

By Representatives Lawson, Trovillion, Valdes, Fuller,
Stafford and Bloom

1 A bill to be entitled
2 An act relating to the Department of Management
3 Services; amending s. 20.04, F.S.; exempting
4 the department from certain structural
5 requirements imposed on executive agencies;
6 amending s. 20.22, F.S.; revising the
7 organizational structure of the department;
8 directing the Division of Statutory Revision of
9 the Joint Legislative Management Committee to
10 prepare a reviser's bill; providing for the
11 preservation of the administrative rules of the
12 department until specifically changed as
13 provided by law; amending s. 110.1127, F.S.;
14 revising language with respect to employee
15 security checks; amending s. 110.1165, F.S.;
16 revising the requirements with respect to
17 procedures for relief with respect to executive
18 branch personnel errors; amending s. 110.201,
19 F.S.; providing for personnel rules, records,
20 and reports for employees and positions in the
21 career service; amending s. 110.207, F.S.;
22 directing the department to facilitate the
23 statewide planning and implementation of the
24 career service broadbanding compensation and
25 classification system; amending s. 110.217,
26 F.S.; removing date requirements with respect
27 to appointments and promotions; amending s.
28 110.403, F.S.; revising language with respect
29 to the powers and duties of the department;
30 amending s. 110.406, F.S.; revising language
31 with respect to data collection for the Senior

1 Management Service; amending s. 110.602, F.S.;
2 directing the department to designate all
3 positions in the Select Exempt Service as
4 either managerial/policymaking, professional,
5 or nonmanagerial/nonpolicymaking; amending s.
6 110.606, F.S., relating to data collection for
7 the Selected Exempt Service; amending s.
8 216.235, F.S.; revising language with respect
9 to the Innovative Investment Program; providing
10 legislative intent; providing for composition
11 and responsibilities of the State Innovation
12 Committee; providing for responsibilities of
13 the department, the Information Resource
14 Commission, and the review board; amending s.
15 255.21, F.S.; providing that buildings or
16 facilities open to the general public must
17 comply with the provisions of part V of chapter
18 553, F.S., relating to handicapped
19 accessibility; repealing s. 110.1097, F.S.,
20 relating to personnel system improvements for
21 the Department of Health and Rehabilitative
22 Services; amending ss. 255.28, 255.30, and
23 255.507, F.S.; eliminating references to rules;
24 amending s. 282.105, F.S.; providing that
25 certain educational entities shall be eligible
26 to use the state SUNCOM Network; amending s.
27 287.042, F.S.; revising language with respect
28 to the powers of the Division of Purchasing of
29 the Department of Management Services; amending
30 s. 364.511, F.S.; providing that all net
31 revenue realized through the leasing of

1 available satellite transponder time, after
2 deducting the costs of performing the
3 management functions, shall be recycled to
4 support the Florida Distance Learning Network;
5 repealing s. 282.1021, F.S., relating to the
6 State Implementation Plan for Communications
7 Services; amending s. 282.307, F.S.; conforming
8 to the act; creating the Workforce 2000 Study
9 Commission; providing for membership; providing
10 powers and duties of the commission; requiring
11 reports; providing for staffing of the
12 commission; providing an appropriation;
13 amending s. 957.03, F.S.; providing that the
14 Correctional Privatization Commission shall be
15 a separate budget entity, not subject to
16 supervision by the department; providing an
17 effective date.

18
19 WHEREAS, the 1994 Legislature passed the Government
20 Performance and Accountability Act, which was supported by
21 Florida Tax Watch, the Commission on Government Accountability
22 to the People, and the Council of One Hundred, and

23 WHEREAS, state agencies should be granted sufficient
24 statutory authority and flexibility to use their resources in
25 the best possible way to better serve the citizens of the
26 State of Florida through the efficient delivery of services
27 and products and effective administration of governmental
28 programs without promulgating unnecessary rules, and

29 WHEREAS, state agencies should be held accountable for
30 services and products they deliver, and each state agency's
31 mission, goals, and objectives should be clearly defined and

1 performance measures for evaluating performance and assessing
2 progress in achieving goals and objectives should be
3 developed, integrated into the planning and budgeting process,
4 and maintained on an ongoing basis, and

5 WHEREAS, the Department of Management Services was
6 required by the 1994 Legislature in chapter 94-249, Laws of
7 Florida, to submit performance-based program budgets to the
8 Legislature, and

9 WHEREAS, a comprehensive study has not been conducted
10 relating to employee benefits as applied in the private
11 sector, and, if such benefits were adopted by the public
12 sector, the probable cost-benefit relationships enabling the
13 efficient use of public tax dollars, and

14 WHEREAS, the initiative to create an efficient,
15 innovative workforce in the public sector may be accomplished
16 through an early retirement vehicle, thus providing for
17 natural job attrition, and

