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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/MR	.	Floor: SEN1/CA
04/29/2013 12:10 PM	.	05/03/2013 02:27 PM
	.	

Senator Benacquisto moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 119.0701, Florida Statutes, is created
to read:

119.0701 Contracts; public records.-

(1) For purposes of this section, the term:

(a) "Contractor" means an individual, partnership,
corporation, or business entity that enters into a contract for
services with a public agency and is acting on behalf of the
public agency as provided under s. 119.011(2).

(b) "Public agency" means a state, county, district,



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14 authority, or municipal officer, or department, division, board,
15 bureau, commission, or other separate unit of government created
16 or established by law.

17 (2) In addition to other contract requirements provided by
18 law, each public agency contract for services must include a
19 provision that requires the contractor and its subcontractors to
20 comply with public records laws, specifically to:

21 (a) Keep and maintain public records that ordinarily and
22 necessarily would be required by the public agency in order to
23 perform the service.

24 (b) Provide the public with access to public records on the
25 same terms and conditions that the public agency would provide
26 the records and at a cost that does not exceed the cost provided
27 in this chapter or as otherwise provided by law.

28 (c) Ensure that public records that are exempt or
29 confidential and exempt from public records disclosure
30 requirements are not disclosed except as authorized by law.

31 (d) Meet all requirements for retaining public records and
32 transfer, at no cost, to the public agency all public records in
33 possession of the contractor upon termination of the contract
34 and destroy any duplicate public records that are exempt or
35 confidential and exempt from public records disclosure
36 requirements. All records stored electronically must be provided
37 to the public agency in a format that is compatible with the
38 information technology systems of the public agency.

39 (3) If a contractor or its subcontractor does not comply
40 with a public records request, the public agency shall enforce
41 the contract provisions in accordance with the contract.

42 Section 2. Section 119.12, Florida Statutes, is amended to



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43 read:

44 119.12 Attorney ~~Attorney's~~ fees.—If a civil action is filed
45 against an agency to enforce the provisions of this chapter and
46 if the court determines that such agency unlawfully refused to
47 permit a public record to be inspected or copied, the court
48 shall assess and award, against the agency responsible, the
49 reasonable costs of enforcement. The reasonable costs of
50 enforcement include, but are not limited to, including
51 reasonable attorney attorneys' fees, including those reasonable
52 attorney fees incurred in litigating entitlement to and the
53 determination or quantification of attorney fees for the
54 underlying matter.

55 Section 3. Section 215.971, Florida Statutes, is amended to
56 read:

57 215.971 Agreements funded with federal or ~~and~~ state
58 assistance.—

59 (1) ~~For~~ An agency agreement that provides state financial
60 assistance to a recipient or subrecipient, as those terms are
61 defined in s. 215.97, or that provides federal financial
62 assistance to a subrecipient, as defined by applicable United
63 States Office of Management and Budget circulars, must ~~the~~
64 ~~agreement shall include~~ all of the following:

65 (a) ~~(1)~~ A provision specifying a scope of work that clearly
66 establishes the tasks that the recipient or subrecipient is
67 required to perform. ~~;~~ ~~and~~

68 (b) ~~(2)~~ A provision dividing the agreement into quantifiable
69 units of deliverables that must be received and accepted in
70 writing by the agency before payment. Each deliverable must be
71 directly related to the scope of work and ~~must~~ specify the



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72 required minimum level of service to be performed and the
73 criteria for evaluating the successful completion of each
74 deliverable.

75 (c) A provision specifying the financial consequences that
76 apply if the recipient or subrecipient fails to perform the
77 minimum level of service required by the agreement. The
78 provision can be excluded from the agreement only if financial
79 consequences are prohibited by the federal agency awarding the
80 grant. Funds refunded to a state agency from a recipient or
81 subrecipient for failure to perform as required under the
82 agreement may be expended only in direct support of the program
83 from which the agreement originated.

84 (d) A provision specifying that a recipient or subrecipient
85 of federal or state financial assistance may expend funds only
86 for allowable costs resulting from obligations incurred during
87 the specified agreement period.

88 (e) A provision specifying that any balance of unobligated
89 funds which has been advanced or paid must be refunded to the
90 state agency.

91 (f) A provision specifying that any funds paid in excess of
92 the amount to which the recipient or subrecipient is entitled
93 under the terms and conditions of the agreement must be refunded
94 to the state agency.

95 (g) Any additional information required pursuant to s.
96 215.97.

97 (2) The Chief Financial Officer may audit an agreement
98 funded with state or federal assistance before the execution of
99 such agreement in accordance with rules adopted by the
100 Department of Financial Services. The audit must ensure that



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101 applicable laws have been met; that the agreement document
102 contains a clear statement of work, quantifiable and measurable
103 deliverables, performance measures, financial consequences for
104 nonperformance, and clear terms and conditions that protect the
105 interests of the state; and that the associated costs of the
106 agreement are not unreasonable or inappropriate. The audit must
107 ensure that all contracting laws have been met and that
108 documentation is available to support the agreement. An
109 agreement that does not comply with this section may be returned
110 to the submitting agency for revision.

111 (a) The Chief Financial Officer may establish dollar
112 thresholds and other criteria for determining which agreements
113 will be audited before execution. The Chief Financial Officer
114 may revise such thresholds and other criteria for an agency or
115 unit of an agency as he or she deems appropriate.

116 (b) The Chief Financial Officer shall have up to 10
117 business days after receipt of the proposed grant agreement to
118 make a final determination of any deficiencies in the agreement
119 and shall provide the agency with information regarding any
120 deficiencies at the conclusion of the review. The Chief
121 Financial Officer and the agency entering into the agreement may
122 agree to a longer review period.

123 (c) This subsection does not apply to the Board of
124 Governors, a state university, or a facility engaged in research
125 using state or federal funds until July 1, 2015.

126 (3) For each agreement funded with federal or state
127 financial assistance, the state agency shall designate an
128 employee to function as a grant manager who shall be responsible
129 for enforcing performance of the agreement's terms and



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130 conditions and who shall serve as a liaison with the recipient
131 or subrecipient.

132 (a) Each grant manager responsible for agreements in excess
133 of \$100,000 annually must complete the training and become a
134 certified contract manager as provided under s. 287.057(14).

135 (b) The Chief Financial Officer shall establish and
136 disseminate uniform procedures for grant management pursuant to
137 s. 17.03(3) to ensure that services have been rendered in
138 accordance with agreement terms before the agency processes an
139 invoice for payment. The procedures must include, but need not
140 be limited to, procedures for monitoring and documenting
141 recipient or subrecipient performance, reviewing and documenting
142 all deliverables for which payment is requested by the recipient
143 or subrecipient, and providing written certification by the
144 grant manager of the agency's receipt of goods and services.

145 (c) The grant manager shall reconcile and verify all funds
146 received against all funds expended during the grant agreement
147 period and produce a final reconciliation report. The final
148 report must identify any funds paid in excess of the
149 expenditures incurred by the recipient or subrecipient.

150 (4) The Chief Financial Officer shall perform audits of the
151 executed state and federal grant agreement documents and grant
152 manager's records in order to ensure that adequate internal
153 controls are in place for complying with the terms and
154 conditions of such agreements and for validation and receipt of
155 goods and services.

156 (a) At the conclusion of the audit, the Chief Financial
157 Officer's designee shall discuss the audit and potential
158 findings with the official whose office is subject to audit. The



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159 final audit report shall be submitted to the agency head.

160 (b) Within 30 days after the receipt of the final audit
161 report, the agency head shall submit to the Chief Financial
162 Officer or designee, his or her written statement of explanation
163 or rebuttal concerning findings requiring corrective action,
164 including corrective action to be taken to preclude a
165 recurrence.

166 Section 4. Subsection (2) of section 215.985, Florida
167 Statutes, is reordered and amended and subsection (16) of that
168 section is amended, to read:

169 215.985 Transparency in government spending.—

170 (2) As used in this section, the term:

171 (c)~~(a)~~ "Governmental entity" means any state, regional,
172 county, municipal, special district, or other political
173 subdivision whether executive, judicial, or legislative,
174 including, but not limited to, any department, division, bureau,
175 commission, authority, district, or agency thereof, or any
176 public school, Florida College System institution, state
177 university, or associated board.

178 (d)~~(b)~~ "Website" means a site on the Internet which is
179 easily accessible to the public at no cost and does not require
180 the user to provide any information.

181 (a)~~(e)~~ "Committee" means the Legislative Auditing Committee
182 created in s. 11.40.

183 (b) "Contract" means any written agreement or purchase
184 order issued for the purchase of goods or services and any
185 written agreements for the receipt of federal or state financial
186 assistance.

187 (16) The Chief Financial Officer shall establish and



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188 maintain a secure, shared state contract tracking ~~provide public~~
189 ~~access to a state contract management system.~~

190 (a) Within 30 calendar days after executing a contract,
191 each state agency as defined in s. 216.011(1) shall post all of
192 the following that provides information and documentation
193 relating to that contract on the contract tracking system, as
194 required by rule: ~~contracts procured by governmental entities.~~

195 1. The names of the contracting entities.

196 2. The procurement method.

197 3. The contract beginning and end dates.

198 4. The nature or type of the commodities or services
199 purchased.

200 5. Applicable contract unit prices and deliverables.

201 6. Total compensation to be paid or received under the
202 contract.

203 7. All payments made to the contractor to date.

204 8. Applicable contract performance measures.

205 9. The justification for not using competitive solicitation
206 to procure the contract, including citation to any statutory
207 exemption or exception from competitive solicitation, if
208 applicable.

209 10. Electronic copies of the contract and procurement
210 documents that have been redacted to conceal exempt or
211 confidential information.

212 11. Any other information required by the Chief Financial
213 Officer.

