

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 1078

INTRODUCER: Senator Grall

SUBJECT: Gubernatorial Transition

DATE: January 30, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	<b>Pre-meeting</b>
2.			AEG	
3.			RC	

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**I. Summary:**

SB 1078 establishes a minimum level of cooperation and coordination between the incumbent gubernatorial administration and the Governor-elect's administration. This level of cooperation and coordination is primarily assigned to the liaison in the Executive Office of the Governor (as designated by the incumbent Governor) and the state agency liaisons (as designated by the agency head of each state agency). For purposes of this bill, state agency includes only those executive branch agencies for which the head of the agency is appointed solely by the Governor.

The Department of Management Services (DMS) must provide the Governor-elect and the transition staff with temporary office space within the Capitol Center during the transition period.

Upon request by the Governor-elect, the Florida Digital Service of the DMS must provide the Governor-elect and certain transition staff designated in writing by the Governor-elect with secure access to state information technology systems. The designated staff must sign a memorandum of understanding regarding the disclosure of any records made confidential and exempt from the public disclosure by the Legislature.

The bill permits the Governor-elect's staff to have access to any record of a state agency, including records that have been made confidential and exempt from public records inspection and copying requirements. The Governor-elect and transition staff must sign a memorandum of understanding regarding the disclosure of any records made confidential and exempt from the public disclosure by the legislature.

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

The bill takes effect July 1, 2026.

## II. Present Situation:

### The Governor-elect

#### *The Governor-elect Generally*

After the General Election for the office of Governor, the Election Canvassing Committee will certify the winner of the election. This winner is commonly referred to as the Governor-elect. However, the Governor-elect does not assume office until the first Tuesday after the first Monday in January after the election.<sup>1</sup> On this date, the Governor is inaugurated and begins performing the constitutional and statutory duties of the office of the Governor.

#### *Operating Fund for the Governor-elect*

An operating fund is established for use by the Governor-elect for the period beginning with the certification of the election to the inauguration as Governor. Funds appropriated in this account may be used for travel, expenses generally, the Governor-elect's salary, and staff salaries. The Governor-elect has significant discretion on how to use such funds, but the total expenditures chargeable to the operating fund may not exceed the amount appropriated.<sup>2</sup>

The Department of Management Services is directed to provide the Governor-elect, transition staff, and inauguration staff with temporary office space in the Capitol Complex.<sup>3</sup> For this purpose, the incumbent Governor is not considered a Governor-elect if elected to a second consecutive term. In this instance, all moneys appropriated to the operating fund will revert to the General Revenue Fund.<sup>4</sup>

#### *Inauguration Expense Fund for the Governor-elect*

An inauguration expense fund is established for use by the Governor-elect in planning and conducting inauguration ceremonies. The Governor-elect is authorized to appoint an inauguration coordinator and other necessary staff. Salaries for the coordinator and staff are determined by the Governor-elect and are payable from the inauguration expense fund.

### Capitol Complex

Chapter 272, F.S., provides that the Capitol Center<sup>5</sup> is under the general control and supervision of the Department of Management Services (DMS),<sup>6</sup> which includes the management and maintenance of both the grounds and buildings.<sup>7</sup> The DMS is authorized to allocate space in the specified buildings to house various departments, agencies, boards, and commissions except the Supreme Court Building.<sup>8</sup> Additionally, the DMS has the authority to provide for the

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<sup>1</sup> FLA. CONST. art. IV, s. 5(a).

<sup>2</sup> Section 14.057(1), F.S.

<sup>3</sup> Section 14.057(2), F.S.

<sup>4</sup> Section 14.057(3), F.S.

<sup>5</sup> Section 272.12, F.S., describes the Tallahassee area bound by South Martin Luther King, Jr. Boulevard, East and West College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

<sup>6</sup> Section 272.03, F.S.

<sup>7</sup> Section 272.09, F.S.

<sup>8</sup> Section 272.04, F.S.

establishment of parks, walkways, and parkways on the grounds of the Capitol Center.<sup>9</sup> This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management oversight of the design and construction of memorials.

