

RETIREMENT AND BENEFITS

CS/SB 1488 — FRS/Food and Agricultural Sciences

by Governmental Operations Committee

Since 1984 the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida has maintained a supplemental pension plan for its cooperative extension personnel. As a pension plan closed to new hires, its census of covered personnel declines as retirements occur. This places additional funding pressure on the plan as reduced headcount spread the plan's payment liabilities over fewer personnel. Moreover, the plan is statutorily required to have an immunized asset investment base, that is, its investments must be allocated to the most conservative vehicles available in order to assure the stability of its benefit obligations. The combinations of these two factors has forced the plan to experience rising annual payroll costs and forced it to receive two successive extraordinary appropriations of general revenue to sustain its negative funding status.

This bill permanently corrects this imbalance by merging the assets and liabilities of the IFAS supplemental pension plan into the Florida Retirement System (FRS). No covered employee, retiree, or dependent will be affected by the change and the need for supplemental funds to subsidize the plan's finances will no longer be required. The assumption of the excess liabilities over assets from IFAS will have no effect on the FRS due to its large asset base as the Nation's fourth largest public pension plan.

The bill also amends s. 112.0801, F.S., to require that participants in the FRS alternative defined contribution plan satisfy the age or normal retirement service requirement of six years to be eligible to receive post-retirement health insurance coverage provided by their employer.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 118-0

HB 7085 — FRS/Retirement Contribution Rates

by Government Efficiency and Accountability Council and Rep. Grant (CS/SB 1490 by Governmental Operations Committee)

This bill establishes the employer payroll contribution rates to be charged by the some 950 participating public employers in the Florida Retirement System for FY 2007-2008. It has been the recent custom of the Florida Legislature to set the rates annually by statute after receipt of the annual plan valuation conducted by the consulting actuary to the Department of Management Services. The bill also sets the default rates for the succeeding fiscal year in the event there is no legislation forthcoming during the 2009 Regular Session. The FY 2008 proposed rates are unchanged from current law.

**Current and Proposed FRS Payroll Contribution Rates
(Percent of Gross Compensation)**

Retirement Class	FY 2008 Rates (Proposed)	FY 2009 Rates (Default)
Regular	8.69	9.59
Special Risk	19.76	22.01
Special Risk - Adm. Spt.	11.39	11.90
Elected Officers - State	13.32	14.99
Elected Officers - County	15.37	17.15
Elected Officers - Judges	18.40	20.46
Senior Management	11.96	13.35
DROP	9.80	10.89

The bill includes a statement of important state interest to effect compliance with s. 18, Art. VII, and s. 14, Art. X, State Constitution, and ch. 112, part VII, F.S.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 118-0

CS/HB 803 — Adoption Benefits

by Healthcare Council and Rep. Cusack and others (CS/CS/SB 362 by Health and Human Services Appropriations Committee; Children, Families and Elder Affairs Committee; and Senators Wilson and Lynn)

The bill creates s. 409.1663, F.S., to expand the categories of state employees who are eligible to receive adoption benefits and to consolidate statutory provisions regarding water management district employees who are already eligible to receive adoption benefits.

The bill adds community college and county school district employees to the list of employees eligible to receive \$10,000 upon the adoption of a “special needs child” or \$5,000 upon the adoption of a child who is not a “special needs child” but whose permanent custody has been awarded to the state. The bill clarifies that state university employees are eligible for adoption benefits as well.

The bill provides that adoption benefits are to be paid in a lump sum and are subject to a specific appropriation. The bill also transfers the administration of the program from the Department of Management Services to the Department of Children and Family Services and grants DCF rulemaking authority.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 37-0; House 114-0

OPEN GOVERNMENT

SB 1760 — Custodian of Public Records

by Senator Justice

The bill amends the Public Records Act to provide that a custodian of public records, or other person in an agency having custody of a public record, may designate another officer or employee to permit inspection and copying of public records. If such designation is made, the custodian or person with custody must disclose the identity of the designee to person requesting to inspect or copy public records.

The bill requires a custodian or designee to promptly acknowledge requests to inspect or copy records and to respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether the record exists and, if so, the location at which the record can be accessed.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 117-0

HB 7127 — Open Government Sunset Review/Personal Identifying Information of Participants in the Public Employee Optional Retirement Program

by Government Efficiency and Accountability Council and Rep. Attkisson (SB 1492 by Governmental Operations Committee)

The bill reenacts the public records exemption for personal identifying information of a participant in the Public Employee Optional Retirement Program, contained in Florida Retirement System records, held by the State Board of Administration or the Department of Management Services.

If approved by the Governor, these provisions take effect October 1, 2007.