18 WHEREAS, numerous issues relating to professional,
19 technical, and managerial personnel administration policies in
20 the public sector need to be addressed at this time, and

21 WHEREAS, increased efficiency in program structure in
22 conformance with performance-based program budgeting and
23 improved program accountability will be served by certain
24 statutory amendments, NOW, THEREFORE,

25

26 Be It Enacted by the Legislature of the State of Florida:

27

28 Section 1. Subsection (3) of section 20.04, Florida
29 Statutes, 1996 Supplement, as amended by chapters 95-272 and
30 96-403, Laws of Florida, is amended to read:

31

1 20.04 Structure of executive branch.--The executive
2 branch of state government is structured as follows:

3 (3) For their internal structure, all departments,
4 except for the Departments of Children and Family Services,
5 Corrections, Management Services, and Transportation, must
6 adhere to the following standard terms:

7 (a) The principal unit of the department is the
8 "division." Each division is headed by a "director."

9 (b) The principal unit of the division is the
10 "bureau." Each bureau is headed by a "chief."

11 (c) The principal unit of the bureau is the "section."
12 Each section is headed by an "administrator."

13 (d) If further subdivision is necessary, sections may
14 be divided into "subsections," which are headed by
15 "supervisors."

16 Section 2. Subsections (2) and (3) of section 20.22,
17 Florida Statutes, are amended to read:

18 20.22 Department of Management Services.--There is
19 created a Department of Management Services.

20 (2) The following divisions and programs ~~bureaus~~
21 within the Department of Management Services are established:

22 (a) Facilities Program.

23 (b) Information Technology Program.

24 (c) Workforce Program.

25 (d)1. Support Program.

26 2. Federal Property Assistance Program.

27 (e) Administration Program.

28 (f) Division of Administrative Hearings.

29 (g) Division of Retirement.

30 ~~(a) Division of Administration.~~

31 ~~(b) Division of Building Construction.~~

1 ~~(c) Division of Communications.~~
2 ~~(d) Division of Facilities Management.~~
3 ~~(e) Division of Information Services.~~
4 ~~(f) Division of Motor Pool.~~
5 ~~1. Bureau of Aircraft.~~
6 ~~2. Bureau of Motor Vehicles.~~
7 ~~(g) Division of Personnel Management Services.~~
8 ~~1. Office of Labor Relations.~~
9 ~~(h) Division of Purchasing.~~
10 ~~1. Bureau of Federal Property Assistance.~~
11 ~~(i) Division of Retirement.~~
12 ~~(j) Division of State Employees' Insurance.~~
13 ~~(k) Division of Administrative Hearings.~~
14 ~~(l) Division of Capitol Police.~~
15 (3) The Information Technology Program ~~Division of~~
16 ~~Information Services~~ shall operate and manage the Technology
17 Resource Center.

18 Section 3. The Division of Statutory Revision of the
19 Joint Legislative Management Committee shall prepare a
20 reviser's bill for presentation to the 1998 Regular Session of
21 the Legislature substituting all references in the Florida
22 Statutes to any division, bureau, or other unit of the
23 Department of Management Services with a reference to the
24 Department of Management Services. However, no changes shall
25 be made in references to the Division of Administrative
26 Hearings and the Division of Retirement, or to commissions.

27 Section 4. The administrative rules of the Department
28 of Management Services that are in effect immediately prior to
29 the effective date of this act shall not be affected by this
30 act and shall remain in effect until specifically changed in a
31 manner provided by law.

1 Section 5. Paragraphs (a) and (b) of subsection (3) of
2 section 110.1127, Florida Statutes, 1996 Supplement, are
3 amended to read:

4 110.1127 Employee security checks.--

5 (3)(a) ~~Within the Department of Health and~~
6 ~~Rehabilitative Services and the Department of Elderly Affairs,~~
7 All positions in programs providing care to children, the
8 developmentally disabled, disabled adults, or elderly persons
9 for 15 hours or more per week; all permanent and temporary
10 employee positions of the central abuse hotline; and all
11 persons working under contract who have access to abuse
12 records are deemed to be persons and positions of special
13 trust or responsibility, and require employment screening
14 pursuant to chapter 435, using the level 2 standards set forth
15 in that chapter.

16 (b) The employing agency ~~department~~ may grant
17 exemptions from disqualification from working with children,
18 the developmentally disabled, disabled adults, or elderly
19 persons as provided in s. 435.07.

