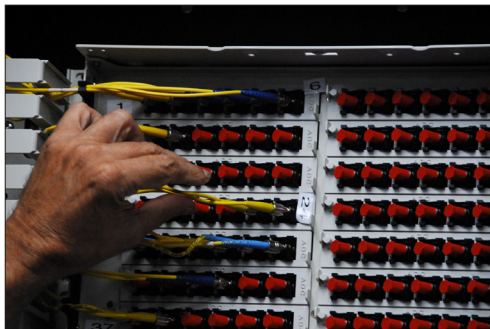
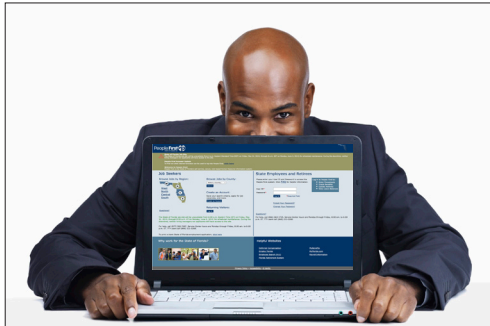


# 2013



## Legislative Final Report

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Craig Nichols, Agency Secretary  
Marlene Williams, Legislative Affairs Director



# Governor's Priorities

## Teacher Pay Raises

Governor Scott made pay raises for Florida's teachers a key priority in the 2013 session. Working with the Legislature, the state's budget includes an appropriation of \$480 million for teacher pay raises. These funds are appropriated to each of Florida's school districts, allowing them the flexibility to develop their own plan to award the greatest number of teachers the largest pay raise possible, in coordination with their collective bargaining agreements. This appropriation grants districts full authority to negotiate immediate pay raises for teachers. Governor Scott's tireless work to give Florida students the best education possible is just one more reason why our great state is the best place to live, learn, work, play and do business.

## Sales Tax Relief for Manufacturers

[House Bill 7007](#) included Governor Scott's priority to eliminate the sales tax that manufacturers pay when purchasing equipment in Florida. This sales tax exemption takes effect in 2014 and is designed to help create more manufacturing jobs in Florida and make Florida's manufacturers more competitive nationally. Manufacturers both outside of Florida and those looking to expand in our state will look at the Sunshine State as a cost effective place to invest and hire more Florida workers. This victory for the Florida business community is yet another step in the right direction as our state continues to create private sector jobs so Florida families can enjoy our low cost of living and unparalleled quality of life.



Dear DMS Colleagues,

This document summarizes the key issues that our agency tracked this legislative session. In total, our agency tracked 259 bills. Of the bills DMS tracked, the Legislature either enrolled or “passed” 37 bills for the Governor’s action. Please find the below table of general bill statistics helpful:

2011 Regular Session		2012 Regular Session		2013 Regular Session	
Total Filed Bills	2186	Total Filed Bills	2052	Total Filed Bills	1848
Total Passed	295	Total Passed	292	Total Passed	286
Percentage Passed	13.5%	Percentage Passed	14.2%	Percentage Passed	15.5%

In the following report, you will find many successes for our agency thanks to your hard work. I would like to specifically thank our Legislative Affairs Director, Marlene Williams, and our Deputy Director, Meredith Stanfield. Our legislative affairs team worked long hours at the Capitol to make sure both DMS and Governor Scott were well represented throughout session.

In closing, I am extremely pleased we were able to achieve Governor Scott’s top two priorities: pay raises for Florida teachers and a sales tax exemption on manufacturing equipment. We will improve educational outcomes for our children and help to create manufacturing jobs for people who want to work and live in Florida. These efforts will make a difference to Florida families that are proud to call our great state home.

Sincerely,  
Craig J. Nichols  
Agency Secretary  
Florida Department of Management Services

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# Confirmation

In accordance with section 20.22, Florida Statutes, the Governor's appointment of the DMS Secretary is subject to confirmation by the Senate. Confirmation must take place within two regular sessions from the effective date of the appointment, in accordance with section 114.05, Florida Statutes. As such, Secretary Nichols' confirmation was a chief priority this session. Secretary Nichols appeared before two Senate committees that each unanimously recommended the Secretary for confirmation by the full Senate. Secretary Nichols was confirmed through a unanimous vote by the full Senate on May 3.

## DMS Legislative Priority Bills

- \* [HB 1145 \(La Rosa\)](#) and [SB 1074 \(Hays\)](#)  
Relating to State-Owned or State-Leased Space

HB 1145 passed the House and Senate in two unanimous floor votes and now goes to the Governor for action. This DMS priority bill will help DMS to fill vacant state-owned space before leasing private space, makes several business-friendly changes to the state's leasing process, and modifies the state's disposition process by which surplus facilities are transferred and sold to help ensure that the state pays to maintain only those properties the state needs. The bill modifies energy reporting requirements to apply to all state-owned facilities. These important changes will help our DMS Division of Real Estate Development and Management better serve our partner agencies and find deeper savings within the state's real estate portfolio. The Governor signed HB 1145 into law on June 7, 2013.