Vote: Senate 38-0; House 117-0

HB 7159 — Public Records and Meetings Exemption/Lifeline Assistance Plan

by Jobs and Entrepreneurship Council and Rep. Reagan and others (CS/SB 630 by Governmental Operations Committee and Senator Lawson)

This bill exempts personal identifying information of a participant in a telecommunications carrier's Lifeline Assistance Plan under s. 364.10, F.S., by the Public Service Commission. The information may be released to the applicable telecommunications carrier for purposes directly connected with eligibility for, verification related to, or auditing of a Lifeline Assistance Plan. The exemption permits the release of confidential information for specific reasons. An officer or

employee of a telecommunications carrier who intentionally discloses information in violation of the provision commits a misdemeanor of the second degree.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 116-0

HB 7169 — Public Records and Meeting Exemption/Florida Workers' Compensation Joint Underwriting Association, Inc.

by Jobs and Entrepreneurship Council and Rep. Reagan and others (CS/SB 628 by Governmental Operations Committee and Senators Lawson and Posey)

The bill creates an exemption for certain records and portions of meetings of the Florida Workers' Compensation Joint Underwriting Association, Inc. (JUA), the insurer of last resort for employers who are unable to secure workers' compensation insurance coverage in the voluntary market. The bill makes confidential and exempt underwriting files, claims files until termination of litigation and settlement, audit records, certain proprietary information, medical records, records relative to an employee's participation in an employee assistance program, certain information related to negotiations, reports regarding fraud until the investigation is closed or ceases to be active, and payroll and client lists of employee leasing companies obtained from the Department of Revenue. The bill also makes confidential and exempt certain records prepared by an attorney retained by the association to protect or represent the interests of the association. Exceptions are provided. The bill also makes exempt that portion of a meeting at which exempt records are discussed and the minutes of that portion of such meetings. The exemption is subject to future review and repeal under the Open Government Sunset Review Act in 2012.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 119-0

HB 7183 — Administrative Procedures

by Government Efficiency and Accountability Council and Rep. Homan (CS/CS/SB 1592 by Transportation and Economic Development Appropriations Committee; Judiciary Committee; and Senator Bennett)

This bill revises provisions in the Administrative Procedure Act (APA), codified in ch. 120, F.S., relating to unadopted agency rules. The bill creates incentives for agencies to adopt rules and for affected persons to challenge unadopted rules by:

- Creating requirements for agency adoption of policy statements as rules;
- Bolstering the ability of the Joint Administrative Procedures Committee to examine unadopted agency rules; and
- Modifying provisions relating to the award of costs and fees in rule challenges.

The bill also modifies provisions of the APA concerning the incorporation by reference of materials into agency rules. In addition to technical or administrative refinements, the bill makes the following significant changes:

- Provides definitions of the terms “law implemented” and “rulemaking authority”;
- Provides additional requirements for the use of material that is being incorporated by reference in rules;
- Requires electronic publication of the *Florida Administrative Code* (FAC);
- Provides for material incorporated by reference to be filed in electronic form, unless doing so would constitute a violation of federal copyright law;
- Provides that if an agency head is a board or other collegial body, then the agency head may not delegate the responsibility to conduct requested public hearings;
- Provides an award of attorney’s fees to the petitioner in an unadopted rule challenge if, prior to the final hearing, the agency initiates rulemaking and the agency knew or should have known that the agency statement was an unadopted rule; and
- Provides the granting of a stay in an unadopted rule challenge when certain conditions are met.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 117-0

HB 7193 — Public Records Exemption/Local Update of Census Addresses

by Government Efficiency and Accountability Council and Rep. Attkisson (CS/SB 632 by Governmental Operations Committee and Senator Lawson)

The bill creates a public records exemption for U.S. Census Bureau address information held by an agency pursuant to the Local Update of Census Addresses Program (LUCA program). Confidential and exempt address information may be released to another agency or governmental entity in the furtherance of its duties and responsibilities under the LUCA program.

The bill also authorizes agency access to any other confidential or exempt information held by another agency if access is necessary for the receiving agency to perform its duties and responsibilities under the LUCA program.

The bill provides for future review and repeal of the exemption and provides a statement of public necessity.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 115-0

HB 7197 — Open Government Sunset Review/Social Security Numbers and Financial Account Numbers

by Government Efficiency and Accountability Council and Rep. Attkisson (CS/SB 1468 by Governmental Operations Committee)

The bill reenacts the general public records exemption for social security numbers and bank account, debit, charge, and credit card numbers, held by an agency. The bill also repeals a duplicative exemption for credit card numbers. In addition, the bill transfers to a new section of law those public records exemptions related to court records and official records, and extends the period of time that redaction must be requested in court and official records.

If approved by the Governor, these provisions take effect October 1, 2007.

