

## Committee on Governmental Oversight and Accountability

### **CS/CS/SB 80 — Public Records**

by Judiciary Committee; Community Affairs Committee; and Senators Steube, Garcia, and Campbell

The bill requires a court to award attorney fees and costs to a plaintiff who sues an agency to enforce a public records request if the court determines that the agency unlawfully refused access to a public record and the plaintiff provided written request for the public records to the agency's records custodian at least five business days before filing the lawsuit. The plaintiff is not required to provide written notice if the agency does not post the records custodian's contact information in the agency's primary administrative building and on the agency's website.

A court must also determine if a plaintiff requested records or otherwise participated in an enforcement action for an improper purpose. An improper purpose is one in which a person requests records primarily to cause a violation of the public records law or for a frivolous purpose. If the court finds that a plaintiff requested records for an improper purpose, the court will require the plaintiff to pay the agency's attorney fees and costs.

The bill clarifies that it does not create a private right of action, and a court may only require an agency to pay attorney fees and costs directly related to the public records enforcement action.

Provisions in the bill apply only to public records requests made on or after the effective date of the act.

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

*Vote: Senate 38-0; House 115-0*

## Committee on Governmental Oversight and Accountability

### **HB 207 — Agency Inspectors General**

by Rep. Plakon (SB 1470 by Senator Simmons)

The bill prohibits a state agency and the Florida Housing Finance Corporation from entering into an employment agreement, or renewing or renegotiating an existing contract, with an inspector general or deputy inspector general that offers a bonus on work performance after July 1, 2017. The awarding of such a bonus is also prohibited.

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

*Vote: Senate 34-0; House 114-0*

## Committee on Governmental Oversight and Accountability

### **CS/CS/HB 455 — Tax Exemptions for First Responders and Surviving Spouses**

by Appropriations Committee; Ways and Means Committee; and Rep. Metz and others (CS/CS/CS/SB 764 by Appropriations Committee; Community Affairs Committee; Governmental Oversight and Accountability Committee; and Senator Baxley)

The bill provides an exemption from ad valorem taxation for the homestead of a first responder who has a total and permanent disability as a result of injuries sustained in the line of duty and to his or her surviving spouse.

The bill also provides application requirements and specifies documentation required to receive the exemption, including documentation from the Social Security Administration, and a physician's and an employer's certificate.

Additionally, the bill provides penalties for any person submitting false information for purposes of claiming the exemption.

If approved by the Governor, these provisions take effect upon becoming law and shall operate retroactively to January 1, 2017.

*Vote: Senate 37-0; House 117-0*

## Committee on Governmental Oversight and Accountability

### **SB 1020 — Collective Bargaining Impasses**

by Senator Powell

The bill changes the timeline for portions of the Legislature's process to resolve impasses in collective bargaining negotiations between public employees and the state. The bill requires the parties at impasse to notify the presiding officers of the legislature of all unresolved issues by the first day of the regular session rather than five days after an impasse is declared.

The bill also changes the date by which a committee of the legislature must meet to conduct a public hearing and take testimony regarding the issues at impasse from no later than ten days prior to the start of the Regular Session to no later than the 14th day of the Regular Session.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 34-0; House 119-0*

## Committee on Governmental Oversight and Accountability

### **SB 7022 — Public Employees**

by Governmental Oversight and Accountability Committee

The bill is a comprehensive benefits package for state employees. It includes pay raises, modifications to the Florida Retirement System (FRS), and changes to the State Group Insurance Program.

The bill provides most state employees with a \$1,400 increase if their current salary is below \$40,000 a year, or \$1,000 if their salary is above \$40,000 a year. Additionally, most law enforcement officers will receive a 5 percent increase in salary, most correctional officers will receive a \$2,500 increase in salary, judges and elected State Attorneys and Public Defenders will receive a 10 percent increase in salary. Other attorneys working for the guardian ad litem program or the Department of Legal Affairs will receive increases, along with certified nursing assistants working at the Department of Veterans Affairs.