214 ~~(a) The data collected in the system must include, but need~~
215 ~~not be limited to, the contracting agency; the procurement~~
216 ~~method; the contract beginning and ending dates; the type of~~



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217 ~~commodity or service; the purpose of the commodity or service;~~
218 ~~the compensation to be paid; compliance information, such as~~
219 ~~performance metrics for the service or commodity; contract~~
220 ~~violations; the number of extensions or renewals; and the~~
221 ~~statutory authority for providing the service.~~

222 (b) The affected state governmental agency shall update the
223 information described in paragraph (a) in the contract tracking
224 system within 30 calendar days after a major modification or
225 amendment change to an existing contract or the execution of a
226 new contract, agency procurement staff of the affected state
227 governmental entity shall update the necessary information in
228 the state contract management system. A major modification or
229 amendment change to a contract includes, but is not limited to,
230 a renewal, termination, or extension of the contract, or an
231 amendment to the contract as determined by the Chief Financial
232 Officer.

233 (c) Each state agency identified in paragraph (a) shall
234 redact, as defined in s. 119.011, exempt or confidential
235 information from the contract or procurement documents before
236 posting an electronic copy on the contract tracking system.

237 1. If a state agency becomes aware that an electronic copy
238 of a contract or procurement document that it posted has not
239 been properly redacted, the state agency must immediately notify
240 the Chief Financial Officer so that the contract or procurement
241 document may be removed. Within 7 business days, the state
242 agency shall provide the Chief Financial Officer with a properly
243 redacted copy for posting.

244 2. If a party to a contract, or authorized representative,
245 discovers that an electronic copy of a contract or procurement



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246 document on the system has not been properly redacted, the party
247 or representative may request the state agency that posted the
248 document to redact the exempt or confidential information. Upon
249 receipt of a request in compliance with this subparagraph, the
250 state agency that posted the document shall redact the exempt or
251 confidential information.

252 a. Such request must be in writing and delivered by mail,
253 facsimile, or electronic transmission or in person to the state
254 agency that posted the information. The request must identify
255 the specific document, the page numbers that include the exempt
256 or confidential information, the information that is exempt or
257 confidential, and the relevant statutory exemption. A fee may
258 not be charged for a redaction made pursuant to such request.

259 b. If necessary, a party to the contract may petition the
260 circuit court for an order directing compliance with this
261 paragraph.

262 3. The Chief Financial Officer, the Department of Financial
263 Services, or any officer, employee, or contractor thereof, is
264 not responsible for redacting exempt or confidential information
265 from an electronic copy of a contract or procurement document
266 posted by another state agency on the system and is not liable
267 for the failure of the state agency to redact the exempt or
268 confidential information. The Chief Financial Officer may notify
269 the posting state agency if a document posted on the tracking
270 system contains exempt or confidential information.

271 (d) Pursuant to ss. 119.01 and 119.07, the Chief Financial
272 Officer may make information posted on the contract tracking
273 system available for viewing and download by the public through
274 a secure website. Unless otherwise provided by law, information



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275 retrieved electronically pursuant to this paragraph is not
276 admissible in court as an authenticated document.

277 1. The Chief Financial Officer may regulate and prohibit
278 the posting of records that could facilitate identity theft or
279 fraud, such as signatures; compromise or reveal an agency
280 investigation; reveal the identity of undercover personnel;
281 reveal proprietary confidential business information or trade
282 secrets; reveal an individual's medical information; or reveal
283 any other record or information that the Chief Financial Officer
284 believes may jeopardize the health, safety, or welfare of the
285 public. However, such prohibition does not supersede the duty of
286 a state agency to provide a copy of a public record upon
287 request. The Chief Financial Officer shall use appropriate
288 Internet security measures to ensure that no person has the
289 ability to alter or modify records available on the website.

290 2. Records made available on the website, including
291 electronic copies of contracts or procurement documents, may not
292 reveal information made exempt or confidential by law. Notice of
293 the right of an affected party to request redaction of exempt or
294 confidential information pursuant to paragraph (c) must be
295 displayed on the website.

296 (e) The posting of information on the contract tracking
297 system or the provision of contract information on a website for
298 public viewing and downloading does not supersede the duty of a
299 state agency to respond to a public record request for such
300 information or to a subpoena for such information.

301 1. A request for a copy of a contract or procurement
302 document or a certified copy of a contract or procurement
303 document must be made to the state agency that is party to the



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304 contract. Such request may not be made to the Chief Financial
305 Officer or the Department of Financial Services or any officer,
306 employee, or contractor thereof unless the Chief Financial
307 Officer or department is a party to the contract.

308 2. A subpoena for a copy of a contract or procurement
309 document or certified copy of a contract or procurement document
310 must be served on the state agency that is a party to the
311 contract and that maintains the original documents. The Chief
312 Financial Officer or the Department of Financial Services or any
313 officer, employee, or contractor thereof may not be served a
314 subpoena for those records unless the Chief Financial Officer or
315 the department is a party to the contract.

316 (f) The requirement under paragraphs (a) and (b) that each
317 agency post information and documentation relating to contracts
318 on the tracking system does not apply to any record that could
319 reveal attorney work product or strategy.

320 (g) The Chief Financial Officer may adopt rules to
321 administer this subsection.

322 Section 5. Section 216.0111, Florida Statutes, is repealed.

323 Section 6. Subsections (4) through (28) of section 287.012,
324 Florida Statutes, are amended to read:

325 287.012 Definitions.—As used in this part, the term:

326 (4) "Best value" means the highest overall value to the
327 state based on ~~objective~~ factors that include, but are not
328 limited to, price, quality, design, and workmanship.

329 (5) "Commodity" means any of the various supplies,
330 materials, goods, merchandise, food, equipment, information
331 technology, and other personal property, including a mobile
332 home, trailer, or other portable structure that has ~~with floor~~



333 ~~space~~ of less than 5,000 square feet of floor space, purchased,
334 leased, or otherwise contracted for by the state and its
335 agencies. The term "Commodity" also includes interest on
336 deferred-payment commodity contracts approved pursuant to s.
337 287.063 entered into by an agency for the purchase of other
338 commodities. However, commodities purchased for resale are
339 excluded from this definition. Printing of publications shall be
340 considered a commodity if procured ~~when let upon contract~~
341 pursuant to s. 283.33, whether purchased for resale or not.

342 (6) "Competitive solicitation" means the process of
343 requesting and receiving two or more sealed bids, proposals, or
344 replies submitted by responsive vendors in accordance with the
345 terms of a competitive process, regardless of the method of
346 procurement.

347 (7) "Contractor" means a person who contracts to sell
348 commodities or contractual services to an agency.

349 (8) "Contractual service" means the rendering by a
350 contractor of its time and effort rather than the furnishing of
351 specific commodities. The term applies only to those services
352 rendered by individuals and firms who are independent
353 contractors, and such services may include, but are not limited
354 to, evaluations; consultations; maintenance; accounting;
355 security; management systems; management consulting; educational
356 training programs; research and development studies or reports
357 on the findings of consultants engaged thereunder; and
358 professional, technical, and social services. The term
359 ~~"Contractual service"~~ does not include a ~~any~~ contract for the
360 furnishing of labor or materials for the construction,
361 renovation, repair, modification, or demolition of a ~~any~~



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362 facility, building, portion of building, utility, park, parking
363 lot, or structure or other improvement to real property entered
364 into pursuant to chapter 255 and rules adopted thereunder.

365 (9) "Department" means the Department of Management
366 Services.

367 (10) "Electronic posting" or "electronically post" means
368 the noticing of solicitations, agency decisions or intended
369 decisions, or other matters relating to procurement on a
370 centralized Internet website designated by the department for
371 this purpose, and in the manner and form required under s.
372 120.57(3)(a).

373 (11) "Eligible user" means any person or entity authorized
374 by the department pursuant to rule to purchase from state term
375 contracts or to use the online procurement system.

376 (12) "Exceptional purchase" means any purchase of
377 commodities or contractual services excepted by law or rule from
378 the requirements for competitive solicitation, including, but
379 not limited to, purchases from a single source; purchases upon
380 receipt of less than two responsive bids, proposals, or replies;
381 purchases made by an agency, after receiving approval from the
382 department, from a contract procured, pursuant to s. 287.057(1),
383 or by another agency; and purchases made without advertisement
384 in the manner required under ~~by~~ s. 287.042(3)(b).

385 (13) "Extension" means an increase in the time allowed for
386 the contract period ~~due to circumstances which, without fault of~~
387 ~~either party, make performance impracticable or impossible, or~~
388 ~~which prevent a new contract from being executed, with or~~
389 ~~without a proportional increase in the total dollar amount, with~~
390 ~~any increase to be based on the method and rate previously~~



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391 ~~established in the contract.~~

392 (14) "Governmental entity" means a political subdivision or
393 agency of this state or of any state of the United States,
394 including, but not limited to, state government, county,
395 municipality, school district, nonprofit public university or
396 college, single-purpose or multipurpose special district,
397 single-purpose or multipurpose public authority, metropolitan or
398 consolidated government, separate legal entity or administrative
399 entity, or any agency of the Federal Government.

400 (15)~~(14)~~ "Information technology" has the same meaning as
401 provided ~~ascribed~~ in s. 282.0041.

402 (16)~~(15)~~ "Invitation to bid" means a written or
403 electronically posted solicitation for competitive sealed bids.

404 (17)~~(16)~~ "Invitation to negotiate" means a written or
405 electronically posted solicitation for competitive sealed
406 replies to select one or more vendors with which to commence
407 negotiations for the procurement of commodities or contractual
408 services.

409 (18)~~(17)~~ "Minority business enterprise" has the same
410 meaning as provided ~~ascribed~~ in s. 288.703.

411 (19)~~(18)~~ "Office" means the Office of Supplier Diversity of
412 the Department of Management Services.

