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LEGISLATIVE ACTION

Senate	.	House
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04/30/2010 04:10 PM	.	
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The Conference Committee on CS for SB 2386 recommended the following:

Senate Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (4) of section 14.204, Florida Statutes, is amended to read:

14.204 Agency for Enterprise Information Technology.—The Agency for Enterprise Information Technology is created within the Executive Office of the Governor.

(4) The agency shall have the following duties and responsibilities:



893806

13 (d) Plan and establish policies for managing proposed
14 statutorily authorized enterprise information technology
15 services, which includes:

16 1. Developing business cases that, when applicable, include
17 the components identified in s. 287.0571 ~~287.0574~~;

18 2. Establishing and coordinating project-management teams;

19 3. Establishing formal risk-assessment and mitigation
20 processes; and

21 4. Providing for independent monitoring of projects for
22 recommended corrective actions.

23 Section 2. Section 17.20, Florida Statutes, is amended to
24 read:

25 17.20 Assignment of claims for collection.-

26 (1) The Chief Financial Officer shall charge the state
27 attorneys with the collection of all claims that are placed in
28 their hands for collection of money or property for the state or
29 any county or special district, or that it otherwise requires
30 them to collect. The charges are evidence of indebtedness of a
31 state attorney against whom any charge is made for the full
32 amount of the claim, until the charges have been collected and
33 paid into the treasury of the state or of the county or special
34 district or the legal remedies of the state have been exhausted,
35 or until the state attorney demonstrates to the Chief Financial
36 Officer that the failure to collect the charges is not due to
37 negligence and the Chief Financial Officer has made a proper
38 entry of satisfaction of the charge against the state attorney.

39 (2) The Chief Financial Officer may assign the collection
40 of any claim to a collection agent or agents who are ~~is~~
41 registered and in good standing pursuant to chapter 559, if the



893806

42 Chief Financial Officer determines the assignation to be cost-
43 effective. The Chief Financial Officer may ~~pay an agent from any~~
44 ~~amount collected under the claim a fee that the Chief Financial~~
45 ~~Officer and the agent have agreed upon; may authorize the agent~~
46 ~~to deduct the fee from the amount collected; may require the~~
47 ~~appropriate state agency, county, or special district to pay the~~
48 ~~agent the fee from any amount collected by the agent on its~~
49 ~~behalf; or may authorize the agent or agents to add a the fee to~~
50 the amount to be collected.

51 (3) Each agency shall be responsible for exercising due
52 diligence in securing full payment of all accounts receivable
53 and other claims due the state.

54 (a) No later than 120 days after the date on which the
55 account or other claim was due and payable, unless another
56 period is approved by the Chief Financial Officer, and after
57 exhausting other lawful measures available to the agency, each
58 agency shall report the delinquent accounts receivable as
59 directed by the Chief Financial Officer to the appropriate
60 collection agent for further action, excluding those agencies
61 that collect delinquent accounts pursuant to independent
62 statutory authority.

63 (b) An agency that has delinquent accounts receivable,
64 which the agency considers to be of a nature that assignment to
65 a collection agency would be inappropriate, may request in
66 writing for an exemption for those accounts. The request shall
67 fully explain the nature of the delinquent accounts receivable
68 and the reasons the agency believes such accounts would be
69 precluded from being assigned to a collection agency. The Chief
70 Financial Officer shall disapprove the request in writing unless



893806

71 the agency shows that a demonstrative harm to the state will
72 occur as a result of assignment to a collection agency.

73 (c) Agencies that have delinquent accounts receivable,
74 which accounts are of such a nature that it would not be
75 appropriate to transfer collection of those delinquent accounts
76 to the Chief Financial Officer within 120 days after the date
77 they are due and payable, may request in writing a different
78 period of time for transfer of collection of such accounts. The
79 request shall fully explain the nature of the delinquent
80 accounts receivable and include a recommendation as to an
81 appropriate period.

82 (4) Beginning October 1, 2010, and each October 1
83 thereafter, each agency shall submit a report to the President
84 of the Senate, the Speaker of the House of Representatives, and
85 the Chief Financial Officer which includes:

86 (a) A detailed list and total of all accounts that were
87 referred for collection and the status of such accounts,
88 including the date referred, any amounts collected, and the
89 total that remains uncollected.

90 (b) A list and total of all delinquent accounts that were
91 not referred to a collection agency, the reasons for not
92 referring those accounts, and the actions taken by the agency to
93 collect.

94 (c) A list of all accounts or claims, including a
95 description and the total amount of each account or claim, which
96 were written off or waived by the agency for any reason during
97 the prior fiscal year, the reason for being written off, and
98 whether any of those accounts continue to be pursued by a
99 collection agent.



893806

100 (5) Beginning December 1, 2010, and each December 1
101 thereafter, the Chief Financial Officer shall provide to the
102 Governor, the President of the Senate, and the Speaker of the
103 House of Representatives a report that details the following
104 information for any contracted collection agent:
105 (a) The amount of claims referred for collection by each
106 agency, cumulatively and annually.
107 (b) The number of accounts by age and amount.
108 (c) A listing of those agencies that failed to report known
109 claims to the Chief Financial Officer in a timely manner as
110 prescribed in subsection (3).
111 (d) The total amount of claims collected, cumulatively and
112 annually.
113 (6)~~(3)~~ Notwithstanding any other provision of law, in any
114 contract providing for the location or collection of unclaimed
115 property, the Chief Financial Officer may authorize the
116 contractor to deduct its fees and expenses for services provided
117 under the contract from the unclaimed property that the
118 contractor has recovered or collected under the contract. The
119 Chief Financial Officer shall annually report to the Governor,
120 President of the Senate, and the Speaker of the House of
121 Representatives the total amount collected or recovered by each
122 contractor during the previous fiscal year and the total fees
123 and expenses deducted by each contractor.
124 Section 3. Section 17.29, Florida Statutes, is amended to
125 read:
126 17.29 Authority to prescribe rules.—The Chief Financial
127 Officer may adopt rules pursuant to ss. 120.536(1) and 120.54 to
128 implement this chapter and the duties assigned by statute or the



893806

129 State Constitution. Such rules may include, but are not limited
130 to, the following:

131 (1) Procedures or policies relating to the processing of
132 payments from salaries, other personal services, or any other
133 applicable appropriation.

134 (2) Procedures for processing interagency and intraagency
135 payments that ~~which~~ do not require the issuance of a state
136 warrant.

137 (3) Procedures or policies requiring that payments made by
138 the state for goods, services, or anything of value be made by
139 electronic means, including, but not limited to, debit cards,
140 credit cards, or electronic funds transfers.

141 (4) A method that reasonably accommodates persons who,
142 because of technological, financial, or other hardship, may not
143 be able to receive payments by electronic means. The Chief
144 Financial Officer may make payments by state warrant if deemed
145 administratively necessary.

146 Section 4. Subsection (1) of section 43.16, Florida
147 Statutes, is amended to read:

148 43.16 Justice Administrative Commission; membership, powers
149 and duties.—

150 (1) There is hereby created a Justice Administrative
151 Commission, with headquarters located in the state capital. The
152 necessary office space for use of the commission shall be
153 furnished by the proper state agency in charge of state
154 buildings. For purposes of the fees imposed on agencies pursuant
155 to s. 287.057 (22) ~~(23)~~, the Justice Administrative Commission
156 shall be exempt from such fees.

157 Section 5. Paragraph (e) of subsection (1) of section



893806

158 61.1826, Florida Statutes, is amended to read:

159 61.1826 Procurement of services for State Disbursement Unit
160 and the non-Title IV-D component of the State Case Registry;
161 contracts and cooperative agreements; penalties; withholding
162 payment.-

163 (1) LEGISLATIVE FINDINGS.-The Legislature finds that the
164 clerks of court play a vital role, as essential participants in
165 the establishment, modification, collection, and enforcement of
166 child support, in securing the health, safety, and welfare of
167 the children of this state. The Legislature further finds and
168 declares that:

169 (e) The potential loss of substantial federal funds poses a
170 direct and immediate threat to the health, safety, and welfare
171 of the children and citizens of the state and constitutes an
172 emergency for purposes of s. 287.057 (3) ~~(5)~~ (a).

173
174 For these reasons, the Legislature hereby directs the Department
175 of Revenue, subject to the provisions of subsection (5), to
176 contract with the Florida Association of Court Clerks and each
177 depository to perform duties with respect to the operation and
178 maintenance of a State Disbursement Unit and the non-Title IV-D
179 component of the State Case Registry as further provided by this
180 section.

181 Section 6. Paragraph (h) of subsection (1) of section
182 112.3215, Florida Statutes, is amended to read:

183 112.3215 Lobbying before the executive branch or the
184 Constitution Revision Commission; registration and reporting;
185 investigation by commission.-

186 (1) For the purposes of this section:



893806

187 (h) "Lobbyist" means a person who is employed and receives
188 payment, or who contracts for economic consideration, for the
189 purpose of lobbying, or a person who is principally employed for
190 governmental affairs by another person or governmental entity to
191 lobby on behalf of that other person or governmental entity.

192 "Lobbyist" does not include a person who is:

193 1. An attorney, or any person, who represents a client in a
194 judicial proceeding or in a formal administrative proceeding
195 conducted pursuant to chapter 120 or any other formal hearing
196 before an agency, board, commission, or authority of this state.

197 2. An employee of an agency or of a legislative or judicial
198 branch entity acting in the normal course of his or her duties.

199 3. A confidential informant who is providing, or wishes to
200 provide, confidential information to be used for law enforcement
201 purposes.

202 4. A person who lobbies to procure a contract pursuant to
203 chapter 287 which contract is less than the threshold for
204 CATEGORY ONE as provided in s. 287.017(1)(a).

205 Section 7. Section 215.322, Florida Statutes, is amended to
206 read:

207 215.322 Acceptance of credit cards, charge cards, ~~or~~ debit
208 cards, or electronic funds transfers by state agencies, units of
209 local government, and the judicial branch.-

210 (1) It is the intent of the Legislature to encourage state
211 agencies, the judicial branch, and units of local government to
212 make their goods, services, and information more convenient to
213 the public through the acceptance of payments by credit cards,
214 charge cards, ~~and~~ debit cards, or other means of electronic
215 funds transfers to the maximum extent practicable when the



893806

216 benefits to the participating agency and the public substantiate
217 the cost of accepting these types of payments.

218 (2) A state agency as defined in s. 216.011, or the
219 judicial branch, may accept credit cards, charge cards, ~~or~~ debit
220 cards, or electronic funds transfers in payment for goods and
221 services with the prior approval of the Chief Financial Officer.
222 If the Internet or other related electronic methods are to be
223 used as the collection medium, the Agency for Enterprise
224 Information Technology shall review and recommend to the Chief
225 Financial Officer whether to approve the request with regard to
226 the process or procedure to be used.

227 (3) The Chief Financial Officer shall adopt rules governing
228 the establishment and acceptance of credit cards, charge cards,
229 ~~or~~ debit cards, or electronic funds transfers by state agencies
230 or the judicial branch, including, but not limited to, the
231 following:

232 (a) Use ~~Utilization~~ of a standardized contract between the
233 financial institution or other appropriate intermediaries and
234 the agency or judicial branch which shall be developed by the
235 Chief Financial Officer or approval by the Chief Financial
236 Officer of a substitute agreement.

237 (b) Procedures that ~~which~~ permit an agency or officer
238 accepting payment by credit card, charge card, ~~or~~ debit card, or
239 electronic funds transfer to impose a convenience fee upon the
240 person making the payment. However, the total amount of such
241 convenience fees may ~~shall~~ not exceed the total cost to the
242 state agency. A convenience fee is not refundable to the payor.
243 However ~~Notwithstanding the foregoing~~, this section does ~~shall~~
244 not ~~be construed to~~ permit the imposition of surcharges on any



893806

245 other credit card purchase in violation of s. 501.0117.

246 (c) All service fees payable pursuant to this section ~~when~~
247 ~~practicable~~ shall be invoiced and paid by state warrant or such
248 other manner that is satisfactory to the Chief Financial Officer
249 in accordance with the time periods specified in s. 215.422, if
250 practicable.

251 (d) Submission of information to the Chief Financial
252 Officer concerning the acceptance of credit cards, charge cards,
253 ~~or~~ debit cards, or electronic funds transfers by all state
254 agencies or the judicial branch.

255 (e) A methodology for agencies to use when completing the
256 cost-benefit analysis referred to in subsection (1). The
257 methodology must consider all quantifiable cost reductions,
258 other benefits to the agency, and the potential impact on
259 general revenue. The methodology must also consider
260 nonquantifiable benefits such as the convenience to individuals
261 and businesses that would benefit from the ability to pay for
262 state goods and services through the use of credit cards, charge
263 cards, ~~and~~ debit cards, or electronic funds transfers.

264 (4) The Chief Financial Officer may establish contracts
265 with one or more financial institutions, credit card companies,
266 or other entities that ~~which~~ may lawfully provide such services,
267 in a manner consistent with chapter 287, for processing credit
268 card, charge card, ~~or~~ debit card, or electronic funds transfer
269 collections for deposit into the State Treasury or another
270 qualified public depository. Any state agency, or the judicial
271 branch, which accepts payment by credit card, charge card, ~~or~~
272 debit card, or electronic funds transfer shall use at least one
273 of the contractors established by the Chief Financial Officer,



893806

274 unless the state agency or judicial branch obtains authorization
275 from the Chief Financial Officer to use another contractor that
276 ~~which~~ is more advantageous to the ~~such~~ state agency or the
277 judicial branch. The ~~Such~~ contracts may authorize a unit of
278 local government to use the services upon the same terms and
279 conditions for deposit of credit card, charge card, ~~or~~ debit
280 card, or electronic funds transfer transactions into its
281 qualified public depositories.

282 (5) A unit of local government, including ~~which term means~~
283 a municipality, special district, or board of county
284 commissioners or other governing body of a county, ~~however~~
285 ~~styled, including that of~~ a consolidated or metropolitan
286 government, and ~~means~~ any clerk of the circuit court, sheriff,
287 property appraiser, tax collector, or supervisor of elections,
288 is authorized to accept payment by use of credit cards, charge
289 cards, ~~and~~ bank debit cards, and electronic funds transfers for
290 financial obligations that are owing to such unit of local
291 government and to surcharge the person who uses a credit card,
292 charge card, ~~or~~ bank debit card, or electronic funds transfer in
293 payment of taxes, license fees, tuition, fines, civil penalties,
294 court-ordered payments, or court costs, or other statutorily
295 prescribed revenues an amount sufficient to pay the service fee
296 charges by the financial institution, vending service company,
297 or credit card company for such services. A unit of local
298 government shall verify both the validity of any credit card,
299 charge card, ~~or~~ bank debit card, or electronic funds transfer
300 used pursuant to this subsection and the existence of
301 appropriate credit with respect to the person using the card or
302 transfer. The unit of local government does not incur any



893806

303 liability as a result of such verification or any subsequent
304 action taken.

305 (6) Any action required to be performed by a state officer
306 or agency pursuant to this section shall be performed within 10
307 working days after receipt of the request for approval or be
308 deemed approved if not acted upon within that time.

309 (7) ~~Nothing contained in~~ This section does not shall be
310 ~~construed to~~ prohibit a state agency or the judicial branch from
311 continuing to accept charge cards, ~~or~~ debit cards, or electronic
312 funds transfers pursuant to a contract that which was lawfully
313 entered into before ~~prior to~~ the effective date of this act,
314 unless specifically directed otherwise in the General
315 Appropriations Act. However, such contract may shall not be
316 extended or renewed after the effective date of this act unless
317 such renewal and extension conforms to the requirements of this
318 section.

