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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2023	.	
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The Committee on Banking and Insurance (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 17.57, Florida
Statutes, is amended to read:

17.57 Deposits and investments of state money.—

(1) (a) As used in this subsection, the term "pecuniary
factor" means a factor that the Chief Financial Officer, or
other party authorized to invest on his or her behalf, prudently



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11 determines is expected to have a material effect on the risk or
12 returns of an investment based on appropriate investment
13 horizons consistent with applicable investment objectives and
14 funding policy. The term does not include the consideration of
15 the furtherance of any social, political, or ideological
16 interests.

17 (b) The Chief Financial Officer, or other parties with the
18 permission of the Chief Financial Officer, shall deposit the
19 money of the state or any money in the State Treasury in such
20 qualified public depositories of the state as will offer
21 satisfactory collateral security for such deposits, pursuant to
22 chapter 280. It is the duty of the Chief Financial Officer,
23 consistent with the cash requirements of the state, to keep such
24 money fully invested or deposited as provided herein in order
25 that the state may realize maximum earnings and benefits.

26 (c) Notwithstanding any other law except for s. 215.472,
27 when deciding whether to invest and when investing, the Chief
28 Financial Officer, or other party authorized to invest on his or
29 her behalf, must make decisions based solely on pecuniary
30 factors and may not subordinate the interests of the people of
31 this state to other objectives, including sacrificing investment
32 return or undertaking additional investment risk to promote any
33 nonpecuniary factor. The weight given to any pecuniary factor
34 must appropriately reflect a prudent assessment of its impact on
35 risk or returns.

36 Section 2. Present subsections (4) and (5) of section
37 20.058, Florida Statutes, are redesignated as subsections (5)
38 and (6), respectively, and paragraph (g) is added to subsection
39 (1) and a new subsection (4) is added to that section, to read:



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40 20.058 Citizen support and direct-support organizations.—

41 (1) By August 1 of each year, a citizen support
42 organization or direct-support organization created or
43 authorized pursuant to law or executive order and created,
44 approved, or administered by an agency, shall submit the
45 following information to the appropriate agency:

46 (g) An attestation, under penalty of perjury, stating that
47 the organization has complied with subsection (4).

48 (4) (a) As used in this section, the term "pecuniary factor"
49 means a factor that the citizen support organization or direct-
50 support organization prudently determines is expected to have a
51 material effect on the risk or returns of an investment based on
52 appropriate investment horizons consistent with applicable
53 investment objectives and funding policy. The term does not
54 include the consideration of the furtherance of any social,
55 political, or ideological interests.

56 (b) Notwithstanding any other law, when deciding whether to
57 invest and when investing funds on behalf of an agency, the
58 citizen support organization or direct-support organization must
59 make decisions based solely on pecuniary factors and may not
60 subordinate the interests of the people of this state to other
61 objectives, including sacrificing investment return or
62 undertaking additional investment risk to promote any
63 nonpecuniary factor. The weight given to any pecuniary factor
64 must appropriately reflect a prudent assessment of its impact on
65 risk or returns.

66 Section 3. Subsection (1) of section 112.656, Florida
67 Statutes, is amended to read:

68 112.656 Fiduciary duties; certain officials included as



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69 fiduciaries.-

70 (1) A fiduciary shall discharge his or her duties with
71 respect to a plan solely in the interest of the participants and
72 beneficiaries for the exclusive purpose of providing benefits to
73 participants and their beneficiaries and defraying reasonable
74 expenses of administering the plan. Investment decisions must
75 comply with s. 112.662.

76 Section 4. Subsection (4) of section 112.661, Florida
77 Statutes, is amended to read:

78 112.661 Investment policies.-Investment of the assets of
79 any local retirement system or plan must be consistent with a
80 written investment policy adopted by the board. Such policies
81 shall be structured to maximize the financial return to the
82 retirement system or plan consistent with the risks incumbent in
83 each investment and shall be structured to establish and
84 maintain an appropriate diversification of the retirement system
85 or plan's assets.

86 (4) INVESTMENT AND FIDUCIARY STANDARDS.-The investment
87 policy shall describe the level of prudence and ethical
88 standards to be followed by the board in carrying out its
89 investment activities with respect to funds described in this
90 section. The board in performing its investment duties shall
91 comply with the fiduciary standards set forth in the Employee
92 Retirement Income Security Act of 1974 at 29 U.S.C. s.
93 1104(a)(1)(A)-(C). Except as provided in s. 112.662, in case of
94 conflict with other provisions of law authorizing investments,
95 the investment and fiduciary standards set forth in this section
96 shall prevail.

97 Section 5. Section 112.662, Florida Statutes, is created to



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98 read:

99 112.662 Investments; exercising shareholder rights.-

100 (1) As used in this section, the term "pecuniary factor"
101 means a factor that the plan administrator, named fiduciary,
102 board, or board of trustees prudently determines is expected to
103 have a material effect on the risk or returns of an investment
104 based on appropriate investment horizons consistent with the
105 investment objectives and funding policy of the retirement
106 system or plan. The term does not include the consideration of
107 the furtherance of any social, political, or ideological
108 interests.

109 (2) Notwithstanding any other law, when deciding whether to
110 invest and when investing the assets of any retirement system or
111 plan, only pecuniary factors may be considered and the interests
112 of the participants and beneficiaries of the system or plan may
113 not be subordinated to other objectives, including sacrificing
114 investment return or undertaking additional investment risk to
115 promote any nonpecuniary factor. The weight given to any
116 pecuniary factor must appropriately reflect a prudent assessment
117 of its impact on risk or returns.

118 (3) Notwithstanding any other law, when deciding whether to
119 exercise shareholder rights or when exercising such rights on
120 behalf of a retirement system or plan, including the voting of
121 proxies, only pecuniary factors may be considered and the
122 interests of the participants and beneficiaries of the system or
123 plan may not be subordinated to other objectives, including
124 sacrificing investment return or undertaking additional
125 investment risk to promote any nonpecuniary factor.

126 (4) (a) By December 15, 2023, and by December 15 of each



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127 odd-numbered year thereafter, each retirement system or plan
128 shall file a comprehensive report detailing and reviewing the
129 governance policies concerning decisionmaking in vote decisions
130 and adherence to the fiduciary standards required of such
131 retirement system or plan under this section, including the
132 exercise of shareholder rights.

133 1. The State Board of Administration, on behalf of the
134 Florida Retirement System, shall submit its report to the
135 Governor, the Attorney General, the Chief Financial Officer, the
136 President of the Senate, and the Speaker of the House of
137 Representatives.

138 2. All other retirement systems or plans shall submit their
139 reports to the Department of Management Services.

140 (b) By January 15, 2024, and by January 15 of each even-
141 numbered year thereafter, the Department of Management Services
142 shall submit a summary report to the Governor, the Attorney
143 General, the Chief Financial Officer, the President of the
144 Senate, and the Speaker of the House of Representatives that
145 includes a summary of the reports submitted under paragraph (a)
146 and identifies any relevant trends among such systems and plans.

147 (c) The Department of Management Services shall report
148 incidents of noncompliance to the Attorney General, who may
149 institute proceedings to enjoin any person found violating this
150 section. If such action is successful, the Attorney General is
151 entitled to reasonable attorney fees and costs.

152 (d) The Department of Management Services shall adopt rules
153 to implement this subsection.

154 (5) This section does not apply to individual member-
155 directed investment accounts established as part of a defined



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156 contribution plan under s. 401(a), s. 403(b), or s. 457 of the
157 Internal Revenue Code.