413 (20)~~(19)~~ "Outsource" means the process of contracting with
414 a vendor to provide a service as defined in s. 216.011(1)(f), in
415 whole or in part, or an activity as defined in s.
416 216.011(1)(rr), while a state agency retains the responsibility
417 and accountability for the service or activity and there is a
418 transfer of management responsibility for the delivery of
419 resources and the performance of those resources.



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420 ~~(21)~~~~(20)~~ "Renewal" means contracting with the same
421 contractor for an additional contract period after the initial
422 contract period, only if pursuant to contract terms specifically
423 providing for such renewal.

424 ~~(22)~~~~(21)~~ "Request for information" means a written or
425 electronically posted request made by an agency to vendors for
426 information concerning commodities or contractual services.
427 Responses to these requests are not offers and may not be
428 accepted by the agency to form a binding contract.

429 ~~(23)~~~~(22)~~ "Request for proposals" means a written or
430 electronically posted solicitation for competitive sealed
431 proposals.

432 ~~(24)~~~~(23)~~ "Request for a quote" means an oral, electronic,
433 or written request for written pricing or services information
434 from a state term contract vendor for commodities or contractual
435 services available on a state term contract from that vendor.

436 ~~(25)~~~~(24)~~ "Responsible vendor" means a vendor who has the
437 capability in all respects to fully perform the contract
438 requirements and the integrity and reliability that will assure
439 good faith performance.

440 ~~(26)~~~~(25)~~ "Responsive bid," "responsive proposal," or
441 "responsive reply" means a bid, or proposal, or reply submitted
442 by a responsive and responsible vendor which ~~that~~ conforms in
443 all material respects to the solicitation.

444 ~~(27)~~~~(26)~~ "Responsive vendor" means a vendor that has
445 submitted a bid, proposal, or reply that conforms in all
446 material respects to the solicitation.

447 ~~(28)~~~~(27)~~ "State term contract" means a term contract that
448 is competitively procured by the department pursuant to s.



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449 287.057 and that is used by agencies and eligible users pursuant
450 to s. 287.056.

451 ~~(28)~~ (29) "Term contract" means an indefinite quantity
452 contract to furnish commodities or contractual services during a
453 defined period.

454 Section 7. Paragraph (a) of subsection (1), paragraph (b)
455 of subsection (2), and subsections (8) and (15) of section
456 287.042, Florida Statutes, are amended to read:

457 287.042 Powers, duties, and functions.—The department shall
458 have the following powers, duties, and functions:

459 (1) (a) To canvass all sources of supply, ~~establish and~~
460 ~~maintain a vendor list,~~ and contract for the purchase, lease, or
461 acquisition, including purchase by installment sales or lease-
462 purchase contracts which may provide for the payment of interest
463 on unpaid portions of the purchase price, of all commodities and
464 contractual services required by any agency under this chapter.
465 Any contract providing for deferred payments and the payment of
466 interest is ~~shall be~~ subject to specific rules adopted by the
467 department.

468 (2)

469 (b) As an alternative to any provision in s. 120.57(3)(c),
470 the department may proceed with the competitive solicitation or
471 contract award process of a term contract when the Secretary of
472 Management Services ~~the department~~ or his or her designee sets
473 forth in writing particular facts and circumstances that ~~which~~
474 demonstrate that the delay incident to staying the solicitation
475 or contract award process would be detrimental to the interests
476 of the state. After the award of a contract resulting from a
477 competitive solicitation in which a timely protest was received



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478 and in which the state did not prevail, the contract may be
479 canceled and reawarded.

480 (8) To provide any commodity and contractual service
481 purchasing rules to the Chief Financial Officer and all agencies
482 electronically or through an ~~electronic medium or~~ other means.
483 Agencies may not approve an ~~any~~ account or request any payment
484 of an ~~any~~ account for the purchase of any commodity or the
485 procurement of any contractual service covered by a purchasing
486 or contractual service rule except as authorized therein. The
487 department shall furnish copies of rules adopted by the
488 department to any county, municipality, or other local public
489 agency requesting them.

490 (15) To lead or enter into joint agreements with
491 governmental entities ~~agencies, as defined in s. 163.3164, for~~
492 ~~the purpose of pooling funds~~ for the purchase of commodities or
493 contractual services ~~information technology~~ that can be used by
494 multiple agencies.

495 (a) Each agency that has been appropriated or has existing
496 funds for such purchase, shall, upon contract award by the
497 department, transfer its ~~their~~ portion of the funds into the
498 department's Operating Trust Fund for payment by the department.
499 The funds shall be transferred by the Executive Office of the
500 Governor pursuant to the agency budget amendment request
501 provisions under ~~in~~ chapter 216.

502 (b) Agencies that sign the joint agreements are financially
503 obligated for their portion of the agreed-upon funds. If an
504 agency becomes more than 90 days delinquent in paying the funds,
505 the department shall certify to the Chief Financial Officer the
506 amount due, and the Chief Financial Officer shall transfer the



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507 amount due to the Operating Trust Fund of the department from
508 any of the agency's available funds. The Chief Financial Officer
509 shall report these transfers and the reasons for the transfers
510 to the Executive Office of the Governor and the legislative
511 appropriations committees.

512 Section 8. Paragraph (a) of subsection (1) and subsections
513 (3), (10), (12), (13), (16), and (22) of section 287.057,
514 Florida Statutes, are amended to read:

515 287.057 Procurement of commodities or contractual
516 services.—

517 (1) The competitive solicitation processes authorized in
518 this section shall be used for procurement of commodities or
519 contractual services in excess of the threshold amount provided
520 for CATEGORY TWO in s. 287.017. Any competitive solicitation
521 shall be made available simultaneously to all vendors, must
522 include the time and date for the receipt of bids, proposals, or
523 replies and of the public opening, and must include all
524 contractual terms and conditions applicable to the procurement,
525 including the criteria to be used in determining acceptability
526 and relative merit of the bid, proposal, or reply.

527 (a) *Invitation to bid.*—The invitation to bid shall be used
528 when the agency is capable of specifically defining the scope of
529 work for which a contractual service is required or when the
530 agency is capable of establishing precise specifications
531 defining the actual commodity or group of commodities required.

532 1. All invitations to bid must include:

533 a. A detailed description of the commodities or contractual
534 services sought; and

535 b. If the agency contemplates renewal of the contract, a



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536 statement to that effect.

537 2. Bids submitted in response to an invitation to bid in
538 which the agency contemplates renewal of the contract must
539 include the price for each year for which the contract may be
540 renewed.

541 3. Evaluation of bids must ~~shall~~ include consideration of
542 the total cost for each year of the contract, including renewal
543 years, as submitted by the vendor.

544 4. The contract shall be awarded to the responsible and
545 responsive vendor who submits the lowest responsive bid.

546 (3) If ~~When~~ the purchase price of commodities or
547 contractual services exceeds the threshold amount provided in s.
548 287.017 for CATEGORY TWO, ~~no~~ purchase of commodities or
549 contractual services may not be made without receiving
550 competitive sealed bids, competitive sealed proposals, or
551 competitive sealed replies unless:

552 (a) The agency head determines in writing that an immediate
553 danger to the public health, safety, or welfare or other
554 substantial loss to the state requires emergency action. After
555 the agency head signs ~~makes~~ such a written determination, the
556 agency may proceed with the procurement of commodities or
557 contractual services necessitated by the immediate danger,
558 without receiving competitive sealed bids, competitive sealed
559 proposals, or competitive sealed replies. However, the ~~such~~
560 emergency procurement shall be made by obtaining pricing
561 information from at least two prospective vendors, which must be
562 retained in the contract file, unless the agency determines in
563 writing that the time required to obtain pricing information
564 will increase the immediate danger to the public health, safety,



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565 or welfare or other substantial loss to the state. The agency
566 shall furnish copies of all written determinations ~~certified~~
567 ~~under oath~~ and any other documents relating to the emergency
568 action to the department. A copy of the written statement shall
569 be furnished to the Chief Financial Officer with the voucher
570 authorizing payment. The individual purchase of personal
571 clothing, shelter, or supplies which are needed on an emergency
572 basis to avoid institutionalization or placement in a more
573 restrictive setting is an emergency for the purposes of this
574 paragraph, and the filing with the department of such statement
575 is not required in such circumstances. In the case of the
576 emergency purchase of insurance, the period of coverage of such
577 insurance may ~~shall~~ not exceed ~~a period of~~ 30 days, and all such
578 emergency purchases shall be reported to the department.

579 (b) The purchase is made by an agency from a state term
580 contract procured, pursuant to this section, by the department
581 or by an agency, after receiving approval from the department,
582 from a contract procured, pursuant to subsection (1), by another
583 agency.

584 (c) Commodities or contractual services available only from
585 a single source may be excepted from the competitive-
586 solicitation requirements. If ~~When~~ an agency believes that
587 commodities or contractual services are available only from a
588 single source, the agency shall electronically post a
589 description of the commodities or contractual services sought
590 ~~for a period of~~ at least 7 business days. The description must
591 include a request that prospective vendors provide information
592 regarding their ability to supply the commodities or contractual
593 services described. If it is determined in writing by the



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594 agency, after reviewing any information received from
595 prospective vendors, that the commodities or contractual
596 services are available only from a single source, the agency
597 shall:

598 ~~1. provide notice of its intended decision to enter a~~
599 ~~single-source purchase contract in the manner specified in s.~~
600 ~~120.57(3), if the amount of the contract does not exceed the~~
601 ~~threshold amount provided in s. 287.017 for CATEGORY FOUR.~~

602 ~~2. Request approval from the department for the single-~~
603 ~~source purchase, if the amount of the contract exceeds the~~
604 ~~threshold amount provided in s. 287.017 for CATEGORY FOUR. The~~
605 ~~agency shall initiate its request for approval in a form~~
606 ~~prescribed by the department, which request may be~~
607 ~~electronically transmitted. The failure of the department to~~
608 ~~approve or disapprove the agency's request for approval within~~
609 ~~21 days after receiving such request shall constitute prior~~
610 ~~approval of the department. If the department approves the~~
611 ~~agency's request, the agency shall provide notice of its~~
612 ~~intended decision to enter a single-source contract in the~~
613 ~~manner specified in s. 120.57(3).~~

614 ~~(d) When it is in the best interest of the state, the~~
615 ~~secretary of the department or his or her designee may authorize~~
616 ~~the Support Program to purchase insurance by negotiation, but~~
617 ~~such purchase shall be made only under conditions most favorable~~
618 ~~to the public interest.~~

619 ~~(d)(e)~~ Prescriptive assistive devices for the purpose of
620 medical, developmental, or vocational rehabilitation of clients
621 are excepted from competitive-solicitation requirements and
622 shall be procured pursuant to an established fee schedule or by



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623 any other method that ~~which~~ ensures the best price for the
624 state, taking into consideration the needs of the client.
625 Prescriptive assistive devices include, but are not limited to,
626 prosthetics, orthotics, and wheelchairs. For purchases made
627 pursuant to this paragraph, state agencies shall annually file
628 with the department a description of the purchases and methods
629 of procurement.

