General, and if applicable, the Chief Inspector General (CIG) by September 30 of each year. The compliance report must assess the adequacy of internal controls, documentation, and implementation processes to ensure conformity with statewide IT governance, security, and performance standards.

The CIG must provide a consolidated report summarizing agency performance, findings, and recommendations for improvement, and agency heads not under the jurisdiction of the Governor must provide agency reports, to the Executive of the Governor, President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

Section 5 conforms to changes in the bill by replacing the DMS with the DIGIT in s. 97.0525, F.S., relating to development of the risk assessment methodology.

Section 6 conforms to changes in the bill by replacing the DMS with the DIGIT in s. 112.22, F.S., relating to the identification of prohibited applications.

Section 7 amends s. 119.0725, F.S., to make technical, conforming changes. The bill implements changes related to public records exemptions. Specifically, the bill transfers cybersecurity public records exemptions and access to confidential cybersecurity data from the FLDS to the DIGIT.

Section 8 amends s. 216.023, F.S., to remove the requirement that agencies provide, with their legislative budget requests, a cumulative inventory and status report for all technology-related projects with a cumulative cost of \$1 million or more as that information will be included within annual reporting by the DIGIT. It also updates a cross-reference from s. 282.0051, F.S., to s. 282.0061, F.S.

Section 9 amends s. 282.0041, F.S., to provide the following definitions of terms:

- “Agency assessment” is repealed.
- “Customer entity” means an entity that obtains services from the DIGIT.
- “DIGIT” means the Division of Integrated Government Innovation and Technology within the Executive Office of the Governor.
- “Technical debt” means the accumulated cost and operational impact resulting from the use of suboptimal, expedient, or outdated technology solutions that require future remediation, refactoring, or replacement to ensure maintainability, security, efficiency, and compliance with enterprise architecture standards.
- “Project oversight” means an independent review and assessment of an IT project.
- “Risk assessment” means the process of identifying operational and security risks.

Section 10 amends s. 282.00515, F.S., related to Cabinet duties to conform cross-references to amendments made by the bill. In addition, this section adds industry recognized best practices, processes, and methodologies to standards and requires them to enable open data exchange, interoperability, and vendor-neutral system integration. It requires alternative adoption of said standards, practices, processes, and methodologies to be evaluated on a case-by-case basis. It also requires the Cabinet agencies to use the standards established by the DIGIT for enterprise projects that measurably impact another state agency. Additionally, it requires Cabinet agencies to:

- Conduct full baseline needs assessments;
- Produce a phased roadmap that must be submitted annually with legislative budget requests;
- Use the IT reports developed by the DIGIT;
- Report to the Legislature by December 15 of each year the IT financial data required in section 11 of the bill; and
- Consult with the DIGIT if an IT project implemented by a state agency will interface with a Cabinet agency’s IT system.

Section 11 creates s. 282.006, F.S., to assign duties and enterprise responsibilities to the DIGIT. The bill provides the DIGIT is the primary IT governance authority for the state of Florida and is responsible for setting IT policies, standards, and strategies that are adaptable and technology agnostic. In addition, the DIGIT, as the lead entity, is responsible for understanding the unique

state agency IT needs and environments, supporting state technology efforts, and reporting on the status of technology for the enterprise.

The bill provides that the DIGIT is tasked with the following duties and responsibilities:

- Establishing the strategic direction of IT for state agencies.
- Developing and publishing IT policy that aligns with industry best practices for the management of the state's IT resources, which must be updated as necessary to meet requirements and advancement in technology.
- Developing, publishing, and maintaining an enterprise architecture, in coordination with state agency technology subject matter experts, that:
 - Acknowledges the unique needs of the entities within the enterprise in the development and publication of standards and terminologies to facilitate digital interoperability;
 - Supports the cloud-first policy as specified in s. 282.206, F.S.;
 - Addresses how IT infrastructure may be modernized to achieve security, scalability, maintainability, interoperability, and improved cost-efficiency goals; and
 - Includes, at a minimum, best practices, guidelines, and standards for the following specific components:
 - Data models and taxonomies.
 - Master data management.
 - Data integration and interoperability.
 - Data security and encryption.
 - Bot prevention and data protection.
 - Data backup and recovery.
 - Application portfolio and catalog requirements.
 - Application architectural patterns and principles.
 - Technology and platform standards.
 - Secure coding practices.
 - Performance and scalability.
 - Cloud infrastructure and architecture.
 - Networking, connectivity, and security protocols.
 - Authentication, authorization, and access controls.
 - Disaster recovery.
 - Quality assurance.
 - Testing methodologies and measurements.
 - Logging and log retention.
 - Application and use of artificial intelligence.

The enterprise architecture must also include open data technical standards and enterprise testing and quality assurance best practices for functional, performance, load, security, compatibility, and interoperability testing.

The DIGIT must produce the following reports and provide them to the Governor, the President of the Senate, and the Speaker of the House of Representatives:

- Annually by December 15, an enterprise analysis report for state agencies that includes:
 - Results of agency need assessments and plans to address any technical debt.
 - Alternative standards related to federal grant compliance.

- IT financial data by agency for the previous fiscal year. The DIGIT is required to develop a process to annually collect and report current and projected IT expenditures by each state agency, consolidating this data into a single report. Specifically, this portion of the annual report must include, at a minimum, the following recurring and nonrecurring totals:
 - Number of full-time equivalent positions.
 - Amount of salary.
 - Amount of benefits.
 - Number of comparable full-time equivalent positions and total amount of expenditures for IT staff augmentation.
 - Number of contracts and purchase orders and total amount of associated expenditures for IT managed services.
 - Amount of expenditures by state term contract, contracts procured using alternative purchasing methods, and agency procurements through request for proposal, invitation to negotiate, invitation to bid, single source, and emergency purchases.
 - Amount of expenditures for hardware.
 - Amount of expenditures for non-cloud software.
 - Amount of expenditures for cloud software licenses and services with a separate amount for expenditures for state data center services.
 - Amount of expenditures for cloud data center services with a separate amount for expenditures for state data center services.
 - Amount of expenditures for administrative costs.
- A consolidated IT financial analysis that outlines the anticipated funding requirements for IT support over the next five years, a current inventory of major projects, and significant unmet needs for IT resources over the next five years ranked in priority order according to their urgency.
- A review and summary of whether the IT contract policy is included in all solicitations and contracts.
- Biennially by December 15 of even-numbered years, a report on the strategic direction of IT in the state that includes recommendations for the standardization of common IT services used across state agencies and for IT services that should be designed, delivered, and managed as enterprise IT services.
- A market analysis and accompanying strategic plan submitted by December 31 of each year that the market analysis is conducted. The market analysis must be conducted every three years and measure cost-effective and cost-efficient use of IT within the enterprise and the state's adherence to best practices. The DIGIT must produce a strategic plan based on the market analysis for the use and implementation of continued and future IT services.

The DIGIT is also tasked with developing, implementing, and maintaining a library to serve as the official repository for all enterprise IT policies, standards, guidelines, and best practices applicable to state agencies. This online library must be accessible to all state agencies, including Cabinet agencies, through a secure authentication system, featuring a structured index and search functionality to facilitate the efficient retrieval of information.

The library must be regularly updated to reflect current state and federal requirements, industry best practices, and emerging technologies. It must include standardized checklists organized by

technical subject areas to assist agencies in measuring compliance with IT policies, standards, and best practices.

The DIGIT is required to establish procedures to ensure the integrity, security, and availability of the library, including access controls, encryption, and disaster recovery measures. The DIGIT must maintain version control and revision history for all published documents and provide mechanisms for agencies to submit feedback, request clarifications, and recommend updates. All state agencies are required to reference and adhere to the policies, standards, guidelines, and best practices contained in the library when planning, procuring, implementing, and operating IT systems.

The bill also provides a compliance exception process. Agencies may request an exception to a specific policy, standard, or guideline if compliance is not technically feasible, would cause undue hardship, or conflicts with agency-specific statutory requirements. The requesting agency must submit a formal justification detailing the specific requirement, reasons for non-compliance, any compensating controls, and the expected duration of the exception. The DIGIT will review all exception requests and provide a recommendation to the state chief information officer, who will then present the requests to the chief information officer workgroup for approval by a majority vote. Approved exceptions will be documented, with conditions or expiration dates noted. Agencies granted exceptions will undergo periodic reviews to determine if the exception remains necessary or if compliance can now be achieved.

The DIGIT may adopt rules to implement the requirements in ch. 282, F.S.

Section 12 creates s. 282.0061, F.S., to define the DIGIT's role in providing support to state agencies and oversight of state agency procurements and projects.

The Legislature intends for the DIGIT to support state agencies through the adoption of policies, standards, and guidance and by providing oversight that recognizes unique state agency IT needs, environments, and goals. The DIGIT assistance and support must allow for adaptability to emerging technologies and organizational needs while maintaining compliance with industry best practices. The DIGIT is prohibited from prescribing specific tools, platforms, or vendors.

The bill requires the baseline needs assessments for state agencies be completed by January 1, 2029, and use the Capability Maturity Model⁵⁷ for measuring each agency's IT capabilities, providing a maturity level rating for each assessed domain. Once completed, the assessments must be maintained and updated on a regular schedule adopted by the DIGIT. The DIGIT must submit a plan and schedule to complete the baseline needs assessments to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2027. The needs assessments must include documentation of each agency's:

- Distinct technical environments;

⁵⁷ The Capability Maturity Model (CMM) ranks software development enterprises according to a hierarchy of five process maturity levels. Each level ranks the development environment according to its capability of producing quality software. A set of standards is associated with each of the five levels. The standards for level one describe the most immature or chaotic processes, and the standards for level five describe the most mature or quality processes. This maturity model indicates the degree of reliability or dependency a business can place on a process to achieve its desired goals or objectives. It is also a collection of instructions that an enterprise can follow to gain better control over its software development process.

- Existing technical debt;
- Security risks; and
- Compliance with all IT standards and guidelines developed and published by the DIGIT.

In assessing the existing technical debt portion of the needs assessment, the DIGIT must analyze the state's legacy IT systems and develop a plan to document the needs and costs for replacement systems. The plan must include:

- An inventory of legacy applications and infrastructure;
- Required capabilities not available with the legacy system;
- The estimated process, timeline, and cost to migrate from legacy environments;
- The estimated time frame during which the state agency can continue to efficiently use legacy IT system, resources, security, and data management to support operations; and
- Any other information necessary for fiscal or technology planning.

State agencies are required to provide all necessary documentation to enable accurate reporting on legacy systems and, with support from the DIGIT, produce a phased roadmap to address known technology gaps, deficiencies, and advancement of the agency's maturity level in accordance with the Capability Maturity Model. The roadmaps must be maintained and submitted annually with the state agencies' legislative budget requests.

The bill requires the following be considered and included in the DIGIT's annual enterprise analysis report:

- Potential methods for standardizing data across state agencies which will promote interoperability and reduce the collection of duplicative data.
- Opportunities for standardization and consolidation of IT services that are common across all state agencies and that support improved:
 - Interoperability;
 - Security;
 - Scalability;
 - Maintainability;
 - Cost efficiency;
 - Business functions; and
 - Operations, including administrative functions such as purchasing, accounting and reporting, cash management, and personnel.

The DIGIT must also review all agency IT legislative budget requests for compliance with IT standards and report findings to the Governor for funding decisions in the Governor's recommended budget.

Additionally, the DIGIT must develop statewide standards for master data management (MDM) to enable data sharing and interoperability, with a strategy for implementing enterprise MDM to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2029. The report must include the vision, goals, and benefits of implementing a statewide master data management initiative, an analysis of the current state, and the recommended strategy, methodology, and estimated timeline and resources needed at a state agency and enterprise level to accomplish the initiative.

The DIGIT will support state agency IT projects by:

- Providing procurement advisory and review services for information technology projects to all state agencies, including procurement and contract development assistance.
- Establishing best practices and enterprise procurement processes and metrics.
- Upon request, assisting agencies with the development of IT related legislative budget requests.
- Developing IT project standards, methodologies, and oversight measures for IT project planning and implementation that objectively provide data regarding the project progress and risks, require mandatory reporting when an IT project is one month late or exceeds its budget by \$1 million, and require compliance with the enterprise architecture.
- Creating a framework with processes, activities, and deliverables state agencies must comply with when planning an IT project.
- Developing standardized IT project reporting templates for use by state agencies.
- Providing project management and oversight training to state agencies that must be reevaluated every two years.
- Performing project oversight on projects with a total project cost of \$10 million or more and reporting quarterly on any IT project that DIGIT identifies as high-risk to include a list of all projects with outstanding performance deviancies.
- Establishing a streamlined reporting process with clear timelines and procedures to notify a state agency if there is deviation from the adopted standards.

The bill also charges the DIGIT to consult with state agencies to create a methodology, approach, and applicable templates and formats for identifying and collecting both current and planned IT expenditure data at the state agency level. State agencies must provide financial data to the DIGIT annually by October 1 for the previous fiscal year.

State agencies must work with the DIGIT to establish alternative standards and policies if adherence to standards or policies published by the DIGIT conflict with federal regulations or requirements and results in, or is expected to result in, adverse action against the state agencies or loss of federal funding.

Section 13 creates s. 282.0062, F.S., to establish multiple enterprise-level IT workgroups within the DIGIT to foster collaboration among state agencies and standardize IT policies, governance, security, and procurement. Each workgroup will consist of representatives from all state agencies and provide recommendations to the DIGIT leadership on key areas such as cybersecurity, data interoperability, quality assurance, project management, and purchasing. Additionally, state IT leaders, including the CIO, Chief Information Security Officer, Chief Data Officer, Chief Technology Officer, Chief Technology Procurement Officer, and others will consult with these workgroups on a quarterly basis to ensure continuous improvement in IT governance and strategy.

Section 14 creates s. 282.0063, F.S., to address the DIGIT's role in IT workforce development. The DIGIT is required to consult with CareerSource Florida, Inc., the Department of Commerce, and the Department of Education to carry out the tasks in this section. The DIGIT must develop structured career paths, training programs, and workforce strategies to enhance the recruitment,

retention, and skill development of state IT professionals. This includes conducting a comprehensive workforce needs assessment to identify and address IT skill gaps, improving agency capabilities. The DIGIT must also create a statewide training program to help agencies implement enterprise architecture policies and standards. Additionally, the DIGIT is responsible for developing new training programs and certifications to ensure state IT professionals stay current with cybersecurity, cloud computing, and emerging technologies. To strengthen the state's IT talent pipeline, the DIGIT must establish internship and scholarship-for-service programs.

Section 15 creates 282.0064, F.S., to define the DIGIT's responsibilities related to IT contracts and procurements. The DIGIT must coordinate with the DMS to oversee all IT procurement policies to ensure consistency, compliance, and cost-effectiveness across state agencies. All IT contracts must align with enterprise architecture standards and adhere to National Institute of Standards and Technology Cybersecurity Framework (NIST) cybersecurity requirements.

For projects exceeding \$10 million, independent verification and validation (IV&V) will be required. The IV&V provider must provide a report directly to stakeholders that includes an analysis of whether:

- The project is being built and implemented in accordance with defined technical architecture, specifications, and requirements.
- The project is adhering to established project management processes.
- The procurement of products, tools, and services and resulting contracts align with current statutory and regulatory requirements.
- The value of services delivered is commensurate with project costs.
- The completed project meets the actual needs of the intended users.

Additionally, the DIGIT will coordinate with the DMS to evaluate responses and answer vendor questions for IT related state term contracts. Cabinet agencies are permitted to adopt alternative standards but must notify the Governor and the Legislature and provide a justification for adoption of the alternatives to include how the agency will meet the IT policy.

Section 16 amends s. 282.318, F.S., by naming the DIGIT as the lead entity responsible for establishing enterprise technology and cybersecurity standards that are aligned with generally accepted technology best practices, and replacing remaining references to the FLDS. It removes the responsibilities for the operation and maintenance of a Cybersecurity Operations Center (CSOC) and leading an Emergency Support Function, ESF CYBER, under the state comprehensive emergency management plan.

The bill provides for incident reporting to and through the state chief information security officer in place of the cybersecurity operations center; adds a provision to report incidents to the Northwest Regional Data Center (NWRDC), if applicable; changes the timeline for reporting incidents with severity levels 3, 4, or 5 from 48 hours to 12 hours; and, for reporting incidents with severity levels of 1 or 2, requires reporting within 96 hours of a cybersecurity incident and 72 hours of a ransomware incident.

Additionally, the bill changes the timeframe for state agencies to provide state agency strategic cybersecurity plans and conduct comprehensive risk assessments from once every three years to

once every two years. The state agency cybersecurity plans must include measures that assess performance against their risk management plan. The biennial cybersecurity risk assessments must include vulnerability and penetration testing and acknowledge that agency leadership is aware of the risks outlined in the report.

Section 17 amends, and makes technical, conforming changes to s. 282.3185, F.S., related to local government cybersecurity. The state chief information security officer will now receive incident reports in place of the FLDS and the CSOC. The bill also deletes references to the Cybersecurity Advisory Council (CAC).

The DIGIT will maintain the current cybersecurity severity levels and incident reporting processes for local governments, ensuring continuity in managing security incidents.

Specifically, the bill the timeline for reporting incidents with severity levels 3, 4, or 5 changes from 48 hours to 12 hours after discovery of the cybersecurity incident and no later than 6 hours (instead of 12) after discovery of a ransomware incident. The bill also updates relevant statutory references.

Section 18 repeals s. 282.319, F.S., related to the CAC. These activities will generally be within the scope of the DIGIT duties and responsibilities.

Section 19 deletes obsolete language in s. 282.201, F.S., related to the DMS management of the state data center, requires the NWRDC to meet or exceed the state's technology standards, and permanently codifies an exception for data center use for the Division of Emergency Management included in ch. 2025-199, L.O.F.

Section 20 creates s. 282.2011, F.S., regarding the state data center services provided by the NWRDC to move data center provisions into the appropriate chapter of law. It also makes technical, conforming changes to update relevant statutory references and includes a requirement that the NWRDC provide projected costs for state data center services to the Executive Office of the Governor and the Legislature by November 15 of each year.

Section 21 amends s. 282.206, F.S., to add the DIGIT and the NWRDC as recipients of the state agency strategic plan for applications located at the state data center, and to require state agencies also provide documentation of the feasibility and appropriateness of moving applications to the cloud to better align with s. 282.206(1), F.S.

Section 22 amends s. 1004.649, F.S., by deleting the provisions regarding the state data center services provided by the NWRDC that were added to s. 282.0211, F.S. It also creates the NWRDC at the Florida State University and specifies the NWRDC is the designated state data center with a reference to the state data center duties outlined in s. 282.0211, F.S.

Section 23 creates s. 287.0583, F.S., to require IT contracts include provisions ensuring data portability, operational documentation, transition support, and total cost of ownership.

Section 24 amends s. 287.0591, F.S., to require the DIGIT, instead of the FLDS, to coordinate with the DMS in the process for technology state term contract solicitations, and specifies the minimum coordination activities. It changes the distribution requirement for a request for quote

to a minimum number of approved vendors to only those with a threshold amount of at least category two but less than category four and requires agencies to maintain a copy of a request for quote for two years after a purchase order is issued.

The bill also adds a requirement that a request for quote to purchase IT commodities, consultant services, or staff augmentation contractual services from the state term contract which exceeds the category four threshold amount is subject to the public records requirements per s. 287.057, F.S., and requiring agencies to:

- Publish the request for quote for at least ten days before a purchase order is issued;
- Publish the name of the vendor awarded the purchase order; and
- Maintain a copy of the request for quote, the vendor that was sent the request for quote, and any vendor responses for two years after a purchase order is issued.

The amended language specifies that a decision resulting from a request for quote is not subject to protest under s. 120.57(3), F.S., and allows the DMS to prequalify vendors for IT commodities on state term contract.

Section 25 abolishes the FLDS within the DMS in s. 20.22, F.S.

Section 26 amends s. 282.802, F.S., to transfer the Government Technology Modernization Council from the DMS to the DIGIT, names the CIO as the nonvoting executive director of the council, and make other conforming changes.

Section 27 amends s. 282.604, F.S., by transitioning rulemaking authority regarding accessible electronic information technology by governmental units from the DMS to the DIGIT.

Section 28 requires the Department of Commerce to consult with the DIGIT in place of the FLDS regarding the Reemployment Assistance Claims and Benefits Information System in s. 443.1113, F.S.

Section 29 requires the FDLE to consult with the state chief information security officer in place of the FLDS when adopting rules related to IT security provisions in s. 943.0415, F.S.

Section 30 deletes the requirement that a request for assistance with a cybersecurity incident must come from the FLDS in s. 1004.444, F.S.

Section 31 provides that the bill takes effect January 5, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill establishes the Division of Integrated Government Innovation and Technology (DIGIT) under the Executive Office of the Governor. The fiscal impact for Fiscal Year 2026-2027 is zero. Existing resources will transfer from the Florida Digital Services (FDS) to the DIGIT to support the cost of the DIGIT.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.055, 97.0525, 112.22, 119.0725, 216.023, 282.0041, 282.00515, 282.318, 282.3185, 282.201, 282.206, 1004.649, 20.22, 282.802, 282.604, 287.0591, 443.1113, 943.0415, and 1004.444.

This bill creates the following sections of the Florida Statutes: 14.205, 282.006, 282.0061, 282.0062, 282.0063, 282.0064, 282.2011, and 287.0583.

This bill repeals section 282.319 of the Florida Statutes.

IX. Additional Information:

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

CS by Appropriations Committee on Agriculture, Environment, and General Government on February 4, 2026:

The committee substitute:

- Provides for the selection of a state chief technology officer and a state chief technology procurement officer.
- Clarifies the duties of the agency inspectors general to focus on information technology reporting, project, contract, and procurement standards.
- Specifies the Division of Integrated Government Innovation and Technology (DIGIT) is within the Executive Office of the Governor.
- Replaces “analysis” with “assessment” in the definition of project oversight and adds “operational risk” to the definition of risk assessment.
- Requires Cabinet agencies to adopt standards based on industry-recognized best practices, and to enable open data exchange and vendor-neutral system integration.
- Requires the DIGIT to review agency legislative budget requests for compliance with information technology (IT) standards and provide the results to the Executive Office of the Governor for consideration of funding decisions in the Governor’s recommended budget.
- Specifies provisions in s. 282.0061(5)(d) pertain to IT project planning and implementation, including:
 - Performance metrics to measure whether a project is delivering intended outcomes;
 - Thresholds to guide corrective actions relating to project complexity, scale, performance, and quality;
 - Procedures for timely engaging and notifying stakeholders when acceptable variances are exceeded and escalating critical issues to appropriate individuals; and
 - Development of a planning framework to be used by state agencies for IT projects.
- Requires the DIGIT to develop training specific to project management and oversight that must be reevaluated every two years.
- Establishes a high-risk designation trigger for projects with a total cost exceeding \$10 million and requires inclusion of identified project performance deficiencies in the quarterly project oversight report.
- Changes the title of the state chief information technology officer to the state chief technology officer.
- Defines the DIGIT’s coordination activities with the Department of Management Services (DMS) on state-term contract procurements.
- Ensures cybersecurity standards remain up to date, by requiring the risk assessment methodology to align with National Institute for Standards and Technology Cybersecurity Framework and allowing agencies to use independent third-party vendors to perform the risk assessments that must be submitted to DIGIT.

- Defines the state data center reporting elements required by the Northwest Regional Data Center.
- Includes documentation of the feasibility and appropriateness of moving applications to the cloud to better align with s. 282.206(1), F.S.
- Requires IT contracts ensure data portability, operational documentation, transition support, and the total cost of ownership.
- Require the DMS to coordinate with the DIGIT when issuing procurements for IT commodities, consultant services, or staff augmentation contractual services.
- Changes the distribution requirement for a request for quote to a minimum number of approved vendors to only those with a value of at least category two but less than category four and require agencies to maintain a copy of a request for quote for two years after a purchase order is issued.
- Adds a requirement that a request for quote with a value over category four is subject to the public records requirements per s. 287.057, F.S., and requiring agencies to:
 - Publish the request for quote for at least ten days before a purchase order is issued;
 - Publish the name of the vendor awarded the purchase order; and
 - Maintain a copy of the request for quote, the vendor that was sent the request for quote, and any vendor responses for two years after a purchase order is issued.
- Specifies that a decision resulting from a request for quote is not subject to protest.
- Allows the DMS to prequalify vendors for IT commodities on state term contract.

B. Amendments:

None.



LEGISLATIVE ACTION

Senate

House

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The Committee on Appropriations (Harrell) recommended the following:

1 **Senate Amendment**

2 Between lines 1391 and 1392

3 insert:

4 (j) Develop and maintain standards, performance metrics,
5 and evaluation tools to measure the performance of information
6 technology vendors that provide information technology
7 commodities or services to the state. The standards, metrics,
8 and tools must:

9 1. Be organized by vendor category, reflecting the



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11 different roles, services, and risk profiles of information
12 technology vendors, including, but not limited to, software,
13 cloud services, infrastructure, cybersecurity, systems
14 integration, and professional services.

15 2. Include objective, measurable criteria to assess vendor
16 performance, which criteria may include timeliness, quality of
17 deliverables, cost control, compliance with contract
18 requirements, security and privacy practices, responsiveness,
19 and customer satisfaction.

20 3. Provide for the collection and analysis of performance
21 data across state agencies to support consistent and comparable
22 evaluations.

23 4. Support a scoring mechanism that may be used in
24 procurement and contract management processes, including the
25 identification of vendors eligible for inclusion on a preferred
26 vendors list established by DIGIT.

27 5. Provide for the public availability of the preferred
28 vendors list, including vendor rankings by category, in a manner
29 determined by DIGIT.

30 6. Require that, to the extent permitted by law, priority
31 consideration in future procurements be given to vendors on the
32 preferred vendors list based on performance ranking and cost, as
33 applicable to the procurement method used.

34 7. Be periodically reviewed and updated to reflect evolving
35 technology, market conditions, and state needs.



LEGISLATIVE ACTION

Senate

House

•
•
•
•

The Committee on Appropriations (Harrell) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete lines 2342 - 2382

4 and insert:

5 (d) For purposes of chapter 273, be the custodian of
6 resources and equipment located in and operated, supported, and
7 managed by the state data center.

8 (e) Assume administrative access rights to resources and
9 equipment, including servers, network components, and other
10 devices, consolidated into the state data center.



11 1. Upon consolidation, a state agency shall relinquish
12 administrative rights to consolidated resources and equipment.
13 State agencies required to comply with federal and state
14 criminal justice information security rules and policies shall
15 retain administrative access rights sufficient to comply with
16 the management control provisions of those rules and policies;
17 however, the state data center shall have the appropriate type
18 or level of rights to allow the center to comply with its duties
19 pursuant to this section. The Department of Law Enforcement
20 shall serve as the arbiter of disputes pertaining to the
21 appropriate type and level of administrative access rights
22 pertaining to the provision of management control in accordance
23 with the federal criminal justice information guidelines.

24 2. The state data center shall provide customer entities
25 with access to applications, servers, network components, and
26 other devices necessary for entities to perform business
27 activities and functions, and as defined and documented in a
28 service-level agreement.

29 (f) In its procurement process, show preference for cloud-
30 computing solutions that minimize or do not require the
31 purchasing or financing of state data center infrastructure,
32 that meet the needs of state agency customer entities, that
33 reduce costs, and that meet or exceed the applicable state and
34 federal laws, regulations, and standards for cybersecurity.

35 (g) Assist state agency customer entities in transitioning
36 from state data center services to other third-party cloud-
37 computing services procured by a customer entity or by the
38 Northwest Regional Data Center on behalf of the customer entity.

39 (h) Provide to the Board of Governors the total annual



298590

40 budget by major expenditure category, including, but not limited
41 to, salaries, expenses, operating capital outlay, contracted
42 services, or other personnel services, by July 30 each fiscal
43 year.

44 (i) Provide to each state agency customer its projected
45 annual cost for providing the agreed-upon data center services
46 by September 1 each fiscal year.

47 (j) By November 15 of each year, provide to the Office of
48 Policy and Budget in the Executive Office of the Governor and to
49 the chairs of the legislative appropriations committees the
50 projected costs of providing data center services for the
51 following fiscal year for each state agency customer. The
52 projections must include prior-year comparisons, identification
53 of new services, and documentation of changes to billing
54 methodologies or service cost allocation.

55 (k) Provide a plan for consideration by the Legislative
56 Budget Commission if the governing body of the center approves
57 the use of a billing rate schedule after the start of the fiscal
58 year which increases any state agency customer's costs for that
59 fiscal year.

60 (l) Provide data center services that comply with
61 applicable state and federal laws, regulations, and policies,
62 including all applicable security, privacy, and auditing
63 requirements.

64 (m) Maintain performance of the data center facilities by
65 ensuring proper data backup; data backup recovery; disaster
66 recovery; and appropriate security, power, cooling, fire
67 suppression, and capacity.

68 (n) Submit invoices to state agency customers.



69 (o) As funded in the General Appropriations Act, provide
70

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

72 And the title is amended as follows:

73 Delete line 318

74 and insert:

75 specified actions; requiring the Department of Law
76 Enforcement to serve as the arbiter of certain
77 disputes in accordance with the federal criminal
78 justice information guidelines; prohibiting state
79 agencies from

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Harrell

601-02525-26

2026480c1

A bill to be entitled

2 An act relating to information technology; providing
3 for a type two transfer of the duties and functions of
4 the Florida Digital Service from the Department of
5 Management Services to the Division of Integrated
6 Government Innovation and Technology; creating s.
7 14.205, F.S.; creating the Division of Integrated
8 Government Innovation and Technology (DIGIT) within
9 the Executive Office of the Governor; providing that
10 the division is a separate budget entity and must
11 prepare and submit a budget in accordance with
12 specified provisions; requiring the division to be
13 responsible for all professional, technical, and
14 administrative support to carry out its assigned
15 duties; providing for a director of the division;
16 providing that the director also serves as the state
17 chief information officer; providing for the
18 appointment of the director; prohibiting the state
19 chief information officer from having certain
20 conflicts of interest; providing the qualifications
21 for the state chief information officer; providing
22 that the deputy director also serves as the deputy
23 chief information officer; providing that the director
24 will select a state chief information security
25 officer, state chief data officer, state chief
26 technology officer, and state chief technology
27 procurement officer; transferring the state chief
28 information officer of the Department of Management
29 Services to DIGIT until the Governor appoints a

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permanent officer; requiring that such appointment occur by a specified date; amending s. 20.055, F.S.; requiring agency inspectors general to review and report whether certain agency practices are consistent with specified reporting requirements and standards; requiring such inspectors general to prepare and submit a certain compliance report to certain persons by a specified date annually; requiring the chief inspector general to review certain reports and prepare a consolidated report; requiring that such report be submitted to the Executive Office of the Governor and the Legislature annually by a specified date; requiring certain agency heads to submit certain reports to the Executive Office of the Governor and the Legislature annually by a specified date; amending s. 97.0525, F.S.; requiring that the Division of Elections comprehensive risk assessment comply with the risk assessment methodology developed by DIGIT; amending s. 112.22, F.S.; defining the term "DIGIT"; deleting the term "department"; revising the definition of the term "prohibited application"; authorizing public employers to request a certain waiver from DIGIT; requiring DIGIT to take specified actions; deleting obsolete language; requiring DIGIT to adopt rules; amending s. 119.0725, F.S.; requiring that certain confidential and exempt information be made available to DIGIT; amending s. 216.023, F.S.; deleting a provision requiring state agencies and the judicial branch to include a cumulative inventory and

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59 a certain status report of specified projects as part
 60 of a budget request; deleting provisions relating to
 61 ongoing technology-related projects; conforming a
 62 cross-reference; amending s. 282.0041, F.S.; deleting
 63 and revising definitions; defining the terms "DIGIT"
 64 and "technical debt"; amending s. 282.00515, F.S.;
 65 authorizing the Department of Legal Affairs, the
 66 Department of Financial Services, and the Department
 67 of Agriculture and Consumer Services to adopt
 68 alternative standards that must be based on specified
 69 industry-recognized best practices and standards;
 70 requiring the departments to evaluate the adoption of
 71 such standards on a case-by-case basis; requiring the
 72 departments to follow specified standards under
 73 certain circumstances; requiring the departments to
 74 conduct a certain full baseline needs assessment;
 75 authorizing the departments to contract with DIGIT to
 76 assist or complete such assessment; requiring the
 77 departments to each produce certain phased roadmaps
 78 that must be submitted annually with specified budget
 79 requests; authorizing the departments to contract with
 80 DIGIT to assist or complete such roadmaps; authorizing
 81 the departments to contract with DIGIT for specified
 82 services; requiring the departments to use certain
 83 information technology reports and follow a specified
 84 reporting process; requiring the departments to submit
 85 a certain report annually by a specified date to the
 86 Governor and the Legislature; revising applicability;
 87 authorizing DIGIT to perform project oversight on

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88 information technology projects of the departments
 89 which have a specified project cost; requiring that
 90 such projects comply with certain standards; requiring
 91 DIGIT to report periodically to the Legislature high-
 92 risk information technology projects; specifying
 93 report requirements; requiring state agencies to
 94 consult with DIGIT and work cooperatively with certain
 95 departments under specified circumstances; revising
 96 cross-references; creating s. 282.006, F.S.; requiring
 97 DIGIT to operate as the state enterprise organization
 98 for information technology governance and as the lead
 99 entity responsible for understanding needs and
 100 environments, creating standards and strategy,
 101 supporting state agency technology efforts, and
 102 reporting on the state of information technology in
 103 this state; providing legislative intent; requiring
 104 DIGIT to establish the strategic direction of
 105 information technology in the state; requiring DIGIT
 106 to develop and publish an information technology
 107 policy for a specified purpose; requiring that such
 108 policy be updated as necessary to meet certain
 109 requirements and reflect advancements in technology;
 110 requiring DIGIT, in coordination with certain subject
 111 matter experts, to develop, publish, and maintain
 112 specified enterprise architecture; requiring DIGIT to
 113 take specified actions related to oversight of the
 114 state's technology enterprise; requiring DIGIT to
 115 develop open data standards and technologies for use
 116 by state agencies; requiring DIGIT to develop certain

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117 testing, best practices, and standards; specifying
 118 such best practices and standards; requiring DIGIT to
 119 produce specified reports and provide the reports to
 120 the Governor and the Legislature by specified dates
 121 and at specified intervals; specifying requirements
 122 for such reports; requiring DIGIT to conduct a market
 123 analysis at a certain interval beginning on a
 124 specified date; specifying requirements for the market
 125 analysis; requiring that each market analysis be used
 126 to prepare a strategic plan for specified purposes;
 127 requiring that the market analysis and strategic plan
 128 be submitted by a specified date; requiring DIGIT to
 129 develop, implement, and maintain a certain library;
 130 specifying requirements for the library; requiring
 131 DIGIT to establish procedures that ensure the
 132 integrity, security, and availability of the library;
 133 requiring DIGIT to regularly update documents and
 134 materials in the library to reflect current state and
 135 federal requirements, industry best practices, and
 136 emerging technologies; requiring DIGIT to create
 137 mechanisms for state agencies to submit feedback,
 138 request clarification, and recommend updates;
 139 requiring state agencies to actively participate and
 140 collaborate with DIGIT to achieve certain objectives
 141 and to reference and adhere to the policies,
 142 standards, and guidelines of the library in specified
 143 tasks; authorizing state agencies to request
 144 exemptions to specific policies, standards, or
 145 guidelines under specified circumstances; providing

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146 the mechanism for a state agency to request such
 147 exemption; requiring DIGIT to review the request and
 148 make a recommendation to the state chief information
 149 officer; requiring the state chief information officer
 150 to present the exemption to the chief information
 151 officer workgroup; requiring that approval of the
 152 exemption be by majority vote; requiring that state
 153 agencies granted an exemption be reviewed periodically
 154 to determine whether such exemption is necessary or
 155 whether compliance can be achieved; authorizing DIGIT
 156 to adopt rules; creating s. 282.0061, F.S.; providing
 157 legislative intent; requiring DIGIT to complete a
 158 certain full baseline needs assessment of state
 159 agencies, develop a specified plan to conduct such
 160 assessments, and submit the plan to the Governor and
 161 the Legislature within a specified timeframe;
 162 requiring DIGIT to support state agency strategic
 163 planning efforts and assist agencies with production
 164 of a certain phased roadmap; specifying requirements
 165 for such roadmaps; requiring DIGIT to make
 166 recommendations for standardizing data across state
 167 agencies for a specified purpose, identify any
 168 opportunities for standardization and consolidation of
 169 information technology services across state agencies,
 170 support specified functions, review all state agency
 171 legislative budget requests for compliance, and
 172 provide a certain review to the Office of Policy and
 173 Budget in the Executive Office of the Governor;
 174 requiring DIGIT to develop standards for use by state

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175 agencies which support specified best practices for
 176 data management at the state agency level; requiring
 177 DIGIT to provide a certain report to the Governor and
 178 the Legislature by a specified date; specifying
 179 requirements for the report; providing the duties and
 180 responsibilities of DIGIT related to state agency
 181 technology projects; requiring DIGIT, in consultation
 182 with state agencies, to create a methodology,
 183 approach, and applicable templates and formats for
 184 identifying and collecting information technology
 185 expenditure data at the state agency level; requiring
 186 DIGIT to continuously obtain, review, and maintain
 187 records of the appropriations, expenditures, and
 188 revenues for information technology for each state
 189 agency; requiring DIGIT to prescribe the format for
 190 state agencies to provide financial information to
 191 DIGIT for inclusion in a certain annual report;
 192 requiring state agencies to submit such information by
 193 a specified date annually; requiring DIGIT to work
 194 with state agencies to provide alternative standards,
 195 policies, or requirements under specified
 196 circumstances; creating s. 282.0062, F.S.;
 197 establishing workgroups within DIGIT to facilitate
 198 coordination with state agencies; providing for the
 199 membership and duties of such workgroups; requiring
 200 the appropriate staff of the Department of Legal
 201 Affairs, the Department of Financial Services, and the
 202 Department of Agriculture and Consumer Services to
 203 participate in specified workgroups; authorizing such

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204 staff to participate in specified workgroups and any
 205 other workgroups as authorized by their respective
 206 elected official; creating s. 282.0063, F.S.;
 207 requiring DIGIT to perform specified actions to
 208 develop and manage career paths, progressions, and
 209 training programs for the benefit of state agency
 210 personnel; requiring DIGIT to consult with specified
 211 entities to implement specified provisions; creating
 212 s. 282.0064, F.S.; requiring DIGIT, in coordination
 213 with the Department of Management Services, to
 214 establish a policy for all information technology-
 215 related solicitations, contracts, and procurements;
 216 specifying requirements for the policy related to
 217 state term contracts, all contracts, and information
 218 technology projects that require oversight;
 219 prohibiting entities providing independent
 220 verification and validation from having certain
 221 interests, responsibilities, or other participation in
 222 the project; providing the primary objective of
 223 independent verification and validation; requiring the
 224 entity performing such verification and validation to
 225 provide specified regular reports and assessments;
 226 requiring the Division of State Purchasing within the
 227 Department of Management Services to coordinate with
 228 DIGIT on state term contract solicitations and
 229 invitations to negotiate; specifying the scope of the
 230 coordination; requiring DIGIT to evaluate vendor
 231 responses and assist with answers to vendor questions
 232 on such solicitations and invitations; authorizing the

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233 Department of Legal Affairs, the Department of
 234 Financial Services, and the Department of Agriculture
 235 and Consumer Services to adopt alternative information
 236 technology policy; providing requirements for adopting
 237 such alternative policy; amending s. 282.318, F.S.;
 238 providing that DIGIT is the lead entity responsible
 239 for establishing enterprise technology and
 240 cybersecurity standards and processes and security
 241 measures that comply with specified standards;
 242 requiring DIGIT to adopt specified rules; requiring
 243 DIGIT to take specified actions; revising the
 244 responsibilities of the state chief information
 245 security officer; revising the guidelines and
 246 processes for state agency cybersecurity governance
 247 frameworks; requiring state agencies to report all
 248 ransomware incidents to the state chief information
 249 security officer instead of the Cybersecurity
 250 Operations Center; requiring state agencies to also
 251 notify the Northwest Regional Data Center of such
 252 incidents under specified conditions; requiring the
 253 state chief information security officer, instead of
 254 the Cybersecurity Operations Center, to notify the
 255 Legislature of certain incidents; requiring state
 256 agencies to notify the state chief information
 257 security officer within specified timeframes after the
 258 discovery of a specified cybersecurity incident or
 259 ransomware incident; requiring state agencies to also
 260 notify the Northwest Regional Data Center of such
 261 incidents under specified conditions; requiring the

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262 state chief information security officer, instead of
 263 the Cybersecurity Operations Center, to provide a
 264 certain report on a quarterly basis to the
 265 Legislature; revising the actions that state agency
 266 heads are required to perform relating to
 267 cybersecurity; revising the timeframe that the state
 268 agency strategic cybersecurity plan must cover;
 269 requiring that a specified comprehensive risk
 270 assessment be completed biennially; authorizing such
 271 assessment to be completed by an independent third
 272 party; requiring the third party to attest to the
 273 validity of the findings; specifying requirements for
 274 the comprehensive risk assessment; providing that
 275 confidential and exempt records be made available to
 276 the state chief information security officer and
 277 Legislature; conforming provisions to changes made by
 278 the act; amending s. 282.3185, F.S.; requiring the
 279 state chief information security officer to perform
 280 specified actions relating to cybersecurity training
 281 for state employees; deleting obsolete language;
 282 requiring local governments to notify the state chief
 283 information security officer of compliance with
 284 specified provisions as soon as possible; requiring
 285 local governments to notify the state chief
 286 information security officer, instead of the
 287 Cybersecurity Operations Center, of cybersecurity or
 288 ransomware incidents; revising the timeframes in which
 289 such notifications must be made; requiring the state
 290 chief information security officer to notify the

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291 Governor and the Legislature of certain incidents
 292 within a specified timeframe; authorizing local
 293 governments to report certain cybersecurity incidents
 294 to the state chief information security officer
 295 instead of the Cybersecurity Operations Center;
 296 requiring the state chief information security officer
 297 to provide a certain consolidated incident report
 298 within a specified timeframe to the Legislature;
 299 requiring the state chief information security officer
 300 to establish certain guidelines and processes by a
 301 specified date; conforming provisions to changes made
 302 by the act; repealing s. 282.319, F.S., relating to
 303 the Florida Cybersecurity Advisory Council; amending
 304 s. 282.201, F.S.; establishing the state data center
 305 within the Northwest Regional Data Center; requiring
 306 the Northwest Regional Data Center to meet or exceed
 307 specified information technology standards; revising
 308 requirements of the state data center; abrogating the
 309 scheduled repeal of the Division of Emergency
 310 Management's exemption from using the state data
 311 center; deleting the Department of Management
 312 Services' responsibilities related to the state data
 313 center; deleting provisions relating to contracting
 314 with the Northwest Regional Data Center; creating s.
 315 282.2011, F.S.; designating the Northwest Regional
 316 Data Center as the state data center for all state
 317 agencies; requiring the data center to engage in
 318 specified actions; prohibiting state agencies from
 319 terminating services with the data center without

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320 giving written notice within a specified timeframe,
 321 procuring third-party cloud-computing services without
 322 evaluating the data center's cloud-computing services,
 323 and exceeding a specified timeframe to remit payments
 324 for services provided by the data center; specifying
 325 circumstances under which the data center's
 326 authorization to provide services may be terminated;
 327 providing that the data center has a specified
 328 timeframe to provide for the transition of state
 329 agency customers to a qualified alternative cloud-
 330 based data center that meets specified standards;
 331 providing that the data center is the lead entity
 332 responsible for creating, operating, and managing the
 333 Florida Behavioral Health Care Data Repository;
 334 providing the purpose of the repository; requiring the
 335 data center, in collaboration with the Data Analysis
 336 Committee of the Commission on Mental Health and
 337 Substance Use Disorder, to develop a specified plan;
 338 requiring, beginning on a specified date, the data
 339 center to submit a certain report annually to the
 340 Governor and the Legislature; providing for a
 341 transition to an alternative cloud-based data center
 342 under specified circumstances; revising the
 343 information the plan identifies and documents;
 344 amending s. 282.206, F.S.; requiring state agencies to
 345 submit a certain strategic plan to DIGIT and the
 346 Northwest Regional Data Center annually by a specified
 347 date; amending s. 1004.649, F.S.; creating the
 348 Northwest Regional Data Center at Florida State

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349 University; conforming provisions to changes made by
 350 the act; creating s. 287.0583, F.S.; requiring that
 351 contracts for information technology commodities and
 352 services ensure extraction of data, certain
 353 documentation, assistance and support, and anticipated
 354 fees; amending s. 287.0591, F.S.; requiring the
 355 Department of Management Services to coordinate with
 356 DIGIT in specified solicitations; specifying the scope
 357 of the coordination; requiring agencies to maintain
 358 copies of certain documents when issuing a request for
 359 quote for state term contracts within specified
 360 threshold amounts; providing that agencies that issue
 361 requests for quotes in excess of certain thresholds
 362 are subject to specified public records requirements;
 363 requiring such agencies to publish specified
 364 information; requiring such agencies to maintain
 365 copies of certain documentation for a specified
 366 timeframe; providing that use of a request for quote
 367 is not subject to certain protest provisions;
 368 authorizing agencies to request certain services from
 369 DIGIT; requiring the department to prequalify firms
 370 and individuals who provide information technology
 371 commodities; authorizing such firms and individuals to
 372 submit responses to requests for quotes; amending s.
 373 20.22, F.S.; conforming provisions to changes made by
 374 the act; amending s. 282.802, F.S.; providing that the
 375 Government Technology Modernization Council is located
 376 within DIGIT; providing that the state chief
 377 information officer, rather than the Secretary of

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378 Management Services, is the ex officio head of the
 379 council; conforming a cross-reference; amending s.
 380 282.604, F.S.; conforming provisions to changes made
 381 by the act; amending s. 443.1113, F.S.; conforming
 382 provisions to changes made by the act; amending s.
 383 943.0415, F.S.; requiring the state chief information
 384 security officer, rather than the Florida Digital
 385 Service, to consult with the Department of Law
 386 Enforcement's Cybercrime Office in the adoption of
 387 certain rules; amending s. 1004.444, F.S.; revising
 388 the list of who may request certain assistance from
 389 the Florida Center for Cybersecurity; providing an
 390 effective date.

391

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

393

394 Section 1. All duties, functions, records, pending issues,
 395 existing contracts, administrative authority, and administrative
 396 rules relating to the Florida Digital Service are transferred by
 397 a type two transfer, as described in s. 20.06, Florida Statutes,
 398 to the Division of Integrated Government Innovation and
 399 Technology as created by this act. Any unexpended balances of
 400 appropriations, allocations, and other public funds will revert
 401 or will be appropriated or allocated as provided in the General
 402 Appropriations Act or otherwise by law.

403

Section 2. Section 14.205, Florida Statutes, is created to
 read:

404

14.205 Division of Integrated Government Innovation and
Technology.—

405

406

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407 (1) The Division of Integrated Government Innovation and
 408 Technology is established within the Executive Office of the
 409 Governor. The division shall be a separate budget entity, as
 410 provided in the General Appropriations Act, and shall prepare
 411 and submit a budget request in accordance with chapter 216. The
 412 division shall be responsible for all professional, technical,
 413 and administrative support functions necessary to carry out its
 414 responsibilities under chapter 282 and as otherwise provided in
 415 law.

416 (2) (a) The director of the division shall serve as the
 417 state chief information officer. The director shall be appointed
 418 by the Governor, subject to confirmation by the Senate. The
 419 state chief information officer is prohibited from having any
 420 financial, personal, or business conflicts of interest related
 421 to technology vendors, contractors, or other information
 422 technology service providers doing business with the state.

423 (b) The state chief information officer must meet the
 424 following qualifications:

425 1. Education requirements.—The state chief information
 426 officer must meet one of the following criteria:
 427 a. Hold a bachelor's degree from an accredited institution
 428 in information technology, computer science, business
 429 administration, public administration, or a related field; or
 430 b. Hold a master's degree in any of the fields listed in
 431 sub-subparagraph a., which may be substituted for a portion of
 432 the professional experience requirements in subparagraph 2.

433 2. Professional experience requirements.—The state chief
 434 information officer must have at least 10 years of progressively
 435 responsible experience in information technology management,

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436 digital transformation, cybersecurity, or information technology
 437 governance, including:
 438 a. A minimum of 5 years in an executive or senior
 439 leadership role, overseeing information technology strategy,
 440 operations, or enterprise technology management, in either the
 441 public or private sector;
 442 b. Managing large-scale information technology projects,
 443 enterprise infrastructure, and implementation of emerging
 444 technologies;
 445 c. Budget planning, procurement oversight, and financial
 446 management of information technology investments; and
 447 d. Working with state and federal information technology
 448 regulations, digital services, and cybersecurity compliance
 449 frameworks.
 450 3. Technical and policy expertise.—The state chief
 451 information officer must have demonstrated expertise in:
 452 a. Cybersecurity and data protection by demonstrating
 453 knowledge of cybersecurity risk management, compliance with the
 454 National Institute of Standards and Technology Cybersecurity
 455 Framework, ISO 27001, and applicable federal and state security
 456 regulations;
 457 b. Cloud and digital services with experience in cloud
 458 computing, enterprise systems modernization, digital
 459 transformation, and emerging information technology trends;
 460 c. Information technology governance and policy development
 461 by demonstrating an understanding of statewide information
 462 technology governance structures, digital services, and
 463 information technology procurement policies; and
 464 d. Public sector information technology management by

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465 demonstrating familiarity with government information technology
 466 funding models, procurement requirements, and legislative
 467 processes affecting information technology strategy.

468 4. Leadership and administrative competencies.—The state
 469 chief information officer must demonstrate:

470 a. Strategic vision and innovation by possessing the
 471 capability to modernize information technology systems, drive
 472 digital transformation, and align information technology
 473 initiatives with state goals;

474 b. Collaboration and engagement with stakeholders by
 475 working with legislators, state agency heads, local governments,
 476 and private sector partners to implement information technology
 477 initiatives;

478 c. Crisis management and cyber resilience by possessing the
 479 capability to develop and lead cyber incident response, disaster
 480 recovery, and information technology continuity plans; and

481 d. Fiscal management and budget expertise managing multi-
 482 million-dollar information technology budgets, cost-control
 483 strategies, and financial oversight of information technology
 484 projects.

485 (3) The deputy director of the division shall serve as the
 486 deputy chief information officer.

487 (4) The director shall select separate individuals to serve
 488 as the state chief information security officer, state chief
 489 data officer, state chief technology officer, and state chief
 490 technology procurement officer.

491 Section 3. Until a state chief information officer is
 492 appointed pursuant to s. 14.205, Florida Statutes, the current
 493 state chief information officer of the Department of Management

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494 Services shall be transferred to the Division of Integrated
 495 Government Innovation and Technology and serve as interim state
 496 chief information officer. A state chief information officer for
 497 the Division of Integrated Government Innovation and Technology
 498 must be appointed by the Governor by June 30, 2027.

499 Section 4. Subsection (6) of section 20.055, Florida
 500 Statutes, is amended to read:

501 20.055 Agency inspectors general.—

502 (6) In carrying out the auditing duties and
 503 responsibilities of this act, each inspector general shall
 504 review and evaluate internal controls necessary to ensure the
 505 fiscal accountability of the state agency. The inspector general
 506 shall conduct financial, compliance, electronic data processing,
 507 and performance audits of the agency and prepare audit reports
 508 of his or her findings. The scope and assignment of the audits
 509 are shall be determined by the inspector general; however, the
 510 agency head may at any time request the inspector general to
 511 perform an audit of a special program, function, or
 512 organizational unit. In addition to the duties prescribed in
 513 this section, each inspector general annually shall review and
 514 report on whether agency practices related to information
 515 technology reporting, projects, contracts, and procurements are
 516 consistent with the applicable reporting requirements and
 517 standards published by the Division of Integrated Government
 518 Innovation and Technology within the Executive Office of the
 519 Governor. The inspector general shall prepare an annual agency
 520 information technology compliance report that assesses the
 521 adequacy of internal controls, documentation, and implementation
 522 processes to ensure conformity with statewide information

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523 technology governance, security, and performance standards. The
 524 performance of the audits is ~~audit shall~~ be under the direction
 525 of the inspector general, except that if the inspector general
 526 does not possess the qualifications specified in subsection (4),
 527 the director of auditing must shall perform the functions listed
 528 in this subsection.

529 (a) Such audits must shall be conducted in accordance with
 530 the current International Standards for the Professional
 531 Practice of Internal Auditing as published by the Institute of
 532 Internal Auditors, Inc., or, where appropriate, in accordance
 533 with generally accepted governmental auditing standards. All
 534 audit reports issued by internal audit staff must shall include
 535 a statement that the audit was conducted pursuant to the
 536 appropriate standards.

537 (b) Audit workpapers and reports are shall be public
 538 records to the extent that they do not include information which
 539 has been made confidential and exempt from the provisions of s.
 540 119.07(1) pursuant to law. However, when the inspector general
 541 or a member of the staff receives from an individual a complaint
 542 or information that falls within the definition provided in s.
 543 112.3187(5), the name or identity of the individual may not be
 544 disclosed to anyone else without the written consent of the
 545 individual, unless the inspector general determines that such
 546 disclosure is unavoidable during the course of the audit or
 547 investigation.

548 (c) The inspector general and the staff shall have access
 549 to any records, data, and other information of the state agency
 550 he or she deems necessary to carry out his or her duties. The
 551 inspector general may also request such information or

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552 assistance as may be necessary from the state agency or from any
 553 federal, state, or local government entity.

554 (d) At the conclusion of each audit, the inspector general
 555 shall submit preliminary findings and recommendations to the
 556 person responsible for supervision of the program function or
 557 operational unit who shall respond to any adverse findings
 558 within 20 working days after receipt of the preliminary
 559 findings. Such response and the inspector general's rebuttal to
 560 the response must shall be included in the final audit report.

561 (e) At the conclusion of an audit in which the subject of
 562 the audit is a specific entity contracting with the state or an
 563 individual substantially affected, if the audit is not
 564 confidential or otherwise exempt from disclosure by law, the
 565 inspector general must shall, consistent with s. 119.07(1),
 566 submit the findings to the entity contracting with the state or
 567 the individual substantially affected, who must shall be advised
 568 in writing that they may submit a written response within 20
 569 working days after receipt of the findings. The response and the
 570 inspector general's rebuttal to the response, if any, must be
 571 included in the final audit report.

572 (f) The inspector general shall submit the final report to
 573 the agency head, the Auditor General, and, for state agencies
 574 under the jurisdiction of the Governor, the Chief Inspector
 575 General.

576 1. The agency information technology compliance reports
 577 must be submitted to the agency head, the Auditor General, and,
 578 for state agencies under the jurisdiction of the Governor, the
 579 Chief Inspector General by September 30 of each year.

580 2. The Chief Inspector General shall review the annual

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581 agency information technology compliance reports submitted by
 582 agency inspectors general under the jurisdiction of the Governor
 583 and shall prepare a consolidated statewide information
 584 technology compliance report summarizing agency performance,
 585 findings, and recommendations for improvement. The consolidated
 586 report must be submitted to the Executive Office of the
 587 Governor, the President of the Senate, and the Speaker of the
 588 House of Representatives by December 1 of each year.

589 3. Agency heads for agencies not under the jurisdiction of
 590 the Governor shall submit the annual agency information
 591 technology compliance reports to the Executive Office of the
 592 Governor, the President of the Senate, and the Speaker of the
 593 House of Representatives by December 1 of each year.

594 (g) The Auditor General, in connection with the independent
 595 postaudit of the same agency pursuant to s. 11.45, shall give
 596 appropriate consideration to internal audit reports and the
 597 resolution of findings therein. The Legislative Auditing
 598 Committee may inquire into the reasons or justifications for
 599 failure of the agency head to correct the deficiencies reported
 600 in internal audits that are also reported by the Auditor General
 601 and shall take appropriate action.

602 (h) The inspector general shall monitor the implementation
 603 of the state agency's response to any report on the state agency
 604 issued by the Auditor General or by the Office of Program Policy
 605 Analysis and Government Accountability. No later than 6 months
 606 after the Auditor General or the Office of Program Policy
 607 Analysis and Government Accountability publishes a report on the
 608 state agency, the inspector general shall provide a written
 609 response to the agency head or, for state agencies under the

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601 jurisdiction of the Governor, the Chief Inspector General on the
 611 status of corrective actions taken. The inspector general shall
 612 file a copy of such response with the Legislative Auditing
 613 Committee.

614 (i) The inspector general shall develop long-term and
 615 annual audit plans based on the findings of periodic risk
 616 assessments. The plan, where appropriate, should include
 617 postaudit samplings of payments and accounts. The plan must
 618 ~~shall~~ show the individual audits to be conducted during each
 619 year and related resources to be devoted to the respective
 620 audits. The plan must ~~shall~~ include a specific cybersecurity
 621 audit plan. The Chief Financial Officer, to assist in fulfilling
 622 the responsibilities for examining, auditing, and settling
 623 accounts, claims, and demands pursuant to s. 17.03(1), and
 624 examining, auditing, adjusting, and settling accounts pursuant
 625 to s. 17.04, may use audits performed by the inspectors general
 626 and internal auditors. For state agencies under the jurisdiction
 627 of the Governor, the audit plans must ~~shall~~ be submitted to the
 628 Chief Inspector General. The plan must ~~shall~~ be submitted to the
 629 agency head for approval. A copy of the approved plan must ~~shall~~
 630 be submitted to the Auditor General.

631 Section 5. Paragraph (b) of subsection (3) of section
 632 97.0525, Florida Statutes, is amended to read:

633 97.0525 Online voter registration.—

634 (3)

635 (b) The division shall conduct a comprehensive risk
 636 assessment of the online voter registration system every 2
 637 years. The comprehensive risk assessment must comply with the
 638 risk assessment methodology developed by the Division of

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639 Integrated Government Innovation and Technology within the
 640 Executive Office of the Governor Department of Management
 641 Services for identifying security risks, determining the
 642 magnitude of such risks, and identifying areas that require
 643 safeguards. In addition, the comprehensive risk assessment must
 644 incorporate all of the following:

- 645 1. Load testing and stress testing to ensure that the
 646 online voter registration system has sufficient capacity to
 647 accommodate foreseeable use, including during periods of high
 648 volume of website users in the week immediately preceding the
 649 book-closing deadline for an election.
- 650 2. Screening of computers and networks used to support the
 651 online voter registration system for malware and other
 652 vulnerabilities.
- 653 3. Evaluation of database infrastructure, including
 654 software and operating systems, in order to fortify defenses
 655 against cyberattacks.
- 656 4. Identification of any anticipated threats to the
 657 security and integrity of data collected, maintained, received,
 658 or transmitted by the online voter registration system.

659 Section 6. Paragraphs (a) and (f) of subsection (1),
 660 paragraphs (b) and (c) of subsection (2), and subsections (3)
 661 and (4) of section 112.22, Florida Statutes, are amended to
 662 read:

663 112.22 Use of applications from foreign countries of
 664 concern prohibited.—

- 665 (1) As used in this section, the term:
 666 (a) "DIGIT" means the Division of Integrated Government
 667 Innovation and Technology within the Executive Office of the

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668 Governor "Department" means the Department of Management
 669 Services.

- 670 (f) "Prohibited application" means an application that
 671 meets the following criteria:
 - 672 1. Any Internet application that is created, maintained, or
 673 owned by a foreign principal and that participates in activities
 674 that include, but are not limited to:
 - 675 a. Collecting keystrokes or sensitive personal, financial,
 676 proprietary, or other business data;
 - 677 b. Compromising e-mail and acting as a vector for
 678 ransomware deployment;
 - 679 c. Conducting cyber-espionage against a public employer;
 - 680 d. Conducting surveillance and tracking of individual
 681 users; or
 - 682 e. Using algorithmic modifications to conduct
 683 disinformation or misinformation campaigns; or
 - 684 2. Any Internet application that DIGIT the department deems
 685 to present a security risk in the form of unauthorized access to
 686 or temporary unavailability of the public employer's records,
 687 digital assets, systems, networks, servers, or information.
- 688 (2)
 - 689 (b) A person, including an employee or officer of a public
 690 employer, may not download or access any prohibited application
 691 on any government-issued device.
 - 692 1. This paragraph does not apply to a law enforcement
 693 officer as defined in s. 943.10(1) if the use of the prohibited
 694 application is necessary to protect the public safety or conduct
 695 an investigation within the scope of his or her employment.
 - 696 2. A public employer may request a waiver from DIGIT the

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697 department to allow designated employees or officers to download
 698 or access a prohibited application on a government-issued
 699 device.

700 (c) Within 15 calendar days after DIGIT the department
 701 issues or updates its list of prohibited applications pursuant
 702 to paragraph (3)(a), an employee or officer of a public employer
 703 who uses a government-issued device must remove, delete, or
 704 uninstall any prohibited applications from his or her
 705 government-issued device.

706 (3) DIGIT The department shall do all of the following:
 707 (a) Compile and maintain a list of prohibited applications
 708 and publish the list on its website. DIGIT The department shall
 709 update this list quarterly and shall provide notice of any
 710 update to public employers.

711 (b) Establish procedures for granting or denying requests
 712 for waivers pursuant to subparagraph (2)(b)2. The request for a
 713 waiver must include all of the following:

714 1. A description of the activity to be conducted and the
 715 state interest furthered by the activity.

716 2. The maximum number of government-issued devices and
 717 employees or officers to which the waiver will apply.

718 3. The length of time necessary for the waiver. Any waiver
 719 granted pursuant to subparagraph (2)(b)2. must be limited to a
 720 timeframe of no more than 1 year, but DIGIT the department may
 721 approve an extension.

722 4. Risk mitigation actions that will be taken to prevent
 723 access to sensitive data, including methods to ensure that the
 724 activity does not connect to a state system, network, or server.

725 5. A description of the circumstances under which the

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726 waiver applies.

727 (4)(a) ~~Notwithstanding s. 120.74(4) and (5), the department~~
 728 ~~is authorized, and all conditions are deemed met, to adopt~~
 729 ~~emergency rules pursuant to s. 120.54(4) and to implement~~
 730 ~~paragraph (3)(a). Such rulemaking must occur initially by filing~~
 731 ~~emergency rules within 30 days after July 1, 2023.~~

732 (b) DIGIT The department shall adopt rules necessary to
 733 administer this section.

734 Section 7. Paragraph (a) of subsection (5) of section
 735 119.0725, Florida Statutes, is amended to read:

736 119.0725 Agency cybersecurity information; public records
 737 exemption; public meetings exemption.—

738 (5)(a) Information made confidential and exempt pursuant to
 739 this section ~~must~~ shall be made available to a law enforcement
 740 agency, the Auditor General, the Cybercrime Office of the
 741 Department of Law Enforcement, the Division of Integrated
 742 Government Innovation and Technology within the Executive Office
 743 of the Governor Florida Digital Service within the Department of
 744 Management Services, and, for agencies under the jurisdiction of
 745 the Governor, the Chief Inspector General.

746 Section 8. Paragraph (a) of subsection (4) and subsection
 747 (7) of section 216.023, Florida Statutes, are amended to read:

748 216.023 Legislative budget requests to be furnished to
 749 Legislature by agencies.—

750 (4)(a) The legislative budget request for each program must
 751 contain:

752 1. The constitutional or statutory authority for a program,
 753 a brief purpose statement, and approved program components.

754 2. Information on expenditures for 3 fiscal years (actual

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755 prior-year expenditures, current-year estimated expenditures,
 756 and agency budget requested expenditures for the next fiscal
 757 year) by appropriation category.

758 3. Details on trust funds and fees.

759 4. The total number of positions (authorized, fixed, and
 760 requested).

761 5. An issue narrative describing and justifying changes in
 762 amounts and positions requested for current and proposed
 763 programs for the next fiscal year.

764 6. Information resource requests.

765 7. Supporting information, including applicable cost-
 766 benefit analyses, business case analyses, performance
 767 contracting procedures, service comparisons, and impacts on
 768 performance standards for any request to outsource or privatize
 769 agency functions. The cost-benefit and business case analyses
 770 must include an assessment of the impact on each affected
 771 activity from those identified in accordance with paragraph (b).
 772 Performance standards must include standards for each affected
 773 activity and be expressed in terms of the associated unit of
 774 activity.

775 8. An evaluation of major outsourcing and privatization
 776 initiatives undertaken during the last 5 fiscal years having
 777 aggregate expenditures exceeding \$10 million during the term of
 778 the contract. The evaluation must include an assessment of
 779 contractor performance, a comparison of anticipated service
 780 levels to actual service levels, and a comparison of estimated
 781 savings to actual savings achieved. Consolidated reports issued
 782 by the Department of Management Services may be used to satisfy
 783 this requirement.

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784 9. Supporting information for any proposed consolidated
 785 financing of deferred-payment commodity contracts including
 786 guaranteed energy performance savings contracts. Supporting
 787 information must also include narrative describing and
 788 justifying the need, baseline for current costs, estimated cost
 789 savings, projected equipment purchases, estimated contract
 790 costs, and return on investment calculation.

791 10. For projects that exceed \$10 million in total cost, the
 792 statutory reference of the existing policy or the proposed
 793 substantive policy that establishes and defines the project's
 794 governance structure, planned scope, main business objectives
 795 that must be achieved, and estimated completion timeframes. The
 796 governance structure for information technology-related projects
 797 must incorporate the applicable project management and oversight
 798 standards established pursuant to s. 282.0061 s. 282.0051.
 799 Information technology budget requests for the continuance of
 800 existing hardware and software maintenance agreements, renewal
 801 of existing software licensing agreements, or the replacement of
 802 desktop units with new technology that is similar to the
 803 technology currently in use are exempt from this requirement.

804 (7) ~~As part of the legislative budget request, each state~~
 805 ~~agency and the judicial branch shall include an inventory of all~~
 806 ~~ongoing technology-related projects that have a cumulative~~
 807 ~~estimated or realized cost of more than \$1 million. The~~
 808 ~~inventory must, at a minimum, contain all of the following~~
 809 ~~information:~~

810 (a) ~~The name of the technology system.~~

811 (b) ~~A brief description of the purpose and function of the~~
 812 ~~system.~~

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813 (e) A brief description of the goals of the project.

814 (d) The initiation date of the project.

815 (e) The key performance indicators for the project.

816 (f) Any other metrics for the project evaluating the health

817 and status of the project.

818 (g) The original and current baseline estimated end dates

819 of the project.

820 (h) The original and current estimated costs of the

821 project.

822 (i) Total funds appropriated or allocated to the project

823 and the current realized cost for the project by fiscal year.

824

825 For purposes of this subsection, an ongoing technology-related

826 project is one which has been funded or has had or is expected

827 to have expenditures in more than one fiscal year. An ongoing

828 technology-related project does not include the continuance of

829 existing hardware and software maintenance agreements, the

830 renewal of existing software licensing agreements, or the

831 replacement of desktop units with new technology that is

832 substantially similar to the technology being replaced. This

833 subsection expires July 1, 2026.

834 Section 9. Present subsections (36), (37), and (38) of

835 section 282.0041, Florida Statutes, are redesignated as

836 subsections (37), (38), and (39), respectively, new subsections

837 (11) and (36) are added to that section, and subsection (1),

838 present subsection (7), and subsections (27) and (29) of that

839 section are amended, to read:

840 282.0041 Definitions.—As used in this chapter, the term:

841 (1) "Agency assessment" means the amount each customer

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842 entity must pay annually for services from the Department of

843 Management Services and includes administrative and data center

844 services costs.

845 (6) ~~(7)~~ "Customer entity" means an entity that obtains

846 services from DIGIT the Department of Management Services.