319 (8) When deemed administratively necessary, a state agency,
320 as defined in s. 216.011, or the judicial branch may adopt rules
321 requiring that payments for goods, services, or anything of
322 value be made by electronic means, including, but not limited
323 to, credit cards, charge cards, debit cards, or electronic funds
324 transfers. However, the rules may not conflict with any similar
325 rules adopted by the Chief Financial Officer. The rules must
326 provide a method to reasonably accommodate persons who, because
327 of technological, financial, or other hardship, may not be able
328 to make payment by electronic means.

329 (9) For payment programs in which credit cards, charge
330 cards, or debit cards are accepted by state agencies, the
331 judicial branch, or units of local government, the Chief



893806

332 Financial Officer, in consultation with the Agency for
333 Enterprise Information Technology, may adopt rules to establish
334 uniform security safeguards for cardholder data and to ensure
335 compliance with the Payment Card Industry Data Security
336 Standards.

337 Section 8. Section 215.971, Florida Statutes, is created to
338 read:

339 215.971 Agreements funded with federal and state
340 assistance.—For an agency agreement that provides state
341 financial assistance to a recipient or subrecipient, as those
342 terms are defined in s. 215.97, or that provides federal
343 financial assistance to a subrecipient, as defined by applicable
344 United States Office of Management and Budget circulars, the
345 agreement shall include:

346 (1) A provision specifying a scope of work that clearly
347 establishes the tasks that the recipient or subrecipient is
348 required to perform; and

349 (2) A provision dividing the agreement into quantifiable
350 units of deliverables that must be received and accepted in
351 writing by the agency before payment. Each deliverable must be
352 directly related to the scope of work and must specify the
353 required minimum level of service to be performed and the
354 criteria for evaluating the successful completion of each
355 deliverable.

356 Section 9. Section 216.3475, Florida Statutes, is amended
357 to read:

358 216.3475 Maximum rate of payment for services funded under
359 General Appropriations Act or awarded on a noncompetitive
360 basis.—A person or entity that is designated by the General



893806

361 Appropriations Act, or that is awarded funding on a
362 noncompetitive basis, to provide services for which funds are
363 appropriated by that act may not receive a rate of payment in
364 excess of the competitive prevailing rate for those services
365 unless expressly authorized in the General Appropriations Act.
366 Each agency shall maintain records to support a cost analysis,
367 which includes a detailed budget submitted by the person or
368 entity awarded funding and the agency's documented review of
369 individual cost elements from the submitted budget for
370 allowability, reasonableness, and necessity.

371 Section 10. Subsection (6) of section 255.249, Florida
372 Statutes, is amended to read:

373 255.249 Department of Management Services; responsibility;
374 department rules.—

375 (6) The department may contract for real estate consulting
376 or tenant brokerage services in order to carry out its duties
377 relating to the strategic leasing plan. The contract shall be
378 procured pursuant to s. 287.057. The vendor that is awarded the
379 contract shall be compensated by the department, subject to the
380 provisions of the contract, and such compensation is subject to
381 appropriation by the Legislature. The real estate consultant or
382 tenant broker may not receive compensation directly from a
383 lessor for services that are rendered pursuant to the contract.
384 ~~Moneys paid to the real estate consultant or tenant broker are~~
385 ~~exempt from any charge imposed under s. 287.1345.~~ Moneys paid by
386 a lessor to the department under a facility-leasing arrangement
387 are not subject to the charges imposed under s. 215.20.

388 Section 11. Paragraph (h) of subsection (3) of section
389 255.25, Florida Statutes, is amended to read:



893806

390 255.25 Approval required prior to construction or lease of
391 buildings.—

392 (3)

393 (h) The Department of Management Services may, pursuant to
394 s. 287.042(2) (a), procure a term contract for real estate
395 consulting and brokerage services. A state agency may not
396 purchase services from the contract unless the contract has been
397 procured under s. 287.057(1), ~~(2), or (3)~~ after March 1, 2007,
398 and contains the following provisions or requirements:

399 1. Awarded brokers must maintain an office or presence in
400 the market served. In awarding the contract, preference must be
401 given to brokers that are licensed in this state under chapter
402 475 and that have 3 or more years of experience in the market
403 served. The contract may be made with up to three tenant brokers
404 in order to serve the marketplace in the north, central, and
405 south areas of the state.

406 2. Each contracted tenant broker shall work under the
407 direction, supervision, and authority of the state agency,
408 subject to the rules governing lease procurements.

409 3. The department shall provide training for the awarded
410 tenant brokers concerning the rules governing the procurement of
411 leases.

412 4. Tenant brokers must comply with all applicable
413 provisions of s. 475.278.

414 5. Real estate consultants and tenant brokers shall be
415 compensated by the state agency, subject to the provisions of
416 the term contract, and such compensation is subject to
417 appropriation by the Legislature. A real estate consultant or
418 tenant broker may not receive compensation directly from a



893806

419 lessor for services that are rendered under the term contract.
420 ~~Moneys paid to a real estate consultant or tenant broker are~~
421 ~~exempt from any charge imposed under s. 287.1345.~~ Moneys paid by
422 a lessor to the state agency under a facility leasing
423 arrangement are not subject to the charges imposed under s.
424 215.20. All terms relating to the compensation of the real
425 estate consultant or tenant broker shall be specified in the
426 term contract and may not be supplemented or modified by the
427 state agency using the contract.

428 6. The department shall conduct periodic customer-
429 satisfaction surveys.

430 7. Each state agency shall report the following information
431 to the department:

432 a. The number of leases that adhere to the goal of the
433 workspace-management initiative of 180 square feet per FTE.

434 b. The quality of space leased and the adequacy of tenant-
435 improvement funds.

436 c. The timeliness of lease procurement, measured from the
437 date of the agency's request to the finalization of the lease.

438 d. Whether cost-benefit analyses were performed before
439 execution of the lease in order to ensure that the lease is in
440 the best interest of the state.

441 e. The lease costs compared to market rates for similar
442 types and classifications of space according to the official
443 classifications of the Building Owners and Managers Association.

444 Section 12. Subsections (2) and (3) of section 283.32,
445 Florida Statutes, are amended to read:

446 283.32 Recycled paper to be used by each agency; printing
447 bids certifying use of recycled paper; percentage preference in



893806

448 awarding contracts.-

449 (2) Each agency shall require a vendor that submits a bid
450 for a contract for printing and ~~that wishes to be considered for~~
451 ~~the price preference described in s. 287.045~~ to certify in
452 writing the percentage of recycled content of the material used
453 for such printing. Such vendor may certify that the material
454 contains no recycled content.

455 (3) Upon evaluation of bids for each printing contract, the
456 agency shall identify the lowest responsive bid and any other
457 responsive bids in which it has been certified that the
458 materials used in printing contain at least the minimum
459 percentage of recycled content that is set forth by the
460 department. ~~In awarding a contract for printing, the agency may~~
461 ~~allow up to a 10-percent price preference, as provided in s.~~
462 ~~287.045, to a responsible and responsive vendor that has~~
463 ~~certified that the materials used in printing contain at least~~
464 ~~the minimum percentage of recycled content established by the~~
465 ~~department.~~ If no vendors offer materials for printing that
466 contain the minimum prescribed recycled content, the contract
467 shall be awarded to the responsible vendor that submits the
468 lowest responsive bid.

469 Section 13. Paragraph (a) of subsection (2) of section
470 286.0113, Florida Statutes, is amended to read:

471 286.0113 General exemptions from public meetings.-

472 (2) (a) A meeting at which a negotiation with a vendor is
473 conducted pursuant to s. 287.057 (1) ~~(3)~~ is exempt from s. 286.011
474 and s. 24(b), Art. I of the State Constitution.

475 Section 14. Section 287.012, Florida Statutes, is amended
476 to read:



893806

477 287.012 Definitions.—As used in this part, the term:

478 (1) "Agency" means any of the various state officers,
479 departments, boards, commissions, divisions, bureaus, and
480 councils and any other unit of organization, however designated,
481 of the executive branch of state government. "Agency" does not
482 include the university and college boards of trustees or the
483 state universities and colleges.

484 (2) "Agency head" means, with respect to an agency headed
485 by a collegial body, the executive director or chief
486 administrative officer of the agency.

487 (3) "Artistic services" ~~"Artist"~~ means the rendering by a
488 contractor of its time and effort to create or perform an
489 artistic work in the fields ~~an individual or group of~~
490 ~~individuals who profess and practice a demonstrated creative~~
491 ~~talent and skill in the area of music, dance, drama, folk art,~~
492 creative writing, painting, sculpture, photography, graphic
493 arts, craft arts, industrial design, costume design, fashion
494 design, motion pictures, television, radio, or tape and sound
495 recording ~~or in any other related field.~~

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

499 (5) "Commodity" means any of the various supplies,
500 materials, goods, merchandise, food, equipment, information
501 technology, and other personal property, including a mobile
502 home, trailer, or other portable structure with floor space of
503 less than 5,000 square feet, purchased, leased, or otherwise
504 contracted for by the state and its agencies. "Commodity" also
505 includes interest on deferred-payment commodity contracts



893806

506 approved pursuant to s. 287.063 entered into by an agency for
507 the purchase of other commodities. However, commodities
508 purchased for resale are excluded from this definition. ~~Further,~~
509 ~~a prescribed drug, medical supply, or device required by a~~
510 ~~licensed health care provider as a part of providing health~~
511 ~~services involving examination, diagnosis, treatment,~~
512 ~~prevention, medical consultation, or administration for clients~~
513 ~~at the time the service is provided is not considered to be a~~
514 ~~"commodity."~~ Printing of publications shall be considered a
515 commodity when let upon contract pursuant to s. 283.33, whether
516 purchased for resale or not.

517 (6) "Competitive solicitation sealed bids," "~~competitive~~
518 ~~sealed proposals,~~" or "~~competitive sealed replies~~" means the
519 process of requesting and receiving two or more sealed bids,
520 proposals, or replies submitted by responsive vendors in
521 accordance with the terms of a competitive process, regardless
522 of the method of procurement and includes bids, proposals, or
523 ~~replies transmitted by electronic means in lieu of or in~~
524 ~~addition to written bids, proposals, or replies.~~

525 ~~(7) "Competitive solicitation" or "solicitation" means an~~
526 ~~invitation to bid, a request for proposals, or an invitation to~~
527 ~~negotiate.~~

528 ~~(7)-(8)~~ "Contractor" means a person who contracts to sell
529 commodities or contractual services to an agency.

530 ~~(8)-(9)~~ "Contractual service" means the rendering by a
531 contractor of its time and effort rather than the furnishing of
532 specific commodities. The term applies only to those services
533 rendered by individuals and firms who are independent
534 contractors, and such services may include, but are not limited



893806

535 to, evaluations; consultations; maintenance; accounting;
536 security; management systems; management consulting; educational
537 training programs; research and development studies or reports
538 on the findings of consultants engaged thereunder; and
539 professional, technical, and social services. "Contractual
540 service" does not include any contract for the furnishing of
541 labor or materials for the construction, renovation, repair,
542 modification, or demolition of any facility, building, portion
543 of building, utility, park, parking lot, or structure or other
544 improvement to real property entered into pursuant to chapter
545 255 and rules adopted thereunder.

546 (9)~~(10)~~ "Department" means the Department of Management
547 Services.

548 (10)~~(11)~~ "Electronic posting" or "electronically post"
549 means the noticing ~~posting~~ of solicitations, agency decisions or
550 intended decisions, or other matters relating to procurement on
551 a centralized Internet website designated by the department for
552 this purpose.

553 (11)~~(12)~~ "Eligible user" means any person or entity
554 authorized by the department pursuant to rule to purchase from
555 state term contracts or to use the online procurement system.

556 (12)~~(13)~~ "Exceptional purchase" means any purchase of
557 commodities or contractual services excepted by law or rule from
558 the requirements for competitive solicitation, including, but
559 not limited to, purchases from a single source; purchases upon
560 receipt of less than two responsive bids, proposals, or replies;
561 purchases made by an agency, after receiving approval from the
562 department, from a contract procured, pursuant to s. 287.057(1),
563 or (2), or (3), by another agency; and purchases made without



893806

564 advertisement in the manner required by s. 287.042(3)(b).

565 ~~(13)-(14)~~ "Extension" means an increase in the time allowed
566 for the contract period due to circumstances which, without
567 fault of either party, make performance impracticable or
568 impossible, or which prevent a new contract from being executed,
569 with or without a proportional increase in the total dollar
570 amount, with any increase to be based on the method and rate
571 previously established in the contract.

572 ~~(14)-(15)~~ "Information technology" has the meaning ascribed
573 in s. 282.0041.

574 ~~(15)-(16)~~ "Invitation to bid" means a written or
575 electronically posted solicitation for competitive sealed bids.
576 ~~The invitation to bid is used when the agency is capable of~~
577 ~~specifically defining the scope of work for which a contractual~~
578 ~~service is required or when the agency is capable of~~
579 ~~establishing precise specifications defining the actual~~
580 ~~commodity or group of commodities required. A written~~
581 ~~solicitation includes a solicitation that is electronically~~
582 ~~posted.~~

583 ~~(16)-(17)~~ "Invitation to negotiate" means a written or
584 electronically posted solicitation for competitive sealed
585 replies to select one or more vendors with which to commence
586 negotiations for the procurement of commodities or contractual
587 services. ~~The invitation to negotiate is used when the agency~~
588 ~~determines that negotiations may be necessary for the state to~~
589 ~~receive the best value. A written solicitation includes a~~
590 ~~solicitation that is electronically posted.~~

591 ~~(17)-(18)~~ "Minority business enterprise" has the meaning
592 ascribed in s. 288.703.



893806

593 ~~(18)(19)~~ "Office" means the Office of Supplier Diversity of
594 the Department of Management Services.

595 (19) "Outsource" means the process of contracting with a
596 vendor to provide a service as defined in s. 216.011(1) (f), in
597 whole or in part, or an activity as defined in s.
598 216.011(1) (rr), while a state agency retains the responsibility
599 and accountability for the service or activity and there is a
600 transfer of management responsibility for the delivery of
601 resources and the performance of those resources.

602 (20) "Renewal" means contracting with the same contractor
603 for an additional contract period after the initial contract
604 period, only if pursuant to contract terms specifically
605 providing for such renewal.

606 (21) "Request for information" means a written or
607 electronically posted request made by an agency to vendors for
608 information concerning commodities or contractual services.
609 Responses to these requests are not offers and may not be
610 accepted by the agency to form a binding contract.

611 (22) "Request for proposals" means a written or
612 electronically posted solicitation for competitive sealed
613 proposals. ~~The request for proposals is used when it is not~~
614 ~~practicable for the agency to specifically define the scope of~~
615 ~~work for which the commodity, group of commodities, or~~
616 ~~contractual service is required and when the agency is~~
617 ~~requesting that a responsible vendor propose a commodity, group~~
618 ~~of commodities, or contractual service to meet the~~
619 ~~specifications of the solicitation document. A written~~
620 ~~solicitation includes a solicitation that is electronically~~
621 ~~posted.~~



893806

622 (23) "Request for a quote" means an oral or written request
623 for written pricing or services information from a state term
624 contract vendor for commodities or contractual services
625 available on a state term contract from that vendor.

626 (24) "Responsible vendor" means a vendor who has the
627 capability in all respects to fully perform the contract
628 requirements and the integrity and reliability that will assure
629 good faith performance.

630 (25) "Responsive bid," "responsive proposal," or
631 "responsive reply" means a bid, or proposal, or reply submitted
632 by a responsive and responsible vendor that conforms in all
633 material respects to the solicitation.

634 (26) "Responsive vendor" means a vendor that has submitted
635 a bid, proposal, or reply that conforms in all material respects
636 to the solicitation.

637 (27) "State term contract" means a term contract that is
638 competitively procured by the department pursuant to s. 287.057
639 and that is used by agencies and eligible users pursuant to s.
640 287.056.