158 Section 6. Subsection (1) of section 175.071, Florida
159 Statutes, is amended to read:

160 175.071 General powers and duties of board of trustees.—For
161 any municipality, special fire control district, chapter plan,
162 local law municipality, local law special fire control district,
163 or local law plan under this chapter:

164 (1) The board of trustees, subject to the fiduciary
165 standards in ss. 112.656, 112.661, and 518.11, ~~and~~ the Code of
166 Ethics in ss. 112.311-112.3187, and the requirements in s.
167 112.662, may:

168 (a) Invest and reinvest the assets of the firefighters'
169 pension trust fund in annuity and life insurance contracts of
170 life insurance companies in amounts sufficient to provide, in
171 whole or in part, the benefits to which all of the participants
172 in the firefighters' pension trust fund are entitled under this
173 chapter and pay the initial and subsequent premiums thereon.

174 (b) Invest and reinvest the assets of the firefighters'
175 pension trust fund in:

176 1. Time or savings accounts of a national bank, a state
177 bank insured by the Bank Insurance Fund, or a savings, building,
178 and loan association insured by the Savings Association
179 Insurance Fund administered by the Federal Deposit Insurance
180 Corporation or a state or federal chartered credit union whose
181 share accounts are insured by the National Credit Union Share
182 Insurance Fund.

183 2. Obligations of the United States or obligations
184 guaranteed as to principal and interest by the government of the



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185 United States.

186 3. Bonds issued by the State of Israel.

187 4. Bonds, stocks, or other evidences of indebtedness issued
188 or guaranteed by a corporation organized under the laws of the
189 United States, any state or organized territory of the United
190 States, or the District of Columbia, if:

191 a. The corporation is listed on any one or more of the
192 recognized national stock exchanges or on the National Market
193 System of the NASDAQ Stock Market and, in the case of bonds
194 only, holds a rating in one of the three highest classifications
195 by a major rating service; and

196 b. The board of trustees may not invest more than 5 percent
197 of its assets in the common stock or capital stock of any one
198 issuing company, nor may the aggregate investment in any one
199 issuing company exceed 5 percent of the outstanding capital
200 stock of that company or the aggregate of its investments under
201 this subparagraph at cost exceed 50 percent of the assets of the
202 fund.

203

204 This paragraph applies to all boards of trustees and
205 participants. However, if a municipality or special fire control
206 district has a duly enacted pension plan pursuant to, and in
207 compliance with, s. 175.351, and the trustees desire to vary the
208 investment procedures, the trustees of such plan must request a
209 variance of the investment procedures as outlined herein only
210 through a municipal ordinance, special act of the Legislature,
211 or resolution by the governing body of the special fire control
212 district; if a special act, or a municipality by ordinance
213 adopted before July 1, 1998, permits a greater than 50-percent



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214 equity investment, such municipality is not required to comply
215 with the aggregate equity investment provisions of this
216 paragraph. Notwithstanding any other provision of law, this
217 section may not be construed to take away any preexisting legal
218 authority to make equity investments that exceed the
219 requirements of this paragraph. Notwithstanding any other
220 provision of law, the board of trustees may invest up to 25
221 percent of plan assets in foreign securities on a market-value
222 basis. The investment cap on foreign securities may not be
223 revised, amended, increased, or repealed except as provided by
224 general law.

225 (c) Issue drafts upon the firefighters' pension trust fund
226 pursuant to this act and rules prescribed by the board of
227 trustees. All such drafts must be consecutively numbered, be
228 signed by the chair and secretary, or by two individuals
229 designated by the board who are subject to the same fiduciary
230 standards as the board of trustees under this subsection, and
231 state upon their faces the purpose for which the drafts are
232 drawn. The treasurer or depository of each municipality or
233 special fire control district shall retain such drafts when
234 paid, as permanent vouchers for disbursements made, and no money
235 may be otherwise drawn from the fund.

236 (d) Convert into cash any securities of the fund.

237 (e) Keep a complete record of all receipts and
238 disbursements and the board's acts and proceedings.

239 Section 7. Subsection (1) of section 185.06, Florida
240 Statutes, is amended to read:

241 185.06 General powers and duties of board of trustees.—For
242 any municipality, chapter plan, local law municipality, or local



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243 law plan under this chapter:

244 (1) The board of trustees, subject to the fiduciary
245 standards in ss. 112.656, 112.661, and 518.11, ~~and~~ the Code of
246 Ethics in ss. 112.311-112.3187, and the requirements in s.
247 112.662, may:

248 (a) Invest and reinvest the assets of the retirement trust
249 fund in annuity and life insurance contracts of life insurance
250 companies in amounts sufficient to provide, in whole or in part,
251 the benefits to which all of the participants in the municipal
252 police officers' retirement trust fund are entitled under this
253 chapter, and pay the initial and subsequent premiums thereon.

254 (b) Invest and reinvest the assets of the retirement trust
255 fund in:

256 1. Time or savings accounts of a national bank, a state
257 bank insured by the Bank Insurance Fund, or a savings and loan
258 association insured by the Savings Association Insurance Fund
259 administered by the Federal Deposit Insurance Corporation or a
260 state or federal chartered credit union whose share accounts are
261 insured by the National Credit Union Share Insurance Fund.

262 2. Obligations of the United States or obligations
263 guaranteed as to principal and interest by the United States.

264 3. Bonds issued by the State of Israel.

265 4. Bonds, stocks, or other evidences of indebtedness issued
266 or guaranteed by a corporation organized under the laws of the
267 United States, any state or organized territory of the United
268 States, or the District of Columbia, provided:

269 a. The corporation is listed on any one or more of the
270 recognized national stock exchanges or on the National Market
271 System of the NASDAQ Stock Market and, in the case of bonds



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272 only, holds a rating in one of the three highest classifications
273 by a major rating service; and

274 b. The board of trustees may not invest more than 5 percent
275 of its assets in the common stock or capital stock of any one
276 issuing company, nor shall the aggregate investment in any one
277 issuing company exceed 5 percent of the outstanding capital
278 stock of the company or the aggregate of its investments under
279 this subparagraph at cost exceed 50 percent of the fund's
280 assets.

281
282 This paragraph applies to all boards of trustees and
283 participants. However, if a municipality has a duly enacted
284 pension plan pursuant to, and in compliance with, s. 185.35 and
285 the trustees desire to vary the investment procedures, the
286 trustees of such plan shall request a variance of the investment
287 procedures as outlined herein only through a municipal ordinance
288 or special act of the Legislature; if a special act, or a
289 municipality by ordinance adopted before July 1, 1998, permits a
290 greater than 50-percent equity investment, such municipality is
291 not required to comply with the aggregate equity investment
292 provisions of this paragraph. Notwithstanding any other
293 provision of law, this section may not be construed to take away
294 any preexisting legal authority to make equity investments that
295 exceed the requirements of this paragraph. Notwithstanding any
296 other provision of law, the board of trustees may invest up to
297 25 percent of plan assets in foreign securities on a market-
298 value basis. The investment cap on foreign securities may not be
299 revised, amended, repealed, or increased except as provided by
300 general law.



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301 (c) Issue drafts upon the municipal police officers'
302 retirement trust fund pursuant to this act and rules prescribed
303 by the board of trustees. All such drafts shall be consecutively
304 numbered, be signed by the chair and secretary or by two
305 individuals designated by the board who are subject to the same
306 fiduciary standards as the board of trustees under this
307 subsection, and state upon their faces the purposes for which
308 the drafts are drawn. The city treasurer or other depository
309 shall retain such drafts when paid, as permanent vouchers for
310 disbursements made, and no money may otherwise be drawn from the
311 fund.

312 (d) Finally decide all claims to relief under the board's
313 rules and regulations and pursuant to the provisions of this
314 act.

315 (e) Convert into cash any securities of the fund.

316 (f) Keep a complete record of all receipts and
317 disbursements and of the board's acts and proceedings.