847 (11) "DIGIT" means the Division of Integrated Government

848 Innovation and Technology within the Executive Office of the

849 Governor.

850 (27) "Project oversight" means an independent review and

851 assessment analysis of an information technology project that

852 provides information on the project's scope, completion

853 timeframes, and budget and that identifies and quantifies issues

854 or risks affecting the successful and timely completion of the

855 project.

856 (29) "Risk assessment" means the process of identifying

857 operational risks and security risks, determining their

858 magnitude, and identifying areas needing safeguards.

859 (36) "Technical debt" means the accumulated cost and

860 operational impact resulting from the use of suboptimal,

861 expedient, or outdated technology solutions that require future

862 remediation, refactoring, or replacement to ensure

863 maintainability, security, efficiency, and compliance with

864 enterprise architecture standards.

865 Section 10. Section 282.00515, Florida Statutes, is amended

866 to read:

867 282.00515 Duties of Cabinet agencies.—

868 (1) (a) The Department of Legal Affairs, the Department of

869 Financial Services, and the Department of Agriculture and

870 Consumer Services shall adopt the standards, best practices,

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processes, and methodologies established in s. 282.0061(4) and (5)(b) and (d). However, such departments may s. 282.0051(1)(b), (c), and (r) and (3)(e) or adopt alternative standards, best practices, and methodologies that must be based on industry-recognized best practices and industry standards that enable allow for open data exchange, interoperability, and vendor-neutral integration. Such departments shall evaluate the adoption of alternative standards on a case-by-case basis for each standard, project, or system and reevaluate such alternative standards periodically.

(b) Notwithstanding paragraph (a), if an enterprise project has a measurable impact on, or requires participation from, a state agency and the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services, then the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services, as applicable, must follow the standards established under this chapter.

(2) If the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services adopts alternative standards, best practices, processes, and methodologies in lieu of the enterprise architecture standards, best practices, processes, and methodologies adopted pursuant to s. 282.0061(4) and (5)(b) and (d) s. 282.0051, such department must notify DIGIT, the Governor, the President of the Senate, and the Speaker of the House of Representatives in writing of the adoption of the alternative standards and provide a justification for adoption of the alternative standards and explain the manner in which how

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900 the agency will achieve the policy, standard, guideline, or best practice while promoting open data interoperability.

901 (3) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall each conduct a full baseline needs assessment to document their respective technical environments, existing technical debt, security risks, and compliance with adopted information technology best practices, guidelines, and standards, similar to the assessments conducted by DIGIT pursuant to s. 282.0061(2)(a) and (b). The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services may contract with DIGIT to assist with or complete the assessments.

902 (4) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall each produce a phased roadmap for strategic planning to address known technology gaps and deficiencies, similar to the assessments conducted by DIGIT pursuant to s. 282.0061(2)(d). The phased roadmap must be submitted annually with legislative budget requests required under s. 216.023. The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services may contract with DIGIT to assist with or complete the phased roadmap.

903 (5) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services may, but are not required to, contract with DIGIT the department to provide procurement advisory and review services for information technology projects as provided in s.

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929 ~~282.0061(5)(a) or perform any of the services and functions~~
 930 ~~described in s. 282.0051.~~
 931 (6) The Department of Legal Affairs, the Department of
 932 Financial Services, and the Department of Agriculture and
 933 Consumer Services shall use the information technology reports
 934 developed by DIGIT pursuant to s. 282.0061(5)(f) and follow the
 935 streamlined reporting process pursuant to s. 282.0061(5)(i). The
 936 Department of Legal Affairs, the Department of Financial
 937 Services, and the Department of Agriculture and Consumer
 938 Services shall report annually to the President of the Senate
 939 and the Speaker of the House of Representatives by December 15
 940 information related to the respective department similar to the
 941 information required under s. 282.006(6)(a) and the information
 942 technology financial data methodology and reporting required by
 943 s. 282.0061(6). The Department of Legal Affairs, the Department
 944 of Financial Services, and the Department of Agriculture and
 945 Consumer Services may provide the report required under this
 946 subsection collectively with DIGIT or shall report separately to
 947 the Governor, the President of the Senate, and the Speaker of
 948 the House of Representatives.

949 (7)(a)-(4)(a) Nothing in this chapter section or in s.
 950 282.0051 requires the Department of Legal Affairs, the
 951 Department of Financial Services, or the Department of
 952 Agriculture and Consumer Services to integrate with information
 953 technology outside its own department or with DIGIT the Florida
 954 Digital Service.

955 (b) DIGIT The department, acting through the Florida
 956 Digital Service, may not retrieve or disclose any data without a
 957 shared-data agreement in place between DIGIT the department and

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958 ~~the Department of Legal Affairs, the Department of Financial~~
 959 ~~Services, or the Department of Agriculture and Consumer~~
 960 ~~Services.~~
 961 (8) Notwithstanding s. 282.0061(5)(h), DIGIT may perform
 962 project oversight only on information technology projects of the
 963 Department of Legal Affairs, the Department of Financial
 964 Services, and the Department of Agriculture and Consumer
 965 Services which have a project cost of \$20 million or more. Such
 966 information technology projects must also comply with the
 967 applicable information technology architecture, project
 968 management and oversight, and reporting standards established by
 969 DIGIT. DIGIT shall report by the 30th day after the end of each
 970 quarter to the President of the Senate and the Speaker of the
 971 House of Representatives on any information technology project
 972 under this subsection which DIGIT identifies as high risk. The
 973 report must include a risk assessment, including fiscal risks,
 974 associated with proceeding to the next stage of the project, and
 975 a recommendation for any corrective action required, including
 976 suspension or termination of the project.

977 (9) If an information technology project implemented by a
 978 state agency must be connected to or otherwise accommodated by
 979 an information technology system administered by the Department
 980 of Legal Affairs, the Department of Financial Services, or the
 981 Department of Agriculture and Consumer Services, the state
 982 agency must consult with DIGIT regarding the risks and other
 983 effects of such project on the information technology systems of
 984 the Department of Legal Affairs, the Department of Financial
 985 Services, or the Department of Agriculture and Consumer
 986 Services, as applicable, and must work cooperatively with the

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987 Department of Legal Affairs, the Department of Financial
 988 Services, or the Department of Agriculture and Consumer
 989 Services, as applicable, regarding connections, interfaces,
 990 timing, or accommodations required to implement such project.

991 Section 11. Section 282.006, Florida Statutes, is created
 992 to read:

993 282.006 Division of Integrated Government Innovation and
 994 Technology; enterprise responsibilities; reporting.—

995 (1) The Division of Integrated Government Innovation and
 996 Technology established in s. 14.205 is the state organization
 997 for information technology governance and is the lead entity
 998 responsible for understanding the unique state agency
 999 information technology needs and environments, creating
 1000 technology standards and strategy, supporting state agency
 1001 technology efforts, and reporting on the status of technology
 1002 for state agencies.

1003 (2) The Legislature intends for DIGIT policy, standards,
 1004 guidance, and oversight to allow for adaptability to emerging
 1005 technology and organizational needs while maintaining compliance
 1006 with industry best practices. All policies, standards, and
 1007 guidelines established pursuant to this chapter must be
 1008 technology-agnostic and may not prescribe specific tools,
 1009 platforms, or vendors.

1010 (3) DIGIT shall establish the strategic direction of
 1011 information technology for state agencies. DIGIT shall develop
 1012 and publish information technology policy that aligns with
 1013 industry best practices for the management of the state's
 1014 information technology resources. The policy must be updated as
 1015 necessary to meet the requirements of this chapter and

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1016 advancements in technology.

1017 (4) DIGIT shall, in coordination with state agency
 1018 technology subject matter experts, develop, publish, and
 1019 maintain an enterprise architecture that:

1020 (a) Acknowledges the unique needs of the entities within
 1021 the enterprise in the development and publication of standards
 1022 and terminologies to facilitate digital interoperability;

1023 (b) Supports the cloud-first policy as specified in s.

1024 282.206;

1025 (c) Addresses the manner in which information technology
 1026 infrastructure may be modernized to achieve security,
 1027 scalability, maintainability, interoperability, and improved
 1028 cost-efficiency goals; and

1029 (d) Includes, at a minimum, best practices, guidelines, and
 1030 standards for:

1031 1. Data models and taxonomies.

1032 2. Master data management.

1033 3. Data integration and interoperability.

1034 4. Data security and encryption.

1035 5. Bot prevention and data protection.

1036 6. Data backup and recovery.

1037 7. Application portfolio and catalog requirements.

1038 8. Application architectural patterns and principles.

1039 9. Technology and platform standards.

1040 10. Secure coding practices.

1041 11. Performance and scalability.

1042 12. Cloud infrastructure and architecture.

1043 13. Networking, connectivity, and security protocols.

1044 14. Authentication, authorization, and access controls.

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1045 15. Disaster recovery.
 1046 16. Quality assurance.
 1047 17. Testing methodologies and measurements.
 1048 18. Logging and log retention.
 1049 19. Application and use of artificial intelligence.
 1050 (5) DIGIT shall develop open data technical standards and
 1051 terminologies for use by state agencies. DIGIT shall develop
 1052 enterprise technology testing and quality assurance best
 1053 practices and standards to ensure the reliability, security, and
 1054 performance of information technology systems. Such best
 1055 practices and standards must include:
 1056 (a) Functional testing to ensure software or systems meet
 1057 required specifications.
 1058 (b) Performance and load testing to ensure software and
 1059 systems operate efficiently under various conditions.
 1060 (c) Security testing to protect software and systems from
 1061 vulnerabilities and cyber threats.
 1062 (d) Compatibility and interoperability testing to ensure
 1063 software and systems operate seamlessly across environments.
 1064 (6) DIGIT shall produce and provide the following reports
 1065 to the Governor, the President of the Senate, and the Speaker of
 1066 the House of Representatives:
 1067 (a) Annually by December 15, an enterprise analysis report
 1068 for state agencies which includes all of the following:
 1069 1. Results of the state agency needs assessments, including
 1070 any plan to address technical debt as required by s. 282.0061
 1071 pursuant to the schedule adopted.
 1072 2. Alternative standards related to federal funding adopted
 1073 pursuant to s. 282.0061.

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1074 3. Information technology financial data for each state
 1075 agency for the previous fiscal year. This portion of the annual
 1076 report must include, at a minimum, the following recurring and
 1077 nonrecurring information:
 1078 a. Total number of full-time equivalent positions.
 1079 b. Total amount of salary.
 1080 c. Total amount of benefits.
 1081 d. Total number of comparable full-time equivalent
 1082 positions and total amount of expenditures for information
 1083 technology staff augmentation.
 1084 e. Total number of contracts and purchase orders and total
 1085 amount of associated expenditures for information technology
 1086 managed services.
 1087 f. Total amount of expenditures by state term contract as
 1088 defined in s. 287.012, contracts procured using alternative
 1089 purchasing methods as authorized pursuant to s. 287.042(16), and
 1090 state agency procurements through request for proposal,
 1091 invitation to negotiate, invitation to bid, single source, and
 1092 emergency purchases.
 1093 g. Total amount of expenditures for hardware.
 1094 h. Total amount of expenditures for non-cloud software.
 1095 i. Total amount of expenditures for cloud software licenses
 1096 and services with a separate amount for expenditures for state
 1097 data center services.
 1098 j. Total amount of expenditures for cloud data center
 1099 services with a separate amount for expenditures for state data
 1100 center services.
 1101 k. Total amount of expenditures for administrative costs.
 1102 4. Consolidated information for the previous fiscal year

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1103 about state information technology projects, which must include,
 1104 at a minimum, the following information:
 1105 a. Anticipated funding requirements for information
 technology support over the next 5 years.
 1106 b. An inventory of current information technology assets
 and major projects. As used in this paragraph, the term "major
 project" includes projects costing more than \$500,000 to
 implement.
 1107 c. Significant unmet needs for information technology
 resources over the next 5 fiscal years, ranked in priority order
 according to their urgency.
 1108 5. A review and summary of whether the information
 technology contract policy established pursuant to s. 282.0064
 is included in all solicitations and contracts.
 1109 (b) Biennially by December 15 of even-numbered years, a
 report on the strategic direction of information technology in
 the state which includes recommendations for all of the
 following:
 1110 1. Standardization and consolidation of information
 technology services that are identified as common across state
 agencies as required in s. 282.0061.
 1111 2. Information technology services needed to be designed,
 delivered, and managed as state agency enterprise information
 technology services. Recommendations must include the
 identification of existing information technology resources
 associated with the services, if existing services must be
 transferred as a result of being delivered and managed as
 enterprise information technology services, and which entity is
 best suited to manage the service.

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1132 (c)1. When conducted as provided in this paragraph, a
 market analysis and accompanying strategic plan submitted by
 December 31 of each year that the market analysis is conducted.
 1133 2. No less frequently than every 3 years, DIGIT shall
 conduct a market analysis to determine whether the:
 1134 a. Information technology resources across state agencies
 are used in the most cost-effective and cost-efficient manner,
 while recognizing that the replacement of certain legacy
 1135 information technology systems within the enterprise may be cost
 prohibitive or cost inefficient due to the remaining useful life
 of those resources; and
 1136 b. State agencies are using best practices with respect to
 information technology, information services, and the
 acquisition of emerging technologies and information services.
 1137 3. Each market analysis must be used to prepare a strategic
 plan for continued and future information technology and
 information services, including, but not limited to, proposed
 acquisition of new services or technologies and approaches to
 the implementation of any new services or technologies.
 1138 (7)(a) DIGIT shall develop, implement, and maintain a
 library to serve as the official repository for all enterprise
 information technology policies, standards, guidelines, and best
 practices applicable to state agencies. The online library must
 be accessible and searchable by all state agencies and the
 Department of Legal Affairs, the Department of Financial
 Services, and the Department of Agriculture and Consumer
 Services through a secure authentication system. The library
 must include standardized checklists organized by technical
 subject areas to assist state agencies in measuring compliance

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1161 with the information technology policies, standards, guidelines,
 1162 and best practices.

1163 (b) DIGIT shall establish procedures to ensure the
 1164 integrity, security, and availability of the library, including
 1165 appropriate access controls, encryption, and disaster recovery
 1166 measures. DIGIT shall regularly update documents and materials
 1167 in the library to reflect current state and federal
 1168 requirements, industry best practices, and emerging technologies
 1169 and shall maintain version control and revision history for all
 1170 published documents. DIGIT shall create mechanisms for state
 1171 agencies to submit feedback, request clarifications, and
 1172 recommend updates.

1173 (8)(a) Each state agency shall actively participate and
 1174 collaborate with DIGIT to achieve the objectives set forth in
 1175 this chapter. Each state agency shall also adhere to the
 1176 policies, standards, guidelines, and best practices established
 1177 by DIGIT in information technology planning, procurement,
 1178 implementation, and operations as required by this chapter.

1179 (b) 1. A state agency may request an exemption to a specific
 1180 policy, standard, or guideline when compliance is not
 1181 technically feasible, would cause undue hardship, or conflicts
 1182 with any agency-specific statutory requirement. The state agency
 1183 requesting an exception must submit a formal justification to
 1184 DIGIT detailing all of the following:

1185 a. The specific requirement for which an exemption is
 1186 sought.

1187 b. The reason compliance is not feasible or practical.

1188 c. Any compensating control or alternative measure the
 1189 state agency will implement to mitigate associated risks.

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1190 d. The anticipated duration of the exemption.

1191 2. DIGIT shall review all exemption requests and provide a
 1192 recommendation to the state chief information officer, who shall
 1193 present the compliance exemption requests to the chief
 1194 information officer workgroup. Approval of exemption requests
 1195 must be made by a majority vote of the workgroup. Approved
 1196 exemptions must be documented and include conditions and
 1197 expiration dates.

1198 3. A state agency with an approved exemption shall undergo
 1199 periodic review to determine whether the exemption remains
 1200 necessary or whether compliance can be achieved.

1201 (9) DIGIT may adopt rules to implement this chapter.

1202 Section 12. Section 282.0061, Florida Statutes, is created
 1203 to read:

1204 282.0061 DIGIT support of state agencies; information
 1205 technology procurement and projects.

1206 (1) LEGISLATIVE INTENT.—The Legislature intends for DIGIT
 1207 to support state agencies in their information technology
 1208 efforts through the adoption of policies, standards, and
 1209 guidance and by providing oversight that recognizes unique state
 1210 agency information technology needs, environments, and goals.
 1211 DIGIT assistance and support must allow for adaptability to
 1212 emerging technologies and organizational needs while maintaining
 1213 compliance with industry best practices. DIGIT may not prescribe
 1214 specific tools, platforms, or vendors.

1215 (2) NEEDS ASSESSMENTS.—

1216 (a) By January 1, 2029, DIGIT shall conduct full baseline
 1217 needs assessments of state agencies to document their respective
 1218 technical environments, existing technical debt, security risks,

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1219 and compliance with all information technology standards and
 1220 guidelines developed and published by DIGIT. The needs
 1221 assessment must use the latest version of the Capability
 1222 Maturity Model Integration to evaluate each state agency's
 1223 information technology capabilities, providing a maturity level
 1224 rating for each assessed domain. After completion of the initial
 1225 full baseline needs assessment, such assessments must be
 1226 maintained and updated on a regular schedule adopted by DIGIT.
 1227 (b) In assessing the existing technical debt portion of the
 1228 needs assessment, DIGIT shall analyze the state's legacy
 1229 information technology systems and develop a plan to document
 1230 the needs and costs for replacement systems. The plan must
 1231 include an inventory of legacy applications and infrastructure;
 1232 the required capabilities not available with the legacy system;
 1233 the estimated process, timeline, and cost to migrate from legacy
 1234 environments; and any other information necessary for fiscal or
 1235 technology planning. The plan must determine and document the
 1236 estimated timeframe during which the state agency can continue
 1237 to efficiently use legacy information technology systems,
 1238 resources, security, and data management to support operations.
 1239 State agencies shall provide all necessary documentation to
 1240 enable accurate reporting on legacy systems.
 1241 (c) DIGIT shall develop a plan and schedule to conduct the
 1242 initial full baseline needs assessments. By October 1, 2027,
 1243 DIGIT shall submit the plan to the Governor, the President of
 1244 the Senate, and the Speaker of the House of Representatives.
 1245 (d) DIGIT shall support state agency strategic planning
 1246 efforts and assist state agencies with the production of a
 1247 phased roadmap to address known technology gaps and deficiencies

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1248 as identified in the needs assessments. The roadmaps must
 1249 include specific strategies and initiatives aimed at advancing
 1250 the state agency's maturity level in accordance with the latest
 1251 version of the Capability Maturity Model Integration. State
 1252 agencies shall create, maintain, and submit the roadmap on an
 1253 annual basis with their legislative budget requests required
 1254 under s. 216.023.
 1255 (3) STANDARDIZATION.—DIGIT shall:
 1256 (a) Recommend in its annual enterprise analysis report for
 1257 state agencies required under s. 282.006 any potential method
 1258 for standardizing data across state agencies which will promote
 1259 interoperability and reduce the collection of duplicative data.
 1260 (b) Identify any opportunities in such enterprise analysis
 1261 report for state agencies for standardization and consolidation
 1262 of information technology services that are common across all
 1263 state agencies and that support:
 1264 1. Improved interoperability, security, scalability,
 1265 maintainability, and cost efficiency; and
 1266 2. Business functions and operations, including
 1267 administrative functions such as purchasing, accounting and
 1268 reporting, cash management, and personnel.
 1269 (c) Review all state agency information technology
 1270 legislative budget requests for compliance with the enterprise
 1271 architecture, project planning standards, and cybersecurity and
 1272 provide a report of the findings to the Executive Office of the
 1273 Governor's Office of Policy and Budget for consideration for
 1274 funding decisions in the Governor's recommended budget.
 1275 (4) DATA MANAGEMENT.—
 1276 (a) DIGIT shall develop standards for use by state agencies

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1277 which support best practices for master data management at the
 1278 state agency level to facilitate enterprise data sharing and
 1279 interoperability.

1280 (b) DIGIT shall establish a methodology and strategy for
 1281 implementing statewide master data management and submit a
 1282 report to the Governor, the President of the Senate, and the
 1283 Speaker of the House of Representatives by December 1, 2029. The
 1284 report must include the vision, goals, and benefits of
 1285 implementing a statewide master data management initiative, an
 1286 analysis of the current state of data management, and the
 1287 recommended strategy, methodology, and estimated timeline and
 1288 resources needed at a state agency and enterprise level to
 1289 accomplish the initiative.

1290 (5) INFORMATION TECHNOLOGY PROJECTS.—DIGIT has the
 1291 following duties and responsibilities related to state agency
 1292 technology projects:

1293 (a) Provide procurement advisory and review services for
 1294 information technology projects to all state agencies, including
 1295 procurement and contract development assistance to meet the
 1296 information technology contract policy established pursuant to
 1297 s. 282.0064.

1298 (b) Establish best practices and procurement processes and
 1299 develop metrics to support these processes for the procurement
 1300 of information technology products and services in order to
 1301 reduce costs or improve the provision of government services.

1302 (c) Upon request, assist state agencies in the development
 1303 of information technology-related legislative budget requests.

1304 (d) Develop standards and accountability measures for
 1305 information technology project planning and implementation,

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1306 including criteria for effective project management and
 1307 oversight. State agencies shall satisfy these standards and
 1308 measures when implementing information technology projects. To
 1309 support data-driven decisionmaking, the standards and measures
 1310 must include, but are not limited to:

1311 1. Performance measurements and metrics that objectively
 1312 assess the progress and risks of an information technology
 1313 project based on a defined and documented project scope, to
 1314 include the number of impacted stakeholders, cost, and schedule,
 1315 to determine whether the project is performing as planned and
 1316 delivering the intended outcomes.

1317 2. Methodologies for calculating and defining acceptable
 1318 variances between the planned and actual scope of a technology
 1319 project which provide clear thresholds for guiding corrective
 1320 actions. Such methodologies must account for project complexity
 1321 and scale, schedule, performance, quality, and the cost of an
 1322 information technology project.

1323 3. Reporting requirements that ensure timely notifications
 1324 to all defined stakeholders when an information technology
 1325 project exceeds acceptable variances defined and documented in a
 1326 project plan, including any variance that results in a schedule
 1327 delay of 1 month or more or a cost increase of \$1 million or
 1328 more, and that establish procedures for escalating critical
 1329 issues to appropriate individuals.

1330 4. Technical reporting metrics to determine if an
 1331 information technology project complies with the enterprise
 1332 architecture standards.

1333 5. Minimum requirements for engaging stakeholders
 1334 throughout a project's life cycle.

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1335 (e) Develop a framework that provides processes,
 1336 activities, and deliverables state agencies must comply with
 1337 when planning an information technology project. The processes,
 1338 activities, and deliverables must include, but are not limited
 1339 to, all of the following:
 1340 1. Business case development, including the information
 1341 required by s. 287.0571(4), full life cycle cost estimates,
 1342 governance structure, system interoperability goals, data
 1343 management plans, scalability approach, evaluation of
 1344 cybersecurity and data privacy risks, and technology-specific
 1345 performance metrics and service levels.
 1346 2. Market research, including the use of a request for
 1347 information as defined in s. 287.012.
 1348 3. Planning and scheduling.
 1349 4. Stakeholder engagement.
 1350 5. Risk assessment.
 1351 6. Procurement strategy.
 1352 7. Project governance definition.
 1353 8. System design and requirements.
 1354 9. Change management.
 1355 10. Monitoring and reporting.
 1356 11. Postimplementation review and planning.
 1357 12. Solicitation documentation.
 1358 (f) Develop information technology project reports for use
 1359 by state agencies, including, but not limited to, operational
 1360 work plans, project spending plans, and project status reports.
 1361 Reporting standards must include content, format, and frequency
 1362 of project updates.
 1363 (g) Develop and provide training specific to information

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1364 technology project management and oversight which supplements
 1365 and enhances the training offered by the department and the
 1366 Chief Financial Officer under s. 287.057(15) (b). DIGIT shall
 1367 evaluate such training every 2 years to assess its effectiveness
 1368 and update the training curriculum. The training must address
 1369 the unique requirements and risk profiles of state information
 1370 technology projects, procurements, contract management, and
 1371 vendor management.
 1372 (h) Perform project oversight on all state agency
 1373 information technology projects that have total project costs of
 1374 \$10 million or more. DIGIT shall report by the 30th day after
 1375 the end of each quarter to the Executive Office of the Governor,
 1376 the President of the Senate, and the Speaker of the House of
 1377 Representatives on any information technology project that DIGIT
 1378 identifies as high-risk due to the project exceeding the
 1379 acceptable project variance thresholds provided in the project
 1380 management and oversight standards. The report must include a
 1381 risk assessment, including fiscal risks associated with
 1382 proceeding to the next stage of the project, a list of all
 1383 projects with a performance deficiency, reported pursuant to s.
 1384 287.057(26) (d) 1., which has not been corrected as of the end of
 1385 the reporting period, and a recommendation for corrective
 1386 actions required, including suspension or termination of the
 1387 project.
 1388 (i) Establish a streamlined reporting process with clear
 1389 timelines and escalation procedures for notifying a state agency
 1390 of noncompliance with the standards developed and adopted by
 1391 DIGIT.
 1392 (6) INFORMATION TECHNOLOGY FINANCIAL DATA.—

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(a) In consultation with state agencies, DIGIT shall create a methodology, an approach, and applicable templates and formats for identifying and collecting both current and planned information technology expenditure data at the state agency level. DIGIT shall continuously obtain, review, and maintain records of the appropriations, expenditures, and revenues for information technology for each state agency.

(b) DIGIT shall prescribe the format for state agencies to provide all necessary financial information to DIGIT for inclusion in the annual report required under s. 282.006. State agencies shall provide the information to DIGIT by October 1 for the previous fiscal year.

(7) FEDERAL CONFLICTS.—DIGIT must work with state agencies to provide alternative standards, policies, or requirements that do not conflict with federal regulations or requirements if adherence to standards or policies adopted by or established pursuant to this section conflict with federal regulations or requirements imposed on an entity within the enterprise and results in, or is expected to result in, adverse action against any state agency or loss of federal funding.

1413 Section 13. Section 282.0062, Florida Statutes, is created
1414 to read:

1415 282.0062 DIGIT workgroups.—The following workgroups are
1416 established within DIGIT to facilitate coordination with state
1417 agencies:

1418 (1) CHIEF INFORMATION OFFICER WORKGROUP.-

1419 (a) The chief information officer workgroup, composed of
1420 all state agency chief information officers, shall consider and
1421 make recommendations to the state chief information officer and

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1422 the state chief information architect on such matters as
1423 enterprise information technology policies, standards, services,
1424 and architecture. The workgroup may also identify and recommend
1425 opportunities for the establishment of public-private
1426 partnerships when considering technology infrastructure and
1427 services in order to accelerate project delivery and provide a
1428 source of new or increased project funding.

1429 (b) At a minimum, the state chief information officer shall
1430 consult with the workgroup on a quarterly basis with regard to
1431 executing the duties and responsibilities of the state agencies
1432 related to statewide information technology strategic planning
1433 and policy.

1434 (2) ENTERPRISE DATA AND INTEROPERABILITY WORKGROUP.—

1435 (a) The enterprise data and interoperability workgroup,
1436 composed of chief data officer representatives from all state
1437 agencies, shall consider and make recommendations to the state
1438 chief data officer on such matters as enterprise data policies,
1439 standards, services, and architecture that promote data
1440 consistency, accessibility, and seamless integration across the
1441 enterprise.

1442 (b) At a minimum, the state chief data officer shall
1443 consult with the workgroup on a quarterly basis with regard to
1444 executing the duties and responsibilities of the state agencies
1445 related to statewide data governance planning and policy.

1446 (3) ENTERPRISE SECURITY WORKGROUP.-

1447 (a) The enterprise security workgroup, composed of chief
1448 information security officer representatives from all state
1449 agencies, shall consider and make recommendations to the state
1450 chief information security officer on such matters as

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1451 cybersecurity policies, standards, services, and architecture
 1452 that promote the protection of state assets.

1453 (b) At a minimum, the state chief information security
 1454 officer shall consult with the workgroup on a quarterly basis
 1455 with regard to executing the duties and responsibilities of the
 1456 state agencies related to cybersecurity governance and policy
 1457 development.

1458 (4) ENTERPRISE INFORMATION TECHNOLOGY QUALITY ASSURANCE

1459 WORKGROUP.—

1460 (a) The enterprise information technology quality assurance
 1461 workgroup, composed of testing and quality assurance
 1462 representatives from all state agencies, shall consider and make
 1463 recommendations to the state chief technology officer on such
 1464 matters as testing methodologies, tools, and best practices to
 1465 reduce risks related to software defects, cybersecurity threats,
 1466 and operational failures.

1467 (b) At a minimum, the state chief information officer shall
 1468 consult with the workgroup on a quarterly basis with regard to
 1469 executing the duties and responsibilities of the state agencies
 1470 related to enterprise software testing and quality assurance
 1471 standards.

1472 (5) ENTERPRISE INFORMATION TECHNOLOGY PROJECT MANAGEMENT

1473 WORKGROUP.—

1474 (a) The enterprise information technology project
 1475 management workgroup, composed of information technology project
 1476 manager representatives from all state agencies, shall consider
 1477 and make recommendations to the state chief technology officer
 1478 on such matters as information technology project management
 1479 policies, standards, accountability measures, and services that

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1480 promote project governance and standardization across the
 1481 enterprise.

1482 (b) At a minimum, the state chief information officer shall
 1483 consult with the workgroup on a quarterly basis with regard to
 1484 executing the duties and responsibilities of the state agencies
 1485 related to project management and oversight.

1486 (6) ENTERPRISE INFORMATION TECHNOLOGY PURCHASING

1487 WORKGROUP.—

1488 (a) The enterprise information technology purchasing
 1489 workgroup, composed of information technology procurement
 1490 representatives from all state agencies, shall consider and make
 1491 recommendations to the state chief technology procurement
 1492 officer on such matters as information technology procurement
 1493 policies, standards, and purchasing strategy and optimization
 1494 that promote best practices for contract negotiation,
 1495 consolidation, and effective service-level agreement
 1496 implementation across the enterprise.

1497 (b) At a minimum, the state chief information officer shall
 1498 consult with the workgroup on a quarterly basis with regard to
 1499 executing the duties and responsibilities of the state agencies
 1500 related to technology evaluation, purchasing, and cost savings.

1501 (7) DEPARTMENT OF LEGAL AFFAIRS, DEPARTMENT OF FINANCIAL
 1502 SERVICES, AND DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

1503 INFORMATION TECHNOLOGY STAFF.—Appropriate information technology
 1504 staff of the Department of Legal Affairs, the Department of
 1505 Financial Services, and the Department of Agriculture and
 1506 Consumer Services shall participate in the workgroups created
 1507 under subsections (1), (2), and (3) and may participate in any
 1508 other workgroups as authorized by their respective elected

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1509 ~~official.~~

1510 Section 14. Section 282.0063, Florida Statutes, is created
1511 to read:

1512 282.0063 State information technology professionals career
1513 paths and training.—

1514 (1) DIGIT shall develop standardized frameworks for, and
1515 career paths, progressions, and training programs for, the
1516 benefit of state agency information technology personnel. To
1517 meet that goal, DIGIT shall:

1518 (a) Assess current and future information technology
1519 workforce needs across state agencies, identify skill gaps, and
1520 develop strategies to address them.

1521 (b) Develop and establish a training program for state
1522 agencies to support the understanding and implementation of each
1523 element of the enterprise architecture.

1524 (c) Establish training programs, certifications, and
1525 continuing education opportunities to enhance information
1526 technology competencies, including cybersecurity, cloud
1527 computing, and emerging technologies.

1528 (d) Support initiatives to provide existing employees with
1529 training or other opportunities to develop skills in emerging
1530 technologies and automation, ensuring that state agencies remain
1531 competitive and innovative.

1532 (e) Develop strategies to recruit and retain information
1533 technology professionals, including internship programs,
1534 apprenticeships, partnerships with educational institutions,
1535 scholarships for service, and initiatives to attract diverse
1536 talent.

1537 (2) DIGIT shall consult with CareerSource Florida, Inc.,

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1538 the Department of Commerce, and the Department of Education in
1539 the implementation of this section.

1540 Section 15. Section 282.0064, Florida Statutes, is created
1541 to read:

1542 282.0064 Information technology contract policy.—

1543 (1) In coordination with the Department of Management
1544 Services, DIGIT shall establish a policy for all information
1545 technology-related solicitations and contracts, including state
1546 term contracts; contracts sourced using alternative purchasing
1547 methods as authorized pursuant to s. 287.042(16); sole source
1548 and emergency procurements; and contracts for commodities,
1549 consultant services, and staff augmentation services.

1550 (2) Related to state term contracts, the information
1551 technology policy must include:

1552 (a) Identification of the information technology product
1553 and service categories to be included in state term contracts.

1554 (b) The term of each information technology-related state
1555 term contract.

1556 (c) The maximum number of vendors authorized on each state
1557 term contract.

1558 (3) For all contracts, the information technology policy
1559 must include:

1560 (a) Evaluation criteria for the award of information
1561 technology-related contracts.

1562 (b) Requirements to be included in solicitations.

1563 (c) At a minimum, a requirement that any contract for
1564 information technology commodities or services meet the
1565 requirements of the enterprise architecture and National
1566 Institute of Standards and Technology Cybersecurity Framework.

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1567 (4) The policy must include the following requirements for
 1568 any information technology project that requires project
 1569 oversight through independent verification and validation:
 1570 (a) An entity providing independent verification and
 1571 validation may not have any:
 1572 1. Technical, managerial, or financial interest in the
 1573 project; or
 1574 2. Responsibility for or participation in any other aspect
 1575 of the project.
 1576 (b) The primary objective of independent verification and
 1577 validation must be to provide an objective assessment throughout
 1578 the entire project life cycle, reporting directly to all
 1579 relevant stakeholders. An independent verification and
 1580 validation entity shall independently verify and validate
 1581 whether:
 1582 1. The project is being built and implemented in accordance
 1583 with defined technical architecture, specifications, and
 1584 requirements.
 1585 2. The project is adhering to established project
 1586 management processes.
 1587 3. The procurement of products, tools, and services and
 1588 resulting contracts aligns with current statutory and regulatory
 1589 requirements.
 1590 4. The value of services delivered is commensurate with
 1591 project costs.
 1592 5. The completed project meets the actual needs of the
 1593 intended users.
 1594 (c) The entity performing independent verification and
 1595 validation shall provide regular reports and assessments

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1596 directly to the designated oversight body, identifying risks,
 1597 deficiencies, and recommendations for corrective actions to
 1598 ensure project success and compliance with statutory
 1599 requirements.
 1600 (5) The Division of State Purchasing in the Department of
 1601 Management Services shall coordinate with DIGIT on state term
 1602 contract solicitations and invitations to negotiate related to
 1603 information technology. Such coordination must include reviewing
 1604 the solicitation specifications to verify compliance with
 1605 enterprise architecture and cybersecurity standards, evaluating
 1606 vendor responses under established criteria, answering vendor
 1607 questions, and providing any other technical expertise
 1608 necessary.
 1609 (6) The Department of Legal Affairs, the Department of
 1610 Financial Services, and the Department of Agriculture and
 1611 Consumer Services may adopt alternatives to the information
 1612 technology policy established by DIGIT pursuant to this section.
 1613 If alternatives to the policy are adopted, such department must
 1614 notify DIGIT, the Governor, the President of the Senate, and the
 1615 Speaker of the House of Representatives in writing of the
 1616 adoption of the alternatives and provide a justification for
 1617 adoption of the alternatives, including whether the alternatives
 1618 were necessary to meet alternatives adopted pursuant to s.
 1619 282.00515, and explain the manner in which the department will
 1620 achieve the information technology policy.
 1621 Section 16. Subsections (3), (4), (7), and (10) of section
 1622 282.318, Florida Statutes, are amended to read:
 1623 282.318 Cybersecurity.—
 1624 (3) DIGIT The department, acting through the Florida

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1625 ~~Digital Service~~, is the lead entity responsible for establishing
 1626 standards and processes for assessing state agency cybersecurity
 1627 risks and determining appropriate security measures that comply
 1628 with the latest national and state data compliance security
 1629 standards. Such standards and processes must be consistent with
 1630 generally accepted technology best practices, including the
 1631 National Institute for Standards and Technology Cybersecurity
 1632 Framework, for cybersecurity. ~~DIGIT~~ The department, acting
 1633 through the Florida Digital Service, shall adopt rules that
 1634 mitigate risks; safeguard state agency digital assets, data,
 1635 information, and information technology resources to ensure
 1636 availability, confidentiality, and integrity; and support a
 1637 security governance framework. ~~DIGIT~~ The department, acting
 1638 through the Florida Digital Service, shall also:
 1639 (a) Designate an employee of the Florida Digital Service as
 1640 the state chief information security officer. The state chief
 1641 information security officer must have experience and expertise
 1642 in security and risk management for communications and
 1643 information technology resources. The state chief information
 1644 security officer is responsible for the development of enterprise
 1645 cybersecurity policy, standards, operation, and
 1646 security architecture oversight of cybersecurity for state
 1647 technology systems. The state chief information security officer
 1648 must shall be notified of all confirmed or suspected incidents
 1649 or threats of state agency information technology resources and
 1650 must report such incidents or threats to the state chief
 1651 information officer and the Governor.
 1652 (b) Develop, and annually update by February 1, a statewide
 1653 cybersecurity strategic plan that includes security goals and

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1654 objectives for cybersecurity, including the identification and
 1655 mitigation of risk, proactive protections against threats,
 1656 tactical risk detection, threat reporting, and response and
 1657 recovery protocols for a cyber incident.
 1658 (c) Develop and publish for use by state agencies a
 1659 cybersecurity governance framework that, at a minimum, includes
 1660 guidelines and processes for:
 1661 1. Establishing asset management procedures to ensure that
 1662 an agency's information technology resources are identified and
 1663 managed consistent with their relative importance to the
 1664 agency's business objectives.
 1665 2. Using a standard risk assessment methodology that
 1666 includes the identification of an agency's priorities,
 1667 constraints, risk tolerances, and assumptions necessary to
 1668 support operational risk decisions and that is aligned with
 1669 generally accepted technology best practices, including the
 1670 National Institute for Standards and Technology Cybersecurity
 1671 Framework.
 1672 3. Completing comprehensive risk assessments and
 1673 cybersecurity audits, which may be completed by an independent
 1674 third party ~~a private sector vendor~~, and submitting completed
 1675 assessments and audits to DIGIT the department.
 1676 4. Identifying protection procedures to manage the
 1677 protection of an agency's information, data, and information
 1678 technology resources.
 1679 5. Establishing procedures for accessing information and
 1680 data to ensure the confidentiality, integrity, and availability
 1681 of such information and data.
 1682 6. Detecting threats through proactive monitoring of

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1683 events, continuous security monitoring, and defined detection
 1684 processes.

1685 7. Establishing agency cybersecurity incident response
 1686 teams and describing their responsibilities for responding to
 1687 cybersecurity incidents, including breaches of personal
 1688 information containing confidential or exempt data.

1689 8. Recovering information and data in response to a
 1690 cybersecurity incident. The recovery may include recommended
 1691 improvements to the agency processes, policies, or guidelines.

1692 9. Establishing a cybersecurity incident reporting process
 1693 that includes procedures for notifying DIGIT the department and
 1694 the Department of Law Enforcement of cybersecurity incidents.

1695 a. The level of severity of the cybersecurity incident is
 1696 defined by the National Cyber Incident Response Plan of the
 1697 United States Department of Homeland Security as follows:

1698 (I) Level 5 is an emergency-level incident within the
 1699 specified jurisdiction that poses an imminent threat to the
 1700 provision of wide-scale critical infrastructure services;
 1701 national, state, or local government security; or the lives of
 1702 the country's, state's, or local government's residents.

1703 (II) Level 4 is a severe-level incident that is likely to
 1704 result in a significant impact in the affected jurisdiction to
 1705 public health or safety; national, state, or local security;
 1706 economic security; or civil liberties.

1707 (III) Level 3 is a high-level incident that is likely to
 1708 result in a demonstrable impact in the affected jurisdiction to
 1709 public health or safety; national, state, or local security;
 1710 economic security; civil liberties; or public confidence.

1711 (IV) Level 2 is a medium-level incident that may impact

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1712 public health or safety; national, state, or local security;
 1713 economic security; civil liberties; or public confidence.

1714 (V) Level 1 is a low-level incident that is unlikely to
 1715 impact public health or safety; national, state, or local
 1716 security; economic security; civil liberties; or public
 1717 confidence.

1718 b. The cybersecurity incident reporting process must
 1719 specify the information that must be reported by a state agency
 1720 following a cybersecurity incident or ransomware incident,
 1721 which, at a minimum, must include the following:

1722 (I) A summary of the facts surrounding the cybersecurity
 1723 incident or ransomware incident.

1724 (II) The date on which the state agency most recently
 1725 backed up its data; the physical location of the backup, if the
 1726 backup was affected; and if the backup was created using cloud
 1727 computing.

1728 (III) The types of data compromised by the cybersecurity
 1729 incident or ransomware incident.

1730 (IV) The estimated fiscal impact of the cybersecurity
 1731 incident or ransomware incident.

1732 (V) In the case of a ransomware incident, the details of
 1733 the ransom demanded.

1734 c. (I) A state agency shall report all ransomware incidents
 1735 and any cybersecurity incident determined by the state agency to
 1736 be of severity level 3, 4, or 5 to the state chief information
 1737 security officer Cybersecurity Operations Center and the
 1738 Cybercrime Office of the Department of Law Enforcement as soon
 1739 as possible but no later than 48 hours after discovery of the
 1740 cybersecurity incident and no later than 12 hours after

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1741 discovery of the ransomware incident. The report must contain
 1742 the information required in sub subparagraph b. If the event
 1743 involves services housed or procured through the Northwest
 1744 Regional Data Center, the state agency must also notify the
 1745 Northwest Regional Data Center.

1746 (II) The state chief information security officer
 1747 ~~Cybersecurity Operations Center~~ shall notify the President of
 1748 the Senate and the Speaker of the House of Representatives of
 1749 any severity level 3, 4, or 5 incident as soon as possible but
 1750 no later than 12 hours after receiving a state agency's incident
 1751 report. The notification must include a high-level description
 1752 of the incident and the likely effects.

1753 d. A state agency shall report a cybersecurity incident
 1754 determined by the state agency to be of severity level 1 or 2 to
 1755 the state chief information security officer ~~Cybersecurity~~
 1756 ~~Operations Center~~ and the Cybercrime Office of the Department of
 1757 Law Enforcement as soon as possible, but no later than 96 hours
 1758 after the discovery of the cybersecurity incident and no later
 1759 than 72 hours after the discovery of the ransomware incident.
 1760 The report must contain the information required in sub-
 1761 subparagraph b. If the event involves services housed or
 1762 procured through the Northwest Regional Data Center, the state
 1763 agency must also notify the Northwest Regional Data Center.

1764 e. The state chief information security officer
 1765 ~~Cybersecurity Operations Center~~ shall provide a consolidated
 1766 incident report on a quarterly basis to the President of the
 1767 Senate ~~and~~, the Speaker of the House of Representatives, and the
 1768 Florida Cybersecurity Advisory Council. The report provided to
 1769 the Florida Cybersecurity Advisory Council may not contain the

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1770 ~~name of any agency, network information, or system identifying~~
 1771 ~~information but must contain sufficient relevant information to~~
 1772 ~~allow the Florida Cybersecurity Advisory Council to fulfill its~~
 1773 ~~responsibilities as required in s. 282.319(9).~~

1774 10. Incorporating information obtained through detection
 1775 and response activities into the agency's cybersecurity incident
 1776 response plans.

1777 11. Developing agency strategic and operational
 1778 cybersecurity plans required pursuant to this section.

1779 12. Establishing the managerial, operational, and technical
 1780 safeguards for protecting state government data and information
 1781 technology resources that align with the state agency risk
 1782 management strategy and that protect the confidentiality,
 1783 integrity, and availability of information and data.

1784 13. Establishing procedures for procuring information
 1785 technology commodities and services that require the commodity
 1786 or service to meet the National Institute of Standards and
 1787 Technology Cybersecurity Framework.

1788 14. Submitting after-action reports following a
 1789 cybersecurity incident or ransomware incident. ~~Such guidelines~~
 1790 ~~and processes for submitting after-action reports must be~~
 1791 ~~developed and published by December 1, 2022.~~

1792 (d) Assist state agencies in complying with this section.

1793 (e) In collaboration with the Cybercrime Office of the
 1794 Department of Law Enforcement, annually provide training for
 1795 state agency information security managers and computer security
 1796 incident response team members that contains training on
 1797 cybersecurity, including cybersecurity threats, trends, and best
 1798 practices.

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1799 (f) Annually review the strategic and operational
 1800 cybersecurity plans of state agencies.

1801 (g) Annually provide cybersecurity training to all state
 1802 agency technology professionals and employees with access to
 1803 highly sensitive information which develops, assesses, and
 1804 documents competencies by role and skill level. The
 1805 cybersecurity training curriculum must include training on the
 1806 identification of each cybersecurity incident severity level
 1807 referenced in sub subparagraph (c)9.a. The training may be
 1808 provided in collaboration with the Cybercrime Office of the
 1809 Department of Law Enforcement, a private sector entity, or an
 1810 institution of the State University System.

1811 (h) ~~Operate and maintain a Cybersecurity Operations Center
 1812 led by the state chief information security officer, which must
 1813 be primarily virtual and staffed with tactical detection and
 1814 incident response personnel. The Cybersecurity Operations Center
 1815 shall serve as a clearinghouse for threat information and
 1816 coordinate with the Department of Law Enforcement to support
 1817 state agencies and their response to any confirmed or suspected
 1818 cybersecurity incident.~~

1819 (i) ~~Lead an Emergency Support Function, ESF CYBER, under
 1820 the state comprehensive emergency management plan as described
 1821 in s. 252.35.~~

1822 (4) Each state agency head shall, at a minimum:

1823 (a) Designate an information security manager to administer
 1824 the cybersecurity program of the state agency. This designation
 1825 must be provided annually in writing to DIGIT the department by
 1826 January 1. A state agency's information security manager, for
 1827 purposes of these information security duties, shall report

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1828 directly to the agency head.

1829 (b) In consultation with the state chief information
 1830 security officer department, through the Florida Digital
 1831 Service, and the Cybercrime Office of the Department of Law
 1832 Enforcement, establish an agency cybersecurity response team to
 1833 respond to a cybersecurity incident. The agency cybersecurity
 1834 response team shall convene upon notification of a cybersecurity
 1835 incident and shall ~~must~~ immediately report all confirmed or
 1836 suspected incidents to the state chief information security
 1837 officer, or his or her designee, and comply with all applicable
 1838 guidelines and processes established pursuant to paragraph
 1839 (3)(c).

1840 (c) Submit to the state chief information security officer
 1841 department annually by July 31, the state agency's strategic and
 1842 operational cybersecurity plans developed pursuant to rules and
 1843 guidelines established by the state chief information security
 1844 officer department, through the Florida Digital Service.

1845 1. The state agency strategic cybersecurity plan must cover
 1846 a 2-year ~~3-year~~ period and, at a minimum, define security goals,
 1847 intermediate objectives, and projected agency costs for the
 1848 strategic issues of agency information security policy, risk
 1849 management, security training, security incident response, and
 1850 disaster recovery. The plan must be based on the statewide
 1851 cybersecurity strategic plan created by the state chief
 1852 information security officer department and include performance
 1853 metrics that can be objectively measured to reflect the status
 1854 of the state agency's progress in meeting security goals and
 1855 objectives identified in the agency's strategic information
 1856 security plan.

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1857 2. The state agency operational cybersecurity plan must
 1858 include a set of measures that objectively assess the
 1859 performance of the agency's cybersecurity program in accordance
 1860 with its risk management plan progress report that objectively
 1861 measures progress made towards the prior operational
 1862 cybersecurity plan and a project plan that includes activities,
 1863 timelines, and deliverables for security objectives that the
 1864 state agency will implement during the current fiscal year.
 1865 (d) Conduct, and update every 2 3 years, a comprehensive
 1866 risk assessment, which may be completed by an independent third
 1867 party a private sector vendor, to determine the security threats
 1868 to the data, information, and information technology resources,
 1869 including mobile devices and print environments, of the agency.
 1870 The risk assessment must comply with the risk assessment
 1871 methodology developed by the state chief information security
 1872 officer department and is confidential and exempt from s.
 1873 119.07(1), except that such information shall be available to
 1874 the Auditor General, the state chief information security
 1875 officer Florida Digital Service within the department, the
 1876 Cybercrime Office of the Department of Law Enforcement, and, for
 1877 state agencies under the jurisdiction of the Governor, the Chief
 1878 Inspector General. If an independent third party a private
 1879 sector vendor is used to complete a comprehensive risk
 1880 assessment, it must attest to the validity of the risk
 1881 assessment findings. The comprehensive risk assessment must
 1882 include all of the following:
 1883 1. The results of vulnerability and penetration tests on
 1884 any Internet website or mobile application that processes any
 1885 sensitive personal information or confidential information and a

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1886 plan to address any vulnerability identified in the tests.
 1887 2. A written acknowledgment that the executive director or
 1888 the secretary of the agency, the chief financial officer of the
 1889 agency, and each executive manager as designated by the state
 1890 agency have been made aware of the risks revealed during the
 1891 preparation of the agency's operations cybersecurity plan and
 1892 the comprehensive risk assessment.
 1893 (e) Develop, and periodically update, written internal
 1894 policies and procedures, which include procedures for reporting
 1895 cybersecurity incidents and breaches to the Cybercrime Office of
 1896 the Department of Law Enforcement and the state chief
 1897 information security officer Florida Digital Service within the
 1898 department. Such policies and procedures must be consistent with
 1899 the rules, guidelines, and processes established by DIGIT the
 1900 department to ensure the security of the data, information, and
 1901 information technology resources of the agency. The internal
 1902 policies and procedures that, if disclosed, could facilitate the
 1903 unauthorized modification, disclosure, or destruction of data or
 1904 information technology resources are confidential information
 1905 and exempt from s. 119.07(1), except that such information must
 1906 shall be available to the Auditor General, the Cybercrime Office
 1907 of the Department of Law Enforcement, the state chief
 1908 information security officer the Florida Digital Service within
 1909 the department, and, for state agencies under the jurisdiction
 1910 of the Governor, the Chief Inspector General.
 1911 (f) Implement managerial, operational, and technical
 1912 safeguards and risk assessment remediation plans recommended by
 1913 DIGIT the department to address identified risks to the data,
 1914 information, and information technology resources of the agency.

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 1915 The state chief information security officer department, ~~through~~
 1916 the ~~Florida Digital Service~~, shall track implementation by state
 1917 agencies upon development of such remediation plans in
 1918 coordination with agency inspectors general.

1919 (g) Ensure that periodic internal audits and evaluations of
 1920 the agency's cybersecurity program for the data, information,
 1921 and information technology resources of the agency are
 1922 conducted. The results of such audits and evaluations are
 1923 confidential information and exempt from s. 119.07(1), except
 1924 that such information must ~~shall~~ be available to the Auditor
 1925 General, the Cybercrime Office of the Department of Law
 1926 Enforcement, the state chief information security officer
 1927 ~~Florida Digital Service within the department~~, and, for agencies
 1928 under the jurisdiction of the Governor, the Chief Inspector
 1929 General.

1930 (h) Ensure that the cybersecurity requirements in the
 1931 written specifications for the solicitation, contracts, and
 1932 service-level agreement of information technology and
 1933 information technology resources and services meet or exceed the
 1934 applicable state and federal laws, regulations, and standards
 1935 for cybersecurity, including the National Institute of Standards
 1936 and Technology Cybersecurity Framework. Service-level agreements
 1937 must identify service provider and state agency responsibilities
 1938 for privacy and security, protection of government data,
 1939 personnel background screening, and security deliverables with
 1940 associated frequencies.

1941 (i) Provide cybersecurity awareness training to all state
 1942 agency employees within 30 days after commencing employment, and
 1943 annually thereafter, concerning cybersecurity risks and the

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 1944 responsibility of employees to comply with policies, standards,
 1945 guidelines, and operating procedures adopted by the state agency
 1946 to reduce those risks. The training may be provided in
 1947 collaboration with the Cybercrime Office of the Department of
 1948 Law Enforcement, a private sector entity, or an institution of
 1949 the State University System.

1950 (j) Develop a process for detecting, reporting, and
 1951 responding to threats, breaches, or cybersecurity incidents
 1952 which is consistent with the security rules, guidelines, and
 1953 processes established by DIGIT ~~the department~~ through the state
 1954 chief information security officer ~~Florida Digital Service~~.
 1955 1. All cybersecurity incidents and ransomware incidents
 1956 must be reported by state agencies. Such reports must comply
 1957 with the notification procedures and reporting timeframes
 1958 established pursuant to paragraph (3)(c).

1959 2. For cybersecurity breaches, state agencies shall provide
 1960 notice in accordance with s. 501.171.

1961 (k) Submit to the state chief information security officer
 1962 ~~Florida Digital Service~~, within 1 week after the remediation of
 1963 a cybersecurity incident or ransomware incident, an after-action
 1964 report that summarizes the incident, the incident's resolution,
 1965 and any insights gained as a result of the incident.

1966 (7) The portions of records made confidential and exempt in
 1967 subsections (5) and (6) must ~~shall~~ be available to the Auditor
 1968 General, the Cybercrime Office of the Department of Law
 1969 Enforcement, the state chief information security officer, the
 1970 Legislature ~~Florida Digital Service within the department~~, and,
 1971 for agencies under the jurisdiction of the Governor, the Chief
 1972 Inspector General. Such portions of records may be made

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1973 available to a local government, another state agency, or a
 1974 federal agency for cybersecurity purposes or in furtherance of
 1975 the state agency's official duties.

1976 (10) DIGIT The department shall adopt rules relating to
 1977 cybersecurity and to administer this section.

1978 Section 17. Subsections (3) through (6) of section
 1979 282.3185, Florida Statutes, are amended to read:

1980 282.3185 Local government cybersecurity.—

1981 (3) CYBERSECURITY TRAINING.—

1982 (a) The state chief information security officer Florida
 1983 Digital Service shall:

1984 1. Develop a basic cybersecurity training curriculum for
 1985 local government employees. All local government employees with
 1986 access to the local government's network must complete the basic
 1987 cybersecurity training within 30 days after commencing
 1988 employment and annually thereafter.

1989 2. Develop an advanced cybersecurity training curriculum
 1990 for local governments which is consistent with the cybersecurity
 1991 training required under s. 282.318(3)(g). All local government
 1992 technology professionals and employees with access to highly
 1993 sensitive information must complete the advanced cybersecurity
 1994 training within 30 days after commencing employment and annually
 1995 thereafter.

1996 (b) The state chief information security officer Florida
 1997 Digital Service may provide the cybersecurity training required
 1998 by this subsection in collaboration with the Cybercrime Office
 1999 of the Department of Law Enforcement, a private sector entity,
 2000 or an institution of the State University System.

2001 (4) CYBERSECURITY STANDARDS.—

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2002 (a) Each local government shall adopt cybersecurity
 2003 standards that safeguard its data, information technology, and
 2004 information technology resources to ensure availability,
 2005 confidentiality, and integrity. The cybersecurity standards must
 2006 be consistent with generally accepted best practices for
 2007 cybersecurity, including the National Institute of Standards and
 2008 Technology Cybersecurity Framework.

2009 (b) ~~Each county with a population of 75,000 or more must~~
 2010 ~~adopt the cybersecurity standards required by this subsection by~~
 2011 ~~January 1, 2024. Each county with a population of less than~~
 2012 ~~75,000 must adopt the cybersecurity standards required by this~~
 2013 ~~subsection by January 1, 2025.~~

2014 (c) ~~Each municipality with a population of 25,000 or more~~
 2015 ~~must adopt the cybersecurity standards required by this~~
 2016 ~~subsection by January 1, 2024. Each municipality with a~~
 2017 ~~population of less than 25,000 must adopt the cybersecurity~~
 2018 ~~standards required by this subsection by January 1, 2025.~~

2019 (d) Each local government shall notify the state chief
 2020 information security officer Florida Digital Service of its
 2021 compliance with this subsection as soon as possible.

2022 (5) INCIDENT NOTIFICATION.—

2023 (a) A local government shall provide notification of a
 2024 cybersecurity incident or ransomware incident to the state chief
 2025 information security officer Cybersecurity Operations Center,
 2026 the Cybercrime Office of the Department of Law Enforcement, and
 2027 the sheriff who has jurisdiction over the local government in
 2028 accordance with paragraph (b). The notification must include, at
 2029 a minimum, the following information:

2030 1. A summary of the facts surrounding the cybersecurity

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2031 incident or ransomware incident.

2032 2. The date on which the local government most recently

2033 backed up its data; the physical location of the backup, if the

2034 backup was affected; and if the backup was created using cloud

2035 computing.

2036 3. The types of data compromised by the cybersecurity

2037 incident or ransomware incident.

2038 4. The estimated fiscal impact of the cybersecurity

2039 incident or ransomware incident.

2040 5. In the case of a ransomware incident, the details of the

2041 ransom demanded.

2042 6. A statement requesting or declining assistance from the

2043 ~~Cybersecurity Operations Center~~, the Cybercrime Office of the

2044 Department of Law Enforcement, or the sheriff who has

2045 jurisdiction over the local government.

2046 (b)1. A local government shall report all ransomware

2047 incidents and any cybersecurity incident determined by the local

2048 government to be of severity level 3, 4, or 5 as provided in s.

2049 282.318(3)(c) to the state chief information security officer

2050 ~~Cybersecurity Operations Center~~, the Cybercrime Office of the

2051 Department of Law Enforcement, and the sheriff who has

2052 jurisdiction over the local government as soon as possible but

2053 no later than 12 48 hours after discovery of the cybersecurity

2054 incident and no later than 6 12 hours after discovery of the

2055 ransomware incident. The report must contain the information

2056 required in paragraph (a).

2057 2. The state chief information security officer

2058 ~~Cybersecurity Operations Center~~ shall notify the President of

2059 the Senate and the Speaker of the House of Representatives of

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2060 any severity level 3, 4, or 5 incident as soon as possible but

2061 no later than 12 hours after receiving a local government's

2062 incident report. The notification must include a high-level

2063 description of the incident and the likely effects.

2064 (c) A local government may report a cybersecurity incident

2065 determined by the local government to be of severity level 1 or

2066 2 as provided in s. 282.318(3)(c) to the state chief information

2067 security officer ~~Cybersecurity Operations Center~~, the Cybercrime

2068 Office of the Department of Law Enforcement, and the sheriff who

2069 has jurisdiction over the local government. The report must

2070 shall contain the information required in paragraph (a).

2071 (d) The state chief information security officer

2072 ~~Cybersecurity Operations Center~~ shall provide a consolidated

2073 incident report by the 30th day after the end of each quarter ~~on~~

2074 ~~a quarterly basis~~ to the President of the Senate ~~and~~, the

2075 Speaker of the House of Representatives, ~~and the Florida~~

2076 ~~Cybersecurity Advisory Council~~. The report ~~provided to the~~

2077 ~~Florida Cybersecurity Advisory Council~~ ~~may not contain the name~~

2078 ~~of any local government, network information, or system~~

2079 ~~identifying information but must contain sufficient relevant~~

2080 ~~information to allow the Florida Cybersecurity Advisory Council~~

2081 ~~to fulfill its responsibilities as required in s. 282.319(9).~~

2082 (6) AFTER-ACTION REPORT.—A local government shall must

2083 submit to the state chief information security officer ~~Florida~~

2084 ~~Digital Service~~, within 1 week after the remediation of a

2085 cybersecurity incident or ransomware incident, an after-action

2086 report that summarizes the incident, the incident's resolution,

2087 and any insights gained as a result of the incident. By December

2088 ~~1, 2022, the Florida Digital Service shall establish guidelines~~

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2089 and processes for submitting an after-action report.

2090 Section 18. Section 282.319, Florida Statutes, is repealed.

2091 Section 19. Section 282.201, Florida Statutes, is amended

2092 to read:

2093 282.201 State data center.—The state data center is

2094 established within the Northwest Regional Data Center pursuant

2095 to s. 282.2011 and shall meet or exceed the information

2096 technology standards specified in ss. 282.006 and 282.318 the

2097 department. The provision of data center services must comply

2098 with applicable state and federal laws, regulations, and

2099 policies, including all applicable security, privacy, and

2100 auditing requirements. The department shall appoint a director

2101 of the state data center who has experience in leading data

2102 center facilities and has expertise in cloud computing

2103 management.

2104 (1) STATE DATA CENTER DUTIES.—The state data center shall:

2105 (a) Offer, develop, and support the services and

2106 applications defined in service-level agreements executed with

2107 its customer entities.

2108 (b) Maintain performance of the state data center by

2109 ensuring proper data backup, data backup recovery, disaster

2110 recovery, and appropriate security, power, cooling, fire

2111 suppression, and capacity.

2112 (c) Develop and implement business continuity and disaster

2113 recovery plans, and annually conduct a live exercise of each

2114 plan.

2115 (d) Enter into a service level agreement with each customer

2116 entity to provide the required type and level of service or

2117 services. If a customer entity fails to execute an agreement

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2118 ~~within 60 days after commencement of a service, the state data~~

2119 ~~center may cease service. A service-level agreement may not have~~

2120 ~~a term exceeding 3 years and at a minimum must:~~

2121 1. ~~Identify the parties and their roles, duties, and~~

2122 ~~responsibilities under the agreement.~~

2123 2. ~~State the duration of the contract term and specify the~~

2124 ~~conditions for renewal.~~

2125 3. ~~Identify the scope of work.~~

2126 4. ~~Identify the products or services to be delivered with~~

2127 ~~sufficient specificity to permit an external financial or~~

2128 ~~performance audit.~~

2129 5. ~~Establish the services to be provided, the business~~

2130 ~~standards that must be met for each service, the cost of each~~

2131 ~~service by agency application, and the metrics and processes by~~

2132 ~~which the business standards for each service are to be~~

2133 ~~objectively measured and reported.~~

2134 6. ~~Provide a timely billing methodology to recover the~~

2135 ~~costs of services provided to the customer entity pursuant to s.~~

2136 ~~215.422.~~

2137 7. ~~Provide a procedure for modifying the service-level~~

2138 ~~agreement based on changes in the type, level, and cost of a~~

2139 ~~service.~~

2140 8. ~~Include a right-to-audit clause to ensure that the~~

2141 ~~parties to the agreement have access to records for audit~~

2142 ~~purposes during the term of the service-level agreement.~~

2143 9. ~~Provide that a service-level agreement may be terminated~~

2144 ~~by either party for cause only after giving the other party and~~

2145 ~~the department notice in writing of the cause for termination~~

2146 ~~and an opportunity for the other party to resolve the identified~~

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2147 cause within a reasonable period.

2148 10. Provide for mediation of disputes by the Division of

2149 Administrative Hearings pursuant to s. 120.573.

2150 (e) For purposes of chapter 273, be the custodian of

2151 resources and equipment located in and operated, supported, and

2152 managed by the state data center.

2153 (f) Assume administrative access rights to resources and

2154 equipment, including servers, network components, and other

2155 devices, consolidated into the state data center.

2156 1. Upon consolidation, a state agency shall relinquish

2157 administrative rights to consolidated resources and equipment.

2158 State agencies required to comply with federal and state

2159 criminal justice information security rules and policies shall

2160 retain administrative access rights sufficient to comply with

2161 the management control provisions of those rules and policies;

2162 however, the state data center shall have the appropriate type

2163 or level of rights to allow the center to comply with its duties

2164 pursuant to this section. The Department of Law Enforcement

2165 shall serve as the arbiter of disputes pertaining to the

2166 appropriate type and level of administrative access rights

2167 pertaining to the provision of management control in accordance

2168 with the federal criminal justice information guidelines.

2169 2. The state data center shall provide customer entities

2170 with access to applications, servers, network components, and

2171 other devices necessary for entities to perform business

2172 activities and functions, and as defined and documented in a

2173 service level agreement.

2174 (g) In its procurement process, show preference for cloud-

2175 computing solutions that minimize or do not require the

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2176 ~~purchasing, financing, or leasing of state data center~~

2177 ~~infrastructure, and that meet the needs of customer agencies,~~

2178 ~~that reduce costs, and that meet or exceed the applicable state~~

2179 ~~and federal laws, regulations, and standards for cybersecurity.~~

2180 (h) Assist customer entities in transitioning from state

2181 data center services to the Northwest Regional Data Center or

2182 other third-party cloud computing services procured by a

2183 customer entity or by the Northwest Regional Data Center on

2184 behalf of a customer entity.

2185 (1) (2) USE OF THE STATE DATA CENTER.—

2186 (a) The following are exempt from the use of the state data

2187 center: the Department of Law Enforcement, the Department of the

2188 Lottery's Gaming System, Systems Design and Development in the

2189 Office of Policy and Budget, the regional traffic management

2190 centers as described in s. 335.14(2) and the Office of Toll

2191 Operations of the Department of Transportation, the State Board

2192 of Administration, state attorneys, public defenders, criminal

2193 conflict and civil regional counsel, capital collateral regional

2194 counsel, and the Florida Housing Finance Corporation, and the

2195 Division of Emergency Management within the Executive Office of

2196 the Governor.

2197 (b) The Division of Emergency Management is exempt from the

2198 use of the state data center. This paragraph expires July 1,

2199 2026.