641 (28) "Term contract" means an indefinite quantity contract
642 to furnish commodities or contractual services during a defined
643 period.

644 Section 15. Section 287.017, Florida Statutes, is amended
645 to read:

646 287.017 Purchasing categories, threshold amounts~~+~~
647 ~~procedures for automatic adjustment by department.~~

648 ~~(1)~~ The following purchasing categories are hereby created:

649 (1) ~~(a)~~ CATEGORY ONE: \$20,000 ~~\$15,000~~.

650 (2) ~~(b)~~ CATEGORY TWO: \$35,000 ~~\$25,000~~.



893806

651 ~~(3)(e)~~ CATEGORY THREE: \$65,000 ~~\$50,000~~.

652 ~~(4)(d)~~ CATEGORY FOUR: \$195,000 ~~\$150,000~~.

653 ~~(5)(e)~~ CATEGORY FIVE: \$325,000 ~~\$250,000~~.

654 ~~(2) The department shall adopt rules to adjust the amounts~~
655 ~~provided in subsection (1) based upon the rate of change of a~~
656 ~~nationally recognized price index. Such rules shall include, but~~
657 ~~not be limited to, the following:~~

658 ~~(a) Designation of the nationally recognized price index or~~
659 ~~component thereof used to calculate the proper adjustment~~
660 ~~authorized in this section.~~

661 ~~(b) The procedure for rounding results.~~

662 ~~(c) The effective date of each adjustment based upon the~~
663 ~~previous calendar year data.~~

664 Section 16. Subsection (1) of section 287.022, Florida
665 Statutes, is amended to read:

666 287.022 Purchase of insurance.—

667 (1) Insurance, while not a commodity, nevertheless shall be
668 purchased for all agencies by the department, except that
669 agencies may purchase title insurance for land acquisition and
670 may make emergency purchases of insurance pursuant to s.
671 287.057 ~~(3)(5)~~(a). The procedures for purchasing insurance,
672 whether the purchase is made by the department or by the
673 agencies, shall be the same as those set forth herein for the
674 purchase of commodities.

675 Section 17. Section 287.045, Florida Statutes, is repealed.

676 Section 18. Subsections (1) and (2) of section 287.056,
677 Florida Statutes, are amended to read:

678 287.056 Purchases from purchasing agreements and state term
679 contracts.—



893806

680 (1) Agencies shall, and eligible users may, purchase
681 commodities and contractual services from purchasing agreements
682 established and state term contracts procured, pursuant to s.
683 287.057, by the department. Each agency agreement made under
684 this subsection shall include:

685 (a) A provision specifying a scope of work that clearly
686 establishes all tasks that the contractor is required to
687 perform.

688 (b) A provision dividing the contract into quantifiable,
689 measurable, and verifiable units of deliverables that must be
690 received and accepted in writing by the contract manager before
691 payment. Each deliverable must be directly related to the scope
692 of work and specify the required minimum level of service to be
693 performed and the criteria for evaluating the successful
694 completion of each deliverable.

695 (2) Agencies may have the option to purchase commodities or
696 contractual services from state term contracts procured,
697 pursuant to s. 287.057, by the department ~~which contain a user~~
698 ~~surcharge pursuant to s. 287.1345 as determined by the~~
699 ~~department.~~

700 Section 19. Section 287.057, Florida Statutes, is amended
701 to read:

702 287.057 Procurement of commodities or contractual
703 services.—

704 (1) The competitive solicitation processes authorized in
705 this section shall be used for procurement of commodities or
706 contractual services in excess of the threshold amount provided
707 for CATEGORY TWO in s. 287.017. Any competitive solicitation
708 shall be made available simultaneously to all vendors, must



893806

709 include the time and date for the receipt of bids, proposals, or
710 replies and of the public opening, and must include all
711 contractual terms and conditions applicable to the procurement,
712 including the criteria to be used in determining acceptability
713 and relative merit of the bid, proposal, or reply.

714 (a) Invitation to bid.—The invitation to bid shall be used
715 when the agency is capable of specifically defining the scope of
716 work for which a contractual service is required or when the
717 agency is capable of establishing precise specifications
718 defining the actual commodity or group of commodities required.

719 1. All invitations to bid must include:

720 a. A detailed description of the commodities or contractual
721 services sought; and

722 b. If the agency contemplates renewal of the contract, a
723 statement to that effect.

724 2. Bids submitted in response to an invitation to bid in
725 which the agency contemplates renewal of the contract must
726 include the price for each year for which the contract may be
727 renewed.

728 3. Evaluation of bids shall include consideration of the
729 total cost for each year of the contract, including renewal
730 years, as submitted by the vendor.

731 (b) Request for proposals.—An agency shall use a request
732 for proposals when the purposes and uses for which the
733 commodity, group of commodities, or contractual service being
734 sought can be specifically defined and the agency is capable of
735 identifying necessary deliverables. Various combinations or
736 versions of commodities or contractual services may be proposed
737 by a responsive vendor to meet the specifications of the



893806

738 solicitation document.
739 1. Before issuing a request for proposals, the agency must
740 determine and specify in writing the reasons that procurement by
741 invitation to bid is not practicable.
742 2. All requests for proposals must include:
743 a. A statement describing the commodities or contractual
744 services sought;
745 b. The relative importance of price and other evaluation
746 criteria; and
747 c. If the agency contemplates renewal of the contract, a
748 statement to that effect.
749 3. Criteria that will be used for evaluation of proposals
750 shall include, but are not limited to:
751 a. Price, which must be specified in the proposal;
752 b. If the agency contemplates renewal of the contract, the
753 price for each year for which the contract may be renewed; and
754 c. Consideration of the total cost for each year of the
755 contract, including renewal years, as submitted by the vendor.
756 4. The contract shall be awarded by written notice to the
757 responsible and responsive vendor whose proposal is determined
758 in writing to be the most advantageous to the state, taking into
759 consideration the price and other criteria set forth in the
760 request for proposals. The contract file shall contain
761 documentation supporting the basis on which the award is made.
762 (c) Invitation to negotiate.—The invitation to negotiate is
763 a solicitation used by an agency which is intended to determine
764 the best method for achieving a specific goal or solving a
765 particular problem and identifies one or more responsive vendors
766 with which the agency may negotiate in order to receive the best



893806

767 value.

768 1. Before issuing an invitation to negotiate, the head of
769 an agency must determine and specify in writing the reasons that
770 procurement by an invitation to bid or a request for proposal is
771 not practicable.

772 2. The invitation to negotiate must describe the questions
773 being explored, the facts being sought, and the specific goals
774 or problems that are the subject of the solicitation.

775 3. The criteria that will be used for determining the
776 acceptability of the reply and guiding the selection of the
777 vendors with which the agency will negotiate must be specified.

778 4. The agency shall evaluate replies against all evaluation
779 criteria set forth in the invitation to negotiate in order to
780 establish a competitive range of replies reasonably susceptible
781 of award. The agency may select one or more vendors within the
782 competitive range with which to commence negotiations. After
783 negotiations are conducted, the agency shall award the contract
784 to the responsible and responsive vendor that the agency
785 determines will provide the best value to the state, based on
786 the selection criteria.

787 5. The contract file for a vendor selected through an
788 invitation to negotiate must contain a short plain statement
789 that explains the basis for the selection of the vendor and that
790 sets forth the vendor's deliverables and price, pursuant to the
791 contract, along with an explanation of how these deliverables
792 and price provide the best value to the state.

793 ~~(1)(a) Unless otherwise authorized by law, all contracts~~
794 ~~for the purchase of commodities or contractual services in~~
795 ~~excess of the threshold amount provided in s. 287.017 for~~



893806

796 ~~CATEGORY TWO shall be awarded by competitive sealed bidding. An~~
797 ~~invitation to bid shall be made available simultaneously to all~~
798 ~~vendors and must include a detailed description of the~~
799 ~~commodities or contractual services sought; the time and date~~
800 ~~for the receipt of bids and of the public opening; and all~~
801 ~~contractual terms and conditions applicable to the procurement,~~
802 ~~including the criteria to be used in determining acceptability~~
803 ~~of the bid. If the agency contemplates renewal of the contract,~~
804 ~~that fact must be stated in the invitation to bid. The bid shall~~
805 ~~include the price for each year for which the contract may be~~
806 ~~renewed. Evaluation of bids shall include consideration of the~~
807 ~~total cost for each year as submitted by the vendor. Criteria~~
808 ~~that were not set forth in the invitation to bid may not be used~~
809 ~~in determining acceptability of the bid.~~

810 ~~(b) The contract shall be awarded with reasonable~~
811 ~~promptness by written notice to the responsible and responsive~~
812 ~~vendor that submits the lowest responsive bid. This bid must be~~
813 ~~determined in writing to meet the requirements and criteria set~~
814 ~~forth in the invitation to bid.~~

815 ~~(2) (a) If an agency determines in writing that the use of~~
816 ~~an invitation to bid is not practicable, commodities or~~
817 ~~contractual services shall be procured by competitive sealed~~
818 ~~proposals. A request for proposals shall be made available~~
819 ~~simultaneously to all vendors, and must include a statement of~~
820 ~~the commodities or contractual services sought; the time and~~
821 ~~date for the receipt of proposals and of the public opening; and~~
822 ~~all contractual terms and conditions applicable to the~~
823 ~~procurement, including the criteria, which shall include, but~~
824 ~~need not be limited to, price, to be used in determining~~



893806

825 ~~acceptability of the proposal. The relative importance of price~~
826 ~~and other evaluation criteria shall be indicated. If the agency~~
827 ~~contemplates renewal of the commodities or contractual services~~
828 ~~contract, that fact must be stated in the request for proposals.~~
829 ~~The proposal shall include the price for each year for which the~~
830 ~~contract may be renewed. Evaluation of proposals shall include~~
831 ~~consideration of the total cost for each year as submitted by~~
832 ~~the vendor.~~

833 ~~(b) The contract shall be awarded to the responsible and~~
834 ~~responsive vendor whose proposal is determined in writing to be~~
835 ~~the most advantageous to the state, taking into consideration~~
836 ~~the price and the other criteria set forth in the request for~~
837 ~~proposals. The contract file shall contain documentation~~
838 ~~supporting the basis on which the award is made.~~

839 ~~(3) (a) If the agency determines in writing that the use of~~
840 ~~an invitation to bid or a request for proposals will not result~~
841 ~~in the best value to the state, the agency may procure~~
842 ~~commodities and contractual services by competitive sealed~~
843 ~~replies. The agency's written determination must specify reasons~~
844 ~~that explain why negotiation may be necessary in order for the~~
845 ~~state to achieve the best value and must be approved in writing~~
846 ~~by the agency head or his or her designee prior to the~~
847 ~~advertisement of an invitation to negotiate. An invitation to~~
848 ~~negotiate shall be made available to all vendors simultaneously~~
849 ~~and must include a statement of the commodities or contractual~~
850 ~~services sought; the time and date for the receipt of replies~~
851 ~~and of the public opening; and all terms and conditions~~
852 ~~applicable to the procurement, including the criteria to be used~~
853 ~~in determining the acceptability of the reply. If the agency~~



893806

854 ~~contemplates renewal of the contract, that fact must be stated~~
855 ~~in the invitation to negotiate. The reply shall include the~~
856 ~~price for each year for which the contract may be renewed.~~

857 ~~(b) The agency shall evaluate and rank responsive replies~~
858 ~~against all evaluation criteria set forth in the invitation to~~
859 ~~negotiate and shall select, based on the ranking, one or more~~
860 ~~vendors with which to commence negotiations. After negotiations~~
861 ~~are conducted, the agency shall award the contract to the~~
862 ~~responsible and responsive vendor that the agency determines~~
863 ~~will provide the best value to the state. The contract file must~~
864 ~~contain a short plain statement that explains the basis for~~
865 ~~vendor selection and that sets forth the vendor's deliverables~~
866 ~~and price, pursuant to the contract, with an explanation of how~~
867 ~~these deliverables and price provide the best value to the~~
868 ~~state.~~

869 ~~(2)(4)~~ Prior to the time for receipt of bids, proposals, or
870 replies, an agency may conduct a conference or written question
871 and answer period for purposes of assuring the vendor's full
872 understanding of the solicitation requirements. The vendors
873 shall be accorded fair and equal treatment.

874 ~~(3)(5)~~ When the purchase price of commodities or
875 contractual services exceeds the threshold amount provided in s.
876 287.017 for CATEGORY TWO, no purchase of commodities or
877 contractual services may be made without receiving competitive
878 sealed bids, competitive sealed proposals, or competitive sealed
879 replies unless:

880 (a) The agency head determines in writing that an immediate
881 danger to the public health, safety, or welfare or other
882 substantial loss to the state requires emergency action. After



893806

883 the agency head makes such a written determination, the agency
884 may proceed with the procurement of commodities or contractual
885 services necessitated by the immediate danger, without receiving
886 competitive sealed bids, competitive sealed proposals, or
887 competitive sealed replies. However, such emergency procurement
888 shall be made by obtaining pricing information from at least two
889 prospective vendors, which must be retained in the contract
890 file, unless the agency determines in writing that the time
891 required to obtain pricing information will increase the
892 immediate danger to the public health, safety, or welfare or
893 other substantial loss to the state. The agency shall furnish
894 copies of all written determinations certified under oath and
895 any other documents relating to the emergency action to the
896 department. A copy of the statement shall be furnished to the
897 Chief Financial Officer with the voucher authorizing payment.
898 The individual purchase of personal clothing, shelter, or
899 supplies which are needed on an emergency basis to avoid
900 institutionalization or placement in a more restrictive setting
901 is an emergency for the purposes of this paragraph, and the
902 filing with the department of such statement is not required in
903 such circumstances. In the case of the emergency purchase of
904 insurance, the period of coverage of such insurance shall not
905 exceed a period of 30 days, and all such emergency purchases
906 shall be reported to the department.

907 (b) The purchase is made by an agency from a state term
908 contract procured, pursuant to this section, by the department
909 or by an agency, after receiving approval from the department,
910 from a contract procured, pursuant to subsection (1), ~~subsection~~
911 ~~(2), or subsection (3),~~ by another agency.



893806

912 (c) Commodities or contractual services available only from
913 a single source may be excepted from the competitive-
914 solicitation requirements. When an agency believes that
915 commodities or contractual services are available only from a
916 single source, the agency shall electronically post a
917 description of the commodities or contractual services sought
918 for a period of at least 7 business days. The description must
919 include a request that prospective vendors provide information
920 regarding their ability to supply the commodities or contractual
921 services described. If it is determined in writing by the
922 agency, after reviewing any information received from
923 prospective vendors, that the commodities or contractual
924 services are available only from a single source, the agency
925 shall:

926 1. Provide notice of its intended decision to enter a
927 single-source purchase contract in the manner specified in s.
928 120.57(3), if the amount of the contract does not exceed the
929 threshold amount provided in s. 287.017 for CATEGORY FOUR.

930 2. Request approval from the department for the single-
931 source purchase, if the amount of the contract exceeds the
932 threshold amount provided in s. 287.017 for CATEGORY FOUR. The
933 agency shall initiate its request for approval in a form
934 prescribed by the department, which request may be
935 electronically transmitted. The failure of the department to
936 approve or disapprove the agency's request for approval within
937 21 days after receiving such request shall constitute prior
938 approval of the department. If the department approves the
939 agency's request, the agency shall provide notice of its
940 intended decision to enter a single-source contract in the



893806

941 manner specified in s. 120.57(3).

942 (d) When it is in the best interest of the state, the
943 secretary of the department or his or her designee may authorize
944 the Support Program to purchase insurance by negotiation, but
945 such purchase shall be made only under conditions most favorable
946 to the public interest.