20 Section 6. Subsection (1) of section 110.1165, Florida
21 Statutes, 1996 Supplement, is amended to read:

22 110.1165 Executive branch personnel errors.--

23 (1) An agency of the executive branch, including the
24 State University System, shall establish procedures for the
25 receipt, consideration, and disposition of a claim regarding
26 pay or benefits brought by an employee when that employee is
27 damaged as a result of being provided with erroneous written
28 information by the employing agency regarding his or her pay
29 or benefits, and the employee detrimentally relies upon such
30 written information. In order to qualify for the relief
31 provided by this section, the employee's reliance on the

1 representation must have been reasonable and based only upon
2 the written representations made by those persons authorized
3 by the agency head to make such representations. Furthermore,
4 the erroneous calculation and payment of an employee's salary,
5 wages, or benefits is not among the written representations
6 which will trigger relief under this section. Section 95.11(4)
7 is the statute of limitations for filing any action to recover
8 salary, wages, overtime, benefits, or related damages by or on
9 behalf of a state employee, or any action under this section.
10 No distinctions between the terms "salary" and "wages" in
11 construing the provisions of s. 95.11(4) apply to this section
12 or the statute of limitations for filing any action under this
13 section.

14 Section 7. Paragraph (a) of subsection (1) of section
15 110.201, Florida Statutes, 1996 Supplement, is amended to
16 read:

17 110.201 Personnel rules, records, and reports.--

18 (1)(a) ~~By July 1, 1998,~~The department, in
19 consultation with agencies that must comply with these rules,
20 shall develop uniform personnel rules, guidelines, records,
21 and reports relating to employees and positions in the career
22 service, which must be reviewed by the Administration
23 ~~Commission and filed with the Department of State. State~~
24 Agencies must comply with the uniform rules, except as
25 provided in this section, ~~by July 1, 1999.~~ The department may
26 adopt rules that provide alternative requirements. Upon filing
27 with the Department of State, the appropriate uniform rules
28 will constitute the personnel rules for each agency subject to
29 this act unless the Administration Commission grants an
30 exception to a specific rule to an agency upon the agency's
31 request or unless the agency must comply with a statutory

1 provision that conflicts with the uniform rules. If an agency
2 must comply with a statutory provision that conflicts with the
3 uniform rules, the agency must notify the Administration
4 Commission, the Administrative Procedures Committee, and the
5 appropriate standing committees of the Legislature ~~by July 1,~~
6 ~~1999,~~ and advise the standing committees whether the agency
7 recommends revision of the statute to conform it to the
8 uniform rules. Agencies are encouraged to propose methods of
9 conforming statutory provisions to the uniform personnel
10 rules. ~~In adopting the rules, the department must consult with~~
11 ~~the agencies.~~

12 Section 8. Paragraph (g) of subsection (1) of section
13 110.207, Florida Statutes, 1996 Supplement, is amended to
14 read:

15 110.207 Classification plan.--

16 (1) The department shall establish and maintain a
17 uniform classification plan applicable to all positions in the
18 career service and shall be responsible for the overall
19 coordination, review, and maintenance of the plan.

20 (g) In consultation with the Executive Office of the
21 Governor, the department shall facilitate the statewide
22 planning of the career service broadbanding compensation and
23 classification system.

24 1. Upon approval by the Executive Office of the
25 Governor, the department shall begin developing the
26 broadbanding system to ensure agency flexibility and
27 accountability on a statewide basis, and shall have the
28 authority to determine system modifications necessary to
29 permit use by all agencies. The proposed structure shall
30 address all issues raised in the January 1997 report on the
31 "Review of the Department of Transportation Model

1 Classification Plan" submitted to the Governor, the President
2 of the Senate, and the Speaker of the House of
3 Representatives. The Department of Management Services shall
4 provide alternatives for a rate funding formula that will not
5 exceed the statewide cost under the current formula and will
6 ensure that agencies are able to effectively recruit and
7 retain employees. The Department of Transportation shall
8 continue to use the model system it developed under the
9 provision of s. 334.0445 until July 1, 1998.

10 2. Once the Executive Office of the Governor has
11 approved a statewide broadbanding compensation and
12 classification system, state agencies will come under the
13 uniform personnel system based on an implementation schedule
14 developed by the Department of Management Services and
15 approved by the Executive Office of the Governor. Effective
16 ~~July 1, 1996, the department is directed to review the model~~
17 ~~classification plan established by the Department of~~
18 ~~Transportation under s. 334.0445, to determine whether the~~
19 ~~plan is suitable for statewide implementation. The department~~
20 ~~shall identify and resolve those issues that may affect~~
21 ~~statewide implementation by all agencies and ensure that the~~
22 ~~system is compatible with program based budgeting as set forth~~
23 ~~in s. 216.0166. To assist in the review, the secretary of the~~
24 ~~Department of Management Services may appoint a task force,~~
25 ~~which shall include a representative of the Department of~~
26 ~~Transportation and state agency representatives with~~
27 ~~personnel, classification, and compensation experience. The~~
28 ~~department shall prepare a report of recommendations which~~
29 ~~shall be forwarded to the Governor, the President of the~~
30 ~~Senate, the Speaker of the House of Representatives, and~~
31

1 ~~appropriate legislative committees no later than January 15,~~
2 ~~1997.~~

3 Section 9. Paragraph (a) of subsection (1) of section
4 110.217, Florida Statutes, 1996 Supplement, is amended to
5 read:

6 110.217 Appointments and promotion.--

7 (1)(a) ~~By July 1, 1998,~~The department, in
8 consultation with agencies that must comply with these rules,
9 shall develop uniform rules regarding appointment, promotion,
10 demotion, reassignment, separation, and status which must be
11 used by employing agencies ~~by July 1, 1999.~~ Such rules must
12 be approved by the Administration Commission before their
13 adoption by the department.

