

Department of Management Services

2012 Session Summary

2012 Legislative Session Statistics

SENATE BILLS	FILED	PASSED SENATE	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	4	0	0
RESOLUTIONS (ONE CHAMBER)	55	52	0
GENERAL BILLS	908	86	46
LOCAL BILLS	34	2	1
GENERAL BILL/LOCAL APPLICATIONS	1	0	0
JOINT RESOLUTIONS	24	2	1
MEMORIALS	18	7	4
TOTALS	1044	149	52*

HOUSE BILLS	FILED	PASSED HOUSE	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	3	1	1
RESOLUTIONS (ONE CHAMBER)	51	50	0
GENERAL BILLS	839	329	192
LOCAL BILLS	70	46	41
GENERAL BILL/LOCAL APPLICATIONS	1	0	0
JOINT RESOLUTIONS	24	6	4
MEMORIALS	20	7	2
TOTALS	1008	439	240*

SENATE AND HOUSE BILLS	FILED	PASSED FIRST CHAMBER	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	7	1	1
RESOLUTIONS (ONE CHAMBER)	106	102	0
GENERAL BILLS	1747	415	238
LOCAL BILLS	104	48	42
GENERAL BILL/LOCAL APPLICATIONS	2	0	0
JOINT RESOLUTIONS	48	8	5
MEMORIALS	38	14	6
TOTALS	2052	588	292*

*ONE CHAMBER RESOLUTIONS NOT INCLUDED

DMS Bill Tracking Statistics

Division	# of Bills	Division	# of Bills
Budget	10	OSD	2
CIO	2	People First	5
State Group Insurance	24	Private Prisons	2
General Counsel	2	Purchasing	23
Human Resource Management	27	Real Estate	22
Inspector General	3	Retirement	31
Bills monitored for potential Impact – no specific Division	24	DivTel	16

Quick Stats:

- Of the 193 bills DMS tracked, 19 passed.
- In 2012, the Florida Legislature filed 2,052 bills. DMS tracked 11% of the bills.

2012 Legislation Impacting Department of Management Services

Select Bill Summaries:

Retirement:

- **HB 7079 State Retirement**

The bill corrects drafting errors and makes other conforming and clarifying changes that are necessary as a result of the passage of SB 2100 during the 2011 Legislative Session. The bill:

- Clarifies that the provisions of part I of the Florida Retirement System Act, are applicable to parts II and III of the act, provided the provisions are not duplicative or inconsistent.
- Revises the definition of “vesting” and “normal retirement date” to make clarifying changes.
- Conforms the deferral age for participants of the Deferred Retirement Option Program initially enrolled in the FRS on or after July 1, 2011, to changes made in SB 2100.
- Makes it clear a retiree of the investment plan, SMSOAP, SUSORP, or SCCSORP, who is reemployed on or after July 1, 2010, is prohibited from being reenrolled as a renewed member of a state administered retirement system.
- Allows members of the SMSOAP, SUSORP, and SCCSORP to receive a benefit distribution of up to 10 percent of their account balance one month after termination.
- Clarifies that the current prohibition on hardship loans, for purposes of the SMSOAP, SUSORP, and SCCSORP, does not apply in certain circumstances.
- Clarifies that members of the SUSORP may receive payment of benefits from either annuity contracts or investment contracts.
- Provides that the term “benefit” for purposes of the SUSORP means a distribution taken by the member, or surviving beneficiary, funded in part or in whole by employer and employee contributions.
A rollover distribution to another qualified plan qualifies as a distribution.
- Provides that members of the SUSORP may not receive benefits funded by voluntary personal contributions until after termination from employment for three calendar month.

05/04/12 Approved by Governor; Chapter No. 2012-222. Effective Date: July 1, 2012.

- **SB 198 State University System Optional Retirement Program**

- Changes the maximum number of bundled investment provider companies allowable under the State University System Optional Retirement Program from five to six.
- Provides a procurement process for the sixth provider company and for all companies seeking a designation that is effective on or after January 1, 2015.
- If the Department of Management Services chooses to increase the provider companies from five to six, the sixth company will be chosen by a competitive procurement and the contract effective July 1, 2012, through December 31, 2014.

