

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Governmental Oversight and Accountability

SB 326 — State Symbols/State Flagship

by Senator Bullard

The bill designates the Schooner Western Union, a 130-foot historic sailing vessel of the tall ship class, as the official state flagship.

If approved by the Governor, these provisions take effect July 1, 2012

Vote: Senate 38-0; House 115-0

Committee on Governmental Oversight and Accountability

SB 374 — Public Records/Donor Information/Florida Historic Capitol/Legislative Research Center and Museum

by Senator Detert

This bill creates a public records exemption for the identity of a donor or prospective donor who desires to remain anonymous to the direct support organization of the Florida Historic Capitol and Legislative Research Center and Museum.

The bill provides for future repeal of the exemption on October 2, 2017, pursuant to the requirements of the Open Government Sunset Review Act. The bill also contains a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
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Committee on Governmental Oversight and Accountability

HB 541 — Administrative Procedures

by Rep. Brandes and others (SB 1084 by Senator Garcia)

This bill revises statutory provisions relating to the Florida Administrative Code and the Florida Administrative Weekly.

Some of the changes include:

- Changes the name of the Florida Administrative Weekly to the Florida Administrative Register.
- Provides that the electronic versions of the Florida Administrative Code and the Florida Administrative Register are the official versions of the state.
- Removes requirement that the Department of State must publish a printed version of the Florida Administrative Code.
- Allows the Department of State to contract with a publisher to provide printed publications of the Florida Administrative Code and the Florida Administrative Register.
- Removes requirement that the Department of State provide free print copies of the Florida Administrative Register to various federal and state government entities.
- Requires the Department of State to continually revise the Florida Administrative Register.
- Provides that the Department of State is not responsible for reviewing agency submissions to the Florida Administrative Register for various errors.
- Requires that adopted rules and material incorporated by reference be filed in an electronic format.

The bill directs the Division of Statutory Revision to prepare a reviser's bill for the 2013 Regular Session to substitute the term "Florida Administrative Register" for the term "Florida Administrative Weekly" throughout the Florida Statutes. The bill also provides that if an agency determines that a proposed action will impact small businesses, the agency must send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action – rather than provide notice to the Department of Economic Opportunity.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 40-0; House 118-0

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SB 638 — Florida Motor Vehicle Theft Prevention Authority

by Senator Hays

This bill eliminates obsolete provisions relating to the Florida Motor Vehicle Theft Prevention Authority. The Legislature terminated funding for the Authority in 2003, and the program has not been operational since that time.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 959 — State and Local Government Relations with Cuba or Syria

by State Affairs Committee; Government Operations Subcommittee; and Rep. Bileca and others
(CS/SB 1144 by Governmental Oversight and Accountability Committee and Senator Garcia)

The bill prohibits the State Board of Administration (SBA) from serving as a fiduciary with respect to voting on a proxy resolution that advocates for expanded United States trade with Cuba or Syria, and prohibits the SBA from voting in favor of a proxy resolution that would expand United States trade with Cuba or Syria.

The bill also prohibits a company with business operations in Cuba or Syria from bidding on or entering into a contract with an agency or local governmental entity for goods or services of \$1 million or more. Agencies and local governments must include in contracts a provision allowing for termination of a contract, if a company has been engaged in business operations in Cuba or Syria, or is found to have submitted a false certification about those business operations.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-1; House 115-0

Committee on Governmental Oversight and Accountability

CS/CS/CS/CS/HB 1261 — State Employment

by State Affairs Committee; Appropriations Committee; Rulemaking and Regulation Subcommittee; Government Operations Subcommittee; and Rep. Mayfield (CS/CS/SB 2084 by Budget Committee and Governmental Oversight and Accountability Committee)

The bill makes numerous changes to the state employment statutes contained in ch. 110, F.S.

Specifically, the bill:

- Revises requirements for fingerprinting conducted as part of a background screening.
- Removes the annual hourly cap for other-personal-services employees and revises related agency reporting requirements.
- Restructures the administrative annual leave cap for certain disabled veterans from six days to 48 hours.
- Revises the process for implementation of furloughs.
- Revises provisions related to telework.
- Requires employees to designate a charity when donating to the Florida State Employees' Charitable Campaign.
- Limits a career service employee's probationary period to no more than 18 months.
- Clarifies provisions related to employees who have been promoted and are in probationary status.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 112-0

Committee on Governmental Oversight and Accountability

CS/HB 1305 — Public Records/Officers-Elect

by Government Operations Appropriations Subcommittee and Rep. Adkins (CS/CS/SB 1464 by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Governmental Oversight and Accountability Committee; and Senator Gaetz)

This bill clarifies the application of public records and public meetings requirements to officers-elect.