2200 (2) (3) AGENCY LIMITATIONS.—Unless exempt from the use of

2201 the state data center pursuant to this section or authorized by

2202 the Legislature, a state agency may not:

2203 (a) Create a new agency computing facility or data center,

2204 or expand the capability to support additional computer

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2205 equipment in an existing agency computing facility or data
 2206 center; or
 2207 (b) Terminate services with the state data center without
 2208 giving written notice of intent to terminate services 180 days
 2209 before such termination.
 2210 ~~(4) DEPARTMENT RESPONSIBILITIES. The department shall~~
 2211 ~~provide operational management and oversight of the state data~~
 2212 ~~center, which includes:~~
 2213 ~~(a) Implementing industry standards and best practices for~~
 2214 ~~the state data center's facilities, operations, maintenance,~~
 2215 ~~planning, and management processes.~~
 2216 ~~(b) Developing and implementing cost recovery mechanisms~~
 2217 ~~that recover the full direct and indirect cost of services~~
 2218 ~~through charges to applicable customer entities. Such cost-~~
 2219 ~~recovery mechanisms must comply with applicable state and~~
 2220 ~~federal regulations concerning distribution and use of funds and~~
 2221 ~~must ensure that, for any fiscal year, no service or customer~~
 2222 ~~entity subsidizes another service or customer entity. The~~
 2223 ~~department may recommend other payment mechanisms to the~~
 2224 ~~Executive Office of the Governor, the President of the Senate,~~
 2225 ~~and the Speaker of the House of Representatives. Such mechanisms~~
 2226 ~~may be implemented only if specifically authorized by the~~
 2227 ~~Legislature.~~
 2228 ~~(e) Developing and implementing appropriate operating~~
 2229 ~~guidelines and procedures necessary for the state data center to~~
 2230 ~~perform its duties pursuant to subsection (1). The guidelines~~
 2231 ~~and procedures must comply with applicable state and federal~~
 2232 ~~laws, regulations, and policies and conform to generally~~
 2233 ~~accepted governmental accounting and auditing standards. The~~

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2234 ~~guidelines and procedures must include, but need not be limited~~
 2235 ~~to:~~
 2236 ~~1. Implementing a consolidated administrative support~~
 2237 ~~structure responsible for providing financial management,~~
 2238 ~~procurement, transactions involving real or personal property,~~
 2239 ~~human resources, and operational support.~~
 2240 ~~2. Implementing an annual reconciliation process to ensure~~
 2241 ~~that each customer entity is paying for the full direct and~~
 2242 ~~indirect cost of each service as determined by the customer~~
 2243 ~~entity's use of each service.~~
 2244 ~~3. Providing rebates that may be credited against future~~
 2245 ~~billings to customer entities when revenues exceed costs.~~
 2246 ~~4. Requiring customer entities to validate that sufficient~~
 2247 ~~funds exist before implementation of a customer entity's request~~
 2248 ~~for a change in the type or level of service provided, if such~~
 2249 ~~change results in a net increase to the customer entity's cost~~
 2250 ~~for that fiscal year.~~
 2251 ~~5. By November 15 of each year, providing to the Office of~~
 2252 ~~Policy and Budget in the Executive Office of the Governor and to~~
 2253 ~~the chairs of the legislative appropriations committees the~~
 2254 ~~projected costs of providing data center services for the~~
 2255 ~~following fiscal year.~~
 2256 ~~6. Providing a plan for consideration by the Legislative~~
 2257 ~~Budget Commission if the cost of a service is increased for a~~
 2258 ~~reason other than a customer entity's request made pursuant to~~
 2259 ~~subparagraph 4. Such a plan is required only if the service cost~~
 2260 ~~increase results in a net increase to a customer entity for that~~
 2261 ~~fiscal year.~~
 2262 ~~7. Standardizing and consolidating procurement and~~

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2263 ~~contracting practices.~~

2264 ~~(d) In collaboration with the Department of Law Enforcement~~

2265 ~~and the Florida Digital Service, developing and implementing a~~

2266 ~~process for detecting, reporting, and responding to~~

2267 ~~cybersecurity incidents, breaches, and threats.~~

2268 ~~(e) Adopting rules relating to the operation of the state~~

2269 ~~data center, including, but not limited to, budgeting and~~

2270 ~~accounting procedures, cost-recovery methodologies, and~~

2271 ~~operating procedures.~~

2272 ~~(5) NORTHWEST REGIONAL DATA CENTER CONTRACT. In order for~~

2273 ~~the department to carry out its duties and responsibilities~~

2274 ~~relating to the state data center, the secretary of the~~

2275 ~~department shall contract by July 1, 2022, with the Northwest~~

2276 ~~Regional Data Center pursuant to s. 287.057(11). The contract~~

2277 ~~shall provide that the Northwest Regional Data Center will~~

2278 ~~manage the operations of the state data center and provide data~~

2279 ~~center services to state agencies.~~

2280 ~~(a) The department shall provide contract oversight,~~

2281 ~~including, but not limited to, reviewing invoices provided by~~

2282 ~~the Northwest Regional Data Center for services provided to~~

2283 ~~state agency customers.~~

2284 ~~(b) The department shall approve or request updates to~~

2285 ~~invoices within 10 business days after receipt. If the~~

2286 ~~department does not respond to the Northwest Regional Data~~

2287 ~~Center, the invoicee will be approved by default. The Northwest~~

2288 ~~Regional Data Center must submit approved invoices directly to~~

2289 ~~state agency customers.~~

2290 Section 20. Section 282.2011, Florida Statutes, is created

2291 to read:

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2292 282.2011 Northwest Regional Data Center.—

2293 (1) For the purpose of providing data center services to

2294 its state agency customers, the Northwest Regional Data Center

2295 is designated as the state data center for all state agencies,

2296 except as otherwise provided by law, and shall:

2297 (a) Operate under a governance structure that represents

2298 its customers proportionally.

2299 (b) Maintain an appropriate cost-allocation methodology

2300 that accurately bills state agency customers based solely on the

2301 actual direct and indirect costs of the services provided to

2302 state agency customers and ensures that, for any fiscal year,

2303 state agency customers are not subsidizing other customers of

2304 the data center. Such cost-allocation methodology must comply

2305 with applicable state and federal regulations concerning the

2306 distribution and use of state and federal funds.

2307 (c) Enter into a service-level agreement with each state

2308 agency customer to provide services as defined and approved by

2309 the governing board of the center. At a minimum, such service-

2310 level agreements must:

2311 1. Identify the parties and their roles, duties, and

2312 responsibilities under the agreement;

2313 2. State the duration of the agreement term, which may not

2314 exceed 3 years, and specify the conditions for up to two

2315 optional 1-year renewals of the agreement before execution of a

2316 new agreement;

2317 3. Identify the scope of work;

2318 4. Establish the services to be provided, the business

2319 standards that must be met for each service, the cost of each

2320 service, and the process by which the business standards for

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2321 each service are to be objectively measured and reported;

2322 5. Provide a timely billing methodology for recovering the

2323 cost of services provided pursuant to s. 215.422;

2324 6. Provide a procedure for modifying the service-level

2325 agreement to address any changes in projected costs of service;

2326 7. Include a right-to-audit clause to ensure that the

2327 parties to the agreement have access to records for audit

2328 purposes during the term of the service-level agreement;

2329 8. Identify the products or services to be delivered with

2330 sufficient specificity to permit an external financial or

2331 performance audit;

2332 9. Provide that the service-level agreement may be

2333 terminated by either party for cause only after giving the other

2334 party notice in writing of the cause for termination and an

2335 opportunity for the other party to resolve the identified cause

2336 within a reasonable period; and

2337 10. Provide state agency customer entities with access to

2338 applications, servers, network components, and other devices

2339 necessary for entities to perform business activities and

2340 functions and as defined and documented in a service-level

2341 agreement.

2342 (d) In its procurement process, show preference for cloud-

2343 computing solutions that minimize or do not require the

2344 purchasing or financing of state data center infrastructure,

2345 that meet the needs of state agency customer entities, that

2346 reduce costs, and that meet or exceed the applicable state and

2347 federal laws, regulations, and standards for cybersecurity.

2348 (e) Assist state agency customer entities in transitioning

2349 from state data center services to other third-party cloud-

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2350 computing services procured by a customer entity or by the

2351 Northwest Regional Data Center on behalf of the customer entity.

2352 (f) Provide to the Board of Governors the total annual

2353 budget by major expenditure category, including, but not limited

2354 to, salaries, expenses, operating capital outlay, contracted

2355 services, or other personnel services, by July 30 each fiscal

2356 year.

2357 (g) Provide to each state agency customer its projected

2358 annual cost for providing the agreed-upon data center services

2359 by September 1 each fiscal year.

2360 (h) By November 15 of each year, provide to the Office of

2361 Policy and Budget in the Executive Office of the Governor and to

2362 the chairs of the legislative appropriations committees the

2363 projected costs of providing data center services for the

2364 following fiscal year for each state agency customer. The

2365 projections must include prior-year comparisons, identification

2366 of new services, and documentation of changes to billing

2367 methodologies or service cost allocation.

2368 (i) Provide a plan for consideration by the Legislative

2369 Budget Commission if the governing body of the center approves

2370 the use of a billing rate schedule after the start of the fiscal

2371 year which increases any state agency customer's costs for that

2372 fiscal year.

2373 (j) Provide data center services that comply with

2374 applicable state and federal laws, regulations, and policies,

2375 including all applicable security, privacy, and auditing

2376 requirements.

2377 (k) Maintain performance of the data center facilities by

2378 ensuring proper data backup; data backup recovery; disaster

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2379 recovery; and appropriate security, power, cooling, fire
 2380 suppression, and capacity.

2381 (1) Submit invoices to state agency customers.
 2382 (m) As funded in the General Appropriations Act, provide
 2383 data center services to state agencies from multiple facilities.

2384 (2) Unless exempt from the requirement to use the state
 2385 data center pursuant to s. 282.201(1) or as authorized by the
 2386 Legislature, a state agency may not do any of the following:

2387 (a) Terminate services with the Northwest Regional Data
 2388 Center without giving written notice of intent to terminate
 2389 services 180 days before such termination.

2390 (b) Procure third-party cloud-computing services without
 2391 evaluating the cloud-computing services provided by the
 2392 Northwest Regional Data Center.

2393 (c) Exceed 30 days from receipt of approved invoices to
 2394 remit payment for state data center services provided by the
 2395 Northwest Regional Data Center.

2396 (3) The Northwest Regional Data Center's authority to
 2397 provide data center services to its state agency customers may
 2398 be terminated if:

2399 (a) The center requests such termination to the Board of
 2400 Governors, the President of the Senate, and the Speaker of the
 2401 House of Representatives; or

2402 (b) The center fails to comply with the provisions of this
 2403 section.

2404 (4) The Northwest Regional Data Center is the lead entity
 2405 responsible for creating, operating, and managing, including the
 2406 research conducted by, the Florida Behavioral Health Care Data
 2407 Repository as established by this subsection.

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2408 (a) The purpose of the data repository is to create a
 2409 centralized system for:

2410 1. Collecting and analyzing existing statewide behavioral
 2411 health care data to:

2412 a. Better understand the scope of and trends in behavioral
 2413 health services, spending, and outcomes to improve patient care
 2414 and enhance the efficiency and effectiveness of behavioral
 2415 health services;

2416 b. Better understand the scope of, trends in, and
 2417 relationship between behavioral health, criminal justice,
 2418 incarceration, and the use of behavioral health services as a
 2419 diversion from incarceration for individuals with mental
 2420 illness; and

2421 c. Enhance the collection and coordination of treatment and
 2422 outcome information as an ongoing evidence base for research and
 2423 education related to behavioral health.

2424 2. Developing useful data analytics, economic metrics, and
 2425 visual representations of such analytics and metrics to inform
 2426 relevant state agencies and the Legislature of data and trends
 2427 in behavioral health.

2428 (b) The Northwest Regional Data Center shall develop, in
 2429 collaboration with the Data Analysis Committee of the Commission
 2430 on Mental Health and Substance Use Disorder created under s.
 2431 394.9086 and with relevant stakeholders, a plan that includes
 2432 all of the following:

2433 1. A project plan that describes the technology,
 2434 methodology, timeline, cost, and resources necessary to create a
 2435 centralized, integrated, and coordinated data system.

2436 2. A proposed governance structure to oversee the

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2437 implementation and operations of the repository.

2438 3. An integration strategy to incorporate existing data

2439 from relevant state agencies, including, but not limited to, the

2440 Agency for Health Care Administration, the Department of

2441 Children and Families, the Department of Juvenile Justice, the

2442 Office of the State Courts Administrator, and the Department of

2443 Corrections.

2444 4. Identification of relevant data and metrics to support

2445 actionable information and ensure the efficient and responsible

2446 use of taxpayer dollars within behavioral health systems of

2447 care.

2448 5. Data security requirements for the repository.

2449 6. The structure and process that will be used to create an

2450 annual analysis and report that gives state agencies and the

2451 Legislature a better general understanding of trends and issues

2452 in the state's behavioral health systems of care and the trends

2453 and issues in behavioral health systems related to criminal

2454 justice treatment, diversion, and incarceration.

2455 (c) Beginning December 1, 2026, and annually thereafter,

2456 the Northwest Regional Data Center shall submit the developed

2457 trends and issues report under subparagraph (b)6. to the

2458 Governor, the President of the Senate, and the Speaker of the

2459 House of Representatives.

2460 (5) If such authority is terminated, the center has 1 year

2461 to provide for the transition of its state agency customers to a

2462 qualified alternative cloud-based data center that meets the

2463 enterprise architecture standards established pursuant to this

2464 chapter.

2465 Section 21. Subsection (4) of section 282.206, Florida

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2466 Statutes, is amended to read:

2467 282.206 Cloud-first policy in state agencies.--

2468 (4) Each state agency shall develop a strategic plan to be

2469 updated annually to address its inventory of applications

2470 located at the state data center. Each agency shall submit the

2471 plan by October 15 of each year to DIGIT, the Office of Policy

2472 and Budget in the Executive Office of the Governor, and the

2473 chairs of the legislative appropriations committees, and the

2474 Northwest Regional Data Center. For each application, the plan

2475 must identify and document the feasibility, appropriateness,

2476 readiness, appropriate strategy, and high-level timeline for

2477 transition to a cloud-computing service based on the

2478 application's quality, cost, and resource requirements. This

2479 information must be used to assist the state data center in

2480 making adjustments to its service offerings.

2481 Section 22. Section 1004.649, Florida Statutes, is amended

2482 to read:

2483 1004.649 Northwest Regional Data Center.—There is created

2484 at Florida State University the Northwest Regional Data Center.

2485 The data center shall serve as the state data center as

2486 designated in s. 282.201

2487 (1) For the purpose of providing data center services to

2488 its state agency customers, the Northwest Regional Data Center

2489 is designated as a state data center for all state agencies and

2490 shall:

2491 (a) Operate under a governance structure that represents

2492 its customers proportionally.

2493 (b) Maintain an appropriate cost allocation methodology

2494 that accurately bills state agency customers based solely on the

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2495 ~~actual direct and indirect costs of the services provided to~~
 2496 ~~state agency customers and ensures that, for any fiscal year,~~
 2497 ~~state agency customers are not subsidizing other customers of~~
 2498 ~~the data center. Such cost-allocation methodology must comply~~
 2499 ~~with applicable state and federal regulations concerning the~~
 2500 ~~distribution and use of state and federal funds.~~

2501 ~~(e) Enter into a service-level agreement with each state~~
 2502 ~~agency customer to provide services as defined and approved by~~
 2503 ~~the governing board of the center. At a minimum, such service-~~
 2504 ~~level agreements must:~~

2505 ~~1. Identify the parties and their roles, duties, and~~
 2506 ~~responsibilities under the agreement;~~

2507 ~~2. State the duration of the agreement term, which may not~~
 2508 ~~exceed 3 years, and specify the conditions for up to two~~
 2509 ~~optional 1-year renewals of the agreement before execution of a~~
 2510 ~~new agreement;~~

2511 ~~3. Identify the scope of work;~~

2512 ~~4. Establish the services to be provided, the business~~
 2513 ~~standards that must be met for each service, the cost of each~~
 2514 ~~service, and the process by which the business standards for~~
 2515 ~~each service are to be objectively measured and reported;~~

2516 ~~5. Provide a timely billing methodology for recovering the~~
 2517 ~~cost of services provided pursuant to s. 215.422;~~

2518 ~~6. Provide a procedure for modifying the service-level~~
 2519 ~~agreement to address any changes in projected costs of service;~~

2520 ~~7. Include a right-to-audit clause to ensure that the~~
 2521 ~~parties to the agreement have access to records for audit~~
 2522 ~~purposes during the term of the service level agreement;~~

2523 ~~8. Identify the products or services to be delivered with~~

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2524 ~~sufficient specificity to permit an external financial or~~
 2525 ~~performance audit;~~

2526 ~~9. Provide that the service-level agreement may be~~
 2527 ~~terminated by either party for cause only after giving the other~~
 2528 ~~party notice in writing of the cause for termination and an~~
 2529 ~~opportunity for the other party to resolve the identified cause~~
 2530 ~~within a reasonable period; and~~

2531 ~~10. Provide state agency customer entities with access to~~
 2532 ~~applications, servers, network components, and other devices~~
 2533 ~~necessary for entities to perform business activities and~~
 2534 ~~functions and as defined and documented in a service-level~~
 2535 ~~agreement.~~

2536 ~~(d) In its procurement process, show preference for cloud-~~
 2537 ~~computing solutions that minimize or do not require the~~
 2538 ~~purchasing or financing of state data center infrastructure,~~
 2539 ~~that meet the needs of state agency customer entities, that~~
 2540 ~~reduce costs, and that meet or exceed the applicable state and~~
 2541 ~~federal laws, regulations, and standards for cybersecurity.~~

2542 ~~(e) Assist state agency customer entities in transitioning~~
 2543 ~~from state data center services to other third-party cloud-~~
 2544 ~~computing services procured by a customer entity or by the~~
 2545 ~~Northwest Regional Data Center on behalf of the customer entity.~~

2546 ~~(f) Provide to the Board of Governors the total annual~~
 2547 ~~budget by major expenditure category, including, but not limited~~
 2548 ~~to, salaries, expenses, operating capital outlay, contracted~~
 2549 ~~services, or other personnel services by July 30 each fiscal~~
 2550 ~~year.~~

2551 ~~(g) Provide to each state agency customer its projected~~
 2552 ~~annual cost for providing the agreed-upon data center services~~

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2553 ~~by September 1 each fiscal year.~~

2554 ~~(h) Provide a plan for consideration by the Legislative~~

2555 ~~Budget Commission if the governing body of the center approves~~

2556 ~~the use of a billing rate schedule after the start of the fiscal~~

2557 ~~year that increases any state agency customer's costs for that~~

2558 ~~fiscal year.~~

2559 ~~(i) Provide data center services that comply with~~

2560 ~~applicable state and federal laws, regulations, and policies,~~

2561 ~~including all applicable security, privacy, and auditing~~

2562 ~~requirements.~~

2563 ~~(j) Maintain performance of the data center facilities by~~

2564 ~~ensuring proper data backup, data backup recovery, disaster~~

2565 ~~recovery, and appropriate security, power, cooling, fire~~

2566 ~~suppression, and capacity.~~

2567 ~~(k) Prepare and submit state agency customer invoices to~~

2568 ~~the Department of Management Services for approval. Upon~~

2569 ~~approval or by default pursuant to s. 282.201(5), submit~~

2570 ~~invoices to state agency customers.~~

2571 ~~(l) As funded in the General Appropriations Act, provide~~

2572 ~~data center services to state agencies from multiple facilities.~~

2573 ~~(2) Unless exempt from the requirement to use the state~~

2574 ~~data center pursuant to s. 282.201(2) or as authorized by the~~

2575 ~~Legislature, a state agency may not do any of the following:~~

2576 ~~(a) Terminate services with the Northwest Regional Data~~

2577 ~~Center without giving written notice of intent to terminate~~

2578 ~~services 180 days before such termination.~~

2579 ~~(b) Procure third party cloud computing services without~~

2580 ~~evaluating the cloud computing services provided by the~~

2581 ~~Northwest Regional Data Center.~~

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2582 ~~(e) Exceed 30 days from receipt of approved invoices to~~

2583 ~~remit payment for state data center services provided by the~~

2584 ~~Northwest Regional Data Center.~~

2585 ~~(3) The Northwest Regional Data Center's authority to~~

2586 ~~provide data center services to its state agency customers may~~

2587 ~~be terminated if:~~

2588 ~~(a) The center requests such termination to the Board of~~

2589 ~~Governors, the President of the Senate, and the Speaker of the~~

2590 ~~House of Representatives; or~~

2591 ~~(b) The center fails to comply with the provisions of this~~

2592 ~~section.~~

2593 ~~(4) The Northwest Regional Data Center is the lead entity~~

2594 ~~responsible for creating, operating, and managing, including the~~

2595 ~~research conducted by, the Florida Behavioral Health Care Data~~

2596 ~~Repository as established by this subsection.~~

2597 ~~(a) The purpose of the data repository is to create a~~

2598 ~~centralized system for:~~

2599 ~~1. Collecting and analyzing existing statewide behavioral~~

2600 ~~health care data to:~~

2601 ~~a. Better understand the scope of and trends in behavioral~~

2602 ~~health services, spending, and outcomes to improve patient care~~

2603 ~~and enhance the efficiency and effectiveness of behavioral~~

2604 ~~health services;~~

2605 ~~b. Better understand the scope of, trends in, and~~

2606 ~~relationship between behavioral health, criminal justice,~~

2607 ~~incarceration, and the use of behavioral health services as a~~

2608 ~~diversion from incarceration for individuals with mental~~

2609 ~~illness; and~~

2610 ~~c. Enhance the collection and coordination of treatment and~~

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2611 ~~outcome information as an ongoing evidence base for research and~~
 2612 ~~education related to behavioral health.~~

2613 2. Developing useful data analytics, economic metrics, and
 2614 visual representations of such analytics and metrics to inform
 2615 relevant state agencies and the Legislature of data and trends
 2616 in behavioral health.

2617 (b) The Northwest Regional Data Center shall develop, in
 2618 collaboration with the Data Analysis Committee of the Commission
 2619 on Mental Health and Substance Use Disorder created under s.
 2620 394.9086 and with relevant stakeholders, a plan that includes
 2621 all of the following:

2622 1. A project plan that describes the technology,
 2623 methodology, timeline, cost, and resources necessary to create a
 2624 centralized, integrated, and coordinated data system.

2625 2. A proposed governance structure to oversee the
 2626 implementation and operations of the repository.

2627 3. An integration strategy to incorporate existing data
 2628 from relevant state agencies, including, but not limited to, the
 2629 Agency for Health Care Administration, the Department of
 2630 Children and Families, the Department of Juvenile Justice, the
 2631 Office of the State Courts Administrator, and the Department of
 2632 Corrections.

2633 4. Identification of relevant data and metrics to support
 2634 actionable information and ensure the efficient and responsible
 2635 use of taxpayer dollars within behavioral health systems of
 2636 care.

2637 5. Data security requirements for the repository.

2638 6. The structure and process that will be used to create an
 2639 annual analysis and report that gives state agencies and the

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2640 ~~Legislature a better general understanding of trends and issues~~
 2641 ~~in the state's behavioral health systems of care and the trends~~
 2642 ~~and issues in behavioral health systems related to criminal~~
 2643 ~~justice treatment, diversion, and incarceration.~~

2644 (c) By December 1, 2025, the Northwest Regional Data
 2645 Center, in collaboration with the Data Analysis Committee of the
 2646 Commission on Mental Health and Substance Use Disorder, shall
 2647 submit the developed plan for implementation and ongoing
 2648 operation with a proposed budget to the Governor, the President
 2649 of the Senate, and the Speaker of the House of Representatives
 2650 for review.

2651 (d) Beginning December 1, 2026, and annually thereafter,
 2652 the Northwest Regional Data Center shall submit the developed
 2653 trends and issues report under subparagraph (b)6. to the
 2654 Governor, the President of the Senate, and the Speaker of the
 2655 House of Representatives.

2656 (5) If such authority is terminated, the center has 1 year
 2657 to provide for the transition of its state agency customers to a
 2658 qualified alternative cloud-based data center that meets the
 2659 enterprise architecture standards established by the Florida
 2660 Digital Service.

2661 Section 23. Section 287.0583, Florida Statutes, is created
 2662 to read:

2663 287.0583 Contract requirements for information technology
 2664 commodities or services.—A contract for information technology
 2665 commodities or services involving the development,
 2666 customization, implementation, integration, support, or
 2667 maintenance of software systems, applications, platforms, or
 2668 related services must include provisions ensuring all of the

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2669 following:

2670 (1) Any data created, processed, or maintained under the
2671 contract is portable and can be extracted in a machine-readable
2672 format upon request.

2673 (2) The vendor will provide, upon request, comprehensive
2674 operational documentation sufficient to allow continued
2675 operation and maintenance by the agency or a new vendor.

2676 (3) The vendor will provide, upon request, reasonable
2677 assistance and support during a transition to the agency or to a
2678 new vendor.

2679 (4) All anticipated software license fees, license renewal
2680 fees, and operation and maintenance costs are documented in
2681 detail. If exact figures are not feasible, the vendor must
2682 provide a reasonable cost range.

2683 Section 24. Section 287.0591, Florida Statutes, is amended
2684 to read:

2685 287.0591 Information technology; vendor disqualification.—

2686 (1) (a) Any competitive solicitation issued by the
2687 department for a state term contract for information technology
2688 commodities must include a term that does not exceed 48 months.

2689 (b) (2) Any competitive solicitation issued by the
2690 department for a state term contract for information technology
2691 consultant services or information technology staff augmentation
2692 contractual services must include a term that does not exceed 48
2693 months.

2694 (c) (3) The department may execute a state term contract for
2695 information technology commodities, consultant services, or
2696 staff augmentation contractual services that exceeds the 48-
2697 month requirement if the Secretary of Management Services and

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2698 the state chief information officer certify in writing to the
2699 Executive Office of the Governor that a longer contract term is
2700 in the best interest of the state.

2701 (2) If the department issues a competitive solicitation
2702 for information technology commodities, consultant services, or
2703 staff augmentation contractual services, the department shall
2704 coordinate with the Division of Integrated Government Innovation
2705 and Technology within the Executive Office of the Governor
2706 Florida Digital Service within the department shall participate
2707 in such solicitations. Such coordination must include reviewing
2708 the solicitation specifications to verify compliance with
2709 enterprise architecture and cybersecurity standards, evaluating
2710 vendor responses under established criteria, answering vendor
2711 questions, and providing any other technical expertise
2712 necessary.

2713 (3) (a) If an agency issues a request for quote to
2714 purchase information technology commodities, information
2715 technology consultant services, or information technology staff
2716 augmentation contractual services from the state term contract
2717 which meets the CATEGORY TWO threshold amount, but is less than
2718 the CATEGORY FOUR threshold amount:

2719 1. For any contract with 25 approved vendors or fewer, the
2720 agency must issue a request for quote to all vendors approved to
2721 provide such commodity or service.

2722 2. For any contract with more than 25 approved vendors, the
2723 agency must issue a request for quote to at least 25 of the
2724 vendors approved to provide such commodity or contractual
2725 service.

2726 (b) The agency shall maintain a copy of the request for

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2727 quote, the identity of the vendors that were sent the request
 2728 for quote, and any vendor response to the request for quote for
 2729 2 years after the date of issuance of the purchase order.

2730 (c) Use of a request for quote does not constitute a
 2731 decision or intended decision that is subject to protest under
 2732 s. 120.57(3).

2733 (4) (a) An agency issuing a request for quote to purchase
 2734 information technology commodities, information technology
 2735 consultant services, or information technology staff
 2736 augmentation contractual services from the state term contract
 2737 which exceeds the CATEGORY FOUR threshold amount is subject to
 2738 public records requirements pursuant to s. 287.057.

2739 Additionally, an agency shall publish:

2740 1. The request for quote for a minimum of 10 days before
 2741 executing the purchase order; and

2742 2. The name of the vendor awarded the purchase order.

2743 (b) The agency shall maintain a copy of the request for
 2744 quote, the identity of the vendors that were sent the request
 2745 for quote, and all vendor responses to the request for quote for
 2746 2 years after the date of issuance of the purchase order.

2747 (c) Use of a request for quote does not constitute a
 2748 decision or intended decision that is subject to protest under
 2749 s. 120.57(3).

2750 (5) A state agency may request the Division of Integrated
 2751 Government Innovation and Technology within the Executive Office
 2752 of the Governor for procurement advisory and review services
 2753 pursuant to s. 282.0061.

2754 (6) (a) Beginning October 1, 2021, and Each October 1
 2755 thereafter, the department shall prequalify firms and

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2756 individuals to provide information technology staff augmentation
 2757 contractual services and information technology commodities on
 2758 state term contract.

2759 (b) In order to prequalify a firm or individual for
 2760 participation on the state term contract, the department must
 2761 consider, at a minimum, the capability, experience, and past
 2762 performance record of the firm or individual.

2763 (c) A firm or individual removed from the source of supply
 2764 pursuant to s. 287.042(1)(b) or placed on a disqualified vendor
 2765 list pursuant to s. 287.133 or s. 287.134 is immediately
 2766 disqualified from state term contract eligibility.

2767 (d) Once a firm or individual has been prequalified to
 2768 provide information technology staff augmentation contractual
 2769 services or information technology commodities on state term
 2770 contract, the firm or individual may respond to requests for
 2771 quotes from an agency to provide such services.

2772 Section 25. Subsection (2) of section 20.22, Florida
 2773 Statutes, is amended to read:

2774 20.22 Department of Management Services.—There is created a
 2775 Department of Management Services.

2776 (2) The following divisions, programs, and services within
 2777 the Department of Management Services are established:

2778 (a) Facilities Program.

2779 (b) ~~The Florida Digital Service.~~

2780 (c) ~~(e)~~ Workforce Program.

2781 (c) ~~1. (d) 1.~~ Support Program.

2782 2. Federal Property Assistance Program.

2783 (d) ~~(e)~~ Administration Program.

2784 (e) ~~(f)~~ Division of Administrative Hearings.

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2785 (f) ~~(g)~~ Division of Retirement.
 2786 (g) ~~(h)~~ Division of State Group Insurance.
 2787 (h) ~~(i)~~ Division of Telecommunications.
 2788 Section 26. Subsections (1), (5), (7), and (8) of section
 2789 282.802, Florida Statutes, are amended to read:
 2790 282.802 Government Technology Modernization Council.—
 2791 (1) The Government Technology Modernization Council, an
 2792 advisory council as defined in s. 20.03(7), is located ~~created~~
 2793 within DIGIT ~~the department~~. Except as otherwise provided in
 2794 this section, the advisory council shall operate in a manner
 2795 consistent with s. 20.052.
 2796 (5) The state chief information officer ~~Secretary of~~
 2797 Management Services, or his or her designee, shall serve as the
 2798 ex officio, nonvoting executive director of the council.
 2799 (7) ~~(a)~~ The council shall meet at least quarterly to:
 2800 (a) Recommend legislative and administrative actions that
 2801 the Legislature and state agencies as defined in s. 282.0041 ~~s.~~
 2802 ~~282.318~~ ~~(2)~~ may take to promote the development of data
 2803 modernization in this state.
 2804 (b) Assess and provide guidance on necessary legislative
 2805 reforms and the creation of a state code of ethics for
 2806 artificial intelligence systems in state government.
 2807 (c) Assess the effect of automated decision systems or
 2808 identity management on constitutional and other legal rights,
 2809 duties, and privileges of residents of this state.
 2810 (d) Evaluate common standards for artificial intelligence
 2811 safety and security measures, including the benefits of
 2812 requiring disclosure of the digital provenance for all images
 2813 and audio created using generative artificial intelligence as a

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2814 means of revealing the origin and edit of the image or audio, as
 2815 well as the best methods for such disclosure.
 2816 (e) ~~5.~~ Assess the manner in which governmental entities and
 2817 the private sector are using artificial intelligence with a
 2818 focus on opportunity areas for deployments in systems across
 2819 this state.
 2820 (f) ~~6.~~ Determine the manner in which artificial intelligence
 2821 is being exploited by bad actors, including foreign countries of
 2822 concern as defined in s. 287.138(1).
 2823 (g) ~~7.~~ Evaluate the need for curriculum to prepare school-
 2824 age audiences with the digital media and visual literacy skills
 2825 needed to navigate the digital information landscape.
 2826 ~~(b) At least one quarterly meeting of the council must be a~~
 2827 ~~joint meeting with the Florida Cybersecurity Advisory Council.~~
 2828 ~~(8) By December 31, 2024, and Each December 31 thereafter,~~
 2829 the council shall submit to the Governor, the President of the
 2830 Senate, and the Speaker of the House of Representatives any
 2831 legislative recommendations considered necessary by the council
 2832 to modernize government technology, including:
 2833 (a) Recommendations for policies necessary to:
 2834 1. Accelerate adoption of technologies that will increase
 2835 productivity of state enterprise information technology systems,
 2836 improve customer service levels of government, and reduce
 2837 administrative or operating costs.
 2838 2. Promote the development and deployment of artificial
 2839 intelligence systems, financial technology, education
 2840 technology, or other enterprise management software in this
 2841 state.
 2842 3. Protect Floridians from bad actors who use artificial

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2843 intelligence.

2844 (b) Any other information the council considers relevant.

2845 Section 27. Section 282.604, Florida Statutes, is amended

2846 to read:

2847 282.604 Adoption of rules.—~~DIGIT~~ The Department of

2848 Management Services shall, with input from stakeholders, adopt

2849 rules pursuant to ss. 120.536(1) and 120.54 for the development,

2850 procurement, maintenance, and use of accessible electronic

2851 information technology by governmental units.

2852 Section 28. Paragraph (b) of subsection (4) of section

2853 443.1113, Florida Statutes, is amended to read:

2854 443.1113 Reemployment Assistance Claims and Benefits

2855 Information System.—

2856 (4)

2857 (b) The department shall seek input on recommended

2858 enhancements from, at a minimum, the following entities:

2859 1. The Division of Integrated Government Innovation and

2860 Technology within the Executive Office of the Governor Florida

2861 Digital Service within the Department of Management Services.

2862 2. The General Tax Administration Program Office within the

2863 Department of Revenue.

2864 3. The Division of Accounting and Auditing within the

2865 Department of Financial Services.

2866 Section 29. Subsection (5) of section 943.0415, Florida

2867 Statutes, is amended to read:

2868 943.0415 Cybercrime Office.—There is created within the

2869 Department of Law Enforcement the Cybercrime Office. The office

2870 may:

2871 (5) Consult with the state chief information security

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2872 officer of the Division of Integrated Government Innovation and

2873 Technology within the Executive Office of the Governor Florida

2874 Digital Service within the Department of Management Services in

2875 the adoption of rules relating to the information technology

2876 security provisions in s. 282.318.

2877 Section 30. Subsection (3) of section 1004.444, Florida

2878 Statutes, is amended to read:

2879 1004.444 Florida Center for Cybersecurity.—

2880 (3) Upon receiving a request for assistance from ~~a the~~

2881 ~~Department of Management Services, the Florida Digital Service,~~

2882 ~~or another state agency, the center is authorized, but may not~~

2883 ~~be compelled by the agency, to conduct, consult on, or otherwise~~

2884 ~~assist any state-funded initiatives related to:~~

2885 (a) Cybersecurity training, professional development, and

2886 education for state and local government employees, including

2887 school districts and the judicial branch; and

2888 (b) Increasing the cybersecurity effectiveness of the

2889 state's and local governments' technology platforms and

2890 infrastructure, including school districts and the judicial

2891 branch.

2892 Section 31. This act shall take effect January 5, 2027.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 694

INTRODUCER: Judiciary Committee and Senator Bracy Davis and others

SUBJECT: Compensation of the Descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bond	Cibula	JU	Fav/CS
2. Wells	Nortelus	ATD	Favorable
3. Wells	Sadberry	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 694 provides that the Legislature may appropriate monies to pay compensation to the descendants of the Groveland Four. That term refers to the four black men who were wrongfully accused of raping a white woman in 1949 in Groveland, Florida. All four are now deceased. A prior legislature passed a concurrent resolution apologizing and acknowledging that the men “were the victims of gross injustices.” The trial court subsequently set aside the convictions and the state has issued a posthumous pardon to each of the men.

The bill does not specify a total sum to be appropriated. The bill divides the appropriation into four equal shares, names two survivors entitled to a share, and pays the other two shares to the estates of the individuals. The Department of State is the administrative agency that is responsible for making payments to the descendants of the Groveland Four.

The bill is subject to appropriation in the General Appropriations Act and, therefore, does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill is effective upon becoming law.

II. Present Situation:

The bill addresses the Groveland Four incident of 1949.

The Initial Incident

In July of 1949 a white married couple were travelling through Lake County, Florida when their car broke down near Okahumpka, a small town near Groveland, in Lake County, Florida. They claimed that four black men approached the car, hit the husband, stole the man's wallet, and raped the wife.¹

Local law enforcement officers named four young black men as suspects in the felony sexual battery. A mob gathered, houses were burned, shots fired, the National Guard was called up.² Many of Groveland's black population fled, some never returned.³ Three men were arrested, a fourth was killed days later in a distant county. Those men became known as the "Groveland Four." They are:

- Charles Greenlee who was 16 years old at the time of the incident. He was paroled in 1962 and lived peacefully until his death in 2012 (age 78). Greenlee far outlived the other three men.
- Walter Irvin who was 22 years old at the time. He was convicted for the rape and sentenced to death. The sentence was overturned on appeal to the United States Supreme Court. He was tried and sentenced to death again. The Governor commuted the sentence to life imprisonment. He was granted parole in 1968. Irvin was found dead in his car in 1970 while visiting Lake County.
- Samuel Shepherd who was also 22 years old. He was convicted for the rape and sentenced to death. The sentence was overturned on appeal to the United States Supreme Court. In 1951 he was shot and killed while awaiting retrial.
- Ernest Thomas who was 26 at the time, was killed in 1949 by law enforcement officers participating in an armed posse looking for him. The officers found Thomas in Madison County, Florida,⁴ where he died of gunshot wounds.⁵

Summary of Key Events Regarding the Groveland Four

In July of 1949, a travelling couple reported to law enforcement in Lake County, Florida that four black men attacked them and raped the wife. Shortly thereafter, Greenlee and Irvin were arrested. They were taken to the basement of the Lake County Jail and severely beaten.⁶ Greenlee, Irvin, and Shepherd were found guilty of sexual battery. At that time, Florida law provided that sexual battery was a capital offense. The two adults (Irvin and Shepherd) were sentenced to death, the third, a minor (Greenlee) was sentenced to life imprisonment.

¹ Norma Padgett was 17 years old at the time of the incident. She was married to Willie Padgett. She never recanted the rape allegation. She died in Georgia in 2024 (age 92).

² *Shepherd v. State of Florida*, 341 U.S. 50, 53 (1951) (concurrence by J. Jackson).

³ EJI.org, *White Mob Brutally Lynches Ernest Thomas, Member of the So-Called Groveland Four*, <https://calendar.eji.org/racial-injustice/jul/26> (last visited Jan. 21, 2026).

⁴ Lake County is in Central Florida. Madison County is in the Panhandle region and is approximately 190 miles from Lake County.

⁵ Some news reports claim that he died of 400 gunshot wounds, although that many seems implausible.

⁶ Statement of Walter Irvin, at https://www-tc.pbs.org/harrymoore/terror/images/irvin1_lg.gif.

The NAACP Legal Defense and Educational Fund assumed the defense of the men convicted to death. The Fund employed Thurgood Marshall to file the appeal and argue the case before the United States Supreme Court.⁷ The convictions were overturned by the Supreme Court in April of 1951.⁸

Of course, overturning a conviction does not automatically lead to release in most instances. Instead, the defendant is held over for a new trial. In November of 1951, Lake County Sheriff Willis McCall was transporting Irvin and Shepherd from the Florida State Prison at Raiford to Lake County for a pretrial hearing. He stopped the car on a dirt road in Umatilla,⁹ supposedly to deal with a flat tire. The Sheriff claimed that Irvin and Shepherd attacked him in an attempt to escape. The men were shot by the Sheriff who claimed self-defense. Shepherd died, but Irvin survived the shooting.

Irvin was retried in Lake County, and once again was convicted and sentenced to death.¹⁰ In 1954, Governor Leroy Collins commuted the sentence to life.¹¹

The story of the Groveland Four was the subject of a 2012 nonfiction book by Gilbert King entitled *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America*. The author of the book was awarded the 2013 Pulitzer Prize for General Nonfiction.¹²

The 2017 Legislature passed a concurrent resolution acknowledging that the Groveland Four “were the victims of gross injustices and that their abhorrent treatment by the criminal justice system is a shameful chapter in this state’s history.”¹³ The resolution urged the Governor and Cabinet to expedite review of the matter.

A petition was filed with the Florida Clemency Board seeking to overturn the convictions and sentences. With the concurrence of the Florida Clemency Board, the Governor issued full pardons on January 11, 2019.¹⁴

In November of 2021, the Circuit Court of Lake County Florida entered a final order that dismissed all of the indictments and set aside all judgments and sentences imposed against the Groveland Four related to the July 1949 incident.¹⁵

⁷ King, *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America* (2012).

⁸ *Shepherd v. State of Florida*, 341 U.S. 50 (1951).

⁹ The drive from the prison to Lake County would have been a little over 100 miles. This was long before the Interstate Highway System, and they would have likely driven much of the trip on State Highway 19. Umatilla is in Lake County, is on Hwy 19, and is a little more than 10 miles from the county seat Tavares, where the jail and the courthouse were located.

¹⁰ *See Verdict of Jury*, In the Fifth Judicial Circuit in and for Lake County, Florida, Case Nos. 1949-CF-1369 (Feb. 14, 1952) which is accessible through the case search option at <https://courtrecords.lakecountyclerk.org/> and then selecting docket number 101.

¹¹ CS/HCR 631 (2017), lines 95-100.

¹² The Pulitzer Prizes, Gilbert King, the 2013 Pulitzer Prize Winner in General Nonfiction, <https://www.pulitzer.org/prize-winners-by-year/2013> (last visited Jan. 21, 2026).

¹³ CS/HCR 631 (2017).

¹⁴ *Governor Ron DeSantis Pardons Groveland Four with Unanimous Executive Clemency Board Approval*, January 11, 2019, at <https://www.flgov.com/eog/news/press/2019/governor-ron-desantis-pardons-groveland-four-unanimous-executive-clemency-board>.

¹⁵ *Order Dismissing the Indictments of Ernest Thomas and Samuel Shepherd; Granting the State’s Motion to Set Aside Judgment and Sentence of Charles Greenlee and Walter Irvin; and Granting the State’s Motion to Correct the Record with*

III. Effect of Proposed Changes:

This bill declares the facts stated in the preamble to be true. The bill states that a sum will be appropriated from the General Revenue Fund to the Department of State for the relief of the descendants of the Groveland Four. The bill also declares that the descendants are ineligible for any further compensation.

The bill divides the appropriation into 4 equal shares:

- Carol Greenlee Crawlee, the daughter of Charles Greenlee.¹⁶
- The Estate of Walter Irvin.
- The Estate of Samuel Shepherd.
- Ruby Lee Jones, the surviving spouse of Ernest Thomas.¹⁷

In general, current law provides that any funds payable to “the estate of ____” are payable to an estate that can be created for the benefit of the heirs of that person. The estate would have the duty to conduct research to look for a will. If no will exists, the estate would then have the duty to determine the lawful heirs under intestacy law. If no qualifying heirs can be found, the remaining fund would escheat to the state.¹⁸

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

Newly Discovered Evidence, In the Fifth Judicial Circuit in and for Lake County, Florida, Case Nos. 1949-CF-1369 A, B, C and D (Nov. 22, 2021) which is accessible through the case search option at <https://courtrecords.lakecountyclerk.org/> and then selecting docket number 178.

¹⁶ This designation appears to presume that Carol Greenlee Crawlee is currently alive and would otherwise qualify as the only heir of Charles Greenlee under Florida law.

¹⁷ This designation appears to presume that Ruby Lee Jones is currently alive and would otherwise qualify as the only heir of Ernest Thomas under Florida law.

¹⁸ See generally, chapters 731-733, F.S.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is subject to appropriation in the General Appropriations Act and, therefore, does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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

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

CS by Judiciary on January 27, 2026:

The amendment specifies that the families of each of the Groveland Four is entitled to an equal 25 percent share. Also, two heirs are named.

B. Amendments:

None.



LEGISLATIVE ACTION

Senate

House

•
•
•
•

The Committee on Appropriations (Bracy Davis) recommended the following:

1 **Senate Amendment**

2 Delete lines 97 - 109

3 and insert:

4 Section 2. (1) The sum of \$4 million is appropriated from
5 the General Revenue Fund to the Department of State for the
6 relief of the descendants of Charles Greenlee, Walter Irvin,
7 Samuel Shepherd, and Ernest Thomas.

8 (2) The Chief Financial Officer is directed to draw a
9 warrant payable to the descendants of Charles Greenlee, Walter



11 Irvin, Samuel Shepherd, and Ernest Thomas as provided in
12 subsection (3).

13 (3) Twenty-five percent of the sum appropriated under
14 subsection (1) must be provided to each of the following
15 individuals and estates:

16 (a) Carol Greenlee Crawlee, the daughter of Charles
17 Greenlee.

18 (b) The Estate of Walter Irvin.

19 (c) The Estate of Samuel Shepherd.

20 (d) Gladys Rollerson, the daughter of Ernest Thomas.

By the Committee on Judiciary; and Senators Bracy Davis, Smith, Osgood, Berman, Davis, Arrington, Bernard, Leek, Gaetz, Sharief, Mayfield, DiCeglie, Massullo, and Rouson

590-02249-26

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1 A bill to be entitled

2 An act relating to compensation of the descendants of
 3 Charles Greenlee, Walter Irvin, Samuel Shepherd, and
 4 Ernest Thomas; providing that certain facts are found
 5 and declared to be true; providing that a sum is
 6 appropriated from the General Revenue Fund to the
 7 Department of State for specified relief; requiring
 8 that a specified percentage of such relief be provided
 9 to certain individuals and estates; providing that
 10 specified persons are ineligible for further
 11 compensation; providing an effective date.

12
 13 WHEREAS, on July 16, 1949, a 17-year-old white woman and
 14 her estranged husband reported to police that they had been
 15 attacked and that she had been raped by four black men after the
 16 car that she and her husband were riding in broke down on a
 17 rural road outside Groveland, in Lake County, and

18 WHEREAS, despite the lack of physical evidence in the case
 19 and the established alibis of the accused, Charles Greenlee,
 20 Walter Irvin, Samuel Shepherd, and Ernest Thomas, the four men
 21 were presumed guilty, and

22 WHEREAS, Mr. Irvin and Mr. Shepherd, both World War II
 23 veterans, acknowledged that they had stopped by the broken-down
 24 vehicle to see if they could assist the couple, but denied any
 25 involvement in the alleged rape, and

26 WHEREAS, Mr. Greenlee, who was only 16 years old at the
 27 time, and Mr. Thomas denied ever meeting the alleged victim and
 28 her estranged husband, and

29 WHEREAS, after their arrest that evening, Mr. Greenlee, Mr.

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30 Irvin, and Mr. Shepherd were severely beaten in the basement of
 31 the county jail, and Mr. Greenlee and Mr. Shepherd were coerced
 32 into confessing to the crime, while Mr. Irvin refused to admit
 33 guilt, and

34 WHEREAS, Mr. Thomas, who fled the county, was shot to death
 35 several days later in Madison County by members of a deputized
 36 posse of armed men, resulting in more than 400 gunshot wounds,
 37 and

38 WHEREAS, the three surviving men, Mr. Greenlee, Mr. Irvin,
 39 and Mr. Shepherd, were tried and convicted in the case, with Mr.
 40 Greenlee sentenced to life imprisonment due to his age and Mr.
 41 Irvin and Mr. Shepherd sentenced to death, and

42 WHEREAS, Thurgood Marshall, then executive director of the
 43 NAACP Legal Defense and Educational Fund, appealed the
 44 convictions of Mr. Irvin and Mr. Shepherd to the United States
 45 Supreme Court, which unanimously overturned the judgments on
 46 April 9, 1951, and ordered a retrial, and

47 WHEREAS, seven months later, in November 1951, while
 48 transporting Mr. Irvin and Mr. Shepherd from Florida State
 49 Prison in Raiford to Tavares State Prison for a pretrial
 50 hearing, Lake County Sheriff Willis McCall and Deputy Sheriff
 51 James L. Yates shot both men on a dirt road leading into
 52 Umatilla, claiming that they had shot the handcuffed men in
 53 self-defense when the two tried to escape, and

54 WHEREAS, Mr. Shepherd died at the scene as a result of his
 55 wounds, but Mr. Irvin, who pretended to be dead, survived and
 56 accused the sheriff and his deputy of attempted murder, but no
 57 charges were ever brought against the officers, and

58 WHEREAS, despite Mr. Irvin having been retried and

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59 convicted a second time of the crime and sentenced to death, his
 60 sentence was commuted to life in prison in 1954 by then-Governor
 61 LeRoy Collins, who was not convinced of Mr. Irvin's guilt, and

62 WHEREAS, in 1970, while visiting Lake County, Mr. Irvin,
 63 who had been paroled 2 years earlier by then-Governor Claude
 64 Kirk, was found dead in his car, and, while Mr. Irvin's death
 65 was officially attributed to natural causes, Thurgood Marshall
 66 reportedly doubted the circumstances surrounding Mr. Irvin's
 67 death, and

68 WHEREAS, Mr. Greenlee, who was paroled in 1962 after
 69 serving 12 years in prison, died in April 2012 at the age of 78,
 70 and

71 WHEREAS, in 2017, the Legislature unanimously adopted House
 72 Concurrent Resolution 631 acknowledging the grave injustices
 73 perpetrated against Mr. Greenlee, Mr. Irvin, Mr. Shepherd, and
 74 Mr. Thomas, apologizing to each of them and their families, and
 75 urging the Governor and the Cabinet to perform an expedited
 76 clemency review of their cases for the purpose of granting the
 77 men full pardons, and

78 WHEREAS, on January 11, 2019, Governor DeSantis issued full
 79 pardons, which were unanimously approved by the Board of
 80 Executive Clemency, to Mr. Greenlee, Mr. Irvin, Mr. Shepherd,
 81 and Mr. Thomas, and

82 WHEREAS, on November 22, 2021, the State Attorney's Office
 83 of Lake County filed a motion in the Circuit Court of the Fifth
 84 Judicial Circuit to dismiss the indictments of Mr. Shepherd and
 85 Mr. Thomas and to set aside the convictions and sentences of Mr.
 86 Greenlee and Mr. Irvin, which motion was granted, and

87 WHEREAS, the State of Florida recognizes an obligation to

Page 3 of 4

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

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88 equitably redress the injuries, damages, infringement of civil
 89 rights, and loss of life that Mr. Greenlee, Mr. Irvin, Mr.
 90 Shepherd, Mr. Thomas, and their families sustained as a result
 91 of the events that transpired in Lake County, NOW, THEREFORE,

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

93 Section 1. The facts stated in the preamble to this act are
 94 found and declared to be true.

95 Section 2. (1) A sum as specified in the General
 96 Appropriations Act is appropriated from the General Revenue Fund
 97 to the Department of State for the relief of the descendants of
 98 Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest
 99 Thomas.

100 (2) Twenty-five percent of the sum appropriated under
 101 subsection (1) must be provided to each of the following
 102 individuals and estates:

103 (a) Carol Greenlee Crawlee, the daughter of Charles
 104 Greenlee.

105 (b) The Estate of Walter Irvin.

106 (c) The Estate of Samuel Shepherd.

107 (d) Ruby Lee Jones, the surviving spouse of Ernest Thomas.

108 Section 3. A person compensated under this act is
 109 ineligible for any further compensation related to the factual
 110 situation described in this act.

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

Page 4 of 4

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 1066

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government Committee; Environment and Natural Resources Committee; and Senator Brodeur

SUBJECT: Tributaries of the St. Johns River

DATE: February 11, 2026 **REVISED:** _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Barriero	Rogers	EN	Fav/CS
2. Reagan	Betta	AEG	Fav/CS
3. Reagan	Sadberry	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1066 creates the Northeast Florida Rivers, Springs, and Community Investment Act. It requires the Department of Environmental Protection (DEP) to develop a project plan by July 1, 2027, for the restoration of the Ocklawaha River. The project plan must provide for restoration and increased resiliency and recreation benefits of the Ocklawaha and St. Johns Rivers and Silver Springs. Subject to available funding, the restoration project must be completed by December 31, 2032.

The bill directs the DEP to develop and implement an outdoor recreation plan and a related grant program by January 1, 2028. The recreation plan must identify and implement projects that increase access to the rivers and springs for recreational activities. Projects on state-owned lands must be completed by December 31, 2035. The grant program must assist river communities in Clay, Marion, Putnam, and St. Johns counties to implement the recreation plan.

The bill directs the Department of Commerce to develop and implement an economic development program for Marion and Putnam Counties by January 1, 2028. The program must support projects that encourage job creation, capital investment, and strengthening and diversification of each county's economy.

The bill also establishes, by October 31, 2026, the Northeast Florida River and Springs Recreation and Economic Development Advisory Council within the DEP. The council must

submit an advisory report by February 1, 2027, which provides recommendations for projects to be included in the outdoor recreation plan, guidelines to govern the grant and economic development programs, and measures to minimize the restoration plan's impact on property owners and businesses.

The bill directs the DEP to hire a project lead by August 31, 2026, to oversee implementation of this act.

The Department of Environmental Protection may incur indeterminate costs to hire a project lead and develop and implement the restoration project plan, outdoor recreation plan, and grant program. The Department of Commerce may incur indeterminate costs to develop the economic development program. See Section V., Fiscal Impact Statement.

The bill shall take effect upon becoming law.

II. **Present Situation:**

St. Johns River

St. Johns River is the largest river in Florida, and one of the few rivers in the United States that flows north.¹ From its source in the marshes south of Melbourne to its mouth in Mayport, the river drops a total of less than 30 feet, or about one inch per mile. The incoming tide from the Atlantic Ocean causes the river to reverse its flow twice a day, and in periods of low water, tides may cause a reverse flow as far south as Lake Monroe, 161 miles upstream from the river's mouth. High and sustained northeasterly winds can result in many days of reversed flow. For these reasons, it is difficult for the river current to naturally flush pollutants.²

The St. Johns River is divided into three watersheds, also known as drainage basins.³ Because the river flows north, the upper basin is the area to the south that forms its marshy headwaters in Indian River and Brevard counties. The middle basin is the area in central Florida where the river widens, forming lakes Harney, Jesup, Monroe, and George. The lower basin is the area in northeast Florida from Putnam County to the river's mouth in Duval County, where the river empties into the Atlantic Ocean.⁴ The Ocklawaha River, with contributions from Silver Springs and Silver River, is the largest tributary entering the St. Johns River.⁵

Silver River and Silver Springs

Silver Springs is a first-magnitude spring that forms the headwaters of the Silver River.⁶ There are 30 springs in the Silver Springs group. The flow of Silver Springs is supplied by a vast system of fractures and solution channels in the limestone and dolomite of the Floridan aquifer,

¹ St. Johns River Water Management District (SJRWMD), *The St. Johns River*, <https://www.sjrwmd.com/waterways/st-johns-river/> (last visited Jan. 13, 2025).

² *Id.*

³ SJRWMD, *The St. Johns River*, <https://www.sjrwmd.com/waterways/st-johns-river/> (last visited Jan. 13, 2025).

⁴ *Id.*

⁵ SJRWMD, *A Story of the St. Johns River: The big picture*, 3 (2024), available at <https://aws.sjrwmd.com/SJRWMD/waterways/SJR-big-picture-fact-sheet-2024.pdf>.

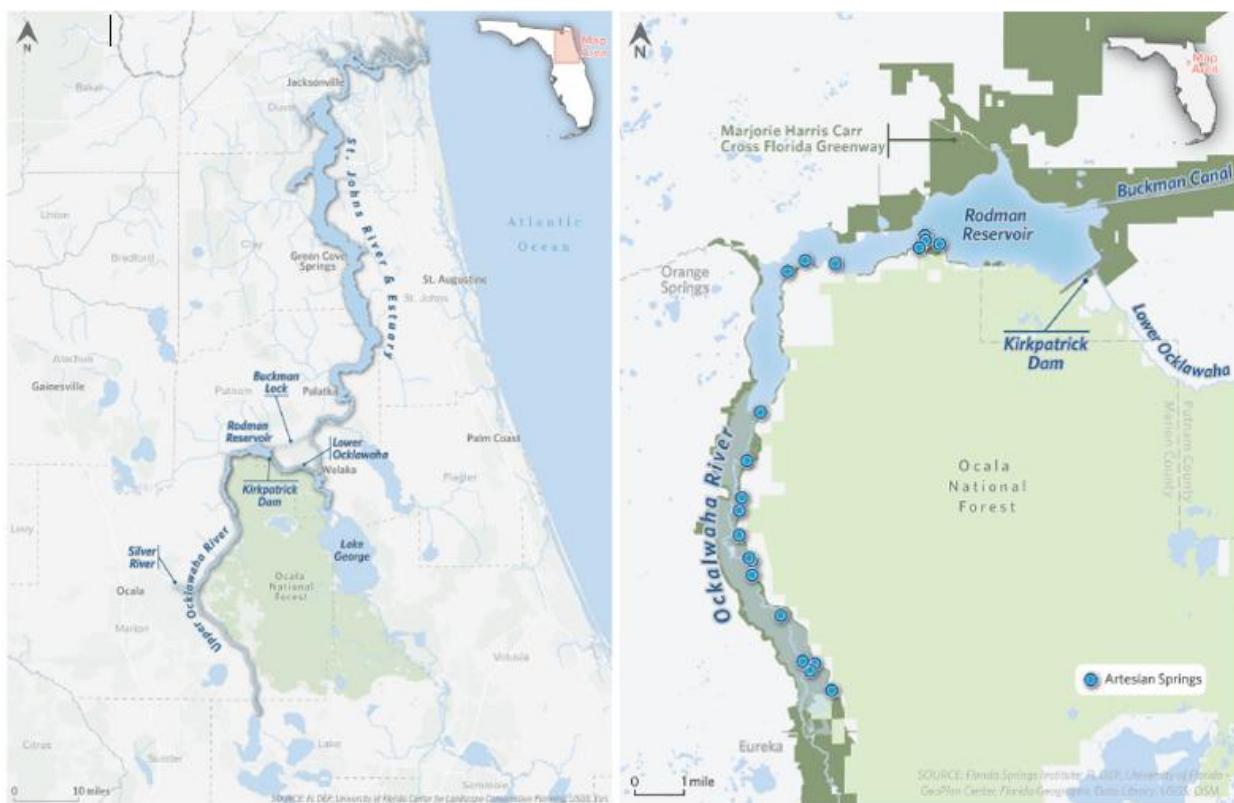
⁶ SJRWMD, *Silver Springs*, <https://www.sjrwmd.com/waterways/springs/silver/> (last visited Jan. 13, 2026).

with approximately 45 percent of the flow originating from Mammoth Spring (also known as the Main Spring) and additional flow from smaller springs and boils downstream. The Silver River flows eastward for about five miles through a dense cypress swamp before entering the Ocklawaha River.⁷

Silver Springs faces significant challenges, including increased nutrient pollution, algae growth, and declines in fish communities.⁸ In addition, spring discharge has declined over 30 percent since the 1930s, a shift that can be attributed to changing rainfall and recharge patterns and groundwater withdrawal.⁹

Ocklawaha River

The Ocklawaha River was historically a free-flowing river system connecting Central Florida to the St. Johns River, supporting extensive floodplain forests, springs, fish and wildlife habitat, and



⁷ *Id.*

⁸ Howard Odum, *Trophic Structure and Productivity of Silver Springs, Florida*, 55-112 (1957), available at <https://esajournals.onlinelibrary.wiley.com/doi/10.2307/1948571>; Robert L. Knight, 101, 147 (1980), available at <https://ufdc.ufl.edu/AA00022031/00001/images>; Douglas A. Munch, et al., *Fifty-Year Retrospective Study of the Ecology of Silver Springs, Florida*, viii, xiii, xv (2006), available at <https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB2010107711.xhtml>.

⁹ Andrew B. Sutherland, et al., *Minimum Flows Determination for Silver Springs, Marion County, Florida*, SJRWMD, 5 (2017), available at <https://static.sjrwmd.com/sjrwmd/secure/technicalreports/TP/SJ2017-2.pdf>.

recreation.¹⁰ Construction of the Kirkpatrick (Rodman) Dam¹¹ and Rodman Reservoir as part of the Cross Florida Barge Canal¹² altered the river by flooding approximately 7,500 acres, submerging more than 20 freshwater springs, and eliminating roughly 16 miles of the natural river channel.¹³ Although the canal project was halted in 1981 and officially deauthorized in 1991, the dam and reservoir remain in place, causing extensive hydrological and ecological impacts.¹⁴

Rodman Reservoir and Kirkpatrick Dam

The Rodman Reservoir is an approximately 9,500-acre man-made impoundment of the Ocklawaha River that was constructed as part of the former Cross Florida Barge Canal Project.¹⁵ The reservoir has a drainage basin of 2,800 square miles, with its headwaters in the Green Swamp and Lake Apopka.¹⁶ Access to the reservoir is controlled by the Buckman Lock, while the Kirkpatrick Dam controls the reservoir's level.¹⁷ The 7,200 foot long earthen dam has a four-gate spillway designed to discharge up to 36,000 cubic feet of water per second from reservoir.¹⁸ The Rodman Reservoir and Kirkman Dam's spillway tailwaters support recreational and subsistence fisheries, including Florida bass and black crappie.¹⁹

The construction of the dam and reservoir has resulted in significant adverse impacts to the Ocklawaha River and floodplain, including: (1) chronic inundation of the floodplain and degradation of water quality in the Rodman Reservoir and upper river; (2) reduced downstream fish and shellfish productivity, (3) elimination of critical plant and wildlife dispersal corridors due to fragmentation of the Ocklawaha River and floodplain habitat; and (4) increased exotic and nuisance plant species from stagnant water levels and flow velocities created by the Kirkpatrick Dam.²⁰ In addition, the U.S. Army Corps of Engineers has classified the dam and reservoir as a potential high hazard to the downstream area in the event of failure or mis-operation of the dam

¹⁰ See generally A. Quinton White Jr., et al., *Ocklawaha River Restoration: Science and Economics Report*, 11 (2024), available at

https://www.researchgate.net/publication/390798234_Ocklawaha_River_Restoration_Science_and_Economics_Report.

¹¹ The Florida Legislature officially renamed the Rodman Dam the George Kirkpatrick Dam in 1998.

¹² The Cross Florida Barge Canal was intended to connect the Gulf of Mexico and the Atlantic Ocean through an inland shipping route across Florida. After the project was halted, the abandoned corridor became the Marjorie Harris Carr Cross Florida Greenway. Today, the Greenway stretches more than 70,000 acres across 110 miles of Central Florida. Florida Museum, *Florida Environmental History: The Cross Florida Barge Canal*, <https://www.floridamuseum.ufl.edu/earth-systems/blog/florida-environmental-history-the-cross-florida-barge-canal/> (last visited Jan. 13, 2025).

¹³ See Florida Tax Watch, *A River (No Longer) Runs Through It: Ocklawaha River Restoration*, 2 (2022), available at <https://floridatxwatch.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=210&moduleid=35706&articleid=19140&documentid=1020>.

¹⁴ See DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*, 1-3 – 1-4, 1-8 (1997), available at https://drive.google.com/file/d/1hb07T_nRkQmZRxrF6XJXg7s5dZxBXS8-/view. White, *Ocklawaha River Restoration: Science and Economics Report* at 4, 6 (depicting maps of the Ocklawaha River).

¹⁵ DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan (2017-2027)*, 152 (2018), available at <https://floridadep.gov/parks/parks-office-park-planning/documents/marjorie-harris-carr-cross-florida-greenway-2018-approved>.

¹⁶ *Id.* at 212.

¹⁷ *Id.* at 37.

¹⁸ *Id.* at 211.

¹⁹ See *id.*; Florida Fish and Wildlife Conservation Commission (FWC), *Rodman Reservoir*, <https://myfwc.com/fishing/freshwater/sites-forecasts/ne/rodman-reservoir/> (last visited Jan. 14, 2026); DEP, *Rodman Recreation Area*, <https://www.floridastateparks.org/parks-and-trails/rodman-recreation-area> (last visited Jan. 14, 2026).

²⁰ DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit* at 1-8.

or facilities.²¹ It has been estimated that the 11,000-acre inundation area contains approximately 538 properties that, if flooded, could result in loss of life and represent a total loss of \$57.4 million.²²

Ocklawaha River Restoration

Since the 1970s, numerous groups have advocated for removing the Kirkpatrick Dam and restoration of the Rodman Reservoir to the Ocklawaha River floodplain due to ecological damage to the floodplain and surrounding ecosystems.²³ In 1993, the Florida Legislature directed the Department of Environmental Protection (DEP) to study the environmental and economic efficacy of several alternatives, including:

- Full restoration of the Ocklawaha River: Restoring river hydrology and floodplain function to preconstruction conditions through breaching of the dam, with limited removal and/or alteration of structures and alteration of topography.
- Partial restoration of the Ocklawaha River: Restoring river hydrology and floodplain function to preconstruction conditions through breaching of the dam, with limited removal and/or alteration of structures and alteration of topography.
- Total retention of the Rodman Reservoir: Retaining the reservoir at its current size and depth, with active management to enhance fish and/or wildlife. Removal and/or alteration of structures and topography would be limited.
- Partial retention of the Rodman reservoir: Reducing the size of the reservoir to the extent that a part of the river can be restored and a part of the reservoir can be retained.²⁴

In 1997, following a recommendation from the St. Johns River Water Management District, the DEP submitted a joint application for a state environmental resource permit and federal dredge and fill permit to implement the partial restoration of the Ocklawaha River.²⁵ Partial restoration was determined to be the most cost-effective alternative for addressing the overall objectives of the restoration project.²⁶ The major components of the proposed partial restoration include:

- Drawdown of the reservoir to be accomplished in three phases;
- Limited construction of channel stabilization and erosion control structures in the Ocklawaha River;
- Limited planting of native plant species to provide for erosion control;
- Partial leveling of the exposed barge canal side-cast spoil berms;

²¹ U.S. Army Corps of Engineers (USACE), *National Inventory of Dams: Kirkpatrick Dam and Rodman Reservoir*, <https://nid.sec.usace.army.mil/nid/#/dams/system/FL00156/inspections> (last visited Jan. 13, 2026). See generally Federal Emergency Management Agency, *Fact Sheet 2.3: Mitigation of Dams and Reservoirs*, 1 (2022), available at https://www.fema.gov/sites/default/files/documents/fema_p-2181-fact-sheet-2-3-dams-and-reservoirs.pdf (providing description of dam hazard potential classifications).

²² White, *Ocklawaha River Restoration: Science and Economics Report* at 7, 49. See URS Corporation, *Emergency Action Plan: Kirkpatrick Dam and Rodman Reservoir*, 27-36 (2005), available at https://drive.google.com/file/d/1GAWXaDS7-V_hKUdfQY1AjxW5mwf3bNn4/view; DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 152.

²³ DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 151.

²⁴ See ch. 93-213, s.54, Laws of Fla.; DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*, 1-7 (1997), available at https://drive.google.com/file/d/1hb07T_nRkQmZRxrF6XJXg7s5dZxBXS8-/view.

²⁵ See DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*.

²⁶ *Id.* at 1-7.

- Restoration of the historic Ocklawaha River channel flow by filling the barge canal where it intersects the river channel;
- Restoration of the historic Deep Creek channel flow by filling the barge canal where it intersects the creek channel;
- Restoration of the historic Camp Branch floodplain and channel flow by filling the barge canal where it intersects the creek channel;
- Closure and securing of the Buckman Lock;
- Removal of 2,000 feet of the Kirkpatrick Dam (earthen portion);
- Partial filling and restoration of the spillway tailrace to natural grade; and
- Development and implementation of a cultural resources operating plan.²⁷

In 2001, the U.S. Department of Agriculture's Forest Service issued an Environmental Impact Statement recommending the partial restoration alternative.²⁸ To date, no action has been taken to implement that recommendation.

Restoration of the Ocklawaha River has the potential to produce a range of benefits, including increased freshwater flow, the return of historic fish communities, and enhanced access for other species that support spring and river ecosystem health.²⁹ Restoration is also expected to restore the flow of approximately 20 nearby springs that could support public use and tourism.³⁰ Increased flow from the Ocklawaha River to the Lower St. Johns River and estuary would reduce saltwater intrusion, improve water quality and freshwater food webs, and contribute to eelgrass growth and dispersal in the Lower St. Johns River.³¹

Additional benefits include restoration of floodplain forest habitat and reestablishment of historic connectivity through the floodplain forest, which provides sufficient contiguous habitat for many native vertebrate species in the region.³² Restoration would also eliminate public tax expenditures associated with the operation and maintenance of the Buckman Lock, reduce costs related to the management of exotic and nuisance vegetation, and enhance recreational opportunities along the restored river.³³

²⁷ DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 152; U.S. Dep't of Agriculture (USDA) Forest Service, *Final Environmental Impact Statement for the Occupancy and Use of National Forest Lands and Ocklawaha River Restoration*, 3-2 – 3-3 (2001), on file with the Senate Committee on Environment and Natural Resources.

²⁸ USDA, *Final Environmental Impact Statement for the Occupancy and Use of National Forest Lands and Ocklawaha River Restoration*, (2001).

²⁹ Nathaniel P. Hitt, et al., *Dam Removal Increases American Eel Abundance in Distant Headwater Streams*, 1171-1179 (2012), available at <https://academic.oup.com/tafs/article-abstract/141/5/1171/7877588?redirectedFrom=fulltext>; Frank Jordan, SJRWMD, *Environmental Studies Concerning Four Alternatives for Rodman Reservoir and the Lower Ocklawaha River*, 6 (1994), available at https://drive.google.com/file/d/13pcShL42Uw4xcEdDSnAAT_CW06ndl9/view; Sutherland, *Minimum Flows Determination for Silver Springs, Marion County, Florida* at 5-21.

³⁰ White, *Ocklawaha River Restoration: Science and Economics Report* at 6.

³¹ *Id.* at 7.

