

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

**BILL:** PCS/SB 1238

**INTRODUCER:** Governmental Oversight and Accountability Committee

**SUBJECT:** Department of Management Services

**DATE:** March 18, 2010      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	Wilson	GO	<b>Pre-meeting</b>
2.			WPSC	
3.			RC	
4.				
5.				
6.				

**I. Summary:**

This bill renames the Department of Management Services (DMS) as the Department of Personnel Management, and places it under the Governor and Cabinet. The Department of Personnel Management retains all functions related to Human Resource Management, Insurance Benefits Administration, and Retirement Benefits Administration. All other DMS duties and functions are moved to other departments.

The former DMS functions and entities are assigned as follows:

- Department of Personnel Management:
  - Human Resource Management
  - Insurance Benefits Administration
  - Retirement Benefits Administration
  - Public Employees Relations Commission (independent entity)
  - Agency for Workforce Innovation (independent entity)
  - Division of Administrative Hearings (independent entity)
  
- Executive Office of the Governor:
  - Aircraft Operations
  - Employees leased to the Black Business Investment Board and Enterprise Florida
  - Florida Commission on Human Relations (independent entity)
  
- Department of Financial Services:
  - State Purchasing (not the Council on Efficient Government, which is abolished)

- Fleet Management
- Federal Surplus Property
- Private Prison Monitoring
- Department of Environmental Protection:
  - Facilities Management
  - Building Construction
- Department of Law Enforcement
  - Statewide Law Enforcement Radio System
  - Florida Interoperability Network
- Agency for Enterprise Information Technology
  - Southwood Shared Resource Center (independent entity)
  - Telecommunications Services (SUNCOM)

The bill also creates and transfers the necessary trust funds.

The bill amends the following sections of the Florida Statutes: 11.917, 14.057, 14.204, 16.615, 20.04, 20.22, 20.23, 20.331, 20.50, 24.105, 24.120, 29.008, 29.21, 110.1055, 110.107, 110.1099, 110.116, 110.121, 110.1227, 110.1228, 110.123, 110.12312, 110.12315, 110.1232, 110.1234, 110.1245, 110.125, 110.131, 110.151, 110.1522, 110.161, 110.171, 110.181, 110.2035, 110.2037, 110.205, 110.2135, 110.227, 110.403, 110.405, 110.406, 110.503, 110.605, 110.606, 112.0455, 112.05, 112.08, 112.0804, 112.24, 112.3173, 112.31895, 112.352, 112.354, 112.358, 112.361, 112.362, 112.363, 112.63, 112.64, 112.658, 112.661, 112.665, 120.65, 121.021, 121.025, 121.031, 121.051, 121.0511, 121.0515, 121.055, 121.1815, 121.1905, 121.192, 121.22, 121.23, 121.24, 121.35, 121.40, 121.4501, 121.4503, 121.591, 121.5911, 121.78, 122.02, 122.09, 122.23, 122.34, 145.19, 154.04, 163.3184, 175.032, 175.1215, 175.361, 185.02, 185.105, 185.37, 189.4035, 189.412, 210.20, 210.75, 213.053, 215.196, 215.22, 215.28, 215.422, 215.425, 215.47, 215.50, 215.94, 215.96, 216.0152, 216.016, 216.023, 216.044, 216.163, 216.237, 216.238, 216.262, 216.292, 217.02, 217.04, 217.045, 238.01, 238.02, 238.03, 238.07, 238.09, 238.10, 238.11, 238.12, 238.15, 238.171, 238.181, 238.32, 250.22, 252.385, 253.034, 253.126, 253.45, 255.02, 255.043, 255.05, 255.0525, 255.248, 255.249, 255.25, 255.25001, 255.252, 255.253, 255.257, 255.2575, 255.259, 255.28, 255.29, 255.30, 255.31, 255.32, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 255.555, 265.001, 265.002, 265.2865, 267.061, 267.0625, 267.075, 270.27, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.129, 272.161, 272.18, 272.185, 273.055, 281.02, 281.03, 281.06, 281.07, 281.08, 282.0041, 282.204, 282.205, 282.604, 282.702, 283.30, 284.01, 284.04, 284.05, 284.08, 284.33, 284.42, 285.06, 285.14, 286.29, 287.012, 287.025, 287.032, 287.042, 287.055, 287.057, 287.05721, 287.0574, 287.076, 287.083, 287.0834, 287.0943, 287.09451, 287.131, 287.133, 287.134, 287.15, 287.151, 287.155, 287.16, 287.161, 287.17, 287.18, 287.19, 288.021, 288.109, 288.1092, 288.1093, 288.1185, 288.15, 288.17, 288.18, 288.703, 288.706, 288.708, 288.7091, 288.712, 288.901, 295.187, 318.18, 318.21, 320.0802, 320.08056, 321.04, 328.72, 337.02, 337.012, 337.165, 338.2216, 338.227, 350.0614, 350.125, 364.0135, 364.515, 364.516, 365.171, 365.172, 373.4596, 373.461, 376.10, 381.98, 394.9151, 395.1031, 400.121, 401.013, 401.015, 401.018, 401.021, 401.024, 401.027, 401.245, 402.35, 402.50, 403.061, 403.42, 403.518, 403.5365, 403.7065, 403.714, 403.7145, 403.71852, 406.075, 408.039, 408.910, 413.036, 413.051, 414.37, 429.14, 440.2715, 440.45, 445.009, 447.205, 455.32, 471.038,