318 Section 8. Subsection (10) of section 215.47, Florida
319 Statutes, is amended to read:

320 215.47 Investments; authorized securities; loan of
321 securities.—Subject to the limitations and conditions of the
322 State Constitution or of the trust agreement relating to a trust
323 fund, moneys available for investments under ss. 215.44-215.53
324 may be invested as follows:

325 (10) (a) As used in this subsection, the term "pecuniary
326 factor" means a factor that the State Board of Administration
327 prudently determines is expected to have a material effect on
328 the risk or returns of an investment based on appropriate
329 investment horizons consistent with applicable investment



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330 objectives and funding policy. The term does not include the
331 consideration of the furtherance of any social, political, or
332 ideological interests.

333 (b) Notwithstanding any other law except for ss. 215.471,
334 215.4725, and 215.473, when deciding whether to invest and when
335 investing the assets of any fund, the State Board of
336 Administration must make decisions based solely on pecuniary
337 factors and may not subordinate the interests of the
338 participants and beneficiaries of the fund to other objectives,
339 including sacrificing investment return or undertaking
340 additional investment risk to promote any nonpecuniary factor.
341 The weight given to any pecuniary factor must appropriately
342 reflect a prudent assessment of its impact on risk or returns.

343 (c) Investments made by the State Board of Administration
344 shall be designed to maximize the financial return to the fund
345 consistent with the risks incumbent in each investment and shall
346 be designed to preserve an appropriate diversification of the
347 portfolio. The board shall discharge its duties with respect to
348 a plan solely in the interest of its participants and
349 beneficiaries. The board in performing the above investment
350 duties shall comply with the fiduciary standards set forth in
351 the Employee Retirement Income Security Act of 1974 at 29 U.S.C.
352 s. 1104(a)(1)(A) through (C). Except as provided in paragraph
353 (b), in case of conflict with other provisions of law
354 authorizing investments, the investment and fiduciary standards
355 set forth in this paragraph ~~subsection shall~~ prevail.

356 Section 9. Subsection (1) of section 215.475, Florida
357 Statutes, is amended to read:

358 215.475 Investment policy statement.—



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359 (1) In making investments for the System Trust Fund
360 pursuant to ss. 215.44-215.53, the board shall make no
361 investment which is not in conformance with the Florida
362 Retirement System Defined Benefit Plan Investment Policy
363 Statement, hereinafter referred to as "the IPS," as developed by
364 the executive director and approved by the board. The IPS must
365 comply with s. 215.47(10) and include, among other items, the
366 investment objectives of the System Trust Fund; permitted types
367 of securities in which the board may invest; and evaluation
368 criteria necessary to measure the investment performance of the
369 fund. As required from time to time, the executive director of
370 the board may present recommended changes in the IPS to the
371 board for approval.

372 Section 10. Present paragraphs (b), (c), and (d) of
373 subsection (1) of section 215.4755, Florida Statutes, are
374 redesignated as paragraphs (c), (d), and (e), respectively, a
375 new paragraph (b) is added to that subsection, and subsection
376 (3) of that section is amended, to read:

377 215.4755 Certification and disclosure requirements for
378 investment advisers and managers.—

379 (1) An investment adviser or manager who has discretionary
380 investment authority for direct holdings and who is retained as
381 provided in s. 215.44(2)(b) shall agree pursuant to contract to
382 annually certify in writing to the board that:

383 (b) All investment decisions made on behalf of the trust
384 funds and the board are made based solely on pecuniary factors
385 as defined in s. 215.47(10)(a) and do not subordinate the
386 interests of the participants and beneficiaries of the funds to
387 other objectives, including sacrificing investment return or



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388 undertaking additional investment risk to promote any
389 nonpecuniary factor. This paragraph applies to any contract
390 executed, amended, or renewed on or after July 1, 2023.

391 (3) (a) An investment adviser or manager certification
392 required under subsection (1) must ~~shall~~ be provided by each
393 annually, ~~no later than~~ January 31, for the reporting period of
394 the previous calendar year on a form prescribed by the board.

395 (b) Failure to timely file the certification required under
396 subsection (1) is grounds for termination of any contract
397 between the board and the investment adviser or manager.

398 (c) Submission of a materially false certification is
399 deemed a willful refusal to comply with the fiduciary standard
400 described in paragraph (1) (b).

401 (d) If an investment adviser or manager fails to comply
402 with the fiduciary standard described in paragraph (1) (b) while
403 providing services to the board, the board must report such
404 noncompliance to the Attorney General, who may bring a civil or
405 administrative action for damages, injunctive relief, and such
406 other relief as may be appropriate. If such action is
407 successful, the Attorney General is entitled to reasonable
408 attorney fees and costs.

409 Section 11. Section 215.681, Florida Statutes, is created
410 to read:

411 215.681 ESG bonds; prohibitions.—

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

413 (a) "Bonds" means any note, general obligation bond,
414 revenue bond, special assessment bond, special obligation bond,
415 private activity bond, certificate of participation, or other
416 evidence of indebtedness or obligation, in either temporary or



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417 definitive form.

418 (b) "ESG" means environmental, social, and governance.

419 (c) "ESG bonds" means any bonds that have been designated
420 or labeled as bonds that will be used to finance a project with
421 an ESG purpose, including, but not limited to, green bonds,
422 Certified Climate Bonds, GreenStar designated bonds, and other
423 environmental bonds marketed as promoting a generalized or
424 global environmental objective; social bonds marketed as
425 promoting a social objective; and sustainability bonds and
426 sustainable development goal bonds marketed as promoting both
427 environmental and social objectives. The term includes those
428 bonds self-designated by the issuer as ESG-labeled bonds and
429 those designated as ESG-labeled bonds by a third-party verifier.

430 (d) "Issuer" means the division, acting on behalf of any
431 entity; any local government, educational entity, or entity of
432 higher education as defined in s. 215.89(2)(c), (d), and (e),
433 respectively, or other political subdivision granted the power
434 to issue bonds; any public body corporate and politic authorized
435 or created by general or special law and granted the power to
436 issue bonds, including, but not limited to, a water and sewer
437 district created under chapter 153, a health facilities
438 authority as defined in s. 154.205, an industrial development
439 authority created under chapter 159, a housing financing
440 authority as defined in s. 159.603(3), a research and
441 development authority as defined in s. 159.702(1)(c), a legal or
442 administrative entity created by interlocal agreement pursuant
443 to s. 163.01(7), a community redevelopment agency as defined in
444 s. 163.340(1), a regional transportation authority created under
445 chapter 163, a community development district as defined in s.



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446 190.003, an educational facilities authority as defined in s.
447 243.52(1), the Higher Educational Facilities Financing Authority
448 created under s. 243.53, the Florida Development Finance
449 Corporation created under s. 288.9604, a port district or port
450 authority as defined in s. 315.02(1) and (2), respectively, the
451 South Florida Regional Transportation Authority created under s.
452 343.53, the Central Florida Regional Transportation Authority
453 created under s. 343.63, the Tampa Bay Area Regional Transit
454 Authority created under s. 343.92, the Greater Miami Expressway
455 Agency created under s. 348.0304, the Tampa-Hillsborough County
456 Expressway Authority created under s. 348.52, the Central
457 Florida Expressway Authority created under s. 348.753, the
458 Jacksonville Transportation Authority created under s. 349.03,
459 and the Florida Housing Finance Corporation created under s.
460 420.504.

461 (e) "Rating agency" means any nationally recognized rating
462 service or nationally recognized statistical rating
463 organization.

464 (f) "Third-party verifier" means any entity that contracts
465 with an issuer to conduct an external review and independent
466 assessment of proposed ESG bonds to ensure that such bonds may
467 be designated or labeled as ESG bonds or will be used to finance
468 a project that will comply with applicable ESG standards.

