



**Conference Committee on
General Government Appropriations/Government Operations**

**Senate Offer #1
Substantive Legislation**

**Thursday, April 22, 2010
116 Knott Building**

SENATE BILL 1592 - FISCALLY CONSTRAINED COUNTIES

	ISSUE	HOUSE	SENATE	
	Current Bill			
1	Fiscally Constrained Counties	House	House	The bill simplifies the calculation process for determining the impacts to the fiscally constrained counties. In the past, the Legislature has handled the calculation in the Implementing Bill. The bill would set the calculation in statute for future years.
	New Language			
	None			

HOUSE BILL 5601 - AERIAL PHOTOGRAPHY

	ISSUE	HOUSE	SENATE	
				Current Bill
1	Aerial Photography	Senate	Senate	This bill amends section 195.022, F.S., to eliminate the provision requiring the Department of Revenue to provide at a cost to the state, aerial photographs to counties with a population of 25,000 or less. The bill also gives the counties with a population of 25,000 or less, the option of having the aerial photographs produced every 5 years instead of 3 years.
				New Language
	None			

HOUSE BILL 5603 - DEPARTMENT OF FINANCIAL SERVICES

	ISSUE	HOUSE	SENATE	
	Current Bill			
1	Transfer Office of Fiscal Integrity from Accounting & Auditing to Insurance Fraud	House Offer - Delete Language	House Offer - Delete Language	Amends section 17.04, F.S. and section 20.121, F.S., by transferring (within DFS) the Office of Fiscal Integrity (OFI) from the Division of Accounting and Auditing to the Division of Insurance Fraud.
2	Return to Work Program	House Offer	House	Amends s. 284.50, F.S., by requiring all state agencies and state universities with more than 6,000 employees that are provided insurance coverage from the Division of Risk Management (Division) to establish and maintain a return-to-work program for injured state workers.
3	Workers Compensation Administrative Trust Fund	House Offer	House	The bill amends s. 440.50, F.S., to require that funds that are transferred from the Workers' Compensation Administration Trust Fund (WCATF) to other agencies (that by statute are funded from the WCATF) that remain unencumbered as of June 30 or undisbursed as of September 30 each year, shall revert back to the Workers' Compensation Administration Trust Fund.
	New Language			
4	Office of Financial Regulation - DFS	House Offer	House	As the result of a prior budget amendment, the DFS staff who handled the OFR's complaints were transferred to the OFR and have continued to handle consumer complaint intake for OFR. The proposed language will amend chapter 20, F.S. to reflect the transfer.
5	Workers' Compensation - DFS	House Offer	House	Pharmaceutical cost saving measures for Workers' Compensation.

HOUSE BILL 5605 - PUBLIC EMPLOYEES' RELATIONS COMMISSION

	ISSUE	HOUSE	SENATE	
	Current Bill			
1	Requires the Commission to be Comprised of a Chair and Two Part-Time Members	House Offer	Senate Offer - Delete Language	Changes the composition of the Public Employees' Relations Commission to consist of a chair and two part-time members, which will result in a cost savings for the Commission in the Salaries & Benefits appropriation category of \$117,500.
2	Prohibits the Part-Time Commissioners from Engaging in Conflicts with Their Commission Duties	House Offer	Senate Offer - Delete Language	Prohibits the part-time members from engaging in any business, vocation, or employment that conflicts with their duties while in such office. The bill does not affect the current law requiring the chair to devote full time to commission duties and not engage in any other business, vocation, or employment while in such office.
	New Language			
	None			