489.145, 553.995, 570.07, 627.096, 633.382, 650.02, 760.04, 766.302, 768.1326, 943.03, 943.0311, 943.13, 943.61, 943.66, 943.681, 944.02, 944.10, 944.115, 944.713, 944.72, 944.8041, 945.215, 946.504, 946.515, 946.525, 957.04, 957.06, 957.07, 957.08, 957.14, 957.15, 957.16, 1001.27, 1001.42, 1001.705, 1001.706, 1001.74, 1002.36, 1002.37, 1004.58, 1012.33, 1012.34, 1012.61, 1012.796, 1012.865, 1012.875, 1013.03, 1013.23, 1013.30, 1013.38

The bill repeals sections 121.1905 and 287.0573 of the Florida Statutes.

## II. Present Situation:

Sections 11.901-11.920, F.S., are known as the Florida Government Accountability Act (act). Under this act, most state agencies are subject to a “sunset” review process, conducted by various committees, in order for the Legislature to determine whether the agency should be retained, modified, or abolished.

Agencies subject to a sunset review are reviewed prior to the legislative session in the year the repeal is scheduled to occur. The Department of Management Services (DMS) will sunset on June 30, 2010, unless it is reenacted by the Legislature.

The Senate Governmental Oversight and Accountability Committee is the primary sunset review committee for review of DMS. Issue Brief 2010-217<sup>1</sup> recommended that the Legislature consider whether to place DMS under the Governor and Cabinet, and whether some DMS programs ought to be transferred to other state agencies.

## III. Effect of Proposed Changes:

**Section 1** provides that all powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Department of Management Services are transferred to other departments by a type two transfer as follows:

- Executive Office of the Governor (EOG):
  - the Executive Aircraft Pool
- Department of Financial Services:
  - Division of State Purchasing,
  - Office of Supplier Diversity,
  - Fleet Management Program,
  - Federal Surplus Property Donation Program, and
  - Bureau of Private Prison Monitoring
- Department of Environmental Protection
  - Facilities Program

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<sup>1</sup> Issue Brief 2010-217, *Agency Sunset Review of the Department of Management Services*, Governmental Oversight and Accountability Committee, December 2009.

- Agency for Enterprise Information Technology
  - Telecommunications services
- Department of Law Enforcement
  - Land mobile radio services, including local public safety radio services, state public safety radio services, emergency medical services, and the Florida Interoperability Network

Trust Funds will be transferred as follows:

- Department of Environmental Protection:
  - Architects Incidental Trust Fund
  - Florida Facilities Pool Working Capital Trust Fund
  - Florida Facilities Pool Clearing Trust Fund
  - Public Facilities Finance Trust Fund
  - Supervision Trust Fund
- Executive Office of the Governor:
  - The Bureau of Aircraft Trust Fund
- Agency for Enterprise Information Technology:
  - Communications Working Capital Trust Fund
  - Working Capital Trust Fund
- Department of Law Enforcement:
  - Law Enforcement Radio Trust Fund
  - Emergency Communications Number E911 System Trust Fund
- Department of Financial Services:
  - Surplus Property Revolving Trust Fund

**Section 2** allows the EOG, with the approval of the Legislative Budget Commission, to transfer funds and positions between agencies to implement the bill.

**Section 3** provides for the Division of Statutory Revision to assist in crafting conforming legislation to implement the bill.

**Section 4** amends s. 11.917, F.S., to provide that DFS replaces DMS as the custodian for property of abolished state agencies.

**Section 5** amends s. 14.057, F.S., to provide that DEP replaces DMS as the entity that must provide for office facilities for Governors-elect.