14 Section 10. Paragraph (c) of subsection (1) of section
15 110.403, Florida Statutes, 1996 Supplement, is amended to
16 read:

17 110.403 Powers and duties of the Department of
18 Management Services.--

19 (1) In order to implement the purposes of this part,
20 the Department of Management Services, after approval by the
21 Administration Commission, shall adopt and amend rules
22 providing for:

23 (c) A classification plan and a salary and benefit
24 plan that provides appropriate incentives for the recruitment
25 and retention of outstanding management personnel and provides
26 for salary increases based on performance. ~~The Department of~~
27 ~~Management Services shall establish and implement recruiting~~
28 ~~procedures which ensure that vacancies are advertised or~~
29 ~~otherwise publicized outside the hiring agency.~~

30
31

1 Section 11. Paragraph (c) of subsection (2) of section
2 110.406, Florida Statutes, 1996 Supplement, is amended to
3 read:

4 110.406 Senior Management Service; data collection.--

5 (2) The data required by this section shall include:

6 (c) In addition, as needed, the data shall include:

7 1. A pricing analysis based on a market survey of
8 positions comparable to those included in the Senior
9 Management Service and recommendations with respect to
10 whether, and to what extent, revisions to the salary ranges
11 for the Senior Management Service classifications should be
12 implemented.

13 2. An analysis of actual salary levels for each
14 classification within the Senior Management Service,
15 indicating the mean salary for each classification within the
16 Senior Management Service and the deviation from such mean
17 with respect to each agency's salary practice in each
18 classification; a review of the duties and responsibilities in
19 relation to the incumbents' salary levels, credentials,
20 skills, knowledge, and abilities; and an opinion as to whether
21 the salary practices reflected thereby indicate interagency
22 salary inequities among positions within the Senior Management
23 Service.

24 Section 12. Section 110.602, Florida Statutes, is
25 amended to read:

26 110.602 Selected Exempt Service; creation,
27 coverage.--The Selected Exempt Service is created as a
28 separate system of personnel administration for select exempt
29 positions. Such positions shall include, and shall be limited
30 to, those positions which are exempt from the Career Service
31 System pursuant to s. 110.205(2) and (5) and for which the

1 salaries and benefits are set by the department in accordance
2 with the rules of the Selected Exempt Service. The department
3 shall designate all positions included in the Selected Exempt
4 Service as either managerial/policymaking, professional, or
5 nonmanagerial/nonpolicymaking. In no event shall the number of
6 positions included in the Selected Exempt Service, excluding
7 those positions designated as professional or
8 nonmanagerial/nonpolicymaking ~~exempt under s. 110.205(2)(q),~~
9 exceed 1.5 percent of the total full-time equivalent positions
10 in the career service. The department shall deny approval to
11 establish any position within the Selected Exempt Service
12 which would exceed the limitation established in this section.
13 The department shall report that the limitation has been
14 reached to the Governor, the President of the Senate, and the
15 Speaker of the House of Representatives, as soon as
16 practicable after such event occurs.

17 Section 13. Paragraph (c) of subsection (2) of section
18 110.606, Florida Statutes, 1996 Supplement, is amended to
19 read:

20 110.606 Selected Exempt Service; data collection.--

21 (2) The data required by this section shall include:

22 (c) In addition, as needed ~~in each even-numbered year,~~
23 the data shall include:

24 1. A pricing analysis based on a market survey of
25 positions comparable to those included in the Selected Exempt
26 Service and recommendations with respect to whether, and to
27 what extent, revisions to the salary ranges for the Selected
28 Exempt Service classifications should be implemented.

29 2. An analysis of actual salary levels for each
30 classification within the Selected Exempt Service, indicating
31 the mean salary for each classification within the Selected

1 Exempt Service and the deviation from such means with respect
2 to each agency's salary practice in each classification;
3 reviewing the duties and responsibilities in relation to the
4 incumbents' salary levels, credentials, skills, knowledge, and
5 abilities; and discussing whether the salary practices
6 reflected thereby indicate interagency salary inequities among
7 positions within the Selected Exempt Service.

