

Committee on Governmental Oversight and Accountability

CS/CS/SB 1128 — Local Government Retirement Plans

by Budget Committee, Governmental Oversight and Accountability Committee, and Senators Ring, Lynn, and Flores

This bill increases the transparency of local pension plan data, and specifies other actions to address the sustainability of local pension plans. The bill does the following:

- Local plans' actuarial reports are required to include the present value of all benefits using a standard rate of return, to promote comparisons between plans;
- DMS is required to post on their website a five-year history of each plan's funded ratio, and local plans are required to link to this DMS website;
- Actuarial or cash surpluses in a local plan may not be used outside the plan;
- Local plans may not reduce contributions required to fund normal cost;
- For all local plans, accrued sick or annual leave may not be included in calculations of retirement benefits; overtime may be included, but is capped at 300 hours;
- With approval of the members, firefighter and police plans are allowed to increase member contributions without increasing member benefits;
- The bill changes the date in 1939 by which local law plans are deemed to be in compliance with Chapters 175 and 185;
- The bill creates a Task Force on Public Employee Disability Presumptions to study and make recommendations on statutory disability presumptions;
- The Department of Management Services is required to create a plan for providing standardized ratings for the financial strength of all local government defined benefit plans in Florida, and provide recommendations to the Legislature in January 2012.

If approved by the Governor, these provisions take effect July 1, 2011

Vote: Senate 33-4; House 80-35

Committee on Governmental Oversight and Accountability

CS/SB 1970 — Public Records/OPPAGA

by Governmental Oversight and Accountability Committee and Senator Thrasher

The Auditor General, of which the Office of Program Policy Analysis and Government Accountability (OPPAGA) was a unit, has a public-records exemption for audit workpapers and notes.

Because chapter 2011-34, Laws of Florida, established OPPAGA as an entity separate from the Auditor General, this bill creates a public-records exemption for work papers held by OPPAGA which relate to an authorized project or a research product. The exemption applies to work papers held by OPPAGA before, on, or after the effective date of the exemption.

These provisions were approved by the Governor and took effect May 5, 2011.

Vote: Senate 39-0; House 110-6

Committee on Governmental Oversight and Accountability

HB 7155 — State Financial Matters

by Governmental Operations Subcommittee and Rep. Patronis (CS/SB 1182 by Senator Ring)

This bill authorizes the State Board of Administration to invest the assets of government entities in the Local Government Surplus Funds Trust Fund upon the completion of enrollment materials supplied by the Board; a separate trust agreement is no longer needed to grant the Board the ability to invest the funds. The bill further provides that when there is a trust agreement the investments are only subject to the limitations or restrictions of the trust agreement. The bill also makes clarifying changes and corrects cross-references.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 38-0; House 117-1

Committee on Governmental Oversight and Accountability

CS/HB 7223 — OGSR/Competitive Solicitations

by State Affairs Committee, Governmental Operations Subcommittee, and Representative Patronis (CS/SB 2090 by Governmental Oversight and Accountability Committee)

This bill is the result of Open Government Sunset Reviews by the Governmental Oversight and Accountability Committee of public-records and -meetings exemptions pertaining to competitive procurement solicitations.

Agency procurements of commodities or contractual services exceeding \$30,000 are governed by statute and rule and require one of the following three types of competitive solicitations to be used, unless otherwise authorized by law: invitation to bid (ITB), request for proposals (RFP), or invitation to negotiate (ITN).

Current law provides general public-records and –meetings exemptions associated with competitive solicitations. Sealed bids, proposals, or replies in response to an ITB, RFP, or ITN are exempt from public-records requirements until a time certain. In addition, a meeting at which a negotiation with a vendor is conducted pursuant to an ITN is exempt from public-meetings requirements. A complete recording must be made of the exempt meeting. The recording is exempt from public-records requirements until a time certain.

This bill reenacts the exemptions, and:

- Expands the public-records exemption by extending the exemption for sealed bids and proposals from 10 days to 30 days.
- Expands the public-meetings exemption to include any portion of a meeting at which a vendor makes an oral presentation or a vendor answers questions as part of a competitive solicitation, and any portion of a team meeting at which negotiation strategies are discussed.
- Expands the public-records exemption for recordings of exempt meetings to comport with the public-records exemption for sealed bids, proposals, or replies. It extends the public-records exemption from 20 days to 30 days, and expands the public-records exemption by including those records presented by a vendor at a closed meeting.

The bill also extends the repeal date for the exemptions to October 2, 2016, and provides a public necessity statement as required by the State Constitution.

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

Vote: Senate 38-0; House 113-0

Committee on Governmental Oversight and Accountability

HB 7225 — OGSR/SBA Alternative Investments

by Governmental Operations Subcommittee and Representative Patronis (SB 2174 by Governmental Oversight and Accountability Committee)

This bill is the result of an Open Government Sunset Review of the public-records exemption for proprietary confidential business information held by the State Board of Administration regarding alternative investments. The exemption expires 10 years after the termination of the alternative investment.

This bill:

- Reenacts the exemption.
- Revises the definition of what does not constitute proprietary confidential business information.
- Requires the State Board of Administration to maintain a list and a description of the records covered by any verified, written declaration made by a proprietor.

If approved by the Governor, these provisions take effect October 1, 2011.

Vote: Senate 34-2; House 114-1