- \* [HB 1309 \(Albritton\)](#) **Relating to Procurement of Commodities and Contractual Services**  
HB 1309 passed the House and Senate on the last day of session. HB 1309 provides some important "clean-up" to Chapter 287, Florida Statutes. Specifically, the bill modifies definitions in section 287.012, Florida Statutes; modifies section 287.042, Florida Statutes, to remove the requirement for DMS to maintain an approved vendor list outside of the one currently maintained in the Vendor Bid System/ MyFloridaMarketPlace and clarifies DMS authority to lead or enter into joint agreements with governmental entities for the purchase of commodities or contractual services (consortia) used by multiple agencies; modifies section 287.057, Florida Statutes, to remove the requirement for agencies to submit and DMS to approve agency single source contracts and clarifies language relating to an invitation to bid (ITB) to provide that contracts awarded pursuant to an ITB shall be awarded to the lowest responsible and responsive vendor. The bill also includes provisions relating to grant manager and contract manager training which will be implemented by DMS and the Department of Financial Services. The Governor approved HB 1309 on June 7, 2013.

\* Denotes bills of significant impact

## Budget

The 2013-14 General Appropriations Act appropriates \$74.5 billion dollars and includes \$2.8 billion in reserve. The budget will now be considered by the Governor, who may veto any specific appropriations in a general appropriation bill without also vetoing the appropriation to which it relates.

### **SB 1500 (Appropriations) Relating to Appropriations**

SB 1500 is this year's General Appropriations Act. The bill provides appropriations for the annual period beginning July 1, 2013, and ending June 30, 2014, to pay salaries and other expenses, capital outlay and other improvements, and for other specified purposes of the various agencies of state government.

APPROPRIATION: \$74,492,570,816

Approved by Governor with appropriation veto on May 30, 2013

[Chapter 2013-040, Laws of Florida](#)

Effective Date: This act shall take effect July 1, 2013, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2013, then it shall operate retroactively to July 1, 2013.

### **SB 1502 (Appropriations) Relating to Implementing the General Appropriations Act**

SB 1502 provides the statutory authority necessary to implement and execute the General Appropriations Act for fiscal year 2013-14. Statutory changes set forth in the implementing bill are temporary and expire on July 1, 2014.

Approved by Governor on May 20, 2013

[Chapter 2013-041, Laws of Florida](#)

Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2013; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and operate retroactively to July 1, 2013.

## DMS specific appropriations:

### **All issues requested were funded with the exception of:**

- Retirement: Next Generation Integrated Retirement Information System (IRIS) \$2.2 million
- Telecommunications: mobile communications services \$25 million
- State Purchasing: Strategic Sourcing \$1 placeholder

### **New issues not requested but funded:**

- Office of the Secretary/Administration: six full-time equivalent (FTE) Attorney positions \$730,000
- Office of the Secretary/Administration: Gartner Subscription \$50,000
- Office of the Secretary/Administration: transfer of Portal back to General Revenue \$295,000
- Real Estate Development and Management: additional fixed capital outlay (FCO) appropriations \$21.5 million
- Real Estate Development and Management: other personal services (OPS) to support FCO appropriations implementation \$500,000
- Office of the Secretary/Administration: FLEET business case for \$224,000
- State Purchasing: MyFloridaMarketPlace contract \$10.9 million (our request was a \$1 placeholder)
- State Purchasing: MyFloridaMarketPlace deficiency remediation \$388,000
- State Purchasing: MatchMaker \$200,000 (our request was through a Direct Support Organization)
- State Purchasing: MyFloridaNet business case \$500,000
- State Purchasing: four FTE for procurement training \$353,000
- Telecommunications: Florida Information Resource Network Accelerated Connectivity Highway \$7.7 million

### Reductions not requested:

- Human Resource Management: four FTE reductions – Division State Group Health Insurance, E911, State Law Enforcement Radio System (SLERS), and \$35,000 transfer from Human Resource Management to People First
- Retirement: reduction to retirement salaries and benefits \$100,000

## Implementing Bill and Back of the Bill (General Appropriations Act)

### Implementing Bill:

- Section 15. renegotiating private lease agreements
- Section 35. No competitive solicitations to be initiated without budget authority – appropriate Departmental Purchasing forms/checklists will include this reminder.
- Section 38. continuing language allowing Health Savings Accounts
- Section 46. restricted travel – travel memo to be updated effective July 1 and posted with the travel policy
- Section 53. continuing language related to the prescription drug program
- Employee pay increases: \$1,400 for employees making less than \$40,000 per year; \$1,000 for other employees
- Funding for \$600 lump-sum discretionary employee bonuses. Agencies submit bonus plans in September of each year. Our September 2012 plan was approved and would provide our guidance on submitting bonuses.
- Health Insurance remains the same as fiscal year 2012-13.
- Six credit hours per semester tuition free at a state university, college or community college
- Allows for payment of legal education courses and bar dues