HOUSE BILL 5611 - DEPARTMENT OF MANAGEMENT SERVICES

ISSUE	HOUSE	SENATE		
Current Bill				
1	Eliminates the Council on Efficient Government and its Support Office	House Offer	House	Repeals s. 287.0573, relating to the creation of the Council on Efficient Government and making corresponding changes to other sections of law. Eliminates the council's support office within DMS to provide annual budget savings of \$447,038.
2	Redirects Vendor Transactions Fees to the General Revenue Fund	House Offer - Delete Language	House Offer- Delete Language	Requires the vendor transaction fees collected by the department for use of its statewide electronic procurement and information services system in excess of what is needed to fund legislatively authorized disbursements to be redirected to the General Revenue Fund.
New Language				
3	Establishes DMS as a Governor and Cabinet Agency	House Offer	House	Places the Department of Management Services under the Governor and the Cabinet with the authority to appoint an executive director, upon confirmation by the Senate.
4	Repeals the State Employee Wellness Council	House Offer	House	Repeals the State Employee Wellness Council, which was created to advise the Department of Management Services on health care education for employees.
5	Provides for Electronic Procedures for the Division of Administrative Hearings	House Offer	Senate Modified - Technical	Requires parties represented by attorneys in hearings held under the Division of Administrative Hearings (DOAH) Adjudication of Disputes Program and in the Worker's Compensation Appeals Program to file documents electronically. Parties not represented by attorneys are encouraged, but not required, to file documents electronically.
6	Establishes Statewide Wireless Device Utilization Standards	House Offer	Bump	Creates statewide standards for agencies to use in determining employee assignment of wireless communication devices. It requires agencies to procure for wireless devices and services using SUNCOM Network Services and provides an exception process. The bill requires state agencies to submit, as part of their legislative budget request, an inventory of all wireless devices and expenditures.
7	Requires DMS to Create a Centralized Motor Vehicle Fleet	House Offer	Senate	Directs the Department of Management Services to create, administer, and maintain a centralized fleet of all state-owned motor vehicles and requires the department to submit a plan to centralize the fleet.

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HOUSE BILL 5611 - DEPARTMENT OF MANAGEMENT SERVICES

	ISSUE	HOUSE	SENATE	
8	Requires DMS To Submit A Plan For Centralizing Real Estate Functions		Senate	Directs the Department of Management Services to coordinate with all state agencies prior to submitting a plan to the Governor and Legislature by September 1, 2010, to centralize all real estate planning, management, leasing, and facilities operations and maintenance. Requires agencies to include in their legislative budget request for the 2011-2012 fiscal year, a transfer of all real estate resources to the Department of Management Services.
9	Provides An Appropriation To DMS		Senate	Provides an appropriation of 18 positions and \$2.2 million to the Department of Management Services for the purpose of implementing the provisions of s. 20.22, Florida Statutes, which is reorganized as a cabinet agency.
10	Requires DMS To Transfer Revenues To DFS		Senate	Directs the Department of Management Services to transfer revenues from the Purchasing Operating Trust Fund to the Administrative Trust Fund in the Department of Financial Services to support statewide purchasing operations.
11	Requires DMS To Transfer Revenues To DEP		Senate	Directs the Department of Management Services to transfer \$320,000 in revenue from the Supervision Trust Fund to the Department of Environmental Protection for the creation of a comprehensive database of state-owned real property.
12	DOAH Technical Amendment		Senate	This is a technical and clarifying amendment to provide for an e-filing process as it relates to claims under s. 766.305, F.S.
13	DOAH - Emergency and Natural Disasters		Senate	Conforms DOAH filing rules and procedures with the Circuit Courts in situations of emergency or disaster.
14	Statewide Law Enforcement Radio System (SLERS)		Senate	Extends the collection of a \$3 traffic and criminal traffic violation fee to pay for the SLERS system in the Department of Management Services. Currently, the fee is set to expire July 1, 2012. This provision will extend the expiration date to July 1, 2017.

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations Conference Committee on General Government/Government Operations recommended the following:

Senate Amendment (with title amendment)

Delete line 229

and insert:

Section 6. Subsection (17) of section 318.18, Florida Statutes, is amended to read

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(17) In addition to any penalties imposed, a surcharge of \$3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter

13 316. Revenue from the surcharge shall be remitted to the
14 Department of Revenue and deposited quarterly into the State
15 Agency Law Enforcement Radio System Trust Fund of the Department
16 of Management Services for the state agency law enforcement
17 radio system, as described in s. 282.709, and to provide
18 technical assistance to state agencies and local law enforcement
19 agencies with their statewide systems of regional law
20 enforcement communications, as described in s. 282.710. This
21 subsection expires July 1, 2017 ~~2012~~. The Department of
22 Management Services may retain funds sufficient to recover the
23 costs and expenses incurred for managing, administering, and
24 overseeing the Statewide Law Enforcement Radio System, and
25 providing technical assistance to state agencies and local law
26 enforcement agencies with their statewide systems of regional
27 law enforcement communications. The Department of Management
28 Services working in conjunction with the Joint Task Force on
29 State Agency Law Enforcement Communications shall determine and
30 direct the purposes for which these funds are used to enhance
31 and improve the radio system.