Vote: Senate 40-0; House 115-0

GOVERNMENT ACCOUNTABILITY AND OVERSIGHT

CS/CS/SB 1972 — Leasing of Private Property by State Agencies

by General Government Appropriations Committee and Governmental Operations Committee

This bill provides for state agency use of invitations to negotiate when soliciting for leased space in privately owned buildings, and designates requirements for the use of invitations to bid, requests for proposals, and invitations to negotiate. An invitation to negotiate may be used only when an invitation to bid or a request for proposal will not result in the best value to the state.

The bill makes permanent four provisions that would otherwise expire:

- A requirement that the Department of Management Services (DMS) annually publish a master leasing report concerning agency leases.
- A requirement that lease terms include certain specified clauses.
- A requirement that the DMS may not approve agency amendment of standard lease terms unless a comprehensive financial analysis demonstrates that the amendment is in the state's long-term best interest.
- A requirement that the DMS annually update its plan for implementing stated legislative policy of using state-owned buildings before leasing privately-owned buildings.

The bill requires the DMS to implement a strategic leasing plan for state agencies, and allows the DMS to use the services of a tenant broker in implementing the plan. The bill allows agencies to use the services of a tenant broker in procuring leased space if the tenant broker is an awarded vendor on a term contract that contains specified provisions. Agencies may use the services of the current tenant broker until October 15, 2007, with the prior approval of the DMS. Payments made to a tenant broker must be made by the state, not a lessor, subject to appropriation by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 117-0

CS/CS/SB 1974 — State Information Technology

by General Government Appropriations Committee; Governmental Operations Committee; and Senators Lynn and Crist

In its January 2007 Interim Report, *Enterprise Information Technology: Senate Review and Study*, the Florida Senate reported an uneven forty-year experience with the recognition and development of an electronic information infrastructure in government programs. Operationally a more than \$2 billion annual investment itself, information technology is an indistinguishable part of the daily functioning of government agencies. In a state where access to publicly funded programs is a constitutional right, a properly functioning electronic infrastructure becomes an essential element in assuring operational accountability as well as giving the public confidence that government agencies can be both responsible and responsive.

In cataloging the State of Florida's experiences with large-scale information technology undertakings, that report pointed to many lessons learned from a whole series of project failures that either underperformed or overreached. Its overall recommendations are embodied in this bill which creates an Agency for Enterprise Information Technology headed by the Governor and Cabinet. The agency will be responsible for the development of large-scale, or enterprise, information technology activities that span groups of state departments and commissions. The new agency is specifically directed and funded to develop a work plan, the initial elements of which – data center consolidation, alternative acquisition policies on the replacement of equipment, messaging systems, customer relationship management systems, and information security – are specified as expectations by its second year of existence. There should be no intrusion into individual state agency information technology operations, as the focus of the new agency lies with the development of shared systems common to all participants. Certain responsibilities assigned to the former State Technology Office are redistributed to the Department of Management Services and the bill provides conforming changes to that end. The bill specifically appropriates new funds and reappropriates current funds for the support of the new agency and its missions.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 119-0

CS/CS/SB 1624 — Insurance/Public Construction Projects

by General Government Appropriations Committee; Banking and Insurance Committee; and Senator Bennett

The bill provides the following changes to the current statutory provisions regulating the use of an owner-controlled-insurance program (OCIP) by a public agency:

- Provides that a “specified contracted work site” for purposes of an OCIP applies to a *single* continuous system.
- Clarifies when a capital infrastructure improvement program at multiple work sites meets the \$75 million threshold requirement in order for the construction project to be eligible to use an OCIP. A capital infrastructure improvement program must be for a single public service, system, or facility that cannot be combined with another project unless certain conditions are met. The term “capital infrastructure improvement program” is also defined.
- Specifies that, under an OCIP with a large deductible workers’ compensation rating plan, the individual contractors and subcontractors are not required to individually satisfy eligibility requirements and may combine their payroll if the deductible is \$100,000 or more and the standard premium is \$500,000 or more.
- Requires an OCIP to provide completed operations coverage, which insures against construction defections after the completion of the project, for at least 10 years rather than 5 years.

If approved by the Governor, these provisions take effect October 1, 2007.

Vote: Senate 38-0; House 117-0

COMMEMORATIONS

CS/SB 464 — Legal Holidays and Special Observances

by Governmental Operations Committee and Senators Siplin, Hill, Dawson, Bullard, and Lawson

This bill designates February 6 of each year as “Ronald Reagan Day.” It authorizes the Governor to issue a proclamation marking the day. Public officials, schools, private organizations, and all citizens are encouraged to honor the legacy of opportunity and optimism left by America’s 40th President.

The bill also designates January 6 of each year as “Three Kings Day.” Local governments are authorized to annually issue a proclamation commemorating the day and recognizing that many residents of the state celebrate the occasion as a time to be with their family and friends, attend services, exchange gifts, and celebrate their cultural heritage.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 118-0