

1 A bill to be entitled
2 An act relating to deferred compensation plans for
3 public employees; providing a short title; amending s.
4 112.215, F.S.; authorizing the inclusion of an
5 automatic enrollment arrangement in a government
6 employee's deferred compensation plan; requiring that
7 the automatic enrollment arrangement be established
8 with a default contribution rate; authorizing the
9 periodic reenrollment of specified government
10 employees; authorizing the periodic resetting of
11 contribution rates for specified government employees;
12 requiring that the automatic enrollment arrangement
13 provide employees the ability to make certain
14 elections regarding contributions; requiring that the
15 plan provide for a default investment into which
16 contributions must be placed under a specified
17 circumstance; authorizing counties, municipalities,
18 political subdivisions, and constitutional county
19 officers to adopt automatic enrollment arrangements
20 for specified deferred compensation programs;
21 providing that the deferred compensation plan of the
22 state may adopt an automatic enrollment arrangement
23 only upon the approval of the Legislature; amending
24 ss. 110.114 and 112.171, F.S.; requiring that a
25 certain deduction of the wages or salary of employees

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be treated in a specified manner; providing an effective date.

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

Section 1. This act may be cited as the "Deferred Compensation Automatic Enrollment Act."

Section 2. Subsection (3) of section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.—

(3) (a) In accordance with a plan of deferred compensation which has been approved as herein provided, the state or any state agency, county, municipality, other political subdivision, or constitutional county officer may, by contract or a collective bargaining agreement, agree with any employee to defer all or any portion of that employee's otherwise payable compensation and, pursuant to the terms of such approved plan and in such proportions as may be designated or directed under that plan, place such deferred compensation in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or such other investment products as may have been approved for the purposes of carrying out the objectives of such plan. Such insurance, annuity, savings, or investment products must ~~shall~~

51 be underwritten and offered in compliance with the applicable
52 federal and state laws and regulations by persons ~~who are~~ duly
53 authorized by the applicable state and federal authorities.

54 (b) Such plan of deferred compensation may include an
55 automatic enrollment arrangement under which a government
56 employee's otherwise payable compensation is deducted and
57 contributed to the plan unless the government employee elects
58 not to contribute or elects to contribute a different rate or
59 amount. Such automatic enrollment arrangement must establish a
60 default contribution rate, may provide for the periodic
61 reenrollment of government employees eligible but not
62 participating in the plan, and may allow the periodic resetting
63 of contribution rates for government employees contributing at
64 rates lower than those established by the automatic enrollment
65 arrangement.

66 (c) An automatic enrollment arrangement must provide that
67 a government employee may, at any time, elect not to contribute
68 to the plan or may elect to contribute to the plan at a
69 different rate or amount than the default rate.

70 (d) If a deferred compensation plan includes an automatic
71 enrollment arrangement, the plan must provide for a default
72 investment into which contributions must be placed in the
73 absence of an election from the government employee.

74 (e) Any county, municipality, or other political
75 subdivision of the state may by ordinance, and any

76 constitutional county officer under s. 1(d), Art. VIII of the
77 State Constitution may by contract agreement or other
78 documentation constituting approval, adopt an automatic
79 enrollment arrangement for its own deferred compensation
80 program. Notwithstanding subsection (4), the deferred
81 compensation plan of the state may adopt an automatic enrollment
82 arrangement only upon the approval of the Legislature and not
83 pursuant to the authority of the Chief Financial Officer.

84 **Section 3. Subsection (1) of section 110.114, Florida**
85 **Statutes, is amended to read:**

86 110.114 Employee wage deductions.—

87 (1) The state or any of its departments, bureaus,
88 commissions, and officers are authorized and permitted, with the
89 concurrence of the Department of Financial Services, to make
90 deductions from the salary or wage of any employee or employees
91 in such amount as ~~shall be~~ authorized and requested by such
92 employee or employees and for such purpose as ~~shall be~~
93 authorized and requested by such employee or employees and shall
94 pay such sums so deducted as directed by such employee or
95 employees. Deduction of the salary or wage of an employee as
96 authorized by an automatic enrollment arrangement pursuant to s.
97 112.215(3)(c) must be treated as authorized and requested by
98 such employee for purposes of this subsection. The concurrence
99 of the Department of Financial Services may ~~shall~~ not be
100 required for the deduction of a certified bargaining agent's

membership dues deductions pursuant to s. 447.303 or any deductions authorized by a collective bargaining agreement.

Section 4. Subsection (1) of section 112.171, Florida Statutes, is amended to read:

112.171 Employee wage deductions.—

(1) The counties, municipalities, and special districts of the state and the departments, agencies, bureaus, commissions, and officers thereof are authorized and permitted in their sole discretion to make deductions from the salary or wage of any employee or employees in such amount as ~~shall be~~ authorized and requested by such employee or employees and for such purpose as ~~shall be~~ authorized and requested by such employee or employees and shall pay such sums so deducted as directed by such employee or employees. Deduction of the salary or wage of an employee as authorized by an automatic enrollment arrangement pursuant to s. 112.215(3)(c) must be treated as authorized and requested by such employee for purposes of this subsection.

Section 5. This act shall take effect July 1, 2026.