

CULTURAL AND HISTORIC RESOURCES

CS/SB 82 — Public Library Grants/State Aid

by Transportation and Economic Development Appropriations Committee and Senators Fasano, Justice, Lynn, Jones, Gaetz, Bullard, Dockery, and Crist

The state aid to libraries grant program is comprised of three interrelated grants that are based on local expenditures: (1) operating grants; (2) multicounty grants; and (3) equalization grants. Senate Bill 82 amends the state aid to libraries grant program by revising eligibility criteria for multicounty and equalization grants. The bill revises the determination for and amount of multicounty base grants and changes the process for calculating equalization grants. The criteria used for awarding multicounty library grants found in s. 257.172, F.S., is amended to:

- Restrict multicounty grants to systems that include at least one county that is eligible for an equalization grant (i.e., a county with limited financial resources). This change has no immediate effect because at present all such systems contain at least one eligible county.
- Establish a multicounty base grant of \$50,000 for systems serving two counties, effective July 1, 2008. No additional funds are requested for this purpose; this base grant would come from the state aid program.
- Increase the multicounty base grant for systems serving three or more counties from \$250,000 to \$350,000. No additional funds are requested for this purpose; this base grant would come from the state aid appropriation.

The criteria used for awarding equalization library grants established by s. 257.18, F.S., are modified to:

- Add requirements that award equalization grants only to counties that received an equalization grant in FY 2007-08 and have been continuously eligible since that period.
- Determine the need for an equalization grant by using the county's operating millage or per capita income rather than by using the county's expenditures for library services.
- Establish a three-year phase out from the equalization grants for counties that become ineligible.
- Limit the amount of equalization that can go to any single county.
- Limit the portion of state aid that goes to equalization grants, with implementing language that protects those counties most dependent on equalization funding.

Finally, a requirement that the Chief Financial Officer issue warrants to political subdivisions eligible for certain funding is deleted from s. 257.22, F.S.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 116-1

SB 1558 — State Song

by Senators Hill and Wilson

The bill designates the song "Florida, Where the Sawgrass Meets the Sky" as the official anthem of the State of Florida, and designates the revised lyrics version of the song "Old Folks at Home" as the official song of the State of Florida.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 83-31

CS/HB 337 — Management of Historic Pensacola Properties

by Schools and Learning Council and Rep. Ford and others (CS/SB 1014 by Higher Education Committee and Senator Gaetz)

Upon agreement by all parties to the existing management contracts for the various state-owned properties managed by the Historic Pensacola Preservation Board of Trustees prior to July 1, 2001, those existing contracts would be rescinded upon execution of a contract between the Board of Trustees of the Internal Improvement Trust Fund and the University of West Florida for the management of those properties.

The university is required to provide for the management of these state-owned properties and may contract with the direct-support organization authorized by s. 267.1732, F.S. The contract must provide that all proceeds derived from the management of these properties must be used for the purposes of advancing historic preservation, historic preservation research, and historic preservation education.

The Board of Trustees of the Internal Improvement Trust Fund, rather than the Department of State, would have the authority to convey ownership of artifacts, documents, equipment and other tangible personal property to the university. While the university may sell or transfer such personal property if its direct-support organization recommends it to the university president, and if it is determined that the object is no longer appropriate for the purpose of advancing historic preservation, the department must provide prior approval for sale, exchange, or transfer of any tangible personal property that has intrinsic historical or archaeological value relating to the history, government, or culture of the state.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 37-0; House 107-2

CS/HB 987 — Cultural and Historical Programs

by Economic Expansion and Infrastructure Council and Rep. Culp and others (CS/SB 2660 by Governmental Operations Committee and Senators Lawson and Wilson)

The bill transfers responsibility for the Historical Museum Grants program and the Museum of Florida History (museum) from the Division of Historical Resources to the Division of Cultural Affairs. The authority for these programs would be deleted from ch. 267, F.S., and moved to ch. 265, F.S.

The Historical Museums Grants-in-Aid program is incorporated into the department's grant management system, OASIS (Online Arts Services and Information System). The bill transfers the management from the Division of Historical Resources to the Division of Cultural Affairs by establishing the museum and grant program within the Division of Cultural Affairs statute, ch. 265, F.S., entitled "Memorials, Museums and Fine Arts," and adds definitions essential to the operation of historical museums. These definitions will now appear in both chapters. Several existing sections in ch. 267, F.S., have also been incorporated into ch. 265, F.S., to ensure the museum continues to meet accreditation standards of the American Association of museums, as well as all necessary authority and rights as originally provided in ch. 267, F.S. These provisions include powers and duties of the division, and state policy in regards to historic properties, objects of historical or archaeological value, and publications. Those provisions will also remain in ch. 267, F.S.