³² USDA, *Final Environmental Impact Statement for the Occupancy and Use of National Forest Lands and Ocklawaha River Restoration* at 1-6.

³³ *Id.* at 2-5.

Restoration of the river would also remove structural flood hazards associated with dam failure.³⁴ While breaching the dam would result in the loss of the reservoir and spillway flows that supports existing fisheries, recreational enhancements, such as improved Ocklawaha and Lower St. Johns River access for boat and shore-based anglers, could offset some of the impacts to fishermen.³⁵

State Advisory Bodies

Advisory councils are a type of advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.³⁶ Advisory bodies must be established, evaluated, or maintained in accordance with the following provisions:

- They may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.
- They must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose.
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies.³⁷

An advisory body may not be created unless:

- It meets a statutorily defined purpose;
- Its powers and responsibilities conform with the statutory definitions for governmental units,³⁸
- Its members, unless expressly provided otherwise in the State Constitution, are appointed for four-year staggered terms; and
- Its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses.³⁹

Unless an exemption is otherwise specifically provided by law, all meetings of an advisory body must be public.⁴⁰ Minutes, including a record of all votes cast, must be maintained for all meetings.⁴¹

³⁴ Florida Tax Watch, *A River (No Longer) Runs Through It: Ocklawaha River Restoration*, 7 (2022), available at <https://floridatxwatch.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=210&moduleid=35706&articlid=19140&documentid=1020>; White, *Ocklawaha River Restoration: Science and Economics Report* at 16-17.

³⁵ White, *Ocklawaha River Restoration: Science and Economics Report* at 6.

³⁶ Section 20.03(7), F.S.

³⁷ Section 20.052, F.S.

³⁸ See section 20.03, F.S., for definitions of governmental units.

³⁹ Section 20.052(4), F.S.

⁴⁰ Section 20.052(5)(c), F.S.

⁴¹ *Id.*

A law creating an advisory body must provide for its repeal on October 2 of the third year after enactment unless the law is reviewed and saved from repeal through reenactment by the Legislature.⁴²

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Northeast Florida Rivers, Springs, and Community Investment Act.”

Section 2 creates s. 373.464, F.S., regarding Ocklawaha River restoration, recreation, and economic development. The bill requires the Department of Environmental Protection (DEP), no later than August 31, 2026, to hire a full-time equivalent contractor or employee, whose position title will be project lead, to oversee the implementation of this act. The project lead must have subject matter expertise in conservation and recreation planning.

Restoration Project Plan

The bill provides that, by July 1, 2027, the DEP must develop a project plan for the restoration of the Ocklawaha River. The project plan must provide for restoration and increased resiliency and recreation benefits of the Ocklawaha and St. Johns Rivers and Silver Springs. The project plan must:

- Be designed to restore the Ocklawaha River hydrology and floodplain function to the approximate conditions that existed before construction of the Cross Florida Barge Canal project and its associated project works, including, but not limited to, the Kirkpatrick Dam and Buckman Lock. The project plan must be based on the restoration design and steps set forth in the department’s pending Joint Application for Environmental Resource and Dredge and Fill Permit.
- Incorporate the best available science and include engineering and design updates, including topographic and bathymetric surveys, and precise estimates of material to be dredged or excavated.
- Provide recommendations for road and bridge construction that is compatible with the partial restoration plan and ensures continued access for the communities west of the project.
- Include estimates by fiscal year of the cost of implementing the project plan and potential sources of funding for such costs.

The bill provides that, notwithstanding any law or rule, the project plan for the restoration of the Ocklawaha River is an environmental restoration or enhancement project subject to a general permit from the DEP and water management districts for environmental restoration or enhancement.

The bill provides that, subject to the provision of state, federal, or other funds, the DEP must complete the restoration project by December 31, 2032.

⁴² Section 20.052(8), F.S.

Advisory Council

The bill establishes, by October 31, 2026, the Northeast Florida River and Springs Recreation and Economic Development Advisory Council. The council would be assigned to, and administratively housed within, the DEP. The bill requires the project lead to serve as the council chair, and the members must meet at the call of the project lead. Members must serve without compensation but are entitled to reimbursement for per diem and travel expenses. Council members must serve 4-year terms, except that the initial terms must be staggered. The council must be composed of 16 members. One member must be the commanding officer of Naval Air Station Jacksonville or his or her designee. Nine of the council members must be appointed by and serve at the pleasure of the Governor and must include:

- Two representatives of river recreation-related businesses local to Marion or Putnam Counties.
- Two representatives of outdoor recreation user groups, one of whom represents fishing interests local to Marion or Putnam Counties.
- One representative of the department's Office of Greenways and Trails.
- One representative of the Florida Fish and Wildlife Conservation Commission's (FWC's) Division of Freshwater Fisheries Management.
- One representative of the FWC's Imperiled Species Management Section.
- One representative of the Department of Commerce.
- One representative of an environmental community support organization who has subject matter expertise on springs or rivers.

Six of the council members must be appointed by the boards of county commissioners for the following counties:

- Putnam County must appoint two members, one of whom must oversee parks and recreation for the county.
- Marion County must appoint two members, one of whom must oversee parks and recreation for the county.
- Clay County must appoint one member.
- St. Johns County must appoint one member.

The bill directs the council to submit an advisory report to the Governor, the Legislature, and the DEP by February 1, 2027. The report must include all of the following:

- Recommendations for projects to be included in the outdoor recreation plan created by this bill, including priorities for state-funded land projects.
- Recommendations to the DEP for the creation of guidelines to govern the grant program created by this bill.
- Recommendations to the Department of Commerce for the creation of guidelines to administer the economic development program created by this bill.
- Recommendations for measures to minimize the impact of the restoration plan on property owners or businesses directly affected by the restoration project.

The bill repeals this subsection on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Outdoor Recreation Plan

The bill directs the DEP to develop an outdoor recreation plan in collaboration with the FWC, the Northeast Florida River and the Springs Recreation and Economic Development Advisory Council, and the local governments of river communities in Clay, Marion, Putnam, and St. Johns Counties. The plan must identify and implement projects for enhanced and expanded river and springs access for recreational activities, such as fishing, hunting, swimming, wildlife viewing, paddling, and hiking. Such projects must be compatible with the project plan and applicable statutes. The outdoor recreation plan must be made available for public comment before its implementation.

The bill requires the DEP to implement the outdoor recreation plan by January 1, 2028. Subject to the provision of state, federal, or other funds, the DEP must complete projects on state-owned lands identified in the plan by December 31, 2035.

Grant Program

The bill provides that, by January 1, 2028, the DEP must develop a grant program for river communities in Clay, Marion, Putnam, and St. Johns Counties to implement the outdoor recreation plan. The grant program must be compatible with the project plan and outdoor recreation plan. The DEP must implement the grant program by January 1, 2028.

Economic Development Program

The bill directs the Department of Commerce to develop guidelines and processes for an economic development program for Marion and Putnam Counties. The economic development program must support projects that encourage job creation, capital investment, and strengthening and diversification of each county's economy. It must be compatible with the project plan, the outdoor recreation plan, and the grant program. The Department of Commerce must implement the economic development program by January 1, 2028.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection may incur indeterminate costs to hire a project lead and develop and implement the restoration project plan, outdoor recreation plan, and grant program. The Department of Commerce may incur indeterminate costs to develop the economic development program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 373.464 of the Florida Statutes.

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

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

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on February 4, 2026:

The committee substitute:

- Clarifies that the project plan for the restoration of the Ocklawaha River to the approximate conditions that existed before the construction of the Cross Florida Barge Canal project.
- Provides an effective date of October 31, 2026, for the Northeast Florida River and Springs Recreation and Economic Advisory Council to be established.

CS by Environment and Natural Resources on Jan. 20, 2026:

Added the commanding officer of Naval Air Station Jacksonville as one of the members

on the Northeast Florida River and Springs Recreation and Economic Development Advisory Council.

B. Amendments:

None.

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

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Environment and Natural Resources; and Senator Brodeur

601-02527-26

20261066c2

A bill to be entitled

2 An act relating to tributaries of the St. Johns River;
3 providing a short title; creating s. 373.464, F.S.;
4 requiring the Department of Environmental Protection,
5 by a specified date, to hire a project lead to oversee
6 the implementation of the act; requiring that the
7 project lead have certain expertise; requiring the
8 department to develop, by a specified date, a project
9 plan for the restoration of the Ocklawaha River;
10 specifying requirements for the project plan;
11 providing that the project plan is an environmental
12 restoration or enhancement project subject to a
13 general permit from the department and water
14 management districts; requiring the department to
15 complete the project plan by a specified date, subject
16 to the provision of funds; providing for the creation
17 of the Northeast Florida River and Springs Recreation
18 and Economic Development Advisory Council by a
19 specified date; assigning the council to the
20 Department of Environmental Protection; providing that
21 the project lead is the chair of the council;
22 providing for council membership, meetings, and
23 duties; requiring the council to submit an advisory
24 report to the Governor, the Legislature, and the
25 department by a specified date; specifying
26 requirements for the advisory report; providing for
27 future repeal; requiring the department to develop an
28 outdoor recreation plan, in collaboration with certain
29 commissions, councils, and local governments of river

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communities; specifying requirements for the outdoor recreation plan; requiring the department to implement the plan by a specified date; requiring the department to complete projects on state-owned lands in the outdoor recreation plan by a specified date, subject to certain funding; requiring the department to develop a grant program for a specified purpose; requiring that the grant program be compatible with certain plans; requiring the department to implement the grant program by a specified date; requiring the Department of Commerce to develop guidelines and processes for and implement an economic development program for Marion and Putnam Counties for a specified purpose by a specified date; requiring that the economic development plan be compatible with certain plans and programs; requiring the Department of Commerce to implement the economic development program by a specified date; providing an effective date.

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

Section 1. This act may be cited as the "Northeast Florida Rivers, Springs, and Community Investment Act."

Section 2. Section 373.464, Florida Statutes, is created to read:

373.464 Ocklawaha River restoration, recreation, and economic development.-

(1) PROJECT LEAD.—The department shall, no later than August 31, 2026, hire a full-time equivalent contractor or

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59 employee, whose position title will be project lead, to oversee
 60 the implementation of this act. The project lead must have
 61 subject matter expertise in conservation and recreation
 62 planning.

63 (2) PROJECT PLAN.—

64 (a) By July 1, 2027, the department shall develop a project
 65 plan for the restoration of the Ocklawaha River. The project
 66 plan must provide for restoration and increased resiliency and
 67 recreation benefits of the Ocklawaha and St. Johns Rivers and
 68 Silver Springs. The project plan must be designed to restore the
 69 Ocklawaha River hydrology and floodplain function to the
 70 approximate conditions that existed before the construction of
 71 the Cross Florida Barge Canal project and its associated project
 72 works, including, but not limited to, the Kirkpatrick Dam and
 73 Buckman Lock. The project plan must be based on the restoration
 74 design and steps set forth in the department's pending Joint
 75 Application for Environmental Resource and Federal Dredge and
 76 Fill Permit. The project plan must incorporate the best
 77 available science and include engineering and design updates,
 78 including topographic and bathymetric surveys, and precise
 79 estimates of material to be dredged or excavated. In addition,
 80 the project plan must provide recommendations for road and
 81 bridge construction which are compatible with the partial
 82 restoration plan and ensure continued access for the communities
 83 west of the project. The project plan must include estimates by
 84 fiscal year of the cost of implementing the project plan and
 85 potential sources of funding for such costs.

86 (b) Notwithstanding any law or rule, the project plan for
 87 the restoration of the Ocklawaha River is an environmental

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 88 restoration or enhancement project subject to a general permit
 89 from the department and water management districts for
 90 environmental restoration or enhancement pursuant to rule 62-
 91 330.405, Florida Administrative Code, and rule 62-330.485,
 92 Florida Administrative Code.

93 (c) Subject to the provision of state, federal, or other
 94 funds, the department shall complete the restoration project
 95 plan by December 31, 2032.

96 (3) NORTHEAST FLORIDA RIVER AND SPRINGS RECREATION AND
 97 ECONOMIC DEVELOPMENT ADVISORY COUNCIL.—

98 (a) Establishment of the council.—

99 1. By October 31, 2026, the Northeast Florida River and
 100 Springs Recreation and Economic Development Advisory Council, an
 101 advisory council as defined in s. 20.03(7), shall be established
 102 and assigned to the department. The council shall be
 103 administratively housed within the department. The project lead
 104 shall serve as the council chair, and the members shall meet at
 105 the call of the project lead. Members shall serve without
 106 compensation but are entitled to reimbursement for per diem and
 107 travel expenses pursuant to s. 112.061. Council members shall
 108 serve 4-year terms, except that the initial terms shall be
 109 staggered.

110 2. The council shall be composed of the following 16
 111 members:

112 a. Nine members of the council shall be appointed by and
 113 serve at the pleasure of the Governor and shall include:

114 (I) Two representatives of river recreation-related
 115 businesses local to Marion or Putnam County.
 116 (II) Two representatives of outdoor recreation user groups,

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117 one of whom represents fishing interests local to Marion or
 118 Putnam County.

119 (III) One representative of the department's Office of
 120 Greenways and Trails.

121 (IV) One representative of the Florida Fish and Wildlife
 122 Conservation Commission's Division of Freshwater Fisheries
 123 Management.

124 (V) One representative of the Florida Fish and Wildlife
 125 Conservation Commission's Imperiled Species Management Section.

126 (VI) One representative of the Department of Commerce.

127 (VII) One representative of an environmental community
 128 support organization who has subject matter expertise in springs
 129 or rivers.

130 b. Six members of the council shall be appointed by the
 131 boards of county commissioners for the following counties:

132 (I) Putnam County shall appoint two members, one of whom
 133 oversees parks and recreation for the county.

134 (II) Marion County shall appoint two members, one of whom
 135 oversees parks and recreation for the county.

136 (III) Clay County shall appoint one member.

137 (IV) St. Johns County shall appoint one member.

138 c. One member shall be the commanding officer of Naval Air
 139 Station Jacksonville or his or her designee.

140 (b) Report.—The council shall submit an advisory report to
 141 the Governor, the President of the Senate, the Speaker of the
 142 House of Representatives, and the department by February 1,
 143 2027. The report must include all of the following:

144 1. Recommendations for projects to be included in the
 145 outdoor recreation plan created in subsection (4), including

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146 priorities for state-funded land projects.

147 2. Recommendations to the department for the creation of
 148 guidelines to govern the grant program created in subsection
 149 (5).

150 3. Recommendations to the Department of Commerce for the
 151 creation of guidelines to administer the economic development
 152 program created in subsection (6).

153 4. Recommendations for measures to minimize the impact of
 154 the restoration plan on property owners or businesses directly
 155 affected by the restoration project.

156 (c) Repeal.—In accordance with s. 20.052(8), this
 157 subsection is repealed October 2, 2029, unless reviewed and
 158 saved from repeal through reenactment by the Legislature.

159 (4) OUTDOOR RECREATION PLAN.—

160 (a) The department, in collaboration with the Fish and
 161 Wildlife Conservation Commission, the Northeast Florida River
 162 and Springs Recreation and Economic Development Advisory
 163 Council, and the local governments of river communities in Clay,
 164 Marion, Putnam, and St. Johns Counties, shall develop an outdoor
 165 recreation plan.

166 (b) The outdoor recreation plan must identify and implement
 167 projects for enhanced and expanded river and springs access for
 168 recreational activities, such as fishing, hunting, swimming,
 169 wildlife viewing, paddling, and hiking. Such projects must be
 170 compatible with the project plan and applicable statutes. The
 171 outdoor recreation plan must be made available for public
 172 comment before its implementation.

173 (c) The department shall implement the outdoor recreation
 174 plan by January 1, 2028.

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175 (d) Subject to the provision of state, federal, or other
176 funds, the department shall complete projects on state-owned
177 lands identified in the outdoor recreation plan by December 31,
178 2035.

179 (5) GRANT PROGRAM.—

180 (a) By January 1, 2028, the department shall develop a
181 grant program for river communities in Clay, Marion, Putnam, and
182 St. Johns Counties to implement the outdoor recreation plan.

183 (b) The grant program must be compatible with the project
184 plan and outdoor recreation plan.

185 (c) The department shall implement the grant program by
186 January 1, 2028.

187 (6) ECONOMIC DEVELOPMENT PROGRAM.—

188 (a) The Department of Commerce shall develop guidelines and
189 processes for an economic development program for Marion and
190 Putnam Counties. The economic development program must support
191 projects that encourage job creation, capital investment, and
192 strengthening and diversification of each county's economy.

193 (b) The economic development program must be compatible
194 with the project plan, the outdoor recreation plan, and the
195 grant program.

196 (c) The Department of Commerce shall implement the economic
197 development program by January 1, 2028.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 1120

INTRODUCER: Senator Brodeur

SUBJECT: Water Management Districts

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
2. <u>Reagan</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

I. Summary:

SB 1120 amends laws concerning water management district funding, budgeting, and business practices.

District Funding

The bill provides that water management districts may not use state funds as a local match for any state grant program unless specifically appropriated for that purpose.

The bill authorizes a district to levy ad valorem taxes by referendum to finance the construction of capital improvement projects related to water supply, water quality, flood protection and floodplain management, and natural systems.

The bill limits the water management districts to 25 percent of available funding for projects included in the Statewide Flooding and Sea Level Rise Resilience program, annually.

District Budgets

Concerning preliminary budgets: the bill requires a section for each water management district's capital improvement plan for the current fiscal year and the next fiscal year, which will be incorporated in the district's five-year capital improvement plan. The bill requires the South Florida Water Management District (SFWMD) to include a separate section in its preliminary budget for all projects within the Comprehensive Everglades Restoration Plan.

Concerning tentative budgets: the bill authorizes the Legislative Budget Commission to reject district budget proposals for any portion of the budget funded with state appropriations and any individual project in a district's five-year capital improvement plan, with an exception for any project fully funded with ad valorem taxes approved by voters.

The bill requires the SFWMD to incorporate the amount of state revenues appropriated for the fiscal year in the sections of its tentative budget document on the costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.

District Business Practices

The bill prohibits a lobbyist or a principal from making, and a water management district governing board member, executive director, or district employee who qualifies as a local officer from knowingly accepting, any expenditure from a lobbyist for the purpose of lobbying.

The bill specifies that a quorum is necessary for a water management district governing board to conduct official business. It defines quorum as a majority of the members of the board, including appointed members and any vacancies.

For contractual services for the design, engineering, or construction of capital improvement projects costing \$20 million or more, the bill requires districts to give preference to the lowest responsible and responsive bid, proposal, or reply that includes proof of district-defined acceptable minimum work experience, project-specific payment and performance bonds, and minimum warranty of two years beginning at substantial completion, or that includes proof of a comparable financial assurance mechanism, as defined by district rule.

Everglades Restoration

The bill requires the SFWMD to include the total estimated remaining cost to implement the comprehensive plan for the Central and Southern Florida Project Comprehensive Review Study in its progress report on the comprehensive plan.

The bill provides that state and local members of the South Florida Ecosystem Restoration Task Force must identify whether funding sources for projects included in the Integrated Delivery Schedule will be recurring state funds provided by the Land Acquisition Trust Fund or nonrecurring state funds.

The bill has no fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

II. Present Situation:

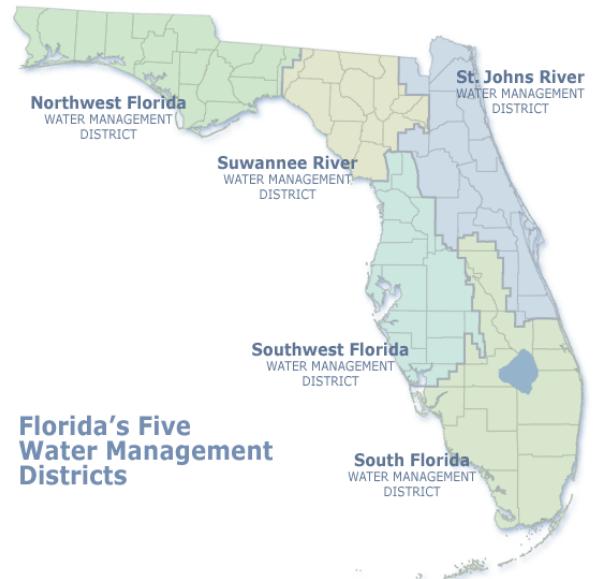
Water Management Districts

Florida's water management districts are responsible for administering water resources at a regional level.¹ Their core focus is on water supply (including alternative water supply and the water resource development projects identified in a district's regional water supply plans), water quality, flood protection and floodplain management, and natural systems.²

Each water management district is directed by a governing board.³ Each board includes nine members who reside in the district, except the Southwest Florida Water Management District board, which includes 13 members who reside in the district.⁴ The Governor is tasked with appointing board members, subject to Senate confirmation.⁵ Vacancies in governing boards prior to the expiration of the affected term must be filled for that term.⁶

Currently, the governing board for only one district – the St. Johns River Water Management District – has no vacancies.⁷ The Northwest Florida, Suwannee River, South Florida, and Southwest Florida Water Management Districts each have one vacancy.⁸

A governing board is required to meet at least once a month and upon the call of the chair.⁹ There is no statutory language defining a quorum for district governing board purposes.¹⁰ The governing boards may conduct meetings by means of communications media technology.¹¹



¹ Florida Department of Environmental Protection (DEP), *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Feb. 2, 2026); section 373.069, F.S.

² DEP, *Water Management Districts*; s. 373.535(1)(a)2., F.S.

³ Section 373.073, F.S.

⁴ Section 373.073(1)(a), F.S.

⁵ *Id.*

⁶ Section 373.076, F.S.

⁷ Northwest Florida Water Management District, *Governing Board*, <https://nwfwater.com/about/governing-board/> (last visited Feb. 2, 2026); Suwannee River Water Management District, *Current Governing Board Members*, <https://www.mysuwanneeriver.com/134/Current-Board-Members> (last visited Feb. 2, 2026); St. Johns River Water Management District, *Governing Board*, <https://www.sjrwm.com/governingboard/> (last visited Feb. 2, 2026); Southwest Florida Water Management District, *Governing Board*, <https://www.swfwmd.state.fl.us/about/about-the-district/governing-board> (last visited Feb. 2, 2026); South Florida Water Management District (SFWMD), *Governing Board*, <https://www.sfwmd.gov/who-we-are/governing-board> (last visited Feb. 2, 2026).

⁸ *Id.*

⁹ Section 373.079(7), F.S.

¹⁰ See section 373.079, F.S.

¹¹ Section 373.079(7), F.S. As used in section 120.54(5)(b)2., F.S., communications media technology is “the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.”

Lobbying Water Management Districts and Ethics Investigations

Ethics laws concerning lobbying before water management districts require a lobbyist¹² to register with the district they intend to lobby.¹³ To register, a lobbyist must provide a statement signed by the principal¹⁴ or principal's representative stating that the lobbyist is authorized to represent the principal. The principal must also identify its main business on the authorization statement.¹⁵ The registration form requires each lobbyist to disclose certain information.¹⁶

The Commission on Ethics¹⁷ is required to investigate a lobbyist or principal if it receives allegations that the lobbyist or principal has failed to register with a district or has knowingly submitted false information in a report or registration.¹⁸

Water Management District Contracts

Water management districts are authorized in statute to purchase commodities and contractual services that have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation.¹⁹ This authorization does not extend to the purchase of commodities and contractual services that fall under the definition of "professional services" in s. 287.055, F.S.²⁰

Professional services are defined in the Consultants' Competitive Negotiation Act to include services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping.²¹ The Act requires a water management district to publicly announce when such professional services must be purchased for projects that meet certain threshold amounts.²² For each proposed project, the district must select, in order of preference, at least three firms that are the most highly qualified to perform the required services.²³ To do this, the district must consider factors including, but not limited to, the ability level of professional personnel, whether a firm is a certified minority business enterprise, past performance, and willingness to meet time and budget requirements.²⁴

¹² A lobbyist is a person who is employed and receives payment for lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. Section 112.3215(1)(h), F.S.

¹³ Section 112.3261(2), F.S.

¹⁴ A principal is the person, firm, corporation, or other entity that employs or retains a lobbyist. Section 112.3215(1)(i), F.S.

¹⁵ *Id.*

¹⁶ Section 112.3261(2)(a)-(d), F.S.

¹⁷ The Commission on Ethics is created in statute to "serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state...and to serve as the independent commission provided for in s. 8(f), Art. II of the State Constitution." Section 112.320, F.S.

¹⁸ Section 112.3261(7), F.S.

¹⁹ Section 373.6075, F.S. Water management districts may purchase commodities and contractual services from the purchasing contracts of special districts, municipalities, counties, other political subdivisions, educational institutions, other states, nonprofit entities, purchasing cooperatives, or the federal government. *Id.*

²⁰ *Id.*

²¹ Section 287.055(2)(a), F.S.

²² Section 287.055(3)(a)1., F.S. Threshold amounts for purchasing categories are as follows: Category 1 is \$20,000, Category 2 is \$35,000, Category 3 is \$65,000, Category 4 is \$195,000, and Category 5 is \$325,000. Section 287.017, F.S.

²³ Section 287.055(4)(b), F.S.

²⁴ *Id.*

Water Management District Budget Development

The water management district fiscal year begins on October 1 and ends on September 30 of the following year.²⁵ On January 15 of each year, the water management districts must submit a preliminary budget for the next fiscal year for legislative review.²⁶ The Legislature may review each preliminary budget by March 1 and submit comments to the districts.²⁷ Any district that receives comments must respond in writing to the Legislature and the Governor by March 15.²⁸

Following the review of the preliminary budget, if the Legislature takes no action²⁹ by July 1, a water management district may proceed with the budget process.³⁰ By July 15 of each year, the budget officer of each district must develop a tentative budget and submit it for review and adoption by the governing board.³¹ By August 1, the tentative budget must also be submitted for review to the Legislature, the Governor, the chairs of all legislative committees and subcommittees that have substantive or fiscal jurisdiction over water management districts, the secretary of the Florida Department of Environmental Protection (DEP), and the governing body of each county in which the district has jurisdiction or derives any funds for district operations.³² The tentative budget submission must include a description of any significant changes from the preliminary budget.³³

By September 5, the chairs of each legislative committee and subcommittee may submit comments and objections to the districts.³⁴ Each district's governing board must include its response in the record of the meeting in which the final budget is adopted.³⁵ The record must be transmitted to the Governor, the chairs of the legislative appropriations committees, and the DEP. Then, by December 15, the Executive Office of the Governor must file with the Legislature a report that summarizes its review of the tentative budget.³⁶

The Executive Office of the Governor may approve or disapprove all or part of the budget of each water management district.³⁷ The Legislative Budget Commission may also reject the following district budget proposals:

- A single purchase of land over \$10 million, except for land exchanges.

²⁵ Section 373.536, F.S.

²⁶ Section 373.535(1)(a), F.S. The preliminary budget must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the chairs of each legislative committee and subcommittee having substantive or fiscal jurisdiction over water management districts, as applicable. *Id.*

²⁷ Section 373.535(2)(a), (b), F.S.

²⁸ Section 373.535(2)(b), F.S.

²⁹ The Legislature is required to annually review districts' preliminary budgets to ensure that taxes authorized by chapter 373, F.S., continue to be in proportion to the benefits derived by the parcels of real estate within the districts. Based on the review, the Legislature can set the authorized maximum millage rate or the maximum amount of property tax revenue to be raised by each district in the next fiscal year from the taxes levied. Section 373.503(4), F.S.

³⁰ Section 373.535(2)(c), F.S.

³¹ Section 373.535(3), F.S.; section 373.536(2), F.S.

³² Section 373.536(5)(d), F.S. The tentative budget must also be posted on the district's website at least two days prior to budget hearings. *Id.*

³³ *Id.*

³⁴ Section 373.536(5)(f), F.S.

³⁵ *Id.*

³⁶ Section 373.536(5)(g), F.S.

³⁷ Section 373.536(5)(a), F.S.

- Any cumulative purchase of land during a single fiscal year over \$50 million.
- Any issuance of debt on or after July 1, 2012.
- Program expenditures relating to salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for public outreach activities, lobbying, management, and administration³⁸ in excess of 15 percent of a district's total annual budget.
- Any individual variances in the tentative budget over 25 percent from the preliminary budget.³⁹

Written disapproval of any provision in the tentative budget must be received by the district at least five business days before the final district budget adoption hearing.⁴⁰

After the final budget adoption hearing, each district must submit copies of the following documents to the Governor, the Legislature, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over the districts, the secretary of the DEP, and the governing board of each county in which the district has jurisdiction or derives any funds for the operation of the district:

- The adopted budget;
- A financial audit of the district's accounts and records;
- A five-year capital improvement plan, which will be included in the consolidated annual report⁴¹ and which must include expected sources of revenue for planned improvement; and
- A five-year water resource development work program.⁴²

Water Management District Budget Contents

Each preliminary budget must include the following:

- A section clearly identifying and justifying each proposed expenditure relating to salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for public outreach activities, lobbying, management, and administration.⁴³ It must also identify the source of funds for each proposed expenditure.
- A section identifying the justification for proposed expenditures by core mission area of responsibility and the source of funds needed for activities related to water supply, water quality, flood protection and floodplain management, and natural systems.
- A section reviewing the adopted and proposed budget allocations by program area and the performance metrics of the prior year.
- An analysis of each preliminary budget to determine the adequacy of fiscal resources available to the district and the adequacy of proposed district expenditures relating to its core mission areas. The analysis must be based on the needs of each district for its core mission areas of responsibility.⁴⁴

³⁸ These expenditures are listed in s. 373.536(5)(e)4.e. and f., F.S.

³⁹ Section 373.536(5)(c), F.S.

⁴⁰ Section 373.536(5), F.S.

⁴¹ The consolidated annual report is required under the Florida Water Plan in section 373.036(7), F.S.

⁴² Section 373.536(6)(a), F.S.

⁴³ Section 373.535(1)(a), F.S.

⁴⁴ *Id.*

If applicable, the preliminary budget must specify that a district's first obligation for payment is the debt service on bonds and certificates of participation.⁴⁵

Each preliminary budget must also include everything required in the tentative budget; the tentative budget must be based on the preliminary budget.⁴⁶ Both budgets must include, but are not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year:

- The estimated amount of funds remaining at the beginning of the fiscal year, which are obligated for the payment of outstanding commitments that are not completed.⁴⁷
- The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, as well as an accounting of the source, balance, and projected future use of the unobligated funds and the estimated amount of funds that the district will raise through taxes or receive from other sources to meet the requirements of the district.
- The millage rates and the percentage increase above the rolled-back rate, an explanation of the necessity of the increase, and the percentage increase in taxable value from new construction in the district.
- The salaries and benefits, expenses, operating capital outlay, number of authorized positions, other personal services, and estimated amounts in the district budget for certain enumerated program areas.
- The total estimated amount in the district budget for each program area and for water resource, water supply, and alternative water supply development projects identified in the district's regional water supply plans.
- A description of each new, expanded, reduced, or eliminated program.
- The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user and permit fees for each program area.⁴⁸

In addition to other program areas, the South Florida Water Management District must also include separate sections on costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.⁴⁹

Water Management District Taxes

General regulatory and administrative functions of the water management districts benefit all of the people of the state and therefore those functions may be financed by general appropriations. Water resources programs of the districts that are of particular benefit to limited groups of people should be financed by the people who are most directly benefited.⁵⁰ Because of this policy, water management districts may finance their activities in part through ad valorem taxes.⁵¹

⁴⁵ Section 373.535(1)(b), F.S.

⁴⁶ Section 373.535(1)(a), F.S.; s. 373.536(5)(e), F.S.

⁴⁷ Section 373.536(5)(e), F.S.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Section 373.503(1), F.S.

⁵¹ *Id.* An ad valorem tax is a tax imposed on the value of property. Ad valorem taxes are commonly imposed by states, counties, and cities on real estate. These taxes are levied on property in proportion to its value, as determined by assessment or appraisal. West's Tax Law Dictionary §A530.

The Florida Constitution sets maximum millage rates for water management purposes.⁵² The constitutional maximum millage rate is 0.05 mill for the northwest portion of the state and 1.0 mill for the rest of the state.⁵³ This millage may only be levied by the water management districts.⁵⁴

Water management districts may, if appropriate, separate the taxes they levy into a millage necessary for the purposes of the district and a millage necessary for financing basin functions.⁵⁵ Notwithstanding any other law, and subject to annual legislative review in the preliminary budgets of each district, the maximum total millage rates for district and basin purposes are as follows:

- Northwest Florida Water Management District: 0.05 mill.
- Suwannee River Water Management District: 0.75 mill.
- St. Johns River Water Management District: 0.60 mill.
- Southwest Florida Water Management District: 1.0 mill.⁵⁶ In the Southwest Florida Water Management District, the maximum millage assessed for district purposes may not exceed 50 percent of the total authorized millage if there are one or more basins in the district, and the maximum millage assessed for basin purposes may not exceed 50 percent of the total authorized millage.⁵⁷
- South Florida Water Management District: 0.80 mill.⁵⁸ The apportionment of taxes raised by the South Florida Water Management District is a maximum of 40 percent for district purposes and a maximum of 60 percent for basin purposes.⁵⁹

Resilience Funding

The Statewide Flooding and Sea Level Rise Resilience Plan is a three-year plan consisting of ranked projects that address risks of flooding and sea level rise to coastal and inland communities in the state.⁶⁰ Local governments and certain local districts may submit projects for funding. Water management districts may also submit projects for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.⁶¹

Each project included in the plan must have a minimum 50 percent cost share unless the project assists a community eligible for a reduced cost share or is located within a community eligible for a reduced cost share.⁶² The total amount of funding proposed for each year of the plan may

⁵² FLA. CONST. art. VII, s. 9(b).

⁵³ *Id.*

⁵⁴ Section 373.503(2)(a), F.S.

⁵⁵ Section 373.503(3), F.S. Basin functions include: preparing engineering plans for water resources development and holding related public hearings, developing and preparing the overall basin plan for secondary water control facilities, budgeting, considering and approval of final construction plans for works that will be constructed within the basin, managing basin affairs, and planning for and providing water supply and transmission facilities for water supply. Section 373.0695(1), F.S.

⁵⁶ Section 373.503(3)(a), F.S.

⁵⁷ Section 373.503(3)(c), F.S.

⁵⁸ Section 373.503(3)(a), F.S.

⁵⁹ Section 373.503(3)(b), F.S.

⁶⁰ Section 380.093(5)(a), F.S.

⁶¹ Section 380.093(5)(a), F.S.

⁶² Section 380.093(5)(e), F.S.

not be less than \$100 million.⁶³ The Legislature must review and, subject to appropriation, approve funding.⁶⁴

The Resilient Florida Trust Fund is a source of funding for the Statewide Flooding and Sea-Level Rise Resilience Plan, including costs to operate the grant program, to develop the plan, and to provide grants to regional resilience coalitions.⁶⁵

The South Florida Water Management District

The South Florida Water Management District (SFWMD) was created in 1949 and is the oldest and largest of Florida's water management districts.⁶⁶ The SFWMD covers 16 counties and stretches from Orlando at its northernmost point to the Florida Keys at its southernmost point. It is responsible for managing the water resources for nine million residents by balancing and improving flood control, water supply, water quality, and natural systems.⁶⁷

Pursuant to its mission, the SFWMD manages the Central and Southern Florida (C&SF) Project.⁶⁸ The C&SF Project was authorized in 1948 to provide flood control, water supply, saltwater intrusion prevention, fish and wildlife preservation, recreation, and navigation in Central and South Florida.⁶⁹ The C&SF Project includes over 2,100 miles of canals and levees, 918 water control structures, and 89 pump stations.⁷⁰ Much of this infrastructure is over 60 years old and the SFWMD has determined that it will need repair or replacement to address the risk of more frequent and significant flooding.⁷¹

⁶³ Section 380.093(5)(h), F.S.

⁶⁴ *Id.*

⁶⁵ Section 380.0935(2), F.S.

⁶⁶ SFWMD, *Who We Are*, <https://www.sfwmd.gov/who-we-are> (last visited Feb. 2, 2026).

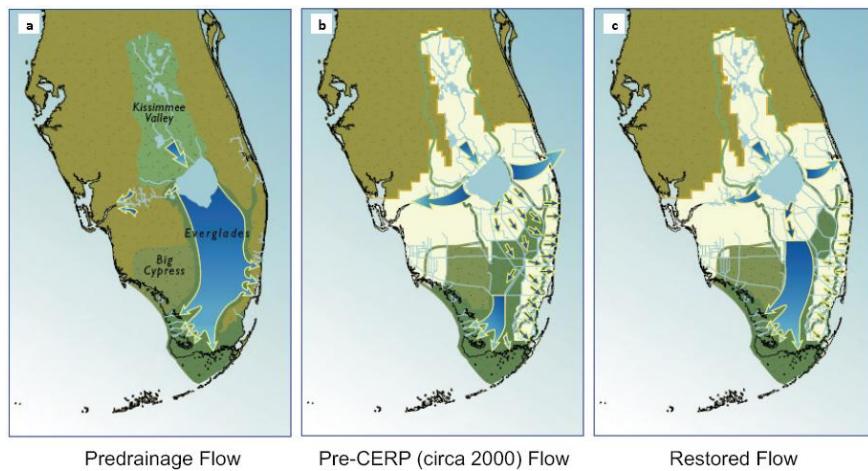
⁶⁷ *Id.*

⁶⁸ SFWMD, *2025 Consolidated Annual Report on Flood Resiliency*, 2 (Oct. 2025), available at https://www.sfwmd.gov/sites/default/files/documents/2025_Consolidated_Annual_Report_On_Flood_Resiliency.pdf

⁶⁹ SFWMD and U.S. Army Corps of Engineers (USACE), *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, i, 1-1 (April 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE REVIEW STUDY.pdf.

⁷⁰ SFWMD, *2025 Consolidated Annual Report on Flood Resiliency* at 2.

⁷¹ *Id.*



The federal legislation provides the framework for the CERP as a 50/50 cost-share program between the state and federal government.⁷² The U.S. Army Corps of Engineers is the federal sponsor for the partnership and the SFWMD is the lead non-federal sponsor.⁷³ The agencies track the cost-sharing based on their total respective spending on CERP initiatives. In 2009, the Army Corps of Engineers and SFWMD executed a Master Agreement, an umbrella agreement for CERP projects that established conditions for cost-sharing and for project partnership agreements.⁷⁴ Project partnership agreements establish project-specific responsibilities for the implementing agencies and provide project-specific credit to the SFWMD for its land acquisition and project construction efforts completed prior to the agreement.⁷⁵

South Florida Ecosystem Restoration Task Force

Congress established the intergovernmental South Florida Ecosystem Restoration Task Force in 1996.⁷⁶ The task force brings together federal, state, Tribal, and local agencies involved in Everglades restoration.⁷⁷ There are 15 members of the task force, including seven federal, two Tribal, and six state and local government representatives at the senior leadership level.⁷⁸ The task force's role is to coordinate the conservation, restoration, and research efforts for the Everglades ecosystem. To coordinate restoration projects, the task force compiles the Integrated Delivery Schedule.

⁷² Water Resources Development Act of 2000, Pub. L. No. 106-541, s. 601(e), 114 Stat. 2684 (2000).

⁷³ USACE, *Central & Southern Florida (C&SF) Project*.

⁷⁴ See SFWMD, *News Release: Momentum for Everglades Restoration Continues with Historic State-Federal Agreements* (Aug. 13, 2009), available at https://www.sfwmd.gov/sites/default/files/documents/nr_2009_0813_master_agreement.pdf.

⁷⁵ *Id.*

⁷⁶ Everglades Restoration, U.S. Department of the Interior, Office of Everglades Restoration Initiatives, *The South Florida Ecosystem Restoration Task Force: About Us*, <https://www.evergladesrestoration.gov/overview> (last visited Feb. 2, 2026).

⁷⁷ *Id.*

⁷⁸ Department of the Interior, *South Florida Ecosystem Restoration Task Force Charter*, 2-3 (Sept. 2023), available at <https://static1.squarespace.com/static/5d5179e7e42ca1000117872f/t/651d6ab2891e7229053fdde4/1696426676989/Charter.pdf>.

The Integrated Delivery Schedule lists Everglades restoration projects to reflect upcoming design and program schedules and programmatic costs.⁷⁹ The image on this page is included in the 2026 Draft Integrated Delivery Schedule update and shows the South Florida Ecosystem Restoration investment through fiscal year 2023.⁸⁰ The Integrated Delivery Schedule does not include the funding needed for completed work or land acquisition. Further, it does not require agency action and is not a decision document.⁸¹

The Integrated Delivery Schedule serves the purpose of the Master Implementation Sequencing Plan described in the original CERP plan. The CERP requires the Army Corps of Engineers and the SFWMD, in consultation with other federal, state, Tribal, and local agencies to develop the Master Implementation Sequencing Plan, which provides sequencing and scheduling for the implementation of all included projects based on the best scientific, technical, funding, contracting, and other information available. The U.S. Army Corps of Engineers and the SFWMD must also consult with the South Florida Ecosystem Restoration Task Force in preparing the Master Implementation Sequencing Plan.⁸²

SOUTH FLORIDA ECOSYSTEM RESTORATION (SFER) INVESTMENT THROUGH FY2023 (Millions)					
	FEDERAL			NON-FEDERAL	GRAND TOTAL
	USACE	DOI	TOTAL	MULTIPLE AGENCIES	
Modified Water Deliveries to ENP	\$78	\$317	\$395	—	\$395
Critical Projects	\$89	—	\$89	\$88	\$177
Kissimmee River Restoration	\$487	—	\$487	\$438	\$925
C&SF Non-CERP	\$788	\$52	\$840	\$227	\$1,067
C&SF CERP	\$2,524	\$112	\$2,637	\$2,823	\$5,460
C&SF CERP, to be credited	—	—	—	\$984	\$984
TOTAL SFER	\$3,965	\$482	\$4,446	\$4,560	\$9,008

III. Effect of Proposed Changes:

Section 1 amends s. 112.3261, F.S., which regulates lobbying before water management districts. The bill requires the Commission on Ethics to investigate a lobbyist or principal if the Commission receives a complaint alleging that the lobbyist or principal has made a prohibited expenditure. The bill defines “expenditure” as a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.⁸³

The bill also prohibits, notwithstanding any law to the contrary, a lobbyist or principal from making, directly or indirectly, and a district governing board member, executive director, or any

⁷⁹ South Florida Ecosystem Restoration Task Force, *Integrated Delivery Schedule Public Engagement Workshop* , (2026), available at <https://www.evergladesrestoration.gov/workshops/jan-23-2026-ids-workshop>.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² 33 CFR §385.30.

⁸³ The term “expenditure” does not include contributions or expenditures reported pursuant to state campaign financing law, federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or an affiliated party committee, or any other contribution or expenditure made by political organizations that are exempt under 26 U.S.C. § 527 or certain non-profit civic leagues or organizations that are exempt under 26 U.S.C. § 501(c)(4). “Expenditure” has the same meaning as it does in s. 112.3215, F.S.

district employee who is a local officer⁸⁴ from knowingly accepting, directly or indirectly, any expenditure.

Section 2 amends s. 373.0693, F.S., to remove language prohibiting the St. Johns River Water Management District governing board from designating subdistricts or basins without the approval of the Legislature.

Section 3 amends s. 373.079, F.S., to specify requirements for water management district governing board quorums. The bill states that a quorum is necessary for a governing board to conduct official business. The bill defines a quorum as a majority of all possible members of a governing board, which includes appointed members and any vacancies.

The bill requires a board member's appearance at a board meeting to be counted for the determination of a quorum, whether they appear in person or through the use of communication media technology. The bill specifies that action may be taken by the governing board only upon an affirmative vote of a majority of the members of the governing board.

The bill clarifies a citation.

Section 4 amends the annual reporting requirements in s. 373.470, F.S., which is the Everglades Restoration Investment Act.

The Everglades Restoration Investment Act currently requires the SFWMD, in cooperation with the DEP, to provide a detailed report on progress made in the implementation of the comprehensive plan,⁸⁵ including the status of all project components initiated after the effective date of the Everglades Restoration Investment Act or after the date of the last detailed report, whichever is later.

The bill additionally requires the report to include the total estimated remaining cost to implement the comprehensive plan, as well as the applicable performance indicators of all project components. The bill requires project components to be subdivided in the report into the following categories based on the project's status:

- Planning and design phase.
- Construction phase, for which the performance indicators must include, but are not limited to:
 - Whether the project is on time and on budget based on a schedule performance index; and
 - If the project had any claims, change orders, or credits upon closeout, the description, date, and cost of the change, compensatory amounts, and the remedy or resolution exercised as it pertains to the schedule or budget of the project.

⁸⁴ "Local officer" is defined in section 112.3145(1), F.S., to mean every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such elected office; any appointed member of the listed boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state; and any person holding one or more position, as listed.

⁸⁵ The "comprehensive plan" is the recommended comprehensive plan contained in the Central and Southern Florida Project Comprehensive Review Study's *Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*. For more information, see the "Everglades Restoration" section of this analysis.

- Operational phase, for which the performance indicators must include, but are not limited to, whether the project is achieving the goals and objectives identified in the final project implementation report.
- Pending projects phase, which includes project components that have not yet entered the planning or design phase.
- The estimated expenditures for the project in the prior fiscal year compared to the actual expenditures, with an explanation for significant variances.

The bill removes the requirement that only project components initiated after certain dates must be included in the report.

The bill requires that, for a project or project component developed pursuant to s. 255.065, F.S., relating to public-private partnerships, the performance indicators in the report must be consistent with national industry standards for the delivery method.

The bill also addresses the Integrated Delivery Schedule. It provides legislative recognition of the value of the Integrated Delivery Schedule as a forward-looking snapshot of upcoming planning, design, and construction schedules for the comprehensive plan and as a tool that provides information to decision-makers and facilitates achievement of the goals and purposes of the comprehensive plan at the earliest possible time to the extent practical given funding, engineering, and other contractual constraints. It also provides legislative recognition that the Integrated Delivery Schedule acts as a planning document and does not represent a budget or financial commitment on behalf of any of the participants of the South Florida Ecosystem Restoration Task Force. The bill requires the state and local members of the task force to identify funding sources for projects included in the Integrated Delivery Schedule to reflect whether the funding will use recurring state funds provided by the Land Acquisition Trust Fund or nonrecurring state funds.

Section 5 amends s. 373.501, F.S., to prohibit water management districts from using state funds as a local match for any state grant program, unless the funds have been specifically appropriated to the water management district for that purpose.

Section 6 amends s. 373.503, F.S., to clarify that a water management district may levy ad valorem taxes by resolution adopted by a majority vote of its governing board⁸⁶ and to authorize a district to levy ad valorem taxes by referendum.

The bill provides that a district may, by referendum, levy separate ad valorem taxes on property within the district or basin to finance the construction of capital improvement projects related to:

- Water supply, including alternative water supply, water resource development, and water quality projects identified in the water management district's regional water supply plans;
- Water quality;
- Flood protection and floodplain management; and
- Natural systems.

⁸⁶ Current law authorizes a district to levy ad valorem taxes on property within the district, however the current statutory language does not specify that this is done by resolution adopted by a majority vote of its governing board.

To finance capital improvement projects through separate ad valorem taxes, a district governing board must adopt a resolution to be approved by a majority vote of the electors in the district or basin voting in a referendum held at a general election.⁸⁷

The bill requires the resolution to include the millage that will be levied, a description of the capital improvement projects, the expected completion date for each project, and the date when the millage will expire. The millage may not be levied beyond the date of a project's expected date of completion.

The bill allows the millage to be levied up to an amount that, when it is combined with the millage levied by an adopted resolution, does not exceed maximum total millage rates.⁸⁸ Following approval by a majority vote in a general election, the resolution will take effect on January 1. The bill directs the referendum to be conducted consistent with the laws governing bond referenda.⁸⁹

The bill specifies that the millage raised by the SFWMD by a majority vote in a general election is excluded from the current statutory requirement that the SFWMD must direct no more than 40 percent of its ad valorem tax income to district purposes and no more than 60 percent to basin purposes.

Section 7 amends s. 373.535, F.S., to require each water management district to include in its preliminary budget a section that includes the district's capital improvement plan for the current fiscal year and the next fiscal year, which will be incorporated as part of its five-year capital improvement plan. The bill requires this section to include the following information for each project in the capital improvement plan:

- Estimated beginning and ending date.
- Current status, such as planning, construction, or operations.
- Funding source, grouped by federal, state, and local from ad valorem taxes raised by referendum of the district's governing board, local from ad valorem taxes raised by referendum, or other.
- Total cost of the project.
- Whether the project is funded from reserves.
- Total expenditures made to date, by fiscal year.
- Current year estimated expenditures.
- Annual budget, including future budget requests, until project completion, by funding source.
- Project description.
- State program code, such as operations and maintenance or ecosystems restoration.

⁸⁷ A general election is “an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.” Section 97.021(17), F.S.

⁸⁸ The maximum millage rates for district and basin purposes are provided in section 373.501(3)(c), F.S., and are 0.05 mill. for the Northwest Florida Water Management District, 0.75 mill. for the Suwannee River Water Management District, 0.6 mill. for the St. Johns Water Management District, 1.0 mill. for the Southwest Florida Water Management District, and 0.80 mill. for the South Florida Water Management District.

⁸⁹ As provided in sections 100.201-.351, F.S.

The bill also requires the SFWMD to include a separate section in its preliminary budget for all projects within the Comprehensive Everglades Restoration Plan. The information must be provided on a project-by-project basis, must include the source of funds, and must include, for each project, the following:

- The project title and a brief description.
- The total estimated cost of the project, broken down by federal and nonfederal sponsor obligations. The local sponsor obligations must be further broken down by state and district obligations.
- The timeline for the project.
- The total expenditures to date and estimated remaining expenditures needed for project completion.
- The estimate for expenditures for the current year and the next year by source of fund.
- For expenditures funded by state appropriations, the SFWMD must indicate which fiscal year the appropriation is from. In estimating expenditures for the next fiscal year, the SFWMD may only incorporate state revenues in an amount up to the funds provided for Everglades restoration projects in the Land Acquisition Trust Fund.⁹⁰ The SFWMD may incorporate state revenues beyond what is authorized in statute only if the district commits district revenues on a dollar-for-dollar basis for any amount over the amount specifically provided in the Land Acquisition Trust Fund.

The bill clarifies that use of the preliminary budget as a basis for developing the tentative budget may not be construed to impair any contractual obligation.

Section 8 amends s. 373.536, F.S., relating to the content and submission of water management district tentative budgets. The bill authorizes the Legislative Budget Commission to reject any individual part of a water management district's tentative budget that is funded with state appropriations, as well as any individual project in a district's five-year capital improvement plan. The Legislative Budget Commission may not reject specifically appropriated proposals or district projects fully funded with revenues funded with ad valorem taxes approved by voters.

Current law requires the SFWMD to include separate sections on costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan in its tentative budget. The bill adds that these sections must incorporate the amount of state revenues appropriated for the fiscal year.

The bill clarifies that use of the preliminary budget as a basis for developing the tentative budget may not be construed to impair any contractual obligation. The bill requires a water management district's tentative budget to include its capital improvement plan for the current fiscal year and the next fiscal year, in the same format as required in the preliminary budget.

Section 9 amends s. 373.6075, F.S., to provide that for contractual services for the design, engineering, or construction of capital improvement projects costing \$20 million or more, a water management district must give preference to the lowest responsible and responsive bid, proposal, or reply that includes proof of district-defined acceptable minimum work experience within this state, project-specific payment and performance bonds in amounts appropriate for the

⁹⁰ Specific amounts can be found in section 375.041(3)(b)1., 4., and 5., F.S.

project contract amount, and minimum warranty of two years beginning at substantial completion, or that includes proof of a comparable financial assurance mechanism, as defined by district rule.

The bill further requires that, for the purpose of the competitive selection process⁹¹ or procurement procedures⁹² in law, a district must consider whether a bid, proposal, or reply includes appropriate payment and performance bonds, proof of a comparable financial assurance mechanism, or documentation of all bond faults or bond claims within the last 10 years, including all open and closed claims and agreed upon amounts with a description of the claim and any resolution.

Section 10 amends the Statewide Flooding and Sea Level Rise Resilience Plan in s. 380.093, F.S. Current law requires the plan to consist of ranked projects that address the risks of flooding and sea level rise. The bill requires all of the eligible projects submitted by a water management district to be ranked on a separate list. The bill provides that no more than 25 percent of the total amount proposed may fund projects submitted by water management districts.

Section 11 reenacts s. 373.0697, F.S., to incorporate an amendment made by this bill to s. 373.503, F.S., which is referenced in the reenacted section.

Section 12 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁹¹ This competitive selection process is found in section 287.055, F.S., relating to acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services.

⁹² These procurement procedures are found in section 255.065(3), F.S., relating to public-private partnerships.

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

The bill authorizes water management districts to, by referendum, levy separate ad valorem taxes on property within the district or basin to finance the construction of capital improvement projects. The millage may not be levied beyond the date of a project's expected date of completion. The total amount of the millage may not be more than what is currently authorized by law.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.3261, 373.0693, 373.079, 373.470, 373.501, 373.503, 373.535, 373.536, 373.6075, and 380.093.

This bill reenacts section 373.0697 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Brodeur

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30 project components; providing legislative recognition
31 of the value of the integrated delivery schedule;
32 requiring the South Florida Ecosystem Restoration Task
33 Force to identify certain sources of funding when
34 making recommendations for updates to the integrated
35 delivery schedule; amending s. 373.501, F.S.;
36 prohibiting a water management district from using
37 state funds for a specified purpose; providing an
38 exception; amending s. 373.503, F.S.; authorizing
39 water management districts to levy certain ad valorem
40 taxes on specified property for certain purposes;
41 requiring a district governing board levying ad
42 valorem taxes for certain projects to adopt a
43 resolution approved by a majority vote of the voting
44 electors in the district or basin; specifying
45 requirements for such resolution; providing
46 specifications for the millage levied; requiring that
47 the referendum question on the ballot specify the
48 purpose of the levy and the maximum length of time the
49 millage may be imposed; defining the term "capital
50 improvement projects"; revising requirements for the
51 maximum total millage rate; amending s. 373.535, F.S.;
52 requiring that the preliminary budget for each water
53 management district include a section that contains
54 the district's capital improvement plan for the
55 current fiscal year and the next fiscal year;
56 requiring that such section contain specified
57 information; requiring the South Florida Water
58 Management District to include a section in its

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59 preliminary budget for all projects within the
 60 Comprehensive Everglades Restoration Plan; requiring
 61 that the section contain specified information;
 62 requiring the South Florida Water Management District
 63 to indicate the fiscal year from which certain
 64 appropriations are expended; requiring the district to
 65 incorporate state revenues in a certain manner when
 66 estimating expenditures for the next fiscal year;
 67 providing an exception; providing construction;
 68 amending s. 373.536, F.S.; authorizing the Legislative
 69 Budget Commission to reject certain district budget
 70 proposals; providing an exception; providing
 71 construction; requiring the South Florida Water
 72 Management District to include in its budget document
 73 certain sections that incorporate the actual amount of
 74 state revenues appropriated for the fiscal year;
 75 requiring that a water management district's tentative
 76 budget for its proposed operations and funding
 77 requirements include the district's capital
 78 improvement plan for the current year and the next
 79 fiscal year; amending s. 373.6075, F.S.; requiring a
 80 water management district to give preference to
 81 certain bids, proposals, or replies for the design,
 82 engineering, or construction of capital improvement
 83 projects in excess of a specified amount; requiring a
 84 water management district to consider certain factors
 85 for the purpose of the competitive bid selection
 86 process; amending s. 380.093, F.S.; requiring that
 87 certain projects submitted by water management

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88 districts to the department for the Statewide Flooding
 89 and Sea Level Rise Resilience Plan be ranked on a
 90 separate list; revising the list of information that
 91 must be submitted by the department for each project;
 92 specifying the composition of the total amount of
 93 funding for such plan; restricting funding available
 94 to water management districts; reenacting s. 373.0697,
 95 F.S., relating to basin taxes, to incorporate the
 96 amendment made to s. 373.503, F.S., in a reference
 97 thereto; providing an effective date.
 98

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

100
 101 Section 1. Present paragraphs (b), (c), and (d) of
 102 subsection (1) of section 112.3261, Florida Statutes, are
 103 redesignated as paragraphs (c), (d), and (e), respectively, a
 104 new paragraph (b) is added to that subsection, subsection (9) is
 105 added to that section, and subsection (7) of that section is
 106 amended, to read:

107 112.3261 Lobbying before water management districts;
 108 registration and reporting.—

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

110 (b) "Expenditure" has the same meaning as in s. 112.3215.

111 (7) Upon receipt of a sworn complaint alleging that a
 112 lobbyist or principal has failed to register with a district,
 113 has made a prohibited expenditure, or has knowingly submitted
 114 false information in a report or registration required under
 115 this section, the commission shall investigate a lobbyist or
 116 principal pursuant to the procedures established under s.

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117 112.324. The commission shall provide the Governor with a report
 118 of its findings and recommendations in any investigation
 119 conducted pursuant to this subsection. The Governor is
 120 authorized to enforce the commission's findings and
 121 recommendations.

122 (9) Notwithstanding s. 112.3148, s. 112.3149, or any other
 123 law, a lobbyist or principal may not make, directly or
 124 indirectly, any expenditure, and a district governing board
 125 member, an executive director, or any district employee who
 126 qualifies as a local officer as defined in s. 112.3145(1) may
 127 not knowingly accept, directly or indirectly, any expenditure.

128 Section 2. Subsection (1) of section 373.0693, Florida
 129 Statutes, is amended to read:

130 373.0693 Basins; basin boards.—

131 (1) (a) Any areas within a district may be designated by the
 132 district governing board as subdistricts or basins. The
 133 designations of such basins must shall be made by the district
 134 governing board by resolutions thereof. The governing board of
 135 the district may change the boundaries of such basins, or create
 136 new basins, by resolution.

137 (b) No subdistrict or basin in the St. Johns River Water
 138 Management District other than established by this act shall
 139 become effective until approved by the Legislature.

140 Section 3. Subsection (7) of section 373.079, Florida
 141 Statutes, is amended to read:

142 373.079 Members of governing board; oath of office; staff.—

143 (7) The governing board shall meet at least once a month
 144 and upon call of the chair. A quorum is necessary for the board
 145 to conduct official business. A majority of the members of the

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146 governing board, which includes both appointed members and
 147 vacancies, constitutes a quorum. A board member's appearance at
 148 a board meeting, whether such appearance is in person or through
 149 the use of communications media technology, must be counted for
 150 the determination of a quorum. Except where otherwise provided
 151 by law, action may be taken by the governing board only upon an
 152 affirmative vote of a majority of the members of the governing
 153 board. The governing board, a basin board, a committee, or an
 154 advisory board may conduct meetings by means of communications
 155 media technology in accordance with rules adopted pursuant to s.
 156 120.54(5)(b) s. 120.54.

157 Section 4. Subsection (7) of section 373.470, Florida
 158 Statutes, is amended, and subsection (8) is added to that
 159 section, to read:

160 373.470 Everglades restoration.—

161 (7) ANNUAL REPORT.—To provide enhanced oversight of and
 162 accountability for the financial commitments established under
 163 this section and the progress made in the implementation of the
 164 comprehensive plan, the following information must be prepared
 165 annually as part of the consolidated annual report required by
 166 s. 373.036(7):

167 (a) The district, in cooperation with the department, shall
 168 provide the following information as it relates to
 169 implementation of the comprehensive plan:

170 1. An identification of funds, by source and amount,
 171 received by the state and by each local sponsor during the
 172 fiscal year.

173 2. An itemization of expenditures, by source and amount,
 174 made by the state and by each local sponsor during the fiscal

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175 year.

176 3. A description of the purpose for which the funds were
177 expended.

178 4. The unencumbered balance of funds remaining in trust
179 funds or other accounts designated for implementation of the
180 comprehensive plan.

181 5. A schedule of anticipated expenditures for the next
182 fiscal year.

183 (b) The department shall prepare a detailed report on all
184 funds expended by the state and credited toward the state's
185 share of funding for implementation of the comprehensive plan.
186 The report shall include:

187 1. A description of all expenditures, by source and amount,
188 from the former Conservation and Recreation Lands Trust Fund,
189 the Land Acquisition Trust Fund, the former Preservation 2000
190 Trust Fund, the Florida Forever Trust Fund, the Save Our
191 Everglades Trust Fund, and other named funds or accounts for the
192 acquisition or construction of project components or other
193 features or facilities that benefit the comprehensive plan.

194 2. A description of the purposes for which the funds were
195 expended.

196 3. The unencumbered fiscal-year-end balance that remains in
197 each trust fund or account identified in subparagraph 1.

198 (c) The district, in cooperation with the department, shall
199 provide a detailed report on progress made in the implementation
200 of the comprehensive plan, including the total estimated
201 remaining cost of implementation of the comprehensive plan. The
202 report must also include the status of and applicable
203 performance indicators for all project components. The project

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204 components must be subdivided into the following categories
205 based on the project's status:

206 1. Planning and design phase.

207 2. Construction phase, for which the performance indicators
208 must include, but are not limited to:

209 a. Whether the project is on time and on budget based on a
210 schedule performance index; and

211 b. Whether the project had any claims, change orders, or
212 credits upon closeout, including the description, date, and cost
213 of the change, compensatory amounts, and the remedy or
214 resolution exercised as it pertains to the schedule or budget of
215 the project.

216 3. Operational phase, for which the performance indicators
217 must include, but are not limited to, whether the operation of
218 the project is achieving the goals and objectives identified in
219 the final project implementation report.

220 4. Pending projects phase, which includes project
221 components that have not yet entered the planning or design
222 phase.

223 5. The estimated expenditures for the project in the prior
224 fiscal year compared to the actual expenditures, with an
225 explanation for significant variances initiated after the
226 effective date of this act or the date of the last report
227 prepared under this subsection, whichever is later.

228 (d) For a project or project component developed pursuant
229 to s. 255.065, the performance indicators in the report must be
230 consistent with national industry standards for the delivery
231 method.

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233 The information required in paragraphs (a), (b), and (c), and
 234 (d) must ~~shall~~ be provided as part of the consolidated annual
 235 report required by s. 373.036(7). Each annual report is due by
 236 March 1.

237 (8) INTEGRATED DELIVERY SCHEDULE.—The Legislature
 238 recognizes the value of the integrated delivery schedule as a
 239 forward-looking snapshot of upcoming planning, design, and
 240 construction schedules for the comprehensive plan and as a tool
 241 that provides information to decisionmakers and facilitates
 242 achievement of the goals and purposes of the comprehensive plan
 243 at the earliest possible time to the extent practical, given
 244 funding, engineering, and other contractual constraints. The
 245 Legislature further recognizes that the schedule acts as a
 246 planning document and does not represent a budget or financial
 247 commitment on behalf of any of the participants of the South
 248 Florida Ecosystem Restoration Task Force. Therefore, when making
 249 recommendations for any update to the schedule, state and local
 250 members of the task force shall identify project funding sources
 251 to reflect whether funding will use recurring state funds
 252 provided pursuant to s. 373.041(3)(b)1., 4., and 5., or whether
 253 the project may be funded with nonrecurring state funds.

254 Section 5. Subsection (3) is added to section 373.501,
 255 Florida Statutes, to read:

256 373.501 Appropriation of funds to water management
 257 districts.—

258 (3) A water management district may not use state funds as
 259 a local match for any state grant program unless such funds have
 260 been specifically appropriated to the district for such purpose.

261 Section 6. Subsection (3) of section 373.503, Florida

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262 Statutes, is amended to read:

263 373.503 Manner of taxation.—

264 (3) (a)1. The districts may, by resolution adopted by a
 265 majority vote of the governing board, levy ad valorem taxes on
 266 property within the district solely for the purposes of this
 267 chapter and of chapter 25270, 1949, Laws of Florida, as amended,
 268 and chapter 61-691, Laws of Florida, as amended. If appropriate,
 269 taxes levied by each governing board may be separated by the
 270 governing board into a millage necessary for the purposes of the
 271 district and a millage necessary for financing basin functions
 272 specified in s. 373.0695.

273 2.a. A district may levy separate ad valorem taxes on
 274 property within the district or basin for the purposes of the
 275 construction of capital improvement projects. Such levy must be
 276 by resolution adopted by a majority vote of the district's
 277 governing board and conditioned to take effect only upon
 278 approval by a majority vote of the electors in the district or
 279 basin, as applicable, voting in a referendum held at a general
 280 election as defined in s. 97.021. The resolution must be
 281 conditioned to take effect on the January 1 immediately
 282 following voter approval of the referendum. The resolution must
 283 include the millage to be levied, a detailed description of the
 284 capital improvement projects to be funded by the millage, such
 285 projects' expected dates of completion, and the maximum duration
 286 for the levy of the millage, which may not extend beyond the
 287 date that the projects are expected to be completed. The millage
 288 levied under this subparagraph may be up to an amount that, when
 289 combined with millage levied under subparagraph 1., does not
 290 exceed the maximum total millage rate authorized under paragraph

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291 (b). The referendum question on the ballot must specify a brief
 292 and general description of the purpose of the levy and the
 293 maximum length of time the millage may be imposed.
 294 b. For purposes of this subparagraph, the term "capital
 295 improvement projects" means projects related to water supply,
 296 including alternative water supply and water resource
 297 development projects identified in the district's regional water
 298 supply plans, water quality, flood protection and floodplain
 299 management, and natural systems.

300 (b) Notwithstanding any other general or special law,
 301 and subject to subsection (4), the maximum total millage rate
 302 for all district and basin purposes authorized under this
 303 section shall be:

- 304 1. Northwest Florida Water Management District: 0.05 mill.
- 305 2. Suwannee River Water Management District: 0.75 mill.
- 306 3. St. Johns River Water Management District: 0.6 mill.
- 307 4. Southwest Florida Water Management District: 1.0 mill.
- 308 5. South Florida Water Management District: 0.80 mill.

309 (c) The apportionment of millages levied pursuant to
 310 subparagraph (a)1. in the South Florida Water Management
 311 District shall be a maximum of 40 percent for district purposes
 312 and a maximum of 60 percent for basin purposes, respectively.

313 (d) Within the Southwest Florida Water Management
 314 District, the maximum millage assessed for district purposes may
 315 not exceed 50 percent of the total authorized millage if there
 316 are one or more basins in the district, and the maximum millage
 317 assessed for basin purposes may not exceed 50 percent of the
 318 total authorized millage.

319 Section 7. Section 373.535, Florida Statutes, is amended to

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320 read:
 321 373.535 Preliminary district budgets.—
 322 (1) BUDGET DEVELOPMENT.—
 323 (a) By January 15 of each year, each water management
 324 district shall submit a preliminary budget for the next fiscal
 325 year for legislative review to the President of the Senate, the
 326 Speaker of the House of Representatives, and the chairs of each
 327 legislative committee and subcommittee having substantive or
 328 fiscal jurisdiction over water management districts, as
 329 determined by the President of the Senate or the Speaker of the
 330 House of Representatives, as applicable, in the form and manner
 331 prescribed in s. 373.536(5)(e).
 332 (b) Each preliminary budget must also include:
 333 1. A section that clearly identifies and provides
 334 justification for each proposed expenditure listed in s.
 335 373.536(5)(e)4.e. and f. and identifies the source of funds for
 336 each proposed expenditure.
 337 2. A section identifying the justification for proposed
 338 expenditures by core mission area of responsibility and the
 339 source of funds needed for activities related to water supply,
 340 including alternative water supply and water resource
 341 development projects identified in the district's regional water
 342 supply plans, water quality, flood protection and floodplain
 343 management, and natural systems.
 344 3. A section that includes the district's capital
 345 improvement plan for the current fiscal year and the next fiscal
 346 year, which will be incorporated as part of the district's 5-
 347 year capital improvement plan. The following information must be
 348 included for each project contained in the capital improvement

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349 plan:

350 a. Estimated beginning and ending date.