## Budget Agreement in Conference Committee Bill

### Real Estate Development and Management:

- Florida Facilities Pool: \$8.1 million trust fund for FCO funding as requested and \$21.5 million additional funding in general revenue for FCO backlog issues.
- Provided \$500,000 for OPS to manage the FCO projects
- Koger \$1.5 million trust fund and pool tenant space improvements \$1.4 million trust fund
- Consolidation of space: \$4.4 million trust fund
- Building commissioning: \$1.7 million general revenue

### Fleet Management:

- Business case for Fleet Management was settled at \$224,000.
- Funded the transfer for Fleet Management to assist with better reporting: \$40,000 from expenses to contracted services

### State Purchasing/Office of Supplier Diversity:

- four training FTE for State Purchasing \$353,308
- MyFloridaMarketPlace (MFMP) \$10.9 million trust fund
- MFMP remediation project \$388,000 trust fund
- Office of Supplier Diversity: Business Development for Administration of Office of Supplier Diversity MatchMaker Conference – \$200,000 trust fund

### Division of Telecommunications:

- Funding for business case: MyFloridaNet \$500,000 trust fund
- FIN/MAB \$3.5M General Revenue
- SLERS enhancements: \$2.1 million trust fund
- Vacancy reductions: two FTE cuts; one E9 I I; one SLERS
- Provides pass-through appropriations for bandwidth for schools: \$7,695,335

#### Human Resource Management and People First

- Vacancy reductions: one FTE cut; HRM: no dollars
- Transferred \$35,000 from salaries and benefits from HRM to People First
- Funding for business cases as requested: People First \$500,000 trust fund

#### Division of Retirement and State Group Insurance:

- Reduces \$100,000 in salaries and benefits in retirement
- Retirement \$75,000 State University System Optional Retirement Program – contracted services
- DSGI actuarial and consulting services \$500,000
- Vacancy reductions: one FTE – DSGI

#### Office of the Secretary/Administration:

- Six FTE legal team for Procurement; reporting to Business Operations Deputy
- Shifted the Portal funding back to GR rather than from the Communications Working Cap Trust Fund
- Provided \$50,000 for Gartner IT services

# Major Bills That Passed

Below is a list of enrolled bills, by division, that impact DMS and its programs. An enrolled bill is legislation has been passed by both the House and Senate. Once enrolled, the legislation or bill becomes an act. Enrolled legislation goes to the Governor for action.

The Governor has three options when he is presented with a bill: he can sign it into law; he may veto it; or he may allow it to take effect without his signature. While the Legislature is in session, the Florida Constitution allows a seven-day period following the presentation of a bill to the Governor within which to sign or veto the bill. If the Legislature adjourns Sine Die before an act is presented to the Governor or while an act is in the Governor's possession, the Governor has 15 days from the date of presentation in which to take action ([Article III, section 8, Florida Constitution](#)).

In all cases except general appropriations bills, the Governor's veto extends to the entire bill. The Governor may veto any specific appropriations in a general appropriation bill without also vetoing the appropriation to which it relates.

When the Governor vetoes a bill, the Governor prevents it from becoming a law and sends it back to its chamber of origin. The bill is available for consideration until the end of the current session or, if the

## Division of Administration

### [Senate Bill 52](#) ([Detert](#)) **Relating to Use of Wireless Communications Devices While Driving**

This bill creates the "Florida Ban on Texting While Driving Law." The bill prohibits the operation of a motor vehicle while using a wireless communications device for certain purposes. SB 52 defines the term wireless communications device, specifies information that is admissible as evidence of a violation, and provides for enforcement as a secondary action and for points to be assessed against a driver license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash.

Approved by Governor on May 28, 2013

[Chapter 2013-58, Laws of Florida](#)

Effective Date: Oct. 1, 2013

### [Senate Bill 216](#) ([Hays](#)) **Relating to Federal Grants Trust Fund/Department of Management Services**

SB 216 re-creates the Federal Grants Trust Fund within the Department of Management Services without modification. The bill abrogates provisions relating to the termination of the trust fund to conform.

Approved by Governor on April 10, 2013

[Chapter 2013-10, Laws of Florida](#)

Effective Date: July 1, 2013

### \* [House Bill 5401](#) ([Government Operations Appropriations](#)) **Relating to Transparency in State Contracting**

HB 5401 requires the Chief Financial Officer (CFO) to establish and maintain a secure contract tracking system available for view and download by the public through a secure website. State agencies will be required to upload certain contract information to this system. For contracts executed after July 1, 2013:

\* Denotes bills of significant impact

within 30 days from contract execution, each agency must upload the following contract information: names of the contracting entities, the procurement method, contract beginning and ending dates, nature or type of commodities or services purchased, applicable contract unit prices and deliverables, total compensation to be paid or received under the contract, all payments made to the contractor to date, applicable contract performance measures, justification for no competitive solicitation as applicable, and electronic copies of the contract and procurement documents redacted to exclude confidential or exempt information. "Procurement document" is defined as any document or material provided to the public or any vendor as part of a formal competitive solicitation and any material submitted in response to a formal competitive solicitation by the vendor who is awarded the resulting contract. Additionally, agencies must post amendments to existing contracts within 30 calendar days and update information regarding the contract. For existing contracts executed before July 1, 2013, and paid from funds after July 1, 2013, agencies must enter contracts and data elements listed above into the system by Jan. 1, 2014. All contract information uploaded must not reveal confidential or exempt information. Should a state agency become aware that confidential or exempt information was posted, the agency must redact such information within seven business days. Vendors party to a contract may request that the state agency redact a contract posted with confidential information. The CFO and Department of Financial Services (DFS) may adopt rules to administer this provision. The posting of this information does not supersede the duty of a state agency to respond to public records requests. Public records requests relating to contracts may not be made to the CFO or DFS, including subpoenas for such information.