947 (e) Prescriptive assistive devices for the purpose of
948 medical, developmental, or vocational rehabilitation of clients
949 are excepted from competitive-solicitation requirements and
950 shall be procured pursuant to an established fee schedule or by
951 any other method which ensures the best price for the state,
952 taking into consideration the needs of the client. Prescriptive
953 assistive devices include, but are not limited to, prosthetics,
954 orthotics, and wheelchairs. For purchases made pursuant to this
955 paragraph, state agencies shall annually file with the
956 department a description of the purchases and methods of
957 procurement.

958 (f) The following contractual services and commodities are
959 not subject to the competitive-solicitation requirements of this
960 section:

961 1. Artistic services. For the purposes of this subsection,
962 the term "artistic services" does not include advertising or
963 typesetting. As used in this subparagraph, the term
964 "advertising" means the making of a representation in any form
965 in connection with a trade, business, craft, or profession in
966 order to promote the supply of commodities or services by the
967 person promoting the commodities or contractual services.

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



893806

970 3. Lectures by individuals.
971 ~~4. Auditing services.~~
972 ~~4.5.~~ Legal services, including attorney, paralegal, expert
973 witness, appraisal, or mediator services.
974 ~~5.a.6.~~ Health services involving examination, diagnosis,
975 treatment, prevention, medical consultation, or administration.
976 b. Beginning January 1, 2011, health services, including,
977 but not limited to, substance abuse and mental health services,
978 involving examination, diagnosis, treatment, prevention, or
979 medical consultation, when such services are offered to eligible
980 individuals participating in a specific program that qualifies
981 multiple providers and uses a standard payment methodology.
982 Reimbursement of administrative costs for providers of services
983 purchased in this manner shall also be exempt. For purposes of
984 this sub-subparagraph, "providers" means health professionals,
985 health facilities, or organizations that deliver or arrange for
986 the delivery of health services.
987 ~~6.7.~~ Services provided to persons with mental or physical
988 disabilities by not-for-profit corporations which have obtained
989 exemptions under the provisions of s. 501(c)(3) of the United
990 States Internal Revenue Code or when such services are governed
991 by the provisions of Office of Management and Budget Circular A-
992 122. However, in acquiring such services, the agency shall
993 consider the ability of the vendor, past performance,
994 willingness to meet time requirements, and price.
995 ~~7.8.~~ Medicaid services delivered to an eligible Medicaid
996 recipient unless the agency is directed otherwise in law by a
997 health care provider who has not previously applied for and
998 received a Medicaid provider number from the Agency for Health



893806

999 ~~Care Administration. However, this exception shall be valid for~~
1000 ~~a period not to exceed 90 days after the date of delivery to the~~
1001 ~~Medicaid recipient and shall not be renewed by the agency.~~

1002 ~~8.9.~~ Family placement services.

1003 ~~9.10.~~ Prevention services related to mental health,
1004 including drug abuse prevention programs, child abuse prevention
1005 programs, and shelters for runaways, operated by not-for-profit
1006 corporations. However, in acquiring such services, the agency
1007 shall consider the ability of the vendor, past performance,
1008 willingness to meet time requirements, and price.

1009 ~~10.11.~~ Training and education services provided to injured
1010 employees pursuant to s. 440.491(6).

1011 ~~11.12.~~ Contracts entered into pursuant to s. 337.11.

1012 ~~12.13.~~ Services or commodities provided by governmental
1013 agencies.

1014 (g) Continuing education events or programs that are
1015 offered to the general public and for which fees have been
1016 collected that pay all expenses associated with the event or
1017 program are exempt from requirements for competitive
1018 solicitation.

1019 (4) An agency must document its compliance with s. 216.3475
1020 if the purchase of contractual services exceeds the threshold
1021 amount provided in s. 287.017 for CATEGORY TWO and such services
1022 are not competitively procured.

1023 ~~(5)-(6)~~ If less than two responsive bids, proposals, or
1024 replies for commodity or contractual services purchases are
1025 received, the department or other agency may negotiate on the
1026 best terms and conditions. The department or other agency shall
1027 document the reasons that such action is in the best interest of



1028 the state in lieu of resoliciting competitive sealed bids,
1029 proposals, or replies. Each agency shall report all such actions
1030 to the department on a quarterly basis, in a manner and form
1031 prescribed by the department.

1032 ~~(6)~~(7) Upon issuance of any solicitation, an agency shall,
1033 upon request by the department, forward to the department one
1034 copy of each solicitation for all commodity and contractual
1035 services purchases in excess of the threshold amount provided in
1036 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,
1037 furnish a copy of all competitive-solicitation tabulations. The
1038 Office of Supplier Diversity may also request from the agencies
1039 any information submitted to the department pursuant to this
1040 subsection.

1041 ~~(7)~~(8)(a) In order to strive to meet the minority business
1042 enterprise procurement goals set forth in s. 287.09451, an
1043 agency may reserve any contract for competitive solicitation
1044 only among certified minority business enterprises. Agencies
1045 shall review all their contracts each fiscal year and shall
1046 determine which contracts may be reserved for solicitation only
1047 among certified minority business enterprises. This reservation
1048 may only be used when it is determined, by reasonable and
1049 objective means, before the solicitation that there are capable,
1050 qualified certified minority business enterprises available to
1051 submit a bid, proposal, or reply on a contract to provide for
1052 effective competition. The Office of Supplier Diversity shall
1053 consult with any agency in reaching such determination when
1054 deemed appropriate.

1055 (b) Before a contract may be reserved for solicitation only
1056 among certified minority business enterprises, the agency head



893806

1057 must find that such a reservation is in the best interests of
1058 the state. All determinations shall be subject to s.
1059 287.09451(5). Once a decision has been made to reserve a
1060 contract, but before sealed bids, proposals, or replies are
1061 requested, the agency shall estimate what it expects the amount
1062 of the contract to be, based on the nature of the services or
1063 commodities involved and their value under prevailing market
1064 conditions. If all the sealed bids, proposals, or replies
1065 received are over this estimate, the agency may reject the bids,
1066 proposals, or replies and request new ones from certified
1067 minority business enterprises, or the agency may reject the
1068 bids, proposals, or replies and reopen the bidding to all
1069 eligible vendors.

1070 (c) All agencies shall consider the use of price
1071 preferences of up to 10 percent, weighted preference formulas,
1072 or other preferences for vendors as determined appropriate
1073 pursuant to guidelines established in accordance with s.
1074 287.09451(4) to increase the participation of minority business
1075 enterprises.

1076 (d) All agencies shall avoid any undue concentration of
1077 contracts or purchases in categories of commodities or
1078 contractual services in order to meet the minority business
1079 enterprise purchasing goals in s. 287.09451.

1080 ~~(8)-(9)~~ An agency may reserve any contract for competitive
1081 solicitation only among vendors who agree to use certified
1082 minority business enterprises as subcontractors or subvendors.
1083 The percentage of funds, in terms of gross contract amount and
1084 revenues, which must be expended with the certified minority
1085 business enterprise subcontractors and subvendors shall be



893806

1086 determined by the agency before such contracts may be reserved.
1087 In order to bid on a contract so reserved, the vendor shall
1088 identify those certified minority business enterprises which
1089 will be utilized as subcontractors or subvendors by sworn
1090 statement. At the time of performance or project completion, the
1091 contractor shall report by sworn statement the payments and
1092 completion of work for all certified minority business
1093 enterprises used in the contract.

1094 (9)~~(10)~~ An agency shall not divide the solicitation
1095 ~~procurement~~ of commodities or contractual services so as to
1096 avoid the requirements of subsections (1)-(3) ~~(1) through (5)~~.

1097 (10)~~(11)~~ A contract for commodities or contractual services
1098 may be awarded without competition if state or federal law
1099 prescribes with whom the agency must contract or if the rate of
1100 payment is established during the appropriations process.

1101 (11)~~(12)~~ If two equal responses to a solicitation or a
1102 request for quote are received and one response is from a
1103 certified minority business enterprise, the agency shall enter
1104 into a contract with the certified minority business enterprise.

1105 (12)~~(13)~~ Extension of a contract for contractual services
1106 shall be in writing for a period not to exceed 6 months and
1107 shall be subject to the same terms and conditions set forth in
1108 the initial contract. There shall be only one extension of a
1109 contract unless the failure to meet the criteria set forth in
1110 the contract for completion of the contract is due to events
1111 beyond the control of the contractor.

1112 (13)~~(14)~~ (a) Contracts for commodities or contractual
1113 services may be renewed for a period that may not exceed 3 years
1114 or the term of the original contract, whichever period is



893806

1115 longer. Renewal of a contract for commodities or contractual
1116 services shall be in writing and shall be subject to the same
1117 terms and conditions set forth in the initial contract. If the
1118 commodity or contractual service is purchased as a result of the
1119 solicitation of bids, proposals, or replies, the price of the
1120 commodity or contractual service to be renewed shall be
1121 specified in the bid, proposal, or reply. A renewal contract may
1122 not include any compensation for costs associated with the
1123 renewal. Renewals shall be contingent upon satisfactory
1124 performance evaluations by the agency and subject to the
1125 availability of funds. Exceptional purchase contracts pursuant
1126 to paragraphs (3)~~(5)~~ (a) and (c) may not be renewed. With the
1127 exception of subsection (12) ~~(13)~~, if a contract amendment
1128 results in a longer contract term or increased payments, a state
1129 agency may not renew or amend a contract for the outsourcing of
1130 a service or activity that has an original term value exceeding
1131 the sum of \$10 million before submitting a written report
1132 concerning contract performance to the Governor, the President
1133 of the Senate, and the Speaker of the House of Representatives
1134 at least 90 days before execution of the renewal or amendment.

1135 (b) The Department of Health shall enter into an agreement,
1136 not to exceed 20 years, with a private contractor to finance,
1137 design, and construct a hospital, of no more than 50 beds, for
1138 the treatment of patients with active tuberculosis and to
1139 operate all aspects of daily operations within the facility. The
1140 contractor may sponsor the issuance of tax-exempt certificates
1141 of participation or other securities to finance the project, and
1142 the state may enter into a lease-purchase agreement for the
1143 facility. The department shall begin the implementation of this



893806

1144 initiative by July 1, 2008. This paragraph expires July 1, 2009.

1145 ~~(14)-(15)~~ For each contractual services contract, the agency
1146 shall designate an employee to function as contract manager who
1147 shall be responsible for enforcing performance of the contract
1148 terms and conditions and serve as a liaison with the contractor.
1149 Each contract manager who is responsible for contracts in excess
1150 of the threshold amount for CATEGORY TWO must attend training
1151 conducted by the Chief Financial Officer for accountability in
1152 contracts and grant management. The Chief Financial Officer
1153 agency shall establish and disseminate uniform procedures
1154 pursuant to s. 17.03(3) to ensure that contractual services have
1155 been rendered in accordance with the contract terms before the
1156 agency processes prior to processing the invoice for payment.
1157 The procedures shall include, but need not be limited to,
1158 procedures for monitoring and documenting contractor
1159 performance, reviewing and documenting all deliverables for
1160 which payment is requested by vendors, and providing written
1161 certification by contract managers of the agency's receipt of
1162 goods and services.

1163 ~~(15)-(16)~~ Each agency shall designate at least one employee
1164 who shall serve as a contract administrator responsible for
1165 maintaining a contract file and financial information on all
1166 contractual services contracts and who shall serve as a liaison
1167 with the contract managers and the department.

1168 ~~(16)-(17)~~ For a contract in excess of the threshold amount
1169 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
1170 appoint:

1171 (a) At least three persons to evaluate proposals and
1172 replies who collectively have experience and knowledge in the



893806

1173 program areas and service requirements for which commodities or
1174 contractual services are sought.

1175 (b) At least three persons to conduct negotiations during a
1176 competitive sealed reply procurement who collectively have
1177 experience and knowledge in negotiating contracts, contract
1178 procurement, and the program areas and service requirements for
1179 which commodities or contractual services are sought. When the
1180 value of a contract is in excess of \$1 million in any fiscal
1181 year, at least one of the persons conducting negotiations must
1182 be certified as a contract negotiator based upon rules adopted
1183 by the Department of Management Services in order to ensure that
1184 certified contract negotiators are knowledgeable about effective
1185 negotiation strategies, capable of successfully implementing
1186 those strategies, and involved appropriately in the procurement
1187 process. At a minimum, the rules must address the qualifications
1188 required for certification, the method of certification, and the
1189 procedure for involving the certified negotiator. If the value
1190 of a contract is in excess of \$10 million in any fiscal year, at
1191 least one of the persons conducting negotiations must be a
1192 Project Management Professional, as certified by the Project
1193 Management Institute.

1194 (17) (a) 1. Each agency must avoid, neutralize, or mitigate
1195 significant potential organizational conflicts of interest
1196 before a contract is awarded. If the agency elects to mitigate
1197 the significant potential organizational conflict or conflicts
1198 of interest, an adequate mitigation plan, including
1199 organizational, physical, and electronic barriers, shall be
1200 developed.

1201 2. If a conflict cannot be avoided or mitigated, an agency



893806

1202 may proceed with the contract award if the agency head certifies
1203 that the award is in the best interests of the state. The agency
1204 head must specify in writing the basis for the certification.

1205 (b)1. An agency head may not proceed with a contract award
1206 under subparagraph (a)2. if a conflict of interest is based upon
1207 the vendor gaining an unfair competitive advantage.

1208 2. An unfair competitive advantage exists when the vendor
1209 competing for the award of a contract obtained:

1210 a. Access to information that is not available to the
1211 public and would assist the vendor in obtaining the contract; or

1212 b. Source selection information that is relevant to the
1213 contract but is not available to all competitors and that would
1214 assist the vendor in obtaining the contract.

1215 (c) ~~(18)~~ A person who receives a contract that has not been
1216 procured pursuant to subsections ~~(1)-(3)~~ ~~(1) through (5)~~ to
1217 perform a feasibility study of the potential implementation of a
1218 subsequent contract, who participates in the drafting of a
1219 solicitation or who develops a program for future
1220 implementation, is not eligible to contract with the agency for
1221 any other contracts dealing with that specific subject matter,
1222 and any firm in which such person has any interest is not
1223 eligible to receive such contract. However, this prohibition
1224 does not prevent a vendor who responds to a request for
1225 information from being eligible to contract with an agency.

1226 (18) ~~(19)~~ Each agency shall establish a review and approval
1227 process for all contractual services contracts costing more than
1228 the threshold amount provided for in s. 287.017 for CATEGORY
1229 THREE which shall include, but not be limited to, program,
1230 financial, and legal review and approval. Such reviews and



893806

1231 approvals shall be obtained before the contract is executed.

1232 ~~(19)~~~~(20)~~ In any procurement that costs more than the
1233 threshold amount provided for in s. 287.017 for CATEGORY TWO and
1234 is accomplished without competition, the individuals taking part
1235 in the development or selection of criteria for evaluation, the
1236 evaluation process, and the award process shall attest in
1237 writing that they are independent of, and have no conflict of
1238 interest in, the entities evaluated and selected.

1239 ~~(20)~~~~(21)~~ Nothing in this section shall affect the validity
1240 or effect of any contract in existence on October 1, 1990.

1241 ~~(21)~~~~(22)~~ An agency may contract for services with any
1242 independent, nonprofit college or university which is located
1243 within the state and is accredited by the Southern Association
1244 of Colleges and Schools, on the same basis as it may contract
1245 with any state university and college.

1246 ~~(22)~~~~(23)~~ The department, in consultation with the Agency
1247 for Enterprise Information Technology and the Comptroller, shall
1248 develop a program for online procurement of commodities and
1249 contractual services. To enable the state to promote open
1250 competition and to leverage its buying power, agencies shall
1251 participate in the online procurement program, and eligible
1252 users may participate in the program. Only vendors prequalified
1253 as meeting mandatory requirements and qualifications criteria
1254 may participate in online procurement.