03/23/12 Approved by Governor; Chapter No. 2012-10. Effective Date: March 23, 2012.

- **HB 577 City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County**

- Authorizes the City of Tampa to enter into a supplemental contract with firefighters and police officers to increase the amount of pension benefits received by a widow/widower or child/children if a member dies in the line of duty.
- Allows a joint annuitant who is a lawfully wedded spouse to be eligible for a “13th check.”

05/04/12 Approved by Governor; Chapter No. 2012-235. Effective Date: October 1, 2012.

- **HB 1301 City of West Palm Beach, Palm Beach County**

The bill amends the West Palm Beach Police Pension Fund's special act to:

- Reduce the number of overtime hours included in pensionable compensation from 400 to 300 effective January 1, 2013.
- Reduce the benefit accrual factor for members from three to 2.68 percent for all years of service earned after October 1, 2011.
- Reduce the assumed rate of investment return from 8.25 to eight percent.
- Increase the member contribution rate from 11 to 18 percent effective October 1, 2011, and then return the contribution rate to 11 percent on October 1, 2013, using state premium tax dollars received in 2011 and 2012 to fund this benefit.
- Provide that qualified plan rollovers are no longer eligible for a fixed interest rate effective October 1, 2012, and will earn the same investment return as the fund.

05/04/12 Approved by Governor; Chapter No. 2012-259. Effective Date: May 4, 2012.

- **HB 1325 City of West Palm Beach, Palm Beach County**

This bill amends the West Palm Beach Firefighters Pension Fund's special act to:

- Change the calculation of average final compensation from the two highest years of compensation to the three highest years, thereby decreasing this amount.
- Increase the member contribution rate from 19.2 to 25 percent effective May 13, 2012, and decrease the rate to 13.1 percent effective October 1, 2013, using state premium tax moneys received in 2012 and 2013 to fund this benefit.
- Reduce the benefit accrual factor from four to three percent.
- Reduce the guaranteed rate of return from 8.25 to four percent interest.
- Require that members receive a lump sum distribution within six months of retirement.
- No longer require that members elect participation in the deferred retirement option program within a specified period.
- Eliminate a provision that allowed members to take loans from their deferred retirement option program accounts.

05/04/12 Approved by Governor; Chapter No. 2012-260. Effective Date: May 4, 2012.

Purchasing:

- **HB 7087 Economic Development**

- Provides a five percent preference for Florida vendors in purchases of printing and tangible personal property by state agencies, universities, colleges, school districts and other political subdivisions of the state, but does not apply to counties or municipalities.
- For tangible personal property purchases, if the low bid is submitted by an out-of-state vendor whose home state grants a preference to in-state businesses, the preference to the Florida business shall equal that preference amount.
- Provides an exemption from the competitive bidding requirement in current law to Florida statewide nonprofit corporations that provide statewide public service announcement programs, with a guaranteed documented match of at least three dollars to one dollar.
- Provides that a vendor whose principal place of business is in Florida may not be precluded from being an authorized reseller of information technology commodities of a state contractor if certain criteria are met.

03/28/12 Approved by Governor, Chapter No. 2012-32. Effective Date: July 1, 2012.

- **SB 922 Military Support**

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Green: Bill Approved

Red: Bill Vetoes

- Expands the Service Disabled Veterans Enterprise preference to include wartime veterans.

04/27/12 Approved by the Governor, Chapter No. 2012-159. Effective Date: July 1, 2012

- **HB 959 State and Local Government Relations with Cuba or Syria**

- Creates a prohibition against contracting with companies that have business operations in Cuba or Syria. It prohibits a company with business operations in Cuba or Syria from bidding on, submitting a proposal for, or entering into or renewing a contract with an agency or local governmental entity for goods or services of one million dollars or more.
- Prohibits the SBA from serving as a fiduciary with respect to voting on a proxy resolution that advocates for expanded United States trade with Cuba or Syria. In addition, the SBA cannot vote in favor of a proxy resolution that would expand United States trade with Cuba or Syria. The bill requires the SBA to report on its activities in its Annual Proxy Voting Report.
- Requires contracts entered into on or after July 1, 2012, with an agency or local government, to include a provision allowing for the termination of such contract if the company is found to have submitted a false certification or has been engaged in business operations in Cuba or Syria.
- Requires the Department of Management Services to submit a written notice apprising the United States Attorney General of the inclusion of companies with business operations in Cuba or Syria within the provisions of s. 287.135, F.S.