630 (e) ~~(f)~~ The following contractual services and commodities
631 are not subject to the competitive-solicitation requirements of
632 this section:

633 1. Artistic services. As used in ~~For the purposes of~~ this
634 subsection, the term "artistic services" does not include
635 advertising or typesetting. As used in this subparagraph, the
636 term "advertising" means the making of a representation in any
637 form in connection with a trade, business, craft, or profession
638 in order to promote the supply of commodities or services by the
639 person promoting the commodities or contractual services.

640 2. Academic program reviews if the fee for such services
641 does not exceed \$50,000.

642 3. Lectures by individuals.

643 4. Legal services, including attorney, paralegal, expert
644 witness, appraisal, or mediator services.

645 5. ~~a.~~ Health services involving examination, diagnosis,
646 treatment, prevention, medical consultation, or administration.
647 The term also includes,

648 ~~b. Beginning January 1, 2011, health services, including,~~
649 but is not limited to, substance abuse and mental health
650 services, involving examination, diagnosis, treatment,
651 prevention, or medical consultation if, ~~when~~ such services are



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652 offered to eligible individuals participating in a specific
653 program that qualifies multiple providers and uses a standard
654 payment methodology. Reimbursement of administrative costs for
655 providers of services purchased in this manner are ~~shall~~ also be
656 exempt. For purposes of this subparagraph ~~sub-subparagraph~~, the
657 term "providers" means health professionals and, health
658 facilities, or organizations that deliver or arrange for the
659 delivery of health services.

660 6. Services provided to persons with mental or physical
661 disabilities by not-for-profit corporations that ~~which~~ have
662 obtained exemptions under ~~the provisions of~~ s. 501(c)(3) of the
663 United States Internal Revenue Code or when such services are
664 governed by the ~~provisions of~~ Office of Management and Budget
665 Circular A-122. However, in acquiring such services, the agency
666 shall consider the ability of the vendor, past performance,
667 willingness to meet time requirements, and price.

668 7. Medicaid services delivered to an eligible Medicaid
669 recipient unless the agency is directed otherwise in law.

670 8. Family placement services.

671 9. Prevention services related to mental health, including
672 drug abuse prevention programs, child abuse prevention programs,
673 and shelters for runaways, operated by not-for-profit
674 corporations. However, in acquiring such services, the agency
675 shall consider the ability of the vendor, past performance,
676 willingness to meet time requirements, and price.

677 10. Training and education services provided to injured
678 employees pursuant to s. 440.491(6).

679 11. Contracts entered into pursuant to s. 337.11.

680 12. Services or commodities provided by governmental



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681 entities agencies.

682 13. Statewide public service announcement programs provided
683 by a Florida statewide nonprofit corporation under s. 501(c)(6)
684 of the Internal Revenue Code which have, ~~with~~ a guaranteed
685 documented match of at least \$3 to \$1.

686 (f) ~~(g)~~ Continuing education events or programs that are
687 offered to the general public and for which fees have been
688 collected which ~~that~~ pay all expenses associated with the event
689 or program are exempt from requirements for competitive
690 solicitation.

691 (10) A contract for commodities or contractual services may
692 be awarded without competition if state or federal law
693 prescribes with whom the agency must contract or if the rate of
694 payment or the recipient of the funds is established during the
695 appropriations process.

696 (12) Extension of a contract for commodities or contractual
697 services must ~~shall~~ be in writing for a period not to exceed 6
698 months and is ~~shall be~~ subject to the same terms and conditions
699 set forth in the initial contract and any written amendments
700 signed by the parties. There may ~~shall~~ be only one extension of
701 a contract unless the failure to meet the criteria set forth in
702 the contract for completion of the contract is due to events
703 beyond the control of the contractor.

704 (13) Contracts for commodities or contractual services may
705 be renewed for a period that may not exceed 3 years or the term
706 of the original contract, whichever ~~period~~ is longer. Renewal of
707 a contract for commodities or contractual services must ~~shall~~ be
708 in writing and is ~~shall be~~ subject to the same terms and
709 conditions set forth in the initial contract and any written



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710 amendments signed by the parties. If the commodity or
711 contractual service is purchased as a result of the solicitation
712 of bids, proposals, or replies, the price of the commodity or
713 contractual service to be renewed must ~~shall~~ be specified in the
714 bid, proposal, or reply, except that an agency may negotiate
715 lower pricing. A renewal contract may not include any
716 compensation for costs associated with the renewal. Renewals are
717 ~~shall be~~ contingent upon satisfactory performance evaluations by
718 the agency and subject to the availability of funds. Exceptional
719 purchase contracts pursuant to paragraphs (3) (a) and (c) may not
720 be renewed. With the exception of subsection (10) ~~(12)~~, if a
721 contract amendment results in a longer contract term or
722 increased payments, a state agency may not renew or amend a
723 contract for the outsourcing of a service or activity that has
724 an original term value exceeding ~~the sum of~~ \$10 million before
725 submitting a written report concerning contract performance to
726 the Governor, the President of the Senate, and the Speaker of
727 the House of Representatives at least 90 days before execution
728 of the renewal or amendment.

729 (16) (a) For a contract in excess of the threshold amount
730 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
731 appoint:

732 1. ~~(a)~~ At least three persons to evaluate proposals and
733 replies who collectively have experience and knowledge in the
734 program areas and service requirements for which commodities or
735 contractual services are sought.

736 2. ~~(b)~~ At least three persons to conduct negotiations during
737 a competitive sealed reply procurement who collectively have
738 experience and knowledge in negotiating contracts, contract



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739 procurement, and the program areas and service requirements for
740 which commodities or contractual services are sought.

741 (b) If ~~When~~ the value of a contract is in excess of \$1
742 million in any fiscal year, at least one of the persons
743 conducting negotiations must be certified as a contract
744 negotiator based upon department rules ~~adopted by the Department~~
745 ~~of Management Services~~ in order to ensure that certified
746 contract negotiators are knowledgeable about effective
747 negotiation strategies, capable of successfully implementing
748 those strategies, and involved appropriately in the procurement
749 process. At a minimum, the rules must address the qualifications
750 required for certification, the method of certification, and the
751 procedure for involving the certified negotiator. If the value
752 of a contract is in excess of \$10 million in any fiscal year, at
753 least one of the persons conducting negotiations must be a
754 Project Management Professional, as certified by the Project
755 Management Institute.

756 (22) The department, in consultation with the Chief
757 Financial Officer ~~Agency for Enterprise Information Technology~~
758 ~~and the Comptroller~~, shall maintain ~~develop~~ a program for online
759 procurement of commodities and contractual services. To enable
760 the state to promote open competition and ~~to~~ leverage its buying
761 power, agencies shall participate in the online procurement
762 program, and eligible users may participate in the program. Only
763 vendors prequalified as meeting mandatory requirements and
764 qualifications criteria may participate in online procurement.

765 (a) The department, ~~in consultation with the agency,~~ may
766 contract for equipment and services necessary to develop and
767 implement online procurement.



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768 (b) The department, ~~in consultation with the agency,~~ shall
769 adopt rules, ~~pursuant to ss. 120.536(1) and 120.54,~~ to
770 administer the program for online procurement. The rules must
771 ~~shall~~ include, but not be limited to:

772 1. Determining the requirements and qualification criteria
773 for prequalifying vendors.

774 2. Establishing the procedures for conducting online
775 procurement.

776 3. Establishing the criteria for eligible commodities and
777 contractual services.

778 4. Establishing the procedures for providing access to
779 online procurement.

780 5. Determining the criteria warranting any exceptions to
781 participation in the online procurement program.

782 (c) The department may impose and shall collect all fees
783 for the use of the online procurement systems.

784 1. The fees may be imposed on an individual transaction
785 basis or as a fixed percentage of the cost savings generated. At
786 a minimum, the fees must be set in an amount sufficient to cover
787 the projected costs of the services, including administrative
788 and project service costs in accordance with the policies of the
789 department.

790 2. If the department contracts with a provider for online
791 procurement, the department, pursuant to appropriation, shall
792 compensate the provider from the fees after the department has
793 satisfied all ongoing costs. The provider shall report
794 transaction data to the department each month so that the
795 department may determine the amount due and payable to the
796 department from each vendor.



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797 3. All fees that are due and payable to the state on a
798 transactional basis or as a fixed percentage of the cost savings
799 generated are subject to s. 215.31 and must be remitted within
800 40 days after receipt of payment for which the fees are due. For
801 fees that are not remitted within 40 days, the vendor shall pay
802 interest at the rate established under s. 55.03(1) on the unpaid
803 balance from the expiration of the 40-day period until the fees
804 are remitted.

805 4. All fees and surcharges collected under this paragraph
806 shall be deposited in the Operating Trust Fund as provided by
807 law.

