

1 A bill to be entitled
2 An act relating to gubernatorial transition; creating
3 s. 14.059, F.S.; providing definitions; requiring the
4 Governor to designate a transition liaison within the
5 Executive Office of the Governor within a specified
6 timeframe; providing duties of the transition liaison;
7 requiring the head of each state agency to designate
8 an agency transition liaison within a specified
9 timeframe; providing duties of the agency transition
10 liaisons; requiring the Department of Management
11 Services and each state agency to provide certain
12 temporary office facilities to certain persons during
13 the transition period; requiring the department, upon
14 request, to provide the Governor-elect and his or her
15 staff with information technology and related services
16 for such transition period; requiring the Governor-
17 elect to designate in writing the persons to be
18 provided with such services; requiring specified
19 persons to sign a certain memorandum of understanding;
20 requiring each state agency, upon request, to provide
21 the Governor-elect and his or her staff with access to
22 agency leadership personnel during the transition
23 period; authorizing state agencies to assign limited
24 personnel to assist the Governor-elect and his or her
25 staff; requiring that the Governor-elect and his or

her staff be granted access to all state agency records upon request; requiring that the Governor-elect and persons designated by the Governor-elect be granted access to confidential and exempt records under certain conditions; providing criminal penalties; amending s. 14.057, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 14.059, Florida Statutes, is created to read:

14.059 Gubernatorial transition; coordination, access, and agency obligations.—

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

(a) "State agency" means an executive branch agency the head of which is appointed solely by the Governor.

(b) "Transition period" means the period beginning on the day the Elections Canvassing Commission certifies the results of a general election in a year in which the Governor is elected and ending on the day the Governor-elect is inaugurated as Governor. The term does not include any period following the reelection of an incumbent Governor to a second consecutive term.

51 (2) No later than the 10th day after the primary election,
52 the Governor shall designate a transition liaison within the
53 Executive Office of the Governor. The transition liaison shall:

54 (a) Serve as the primary point of contact between the
55 current administration and the Governor-elect and his or her
56 staff.

57 (b) Oversee and coordinate transition planning and
58 operations with state agencies.

59 (c) Create a transition directory that summarizes the
60 statutory authority, programs, functions, and organizational
61 structure of each state agency. The transition directory must be
62 delivered to the Governor-elect within 3 days after the
63 beginning of the transition period.

64 (d) Create and coordinate transition training,
65 orientation, and briefings for the Governor-elect and his or her
66 staff which cover:

67 1. The organizational structure of the executive branch of
68 state government.

69 2. Administrative processes of state agencies, including
70 personnel systems.

71 3. Public records and meeting requirements.

72 4. Ethics and financial disclosure laws.

73 5. Rulemaking procedures under the Administrative
74 Procedure Act.

75 6. State budgeting and financial management processes.

76 7. Any additional subject identified by the Governor-elect
77 and determined by the transition liaison to be reasonably
78 necessary to support an orderly transition between
79 administrations and the continuity of state agency operations.

80 (e) Establish instructions and guidance for agency
81 transition liaisons regarding the preparation, content, and
82 delivery of standardized briefing books under paragraph (3) (b).

83 (3) No later than the 10th day after the primary election,
84 the head of each state agency shall designate an agency
85 transition liaison. The agency transition liaison shall:

86 (a) Serve as the primary point of contact between the
87 agency and the transition liaison.

88 (b) Prepare standardized briefing books in accordance with
89 instructions and guidance established by the transition liaison.
90 The briefing books shall be delivered to the Governor-elect
91 within 3 days after the beginning of the transition period and
92 shall:

93 1. Outline the agency's organizational structure, mission,
94 programs, budget, major contracts, recently concluded and
95 pending litigation, and rulemaking activity.

96 2. Identify all agency leadership personnel, including the
97 chief of staff, general counsel, deputy chiefs of staff, deputy
98 secretaries, division directors, and bureau chiefs.

99 3. Include any information deemed necessary by the
100 transition liaison to support an orderly transition between

101 administrations and the continuity of state agency operations.

102 (4) (a) 1. The Department of Management Services shall
103 provide the Governor-elect, his or her staff, and the
104 inauguration staff with temporary office facilities in the
105 Capitol Center during the transition period.

106 2. Each state agency shall provide temporary office space
107 within the agency headquarters for use by the Governor-elect and
108 his or her staff during the transition period.

109 (b) 1. Upon request of the Governor-elect, the Department
110 of Management Services shall provide the Governor-elect and his
111 or her staff with information technology and related services
112 necessary for transition operations during the transition
113 period. The Governor-elect must designate in writing each person
114 to be provided with information technology and related services.
115 At a minimum, information technology and related services
116 include:

117 a. Computers and any necessary equipment for their use.
118 b. Secure e-mail accounts.
119 c. Cybersecurity training and monitoring.
120 d. Technical assistance related to the use of the
121 information technology.

122 2. Before the Governor-elect or a person designated by the
123 Governor-elect is provided with information technology, he or
124 she must sign a memorandum of understanding acknowledging that
125 he or she will adhere to state cybersecurity practices and will

126 return the information technology to the department upon
127 conclusion of the transition period.

128 (5)(a) Upon request and in coordination with the
129 transition liaison, each state agency shall provide the
130 Governor-elect and his or her staff with access to agency
131 leadership personnel during the transition period, including the
132 chief of staff, general counsel, deputy chiefs of staff, deputy
133 secretaries, division directors, and bureau chiefs.

134 (b) Each state agency may assign limited personnel to
135 assist the Governor-elect and his or her staff during the
136 transition period to the extent consistent with the agency's
137 operational needs.

138 (6)(a) During the transition period, the Governor-elect
139 and his or her staff shall be granted access to all state agency
140 records upon request.

141 (b)1. During the transition period, the Governor-elect and
142 persons designated by the Governor-elect shall be granted access
143 to records that are confidential or exempt from s. 119.07(1) or
144 s. 24(a), Art. I of the State Constitution. The Governor-elect
145 must designate in writing each person who must be granted access
146 to such records. No more than one person per temporary office
147 provided pursuant to paragraph (4)(a) may be designated by the
148 Governor-elect under this paragraph.

149 2. Before accessing any confidential or exempt records,
150 the Governor-elect and his or her designees must sign a
151 memorandum of understanding acknowledging that:

152 a. Such records will remain confidential or exempt.

153 b. Disclosure of such records or the information contained
154 therein is prohibited unless specifically authorized by law.

155 c. All records will be returned to the custodian at the
156 conclusion of the transition period.

157 d. The Governor-elect and each of his or her designees may
158 not disclose or use confidential or exempt information for his
159 or her personal gain or benefit or for the personal gain or
160 benefit of any other person or business entity.

161 e. A violation of sub-subparagraphs a.-d. is a crime
162 punishable as a felony of the third degree.

163 3. Any person who willfully and knowingly violates this
164 paragraph commits a felony of the third degree, punishable as
165 provided in s. 775.082 or s. 775.083.

166 **Section 2. Subsection (2) of section 14.057, Florida**
167 **Statutes, is amended to read:**

168 14.057 Governor-elect; establishment of operating fund.—

169 ~~(2) The Department of Management Services shall provide~~
170 ~~for the Governor-elect, the Governor-elect's staff, and the~~
171 ~~inauguration staff temporary office facilities in the capitol~~
172 ~~center for the period extending from the day of the~~
173 ~~certification of the Governor-elect's election by the Elections~~

174 ~~Canvassing Commission to the day of his or her inauguration.~~

175 **Section 3.** This act shall take effect upon becoming a law.