32 Section 7. Subsection (17) of section 318.21, Florida
33 Statutes, is amended to read:

34 318.21 Disposition of civil penalties by county courts.—All
35 civil penalties received by a county court pursuant to the
36 provisions of this chapter shall be distributed and paid monthly
37 as follows:

38 (17) Notwithstanding subsections (1) and (2), the proceeds
39 from the surcharge imposed under s. 318.18(17) shall be
40 distributed as provided in that subsection. This subsection
41 expires July 1, 2017 ~~2012~~.

42 Section 8. Subsection (4) is added to section 440.33,
43 Florida Statutes, to read:

44 440.33 Powers of judges of compensation claims.—

45 (4) (a) Whenever the circuit court in a county is closed by
46 official action of the chief circuit judge or a designated
47 official due to a weather or other disaster-related emergency,
48 any district office of the Office of the Judges of Compensation
49 Claims which is located within that county shall likewise close
50 for the duration of the emergency closure ordered for that
51 circuit court.

52 (b) Any tolling order issued by the Supreme Court
53 pertaining to matters pending before the circuit or county
54 courts shall apply with equal force to all proceedings pending
55 in any district office of the Office of the Judges of
56 Compensation Claims which is located within a county designated
57 by such tolling order in the same manner as if the compensation
58 proceedings were civil proceedings pending in the courts of the
59 county in which the district office is located. Following such a
60 tolling order, all time limits for acts required by law and
61 subject to the jurisdiction of the Office of the Judges of
62 Compensation Claims shall be tolled as set forth in the order of
63 the Supreme Court. A tolling order of the Supreme Court shall be
64 considered authoritative upon the posting of the order to the
65 court's website or other public dissemination, whichever occurs
66 sooner.

67 Section 9. Subsection (2) of section 766.305, Florida
68 Statutes, is amended to read:

69 766.305 Filing of claims and responses; medical
70 disciplinary review.—

71 (2) The claimant shall furnish the division with as many
72 copies of the petition as required for service upon the
73 association, any physician and hospital named in the petition,
74 and the Division of Medical Quality Assurance, along with a \$15
75 filing fee payable to the Division of Administrative Hearings.
76 Upon receipt of the petition, the division shall immediately
77 ~~serve the association, by service upon the agent designated to~~
78 ~~accept service on behalf of the association, by registered or~~
79 ~~certified mail, and shall~~ mail copies of the petition, by
80 registered or certified mail, to any physician, health care
81 provider, and hospital named in the petition, and shall furnish
82 a copy by electronic means through the division's website or by
83 regular mail to the Division of Medical Quality Assurance, and
84 the Agency for Health Care Administration, and the association,
85 by service upon the agent designated to accept service on behalf
86 of the association.

87 Section 10. Subsection (2) of section 766.309, Florida
88 Statutes, is amended to read

89 766.309 Determination of claims; presumption; findings of
90 administrative law judge binding on participants.—

91 (2) If the administrative law judge determines that the
92 injury alleged is not a birth-related neurological injury or
93 that obstetrical services were not delivered by a participating
94 physician at the birth, she or he shall enter an order and shall
95 cause a copy of such order to be sent immediately to the parties
96 by electronic means through the division's website or by regular
97 ~~registered or certified~~ mail.

98 Section 11. Subsection (3) of section 766.31, Florida
99 Statutes, is amended to read:

100 766.31 Administrative law judge awards for birth-related
101 neurological injuries; notice of award.-

102 (3) A copy of the award shall be sent immediately by
103 electronic means through the division's website or by regular
104 registered or certified mail to each person served with a copy
105 of the petition under s. 766.305(2).

106 Section 12. Effective upon this act becoming a law, the
107 Department of Management Services shall coordinate with all
108 state agencies to identify all existing resources within each
109 agency related to real estate planning, management, leasing, and
110 facilities operations and maintenance. Agencies must submit the
111 information to the Department of Management Services no later
112 than August 1, 2010. By September 1, 2010, the Department of
113 Management Services shall submit a plan to the Executive Office
114 of the Governor, the President of the Senate, and the Speaker of
115 the House of Representatives for centralizing within the
116 department all real estate planning, management, leasing, and
117 facilities operations and maintenance. Such information shall be
118 included in each agency's legislative budget request for the
119 2011-2012 fiscal year as a transfer to the Department of
120 Management Services. This section expires July 1, 2011.