The bill provides for the incorporation of the museum's existing citizen support organization into s. 265.703, F.S., along with the existing exemption to protect the anonymity of financial donors to the museum.

The bill also gives authority to the Division of Cultural Affairs to publish, collect, and encourage writing of documents relating to Florida history and to charge for such publication. Revenue collected from this endeavor is to be deposited into the Grants and Donations Trust Fund or into the citizen support organization account subject to provisions in the annual letter of agreement with the department. This authority for publication will also remain with Division of Historical Resources, in s. 267.081, F.S.

Currently, s. 267.0731, F.S., identifies the Museum of Florida History as the depository for films or videotapes produced for the Great Floridian Program. The bill amends the statute to provide that the Department of State will be the depository, which permits flexibility within the department for deposits. The bill amends s. 272.129, F.S., to permit the Legislative Research Center and Museum at the Historic Capitol to authorize a citizen-support organization to support

the center and museum. The citizen support organization is authorized to raise funds, apply for and receive grants, and collect donations and rental fees on behalf of the center and museum.

The bill repeals s. 267.174, F.S., and thereby, abolishes the Discovery of Florida Quincentennial Commemoration Commission.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 113-0

INFRASTRUCTURE OPERATIONS

CS/CS/SB 704 — Administrative Procedures

by Transportation and Economic Development Appropriations Committee; Judiciary Committee; and Senators Bennett and Gaetz

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; 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 to ch. 120, F.S., the bill makes the following significant changes:

- 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 created under Department of Business and Professional Regulation or Department of Health, then the agency head must conduct at least one of the requested public hearings itself;
- 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, but provides no attorney's fees if the agency initiates rulemaking in response to notice prior to the filing of an unadopted rule challenge;

- Provides for the granting of a stay in an unadopted rule challenge when certain conditions are met;
- Appropriates non-recurring funds of \$50,000 in FY 2008-2009 and \$401,000 in FY 2009-2010 from the Records Management Trust Fund to implement electronic publication of the Florida Administrative Weekly;
- Requires a temporary space charge fee increase to cover the cost of implementing system changes required for electronic publication;
- Authorizes one full-time-equivalent position and appropriates \$22,399 in recurring Salaries and Benefits from the Records Management Trust Fund; and
- Allows the Department of State to carry forward unencumbered cash balance in the Records Management Trust Fund at the end of FY 2008-2009.

If approved by the Governor, these provisions take effect July 1, 2008, except as otherwise expressly provided in the bill.

Vote: Senate 40-0; House 116-0

PERSONNEL AND BENEFIT SYSTEMS

CS/CS/HB 967 — Florida Public Task Force on Workplace Safety

by Policy and Budget Council; Government Efficiency and Accountability Council; and Reps. A. Gibson and Cusack (CS/CS/SB 652 by General Government Appropriations Committee; Governmental Operations Committee; and Senator Lynn)

The bill creates the Florida Public Task Force on Workplace Safety, within the University of South Florida Safety Florida Consultation Program, to issue recommendations regarding innovative ways by which the state may effectively ensure that agencies and local governments comply with Occupational Safety and Health Administration standards. The Task Force must issue its report and recommendations by January 1, 2009.

The University of South Florida Safety Florida Consultation Program would be responsible for the administration and staffing of the task force, travel expenses, and per diem for task force members. These costs are estimated to be \$100,000, which the bill appropriates on a nonrecurring basis from the Worker's Compensation Administration Trust Fund in the Department of Financial Services to the University of South Florida.

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

Vote: Senate 38-0; House 117-1

CS/SB 2422 — Local Government Finance

by Governmental Operations Committee and Senators Alexander and Baker

The decline in the value of debt and mortgage-backed securities that began in 2007 affected homeowners, financial institutions, and institutional investors alike. Governments in Florida were no different and a large pooled asset fund, the Local Government Surplus Funds Trust Fund managed by the State Board of Administration (board) on behalf of local governments, was no different. That fund had small holdings of such securities from four investment funds whose underlying assets became impaired as mortgage delinquencies, credit impairments, and foreclosures climbed.