351 b. Current status, such as planning, construction, or

352 operations.

353 c. Funding source, grouped by federal, state, and local

354 pursuant to s. 373.503(3)(a)1., local pursuant to s.

355 373.503(3)(a)2., or other.

356 d. Total cost of the project.

357 e. Whether the project is funded from reserves.

358 f. Total expenditures made to date, by fiscal year.

359 g. Current year estimated expenditures.

360 h. Annual budget, including future budget requests, until

361 project completion, by funding source.

362 i. Project description.

363 j. State program code, such as operations and maintenance

364 or ecosystems restoration.

365 4.3. A section reviewing the adopted and proposed budget

366 allocations by program area and the performance metrics for the

367 prior year.

368 5.4. An analysis of each preliminary budget to determine

369 the adequacy of fiscal resources available to the district and

370 the adequacy of proposed district expenditures related to the

371 core mission areas of responsibility for water supply, including

372 alternative water supply and water resource development projects

373 identified in the district's regional water supply plans, water

374 quality, flood protection and floodplain management, and natural

375 systems. The analysis must be based on the particular needs

376 within each district for core mission areas of responsibility.

377 The water supply analysis must specifically include a

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378 determination of the adequacy of each district's fiscal

379 resources provided in the district's preliminary budget to

380 achieve appropriate progress toward meeting the districtwide 20-

381 year projected water supply demands, including funding for

382 alternative water supply development and conservation projects.

383 (c) ~~(b)~~ If applicable, the preliminary budget for each

384 district must specify that the district's first obligation for

385 payment is the debt service on bonds and certificates of

386 participation.

387 (d) In addition to the information that must be included

388 for projects carried out pursuant to the capital improvement

389 plan in subparagraph (b)3., the South Florida Water Management

390 District must include a separate section in its preliminary

391 budget for all projects within the Comprehensive Everglades

392 Restoration Plan. The information for the separate section must

393 be provided on a project-by-project basis and include the source

394 of funds. For each project, all of the following information

395 must be included:

396 1. The project title and a brief description.

397 2. The total estimated cost of the project, delineated by

398 federal and nonfederal sponsor obligations. The local sponsor

399 obligations must be further delineated by state and district

400 obligations.

401 3. The timeline for the project.

402 4. The total expenditures to date and estimated remaining

403 expenditures needed for project completion.

404 5. The estimate of expenditures for the current year.

405 6. The estimate of expenditures for the next fiscal year.

406 (e) For expenditures funded by state appropriations, the

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407 South Florida Water Management District shall indicate which
 408 fiscal year the appropriation is from. In estimating
 409 expenditures for the next fiscal year, the district may
 410 incorporate state revenues only in an amount up to the amount of
 411 funds specifically provided in s. 375.041(3)(b)1., 4., and 5.,
 412 unless the district commits district revenues on a dollar-for-
 413 dollar basis for any amount over such amount specifically
 414 provided.

415 (2) LEGISLATIVE REVIEW.—

416 (a) The Legislature may annually review the preliminary
 417 budget for each district, including, but not limited to, those
 418 items listed in s. 373.536(5)(e)4.d.-f., specific to regulation,
 419 outreach, management, and administration program areas.

420 (b) On or before March 1 of each year, the President of the
 421 Senate and the Speaker of the House of Representatives may
 422 submit comments regarding the preliminary budget to the
 423 districts, and provide a copy of the comments to the Executive
 424 Office of the Governor. Each district shall respond to the
 425 comments in writing on or before March 15 of each year to the
 426 President of the Senate, the Speaker of the House of
 427 Representatives, and the Executive Office of the Governor.

428 (c) If, following such review, the Legislature does not
 429 take any action pursuant to s. 373.503 on or before July 1 of
 430 each year, a water management district may proceed with budget
 431 development as provided in subsection (3) and s. 373.536.

432 (3) FUNDING AUTHORITY GRANTED.—Each district shall use the
 433 preliminary budget as submitted pursuant to subsection (1), and
 434 as may be amended by the district in response to review by the
 435 Legislature pursuant to this section and s. 373.503, as the

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436 basis for developing the tentative budget for the next fiscal
 437 year as provided in s. 373.536(5). However, this subsection may
 438 not be construed to impair any contractual obligations.

439 Section 8. Paragraphs (c) and (e) of subsection (5) of
 440 section 373.536, Florida Statutes, are amended to read:

441 373.536 District budget and hearing thereon.—

442 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 443 APPROVAL.—

444 (c) The Legislative Budget Commission may reject any of the
 445 following district budget proposals unless specifically
 446 appropriated by the Legislature:

447 1. A single purchase of land in excess of \$10 million,
 448 except for land exchanges.

449 2. Any cumulative purchase of land during a single fiscal
 450 year in excess of \$50 million.

451 3. Any issuance of debt on or after July 1, 2012.

452 4. Any program expenditure expenditures as described in
 453 sub-subparagraphs (e)4.e. and f. in excess of 15 percent of a
 454 district's total annual budget.

455 5. Any individual variance variances in a district's
 456 tentative budget which is in excess of 25 percent from a
 457 district's preliminary budget.

458 6. Any individual portion of a district's tentative budget
 459 funded with state appropriations.

460 7. Any individual project in the district's 5-year capital
 461 improvement plan, except for those projects fully funded with
 462 revenues approved by voters pursuant to s. 373.503(3)(a)2.a.

463 Written disapproval of any provision in the tentative budget

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465 must be received by the district at least 5 business days before
 466 the final district budget adoption hearing conducted under s.
 467 200.065(2)(d). If written disapproval is not received at least 5
 468 business days before the final budget adoption hearing, the
 469 governing board may proceed with final adoption. Any provision
 470 rejected by the Executive Office of the Governor or the
 471 Legislative Budget Commission may not be included in a
 472 district's final budget and may not be acted upon through any
 473 other means without the prior approval of the entity rejecting
 474 the provision.

475 (e) The tentative budget must be based on the preliminary
 476 budget as submitted to the Legislature, and as may be amended by
 477 the district in response to review by the Legislature pursuant
 478 to ss. 373.503 and 373.535, as the basis for developing the
 479 tentative budget for the next fiscal year as provided in this
 480 subsection; however, this subsection may not be construed to
 481 impair any contractual obligations. The tentative budget, and
 482 must set forth the proposed expenditures of the district, to
 483 which may be added an amount to be held as reserve. The
 484 tentative budget must include, but is not limited to, the
 485 following information for the preceding fiscal year and the
 486 current fiscal year, and the proposed amounts for the upcoming
 487 fiscal year, in a standard format prescribed by the Executive
 488 Office of the Governor, in consultation with the Legislature:

489 1. The estimated amount of funds remaining at the beginning
 490 of the fiscal year which have been obligated for the payment of
 491 outstanding commitments not yet completed.

492 2. The estimated amount of unobligated funds or net cash
 493 balance on hand at the beginning of the fiscal year; an

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494 accounting of the source, balance, and projected future use of
 495 the unobligated funds; and the estimated amount of funds to be
 496 raised by district taxes or received from other sources to meet
 497 the requirements of the district.

498 3. The millage rates and the percentage increase above the
 499 rolled-back rate, together with a summary of the reasons the
 500 increase is required, and the percentage increase in taxable
 501 value resulting from new construction within the district.

502 4. The salaries and benefits, expenses, operating capital
 503 outlay, number of authorized positions, and other personal
 504 services for the following program areas of the district:

505 a. Water resource planning and monitoring;
 506 b. Land acquisition, restoration, and public works;
 507 c. Operation and maintenance of works and lands;
 508 d. Regulation;
 509 e. Outreach for which the information provided must contain
 510 a full description and accounting of expenditures for water
 511 resources education; public information and public relations,
 512 including public service announcements and advertising in any
 513 media; and lobbying activities related to local, regional, state
 514 and federal governmental affairs, whether incurred by district
 515 staff or through contractual services; and
 516 f. Management and administration.

517
 518 In addition to the program areas reported by all water
 519 management districts, the South Florida Water Management
 520 District shall include in its budget document separate sections
 521 on all costs associated with the Everglades Construction Project
 522 and the Comprehensive Everglades Restoration Plan, incorporating

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523 the amount of state revenues appropriated for the fiscal year.
 524 5. The total estimated amount in the district budget for
 525 each area of responsibility listed in subparagraph 4. and for
 526 water resource, water supply, and alternative water supply
 527 development projects identified in the district's regional water
 528 supply plans.

529 6. A description of each new, expanded, reduced, or
 530 eliminated program.

531 7. The funding sources, including, but not limited to, ad
 532 valorem taxes, Surface Water Improvement and Management Program
 533 funds, other state funds, federal funds, and user fees and
 534 permit fees for each program area.

535 8. The water management district's capital improvement plan
 536 for the current fiscal year and the next fiscal year, in the
 537 same format as required in the preliminary budget.

538 Section 9. Section 373.6075, Florida Statutes, is amended
 539 to read:

540 373.6075 Purchases from contracts of other entities.—
 541 (1) A water management district may purchase commodities
 542 and contractual services, excluding services subject to s.
 543 287.055, from the purchasing contracts of special districts,
 544 municipalities, counties, other political subdivisions,
 545 educational institutions, other states, nonprofit entities,
 546 purchasing cooperatives, or the Federal Government, which have
 547 been procured pursuant to competitive bid, request for proposal,
 548 request for qualification, competitive selection, or competitive
 549 negotiation, and which are otherwise in compliance with general
 550 law if the purchasing contract of the other entity is procured
 551 by a process that meets the procurement requirements of the

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552 water management district.

553 (2) For contractual services for the design, engineering,
 554 or construction, or for any combination of the design,
 555 engineering, or construction of capital improvement projects
 556 with a total project cost estimated at \$20 million or more, a
 557 water management district shall give preference to the lowest
 558 responsible and responsive bid, proposal, or reply that includes
 559 proof of district-defined acceptable minimum work experience
 560 within this state, project-specific payment and performance
 561 bonds in amounts appropriate for the project contract amount,
 562 and minimum warranty of 2 years beginning at substantial
 563 completion, or that includes proof of a comparable financial
 564 assurance mechanism, as defined by district rule.

565 (3) For the purpose of the competitive selection process in
 566 s. 287.055(4) or procurement procedures in s. 255.065(3), a
 567 water management district shall consider whether a bid,
 568 proposal, or reply includes appropriate payment and performance
 569 bonds, proof of a comparable financial assurance mechanism, as
 570 defined by district rule, or documentation of all bond faults or
 571 bond claims within the last 10 years, including all open and
 572 closed claims and agreed-upon amounts with a description of the
 573 claim and any resolution.

574 Section 10. Paragraphs (a), (c), (d), (e), and (h) of
 575 subsection (5) of section 380.093, Florida Statutes, are amended
 576 to read:

577 380.093 Resilient Florida Grant Program; comprehensive
 578 statewide flood vulnerability and sea level rise data set and
 579 assessment; Statewide Flooding and Sea Level Rise Resilience
 580 Plan; regional resilience entities.—

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581 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.—
582 (a) By December 1 of each year, the department shall
583 develop a Statewide Flooding and Sea Level Rise Resilience Plan
584 on a 3-year planning horizon and submit it to the Governor, the
585 President of the Senate, and the Speaker of the House of
586 Representatives. The plan must consist of ranked projects that
587 address risks of flooding and sea level rise to coastal and
588 inland communities in the state. All eligible projects submitted
589 to the department pursuant to this section must be ranked and
590 included in the plan. All eligible projects submitted by a water
591 management district must be ranked on a separate list. Each plan
592 must include a detailed narrative overview describing how the
593 plan was developed, including a description of the methodology
594 used by the department to determine project eligibility, a
595 description of the methodology used to rank projects, the
596 specific scoring system used, the project proposal application
597 form, a copy of each submitted project proposal application form
598 separated by eligible projects and ineligible projects, the
599 total number of project proposals received and deemed eligible,
600 the total funding requested, and the total funding requested for
601 eligible projects.

602 (c) Each plan submitted by the department pursuant to this
603 subsection must include all of the following information for
604 each recommended project:

1. A description of the project.
 2. The location of the project.
 3. An estimate of how long the project will take to complete.
 4. An estimate of the cost of the project.

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610 5. The cost-share percentage available for the project, if
611 applicable.

612 6. A summary of the priority score assigned to the project.
613 7. The project sponsor.

614 (d)1. By September 1 of each year, all of the following
615 entities may submit to the department a list of proposed
616 projects that address risks of flooding or sea level rise
617 identified in the comprehensive statewide flood vulnerability
618 and sea level rise assessment or vulnerability assessments that
619 meet the requirements of subsection (3):

- a. Counties.

- b. Municipalities.

- 622 c. Special districts as defined in s. 189.012 which are
623 responsible for the management and maintenance of inlets and
624 intracoastal waterways or for the operation and maintenance of a
625 potable water facility, a wastewater facility, an airport, or a
626 seaport facility.

- d. Regional resilience entities acting on behalf of one or more member counties or municipalities.

629
630 For the plans submitted by December 1, 2024, such entities may
631 submit projects identified in existing vulnerability assessments
632 that do not comply with subsection (3) only if the entity is
633 actively developing a vulnerability assessment that is either
634 under a signed grant agreement with the department pursuant to
635 subsection (3) or funded by another state or federal agency, or
636 is self-funded and intended to meet the requirements of
637 paragraph (3)(d) or if the existing vulnerability assessment was
638 completed using previously compliant statutory requirements.

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639 Projects identified from this category of vulnerability
 640 assessments will be eligible for submittal until the prior
 641 vulnerability assessment has been updated to meet most recent
 642 statutory requirements.

643 2. By September 1 of each year, all of the following
 644 entities may submit to the department a list of any proposed
 645 projects that address risks of flooding or sea level rise
 646 identified in the comprehensive statewide flood vulnerability
 647 and sea level rise assessment or vulnerability assessments that
 648 meet the requirements of subsection (3), or that mitigate the
 649 risks of flooding or sea level rise on water supplies or water
 650 resources of the state and a corresponding evaluation of each
 651 project:

652 a. Water management districts.

653 b. Drainage districts.

654 c. Erosion control districts.

655 d. Flood control districts.

656 e. Regional water supply authorities.

657 3. Each project submitted to the department pursuant to
 658 this paragraph for consideration by the department for inclusion
 659 in the plan must include all of the following information:

660 a. A description of the project.

661 b. The location of the project.

662 c. An estimate of how long the project will take to
 663 complete.

664 d. An estimate of the cost of the project.

665 e. The cost-share percentage available for the project, if
 666 applicable.

667 f. The project sponsor.

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668 (e) Each project included in the plan must have a minimum
 669 50 percent cost share unless the project assists or is within a
 670 community eligible for a reduced cost share. For purposes of
 671 this section, the term "community eligible for a reduced cost
 672 share" means:

673 1. A municipality that has a population of 10,000 or less
 674 ~~fewer~~, according to the most recent April 1 population estimates
 675 posted on the Office of Economic and Demographic Research's
 676 website, and a per capita annual income that is less than the
 677 state's per capita annual income as shown in the most recent
 678 release from the Bureau of the Census of the United States
 679 Department of Commerce that includes both measurements;

680 2. A county that has a population of 50,000 or less ~~fewer~~,
 681 according to the most recent April 1 population estimates posted
 682 on the Office of Economic and Demographic Research's website,
 683 and a per capita annual income that is less than the state's per
 684 capita annual income as shown in the most recent release from
 685 the Bureau of the Census of the United States Department of
 686 Commerce that includes both measurements; or

687 3. A municipality or county that has a per capita annual
 688 income that is equal to or less than 75 percent of the state's
 689 per capita annual income as shown in the most recent release
 690 from the Bureau of the Census of the United States Department of
 691 Commerce.

692 (h) The total amount of funding proposed for each year of
 693 the plan must ~~may not be at least less than~~ \$100 million. No
 694 ~~more than 25 percent of the total amount proposed may fund~~
 695 ~~projects submitted by water management districts~~. Upon review
 696 and subject to appropriation, the Legislature shall approve

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697 funding for the projects as specified in the plan. Multiyear
 698 projects that receive funding for the first year of the project
 699 must be included in subsequent plans and funded until the
 700 project is complete, provided that the project sponsor has
 701 complied with all contractual obligations and funds are
 702 available.

703 Section 11. For the purpose of incorporating the amendment
 704 made by this act to section 373.503, Florida Statutes, in a
 705 reference thereto, section 373.0697, Florida Statutes, is
 706 reenacted to read:

707 373.0697 Basin taxes.—The respective basins may, pursuant
 708 to s. 9(b), Art. VII of the State Constitution, by resolution
 709 request the governing board of the district to levy ad valorem
 710 taxes within such basin. Upon receipt of such request, a basin
 711 tax levy shall be made by the governing board of the district to
 712 finance basin functions enumerated in s. 373.0695,
 713 notwithstanding the provisions of any other general or special
 714 law to the contrary, and subject to the provisions of s.
 715 373.503(3).

716 (1) The amount of money to be raised by said tax levy shall
 717 be determined by the adoption of an annual budget by the
 718 district board of governors, and the average millage for the
 719 basin shall be that amount required to raise the amount called
 720 for by the annual budget when applied to the total assessment of
 721 the basin as determined for county taxing purposes. However, no
 722 such tax shall be levied within the basin unless and until the
 723 annual budget and required tax levy shall have been approved by
 724 formal action of the basin board, and no county in the district
 725 shall be taxed under this provision at a rate to exceed 1 mill.

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726 (2) The taxes provided for in this section shall be
 727 extended by the county property appraiser on the county tax roll
 728 in each county within, or partly within, the basin and shall be
 729 collected by the tax collector in the same manner and time as
 730 county taxes, and the proceeds therefrom paid to the district
 731 for basin purposes. Said taxes shall be a lien, until paid, on
 732 the property against which assessed and enforceable in like
 733 manner as county taxes. The property appraisers, tax collectors,
 734 and clerks of the circuit court of the respective counties shall
 735 be entitled to compensation for services performed in connection
 736 with such taxes at the same rates as apply to county taxes.

737 (3) It is hereby determined that the taxes authorized by
 738 this subsection are in proportion to the benefits to be derived
 739 by the several parcels of real estate within the basin from the
 740 works authorized herein.

741 Section 12. 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 Appropriations

BILL: SB 1216

INTRODUCER: Senator Rodriguez

SUBJECT: Public School Personnel Compensation

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<u>Favorable</u>
2. <u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Favorable</u>
3. <u>Gray</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

I. Summary:

SB 1216 revises district school board compensation and salary schedule provisions. The bill:

- Specifies that the cost-of-living salary adjustment applies to certain district employees, provides that such an adjustment does not preclude other salary adjustments from additional funding sources, and removes the limitation that the adjustment may not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective;
- Expands the circumstances under which advanced degrees may be used in salary schedules for instructional personnel and school administrators and specifies what qualifies as an advanced degree for salary schedule purposes;
- Adds advanced degrees as a district-determined factor for differentiated pay under the grandfathered salary schedule; and
- Removes requirements governing the relative amounts of annual salary adjustments for employees rated highly effective and effective under the performance salary schedule.

This bill does not appear to have a fiscal impact on state revenues or expenditures. See **Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Cost-of-living salary adjustment

A district school board may provide a cost-of-living salary adjustment if the adjustment does not discriminate among comparable classes of employees based upon the salary schedule under

which they are compensated. The cost-of-living salary adjustment may not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.¹

Classroom Teacher and Other Instructional Personnel Salary Increase Allocation

The Florida Education Finance Program (FEFP) includes a classroom teacher and other instructional personnel salary increase allocation that may be used to support the minimum base salary for full-time classroom teachers and FEFP funded certified prekindergarten teachers, or to provide salary increases to instructional personnel. Each district and charter school develops a salary distribution plan for the allocation, and the district submits the approved district plan and each approved charter school plan in the district to the Department of Education by October 1 of each fiscal year.²

Advanced Degrees

Advanced degrees may be used in setting a salary schedule for instructional personnel or school administrators if the advanced degree is held in the individual's area of certification.³

Grandfathered and Performance Salary Schedules

The grandfathered salary schedule serves as the basis for paying school employees hired before July 1, 2014. Instructional personnel on annual contract as of July 1, 2014, are placed on the performance salary schedule. Instructional personnel on continuing contract or professional service contract may opt into the performance salary schedule by relinquishing that contract and agreeing to annual contract status.⁴ An employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.⁵

In determining the grandfathered salary schedule for instructional personnel, a district school board bases a portion of each employee's compensation upon performance demonstrated under the district's evaluation system and provides differentiated pay for instructional personnel and school administrators based upon district-determined factors, including additional responsibilities, school demographics, high-demand teacher needs areas, and level of job performance difficulties.

Performance Salary Schedule Salary Adjustments and Related Limitations

The performance salary schedule provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under the district's evaluation

¹ Section 1012.22(1)(c), F.S.

² Section 1011.62(14), F.S.

³ Section 1012.22(1)(c), F.S.

⁴ *Id.* Instructional personnel hired before July 1, 1984, entered into continuing contracts entitled the employee to continued employment without the necessity of annual renewal. Section 231.36(3)(e), F.S. (1981). Instructional personnel hired on or after July 1, 1984, and up to July 1, 2011, were awarded professional service contracts after three years of probationary service; such contracts were automatically renewed each year, unless the employee was charged with unsatisfactory performance. Section 1012.33(3), F.S.

⁵ Section 1012.22(1)(c), F.S.

system. A salary schedule may not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

Salary adjustments for highly effective or effective performance include all of the following:

- The annual salary adjustment for an employee rated highly effective is at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.
- The annual salary adjustment for an employee rated effective is at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.⁶

III. Effect of Proposed Changes:

This bill revises district school board compensation and salary schedule provisions.

Cost-of-Living Salary Adjustments

The bill amends s. 1012.22(1)(c)2., F.S., relating to cost-of-living adjustments provided by district school boards, to:

- Specify that the district school board's authority to provide a cost-of-living salary adjustment applies to district employees, including, but not limited to, instructional personnel, prekindergarten teachers, noninstructional personnel, and school administrators;
- Provide that a cost-of-living salary adjustment does not preclude a district school board from providing other salary adjustments from additional funding sources, including categorical funding, the classroom teacher and other instructional personnel salary increase under s. 1011.62(14), F.S., and supplemental funding sources, including grants; and
- Remove the limitation that a cost-of-living salary adjustment may not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.

Advanced Degrees in Salary Schedules

The bill amends s. 1012.22(1)(c)3., F.S., relating to the use of advanced degrees in salary schedules, to:

- Expand the circumstances under which a district school board may use an advanced degree in setting a salary schedule for instructional personnel or school administrators by allowing an advanced degree held in the individual's area of certification, a field related to his or her teaching assignment, or a related field of study; and
- Specify that, for purposes of a salary schedule, an advanced degree may include:
 - A master's degree or higher that is in the individual's area of certification or teaching assignment; or
 - An advanced degree in another field if the individual has at least 18 graduate semester hours related to the individual's area of certification or teaching assignment.

⁶ Id.

Differentiated Pay Factors Under the Grandfathered Salary Schedule

The bill amends s. 1012.22(1)(c)4.b., F.S., relating to differentiated pay under the grandfathered salary schedule, to include advanced degrees among the district-determined factors a district school board may use in providing differentiated pay for instructional personnel and school administrators.

Performance Salary Schedule Annual Salary Adjustments

The bill amends s. 1012.22(1)(c)5.b., F.S., relating to salary adjustments under the performance salary schedule, to remove requirements governing how a district school board must establish annual salary adjustment amounts for employees rated highly effective and effective, including requirements that:

- The annual salary adjustment for an employee rated highly effective be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district; and
- The annual salary adjustment for an employee rated effective be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

The bill retains the limitation that an annual salary adjustment is provided only for an employee rated highly effective or effective for the year.

Conforming and Stylistic Revisions

The bill makes conforming and stylistic revisions throughout s. 1012.22(1)(c), F.S., including deleting an obsolete date reference and reorganizing language without substantively changing the operation of those provisions.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures. The bill provides districts flexibility regarding compensation and salary schedules. The impact on a district that chooses to take advantage of this flexibility is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1012.22 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 Rodriguez

40-00435A-26

20261216

A bill to be entitled
 An act relating to public school personnel compensation; amending s. 1012.22, F.S.; providing that cost-of-living adjustments are for employees with direct student contact; providing that such adjustments do not preclude district school boards from providing other adjustments; deleting a limitation on such adjustments; revising the requirement for the use of advanced degrees when setting salary schedules for instructional personnel and school administrators; deleting certain limitations for salary adjustments under the performance salary schedule; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

- (1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) Compensation and salary schedules.—

1. Definitions.—As used in this paragraph:

a. "Adjustment" means an addition to the base salary

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schedule that is not a bonus and becomes part of the employee's permanent base salary and is shall be considered compensation under s. 121.021(22).

- b. "Grandfathered salary schedule" means the salary schedule or schedules adopted by a district school board before July 1, 2014, pursuant to subparagraph 4.
- c. "Instructional personnel" means instructional personnel as defined in s. 1012.01(2) (a)-(d), excluding substitute teachers.
- d. "Performance salary schedule" means the salary schedule or schedules adopted by a district school board pursuant to subparagraph 5.
- e. "Salary schedule" means any the schedule or schedules used to provide the base salary for district school board personnel.
- f. "School administrator" means a school administrator as defined in s. 1012.01(3) (c).
- g. "Supplement" means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's continuing base salary but is shall be considered compensation under s. 121.021(22).

2. Cost-of-living adjustment.—A district school board may provide a cost-of-living salary adjustment to district employees, including, but not limited to, instructional personnel as defined in s. 1012.01(2), prekindergarten teachers, noninstructional personnel, and school administrators as defined in s. 1012.01(3) (c), if the adjustment+

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59 a. does not discriminate among comparable classes of
 60 employees based upon the salary schedule under which they are
 61 compensated. A cost-of-living adjustment does not preclude a
62 district school board from providing other salary adjustments
63 from additional funding sources, including categorical funding
64 and the classroom teacher and other instructional personnel
65 salary increase under s. 1011.62(14) and supplemental funding
66 sources, including grants.

67 b. ~~Does not exceed 50 percent of the annual adjustment~~
 68 ~~provided to instructional personnel rated as effective.~~

69 3. Advanced degrees.—A district school board may use
 70 advanced degrees in setting a salary schedule for instructional
 71 personnel or school administrators if the advanced degree is
 72 held in the individual's area of certification, a field related
73 to his or her teaching assignment, or a related field of study.
74 For purposes of the salary schedule, an advanced degree may
75 include a master's degree or higher that is in the area of
76 certification or teaching assignment, or an advanced degree in
77 another field with a minimum of 18 graduate semester hours
78 related to the individual's area of certification or teaching
79 assignment.

80 4. Grandfathered salary schedule.—

81 a. The district school board shall adopt a salary schedule
 82 or salary schedules to be used as the basis for paying all
 83 school employees hired before July 1, 2014. Instructional
 84 personnel on annual contract as of July 1, 2014, shall be placed
 85 on the performance salary schedule adopted under subparagraph 5.
 86 Instructional personnel on continuing contract or professional
 87 service contract may opt into the performance salary schedule if

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88 the employee relinquishes such contract and agrees to be
 89 employed on an annual contract under s. 1012.335. Such an
 90 employee shall be placed on the performance salary schedule and
 91 may not return to continuing contract or professional service
 92 contract status. Any employee who opts into the performance
 93 salary schedule may not return to the grandfathered salary
 94 schedule.

95 b. In determining the grandfathered salary schedule for
 96 instructional personnel, a district school board must base a
 97 portion of each employee's compensation upon performance
 98 demonstrated under s. 1012.34 and shall provide differentiated
 99 pay for both instructional personnel and school administrators
 100 based upon district-determined factors, including, but not
 101 limited to, additional responsibilities, school demographics,
 102 high-demand teacher needs areas, advanced degrees, and level of
 103 job performance difficulties.

104 5. Performance salary schedule.—~~By July 1, 2014, The~~
 105 district school board shall adopt a performance salary schedule
 106 that provides annual salary adjustments for instructional
 107 personnel and school administrators based upon performance
 108 determined under s. 1012.34. Employees hired on or after July 1,
 109 2014, or employees who choose to move from the grandfathered
 110 salary schedule to the performance salary schedule shall be
 111 compensated pursuant to the performance salary schedule once
 112 they have received the appropriate performance evaluation for
 113 this purpose.

114 a. Base salary.—The base salary shall be established as
 115 follows:

116 (I) The base salary for instructional personnel or school

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117 administrators who opt into the performance salary schedule
 118 shall be the salary paid in the prior year, including
 119 adjustments only.

120 (II) Instructional personnel or school administrators new
 121 to the district, returning to the district after a break in
 122 service without an authorized leave of absence, or appointed for
 123 the first time to a position in the district in the capacity of
 124 instructional personnel or school administrator shall be placed
 125 on the performance salary schedule.

126 b. ~~Salary adjustments for highly effective or effective performance shall be established as follows:~~

127 ~~(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.~~

128 ~~(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.~~

129 ~~(III) A salary schedule shall not provide An annual salary adjustment shall only be provided for an employee who receives a rating of ether than highly effective or effective for the year.~~

130 c. ~~Salary supplements.-In addition to the salary adjustments, each district school board shall provide for salary supplements for activities that must include, but are not limited to:~~

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146 (I) Assignment to a Title I eligible school.
 147 (II) Assignment to a school that earned a grade of "F" or
 148 three consecutive grades of "D" pursuant to s. 1008.34 such that
 149 the supplement remains in force for at least 1 year following
 150 improved performance in that school.

151 (III) Certification and teaching in high-demand teacher
 152 needs areas. Statewide high-demand teacher needs areas shall be
 153 identified by the State Board of Education under s. 1012.07.
 154 However, the district school board may identify other areas of
 155 high-demand needs within the school district for purposes of
 156 this sub-sub-subparagraph and may remove areas identified by the
 157 state board which do not apply within the school district.

158 (IV) Assignment of additional academic responsibilities.

159

160 If budget constraints in any given year limit a district school
 161 board's ability to fully fund all adopted salary schedules, the
 162 performance salary schedule may ~~shall~~ not be reduced on the
 163 basis of total cost or the value of individual awards in a
 164 manner that is proportionally greater than reductions to any
 165 other salary schedules adopted by the district. Any compensation
 166 for longevity of service awarded to instructional personnel who
 167 are on any other salary schedule must be included in calculating
 168 the salary adjustments required by sub-subparagraph b.

169 Section 2. 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 Appropriations

BILL: SB 1366

INTRODUCER: Senators Brodeur and Rouson

SUBJECT: Claims Against the Government

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Collazo	Cibula	JU	Favorable
2. Sanders	Sadberry	AP	Pre-meeting
3. _____	_____	RC	_____

I. Summary:

SB 1366 revises the statutory cap, attorney fee, and filing timeframe provisions of s. 768.28, F.S., which is the state's limited waiver of sovereign immunity statute.

Under common law, the state and its agencies and subdivisions (i.e. the "sovereign") are immune from lawsuits for the tortious conduct of their agents and employees. However, the statute modifies the common law by generally allowing for suits in tort against the State of Florida (State) and its agencies and subdivisions but generally limits the payment of claims and the collectability of judgments absent the approval of a claim bill by the Legislature.

Specifically, the bill:

- Increases the statutory caps on payment of claims or the collectability of judgments against the state or its agencies or subdivisions, from \$200,000 per person and \$300,000 per incident, to \$300,000 per person and \$450,000 per incident.
- Requires the Department of Financial Services to adjust, beginning July 1, 2031, and every five years thereafter, the limitations of liability in the statute to reflect changes in the Consumer Price Index.
- Provides that the Legislature has the sole discretion to determine attorney fees and costs that are payable from the proceeds of a claim bill.
- Revises certain statutes of limitation and presuit procedures for certain types of claims against government entities, including claims for negligence, contribution, medical malpractice, wrongful death, and sexual battery on victims under 16 years of age.
- Provides that it applies to causes of action accruing on or after October 1, 2026.

The bill has an indeterminate, significant negative impact to state and local revenues and expenditures. *See Section. V., Fiscal Impact Statement.*

The bill takes effect October 1, 2026.

II. Present Situation:

Civil Tort Action

One of the goals of the civil justice system is to redress tortious conduct, or “torts.” A tort is a wrong for which the law provides a remedy. Torts are generally divided into two categories, as follows:

- An intentional tort, examples of which include an assault, battery, or false imprisonment.
- Negligence, which is a tort that is unintentionally committed. To prevail in a negligence lawsuit, the party seeking the remedy, the “plaintiff,” must demonstrate that the:
 - Defendant had a legal duty of care requiring the defendant to conform to a certain standard of conduct for the protection of others, including the plaintiff, against unreasonable risks.
 - Defendant breached his or her duty of care by failing to conform to the required standard.
 - Defendant’s breach caused the plaintiff to suffer an injury.
 - Plaintiff suffered actual damage or loss resulting from such injury.¹

Sovereign Immunity

Sovereign immunity is a principle under which a government cannot be sued without its consent.² Article X, s. 13 of the Florida Constitution allows the Legislature to waive this immunity. Consistent with this provision, Florida law allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting within the scope of their employment.³ This liability exists only where a private person would be liable for the same conduct. The waiver of sovereign immunity provided under s. 768.28, F.S., applies only to “injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment.”⁴

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken within the scope of their employment, unless the damages result from the employee’s acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.⁵ A government entity is not liable for any damages resulting from actions by an employee outside the scope of his or her employment, and is not liable for damages resulting from actions committed by the employee in

¹ *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

² Cornell Law School, Legal Information Institute, *Sovereign immunity*, https://www.law.cornell.edu/wex/sovereign_im immunity (last visited Feb. 6, 2026). Sovereign immunity is a common law doctrine under which a sovereign cannot be sued in its courts without its consent. *Id.* The doctrine had its origin with the judge-made law of England. During English feudal times, the king was the sovereign. One could not sue the king in his own courts; hence the phrase, “the king can do no wrong.” *Id.*; see also *Cauley v. City of Jacksonville*, 403 So. 2d 379, 381 (Fla. 1981). Today, the term “sovereign” in Florida refers to state agencies and subdivisions including local governments.

³ Section 768.28(1), F.S.

⁴ *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4th DCA 2019) (quoting s. 768.28(1), F.S.) (internal punctuation omitted).

⁵ Section 768.28(9)(a), F.S.

bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.⁶

Statutory Caps on Recovery of Damages

Section 768.28(5), F.S., caps damages recoverable in a tort action against a state or local governmental entity at \$200,000 per person and \$300,000 per incident.⁷ Although a court may enter an excess judgment, absent a claim bill passed by the Legislature or private insurance, a claimant may not actually collect more than the caps provide.⁸

State Agency

A state agency means any department, agency, or instrumentality of a state or of a political subdivision of a state. Generally, a state agency is a government department, office, or board that operates within a state; state agencies are responsible for carrying out laws enacted by the state legislature.⁹ Some examples of current state agencies include the Agency for Health Care Administration, the Department of Management Services, the Florida Department of Agriculture and Consumer Services, the Florida Department of Environmental Protection, and the University of South Florida.¹⁰

Subdivision

A political subdivision is a separate legal entity of the State which usually has specific governmental functions.¹¹ Section 218.077(1)(f), F.S., defines a political subdivision as a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law. Local governments are incorporated by special acts of the Florida Legislature and include counties, municipalities, school districts, and special districts.¹²

Division of Risk Management

The Department of Financial Services' Division of Risk Management (Division) is responsible for ensuring participating state agencies and universities receive assistance in managing risk and in providing quality workers' compensation, liability, federal civil rights, automobile liability, property, and firefighter cancer benefits insurance coverage at reasonable rates by providing self-insurance, purchase of insurance, and claims administration.¹³ The General Liability Program within the Division provides general liability claims coverage through the State Risk Management Trust Fund. The state is liable for damages for injury, death, or loss of property

⁶ *Id.*

⁷ Section 768.28(5), F.S.

⁸ *Breaux v. City of Miami Beach*, 899 So. 2d 1059, 1061 fn. 2 (Fla. 2005).

⁹ Sections 20.02(1) and 20.03(1), F.S.

¹⁰ Florida Executive Office of the Governor, *Info Center: State Agencies*, <https://www.flgov.com/eog/info/agencies> (last visited Feb. 6, 2026).

¹¹ Social Security Administration, *How to Determine an Entity's Legal Status*,

https://www.ssa.gov/section218training/advanced_course_9.htm#3 (last visited Feb. 6, 2026).

¹² Susan A. MacManus, et al, *Politics in Florida* (4th ed. 2015).

¹³ Department of Financial Services, Division of Risk Management, *Fiscal Year 2025 Annual Report*, <https://myfloridacfo.com/docs-sf/risk-management-libraries/risk-documents/annual-reports/risk-mgmt-annual-report-2025---final.pdf> (last visited Feb. 6, 2026).

caused by the negligence of its employees, agents or volunteers while acting within the course and scope of their employment or responsibilities. The state's self-insurance coverage includes premises and operations, personal injury and professional liability.¹⁴

A government entity may, without a claim bill, settle a claim against it for an amount above the cap in s. 768.28, F.S., if that amount is within the limits of the insurance coverage.¹⁵

Legislative Claim Bill

A plaintiff may recover an amount greater than the caps described in s. 768.28(5), F.S., by way of a legislative claim bill. A claim bill is not an action at law, but rather is a legislative measure that directs the Chief Financial Officer, or if appropriate, a unit of local government, to pay a specific sum of money to a claimant to satisfy an equitable or moral obligation.¹⁶ Such obligations typically arise from the negligence of officers or employees of the State or a local governmental entity.¹⁷ Legislative claim bills are typically pursued after procurement of a judgment or settlement in an action at law where the full amount of damages awarded cannot be satisfied because of statutory caps.¹⁸ The amount awarded is based on the Legislature's concept of fair treatment of a person who has been injured or damaged but who is without a complete judicial remedy or who is not otherwise compensable.¹⁹ Unlike civil judgments, claim bills are not obtainable by right; rather, they are granted as a matter of legislative grace.²⁰

Once a legislative claim bill is formally introduced, a special master²¹ usually conducts a hearing.²² This hearing may resemble a trial during which the claimant offers testimony as well as documentary and physical evidence necessary to establish the claim. Trial records may be substituted for witness testimony. Testifying witnesses are sworn and subject to cross-examination.²³ A respondent may present a defense to contest the claim, and the special master may then prepare a report with an advisory recommendation to the Legislature if the bill is placed on an agenda.²⁴

Alternatively, a government entity may, without the need for a claim bill, settle a claim or pay a judgment against it for an amount in excess of the caps in s. 768.28, F.S., but only if that amount is within the limits of its insurance coverage.²⁵

¹⁴ *Id.*

¹⁵ *Michigan Millers Mut. Ins. Co. v. Burke*, 607 So. 2d 418, 421-22 (Fla. 1992); Section 768.28(5), F.S.

¹⁶ *Wagner v. Orange Cty.*, 960 So. 2d 785, 788 (Fla. 5th DCA 2007).

¹⁷ *Id.*

¹⁸ See generally *City of Miami v. Valdez*, 847 So. 2d 1005 (Fla. 3d DCA 2003).

¹⁹ *Wagner*, 960 So. 2d at 788 (internal citation omitted).

²⁰ *United Servs. Auto. Ass'n v. Phillips*, 740 So. 2d 1205, 1209 (Fla. 2d DCA 1999).

²¹ The "Special Master" is a role appointed by the Senate President and the Speaker of the House of Representatives, respectively. The special master oversees factfinding, which may include holding a *de novo* hearing on the claim which is administrative in nature, and may prepare a report and recommendation to the respective chamber. See *Legislative Claim Bill Manual*, 8-10 (Revised Nov. 2024), <https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf> (last visited Feb. 6, 2026).

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Section 768.28(5), F.S.

Claim Bill Attorney Fees Cap

Section 768.28(8), F.S., provides that no attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any judgment or settlement. Fees contingent upon the outcome of any specific legislative action are generally prohibited by s. 11.047(2), F.S., except in the case of claim bills. It is considered a conflict of interest for a legislator to file a claim bill if that legislator, or the legislator's law partner, would receive a fee for services.²⁶

In 2017, the Florida Supreme Court issued its opinion in *Searcy, Denney, Scarola, Barnhart & Shipley v. Florida*.²⁷ In that case, the Legislature passed a claim bill that authorized payment of \$15 million to a child whose family obtained a \$28.3 million negligence judgment against a state hospital. The law firm that had assisted the family in obtaining the judgment and claim bill petitioned for approval of a closing statement authorizing payment of \$2.5 million in attorney fees.²⁸

The Fifteenth Judicial Circuit Court denied the request for fees pursuant to a provision of the claim bill that limited fees to \$100,000. The Fourth District Court of Appeal affirmed.²⁹ However, the Supreme Court (Court) majority reversed, holding that although the Legislature has complete discretion in its decision whether to grant a legislative claim bill, which is an act of grace, impairing a preexisting contract between the claimant and a law firm for attorney fees was unconstitutional.³⁰ The dissent disagreed, noting that the enactment of s. 768.28, F.S., did not undermine the reasoning in the Court's earlier decision in *Gamble v. Wells*, which concluded that the Legislature was in no way bound to pass legislation conforming with the provisions of a prior contingent fee contract.³¹ Moreover, because the parties explicitly anticipated and agreed in the fee agreement to an award of fees as limited by Florida law and in the amount provided by law, there could be no unconstitutional impairment of contract.³²

Accrual of a Claim

An important date for the purpose of a claim bill is the date a claim accrues. Under s. 95.031(1), F.S., a claim accrues when the last element constituting the cause of action occurs. In a negligence claim, the cause of action accrues "upon the happening of an accident and the attendant injuries."³³ Further, s. 768.28(6)(b), F.S., specifies that the requirements of notice to an agency and denial of the claim required under sovereign immunity are not deemed to be elements of the cause of action and do not affect the date on which the cause of action accrues.

²⁶ *Legislative Claim Bill Manual*, p. 4 (Nov. 2024),
<https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf> (last visited Feb. 6, 2026).

²⁷ 209 So. 3d 1181 (Fla. 2017).

²⁸ *Id.* at 1184-86.

²⁹ *Id.* at 1186-88.

³⁰ *Id.* at 1188-97.

³¹ *Id.* at 1197 (Canady, J., dissenting).

³² *Id.* at 1198-99 (Polston, J., dissenting).

³³ *Dep't. of Transp. v. Soldovere*, 519 So. 2d 616, 616 (Fla. 1988).

Statutes of Limitations

A statute of limitations is an absolute bar to the filing of a lawsuit after a date set by law. A statute of limitations specifies when such time period begins, how long the limitation period runs, and the circumstances by which the running of the statute may be “tolled,” or suspended. A statute of limitations usually begins to run when a cause of action accrues, which generally, is when the harm occurs.

Section 95.11(5)(a), F.S., currently provides that general actions against a private citizen or entity founded on negligence are subject to a two-year statute of limitations. This limitations period was recently reduced from four years to two years in ch. 2023-15, s. 3, Laws of Florida. But general actions based on negligence against the government remain subject to a four-year statute of limitations.³⁴

Contribution

Section 768.31, F.S., provides for the right to contribution. Generally, contribution is a legal action that allows a tortfeasor to collect from others responsible for the same tort after the tortfeasor has paid more than his or her pro rata share of the damages. No single tortfeasor is compelled to make contribution beyond his or her own pro rata share of the entire liability.³⁵

An action for contribution must be filed within one year after the judgment has become final by lapse of time for appeal or after appellate review.³⁶

Medical Malpractice

Section 766.102, F.S., provides for the recovery of damages based on the death or personal injury of any person in which it is alleged the injury resulted from the negligence of a health care provider. In a medical malpractice case, the claimant has the burden of proving by a greater weight of the evidence that the alleged actions of the provider represented a breach in the prevailing professional standard of care for that healthcare provider.³⁷

An action for medical malpractice must be filed within two years from the time the incident giving rise to the action occurred or within two years from the time the incident is discovered, or should have been discovered with the exercise of due diligence.³⁸ However, generally, no medical malpractice action may be filed more than four years after the date of the incident or occurrence out of which the cause of action accrued.³⁹

Wrongful Death

Generally, an action for wrongful death may be brought when a person dies due to the wrongful act, negligence, default, or breach of contract or warranty of any person, and the event would have entitled the person injured to bring an action and recover damages if the death had not

³⁴ Section 768.28(14), F.S.

³⁵ Section 768.31(2)(b), F.S.

³⁶ Section 768.31(4)(c), F.S.

³⁷ Section 766.102(1), F.S.

³⁸ Section 95.11(5)(c), F.S.

³⁹ *Id.*

ensued.⁴⁰ An action for wrongful death must be initiated within two years after the death of the subject person.⁴¹

Civil Claim for Sexual Battery

Section 794.011, F.S., establishes the criminal offense of sexual battery. Pursuant to statute, sexual battery means oral, anal, or female genital penetration, by or union with, the sexual organ of another or the anal or female genital penetration of another by any other object. The definition of sexual battery, however, does not include an act done for a bona fide medical purpose. Sexual battery by an adult (18 years of age or older) upon another adult is a first-degree felony punishable, in general, by imprisonment for up to 30 years and a fine of up to \$10,000.⁴² The penalties for sexual battery are increased for victims under the age of 18, vulnerable victims, and habitual offenders.

Section 95.11, F.S., provides statutes of limitation for various types of civil actions. In 2010, the Legislature amended s. 95.11, F.S., to remove any statute of limitations applying to a civil action against a private entity for sexual battery if the victim was under 16 at the time of the crime.⁴³ The Legislature provided, however, that this amendment would not resuscitate any civil claims that were already barred by the statute of limitations at the time.⁴⁴

Presuit Procedures

Before a claimant files a lawsuit against a government entity, the claimant generally must present the claim in writing to the government entity within a time period prescribed by law, which is generally three years.⁴⁵ If the claim is brought against the state, the claimant must also present the claim to the Department of Financial Services. The government entity generally then has six months to review the claim. If the government entity does not dispose of the claim within that six-month period, the claimant may generally proceed with the lawsuit.⁴⁶

Private Correctional Facility Vendor Indemnification

Pursuant to s. 944.713, F.S., a private vendor who submits a bid to contract for the construction, lease, or operation of a correctional facility to the state must provide proof of certain insurance coverage to cover liability for any claim or judgment which arises. Under current law, such private vendor must provide insurance for claims up to \$100,000 for a single person or \$200,000 for the total aggregate claims arising out of a single incident or occurrence.⁴⁷

⁴⁰ Section 768.19, F.S.

⁴¹ Section 95.11(5)(e), F.S.

⁴² Section 794.011(4)(b), F.S. (referencing ss. 775.082, F.S. and 775.083, F.S.).

⁴³ Chapter 2010-54, s. 1, Laws of Fla. (codifying s. 95.11(9), F.S.).

⁴⁴ *Id.* (“This subsection applies to any such action other than one which would have been time barred on or before July 1, 2010”).

⁴⁵ See s. 768.28(6)(a), F.S.

⁴⁶ See s. 768.28(6)(d), F.S.

⁴⁷ Section 944.713, F.S.

A “contractor-operated correctional facility” is defined as any facility, which is not operated by the Florida Department of Corrections, for the incarceration of adults or juveniles who have been sentenced by a court and committed to the custody of the department.⁴⁸

III. Effect of Proposed Changes:

Amendments to the Waiver of Sovereign Immunity Statute

Section 1 revises the statutory cap, attorney fee, and filing timeframe provisions of s. 768.28, F.S., which is the waiver of sovereign immunity statute.

Statutory Caps

The bill amends s. 768.28(5), F.S., which allows for suits in tort against the State of Florida (State) and its agencies and subdivisions subject to statutory caps.

Specifically, the bill increases the statutory caps on the payment of claims or the collectability of judgments against the state or its agencies or subdivisions, from \$200,000 per person and \$300,000 per incident, to \$300,000 per person and \$450,000 per incident. It also provides that when determining liability limits for a claim, the caps in effect on the date the claim accrues will apply to the underlying claim.

Additionally, under the bill, beginning July 1, 2031, and on July 1 every five years thereafter, the Department of Financial Services (DFS) is required to adjust the limitations of liability in the statute to reflect changes in the Consumer Price Index for the South region or a successor index as calculated by the U.S. Department of Labor, not to exceed three percent for any such adjustment.

Claim Bill Attorney Fees

The bill revises s. 768.28(8), F.S., which caps attorney fees in actions against the state. Under the bill, an attorney may not charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any funds recovered as a result of judgment or settlement. In the enactment of a claim bill, as to payments made to the claimant in excess of the limits in s. 768.28(5)(a), F.S., the Legislature has the sole discretion to award an attorney fee applicable to the excess which is less than 25 percent, notwithstanding any agreement. The Legislature may also limit payments for costs or otherwise reserve a portion of the proceeds to the claimant. This provision is deemed to be a part of any fee agreement.

Timeframes for Filing an Action

Consistent with the shortened statute of limitations for negligence enacted by ch. 2023-15, s. 3, Laws of Florida, the bill changes the current general four-year statute of limitations for filing a claim against the state or its agencies or subdivisions to the following timeframes:

- For claims based on negligence: the claim must be filed within two years.

⁴⁸ Section 944.710(3), F.S.

- For claims based on contribution: the claim must be filed within the limitations established in s. 768.31(4), F.S.⁴⁹
- For claims based on medical malpractice or wrongful death: the claim must be filed within the limitations established in s. 95.11(5), F.S.⁵⁰
- For claims based on sexual battery on a victim under 16, the claim may be filed at any time; however, this does not resuscitate any claims that may have already been time barred by previous statutes of limitations.
- For any other claim: the claim must be filed within four years.

To accommodate these changes in the statutes of limitations, the bill decreases the allotted presuit notice period for a claimant to present the required written notice of the claim to the appropriate agency from three years to 18 months. Similarly, the bill decreases the time period in which a claimant must present written notice of a claim for wrongful death from two years to 18 months. However, if the claim is based on a sexual battery of a victim under the age of 16, in violation of s. 794.011, F.S., the claimant may present written notice of the claim at any time.

The bill also decreases from six months to four months, the time period in which the DFS or the appropriate agency must dispose of a presuit notice of a claim. As such, the responding agency must dispose of a claim within four months of a claim being filed or it is deemed a final denial (thus allowing the claimant to move forward with a civil suit). However, the bill does not change the time period by which an agency must dispose of a claim for medical malpractice or wrongful death. As such, a final disposition for a claim made for medical malpractice or wrongful death must still be made within 90 days from the date of filing or it is deemed a final denial of the claim.

The bill provides that the statute of limitations for all prospective defendants, not just those in medical malpractice or wrongful death actions, is tolled for the period of time taken by the agency to deny the claim.

Applicability upon Accrual

Section 2 provides that the provisions of the bill apply to causes of action accruing on or after October 1, 2026.

Private Correctional Facility Vendor Indemnification

Section 6 of the bill amends s. 944.713(2), F.S., clarifying that when a private vendor contracts to build, lease, or operate a correctional facility, it must agree to indemnify the state for certain incurred liability up to the amount of the sovereign immunity caps provided in the bill.

⁴⁹ An action for contribution must be filed within one year after the judgment has become final by lapse of time for appeal or after appellate review. Section 768.31(4)(c), F.S.

⁵⁰ An action for medical malpractice must be filed within two years from the time the incident giving rise to the action occurred or within two years from the time the incident is discovered or should have been discovered with the exercise of due diligence. However, generally, no medical malpractice action may be filed more than four years after the date of the incident or occurrence out of which the cause of action accrued. Section 95.11(5)(c), F.S. An action for wrongful death must be initiated within two years from the death of the subject person. Section 95.11(5)(e), F.S.

Cross-References and Reenactments

Sections 3 through 5 amend ss. 29.0081, 39.8297, 343.811, and 944.713, F.S., respectively, to conform cross-references to the changes made by the bill.

Sections 7 through 67 reenact ss. 45.061, 95.11, 110.504, 111.071, 125.01015, 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395, 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706, 409.175, 409.993, 420.504, 455.221, 455.32, 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355, 768.1382, 768.295, 946.5026, 946.514, 961.06, 984.09, 1002.33, 1002.333, 1002.34, 1002.37, 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261, respectively, to incorporate the changes made to s. 768.28, F.S., in the bill.

Effective Date

Section 68 provides that the bill takes effect October 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill revises the statutory cap on attorney fees to provide that with respect to payments made to claimants in excess of the statutory caps on claims or judgment against the state, the Legislature has the sole discretion to award attorney fees and costs in a claim bill. Accordingly, the bill is likely to reduce attorney fees and other costs payable from the proceeds of a claim bill should the Legislature exercise this authority. Historically, before the Legislature's authority over fee and cost awards was invalidated by the Florida Supreme Court, the Legislature reduced awards of fees and costs only on rare occasions.

C. Government Sector Impact:

The bill has an indeterminate impact to state and local government revenues and expenditures.

The increase in liability caps for claims against the state and its agencies and subdivisions may decrease the number of claim bills filed within the Legislature. However, local and state governments may experience an increase in expenditures due to settlements, awards, and other legal costs.

By reducing the statute of limitations for claims against the government, the bill may reduce the number of cases initiated and the potential damages sought by claimants from the government. Further, by reducing the pre-suit time period for a government entity or the Department of Financial Services (DFS) to review and dispose of a claim against the State, the bill may affect the pre-suit settlement process.

By increasing the statute of limitations for sexual battery on a victim under 16, the bill may increase the number of claims against the government for such sexual battery. The bill may reduce the workload of the Legislature by reducing the number of claim bills filed but may also reduce the legislative oversight of claims against local government entities.

The impact to the Department of Financial Services' Division of Risk Management is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 768.28, 29.0081, 39.8297, 343.811, and 944.713.

This bill reenacts the following sections of the Florida Statutes: 45.061, 95.11, 110.504, 111.071, 125.01015, 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395, 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706, 409.175, 409.993, 420.504, 455.221, 455.32, 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355, 768.1382, 768.295, 946.5026, 946.514, 961.06, 984.09, 1002.33, 1002.333, 1002.34, 1002.37, 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Brodeur

10-01036B-26

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A bill to be entitled
 An act relating to claims against the government; amending s. 768.28, F.S.; increasing the statutory limits on the liability of the state and its agencies and subdivisions for tort claims; specifying that the limitations in effect on the date the claim accrues apply to that claim; requiring the Department of Financial Services, beginning on a specified date and every 5 years thereafter, to adjust the limitations of liability for claims; prohibiting such adjustment from exceeding a specified percentage for each adjustment; revising the period within which certain claims must be presented to certain entities; revising exceptions relating to instituting actions on tort claims against the state or one of its agencies or subdivisions; revising the period after which the failure of certain entities to make final disposition of a claim shall be deemed a final denial of the claim for certain purposes; limiting attorney fees based on the amount of funds recovered; authorizing the Legislature to limit attorney fee awards in a claim bill or reserve any portion of the proceeds of a claim bill to the claimant; revising the statute of limitations for tort claims against the state or one of its agencies or subdivisions and exceptions thereto; deleting obsolete language; making technical changes; providing applicability; amending ss. 29.0081, 39.8297, 343.811, and 944.713, F.S.; conforming cross references; conforming provisions to changes made by the act;

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reenacting ss. 45.061(5), 95.11(6)(f), 110.504(4), 111.071(1)(a), 125.01015(2)(b), 163.01(3)(h) and (15)(k), 190.043, 213.015(13), 252.51, 252.89, 252.944, 260.0125(2), 284.31, 284.38, 322.13(1)(b), 337.19(1), 341.302(17), 343.811(3), 351.03(4)(c), 373.1395(6), 375.251(3)(a), 381.0056(9), 393.075(3), 394.9085(7), 395.1055(10)(g), 403.706(17)(c), 409.175(15)(b), 409.993(1), (2)(a), and (3)(a), 420.504(8), 455.221(3), 455.32(5), 456.009(3), 456.076(15)(a), 471.038(3), 472.006(11)(b), 497.167(7), 513.118(2), 548.046(1), 556.106(8), 589.19(4)(e), 627.7491(3) and (4), 723.0611(2)(c), 760.11(5), 766.1115(4), 766.112(2), 768.1355(3), 768.1382(7), 768.295(4), 946.5026, 946.514(3), 961.06(8), 984.09(3), 1002.33(12)(h), 1002.333(6)(b), 1002.34(17), 1002.37(2), 1002.55(3)(l), 1002.83(10), 1002.88(1)(p), 1006.24(1), and 1006.261(2)(b), F.S., relating to offers of settlement; limitations other than for the recovery of real property; volunteer benefits; payment of judgments or settlements against certain public officers or employees; office of the sheriff; the Florida Interlocal Cooperation Act of 1969; suits against community development districts; taxpayer rights; liability; tort liability; tort liability; limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails; scope and types of coverages; effect of waiver of sovereign immunity; driver license examiners; suits by and

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59 against the Department of Transportation; rail
 60 program; power to assume indemnification and insurance
 61 obligations; railroad-highway grade-crossing warning
 62 signs and signals; limitation on liability of a water
 63 management district with respect to areas made
 64 available to the public for recreational purposes
 65 without charge; limitation on liability of persons
 66 making available to the public certain areas for
 67 recreational purposes without charge; school health
 68 services program; general liability coverage;
 69 behavioral provider liability; rules and enforcement;
 70 local government solid waste responsibilities;
 71 licensure of family foster homes, residential child-
 72 caring agencies, and child-placing agencies; lead
 73 agencies and subcontractor liability; the Florida
 74 Housing Finance Corporation; legal and investigative
 75 services; the Management Privatization Act; legal and
 76 investigative services; impaired practitioner
 77 programs; the Florida Engineers Management
 78 Corporation; the Department of Agriculture and
 79 Consumer Services; administrative matters; conduct on
 80 premises and refusal of service; physician's
 81 attendance at match; liability of the member operator,
 82 excavator, and system; creation of certain state
 83 forests, naming of certain state forests, and the
 84 Operation Outdoor Freedom Program; official law
 85 enforcement vehicles and motor vehicle insurance
 86 requirements; the Florida Mobile Home Relocation
 87 Corporation; administrative and civil remedies and

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88 construction; health care providers and creation of
 89 agency relationship with governmental contractors;
 90 comparative fault; the Florida Volunteer Protection
 91 Act; streetlights, security lights, and other similar
 92 illumination and limitation on liability; Strategic
 93 Lawsuits Against Public Participation (SLAPP)
 94 prohibited; sovereign immunity in tort actions;
 95 liability of corporation for inmate injuries;
 96 compensation for wrongful incarceration; punishment
 97 for contempt of court and alternative sanctions;
 98 charter schools; persistently low-performing schools;
 99 charter technical career centers; the Florida Virtual
 100 School; school-year prekindergarten program delivered
 101 by private prekindergarten providers; early learning
 102 coalitions; school readiness program provider
 103 standards and eligibility to deliver the school
 104 readiness program; tort liability and liability
 105 insurance; and use of school buses for public
 106 purposes, respectively, to incorporate changes made to
 107 s. 768.28, F.S., in references thereto; providing an
 108 effective date.

109
 110 Be It Enacted by the Legislature of the State of Florida:

111
 112 Section 1. Section 768.28, Florida Statutes, is amended to
 113 read:

114 768.28 Waiver of sovereign immunity in tort actions;
 115 recovery limits; civil liability for damages caused during a
 116 riot; limitation on attorney fees; statute of limitations;

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117 exclusions; indemnification; risk management programs.—
 118 (1) In accordance with s. 13, Art. X of the State
 119 Constitution, the state, for itself and for its agencies or
 120 subdivisions, hereby waives sovereign immunity for liability for
 121 torts, but only to the extent specified in this section ~~act~~.
 122 Actions at law against the state or any of its agencies or
 123 subdivisions to recover damages in tort for money damages
 124 against the state or its agencies or subdivisions for injury or
 125 loss of property, personal injury, or death caused by the
 126 negligent or wrongful act or omission of any employee of the
 127 agency or subdivision while acting within the scope of the
 128 employee's office or employment under circumstances in which the
 129 state or such agency or subdivision, if a private person, would
 130 be liable to the claimant, in accordance with the general laws
 131 of this state, may be prosecuted subject to the limitations
 132 specified in this section ~~act~~. Any authorized ~~such~~ action may be
 133 brought in the county where the property in litigation is
 134 located or, if the affected agency or subdivision has an office
 135 in the ~~such~~ county for the transaction of its customary
 136 business, where the cause of action accrued. However, an ~~any~~
 137 ~~such~~ action against a state university board of trustees must
 138 ~~shall~~ be brought in the county in which that university's main
 139 campus is located or in the county in which the cause of action
 140 accrued if the university maintains ~~therein~~ a substantial
 141 presence for the transaction of its customary business in that
 142 county.
 143 (2) As used in this act, "state agencies or subdivisions"
 144 include the executive departments, the Legislature, the judicial
 145 branch (including public defenders), and the independent

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146 establishments of the state, including state university boards
 147 of trustees; counties and municipalities; and corporations
 148 primarily acting as instrumentalities or agencies of the state,
 149 counties, or municipalities, including the Florida Space
 150 Authority.
 151 (3) Except for a municipality and the Florida Space
 152 Authority, the affected agency or subdivision may, at its
 153 discretion, request the assistance of the Department of
 154 Financial Services in the consideration, adjustment, and
 155 settlement of any claim under this section ~~act~~.
 156 (4) Subject to the provisions of this section, any state
 157 agency or subdivision may ~~shall~~ have the right to appeal any
 158 award, compromise, settlement, or determination to the court of
 159 appropriate jurisdiction.
 160 (5)(a) The state and its agencies and subdivisions are
 161 ~~shall~~ be liable for tort claims in the same manner and to the
 162 same extent as a private individual under like circumstances,
 163 but liability may ~~shall~~ not include punitive damages or interest
 164 for the period before judgment. ~~Neither~~ The state and ~~nor~~ its
 165 agencies or subdivisions are not ~~shall~~ be liable to pay a claim
 166 or a judgment by any one person which exceeds the sum of
 167 \$300,000 ~~\$200,000~~ or any claim or judgment, or portions of a
 168 claim or judgment ~~thereof~~, which, when totaled with all other
 169 claims or judgments paid by the state or its agencies or
 170 subdivisions arising out of the same incident or occurrence,
 171 exceeds the sum of \$450,000 ~~\$300,000~~. However, a judgment or
 172 judgments may be claimed and rendered in excess of these amounts
 173 and may be settled and paid pursuant to this section ~~act~~ up to
 174 \$300,000 ~~\$200,000~~ or \$450,000. Any ~~\$300,000~~, as the case may be,

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175 and that portion of the judgment that exceeds these amounts may
 176 be reported to the Legislature, but may be paid in part or in
 177 whole only by further act of the Legislature.

178 (b) Notwithstanding the limited waiver of sovereign
 179 immunity in paragraph (a) provided herein, the state or an
 180 agency or subdivision of the state thereof may agree, within the
 181 limits of insurance coverage provided, to settle a claim made or
 182 a judgment rendered against it without further action by the
 183 Legislature, but the state or agency or subdivision of the state
 184 may thereof shall not be deemed to have waived any defense of
 185 sovereign immunity or to have increased the limits of its
 186 liability as a result of its obtaining insurance coverage for
 187 tortious acts in excess of the \$300,000 \$200,000 or \$450,000
 188 \$300,000 waiver in paragraph (a) provided above.

189 (c) The limitations of liability set forth in this
 190 subsection shall apply to the state and its agencies and
 191 subdivisions whether or not the state or its agencies or
 192 subdivisions possessed sovereign immunity before July 1, 1974.

193 (d) A municipality has a duty to allow the municipal law
 194 enforcement agency to respond appropriately to protect persons
 195 and property during a riot or an unlawful assembly based on the
 196 availability of adequate equipment to its municipal law
 197 enforcement officers and relevant state and federal laws. If the
 198 governing body of a municipality or a person authorized by the
 199 governing body of the municipality breaches that duty, the
 200 municipality is civilly liable for any damages, including
 201 damages arising from personal injury, wrongful death, or
 202 property damages proximately caused by the municipality's breach
 203 of duty. The sovereign immunity recovery limits in paragraph (a)

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204 do not apply to an action under this paragraph.

205 (e) When determining liability limits for a claim, the
 206 limitations of liability in effect on the date the claim accrues
 207 apply to the claim.

208 (f) Beginning July 1, 2031, and on July 1 every 5 years
 209 thereafter, the Department of Financial Services shall adjust
 210 the limitations of liability in this subsection to reflect
 211 changes in the Consumer Price Index for the South region or a
 212 successor index as calculated by the United States Department of
 213 Labor, not to exceed 3 percent for any such adjustment.

214 (6) (a) An action may not be instituted on a claim against
 215 the state or one of its agencies or subdivisions unless the
 216 claimant presents the claim in writing to the appropriate
 217 agency, and also, except as to any claim against a municipality,
 218 county, or the Florida Space Authority, presents the such claim
 219 in writing to the Department of Financial Services, within 18
 220 months 3 years after the such claim accrues and the Department
 221 of Financial Services or the appropriate agency denies the claim
 222 in writing; except that, if:

223 1. The such claim is for contribution pursuant to s.
 224 768.31, it must be ~~so~~ presented within 6 months after the
 225 judgment against the tortfeasor seeking contribution has become
 226 final by lapse of time for appeal or after appellate review or,
 227 if there is no final such judgment, within 6 months after the
 228 tortfeasor seeking contribution has either discharged the common
 229 liability by payment or agreed, while the action is pending
 230 against her or him, to discharge the common liability; or
 231 2. The such action arises from a violation of s. 794.011
 232 involving a victim who was younger than 16 years of age at the

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233 time of the act, the claimant may present the claim in writing
 234 at any time. This subparagraph applies to any action other than
 235 an action that would have been time barred on or before October
 236 1, 2026 is for wrongful death, the claimant must present the
 237 claim in writing to the Department of Financial Services within
 238 2 years after the claim accrues.

239 (b) For purposes of this section, the requirements of
 240 notice to the agency and denial of the claim pursuant to
 241 paragraph (a) are conditions precedent to maintaining an action
 242 but may shall not be deemed to be elements of the cause of
 243 action and do shall not affect the date on which the cause of
 244 action accrues.

245 (c) The claimant shall also provide to the agency the
 246 claimant's date and place of birth and social security number if
 247 the claimant is an individual, or a federal identification
 248 number if the claimant is not an individual. The claimant shall
 249 also state the case style, tribunal, the nature and amount of
 250 all adjudicated penalties, fines, fees, victim restitution fund,
 251 and other judgments in excess of \$200, whether imposed by a
 252 civil, criminal, or administrative tribunal, owed by the
 253 claimant to the state, its agency, officer or subdivision. If
 254 there exists no prior adjudicated unpaid claim in excess of
 255 \$200, the claimant shall so state.

256 (d) For purposes of this section, complete, accurate, and
 257 timely compliance with the requirements of paragraph (c) must
 258 shall occur before prior to settlement payment, close of
 259 discovery, or commencement of trial, whichever is earlier
 260 sooner; provided the ability to plead setoff is not precluded by
 261 the delay. This setoff applies shall apply only against that

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262 part of the settlement or judgment payable to the claimant,
 263 minus claimant's reasonable attorney attorney's fees and costs.
 264 Incomplete or inaccurate disclosure of unpaid adjudicated claims
 265 due the state or its agency, officer, or subdivision, may be
 266 excused by the court upon a showing by the preponderance of the
 267 evidence of the claimant's lack of knowledge of an adjudicated
 268 claim and reasonable inquiry by, or on behalf of, the claimant
 269 to obtain the information from public records. Unless the
 270 appropriate agency had actual notice of the information required
 271 to be disclosed by paragraph (c) in time to assert a setoff, an
 272 unexcused failure to disclose shall, upon hearing and order of
 273 court, cause the claimant to be liable for double the original
 274 undisclosed judgment and, upon further motion, the court shall
 275 enter judgment for the agency in that amount. Except as provided
 276 otherwise in this subsection, the failure of the Department of
 277 Financial Services or the appropriate agency to make final
 278 disposition of a claim within 4 months ~~6 months~~ after it is
 279 filed shall be deemed a final denial of the claim for purposes
 280 of this section. For purposes of this subsection, in medical
 281 malpractice actions and in wrongful death actions, the failure
 282 of the Department of Financial Services or the appropriate
 283 agency to make final disposition of a claim within 90 days after
 284 it is filed shall be deemed a final denial of the claim. The
 285 statute of limitations ~~for medical malpractice actions and~~
 286 ~~wrongful death actions~~ is tolled as to all prospective
 287 defendants for the period of time taken by the Department of
 288 Financial Services or the appropriate agency to deny the claim.
 289 The provisions of This subsection does ~~do~~ not apply to such
 290 claims that ~~as~~ may be asserted by counterclaim pursuant to s.