1255 (a) The department, in consultation with the agency, may
1256 contract for equipment and services necessary to develop and
1257 implement online procurement.

1258 (b) The department, in consultation with the agency, shall
1259 adopt rules, pursuant to ss. 120.536(1) and 120.54, to



893806

1260 administer the program for online procurement. The rules shall
1261 include, but not be limited to:

1262 1. Determining the requirements and qualification criteria
1263 for prequalifying vendors.

1264 2. Establishing the procedures for conducting online
1265 procurement.

1266 3. Establishing the criteria for eligible commodities and
1267 contractual services.

1268 4. Establishing the procedures for providing access to
1269 online procurement.

1270 5. Determining the criteria warranting any exceptions to
1271 participation in the online procurement program.

1272 (c) The department may impose and shall collect all fees
1273 for the use of the online procurement systems.

1274 1. The fees may be imposed on an individual transaction
1275 basis or as a fixed percentage of the cost savings generated. At
1276 a minimum, the fees must be set in an amount sufficient to cover
1277 the projected costs of the services, including administrative
1278 and project service costs in accordance with the policies of the
1279 department.

1280 2. If the department contracts with a provider for online
1281 procurement, the department, pursuant to appropriation, shall
1282 compensate the provider from the fees after the department has
1283 satisfied all ongoing costs. The provider shall report
1284 transaction data to the department each month so that the
1285 department may determine the amount due and payable to the
1286 department from each vendor.

1287 3. All fees that are due and payable to the state on a
1288 transactional basis or as a fixed percentage of the cost savings



893806

1289 generated are subject to s. 215.31 and must be remitted within
1290 40 days after receipt of payment for which the fees are due. For
1291 fees that are not remitted within 40 days, the vendor shall pay
1292 interest at the rate established under s. 55.03(1) on the unpaid
1293 balance from the expiration of the 40-day period until the fees
1294 are remitted.

1295 4. All fees and surcharges collected under this paragraph
1296 shall be deposited in the Operating Trust Fund as provided by
1297 law.

1298 ~~(23)~~~~(24)~~ Each solicitation for the procurement of
1299 commodities or contractual services shall include the following
1300 provision: "Respondents to this solicitation or persons acting
1301 on their behalf may not contact, between the release of the
1302 solicitation and the end of the 72-hour period following the
1303 agency posting the notice of intended award, excluding
1304 Saturdays, Sundays, and state holidays, any employee or officer
1305 of the executive or legislative branch concerning any aspect of
1306 this solicitation, except in writing to the procurement officer
1307 or as provided in the solicitation documents. Violation of this
1308 provision may be grounds for rejecting a response."

1309 Section 20. Section 287.0571, Florida Statutes, is amended
1310 to read:

1311 287.0571 Business case to outsource; applicability ~~of ss.~~
1312 ~~287.0571-287.0574.~~

1313 ~~(1) Sections 287.0571-287.0574 may be cited as the "Florida~~
1314 ~~Efficient Government Act."~~

1315 ~~(1)~~~~(2)~~ It is the intent of the Legislature that each state
1316 agency focus on its core mission and deliver services
1317 effectively and efficiently by leveraging resources and



893806

1318 contracting with private sector vendors whenever vendors can
1319 more effectively and efficiently provide services and reduce the
1320 cost of government.

1321 (2)~~(3)~~ It is further the intent of the Legislature that
1322 business cases to outsource be evaluated for feasibility, cost-
1323 effectiveness, and efficiency before a state agency proceeds
1324 with any outsourcing of services.

1325 (3)~~(4)~~ This section does ~~Sections 287.0571-287.0574~~ do not
1326 apply to:

1327 (a) A procurement of commodities and contractual services
1328 listed in s. 287.057(3)~~(5)~~(e), (f), and (g) and (21)~~(22)~~.

1329 (b) A procurement of contractual services subject to s.
1330 287.055.

1331 (c) A contract in support of the planning, development,
1332 implementation, operation, or maintenance of the road, bridge,
1333 and public transportation construction program of the Department
1334 of Transportation.

1335 (d) A procurement of commodities or contractual services
1336 which does not constitute an outsourcing of services or
1337 activities.

1338 (4) An agency shall complete a business case for any
1339 outsourcing project that has an expected cost in excess of \$10
1340 million within a single fiscal year. The business case shall be
1341 submitted pursuant to s. 216.023. The business case shall be
1342 available as part of the solicitation but is not subject to
1343 challenge and shall include the following:

1344 (a) A detailed description of the service or activity for
1345 which the outsourcing is proposed.

1346 (b) A description and analysis of the state agency's



893806

1347 current performance, based on existing performance metrics if
1348 the state agency is currently performing the service or
1349 activity.

1350 (c) The goals desired to be achieved through the proposed
1351 outsourcing and the rationale for such goals.

1352 (d) A citation to the existing or proposed legal authority
1353 for outsourcing the service or activity.

1354 (e) A description of available options for achieving the
1355 goals. If state employees are currently performing the service
1356 or activity, at least one option involving maintaining state
1357 provision of the service or activity shall be included.

1358 (f) An analysis of the advantages and disadvantages of each
1359 option, including, at a minimum, potential performance
1360 improvements and risks.

1361 (g) A description of the current market for the contractual
1362 services that are under consideration for outsourcing.

1363 (h) A cost-benefit analysis documenting the direct and
1364 indirect specific baseline costs, savings, and qualitative and
1365 quantitative benefits involved in or resulting from the
1366 implementation of the recommended option or options. Such
1367 analysis must specify the schedule that, at a minimum, must be
1368 adhered to in order to achieve the estimated savings. All
1369 elements of cost must be clearly identified in the cost-benefit
1370 analysis, described in the business case, and supported by
1371 applicable records and reports. The state agency head shall
1372 attest that, based on the data and information underlying the
1373 business case, to the best of his or her knowledge, all
1374 projected costs, savings, and benefits are valid and achievable.
1375 As used in this section, the term "cost" means the reasonable,



893806

1376 relevant, and verifiable cost, which may include, but is not
1377 limited to, elements such as personnel, materials and supplies,
1378 services, equipment, capital depreciation, rent, maintenance and
1379 repairs, utilities, insurance, personnel travel, overhead, and
1380 interim and final payments. The appropriate elements shall
1381 depend on the nature of the specific initiative. As used in this
1382 paragraph, the term "savings" means the difference between the
1383 direct and indirect actual annual baseline costs compared to the
1384 projected annual cost for the contracted functions or
1385 responsibilities in any succeeding state fiscal year during the
1386 term of the contract.

1387 (i) A description of differences among current state agency
1388 policies and processes and, as appropriate, a discussion of
1389 options for or a plan to standardize, consolidate, or revise
1390 current policies and processes, if any, to reduce the
1391 customization of any proposed solution that would otherwise be
1392 required.

1393 (j) A description of the specific performance standards
1394 that must, at a minimum, be met to ensure adequate performance.

1395 (k) The projected timeframe for key events from the
1396 beginning of the procurement process through the expiration of a
1397 contract.

1398 (l) A plan to ensure compliance with the public-records
1399 law.

1400 (m) A specific and feasible contingency plan addressing
1401 contractor nonperformance and a description of the tasks
1402 involved in and costs required for its implementation.

1403 (n) A state agency's transition plan for addressing changes
1404 in the number of agency personnel, affected business processes,



893806

1405 employee transition issues, and communication with affected
1406 stakeholders, such as agency clients and the public. The
1407 transition plan must contain a reemployment and retraining
1408 assistance plan for employees who are not retained by the state
1409 agency or employed by the contractor.

1410 (o) A plan for ensuring access by persons with disabilities
1411 in compliance with applicable state and federal law.

1412 (5) In addition to the contract requirements provided in s.
1413 287.058, each contract for a proposed outsourcing, pursuant to
1414 this section, must include, but need not be limited to, the
1415 following contractual provisions:

1416 (a) A scope-of-work provision that clearly specifies each
1417 service or deliverable to be provided, including a description
1418 of each deliverable or activity that is quantifiable,
1419 measurable, and verifiable. This provision must include a clause
1420 that states if a particular service or deliverable is
1421 inadvertently omitted or not clearly specified but determined to
1422 be operationally necessary and verified to have been performed
1423 by the agency within the 12 months before the execution of the
1424 contract, such service or deliverable will be provided by the
1425 contractor through the identified contract-amendment process.

1426 (b) A service-level-agreement provision describing all
1427 services to be provided under the terms of the agreement, the
1428 state agency's service requirements and performance objectives,
1429 specific responsibilities of the state agency and the
1430 contractor, and the process for amending any portion of the
1431 service-level agreement. Each service-level agreement must
1432 contain an exclusivity clause that allows the state agency to
1433 retain the right to perform the service or activity, directly or



893806

1434 with another contractor, if service levels are not being
1435 achieved.

1436 (c) A provision that identifies all associated costs,
1437 specific payment terms, and payment schedules, including
1438 provisions governing incentives and financial disincentives and
1439 criteria governing payment.

1440 (d) A provision that identifies a clear and specific
1441 transition plan that will be implemented in order to complete
1442 all required activities needed to transfer the service or
1443 activity from the state agency to the contractor and operate the
1444 service or activity successfully.

1445 (e) A performance-standards provision that identifies all
1446 required performance standards, which must include, at a
1447 minimum:

1448 1. Detailed and measurable acceptance criteria for each
1449 deliverable and service to be provided to the state agency under
1450 the terms of the contract which document the required
1451 performance level.

1452 2. A method for monitoring and reporting progress in
1453 achieving specified performance standards and levels.

1454 3. The sanctions or disincentives that shall be imposed for
1455 nonperformance by the contractor or state agency.

1456 (f) A provision that requires the contractor and its
1457 subcontractors to maintain adequate accounting records that
1458 comply with all applicable federal and state laws and generally
1459 accepted accounting principles.

1460 (g) A provision that authorizes the state agency to have
1461 access to and to audit all records related to the contract and
1462 subcontracts, or any responsibilities or functions under the



893806

1463 contract and subcontracts, for purposes of legislative
1464 oversight, and a requirement for audits by a service
1465 organization in accordance with professional auditing standards,
1466 if appropriate.

1467 (h) A provision that requires the contractor to interview
1468 and consider for employment with the contractor each displaced
1469 state employee who is interested in such employment.

1470 (i) A contingency-plan provision that describes the
1471 mechanism for continuing the operation of the service or
1472 activity, including transferring the service or activity back to
1473 the state agency or successor contractor if the contractor fails
1474 to perform and comply with the performance standards and levels
1475 of the contract and the contract is terminated.

1476 (j) A provision that requires the contractor and its
1477 subcontractors to comply with public-records laws, specifically
1478 to:

1479 1. Keep and maintain the public records that ordinarily and
1480 necessarily would be required by the state agency in order to
1481 perform the service or activity.

1482 2. Provide the public with access to such public records on
1483 the same terms and conditions that the state agency would
1484 provide the records and at a cost that does not exceed that
1485 provided in chapter 119 or as otherwise provided by law.

1486 3. Ensure that records that are exempt or records that are
1487 confidential and exempt are not disclosed except as authorized
1488 by law.

1489 4. Meet all requirements for retaining records and transfer
1490 to the state agency, at no cost, all public records in
1491 possession of the contractor upon termination of the contract



893806

1492 and destroy any duplicate public records that are exempt or
1493 confidential and exempt. All records stored electronically must
1494 be provided to the state agency in a format that is compatible
1495 with the information technology systems of the state agency.

1496 (k)1. A provision that provides that any copyrightable or
1497 patentable intellectual property produced as a result of work or
1498 services performed under the contract, or in any way connected
1499 with the contract, shall be the property of the state, with only
1500 such exceptions as are clearly expressed and reasonably valued
1501 in the contract.

1502 2. A provision that provides that, if the primary purpose
1503 of the contract is the creation of intellectual property, the
1504 state shall retain an unencumbered right to use such property.

1505 (l) If applicable, a provision that allows the agency to
1506 purchase from the contractor, at its depreciated value, assets
1507 used by the contractor in the performance of the contract. If
1508 assets have not depreciated, the agency shall retain the right
1509 to negotiate to purchase at an agreed-upon cost.

1510 Section 21. Section 287.05721, Florida Statutes, is
1511 repealed.

1512 Section 22. Section 287.0573, Florida Statutes, is
1513 repealed.

1514 Section 23. Section 287.0574, Florida Statutes, is
1515 repealed.

1516 Section 24. Section 287.0575, Florida Statutes, is created
1517 to read:

1518 287.0575 Coordination of contracted services.—The following
1519 duties and responsibilities of the Department of Children and
1520 Family Services, the Agency for Persons with Disabilities, the



893806

1521 Department of Health, the Department of Elderly Affairs, and the
1522 Department of Veterans' Affairs, and service providers under
1523 contract to those agencies, are established:

1524 (1) No later than August 1, 2010, or upon entering into any
1525 new contract for health and human services, state agencies
1526 contracting for health and human services must notify their
1527 contract service providers of the requirements of this section.

1528 (2) No later than October 1, 2010, contract service
1529 providers that have more than one contract with one or more
1530 state agencies to provide health and human services must provide
1531 to each of their contract managers a comprehensive list of their
1532 health and human services contracts. The list must include the
1533 following information:

1534 (a) The name of each contracting state agency and the
1535 applicable office or program issuing the contract.

1536 (b) The identifying name and number of each contract.

1537 (c) The starting and ending date of each contract.

1538 (d) The amount of each contract.

1539 (e) A brief description of the purpose of the contract and
1540 the types of services provided under each contract.

1541 (f) The name and contact information of the contract
1542 manager.

1543 (3) With respect to contracts entered into on or after
1544 August 1, 2010, effective November 1, 2010, or 30 days after
1545 receiving the list provided under subsection (2), a single lead
1546 administrative coordinator for each contract service provider
1547 shall be designated as provided in this subsection from among
1548 the agencies having multiple contracts as provided in subsection
1549 (2). On or before the date such responsibilities are assumed,



893806

1550 the designated lead administrative coordinator shall provide
1551 notice of his or her designation to the contract service
1552 provider and to the agency contract managers for each affected
1553 contract. Unless another lead administrative coordinator is
1554 selected by agreement of all affected contract managers, the
1555 designated lead administrative coordinator shall be the agency
1556 contract manager of the contract with the highest dollar value
1557 over the term of the contract, provided the term of the contract
1558 remaining at the time of designation exceeds 24 months. If the
1559 remaining terms of all contracts are 24 months or less, the
1560 designated lead administrative coordinator shall be the contract
1561 manager of the contract with the latest end date. A designated
1562 lead administrative coordinator, or his or her successor as
1563 contract manager, shall continue as lead administrative
1564 coordinator until another lead administrative coordinator is
1565 selected by agreement of all affected contract managers or until
1566 the end date of the contract for which the designated lead
1567 administrative coordinator serves as contract manager, at which
1568 time a new lead administrative coordinator shall be designated
1569 pursuant to this subsection, if applicable.

1570 (4) The designated lead administrative coordinator shall be
1571 responsible for:

1572 (a) Establishing a coordinated schedule for administrative
1573 and fiscal monitoring;

1574 (b) Consulting with other case managers to establish a
1575 single unified set of required administrative and fiscal
1576 documentation;

1577 (c) Consulting with other case managers to establish a
1578 single unified schedule for periodic updates of administrative



893806

1579 and fiscal information; and

1580 (d) Maintaining an accessible electronic file of up-to-date
1581 administrative and fiscal documents, including, but not limited
1582 to, corporate documents, membership records, audits, and
1583 monitoring reports.