The bill:

- Provides that it is the policy of the state for officers-elect to apply the public records requirements contained in ch. 119, F.S., upon their election to public office.
- Requires officers-elect to adopt and implement reasonable measures to ensure compliance with the public records requirements in ch. 119, F.S.
- Provides that if an officer-elect uses an online or electronic communication or recordkeeping system, all public records maintained on such system must be preserved to not impair the ability of the public to inspect or copy such records.
- Requiring the officer-elect to deliver transition records to the custodian of records in their respective office upon taking the oath of office.
- Defining “officer-elect” as used in this section to mean the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.

The bill also provides that meetings with or attended by any person elected to any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision are subject to the public meetings requirements contained in ch. 286, F.S.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 115-0

Committee on Governmental Oversight and Accountability

CS/HB 1417 — State Investments

by Government Operations Subcommittee and Rep. Oliva (CS/SB 880 by Governmental Oversight and Accountability Committee and Senator Ring)

This bill allows the State Board of Administration to invest up to 20 percent of any fund in alternative investments, up from the current 10 percent limit.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 37-1; House 96-19

Committee on Governmental Oversight and Accountability

HB 7013 — OGSR/U.S. Census Bureau Address Information

by Government Operations Subcommittee and Rep. Stafford (SB 2078 by Governmental Oversight and Accountability Committee)

This bill is the result of an Open Government Sunset Review by the Governmental Oversight and Accountability Committee of the public records exemption for U.S. Census Bureau address information held by an agency pursuant to the Local Update of Census Address program.

This bill repeals the public records exemption for U.S. Census Bureau address information held by an agency pursuant to the Local Update of Census Address program. This public records exemption will not be reenacted as the Census Bureau permanently suspended the Local Update of Census Address Program in March 2010.

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

Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

HB 7029 — Nullification and Repeal of Administrative Rules

by Rulemaking and Regulation Subcommittee and Rep. Rooney (SB 1470 by Senator Norman)

The bill amends the Administrative Procedure Act by codifying the legal rule that the repeal of a substantive statute also acts to repeal the administrative rules adopted to implement that statute. The bill also creates a summary process for the Department of State to repeal rules which are no longer in full force and effect. This process includes legal review by the Attorney General, notice requirements, and an opportunity for anyone to challenge a proposed summary rule repeal which cannot be effective until the challenge has been resolved.

The bill provides for the nullification and repeal of 270 existing rules which are no longer needed or for which the specific law implemented has been repealed.

If approved by the Governor, these provisions take effect 60 days after becoming law.

Vote: Senate 40-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/HB 7043 — Obsolete or Outdated Programs and Requirements

by Economic Affairs Committee; Government Operations Subcommittee; and Rep. Roberson
(SB 2086 by Governmental Oversight and Accountability Committee)

This bill repeals and amends portions of the Florida Statutes relating to several obsolete or outdated programs and requirements.

This bill eliminates several inactive boards or commissions including:

- The Florida State Employee Wellness Council.
- Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.
- The Small Business Regulatory Advisory Council.
- Office of the Small Business Advocate.
- Statewide Intermodal Transportation Advisory Council.
- Health Information Systems Council.
- Developmental Disabilities Compact Workgroup.
- The Florida Institute for Nuclear Detection and Security.

The bill transfers some duties relating to rulemaking oversight to the Rules Ombudsman in the Executive Office of the Governor. The bill also repeals the requirement that bicycle operators must keep at least one hand on the handlebars.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-1; House 96-19

Committee on Governmental Oversight and Accountability

CS/HB 7055 — Administrative Authority

by Rules and Calendar Committee, Rulemaking & Regulation Subcommittee, and Rep. Gaetz
(CS/SB 1312 by Budget Committee and Senator Gaetz)

This bill clarifies legislative intent regarding the extent of the executive branch's administrative authority in response to the Florida Supreme Court's ruling in *Whiley v. Scott*. The bill also repeals unused rulemaking delegations to various state agencies.