8 Section 14. Section 216.235, Florida Statutes, is
9 amended to read:

10 216.235 Innovation Investment Program; intent;
11 definitions; composition and responsibilities of ~~intent~~ State
12 Innovation Committee; responsibilities of the Department of
13 Management Services, the Information Resource Commission, and
14 the review board; procedures for innovative project
15 submission, review, evaluation, and approval; criteria to be
16 considered.--

17 (1) This section shall be cited as the "Innovation
18 Investment Program Act."

19 (2) The Legislature finds that each state agency
20 should be encouraged to pursue innovative investment projects
21 which demonstrate a novel, creative, and entrepreneurial
22 approach to conducting the agency's normal business processes;
23 effectuate a significant change in the accomplishment of the
24 agency's activities; address an important problem of public
25 concern; and have the potential of being replicated by other
26 state agencies.The Legislature further finds that investment
27 in innovation can produce longer-term savings and that funds
28 for such investment should be available to assist agencies in
29 investing in innovations that produce a cost savings to the
30 state or improve the quality of services delivered. The
31 Legislature also finds that any eligible savings realized as a

1 result of investment in innovation should be available for
2 future investment in innovation.

3 (3) For purposes of this section:

4 (a) "Agency" means an official, officer, commission,
5 authority, council, committee, department, division, bureau,
6 board, section, or other unit or entity of the executive
7 branch.

8 (b) "Commission" means the Information Resource
9 Commission.

10 (c)~~(b)~~ "Committee" means the State Innovation
11 Committee.

12 (d)~~(c)~~ "Department" means the Department of Management
13 Services.

14 ~~(d) "Innovative project" means a project that~~
15 ~~represents a change in the normal business processes of the~~
16 ~~agency and which produces a cost savings or improves the~~
17 ~~delivery of public services.~~

18 (e) "Review board" means a nonpartisan board composed
19 of private citizens and public employees who evaluate the
20 projects and make funding recommendations to the committee.

21 (4) There is hereby created the State Innovation
22 Committee, which shall have final approval authority as to
23 which innovative investment projects submitted under this
24 section shall be funded. Such committee shall be comprised of
25 five ~~four~~ members. Appointed members shall serve terms of 1
26 year and may be reappointed. The committee shall include:

27 (a) The Lieutenant Governor.

28 (b) The director of the Governor's Office of Planning
29 and Budgeting.

30 (c) The Comptroller ~~Secretary of Management Services.~~

31

1 (d) One representative of the private sector appointed
2 by the Commission on Government Accountability to the People.

3 (e) One representative appointed by Enterprise
4 Florida, Inc.

5
6 The Secretary of Management Services shall serve as an
7 alternate in the event a member is unable to attend the
8 committee meeting.

9 (5) Agencies shall submit proposed innovative
10 investment projects to the department by a date established
11 and in the format prescribed by the department ~~Except as~~
12 ~~otherwise provided in this act, innovative project proposals~~
13 ~~shall be submitted to the department no later than August 1.~~
14 ~~The department shall prescribe the format for proposals~~
15 ~~submitted pursuant to this section.~~ Such innovative investment
16 project proposals shall include, but not be limited to:

17 (a) The identification of a specific innovative
18 investment project.

19 (b) The name of the agency's innovative investment
20 project administrator.

21 (c) A cost/benefit analysis which is a financial
22 summary of how the innovative investment project will produce
23 a cost savings for the agency or improve the quality of the
24 public services delivered by the agency. The analysis shall
25 include a breakdown of each project cost category, including,
26 but not limited to: the costs associated with hiring of
27 other-personal-services staff, re-engineering efforts,
28 purchase of equipment, maintenance agreements, training,
29 consulting services, travel, acquisition of information
30 technology resources; any monetary or in-kind contributions
31 made by the agency, another public entity, or the private

1 sector; and available baseline data, performance measures, and
2 outcomes as defined in s. 216.011(1).

3 (d) The approval of the agency head, the agency's
4 budget director, the agency's inspector general or internal
5 auditor, and, if the innovative investment project involves
6 information technology resources, the information resource
7 manager ~~A plan to be used by the agency in evaluating the~~
8 ~~outcomes of the innovative project upon implementation.~~

9 ~~(e) A summary of how the innovative project produces a~~
10 ~~cost savings for the agency or improves the quality of the~~
11 ~~public services delivered by the agency.~~

12
13 ~~All proposals shall have the approval of the agency head, the~~
14 ~~agency's budget director, the agency's inspector general or~~
15 ~~internal auditor, and, if the proposal involves information~~
16 ~~technology resources, the information resource manager prior~~
17 ~~to submission to the department.~~