Approved by Governor on May 20, 2013

[Chapter 2013-54, Laws of Florida](#)

Effective Date: July 1, 2013

#### **[House Bill 7145 \(Government Operations\)](#) Relating to Open Government Sunset Review Employment Discrimination Complaints**

This bill saves from repeal under the Open Government Sunset Review Act exemption from public records requirements for employment discrimination complaints and other records. HB 7145 maintains a public record exemption for all complaints in the custody of any agency that relate to a complaint of employment discrimination. Specifically, all complaints and other records in the custody of an agency that relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities are exempt from public record requirements. In addition, when the alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt from public record requirements.

Approved by Governor on June 14, 2013

[Chapter 2013-220, Laws of Florida](#)

Effective Date: Oct. 1, 2013

#### **Chief Information Officer**

#### **[House Bill 5401 \(Government Operations Appropriations\)](#) Relating to Transparency in State Contracting**

HB 5401 requires DMS to establish and maintain a website that provides current information relating to each employee or officer of a state agency, a state university, or the State Board of Administration (SBA). DMS will expand its current website, Florida Has a Right to Know, to include employees of state universities and the SBA. This expansion will include additional information on each employee, including the employee

\* Denotes bills of significant impact

name, salary, position number, class code, class title, employing agency and budget entity. All information must be made available in a searchable and downloadable format that allows for offline analysis. By Nov. 1, 2013, and annually thereafter, the Legislative Auditing Committee will recommend to the House and Senate additional information to be added to the system, additional institutions to be added to the system, and a schedule and format for collecting and displaying the additional information. DMS is directed to submit to the Legislative Auditing Committee information relating to the cost of creating and maintaining the website and the number of times the website has been accessed.

Approved by Governor on May 20, 2013

[Chapter 2013-54, Laws of Florida](#)

Effective Date: July 1, 2013

## **Division of State Group Insurance**

### **House Bill 157 (Holder) Relating to Delivery of Insurance Policies**

Current statute (section 627.421, Florida Statutes) requires every insurance policy to be mailed or delivered to the insured (policyholder) or any other person entitled to delivery of the policy within 60 days after the insurance takes effect. Insurance policies are typically delivered when the policy is issued and are not delivered each time the policy is renewed. HB 157 allows insurers to deliver insurance policies by electronic transmission. The bill further specifies electronic transmission of an insurance policy related to commercial risks constitutes delivery of the policy to the policyholder unless the policyholder tells the insurance company in writing or in an electronic format that they do not agree to have their policy delivered by electronic transmission.

Approved by Governor on June 14, 2013

[Chapter 2013-190, Laws of Florida](#)

Effective Date: July 1, 2013

### **Senate Bill 994 (Thrasher) Relating to Florida Statutes**

SB 994 amends and repeals provisions to conform to the directive of the Legislature in section 9 of Chapter 2012-116, Laws of Florida, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority; amends provisions to conform to the changes made in this act. Amends section 946.525, Florida Statutes, to remove unused rulemaking authority.

Approved by Governor on April 10, 2013

[Chapter 2013-18, Laws of Florida](#)

Effective Date: July 2, 2013

### **\* House Bill 1159 (O'Toole) Relating to Health Care Facilities**

HB 1159 creates sections 627.42391 and 641.313, Florida Statutes, to require an individual or group insurance policy or contract or a health maintenance contract that provides that coverage for cancer treatment medications also provide coverage for orally administered cancer treatment medications. The bill requires an individual or group insurance policy or contract or a health maintenance contract provide coverage for orally administered cancer treatment medications on a basis no less favorable than that required by the policy or contract for intravenously administered or injected cancer treatment medications.

Approved by Governor on June 7, 2013

[Chapter 2013-153, Laws of Florida](#)

Effective Date: upon becoming a law

\* Denotes bills of significant impact

\* [Senate Bill 1842 \(Banking and Insurance\)](#) Relating to Health Insurance

SB 1842 makes changes to the Florida Insurance Code related to the requirements of the federal Patient Protection and Affordable Care Act (PPACA) that apply to health insurers and health insurance policies. The PPACA requires health insurers to make coverage available to all individuals and employers without exclusions for preexisting conditions and without basing premiums on any health-related factors. The PPACA imposes extensive requirements on health insurers and health insurance policies, including: required benefits, rating and underwriting standards, required review of rate increases, and other requirements. The PPACA preempts any state law that prevents the application of a provision of the PPACA. APPROPRIATION: \$176,658

Approved by Governor on May 31, 2013

[Chapter 2013-101, Laws of Florida](#)