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 291 768.14.
 292 (7) In actions brought pursuant to this section, process
 293 ~~must~~ shall be served upon the head of the agency concerned and
 294 also, except as to a defendant municipality, county, or the
 295 Florida Space Authority, upon the Department of Financial
 296 Services.~~;~~ and The department or the agency ~~served has concerned~~
 297 shall have 30 days within which to file responsive pleadings
 298 plead thereto.
 299 (8) ~~An~~ ~~No~~ attorney may ~~not~~ charge, demand, receive, or
 300 collect, for services rendered, fees in excess of 25 percent of
 301 any funds recovered as a result of judgment or settlement. In
 302 the enactment of a claim bill, as to payments made to the
 303 claimant in excess of the limits in paragraph (5)(a), the
 304 Legislature has the sole discretion to award an attorney fee
 305 applicable to the excess which is less than 25 percent,
 306 notwithstanding any agreement. The Legislature may also limit
 307 payments for costs or otherwise reserve a portion of the
 308 proceeds to the claimant. This subsection is deemed to be a part
 309 of any fee agreement.
 310 (9)(a) An officer, employee, or agent of the state or of
 311 any of its subdivisions may not be held personally liable in
 312 tort or named as a party defendant in any action for any injury
 313 or damage suffered as a result of any act, event, or omission of
 314 action in the scope of her or his employment or function, unless
 315 ~~the~~ ~~such~~ officer, employee, or agent acted in bad faith or with
 316 malicious purpose or in a manner exhibiting wanton and willful
 317 disregard of human rights, safety, or property. However, ~~the~~
 318 ~~such~~ officer, employee, or agent shall be considered an adverse
 319 witness in a tort action for any injury or damage suffered as a

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 320 result of any act, event, or omission of action in the scope of
 321 her or his employment or function. The exclusive remedy for
 322 injury or damage suffered as a result of an act, event, or
 323 omission of an officer, employee, or agent of the state or any
 324 of its subdivisions or constitutional officers is by action
 325 against the governmental entity, or the head of such entity in
 326 her or his official capacity, or the constitutional officer of
 327 which the officer, employee, or agent is an employee, unless ~~the~~
 328 ~~such~~ act or omission was committed in bad faith or with
 329 malicious purpose or in a manner exhibiting wanton and willful
 330 disregard of human rights, safety, or property. The state or its
 331 subdivisions are not liable in tort for the acts or omissions of
 332 an officer, employee, or agent committed while acting outside
 333 the course and scope of her or his employment or committed in
 334 bad faith or with malicious purpose or in a manner exhibiting
 335 wanton and willful disregard of human rights, safety, or
 336 property.
 337 (b) As used in this subsection, the term:
 338 1. "Employee" includes any volunteer firefighter.
 339 2. "Officer, employee, or agent" includes, but is not
 340 limited to, any health care provider when providing services
 341 pursuant to s. 766.1115; any nonprofit independent college or
 342 university located and chartered in this state which owns or
 343 operates an accredited medical school, and its employees or
 344 agents, when providing patient services pursuant to paragraph
 345 (10)(f); any public defender or her or his employee or agent,
 346 including an assistant public defender or an investigator; and
 347 any member of a Child Protection Team, as defined in s. 39.01,
 348 or any member of a threat management team, as described in s.

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349 1006.07(7), when carrying out her or his duties as a team member
 350 under the control, direction, and supervision of the state or
 351 any of its agencies or subdivisions.

352 (c) For purposes of the waiver of sovereign immunity only,
 353 a member of the Florida National Guard is not acting within the
 354 scope of state employment when performing duty under the
 355 provisions of Title 10 or Title 32 of the United States Code or
 356 other applicable federal law; and ~~neither~~ the state or ~~nor~~ any
 357 individual may not be named in any action under this chapter
 358 arising from the performance of such federal duty.

359 (d) The employing agency of a law enforcement officer as
 360 defined in s. 943.10 is not liable for injury, death, or
 361 property damage effected or caused by a person fleeing from a
 362 law enforcement officer in a motor vehicle if:

363 1. The pursuit is conducted in a manner that does not
 364 involve conduct by the officer which is so reckless or wanting
 365 in care as to constitute disregard of human life, human rights,
 366 safety, or the property of another;

367 2. At the time the law enforcement officer initiates the
 368 pursuit, the officer reasonably believes that the person fleeing
 369 has committed a forcible felony as defined in s. 776.08; and

370 3. The pursuit is conducted by the officer pursuant to a
 371 written policy governing high-speed pursuit adopted by the
 372 employing agency. The policy must contain specific procedures
 373 concerning the proper method to initiate and terminate high-
 374 speed pursuit. The law enforcement officer must have received
 375 instructional training from the employing agency on the written
 376 policy governing high-speed pursuit.

377 (10)(a) Health care providers or vendors, or any of their

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378 employees or agents, that have contractually agreed to act as
 379 agents of the Department of Corrections to provide health care
 380 services to inmates of the state correctional system shall be
 381 considered agents of the State of Florida, Department of
 382 Corrections, for the purposes of this section, while acting
 383 within the scope of and pursuant to guidelines established in
 384 their contracts ~~said contract~~ or by rule. The contracts must
 385 shall provide for the indemnification of the state by the agent
 386 for any liabilities incurred up to the limits set out in this
 387 chapter.

388 (b) This subsection may ~~shall~~ not be construed as
 389 designating persons providing contracted health care services to
 390 inmates as employees or agents of the state for the purposes of
 391 chapter 440.

392 (c) For purposes of this section, regional poison control
 393 centers created in accordance with s. 395.1027 and coordinated
 394 and supervised under the Division of Children's Medical Services
 395 Prevention and Intervention of the Department of Health, or any
 396 of their employees or agents, shall be considered agents of the
 397 State of Florida, Department of Health. Any contracts with
 398 poison control centers must provide, to the extent permitted by
 399 law, for the indemnification of the state by the agency for any
 400 liabilities incurred up to the limits set out in this chapter.

401 (d) For the purposes of this section, operators,
 402 dispatchers, and providers of security for rail services and
 403 rail facility maintenance providers in the South Florida Rail
 404 Corridor, or any of their employees or agents, performing ~~such~~
 405 services under contract with and on behalf of the South Florida
 406 Regional Transportation Authority or the Department of

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407 Transportation shall be considered agents of the state while
 408 acting within the scope of and pursuant to guidelines
 409 established in their contracts ~~said contract~~ or by rule.
 410 (e) For purposes of this section, a professional firm that
 411 provides monitoring and inspection services of the work required
 412 for state roadway, bridge, or other transportation facility
 413 construction projects, or any employee of a firm performing
 414 those such services, is considered an agent of the Department of
 415 Transportation while acting within the scope of the firm's
 416 contract with the Department of Transportation to ensure that
 417 the project is constructed in conformity with the project's
 418 plans, specifications, and contract provisions. This paragraph
 419 applies to a professional firm that is in direct contract with
 420 the Department of Transportation, as well as any professional
 421 firm providing monitoring and inspection services as a
 422 consultant to the professional firm that is in direct contract
 423 with the Department of Transportation. Any contract with a
 424 professional firm must, to the extent permitted by law, provide
 425 for the indemnification of the Department of Transportation for
 426 any liability, including reasonable attorney fees, incurred up
 427 to the limits set out in this chapter to the extent caused by
 428 the negligence of the firm or its employees. This paragraph may
 429 not be construed as designating persons who provide monitoring
 430 and inspection services as employees or agents of the state for
 431 purposes of chapter 440. This paragraph is not applicable to the
 432 professional firm or its employees if involved in an accident
 433 while operating a motor vehicle. This paragraph is not
 434 applicable to a firm engaged by the Department of Transportation
 435 for the design or construction of a state roadway, bridge, or

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436 other transportation facility construction project or to its
 437 employees, agents, or subcontractors.
 438 (f) For purposes of this section, any nonprofit independent
 439 college or university located and chartered in this state which
 440 owns or operates an accredited medical school, or any of its
 441 employees or agents, and which has agreed in an affiliation
 442 agreement or other contract to provide, or permit its employees
 443 or agents to provide, patient services as agents of a teaching
 444 hospital, is considered an agent of the teaching hospital while
 445 acting within the scope of and pursuant to guidelines
 446 established in the affiliation agreement or other contract. To
 447 the extent allowed by law, the contract must provide for the
 448 indemnification of the teaching hospital, up to the limits set
 449 out in this chapter, by the agent for any liability incurred
 450 which was caused by the negligence of the college or university
 451 or its employees or agents. The contract must also provide that
 452 those limited portions of the college, university, or medical
 453 school which are directly providing services pursuant to the
 454 contract and which are considered an agent of the teaching
 455 hospital for purposes of this section are deemed to be acting on
 456 behalf of a public agency as defined in s. 119.011(2).
 457 1. For purposes of this paragraph, the term:
 458 a. "Employee or agent" means an officer, employee, agent,
 459 or servant of a nonprofit independent college or university
 460 located and chartered in this state which owns or operates an
 461 accredited medical school, including, but not limited to, the
 462 faculty of the medical school, any health care practitioner or
 463 licensee as defined in s. 456.001 for which the college or
 464 university is vicariously liable, and the staff or

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465 administrators of the medical school.

466 b. "Patient services" means:

467 (I) Comprehensive health care services as defined in s.

468 641.19, including any related administrative service, provided

469 to patients in a teaching hospital;

470 (II) Training and supervision of interns, residents, and

471 fellows providing patient services in a teaching hospital; or

472 (III) Training and supervision of medical students in a

473 teaching hospital.

474 c. "Teaching hospital" means a teaching hospital as defined

475 in s. 408.07 which is owned or operated by the state, a county

476 or municipality, a public health trust, a special taxing

477 district, a governmental entity having health care

478 responsibilities, or a not-for-profit entity that operates such

479 facility as an agent of the state, or a political subdivision of

480 the state, under a lease or other contract.

481 2. The teaching hospital or the medical school, or its

482 employees or agents, must provide notice to each patient, or the

483 patient's legal representative, that the college or university

484 that owns or operates the medical school and the employees or

485 agents of that college or university are acting as agents of the

486 teaching hospital and that the exclusive remedy for injury or

487 damage suffered as the result of any act or omission of the

488 teaching hospital, the college or university that owns or

489 operates the medical school, or the employees or agents of the

490 college or university, while acting within the scope of duties

491 pursuant to the affiliation agreement or other contract with a

492 teaching hospital, is by commencement of an action pursuant to

493 the provisions of this section. This notice requirement may be

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494 met by posting the notice in a place conspicuous to all persons.

495 3. This paragraph does not designate any employee providing

496 contracted patient services in a teaching hospital as an

497 employee or agent of the state for purposes of chapter 440.

498 (g) For the purposes of this section, the executive

499 director of the Board of Nursing, when serving as the state

500 administrator of the Nurse Licensure Compact pursuant to s.

501 464.0095, and any administrator, officer, executive director,

502 employee, or representative of the Interstate Commission of

503 Nurse Licensure Compact Administrators, when acting within the

504 scope of their employment, duties, or responsibilities in this

505 state, are considered agents of the state. The commission shall

506 pay any claims or judgments pursuant to this section and may

507 maintain insurance coverage to pay any such claims or judgments.

508 (h) For purposes of this section, the individual appointed

509 under s. 491.004(8) as the state's delegate on the Counseling

510 Compact Commission, when serving in that capacity pursuant to s.

511 491.017, and any administrator, officer, executive director,

512 employee, or representative of the commission, when acting

513 within the scope of his or her employment, duties, or

514 responsibilities in this state, is considered an agent of the

515 state. The commission shall pay any claims or judgments pursuant

516 to this section and may maintain insurance coverage to pay those

517 any such claims or judgments.

518 (i) For purposes of this section, the individual appointed

519 under s. 490.004(7) as the state's commissioner on the

520 Psychology Interjurisdictional Compact Commission, when serving

521 in that capacity pursuant to s. 490.0075, and any administrator,

522 officer, executive director, employee, or representative of the

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523 Psychology Interjurisdictional Compact Commission, when acting
 524 within the scope of his or her employment, duties, or
 525 responsibilities in this state, is considered an agent of the
 526 state. The commission shall pay any claims or judgments pursuant
 527 to this section and may maintain insurance coverage to pay those
 528 any such claims or judgments.

529 (j) For purposes of this section, the representative
 530 appointed from the Board of Medicine and the representative
 531 appointed from the Board of Osteopathic Medicine, when serving
 532 as commissioners of the Interstate Medical Licensure Compact
 533 Commission pursuant to s. 456.4501, and any administrator,
 534 officer, executive director, employee, or representative of the
 535 Interstate Medical Licensure Compact Commission, when acting
 536 within the scope of their employment, duties, or
 537 responsibilities in this state, are considered agents of the
 538 state. The commission shall pay any claims or judgments pursuant
 539 to this section and may maintain insurance coverage to pay those
 540 any such claims or judgments.

541 (k) For purposes of this section, the individuals appointed
 542 under s. 468.1135(4) as the state's delegates on the Audiology
 543 and Speech-Language Pathology Interstate Compact Commission,
 544 when serving in that capacity pursuant to s. 468.1335, and any
 545 administrator, officer, executive director, employee, or
 546 representative of the commission, when acting within the scope
 547 of his or her employment, duties, or responsibilities in this
 548 state, is considered an agent of the state. The commission shall
 549 pay any claims or judgments pursuant to this section and may
 550 maintain insurance coverage to pay those any such claims or
 551 judgments.

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552 (1) For purposes of this section, the individual appointed
 553 under s. 486.023(5) as the state's delegate on the Physical
 554 Therapy Compact Commission, when serving in that capacity
 555 pursuant to s. 486.112, and any administrator, officer,
 556 executive director, employee, or representative of the Physical
 557 Therapy Compact Commission, when acting within the scope of his
 558 or her employment, duties, or responsibilities in this state, is
 559 considered an agent of the state. The commission shall pay any
 560 claims or judgments pursuant to this section and may maintain
 561 insurance coverage to pay those any such claims or judgments.

562 (11)(a) Providers or vendors, or any of their employees or
 563 agents, that have contractually agreed to act on behalf of the
 564 state as agents of the Department of Juvenile Justice to provide
 565 services to children in need of services, families in need of
 566 services, or juvenile offenders are, solely with respect to such
 567 services, agents of the state for purposes of this section while
 568 acting within the scope of and pursuant to guidelines
 569 established in the contract or by rule. A contract must provide
 570 for the indemnification of the state by the agent for any
 571 liabilities incurred up to the limits set out in this chapter.

572 (b) This subsection does not designate a person who
 573 provides contracted services to juvenile offenders as an
 574 employee or agent of the state for purposes of chapter 440.

575 (12)(a) A health care practitioner, as defined in s.
 576 456.001(4), who has contractually agreed to act as an agent of a
 577 state university board of trustees to provide medical services
 578 to a student athlete for participation in or as a result of
 579 intercollegiate athletics, to include team practices, training,
 580 and competitions, shall be considered an agent of the respective

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581 state university board of trustees, for the purposes of this
 582 section, while acting within the scope of and pursuant to
 583 guidelines established in that contract. The contracts must
 584 ~~shall~~ provide for the indemnification of the state by the agent
 585 for any liabilities incurred up to the limits set out in this
 586 chapter.

587 (b) This subsection may ~~shall~~ not be construed as
 588 designating persons providing contracted health care services to
 589 athletes as employees or agents of a state university board of
 590 trustees for the purposes of chapter 440.

591 (13) Laws allowing the state or its agencies or
 592 subdivisions to buy insurance are still in force and effect and
 593 are not restricted in any way by the terms of this section ~~act~~.

594 (14) A ~~Every~~ claim against the state or one of its agencies
 595 or subdivisions for damages for a negligent or wrongful act or
 596 omission pursuant to this section is ~~shall be forever~~ barred
 597 unless the civil action is commenced by filing a complaint in
 598 the court of appropriate jurisdiction:

599 (a) Within 2 years for an action founded on negligence.

600 (b) Within the limitations provided in s. 768.31(4) for an
 601 action for contribution.

602 (c) Within the limitations provided in s. 95.11(5) for an
 603 action for damages arising from medical malpractice or wrongful
 604 death.

605 (d) At any time for an action arising from an act
 606 constituting a violation of s. 794.011 involving a victim who
 607 was under the age of 16 years at the time of the act. This
 608 paragraph applies to any such action other than an action that
 609 would have been time barred on or before October 1, 2026.

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610 (e) Within 4 years for any other action not specified in
 611 this subsection 4 years after the such claim accrues, except
 612 that an action for contribution must be commenced within the
 613 limitations provided in s. 768.31(4), and an action for damages
 614 arising from medical malpractice or wrongful death must be
 615 commenced within the limitations for such actions in s.
 616 95.11(5).

617 (15) An ~~No~~ action may not be brought against the state or
 618 any of its agencies or subdivisions by anyone who unlawfully
 619 participates in a riot, unlawful assembly, public demonstration,
 620 mob violence, or civil disobedience if the claim arises out of
 621 the such riot, unlawful assembly, public demonstration, mob
 622 violence, or civil disobedience. Nothing in ~~This subsection does~~
 623 not ~~act~~ shall abridge traditional immunities pertaining to
 624 statements made in court.

625 (16) (a) The state and its agencies and subdivisions are
 626 authorized to be self-insured, to enter into risk management
 627 programs, or to purchase liability insurance for whatever
 628 coverage they may choose, or to have any combination thereof, in
 629 anticipation of any claim, judgment, and claims bill that ~~which~~
 630 they may be liable to pay pursuant to this section. Agencies or
 631 subdivisions, and sheriffs, that are subject to homogeneous
 632 risks may purchase insurance jointly or may join together as
 633 self-insurers to provide other means of protection against tort
 634 claims, any charter provisions or laws to the contrary
 635 notwithstanding.

636 (b) Claims files maintained by any risk management program
 637 administered by the state, its agencies, and its subdivisions
 638 are confidential and exempt from the provisions of s. 119.07(1)

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639 and s. 24(a), Art. I of the State Constitution until termination
 640 of all litigation and settlement of all claims arising out of
 641 the same incident, although portions of the claims files may
 642 remain exempt, as otherwise provided by law. Claims files
 643 records may be released to other governmental agencies upon
 644 written request and demonstration of need. Any, such records
 645 held by the receiving agency remain confidential and exempt as
 646 provided ~~for~~ in this paragraph.

647 (c) Portions of meetings and proceedings conducted pursuant
 648 to any risk management program administered by the state, its
 649 agencies, or its subdivisions, which relate solely to the
 650 evaluation of claims filed with the risk management program or
 651 which relate solely to offers of compromise of claims filed with
 652 the risk management program are exempt from the provisions of s.
 653 286.011 and s. 24(b), Art. I of the State Constitution. Until
 654 termination of all litigation and settlement of all claims
 655 arising out of the same incident, persons privy to discussions
 656 pertinent to the evaluation of a filed claim are shall not be
 657 subject to subpoena in any administrative or civil proceeding
 658 with regard to the content of those discussions.

659 (d) Minutes of the meetings and proceedings of any risk
 660 management program administered by the state, its agencies, or
 661 its subdivisions, which relate solely to the evaluation of
 662 claims filed with the risk management program or which relate
 663 solely to offers of compromise of claims filed with the risk
 664 management program are exempt from ~~the provisions of s.~~
 665 119.07(1) and s. 24(a), Art. I of the State Constitution until
 666 termination of all litigation and settlement of all claims
 667 arising out of the same incident.

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668 (17) ~~This section, as amended by chapter 81-317, Laws of~~
 669 ~~Florida, shall apply only to causes of actions which accrue on~~
 670 ~~or after October 1, 1981.~~

671 ~~(18) A~~ No provision of this section, or of any other
 672 section of the Florida Statutes, whether read separately or in
 673 conjunction with any other provision, may not shall be construed
 674 to waive the immunity of the state or any of its agencies from
 675 suit in federal court, as that such immunity is guaranteed by
 676 the Eleventh Amendment to the Constitution of the United States,
 677 unless the such waiver is explicitly and definitely stated to be
 678 a waiver of the immunity of the state and its agencies from suit
 679 in federal court. This subsection may shall not be construed to
 680 mean that the state has at any time previously waived, by
 681 implication, its immunity, or that of any of its agencies, from
 682 suit in federal court through any statute in existence before
 683 prior to June 24, 1984.

684 ~~(18) (19) Neither~~ The state or ~~an~~ nor any agency or
 685 subdivision of the state does not ~~wave~~ waives any defense of
 686 sovereign immunity, or increase ~~increases~~ the limits of its
 687 liability, upon entering into a contract ~~contractual~~
 688 ~~relationship~~ with another agency or subdivision of the state.
 689 The ~~Such~~ a contract may ~~must~~ not contain any provision that
 690 requires one party to indemnify or insure the other party for
 691 the other party's negligence or to assume any liability for the
 692 other party's negligence. This does not preclude a party from
 693 requiring a nongovernmental entity to provide such
 694 indemnification or insurance. The restrictions of this
 695 subsection do not prohibit ~~prevent~~ a regional water supply
 696 authority from indemnifying and assuming the liabilities of its

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697 member governments for obligations arising from past acts or
 698 omissions at or with property acquired from a member government
 699 by the authority and arising from the acts or omissions of the
 700 authority in performing activities contemplated by an interlocal
 701 agreement. The ~~such~~ indemnification may not be considered to
 702 increase or otherwise waive the limits of liability to third-
 703 party claimants established by this section.
 704 (19)(20) Every municipality, and any of its agencies agency
 705 ~~thereof, may is authorized to undertake to~~ indemnify those
 706 employees ~~who~~ that are exposed to personal liability pursuant to
 707 the Clean Air Act Amendments of 1990, 42 U.S.C.A. ss. 7401 et
 708 seq., and all rules and regulations adopted to implement that
 709 act, for acts performed within the course and scope of their
 710 employment with the municipality or its agency, including, but
 711 not limited to, indemnification pertaining to the holding,
 712 transfer, or disposition of allowances allocated to the
 713 municipality's or its agency's electric generating units, and
 714 the monitoring, submission, certification, and compliance with
 715 permits, permit applications, records, compliance plans, and
 716 reports for those units, when those ~~such~~ acts are performed
 717 within the course and scope of their employment with the
 718 municipality or its agency. The authority to indemnify under
 719 this section covers every act by an employee ~~which is~~ when ~~such~~
 720 ~~act~~ is performed within the course and scope of her or his
 721 employment with the municipality or its agency, but does not
 722 cover any act of willful misconduct or any intentional or
 723 knowing violation of any law by the employee. The authority to
 724 indemnify under this section includes, but is not limited to,
 725 the authority to pay any fine and provide legal representation

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726 in any action.
 727 Section 2. This act applies to causes of action that accrue
 728 on or after October 1, 2026.
 729 Section 3. Paragraph (b) of subsection (2) of section
 730 29.0081, Florida Statutes, is amended to read:
 731 29.0081 County funding of additional court personnel.—
 732 (2) The agreement shall, at a minimum, provide that:
 733 (b) The personnel whose employment is funded under the
 734 agreement are hired, supervised, managed, and fired by personnel
 735 of the judicial circuit. The county shall be considered the
 736 employer for purposes of s. 440.10 and chapter 443. Employees
 737 funded by the county under this section and other county
 738 employees may be aggregated for purposes of a flexible benefits
 739 plan pursuant to s. 125 of the Internal Revenue Code of 1986.
 740 The judicial circuit shall supervise the personnel whose
 741 employment is funded under the agreement; be responsible for
 742 compliance with all requirements of federal and state employment
 743 laws, including, but not limited to, Title VII of the Civil
 744 Rights Act of 1964, Title I of the Americans with Disabilities
 745 Act, 42 U.S.C. s. 1983, the Family Medical Leave Act, the Fair
 746 Labor Standards Act, chapters 447 and 760, and ss. 112.3187,
 747 440.105, and 440.205; and fully indemnify the county from any
 748 liability under such laws, as authorized by s. 768.28(18) ~~s.~~
 749 768.28(19), to the extent such liability is the result of the
 750 acts or omissions of the judicial circuit or its agents or
 751 employees.
 752 Section 4. Paragraph (b) of subsection (2) of section
 753 39.8297, Florida Statutes, is amended to read:
 754 39.8297 County funding for guardian ad litem employees.—

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765 Section 5. Paragraph (a) of subsection (3) of section
766 343.811, Florida Statutes, is amended to read:

767 343.811 Power to assume indemnification and insurance
768 obligations.—

769 (3) ASSUMPTION OF OBLIGATIONS; PURCHASE OF INSURANCE.—In
770 conjunction with the development or operation of a commuter rail
771 service on the Coastal Link corridor, an agency may:

772 (a) Assume obligations pursuant to the following:

773 1.a. The agency may assume the obligation by contract to
774 protect, defend, indemnify, and hold harmless FECR and its
775 officers, agents, and employees from and against:

776 (I) Any liability, cost, and expense, including, but not
777 limited to, the agency's passengers and other rail corridor
778 invitees in, on, or about the Coastal Link corridor, regardless
779 of whether the loss, damage, destruction, injury, or death
780 giving rise to any such liability, cost, or expense is caused in
781 whole or in part, and to whatever nature or degree, by the
782 fault, failure, negligence, misconduct, nonfeasance, or
783 misfeasance of such freight rail operator, its successors, or

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784 its officers, agents, and employees, or any other person or
785 persons whomsoever.

(II) Any loss, injury, or damage incurred by other rail corridor invitees up to the amount of the self-insurance retention amount with respect to limited covered accidents caused by the agency.

790 b. The agency may assume the obligation by contract to
791 protect, defend, indemnify, and hold harmless Brightline and its
792 officers, agents, and employees from and against:

793 (I) Any liability, cost, and expense, including, but not
794 limited to, the agency's passengers and rail corridor invitees
795 in the Coastal Link corridor, regardless of whether the loss,
796 damage, destruction, injury, or death giving rise to any such
797 liability, cost, or expense is caused in whole or in part, and
798 to whatever nature or degree, by the fault, failure, negligence,
799 misconduct, nonfeasance, or misfeasance of Brightline, its
800 successors, or its officers, agents, and employees, or any other
801 person or persons whomsoever.

802 (II) Any loss, injury, or damage incurred by other rail
803 corridor invitees up to the amount of the self-insurance
804 retention amount with respect to limited covered accidents
805 caused by the agency.

806 2. The assumption of liability of the agency by contract
807 pursuant to sub subparagraph 1.a. or sub subparagraph 1.b. may
808 not in any instance exceed the following parameters of
809 allocation of risk:

810 a. The agency may be solely responsible for any loss,
811 injury, or damage to the agency's passengers, or rail corridor
812 invitees, third parties, or trespassers, regardless of

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813 circumstances or cause, subject to sub subparagraph b. and
 814 subparagraphs 3., 4., and 5.

815 b.(I) In the event of a limited covered accident caused by
 816 FECR, the authority of an agency to protect, defend, and
 817 indemnify FECR for all liability, cost, and expense, including
 818 punitive or exemplary damages, in excess of the self-insurance
 819 retention amount exists only if FECR agrees, with respect to
 820 such limited covered accident caused by FECR, to protect,
 821 defend, and indemnify the agency for the amount of the self-
 822 insurance retention amount.

823 (II) In the event of a limited covered accident caused by
 824 Brightline, the authority of an agency to protect, defend, and
 825 indemnify Brightline for all liability, cost, and expense,
 826 including punitive or exemplary damages, in excess of the self-
 827 insurance retention amount exists only if Brightline agrees,
 828 with respect to such limited covered accident, to protect,
 829 defend, and indemnify the agency for the amount of the self-
 830 insurance retention amount.

831 3. When only one train is involved in an incident and:

832 a. The train is an agency's train, including an incident
 833 with trespassers or at-grade crossings, the agency may be solely
 834 responsible for any loss, injury, or damage.

835 b. The train is FECR's train, including an incident with
 836 trespassers or at-grade crossings, FECR is solely responsible
 837 for any loss, injury, or damage, except for the agency's
 838 passengers and other rail corridor invitees, which are the
 839 responsibility of the agency, and Brightline's passengers and
 840 other rail corridor invitees, which are the responsibility of
 841 Brightline.

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842 c. The train is Brightline's train, including an incident
 843 with trespassers or at-grade crossings, Brightline is solely
 844 responsible for any loss, injury, or damage, except for the
 845 agency's passengers or rail corridor invitees, which are the
 846 responsibility of the agency, and FECR's rail corridor invitees,
 847 which are the responsibility of FECR.

848 4. When an incident involves more than one operator, each
 849 operator is responsible for:

850 a. Its property; passengers; employees, excluding employees
 851 who are, at the time of the incident, rail corridor invitees of
 852 another operator; and other rail corridor invitees.

853 b. Its proportionate share of any loss or damage to the
 854 joint infrastructure.

855 c. Its proportionate share of any loss, injury, or damage
 856 to:

857 (I) Rail corridor invitees who are not rail corridor
 858 invitees of operators, provided that the agency shall always be
 859 responsible for its passengers and its rail corridor invitees
 860 regardless of whether the agency was involved in the incident.

861 (II) Trespassers or third parties outside the Coastal Link
 862 corridor as a result of the incident.

863 5. Any such contractual duty to protect, defend, indemnify,
 864 and hold harmless FECR or Brightline with respect to claims by
 865 rail passengers shall expressly include a specific cap on the
 866 amount of the contractual duty, which amount may not exceed \$323
 867 million per occurrence and shall be adjusted so that the per-
 868 occurrence insurance requirement is equal to the aggregate
 869 allowable awards to all rail passengers, against all defendants,
 870 for all claims, including claims for punitive damages, arising

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871 from a single accident or incident in accordance with 49 U.S.C.
 872 s. 28103, or any successor provision, without prior legislative
 873 approval.

874 6. Notwithstanding any provision of this section to the
 875 contrary, the liabilities of the agency to the state or any
 876 other agency shall be as set forth in an agreement among such
 877 entities and limited by s. 768.28(18) s. 768.28(19).

878

879 Neither the assumption by contract to protect, defend,
 880 indemnify, and hold harmless; the purchase of insurance; nor the
 881 establishment of a self-insurance retention fund shall be deemed
 882 to be a waiver of any defense of sovereign immunity for tort
 883 claims or deemed to increase the limits of the agency's
 884 liability for tort claims as provided in s. 768.28.

885 Section 6. Subsection (2) of section 944.713, Florida
 886 Statutes, is amended to read:

887 944.713 Insurance against liability.—

888 (2) The contract shall provide for indemnification of the
 889 state by the private vendor for any liabilities incurred up to
 890 the limits provided under s. 768.28(5). The contract shall
 891 provide that the private vendor, or the insurer of the private
 892 vendor, is liable to pay any claim or judgment for any one
 893 person which does not exceed the applicable maximum amount
 894 provided in s. 768.28(5) sum of \$100,000 or any claim or
 895 judgment, or portions thereof, which, when totaled with all
 896 other claims or judgments arising out of the same incident or
 897 occurrence, does not exceed the sum of \$200,000. In addition,
 898 the contractor must agree to defend, hold harmless, and
 899 indemnify the department against any and all actions, claims,

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900 damages and losses, including costs and attorney's fees.

901 Section 7. For the purpose of incorporating the amendment
 902 made by this act to section 768.28, Florida Statutes, in a
 903 reference thereto, subsection (5) of section 45.061, Florida
 904 Statutes, is reenacted to read:

905 45.061 Offers of settlement.—

906 (5) Sanctions authorized under this section may be imposed
 907 notwithstanding any limitation on recovery of costs or expenses
 908 which may be provided by contract or in other provisions of
 909 Florida law. This section shall not be construed to waive the
 910 limits of sovereign immunity set forth in s. 768.28.

911 Section 8. For the purpose of incorporating the amendment
 912 made by this act to section 768.28, Florida Statutes, in a
 913 reference thereto, paragraph (f) of subsection (6) of section
 914 95.11, Florida Statutes, is reenacted to read:

915 95.11 Limitations other than for the recovery of real
 916 property.—Actions other than for recovery of real property shall
 917 be commenced as follows:

918 (6) WITHIN ONE YEAR.—

919 (f) Except for actions described in subsection (9), or a
 920 petition challenging a criminal conviction, all petitions;
 921 extraordinary writs; tort actions, including those under s.
 922 768.28(14); or other actions which concern any condition of
 923 confinement of a prisoner filed by or on behalf of a prisoner as
 924 defined in s. 57.085. Any petition, writ, or action brought
 925 under this paragraph must be commenced within 1 year after the
 926 time the incident, conduct, or conditions occurred or within 1
 927 year after the time the incident, conduct, or conditions were
 928 discovered, or should have been discovered.

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929 Section 9. For the purpose of incorporating the amendment
 930 made by this act to section 768.28, Florida Statutes, in a
 931 reference thereto, subsection (4) of section 110.504, Florida
 932 Statutes, is reenacted to read:
 933 110.504 Volunteer benefits.—
 934 (4) Volunteers shall be covered by state liability
 935 protection in accordance with the definition of a volunteer and
 936 the provisions of s. 768.28.

937 Section 10. For the purpose of incorporating the amendment
 938 made by this act to section 768.28, Florida Statutes, in a
 939 reference thereto, paragraph (a) of subsection (1) of section
 940 111.071, Florida Statutes, is reenacted to read:
 941 111.071 Payment of judgments or settlements against certain
 942 public officers or employees.—
 943 (1) Any county, municipality, political subdivision, or
 944 agency of the state which has been excluded from participation
 945 in the Insurance Risk Management Trust Fund is authorized to
 946 expend available funds to pay:
 947 (a) Any final judgment, including damages, costs, and
 948 attorney's fees, arising from a complaint for damages or injury
 949 suffered as a result of any act or omission of action of any
 950 officer, employee, or agent in a civil or civil rights lawsuit
 951 described in s. 111.07. If the civil action arises under s.
 952 768.28 as a tort claim, the limitations and provisions of s.
 953 768.28 governing payment shall apply. If the action is a civil
 954 rights action arising under 42 U.S.C. s. 1983, or similar
 955 federal statutes, payments for the full amount of the judgment
 956 may be made unless the officer, employee, or agent has been
 957 determined in the final judgment to have caused the harm

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958 intentionally.

959 Section 11. For the purpose of incorporating the amendment
 960 made by this act to section 768.28, Florida Statutes, in a
 961 reference thereto, paragraph (b) of subsection (2) of section
 962 125.01015, Florida Statutes, is reenacted to read:
 963 125.01015 Office of the sheriff.—
 964 (2) To ensure the successful transfer of the exclusive
 965 policing responsibility and authority to the sheriff in a
 966 county, as defined in s. 125.011(1), the board of county
 967 commissioners shall:
 968 (b) After the election of the sheriff is certified:
 969 1. Provide funding for all of the necessary staff and
 970 office space for the sheriff-elect to establish an independent
 971 office of the sheriff, so that the office may effectively
 972 operate and perform all of the functions required by general law
 973 when the sheriff-elect takes office.
 974 2. Provide funding for the sheriff-elect to select any
 975 necessary insurances not provided by the county through the
 976 interlocal agreement required under sub-subparagraph 6.d. to
 977 allow the sheriff to effectively operate and perform all of the
 978 functions required by general law when he or she takes office.
 979 3. Provide funding for the sheriff-elect to establish bank
 980 and other accounts, as necessary, in his or her official
 981 capacity as sheriff, so that such accounts become operational
 982 when he or she takes office.
 983 4. Unless otherwise transferable based on existing surety
 984 bonds for the sheriff's deputies, provide funding for and
 985 facilitate procurement of the required surety bonds for deputy
 986 sheriffs pursuant to s. 30.09, so that such bonds are in place

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987 when the sheriff-elect takes office.

988 5. Prepare and deliver to the office of the sheriff all

989 documents, property, and other items listed in subsection (4).

990 6. Notwithstanding any provision to the contrary, for a

991 term commencing on January 7, 2025, and ending on or after

992 September 30, 2028, provide the sheriff-elect taking office

993 with, and require the sheriff-elect taking office to use, not

994 less than the substantially and materially same support

995 services, facilities, office space, and information technology

996 infrastructure provided to county offices or departments

997 performing the duties to be performed by the sheriff-elect upon

998 taking office in the 1-year period before he or she takes

999 office.

1000 a. As used in this subparagraph, the term "support

1001 services" includes:

1002 (I) Property and facilities, and the management and

1003 maintenance for such property and facilities.

1004 (II) Communications infrastructure, including telephone and

1005 Internet connectivity.

1006 (III) Risk management, including processing, adjusting, and

1007 payment of all claims and demands, including those made under s.

1008 768.28. The county shall provide the sheriff with all required

1009 general liability, property, and other insurance coverage

1010 through its self-insurance program, a self-insurance risk pool,

1011 or commercial insurance. If the county provides insurance

1012 through a self-insurance program, the county must also provide

1013 the sheriff with commercial stop-loss coverage in an amount and

1014 with a self-insured retention agreed upon by the sheriff and the

1015 county.

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1016 (IV) Legal representation and advice through the office of

1017 the county attorney for all claims, demands, and causes of

1018 action brought against the sheriff, his or her deputies, or

1019 other personnel in their official and individual capacities,

1020 while acting in their official and individual capacities,

1021 including any required outside counsel due to conflicts of

1022 interest. This sub-sub-subparagraph does not prohibit the

1023 sheriff from employing or retaining his or her own legal

1024 representation as he or she deems necessary.

1025 (V) Purchasing and procurement services using procedures

1026 under the laws and ordinances applicable to the county for

1027 purchases requiring competitive procurement.

1028 (VI) Budget and fiscal software and budget development

1029 services.

1030 (VII) Human resource services, including, but not limited

1031 to, facilitation of the hiring process, including employee

1032 applicant screening and employee applicant background checks,

1033 and employee benefit administration. The county may provide

1034 human resource services to the sheriff. However, the sheriff is

1035 the employer of his or her employees, and the sheriff retains

1036 full and complete control and authority over the hiring of his

1037 or her employees and the terms and conditions of employment,

1038 including employee discipline and termination of employment. The

1039 provision of human resource services by the county to the

1040 sheriff does not create a joint-employer relationship. The

1041 sheriff's employees shall remain members of the county's health

1042 insurance and workers' compensation plans for at least the term

1043 set forth in this subparagraph.

1044 (VIII) Fleet management, including procurement of all

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1045 vehicles and other mobile assets such as boats and aircraft, and
 1046 all vehicle repair and maintenance.

1047 b. As used in this subparagraph, the term "information
 1048 technology infrastructure" includes:

1049 (I) All hardware, including computers.

1050 (II) Budget and fiscal software, including payroll and
 1051 purchasing software.

1052 (III) Computer-aided dispatch.

1053 c. Under a cost allocation plan agreed to by the county and
 1054 the sheriff, the sheriff shall pay the county for such support
 1055 services and information technology infrastructure from his or
 1056 her general fund budget, except for any support services and
 1057 information technology infrastructure costs that general law
 1058 otherwise and expressly requires the county to fund outside the
 1059 sheriff's budget.

1060 d. To satisfy compliance with this subsection and to
 1061 establish the office of the sheriff in a manner that minimizes
 1062 unnecessary financial expenditures, the county and the sheriff
 1063 shall execute an interlocal agreement addressing the
 1064 requirements of this subsection and other expenditures,
 1065 including an appropriate phase-in period for identification of
 1066 the sheriff's assets with the sheriff's markings to minimize the
 1067 cost to taxpayers. The interlocal agreement shall have a term
 1068 that ends no earlier than September 30, 2028, and may be
 1069 amended, renewed, extended, or newly adopted at any time
 1070 following the expiration or termination of the agreement. After
 1071 the initial period ending no earlier than September 30, 2028, an
 1072 interlocal agreement may be entered into between the county and
 1073 the sheriff which provides for the same or different

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1074 requirements as set forth in this subsection.

1075 Section 12. For the purpose of incorporating the amendment
 1076 made by this act to section 768.28, Florida Statutes, in
 1077 references thereto, paragraph (h) of subsection (3) and
 1078 paragraph (k) of subsection (15) of section 163.01, Florida
 1079 Statutes, are reenacted to read:

1080 163.01 Florida Interlocal Cooperation Act of 1969.—

1081 (3) As used in this section:

1082 (h) "Local government liability pool" means a reciprocal
 1083 insurer as defined in s. 629.011 or any self-insurance program
 1084 created pursuant to s. 768.28(16), formed and controlled by
 1085 counties or municipalities of this state to provide liability
 1086 insurance coverage for counties, municipalities, or other public
 1087 agencies of this state, which pool may contract with other
 1088 parties for the purpose of providing claims administration,
 1089 processing, accounting, and other administrative facilities.

1090 (15) Notwithstanding any other provision of this section or
 1091 of any other law except s. 361.14, any public agency of this
 1092 state which is an electric utility, or any separate legal entity
 1093 created pursuant to the provisions of this section, the
 1094 membership of which consists only of electric utilities, and
 1095 which exercises or proposes to exercise the powers granted by
 1096 part II of chapter 361, the Joint Power Act, may exercise any or
 1097 all of the following powers:

1098 (k) The limitations on waiver in the provisions of s.
 1099 768.28 or any other law to the contrary notwithstanding, the
 1100 Legislature, in accordance with s. 13, Art. X of the State
 1101 Constitution, hereby declares that any such legal entity or any
 1102 public agency of this state that participates in any electric

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1103 project waives its sovereign immunity to:

1104 1. All other persons participating therein; and

1105 2. Any person in any manner contracting with a legal entity

1106 of which any such public agency is a member, with relation to:

1107 a. Ownership, operation, or any other activity set forth in

1108 sub-subparagraph (b)2.d. with relation to any electric project;

1109 or

1110 b. The supplying or purchasing of services, output,

1111 capacity, energy, or any combination thereof.

1112 Section 13. For the purpose of incorporating the amendment

1113 made by this act to section 768.28, Florida Statutes, in a

1114 reference thereto, section 190.043, Florida Statutes, is

1115 reenacted to read:

1116 190.043 Suits against the district.—Any suit or action

1117 brought or maintained against the district for damages arising

1118 out of tort, including, without limitation, any claim arising

1119 upon account of an act causing an injury or loss of property,

1120 personal injury, or death, shall be subject to the limitations

1121 provided in s. 768.28.

1122 Section 14. For the purpose of incorporating the amendment

1123 made by this act to section 768.28, Florida Statutes, in a

1124 reference thereto, subsection (13) of section 213.015, Florida

1125 Statutes, is reenacted to read:

1126 213.015 Taxpayer rights.—There is created a Florida

1127 Taxpayer's Bill of Rights to guarantee that the rights, privacy,

1128 and property of Florida taxpayers are adequately safeguarded and

1129 protected during tax assessment, collection, and enforcement

1130 processes administered under the revenue laws of this state. The

1131 Taxpayer's Bill of Rights compiles, in one document, brief but

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1132 comprehensive statements which explain, in simple, nontechnical

1133 terms, the rights and obligations of the Department of Revenue

1134 and taxpayers. Section 192.0105 provides additional rights

1135 afforded to payors of property taxes and assessments. The rights

1136 afforded taxpayers to ensure that their privacy and property are

1137 safeguarded and protected during tax assessment and collection

1138 are available only insofar as they are implemented in other

1139 parts of the Florida Statutes or rules of the Department of

1140 Revenue. The rights so guaranteed Florida taxpayers in the

1141 Florida Statutes and the departmental rules are:

1142 (13) The right to an action at law within the limitations

1143 of s. 768.28, relating to sovereign immunity, to recover damages

1144 against the state or the Department of Revenue for injury caused

1145 by the wrongful or negligent act or omission of a department

1146 officer or employee (see s. 768.28).

1147 Section 15. For the purpose of incorporating the amendment

1148 made by this act to section 768.28, Florida Statutes, in a

1149 reference thereto, section 252.51, Florida Statutes, is

1150 reenacted to read:

1151 252.51 Liability.—Any person or organization, public or

1152 private, owning or controlling real estate or other premises who

1153 voluntarily and without compensation, other than payment or

1154 reimbursement of costs and expenses, grants a license or

1155 privilege or otherwise permits the designation by the local

1156 emergency management agency or use of the whole or any part of

1157 such real estate or premises for the purpose of sheltering

1158 persons during an actual, impending, mock, or practice

1159 emergency, together with her or his successor in interest, if

1160 any, shall not be liable for the death of, or injury to, any

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1161 person on or about such real estate or premises during the
 1162 actual, impending, mock, or practice emergency, or for loss of,
 1163 or damage to, the property of such person, solely by reason or
 1164 as a result of such license, privilege, designation, or use,
 1165 unless the gross negligence or the willful and wanton misconduct
 1166 of such person owning or controlling such real estate or
 1167 premises or her or his successor in interest is the proximate
 1168 cause of such death, injury, loss, or damage occurring during
 1169 such sheltering period. Any such person or organization who
 1170 provides such shelter space for compensation shall be deemed to
 1171 be an instrumentality of the state or its applicable agency or
 1172 subdivision for the purposes of s. 768.28.

1173 Section 16. For the purpose of incorporating the amendment
 1174 made by this act to section 768.28, Florida Statutes, in a
 1175 reference thereto, section 252.89, Florida Statutes, is
 1176 reenacted to read:

1177 252.89 Tort liability.—The commission and the committees
 1178 shall be state agencies, and the members of the commission and
 1179 committees shall be officers, employees, or agents of the state
 1180 for the purposes of s. 768.28.

1181 Section 17. For the purpose of incorporating the amendment
 1182 made by this act to section 768.28, Florida Statutes, in a
 1183 reference thereto, section 252.944, Florida Statutes, is
 1184 reenacted to read:

1185 252.944 Tort liability.—The commission and the committees
 1186 are state agencies, and the members of the commission and
 1187 committees are officers, employees, or agents of the state for
 1188 the purpose of s. 768.28.

1189 Section 18. For the purpose of incorporating the amendment

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1190 made by this act to section 768.28, Florida Statutes, in a
 1191 reference thereto, subsection (2) of section 260.0125, Florida
 1192 Statutes, is reenacted to read:

1193 260.0125 Limitation on liability of private landowners
 1194 whose property is designated as part of the statewide system of
 1195 greenways and trails.—

1196 (2) Any private landowner who consents to designation of
 1197 his or her land as part of the statewide system of greenways and
 1198 trails pursuant to s. 260.016(2)(d) without compensation shall
 1199 be considered a volunteer, as defined in s. 110.501, and shall
 1200 be covered by state liability protection pursuant to s. 768.28,
 1201 including s. 768.28(9).

1202 Section 19. For the purpose of incorporating the amendment
 1203 made by this act to section 768.28, Florida Statutes, in a
 1204 reference thereto, section 284.31, Florida Statutes, is
 1205 reenacted to read:

1206 284.31 Scope and types of coverages; separate accounts.—The
 1207 Insurance Risk Management Trust Fund must, unless specifically
 1208 excluded by the Department of Financial Services, cover all
 1209 departments of the State of Florida and their employees, agents,
 1210 and volunteers and must provide separate accounts for workers'
 1211 compensation, general liability, fleet automotive liability,
 1212 federal civil rights actions under 42 U.S.C. s. 1983 or similar
 1213 federal statutes, state agency firefighter cancer benefits
 1214 payable under s. 112.1816(2), and court-awarded attorney fees in
 1215 other proceedings against the state except for such awards in
 1216 eminent domain or for inverse condemnation or for awards by the
 1217 Public Employees Relations Commission. Unless specifically
 1218 excluded by the Department of Financial Services, the Insurance

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1219 Risk Management Trust Fund must provide fleet automotive
 1220 liability coverage to motor vehicles titled to the state, or to
 1221 any department of the state, when such motor vehicles are used
 1222 by community transportation coordinators performing, under
 1223 contract to the appropriate department of the state, services
 1224 for the transportation disadvantaged under part I of chapter
 1225 427. Such fleet automotive liability coverage is primary and is
 1226 subject to s. 768.28 and parts II and III of chapter 284, and
 1227 applicable rules adopted thereunder, and the terms and
 1228 conditions of the certificate of coverage issued by the
 1229 Department of Financial Services.

1230 Section 20. For the purpose of incorporating the amendment
 1231 made by this act to section 768.28, Florida Statutes, in
 1232 references thereto, section 284.38, Florida Statutes, is
 1233 reenacted to read:

1234 284.38 Waiver of sovereign immunity; effect.—The insurance
 1235 programs developed herein shall provide limits as established by
 1236 the provisions of s. 768.28 if a tort claim. The limits provided
 1237 in s. 768.28 shall not apply to a civil rights action arising
 1238 under 42 U.S.C. s. 1983 or similar federal statute. Payment of a
 1239 pending or future claim or judgment arising under any of said
 1240 statutes may be made upon this act becoming a law, unless the
 1241 officer, employee, or agent has been determined in the final
 1242 judgment to have caused the harm intentionally; however, the
 1243 fund is authorized to pay all other court-ordered attorney's
 1244 fees as provided under s. 284.31.

1245 Section 21. For the purpose of incorporating the amendment
 1246 made by this act to section 768.28, Florida Statutes, in a
 1247 reference thereto, paragraph (b) of subsection (1) of section

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1248 322.13, Florida Statutes, is reenacted to read:
 1249 322.13 Driver license examiners.—
 1250 (1)
 1251 (b) Those persons serving as driver license examiners are
 1252 not liable for actions taken within the scope of their
 1253 employment or designation, except as provided by s. 768.28.
 1254 Section 22. For the purpose of incorporating the amendment
 1255 made by this act to section 768.28, Florida Statutes, in a
 1256 reference thereto, subsection (1) of section 337.19, Florida
 1257 Statutes, is reenacted to read:
 1258 337.19 Suits by and against department; limitation of
 1259 actions; forum.—
 1260 (1) Suits at law and in equity may be brought and
 1261 maintained by and against the department on any contract claim
 1262 arising from breach of an express provision or an implied
 1263 covenant of a written agreement or a written directive issued by
 1264 the department pursuant to the written agreement. In any such
 1265 suit, the department and the contractor shall have all of the
 1266 same rights and obligations as a private person under a like
 1267 contract except that no liability may be based on an oral
 1268 modification of either the written contract or written
 1269 directive. Nothing herein shall be construed to waive the
 1270 sovereign immunity of the state and its political subdivisions
 1271 from equitable claims and equitable remedies. Notwithstanding
 1272 anything to the contrary contained in this section, no employee
 1273 or agent of the department may be held personally liable to an
 1274 extent greater than that pursuant to s. 768.28 provided that no
 1275 suit sounding in tort shall be maintained against the
 1276 department.

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1277 Section 23. For the purpose of incorporating the amendment
 1278 made by this act to section 768.28, Florida Statutes, in a
 1279 reference thereto, subsection (17) of section 341.302, Florida
 1280 Statutes, is reenacted to read:

1281 341.302 Rail program; duties and responsibilities of the
 1282 department.—The department, in conjunction with other
 1283 governmental entities, including the rail enterprise and the
 1284 private sector, shall develop and implement a rail program of
 1285 statewide application designed to ensure the proper maintenance,
 1286 safety, revitalization, and expansion of the rail system to
 1287 assure its continued and increased availability to respond to
 1288 statewide mobility needs. Within the resources provided pursuant
 1289 to chapter 216, and as authorized under federal law, the
 1290 department shall:

1291 (17) In conjunction with the acquisition, ownership,
 1292 construction, operation, maintenance, and management of a rail
 1293 corridor, have the authority to:

1294 (a) Assume obligations pursuant to the following:

1295 1.a. The department may assume the obligation by contract
 1296 to forever protect, defend, indemnify, and hold harmless the
 1297 freight rail operator, or its successors, from whom the
 1298 department has acquired a real property interest in the rail
 1299 corridor, and that freight rail operator's officers, agents, and
 1300 employees, from and against any liability, cost, and expense,
 1301 including, but not limited to, commuter rail passengers and rail
 1302 corridor invitees in the rail corridor, regardless of whether
 1303 the loss, damage, destruction, injury, or death giving rise to
 1304 any such liability, cost, or expense is caused in whole or in
 1305 part, and to whatever nature or degree, by the fault, failure,

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1306 negligence, misconduct, nonfeasance, or misfeasance of such
 1307 freight rail operator, its successors, or its officers, agents,
 1308 and employees, or any other person or persons whomsoever; or
 1309 b. The department may assume the obligation by contract to
 1310 forever protect, defend, indemnify, and hold harmless National
 1311 Railroad Passenger Corporation, or its successors, and officers,
 1312 agents, and employees of National Railroad Passenger
 1313 Corporation, from and against any liability, cost, and expense,
 1314 including, but not limited to, commuter rail passengers and rail
 1315 corridor invitees in the rail corridor, regardless of whether
 1316 the loss, damage, destruction, injury, or death giving rise to
 1317 any such liability, cost, or expense is caused in whole or in
 1318 part, and to whatever nature or degree, by the fault, failure,
 1319 negligence, misconduct, nonfeasance, or misfeasance of National
 1320 Railroad Passenger Corporation, its successors, or its officers,
 1321 agents, and employees, or any other person or persons
 1322 whomsoever.

1323 2. The assumption of liability of the department by
 1324 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
 1325 1.b. may not in any instance exceed the following parameters of
 1326 allocation of risk:

1327 a. The department may be solely responsible for any loss,
 1328 injury, or damage to commuter rail passengers, or rail corridor
 1329 invitees, or trespassers, regardless of circumstances or cause,
 1330 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and
 1331 6.

1332 b.(I) In the event of a limited covered accident, the
 1333 authority of the department to protect, defend, and indemnify
 1334 the freight operator for all liability, cost, and expense,

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1335 including punitive or exemplary damages, in excess of the
 1336 deductible or self-insurance retention fund established under
 1337 paragraph (b) and actually in force at the time of the limited
 1338 covered accident exists only if the freight operator agrees,
 1339 with respect to the limited covered accident, to protect,
 1340 defend, and indemnify the department for the amount of the
 1341 deductible or self-insurance retention fund established under
 1342 paragraph (b) and actually in force at the time of the limited
 1343 covered accident.

1344 (II) In the event of a limited covered accident, the
 1345 authority of the department to protect, defend, and indemnify
 1346 National Railroad Passenger Corporation for all liability, cost,
 1347 and expense, including punitive or exemplary damages, in excess
 1348 of the deductible or self-insurance retention fund established
 1349 under paragraph (b) and actually in force at the time of the
 1350 limited covered accident exists only if National Railroad
 1351 Passenger Corporation agrees, with respect to the limited
 1352 covered accident, to protect, defend, and indemnify the
 1353 department for the amount of the deductible or self-insurance
 1354 retention fund established under paragraph (b) and actually in
 1355 force at the time of the limited covered accident.

1356 3. When only one train is involved in an incident, the
 1357 department may be solely responsible for any loss, injury, or
 1358 damage if the train is a department train or other train
 1359 pursuant to subparagraph 4., but only if:

1360 a. When an incident occurs with only a freight train
 1361 involved, including incidents with trespassers or at grade
 1362 crossings, the freight rail operator is solely responsible for
 1363 any loss, injury, or damage, except for commuter rail passengers

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1364 and rail corridor invitees; or
 1365 b. When an incident occurs with only a National Railroad
 1366 Passenger Corporation train involved, including incidents with
 1367 trespassers or at grade crossings, National Railroad Passenger
 1368 Corporation is solely responsible for any loss, injury, or
 1369 damage, except for commuter rail passengers and rail corridor
 1370 invitees.

1371 4. For the purposes of this subsection:
 1372 a. Any train involved in an incident that is neither the
 1373 department's train nor the freight rail operator's train,
 1374 hereinafter referred to in this subsection as an "other train,"
 1375 may be treated as a department train, solely for purposes of any
 1376 allocation of liability between the department and the freight
 1377 rail operator only, but only if the department and the freight
 1378 rail operator share responsibility equally as to third parties
 1379 outside the rail corridor who incur loss, injury, or damage as a
 1380 result of any incident involving both a department train and a
 1381 freight rail operator train, and the allocation as between the
 1382 department and the freight rail operator, regardless of whether
 1383 the other train is treated as a department train, shall remain
 1384 one-half each as to third parties outside the rail corridor who
 1385 incur loss, injury, or damage as a result of the incident. The
 1386 involvement of any other train shall not alter the sharing of
 1387 equal responsibility as to third parties outside the rail
 1388 corridor who incur loss, injury, or damage as a result of the
 1389 incident; or

1390 b. Any train involved in an incident that is neither the
 1391 department's train nor the National Railroad Passenger
 1392 Corporation's train, hereinafter referred to in this subsection

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1393 as an "other train," may be treated as a department train,
 1394 solely for purposes of any allocation of liability between the
 1395 department and National Railroad Passenger Corporation only, but
 1396 only if the department and National Railroad Passenger
 1397 Corporation share responsibility equally as to third parties
 1398 outside the rail corridor who incur loss, injury, or damage as a
 1399 result of any incident involving both a department train and a
 1400 National Railroad Passenger Corporation train, and the
 1401 allocation as between the department and National Railroad
 1402 Passenger Corporation, regardless of whether the other train is
 1403 treated as a department train, shall remain one-half each as to
 1404 third parties outside the rail corridor who incur loss, injury,
 1405 or damage as a result of the incident. The involvement of any
 1406 other train shall not alter the sharing of equal responsibility
 1407 as to third parties outside the rail corridor who incur loss,
 1408 injury, or damage as a result of the incident.

1409 5. When more than one train is involved in an incident:

1410 a.(I) If only a department train and freight rail
 1411 operator's train, or only an other train as described in sub-
 1412 subparagraph 4.a. and a freight rail operator's train, are
 1413 involved in an incident, the department may be responsible for
 1414 its property and all of its people, all commuter rail
 1415 passengers, and rail corridor invitees, but only if the freight
 1416 rail operator is responsible for its property and all of its
 1417 people, and the department and the freight rail operator each
 1418 share one-half responsibility as to trespassers or third parties
 1419 outside the rail corridor who incur loss, injury, or damage as a
 1420 result of the incident; or
 1421 (II) If only a department train and a National Railroad

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1422 Passenger Corporation train, or only an other train as described
 1423 in sub-subparagraph 4.b. and a National Railroad Passenger
 1424 Corporation train, are involved in an incident, the department
 1425 may be responsible for its property and all of its people, all
 1426 commuter rail passengers, and rail corridor invitees, but only
 1427 if National Railroad Passenger Corporation is responsible for
 1428 its property and all of its people, all National Railroad
 1429 Passenger Corporation's rail passengers, and the department and
 1430 National Railroad Passenger Corporation each share one-half
 1431 responsibility as to trespassers or third parties outside the
 1432 rail corridor who incur loss, injury, or damage as a result of
 1433 the incident.

1434 b.(I) If a department train, a freight rail operator train,
 1435 and any other train are involved in an incident, the allocation
 1436 of liability between the department and the freight rail
 1437 operator, regardless of whether the other train is treated as a
 1438 department train, shall remain one-half each as to third parties
 1439 outside the rail corridor who incur loss, injury, or damage as a
 1440 result of the incident; the involvement of any other train shall
 1441 not alter the sharing of equal responsibility as to third
 1442 parties outside the rail corridor who incur loss, injury, or
 1443 damage as a result of the incident; and, if the owner, operator,
 1444 or insurer of the other train makes any payment to injured third
 1445 parties outside the rail corridor who incur loss, injury, or
 1446 damage as a result of the incident, the allocation of credit
 1447 between the department and the freight rail operator as to such
 1448 payment shall not in any case reduce the freight rail operator's
 1449 third-party-sharing allocation of one-half under this paragraph
 1450 to less than one-third of the total third party liability; or

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1451 (II) If a department train, a National Railroad Passenger
1452 Corporation train, and any other train are involved in an
1453 incident, the allocation of liability between the department and
1454 National Railroad Passenger Corporation, regardless of whether
1455 the other train is treated as a department train, shall remain
1456 one-half each as to third parties outside the rail corridor who
1457 incur loss, injury, or damage as a result of the incident; the
1458 involvement of any other train shall not alter the sharing of
1459 equal responsibility as to third parties outside the rail
1460 corridor who incur loss, injury, or damage as a result of the
1461 incident; and, if the owner, operator, or insurer of the other
1462 train makes any payment to injured third parties outside the
1463 rail corridor who incur loss, injury, or damage as a result of
1464 the incident, the allocation of credit between the department
1465 and National Railroad Passenger Corporation as to such payment
1466 shall not in any case reduce National Railroad Passenger
1467 Corporation's third-party-sharing allocation of one-half under
1468 this sub subparagraph to less than one-third of the total third
1469 party liability.

1470 6. Any such contractual duty to protect, defend, indemnify,
1471 and hold harmless such a freight rail operator or National
1472 Railroad Passenger Corporation shall expressly include a
1473 specific cap on the amount of the contractual duty, which amount
1474 shall not exceed \$200 million without prior legislative
1475 approval, and the department to purchase liability insurance and
1476 establish a self-insurance retention fund in the amount of the
1477 specific cap established under this subparagraph, provided that:
1478 a. No such contractual duty shall in any case be effective
1479 nor otherwise extend the department's liability in scope and

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1480 effect beyond the contractual liability insurance and self-
1481 insurance retention fund required pursuant to this paragraph;
1482 and

1483 b.(I) The freight rail operator's compensation to the
1484 department for future use of the department's rail corridor
1485 shall include a monetary contribution to the cost of such
1486 liability coverage for the sole benefit of the freight rail
1487 operator.

1488 (II) National Railroad Passenger Corporation's compensation
1489 to the department for future use of the department's rail
1490 corridor shall include a monetary contribution to the cost of
1491 such liability coverage for the sole benefit of National
1492 Railroad Passenger Corporation.

1493 (b) Purchase liability insurance, which amount shall not
1494 exceed \$200 million, and establish a self-insurance retention
1495 fund for the purpose of paying the deductible limit established
1496 in the insurance policies it may obtain, including coverage for
1497 the department, any freight rail operator as described in
1498 paragraph (a), National Railroad Passenger Corporation, commuter
1499 rail service providers, governmental entities, or any ancillary
1500 development, which self-insurance retention fund or deductible
1501 shall not exceed \$10 million. The insureds shall pay a
1502 reasonable monetary contribution to the cost of such liability
1503 coverage for the sole benefit of the insured. Such insurance and
1504 self-insurance retention fund may provide coverage for all
1505 damages, including, but not limited to, compensatory, special,
1506 and exemplary, and be maintained to provide an adequate fund to
1507 cover claims and liabilities for loss, injury, or damage arising
1508 out of or connected with the ownership, operation, maintenance,

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1509 and management of a rail corridor.

1510 (c) Incur expenses for the purchase of advertisements,
1511 marketing, and promotional items.

1512 (d) Without altering any of the rights granted to the
1513 department under this section, agree to assume the obligations
1514 to indemnify and insure, pursuant to s. 343.545, freight rail
1515 service, intercity passenger rail service, and commuter rail
1516 service on a department-owned rail corridor, whether ownership
1517 is in fee or by easement, or on a rail corridor where the
1518 department has the right to operate.

1519

1520 Neither the assumption by contract to protect, defend,
1521 indemnify, and hold harmless; the purchase of insurance; nor the
1522 establishment of a self-insurance retention fund shall be deemed
1523 to be a waiver of any defense of sovereign immunity for torts
1524 nor deemed to increase the limits of the department's or the
1525 governmental entity's liability for torts as provided in s.
1526 768.28. The requirements of s. 287.022(1) shall not apply to the
1527 purchase of any insurance under this subsection. The provisions
1528 of this subsection shall apply and inure fully as to any other
1529 governmental entity providing commuter rail service and
1530 constructing, operating, maintaining, or managing a rail
1531 corridor on publicly owned right-of-way under contract by the
1532 governmental entity with the department or a governmental entity
1533 designated by the department. Notwithstanding any law to the
1534 contrary, procurement for the construction, operation,
1535 maintenance, and management of any rail corridor described in
1536 this subsection, whether by the department, a governmental
1537 entity under contract with the department, or a governmental

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1538 entity designated by the department, shall be pursuant to s.
1539 287.057 and shall include, but not be limited to, criteria for
1540 the consideration of qualifications, technical aspects of the
1541 proposal, and price. Further, any such contract for design-build
1542 shall be procured pursuant to the criteria in s. 337.11(7).

1543 Section 24. For the purpose of incorporating the amendment
1544 made by this act to section 768.28, Florida Statutes, in a
1545 reference thereto, subsection (3) of section 343.811, Florida
1546 Statutes, is reenacted to read:

1547 343.811 Power to assume indemnification and insurance
1548 obligations.—

1549 (3) ASSUMPTION OF OBLIGATIONS; PURCHASE OF INSURANCE.—In
1550 conjunction with the development or operation of a commuter rail
1551 service on the Coastal Link corridor, an agency may:

1552 (a) Assume obligations pursuant to the following:

1553 1.a. The agency may assume the obligation by contract to
1554 protect, defend, indemnify, and hold harmless FECR and its
1555 officers, agents, and employees from and against:

1556 (I) Any liability, cost, and expense, including, but not
1557 limited to, the agency's passengers and other rail corridor
1558 invitees in, on, or about the Coastal Link corridor, regardless
1559 of whether the loss, damage, destruction, injury, or death
1560 giving rise to any such liability, cost, or expense is caused in
1561 whole or in part, and to whatever nature or degree, by the
1562 fault, failure, negligence, misconduct, nonfeasance, or
1563 misfeasance of such freight rail operator, its successors, or
1564 its officers, agents, and employees, or any other person or
1565 persons whomsoever.

1566 (II) Any loss, injury, or damage incurred by other rail

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1567 corridor invitees up to the amount of the self-insurance
 1568 retention amount with respect to limited covered accidents
 1569 caused by the agency.
 1570 b. The agency may assume the obligation by contract to
 1571 protect, defend, indemnify, and hold harmless Brightline and its
 1572 officers, agents, and employees from and against:
 1573 (I) Any liability, cost, and expense, including, but not
 1574 limited to, the agency's passengers and rail corridor invitees
 1575 in the Coastal Link corridor, regardless of whether the loss,
 1576 damage, destruction, injury, or death giving rise to any such
 1577 liability, cost, or expense is caused in whole or in part, and
 1578 to whatever nature or degree, by the fault, failure, negligence,
 1579 misconduct, nonfeasance, or misfeasance of Brightline, its
 1580 successors, or its officers, agents, and employees, or any other
 1581 person or persons whomsoever.
 1582 (II) Any loss, injury, or damage incurred by other rail
 1583 corridor invitees up to the amount of the self-insurance
 1584 retention amount with respect to limited covered accidents
 1585 caused by the agency.
 1586 2. The assumption of liability of the agency by contract
 1587 pursuant to sub subparagraph 1.a. or sub subparagraph 1.b. may
 1588 not in any instance exceed the following parameters of
 1589 allocation of risk:
 1590 a. The agency may be solely responsible for any loss,
 1591 injury, or damage to the agency's passengers, or rail corridor
 1592 invitees, third parties, or trespassers, regardless of
 1593 circumstances or cause, subject to sub subparagraph b. and
 1594 subparagraphs 3., 4., and 5.
 1595 b.(I) In the event of a limited covered accident caused by

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1596 FECR, the authority of an agency to protect, defend, and
 1597 indemnify FECR for all liability, cost, and expense, including
 1598 punitive or exemplary damages, in excess of the self-insurance
 1599 retention amount exists only if FECR agrees, with respect to
 1600 such limited covered accident caused by FECR, to protect,
 1601 defend, and indemnify the agency for the amount of the self-
 1602 insurance retention amount.
 1603 (II) In the event of a limited covered accident caused by
 1604 Brightline, the authority of an agency to protect, defend, and
 1605 indemnify Brightline for all liability, cost, and expense,
 1606 including punitive or exemplary damages, in excess of the self-
 1607 insurance retention amount exists only if Brightline agrees,
 1608 with respect to such limited covered accident, to protect,
 1609 defend, and indemnify the agency for the amount of the self-
 1610 insurance retention amount.
 1611 3. When only one train is involved in an incident and:
 1612 a. The train is an agency's train, including an incident
 1613 with trespassers or at-grade crossings, the agency may be solely
 1614 responsible for any loss, injury, or damage.
 1615 b. The train is FECR's train, including an incident with
 1616 trespassers or at-grade crossings, FECR is solely responsible
 1617 for any loss, injury, or damage, except for the agency's
 1618 passengers and other rail corridor invitees, which are the
 1619 responsibility of the agency, and Brightline's passengers and
 1620 other rail corridor invitees, which are the responsibility of
 1621 Brightline.
 1622 c. The train is Brightline's train, including an incident
 1623 with trespassers or at-grade crossings, Brightline is solely
 1624 responsible for any loss, injury, or damage, except for the

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1625 agency's passengers or rail corridor invitees, which are the
 1626 responsibility of the agency, and FECR's rail corridor invitees,
 1627 which are the responsibility of FECR.