808 Section 9. Effective December 1, 2014, subsection (14) of
809 section 287.057, Florida Statutes, is amended to read:

810 287.057 Procurement of commodities or contractual
811 services.—

812 (14) For each contractual services contract, the agency
813 shall designate an employee to function as contract manager who
814 ~~is shall be~~ responsible for enforcing performance of the
815 contract terms and conditions and serve as a liaison with the
816 contractor.

817 (a) Each contract manager who is responsible for contracts
818 in excess of the threshold amount for CATEGORY TWO must, at a
819 minimum, complete ~~attend~~ training conducted by the Chief
820 Financial Officer for accountability in contracts and grant
821 management. The Chief Financial Officer shall establish and
822 disseminate uniform procedures pursuant to s. 17.03(3) to ensure
823 that contractual services have been rendered in accordance with
824 the contract terms before the agency processes the invoice for
825 payment. The procedures must ~~shall~~ include, but need not be



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826 limited to, procedures for monitoring and documenting contractor
827 performance, reviewing and documenting all deliverables for
828 which payment is requested by vendors, and providing written
829 certification by contract managers of the agency's receipt of
830 goods and services.

831 (b) Each contract manager who is responsible for contracts
832 in excess of \$100,000 annually must complete training in
833 contract management and become a certified contract manager. The
834 department is responsible for establishing and disseminating the
835 requirements for certification which include completing the
836 training conducted by the Chief Financial Officer for
837 accountability in contracts and grant management. Training and
838 certification must be coordinated by the department, and the
839 training must be conducted jointly by the department and the
840 Department of Financial Services. Training must promote best
841 practices and procedures related to negotiating, managing, and
842 ensuring accountability in agency contracts and grant
843 agreements, which must include the use of case studies based
844 upon previous audits, contracts, and grant agreements. All
845 agency contract managers must become certified within 24 months
846 after establishment of the training and certification
847 requirements by the department and the Department of Financial
848 Services.

849 Section 10. Paragraph (a) of subsection (3) of section
850 287.0571, Florida Statutes, is amended to read:

851 287.0571 Business case to outsource; applicability.—

852 (3) This section does not apply to:

853 (a) A procurement of commodities and contractual services
854 listed in s. 287.057(3)(d) and (e) ~~287.057(3)(e), (f), and (g)~~



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855 and (21).

856 Section 11. Subsections (1), (2), and (5) of section
857 287.058, Florida Statutes, are amended, and subsection (7) is
858 added to that section, to read:

859 287.058 Contract document.—

860 (1) Every procurement of contractual services in excess of
861 the threshold amount provided in s. 287.017 for CATEGORY TWO,
862 except for the providing of health and mental health services or
863 drugs in the examination, diagnosis, or treatment of sick or
864 injured state employees or the providing of other benefits as
865 required by ~~the provisions of~~ chapter 440, shall be evidenced by
866 a written agreement embodying all provisions and conditions of
867 the procurement of such services, which shall, where applicable,
868 include, but not be limited to, a provision:

869 (a) That bills for fees or other compensation for services
870 or expenses be submitted in detail sufficient for a proper
871 preaudit and postaudit thereof.

872 (b) That bills for any travel expenses be submitted in
873 accordance with s. 112.061. A state agency may establish rates
874 lower than the maximum provided in s. 112.061.

875 (c) Allowing unilateral cancellation by the agency for
876 refusal by the contractor to allow public access to all
877 documents, papers, letters, or other material made or received
878 by the contractor in conjunction with the contract, unless the
879 records are exempt from s. 24(a) of Art. I of the State
880 Constitution and s. 119.07(1).

881 (d) Specifying a scope of work that clearly establishes all
882 tasks the contractor is required to perform.

883 (e) Dividing the contract into quantifiable, measurable,



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884 and verifiable units of deliverables that must be received and
885 accepted in writing by the contract manager before payment. Each
886 deliverable must be directly related to the scope of work and
887 specify a performance measure. As used in this paragraph, the
888 term "performance measure" means the required minimum acceptable
889 level of service to be performed and criteria for evaluating the
890 successful completion of each deliverable.

891 (f) Specifying the criteria and the final date by which
892 such criteria must be met for completion of the contract.

893 (g) Specifying that the contract may be renewed for a
894 period that may not exceed 3 years or the term of the original
895 contract, whichever ~~period~~ is longer, specifying the renewal
896 price for the contractual service as set forth in the bid,
897 proposal, or reply, specifying that costs for the renewal may
898 not be charged, and specifying that renewals are ~~shall be~~
899 contingent upon satisfactory performance evaluations by the
900 agency and subject to the availability of funds. Exceptional
901 purchase contracts pursuant to s. 287.057(3) (a) and (c) may not
902 be renewed.

903 (h) Specifying the financial consequences that the agency
904 must apply if the contractor fails to perform in accordance with
905 the contract.

906 (i) Addressing the property rights of any intellectual
907 property related to the contract and the specific rights of the
908 state regarding the intellectual property if the contractor
909 fails to provide the services or is no longer providing
910 services.

911
912 In lieu of a written agreement, the agency ~~department~~ may



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913 authorize the use of a purchase order for classes of contractual
914 services, if the provisions of paragraphs (a)-(i) are included
915 in the purchase order or solicitation. The purchase order must
916 include, but need not be limited to, an adequate description of
917 the services, the contract period, and the method of payment. In
918 lieu of printing the provisions of paragraphs (a)-(c) and (g)
919 ~~(a)-(i)~~ in the contract document or purchase order, agencies may
920 incorporate the requirements of paragraphs (a)-(c) and (g) ~~(a)-~~
921 ~~(i)~~ by reference.

922 (2) The written agreement shall be signed by the agency
923 head or designee and the contractor before ~~prior to~~ the
924 rendering of any contractual service the value of which is in
925 excess of the threshold amount provided in s. 287.017 for
926 CATEGORY TWO, except in the case of a valid emergency as
927 certified by the agency head. The written statement
928 ~~certification~~ of an emergency must ~~shall~~ be prepared within 30
929 days after the contractor begins rendering the service and must
930 ~~shall~~ state the particular facts and circumstances which
931 precluded the execution of the written agreement before ~~prior to~~
932 the rendering of the service. If the agency fails to have the
933 contract signed by the agency head or designee and the
934 contractor before ~~prior to~~ rendering the contractual service,
935 and if an emergency does not exist, the agency head shall,
936 within ~~no later than~~ 30 days after the contractor begins
937 rendering the service, certify the specific conditions and
938 circumstances to the department as well as describe actions
939 taken to prevent recurrence of such noncompliance. The agency
940 head may delegate the written statement ~~certification~~ only to
941 other senior management agency personnel. A copy of the written



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942 statement certification shall be furnished to the Chief
943 Financial Officer with the voucher authorizing payment. The
944 department shall report repeated instances of noncompliance by
945 an agency to the Auditor General. ~~Nothing in~~ This subsection
946 does not shall be deemed to authorize additional compensation
947 prohibited under ~~by~~ s. 215.425. The procurement of contractual
948 services may shall not be divided so as to avoid the provisions
949 of this section.

950 (5) Unless otherwise provided in the General Appropriations
951 Act or the substantive bill implementing the General
952 Appropriations Act, the Chief Financial Officer may waive the
953 requirements of this section for services which are included in
954 s. 287.057(3)(e) ~~287.057(3)(f)~~.

955 (7) The Chief Financial Officer may audit a contract
956 subject to this chapter before the execution of such contract in
957 accordance with rules adopted by the Department of Financial
958 Services. The audit must ensure that applicable laws have been
959 met; that the contract document contains a clear statement of
960 work, quantifiable and measurable deliverables, performance
961 measures, financial consequences for nonperformance, and clear
962 terms and conditions that protect the interests of the state;
963 and that the associated costs of the contract are not
964 unreasonable or inappropriate. The audit must ensure that all
965 contracting laws have been met and that documentation is
966 available to support the contract. A contract that does not
967 comply with this section may be returned to the submitting
968 agency for revision.

969 (a) The Chief Financial Officer may establish dollar
970 thresholds and other criteria for sampling the contracts that



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971 are to be audited before execution. The Chief Financial Officer
972 may revise such thresholds and other criteria for an agency or
973 unit of an agency as deemed appropriate.

974 (b) The Chief Financial Officer shall make a final
975 determination of any deficiencies in the contract within 10
976 business days after receipt of the proposed contract and shall
977 include information regarding the deficiencies in the audit
978 report provided to the agency entering into the contract. The
979 Chief Financial Officer and the agency entering into the
980 contract may agree to a longer review period.

981 Section 12. Section 287.136, Florida Statutes, is created
982 to read:

983 287.136 Audit of executed contract documents.—The Chief
984 Financial Officer shall perform audits of an executed contract
985 documents and contract manager's records to ensure that adequate
986 internal controls are in place for complying with the terms and
987 conditions of the contract and for the validation and receipt of
988 goods and services.

989 (1) At the conclusion of the audit, the Chief Financial
990 Officer's designee shall discuss the audit and potential
991 findings with the official whose office is subject to audit. The
992 final audit report shall be submitted to the agency head.

993 (2) Within 30 days after the receipt of the final audit
994 report, the agency head shall submit to the Chief Financial
995 Officer or designee, his or her written statement of explanation
996 or rebuttal concerning findings requiring corrective action,
997 including corrective action to be taken to preclude a
998 recurrence.

999 Section 13. Section 287.076, Florida Statutes, is amended



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1000 to read:

1001 287.076 Project Management Professionals training for
1002 personnel involved in managing outsourcings and negotiations;
1003 funding.—The department ~~of Management Services~~ may implement a
1004 program to train state agency employees who are involved in
1005 managing outsourcings as Project Management Professionals, as
1006 certified by the Project Management Institute. ~~For the 2006-2007~~
1007 ~~fiscal year, the sum of \$500,000 in recurring funds from the~~
1008 ~~General Revenue Fund is appropriated to the Department of~~
1009 ~~Management Services to implement this program. Subject to annual~~
1010 ~~appropriations,~~ the department ~~of Management Services~~, in
1011 consultation with entities subject to this part act, shall
1012 identify personnel to participate in this training based on
1013 requested need and ensure that each agency is represented. The
1014 department ~~of Management Services~~ may remit payment for this
1015 training on behalf of all participating personnel.