Effective Date: Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

\* [Senate Bill 1802 \(Governmental Oversight and Accountability\)](#) Relating to State Employee Health Insurance

SB 1802 provides and revises definitions needed for the state employee group health insurance program to comply with the requirements for large employers under the Patient Protection and Affordable Care Act. SB 1802 permits OPS employees who are expected to work an average of at least 30 or more hours per week or who have worked an average of at least 30 or more hours per week to be eligible to participate in the state employee group health insurance program beginning Jan. 1, 2014. The bill requires agency employers of OPS employees to provide specified information to DMS. The bill revises the amount of the required employer contribution for part-time employees participating in the state group insurance program, provides for the amount of the state contribution to health savings accounts for the 2013-14 fiscal year, and provides that the state's contribution for health savings accounts may be set annually in the General Appropriations Act beginning in the 2014-15 fiscal year. SB 1802 authorizes DMS to adopt emergency rules to modify the eligibility of persons paid with OPS funds to comply with the federal Patient Protection and Affordable Care Act to mitigate the state's exposure to potential liability under the penalty provisions of that law. The emergency rules must expire by June 30, 2014.

Approved by Governor on May 20, 2013

[Chapter 2013-052, Laws of Florida](#)

Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2013.

Division of Telecommunications

[Senate Bill 50 \(Negron\)](#) Relating to Public Meetings

(For the Florida E911 Board and Joint Task Force on State Agency Law Enforcement Communications)

This bill requires a member of the public to be given a reasonable opportunity to be heard by a board or commission before it takes official action on a proposition. SB 50 provides that compliance with the requirements of this section is deemed to have occurred under certain circumstances. Under the bill, a circuit court has jurisdiction to issue an injunction under certain circumstances and provides that a board or commission's action that is found in violation of this section is not void.

Approved by Governor on June 28, 2013

[Chapter 2013-227, Laws of Florida](#)

Effective Date: Oct. 1, 2013

## Human Resource Management

### \* [Senate Bill 1504 \(Appropriations\)](#) Relating to State Employees

SB 1504 provides for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees. The bill provides for all other mandatory collective bargaining issues that are at impasse and that are not addressed by the act or the General Appropriations Act to be resolved consistent with personnel rules or by otherwise maintaining the status quo.

Approved by Governor on May 20, 2013

[Chapter 2013-043, Laws of Florida](#)

Effective Date: July 1, 2013

## Office of General Counsel

### [House Bill 731 \(Kerner\)](#) Relating to Public Records/Spouses and Children of Law Enforcement Personnel

HB 731 creates an exemption from public records requirements for names of spouses and children of specified active or former sworn or civilian law enforcement personnel. The bill provides for future review and repeal (sunset) of the exemption. HB 731 provides the statement of necessity that the Legislature finds that the harm that may result from the release of the names of spouses and children of such law enforcement personnel outweighs any public benefit that may be derived from the disclosure of the information.

Approved by Governor on June 28, 2013

[Chapter 2013-243, Laws of Florida](#)

Effective Date: Oct. 1, 2013

### [House Bill 1075 \(Rangel\)](#) Relating to Public Records

HB 1075 creates a public record exemption for information relating to a complaint of misconduct filed against an agency employee. The bill provides exemption from public record requirements for complaint of misconduct filed with agency against agency employee and all information obtained pursuant to investigation of complaint by agency. HB 1075 provides for limited duration of exemption and provides for future review and repeal of exemption. The bill provides a statement of public necessity.

Approved by Governor on June 28, 2013

[Chapter 2013-248, Laws of Florida](#)

Effective Date: July 1, 2013

### [House Bill 7015 \(Civil Justice\)](#) Relating to Expert Testimony

Florida courts currently admit expert witnesses based on standards set in *Frye v. United States*. HB 7015 will now require the expert testimony standard set in *Daubert v. Merrell Dow Pharmaceuticals*. HB 7015 provides that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in form of opinion as to facts at issue in the case. The bill requires courts to interpret and apply principles of expert testimony in conformity with specified U.S. Supreme Court decisions. HB 7015 subjects "pure opinion testimony" to such requirements and provides that facts or data that are otherwise inadmissible may not be disclosed to the jury by proponent of opinion or inference unless the court determines that probative value of facts or data in assisting jury to evaluate expert's opinion substantially outweighs prejudicial effect.

Signed by Governor on June 04, 2013

[Chapter 2013-107, Laws of Florida](#)

Effective Date: July 1, 2013

\* Denotes bills of significant impact

### **House Bill 7145 (Government Operations) Relating to OGSR Employment Discrimination Complaints**

This bill saves from repeal under the Open Government Sunset Review (OSGR) Act an exemption from public records requirements for employment discrimination complaints and other records. HB 7145 maintains a public record exemption for all complaints in the custody of any agency that relate to a complaint of employment discrimination. Specifically, all complaints and other records in the custody of an agency that relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities are exempt from public record requirements. In addition, when the alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt from public record requirements.