18 (6) Any agency developing an innovative investment
19 project proposal that involves information technology
20 resources may consult with and seek technical assistance from
21 the commission. The department shall consult with the
22 commission for any project proposal that involves information
23 resource technology. The commission is responsible for
24 evaluating these projects and for advising the committee and
25 review board of the technical feasibility and any transferable
26 benefits of the proposed technology. In addition to the
27 requirements of subsection (5), the agencies shall provide to
28 the commission any information requested by the commission to
29 aid in determining that the proposed technology is appropriate
30 for the project's success. ~~Any agency submitting a proposal~~
31 ~~for an innovative project that involves information technology~~

1 ~~resources shall submit a draft proposal to the Information~~
2 ~~Resource Commission for review and consultation no later than~~
3 ~~June 1 and a final proposal no later than July 1. In addition~~
4 ~~to the requirements of subsection (5), such proposals shall~~
5 ~~include:~~

6 ~~(a) The identification of the specific project, as~~
7 ~~defined in s. 282.303.~~

8 ~~(b) A statement as to the innovative project's~~
9 ~~consistency with the agency's strategic plan for information~~
10 ~~resources management.~~

11 ~~(c) The business case, which shall include how the~~
12 ~~funds are to be used, what specific processes will be~~
13 ~~affected, and how savings for improved efficiency of~~
14 ~~operations are to be achieved.~~

15 ~~(d) A planning and analysis methodology that provides~~
16 ~~a high level of confidence in successful implementation.~~

17 ~~(e) If applicable, a description of the~~
18 ~~transferability of the technology to other agencies.~~

19
20 ~~Based on the components required by this subsection to be~~
21 ~~included in innovative project proposals, the Information~~
22 ~~Resource Commission shall evaluate the innovative project's~~
23 ~~technical feasibility and shall make recommendations to the~~
24 ~~review board. Proposals that involve the innovative~~
25 ~~application of information technology resources that have a~~
26 ~~transferable benefit to other agencies shall receive greater~~
27 ~~consideration by the Information Resource Commission than~~
28 ~~those applications that do not have a transferable benefit.~~

29 ~~(7) The department shall select a review board~~
30 ~~composed of private and public members. Terms of review board~~
31 ~~members shall be for 1 year, with such terms beginning on a~~

1 date established by the department ~~April 15~~. Review board
2 members may serve more than one term. The board shall evaluate
3 innovative investment projects ~~project proposals~~ and shall
4 make recommendations to the committee as to which innovative
5 projects should be considered for funding.

6 (8) When evaluating ~~proposals for innovative~~ projects,
7 the committee and the review board shall consider whether the
8 innovative investment project meets the following criteria:

9 (a) ~~Whether the innovative project~~ Increases the
10 quality of public services by the agency.

11 (b) ~~Whether the innovative project~~ Reduces costs for
12 the agency.

13 (c) ~~Whether the innovative project~~ Involves a
14 cooperative effort with another public entity or the private
15 sector.

16 (d) ~~Whether the innovative project~~ Reduces the need
17 for hiring additional employees or avoids other operating
18 costs incurred by the agency in the future.

19 ~~(e) Whether the innovative project enhances the~~
20 ~~agency's ability to provide customer-oriented services.~~

21 (9) The committee shall allocate funds ~~shall be~~
22 ~~allocated~~ based on a competitive evaluation process and
23 ~~designed to~~ award funds to agencies for innovative investment
24 projects demonstrating ~~innovative changes to their operations~~
25 ~~which will show~~ quantifiable savings to the state, or improved
26 customer service delivery, cost avoidance, or increased
27 productivity.

28 (10) The awarded agency ~~department~~ shall monitor and
29 evaluate the ~~implementation of innovative~~ projects to
30 determine if the anticipated results were achieved. ~~For~~
31 ~~innovative projects involving information technology~~

1 ~~resources, the Information Resource Commission shall assist~~
2 ~~the department in monitoring and evaluating the implementation~~
3 ~~of the innovative project, and determining whether the~~
4 ~~anticipated results were achieved.~~

5 (11) Funds appropriated for the Innovation Investment
6 Program shall be distributed by the Executive Office of the
7 Governor subject to notice, review, and objection procedures
8 set forth in s. 216.177. The department may transfer funds
9 from the annual appropriation as necessary to administer the
10 program.

11 Section 15. Section 255.21, Florida Statutes, is
12 amended to read:

13 255.21 Special facilities for physically disabled.--

14 (1) Any building or facility intended for use by the
15 general public which, in whole or in part, is constructed or
16 altered or operated as a lessee, by or on behalf of the state
17 or any political subdivision, municipality, or special
18 district thereof or any public administrative board or
19 authority of the state shall, with respect to the altered or
20 newly constructed or leased portion of such building or
21 facility, comply with standards and specifications established
22 by part V of chapter 553 ~~s. 553.48.~~

23 (2) The Department of Management Services shall
24 establish, by rule, a standing code panel to consider
25 modification or waivers to ~~handicapped standards and other~~
26 codes and standards, except handicapped standards, for state
27 building designs.