1016 Section 14. Subsection (3) of section 16.0155, Florida
1017 Statutes, is amended to read:

1018 16.0155 Contingency fee agreements.—

1019 (3) Notwithstanding the exemption provided in s.
1020 287.057(3)(e), if the Attorney General makes the determination
1021 described in subsection (2), he or she notwithstanding the
1022 ~~exemption provided in s. 287.057(3)(f)~~, the Attorney General
1023 shall request proposals from private attorneys to represent the
1024 department on a contingency-fee basis, unless the Attorney
1025 General determines in writing that requesting proposals is not
1026 feasible under the circumstances. The written determination does
1027 not constitute a final agency action subject to review pursuant
1028 to ss. 120.569 and 120.57. For purposes of this subsection only,



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1029 the department is exempt from ~~the requirements of~~ s. 120.57(3),
1030 and neither the request for proposals nor the contract award is
1031 subject to challenge pursuant to ss. 120.569 and 120.57.

1032 Section 15. Subsection (1) of section 283.33, Florida
1033 Statutes, is amended to read:

1034 283.33 Printing of publications; lowest bidder awards.—

1035 (1) Publications may be printed and prepared in-house, by
1036 another agency or the Legislature, or purchased on bid,
1037 whichever is more economical and practicable as determined by
1038 the agency. An agency may contract for binding separately when
1039 more economical or practicable, whether or not the remainder of
1040 the printing is done in-house. A vendor may subcontract for
1041 binding and still be considered a responsible vendor as defined
1042 in s. 287.012, notwithstanding s. 287.012(24).

1043 Section 16. Subsection (3) of section 394.457, Florida
1044 Statutes, is amended to read:

1045 394.457 Operation and administration.—

1046 (3) POWER TO CONTRACT.—The department may contract to
1047 provide, and be provided with, services and facilities in order
1048 to carry out its responsibilities under this part with the
1049 following agencies: public and private hospitals; receiving and
1050 treatment facilities; clinics; laboratories; departments,
1051 divisions, and other units of state government; the state
1052 colleges and universities; the community colleges; private
1053 colleges and universities; counties, municipalities, and any
1054 other governmental unit, including facilities of the United
1055 States Government; and any other public or private entity which
1056 provides or needs facilities or services. Baker Act funds for
1057 community inpatient, crisis stabilization, short-term



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1058 residential treatment, and screening services must be allocated
1059 to each county pursuant to the department's funding allocation
1060 methodology. Notwithstanding s. 287.057(3)(e) ~~the provisions of~~
1061 ~~s. 287.057(3)(f)~~, contracts for community-based Baker Act
1062 services for inpatient, crisis stabilization, short-term
1063 residential treatment, and screening provided under this part,
1064 other than those with other units of government, to be provided
1065 for the department must be awarded using competitive sealed bids
1066 if when the county commission of the county receiving the
1067 services makes a request to the department's district office by
1068 January 15 of the contracting year. The district may ~~shall~~ not
1069 enter into a competitively bid contract under this provision if
1070 such action will result in increases of state or local
1071 expenditures for Baker Act services within the district.
1072 Contracts for these Baker Act services using competitive sealed
1073 bids are ~~will be~~ effective for 3 years. The department shall
1074 adopt rules establishing minimum standards for such contracted
1075 services and facilities and shall make periodic audits and
1076 inspections to assure that the contracted services are provided
1077 and meet the standards of the department.

1078 Section 17. Paragraph (a) of subsection (2) of section
1079 402.7305, Florida Statutes, is amended to read:

1080 402.7305 Department of Children and Family Services;
1081 procurement of contractual services; contract management.-

1082 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.-

1083 (a) Notwithstanding s. 287.057(3)(e)12. ~~287.057(3)(f)12.~~,
1084 if whenever the department intends to contract with a public
1085 postsecondary institution to provide a service, the department
1086 must allow all public postsecondary institutions in this state



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1087 that are accredited by the Southern Association of Colleges and
1088 Schools to bid on the contract. Thereafter, notwithstanding any
1089 other provision of law ~~to the contrary~~, if a public
1090 postsecondary institution intends to subcontract for any service
1091 awarded in the contract, the subcontracted service must be
1092 procured by competitive procedures.

1093 Section 18. Section 409.9132, Florida Statutes, is amended
1094 to read:

1095 409.9132 Pilot project to monitor home health services.—The
1096 Agency for Health Care Administration shall expand the home
1097 health agency monitoring pilot project in Miami-Dade County on a
1098 statewide basis effective July 1, 2012, except in counties in
1099 which the program is ~~will~~ not be cost-effective, as determined
1100 by the agency. The agency shall contract with a vendor to verify
1101 the utilization and delivery of home health services and provide
1102 an electronic billing interface for home health services. The
1103 contract must require the creation of a program to submit claims
1104 electronically for the delivery of home health services. The
1105 program must verify telephonically visits for the delivery of
1106 home health services using voice biometrics. The agency may seek
1107 amendments to the Medicaid state plan and waivers of federal
1108 laws, as necessary, to implement or expand the pilot project.
1109 Notwithstanding s. 287.057(3)(e) ~~287.057(3)(f)~~, the agency must
1110 award the contract through the competitive solicitation process
1111 and may use the current contract to expand the home health
1112 agency monitoring pilot project to include additional counties
1113 as authorized under this section.

1114 Section 19. Subsection (3) of section 427.0135, Florida
1115 Statutes, is amended to read:



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1116 427.0135 Purchasing agencies; duties and responsibilities.-
1117 Each purchasing agency, in carrying out the policies and
1118 procedures of the commission, shall:

1119 (3) Not procure transportation disadvantaged services
1120 without initially negotiating with the commission, as provided
1121 in s. 287.057(3)(e)12. ~~287.057(3)(f)12.~~, or unless otherwise
1122 authorized by statute. If the purchasing agency, after
1123 consultation with the commission, determines that it cannot
1124 reach mutually acceptable contract terms with the commission,
1125 the purchasing agency may contract for the same transportation
1126 services provided in a more cost-effective manner and of
1127 comparable or higher quality and standards. The Medicaid agency
1128 shall implement this subsection in a manner consistent with s.
1129 409.908(18) and as otherwise limited or directed by the General
1130 Appropriations Act.

1131 Section 20. Paragraph (c) of subsection (5) of section
1132 445.024, Florida Statutes, is amended to read:

1133 445.024 Work requirements.-

1134 (5) USE OF CONTRACTS.-Regional workforce boards shall
1135 provide work activities, training, and other services, as
1136 appropriate, through contracts. In contracting for work
1137 activities, training, or services, the following applies:

1138 (c) Notwithstanding the exemption from the competitive
1139 sealed bid requirements provided in s. 287.057(3)(e)
1140 ~~287.057(3)(f)~~ for certain contractual services, each contract
1141 awarded under this chapter must be awarded on the basis of a
1142 competitive sealed bid, except for a contract with a
1143 governmental entity as determined by the regional workforce
1144 board.



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1145 Section 21. Paragraph (c) of subsection (5) of section
1146 627.311, Florida Statutes, is amended to read:

1147 627.311 Joint underwriters and joint reinsurers; public
1148 records and public meetings exemptions.—

1149 (5)

1150 (c) The operation of the plan shall be governed by a plan
1151 of operation that is prepared at the direction of the board of
1152 governors and approved by order of the office. The plan is
1153 subject to continuous review by the office. The office may, by
1154 order, withdraw approval of all or part of a plan if the office
1155 determines that conditions have changed since approval was
1156 granted and that the purposes of the plan require changes in the
1157 plan. The plan of operation must ~~shall~~:

1158 1. Authorize the board to engage in the activities
1159 necessary to implement this subsection, including, but not
1160 limited to, borrowing money.

1161 2. Develop criteria for eligibility for coverage by the
1162 plan, including, but not limited to, documented rejection by at
1163 least two insurers which reasonably assures that insureds
1164 covered under the plan are unable to acquire coverage in the
1165 voluntary market.

1166 3. Require notice from the agent to the insured at the time
1167 of the application for coverage that the application is for
1168 coverage with the plan and that coverage may be available
1169 through an insurer, group self-insurers' fund, commercial self-
1170 insurance fund, or assessable mutual insurer through another
1171 agent at a lower cost.

1172 4. Establish programs to encourage insurers to provide
1173 coverage to applicants of the plan in the voluntary market and



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1174 to insureds of the plan, including, but not limited to:

1175 a. Establishing procedures for an insurer to use in
1176 notifying the plan of the insurer's desire to provide coverage
1177 to applicants to the plan or existing insureds of the plan and
1178 in describing the types of risks in which the insurer is
1179 interested. The description of the desired risks must be on a
1180 form developed by the plan.

1181 b. Developing forms and procedures that provide an insurer
1182 with the information necessary to determine whether the insurer
1183 wants to write particular applicants to the plan or insureds of
1184 the plan.

1185 c. Developing procedures for notice to the plan and the
1186 applicant to the plan or insured of the plan that an insurer
1187 will insure the applicant or the insured of the plan, and notice
1188 of the cost of the coverage offered; and developing procedures
1189 for the selection of an insuring entity by the applicant or
1190 insured of the plan.

1191 d. Provide for a market-assistance plan to assist in the
1192 placement of employers. All applications for coverage in the
1193 plan received 45 days before the effective date for coverage
1194 shall be processed through the market-assistance plan. A market-
1195 assistance plan specifically designed to serve the needs of
1196 small, good policyholders as defined by the board must be
1197 reviewed and updated periodically.