The bill makes several changes to the FRS. The bill permits renewed membership in the investment plan or one of the optional annuity retirement plans for certain former participants of those plans. The bill expands the survivor benefit for investment plan members killed in the line of duty, including Special Risk Class, by making it retroactive to 2002. The bill closes the Senior Management Service Optional Annuity Program to new hires. The bill changes the default from the pension plan to the investment plan for non-Special Risk members of the FRS initially enrolled after January 1, 2018. The bill also extends the initial election period from 6 to 9 months after being hired. Additionally, the bill provides adjustments to the contribution rates that fund the FRS's normal costs and unfunded actuarial liability.

Beginning in plan year 2020, the bill provides employees in the State Group Insurance Program with a choice of health insurance coverage levels of at least a certain actuarial value: Platinum – 90 percent, Gold – 80 percent, Silver – 70 percent, and Bronze – 60 percent. If the state's contribution is more than the premium cost of the health plan selected by the employee, the employee will be permitted to allocate unused state health insurance contributions to other benefits or as salary.

To bill requires competitive procurement of an independent benefits consultant to assist in developing a plan for implementation of the new benefit levels. The implementation plan must be produced by January 1, 2019, and must include recommended contribution policies and employee education strategies regarding the coverage levels and other benefit alternatives.

Beginning with plan year 2018, the bill authorizes offering of new types of health care products and services, including an online cost comparison for health care services and providers and inclusive services for surgery and other medical procedures. Enrollees may access these services and share in any savings to the state.

By October 1, 2017, the bill requires calculation of alternative premium rates that reflect the differences in costs to the Program for each of the health maintenance organizations and the preferred provider organization plan options for the 2018 plan year.

For Plan Year 2019, the bill requires the Department of Management Services to determine and recommend premiums for enrollees that reflect the differences in costs to the Program for each of the health maintenance organizations and the preferred provider organization plan options. The bill provides that the premium rate for the employers used in this report will be the premiums established in the general appropriations act for fiscal year 2018-2019.

If approved by the Governor, these provisions take effect July 1, 2017, except as otherwise provided in the bill.

*Vote: Senate 24-13; House 72-37*

## Committee on Governmental Oversight and Accountability

### HB 7093 — OGSR/Agency Personnel Information

by Oversight, Transparency and Administration Subcommittee and Rep. Daniels (CS/SB 7018  
by Rules Committee and Governmental Oversight and Accountability Committee)

The bill is the result of an Open Government Sunset Review (OGSR) of public records exemptions for personal identifying information of specified governmental agency personnel, their spouses, and their children. The bill renews exemptions for specified agency employees, as well as exemptions pertaining to the family of those employees, that were scheduled to repeal on October 2, 2017. The categories of agency personnel with specified exemptions are:

- Law enforcement;
- Department of Children and Families (DCF) personnel with certain duties;
- Department of Health (DOH) personnel who support the investigation of child abuse or neglect;
- Department of Revenue (DOR) and local government personnel who collect revenue or child support;
- Department of Financial Services (DFS) personnel with certain duties;
- Firefighters;
- Justices and Judges;
- State Attorneys and Statewide Prosecutors and their assistants;
- Magistrates, Administrative Law Judges, Judges of Compensation Claims, child support hearing officers;
- Human resources, labor relations personnel;
- Code enforcement personnel;
- Guardian ad Litem Program personnel;
- Certain Department of Juvenile Justice (DJJ) personnel;
- Public Defenders, Criminal Conflict and Civil Regional Counsel and their assistants;
- Department of Business and Professional Regulation (DBPR) investigators; and
- County Tax Collectors.

The bill also expands certain public record exemptions for agency personnel and their families in an effort to provide uniformity across the exemptions. Except where current law provides for earlier review, the bill provides for repeal of the expanded exemptions on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

In addition, the bill expands the public records exemptions for certain personnel by removing the requirement that certain personnel must prove they have made reasonable efforts to protect their information from being accessible to the public. The bill removes this requirement for the following personnel:

- Magistrates, judges of compensation claims, Division of Administrative Hearing (DOAH) administrative law judges, and child support enforcement hearing officers;
- Guardian ad Litem Program personnel;
- DBPR investigators;

- County Tax Collectors;
- DOH personnel with certain duties;
- Impaired practitioner consultants;
- Emergency medical technicians or paramedics; and
- Personnel employed in an agency's office of inspector general or internal audit department.

Removing this requirement constitutes an expansion of the exemption. As such, except where current law provides for earlier review, the bill provides for repeal of the expanded exemptions on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2017.

*Vote: Senate 36-0; House 115-4*