
**Senate Committee:
Governmental Oversight and Accountability**

HB 7025 — Open Government Sunset Review/Archival Materials

by Governmental Affairs Policy Committee (CS/SB 1834 by Governmental Oversight and Accountability Committee)

The bill saves from repeal under the Open Government Sunset Review Act a public records exemption for a manuscript or other archival material that is donated to an official archive of a municipality or county contingent upon special terms and conditions that limit the right to inspect or copy such manuscript or other material.

The bill also creates a definition for “nonpublic manuscript or other archival material” and co-locates with the public records exemption under review a similar public records exemption for archival materials held by the Florida State Archives.

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

Vote: Senate 38-0; House 115-0

CS/HB 7051 — Open Government Sunset Review/Social Security Numbers

by Economic Development and Community Affairs Policy Council ; Governmental Affairs Policy Committee; and Rep. Ford (CS/SB 2188 by Governmental Oversight and Accountability Committee and Senator Joyner)

The bill amends the public records exemption for social security numbers contained in agency employment records of current or former agency employees to raise the standard of protection from exempt to confidential and exempt. The bill removes the process by which a current or former agency employee may notify a non-employing agency that the employee’s social security number is exempt from public records requirements.

The bill also amends the general public records exemption for social security numbers held by agencies. The bill modifies notice requirements to prohibit an agency from collecting social security numbers unless the agency identifies in writing the specific federal or state law governing the collection, use, or release of the social security number for each purpose for which that agency collects the number. The notice provided by the agency must state whether collection of the social security number is mandatory or authorized under federal or state law. The bill amends the definition of “commercial activity” to include permissible uses established under federal law and to clarify that a commercial activity is for the verification of the accuracy of personal information received by a commercial entity. The bill modifies the exceptions to the exemption to allow disclosure of social security numbers held by agencies for the following reasons:

- The disclosure of the social security number is expressly required by federal or state law or a court order.

- The disclosure of the social security number is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.
- The individual expressly consents in writing to the disclosure of his or her social security number.
- The disclosure of the social security number is made in order to comply with the USA Patriot Act of 2001 or Presidential Executive Order 13224.
- The disclosure of the social security number is made to a commercial entity for the permissible uses set forth in the Driver's Privacy Protection Act, Fair Credit Reporting Act, or Financial Services Modernization Act of 1999 or for verification of personal information received by a commercial entity in the normal course of its business.
- The disclosure of the social security number is for the purpose of the administration of health benefits for an agency employee or the dependents of that employee.
- The disclosure of the social security number is for the purpose of the administration of a pension fund administered for the agency employee's retirement fund, a deferred compensation plan, or a defined contribution plan.
- The disclosure of the social security number is for the purpose of the administration of the Uniform Commercial Code by the office of the Secretary of State.

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

Vote: Senate 38-0; House 110-0

CS/SB 2188 — Administrative Procedures

by Governmental Oversight and Accountability Committee and Senator Joyner

This bill makes adjustments to the Administrative Procedure Act, by amending the definition of "agency" to codify existing case law, and requiring that agencies:

- Give notice of meetings, hearings, and workshops on the agency's website;
- Post meeting agendas and materials on the agency's website;
- Make staff available to explain agency rule proposals at public hearings;
- Consider information submitted within certain timeframes in rulemaking;
- Specify the effective date of a rule in the notice of rulemaking; and
- Post their statements of agency organization on their websites.

The bill also deletes an outdated agency rule exception.

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

Vote: Senate 40-0; House 117-0

CS/SB 2666 — Public Procurement of Services

by General Government Appropriations Committee and Senators Haridopolos and Baker

This bill allows the Department of Management Services to procure and use the services of construction management entities.

The bill also raises the per project cap for use of continuing contracts from \$1 million to \$2 million, and specifies that continuing contracts include contracts in which each individual project does not exceed \$2 million.

The bill amends the definition of the artistic services competitive procurement exemption in s. 287.057(5)(f), F.S., to specify that artistic services do not include advertising.

The bill amends s. 1013.45, F.S., to allow the use of construction management entities for remodeling, renovation, maintenance, or repairs.

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

Vote: Senate 40-0; House 118-0

HB 319 — Recertification of Minority Business Enterprises

by Rep. Carroll and others (SB 1480 by Senators Lawson, Joyner, and Siplin)

The bill changes the DMS Office of Supplier Diversity minority business enterprise recertification process from requiring vendor recertification every year to requiring recertification every 2 years.

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

Vote: Senate 39-0; House 119-0

CS/SB 414 — Conveyance of Plastinated Bodies

by Health Regulation Committee and Senator Crist

This bill permits certain accredited entities to convey plastinated bodies into or out of the state for exhibition and educational purposes without the consent of the anatomical board at the University of Florida Health Science Center, if the museum:

- Notifies that board regarding the duration and location of the exhibition at least 30 days before the intended conveyance;
- Submits to the board a description of the bodies or parts of bodies and the name and address of the company providing the bodies or parts of bodies;
- Submits to the board documentation that each body was donated by the decedent or the decedent's next of kin for purposes of plastination and public exhibition, or an affidavit stating that each body was donated directly for such purposes to the company providing the body and that such company has a donation form on file for the body.