1198 5. Provide for policy and claims services to the insureds
1199 of the plan of the nature and quality provided for insureds in
1200 the voluntary market.

1201 6. Provide for the review of applications for coverage with
1202 the plan for reasonableness and accuracy, using any available



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1203 historic information regarding the insured.

1204 7. Provide for procedures for auditing insureds of the plan
1205 which are based on reasonable business judgment and are designed
1206 to maximize the likelihood that the plan will collect the
1207 appropriate premiums.

1208 8. Authorize the plan to terminate the coverage of and
1209 refuse future coverage for any insured that submits a fraudulent
1210 application to the plan or provides fraudulent or grossly
1211 erroneous records to the plan or to any service provider of the
1212 plan in conjunction with the activities of the plan.

1213 9. Establish service standards for agents who submit
1214 business to the plan.

1215 10. Establish criteria and procedures to prohibit any agent
1216 who does not adhere to the established service standards from
1217 placing business with the plan or receiving, directly or
1218 indirectly, any commissions for business placed with the plan.

1219 11. Provide for the establishment of reasonable safety
1220 programs for all insureds in the plan. All insureds of the plan
1221 must participate in the safety program.

1222 12. Authorize the plan to terminate the coverage of and
1223 refuse future coverage to any insured who fails to pay premiums
1224 or surcharges when due; who, at the time of application, is
1225 delinquent in payments of workers' compensation or employer's
1226 liability insurance premiums or surcharges owed to an insurer,
1227 group self-insurers' fund, commercial self-insurance fund, or
1228 assessable mutual insurer licensed to write such coverage in
1229 this state; or who refuses to substantially comply with any
1230 safety programs recommended by the plan.

1231 13. Authorize the board of governors to provide the goods



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1232 and services required by the plan through staff employed by the
1233 plan, through reasonably compensated service providers who
1234 contract with the plan to provide services as specified by the
1235 board of governors, or through a combination of employees and
1236 service providers.

1237 a. Purchases that equal or exceed \$2,500 but are less than
1238 or equal to \$25,000, shall be made by receipt of written quotes,
1239 telephone quotes, or informal bids, if ~~whenever~~ practical. The
1240 procurement of goods or services valued over \$25,000 is subject
1241 to competitive solicitation, except in situations in which the
1242 goods or services are provided by a sole source or are deemed an
1243 emergency purchase, or the services are exempted from
1244 competitive-solicitation requirements under s. 287.057(3)(e)
1245 ~~287.057(3)(f)~~. Justification for the sole-sourcing or emergency
1246 procurement must be documented. Contracts for goods or services
1247 valued at or over \$100,000 are subject to board approval.

1248 b. The board shall determine whether it is more cost-
1249 effective and in the best interests of the plan to use legal
1250 services provided by in-house attorneys employed by the plan
1251 rather than contracting with outside counsel. In making such
1252 determination, the board shall document its findings and shall
1253 consider the expertise needed; whether time commitments exceed
1254 in-house staff resources; whether local representation is
1255 needed; the travel, lodging, and other costs associated with in-
1256 house representation; and such other factors that the board
1257 determines are relevant.

1258 14. Provide for service standards for service providers,
1259 methods of determining adherence to those service standards,
1260 incentives and disincentives for service, and procedures for



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1261 terminating contracts for service providers that fail to adhere
1262 to service standards.

1263 15. Provide procedures for selecting service providers and
1264 standards for qualification as a service provider that
1265 reasonably assure that any service provider selected will
1266 continue to operate as an ongoing concern and is capable of
1267 providing the specified services in the manner required.

1268 16. Provide for reasonable accounting and data-reporting
1269 practices.

1270 17. Provide for annual review of costs associated with the
1271 administration and servicing of the policies issued by the plan
1272 to determine alternatives by which costs can be reduced.

1273 18. Authorize the acquisition of such excess insurance or
1274 reinsurance as is consistent with the purposes of the plan.

1275 19. Provide for an annual report to the office on a date
1276 specified by the office and containing such information as the
1277 office reasonably requires.

1278 20. Establish multiple rating plans for various
1279 classifications of risk which reflect risk of loss, hazard
1280 grade, actual losses, size of premium, and compliance with loss
1281 control. At least one of such plans must be a preferred-rating
1282 plan to accommodate small-premium policyholders with good
1283 experience as defined in sub-subparagraph 22.a.

1284 21. Establish agent commission schedules.

1285 22. For employers otherwise eligible for coverage under the
1286 plan, establish three tiers of employers meeting the criteria
1287 and subject to the rate limitations specified in this
1288 subparagraph.

1289 a. Tier One.-



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1290 (I) Criteria; rated employers.—An employer that has an
1291 experience modification rating shall be included in Tier One if
1292 the employer meets all of the following:

1293 (A) The experience modification is below 1.00.

1294 (B) The employer had no lost-time claims subsequent to the
1295 applicable experience modification rating period.

1296 (C) The total of the employer's medical-only claims
1297 subsequent to the applicable experience modification rating
1298 period did not exceed 20 percent of premium.

1299 (II) Criteria; non-rated employers.—An employer that does
1300 not have an experience modification rating shall be included in
1301 Tier One if the employer meets all of the following:

1302 (A) The employer had no lost-time claims for the 3-year
1303 period immediately preceding the inception date or renewal date
1304 of the employer's coverage under the plan.

1305 (B) The total of the employer's medical-only claims for the
1306 3-year period immediately preceding the inception date or
1307 renewal date of the employer's coverage under the plan did not
1308 exceed 20 percent of premium.

1309 (C) The employer has secured workers' compensation coverage
1310 for the entire 3-year period immediately preceding the inception
1311 date or renewal date of the employer's coverage under the plan.

1312 (D) The employer is able to provide the plan with a loss
1313 history generated by the employer's prior workers' compensation
1314 insurer, except if the employer is not able to produce a loss
1315 history due to the insolvency of an insurer, the receiver shall
1316 provide to the plan, upon the request of the employer or the
1317 employer's agent, a copy of the employer's loss history from the
1318 records of the insolvent insurer if the loss history is



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1319 contained in records of the insurer which are in the possession
1320 of the receiver. If the receiver is unable to produce the loss
1321 history, the employer may, in lieu of the loss history, submit
1322 an affidavit from the employer and the employer's insurance
1323 agent setting forth the loss history.

1324 (E) The employer is not a new business.

1325 (III) Premiums.—The premiums for Tier One insureds shall be
1326 set at a premium level 25 percent above the comparable voluntary
1327 market premiums until the plan has sufficient experience as
1328 determined by the board to establish an actuarially sound rate
1329 for Tier One, at which point the board shall, subject to
1330 paragraph (e), adjust the rates, if necessary, to produce
1331 actuarially sound rates, provided such rate adjustment shall not
1332 take effect prior to January 1, 2007.

1333 b. Tier Two.—

1334 (I) Criteria; rated employers.—An employer that has an
1335 experience modification rating shall be included in Tier Two if
1336 the employer meets all of the following:

1337 (A) The experience modification is equal to or greater than
1338 1.00 but not greater than 1.10.

1339 (B) The employer had no lost-time claims subsequent to the
1340 applicable experience modification rating period.

1341 (C) The total of the employer's medical-only claims
1342 subsequent to the applicable experience modification rating
1343 period did not exceed 20 percent of premium.

1344 (II) Criteria; non-rated employers.—An employer that does
1345 not have any experience modification rating shall be included in
1346 Tier Two if the employer is a new business. An employer shall be
1347 included in Tier Two if the employer has less than 3 years of



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1348 loss experience in the 3-year period immediately preceding the
1349 inception date or renewal date of the employer's coverage under
1350 the plan and the employer meets all of the following:

1351 (A) The employer had no lost-time claims for the 3-year
1352 period immediately preceding the inception date or renewal date
1353 of the employer's coverage under the plan.

1354 (B) The total of the employer's medical-only claims for the
1355 3-year period immediately preceding the inception date or
1356 renewal date of the employer's coverage under the plan did not
1357 exceed 20 percent of premium.

1358 (C) The employer is able to provide the plan with a loss
1359 history generated by the workers' compensation insurer that
1360 provided coverage for the portion or portions of such period
1361 during which the employer had secured workers' compensation
1362 coverage, except if the employer is not able to produce a loss
1363 history due to the insolvency of an insurer, the receiver shall
1364 provide to the plan, upon the request of the employer or the
1365 employer's agent, a copy of the employer's loss history from the
1366 records of the insolvent insurer if the loss history is
1367 contained in records of the insurer which are in the possession
1368 of the receiver. If the receiver is unable to produce the loss
1369 history, the employer may, in lieu of the loss history, submit
1370 an affidavit from the employer and the employer's insurance
1371 agent setting forth the loss history.

1372 (III) Premiums.—The premiums for Tier Two insureds shall be
1373 set at a rate level 50 percent above the comparable voluntary
1374 market premiums until the plan has sufficient experience as
1375 determined by the board to establish an actuarially sound rate
1376 for Tier Two, at which point the board shall, subject to



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1377 paragraph (e), adjust the rates, if necessary, to produce
1378 actuarially sound rates, provided such rate adjustment shall not
1379 take effect prior to January 1, 2007.

1380 c. Tier Three.—

1381 (I) Eligibility.—An employer shall be included in Tier
1382 Three if the employer does not meet the criteria for Tier One or
1383 Tier Two.

1384 (II) Rates.—The board shall establish, subject to paragraph
1385 (e), and the plan shall charge, actuarially sound rates for Tier
1386 Three insureds.

1387 23. For Tier One or Tier Two employers which employ no
1388 nonexempt employees or which report payroll which is less than
1389 the minimum wage hourly rate for one full-time employee for 1
1390 year at 40 hours per week, the plan shall establish actuarially
1391 sound premiums, provided, however, that the premiums may not
1392 exceed \$2,500. These premiums shall be in addition to the fee
1393 specified in subparagraph 26. When the plan establishes
1394 actuarially sound rates for all employers in Tier One and Tier
1395 Two, the premiums for employers referred to in this paragraph
1396 are no longer subject to the \$2,500 cap.