1584 (5) Contract managers for agency contracts other than the
1585 designated lead administrative coordinator must conduct
1586 administrative and fiscal monitoring activities in accordance
1587 with the coordinated schedule and must obtain any necessary
1588 administrative and fiscal documents from the designated lead
1589 administrative coordinator's electronic file.

1590 (6) This section does not apply to routine program
1591 performance monitoring or prohibit a contracting agency from
1592 directly and immediately contacting the service provider when
1593 the health or safety of clients is at risk.

1594 (7) Each agency contracting for health and human services
1595 shall annually evaluate the performance of its designated lead
1596 administrative coordinator in establishing coordinated systems,
1597 improving efficiency, and reducing redundant monitoring
1598 activities for state agencies and their service providers. The
1599 annual report shall be submitted to the Governor, the President
1600 of the Senate, and the Speaker of the House of Representatives.

1601 Section 25. Subsections (1) and (5) of section 287.058,
1602 Florida Statutes, are amended to read:

1603 287.058 Contract document.—

1604 (1) Every procurement of contractual services in excess of
1605 the threshold amount provided in s. 287.017 for CATEGORY TWO,
1606 except for the providing of health and mental health services or
1607 drugs in the examination, diagnosis, or treatment of sick or



893806

1608 injured state employees or the providing of other benefits as
1609 required by the provisions of chapter 440, shall be evidenced by
1610 a written agreement embodying all provisions and conditions of
1611 the procurement of such services, which ~~provisions and~~
1612 ~~conditions~~ shall, where applicable, include, but ~~shall~~ not be
1613 limited to, a provision:

1614 (a) ~~A provision~~ That bills for fees or other compensation
1615 for services or expenses be submitted in detail sufficient for a
1616 proper preaudit and postaudit thereof.

1617 (b) ~~A provision~~ That bills for any travel expenses be
1618 submitted in accordance with s. 112.061. A state agency may
1619 establish rates lower than the maximum provided in s. 112.061.

1620 (c) ~~A provision~~ Allowing unilateral cancellation by the
1621 agency for refusal by the contractor to allow public access to
1622 all documents, papers, letters, or other material made or
1623 received by the contractor in conjunction with the contract,
1624 unless the records are exempt from s. 24(a) of Art. I of the
1625 State Constitution and s. 119.07(1).

1626 (d) Specifying a scope of work that clearly establishes all
1627 tasks the contractor is required to perform.

1628 (e) ~~(d) A provision~~ Dividing the contract into quantifiable,
1629 measurable, and verifiable units of deliverables, ~~which shall~~
1630 ~~include, but not be limited to, reports, findings, and drafts,~~
1631 that must be received and accepted in writing by the contract
1632 manager before ~~prior to~~ payment. Each deliverable must be
1633 directly related to the scope of work and specify the required
1634 minimum level of service to be performed and criteria for
1635 evaluating the successful completion of each deliverable.

1636 (f) ~~(e) A provision~~ Specifying the criteria and the final



893806

1637 date by which such criteria must be met for completion of the
1638 contract.

1639 (g) ~~(f)~~ ~~A provision~~ Specifying that the contract may be
1640 renewed for a period that may not exceed 3 years or the term of
1641 the original contract, whichever period is longer, specifying
1642 the renewal price for the contractual service as set forth in
1643 the bid, proposal, or reply, specifying that costs for the
1644 renewal may not be charged, and specifying that renewals shall
1645 be contingent upon satisfactory performance evaluations by the
1646 agency and subject to the availability of funds. Exceptional
1647 purchase contracts pursuant to s. 287.057 (3) ~~(5)~~ (a) and (c) may
1648 not be renewed.

1649 (h) Specifying the financial consequences that the agency
1650 must apply if the contractor fails to perform in accordance with
1651 the contract.

1652 (i) Addressing the property rights of any intellectual
1653 property related to the contract and the specific rights of the
1654 state regarding the intellectual property if the contractor
1655 fails to provide the services or is no longer providing
1656 services.

1657
1658 In lieu of a written agreement, the department may authorize the
1659 use of a purchase order for classes of contractual services, if
1660 the provisions of paragraphs (a)-(i) ~~(a)-(f)~~ are included in the
1661 purchase order or solicitation. The purchase order must include,
1662 but need not be limited to, an adequate description of the
1663 services, the contract period, and the method of payment. In
1664 lieu of printing the provisions of paragraphs (a)-(i) ~~(a)-(f)~~ in
1665 the contract document or purchase order, agencies may



893806

1666 incorporate the requirements of paragraphs (a)-(i) ~~(a)-(f)~~ by
1667 reference.

1668 (5) Unless otherwise provided in the General Appropriations
1669 Act or the substantive bill implementing the General
1670 Appropriations Act, the Chief Financial Officer may waive the
1671 requirements of this section for services which are included in
1672 s. 287.057(3)~~(5)~~(f).

1673 Section 26. Subsection (14) of section 287.059, Florida
1674 Statutes, is amended to read:

1675 287.059 Private attorney services.—

1676 (14) The office of the Attorney General is authorized to
1677 competitively bid and contract with one or more court reporting
1678 services, on a circuitwide basis, on behalf of all state
1679 agencies in accordance with s. 287.057~~(2)~~. The office of the
1680 Attorney General shall develop requests for proposal for court
1681 reporter services in consultation with the Florida Court
1682 Reporters Association. All agencies shall utilize the contracts
1683 for court reporting services entered into by the office of the
1684 Attorney General where in force, unless otherwise ordered by a
1685 court or unless an agency has a contract for court reporting
1686 services executed prior to May 5, 1993.

1687 Section 27. Section 287.1345, Florida Statutes, is
1688 repealed.

1689 Section 28. Paragraph (b) of subsection (4) of section
1690 295.187, Florida Statutes, is amended to read:

1691 295.187 Florida Service-Disabled Veteran Business
1692 Enterprise Opportunity Act.—

1693 (4) VENDOR PREFERENCE.—

1694 (b) Notwithstanding s. 287.057(11)~~(12)~~, if a service-



893806

1695 disabled veteran business enterprise entitled to the vendor
1696 preference under this section and one or more businesses
1697 entitled to this preference or another vendor preference
1698 provided by law submit bids, proposals, or replies for
1699 procurement of commodities or contractual services that are
1700 equal with respect to all relevant considerations, including
1701 price, quality, and service, then the state agency shall award
1702 the procurement or contract to the business having the smallest
1703 net worth.

1704 Section 29. Subsection (3) of section 394.457, Florida
1705 Statutes, is amended to read:

1706 394.457 Operation and administration.—

1707 (3) POWER TO CONTRACT.—The department may contract to
1708 provide, and be provided with, services and facilities in order
1709 to carry out its responsibilities under this part with the
1710 following agencies: public and private hospitals; receiving and
1711 treatment facilities; clinics; laboratories; departments,
1712 divisions, and other units of state government; the state
1713 colleges and universities; the community colleges; private
1714 colleges and universities; counties, municipalities, and any
1715 other governmental unit, including facilities of the United
1716 States Government; and any other public or private entity which
1717 provides or needs facilities or services. Baker Act funds for
1718 community inpatient, crisis stabilization, short-term
1719 residential treatment, and screening services must be allocated
1720 to each county pursuant to the department's funding allocation
1721 methodology. Notwithstanding the provisions of s.

1722 287.057(3)(~~5~~)(f), contracts for community-based Baker Act
1723 services for inpatient, crisis stabilization, short-term



893806

1724 residential treatment, and screening provided under this part,
1725 other than those with other units of government, to be provided
1726 for the department must be awarded using competitive sealed bids
1727 when the county commission of the county receiving the services
1728 makes a request to the department's district office by January
1729 15 of the contracting year. The district shall not enter into a
1730 competitively bid contract under this provision if such action
1731 will result in increases of state or local expenditures for
1732 Baker Act services within the district. Contracts for these
1733 Baker Act services using competitive sealed bids will be
1734 effective for 3 years. The department shall adopt rules
1735 establishing minimum standards for such contracted services and
1736 facilities and shall make periodic audits and inspections to
1737 assure that the contracted services are provided and meet the
1738 standards of the department.

1739 Section 30. Paragraph (a) of subsection (1) of section
1740 394.47865, Florida Statutes, is amended to read:

1741 394.47865 South Florida State Hospital; privatization.—

1742 (1) The Department of Children and Family Services shall,
1743 through a request for proposals, privatize South Florida State
1744 Hospital. The department shall plan to begin implementation of
1745 this privatization initiative by July 1, 1998.

1746 (a) Notwithstanding s. 287.057(13)~~(14)~~, the department may
1747 enter into agreements, not to exceed 20 years, with a private
1748 provider, a coalition of providers, or another agency to
1749 finance, design, and construct a treatment facility having up to
1750 350 beds and to operate all aspects of daily operations within
1751 the facility. The department may subcontract any or all
1752 components of this procurement to a statutorily established



893806

1753 state governmental entity that has successfully contracted with
1754 private companies for designing, financing, acquiring, leasing,
1755 constructing, and operating major privatized state facilities.

1756 Section 31. Paragraph (c) of subsection (5) and subsection
1757 (8) of section 402.40, Florida Statutes, are amended to read:

1758 402.40 Child welfare training.—

1759 (5) CORE COMPETENCIES.—

1760 (c) Notwithstanding s. 287.057 ~~(3)(5)~~ and ~~(21)(22)~~, the
1761 department shall competitively solicit and contract for the
1762 development, validation, and periodic evaluation of the training
1763 curricula for the established single integrated curriculum. No
1764 more than one training curriculum may be developed for each
1765 specific subset of the core competencies.

1766 (8) ESTABLISHMENT OF TRAINING ACADEMIES.—The department
1767 shall establish child welfare training academies as part of a
1768 comprehensive system of child welfare training. In establishing
1769 a program of training, the department may contract for the
1770 operation of one or more training academies to perform one or
1771 more of the following: to offer one or more of the training
1772 curricula developed under subsection (5); to administer the
1773 certification process; to develop, validate, and periodically
1774 evaluate additional training curricula determined to be
1775 necessary, including advanced training that is specific to a
1776 region or contractor, or that meets a particular training need;
1777 or to offer the additional training curricula. The number,
1778 location, and timeframe for establishment of training academies
1779 shall be approved by the Secretary of Children and Family
1780 Services who shall ensure that the goals for the core
1781 competencies and the single integrated curriculum, the



893806

1782 certification process, the trainer qualifications, and the
1783 additional training needs are addressed. Notwithstanding s.
1784 287.057(3)~~(5)~~ and (21)~~(22)~~, the department shall competitively
1785 solicit all training academy contracts.

1786 Section 32. Paragraphs (a) and (b) of subsection (2) and
1787 subsection (3) of section 402.7305, Florida Statutes, are
1788 amended to read:

1789 402.7305 Department of Children and Family Services;
1790 procurement of contractual services; contract management.—

1791 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

1792 (a) Notwithstanding s. 287.057(3)(f)12. ~~s.~~
1793 ~~287.057(5)(f)13.~~, whenever the department intends to contract
1794 with a public postsecondary institution to provide a service,
1795 the department must allow all public postsecondary institutions
1796 in this state that are accredited by the Southern Association of
1797 Colleges and Schools to bid on the contract. Thereafter,
1798 notwithstanding any other provision to the contrary, if a public
1799 postsecondary institution intends to subcontract for any service
1800 awarded in the contract, the subcontracted service must be
1801 procured by competitive procedures.

1802 (b) When it is in the best interest of a defined segment of
1803 its consumer population, the department may competitively
1804 procure and contract for systems of treatment or service that
1805 involve multiple providers, rather than procuring and
1806 contracting for treatment or services separately from each
1807 participating provider. The department must ensure that all
1808 providers that participate in the treatment or service system
1809 meet all applicable statutory, regulatory, service quality, and
1810 cost control requirements. If other governmental entities or



893806

1811 units of special purpose government contribute matching funds to
1812 the support of a given system of treatment or service, the
1813 department shall formally request information from those funding
1814 entities in the procurement process and may take the information
1815 received into account in the selection process. If a local
1816 government contributes matching funds to support the system of
1817 treatment or contracted service and if the match constitutes at
1818 least 25 percent of the value of the contract, the department
1819 shall afford the governmental match contributor an opportunity
1820 to name an employee as one of the persons required by s.
1821 287.057(16)~~(17)~~ to evaluate or negotiate certain contracts,
1822 unless the department sets forth in writing the reason why the
1823 inclusion would be contrary to the best interest of the state.
1824 Any employee so named by the governmental match contributor
1825 shall qualify as one of the persons required by s.
1826 287.057(16)~~(17)~~. A governmental entity or unit of special
1827 purpose government may not name an employee as one of the
1828 persons required by s. 287.057(16)~~(17)~~ if it, or any of its
1829 political subdivisions, executive agencies, or special
1830 districts, intends to compete for the contract to be awarded.
1831 The governmental funding entity or contributor of matching funds
1832 must comply with all procurement procedures set forth in s.
1833 287.057 when appropriate and required.

1834 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The
1835 Department of Children and Family Services shall review the time
1836 period for which the department executes contracts and shall
1837 execute multiyear contracts to make the most efficient use of
1838 the resources devoted to contract processing and execution.
1839 Whenever the department chooses not to use a multiyear contract,



893806

1840 a justification for that decision must be contained in the
1841 contract. Notwithstanding s. 287.057(14)(15), the department is
1842 responsible for establishing a contract management process that
1843 requires a member of the department's Senior Management or
1844 Selected Exempt Service to assign in writing the responsibility
1845 of a contract to a contract manager. The department shall
1846 maintain a set of procedures describing its contract management
1847 process which must minimally include the following requirements:

1848 (a) The contract manager shall maintain the official
1849 contract file throughout the duration of the contract and for a
1850 period not less than 6 years after the termination of the
1851 contract.

1852 (b) The contract manager shall review all invoices for
1853 compliance with the criteria and payment schedule provided for
1854 in the contract and shall approve payment of all invoices before
1855 their transmission to the Department of Financial Services for
1856 payment.

1857 (c) The contract manager shall maintain a schedule of
1858 payments and total amounts disbursed and shall periodically
1859 reconcile the records with the state's official accounting
1860 records.

1861 (d) For contracts involving the provision of direct client
1862 services, the contract manager shall periodically visit the
1863 physical location where the services are delivered and speak
1864 directly to clients receiving the services and the staff
1865 responsible for delivering the services.

1866 (e) The contract manager shall meet at least once a month
1867 directly with the contractor's representative and maintain
1868 records of such meetings.



893806

1869 (f) The contract manager shall periodically document any
1870 differences between the required performance measures and the
1871 actual performance measures. If a contractor fails to meet and
1872 comply with the performance measures established in the
1873 contract, the department may allow a reasonable period for the
1874 contractor to correct performance deficiencies. If performance
1875 deficiencies are not resolved to the satisfaction of the
1876 department within the prescribed time, and if no extenuating
1877 circumstances can be documented by the contractor to the
1878 department's satisfaction, the department must terminate the
1879 contract. The department may not enter into a new contract with
1880 that same contractor for the services for which the contract was
1881 previously terminated for a period of at least 24 months after
1882 the date of termination. The contract manager shall obtain and
1883 enforce corrective action plans, if appropriate, and maintain
1884 records regarding the completion or failure to complete
1885 corrective action items.

1886 (g) The contract manager shall document any contract
1887 modifications, which shall include recording any contract
1888 amendments as provided for in this section.

1889 (h) The contract manager shall be properly trained before
1890 being assigned responsibility for any contract.

1891 Section 33. Subsection (2) of section 408.045, Florida
1892 Statutes, is amended to read:

1893 408.045 Certificate of need; competitive sealed proposals.-

1894 (2) The agency shall make a decision regarding the issuance
1895 of the certificate of need in accordance with the provisions of
1896 s. 287.057(16)(17), rules adopted by the agency relating to
1897 intermediate care facilities for the developmentally disabled,



893806

1898 and the criteria in s. 408.035, as further defined by rule.