In lieu of the last provision, for plastinated bodies exhibited before July 1, 2009 by an accredited entity, the entity may submit an affidavit to the board stating that the body was legally acquired and that the company providing the body has acquisition documentation on file for the body.

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

Vote: Senate 39-0; House 116-0

CS/SB 2574 — Information Technology

by Governmental Oversight and Accountability Committee and Senator Haridopolos

This bill revises the duties of the Agency for Enterprise Information Technology (AEIT), by creating within it the Office of Information Security, specifying its duties, and clarifying duties related to state data center consolidation. The bill also provides further duties relating to the process by which the AEIT and agencies must move forward with data center consolidation and information technology security planning, and establishes a state e-mail system. The bill also reassigns duties formerly assigned to the now-defunct State Technology Office, repeals an obsolete provision relating to the duties of the Legislative Budget Commission, and corrects cross references.

This bill was included in the budget conference process.

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

Vote: Senate 40-0; House 118-0

CS/CS/SB 2694 — State Financial Matters

by Policy and Steering Committee on Ways and Means; Governmental Oversight and Accountability Committee; and Senator Alexander

This bill, relating to state contracting, limits the authority of state agencies to enter certain types of contracts unless the Legislature grants specific authority to an agency. The restricted contracts include:

- Contracts that require the state to pay liquidated damages or early termination fees based on a breach of the contract due to an act of the legislature to provide less than full funding of the contract;
- Contracts that require the state to pay interest, other than interest imposed under the prompt pay law, because the agency has insufficient budget authority to pay the underlying obligation;
- Contracts that require the state to make payments in future years to offset payments not made in the current year;
- Contracts that permit the nonstate party to collect and retain fees and other revenues which would otherwise be deposited into the State Treasury;

- Leases and lease-purchase agreements for tangible personal property which requires the state to pay more than \$500,000 over the term of the lease.

The bill requires a state agency to notify the Governor and Legislature prior to executing the following types of contracts:

- Any contract or series of contracts with a single vendor in excess of \$10 million during one calendar or fiscal year;
- Any contract that requires minimal or no payments by the state or authorizes the other party to make expenditures in anticipation of revenues;
- Any contract that requires initial expenditures by the vendor with no payment contemplated by the state within 180 days.

The bill requires that certain provisions be included in every contract, including:

- The specific appropriations from which the contract will be funded for the first year;
- The current notice that the contract is contingent upon an annual appropriation by the legislature;
- Notice that the contract may be terminated if a budget deficit is certified and the funding is eliminated either in a deficit reduction plan or by an act of the legislature.

The bill requires certain actions by the agency, including:

- The agency head or a senior management employee signing each contract over \$25,000;
- The agency head certifying in writing that the contract complies with the law, if the contract exceeds 12 months in duration;
- Written acceptance or rejection of deliverables for contracts in excess of \$250,000.

The bill requires deferred payment commodity contracts and consolidated financing agreements in excess of \$500,000 to be expressly authorized by the Legislature.

This bill was included in the budget conference process.

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

Vote: Senate 40-0; House 117-0

CS/SB 1802 — Florida Retirement System Contribution Rates

by Policy and Steering Committee on Ways and Means and Senator Alexander

This bill sets the payroll contribution rates to be charged by the some 1000 participating public employers in the Florida Retirement System for FY 2009-2010. The recent custom of the Florida Legislature has been to set the rates annually following receipt of the annual plan valuation 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 comparable legislation setting those rates during the 2010 Regular Session. The FY 2009-2010 rates are unchanged from current law, and are as follows:

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

| Retirement Class | FY 2009-2010 Rates | FY 2010-2011 Rates |
|------------------------------|---------------------------|---------------------------|
| Regular | 8.69 | 9.63 |
| Special Risk | 19.76 | 22.11 |
| Special Risk, Administrative | 11.39 | 12.10 |
| Elected Officers – State | 13.32 | 15.20 |
| Elected Officers – County | 18.40 | 20.65 |
| Elected Officers – Judicial | 15.37 | 17.50 |
| Senior Management | 11.96 | 13.43 |
| DROP | 9.80 | 10.96 |

The bill directs the commissioning of a special actuarial study on the recalculation of the payroll contribution rates for the Deferred Retirement Option Program (DROP). The study will analyze the effect of recognizing the current uniform composite rate as well as treating DROP participants as active or retired members with respective rates set in their membership classes or with no rate set at all.

Included in the bill is 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, 2009.

Vote: Senate 40-0; House 118-0