

Committee on Governmental Oversight and Accountability

CS/CS/CS/HB 49 — Abandoned and Historic Cemeteries

by State Affairs Committee; Infrastructure and Tourism Appropriations Subcommittee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Rep. Driskell and others (CS/SB 430 by Governmental Oversight and Accountability Committee and Senator Powell)

The bill creates the Historic Cemeteries Program (Program) within the Division of Historical Resources (Division). The bill establishes the responsibilities of the Program and specifies the entities to which the Program can provide grants. The State Historic Preservation Officer (Officer) will serve as the director of the Program and employ up to three full-time employees to operate the Program, subject to appropriation of funds.

The bill establishes the Historic Cemeteries Program Advisory Council (Council) within the Division. The Secretary of State will appoint nine members to the Council to staggered terms, who must be regionally distributed and representative of communities throughout the state. The bill establishes the duties and responsibilities of the Council and provides that the members serve without compensation, but may receive per diem and reimbursement for travel expenses.

The bill amends the definition of “legally authorized person” for the purpose of ch. 497, F.S., “Funeral, Cemetery, and Consumer Services,” to include members of representative community organizations. This authorizes a funeral director to obtain written authorization from a member of a representative community organization, if no family, guardian, or other representative exists, prior to the disinterment and reinterment of human remains. The bill also amends the definition of “conservation easement,” to include abandoned and neglected cemeteries that are 50 or more years old. This change permits a governmental body or agency, or charitable corporation or trust to acquire a conservation easement in certain abandoned and neglected cemeteries.

The bill appropriates \$242,433 in recurring funds for three full-time positions and \$12,021 in nonrecurring funds for the Program. The bill also appropriates \$1 million in nonrecurring funds to the Department of State for the distribution of grants under the Program.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 110 — State Board of Administration

by Appropriations Committee; Governmental Oversight and Accountability Committee; and
Senator Hooper

The bill makes several changes to the investing capabilities and other responsibilities of the State Board of Administration (SBA). Specifically, the bill:

- Allows the SBA to hold its real estate investments in subsidiaries, and allows them to be grouped into a real estate financing pool, through which it may generate additional income;
- Raises the cap on alternative investments from 20 to 30 percent of the value of the total portfolio;
- Amends the due diligence information required to be given to the Investment Advisory Council in advance of investment in vehicles that are not explicitly approved by statute;
- Clarifies that the SBA may not pay benefits to a member of the Investment Plan who has been charged with, or convicted of, specific offenses that evince a breach of the public trust;
- Permits a waiver of the requirement that a member of the FRS who wishes to designate a non-spouse as his or her beneficiary receive an acknowledgement of that designation from the spouse;
- Revises the definition of the term “Boycott Israel” in s. 215.4725, F.S., relating to prohibited investments by the SBA, to expand the circumstances under which a company may be added to the list of scrutinized companies that boycott Israel; and
- Updates terminology.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 119-0

Committee on Governmental Oversight and Accountability

CS/SB 234 — Statutorily Required Reports

by Fiscal Policy Committee and Senator Avila

The bill (Chapter 2023-41, L.O.F.) requires the Division of Library and Information Services (division) within the Department of State to create and administer an Internet-based system to which state agencies, water management districts, and other state entities must electronically submit their statutorily required reports.

The online system must be implemented by January 1, 2024, and must allow members of the public to search for and access statutorily required reports by recipient, submitter, date, applicable statute, title, topic, or keyword. Additionally, the online system must provide users with the ability to receive notifications of the filing of statutorily required reports based on user-defined criteria.

Each state entity must redact its submissions if the submissions include any information that is not subject to public inspection. This bill does not impact a state entity's duties to retain or archive documents in accordance with law.

The bill requires the division to compile a list of statutorily required reports and their submission dates by November 1, 2023. By January 1, 2024, and each quarter thereafter, the division must also update bibliographic information for each statutorily required report and provide it to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill appropriates \$1 million in nonrecurring funds from the General Revenue Fund to implement and maintain the new system.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 39-0; House 113-0

Committee on Governmental Oversight and Accountability

CS/SB 242 — Fiscal Accountability

by Governmental Oversight and Accountability Committee and Senator Garcia

The bill requires any nonprofit organization that receives state funds through a contract with the State, on or after July 1, 2023, to post documents that indicate the amount of state funds it used for the remuneration of its board of directors or officers to the Florida Accountability Contract Tracking System (FACTS).