121 Section 13. (1) The Department of Management Services is
122 appropriated \$2,185,746 in recurring trust funds, 18 full-time
123 positions as listed below, and the salary rate of 1,658,961 for
124 the purpose of implementing the provisions of s. 20.22, Florida
125 Statutes. Positions authorized in this section shall be filled
126 initially by majority approval of the Governor and Cabinet, and
127 shall be subject to Senate confirmation. Incumbents in positions
128 authorized by this section on March 1, 2011, shall also be

129 subject to Senate confirmation.

130 (2) Beginning July 1, 2010, the following Senior Management
131 Service positions are authorized in the Department of Management
132 Services:

133 (a) The Executive Director.

134 (b) The Deputy Executive Director.

135 (c) The Chief of Staff.

136 (d) The General Counsel.

137 (e) The Legislative Affairs Director.

138 (f) The Inspector General.

139 (g) The Director of the Division of Facilities Management
140 and Building Construction.

141 (h) The Director of the Division of State Purchasing.

142 (i) The Public Information Administrator.

143 (j) The Director of Specialized Services.

144 (3) Beginning July 1, 2010, the following Selected Exempt
145 Service positions are authorized in the Department of Management
146 Services:

147 (a) The Deputy Director of Facilities Management and
148 Building Construction.

149 (b) The Chief of Operations and Maintenance - Facilities
150 Management.

151 (c) The Chief of Real Property - Facilities Management.

152 (d) The Projects Management Administrator - Facilities
153 Management.

154 (e) The Appraiser Administrator - Facilities Management.

155 (f) The Deputy Chief of Regional Facilities - Facilities
156 Management.

157 (g) The Deputy Chief of Tallahassee Facilities - Facilities

158 Management.

159 (h) The Systems Programming Administrator/Chief Information
160 Officer.

161 Section 14. The Department of Management Services is
162 authorized to transfer revenues from the Purchasing Operating
163 Trust Fund to the Administrative Trust Fund in the Department of
164 Financial Services to support statewide purchasing operations.

165 Section 15. The Department of Management Services is
166 authorized to transfer \$320,000 from the Supervision Trust Fund
167 to the Department of Environmental Protection for the creation
168 of a comprehensive database of state-owned real property.

169 Section 16. Pursuant to s. 11.242, Florida Statutes, the
170 Division of Statutory Revision of the Office of Legislative
171 Services is directed to prepare a reviser's bill for
172 consideration by the 2011 Regular Session of the Legislature to
173 conform the Florida Statutes to the provisions of this act.

174 Section 17. Except as otherwise expressly provided in this
175 act and except for this section, which shall take effect upon
176 this act becoming a law, this act shall take effect July 1,
177 2010.

178
179 ===== T I T L E A M E N D M E N T =====

180 And the title is amended as follows:

181 Delete line 24

182 and insert:

183 amending ss. 318.18 and 318.21, F.S.; delaying the
184 expiration of provisions imposing a surcharge on
185 certain offenses and traffic violations, the proceeds
186 of which are deposited into the State Agency Law

187 Enforcement Radio System Trust Fund of the Department
188 of Management Services; amending s. 440.33, F.S.;
189 providing for an order issued by the chief circuit
190 judge to close the courts of the county or a tolling
191 order issued by the Supreme Court to apply to any
192 district office of the Office of the Judges of
193 Compensation Claims which is located within the same
194 county in which the order of closure or tolling order
195 applies; providing for the time limits applicable to
196 the jurisdiction of the Office of the Judges of
197 Compensation Claims to apply following such order;
198 amending ss. 766.305, 766.309, and 766.31, F.S.;
199 authorizing the Division of Administrative Hearings to
200 furnish by electronic means copies of certain
201 petitions and orders relating to medical disciplinary
202 reviews, claims, and awards; requiring the Department
203 of Management Services to identify all resources
204 relating to real estate planning, management, leasing,
205 and facilities operations and maintenance within each
206 state agency; requiring a report to the Governor and
207 Legislature by a specified date; requiring that the
208 information be included within the agency's
209 legislative budget request for the 2011-2012 fiscal
210 year; providing an appropriation and authorizing
211 positions within the Department of Management
212 Services; requiring approval of the Governor and
213 Cabinet and Senate confirmation for certain positions
214 within the department; authorizing the Department of
215 Management Services to transfer certain funds for the

216 purpose of statewide purchasing operations and for the
217 creation of a comprehensive database of state-owned
218 real property; providing a directive to the Division
219 of Statutory Revision; providing effective dates.