1628 4. When an incident involves more than one operator, each
 1629 operator is responsible for:

1630 a. Its property; passengers; employees, excluding employees
 1631 who are, at the time of the incident, rail corridor invitees of
 1632 another operator; and other rail corridor invitees.

1633 b. Its proportionate share of any loss or damage to the
 1634 joint infrastructure.

1635 c. Its proportionate share of any loss, injury, or damage
 1636 to:

1637 (I) Rail corridor invitees who are not rail corridor
 1638 invitees of operators, provided that the agency shall always be
 1639 responsible for its passengers and its rail corridor invitees
 1640 regardless of whether the agency was involved in the incident.

1641 (II) Trespassers or third parties outside the Coastal Link
 1642 corridor as a result of the incident.

1643 5. Any such contractual duty to protect, defend, indemnify,
 1644 and hold harmless FECR or Brightline with respect to claims by
 1645 rail passengers shall expressly include a specific cap on the
 1646 amount of the contractual duty, which amount may not exceed \$323
 1647 million per occurrence and shall be adjusted so that the per-
 1648 occurrence insurance requirement is equal to the aggregate
 1649 allowable awards to all rail passengers, against all defendants,
 1650 for all claims, including claims for punitive damages, arising
 1651 from a single accident or incident in accordance with 49 U.S.C.
 1652 s. 28103, or any successor provision, without prior legislative
 1653 approval.

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1654 6. Notwithstanding any provision of this section to the
 1655 contrary, the liabilities of the agency to the state or any
 1656 other agency shall be as set forth in an agreement among such
 1657 entities and limited by s. 768.28(19).

1658 (b) Purchase liability insurance, which amount may not
 1659 exceed \$323 million per occurrence, which amount shall be
 1660 adjusted so that the per-occurrence insurance requirement is
 1661 equal to the aggregate allowable awards to all rail passengers,
 1662 against all defendants, for all claims, including claims for
 1663 punitive damages, arising from a single accident or incident in
 1664 accordance with 49 U.S.C. s. 28103, or any successor provision,
 1665 and establish a self-insurance retention fund for the purpose of
 1666 paying the deductible limit established in the insurance
 1667 policies it may obtain, including coverage for a county agency,
 1668 any freight rail operator as described in paragraph (a),
 1669 Brightline, commuter rail service providers, governmental
 1670 entities, or any ancillary development, which self-insurance
 1671 retention fund or deductible shall not exceed the self-insurance
 1672 retention amount.

1673 1. Such insurance and self-insurance retention fund may
 1674 provide coverage for all damages, including, but not limited to,
 1675 compensatory, special, and exemplary, and be maintained to
 1676 provide an adequate fund to cover claims and liabilities for
 1677 loss, injury, or damage arising out of or connected with the
 1678 ownership, operation, maintenance, and management of the Coastal
 1679 Link corridor.

1680 2. Any self-insured retention account shall be a segregated
 1681 account of the agency and shall be subject to the same
 1682 conditions, restrictions, exclusions, obligations, and duties

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1683 included in any and all of the policies of liability insurance
 1684 purchased under this paragraph.

1685 3. Unless otherwise specifically provided by general law,
 1686 FECR and Brightline, and their respective officers, agents, and
 1687 employees, are not officers, agents, employees, or subdivisions
 1688 of the state and are not entitled to sovereign immunity.

1689

1690 Neither the assumption by contract to protect, defend,
 1691 indemnify, and hold harmless; the purchase of insurance; nor the
 1692 establishment of a self-insurance retention fund shall be deemed
 1693 to be a waiver of any defense of sovereign immunity for tort
 1694 claims or deemed to increase the limits of the agency's
 1695 liability for tort claims as provided in s. 768.28.

1696 Section 25. For the purpose of incorporating the amendment
 1697 made by this act to section 768.28, Florida Statutes, in a
 1698 reference thereto, paragraph (c) of subsection (4) of section
 1699 351.03, Florida Statutes, is reenacted to read:

1700 351.03 Railroad-highway grade-crossing warning signs and
 1701 signals; audible warnings; exercise of reasonable care; blocking
 1702 highways, roads, and streets during darkness.--

1703 (4)

1704 (c) Nothing in this subsection shall be construed to
 1705 nullify the liability provisions of s. 768.28.

1706 Section 26. For the purpose of incorporating the amendment
 1707 made by this act to section 768.28, Florida Statutes, in a
 1708 reference thereto, subsection (6) of section 373.1395, Florida
 1709 Statutes, is reenacted to read:

1710 373.1395 Limitation on liability of water management
 1711 district with respect to areas made available to the public for

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1712 recreational purposes without charge.--

1713 (6) This section does not relieve any water management
 1714 district of any liability that would otherwise exist for gross
 1715 negligence or a deliberate, willful, or malicious injury to a
 1716 person or property. This section does not create or increase the
 1717 liability of any water management district or person beyond that
 1718 which is authorized by s. 768.28.

1719 Section 27. For the purpose of incorporating the amendment
 1720 made by this act to section 768.28, Florida Statutes, in a
 1721 reference thereto, paragraph (a) of subsection (3) of section
 1722 375.251, Florida Statutes, is reenacted to read:

1723 375.251 Limitation on liability of persons making available
 1724 to public certain areas for recreational purposes without
 1725 charge.--

1726 (3)(a) An owner of an area who enters into a written
 1727 agreement concerning the area with a state agency for outdoor
 1728 recreational purposes, where such agreement recognizes that the
 1729 state agency is responsible for personal injury, loss, or damage
 1730 resulting in whole or in part from the state agency's use of the
 1731 area under the terms of the agreement subject to the limitations
 1732 and conditions specified in s. 768.28, owes no duty of care to
 1733 keep the area safe for entry or use by others, or to give
 1734 warning to persons entering or going on the area of any
 1735 hazardous conditions, structures, or activities thereon. An
 1736 owner who enters into a written agreement concerning the area
 1737 with a state agency for outdoor recreational purposes:

1738 1. Is not presumed to extend any assurance that the area is
 1739 safe for any purpose;

1740 2. Does not incur any duty of care toward a person who goes

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1741 on the area that is subject to the agreement; or
 1742 3. Is not liable or responsible for any injury to persons
 1743 or property caused by the act or omission of a person who goes
 1744 on the area that is subject to the agreement.

1745 Section 28. For the purpose of incorporating the amendment
 1746 made by this act to section 768.28, Florida Statutes, in a
 1747 reference thereto, subsection (9) of section 381.0056, Florida
 1748 Statutes, is reenacted to read:

1749 381.0056 School health services program.—

1750 (9) Any health care entity that provides school health
 1751 services under contract with the department pursuant to a school
 1752 health services plan developed under this section, and as part
 1753 of a school nurse services public-private partnership, is deemed
 1754 to be a corporation acting primarily as an instrumentality of
 1755 the state solely for the purpose of limiting liability pursuant
 1756 to s. 768.28(5). The limitations on tort actions contained in s.
 1757 768.28(5) shall apply to any action against the entity with
 1758 respect to the provision of school health services, if the
 1759 entity is acting within the scope of and pursuant to guidelines
 1760 established in the contract or by rule of the department. The
 1761 contract must require the entity, or the partnership on behalf
 1762 of the entity, to obtain general liability insurance coverage,
 1763 with any additional endorsement necessary to insure the entity
 1764 for liability assumed by its contract with the department. The
 1765 Legislature intends that insurance be purchased by entities, or
 1766 by partnerships on behalf of the entity, to cover all liability
 1767 claims, and under no circumstances shall the state or the
 1768 department be responsible for payment of any claims or defense
 1769 costs for claims brought against the entity or its subcontractor

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1770 for services performed under the contract with the department.
 1771 This subsection does not preclude consideration by the
 1772 Legislature for payment by the state of any claims bill
 1773 involving an entity contracting with the department pursuant to
 1774 this section.

1775 Section 29. For the purpose of incorporating the amendment
 1776 made by this act to section 768.28, Florida Statutes, in a
 1777 reference thereto, subsection (3) of section 393.075, Florida
 1778 Statutes, is reenacted to read:

1779 393.075 General liability coverage.—

1780 (3) This section shall not be construed as designating or
 1781 not designating that a person who owns or operates a foster care
 1782 facility or group home facility as described in this section or
 1783 any other person is an employee or agent of the state. Nothing
 1784 in this section amends, expands, or supersedes the provisions of
 1785 s. 768.28.

1786 Section 30. For the purpose of incorporating the amendment
 1787 made by this act to section 768.28, Florida Statutes, in a
 1788 reference thereto, subsection (7) of section 394.9085, Florida
 1789 Statutes, is reenacted to read:

1790 394.9085 Behavioral provider liability.—

1791 (7) This section shall not be construed to waive sovereign
 1792 immunity for any governmental unit or other entity protected by
 1793 sovereign immunity. Section 768.28 shall continue to apply to
 1794 all governmental units and such entities.

1795 Section 31. For the purpose of incorporating the amendment
 1796 made by this act to section 768.28, Florida Statutes, in a
 1797 reference thereto, paragraph (g) of subsection (10) of section
 1798 395.1055, Florida Statutes, is reenacted to read:

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1799 395.1055 Rules and enforcement.—

1800 (10) The agency shall establish a pediatric cardiac

1801 technical advisory panel, pursuant to s. 20.052, to develop

1802 procedures and standards for measuring outcomes of pediatric

1803 cardiac catheterization programs and pediatric cardiovascular

1804 surgery programs.

1805 (g) Panel members are agents of the state for purposes of

1806 s. 768.28 throughout the good faith performance of the duties

1807 assigned to them by the Secretary of Health Care Administration.

1808 Section 32. For the purpose of incorporating the amendment

1809 made by this act to section 768.28, Florida Statutes, in a

1810 reference thereto, paragraph (c) of subsection (17) of section

1811 403.706, Florida Statutes, is reenacted to read:

1812 403.706 Local government solid waste responsibilities.—

1813 (17) To effect the purposes of this part, counties and

1814 municipalities are authorized, in addition to other powers

1815 granted pursuant to this part:

1816 (c) To waive sovereign immunity and immunity from suit in

1817 federal court by vote of the governing body of the county or

1818 municipality to the extent necessary to carry out the authority

1819 granted in paragraphs (a) and (b), notwithstanding the

1820 limitations prescribed in s. 768.28.

1821 Section 33. For the purpose of incorporating the amendment

1822 made by this act to section 768.28, Florida Statutes, in a

1823 reference thereto, paragraph (b) of subsection (15) of section

1824 409.175, Florida Statutes, is reenacted to read:

1825 409.175 Licensure of family foster homes, residential

1826 child-caring agencies, and child-placing agencies; public

1827 records exemption.—

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1828 (15)

1829 (b) This subsection may not be construed as designating or

1830 not designating that a person who owns or operates a family

1831 foster home as described in this subsection or any other person

1832 is an employee or agent of the state. Nothing in this subsection

1833 amends, expands, or supersedes the provisions of s. 768.28.

1834 Section 34. For the purpose of incorporating the amendment

1835 made by this act to section 768.28, Florida Statutes, in

1836 references thereto, subsection (1), paragraph (a) of subsection

1837 (2), and paragraph (a) of subsection (3) of section 409.993,

1838 Florida Statutes, are reenacted to read:

1839 409.993 Lead agencies and subcontractor liability.—

1840 (1) FINDINGS.—

1841 (a) The Legislature finds that the state has traditionally

1842 provided foster care services to children who are the

1843 responsibility of the state. As such, foster children have not

1844 had the right to recover for injuries beyond the limitations

1845 specified in s. 768.28. The Legislature has determined that

1846 foster care and related services should be outsourced pursuant

1847 to this section and that the provision of such services is of

1848 paramount importance to the state. The purpose of such

1849 outsourcing is to increase the level of safety, security, and

1850 stability of children who are or become the responsibility of

1851 the state. One of the components necessary to secure a safe and

1852 stable environment for such children is the requirement that

1853 private providers maintain liability insurance. As such,

1854 insurance needs to be available and remain available to

1855 nongovernmental foster care and related services providers

1856 without the resources of such providers being significantly

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 1857 reduced by the cost of maintaining such insurance.
 1858 (b) The Legislature further finds that, by requiring the
 1859 following minimum levels of insurance, children in outsourced
 1860 foster care and related services will gain increased protection
 1861 and rights of recovery in the event of injury than currently
 1862 provided in s. 768.28.

1863 (2) LEAD AGENCY LIABILITY.-

1864 (a) Other than an entity to which s. 768.28 applies, an
 1865 eligible community-based care lead agency, or its employees or
 1866 officers, except as otherwise provided in paragraph (b), shall,
 1867 as a part of its contract, obtain a minimum of \$1 million per
 1868 occurrence with a policy period aggregate limit of \$3 million in
 1869 general liability insurance coverage. The lead agency must also
 1870 require that staff who transport client children and families in
 1871 their personal automobiles in order to carry out their job
 1872 responsibilities obtain minimum bodily injury liability
 1873 insurance in the amount of \$100,000 per person per any one
 1874 automobile accident, and subject to such limits for each person,
 1875 \$300,000 for all damages resulting from any one automobile
 1876 accident, on their personal automobiles. In lieu of personal
 1877 motor vehicle insurance, the lead agency's casualty, liability,
 1878 or motor vehicle insurance carrier may provide nonowned
 1879 automobile liability coverage. This insurance provides liability
 1880 insurance for an automobile that the lead agency uses in
 1881 connection with the lead agency's business but does not own,
 1882 lease, rent, or borrow. This coverage includes an automobile
 1883 owned by an employee of the lead agency or a member of the
 1884 employee's household but only while the automobile is used in
 1885 connection with the lead agency's business. The nonowned

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 1886 automobile coverage for the lead agency applies as excess
 1887 coverage over any other collectible insurance. The personal
 1888 automobile policy for the employee of the lead agency shall be
 1889 primary insurance, and the nonowned automobile coverage of the
 1890 lead agency acts as excess insurance to the primary insurance.
 1891 The lead agency shall provide a minimum limit of \$1 million in
 1892 nonowned automobile coverage. In a tort action brought against
 1893 such a lead agency or employee, net economic damages shall be
 1894 limited to \$2 million per liability claim and \$200,000 per
 1895 automobile claim, including, but not limited to, past and future
 1896 medical expenses, wage loss, and loss of earning capacity,
 1897 offset by any collateral source payment paid or payable. In any
 1898 tort action brought against a lead agency, noneconomic damages
 1899 shall be limited to \$400,000 per claim. A claims bill may be
 1900 brought on behalf of a claimant pursuant to s. 768.28 for any
 1901 amount exceeding the limits specified in this paragraph. Any
 1902 offset of collateral source payments made as of the date of the
 1903 settlement or judgment shall be in accordance with s. 768.76.
 1904 The lead agency is not liable in tort for the acts or omissions
 1905 of its subcontractors or the officers, agents, or employees of
 1906 its subcontractors.

1907 (3) SUBCONTRACTOR LIABILITY.-

1908 (a) A subcontractor of an eligible community-based care
 1909 lead agency that is a direct provider of foster care and related
 1910 services to children and families, and its employees or
 1911 officers, except as otherwise provided in paragraph (c), must,
 1912 as a part of its contract, obtain a minimum of \$1 million per
 1913 occurrence with a policy period aggregate limit of \$3 million in
 1914 general liability insurance coverage. The subcontractor of a

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1915 lead agency must also require that staff who transport client
 1916 children and families in their personal automobiles in order to
 1917 carry out their job responsibilities obtain minimum bodily
 1918 injury liability insurance in the amount of \$100,000 per person
 1919 in any one automobile accident, and subject to such limits for
 1920 each person, \$300,000 for all damages resulting from any one
 1921 automobile accident, on their personal automobiles. In lieu of
 1922 personal motor vehicle insurance, the subcontractor's casualty,
 1923 liability, or motor vehicle insurance carrier may provide
 1924 nonowned automobile liability coverage. This insurance provides
 1925 liability insurance for automobiles that the subcontractor uses
 1926 in connection with the subcontractor's business but does not
 1927 own, lease, rent, or borrow. This coverage includes automobiles
 1928 owned by the employees of the subcontractor or a member of the
 1929 employee's household but only while the automobiles are used in
 1930 connection with the subcontractor's business. The nonowned
 1931 automobile coverage for the subcontractor applies as excess
 1932 coverage over any other collectible insurance. The personal
 1933 automobile policy for the employee of the subcontractor shall be
 1934 primary insurance, and the nonowned automobile coverage of the
 1935 subcontractor acts as excess insurance to the primary insurance.
 1936 The subcontractor shall provide a minimum limit of \$1 million in
 1937 nonowned automobile coverage. In a tort action brought against
 1938 such subcontractor or employee, net economic damages shall be
 1939 limited to \$2 million per liability claim and \$200,000 per
 1940 automobile claim, including, but not limited to, past and future
 1941 medical expenses, wage loss, and loss of earning capacity,
 1942 offset by any collateral source payment paid or payable. In a
 1943 tort action brought against such subcontractor, noneconomic

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1944 damages shall be limited to \$400,000 per claim. A claims bill
 1945 may be brought on behalf of a claimant pursuant to s. 768.28 for
 1946 any amount exceeding the limits specified in this paragraph. Any
 1947 offset of collateral source payments made as of the date of the
 1948 settlement or judgment shall be in accordance with s. 768.76.
 1949 Section 35. For the purpose of incorporating the amendment
 1950 made by this act to section 768.28, Florida Statutes, in a
 1951 reference thereto, subsection (8) of section 420.504, Florida
 1952 Statutes, is reenacted to read:
 1953 420.504 Public corporation; creation, membership, terms,
 1954 expenses.—
 1955 (8) The corporation is a corporation primarily acting as an
 1956 instrumentality of the state, within the meaning of s. 768.28.
 1957 Section 36. For the purpose of incorporating the amendment
 1958 made by this act to section 768.28, Florida Statutes, in a
 1959 reference thereto, subsection (3) of section 455.221, Florida
 1960 Statutes, is reenacted to read:
 1961 455.221 Legal and investigative services.—
 1962 (3) Any person retained by the department under contract to
 1963 review materials, make site visits, or provide expert testimony
 1964 regarding any complaint or application filed with the department
 1965 relating to a profession under the jurisdiction of the
 1966 department shall be considered an agent of the department in
 1967 determining the state insurance coverage and sovereign immunity
 1968 protection applicability of ss. 284.31 and 768.28.
 1969 Section 37. For the purpose of incorporating the amendment
 1970 made by this act to section 768.28, Florida Statutes, in a
 1971 reference thereto, subsection (5) of section 455.32, Florida
 1972 Statutes, is reenacted to read:

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1973 455.32 Management Privatization Act.—

1974 (5) Any such corporation may hire staff as necessary to

1975 carry out its functions. Such staff are not public employees for

1976 the purposes of chapter 110 or chapter 112, except that the

1977 board of directors and the employees of the corporation are

1978 subject to the provisions of s. 112.061 and part III of chapter

1979 112. The provisions of s. 768.28 apply to each such corporation,

1980 which is deemed to be a corporation primarily acting as an

1981 instrumentality of the state but which is not an agency within

1982 the meaning of s. 20.03(1).

1983 Section 38. For the purpose of incorporating the amendment

1984 made by this act to section 768.28, Florida Statutes, in a

1985 reference thereto, subsection (3) of section 456.009, Florida

1986 Statutes, is reenacted to read:

1987 456.009 Legal and investigative services.—

1988 (3) Any person retained by the department under contract to

1989 review materials, make site visits, or provide expert testimony

1990 regarding any complaint or application filed with the department

1991 relating to a profession under the jurisdiction of the

1992 department shall be considered an agent of the department in

1993 determining the state insurance coverage and sovereign immunity

1994 protection applicability of ss. 284.31 and 768.28.

1995 Section 39. For the purpose of incorporating the amendment

1996 made by this act to section 768.28, Florida Statutes, in a

1997 reference thereto, paragraph (a) of subsection (15) of section

1998 456.076, Florida Statutes, is reenacted to read:

1999 456.076 Impaired practitioner programs.—

2000 (15)(a) A consultant retained pursuant to this section and

2001 a consultant's directors, officers, employees, or agents shall

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2002 be considered agents of the department for purposes of s. 768.28

2003 while acting within the scope of the consultant's duties under

2004 the contract with the department.

2005 Section 40. For the purpose of incorporating the amendment

2006 made by this act to section 768.28, Florida Statutes, in a

2007 reference thereto, subsection (3) of section 471.038, Florida

2008 Statutes, is reenacted to read:

2009 471.038 Florida Engineers Management Corporation.—

2010 (3) The Florida Engineers Management Corporation is created

2011 to provide administrative, investigative, and prosecutorial

2012 services to the board in accordance with the provisions of

2013 chapter 455 and this chapter. The management corporation may

2014 hire staff as necessary to carry out its functions. Such staff

2015 are not public employees for the purposes of chapter 110 or

2016 chapter 112, except that the board of directors and the staff

2017 are subject to the provisions of s. 112.061. The provisions of

2018 s. 768.28 apply to the management corporation, which is deemed

2019 to be a corporation primarily acting as an instrumentality of

2020 the state, but which is not an agency within the meaning of s.

2021 20.03(1). The management corporation shall:

2022 (a) Be a Florida corporation not for profit, incorporated

2023 under the provisions of chapter 617.

2024 (b) Provide administrative, investigative, and

2025 prosecutorial services to the board in accordance with the

2026 provisions of chapter 455, this chapter, and the contract

2027 required by this section.

2028 (c) Receive, hold, and administer property and make only

2029 prudent expenditures directly related to the responsibilities of

2030 the board, and in accordance with the contract required by this

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2031 section.

2032 (d) Be approved by the board, and the department, to

2033 operate for the benefit of the board and in the best interest of

2034 the state.

2035 (e) Operate under a fiscal year that begins on July 1 of

2036 each year and ends on June 30 of the following year.

2037 (f) Have a seven-member board of directors, five of whom

2038 are to be appointed by the board and must be registrants

2039 regulated by the board and two of whom are to be appointed by

2040 the secretary and must be laypersons not regulated by the board.

2041 All appointments shall be for 4-year terms. No member shall

2042 serve more than two consecutive terms. Failure to attend three

2043 consecutive meetings shall be deemed a resignation from the

2044 board, and the vacancy shall be filled by a new appointment.

2045 (g) Select its officers in accordance with its bylaws. The

2046 members of the board of directors who were appointed by the

2047 board may be removed by the board.

2048 (h) Select the president of the management corporation, who

2049 shall also serve as executive director to the board, subject to

2050 approval of the board.

2051 (i) Use a portion of the interest derived from the

2052 management corporation account to offset the costs associated

2053 with the use of credit cards for payment of fees by applicants

2054 or licensees.

2055 (j) Operate under a written contract with the department

2056 which is approved by the board. The contract must provide for,

2057 but is not limited to:

2058 1. Submission by the management corporation of an annual

2059 budget that complies with board rules for approval by the board

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2060 and the department.

2061 2. Annual certification by the board and the department

2062 that the management corporation is complying with the terms of

2063 the contract in a manner consistent with the goals and purposes

2064 of the board and in the best interest of the state. This

2065 certification must be reported in the board's minutes. The

2066 contract must also provide for methods and mechanisms to resolve

2067 any situation in which the certification process determines

2068 noncompliance.

2069 3. Funding of the management corporation through

2070 appropriations allocated to the regulation of professional

2071 engineers from the Professional Regulation Trust Fund.

2072 4. The reversion to the board, or the state if the board

2073 ceases to exist, of moneys, records, data, and property held in

2074 trust by the management corporation for the benefit of the

2075 board, if the management corporation is no longer approved to

2076 operate for the board or the board ceases to exist. All records

2077 and data in a computerized database shall be returned to the

2078 department in a form that is compatible with the computerized

2079 database of the department.

2080 5. The securing and maintaining by the management

2081 corporation, during the term of the contract and for all acts

2082 performed during the term of the contract, of all liability

2083 insurance coverages in an amount to be approved by the board to

2084 defend, indemnify, and hold harmless the management corporation

2085 and its officers and employees, the department and its

2086 employees, and the state against all claims arising from state

2087 and federal laws. Such insurance coverage must be with insurers

2088 qualified and doing business in the state. The management

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2089 corporation must provide proof of insurance to the department.
 2090 The department and its employees and the state are exempt from
 2091 and are not liable for any sum of money which represents a
 2092 deductible, which sums shall be the sole responsibility of the
 2093 management corporation. Violation of this subparagraph shall be
 2094 grounds for terminating the contract.

2095 6. Payment by the management corporation, out of its
 2096 allocated budget, to the department of all costs of
 2097 representation by the board counsel, including salary and
 2098 benefits, travel, and any other compensation traditionally paid
 2099 by the department to other board counsel.

2100 7. Payment by the management corporation, out of its
 2101 allocated budget, to the department of all costs incurred by the
 2102 management corporation or the board for the Division of
 2103 Administrative Hearings of the Department of Management Services
 2104 and any other cost for utilization of these state services.

2105 8. Payment by the management corporation, out of its
 2106 allocated budget, to the department of reasonable costs
 2107 associated with the contract monitor.

2108 (k) Provide for an annual financial audit of its financial
 2109 accounts and records by an independent certified public
 2110 accountant. The annual audit report shall include a management
 2111 letter in accordance with s. 11.45 and a detailed supplemental
 2112 schedule of expenditures for each expenditure category. The
 2113 annual audit report must be submitted to the board, the
 2114 department, and the Auditor General for review.

2115 (l) Provide for persons not employed by the corporation who
 2116 are charged with the responsibility of receiving and depositing
 2117 fee and fine revenues to have a faithful performance bond in

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2118 such an amount and according to such terms as shall be
 2119 determined in the contract.

2120 (m) Submit to the secretary, the board, and the
 2121 Legislature, on or before October 1 of each year, a report on
 2122 the status of the corporation which includes, but is not limited
 2123 to, information concerning the programs and funds that have been
 2124 transferred to the corporation. The report must include: the
 2125 number of license applications received; the number approved and
 2126 denied and the number of licenses issued; the number of
 2127 examinations administered and the number of applicants who
 2128 passed or failed the examination; the number of complaints
 2129 received; the number determined to be legally sufficient; the
 2130 number dismissed; the number determined to have probable cause;
 2131 the number of administrative complaints issued and the status of
 2132 the complaints; and the number and nature of disciplinary
 2133 actions taken by the board.

2134 (n) Develop and submit to the department, performance
 2135 standards and measurable outcomes for the board to adopt by rule
 2136 in order to facilitate efficient and cost-effective regulation.

2137 Section 41. For the purpose of incorporating the amendment
 2138 made by this act to section 768.28, Florida Statutes, in a
 2139 reference thereto, paragraph (b) of subsection (11) of section
 2140 472.006, Florida Statutes, is reenacted to read:

2141 472.006 Department; powers and duties.—The department
 2142 shall:

2143 (11) Provide legal counsel for the board by contracting
 2144 with the Department of Legal Affairs, by retaining private
 2145 counsel pursuant to s. 287.059, or by providing department staff
 2146 counsel. The board shall periodically review and evaluate the

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2147 services provided by its board counsel. Fees and costs of such
 2148 counsel shall be paid from the General Inspection Trust Fund,
 2149 subject to ss. 215.37 and 472.011. All contracts for independent
 2150 legal counsel must provide for periodic review and evaluation by
 2151 the board and the department of services provided.

2152 (b) Any person retained by the department under contract to
 2153 review materials, make site visits, or provide expert testimony
 2154 regarding any complaint or application filed with the department
 2155 relating to the practice of surveying and mapping shall be
 2156 considered an agent of the department in determining the state
 2157 insurance coverage and sovereign immunity protection
 2158 applicability of ss. 284.31 and 768.28.

2159 Section 42. For the purpose of incorporating the amendment
 2160 made by this act to section 768.28, Florida Statutes, in a
 2161 reference thereto, subsection (7) of section 497.167, Florida
 2162 Statutes, is reenacted to read:

2163 497.167 Administrative matters.—

2164 (7) Any person retained by the department under contract to
 2165 review materials, make site visits, or provide expert testimony
 2166 regarding any complaint or application filed with the
 2167 department, relating to regulation under this chapter, shall be
 2168 considered an agent of the department in determining the state
 2169 insurance coverage and sovereign immunity protection
 2170 applicability of ss. 284.31 and 768.28.

2171 Section 43. For the purpose of incorporating the amendment
 2172 made by this act to section 768.28, Florida Statutes, in a
 2173 reference thereto, subsection (2) of section 513.118, Florida
 2174 Statutes, is reenacted to read:

2175 513.118 Conduct on premises; refusal of service.—

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2176 (2) The operator of a recreational vehicle park may request
 2177 that a transient guest or visitor who violates subsection (1)
 2178 leave the premises immediately. A person who refuses to leave
 2179 the premises commits the offense of trespass as provided in s.
 2180 810.08, and the operator may call a law enforcement officer to
 2181 have the person and his or her property removed under the
 2182 supervision of the officer. A law enforcement officer is not
 2183 liable for any claim involving the removal of the person or
 2184 property from the recreational vehicle park under this section,
 2185 except as provided in s. 768.28. If conditions do not allow for
 2186 immediate removal of the person's property, he or she may
 2187 arrange a reasonable time, not to exceed 48 hours, with the
 2188 operator to come remove the property, accompanied by a law
 2189 enforcement officer.

2190 Section 44. For the purpose of incorporating the amendment
 2191 made by this act to section 768.28, Florida Statutes, in a
 2192 reference thereto, subsection (1) of section 548.046, Florida
 2193 Statutes, is reenacted to read:

2194 548.046 Physician's attendance at match; examinations;
 2195 cancellation of match.—

2196 (1) The commission, or the commission representative, shall
 2197 assign to each match at least one physician who shall observe
 2198 the physical condition of the participants and advise the
 2199 commissioner or commission representative in charge and the
 2200 referee of the participants' conditions before, during, and
 2201 after the match. The commission shall establish a schedule of
 2202 fees for the physician's services. The physician's fee shall be
 2203 paid by the promoter of the match attended by the physician. The
 2204 physician shall be considered an agent of the commission in

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2205 determining the state insurance coverage and sovereign immunity
 2206 protection applicability of ss. 284.31 and 768.28.

2207 Section 45. For the purpose of incorporating the amendment
 2208 made by this act to section 768.28, Florida Statutes, in a
 2209 reference thereto, subsection (8) of section 556.106, Florida
 2210 Statutes, is reenacted to read:

2211 556.106 Liability of the member operator, excavator, and
 2212 system.—

2213 (8) Any liability of the state, its agencies, or its
 2214 subdivisions which arises out of this chapter is subject to the
 2215 provisions of s. 768.28.

2216 Section 46. For the purpose of incorporating the amendment
 2217 made by this act to section 768.28, Florida Statutes, in a
 2218 reference thereto, paragraph (e) of subsection (4) of section
 2219 589.19, Florida Statutes, is reenacted to read:

2220 589.19 Creation of certain state forests; naming of certain
 2221 state forests; Operation Outdoor Freedom Program.—

2222 (4)

2223 (e) 1. A private landowner who provides land for designation
 2224 and use as an Operation Outdoor Freedom Program hunting site
 2225 shall have limited liability pursuant to s. 375.251.

2226 2. A private landowner who consents to the designation and
 2227 use of land as part of the Operation Outdoor Freedom Program
 2228 without compensation shall be considered a volunteer, as defined
 2229 in s. 110.501, and shall be covered by state liability
 2230 protection pursuant to s. 768.28, including s. 768.28(9).

2231 3. This subsection does not:

2232 a. Relieve any person of liability that would otherwise
 2233 exist for deliberate, willful, or malicious injury to persons or

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2234 property.

2235 b. Create or increase the liability of any person.

2236 Section 47. For the purpose of incorporating the amendment
 2237 made by this act to section 768.28, Florida Statutes, in
 2238 references thereto, subsections (3) and (4) of section 627.7491,
 2239 Florida Statutes, are reenacted to read:

2240 627.7491 Official law enforcement vehicles; motor vehicle
 2241 insurance requirements.—

2242 (3) Any suit or action brought or maintained against an
 2243 employing agency for damages arising out of tort pursuant to
 2244 this section, including, without limitation, any claim arising
 2245 upon account of an act causing loss of property, personal
 2246 injury, or death, shall be subject to the limitations provided
 2247 in s. 768.28(5).

2248 (4) The requirements of this section may be met by any
 2249 method authorized by s. 768.28(16).

2250 Section 48. For the purpose of incorporating the amendment
 2251 made by this act to section 768.28, Florida Statutes, in a
 2252 reference thereto, paragraph (c) of subsection (2) of section
 2253 723.0611, Florida Statutes, is reenacted to read:

2254 723.0611 Florida Mobile Home Relocation Corporation.—

2255 (2)

2256 (c) The corporation shall, for purposes of s. 768.28, be
 2257 considered an agency of the state. Agents or employees of the
 2258 corporation, members of the board of directors of the
 2259 corporation, or representatives of the Division of Florida
 2260 Condominiums, Timeshares, and Mobile Homes shall be considered
 2261 officers, employees, or agents of the state, and actions against
 2262 them and the corporation shall be governed by s. 768.28.

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2263 Section 49. For the purpose of incorporating the amendment
 2264 made by this act to section 768.28, Florida Statutes, in a
 2265 reference thereto, subsection (5) of section 760.11, Florida
 2266 Statutes, is reenacted to read:
 2267 760.11 Administrative and civil remedies; construction.—
 2268 (5) In any civil action brought under this section, the
 2269 court may issue an order prohibiting the discriminatory practice
 2270 and providing affirmative relief from the effects of the
 2271 practice, including back pay. The court may also award
 2272 compensatory damages, including, but not limited to, damages for
 2273 mental anguish, loss of dignity, and any other intangible
 2274 injuries, and punitive damages. The provisions of ss. 768.72 and
 2275 768.73 do not apply to this section. The judgment for the total
 2276 amount of punitive damages awarded under this section to an
 2277 aggrieved person shall not exceed \$100,000. In any action or
 2278 proceeding under this subsection, the court, in its discretion,
 2279 may allow the prevailing party a reasonable attorney's fee as
 2280 part of the costs. It is the intent of the Legislature that this
 2281 provision for attorney's fees be interpreted in a manner
 2282 consistent with federal case law involving a Title VII action.
 2283 The right to trial by jury is preserved in any such private
 2284 right of action in which the aggrieved person is seeking
 2285 compensatory or punitive damages, and any party may demand a
 2286 trial by jury. The commission's determination of reasonable
 2287 cause is not admissible into evidence in any civil proceeding,
 2288 including any hearing or trial, except to establish for the
 2289 court the right to maintain the private right of action. A civil
 2290 action brought under this section shall be commenced no later
 2291 than 1 year after the date of determination of reasonable cause

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2292 by the commission. The commencement of such action shall divest
 2293 the commission of jurisdiction of the complaint, except that the
 2294 commission may intervene in the civil action as a matter of
 2295 right. Notwithstanding the above, the state and its agencies and
 2296 subdivisions shall not be liable for punitive damages. The total
 2297 amount of recovery against the state and its agencies and
 2298 subdivisions shall not exceed the limitation as set forth in s.
 2299 768.28(5).
 2300 Section 50. For the purpose of incorporating the amendment
 2301 made by this act to section 768.28, Florida Statutes, in a
 2302 reference thereto, subsection (4) of section 766.1115, Florida
 2303 Statutes, is reenacted to read:
 2304 766.1115 Health care providers; creation of agency
 2305 relationship with governmental contractors.—
 2306 (4) CONTRACT REQUIREMENTS.—A health care provider that
 2307 executes a contract with a governmental contractor to deliver
 2308 health care services on or after April 17, 1992, as an agent of
 2309 the governmental contractor is an agent for purposes of s.
 2310 768.28(9), while acting within the scope of duties under the
 2311 contract, if the contract complies with the requirements of this
 2312 section and regardless of whether the individual treated is
 2313 later found to be ineligible. A health care provider shall
 2314 continue to be an agent for purposes of s. 768.28(9) for 30 days
 2315 after a determination of ineligibility to allow for treatment
 2316 until the individual transitions to treatment by another health
 2317 care provider. A health care provider under contract with the
 2318 state may not be named as a defendant in any action arising out
 2319 of medical care or treatment provided on or after April 17,
 2320 1992, under contracts entered into under this section. The

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2321 contract must provide that:

2322 (a) The right of dismissal or termination of any health

2323 care provider delivering services under the contract is retained

2324 by the governmental contractor.

2325 (b) The governmental contractor has access to the patient

2326 records of any health care provider delivering services under

2327 the contract.

2328 (c) Adverse incidents and information on treatment outcomes

2329 must be reported by any health care provider to the governmental

2330 contractor if the incidents and information pertain to a patient

2331 treated under the contract. The health care provider shall

2332 submit the reports required by s. 395.0197. If an incident

2333 involves a professional licensed by the Department of Health or

2334 a facility licensed by the Agency for Health Care

2335 Administration, the governmental contractor shall submit such

2336 incident reports to the appropriate department or agency, which

2337 shall review each incident and determine whether it involves

2338 conduct by the licensee that is subject to disciplinary action.

2339 All patient medical records and any identifying information

2340 contained in adverse incident reports and treatment outcomes

2341 which are obtained by governmental entities under this paragraph

2342 are confidential and exempt from the provisions of s. 119.07(1)

2343 and s. 24(a), Art. I of the State Constitution.

2344 (d) Patient selection and initial referral must be made by

2345 the governmental contractor or the provider. Patients may not be

2346 transferred to the provider based on a violation of the

2347 antidumping provisions of the Omnibus Budget Reconciliation Act

2348 of 1989, the Omnibus Budget Reconciliation Act of 1990, or

2349 chapter 395.

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2350 (e) If emergency care is required, the patient need not be

2351 referred before receiving treatment, but must be referred within

2352 48 hours after treatment is commenced or within 48 hours after

2353 the patient has the mental capacity to consent to treatment,

2354 whichever occurs later.

2355 (f) The provider is subject to supervision and regular

2356 inspection by the governmental contractor.

2357 (g) As an agent of the governmental contractor for purposes

2358 of s. 768.28(9), while acting within the scope of duties under

2359 the contract, a health care provider licensed under chapter 466

2360 may allow a patient, or a parent or guardian of the patient, to

2361 voluntarily contribute a monetary amount to cover costs of

2362 dental laboratory work related to the services provided to the

2363 patient. This contribution may not exceed the actual cost of the

2364 dental laboratory charges.

2365

2366 A governmental contractor that is also a health care provider is

2367 not required to enter into a contract under this section with

2368 respect to the health care services delivered by its employees.

2369 Section 51. For the purpose of incorporating the amendment

2370 made by this act to section 768.28, Florida Statutes, in a

2371 reference thereto, subsection (2) of section 766.112, Florida

2372 Statutes, is reenacted to read:

2373 766.112 Comparative fault.—

2374 (2) In an action for damages for personal injury or

2375 wrongful death arising out of medical negligence, whether in

2376 contract or tort, when an apportionment of damages pursuant to

2377 s. 768.81 is attributed to a board of trustees of a state

2378 university, the court shall enter judgment against the board of

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 2379 trustees on the basis of the board's percentage of fault and not
 2380 on the basis of the doctrine of joint and several liability. The
 2381 sole remedy available to a claimant to collect a judgment or
 2382 settlement against a board of trustees, subject to the
 2383 provisions of this subsection, shall be pursuant to s. 768.28.

2384 Section 52. For the purpose of incorporating the amendment
 2385 made by this act to section 768.28, Florida Statutes, in a
 2386 reference thereto, subsection (3) of section 768.1355, Florida
 2387 Statutes, is reenacted to read:

2388 768.1355 Florida Volunteer Protection Act.—

2389 (3) Members of elected or appointed boards, councils, and
 2390 commissions of the state, counties, municipalities, authorities,
 2391 and special districts shall incur no civil liability and shall
 2392 have immunity from suit as provided in s. 768.28 for acts or
 2393 omissions by members relating to members' conduct of their
 2394 official duties. It is the intent of the Legislature to
 2395 encourage our best and brightest people to serve on elected and
 2396 appointed boards, councils, and commissions.

2397 Section 53. For the purpose of incorporating the amendment
 2398 made by this act to section 768.28, Florida Statutes, in a
 2399 reference thereto, subsection (7) of section 768.1382, Florida
 2400 Statutes, is reenacted to read:

2401 768.1382 Streetlights, security lights, and other similar
 2402 illumination; limitation on liability.—

2403 (7) In the event that there is any conflict between this
 2404 section and s. 768.81, or any other section of the Florida
 2405 Statutes, this section shall control. Further, nothing in this
 2406 section shall impact or waive any provision of s. 768.28.

2407 Section 54. For the purpose of incorporating the amendment

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 2408 made by this act to section 768.28, Florida Statutes, in a
 2409 reference thereto, subsection (4) of section 768.295, Florida
 2410 Statutes, is reenacted to read:

2411 768.295 Strategic Lawsuits Against Public Participation
 2412 (SLAPP) prohibited.—

2413 (4) A person or entity sued by a governmental entity or
 2414 another person in violation of this section has a right to an
 2415 expeditious resolution of a claim that the suit is in violation
 2416 of this section. A person or entity may move the court for an
 2417 order dismissing the action or granting final judgment in favor
 2418 of that person or entity. The person or entity may file a motion
 2419 for summary judgment, together with supplemental affidavits,
 2420 seeking a determination that the claimant's or governmental
 2421 entity's lawsuit has been brought in violation of this section.
 2422 The claimant or governmental entity shall thereafter file a
 2423 response and any supplemental affidavits. As soon as
 2424 practicable, the court shall set a hearing on the motion, which
 2425 shall be held at the earliest possible time after the filing of
 2426 the claimant's or governmental entity's response. The court may
 2427 award, subject to the limitations in s. 768.28, the party sued
 2428 by a governmental entity actual damages arising from a
 2429 governmental entity's violation of this section. The court shall
 2430 award the prevailing party reasonable attorney fees and costs
 2431 incurred in connection with a claim that an action was filed in
 2432 violation of this section.

2433 Section 55. For the purpose of incorporating the amendment
 2434 made by this act to section 768.28, Florida Statutes, in a
 2435 reference thereto, section 946.5026, Florida Statutes, is
 2436 reenacted to read:

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2437 946.5026 Sovereign immunity in tort actions.—The provisions
 2438 of s. 768.28 shall be applicable to the corporation established
 2439 under this part, which is deemed to be a corporation primarily
 2440 acting as an instrumentality of the state.

2441 Section 56. For the purpose of incorporating the amendment
 2442 made by this act to section 768.28, Florida Statutes, in a
 2443 reference thereto, subsection (3) of section 946.514, Florida
 2444 Statutes, is reenacted to read:

2445 946.514 Civil rights of inmates; inmates not state
 2446 employees; liability of corporation for inmate injuries.—

2447 (3) The corporation is liable for inmate injury to the
 2448 extent specified in s. 768.28; however, the members of the board
 2449 of directors are not individually liable to any inmate for any
 2450 injury sustained in any correctional work program operated by
 2451 the corporation.

2452 Section 57. For the purpose of incorporating the amendment
 2453 made by this act to section 768.28, Florida Statutes, in a
 2454 reference thereto, subsection (8) of section 961.06, Florida
 2455 Statutes, is reenacted to read:

2456 961.06 Compensation for wrongful incarceration.—

2457 (8) Any payment made under this act does not constitute a
 2458 waiver of any defense of sovereign immunity or an increase in
 2459 the limits of liability on behalf of the state or any person
 2460 subject to s. 768.28 or any other law.

2461 Section 58. For the purpose of incorporating the amendment
 2462 made by this act to section 768.28, Florida Statutes, in a
 2463 reference thereto, subsection (3) of section 984.09, Florida
 2464 Statutes, is reenacted to read:

2465 984.09 Punishment for contempt of court; alternative

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2466 sanctions.—

2467 (3) ALTERNATIVE SANCTIONS.—Upon determining that a child
 2468 has committed direct contempt of court or indirect contempt of a
 2469 valid court order, the court may immediately request the circuit
 2470 alternative sanctions coordinator to recommend the most
 2471 appropriate available alternative sanction and shall order the
 2472 child to perform up to 50 hours of community service or a
 2473 similar alternative sanction, unless an alternative sanction is
 2474 unavailable or inappropriate, or unless the child has failed to
 2475 comply with a prior alternative sanction. Alternative contempt
 2476 sanctions may be provided by local industry or by any nonprofit
 2477 organization or any public or private business or service entity
 2478 that has entered into a contract with the department to act as
 2479 an agent of the state to provide voluntary supervision of
 2480 children on behalf of the state in exchange for the labor of
 2481 children and limited immunity in accordance with s. 768.28(11).

2482 Section 59. For the purpose of incorporating the amendment
 2483 made by this act to section 768.28, Florida Statutes, in a
 2484 reference thereto, paragraph (h) of subsection (12) of section
 2485 1002.33, Florida Statutes, is reenacted to read:

2486 1002.33 Charter schools.—

2487 (12) EMPLOYEES OF CHARTER SCHOOLS.—

2488 (h) For the purposes of tort liability, the charter school,
 2489 including its governing body and employees, shall be governed by
 2490 s. 768.28. This paragraph does not include any for-profit entity
 2491 contracted by the charter school or its governing body.

2492 Section 60. For the purpose of incorporating the amendment
 2493 made by this act to section 768.28, Florida Statutes, in a
 2494 reference thereto, paragraph (b) of subsection (6) of section

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2495 1002.333, Florida Statutes, is reenacted to read:

2496 1002.333 Persistently low-performing schools.—

2497 (6) STATUTORY AUTHORITY.—

2498 (b) For the purposes of tort liability, the hope operator,
the school of hope, and its employees or agents shall be
governed by s. 768.28. The sponsor shall not be liable for civil
damages under state law for the employment actions or personal
injury, property damage, or death resulting from an act or
omission of a hope operator, the school of hope, or its
employees or agents. This paragraph does not include any for-
profit entity contracted by the charter school or its governing
body.

2507 Section 61. For the purpose of incorporating the amendment
made by this act to section 768.28, Florida Statutes, in a
reference thereto, subsection (17) of section 1002.34, Florida
Statutes, is reenacted to read:

2511 1002.34 Charter technical career centers.—

2512 (17) IMMUNITY.—For the purposes of tort liability, the
governing body and employees of a center are governed by s.
768.28.

2515 Section 62. For the purpose of incorporating the amendment
made by this act to section 768.28, Florida Statutes, in a
reference thereto, subsection (2) of section 1002.37, Florida
Statutes, is reenacted to read:

2519 1002.37 The Florida Virtual School.—

2520 (2) The Florida Virtual School shall be governed by a board
of trustees comprised of seven members appointed by the Governor
to 4-year staggered terms. The board of trustees shall be a
public agency entitled to sovereign immunity pursuant to s.

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2524 768.28, and board members shall be public officers who shall
bear fiduciary responsibility for the Florida Virtual School.
The board of trustees shall have the following powers and
duties:

2528 (a)1. The board of trustees shall meet at least 4 times
each year, upon the call of the chair, or at the request of a
majority of the membership.

2531 2. The fiscal year for the Florida Virtual School shall be
the state fiscal year as provided in s. 216.011(1)(q).

2533 (b) The board of trustees shall be responsible for the
Florida Virtual School's development of a state-of-the-art
technology-based education delivery system that is cost-
effective, educationally sound, marketable, and capable of
sustaining a self-sufficient delivery system through the Florida
Education Finance Program.

2539 (c) The board of trustees shall aggressively seek avenues
to generate revenue to support its future endeavors, and shall
enter into agreements with distance learning providers. The
board of trustees may acquire, enjoy, use, and dispose of
patents, copyrights, and trademarks and any licenses and other
rights or interests thereunder or therein. Ownership of all such
patents, copyrights, trademarks, licenses, and rights or
interests thereunder or therein shall vest in the state, with
the board of trustees having full right of use and full right to
retain the revenues derived therefrom. Any funds realized from
patents, copyrights, trademarks, or licenses shall be considered
internal funds as provided in s. 1011.07. Such funds shall be
used to support the school's marketing and research and
development activities in order to improve courseware and

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2553 services to its students.

2554 (d) The board of trustees shall be responsible for the
2555 administration and control of all local school funds derived
2556 from all activities or sources and shall prescribe the
2557 principles and procedures to be followed in administering these
2558 funds.

2559 (e) The Florida Virtual School may accrue supplemental
2560 revenue from supplemental support organizations, which include,
2561 but are not limited to, alumni associations, foundations,
2562 parent-teacher associations, and booster associations. The
2563 governing body of each supplemental support organization shall
2564 recommend the expenditure of moneys collected by the
2565 organization for the benefit of the school. Such expenditures
2566 shall be contingent upon the review of the executive director.
2567 The executive director may override any proposed expenditure of
2568 the organization that would violate Florida law or breach sound
2569 educational management.

2570 (f) In accordance with law and rules of the State Board of
2571 Education, the board of trustees shall administer and maintain
2572 personnel programs for all employees of the board of trustees
2573 and the Florida Virtual School. The board of trustees may adopt
2574 rules, policies, and procedures related to the appointment,
2575 employment, and removal of personnel.

2576 1. The board of trustees shall determine the compensation,
2577 including salaries and fringe benefits, and other conditions of
2578 employment for such personnel.

2579 2. The board of trustees may establish and maintain a
2580 personnel loan or exchange program by which persons employed by
2581 the board of trustees for the Florida Virtual School as academic

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2582 administrative and instructional staff may be loaned to, or
2583 exchanged with persons employed in like capacities by, public
2584 agencies either within or without this state, or by private
2585 industry. With respect to public agency employees, the program
2586 authorized by this subparagraph shall be consistent with the
2587 requirements of part II of chapter 112. The salary and benefits
2588 of board of trustees personnel participating in the loan or
2589 exchange program shall be continued during the period of time
2590 they participate in a loan or exchange program, and such
2591 personnel shall be deemed to have no break in creditable or
2592 continuous service or employment during such time. The salary
2593 and benefits of persons participating in the personnel loan or
2594 exchange program who are employed by public agencies or private
2595 industry shall be paid by the originating employers of those
2596 participants, and such personnel shall be deemed to have no
2597 break in creditable or continuous service or employment during
2598 such time.

2599 3. The employment of all Florida Virtual School academic
2600 administrative and instructional personnel shall be subject to
2601 rejection for cause by the board of trustees, and shall be
2602 subject to policies of the board of trustees relative to
2603 certification, tenure, leaves of absence, sabbaticals,
2604 remuneration, and such other conditions of employment as the
2605 board of trustees deems necessary and proper, not inconsistent
2606 with law.

2607 4. Each person employed by the board of trustees in an
2608 academic administrative or instructional capacity with the
2609 Florida Virtual School shall be entitled to a contract as
2610 provided by rules of the board of trustees.

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2611 5. All employees except temporary, seasonal, and student
 2612 employees may be state employees for the purpose of being
 2613 eligible to participate in the Florida Retirement System and
 2614 receive benefits. The classification and pay plan, including
 2615 terminal leave and other benefits, and any amendments thereto,
 2616 shall be subject to review and approval by the Department of
 2617 Management Services and the Executive Office of the Governor
 2618 prior to adoption.

2619 (g) The board of trustees shall establish priorities for
 2620 admission of students in accordance with paragraph (1)(b).

2621 (h) The board of trustees shall establish and distribute to
 2622 all school districts and high schools in the state procedures
 2623 for enrollment of students in courses offered by the Florida
 2624 Virtual School.

2625 (i) The board of trustees shall establish criteria defining
 2626 the elements of an approved franchise. The board of trustees may
 2627 enter into franchise agreements with Florida district school
 2628 boards and may establish the terms and conditions governing such
 2629 agreements. The board of trustees shall establish the
 2630 performance and accountability measures and report the
 2631 performance of each school district franchise to the
 2632 Commissioner of Education.

2633 (j) The board of trustees shall submit to the State Board
 2634 of Education both forecasted and actual enrollments and credit
 2635 completions for the Florida Virtual School, according to
 2636 procedures established by the State Board of Education. At a
 2637 minimum, such procedures must include the number of public,
 2638 private, and home education students served by program and by
 2639 county of residence.

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2640 (k) The board of trustees shall provide for the content and
 2641 custody of student and employee personnel records. Student
 2642 records shall be subject to the provisions of s. 1002.22.
 2643 Employee records shall be subject to the provisions of s.
 2644 1012.31.

2645 (l) The financial records and accounts of the Florida
 2646 Virtual School shall be maintained under the direction of the
 2647 board of trustees and under rules adopted by the State Board of
 2648 Education for the uniform system of financial records and
 2649 accounts for the schools of the state.

2650
 2651 The Governor shall designate the initial chair of the board of
 2652 trustees to serve a term of 4 years. Members of the board of
 2653 trustees shall serve without compensation, but may be reimbursed
 2654 for per diem and travel expenses pursuant to s. 112.061. The
 2655 board of trustees shall be a body corporate with all the powers
 2656 of a body corporate and such authority as is needed for the
 2657 proper operation and improvement of the Florida Virtual School.
 2658 The board of trustees is specifically authorized to adopt rules,
 2659 policies, and procedures, consistent with law and rules of the
 2660 State Board of Education related to governance, personnel,
 2661 budget and finance, administration, programs, curriculum and
 2662 instruction, travel and purchasing, technology, students,
 2663 contracts and grants, and property as necessary for optimal,
 2664 efficient operation of the Florida Virtual School. Tangible
 2665 personal property owned by the board of trustees shall be
 2666 subject to the provisions of chapter 273.

2667 Section 63. For the purpose of incorporating the amendment
 2668 made by this act to section 768.28, Florida Statutes, in a

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2669 reference thereto, paragraph (1) of subsection (3) of section
 2670 1002.55, Florida Statutes, is reenacted to read:
 2671 1002.55 School-year prekindergarten program delivered by
 2672 private prekindergarten providers.—
 2673 (3) To be eligible to deliver the prekindergarten program,
 2674 a private prekindergarten provider must meet each of the
 2675 following requirements:
 2676 (1) Notwithstanding paragraph (j), for a private
 2677 prekindergarten provider that is a state agency or a subdivision
 2678 thereof, as defined in s. 768.28(2), the provider must agree to
 2679 notify the coalition of any additional liability coverage
 2680 maintained by the provider in addition to that otherwise
 2681 established under s. 768.28. The provider shall indemnify the
 2682 coalition to the extent permitted by s. 768.28. Notwithstanding
 2683 paragraph (j), for a child development program that is
 2684 accredited by a national accrediting body and operates on a
 2685 military installation that is certified by the United States
 2686 Department of Defense, the provider may demonstrate liability
 2687 coverage by affirming that it is subject to the Federal Tort
 2688 Claims Act, 28 U.S.C. ss. 2671 et seq.
 2689 Section 64. For the purpose of incorporating the amendment
 2690 made by this act to section 768.28, Florida Statutes, in a
 2691 reference thereto, subsection (10) of section 1002.83, Florida
 2692 Statutes, is reenacted to read:
 2693 1002.83 Early learning coalitions.—
 2694 (10) For purposes of tort liability, each member or
 2695 employee of an early learning coalition shall be governed by s.
 2696 768.28.
 2697 Section 65. For the purpose of incorporating the amendment

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2698 made by this act to section 768.28, Florida Statutes, in a
 2699 reference thereto, paragraph (p) of subsection (1) of section
 2700 1002.88, Florida Statutes, is reenacted to read:
 2701 1002.88 School readiness program provider standards;
 2702 eligibility to deliver the school readiness program.—
 2703 (1) To be eligible to deliver the school readiness program,
 2704 a school readiness program provider must:
 2705 (p) Notwithstanding paragraph (m), for a provider that is a
 2706 state agency or a subdivision thereof, as defined in s.
 2707 768.28(2), agree to notify the coalition of any additional
 2708 liability coverage maintained by the provider in addition to
 2709 that otherwise established under s. 768.28. The provider shall
 2710 indemnify the coalition to the extent permitted by s. 768.28.
 2711 Notwithstanding paragraph (m), for a child development program
 2712 that is accredited by a national accrediting body and operates
 2713 on a military installation that is certified by the United
 2714 States Department of Defense, the provider may demonstrate
 2715 liability coverage by affirming that it is subject to the
 2716 Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.
 2717 Section 66. For the purpose of incorporating the amendment
 2718 made by this act to section 768.28, Florida Statutes, in a
 2719 reference thereto, subsection (1) of section 1006.24, Florida
 2720 Statutes, is reenacted to read:
 2721 1006.24 Tort liability; liability insurance.—
 2722 (1) Each district school board shall be liable for tort
 2723 claims arising out of any incident or occurrence involving a
 2724 school bus or other motor vehicle owned, maintained, operated,
 2725 or used by the district school board to transport persons, to
 2726 the same extent and in the same manner as the state or any of

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2727 its agencies or subdivisions is liable for tort claims under s.
2728 768.28, except that the total liability to persons being
2729 transported for all claims or judgments of such persons arising
2730 out of the same incident or occurrence shall not exceed an
2731 amount equal to \$5,000 multiplied by the rated seating capacity
2732 of the school bus or other vehicle, as determined by rules of
2733 the State Board of Education, or \$100,000, whichever is greater.
2734 The provisions of s. 768.28 apply to all claims or actions
2735 brought against district school boards, as authorized in this
2736 subsection.

2737 Section 67. For the purpose of incorporating the amendment
2738 made by this act to section 768.28, Florida Statutes, in a
2739 reference thereto, paragraph (b) of subsection (2) of section
2740 1006.261, Florida Statutes, is reenacted to read:

2741 1006.261 Use of school buses for public purposes.--

2742 (2)

2743 (b) For purposes of liability for negligence, state
2744 agencies or subdivisions as defined in s. 768.28(2) shall be
2745 covered by s. 768.28. Every other corporation or organization
2746 shall provide liability insurance coverage in the minimum
2747 amounts of \$100,000 on any claim or judgment and \$200,000 on all
2748 claims and judgments arising from the same incident or
2749 occurrence.

2750 Section 68. This act shall take effect October 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 Appropriations

BILL: SB 1442

INTRODUCER: Senator Brodeur

SUBJECT: Long-range Program Plans

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2. <u>Urban</u>	<u>Sadberry</u>	<u>AP</u>	Pre-meeting

I. Summary:

SB 1442 revises provisions relating to the state budgeting and planning process to update the requirements that state agencies and the judicial branch must meet regarding their constitutionally required long-range state planning documents. The primary change to the process is that the agencies and judicial branch will develop the long-range program plans (LRPP) and submit those plans to the Joint Legislative Budget Commission for approval. The bill enumerates six performance measures, outcomes, and standards that all agencies must adopt and report on. In addition, each state agency must develop and adopt at least five additional performance measures, outcomes, and standards. These additional elements must be linked to key agency functions.

The bill is not expected to impact state and local government revenues and expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

State Budgeting and Planning

Chapter 216, F.S., provides guidelines and requirements for the Executive Office of the Governor, state agencies, and the judicial branch for developing and submitting legislative budget requests and implementing legislative appropriations in accordance with s. 19, Art. III, of the Florida Constitution.

Long-Range Program Plans

Article III, s. 19(h) of the State Constitution requires general law to provide for a long-range state planning document. The governor must recommend to the legislature biennially any revisions to the long-range state planning document. General law must require all agencies of

state government to develop planning documents that identify statewide strategic goals and objectives, consistent with the long-range plan. The long-range state plan and the agency planning documents are subject to review and revision by the legislature.

To meet its constitutional directive to provide for a long-range state planning document, the legislature enacted various laws relating to the Long-Range Program Plans (LRPP). Section 216.013, F.S., requires state agencies and the judicial branch to develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes.

The long-range program plans must provide the framework for the development of budget requests and identify, in part, the mission of the agency or judicial branch, the goals established to accomplish the mission, and the objectives developed to achieve state goals.¹ Each plan is required to cover a period of five fiscal years and must be revised annually. Each state agency and the judicial branch is required to post their long-range program plans on their websites no later than September 30th of each year.²

State agencies and the judicial branch were not required to develop or post an update to their plans going into planning and budgeting for Fiscal Year 2025-2026³ or Fiscal Year 2026-27⁴ in light of the review that the Government Efficiency Task Force had undertaken.⁵

Performance Measures and Standards

Agencies and the judicial branch are required to maintain a comprehensive accountability system containing, at a minimum, a list of performance measures that are adopted by the legislature. Agencies and the judicial branch must submit output and outcome measures and standards, as well as historical baseline performance data. The legislature is authorized to create, amend, and delete performance measures and standards.⁶

Activity-based Planning and Budgeting

Section 216.1826, F.S., requires agencies to work in consultation with the Executive Office of the Governor and the legislative appropriations committees to identify and reach consensus on the appropriate services and activities for activity-based budgeting. Additionally, agencies or the judicial branch are required to examine approved performance measures and recommend any changes so that outcomes are clearly delineated for each service or program, as appropriate, and outputs are aligned with activities. Output measures should be capable of being used to generate a unit cost for each activity resulting in a true accounting of what the state should spend on each activity it provides and what the state should expect to accomplish with those funds.

¹ Section 216.013(1), F.S.

² Section 216.013(4), F.S.

³ Chapter 2024-228, s. 106, Laws of Fla.

⁴ Chapter 2025-119, s. 118, Laws of Fla.

⁵ Section 216.013(7), F.S.

⁶ Section 216.1827, F.S.

Reports on the Implementation of Laws Affecting an Agency

Section 11.52, F.S., requires each state agency to provide the legislature and the Executive Office of the Governor information regarding the status of implementation of recently enacted legislation. The status update must be provided 90 days following the effective date of the legislation and updated each August 1 thereafter until all the provisions have been fully implemented. This requirement expires July 1, 2026.

Joint Legislative Budget Commission

Article III, s. 19(j) of the State Constitution creates the Joint Legislative Budget Commission composed of members of the Senate and the House of Representatives. In addition, to the powers and duties specified in this section of the State Constitution, the Commission shall exercise all other powers and perform any other duties not in conflict with paragraph (c), relating to the appropriations process, and as prescribed by general law or joint rule of the legislature.

Article III, s. 3(c)(3) of the State Constitution grants the legislature the authority to prescribe by general law conditions under which limited adjustments to the budget may be approved without the concurrence of the full legislature.

Government Efficiency Task Force

Article III, s. 19 of the State Constitution requires a Government Efficiency Task Force composed of members of the legislature and representatives from the private and public sectors to develop recommendations for improving governmental operations and reducing costs. The task force is required to meet every four years and submit its work to the Joint Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court.

In June 2024, the task force established a working group to study the LRPP. The working group reported the following recommendations and improvements:

- Improving flexibility through, creating a more dynamic process for revising plans based on new information, such as requiring agencies to update plans annually or bi-annually for more adaptable long-term strategic planning;
- Simplifying processes to reduce administrative demands and free up resources for service delivery, including a system for capturing lessons-learned and best practices from each planning cycle to aid with future planning cycles; and
- Shifting focus to outcomes, rather than outputs by requiring performance measures to focus on meaningful outcomes, rather than easily measured outputs.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 216.013, F.S., to update the LRPP requirements. The LRPP for a state agency must be based on the statutorily established policies while the LRPP for the judicial branch must be based on state policy, including statutorily established policy. This differentiation suggests that the LRPP for the judicial branch is not limited to statutorily established policy.

⁷ Florida Government Efficiency Task Force, *2024-2025 Final Recommendations*, at 3, available at <https://dms-media.ccplatform.net/content/download/401041/file/GETF%20-%202024-2025%20Recommendations%20Final.pdf>.

The LRPP continues, similar to current law, to provide the framework for the development of the legislative budget requests. Each LRPP must identify:

- The mission of the agency (similar to current law);
- The performance measures required pursuant to s. 216.1827 (new requirements);
- The trends and conditions relevant to the mission, the performance measures, and the state goals and objectives (expanded from current law);
- For a state agency, the programs that will be used to implement statutorily-established policy and achieve state goals and objectives (similar to current law)
- For the judicial branch, the programs that will be used to implement state policy and achieve state goals and objectives (modified to address “state policy” rather than statutorily established policy).

Each LRPP must also include information about the implementation status of any law enacted during the previous legislative session. A particular law must be included each year until it has been fully implemented by the agency. For the LRPP due in September 2026, the LRPP must address all laws enacted during the 2024 and 2025 regular sessions which have not been fully implemented.

The implementation status information must include all of the following:

- Actions or steps taken to implement the law, including but not limited to:
 - Administrative rules for proposed implementation.
 - Procurements required.
 - Contracts executed to assist the agency in implementation.
 - Contracts executed to implement or administer the law.
 - Programs started, offices established, or other organizational administrative changes made, including personnel changes.
 - Federal waivers requested.
- The status of any required appointments and timing of board, commission, or related public meetings.
- A description of the agency programs, outputs, and activities implemented or changed related to the law.
- All expenditures made that were directly related to the implementation.
- Any provisions remaining to be implemented.
- A description of any impediment or delay in the implementation, including, but not limited to, challenges of administrative rules or identification of any policy issue that needs to be resolved by the Legislature to ensure timely and effective implementation.
- Information related to any litigation related to the law which is not previously provided.
- Performance measures developed and the specific data identified, including data on enrollments, participants, loans, and other data elements of programs, outputs, and activities.

Each agency and the judicial branch must submit its LRPP by September 15 of each year to the Legislative Budget Commission for approval and include any update on meeting its approved performance measures and any deviation from expected performance measures. Each LRPP must be posted on the respective agency or judicial branch website no later than September 30th of each year. If an agency or the judicial branch fails to comply with the submission deadline and

requirements, it may submit budget amendments or otherwise make changes to its budget until the agency or judicial branch has corrected the deficiency.

Section 2 amends s. 216.1827, F.S., to modify the requirements for performance measures, outcomes, and standards.

Each state agency must adopt performance measures, outcomes, and standards on each of the following:

- Administrative costs as a percentage of total agency costs.
- The percentage of vacant positions filled within 180 days after becoming vacant.
- Total dollar amount of salary increases awarded, delineated by the subtotal dollar amount associated with increases specifically authorized in the General Appropriations Act or other law, and the amount awarded without specific legislative authorization.
- Percentage of corrective actions taken within six months after receipt of audit findings and management letters issued to resolve such findings or letters from financial and operational audits conducted pursuant to s. 11.45, F.S.
- Private attorney service costs dollar amounts by case and as a percentage of total agency legal costs, legal costs paid to the Attorney General's office by case and as a percentage of total agency legal costs, and total agency legal costs as a percentage of total agency budget.
- Total dollar amount of expenditures for procurements using the various types of procurements.
- If applicable, the number of complete applications received and the average number of days to complete a permit, a licensure, a registration, or a certification process, from the date of the receipt of initial application to final agency action, for each permit, license, registration, or certification issued by the agency or judicial branch.
- If applicable, the total number of required inspections, total number of inspections completed, and percentage of required inspections completed.
- If applicable, average number of calendar days to award and contract for noncompetitive projects or grant programs for state or federal funds from the date of receipt of funds by the agency or receipt of budget authority, whichever is later.