The bill requires state entities that execute, amend, or extend a contract with a nonprofit organization on or after July 1, 2023, to include in the contract a requirement that the nonprofit provide documentation evincing its use of state funds for remuneration on a per-contract and per-allocation basis. The required documentation must specify the amounts and recipients of the remuneration. The bill also requires a state entity to post this documentation to the FACTS, and the nonprofit organizations to post this documentation to its website, if it maintains one.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 113-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 256 — Employee Organizations Representing Public Employees by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and Senator Ingoglia

The bill (Chapter 2023-35, L.O.F.) amends ch. 447, F.S., relating to public employer collective bargaining, to impose several new requirements on the employee organizations that represent public employees in collective bargaining. Specifically, the bill:

- Requires employees who wish to join certain employee organizations to sign a membership authorization form that is prescribed by the Public Employees Relations Commission (PERC), which must contain specific information.
- Requires specific employee organizations to allow a member to revoke his or her membership in the organization at any time, and without any reason.
- Allows the PERC to inspect specific employee organization's membership authorization forms and membership revocation forms.
- Prohibits certain employee organizations from receiving their members' dues and assessments via salary deduction from the members' public employer.
- Expands the information required in an employee organization's annual registration renewal with the PERC. This newly required information includes information that relates to the number and percentage of dues-paying members in each bargaining unit. In addition, the employee organization's current annual financial report must be audited by an independent certified public accountant.
- Authorizes the public employer or an employee who is eligible for representation in the bargaining unit to challenge the application for registration renewal. The PERC must investigate to confirm the information submitted.
- Requires the employee organization to be recertified as the bargaining agent if the number of employees paying dues to the employee organization during the last registration period is less than 60 percent of the number of employees eligible for representation in the bargaining unit.
- Requires the certified bargaining agent to provide certain information to its members, including the annual costs of membership.
- Expands the prohibited activities by certain employee organizations and its representatives.
- Allows a public employer to petition the PERC to waive in certain instances the prohibition on dues deductions by public employers, the requirement for an employee organization to petition for recertification, and the revocation of certification of an employee organization as a certified bargaining agent.

These provisions became law upon approval by the Governor on May 9, 2023, except as otherwise provided.

Vote: Senate 23-17; House 72-44

Committee on Governmental Oversight and Accountability

CS/CS/SB 258 — Prohibited Applications on Government-issued Devices
by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and
Senator Burgess

The bill (Chapter 2023-32, L.O.F.) directs the Department of Management Services (DMS) to create a list of prohibited applications, defined as those that (1) are created, maintained, or owned by a foreign principal and that engage in specific activities that endanger cybersecurity; or (2) present a security risk in the form of unauthorized access to or temporary unavailability of a public employer's information technology systems or data, as determined by the DMS.

The bill requires public employers (including state agencies, public education institutions, and local governments) to:

- Block access to prohibited applications on any wireless network or virtual private network that it owns, operates, or maintains;
- Restrict access to prohibited applications on any government-issued device; and
- Retain the ability to remotely wipe and uninstall prohibited applications from a compromised government-issued device.

All persons are prohibited from downloading prohibited applications on a government-issued device, and officers and employees of a public employer must remove any prohibited application from their government-issued devices within 15 calendar days of the DMS' issuance of a list of prohibited applications.

The bill allows the use of prohibited applications by law enforcement officers, if the use is necessary to protect the public safety or to conduct an investigation. It also allows other government employees to use a prohibited application, if they are granted a waiver by the DMS.

The bill provides emergency rulemaking authority to the DMS to adopt a list of prohibited applications, and general rulemaking authority to implement a process by which it can grant waivers from the prohibition.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 38-0; House 115-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 284 — Energy

by Finance and Tax Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur

The bill revises the vehicle procurement requirements for the state purchasing plan. Specifically, the bill requires vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs, including costs for fuel, operations, and maintenance rather than on the greatest fuel efficiency available, when fuel economy data is available. The current exemption to this requirement is continued for emergency response vehicles.

The bill requires, when available, the use of ethanol and biodiesel blended fuels and natural gas fuel when a state agency purchases a vehicle with an internal combustion engine.

The bill requires the Department of Management Services to make recommendations by July 1, 2024, regarding the procurement of electric vehicles and natural gas fuel vehicles along with the best practices for integrating these vehicles into existing fleets.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 38-0; House 115-1

Committee on Governmental Oversight and Accountability

CS/CS/HB 535 — Funeral Service Benefits for Public Safety Officers

by State Affairs Committee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Rep. Botana and others (CS/CS/SB 364 by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and Senator Avila)

The bill creates the “Respecting Their Sacrifice Act.” The bill permits the head of a state or local law enforcement agency to authorize travel expenses for a law enforcement officer to attend a funeral within the state of a law enforcement officer who was killed in the line of duty.