Specifically, the bill:

- Makes findings clarifying the Legislature's intent that non-elected agency heads appointed by and serving at the pleasure of the Governor are subject to the direction and supervision of elected officers.
- Clarifies that the laws placing the administration of executive branch departments under the direct supervision of agency heads appointed by and serving at the pleasure of the Governor do not imply that those non-elected agency heads exercise any power independent from the Governor's direction and supervision.
- Clarifies that Administrative Procedures Act requirements for certain actions to be taken by agency heads do not establish non-elected appointees serving at the pleasure of the Governor as exercising such power or authority exempt from the Governor's direction and supervision.
- Authorizes the Office of Statutory Revision to include duplicative, redundant, or unused rulemaking authority in revisers' bill recommendations as part of the ongoing process of statutory revision.
- Repeals certain statutory provisions containing duplicative, redundant, or unused rulemaking authority.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 29-11; House 81-33

Committee on Governmental Oversight and Accountability

CS/HB 7079 — State Retirement

by State Affairs Committee; Government Operations Subcommittee; and Rep. Patronis
(CS/CS/SB 2024 by Budget Committee and Governmental Oversight and Accountability
Committee)

The bill makes the following conforming and clarifying changes to the Florida Retirement System:

- Clarifies that the provisions of part I of the Florida Retirement System Act are applicable to parts II and III of the act.
- Revises definitions to make clarifying changes.
- Allows a retiring member of optional retirement programs to receive a benefit distribution of up to 10 percent of their account balance one month after termination.
- Clarifies that the existing prohibition on hardship loans does not apply to a requested distribution for retirement, a mandatory distribution authorized by the administrator, or a required minimum distribution provided pursuant to the Internal Revenue Code.
- Conforms the deferral age for participants of the Deferred Retirement Option Program initially enrolled in the FRS on or after July 1, 2011, to changes made in 2011 by Senate Bill 2100.
- Clarifies that a retiree of the FRS investment plan, or optional retirement program, who is reemployed on or after July 1, 2010, is prohibited from being reenrolled as a renewed member of a state-administered retirement system.
- Clarifies that members of the State University System Optional Retirement Program may receive payment of benefits from either annuity contracts or investment contracts, and clarifies the definition of the term “benefit.”

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 108-8

Committee on Governmental Oversight and Accountability

HB 7105 — OGSR/Florida Workers' Compensation Joint Underwriting Association, Inc.

by Government Operations Subcommittee and Rep. Mayfield (SB 2082 by Governmental Oversight and Accountability Committee)

This bill is the result of an Open Government Sunset Review of the public records and meetings exemption for certain records and meetings held by the Florida Workers' Compensation Joint Underwriting Association, Inc.

Current law provides that certain records and meetings held by the Florida Workers' Compensation Joint Underwriting Association are confidential and exempt from the public records requirements found in s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution, and from the public meetings requirements found in s. 286.011, F.S., and Art. I, s. 24(b), State Constitution. The public records and meetings exemption specifies circumstances under which the protected information may be disclosed.

This bill reenacts the exemptions and removes redundant language.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 40-0; House 115-0

Committee on Governmental Oversight and Accountability

HB 7109 — OGSR/Lifeline Assistance Plan

by Government Operations Subcommittee and Rep. Mayfield (SB 2080 by Governmental Oversight and Accountability Committee)

This bill is the result of the Open Government Sunset Review of the public records exemption for personal identifying information of Lifeline Assistance Plan participants held by the Public Service Commission.

Current law provides that personal identifying information of a participant in a telecommunication carrier's Lifeline Assistance Plan held by the Public Service Commission is confidential and exempt from disclosure under the public records requirements of s. 119.07(1), F.S., and Art. 1, s. 24(a), State Constitution. The exemption provides for limited circumstances of disclosure of the protected information by an officer or employee of the Public Service Commission or a telecommunications carrier. The exemption provides that any officer or employee of a telecommunications carrier who otherwise intentionally discloses the protected information commits a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S.

This bill reenacts the public records exemption for personal identifying information of Lifeline Assistance Plan participants held by the Public Service Commission. The exemption is also amended to provide that an officer or employee of the Public Service Commission who intentionally discloses the exempt information commits a misdemeanor of the second degree.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 40-0; House 116-0