The term “Capitol Complex” is defined to include:

that portion of Capitol Center, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliott Building, the R.A. Gray Building, and the associated parking garages and curtilage of each, including the state-owned lands and public streets adjacent thereto within an are bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola Street, Martin Luther King, Jr. Boulevard, and Gaines Street. The term does not include the Supreme Court Building or the public streets adjacent thereto.<sup>10</sup>

The management, maintenance, and upkeep of the Capitol Complex is the obligation of the DMS, which has the authority to employ a superintendent of the grounds and other employees.<sup>11</sup>

The following agencies are located in the Capitol – The Executive Office of the Governor, the Florida Senate, the Florida House of Representatives, the Attorney General and the Department of Legal Affairs, the Chief Financial Officer and the Department of Financial Services, the Commissioner of Agriculture and the Department of Agriculture and Consumer Services, the Department of State (library), the Department of Law Enforcement (Capitol Police), and the DMS. Agencies located in the remainder of the Capitol Complex include the Department of Commerce<sup>12</sup> and the Department of State.

**State Agencies**

***Agencies with Heads Appointed Solely by Governor***

State agencies whose head is appointed solely by the Governor are listed below in Table 1. These agencies are headed by department secretaries or other appointed state officers.

**Table1.**

Agency for Health Care Administration	Fish and Wildlife Conservation Commission	Department of Elder Affairs	Department of Juvenile Justice
Department of Business and Professional Regulation	Department of Commerce	Department of Corrections	Department of Transportation
Department of Children and Families	Agency for Persons with Disabilities	Department of Military Affairs	Department of Citrus
Department of Environmental Protection	Department of Management Services	Department of Education	Department of Lottery

<sup>9</sup> Section 272.07, F.S.

<sup>10</sup> Section 272.09, F.S.

<sup>11</sup> Section 272.09, F.S.

<sup>12</sup> Although the Caldwell Building is within the geographic boundaries of the Capitol Complex, it is not specifically named as part of the Capitol Complex in s. 272.09, F.S.

Department of State	Department of Health	Division of Administrative Hearings	Office of Judges of Compensation Claims
Office of Regional Conflict and Civil Counsel	Capital Collateral Regional Counsel	Statewide Guardian Ad litem Office	Elections Commission
Reemployment Assistance Appeals Commission	Public Employees Relations Commission	Commission on Human Relations	Building Commission
Florida College System institutions	Florida Virtual School		

***Other State Agencies***

State agencies whose agency head is not appointed solely by the Governor are listed below in Table 2. These agencies are headed by elected Cabinet officers, the Governor and Cabinet together, or other collegial bodies.

**Table 2**

Department of Legal Affairs	Department of Agriculture and Consumer Services	Department of Financial Services	Department of Revenue
Department of Law Enforcement	Department of Highway Safety and Motor Vehicles	State Board of Administration	Financial Services Commission
Department of Veterans Affairs	Commission on Offender Review		

**Public Records Law**

***Generally***

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>13</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>14</sup>

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.<sup>15</sup> The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>16</sup>

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

<sup>13</sup> FLA. CONST. art. I, s. 24(a).

<sup>14</sup> *Id.*; see also *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

<sup>15</sup> Public records laws are found throughout the Florida Statutes.

<sup>16</sup> Section 119.01(1), F.S.

The Public Records Act does not apply to legislative or judicial records.<sup>17</sup> Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>18</sup>

Chapter 119, F.S., specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>19</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>20</sup>

Only the Legislature may create an exemption to public records requirements.<sup>21</sup> An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>22</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>23</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>24</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>25</sup> Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>26</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>27</sup>

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<sup>17</sup> *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

<sup>18</sup> *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>19</sup> Section 119.07(1)(a), F.S.

<sup>20</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>21</sup> FLA. CONST. art. I, s. 24(c).

<sup>22</sup> *Id.*

<sup>23</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>24</sup> FLA. CONST. art. I, s. 24(c).

<sup>25</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5<sup>th</sup> DCA 2004).

<sup>26</sup> *Id.*

<sup>27</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5<sup>th</sup> DCA 1991).

***Governor-elect***

Section 119.035, F.S., provides:

It is the policy of this state that the provisions of this chapter apply to officers-elect upon their election to public office. Such officer-elect shall adopt and implement reasonable measures to ensure compliance with the public records obligations set forth in this chapter.

If an officer-elect, individually or as part of the transition process, creates or uses an online or electronic communication or recordkeeping system, all public records maintained on the system must be preserved to ensure that the public has the ability to inspect or copy such records.<sup>28</sup> Upon taking the oath of office, the Governor-elect must deliver the records custodian of the Executive Office of the Governor all public records kept or received in the transaction of official business during the transition.<sup>29</sup>

**III. Effect of Proposed Changes:**

**Section 1** creates s. 14.059, F.S., to set requirements for the transition of state governance from the incumbent gubernatorial administration to the Governor-elect's administration. To ensure some level of cooperation and preparation, the bill requires the incumbent Governor to designate a transition liaison within the Executive Office of the Governor. This liaison is tasked with:

- Serving as the primary point of contact between the current administration and the Governor-elect and the transition staff.
- Overseeing and coordinating transition planning and operations with state agencies.
- Creating a transition directory that summarizes the statutory authority, programs, functions, and organizational structure of each state agency.
- Creating and coordinating transition training, orientation, and briefings for the Governor-elect and the transition staff.
- Establishing instructions and guidance for agency transition liaisons regarding the preparation, content, and delivery of standardized briefing books.