469 (2) Notwithstanding any other provision of law relating to
470 the issuance of bonds, it is a violation of this section and it
471 is prohibited for any issuer to:

472 (a) Issue ESG bonds.

473 (b) Expend public funds as defined in s. 215.85(3) or use
474 moneys derived from the issuance of bonds to pay for the



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475 services of a third-party verifier related to the designation or
476 labeling of bonds as ESG bonds, including, but not limited to,
477 certifying or verifying that bonds may be designated or labeled
478 as ESG bonds, rendering a second-party opinion or producing a
479 verifier's report as to the compliance of proposed ESG bonds
480 with applicable ESG standards and metrics, complying with post-
481 issuance reporting obligations, or other services that are only
482 provided due to the designation or labeling of bonds as ESG
483 bonds.

484 (c) Enter into a contract with any rating agency whose ESG
485 scores for such issuer will have a direct, negative impact on
486 the issuer's bond ratings.

487 (3) Notwithstanding s. 655.0323, a financial institution as
488 defined in s. 655.005(1) may purchase and underwrite bonds
489 issued by a governmental entity.

490 (4) This section does not apply to any bonds issued before
491 July 1, 2023, or to any agreement entered into or any contract
492 executed before July 1, 2023.

493 Section 12. Section 215.855, Florida Statutes, is created
494 to read:

495 215.855 Investment manager external communication.—

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

497 (a) "Governmental entity" means a state, regional, county,
498 municipal, special district, or other political subdivision
499 whether executive, judicial, or legislative, including, but not
500 limited to, a department, division, board, bureau, commission,
501 authority, district, or agency thereof, or a public school,
502 Florida College System institution, state university, or
503 associated board.



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504 (b) "Investment manager" means a private sector company
505 that offers one or more investment products or services to a
506 governmental entity and that has the discretionary investment
507 authority for direct holdings.

508 (c) "Public funds" means all moneys under the jurisdiction
509 of a governmental entity and includes all manner of pension and
510 retirement funds and all other funds held, as trust funds or
511 otherwise, for any public purpose, subject to investment.

512 (2) Any contract between a governmental entity and an
513 investment manager must contain the following provisions:

514 (a) That any written communication made by the investment
515 manager to a company in which such manager invests public funds
516 on behalf of a governmental entity must include the following
517 disclaimer in a conspicuous location if such communication
518 discusses social, political, or ideological interests;
519 subordinates the interests of the company's shareholders to the
520 interest of another entity; or advocates for the interest of an
521 entity other than the company's shareholders:

522
523 The views and opinions expressed in this communication are those
524 of the sender and do not reflect the views and opinions of the
525 people of the State of Florida.

526
527 (b) That the contract may be unilaterally terminated at the
528 option of the governmental entity if the investment manager does
529 not include the disclaimer required in paragraph (a).

530 (3) This section applies to contracts between a
531 governmental entity and an investment manager executed, amended,
532 or renewed on or after July 1, 2023.



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533 Section 13. Subsection (24) is added to section 218.415,
534 Florida Statutes, to read:

535 218.415 Local government investment policies.—Investment
536 activity by a unit of local government must be consistent with a
537 written investment plan adopted by the governing body, or in the
538 absence of the existence of a governing body, the respective
539 principal officer of the unit of local government and maintained
540 by the unit of local government or, in the alternative, such
541 activity must be conducted in accordance with subsection (17).
542 Any such unit of local government shall have an investment
543 policy for any public funds in excess of the amounts needed to
544 meet current expenses as provided in subsections (1)-(16), or
545 shall meet the alternative investment guidelines contained in
546 subsection (17). Such policies shall be structured to place the
547 highest priority on the safety of principal and liquidity of
548 funds. The optimization of investment returns shall be secondary
549 to the requirements for safety and liquidity. Each unit of local
550 government shall adopt policies that are commensurate with the
551 nature and size of the public funds within its custody.

552 (24) INVESTMENT DECISIONS.—

553 (a) As used in this subsection, the term “pecuniary factor”
554 means a factor that the governing body of the unit of local
555 government, or in the absence of the existence of a governing
556 body, the respective principal officer of the unit of local
557 government, prudently determines is expected to have a material
558 effect on the risk or returns of an investment based on
559 appropriate investment horizons consistent with applicable
560 investment objectives and funding policy. The term does not
561 include the consideration of the furtherance of any social,



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562 political, or ideological interests.

563 (b) Notwithstanding any other law, when deciding whether to
564 invest and when investing public funds pursuant to this section,
565 the unit of local government must make decisions based solely on
566 pecuniary factors and may not subordinate the interests of the
567 people of this state to other objectives, including sacrificing
568 investment return or undertaking additional investment risk to
569 promote any nonpecuniary factor. The weight given to any
570 pecuniary factor must appropriately reflect a prudent assessment
571 of its impact on risk or returns.

572 Section 14. Present paragraphs (e) and (f) of subsection
573 (26) of section 280.02, Florida Statutes, are redesignated as
574 paragraphs (g) and (h), respectively, and new paragraphs (e) and
575 (f) are added to that subsection, to read:

576 280.02 Definitions.—As used in this chapter, the term:

577 (26) "Qualified public depository" means a bank, savings
578 bank, or savings association that:

579 (e) Makes determinations about the provision of services or
580 the denial of services based on an analysis of risk factors
581 unique to each customer or member. This paragraph does not
582 restrict a qualified public depository that claims a religious
583 purpose from making such determinations based on the religious
584 beliefs, religious exercise, or religious affiliations of a
585 customer or member.

586 (f) Does not engage in the unsafe and unsound practice of
587 denying or canceling its services to a person, or otherwise
588 discriminating against a person in making available such
589 services or in the terms or conditions of such services, on the
590 basis of:



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- 591 1. The person's political opinions, speech, or
592 affiliations;
- 593 2. Except as provided in paragraph (e), the person's
594 religious beliefs, religious exercise, or religious
595 affiliations;
- 596 3. Any factor if it is not a quantitative, impartial, and
597 risk-based standard, including any such factor related to the
598 person's business sector; or
- 599 4. The use of any rating, scoring, analysis, tabulation, or
600 action that considers a social credit score based on factors
601 including, but not limited to:
- 602 a. The person's political opinions, speech, or
603 affiliations.
- 604 b. The person's religious beliefs, religious exercise, or
605 religious affiliations.
- 606 c. The person's lawful ownership of a firearm.
- 607 d. The person's engagement in the lawful manufacture,
608 distribution, sale, purchase, or use of firearms or ammunition.
- 609 e. The person's engagement in the exploration, production,
610 utilization, transportation, sale, or manufacture of fossil
611 fuel-based energy, timber, mining, or agriculture.
- 612 f. The person's support of the state or Federal Government
613 in combatting illegal immigration, drug trafficking, or human
614 trafficking.
- 615 g. The person's engagement with, facilitation of,
616 employment by, support of, business relationship with,
617 representation of, or advocacy for any person described in this
618 subparagraph.
- 619 h. The person's failure to meet or commit to meet, or



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620 expected failure to meet, any of the following as long as such
621 person is in compliance with applicable state or federal law:

622 (I) Environmental standards, including emissions standards,
623 benchmarks, requirements, or disclosures;

624 (II) Social governance standards, benchmarks, or
625 requirements, including, but not limited to, environmental or
626 social justice;

627 (III) Corporate board or company employment composition
628 standards, benchmarks, requirements, or disclosures based on
629 characteristics protected under the Florida Civil Rights Act of
630 1992; or

631 (IV) Policies or procedures requiring or encouraging
632 employee participation in social justice programming, including,
633 but not limited to, diversity, equity, or inclusion training.