1899 Section 34. Subsection (3) of section 427.0135, Florida
1900 Statutes, is amended to read:

1901 427.0135 Purchasing agencies; duties and responsibilities.-
1902 Each purchasing agency, in carrying out the policies and
1903 procedures of the commission, shall:

1904 (3) Not procure transportation disadvantaged services
1905 without initially negotiating with the commission, as provided
1906 in s. 287.057(3)(f)12. ~~s. 287.057(5)(f)13.~~, or unless otherwise
1907 authorized by statute. If the purchasing agency, after
1908 consultation with the commission, determines that it cannot
1909 reach mutually acceptable contract terms with the commission,
1910 the purchasing agency may contract for the same transportation
1911 services provided in a more cost-effective manner and of
1912 comparable or higher quality and standards. The Medicaid agency
1913 shall implement this subsection in a manner consistent with s.
1914 409.908(18) and as otherwise limited or directed by the General
1915 Appropriations Act.

1916 Section 35. Paragraph (c) of subsection (5) of section
1917 445.024, Florida Statutes, is amended to read:

1918 445.024 Work requirements.-

1919 (5) USE OF CONTRACTS.-Regional workforce boards shall
1920 provide work activities, training, and other services, as
1921 appropriate, through contracts. In contracting for work
1922 activities, training, or services, the following applies:

1923 (c) Notwithstanding the exemption from the competitive
1924 sealed bid requirements provided in s. 287.057 (3) ~~(5)~~ (f) for
1925 certain contractual services, each contract awarded under this
1926 chapter must be awarded on the basis of a competitive sealed



893806

1927 bid, except for a contract with a governmental entity as
1928 determined by the regional workforce board.

1929 Section 36. Paragraph (b) of subsection (3) of section
1930 481.205, Florida Statutes, is amended to read:

1931 481.205 Board of Architecture and Interior Design.—

1932 (3)

1933 (b) The board shall contract with a corporation or other
1934 business entity pursuant to s. 287.057~~(3)~~ to provide
1935 investigative, legal, prosecutorial, and other services
1936 necessary to perform its duties.

1937 Section 37. Subsection (41) of section 570.07, Florida
1938 Statutes, is amended to read:

1939 570.07 Department of Agriculture and Consumer Services;
1940 functions, powers, and duties.—The department shall have and
1941 exercise the following functions, powers, and duties:

1942 (41) Notwithstanding the provisions of s. 287.057~~(22)~~(22)~~(23)~~
1943 that require all agencies to use the online procurement system
1944 developed by the Department of Management Services, the
1945 department may continue to use its own online system. However,
1946 vendors utilizing such system shall be prequalified as meeting
1947 mandatory requirements and qualifications and shall remit fees
1948 pursuant to s. 287.057~~(22)~~(22)~~(23)~~, and any rules implementing s.
1949 287.057.

1950 Section 38. Paragraph (c) of subsection (5) of section
1951 627.311, Florida Statutes, is amended to read:

1952 627.311 Joint underwriters and joint reinsurers; public
1953 records and public meetings exemptions.—

1954 (5)

1955 (c) The operation of the plan shall be governed by a plan



893806

1956 of operation that is prepared at the direction of the board of
1957 governors and approved by order of the office. The plan is
1958 subject to continuous review by the office. The office may, by
1959 order, withdraw approval of all or part of a plan if the office
1960 determines that conditions have changed since approval was
1961 granted and that the purposes of the plan require changes in the
1962 plan. The plan of operation shall:

1963 1. Authorize the board to engage in the activities
1964 necessary to implement this subsection, including, but not
1965 limited to, borrowing money.

1966 2. Develop criteria for eligibility for coverage by the
1967 plan, including, but not limited to, documented rejection by at
1968 least two insurers which reasonably assures that insureds
1969 covered under the plan are unable to acquire coverage in the
1970 voluntary market.

1971 3. Require notice from the agent to the insured at the time
1972 of the application for coverage that the application is for
1973 coverage with the plan and that coverage may be available
1974 through an insurer, group self-insurers' fund, commercial self-
1975 insurance fund, or assessable mutual insurer through another
1976 agent at a lower cost.

1977 4. Establish programs to encourage insurers to provide
1978 coverage to applicants of the plan in the voluntary market and
1979 to insureds of the plan, including, but not limited to:

1980 a. Establishing procedures for an insurer to use in
1981 notifying the plan of the insurer's desire to provide coverage
1982 to applicants to the plan or existing insureds of the plan and
1983 in describing the types of risks in which the insurer is
1984 interested. The description of the desired risks must be on a



893806

1985 form developed by the plan.

1986 b. Developing forms and procedures that provide an insurer
1987 with the information necessary to determine whether the insurer
1988 wants to write particular applicants to the plan or insureds of
1989 the plan.

1990 c. Developing procedures for notice to the plan and the
1991 applicant to the plan or insured of the plan that an insurer
1992 will insure the applicant or the insured of the plan, and notice
1993 of the cost of the coverage offered; and developing procedures
1994 for the selection of an insuring entity by the applicant or
1995 insured of the plan.

1996 d. Provide for a market-assistance plan to assist in the
1997 placement of employers. All applications for coverage in the
1998 plan received 45 days before the effective date for coverage
1999 shall be processed through the market-assistance plan. A market-
2000 assistance plan specifically designed to serve the needs of
2001 small, good policyholders as defined by the board must be
2002 reviewed and updated periodically.

2003 5. Provide for policy and claims services to the insureds
2004 of the plan of the nature and quality provided for insureds in
2005 the voluntary market.

2006 6. Provide for the review of applications for coverage with
2007 the plan for reasonableness and accuracy, using any available
2008 historic information regarding the insured.

2009 7. Provide for procedures for auditing insureds of the plan
2010 which are based on reasonable business judgment and are designed
2011 to maximize the likelihood that the plan will collect the
2012 appropriate premiums.

2013 8. Authorize the plan to terminate the coverage of and



893806

2014 refuse future coverage for any insured that submits a fraudulent
2015 application to the plan or provides fraudulent or grossly
2016 erroneous records to the plan or to any service provider of the
2017 plan in conjunction with the activities of the plan.

2018 9. Establish service standards for agents who submit
2019 business to the plan.

2020 10. Establish criteria and procedures to prohibit any agent
2021 who does not adhere to the established service standards from
2022 placing business with the plan or receiving, directly or
2023 indirectly, any commissions for business placed with the plan.

2024 11. Provide for the establishment of reasonable safety
2025 programs for all insureds in the plan. All insureds of the plan
2026 must participate in the safety program.

2027 12. Authorize the plan to terminate the coverage of and
2028 refuse future coverage to any insured who fails to pay premiums
2029 or surcharges when due; who, at the time of application, is
2030 delinquent in payments of workers' compensation or employer's
2031 liability insurance premiums or surcharges owed to an insurer,
2032 group self-insurers' fund, commercial self-insurance fund, or
2033 assessable mutual insurer licensed to write such coverage in
2034 this state; or who refuses to substantially comply with any
2035 safety programs recommended by the plan.

2036 13. Authorize the board of governors to provide the goods
2037 and services required by the plan through staff employed by the
2038 plan, through reasonably compensated service providers who
2039 contract with the plan to provide services as specified by the
2040 board of governors, or through a combination of employees and
2041 service providers.

2042 a. Purchases that equal or exceed \$2,500 but are less than



893806

2043 or equal to \$25,000, shall be made by receipt of written quotes,
2044 telephone quotes, or informal bids, whenever practical. The
2045 procurement of goods or services valued over \$25,000 is subject
2046 to competitive solicitation, except in situations in which the
2047 goods or services are provided by a sole source or are deemed an
2048 emergency purchase, or the services are exempted from
2049 competitive-solicitation requirements under s. 287.057(3)~~(5)~~(f).
2050 Justification for the sole-sourcing or emergency procurement
2051 must be documented. Contracts for goods or services valued at or
2052 over \$100,000 are subject to board approval.

2053 b. The board shall determine whether it is more cost-
2054 effective and in the best interests of the plan to use legal
2055 services provided by in-house attorneys employed by the plan
2056 rather than contracting with outside counsel. In making such
2057 determination, the board shall document its findings and shall
2058 consider the expertise needed; whether time commitments exceed
2059 in-house staff resources; whether local representation is
2060 needed; the travel, lodging, and other costs associated with in-
2061 house representation; and such other factors that the board
2062 determines are relevant.

2063 14. Provide for service standards for service providers,
2064 methods of determining adherence to those service standards,
2065 incentives and disincentives for service, and procedures for
2066 terminating contracts for service providers that fail to adhere
2067 to service standards.

2068 15. Provide procedures for selecting service providers and
2069 standards for qualification as a service provider that
2070 reasonably assure that any service provider selected will
2071 continue to operate as an ongoing concern and is capable of



893806

2072 providing the specified services in the manner required.
2073 16. Provide for reasonable accounting and data-reporting
2074 practices.
2075 17. Provide for annual review of costs associated with the
2076 administration and servicing of the policies issued by the plan
2077 to determine alternatives by which costs can be reduced.
2078 18. Authorize the acquisition of such excess insurance or
2079 reinsurance as is consistent with the purposes of the plan.
2080 19. Provide for an annual report to the office on a date
2081 specified by the office and containing such information as the
2082 office reasonably requires.
2083 20. Establish multiple rating plans for various
2084 classifications of risk which reflect risk of loss, hazard
2085 grade, actual losses, size of premium, and compliance with loss
2086 control. At least one of such plans must be a preferred-rating
2087 plan to accommodate small-premium policyholders with good
2088 experience as defined in sub-subparagraph 22.a.
2089 21. Establish agent commission schedules.
2090 22. For employers otherwise eligible for coverage under the
2091 plan, establish three tiers of employers meeting the criteria
2092 and subject to the rate limitations specified in this
2093 subparagraph.
2094 a. Tier One.—
2095 (I) Criteria; rated employers.—An employer that has an
2096 experience modification rating shall be included in Tier One if
2097 the employer meets all of the following:
2098 (A) The experience modification is below 1.00.
2099 (B) The employer had no lost-time claims subsequent to the
2100 applicable experience modification rating period.



893806

2101 (C) The total of the employer's medical-only claims
2102 subsequent to the applicable experience modification rating
2103 period did not exceed 20 percent of premium.

2104 (II) Criteria; non-rated employers.—An employer that does
2105 not have an experience modification rating shall be included in
2106 Tier One if the employer meets all of the following:

2107 (A) The employer had no lost-time claims for the 3-year
2108 period immediately preceding the inception date or renewal date
2109 of the employer's coverage under the plan.

2110 (B) The total of the employer's medical-only claims for the
2111 3-year period immediately preceding the inception date or
2112 renewal date of the employer's coverage under the plan did not
2113 exceed 20 percent of premium.

2114 (C) The employer has secured workers' compensation coverage
2115 for the entire 3-year period immediately preceding the inception
2116 date or renewal date of the employer's coverage under the plan.

2117 (D) The employer is able to provide the plan with a loss
2118 history generated by the employer's prior workers' compensation
2119 insurer, except if the employer is not able to produce a loss
2120 history due to the insolvency of an insurer, the receiver shall
2121 provide to the plan, upon the request of the employer or the
2122 employer's agent, a copy of the employer's loss history from the
2123 records of the insolvent insurer if the loss history is
2124 contained in records of the insurer which are in the possession
2125 of the receiver. If the receiver is unable to produce the loss
2126 history, the employer may, in lieu of the loss history, submit
2127 an affidavit from the employer and the employer's insurance
2128 agent setting forth the loss history.

2129 (E) The employer is not a new business.



893806

2130 (III) Premiums.—The premiums for Tier One insureds shall be
2131 set at a premium level 25 percent above the comparable voluntary
2132 market premiums until the plan has sufficient experience as
2133 determined by the board to establish an actuarially sound rate
2134 for Tier One, at which point the board shall, subject to
2135 paragraph (e), adjust the rates, if necessary, to produce
2136 actuarially sound rates, provided such rate adjustment shall not
2137 take effect prior to January 1, 2007.

2138 b. Tier Two.—

2139 (I) Criteria; rated employers.—An employer that has an
2140 experience modification rating shall be included in Tier Two if
2141 the employer meets all of the following:

2142 (A) The experience modification is equal to or greater than
2143 1.00 but not greater than 1.10.

2144 (B) The employer had no lost-time claims subsequent to the
2145 applicable experience modification rating period.

2146 (C) The total of the employer's medical-only claims
2147 subsequent to the applicable experience modification rating
2148 period did not exceed 20 percent of premium.

2149 (II) Criteria; non-rated employers.—An employer that does
2150 not have any experience modification rating shall be included in
2151 Tier Two if the employer is a new business. An employer shall be
2152 included in Tier Two if the employer has less than 3 years of
2153 loss experience in the 3-year period immediately preceding the
2154 inception date or renewal date of the employer's coverage under
2155 the plan and the employer meets all of the following:

2156 (A) The employer had no lost-time claims for the 3-year
2157 period immediately preceding the inception date or renewal date
2158 of the employer's coverage under the plan.



893806

2159 (B) The total of the employer's medical-only claims for the
2160 3-year period immediately preceding the inception date or
2161 renewal date of the employer's coverage under the plan did not
2162 exceed 20 percent of premium.

2163 (C) The employer is able to provide the plan with a loss
2164 history generated by the workers' compensation insurer that
2165 provided coverage for the portion or portions of such period
2166 during which the employer had secured workers' compensation
2167 coverage, except if the employer is not able to produce a loss
2168 history due to the insolvency of an insurer, the receiver shall
2169 provide to the plan, upon the request of the employer or the
2170 employer's agent, a copy of the employer's loss history from the
2171 records of the insolvent insurer if the loss history is
2172 contained in records of the insurer which are in the possession
2173 of the receiver. If the receiver is unable to produce the loss
2174 history, the employer may, in lieu of the loss history, submit
2175 an affidavit from the employer and the employer's insurance
2176 agent setting forth the loss history.

2177 (III) Premiums.—The premiums for Tier Two insureds shall be
2178 set at a rate level 50 percent above the comparable voluntary
2179 market premiums until the plan has sufficient experience as
2180 determined by the board to establish an actuarially sound rate
2181 for Tier Two, at which point the board shall, subject to
2182 paragraph (e), adjust the rates, if necessary, to produce
2183 actuarially sound rates, provided such rate adjustment shall not
2184 take effect prior to January 1, 2007.

2185 c. Tier Three.—

2186 (I) Eligibility.—An employer shall be included in Tier
2187 Three if the employer does not meet the criteria for Tier One or



893806

2188 Tier Two.

2189 (II) Rates.—The board shall establish, subject to paragraph
2190 (e), and the plan shall charge, actuarially sound rates for Tier
2191 Three insureds.

2192 23. For Tier One or Tier Two employers which employ no
2193 nonexempt employees or which report payroll which is less than
2194 the minimum wage hourly rate for one full-time employee for 1
2195 year at 40 hours per week, the plan shall establish actuarially
2196 sound premiums, provided, however, that the premiums may not
2197 exceed \$2,500. These premiums shall be in addition to the fee
2198 specified in subparagraph 26. When the plan establishes
2199 actuarially sound rates for all employers in Tier One and Tier
2200 Two, the premiums for employers referred to in this paragraph
2201 are no longer subject to the \$2,500 cap.