The bill brings additional safeguards to the management of funds in this intergovernmental pool. Principal among them is the requirement for more widespread disclosure of securities holdings when there is a credit downgrade or an impairment of the underlying assets. In such circumstances the board is authorized to make a one-time partitioning of the impaired assets into a separate trust account (HB 7097 creates this trust fund) until such time as they return to par value, have their credit rating restored, return to performing status, or can be liquidated. The legislation places a premium on disclosure and communications among all of the investing parties. To that extent the board is required to inform all of the investors of the objectives of the fund along with its risks and conditions of participation. The investors, in turn, must acknowledge to the board that they understand these provisions and consent to them.

Because these funds are invested for liquidity, their access by the investing local governments is a primary concern. The legislation establishes a separate Participant Advisory Council to provide input to the board when liquidity impairments present themselves. It also requires an annual financial audit of the pooled funds account by the Auditor General and periodic reporting to the Joint Legislative Auditing Committee.

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

Vote: Senate 40-0; House 114-0

CS/HB 7097 — Creation/Fund B Surplus Funds Trust Fund/SBA

by Policy and Budget Council; Government Efficiency and Accountability Council; and Rep. Domino

This trust fund is linked to CS/SB 2422 and will act as a repository of distressed securities that may be subsequently impaired in the Local Government Surplus Funds Trust Fund. Securities transferred to this trust fund will be separated from the unimpaired ones until they can regain investment-grade status, return to par value, or be liquidated. This new trust fund is exempt from the periodic trust fund expiration provisions of s. 19, Art. III, State Constitution.

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

Vote: Senate 39-1; House 115-0

CS/HB 165 — Agency Inspectors General

by Government Efficiency and Accountability Council and Rep. Bean (CS/CS/SB 498 by General Government Appropriations Committee; Governmental Operations Committee; and Senator Bennett)

This bill requires that agency inspectors general comply with standards published by the Association of Inspectors General, and requires that a final audit or investigation report contain the response of a contracting entity that is the subject of the audit or investigation. Inspectors general are required to submit to their agency heads all complaints relating to their duties or alleged misconduct of their employees, and agencies under the direction of the Governor must also submit such complaints to the Chief Inspector General.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 35-0; House 118-0

CS/CS/HB 887 - Career Service System

by Policy and Budget Council; Government Efficiency and Accountability Council; and Rep. Coley and others (CS/SB 2202 by Judiciary Committee and Senator Dean)

The Career Service System is the name given to the civil service personnel management system for many public employees occupying non-managerial positions in State of Florida agencies. Its provisions were last amended by the 2001 Legislature as part of a reallocation of position titles and job protections.

The bill amends the notice and due process provisions of these statutes to provide for additional notice to employees when a transfer of more than fifty highway miles is indicated. The Department of Management Services is directed to develop objective measures for the retention of employees during a period of layoffs. Deadlines for the appeal of grievances alleging extraordinary circumstances and the respective time frames for the filing of exceptions to recommended and final orders are also extended.

A Career Service employee serving a probationary period in a position to which he or she is promoted may be returned to the prior or comparable position, if vacant and available, before dismissal, provided the action is not for cause. Such action does not create a right to remove, or "bump," another employee from an occupied position as a result.

If approved by the Governor, these provisions take effect January 1, 2009.

Vote: Senate 40-0; House 109-0

HB 5063 — Florida Retirement System

by Government Efficiency and Accountability Council and Rep. Grant (CS/CS/SB 2002 by General Government Appropriations Committee and Governmental Operations Committee)

It has been the recent custom for the Florida Legislature to enact the annual employer payroll contribution rates for the Florida Retirement System (FRS) in specific legislation that accompanies the General Appropriations Act.

The bill sets the rates for employer contributions to this plan for FY 2008-2009 and it does so by keeping the same rates in place as are currently in force. The table displaying these rates is contained in s. 121.71, F.S.

In addition, the bill provides that participants in the community college and university optional retirement annuity programs may elect during the 2009 calendar year to transfer their participation to the FRS. A member so doing will be responsible for the entire cost of the transfer and will have to exchange the annuity account, and other personal funds if so required, to indemnify the FRS for the full cost of the transfer.

Participants in faculty practice plans in state university health sciences disciplines are deemed to be members of those plans for retirement purposes and may no longer carry dual eligibility for pension benefits in those plans and the FRS.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 40-0; House 119-0