Each agency must develop and adopt at least five additional performance measures, outcomes, and standards that address key agency functions. The agency must take into account the agency's mission, state goals and objectives, and statutory policy, as well as the programs, outputs and activities that are key agency functions.

The judicial branch must adopt performance measures, outcomes, and standards established by the Supreme Court.

Additionally, each agency and the judicial branch must maintain the justification for each performance measure, outcome, or standard, as well as the source of data to be used.

The bill also requires each LRPP to provide:

- Information regarding measurement of the performance measures, including how the data is collected, baseline data, the methodology used for measurement, the reason for the measurement, and the validity and reliability of the measurement.

- Data for the previous five years related to the performance measures, outcomes, and standards and an explanation of deviation from expected performance.

The bill makes several revisions to the submission, approval, and amendment process for agency LRPPs, including that:

- Each state agency and the judicial branch must submit performance measures, outcomes, and standards, including any information required under this section, to the Office of Program Policy Analysis and Government Accountability (OPPAGA).
- The performance measures, outcomes, and standards, including any amendments thereto, for each state agency and the judicial branch are subject review and approval by the Legislative Budget Commission (LBC) (rather than initially set by the Legislature).
- At least 30 days before the scheduled annual legislative session, a state agency or the Chief Justice of the Supreme Court may submit requests to delete or amend performance measures, outcomes, and standards. These deletions, amendments, or additions are subject to review and approval by the LBC (rather than subject to the review and objection procedure applicable to budget actions).
- Each state agency or the judicial branch has 30 days after the effective date of the General Appropriations Act, or other enacted legislation, to propose adjustments to its performance measures, outcomes, and standards for review and approval by the LBC (rather than subject to the review and objection procedure applicable to budget actions).
- Any new state agency created by the legislature is required to establish initial performance measures, outcomes, and standards subject to review and approval by the LBC (rather than subject to the review and objection procedure applicable to budget actions).

For the first set of performance measures, outcomes, and standards after the enactment of this bill, each state agency or the judicial branch must submit new performance measures, outcomes, and standards, including the information required by this section to the LBC by December 1, 2026. This paragraph expires on December 31, 2027.

Section 3 amends s. 20.055, F.S., to remove the requirement that each agency inspector general assess the reliability and validity of performance measures and standards and make recommendations for improvement before submission. The inspector general must advise on the development of outcomes, as well as the performance measures and standards.

Section 4 amends s. 186.021, F.S., to direct the state agencies to use the LRPP to implement the state's goals and objectives. Moreover, the section places a duty upon each agency to develop performance measures, outcomes, and standards to measure programs, outputs, and activity performance.

Section 5 amends s. 420.0003, F.S., to direct the Florida Housing Finance Corporation (rather than the Department of Commerce) to develop a long-range plan relating to the housing policies of the state. This is consistent with the independence that the corporation typically enjoys.

Section 6 amends s. 420.511, F.S., relating to the Florida Housing Finance Corporation, to eliminate the requirement that the corporation coordinate with the Department of Commerce in developing a long-range plan for providing affordable housing in this state. The section also eliminates the designation of the Secretary of Commerce as the corporation's representative to

achieve this coordinated and integrated planning relationship with the department. The section also makes a series of technical, non-substantive changes.

Section 7 reenacts s. 216.011, F.S., to incorporate the amendment to s. 216.013, F.S., which described the elements of the LRPP.

Section 8 reenacts s. 402.56, F.S., relating to the duties and responsibilities of the Children and Youth Cabinet, to incorporate the amendment to s. 216.013, F.S., which describes the process for the LRPP.

Section 9 provides that the act takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 216.013, 216.1827, 20.055, 186.021, 420.0003, and 420.511 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 216.011 and 402.56.

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

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

None.

B. Amendments:

None.

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

By Senator Brodeur

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agencies and the judicial branch annually, by a specified date, to submit their long-range program plans to the Legislative Budget Commission for approval; providing that if a state agency or the judicial branch receives a certain notification of failure to comply, such agency or the judicial branch is prohibited from submitting amendments to or otherwise making changes to its approved budget for certain expenditures until compliance is achieved; deleting obsolete language; amending s. 216.1827, F.S.; requiring state agencies and the judicial branch to maintain performance measures, outcomes, and standards; requiring state agencies to adopt specified and applicable performance measures, outcomes, and standards; requiring state agencies to develop and adopt a certain number of additional specified performance measures, outcomes, and standards; requiring state agencies to consider specified factors when developing such additional performance measures, outcomes, and standards; requiring the judicial branch to adopt certain performance measures, outcomes, and standards established by the Supreme Court; requiring state agencies and the judicial branch to maintain justifications for and sources of data to be used for each performance measure adopted; requiring that the long-range program plans contain performance measures in a specified form, manner, and timeframe; requiring that such plans provide specified information and data; requiring state agencies and the judicial branch

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59 to submit performance measures, outcomes, standards,
 60 and certain information to the Office of Program
 61 Policy Analysis and Government Accountability upon
 62 request; requiring that certain performance measures
 63 be adopted by the Legislative Budget Commission;
 64 authorizing the submission of requests to delete or
 65 amend performance measures, outcomes, and standards to
 66 the Legislative Budget Commission; requiring that such
 67 requests include the justification for the deletion,
 68 amendment, or addition; providing that such deletions,
 69 amendments, or additions are subject to review and
 70 approval by the Legislative Budget Commission;
 71 requiring state agencies and the judicial branch to
 72 make appropriate adjustments to their performance
 73 measures, outcomes, and standards to be consistent
 74 with certain enacted legislation; providing that state
 75 agencies and the judicial branch have a specified
 76 timeframe to make such adjustments; deleting obsolete
 77 language; requiring new state agencies created by the
 78 Legislature to establish initial performance measures,
 79 outcomes, and standards that are subject to review and
 80 approval by the Legislative Budget Commission;
 81 requiring state agencies and the judicial branch to
 82 submit to the Legislative Budget Commission new
 83 performance measures, outcomes, and standards and
 84 specified information by a specified date; providing
 85 for the scheduled repeal of such provision; amending
 86 s. 20.055, F.S.; conforming provisions to changes made
 87 by the act; amending s. 186.021, F.S.; revising

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88 requirements for state agencies' long-range program
 89 plans; amending s. 420.0003, F.S.; providing that a
 90 certain long-range plan is from the Florida Housing
 91 Finance Corporation and not from the Department of
 92 Commerce; conforming provisions to changes made by the
 93 act; amending s. 420.511, F.S.; replacing references
 94 to a "long-range program plan" with references to a
 95 "long-range plan"; deleting a requirement that such
 96 plan be developed in coordination with the Department
 97 of Commerce; deleting a provision relating to the
 98 Secretary of Commerce, or his or her designee, serving
 99 as the Florida Housing Finance Corporation's liaison
 100 for a specified purpose; reenacting ss. 216.011(1)(ee)
 101 and 402.56(5)(d), F.S., relating to the definition of
 102 the term "long-range program plan" and the duty of the
 103 Children and Youth Cabinet to design and implement a
 104 long-range program plan, respectively, to incorporate
 105 the amendment made to s. 216.013, F.S., in references
 106 thereto; providing an effective date.

107
 108 Be It Enacted by the Legislature of the State of Florida:

109
 110 Section 1. Section 216.013, Florida Statutes, is amended to
 111 read:

112 216.013 Long-range program plans ~~plan~~.—State agencies and
 113 the judicial branch shall develop long-range program plans to
 114 achieve state goals and objectives using an interagency planning
 115 process that includes the development of ~~integrated agency~~
 116 ~~program service outcomes~~. The plans of state agencies must ~~shall~~

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117 be ~~policy~~ based on statutorily established policies; priority
 118 driven by priorities and outcomes to achieve state goals,
 119 objectives, and policies; accountable; and developed through
 120 careful examination and justification of all agency and judicial
 121 branch programs and activities. The plans of the judicial branch
 122 must be policy based, including consideration of any statutory
 123 policy; driven by priorities and outcomes to achieve state
 124 goals, objectives, and policies; accountable; and developed
 125 through careful examination and justification of all judicial
 126 branch programs and activities.

127 (1) Long-range program plans ~~must~~ shall provide the
 128 framework for the development of legislative budget requests.

129 (2) Long-range program plans ~~must~~ and shall identify or
 130 update:

131 (a) The mission of the agency or judicial branch.

132 (b) The performance measures required pursuant to s.

133 ~~216.1827~~ goals established to accomplish the mission.

134 (c) The ~~objectives~~ developed to achieve state goals.

135 (d) The trends and conditions relevant to the mission, the
 136 performance measures, and the state goals, and objectives.

137 (d) ~~(e)~~ The state agency or judicial branch programs that
 138 will be used to implement statutorily established state policy,
 139 or the judicial branch programs that will be used to implement
 140 state policy, and achieve state goals and objectives.

141 (f) The ~~program outcomes and standards to measure progress~~
 142 ~~toward program objectives.~~

143 (g) Information regarding performance measurement, which
 144 includes, but is not limited to, how data is collected, the
 145 methodology used to measure a performance indicator, the

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146 ~~validity and reliability of a measure, the appropriateness of a~~
 147 ~~measure, and whether, in the case of agencies, the agency~~
 148 ~~inspector general has assessed the reliability and validity of~~
 149 ~~agency performance measures, pursuant to s. 20.055(2).~~

150 ~~(h) Legislatively approved output and outcome performance~~
 151 ~~measures. Each performance measure must identify the associated~~
 152 ~~activity contributing to the measure from those identified in~~
 153 ~~accordance with s. 216.023(4)(b).~~

154 ~~(i) Performance standards for each performance measure and~~
 155 ~~justification for the standards and the sources of data to be~~
 156 ~~used for measurement. Performance standards must include~~
 157 ~~standards for each affected activity and be expressed in terms~~
 158 ~~of the associated unit of activity.~~

159 ~~(j) Prior year performance data on approved performance~~
 160 ~~measures and an explanation of deviation from expected~~
 161 ~~performance. Performance data must be assessed for reliability~~
 162 ~~in accordance with s. 20.055.~~

163 ~~(k) Proposed performance incentives and disincentives.~~

164 ~~(3) (a) 1. Long-range program plans must include information~~
 165 ~~about the implementation status of any law enacted in the~~
 166 ~~previous legislative session. The implementation status must be~~
 167 ~~provided until all provisions of the law related to the agency~~
 168 ~~have been fully implemented.~~

169 2. For purposes of initial implementation of this
 170 subsection, in addition to laws enacted pursuant to the 2026
 171 Regular Session, an agency must also provide information on
 172 recently enacted laws for the 2024 and 2025 Regular Sessions
 173 which have provisions not fully implemented. This subparagraph
 174 expires on June 30, 2027.

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175 (b) Implementation status information must include, at a
 176 minimum, all of the following:
 177 1. Actions or steps taken to implement the law, and actions
 178 or steps planned for implementation, including, but not limited
 179 to, all of the following, as applicable:
 180 a. Administrative rules proposed for implementation.
 181 b. Procurements required.
 182 c. Contracts executed to assist the agency in
 183 implementation.
 184 d. Contracts executed to implement or administer the law.
 185 e. Programs started, offices established, or other
 186 organizational administrative changes made, including personnel
 187 changes.
 188 f. Federal waivers requested.
 189 2. The status of any required appointments and all
 190 scheduled board, commission, or related public meetings.
 191 3. A description of the agency programs, outputs, and
 192 activities implemented or changed related to the law.
 193 4. All expenditures made that were directly related to the
 194 implementation.
 195 5. Any provisions remaining to be implemented.
 196 6. A description of any impediment or delay in the
 197 implementation, including, but not limited to, challenges of
 198 administrative rules or identification of any policy issue that
 199 needs to be resolved by the Legislature to ensure timely and
 200 effective implementation.
 201 7. Information related to any litigation related to the law
 202 which is not provided under subparagraph 6.
 203 8. Any performance measure developed and the specific data

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204 identified, including data regarding enrollments, participants,
 205 loans, and other data elements of programs, outputs, and
 206 activities.

207 (4)~~42~~ Each Long-range program plans must plan shall cover
 208 a period of 5 fiscal years, be revised annually, and remain in
 209 effect until replaced or adjusted as provided in this section
 210 revised.

211 (5)~~43~~ Long-range program plans or revisions must shall be
 212 presented by state agencies and the judicial branch in a form,
 213 manner, and timeframe prescribed in written instructions
 214 prepared by the Executive Office of the Governor in consultation
 215 with the chairs of the legislative appropriations committees.

216 (6)~~44~~ Each state executive agency and the judicial branch
 217 shall post their long-range program plans on their Internet
 218 websites not later than September 30 30th of each year, and
 219 provide written notice to the Governor and the Legislature that
 220 the plans have been posted.

221 (7)~~45~~ Each state agency The state agencies and the
 222 judicial branch shall make appropriate adjustments to their
 223 long-range program plans, excluding adjustments to performance
 224 measures, outcomes, and standards, to be consistent with the
 225 appropriations in the General Appropriations Act, and
 226 legislation implementing the General Appropriations Act, and
 227 other enacted legislation. Agencies and the judicial branch have
 228 30 days subsequent to the effective date of the General
 229 Appropriations Act and implementing legislation to make
 230 adjustments to their plans as posted on their Internet websites.

231 (8) Annually, no later than September 15, each state agency
 232 and the judicial branch shall submit their long-range program

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233 ~~plans to the Legislative Budget Commission for approval, including any update on meeting their plans' approved performance measures and any deviation from expected performance measures.~~

237 ~~(9) If the chairs of the legislative appropriations committees notify a state agency or the judicial branch that the agency or the judicial branch has failed to comply with this section or s. 216.1827, the agency or the judicial branch may not submit amendments or otherwise make changes to its approved budget for operations and fixed capital outlay pursuant to s. 216.181 until the agency or the judicial branch has corrected its deficiency.~~

245 ~~(10) (6) Long-range program plans developed pursuant to this chapter are not rules and, therefore, are not subject to the provisions of chapter 120.~~

248 ~~(7) Notwithstanding the provisions of this section, each state executive agency and the judicial branch are not required to develop or post a long-range program plan by September 30, 2025, for the 2026-2027 fiscal year, except in circumstances outlined in any updated written instructions prepared by the Executive Office of the Governor in consultation with the chairs of the legislative appropriations committees. This subsection expires July 1, 2026.~~

256 Section 2. Section 216.1827, Florida Statutes, is amended to read:

258 216.1827 Requirements for performance measures, outcomes, and standards.

260 ~~(1) Each state agency Agencies and the judicial branch shall maintain a comprehensive performance accountability system~~

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262 ~~containing, at a minimum, a list of performance measures, outcomes, and standards as required by that are adopted by the Legislature and subsequently amended pursuant to this section.~~

265 ~~(2) Each state agency shall adopt the following performance measures, outcomes, and standards:~~

267 ~~(a) Administrative costs as a percentage of total agency costs, including salaries and benefits and excluding fixed capital outlay.~~

270 ~~(b) Percentage of vacant positions filled within 180 days after becoming vacant.~~

272 ~~(c) Total dollar amount of salary increases awarded, delineated by the subtotal dollar amount of the increases specifically authorized in the General Appropriations Act or other law and the subtotal dollar amount of the increases awarded without specific legislative authorization.~~

277 ~~(d) Percentage of corrective actions taken within 6 months after receipt of audit findings and management letters issued to resolve such findings or letters from financial and operational audits conducted pursuant to s. 11.45.~~

281 ~~(e) Private attorney service costs dollar amounts, by case and as a percentage of total agency legal costs; legal costs paid to the Attorney General's office, by case and as a percentage of total agency legal costs; and total agency legal costs as a percentage of total agency budget.~~

286 ~~(f) Total dollar amount of expenditures by state term contract as defined in s. 287.012, contracts procured using alternative purchasing methods as authorized pursuant to s. 287.042(16), and agency procurements through request for proposal, invitation to negotiate, invitation to bid, single~~

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291 ~~source, and emergency purchases.~~

292 (g) If applicable, the number of complete applications

293 received and the average number of days to complete a permit,

294 licensure, registration, or certification process, from the date

295 of the receipt of initial application to final agency action,

296 for each permit, license, registration, or certification issued

297 by the agency or judicial branch.

298 (h) If applicable, the total number of required

299 inspections, total number of inspections completed, and

300 percentage of required inspections completed.

301 (i) If applicable, the average number of calendar days to

302 award and contract for noncompetitive projects or grant programs

303 for state or federal funds from the date of receipt of funds by

304 the agency or receipt of budget authority, whichever is later.

305 (3) In addition to the performance measures, outcomes, and

306 standards required by subsection (2), each agency shall develop

307 and adopt at least five additional performance measures,

308 outcomes, and standards. Additional performance measures,

309 outcomes, and standards must include key state agency functions.

310 When developing the additional performance measures, outcomes,

311 and standards, each state agency shall take all of the following

312 into consideration:

313 (a) The mission of the agency, state goals and objectives,

314 and statutory policy.

315 (b) Programs, outputs, and activities that are key agency

316 functions.

317 (c) Selection of data elements that best and most

318 accurately measure progress toward state goals and objectives,

319 including facilitating analysis of any deviation from expected

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320 performance.

321 (4) The judicial branch shall adopt performance measures,

322 outcomes, and standards established by the Supreme Court, which

323 must be substantially similar to the measures, outcomes, and

324 standards in subsection (2) and the considerations outlined in

325 subsection (3).

326 (5) Each state agency and the judicial branch shall

327 maintain the justification for each performance measure,

328 outcome, or standard, and the sources of data to be used.

329 (6) (2)(a) Each state agency Agencies and the judicial

330 branch shall submit long-range program plans with performance

331 measures in the form, manner, and timeframe output and outcome

332 measures and standards, as well as historical baseline and

333 performance data pursuant to s. 216.013. The long-range program

334 plan must provide:

335 (a) Information regarding measurement of the performance

336 measures, including how the data is collected, baseline data,

337 the methodology used for measurement, the reason for the

338 measurement, and the validity and reliability of the

339 measurement; and

340 (b) Data for the previous 5 years related to the

341 performance measures, outcomes, and standards and an explanation

342 of deviation from expected performance.

343 (7) Each state agency Agencies and the judicial branch

344 shall also submit performance data, measures, outcomes, and

345 standards, including any information required by this section,

346 to the Office of Program Policy Analysis and Government

347 Accountability upon request for review of the adequacy of the

348 legislatively approved measures and standards.

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349 (8) For each state agency and the judicial branch,
350 performance measures, outcomes, and standards, including any
351 amendments thereto, must be adopted by the Legislative Budget
352 Commission.

(3)(a) At least 30 days before the scheduled annual legislative session, a state agency or the Chief Justice of the Supreme Court may submit requests to delete or amend its existing approved performance measures, outcomes, and standards or activities, including alignment of activities to performance measures, or submit requests to create additional performance measures, outcomes, and standards or activities to the Legislature Executive Office of the Governor for review and approval. The request must shall document the justification for the change and ensure that the revision, deletion, amendment, or addition is consistent with legislative intent. Such deletion, amendment, or addition is subject to review and approval by the Legislative Budget Commission Revisions or deletions to or additions of performance measures and standards approved by the Executive Office of the Governor are subject to the review and objection procedure set forth in s. 216.177.

369 (b) Each state agency and the judicial branch shall make
370 appropriate adjustments to their performance measures, outcomes,
371 and standards to be consistent with the appropriations in the
372 General Appropriations Act, legislation implementing the General
373 Appropriations Act, and other enacted legislation. State
374 agencies and the judicial branch have 30 days after the
375 effective date of the General Appropriations Act or other
376 enacted legislation to propose adjustments to their plans for
377 review and approval by the Legislative Budget Commission. The

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378 Chief Justice of the Supreme Court may submit deletions or
379 amendments of the judicial branch's existing approved
380 performance measures and standards or may submit additional
381 performance measures and standards to the Legislature
382 accompanied with justification for the change and ensure that
383 the revision, deletion, or addition is consistent with
384 legislative intent. Revisions or deletions to, or additions
385 performance measures and standards submitted by the Chief
386 Justice of the Supreme Court are subject to the review and
387 objection procedure set forth in s. 216.177.

388 (4) (a) The Legislature may create, amend, and delete
389 performance measures and standards. The Legislature may confer
390 with the Executive Office of the Governor for state agencies and
391 the Chief Justice of the Supreme Court for the judicial branch
392 prior to any such action.

393 (b) The Legislature may require state agencies to submit
394 requests for revisions, additions, or deletions to approved
395 performance measures and standards to the Executive Office of
396 the Governor for review and approval, subject to the review and
397 objection procedure set forth in s. 216.177.

398 (c) The Legislature may require the judicial branch to
399 submit revisions, additions, or deletions to approved
400 performance measures and standards to the Legislature, subject
401 to the review and objection procedure set forth in s. 216.177.

402 ~~(d) Any new state agency created by the Legislature shall~~
403 ~~establish~~ ~~is subject to~~ ~~the~~ initial performance measures,
404 outcomes, and standards ~~thereof~~, subject to review and approval
405 by the Legislative Budget Commission established by the
406 Legislature. The Legislature may require state agencies and the

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407 ~~judicial branch to provide any information necessary to create~~
 408 ~~initial performance measures and standards.~~

409 ~~(d) Each state agency and the judicial branch shall submit~~
 410 ~~new performance measures, outcomes, and standards, including the~~
 411 ~~information required by this section, to the Legislative Budget~~
 412 ~~Commission by December 1, 2026. This paragraph expires on~~
 413 ~~December 31, 2027.~~

414 Section 3. Paragraphs (a) and (b) of subsection (2) of
 415 section 20.055, Florida Statutes, are amended to read:

416 20.055 Agency inspectors general.—

417 (2) An office of inspector general is established in each
 418 state agency to provide a central point for coordination of and
 419 responsibility for activities that promote accountability,
 420 integrity, and efficiency in government. It is the duty and
 421 responsibility of each inspector general, with respect to the
 422 state agency in which the office is established, to:

423 (a) Advise in the development of performance measures,
 424 outcomes, standards, and procedures for the evaluation of state
 425 agency programs.

426 ~~(b) Assess the reliability and validity of the information~~
 427 ~~provided by the state agency on performance measures and~~
 428 ~~standards, and make recommendations for improvement, if~~
 429 ~~necessary, before submission of such information pursuant to s.~~
 430 ~~216.1027.~~

431 Section 4. Section 186.021, Florida Statutes, is amended to
 432 read:

433 186.021 Long-range program plans.—Pursuant to s. 216.013,
 434 each state agency shall develop a long-range program plan ~~on an~~
 435 ~~annual basis. The plan must shall provide the framework and~~

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436 context for designing and interpreting the agency budget
 437 request. The plan must ~~will~~ be developed through careful
 438 examination and justification of agency functions and ~~their~~
 439 ~~associated costs. An agency shall use the long-range program~~
 440 ~~plan. It shall be used by the agency to implement the state's~~
 441 ~~goals and objectives. The agency shall also develop performance~~
 442 ~~measures, outcomes, and standards to measure programs, outputs,~~
 443 ~~Indicators shall be developed to measure service and activity~~
 444 ~~performance.~~

445 Section 5. Paragraph (b) of subsection (3) of section
 446 420.0003, Florida Statutes, is amended to read:

447 420.0003 State housing strategy.—

448 (3) IMPLEMENTATION.—The state, in carrying out the strategy
 449 articulated in this section, shall have the following duties:

450 (b) The long-range ~~program~~ plan of the corporation
 451 ~~department~~ must include specific performance measures, goals,
 452 ~~and objectives, and strategies~~ that implement the housing
 453 policies in this section.

454 Section 6. Section 420.511, Florida Statutes, is amended to
 455 read:

456 420.511 Strategic business plan; long-range ~~program~~ plan;
 457 annual report; audited financial statements.—

458 (1) The corporation shall develop a strategic business plan
 459 for the provision of affordable housing for the state. The plan
 460 must be consistent with the long-range ~~program~~ plan prepared
 461 pursuant to subsection (2) and must ~~shall~~ contain performance
 462 measures and specific performance targets for the following:

463 (a) The ability of low-income and moderate-income
 464 Floridians to access housing that is decent and affordable.

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465 (b) The continued availability and affordability of housing
 466 financed by the corporation to target populations.
 467 (c) The availability of affordable financing programs,
 468 including equity and debt products, and programs that reduce
 469 gaps in conventional financing in order to increase individual
 470 access to housing and stimulate private production of affordable
 471 housing.
 472 (d) The establishment and maintenance of efficiencies in
 473 the delivery of affordable housing.
 474 (e) Such other measures as directed by the corporation's
 475 board of directors.
 476 (2) The corporation, ~~in coordination with the department,~~
 477 shall annually develop a long-range ~~program~~ plan for the
 478 provision of affordable housing in this state as required
 479 pursuant to chapter 186. In part, the plan must include
 480 provisions that maximize the abilities of the corporation to
 481 implement the state housing strategy established under s.
 482 420.0003, to respond to federal housing initiatives, and to
 483 develop programs in a manner that is more responsive to the
 484 needs of public and private partners. The plan ~~must~~ shall be
 485 developed on a schedule consistent with that established by s.
 486 186.021. ~~For purposes of this section, the Secretary of Commerce~~
 487 ~~or his or her designee shall serve as the corporation's~~
 488 ~~representative to achieve a coordinated and integrated planning~~
 489 ~~relationship with the department.~~
 490 (3) The corporation shall submit to the Governor and the
 491 presiding officers of each house of the Legislature, within 6
 492 months after the end of its fiscal year, a complete and detailed
 493 report setting forth the corporation's state and federal program

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494 accomplishments using the most recent available data. The report
 495 must include, but is not limited to:
 496 (a) The following tenant characteristics in the existing
 497 rental units financed through corporation-administered programs:
 498 1. The number of households served, delineated by income,
 499 race, ethnicity, and age of the head of household.
 500 2. The number of households served in large, medium, and
 501 small counties as described in s. 420.5087(1) and the extent to
 502 which geographic distribution has been achieved in accordance
 503 with s. 420.5087.
 504 3. The number of farmworker and commercial fishing worker
 505 households served.
 506 4. The number of homeless households served.
 507 5. The number of special needs households served.
 508 6. By county, the average rent charged based on unit size.
 509 (b) The number of rental units to which resources have been
 510 allocated in the last fiscal year, including income and
 511 demographic restrictions.
 512 (c) The estimated average cost of producing units under
 513 each rental or homeownership unit financed under each program in
 514 the last fiscal year.
 515 (d) By county, the average sales price of homeownership
 516 units financed in the last fiscal year.
 517 (e) The number of households served by homeownership
 518 programs in the last fiscal year, including the income, race,
 519 ethnicity, and age of the homeowner of each household.
 520 (f) The percentage of homeownership loans that are in
 521 foreclosure.
 522 (g) The percentage of properties in the corporation's

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523 rental portfolio which have an occupancy rate below 90 percent.

524 (h) The amount of economic stimulus created by the
 525 affordable housing finance programs administered by the
 526 corporation for the most recent year available.

527 (i) For the State Apartment Incentive Loan Program (SAIL),
 528 a comprehensive list of all closed loans outstanding at the end
 529 of the most recent fiscal year, including, but not limited to,
 530 development name, city, county, developer, set-aside type, set-
 531 aside percentage, affordability term, total number of units,
 532 number of set-aside units, lien position, original loan amount,
 533 loan maturity date, loan balance at close of year, status of
 534 loan, rate of interest, and interest paid.

535 (j) For the Florida Affordable Housing Guarantee Program, a
 536 list of all guaranteed loans through the close of the most
 537 recent fiscal year, including, but not limited to, development
 538 name, city, county, developer, total number of units, issuer of
 539 the bonds, loan maturity date, participation in the United
 540 States Department of Housing and Urban Development Risk-Sharing
 541 Program, original guarantee amount, guarantee amount at the
 542 close of the fiscal year, status of guaranteed loans, and total
 543 outstanding Florida Housing Finance Corporation Affordable
 544 Housing Guarantee Program revenue bonds at the close of the most
 545 recent fiscal year.

546 (k) Any other information the corporation deems
 547 appropriate.

548 (4) Within 6 months after the end of its fiscal year, the
 549 corporation shall submit audited financial statements, prepared
 550 in accordance with generally accepted accounting principles,
 551 which include all assets, liabilities, revenues, and expenses of

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552 the corporation, and a list of all bonds outstanding at the end
 553 of its fiscal year. The audit must be conducted by an
 554 independent certified public accountant, performed in accordance
 555 with generally accepted auditing standards and government
 556 auditing standards, and incorporate all reports, including
 557 compliance reports, as required by such auditing standards.

558 (5) The Auditor General shall conduct an operational audit
 559 of the accounts and records of the corporation and provide a
 560 written report on the audit to the President of the Senate and
 561 the Speaker of the House of Representatives by December 1, 2016.

562 Section 7. For the purpose of incorporating the amendment
 563 made by this act to section 216.013, Florida Statutes, in a
 564 reference thereto, paragraph (ee) of subsection (1) of section
 565 216.011, Florida Statutes, is reenacted to read:

566 216.011 Definitions.—

567 (1) For the purpose of fiscal affairs of the state,
 568 appropriations acts, legislative budgets, and approved budgets,
 569 each of the following terms has the meaning indicated:

570 (ee) "Long-range program plan" means a plan developed
 571 pursuant to s. 216.013.

572 Section 8. For the purpose of incorporating the amendment
 573 made by this act to section 216.013, Florida Statutes, in a
 574 reference thereto, paragraph (d) of subsection (5) of section
 575 402.56, Florida Statutes, is reenacted to read:

576 402.56 Children's cabinet; organization; responsibilities;
 577 annual report.—

578 (5) DUTIES AND RESPONSIBILITIES.—The Children and Youth
 579 Cabinet shall:

580 (d) Design and implement actions that will promote

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581 collaboration, creativity, increased efficiency, information
582 sharing, and improved service delivery between and within state
583 governmental organizations that provide services for children
584 and youth and their families. In particular, the efforts shall
585 include the long-range planning process mandated by s. 216.013.

586 Section 9. This act shall take effect July 1, 2026.

The Florida Senate

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 Appropriations

BILL: SB 7018

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: Child Welfare

DATE: February 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
Rao	Tuszynski		CF Submitted as Comm. Bill/Fav
1. Sneed	McKnight	AHS	Favorable
2. Sneed	Sadberry	AP	Pre-meeting

I. Summary:

SB 7018 makes changes to improve the efficiency and effectiveness of the child welfare system. The bill changes the definition of “visitor” to reduce the number of background checks required for visitors to promote normalcy within foster homes.

The bill makes the Step into Success Pilot Program into a permanent statewide program within the Office of Continuing Care at the Department of Children and Families (DCF). The bill promotes the expansion of the program into more diverse areas and emphasizes collaboration between the DCF and local chambers of commerce. The bill strengthens the training opportunities available to program mentors and requires the DCF to provide experienced staff as program liaisons. The bill increases the stipend provided to participating former foster youth by removing the under-utilized welfare stipend offset and increasing stipend payments for *all* former foster youth participating in the Step into Success program.

The bill also requires the Florida Institute for Child Welfare (FICW) to develop and implement a program to identify and catalogue best practices that community-based care lead agencies are utilizing across the state. The bill requires the FICW to collaborate with the DCF Office of Quality and Office of Child and Family Well-Being.

The bill is expected to have a significant recurring fiscal impact on state government expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Florida's Child Welfare System – Generally

Chapter 39, F.S., creates Florida's dependency system charged with protecting children who have been abused, abandoned, or neglected.¹ Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations.² The Department of Children and Families (DCF) and community-based care (CBC) lead agencies³ work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.⁴

Child welfare services are directed toward the prevention of child abuse, abandonment, and neglect.⁵ The DCF aims to increase the safety of the child within his or her home, using in-home services, such as parenting coaching and counseling to maintain and strengthen the child's natural supports in the home environment.⁶ These services are coordinated by DCF-contracted CBCs. The outsourced provision of child welfare services is intended to increase local community ownership of the services provided and their design. Lead agencies contract with many subcontractors for case management and direct-care services to children and their families.⁷ There are 18 lead agencies statewide that serve the state's 20 judicial circuits.⁸ Ultimately, the DCF remains responsible for the operation of the central abuse hotline and investigations of abuse, abandonment, and neglect.⁹ Additionally, the department is responsible for all program oversight and the overall performance of the child welfare system.¹⁰

Department of Children and Families

The DCF implements a practice model for child and family well-being that is safety-focused, trauma-informed, and family-centered. Such practices are intended to ensure:

- Permanency. Florida's children should enjoy long-term, secure relationships within strong families and communities.

¹ Chapter 39, F.S.

² See generally s. 39.101, F.S. (establishing the central abuse hotline and timeframes for initiating investigations).

³ See s. 409.986(1)(a), F.S. (finding that it is the intent of the Legislature that the Department of Children and Families "provide child protection and child welfare services to children through contracting with CBC lead agencies"). A "community-based care lead agency" or "lead agency" means a single entity with which the DCF has a contract for the provision of care for children in the child protection and child welfare system, in a community that is no smaller than a county and no larger than two contiguous judicial circuits. Section 409.986(3)(d), F.S. The secretary of DCF may authorize more than one eligible lead agency within a single county if doing so will result in more effective delivery of services to children. *Id.*

⁴ Chapter 39, F.S.

⁵ Section 39.001, F.S.

⁶ See generally The Department of Children and Families, *Florida's Child Welfare Practice Model*, available at: <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/floridas-child-welfare-practice-model> (last visited 11/6/25).

⁷ Department of Children and Families, *About Community-Based Care (CBC)*, available at:

<https://www.myflfamilies.com/services/child-and-family-well-being/community-based-care/about> (last visited 11/6/25).

⁸ Department of Children and Families, *Lead Agency Information*, available at: <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/lead-agency-information> (last visited 11/6/25).

⁹ Section 39.101, F.S.

¹⁰ *Id.*

- Child Well-Being. Florida's children should be physically and emotionally healthy and socially competent.
- Safety. Florida's children should live free from maltreatment.
- Family Well-Being. Florida's families should nurture, protect, and meet the needs of their children, and should be well integrated into their communities.¹¹

Office of Continuing Care

The Office of Continuing Care (Office) was created by the Legislature in 2021.¹² Established to ensure young adults aging out of the foster care system have ongoing support and care coordination, the Office serves young adults who have aged out of the foster care system between 18 and 21 years of age, or 22 years of age with a documented disability.¹³ The Office is responsible for a variety of duties including, but not limited to, the following:

- Informing young adults aging out of the foster care system of the Office's purpose, the services the Office provides, and contact information.
- Serving as a direct contact to the young adult to provide information on how to access services such as food assistance, behavioral health services, housing, Medicaid, and educational services.
- Collaborating with CBC lead agencies to identify local resources for young adults.
- Developing and administering the Step into Success Workforce Education and Internship Pilot Program for foster youth and former foster youth.
- Identifying supportive adults for children transitioning out of foster care to live independently, in coordination with the Statewide Guardian ad litem Office.¹⁴

Office of Quality

In 2020, the Legislature created the Office of Quality (Office) within the DCF.¹⁵ Intended to ensure the DCF and contracted service providers achieve high levels of performance, the duties of the Office include, but are not limited to, the following:

- Identifying performance standards and metrics for the DCF and all contracted service providers reflected in the statutorily required strategic plan and results-oriented accountability system;
- Strengthening the DCF's data and analytic capabilities to identify systemic strengths and deficiencies;
- Recommending initiatives to correct programmatic and systemic deficiencies;
- Engaging and collaborating with contractors, stakeholders, and other relevant entities to improve quality, efficiency, and effectiveness of DCF programs and services; and
- Reporting systemic or persistent failures to meet performance standards and recommending corrective action to the DCF secretary.¹⁶

¹¹ See generally Department of Children and Families (DCF), *Florida's Child Welfare Practice Model*, available at: https://www.myflfamilies.com/sites/default/files/2022-12/FLCSPRACTICEMODEL_0.pdf (last visited 11/6/25).

¹² Chapter 2021-169, L.O.F.

¹³ Section 414.54, F.S.

¹⁴ *Id.*

¹⁵ Chapter 2020-152, L.O.F.

¹⁶ Section 402.715, F.S.

The Office submits annual reports to the Legislature that assess the overall health of each circuit's child welfare system by evaluating performance for child protective investigators, CBC lead agencies, and children's legal services.¹⁷

Office of Child and Family Well-Being

The Office of Child and Family Well-Being supports families working to stay safely together or be reunited, monitors the foster care and adoption systems, and supports young adults transitioning from foster care to independence.¹⁸

Every month, the Office of Child and Family Well-Being publishes monthly trends in the child welfare system to the Office of Child and Family Well-Being Dashboard on the department's website.¹⁹ The dashboard is composed of the following metrics:

- Safety. Measures the efficiency of child protective investigations and the child protective workforce.
- Well-Being. Measures the percentage of children in the child welfare system that have access to medical services, dental services, and the outcomes of youth aging out of the child welfare system.
- Permanency. Measures the success rates of permanency goals such as successful adoptions, sibling groups placed together, kinship care, and children who do not re-enter out-of-home care after moving to a permanent home.
- Monthly Trends. Measures the number of children in out-of-home care, the number of children receiving in-home services, and the number of alleged maltreatments and child protective investigations with verified findings.
- Demographics. Measures the disproportionality index for children in out-of-home care.²⁰

Dependency System Process

When child welfare necessitates that the DCF remove a child from the home to ensure his or her safety, a series of dependency court proceedings must occur to place that child in an out-of-home placement, adjudicate the child as dependent, and, if necessary, terminate parental rights and free the child for adoption. This process is typically triggered by a report to the central abuse hotline and a child protective investigation that makes a safety determination as to whether the child should remain in his or her home, notwithstanding provided DCF services. Generally, the dependency process includes, but is not limited to:

- A report to the central abuse hotline.
- A child protective investigation to determine the safety of the child.
- In-home services or shelter of a child and an out-of-home placement.

¹⁷ Florida Department of Children and Families, *2024 Annual Accountability Report on the Health of Florida's Child Welfare System*, available at: <https://www.myflfamilies.com/accountability> (last visited 1/7/26).

¹⁸ Florida Department of Children and Families, *Child and Family Well-Being Overview*, available at: <https://myflfamilies.com/services/child-family/child-and-family-well-being/office-child-and-family-well-being> (last visited 1/7/26).

¹⁹ Florida Department of Children and Families, *Office of Child and Family Well-Being Dashboard*, available at: <https://www.myflfamilies.com/ocfw-dashboard> (last visited 1/7/26).

²⁰ *Id.*

- A court finding the child dependent.²¹
- Case planning to address the problems that resulted in the child's dependency.
- Reunification with the child's parent or other appropriate permanency option, such as adoption.²²

Central Abuse Hotline and Investigations

The department is statutorily required to operate and maintain a central abuse hotline to receive reports of known or suspected instances of child abuse,²³ abandonment,²⁴ or neglect,²⁵ or instances when a child does not have a parent, legal custodian, or adult relative available to provide supervision and care.²⁶ The hotline must operate 24 hours a day, 7 days a week, and accept reports through a single statewide toll-free telephone number or through electronic reporting.²⁷

If the hotline counselor determines a report meets the definition of abuse, abandonment, or neglect, the report is accepted for a protective investigation.²⁸ Based on the report, the department makes a determination regarding when to initiate a protective investigation:

- An investigation must be immediately initiated if:
 - It appears the child's immediate safety or well-being is endangered;
 - The family may flee or the child will be unavailable for purposes of conducting a child protective investigation; or
 - The facts otherwise warrant; or
- An investigation must be initiated within 24 hours in all other cases of child abuse, abandonment, or neglect.²⁹

²¹ A "child who is found to be dependent" refers to a child who is found by the court: to have been abandoned, abused, or neglected by the child's parents or legal custodians; to have been surrendered to the DCF or licensed child-placing agency for the purpose of adoption; to have parents or legal custodians that failed to substantially comply with the requirements of a case plan for the purpose of reunification; to have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption; to have no parent or legal custodians capable of providing supervision and care; to be at substantial risk of imminent abuse, abandonment, or neglect; or to have been sexually exploited and to have no parent, legal custodian, or responsible adult relative available to provide the necessary and appropriate supervision. Section 39.01(15), F.S.

²² Office of the State Courts Administrator, The Office of Family Courts, *A Caregiver's Guide to Dependency Court*, available at: <https://flcourts-media.flcourts.gov/content/download/218185/file/Web-Caregivers-Guide-Final-09.pdf> (last visited 1/7/26); *see also* ch. 39, F.S.

²³ Section 39.01(2), F.S. defines "abuse" as any willful or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

²⁴ Section 39.01(1), F.S. defines "abandoned" or "abandonment" as a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. "Establish or maintain a substantial and positive relationship" means, in part, frequent and regular contact with the child, and the exercise of parental rights and responsibilities.

²⁵ Section 39.01(53), F.S. states "neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired, except when such circumstances are caused primarily by financial inability unless services have been offered and rejected by such person.

²⁶ Section 39.201(1), F.S.

²⁷ Section 39.101(1), F.S.

²⁸ Section 39.201(4)(a), F.S.

²⁹ Section 39.101(2), F.S.

Once a child protective investigator (CPI) is assigned, the CPI assesses the safety and perceived needs of the child and family; whether in-home services are needed to stabilize the family; and whether the safety of the child necessitates removal and the provision of out-of-home services.³⁰

In-Home Services

The DCF is required to make all efforts to keep children with their families and provide interventions that allow children to remain safely in their own homes.³¹ CPIs and CBC case managers refer families for in-home services to allow children to remain in their own homes.

As of October 31, 2025, there were 7,947 children and young adults receiving in-home services.³²

Out-of-Home Care

When a CPI determines that in-home services are not enough to ensure a child's safety, the CPI removes the child from the home and places him or her in a safe and appropriate temporary out-of-home placement.³³ These placements are aimed to be the least restrictive, most family-like placements available, and are intended to provide short-term housing and support to a child until the child can safely return home, or the child achieves an alternate form of permanency, such as adoption, if reunification is not attainable.³⁴ The DCF is required to consider a child's placement in the following priority order:

- Non-offending parent.
- Relative caregiver.
- Adoptive parent of the child's sibling.
- Fictive kin who has a close existing relationship to the child.
- Nonrelative caregiver who does not have an existing relationship to the child.
- Licensed foster care.
- Group or congregate care.³⁵

³⁰ See generally s. 39.301, F.S. and Part IV, Chapter 39, F.S. (regulating taking children into custody and shelter hearings).

³¹ Sections 39.402(7), 39.521(1)(f), and 39.701(d), F.S.

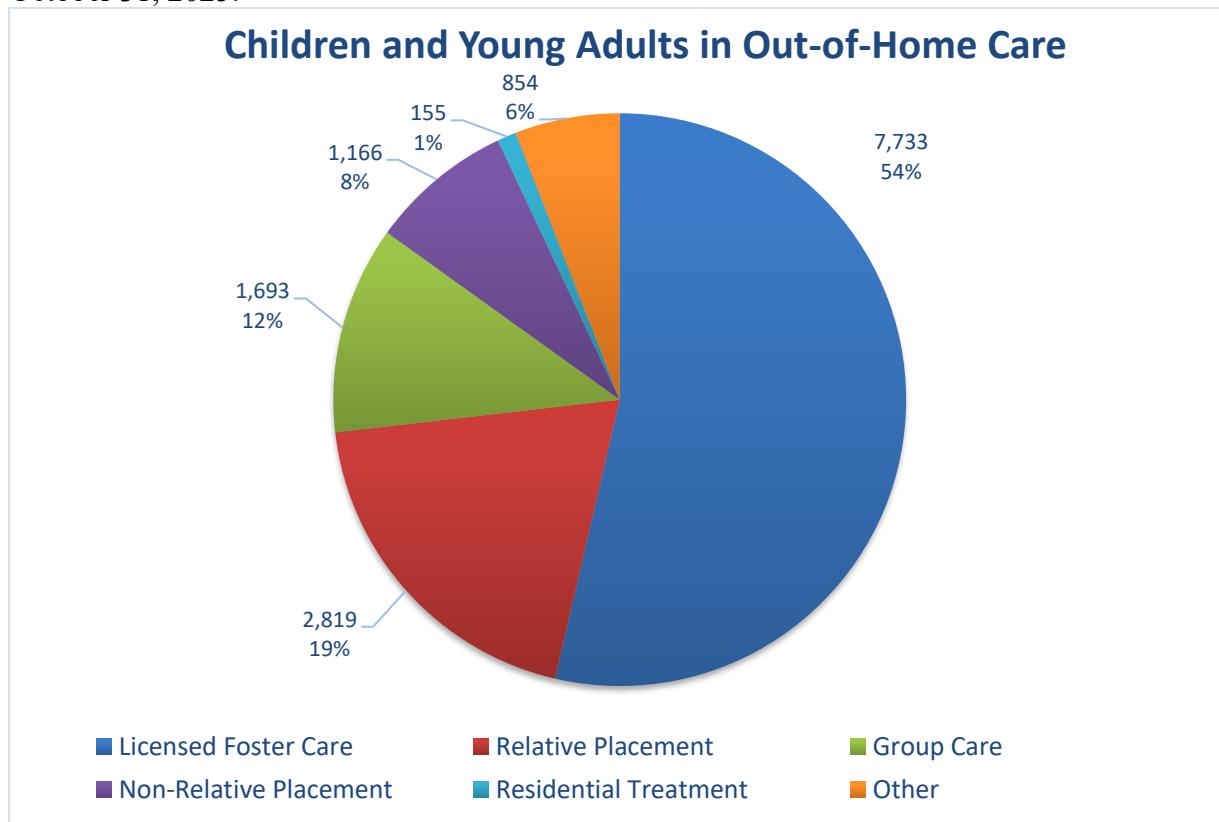
³² Florida Department of Children and Families, *Office of Child and Family Well-Being Dashboard*, available at: <https://www.myflfamilies.com/ocfw-dashboard> (last visited 11/10/25).

³³ Section 39.4021, F.S.

³⁴ Florida Department of Children and Families, *Florida's Child Welfare Practice Model*, available at: <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/floridas-child-welfare-practice-model> (last visited 11/10/25).

³⁵ Section 39.4021, F.S.

The following chart demonstrates the number of children in out-of-home placement types as of October 31, 2025.³⁶



Criminal History Check Requirements for Visitors

To preserve the safety of children in out-of-home placements, individuals 18 years of age and older who visit an out-of-home placement are subject to state, national, and local criminal history records checks. Such criminal history record checks may include, but are not limited to, submission of fingerprints to the Department of Law Enforcement for forwarding to the Federal Bureau of Investigation (FBI) and local criminal records checks.³⁷

Florida law defines a “visitor” as a person who:

- Provides care or supervision to a child in the home; or
- Is 12 years of age or older, other than a child in care, and who will be in the child’s home at least:
 - Five consecutive days; or
 - Seven days or more in 1 month.³⁸

The limited timeframe an individual may visit the home before being required to conduct a background check may lead to excessive burden on foster families and intrude on a foster family’s ability to exercise reasonable judgment as to who is allowed in the foster home.

³⁶ Florida Department of Children and Families, *Office of Child and Family Well-Being Dashboard*, available at: <https://www.myflfamilies.com/ocfw-dashboard> (last visited 11/10/25).

³⁷ Section 39.0138 (1), F.S.

³⁸ Section 39.01(91), F.S.

Additionally, if a visitor fails to submit fingerprints within 15 calendar days after the name-based criminal history check is conducted, the DCF must seek a court order to immediately remove the child from the home, leading to placement disruption that may be harmful to the child's permanency goals.³⁹

Background Screenings

Chapter 435, F.S. establishes uniform procedures for background screenings for employees, volunteers, and contractors in Florida.⁴⁰ Individuals may be required to have a Level 1 or Level 2 background screening, depending on the job or volunteer opportunity that requires the screening. Generally, background screenings identify an individual's criminal record at the local, state, and national level, and determine if an individual is a registered sexual predator or sexual offender.⁴¹

Step Into Success

The Legislature created the Step into Success Workforce Education and Internship Pilot Program within the department's Office of Continuing Care in 2023.⁴² The program is intended to help eligible foster youth and former foster youth as they develop professional skills and prepare for an independent and successful future.⁴³

To date, there have been three cohorts of the Step into Success Pilot Program, with over 30 eligible former foster youth beginning internships in the Tallahassee and Orlando areas.⁴⁴ The DCF engages with former foster youth to ascertain career fields they may be interested in. Subsequently, the DCF pairs the foster youth with a mentor that works in that career field, providing the foster youth with the opportunity to experience the career field they are interested in first-hand.

Eligibility for the Step into Success Program

The Step into Success Pilot Program determines eligibility for the program by involvement in the foster care system. Each level of licensed foster care varies in service levels based on the foster child's needs for the out-of-home placement. The following chart displays the levels of licensed care.⁴⁵

³⁹ Section 39.0138(5), F.S.

⁴⁰ See ch. 435, F.S.

⁴¹ *Id.*

⁴² Chapter 2023-255, L.O.F.

⁴³ Florida Department of Children and Families, *Step into Success Pilot Program*, available at: <https://www.myflfamilies.com/youth-young-adults> (last visited 11/10/25).

⁴⁴ December 3, 2025 E-mail from Chancer Teel, Legislative Affairs Director, the DCF (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁴⁵ See generally Florida Department of Children and Families, *Foster Home Licensing*, available at: <https://www.myflfamilies.com/services/licensing/foster-care-licensing> (last visited 11/10/25).

Licensed Care Placements	
Placement Type	Description
Level I: Child-Specific Foster Home	Places a child with relatives or non-relatives who have an existing relationship with the child and are willing and able to provide care for the child.
Level II: Non-Child Specific Foster Home	Places a child with a foster parent without having a prior relationship between the child and foster parent.
Level III: Safe Foster Home for Victims of Human Trafficking	Places a victim of human trafficking in a safe and stable environment.
Level IV: Therapeutic Foster Home	Places a child with a foster parent that has received specialized training to care for children and adolescents that have significant emotional, behavioral, or social needs.
Group Homes	Places a child in a single family or multi-family community with no greater than 14 children to meet the physical, emotional, and social needs of the child.

Current foster youth who are older than 16 years of age but younger than 18 years of age are currently in licensed care, excluding Level I licensed placements, are eligible for the Step into Success program.⁴⁶

Former foster youth who are 18 years of age but younger than 26 years of age who are currently in or were in licensed care, excluding Level I licensed placements, for at least 60 days, are eligible for the program.⁴⁷

Independent Living Professionalism and Workforce Education Component

During the workforce education component of the Step into Success program, the Office of Continuing Care may provide participants with resources such as workshops, mock interviews, experiential training, and assistance with securing an internship or employment.⁴⁸ Such materials must include education on topics that include, but are not limited to, the following:

- Interview skills;
- Professionalism;
- Teamwork;
- Leadership;
- Problem solving; and
- Conflict resolution in the workplace.⁴⁹

⁴⁶ Section 409.1455(3)(c), F.S.

⁴⁷ Section 409.1455(3)(b), F.S.

⁴⁸ Section 409.1455(5), F.S.

⁴⁹ *Id.*

Onsite Workforce Training Internship Component

Upon completion of the workforce education component of the program, eligible former foster youth may begin the workforce training internship. Participating individuals are paired with a mentor that has worked for the participating organization for at least one year and has completed a minimum of one hour of trauma-informed training to gain critical skills for successfully engaging former foster youth.⁵⁰ In the current cohorts, 100 percent of mentors reported they would mentor with the program again. Feedback suggested an increase in training requirements to better equip mentors with trauma-informed strategies for engaging with former foster youth.⁵¹

Additionally, mentors lead monthly performance reviews of the intern, to review his or her work product, professionalism, time management, communication style, and stress-management strategies. Mentors are eligible to receive a maximum payment of \$1,200 per intern per fiscal year, issued as a \$100 monthly payment for every month of service as a mentor. Employees may mentor three interns at one time, and may not receive more than \$3,600 in compensation per fiscal year.⁵²

Participating foster youth are required to intern for 80 hours per month to be eligible to receive the monthly stipend payment of \$1,517.⁵³ This stipend is not considered earned income for the purposes of computing eligibility for federal or state benefits; however, if an individual's benefits are reduced or lost due to receipt of such stipend, the individual may receive an offset by an additional stipend equal to the value of the maximum benefit amount for a single person allowed under the Supplemental Nutrition Assistance Program (\$298 monthly per a one-person household).⁵⁴ Interns may participate in the internship for no more than one year and receive 12 monthly stipends. A former foster youth may intern with multiple participating organizations, but not at the same time.⁵⁵

Step into Success Program Successes

While a very new program, the Step into Success cohorts have shown positive employment outcomes for former foster youth who participated in the internship component. Through the program, participants have improved their professionalism, communication skills, time management strategies, and workplace adaptability – skills that employers repeatedly identify as essential for success.

In Cohort 1, the participants were able to secure internships with various organizations in fields such as music business, real estate, nursing, public health, culinary arts, graphic design, and law.

⁵⁰ Section 409.1455 (7), F.S.

⁵¹ December 3, 2025 E-mail from Chancer Teel, Legislative Affairs Director, the DCF (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁵² *Id.*

⁵³ Section 409.1455(10), F.S. and Florida Department of Children and Families, *Step into Success Pilot Program*, available at: <https://www.myflfamilies.com/youth-young-adults> (last visited 11/10/25).

⁵⁴ Section 409.1455(10)(d), F.S.; USDA Food and Nutrition Service, *SNAP Eligibility*, available at: <https://www.fns.usda.gov/snap/recipient/eligibility> (last visited 1/7/26).

⁵⁵ Section 409.1455, F.S.

Some of the early reported wins are as follows:⁵⁶

- 73 percent of participants in Cohort 1 completed more than 11 months in the internship.
- 53 percent of participants in Cohort 1 were offered employment at the completion of their internship, with a majority of those with the organization in which they interned.
- 100 percent of Cohort 1 mentors report they would recommend being a mentor to a co-worker or colleague, 67 percent of these mentors were mentoring a youth with child welfare lived experience for the first time.
- Participants have reported increased confidence and experience in the workplace.

The DCF has reported that Cohorts 2 and 3 in Tallahassee and Orlando have a combined 22 participants who started and completed the workforce education and professionalism component of the Step into Success program, with 15 starting an internship, 3 pending placement, and 1 finding full-time employment outside of the program.⁵⁷ These participants have stated that the workforce education training component helped them learn and understand various workforce skills, commenting on the following about the training:⁵⁸

- “Useful feedback about how my skills might not be suited for this specific job, but the interviewer shared how my skills would be a great fit for another position and helped guide me towards that application.”
- “There are resources and people willing to help.”
- “Confidence. Belief in myself and knowledge about how to take it to that next step.”
- “This is amazing – a lot of people can get a lot of things out of this training.”
- “I’ve learned more in 3 days than I did in school the whole time.”
- “I can’t wait to start working.”

Florida Institute for Child Welfare

In 2014, the Legislature established the Florida Institute for Child Welfare (FICW) within the Florida State University College of Social Work.⁵⁹ Created as a policy analysis and research mechanism, FICW collaborates with partners to enhance the sustainability of the child welfare workforce.⁶⁰ The FICW provides research and evaluation to the Legislature, technical assistance and training to child welfare agencies, and publishes an annual report with recommendations to improve the state’s child welfare system.⁶¹

III. Effect of Proposed Changes:

Section 1 amends the definition of “visitor” in s. 39.01, F.S. The bill excludes contracted service providers regularly in the home that are currently screened pursuant to ch. 435, F.S. and extends the number of days an individual over the age of 12 years must be in a home before being considered a “visitor” that needs a background screening. Specifically, the bill:

⁵⁶ December 3, 2025 E-mail from Chancer Teel, Legislative Affairs Director, the DCF (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Chapter 2014-224, L.O.F.

⁶⁰ Florida Institute for Child Welfare, *About Us*, available at: <https://ficw.fsu.edu/About> (last visited 1/7/26).

⁶¹ *Id.*

- Increases the number of consecutive days an individual must be in the home from five days to ten consecutive days; and
- Increases the number of non-consecutive days in one month from seven days to fourteen non-consecutive days or more in one month.

Section 2 amends s. 409.1455, F.S., to make the Step into Success Pilot Program into a permanent statewide program within the Office of Continuing Care at the DCF.

The bill requires the development of future cohorts of the Step into Success program within the DCF's regions and requires the DCF Office of Continuing Care (office) to collaborate with local chambers of commerce to recruit mentors and organizations, emphasizing the following counties:

- Duval.
- Escambia.
- Hillsborough.
- Palm Beach.
- Polk.

Further, the bill allows the office to connect eligible former foster youth with existing third-party mentorship organizations who have an interest in such organizations' programs.

The bill requires that trauma-informed training for mentors must include interactive or experiential components, such as role-playing, scenario discussion, or case studies. Mentors are required to complete a 1-hour training before being matched with a former foster youth; the training must cover core topics that include, but are not limited to, the following:

- Understanding trauma and its impacts.
- Recognizing and responding to trauma-related behaviors.
- De-escalation strategies and crisis response.
- Boundaries and mentor self-care.
- Communication skills.

The department may offer subsequent 1-hour trainings annually. Additionally, the bill allows the DCF to provide four additional optional, asynchronous, and online 1-hour trainings for mentors. The bill requires the office to inform participating organizations of such optional training opportunities.

The bill allows employees who have worked in his or her career field or area, rather than a participating organization, for at least 1 year to be eligible to serve as a mentor, which allows employees who have recently moved jobs but are subject matter experts to serve as mentors.

The bill removes the stipend offset that allows participants to recover a reduction in benefits due to receipt of the Step into Success stipend. Instead, the bill increases the monthly stipend for all participants, changing the stipend from \$1,517 to \$1,717 across the board.

The bill requires the office to assign experienced DCF staff to serve as program liaisons that are available to support mentors during the internship period.

Section 3 amends s. 1004.615, F.S., to require the Florida Institute for Child Welfare (FICW) to establish a program to identify, describe, and catalogue best practices within the community-based care model throughout the state. Such best practices may include, but are not limited to, the following:

- Management practices;
- Administrative structure;
- Internal and external communication;
- Quality assurance;
- Contract management;
- Program development and creation; and
- Child and family outcome monitoring.

The bill requires the FICW to collaborate with the DCF Office of Quality and Office of Child and Family Well-Being.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Families reports the need for nine additional full-time equivalent (FTE) positions and 567,175 in Salary Rate, totaling \$3,449,490 from the General Revenue Fund (\$3,392,448 in recurring funds and \$57,042 in nonrecurring funds) to provide for the statewide expansion of the Step into Success Program.

The bill may result in additional duties for the Florida Institute for Child Welfare (FICW); however, the workload can likely be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.01, 409.1455, and 1004.615.

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

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

None.

B. Amendments:

None.

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

By the Committee on Children, Families, and Elder Affairs

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30 trainings; deleting a provision authorizing the offset
31 of a reduction in or loss of certain benefits due to
32 receipt of a Step into Success stipend by an
33 additional stipend payment; amending s. 1004.615,
34 F.S.; requiring the Florida Institute for Child
35 Welfare, in collaboration with the department's Office
36 of Quality and Office of Child and Family Well-being,
37 to establish a certain best practices program;
38 providing an effective date.

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

Section 1. Subsection (91) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(91) "Visitor" means a person who:

(a) Provides care or supervision to a child in the home, other than a contracted service provider screened pursuant to chapter 435; or

(b) Is 12 years of age or older, or

care, and who will be in the child's home at least:

1. Ten ~~Five~~ consecutive days; or

2. Fourteen ~~Seven~~ days or more in

Section 2. Subsections (2) and (4), paragraphs

of subsection (6), paragraph (b) of subsection (7), paragraph (d) of subsection (10), and subsection (11) of section 409.1455, Florida Statutes, are amended, and paragraph (i) is added to subsection (6) of that section, to read:

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409.1455 Step into Success Workforce Education and Internship ~~Pilot~~ Program for foster youth and former foster youth.—

(2) CREATION.—The department shall establish the ~~3-year~~ Step into Success Workforce Education and Internship ~~Pilot~~ Program to give eligible foster youth and former foster youth an opportunity to learn and develop essential workforce and professional skills, to transition from the custody of the department to independent living, and to become better prepared for an independent and successful future. The ~~pilot~~ program must consist of an independent living professionalism and workforce education component and, for youth who complete that component, an onsite workforce training internship component. In consultation with subject-matter experts and the community-based care lead agencies, the office shall develop and administer the ~~pilot~~ program for interested foster youth and former foster youth; however, the department may contract with entities that have demonstrable subject-matter expertise in the transition to adulthood for foster youth, workforce training and preparedness, professional skills, and related subjects to collaborate with the office in the development and administration of the ~~pilot~~ program. The independent living professionalism and workforce education component of the program must culminate in a certificate that allows a former foster youth to participate in the onsite workforce training internship.

(4) REQUIREMENTS OF THE DEPARTMENT AND OFFICE.—The department shall establish and the office shall develop and administer the ~~pilot~~ program for eligible foster youth and former foster youth. The office shall do all of the following:

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(a) Develop eligible foster youth and former foster youth cohorts within the department's regions.

(b) Collaborate with local chambers of commerce and recruit mentors and organizations within the department's regions, emphasizing recruitment of mentors and organizations in the following counties:

1. Duval.
2. Escambia.
3. Hillsborough.
4. Palm Beach.
5. Polk.

(c) Provide eligible former foster youth with a variety of internship placement opportunities, including by connecting existing third-party mentorship organizations that focus on former foster youth with eligible former foster youth who have an interest in such organizations' programs. The ~~pilot~~ program must be administered as part of an eligible foster youth's regular transition planning under s. 39.6035 or as a post-transition service for eligible former foster youth. The office must begin the professionalism and workforce education component of the program on or before January 1, 2024, and the onsite workforce training internship component of the program on or before July 1, 2024.

(6) ONSITE WORKFORCE TRAINING INTERNSHIP COMPONENT REQUIREMENTS.—The office shall do all of the following in connection with the onsite workforce training internship program for eligible former foster youth:

(b) Develop a minimum of 1 hour of required trauma-informed training for mentors to satisfy the requirements provided in

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117 sub-subparagraph (7)(b)1.e. Such training must include
 118 interactive or experiential components, such as role-playing,
 119 scenario discussion, or case studies. The office may provide at
 120 least 4 additional 1-hour trainings on mentorship of special
 121 populations as optional training opportunities, which must be
 122 asynchronous and accessible to mentors online at their
 123 convenience, and shall inform participating organizations of
 124 these optional training opportunities teach the skills necessary
 125 to engage with participating eligible former foster youth.

126 (e) Provide a participating former foster youth with
 127 financial assistance in the amount of \$1,717 ~~\$1,517~~ monthly and
 128 develop a process and schedule for the distribution of payments
 129 to former foster youth participating in the component, subject
 130 to the availability of funds.

131 (i) Assign experienced staff to serve as program liaisons
 132 who are available for mentors to contact whenever the mentors
 133 need to debrief or have questions concerning a former foster
 134 youth.

135 (7) REQUIREMENTS FOR PARTICIPATING ORGANIZATIONS.—Each
 136 organization participating in the onsite workforce training
 137 internship component shall:

138 (b) Recruit employees to serve as mentors for former foster
 139 youth interning with such organizations.

140 1. To serve as a mentor, an employee must:
 141 a. Have worked in his or her career field or area for the
 142 participating organization for at least 1 year;
 143 b. Have experience relevant to the job and task
 144 responsibilities of the intern;
 145 c. Sign a monthly hour statement for the intern;

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146 d. Allocate at least 1 hour per month to conduct mentor-led
 147 performance reviews, to include a review of the intern's work
 148 product, professionalism, time management, communication style,
 149 and stress-management strategies; and

150 e. Complete a ~~minimum of 1 hour of~~ trauma-informed training
 151 to gain and maintain skills critical for successfully engaging
 152 former foster youth. The employee must complete a 1-hour
 153 training before being matched with a former foster youth which
 154 covers core topics, including, but not limited to:
 155 (I) Understanding trauma and its impacts.
 156 (II) Recognizing and responding to trauma-related
 157 behaviors.
 158 (III) De-escalation strategies and crisis response.
 159 (IV) Boundaries and mentor self-care.
 160 (V) Communication skills.

161
 162 The department may offer a 1-hour training to review topics
 163 covered by the training required under this sub-subparagraph
 164 every subsequent year that the employee chooses to serve as a
 165 mentor.

166 2. Subject to available funding, an employee who serves as
 167 a mentor and receives the required trauma-informed training is
 168 eligible for a maximum payment of \$1,200 per intern per fiscal
 169 year, to be issued as a \$100 monthly payment for every month of
 170 service as a mentor.

171 3. An employee may serve as a mentor for a maximum of three
 172 interns at one time and may not receive more than \$3,600 in
 173 compensation per fiscal year for serving as a mentor. Any time
 174 spent serving as a mentor to an intern under this section counts

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175 toward the minimum service required for eligibility for payments
 176 pursuant to subparagraph 2. and this subparagraph.

177 4. An employee who serves as a mentor may participate in
 178 additional trainings on the mentorship of special populations as
 179 made available by the office.

180 (10) CONDITIONS OF PARTICIPATION IN THE INTERNSHIP
 181 COMPONENT.-

182 (d) Stipend money earned pursuant to the internship
 183 component may not be considered earned income for purposes of
 184 computing eligibility for federal or state benefits, including,
 185 but not limited to, the Supplemental Nutrition Assistance
 186 Program, a housing choice assistance voucher program, the
 187 Temporary Cash Assistance Program, the Medicaid program, or the
 188 school readiness program. ~~Notwithstanding this paragraph, any~~
 189 ~~reduction in the amount of benefits or loss of benefits due to~~
 190 ~~receipt of the Step into Success stipend may be offset by an~~
 191 ~~additional stipend payment equal to the value of the maximum~~
 192 ~~benefit amount for a single person allowed under the~~
 193 ~~Supplemental Nutrition Assistance Program.~~

194 (11) REPORT.-The department shall include a section on the
 195 Step into Success Workforce Education and Internship ~~Pilot~~
 196 Program in the independent living annual report prepared
 197 pursuant to s. 409.1451(6) which includes, but is not limited
 198 to, all of the following:

199 (a) Whether the ~~Pilot~~ program is in compliance with this
 200 section, and if not, barriers to compliance.

201 (b) A list of participating organizations and the number of
 202 interns.

203 (c) A summary of recruitment efforts to increase the number

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204 of participating organizations.

205 (d) A summary of the feedback and surveys received pursuant
 206 to paragraph (6)(h) from participating former foster youth,
 207 mentors, and others who have participated in the ~~Pilot~~ program.

208 (e) Recommendations, if any, for actions necessary to
 209 improve the quality, effectiveness, and outcomes of the ~~Pilot~~
 210 program.

211 (f) Employment outcomes of former foster youth who
 212 participated in the ~~Pilot~~ program, including employment status
 213 after completion of the program, whether he or she is employed
 214 by the participating organization in which he or she interned or
 215 by another entity, and job description and salary information,
 216 if available.

217 Section 3. Present subsections (9), (10), and (11) of
 218 section 1004.615, Florida Statutes, are redesignated as
 219 subsections (10), (11), and (12), respectively, and a new
 220 subsection (9) is added to that section, to read:

221 1004.615 Florida Institute for Child Welfare.-

222 (9) The institute, in collaboration with the Department of
 223 Children and Families' Office of Quality and Office of Child and
 224 Family Well-being, shall establish a program to identify,
 225 describe, and catalogue best practices within the community-
 226 based care model. Such best practices may include, but need not
 227 be limited to, management practices, administrative structure,
 228 internal and external communication, quality assurance, contract
 229 management, program development and creation, and child and
 230 family outcome monitoring.

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

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