634 Section 15. Section 280.025, Florida Statutes, is created
635 to read:

636 280.025 Attestation required.—

637 (1) Beginning July 1, 2023, the following entities must
638 attest, under penalty of perjury, on a form prescribed by the
639 Chief Financial Officer, whether the entity is in compliance
640 with s. 280.02(26) (e) and (f):

641 (a) A bank, savings bank, or savings association, upon
642 application or reapplication for designation as a qualified
643 public depository.

644 (b) A qualified public depository, upon filing the report
645 required by s. 280.16(1) (d).

646 (2) If an application or reapplication for designation as a
647 qualified public depository is pending on July 1, 2023, the
648 bank, savings bank, or savings association must file the



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649 attestation required under subsection (1) before being
650 designated or redesignated a qualified public depository.

651 Section 16. Paragraph (d) of subsection (13) and subsection
652 (17) of section 280.05, Florida Statutes, are amended to read:

653 280.05 Powers and duties of the Chief Financial Officer.—In
654 fulfilling the requirements of this act, the Chief Financial
655 Officer has the power to take the following actions he or she
656 deems necessary to protect the integrity of the public deposits
657 program:

658 (13) Require the filing of the following reports, which the
659 Chief Financial Officer shall process as provided:

660 (d)1. Any related documents, reports, records, or other
661 information deemed necessary by the Chief Financial Officer in
662 order to ascertain compliance with this chapter, including, but
663 not limited to, verifying the attestation required under s.
664 280.025.

665 2. If the Chief Financial Officer determines that the
666 attestation required under s. 280.025 is materially false, he or
667 she must report such determination to the Attorney General, who
668 may bring a civil or administrative action for damages,
669 injunctive relief, and such other relief as may be appropriate.
670 If such action is successful, the Attorney General is entitled
671 to reasonable attorney fees and costs.

672 3. As related to federally chartered financial
673 institutions, this paragraph may not be construed to create a
674 power exceeding the visitorial powers of the Chief Financial
675 Officer allowed under federal law.

676 (17) Suspend or disqualify or disqualify after suspension
677 any qualified public depository that has violated ~~any of the~~



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678 ~~provisions of this chapter or of rules adopted hereunder or that~~
679 no longer meets the definition of a qualified public depository
680 under s. 280.02.

681 (a) Any qualified public depository that is suspended or
682 disqualified pursuant to this subsection is subject to the
683 provisions of s. 280.11(2) governing withdrawal from the public
684 deposits program and return of pledged collateral. Any
685 suspension shall not exceed a period of 6 months. Any qualified
686 public depository which has been disqualified may not reapply
687 for qualification until after the expiration of 1 year from the
688 date of the final order of disqualification or the final
689 disposition of any appeal taken therefrom.

690 (b) In lieu of suspension or disqualification, impose an
691 administrative penalty upon the qualified public depository as
692 provided in s. 280.054.

693 (c) If the Chief Financial Officer has reason to believe
694 that any qualified public depository or any other financial
695 institution holding public deposits is or has been violating ~~any~~
696 ~~of the provisions of this chapter or of rules adopted hereunder~~
697 or no longer meets the definition of a qualified public
698 depository under s. 280.02, he or she may issue to the qualified
699 public depository or other financial institution an order to
700 cease and desist from the violation or to correct the condition
701 giving rise to or resulting from the violation. If any qualified
702 public depository or other financial institution violates a
703 cease-and-desist or corrective order, the Chief Financial
704 Officer may impose an administrative penalty upon the qualified
705 public depository or other financial institution as provided in
706 s. 280.054 or s. 280.055. In addition to the administrative



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707 penalty, the Chief Financial Officer may suspend or disqualify
708 any qualified public depository for violation of any order
709 issued pursuant to this paragraph.

710 Section 17. Subsections (14) and (15) are added to section
711 280.051, Florida Statutes, to read:

712 280.051 Grounds for suspension or disqualification of a
713 qualified public depository.—A qualified public depository may
714 be suspended or disqualified or both if the Chief Financial
715 Officer determines that the qualified public depository has:

716 (14) Failed to file the attestation required under s.
717 280.025.

718 (15) No longer meets the definition of a qualified public
719 depository under s. 280.02.

720 Section 18. Paragraph (b) of subsection (1) of section
721 280.054, Florida Statutes, is amended to read:

722 280.054 Administrative penalty in lieu of suspension or
723 disqualification.—

724 (1) If the Chief Financial Officer finds that one or more
725 grounds exist for the suspension or disqualification of a
726 qualified public depository, the Chief Financial Officer may, in
727 lieu of suspension or disqualification, impose an administrative
728 penalty upon the qualified public depository.

729 (b) With respect to any knowing and willful violation of a
730 lawful order or rule, the Chief Financial Officer may impose a
731 penalty upon the qualified public depository in an amount not
732 exceeding \$1,000 for each violation. If restitution is due, the
733 qualified public depository shall make restitution upon the
734 order of the Chief Financial Officer and shall pay interest on
735 such amount at the legal rate. Each day a violation continues



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736 constitutes a separate violation. Failure to timely file the
737 attestation required under s. 280.025 is deemed a knowing and
738 willful violation.

739 Section 19. Paragraphs (e) and (f) of subsection (1) of
740 section 280.055, Florida Statutes, are amended, and paragraph
741 (g) is added to that subsection, to read:

742 280.055 Cease and desist order; corrective order;
743 administrative penalty.—

744 (1) The Chief Financial Officer may issue a cease and
745 desist order and a corrective order upon determining that:

746 (e) A qualified public depository or a custodian has not
747 furnished to the Chief Financial Officer, when the Chief
748 Financial Officer requested, a power of attorney or bond power
749 or bond assignment form required by the bond agent or bond
750 trustee for each issue of registered certificated securities
751 pledged and registered in the name, or nominee name, of the
752 qualified public depository or custodian; ~~or~~

753 (f) A qualified public depository; a bank, savings
754 association, or other financial institution; or a custodian has
755 committed any other violation of this chapter or any rule
756 adopted pursuant to this chapter that the Chief Financial
757 Officer determines may be remedied by a cease and desist order
758 or corrective order; or

759 (g) A qualified public depository no longer meets the
760 definition of a qualified public depository under s. 280.02.

761 Section 20. Section 287.05701, Florida Statutes, is created
762 to read:

763 287.05701 Prohibition against considering social,
764 political, or ideological interests in government contracting.—



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765 (1) As used in this section, the term "awarding body"
766 means:

767 (a) For state contracts, an agency or the department.

768 (b) For local government contracts, the governing body of a
769 county, a municipality, a special district, or any other
770 political subdivision of the state.

771 (2) (a) An awarding body may not request documentation of or
772 consider a vendor's social, political, or ideological interests
773 when determining if the vendor is a responsible vendor.

774 (b) An awarding body may not give preference to a vendor
775 based on the vendor's social, political, or ideological
776 interests.

777 (3) Beginning July 1, 2023, any solicitation for the
778 procurement of commodities or contractual services by an
779 awarding body must include a provision notifying vendors of the
780 provisions of this section.

781 Section 21. Section 516.037, Florida Statutes, is created
782 to read:

783 516.037 Unsafe and unsound practices.-

784 (1) Licensees must make determinations about the provision
785 or denial of services based on an analysis of risk factors
786 unique to each current or prospective customer and may not
787 engage in an unsafe and unsound practice as provided in
788 subsection (2). This subsection does not restrict a licensee
789 that claims a religious purpose from making such determinations
790 based on the current or prospective customer's religious
791 beliefs, religious exercise, or religious affiliations.

792 (2) It is an unsafe and unsound practice for a licensee to
793 deny or cancel its services to a person, or to otherwise



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794 discriminate against a person in making available such services
795 or in the terms or conditions of such services, on the basis of:

796 (a) The person's political opinions, speech, or
797 affiliations;

798 (b) Except as provided in subsection (1), the person's
799 religious beliefs, religious exercise, or religious
800 affiliations;

801 (c) Any factor if it is not a quantitative, impartial, and
802 risk-based standard, including any such factor related to the
803 person's business sector; or

804 (d) The use of any rating, scoring, analysis, tabulation,
805 or action that considers a social credit score based on factors
806 including, but not limited to:

807 1. The person's political opinions, speech, or
808 affiliations.