1397 24. Provide for a depopulation program to reduce the number
1398 of insureds in the plan. If an employer insured through the plan
1399 is offered coverage from a voluntary market carrier:

1400 a. During the first 30 days of coverage under the plan;

1401 b. Before a policy is issued under the plan;

1402 c. By issuance of a policy upon expiration or cancellation
1403 of the policy under the plan; or

1404 d. By assumption of the plan's obligation with respect to
1405 an in-force policy,



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1406
1407 that employer is no longer eligible for coverage through the
1408 plan. The premium for risks assumed by the voluntary market
1409 carrier must be no greater than the premium the insured would
1410 have paid under the plan, and shall be adjusted upon renewal to
1411 reflect changes in the plan rates and the tier for which the
1412 insured would qualify as of the time of renewal. The insured may
1413 be charged such premiums only for the first 3 years of coverage
1414 in the voluntary market. A premium under this subparagraph is
1415 deemed approved and is not an excess premium for purposes of s.
1416 627.171.

1417 25. Require that policies issued and applications must
1418 include a notice that the policy could be replaced by a policy
1419 issued from a voluntary market carrier and that, if an offer of
1420 coverage is obtained from a voluntary market carrier, the
1421 policyholder is no longer eligible for coverage through the
1422 plan. The notice must also specify that acceptance of coverage
1423 under the plan creates a conclusive presumption that the
1424 applicant or policyholder is aware of this potential.

1425 26. Require that each application for coverage and each
1426 renewal premium be accompanied by a nonrefundable fee of \$475 to
1427 cover costs of administration and fraud prevention. The board
1428 may, with the prior approval of the office, increase the amount
1429 of the fee pursuant to a rate filing to reflect increased costs
1430 of administration and fraud prevention. The fee is not subject
1431 to commission and is fully earned upon commencement of coverage.

1432 Section 22. Paragraph (e) of subsection (6) of section
1433 627.351, Florida Statutes, is amended to read:

1434 627.351 Insurance risk apportionment plans.—



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1435 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1436 (e) Purchases that equal or exceed \$2,500, but are less
1437 than \$25,000, shall be made by receipt of written quotes,
1438 written record of telephone quotes, or informal bids, if
1439 ~~whenever~~ practical. The procurement of goods or services valued
1440 at or over \$25,000 is ~~shall be~~ subject to competitive
1441 solicitation, except in situations where the goods or services
1442 are provided by a sole source or are deemed an emergency
1443 purchase; the services are exempted from competitive
1444 solicitation requirements under s. 287.057(3)(e) ~~287.057(3)(f)~~;
1445 or the procurement of services is subject to s. 627.3513.
1446 Justification for the sole-sourcing or emergency procurement
1447 must be documented. Contracts for goods or services valued at or
1448 over \$100,000 are subject to approval by the board.

1449 Section 23. Subsection (2) of section 765.5155, Florida
1450 Statutes, is amended to read:

1451 765.5155 Donor registry; education program.—

1452 (2) The agency and the department shall jointly contract
1453 for the operation of a donor registry and education program. The
1454 contractor shall be procured by competitive solicitation
1455 pursuant to chapter 287, notwithstanding an any exemption under
1456 ~~in~~ s. 287.057(3)(e) ~~287.057(3)(f)~~. When awarding the contract,
1457 priority shall be given to existing nonprofit groups that are
1458 based within the state, have expertise working with procurement
1459 organizations, have expertise in conducting statewide organ and
1460 tissue donor public education campaigns, and represent the needs
1461 of the organ and tissue donation community in the state.

1462 Section 24. Subsection (10) of section 893.055, Florida
1463 Statutes, is amended to read:



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1464 893.055 Prescription drug monitoring program.-
1465 (10) All costs incurred by the department in administering
1466 the prescription drug monitoring program shall be funded through
1467 federal grants or private funding applied for or received by the
1468 state. The department may not commit funds for the monitoring
1469 program without ensuring funding is available. The prescription
1470 drug monitoring program and the implementation thereof are
1471 contingent upon receipt of the nonstate funding. The department
1472 and state government shall cooperate with the direct-support
1473 organization established pursuant to subsection (11) in seeking
1474 federal grant funds, other nonstate grant funds, gifts,
1475 donations, or other private moneys for the department if so long
1476 ~~as~~ the costs of doing so are not considered material.
1477 Nonmaterial costs for this purpose include, but are not limited
1478 to, the costs of mailing and personnel assigned to research or
1479 apply for a grant. Notwithstanding the exemptions to
1480 competitive-solicitation requirements under s. 287.057(3)(e)
1481 ~~287.057(3)(f)~~, the department shall comply with the competitive-
1482 solicitation requirements under s. 287.057 for the procurement
1483 of any goods or services required by this section. Funds
1484 provided, directly or indirectly, by prescription drug
1485 manufacturers may not be used to implement the program.

1486 Section 25. Except as otherwise expressly provided in this
1487 act, this act shall take effect July 1, 2013.

1488
1489 ===== T I T L E A M E N D M E N T =====

1490 And the title is amended as follows:

1491 Delete everything before the enacting clause
1492 and insert:



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1493 A bill to be entitled
1494 An act relating to governmental accountability;
1495 creating s. 119.0701, F.S.; providing definitions;
1496 providing that each public agency contract for
1497 services must meet specified requirements; requiring
1498 the public agency to enforce contract provisions if a
1499 contractor does not comply with a public records
1500 request; amending s. 119.12, F.S.; specifying what
1501 constitutes reasonable costs of enforcement in a civil
1502 action against an agency to enforce ch. 119, F.S.;
1503 amending s. 215.971, F.S.; requiring agreements funded
1504 with state or federal financial assistance to include
1505 additional provisions; authorizing the Chief Financial
1506 Officer to audit agreements before execution and
1507 providing requirements for such audits; requiring
1508 state agencies to designate a grants manager for each
1509 agreement and providing requirements and procedures
1510 for managers; requiring the Chief Financial Officer to
1511 perform audits of executed agreements and to discuss
1512 such audits with agency officials; requiring the
1513 agency head to respond to the audit; reordering and
1514 amending s. 215.985, F.S.; revising provisions
1515 relating to the Chief Financial Officer's
1516 intergovernmental contract tracking system under the
1517 Transparency Florida Act; requiring state agencies to
1518 post certain information in the tracking system and to
1519 update that information; requiring that exempt and
1520 confidential information be redacted from contracts
1521 and procurement documents posted on the system;



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1522 authorizing the Chief Financial Officer to make
1523 available to the public the information posted on the
1524 system through a secure website; providing an
1525 exception; authorizing the Department of Financial
1526 Services to adopt rules; repealing s. 216.0111, F.S.,
1527 relating to a requirement that state agencies report
1528 certain contract information to the Department of
1529 Financial Services and transferring that requirement
1530 to s. 215.985, F.S.; amending s. 287.012, F.S.;
1531 providing and revising definitions; amending s.
1532 287.042, F.S.; revising powers, duties, and functions
1533 of the Department of Management Services; eliminating
1534 a duty of the department to maintain a vendor list;
1535 authorizing the department to lead or enter into joint
1536 agreements with governmental entities for the purchase
1537 of commodities or contractual services that can be
1538 used by multiple agencies; amending s. 287.057, F.S.;
1539 providing that contracts awarded pursuant to an
1540 invitation to bid shall be awarded to the responsible
1541 and responsive vendor that submits the lowest
1542 responsive bid; revising exceptions to the requirement
1543 that the purchase of specified commodities or
1544 contractual services be made only as a result of
1545 receiving competitive sealed bids, competitive sealed
1546 proposals, or competitive sealed replies; revising
1547 contractual services and commodities that are not
1548 subject to competitive solicitation requirements by
1549 virtue of being available only from a single source;
1550 providing that a contract for commodities or



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1551 contractual services may be awarded without
1552 competition if the recipient of funds is established
1553 during the appropriations process; revising provisions
1554 relating to extension of a contract for commodities or
1555 contractual services; authorizing an agency to
1556 negotiate better pricing upon renewal of a contract;
1557 providing training requirements for contract managers
1558 responsible for contracts in excess of a specified
1559 threshold amount; providing contract manager
1560 certification for contract managers responsible for
1561 contracts in excess of a specified threshold amount;
1562 providing that the department is responsible for
1563 establishing and disseminating the requirements for
1564 certification of a contract manager; providing that
1565 training will be conducted jointly by the Department
1566 of Management Services and the Department of Financial
1567 Services; providing training guidelines and
1568 requirements; requiring the department, in
1569 consultation with the Chief Financial Officer to
1570 maintain a program for online procurement of
1571 commodities and contractual services; amending s.
1572 287.0571, F.S.; revising nonapplicability of a
1573 business case to outsource; amending s. 287.058, F.S.;
1574 defining the term "performance measure"; revising
1575 references within provisions relating to purchase
1576 orders used in lieu of written agreements for classes
1577 of contractual services; revising terminology;
1578 authorizing the Chief Financial Officer to audit
1579 contracts before execution and providing requirements



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1580 for such audits; creating s. 287.136, F.S.; requiring
1581 the Chief Financial Officer to perform audits of
1582 executed contract documents and to discuss such audits
1583 with the agency officials; requiring the agency head
1584 to respond to the audit; amending s. 287.076, F.S.;
1585 providing that Project Management Professionals
1586 training for personnel involved in managing
1587 outsourcings and negotiations is subject to annual
1588 appropriations; amending ss. 16.0155, 283.33, 394.457,
1589 402.7305, 409.9132, 427.0135, 445.024, 627.311,
1590 627.351, 765.5155, and 893.055, F.S.; conforming
1591 cross-references; providing effective dates.