

Committee on Governmental Oversight and Accountability

CS/HB 101 — Public Construction

by Commerce Committee and Reps. Andrade and others (CS/SB 246 by Governmental Oversight and Accountability Committee and Senator Hooper)

Retainage is an amount that a state or local government entity may withhold from payment for construction services to the contractor during the construction process. This bill reduces the retainage cap from 10 percent of the costs due to five percent of the costs throughout the term of the contract for construction services.

The bill repeals:

- The authority granted to a contractor to request the government entity to release up to half of the retained amount after fifty percent of the project is completed; and
- The authority granted to a contractor to withhold more than five percent of each progress payment to his or her subcontractors after fifty percent of a project with a government entity is completed.

The bill specifies that the provisions do not apply to:

- Department of Transportation construction contracts authorized under ch. 337, F.S.; and
- Any contract for construction services entered into, pending approval, or advertised by a government entity, on or before October 1, 2020.

If approved by the Governor, these provisions take effect on October 1, 2020.

Vote: Senate 40-0; House 118-1

Committee on Governmental Oversight and Accountability

CS/HB 255 — Florida Commission on Human Relations

by Civil Justice Subcommittee and Rep. Antone (SB 726 by Senator Rouson)

The Florida Commission on Human Relations (Commission) is comprised of 12 members appointed by the Governor, subject to confirmation by the Senate. Currently, there are only 6 members active on the Commission. The bill reduces the quorum for conducting Commission business from seven to six members. The bill also allows the Commission to nominate fewer than 10 people for the Florida Civil Rights Hall of Fame each year.

The bill requires the Commission to provide notice to an aggrieved person of their failure to determine reasonable cause if the Commission fails to make a determination within one year of the complaint's filing, and revises various deadlines and time constraints regarding the Commission's fact-finding investigation period for a retaliation claim.

The bill removes the requirement that facilities and communities designed for the housing of elderly must register with the Commission and renew such registration every two years, and removes associated fees and fines. It also removes the requirement that the Commission or Attorney General investigate public housing discrimination complaints, and increases the time period the Attorney General has to resolve a complaint regarding discriminatory practices of certain clubs.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 441 — Public Procurement of Services

by State Affairs Committee; Oversight, Transparency and Public Management Subcommittee; and Rep. DiCeglie and others (CS/CS/SB 506 by Appropriations Committee, Governmental Oversight and Accountability Committee; and Senator Perry)

The Consultants' Competitive Negotiation Act (CCNA) requires state and local government agencies to procure the "professional services" of an architect, professional engineer, landscape architect, or registered surveyor and mapper using a qualifications-based selection process. The CCNA permits the use of a continuing contract - a contract for professional services entered into between an agency and a firm whereby the firm provides professional services to the agency for several projects.

The bill amends the definition of "continuing contract" to increase the maximum dollar amount for each individual project and each individual study under the contract for construction projects. The maximum dollar amount for each individual project is increased from \$2 million to \$4 million, and the maximum dollar amount for each individual study is increased from \$200,000 to \$500,000.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 117-0

Committee on Governmental Oversight and Accountability

SB 830 — OGSR/Certain Personal Financial and Health Information

by Senator Benacquisto

The bill amends s. 1009.987, F.S., to continue to keep confidential and exempt from public disclosure the personal financial and health information of a consumer that is held by the Florida Prepaid College Board, the Florida ABLE, Inc., the Florida ABLE program, or an agent or service provider of one of these entities relating to an ABLE account, or a participating agreement or any information that would identify a consumer.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 114-0

Committee on Governmental Oversight and Accountability

SB 936 — Disability Retirement Benefits

by Senator Gainer

The bill provides a veteran with another option in establishing a proof of disability when he or she seeks a disability retirement benefit under the Florida Retirement System (FRS). Current law requires the FRS member, in establishing a proof of disability, to submit a certification of the members' total and permanent disability from two licensed physicians of the state, or of the state in which the member works full time. Under the bill, an FRS member who is receiving care at a federal Veterans Health Administration facility may alternatively offer two of that facility's physicians' certifications as proof of the member's total and permanent disability, regardless of where the physician is licensed.

The bill is not expected to impact state or local revenues or expenditures.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

Committee on Governmental Oversight and Accountability

CS/SB 952 — Senior Management Service Class

by Governmental Oversight and Accountability Committee and Senator Perry

This bill makes certain managerial employees of the criminal conflict and civil regional counsel offices members of the Senior Management Service Class (SMSC) (rather than the Regular Class) of the Florida Retirement System (FRS). For each employee participating in the pension plan of the FRS, this shift means the employee earns 2.0 percent service credit for each year of service rather than 1.6 percent service credit. For an employee participating in the investment plan of the FRS, the employee will receive contributions into the investment account equal to 7.67 percent of salary rather than 6.3 percent of salary.

Any employee shifted from the Regular Class to the SMSC may upgrade any retirement credit for service in the same position earned after October 1, 2007. The upgraded service credit may not be purchased by the member's employer.