809 2. The person's religious beliefs, religious exercise, or
810 religious affiliations.

811 3. The person's lawful ownership of a firearm.

812 4. The person's engagement in the lawful manufacture,
813 distribution, sale, purchase, or use of firearms or ammunition.

814 5. The person's engagement in the exploration, production,
815 utilization, transportation, sale, or manufacture of fossil
816 fuel-based energy, timber, mining, or agriculture.

817 6. The person's support of the state or Federal Government
818 in combatting illegal immigration, drug trafficking, or human
819 trafficking.

820 7. The person's engagement with, facilitation of,
821 employment by, support of, business relationship with,
822 representation of, or advocacy for any person described in this



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823 paragraph.

824 8. The person's failure to meet or commit to meet, or
825 expected failure to meet, any of the following as long as such
826 person is in compliance with applicable state or federal law:

827 a. Environmental standards, including emissions standards,
828 benchmarks, requirements, or disclosures;

829 b. Social governance standards, benchmarks, or
830 requirements, including, but not limited to, environmental or
831 social justice;

832 c. Corporate board or company employment composition
833 standards, benchmarks, requirements, or disclosures based on
834 characteristics protected under the Florida Civil Rights Act of
835 1992; or

836 d. Policies or procedures requiring or encouraging employee
837 participation in social justice programming, including, but not
838 limited to, diversity, equity, or inclusion training.

839 (3) Beginning July 1, 2023, and upon application for a
840 license or license renewal, applicants and licensees must
841 attest, under penalty of perjury, on a form prescribed by the
842 commission whether the applicant or licensee is acting in
843 compliance with subsections (1) and (2).

844 (4) In addition to any sanctions and penalties under this
845 chapter, a failure to comply with subsection (1) or engaging in
846 a practice described in subsection (2) constitutes a violation
847 of the Florida Deceptive and Unfair Trade Practices Act under
848 part II of chapter 501. Notwithstanding s. 501.211, violations
849 must be enforced only by the enforcing authority, as defined in
850 s. 501.203(2), and subject the violator to the sanctions and
851 penalties provided for in that part. If such action is



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852 successful, the enforcing authority is entitled to reasonable
853 attorney fees and costs.

854 Section 22. Section 560.1115, Florida Statutes, is created
855 to read:

856 560.1115 Unsafe and unsound practices.-

857 (1) Licensees must make determinations about the provision
858 or denial of services based on an analysis of risk factors
859 unique to each current or prospective customer and may not
860 engage in an unsafe and unsound practice as provided in
861 subsection (2). This subsection does not restrict a licensee
862 that claims a religious purpose from making such determinations
863 based on the current or prospective customer's religious
864 beliefs, religious exercise, or religious affiliations.

865 (2) It is an unsafe and unsound practice for a licensee to
866 deny or cancel its services to a person, or to otherwise
867 discriminate against a person in making available such services
868 or in the terms or conditions of such services, on the basis of:

869 (a) The person's political opinions, speech, or
870 affiliations;

871 (b) Except as provided in subsection (1), the person's
872 religious beliefs, religious exercise, or religious
873 affiliations;

874 (c) Any factor if it is not a quantitative, impartial, and
875 risk-based standard, including any such factor related to the
876 person's business sector; or

877 (d) The use of any rating, scoring, analysis, tabulation,
878 or action that considers a social credit score based on factors
879 including, but not limited to:

880 1. The person's political opinions, speech, or



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881 affiliations.
882 2. The person's religious beliefs, religious exercise, or
883 religious affiliations.
884 3. The person's lawful ownership of a firearm.
885 4. The person's engagement in the lawful manufacture,
886 distribution, sale, purchase, or use of firearms or ammunition.
887 5. The person's engagement in the exploration, production,
888 utilization, transportation, sale, or manufacture of fossil
889 fuel-based energy, timber, mining, or agriculture.
890 6. The person's support of the state or Federal Government
891 in combatting illegal immigration, drug trafficking, or human
892 trafficking.
893 7. The person's engagement with, facilitation of,
894 employment by, support of, business relationship with,
895 representation of, or advocacy for any person described in this
896 paragraph.
897 8. The person's failure to meet or commit to meet, or
898 expected failure to meet, any of the following as long as such
899 person is in compliance with applicable state or federal law:
900 a. Environmental standards, including emissions standards,
901 benchmarks, requirements, or disclosures;
902 b. Social governance standards, benchmarks, or
903 requirements, including, but not limited to, environmental or
904 social justice;
905 c. Corporate board or company employment composition
906 standards, benchmarks, requirements, or disclosures based on
907 characteristics protected under the Florida Civil Rights Act of
908 1992; or
909 d. Policies or procedures requiring or encouraging employee



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910 participation in social justice programming, including, but not
911 limited to, diversity, equity, or inclusion training.

912 (3) Beginning July 1, 2023, and upon application for a
913 license or license renewal, applicants and licensees, as
914 applicable, must attest, under penalty of perjury, on a form
915 prescribed by the commission whether the applicant or licensee
916 is acting in compliance with subsections (1) and (2).

917 (4) In addition to any sanctions and penalties under this
918 chapter, a failure to comply with subsection (1) or engaging in
919 a practice described in subsection (2) constitutes a violation
920 of the Florida Deceptive and Unfair Trade Practices Act under
921 part II of chapter 501. Notwithstanding s. 501.211, violations
922 must be enforced only by the enforcing authority, as defined in
923 s. 501.203(2), and subject the violator to the sanctions and
924 penalties provided for in that part. If such action is
925 successful, the enforcing authority is entitled to reasonable
926 attorney fees and costs.

927 Section 23. Paragraph (h) of subsection (1) of section
928 560.114, Florida Statutes, is amended to read:

929 560.114 Disciplinary actions; penalties.—

930 (1) The following actions by a money services business,
931 authorized vendor, or affiliated party constitute grounds for
932 the issuance of a cease and desist order; the issuance of a
933 removal order; the denial, suspension, or revocation of a
934 license; or taking any other action within the authority of the
935 office pursuant to this chapter:

936 (h) Engaging in an act prohibited under s. 560.111 or s.
937 560.1115.

938 Section 24. Paragraph (y) of subsection (1) of section



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939 655.005, Florida Statutes, is amended to read:

940 655.005 Definitions.—

941 (1) As used in the financial institutions codes, unless the
942 context otherwise requires, the term:

943 (y) “Unsafe or unsound practice” or “unsafe and unsound
944 practice” means:

945 1. Any practice or conduct found by the office to be
946 contrary to generally accepted standards applicable to a
947 financial institution, or a violation of any prior agreement in
948 writing or order of a state or federal regulatory agency, which
949 practice, conduct, or violation creates the likelihood of loss,
950 insolvency, or dissipation of assets or otherwise prejudices the
951 interest of the financial institution or its depositors or
952 members. In making this determination, the office must consider
953 the size and condition of the financial institution, the gravity
954 of the violation, and the prior conduct of the person or
955 institution involved; or

956 2. Failure to comply with s. 655.0323(1), or engaging in a
957 practice described in s. 655.0323(2).

958 Section 25. Section 655.0323, Florida Statutes, is created
959 to read:

960 655.0323 Unsafe and unsound practices.—

961 (1) Financial institutions must make determinations about
962 the provision or denial of services based on an analysis of risk
963 factors unique to each current or prospective customer or member
964 and may not engage in an unsafe and unsound practice as provided
965 in subsection (2). This subsection does not restrict a financial
966 institution that claims a religious purpose from making such
967 determinations based on the current or prospective customer’s or



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968 member's religious beliefs, religious exercise, or religious
969 affiliations.