The bill increases the amount that must be paid towards the funeral or burial expenses of a law enforcement, correctional, or correctional probation officer who was employed full time by a state agency and killed in the line of duty while performing law enforcement duties or as a result of an assault against the officer under riot conditions from \$1,000 to \$10,000.

The bill requires the head of a state or local law enforcement agency to grant up to 8 hours of administrative leave to a law enforcement officer in order for the officer to attend the funeral service of another officer from the agency who was killed in the line of duty. The bill authorizes the denial of such leave to maintain minimum or adequate staffing levels.

The bill also expands a definition of “official state business” for a law enforcement officer to allow the use of a state vehicle to attend the funeral within the state of a law enforcement who was killed in the line of duty.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2023.

Vote: Senate 39-0; House 110-0

Committee on Governmental Oversight and Accountability

CS/HB 621 — Death Benefits for Active Duty Servicemembers

by State Affairs Committee and Reps. Barnaby, Maney, and others (CS/SB 1094 by Governmental Oversight and Accountability Committee and Senator Martin)

The bill increases the death benefit paid by the state for a member of the U.S. Armed Forces who is killed while not engaged in official duties. The death benefit is increased from \$25,000 to \$75,000 (identical to the members on active duty and killed while engaged in official duties). The bill maintains the current law exclusion that a servicemember is not eligible for the benefit in event of suicide or otherwise intentionally self-inflicted injury.

The bill provides that a servicemember may designate a beneficiary in a process set out by the Department of Military Affairs (DMA). The bill requires that proof of residency or duty post of the deceased servicemember at the time of the member's death must be provided to the DMA, in a manner prescribed by the department, in order to qualify for benefits.

The bill clarifies the payment process for the benefit by requiring the DMA to request that the Chief Financial Officer (CFO) draw warrants from the General Revenue Fund for the payment of benefits. The bill grants the DMA and the Department of Financial Services rulemaking authority to adopt rules and procedures appropriate and necessary to implement the regulation and distribution of death benefits of active duty servicemembers.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 38-0; House 108-0

Committee on Governmental Oversight and Accountability

CS/SB 726 — Library Cooperative Grants

by Governmental Oversight and Accountability Committee and Senator Rodriguez

The bill removes the cap of \$400,000 for the annual grant to any of Florida's five regional library cooperatives. Grants provided through the Division of Library and Information Services within the Department of State (department) are appropriated by the Legislature, and are used for the purpose of sharing library resources.

In recent years, the Legislature has appropriated \$2 million annually for library cooperative grants, and each cooperative received the maximum \$400,000 grant. If the bill becomes law, and if the Legislature appropriates more than \$2 million, the department will be able to allocate amounts over the current \$400,000 threshold.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1121 — Florida Retirement System

by State Affairs Committee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Reps. Bartleman, Tomkow, and others (CS/SB 1156 by Governmental Oversight and Accountability Committee and Senator Burton)

The bill allows a retiree to provide certain volunteer services to a Florida Retirement System (FRS) employer while maintaining his or her bona fide termination status, which is required for the payment of retirement benefits to the retiree.

Under the bill, an FRS employer may establish a post-employment volunteer program that will not negatively impact a volunteer's status as a bona fide retiree if the program meets all of the following criteria:

- At the time of retirement, there is no agreement or understanding between an FRS employer and the retiree that the retiree would provide services to an employer post-retirement.
- The employer or third party does not provide any form of compensation to the volunteer for the volunteer services.
- Employee benefits are not to be provided to the volunteer, except in certain limited instances.
- The number of volunteer hours per week is limited to no more than 20 percent of the amount of time that was expected of the retiree per week before retirement.
- A clear distinction between the duties of a volunteer and the duties of an employee is required.
- Each volunteer maintains control of his or her volunteer schedule.
- Adequate record keeping is maintained by the volunteer and the FRS employer.

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

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 38-0; House 109-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 1188 — Contract Liability

by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and
Senator Boyd

The bill requires each state agency contract for more than \$35,000 of contractual services to include a provision limiting a vendor's liability to a defined monetary threshold. The bill requires all contracts for services in excess of \$35,000 to include a provision limiting vendor liability for direct damages to the greater of \$100,000, the dollar amount of the contract or purchase order, or two times the charges rendered by the contractor under the purchase order. This limitation of liability clause does not impact other contractual provisions relating to indemnification for any contractual services or insurance coverage for professional services contracts.

This requirement also applies to purchases by the early learning coalitions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 1310 — Substitution of Work Experience for Postsecondary Education Requirements

by Rules Committee; Community Affairs Committee; and Senators DiCeglie and Hooper

The bill limits a public employer (state agency or branch, state university and public college, county, city, special district, school board, or any other governmental entity) from including postsecondary education requirements as a baseline requirement for a job except as an alternative to a specified number of years of direct experience necessary to qualify for a job.