05/01/12 Approved by Governor; Chapter No. 2012-196. Effective Date: July 1, 2012

Real Estate Development and Management:

- **HB 897 Construction Contracting**

- Requires the bond number assigned by the surety to be listed on the front page of the bond.
- Specifies that any provision in a payment bond which limits or expands the duration of a bond, or which adds conditions precedent to the enforcement of the claim against the bond is unenforceable.
- Replaces mailing by clerk of court with service by the contractor or the contractor's attorney who records a notice of contest of claim against the payment bond.
- Provides that if a contractor furnishes and records a payment and performance bond, the public authority may not condition its payments to the contractor on the production of a waiver from a claimant showing that such claimant does not have an outstanding claim for payments due on the project.

05/04/12 Approved by Governor; Chapter No. 2012-211. Effective Date: October 1, 2012.

Human Resource Management:

- **HB 1261 State Employment**

- Provides that the Governor or the Chief Justice of the Supreme Court could propose a furlough to Legislative Budget Commission for approval or disapproval, rather than to the entire Legislature.
- Deletes the 1,040 limitation for hours of work in a 12-month period and removes the requirement for reporting hours of OPS work to the Executive Office of the Governor. Instead requires that agencies perform an annual review to assess and document the necessity for continuation of each OPS employment based on agency need.
- Transfers administration of the alternative retirement income security program for OPS employees from the Department of Management Services to the Department of Financial Services.
- Requires employees to designate a charity when donating to the Florida State Employees' Charitable Campaign.
- Removes a career service employee's ability to carry forward unused compensatory leave when he or she moves to a Selected Exempt Service position.

May 8, 2012

Green: Bill Approved

Red: Bill Vetoes

- Limits a career service employee's probationary period to no more than 18 months and no less than 12 months.
- Retains the current concept regarding employees who are removed from their promotional position due to failure to meet performance standards. Clarifies legislative intent that the decision of the agency as to what position the employee is returned and whether such a position is available is not appealable to PERC.

05/04/12 Approved by Governor; Chapter No. 2012-215. Effective Date: July 1, 2012.

• **HB 1205 Drug-Free Workplaces**

- Authorizes state agencies to drug test all job applicants, instead of only those applying for a special risk or safety-sensitive position.
- Authorizes state agencies to conduct random drug testing of no more than ten percent of an agency's employees no more than once every three months. The sample of the agency's employees must be computer-generated by an independent third party.
- Removes a provision prohibiting a state agency from discharging, disciplining, or discriminating against an employee (other than a special-risk employee) on the sole basis of the employee's first positive confirmed drug test under certain conditions.
- Consolidates the provisions relating to continued employment of employees in special risk or safety-sensitive positions.
- Removes the current definition for "safety-sensitive position" and instead amends the provisions related to employees in such positions to prescribe duties an employee would be deemed unable to safely and effectively perform while participating in an employee assistance program.

03/19/12 Approved by Governor; Chapter No. 2012-8. Effective Date: July 1, 2012.

• **HB 629 Public Records/Agency Personnel Information/Dates of Birth**

- Expands the public record exemptions for identification and location information of certain public employees to include dates of birth of the public employees and of their spouses and children.
- Specifies that the public record exemption for justices, judges, and their spouses and children applies to current and former justices and judges.
- Specifies that the public record exemption for identification and location information of law enforcement personnel applies to sworn and civilian law enforcement personnel.
- Specifies that the exemptions apply to information held before, on, or after the effective date of the exemptions.
- Provides for repeal of the exemptions on October 2, 2017, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

04/24/12 Approved by Governor; Chapter No. 2012-149. Effective Date: October 1, 2012.