Approved by Governor on June 14, 2013

[Chapter 2013-220, Laws of Florida](#)

Effective Date: Oct. 1, 2013

### **Office of Supplier Diversity**

#### **Senate Bill 50 (Negron) Relating to Public Meetings**

(Florida Small and Minority Business Advisory Council and Minority Business Certification Task Force)

This bill requires a member of the public to be given a reasonable opportunity to be heard by a board or commission before either takes official action on a proposition. SB 50 provides that compliance with the requirements of this section is deemed to have occurred under certain circumstances. Under the bill, a circuit court has jurisdiction to issue an injunction under certain circumstances and provides that a board or commission's action that is found in violation of this section is not void.

Approved by Governor on June 28, 2013

[Chapter 2013-227, Laws of Florida](#)

Effective Date: Oct. 1, 2013

#### **Senate Bill 994 (Thrasher) Relating to Florida Statutes**

SB 994 amends and repeals provisions to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority; amending provisions to conform to the changes made in this act. Amends section 288.706, Florida Statutes, to remove unused rulemaking authority.

Approved by Governor on April 10, 2013

[Chapter 2013-18, Laws of Florida](#)

Effective Date: July 2, 2013

### **Real Estate Development and Management**

#### **House Bill 21 (Perry) Relating to Background Screening for Non-instructional Contractors on School Grounds**

**Note:** Should DMS provide construction management services to the Department of Education (DOE), HB 21 requires DOE to create a uniform, statewide identification badge to be worn by non-instructional contractors signifying that the contractor has met specified requirements. The bill requires school district issuance and recognition of identification badge.

Approved by Governor on May 30, 2013

[Chapter 2013-73, Laws of Florida](#)

Effective Date: July 1, 2013

\* Denotes bills of significant impact

### **Senate Bill 50 (Negron) Relating to Public Meetings**

(Governor's Mansion Commission) This bill requires a member of the public to be given a reasonable opportunity to be heard by a board or commission before it takes official action on a proposition. SB 50 provides that compliance with the requirements of this section is deemed to have occurred under certain circumstances. Under the bill, a circuit court has jurisdiction to issue an injunction under certain circumstances and provides that a board or commission's action that is found in violation of this section is not void.

Approved by Governor on June 28, 2013

[Chapter 2013-227, Laws of Florida](#)

Effective Date: Oct. 1, 2013

### **House Bill 85 (Steube) Relating to Public-Private Partnerships**

**Note:** The definition of "responsible public entity" does not include state agencies; however, since this bill is enrolled, it is likely the last year for its filing. HB 85 provides legislative findings and intent relating to construction or improvement by private entities of facilities used predominantly for public purposes. The bill provides for procurement procedures, requirements for project approval, project qualifications and process, notice to affected local jurisdictions, comprehensive agreements between public and private entities, use fees, financing sources for certain projects by private entities, and applicability of sovereign immunity for public entities with respect to qualified projects. The bill provides for the creation of the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force for the purpose of recommending guidelines for the Legislature to consider for purposes of creating a uniform process for establishing public-private partnerships, including the types of factors responsible public entities should review and consider when processing requests for public-private partnership projects. The task force shall be composed of seven members, with the DMS Secretary or his designee serving as the Chair. DMS is directed to provide administrative and technical staffing to the task force. HB 85 provides a timeline for task force appointments and provides that the task force shall be terminated on December 31, 2014. HB 85 provides task force duties and responsibilities and directs a report on final task force recommendations be submitted to the Governor, President of the Senate and Speaker of the House of Representatives by July 1, 2014.

Approved by Governor on June 27, 2013

[Chapter 2013-223, Laws of Florida](#)

Effective Date: July 1, 2013

### **Senate Bill 230 (Ring) Relating to Flag Etiquette**

SB 230 requires the Governor adopt a protocol on flag display; requires the protocol to have guidelines for proper flag display and for lowering the state flag to half-staff on certain occasions; authorizes the Governor to adopt, repeal, or modify any rule or custom as the Governor deems appropriate that pertains to the display of the state flag.

Approved by Governor on June 14, 2013

[Chapter 2013-165, Laws of Florida](#)

Effective Date: July 1, 2013

\* Denotes bills of significant impact

\* **[House Bill 269 \(Beshears\)](#) Relating to Public Construction Projects**

The bill clarifies that when a state agency is constructing new buildings or renovating existing buildings and is required to select a sustainable building rating system or national model green building code in accordance with section 255.257, Florida Statutes, the selection is made on a project-by-project basis and is not a choice that encompasses all projects within that particular agency. The bill requires all state agencies — when constructing public bridges, buildings and other structures — to use lumber, timber, and other forest products produced and manufactured in Florida if wood is a component of the public work, and if such products are available and their price, fitness, and quality are equal.