The bill increases the aggregate personnel costs incurred by the five offices of the criminal conflict and civil regional counsel by an estimated \$288,234 annually for the positions enumerated in the bill for membership in the SMSC.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 114-0

Committee on Governmental Oversight and Accountability

CS/SB 1050 — Disaster Volunteer Leave for State Employees

by Governmental Oversight and Accountability Committee and Senator Diaz

The bill amends the Florida Disaster Volunteer Leave Act (the Act). The bill broadens the definition of “disaster” to mean an event that results in a state of emergency as declared by the governor of this state or any other state or territory in the United States. The bill adds the terms “disaster area” and “volunteer” to the Act.

The bill requires a request for disaster leave be made by the employee and specifies an employing agency must verify the employee’s volunteer status before granting leave. Leave for disasters occurring outside the boundaries of this state but within the United States requires the approval of the head of the employee’s employing agency. An employee receiving disaster leave must attest to his or her employing agency that he or she has completed his or her volunteer service and must specify the period of time served as a volunteer for that event and a description of the disaster response or recovery services provided.

If approved by the Governor, these provisions take effect on July 1, 2020.

Vote: Senate 38-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1393 — Pub. Rec./Financial Technology Sandbox

by State Affairs Committee; Insurance and Banking Subcommittee; and Rep. Grant, J. and others (CS/CS/SB 1872 by Banking and Insurance Committee; Governmental Oversight and Accountability Committee; and Senator Hutson)

The bill creates a public records exemption for certain sensitive business information relating to the Financial Technology Sandbox held by the Office of Financial Regulation confidential and exempt from public disclosure. Specifically, the bill makes confidential and exempt from public disclosure the following records:

- The reasons why certain general laws may prevent an innovative financial product or service from being made available to consumers;
- Certain sensitive business information submitted by an applicant when applying for the Financial Technology Sandbox; and
- Information provided by an applicant to evaluate whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service.

The bill authorizes the Office of Financial Regulation to release this information to appropriate state and federal agencies for the purposes of investigation.

The bill repeals the exemptions on October 2, 2025, unless the exemptions are reviewed and saved from repeal through reenactment by the Legislature. The bill provides a public necessity statement as required by the State Constitution.

The Office of Financial Regulation may incur costs relating to the redaction of records in responding to public records requests.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

SB 1714 — Sale of Surplus-owned Office Buildings and Associated Nonconservation Lands

by Senator Bradley

The bill removes the requirement that state universities and Florida College System institutions be offered the opportunity to lease a building or parcel of land with priority consideration before the same property is offered to another government entity or private party. The bill also requires that, when appraising the value of surplus lands, the Division of State Lands must base the value on the “highest and best use” of the property after considering any applicable developmental rights.

Funds received through the sale of surplus state-owned office buildings and associated nonconservation lands must be deposited into the Architects Incidental Trust Fund rather than into the Internal Improvement Trust Fund. These funds must be used for the acquisition, lease, planning, entitlement, design, permitting, construction, or maintenance of state-owned office buildings.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 115-0

Committee on Governmental Oversight and Accountability

HB 5007 — State-administered Retirement Systems

by Appropriations Committee and Rep. Cummings (SB 7044 by Governmental Oversight and Accountability Committee)

The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2020. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liabilities of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly \$404.5 million more in revenue on an annual basis beginning July 1, 2020. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 111-5

Committee on Governmental Oversight and Accountability

CS/HB 7039 — Repeal of Advisory Bodies and Programs

by Health and Human Services Committee; State Affairs Committee; and Rep. Rodriguez, A.
(CS/SB 1636 by Governmental Oversight and Accountability Committee and Senator Baxley)

The bill abolishes specific advisory bodies and programs that are no longer active, necessary, or beneficial to the furtherance of a public purpose. Specifically, this bill abolishes the following entities and the statutory references relating to:

- Citrus/Hernando Waterways Restoration Council;
- My Safe Florida Home Program Advisory Council;
- Ad hoc committee for the Great Floridian Program within the Department of State;
- Geneva Freshwater Lens Task Force;
- Brownfield Areas Loan Guarantee Council;
- Nonmandatory Land Reclamation Committee;
- Sturgeon Production Working Group;
- Trap Certificate Technical Advisory Appeals Board;
- Clean Fuel Florida Advisory Board;
- Technical advisory council for water and domestic wastewater operator certification;
- Technical advisory panels for Florida Health Choices, Inc.;
- Technical advisory panel relating to result-oriented accountability program within the Department of Children and Families;
- Learning Gateway steering committee;
- Department of Elderly Affairs Advisory Council;
- Florida Agricultural Promotion Campaign Advisory Council;
- Healthy Schools for Healthy Lives Council;
- Tropical Fruit Advisory Council;
- Board of Governors Advisory board relating to online baccalaureate degree programs;
and
- Florida Early Learning Advisory Council.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 110-1