Likewise, the head of each state agency must designate an agency liaison. This position must:

- Serve as the primary point of contact between the agency and the Governor-elect and the transition staff.
- Prepare standardized briefing books.

For purposes of this bill, state agency includes only those executive branch agencies for which the Governor solely appoints the head of the agency.

The Department of Management Services must provide the Governor-elect, the transition staff, and the inauguration staff with temporary office facilities in the Capitol Center during the transition period. The Florida Digital Service is required to provide to the Governor-elect and designated members of the transition team access to state information technology systems.

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<sup>28</sup> Section 119.035(3), F.S.

<sup>29</sup> Section 119.035(4), F.S.

Section 1 requires each state agency to provide temporary office space within the agency headquarters for use by the transition team and provide the transition staff access to the agency leadership personnel during the transition period.

The transition team must be granted access to all state agency records upon request, including public records that are confidential and exempt from public records inspection and copying requirements. Before accessing exempt or confidential and exempt records, the transition team must sign a memorandum of understanding acknowledging the status of the records and that disclosure of such records is prohibited by law.

**Section 2** amends s. 14.057, F.S., to delete a duty placed on the Department of Management Services to provide the Governor-elect, the Governor-elect's staff, and the inauguration staff temporary office space in the Capitol Center from the day the election is certified to the day of the inauguration.

**Section 3** provides that the bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None identified.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

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

**VI. Technical Deficiencies:****Access to State Information Technology Systems**

Lines 129-144 of the bill require the Florida Digital Service (FLDS) to provide the Governor-elect and the transition team access to “state information technology systems necessary for transition operations.” Since FLDS does not “own” any of these systems and the necessity to access systems containing confidential information is not readily apparent during the transition period, the Legislature should consider substituting the DMS for the FLDS and limit the access to the technology included on lines 139-141.

**VII. Related Issues:****Access to Public Records that are Otherwise Confidential and Exempt**

The bill allows the Governor-elect and the transition staff access to all records of “state agencies” as defined by this bill.<sup>30</sup> This includes information that has been made confidential and exemption from public records inspection and copying requirements. Examples of information made confidential and exempt include criminal investigation information, criminal intelligence information, cybersecurity information, trade secrets, proprietary confidential business information, and social security numbers. Typically, information that is made confidential and exempt by the Legislature may only be released under specific circumstances authorized by the Legislature for each separate exemption.

The Governor-elect is an elected officer upon being sworn in. That occurs at the inauguration. Similarly, the transition team is not necessarily comprised of public sector employees and in the past have been private sector “experts” in various fields. In many instances, confidential and exempt information may be released to other public agencies/employees in carrying out official duties. To the extent the Governor-elect and the transition team members are not public officers and employees during the transition period, it may be inappropriate to release the information to them. If a public officer or public employee releases confidential information, the officer or employee may be subject to criminal penalties if the release is determined to be unauthorized.

**Appropriations for Transition Assistance**

In response to the last four gubernatorial elections, the Legislature appropriated the following amounts from the General Revenue Fund for “Transition Assistance.”

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<sup>30</sup> See *supra* Table 1 in Present Situation.

Fiscal Year	Appropriation
2010-11	\$1,500,000 <sup>31</sup>
2014-15	0
2018-19	\$2,377,350 <sup>32</sup>
2022-23	\$2,377,350 <sup>33</sup>

### VIII. Statutes Affected:

This bill substantially amends section 14.057 of the Florida Statutes.

This bill creates section 14.059 of the Florida Statutes.

### IX. Additional Information:

#### A. Committee Substitute – Statement of Changes:

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

None.

#### B. Amendments:

None.

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

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<sup>31</sup> Specific Appropriation 2185, ch. 2010-52, Laws of Fla

<sup>32</sup> Specific Appropriation 1968, ch. 2018-9, Laws of Fla.

<sup>33</sup> Specific Appropriation 2050A, ch. 2022-156, Laws of Fla.