28 Section 16. Section 110.1097, Florida Statutes, as
29 amended by section 30 of chapter 96-399, Laws of Florida, is
30 repealed.

31

1 Section 17. Subsection (4) of section 255.28, Florida
2 Statutes, is amended to read:

3 255.28 Department authority to acquire land with or
4 for facility thereon.--

5 (4) The department shall prescribe, ~~by administrative~~
6 ~~rule,~~ procedures for adequate public notice concerning all
7 acquisitions of land or construction of a building or facility
8 by any state agency.

9 Section 18. Subsection (1) of section 255.30, Florida
10 Statutes, is amended to read:

11 255.30 Fixed capital outlay projects; ~~department~~
12 ~~rules,~~ delegation of supervisory authority; delegation of
13 responsibility for accounting records.--

14 (1) The Department of Management Services may delegate
15 ~~<O>shall make and adopt rules pursuant to chapter 120 in order to~~
16 ~~establish a procedure for delegating~~ to state agencies its
17 supervisory authority as it relates to the repair, alteration,
18 and construction of fixed capital outlay projects.

19 Section 19. Section 255.507, Florida Statutes, is
20 amended to read:

21 255.507 Determination of qualified facilities.--The
22 Division of Facilities Management shall establish ~~adopt rules~~
23 ~~establishing~~ the standards for a qualified facility, which
24 standards ~~rules~~ shall take into account the intended use of
25 such facility and, with respect to those qualified facilities
26 described in s. 255.502(14)(b), shall take into account the
27 economic benefit of such facility to the pool as compared to
28 the cost to the pool of restoring such facility to the
29 condition stated in s. 255.502(14)(a).

30 Section 20. Subsection (4) is added to section
31 282.105, Florida Statutes, 1996 Supplement, to read:

1 282.105 Use of state SUNCOM Network by nonprofit
2 corporations.--

3 (4) Institutions qualified pursuant to s. 240.605
4 shall be eligible to use the state SUNCOM Network, subject to
5 the terms and conditions of the division. Such entities shall
6 not be required to satisfy the other criteria of this section.

7 Section 21. Paragraph (a) of subsection (2) of section
8 287.042, Florida Statutes, 1996 Supplement, is amended to
9 read:

10 287.042 Powers, duties, and functions.--The division
11 shall have the following powers, duties, and functions:

12 (2)(a) To plan and coordinate purchases in volume and
13 to negotiate and execute purchasing agreements and contracts
14 for commodities and contractual services under which state
15 agencies shall make purchases pursuant to s. 287.056, and
16 under which a federal, county, municipality, institutions
17 qualified pursuant to s. 240.605, private nonprofit community
18 transportation coordinator designated pursuant to chapter 427,
19 while conducting business related solely to the Transportation
20 Disadvantaged Commission, or other local public agency may
21 make purchases. The division may restrict purchases from some
22 term contracts to state agencies only for those term contracts
23 where the inclusion of other governmental entities will have
24 an adverse effect on competition or to those federal
25 facilities located in this state. In such planning or
26 purchasing the Minority Business Advocacy and Assistance
27 Office may monitor to ensure that opportunities are afforded
28 for contracting with minority business enterprises. The
29 division, for state term contracts, and all agencies, for
30 multiyear contractual services or term contracts, shall
31 explore reasonable and economical means to utilize certified

1 minority business enterprises. Purchases by any county,
2 municipality, private nonprofit community transportation
3 coordinator designated pursuant to chapter 427, while
4 conducting business related solely to the Transportation
5 Disadvantaged Commission, or other local public agency under
6 the provisions in the state purchasing contracts, and
7 purchases, from the corporation operating the correctional
8 work programs, of products or services that are subject to
9 paragraph (1)(f), are exempt from the competitive sealed bid
10 requirements otherwise applying to their purchases.

11 Section 22. Paragraph (k) of subsection (1) of section
12 364.511, Florida Statutes, is amended to read:

13 364.511 Powers of the Board of Directors of the
14 Florida Distance Learning Network.--

15 (1) In order to enable it to carry out the purposes of
16 ss. 364.506-364.514, the Board of Directors of the Florida
17 Distance Learning Network has the power of a body corporate
18 and shall have the power to:

19 (k) The Department of Management Services shall manage
20 the state's satellite transponder resources and enter into
21 lease agreements to maximize the use of available transponder
22 time. All net revenue realized through the leasing of
23 available transponder time, after deducting the costs of
24 performing the management function, shall be recycled to
25 support the Florida Distance Learning Network.