Approved by Governor on June 14, 2013

[Chapter 2013-193, Laws of Florida](#)

Effective Date: July 1, 2013

\* **[House Bill 1145 \(La Rosa\)](#) Relating to State-Owned or State-Leased Space**

HB 1145 clarifies reporting requirements related to the DMS State Facilities Inventory and streamlines reporting dates and requirements of other annual reports. The bill amends section 253.034, Florida Statutes, relating to the state's process for the transfer of surplus land and facilities to require state agencies to submit a business case when requesting the use of a surplus building. The bill shortens the timeline for universities, community colleges and state agencies to respond to the notice of a surplus facility or land available for lease. The bill allows DMS to make stronger recommendations for the use of state-owned office space when it is in the state's best interest. It requires agencies to notify DMS when they plan to execute or terminate a lease agreement. It allows DMS to determine that an agency may execute a replacement or "stay in place" lease when it is in the state's best interest. The bill allows DMS to approve leases contingent upon meeting the requirements of the uniform fire code. The bill amends section 255.257, Florida Statutes, to make energy consumption and cost data submission requirements applicable to all state-owned facilities, not just those over 5,000 square feet.

Approved by Governor on June 7, 2013

[Chapter 2013-152, Laws of Florida](#)

Effective Date: July 1, 2013

\* **[Senate Bill 1594 \(Bradley\)](#) Relating to Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act**

SB 1594 adds a county school district, or an institution of higher education, including all state universities, colleges, and technical colleges, to the list of governmental entities authorized to enter into guaranteed energy, water, and wastewater performance savings contracts. The bill revises the definition of the term "energy, water, and wastewater efficiency and conservation measure" to expressly include an addition to existing facilities or infrastructure and also a building retrofit or renovation. It also authorizes inclusion of a variety of new savings measures in a contract. Finally, the bill requires that the Office of the Chief Financial Officer complete its review and approval of a performance savings contract, a contract or lease for third-party financing, or any combination of such contracts within 10 business days after receiving the proposed contract or lease. To make this review more efficient, the bill requires that a proposed contract or lease with a state agency must include an investment-grade audit, certified by DMS, which states the cost savings are appropriate and sufficient for the term of the contract.

Approved by Governor on June 7, 2013

[Chapter 2013-135, Laws of Florida](#)

Effective Date: July 1, 2013

\* Denotes bills of significant impact

## Retirement

### [House Bill 533 \(Raulerson\)](#) Relating to City of Tampa, Hillsborough County

HB 533, relating to the City of Tampa, Hillsborough County, amends the definition for the term “pension credit” for the General Employees’ Pension Plan for the City of Tampa.

Approved by Governor on 06/28/13

[Chapter 2013-253, Laws of Florida](#)

Effective Date: upon becoming a law (June 28, 2013)

### \* [Senate Bill 534 \(Brandes\)](#) Relating to Publicly-funded Defined Benefit Retirement Plans

SB 534 provides that the state is not liable for shortfalls in local government retirement systems or plans. The bill specified additional reporting requirements for public pension plans, excluding the Florida Retirement System, and requires such plans to report certain information to DMS and specifying the assumptions and methods to be used in determining the information submitted. SB 534 requires each local government defined benefit retirement system or plan and plan sponsor that has a publicly available website must post certain information about the retirement system or plan on its website.

Approved by Governor on May 31, 2013

[Chapter 2013-100, Laws of Florida](#)

Effective Date: July 1, 2013

### [Senate Bill 994 \(Thrasher\)](#) Relating to Florida Statutes

SB 994 amends and repeals provisions to conform to the directive of the Legislature in section 9 of Chapter 2012-116, Laws of Florida, to prepare a reviser’s bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority; amending provisions to conform to the changes made in this act. **Amends sections 112.358, 112.361, and 238.03, Florida Statutes, to remove unused rulemaking authority.**

Approved by Governor on April 10, 2013

[Chapter 2013-18, Laws of Florida](#)

Effective Date: July 2, 2013

### \* [Senate Bill 1810 \(Governmental Oversight and Accountability\)](#) Relating to Florida Retirement System

SB 1810 increases the employer contribution rate for the Retiree Health Insurance Subsidy (HIS) from 1.11 percent to 1.20 percent of employee gross compensation. SB 1810 revises the employer-paid contribution rates for normal cost and unfunded actuarial liability for the Florida Retirement System. The increase in the unfunded actuarial liability rates for the Florida Retirement System impacts the employer contribution rates for the State University System Optional Retirement Program, the Senior Management Service Optional Annuity Program, and the State Community College System Optional Retirement Program.

Approved by Governor on May 20, 2013

[Chapter 2013-053, Laws of Florida](#)

Effective Date: July 1, 2013

\* Denotes bills of significant impact

## State Purchasing

### \* [House Bill 1309 \(Albritton\)](#) **Relating to Procurement of Commodities and Contractual Services**

HB 1309 provides some important “clean-up” to Chapter 287. Specifically, the bill modifies definitions in section 287.012, Florida Statutes; modifies section 287.042, Florida Statutes, to remove the requirement for DMS to maintain an approved vendor list outside of the one currently maintained in the Vendor Bid System/MyFloridaMarketPlace and clarifies DMS authority to lead or enter into joint agreements with governmental entities for the purchase of commodities or contractual services (consortia) used by multiple agencies; modifies section 287.057, Florida Statutes, to remove the requirement for agencies to submit and DMS to approve agency single source contracts and clarifies language relating to an invitation to bid (ITB) to provide that contracts awarded pursuant to an ITB shall be awarded to the lowest responsible and responsive vendor. HB 1309 includes new provisions to Chapter 119 to require all public agency contracts include provisions outlining the contractor’s public records requirements. HB 1309 also modifies training requirements for grants managers and contract managers and directs DMS, along with DFS, to develop contract manager training. HB 1309 includes provisions relating to the post audit of contracts by DFS for contracts procured under Chapters 115 and 287, Florida Statutes.