970 (2) It is an unsafe and unsound practice for a financial
971 institution to deny or cancel its services to a person, or to
972 otherwise discriminate against a person in making available such
973 services or in the terms or conditions of such services, on the
974 basis of:

975 (a) The person's political opinions, speech, or
976 affiliations;

977 (b) Except as provided in subsection (1), the person's
978 religious beliefs, religious exercise, or religious
979 affiliations;

980 (c) Any factor if it is not a quantitative, impartial, and
981 risk-based standard, including any such factor related to the
982 person's business sector; or

983 (d) The use of any rating, scoring, analysis, tabulation,
984 or action that considers a social credit score based on factors
985 including, but not limited to:

986 1. The person's political opinions, speech, or
987 affiliations.

988 2. The person's religious beliefs, religious exercise, or
989 religious affiliations.

990 3. The person's lawful ownership of a firearm.

991 4. The person's engagement in the lawful manufacture,
992 distribution, sale, purchase, or use of firearms or ammunition.

993 5. The person's engagement in the exploration, production,
994 utilization, transportation, sale, or manufacture of fossil
995 fuel-based energy, timber, mining, or agriculture.

996 6. The person's support of the state or Federal Government



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997 in combatting illegal immigration, drug trafficking, or human
998 trafficking.

999 7. The person's engagement with, facilitation of,
1000 employment by, support of, business relationship with,
1001 representation of, or advocacy for any person described in this
1002 paragraph.

1003 8. The person's failure to meet or commit to meet, or
1004 expected failure to meet, any of the following as long as such
1005 person is in compliance with applicable state or federal law:

1006 a. Environmental standards, including emissions standards,
1007 benchmarks, requirements, or disclosures;

1008 b. Social governance standards, benchmarks, or
1009 requirements, including, but not limited to, environmental or
1010 social justice;

1011 c. Corporate board or company employment composition
1012 standards, benchmarks, requirements, or disclosures based on
1013 characteristics protected under the Florida Civil Rights Act of
1014 1992; or

1015 d. Policies or procedures requiring or encouraging employee
1016 participation in social justice programming, including, but not
1017 limited to, diversity, equity, or inclusion training.

1018 (3) Beginning July 1, 2023, and by July 1 of each year
1019 thereafter, financial institutions subject to the financial
1020 institutions codes must attest, under penalty of perjury, on a
1021 form prescribed by the commission whether the entity is acting
1022 in compliance with subsections (1) and (2).

1023 (4) Engaging in a practice described in subsection (2) or
1024 failing to timely provide the attestation under subsection (3)
1025 is a failure to comply with this chapter, constitutes a



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1026 violation of the financial institutions codes, and is subject to
1027 the applicable sanctions and penalties provided for in the
1028 financial institutions codes.

1029 (5) Notwithstanding ss. 501.211 and 501.212, a failure to
1030 comply with subsection (1) or engaging in a practice described
1031 in subsection (2) constitutes a violation of the Florida
1032 Deceptive and Unfair Trade Practices Act under part II of
1033 chapter 501. Violations must be enforced only by the enforcing
1034 authority, as defined in s. 501.203(2), and subject the violator
1035 to the sanctions and penalties provided for in that part. If
1036 such action is successful, the enforcing authority is entitled
1037 to reasonable attorney fees and costs.

1038 (6) The office and the commission may not exercise
1039 authority pursuant to s. 655.061 in relation to this section.

1040 Section 26. Subsection (5) is added to section 1010.04,
1041 Florida Statutes, to read:

1042 1010.04 Purchasing.—

1043 (5) Beginning July 1, 2023, school districts, Florida
1044 College System institutions, and state universities may not:

1045 (a) Request documentation of or consider a vendor's social,
1046 political, or ideological interests.

1047 (b) Give preference to a vendor based on the vendor's
1048 social, political, or ideological interests.

1049
1050 Any solicitation for purchases and leases must include a
1051 provision notifying vendors of the provisions of this
1052 subsection.

1053 Section 27. For the purpose of incorporating the amendment
1054 made by this act to section 17.57, Florida Statutes, in



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1055 references thereto, subsection (1) of section 17.61, Florida
1056 Statutes, is reenacted to read:

1057 17.61 Chief Financial Officer; powers and duties in the
1058 investment of certain funds.—

1059 (1) The Chief Financial Officer shall invest all general
1060 revenue funds and all the trust funds and all agency funds of
1061 each state agency, and of the judicial branch, as defined in s.
1062 216.011, and may, upon request, invest funds of any board,
1063 association, or entity created by the State Constitution or by
1064 law, except for the funds required to be invested pursuant to
1065 ss. 215.44-215.53, by the procedure and in the authorized
1066 securities prescribed in s. 17.57; for this purpose, the Chief
1067 Financial Officer may open and maintain one or more demand and
1068 safekeeping accounts in any bank or savings association for the
1069 investment and reinvestment and the purchase, sale, and exchange
1070 of funds and securities in the accounts. Funds in such accounts
1071 used solely for investments and reinvestments shall be
1072 considered investment funds and not funds on deposit, and such
1073 funds shall be exempt from the provisions of chapter 280. In
1074 addition, the securities or investments purchased or held under
1075 the provisions of this section and s. 17.57 may be loaned to
1076 securities dealers and banks and may be registered by the Chief
1077 Financial Officer in the name of a third-party nominee in order
1078 to facilitate such loans, provided the loan is collateralized by
1079 cash or United States government securities having a market
1080 value of at least 100 percent of the market value of the
1081 securities loaned. The Chief Financial Officer shall keep a
1082 separate account, designated by name and number, of each fund.
1083 Individual transactions and totals of all investments, or the



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1084 share belonging to each fund, shall be recorded in the accounts.

1085 Section 28. For the purpose of incorporating the amendment
1086 made by this act to section 215.47, Florida Statutes, in a
1087 reference thereto, subsection (3) of section 215.44, Florida
1088 Statutes, is reenacted to read:

1089 215.44 Board of Administration; powers and duties in
1090 relation to investment of trust funds.—

1091 (3) Notwithstanding any law to the contrary, all
1092 investments made by the State Board of Administration pursuant
1093 to ss. 215.44-215.53 shall be subject to the restrictions and
1094 limitations contained in s. 215.47, except that investments made
1095 by the State Board of Administration under a trust agreement
1096 pursuant to subsection (1) shall be subject only to the
1097 restrictions and limitations contained in the trust agreement.

1098 Section 29. This act shall take effect July 1, 2023.

1099
1100 ===== T I T L E A M E N D M E N T =====

1101 And the title is amended as follows:

1102 Delete everything before the enacting clause
1103 and insert:

1104 A bill to be entitled
1105 An act relating to government and corporate activism;
1106 amending s. 17.57, F.S.; defining the term "pecuniary
1107 factor"; requiring that the Chief Financial Officer,
1108 or a party authorized to invest on his or her behalf,
1109 make investment decisions based solely on pecuniary
1110 factors; amending s. 20.058, F.S.; requiring a
1111 specified attestation, under penalty of perjury, from
1112 certain organizations; defining the term "pecuniary