Telecommunications:

• **HB 945 Broadband Internet Service**

- Replaces the Department of Management Services (DMS) with the Department of Economic Opportunity (DEO) as the agency responsible for implementing the state's broadband program and designates DEO as the single state entity to receive and manage all federal State Broadband Initiative (SBI) funds.
- Requires DEO to establish a public-private partnership that will work collaboratively with the entities with which DMS is currently required to work (Enterprise Florida, state agencies, local

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Green: Bill Approved

Red: Bill Vetoed

governments, private businesses, and community organizations) and adds “nonprofit corporations” to this list of entities.

- Adds community development as a goal of sustainable broadband adoption.
- Requires that DEO’s strategic plan to increase use of broadband Internet service in Florida be developed with the use of consumer research into residential and business technology utilization data.
- Specifies that broadband mapping efforts conducted under DEO must, at a minimum, identify transmission speeds and unserved and underserved areas at the census block level of detail.
- Requires DMS to request federal approval to transfer an existing federal broadband grant from DMS to DEO and, upon such approval, to request a budget amendment requiring Legislative Budget Commission (LBC) approval to transfer all funds. LBC approval will initiate a type two transfer of all funds and authority of the program from DMS to DEO.

04/20/12 Approved by Governor; Chapter No. 2012-131

▪ **Requires DMS to submit a request to the U.S. Department of Commerce to transfer the federal broadband grant from DMS to DEO and to submit a budget amendment to the LBC upon such approval is effective upon becoming law.**

▪ **The remainder of the bill is effective upon LBC approval of the required budget amendment.**

- **HB 801 Emergency 911 Service**

- Modifies the membership of the E911 Board by: expanding the total number of members from nine to 11.
- Expands the number of local exchange carrier representatives from two to three.
- Adds a requirement that one of these three board members represent a competitive local exchange telecommunications company.
- Expands the number of county 911 coordinators from four to five and the number of at-large county 911 coordinators from one to two.
- Clarifies how the E911 fee will be billed by certain voice communications services providers, including billing to customers served through certain high-capacity lines.
- Clarifies that the indemnification and liability provisions related to the provision of 911 or E911 service apply to non-voice communications (e.g., text, data, images, and video) that may be utilized in Next Generation 911 applications currently being developed.
- Reflects the recent dissolution of the FTIA.

04/27/12 Approved by Governor; Chapter No. 2012-177. Effective Date: July 1, 2012.

Budget:

- **HB 5001 General Appropriations Act**

- No currently filled positions were eliminated and 21.5 vacant positions are deleted.
- \$7.4 million is appropriated to continue the existing MyFloridaMarketPlace contract through its expiration in December. Also, the proviso allows DMS to competitively re-procure the contract upon the Governor’s signing of the budget.
- State Purchasing is authorized to fill the three vacant FTE’s it received last year. DMS needed Legislative Budget Commission (LBC) approval to fund the positions, however, the LBC never met to release the funding.
- DMS received an additional \$1.15 million for contracted legal services.
- DMS received six million dollars for Statewide Law Enforcement Radio Systems, an additional three million dollars for Mutual Aid, and two million dollars for Florida Interoperability Network. This is a reliable communication network that connects state, local, and federal radio resources.

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Green: Bill Approved

Red: Bill Vetoed

04/17/12 Approved by Governor with Line Item Veto. Effective Date: July 1, 2012.

- **The following line items related to DMS were vetoed:**
 - **Line 2762 - Tenant Broker Reimbursement (\$294,820)**
 - **Line 2821 A - Matchmaker Conference (\$185,000)**

Conforming Legislation:

- **HB 5507 Department of Management Services**
 - Revises provisions relating to the reimbursement of DMS for actual costs of coordinating the annual Florida State Employees' Charitable Campaign (FSECC).
 - Provides for the transfer of funds generated by fees collected for the use of the DMS online procurement system and electronic information services (MyFloridaMarketPlace) from the DMS to the Department of Financial Services (DFS) to support statewide purchasing operations associated with the online procurement system and electronic information services.
 - Repeals the statute which establishes the executive aircraft pool within the DMS. In addition, the bill terminates the Bureau of Aircraft Trust Fund and transfers the cash balance to the General Revenue Fund.
 - Eliminates the need for providing an annual report on executive aircraft usage.
 - Amends the statute to continue the three dollars surcharge on certain criminal offenses and noncriminal moving traffic violations by extending the sunset date of the provision. The surcharge annually provides \$5.2 million to support the Statewide Law Enforcement Radio System.

