

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

585-02414-26

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A bill to be entitled

An act relating to gubernatorial transition; creating s. 14.059, F.S.; defining terms; requiring the Governor to designate a transition liaison within the Executive Office of the Governor within a specified timeframe; providing duties of the transition liaison; requiring the head of each state agency to designate an agency transition liaison within a specified timeframe; providing duties of the agency transition liaisons; requiring the Department of Management Services and each state agency to provide certain temporary office facilities to certain persons during the transition period; requiring the department, upon request, to provide the Governor-elect and his or her staff with information technology and related resources for such transition period; requiring the Governor-elect to designate in writing the staff to be provided with such resources; requiring specified persons to sign a certain memorandum of understanding; requiring each state agency, upon request, to provide the Governor-elect and his or her staff with access to agency leadership personnel during the transition period; authorizing state agencies to assign limited personnel to assist the Governor-elect and his or her 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

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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.

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

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

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

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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, orientation,
65 and briefings for the Governor-elect and his or her staff which
66 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 Procedure
74 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.

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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 of
110 Management Services shall provide the Governor-elect and his or
111 her staff with information technology and related resources
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:

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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 designee of the Governor-
123 elect is provided with information technology, he or she must
124 sign a memorandum of understanding acknowledging that he or she
125 will adhere to state cybersecurity practices and will return the
126 information technology to the department upon conclusion of the
127 transition period.

128 (5) (a) Upon request and in coordination with the transition
129 liaison, each state agency shall provide the Governor-elect and
130 his or her staff with access to agency leadership personnel
131 during the transition period, including the chief of staff,
132 general counsel, deputy chiefs of staff, deputy secretaries,
133 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 and
139 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

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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, the
150 Governor-elect and his or her designees must sign a memorandum
151 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 his or her designees may not
158 disclose or use confidential or exempt information for their
159 personal gain or benefit or for the personal gain or benefit of
160 any other person or business entity.

161 e. A violation of sub-subparagraphs a. through d. is a
162 crime 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 for~~
170 ~~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.~~

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