An agency is permitted to substitute verifiable, related work experience in lieu of postsecondary educational requirements when contracting for services if the person seeking the contract is otherwise qualified for the contract.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 114-0

Committee on Governmental Oversight and Accountability

CS/HB 1441 — Florida Museum of Black History

by Constitutional Rights, Rule of Law and Government Operations Subcommittee and Rep. Antone and others (CS/SB 1606 by Governmental Oversight and Accountability Committee and Senator Powell)

The bill (Chapter 2023-72, L.O.F.) creates a Florida Museum of Black History Task Force within the Division of Historical Resources. The purpose of the task force is to provide recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History. The task force members shall be appointed by the Governor, President of the Senate, and the Speaker of the House of Representatives, and serve without compensation.

The bill requires the task force to submit a report detailing its plans and recommendations to the Governor, President of the Senate, Speaker of the House, the Senate Minority Leader, and the House Minority Leader by July 1, 2024, at which point the task force will expire.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 40-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/SB 1616 — Public Records/Transportation and Protective Services

by Rules Committee and Senator Martin

The bill (Chapter 2023-58, L.O.F.) exempts from public records copying and inspection requirements those records held by a law enforcement agency relating to security and transportation services provided for the Governor, the Governor's immediate family, visiting governors and the governors' families, and other persons as requested by certain state officials, and the Governor's office and mansion. The exemption applies to records held by a law enforcement agency before, on, or after the bill becoming a law.

The bill makes findings, as required by the State Constitution, that the new exemption from public records disclosure is a public necessity.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

These provisions became law upon approval by the Governor on May 11, 2023.

Vote: Senate 28-12; House 84-31

Committee on Governmental Oversight and Accountability

SB 7006 — OGSR/Nationwide Public Safety Broadband Network

by Governmental Oversight and Accountability Committee

The bill amends s. 119.071, F.S., to continue to keep confidential and exempt from public disclosure information held by an agency which is related to the Nationwide Public Safety Broadband Network. The exemption applies to information that would reveal:

- The design, development, construction, deployment, and operation of network facilities;
- Network coverage, including geographical maps showing actual or proposed locations of network infrastructure;
- The features, functions, and capabilities of network infrastructure and facilities, and network services provided to first responders;
- The design, features, functions, and capabilities of network devices provided to first responders and other network users; or
- Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.

Vote: Senate 38-0; House 108-0

Committee on Governmental Oversight and Accountability

SB 7008 — OGSR/Building Plans, Blueprints, Schematic Drawings, and Diagrams

by Governmental Oversight and Accountability Committee

The bill amends s. 119.071, F.S., to save from repeal the public records exemption for information relating to the following information held by an agency:

- Building plans;
- Blueprints;
- Schematic drawings; and
- Diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, health care facility, or hotel or motel development.

The bill removes superfluous language regarding the release of the exempt information.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.

Vote: Senate 38-0; House 109-0

Committee on Governmental Oversight and Accountability

CS/SB 7024 — Retirement

by Appropriations Committee and Governmental Oversight and Accountability Committee

The bill makes changes to the Florida Retirement System and the Retiree Health Insurance Subsidy.

The bill changes the normal retirement date for Special Risk Class members who enrolled on or after July 1, 2011, to age 55 with 8 years of service or at any age with 25 years of service in the Special Risk Class.

The bill also makes three changes to the Deferred Retirement Option Program (DROP), effective upon becoming a law. These changes:

- Allow all FRS members, regardless of class membership and occupation, to enroll in DROP at any time after reaching the normal retirement date, rather than within the 1-year period immediately following their normal retirement date.
- Extend the maximum time a member can participate in DROP from 5 years to 8 years, regardless of class membership and occupation, and from 8 years to 10 years for certain K-12 instructional personnel.
- Increase the DROP interest rate from 1.3 percent to 4 percent on DROP accumulations held on or after July 1, 2023.

The bill increases the employer-paid contributions to Investment Plan member accounts by 2 percent of the member's compensation.

The bill establishes the employer-paid contribution rates for each class of employee and officer participating in the FRS beginning July 1, 2023. These rates should fund the normal cost as well as the amortized unfunded actuarial liabilities of the Florida Retirement System.

The bill increases the monthly retiree health insurance subsidy (HIS), from \$5 to \$7.50 for each year of the recipient's service. The maximum HIS benefit is now \$225 per month, up from \$150 per month. The minimum subsidy an eligible retiree can receive is also increased from \$30 per month to \$45 per month. These benefits are funded by an increase from 1.66 percent to 2 percent of payroll of the employers participating in the FRS.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law, except as otherwise provided.

Vote: Senate 38-0; House 112-0