04/20/12 Approved by Governor; Chapter No. 2012-141. Effective Date: July 1, 2012.

- **HB 5009 Health Insurance Benefits for State Employees**
 - Provides that DMS may implement a 90-day supply limit program for certain maintenance drugs for retail pharmacies participating in the program if DMS finds it is in the best interest of the state.
 - Provides the Board of Trustees of the University of Florida with the option to create their own health insurance program separate from DSGI to cover its students, employees and retirees.
 - If such a program is established, the bill directs the University to be provided funding as established for other entities in the General Appropriations Act adjusted on an annual basis by an actuarially determined implicit subsidy for retiree benefits.

04/20/12 Vetoed by Governor

- **HB 5011 State Information Technology**
 - Establishes the Agency for State Technology (AST) and authorizes a type two transfer of all records and property; unexpended balances of appropriations; administrative authority; the administrative rules in effect as of November 15, 2010, comprised only of Chapters 71-1, 71A-1, and 71A-2, Florida Administrative Code; pending issues; and existing contracts of the Agency for Enterprise Information Technology (AEIT) to the AST.
 - Creates the AST within the Executive Office of the Governor with the head of the agency being the Governor and Cabinet; and establishes an executive director of the AST who is the state's Chief Information Officer, appointed by the Governor and confirmed by the Cabinet and Senate.
 - Defines the duties and responsibilities of the AST to include:
 - Providing project management oversight of the agency data center consolidations authorized pursuant to s. 282.201, F.S.,
 - Developing an Information Technology Strategic Plan for Florida
 - Providing management oversight of the Northwood and Southwood Shared Resource Centers.
 - Repeals the following sections of law:

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Green: Bill Approved

Red: Bill Vetoed

- Relating to the establishment of the AEIT.
- Relating to the assignment of information technology.
- Relating to the development of work and implementation plans and policy recommendations.
- Relating to energy efficiency standards for data centers.
- Relating to statewide e-mail service.

04/20/12 Vetoed by Governor

• **HB 5509 State Data Center System**

- Amends the schedule for agency data center consolidations and exempts certain agencies from consolidating into a primary data center.
- Deletes the requirement that agencies must submit information relating to their data centers and computing facilities to the AEIT.
- Deletes the requirement for the AEIT to submit a comprehensive transition plan.
- Amends certain duties and responsibilities of a primary data center, to include the Northwest Regional Data Center.

04/20/12 Approved by Governor; Chapter No. 2012-142. Effective Date: July 1, 2012.

• **HB 5005 Retirement**

- Reduces the allocation rates for all retirement classes being deposited into investment plan member accounts.
- Reduces the employer contribution rates into the Community College System Optional Retirement Program.
- Reduces the employer contribution rates into the Senior Management Service Optional Annuity Program.
- Reduces the employer contribution rates into the State University System Optional Retirement Program.
- Adjusts the employer contribution rates for the FRS based on the 2011 Actuarial Valuation as adjusted by the changes to the Investment Plan allocations.

04/20/12 Approved by Governor; Chapter No. 2012-146. Effective Date: July 1, 2012.

• **HB 5007 State Employees**

- Directs the resolution of collective bargaining issues at impasse not related primarily to salary and benefit issues for the 2012-2013 fiscal year regarding state employees. Those issues are resolved based on the spending decisions included in the Fiscal Year 2012-2013 General Appropriations Act or legislation implemented for that Act.

04/20/12 Approved by Governor; Chapter No. 2012-132. Effective Date: July 1, 2012.