26 Section 23. Section 282.1021, Florida Statutes, is
27 repealed.

28 Section 24. Paragraph (b) of subsection (2) of section
29 282.307, Florida Statutes, is amended to read:

30 282.307 Strategic Plan for Information Resources
31 Management; penalty for noncompliance.--

1 (2)
2 (b) The commission shall review and approve or
3 disapprove the plan of each department no later than August 1
4 of each even-numbered year. Upon approval, copies of the plan
5 shall be forwarded to the Executive Office of the Governor,
6 the appropriations committees and the Legislative Information
7 Technology Resource Committee of the Legislature, and the
8 Auditor General. Copies of the communications components of
9 each plan shall be provided to the Division of Communications
10 of the Department of Management Services ~~for use in developing~~
11 ~~the State Implementation Plan for Communications Services~~
12 ~~required under s. 282.1021~~. When a plan is disapproved, the
13 basis for disapproval shall be presented to the information
14 resource manager in writing. If the reasons for disapproval
15 cannot be resolved within 30 days after receiving the basis
16 for disapproval, the information resource manager shall notify
17 the commission in writing why the department is unable to
18 resolve the problems identified. Within 15 days after
19 receiving the manager's response, the commission shall notify
20 the information resource manager, in writing, of what actions
21 are necessary for approval of the plan.

22 Section 25. (1) There is created the Workforce 2000
23 Study Commission for the purpose of advising the Legislature
24 and the Governor on appropriate executive, statutory, and
25 constitutional measures in the formulation and implementation
26 of an innovative, efficient retirement and benefits program
27 along with setting appropriate personnel administrative
28 policy.

29 (a) The commission membership shall be as follows:
30
31

1 1. Three members appointed by the Governor who
2 represent issues and interests relating to personnel and
3 retirement matters in both the public and private sectors.

4 2. Three members appointed by the President of the
5 Senate.

6 3. Three members appointed by the Speaker of the House
7 of Representatives.

8 (b) The members shall elect one member to serve as
9 chair of the commission.

10 (2) It is the duty of the commission to:

11 (a) Review various benefit plans as applied in the
12 private sector and recommend innovative and efficient benefit
13 plan options with the objectives of minimizing cost while
14 maximizing motivation and work initiative among public
15 employees.

16 (b) Identify and recommend specific retirement
17 initiatives that complement efficient use of tax dollars.

18 (c) Identify and recommend appropriate personnel
19 administrative policy relating to technical, professional, and
20 managerial personnel.

21 (d) Review and recommend specific alternative benefit
22 plans for nonpermanent employees in the public sector.

23 (3) The commission shall make its recommendations in
24 an official report, adopted by the commission and transmitted
25 to the Governor, the President of the Senate, and the Speaker
26 of the House of Representatives not later than December 1,
27 1997.

28 (4) Commission members shall be appointed no later
29 than July 1, 1997, and shall convene to organize immediately
30 after the appointments have been completed. In the event
31 member appointments have not been completed by July 1, 1997,

1 those members appointed by that time shall select the
2 remaining members.

3 (5) Members of the commission shall serve without
4 compensation. Members of the commission shall be entitled to
5 receive reimbursement for travel and per diem as provided by
6 section 112.061, Florida Statutes, while carrying out official
7 business of the commission.

8 (6) The commission shall hold meetings within the
9 state when deemed necessary. Meetings of the commission shall
10 be public. The commission shall have the power to require the
11 attendance of witnesses before it and to require the
12 production of records and other data for its examination in
13 the manner prescribed by s. 11.143, Florida Statutes.

14 Section 26. The Department of Management Services
15 shall furnish staff services to the Workforce 2000 Study
16 Commission. The sum of \$50,000 is appropriated from the
17 General Revenue Fund to the department to fund its activities
18 in support of the commission and to provide reimbursement for
19 commission members' travel and per diem expenses.

20 Section 27. Subsection (6) is added to section 957.03,
21 Florida Statutes, 1996 Supplement, to read:

22 957.03 Correctional Privatization Commission.--

23 (6) SUPPORT BY DEPARTMENT OF MANAGEMENT SERVICES.--The
24 commission shall be a separate budget entity, and the
25 executive director shall be its chief administrative officer.
26 The Department of Management Services shall provide
27 administrative support and service to the commission to the
28 extent requested by the executive director. The commission and
29 its staff are not subject to control, supervision, or
30 direction by the Department of Management Services in any
31 manner, including, but not limited to, personnel, purchasing,

1 and budgetary matters, except to the extent as provided in
2 chapters 110, 216, 255, 282, and 287 for agencies of the
3 executive branch. The Executive Director may designate a
4 maximum of two policymaking or managerial positions as being
5 exempt from the Career Service System. These two positions may
6 be provided for as members of the Senior Management Service.

7 Section 28. This act shall take effect upon becoming a
8 law.

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HOUSE SUMMARY

Revises various provisions of law with respect to the
Department of Management Services. See bill for details.