Approved by Governor on June 7, 2013

[Chapter 2013-154, Laws of Florida](#)

Effective Date: July 1, 2013

### \* [House Bill 5401 \(Government Operations Appropriations\)](#) **Relating to Transparency in State Contracting**

HB 5401 requires the Chief Financial Officer to establish and maintain a secure contract tracking system available for view and download by the public through a secure website. State agencies will be required to upload certain contract information to this system. For contracts executed after July 1, 2013: within 30 days from contract execution, each agency must upload the following contract information: names of the contracting entities, the procurement method, contract beginning and ending dates, nature or type of commodities or services purchased, applicable contract unit prices and deliverables, total compensation to be paid or received under the contract, all payments made to the contractor to date, applicable contract performance measures, justification for no competitive solicitation as applicable, and electronic copies of the contract and procurement documents redacted to exclude confidential or exempt information. “Procurement document” is defined as any document or material provided to the public or any vendor as part of a formal competitive solicitation and any material submitted in response to a formal competitive solicitation by the vendor who is awarded the resulting contract. Additionally, agencies must post amendments to existing contracts within 30 calendar days and update information regarding the contract. For existing contracts executed before July 1, 2013, and paid from funds after July 1, 2013, agencies must enter contracts and data elements listed above into the system by Jan. 1, 2014. All contract information uploaded must not reveal confidential or exempt information. Should a state agency become aware that confidential or exempt information was posted, the agency must redact such information within seven business days. Vendors party to a contract may request that the state agency redact a contract posted with confidential information. The Chief Financial Officer (CFO) and the Department of Financial Services (DFS) may adopt rules to administer this provision. The posting of this information does not supersede the state agency’s duty to respond to public records requests. Public records requests relating to contracts may not be made to the CFO or DFS, including subpoenas for such information.

Approved by Governor on May 20, 2013

[Chapter 2013-54, Laws of Florida](#)

Effective Date: July 1, 2013

# Major Bills That Failed

## [Senate Bill 458 \(Ring\)](#) Relating to Firefighter and Police Officer Pension Plans

SB 458 would have provided for an additional mandatory payment by the municipality or special fire control district to the firefighters' pension Trust Fund. The bill would have amended a provision relating to municipalities and special fire control districts that have their own pension plans and want to participate in the distribution of a tax fund. The bill would have provided for an additional mandatory payment by the municipality to the municipal police officers' retirement Trust Fund. SB 458 would have amended a provision relating to municipalities that have their own pension plans for police officers and want to participate in the distribution of a tax fund.

Last Action: Died on the House calendar

## [Senate Bill 1150 \(Benacquisto and Brandes\)](#) Relating to Governmental Accountability

SB 1150, similar to HB 1309, included a provision which would have provided the Chief Financial Officer with the authority to review and approve agency contracts prior to execution. The bill passed its two committees of reference and was heard on the Senate floor. This language from SB 1150 was amended onto HB 1309 and later removed from the bill before its passage.

Last Action: The provisions in SB 1150 were removed from HB 1309 before its passage.

## [Senate Bill 1392 \(Simpson\)](#) Relating to Retirement

SB 1392 would have provided that a member initially enrolled in the Florida Retirement System after a certain date is vested in the pension plan after 10 years of creditable service. The bill would have prohibited members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date. SB 1392 would have required certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan. The bill would have decreased the employee contribution rate for members of the Investment Plan effective Jan. 1, 2014.

Last Action: Laid on Table, Refer to HB 7011

## [Senate Bill 1762 \(Ring\)](#) Relating to State Technology

SB 1762 would have created a Department of State Technology (DST) as an executive agency under the Governor. The Agency for Enterprise Information Technology (AEIT) would have been abolished by the bill and its remaining duties transferred to the DST. In addition, all technology and telecommunications duties of DMS would have been transferred to the DST. The DST would have been given extensive authority to set state technology policy and manage state enterprise IT services and procurements. The Northwood and Southwood shared resource centers would also have been transferred to the DST. The House and Senate did not concur on the provisions of the bill and it was appointed to the At-Large Conference Committee.

Last Action: Died in Conference Committee

## [House Bill 7011 \(Government Operations and Brodeur\)](#) Relating to Florida Retirement System

HB 7011 would have provided for compulsory membership in FRS Investment Plan for employees initially enrolled on or after Jan. 1, 2014. The bill would have prohibited certain membership in Senior Management Service Class or Senior Management Service Optional Annuity Program. The bill would have provided that certain participants in optional retirement program for State University System have choice between optional retirement program and FRS Investment Plan. The bill would have expanded the investment options prospectively for members of the FRS Investment Plan.

Last Action: Died on the Senate calendar