**Section 6** amends s. 14.204, F.S., to conform provisions to changes made by the bill.

**Section 7** amends s. 16.615, F.S., to change a reference from DMS to the Department of Personnel Management (DPM).

**Section 8** amends s. 20.04, F.S., to change references from DMS to DPM.

**Section 9** amends s. 20.22, F.S., to move duties from DMS to DPM, delete those duties assigned to other agencies, place DPM under the Governor and Cabinet with the authority to appoint an executive director of DPM, and place the Chief Labor Negotiator under the Governor.

**Sections 10 and 11** amend ss. 20.23 and 20.50, F.S., to conform provisions to changes made by the bill.

**Section 12** amends s. 20.50, F.S., to conform provisions to changes made by the bill and make technical amendments.

**Sections 13 through 16** amend ss. 24.105, 24.120, 29.008, and 29.21, F.S., to conform provisions to changes made by the bill.

**Sections 17 through 47** amend Chapter 110, F.S., relating to state employment, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to DPM, and make technical amendments.

**Sections 48 through 66** amend Chapter 112, F.S., relating to public officers and employees, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to DPM, and make technical amendments.

**Section 67** amends s. 120.65, F.S., to conform provisions to changes made by the bill.

**Sections 68 through 87** amend Chapter 121, F.S., relating to the Florida Retirement System, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to DPM, and make technical amendments.

Section 121.1905, F.S., creating the Division of Retirement in DMS, is abolished. Section 20.22, F.S., creates the Division of Retirement in DPM.

**Sections 88 through 126** amend sections of the Florida Statutes to conform provisions to changes made by the bill and make technical amendments.

**Sections 127 through 138** amend Chapter 238, F.S., relating to the Teachers' Retirement System, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to DPM, and make technical amendments.

**Sections 139 and 140** amend sections of the Florida Statutes to conform provisions to changes made by the bill and make technical amendments.

**Sections 141 through 183** amend Chapters 253 and 255, F.S. relating to State Lands, and Public Property and Publicly Owned Buildings, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to DEP, and make technical amendments.

**Section 184 through 189** amend sections of the Florida Statutes to conform provisions to changes made by the bill and make technical amendments.

**Sections 190 through 205** amend Chapter 272, F.S., relating to the Capitol Center, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to DEP, and make technical amendments.

**Section 206** amends s. 273.055, F.S., to provide that the approval of DFS is required before disposal of motor vehicles, watercraft, and aircraft.

**Sections 207 through 211** amend Chapter 281, F.S., relating to Safety and Security Services, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to DEP, and make technical amendments.

**Sections 212 through 223** amend Chapter 282, F.S., relating to Communications and Data Processing, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to the Agency for Enterprise Information Technology (AEIT), and make technical amendments.

**Sections 224 through 235** amend sections of the Florida Statutes to conform provisions to changes made by the bill and make technical amendments.

**Sections 236 through 260** amend Chapter 287, F.S., relating to Procurement of Personal Property and Services, to conform provisions to changes made by the bill, largely by replacing references to DMS to references to DFS, and make technical amendments.

The Council on Efficient Government is deleted, though agency duties related to business cases to outsource are retained.

**Section 261** amends s. 288.021, F.S., to delete a reference to DMS and reference to the defunct Department of Labor and Employment Security.

**Sections 262 through 264** amend ss. 288.109, 288.1092, and 288.1093, F.S., to give duties formerly imposed to DMS to the Department of Community Affairs, in regards to the One-Stop Permitting System, the One-Stop Permitting System Grant Program, and the Quick Permitting County Designation Program.

**Sections 265 through 302** amend sections of the Florida Statutes to conform provisions to changes made by the bill and make technical amendments.

**Sections 303 through 309** amend Chapter 401, F.S., relating to Medical Telecommunications and Transportation, to conform provisions to changes made by the bill, largely by replacing

references to DMS to references to the Department of Law Enforcement, and make technical amendments.

**Sections 310 through 382** amend sections of the Florida Statutes to conform provisions to changes made by the bill and make technical amendments.

**Section 383** provides that the bill will take effect on October 1, 2010.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Though the bill may produce long-term savings with consolidated operations, there may be short-term costs associated with moving program areas to the receiving agencies.

**VI. Technical Deficiencies:**

Section 63 of the bill is unnecessary; it is duplicative of section 64.

Line 9239 should refer to the "Department of Personnel Management."

Lines 9535 and 10079 should refer to the "Department of Financial Services."

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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