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1113 factor"; requiring citizen support organizations and
1114 direct-support organizations to make investment
1115 decisions based solely on pecuniary factors; amending
1116 s. 112.656, F.S.; requiring that investment decisions
1117 comply with a specified requirement related to the
1118 consideration of pecuniary factors; amending s.
1119 112.661, F.S.; conforming a provision to changes made
1120 by the act; creating s. 112.662, F.S.; defining the
1121 term "pecuniary factor"; providing that only pecuniary
1122 factors may be considered in investment decisions for
1123 retirement systems or plans; providing that the
1124 interests of participants and beneficiaries of such
1125 systems or plans may not be subordinated to other
1126 objectives; requiring shareholder rights to be
1127 exercised considering only pecuniary factors;
1128 requiring specified reports; providing requirements
1129 for such reports; requiring the Department of
1130 Management Services to report certain noncompliance to
1131 the Attorney General; authorizing certain proceedings
1132 to be brought by the Attorney General who, if
1133 successful in those proceedings, is entitled to
1134 reasonable attorney fees and costs; requiring the
1135 department to adopt rules; providing applicability;
1136 amending ss. 175.071 and 185.06, F.S.; specifying that
1137 certain public boards of trustees are subject to the
1138 requirement that only pecuniary factors be considered
1139 in investment decisions; amending s. 215.47, F.S.;
1140 defining the term "pecuniary factor"; requiring the
1141 State Board of Administration to make investment



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1142 decisions based solely on pecuniary factors; providing
1143 an exception to current investment and fiduciary
1144 standards in the event of a conflict; amending s.
1145 215.475, F.S.; requiring the Florida Retirement System
1146 Defined Benefit Plan Investment Policy Statement to
1147 comply with the requirement that only pecuniary
1148 factors be considered in investment decisions;
1149 amending s. 215.4755, F.S.; requiring certain
1150 investment advisors or managers to certify in writing
1151 that investment decisions are based solely on
1152 pecuniary factors; providing applicability; providing
1153 that failure to file a required certification is
1154 grounds for termination of certain contracts;
1155 providing that a submission of a materially false
1156 certification is deemed a willful refusal to comply
1157 with a certain fiduciary standard; requiring that
1158 certain noncompliance be reported to the Attorney
1159 General, who is authorized to bring certain civil or
1160 administrative actions; providing that if the Attorney
1161 General is successful in those proceedings, he or she
1162 is entitled to reasonable attorney fees and costs;
1163 creating s. 215.681, F.S.; defining terms; prohibiting
1164 bond issuers from issuing environmental, social, and
1165 governance bonds and taking other related actions;
1166 authorizing certain financial institutions to purchase
1167 and underwrite specified bonds; providing
1168 applicability; creating s. 215.855, F.S.; defining
1169 terms; requiring that contracts between governmental
1170 entities and investment managers contain certain



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1171 provisions and a specified disclaimer; providing
1172 applicability; amending s. 218.415, F.S.; defining the
1173 term "pecuniary factor"; requiring units of local
1174 government to make investment decisions based solely
1175 on pecuniary factors; amending s. 280.02, F.S.;
1176 revising the definition of the term "qualified public
1177 depository"; creating s. 280.025, F.S.; requiring a
1178 specified attestation, under penalty of perjury, from
1179 certain entities, beginning on a specified date;
1180 amending s. 280.05, F.S.; requiring the Chief
1181 Financial Officer to verify such attestations;
1182 requiring the Chief Financial Officer to report
1183 materially false attestations to the Attorney General,
1184 who is authorized to bring certain civil and
1185 administrative actions; providing that if the Attorney
1186 General is successful in those proceedings, he or she
1187 is entitled to reasonable attorney fees and costs;
1188 providing construction; authorizing the Chief
1189 Financial Officer to suspend or disqualify a qualified
1190 public depository that no longer meets the definition
1191 of that term; amending s. 280.051, F.S.; adding
1192 grounds for suspension or disqualification of a
1193 qualified public depository; amending s. 280.054,
1194 F.S.; providing that failure to timely file a required
1195 attestation is deemed a knowing and willful violation;
1196 amending s. 280.055, F.S.; adding a circumstance under
1197 which the Chief Financial Officer may issue certain
1198 orders against a qualified public depository; creating
1199 s. 287.05701, F.S.; defining the term "awarding body";



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1200 prohibiting an awarding body from requesting certain
1201 documentation or giving preference to vendors based on
1202 their social, political, or ideological interests;
1203 requiring that solicitations for the procurement of
1204 commodities or contractual services by an awarding
1205 body contain a specified notification, beginning on a
1206 specified date; creating s. 516.037, F.S.; requiring
1207 licensees to make certain determinations based on an
1208 analysis of certain risk factors; prohibiting such
1209 licensees from engaging in unsafe and unsound
1210 practices; providing construction; providing that
1211 certain actions on the part of licensees are an unsafe
1212 and unsound practice; requiring a specified
1213 attestation, under penalty of perjury, from applicants
1214 and licensees, beginning on a specified date;
1215 providing that a failure to comply with specified
1216 requirements or engaging in unsafe and unsound
1217 practices constitutes a violation of the Florida
1218 Deceptive and Unfair Trade Practices Act, subject to
1219 specified sanctions and penalties; providing that only
1220 the enforcing authority can enforce such violations;
1221 providing that an enforcing authority that brings a
1222 successful action for violations is entitled to
1223 reasonable attorney fees and costs; creating s.
1224 560.1115, F.S.; requiring licensees to make
1225 determinations about the provision or denial of
1226 services based on an analysis of certain risk factors;
1227 prohibiting the licensees from engaging in unsafe and
1228 unsound practices; providing construction; providing



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1229 that certain actions are an unsafe and unsound
1230 practice; requiring a specified attestation, under
1231 penalty of perjury, from applicants and licensees,
1232 beginning on a specified date; providing that a
1233 failure to comply with specified requirements or
1234 engaging in unsafe and unsound practices constitutes a
1235 violation of the Florida Deceptive and Unfair Trade
1236 Practices Act, subject to specified sanctions and
1237 penalties; providing that only the enforcing authority
1238 can enforce such violations; providing that an
1239 enforcing authority that brings a successful action
1240 for violations is entitled to reasonable attorney fees
1241 and costs; amending s. 560.114, F.S.; revising the
1242 actions that constitute grounds for specified
1243 disciplinary action of a money services business, an
1244 authorized vendor, or an affiliated party; amending s.
1245 655.005, F.S.; revising a definition; creating s.
1246 655.0323, F.S.; requiring financial institutions to
1247 make determinations about the provision or denial of
1248 services based on an analysis of specified risk
1249 factors; prohibiting financial institutions from
1250 engaging in unsafe and unsound practices; providing
1251 construction; providing that certain actions are an
1252 unsafe and unsound practice; requiring a specified
1253 attestation, under penalty of perjury, from financial
1254 institutions annually, beginning on a specified date;
1255 providing that engaging in specified actions or
1256 failing to provide such attestation constitutes a
1257 violation of specified codes, subject to certain



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1258 sanctions and penalties; providing that a failure to
1259 comply with specified requirements or engaging in
1260 unsafe and unsound practices constitutes a violation
1261 of the Florida Deceptive and Unfair Trade Practices
1262 Act, subject to specified sanctions and penalties;
1263 providing that only the enforcing authority can
1264 enforce such violations; providing that an enforcing
1265 authority that brings a successful action for
1266 violations is entitled to reasonable attorney fees and
1267 costs; prohibiting certain entities from exercising
1268 specified authority; amending s. 1010.04, F.S.;
1269 prohibiting school districts, Florida College System
1270 institutions, and state universities from requesting
1271 certain documentation from vendors and giving
1272 preference to vendors based on their social,
1273 political, or ideological interests; requiring that
1274 solicitations for purchases or leases include a
1275 specified notice; reenacting s. 17.61(1), F.S.,
1276 relating to powers and duties of the Chief Financial
1277 Officer in the investment of certain funds, to
1278 incorporate the amendment made to s. 17.57, F.S., in
1279 references thereto; reenacting s. 215.44(3), F.S.,
1280 relating to the powers and duties of the Board of
1281 Administration in the investment of trust funds, to
1282 incorporate the amendment made to s. 215.47, F.S., in
1283 a reference thereto; providing an effective date.