2202 24. Provide for a depopulation program to reduce the number
2203 of insureds in the plan. If an employer insured through the plan
2204 is offered coverage from a voluntary market carrier:

- 2205 a. During the first 30 days of coverage under the plan;
- 2206 b. Before a policy is issued under the plan;
- 2207 c. By issuance of a policy upon expiration or cancellation
2208 of the policy under the plan; or
- 2209 d. By assumption of the plan's obligation with respect to
2210 an in-force policy,

2211
2212 that employer is no longer eligible for coverage through the
2213 plan. The premium for risks assumed by the voluntary market
2214 carrier must be no greater than the premium the insured would
2215 have paid under the plan, and shall be adjusted upon renewal to
2216 reflect changes in the plan rates and the tier for which the



893806

2217 insured would qualify as of the time of renewal. The insured may
2218 be charged such premiums only for the first 3 years of coverage
2219 in the voluntary market. A premium under this subparagraph is
2220 deemed approved and is not an excess premium for purposes of s.
2221 627.171.

2222 25. Require that policies issued and applications must
2223 include a notice that the policy could be replaced by a policy
2224 issued from a voluntary market carrier and that, if an offer of
2225 coverage is obtained from a voluntary market carrier, the
2226 policyholder is no longer eligible for coverage through the
2227 plan. The notice must also specify that acceptance of coverage
2228 under the plan creates a conclusive presumption that the
2229 applicant or policyholder is aware of this potential.

2230 26. Require that each application for coverage and each
2231 renewal premium be accompanied by a nonrefundable fee of \$475 to
2232 cover costs of administration and fraud prevention. The board
2233 may, with the prior approval of the office, increase the amount
2234 of the fee pursuant to a rate filing to reflect increased costs
2235 of administration and fraud prevention. The fee is not subject
2236 to commission and is fully earned upon commencement of coverage.

2237 Section 39. Paragraph (e) of subsection (6) of section
2238 627.351, Florida Statutes, is amended to read:

2239 627.351 Insurance risk apportionment plans.—

2240 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

2241 (e) Purchases that equal or exceed \$2,500, but are less
2242 than \$25,000, shall be made by receipt of written quotes,
2243 written record of telephone quotes, or informal bids, whenever
2244 practical. The procurement of goods or services valued at or
2245 over \$25,000 shall be subject to competitive solicitation,



893806

2246 except in situations where the goods or services are provided by
2247 a sole source or are deemed an emergency purchase; the services
2248 are exempted from competitive solicitation requirements under s.
2249 287.057(3)(~~5~~)(f); or the procurement of services is subject to
2250 s. 627.3513. Justification for the sole-sourcing or emergency
2251 procurement must be documented. Contracts for goods or services
2252 valued at or over \$100,000 are subject to approval by the board.

2253 Section 40. Subsection (2) of section 765.5155, Florida
2254 Statutes, is amended to read:

2255 765.5155 Donor registry; education program.—

2256 (2) The agency and the department shall jointly contract
2257 for the operation of a donor registry and education program. The
2258 contractor shall be procured by competitive solicitation
2259 pursuant to chapter 287, notwithstanding any exemption in s.
2260 287.057(3)(~~5~~)(f). When awarding the contract, priority shall be
2261 given to existing nonprofit groups that are based within the
2262 state, have expertise working with procurement organizations,
2263 have expertise in conducting statewide organ and tissue donor
2264 public education campaigns, and represent the needs of the organ
2265 and tissue donation community in the state.

2266 Section 41. Subsection (10) of section 893.055, Florida
2267 Statutes, is amended to read:

2268 893.055 Prescription drug monitoring program.—

2269 (10) All costs incurred by the department in administering
2270 the prescription drug monitoring program shall be funded through
2271 federal grants or private funding applied for or received by the
2272 state. The department may not commit funds for the monitoring
2273 program without ensuring funding is available. The prescription
2274 drug monitoring program and the implementation thereof are



893806

2275 contingent upon receipt of the nonstate funding. The department
2276 and state government shall cooperate with the direct-support
2277 organization established pursuant to subsection (11) in seeking
2278 federal grant funds, other nonstate grant funds, gifts,
2279 donations, or other private moneys for the department so long as
2280 the costs of doing so are not considered material. Nonmaterial
2281 costs for this purpose include, but are not limited to, the
2282 costs of mailing and personnel assigned to research or apply for
2283 a grant. Notwithstanding the exemptions to competitive-
2284 solicitation requirements under s. 287.057 (3) ~~(5)~~ (f), the
2285 department shall comply with the competitive-solicitation
2286 requirements under s. 287.057 for the procurement of any goods
2287 or services required by this section.

2288 Section 42. Subsection (3) of section 1013.38, Florida
2289 Statutes, is amended to read:

2290 1013.38 Boards to ensure that facilities comply with
2291 building codes and life safety codes.-

2292 (3) The Department of Management Services may, upon
2293 request, provide facilities services for the Florida School for
2294 the Deaf and the Blind, the Division of Blind Services, and
2295 public broadcasting. As used in this section, the term
2296 "facilities services" means project management, code and design
2297 plan review, and code compliance inspection for projects as
2298 defined in s. 287.017 (5) ~~(1)~~ (e).

2299 Section 43. Section 21 of chapter 2009-55, Laws of Florida,
2300 is amended to read:

2301 Section 21. The Agency for Health Care Administration shall
2302 develop and implement a home health agency monitoring pilot
2303 project in Miami-Dade County by January 1, 2010. The agency



893806

2304 shall contract with a vendor to verify the utilization and the
2305 delivery of home health services and provide an electronic
2306 billing interface for such services. The contract must require
2307 the creation of a program to submit claims for the home health
2308 services electronically. The program must verify visits for the
2309 delivery of home health services telephonically using voice
2310 biometrics. The agency may seek amendments to the Medicaid state
2311 plan and waivers of federal law, as necessary, to implement the
2312 pilot project. Notwithstanding s. 287.057(3)~~(5)~~(f), Florida
2313 Statutes, the agency must award the contract through the
2314 competitive solicitation process. The agency shall submit a
2315 report to the Governor, the President of the Senate, and the
2316 Speaker of the House of Representatives evaluating the pilot
2317 project by February 1, 2011.

2318 Section 44. Section 31 of chapter 2009-223, Law of Florida,
2319 is amended to read:

2320 Section 31. Pilot project to monitor home health services.-
2321 The Agency for Health Care Administration shall develop and
2322 implement a home health agency monitoring pilot project in
2323 Miami-Dade County by January 1, 2010. The agency shall contract
2324 with a vendor to verify the utilization and delivery of home
2325 health services and provide an electronic billing interface for
2326 home health services. The contract must require the creation of
2327 a program to submit claims electronically for the delivery of
2328 home health services. The program must verify telephonically
2329 visits for the delivery of home health services using voice
2330 biometrics. The agency may seek amendments to the Medicaid state
2331 plan and waivers of federal laws, as necessary, to implement the
2332 pilot project. Notwithstanding s. 287.057(3)~~(5)~~(f), Florida



893806

2333 Statutes, the agency must award the contract through the
2334 competitive solicitation process. The agency shall submit a
2335 report to the Governor, the President of the Senate, and the
2336 Speaker of the House of Representatives evaluating the pilot
2337 project by February 1, 2011.

2338 Section 45. Contracts for academic program reviews,
2339 auditing services, health services, or Medicaid services are
2340 subject to the transaction or user fees imposed under ss.
2341 287.042(1)(h) and 287.057(22), Florida Statutes, only to the
2342 extent that such contracts were not subject to such transaction
2343 or user fees before July 1, 2010.

2344 Section 46. (1) Each state agency, as defined in s.
2345 216.011, Florida Statutes, shall provide the following
2346 information to the Department of Financial Services regarding
2347 the agency's contracted activities:

2348 (a) The nature of the commodities or services purchased.

2349 (b) The term of the contract.

2350 (c) The final obligation made by the agency.

2351 (d) A summary of any time constraints that apply to the
2352 procurement.

2353 (e) The justification for not using the competitive
2354 solicitation, including any statutory exemption or exception.

2355 (f) Other information regarding the contract or the
2356 procurement which may be required by the Department of Financial
2357 Services.

2358 (2) This section applies to any contract executed on or
2359 after July 1, 2010, for the purchase of commodities or
2360 contractual services in excess of the CATEGORY TWO threshold
2361 amount provided in s. 287.017, Florida Statutes, which is not:



893806

2362 (a) Awarded by competitive solicitation pursuant to s.
2363 287.057(1), Florida Statutes; or

2364 (b) Purchased from a purchasing agreement or state term
2365 contract pursuant to s. 287.056, Florida Statutes.

2366 (3) An agency must submit the required information to the
2367 Department of Financial Services within 3 working days after
2368 executing the contract.

2369 Section 47. Each state agency, as defined in s. 216.011,
2370 Florida Statutes, shall review existing contract renewals and
2371 reprocurements with private providers and public-private
2372 providers in an effort to reduce contract payments by at least 3
2373 percent. It is the statewide goal to achieve substantial
2374 savings; however, it is the intent of the Legislature that the
2375 level and quality of services not be affected. Each agency shall
2376 renegotiate and reprocure contracts consistent with this
2377 section. Any savings that accrue through renegotiating the
2378 renewal or reprocurement of an existing contract shall be placed
2379 in reserve by the Executive Office of the Governor.

2380 Section 48. (1) Each state agency, as defined in s.
2381 216.011, Florida Statutes, shall review its contracts and, for
2382 any contract with a preferred-pricing clause, the agency shall
2383 ensure that the contractor complies with such clause.

2384 (2) Each contract executed, renewed, extended, or modified
2385 on or after July 1, 2010, which includes a preferred-pricing
2386 clause, must require an affidavit from an authorized
2387 representative of the contractor attesting that the contract is
2388 in compliance with the preferred-pricing clause. Such affidavit
2389 must be submitted at least annually. A contractor's failure to
2390 comply with a preferred-pricing clause is grounds for



2391 terminating the contract at the state agency's sole discretion.

2392 (3) As used in this section, the term "preferred-pricing
2393 clause" means a contractual provision under which the state is
2394 offered the most favorable price that the contractor offers to
2395 any client.

2396 Section 49. (1) Consistent with the principles of promoting
2397 employment of state residents, ensuring that the expenditure of
2398 state funds benefits state residents, and encouraging economic
2399 development within the state, each entity expending funds
2400 provided in the General Appropriations Act for the 2010-2011
2401 fiscal year for any purchase of goods and services in excess of
2402 \$5 million shall give preference, to the maximum extent possible
2403 under or consistent with applicable state and federal laws, to
2404 vendors or businesses that have a principal place of business in
2405 the State of Florida and that commit contractually to maximize
2406 the use of state residents, state products, and other Florida-
2407 based businesses in fulfilling their contractual duties.

2408 (2) This section does not apply to any contract that was
2409 funded prior to June 1, 2010.

2410 (3) Each state agency shall identify contracts that are
2411 subject to this section and shall report by March 1, 2011, to
2412 the Agency for Workforce Innovation each contractor's compliance
2413 with this section.

2414 Section 50. The sum of \$311,915 from the General Revenue
2415 Fund is appropriated and five full-time equivalent positions and
2416 associated salary rate are authorized to the Department of
2417 Financial Services to implement the provisions of this act.

2418 Section 51. This act shall take effect July 1, 2010.

2419



893806

2420 ===== T I T L E A M E N D M E N T =====

2421 And the title is amended as follows:

2422 Delete everything before the enacting clause

2423 and insert:

2424 A bill to be entitled

2425 An act relating to state financial matters; amending
2426 s. 14.204, F.S.; conforming a cross-reference;
2427 amending s. 17.20, F.S.; providing that each agency is
2428 responsible for exercising due diligence in securing
2429 payment for all accounts receivable and other claims
2430 due the state; creating requirements for agencies for
2431 purposes of reporting delinquent accounts receivable;
2432 requiring agencies to report annually to the
2433 Legislature and Chief Financial Officer on accounts
2434 receivable and other claims due the state; requiring
2435 the Chief Financial Officer to report annually to the
2436 Governor and Legislature on claims for collections due
2437 the state; amending s. 17.29, F.S.; authorizing the
2438 Chief Financial Officer to adopt rules requiring that
2439 payments made by the state for goods, services, or
2440 anything of value be made by electronic means;
2441 requiring that the rules include methods for
2442 accommodating persons who may not be able to receive
2443 payment by electronic means; authorizing the Chief
2444 Financial Officer to make payments by warrant if
2445 administratively necessary; amending ss. 43.16,
2446 61.1826 and 112.3215, F.S.; conforming cross-
2447 references; amending s. 215.322, F.S.; conforming
2448 provisions to changes made by the act to authorize



893806

2449 state agencies, local governments, and the judicial
2450 branch to accept payments by electronic funds
2451 transfers; providing for the adoption of rules to
2452 facilitate such payments and to accommodate persons
2453 who may not be able to make payments by electronic
2454 means; authorizing the Chief Financial Officer to
2455 adopt rules establishing uniform security safeguards
2456 for cardholder data; creating s. 215.971, F.S.;

2457 requiring that agency agreements that provide state or
2458 federal financial assistance to a recipient or
2459 subrecipient include certain provisions; amending s.
2460 216.3475, F.S.; requiring an agency that is awarded
2461 funding on a noncompetitive basis for certain services
2462 as specified in the General Appropriations Act to
2463 maintain specified documentation supporting a cost
2464 analysis; amending s. 255.249, F.S.; conforming a
2465 provision to the repeal of s. 287.1345, F.S.; amending
2466 s. 255.25, F.S.; conforming a provision to the repeal
2467 of s. 287.1345, F.S.; conforming a cross-reference;
2468 amending s. 283.32, F.S.; conforming provisions to the
2469 repeal of s. 287.045, F.S.; amending s. 286.0113,
2470 F.S.; conforming a cross-reference; amending s.
2471 287.012, F.S.; revising, eliminating, and providing
2472 definitions; amending s. 287.017, F.S.; revising the
2473 threshold amounts for state purchasing categories;
2474 eliminating a requirement that the Department of
2475 Management Services adopt rules to adjust the
2476 threshold amounts; amending s. 287.022, F.S.;

2477 conforming a cross-reference; repealing s. 287.045,



893806

2478 F.S., relating to procurement of products and
2479 materials with recycled content; amending s. 287.056,
2480 F.S.; specifying the provisions to be included in
2481 state agency purchasing agreements; amending s.
2482 287.057, F.S.; revising and organizing provisions
2483 relating to the procurement of commodities and
2484 contractual services by the state; specifying
2485 authorized uses for competitive solicitation
2486 processes; providing procedures and requirements with
2487 respect to competitive solicitation; specifying types
2488 of procurements for which invitations to bid, requests
2489 for proposals, and invitations to negotiate are to be
2490 used and providing procedures and requirements with
2491 respect thereto; revising contractual services and
2492 commodities that are not subject to competitive-
2493 solicitation requirements; prohibiting an agency from
2494 dividing the solicitation of commodities or
2495 contractual services in order to avoid specified
2496 requirements; requiring that an agency avoid,
2497 neutralize, or mitigate significant potential
2498 organizational conflicts of interests before a
2499 contract is awarded; providing procedures and
2500 requirements with respect to mitigation of such
2501 conflicts of interest; authorizing an agency to
2502 proceed with a contract award when such conflict
2503 cannot be avoided or mitigated under specified
2504 circumstances and providing a restriction on such
2505 award; specifying conditions that constitute an unfair
2506 competitive advantage for a vendor; amending s.



893806

2507 287.0571, F.S.; revising applicability of ss.
2508 287.0571-287.0574, F.S.; specifying procurements and
2509 contracts to which s. 287.0571, F.S., relating to
2510 agency business cases for outsourcing of specified
2511 projects, does not apply; requiring an agency to
2512 complete a business case for any outsourcing project
2513 that has an expected cost in excess of a specified
2514 amount within a single fiscal year; providing for the
2515 submission of the business case in accordance with
2516 provisions governing the submission of agency
2517 legislative budget requests; providing that a business
2518 case is not subject to challenge; providing required
2519 components of a business case; specifying required
2520 provisions for a contract for a proposed outsourcing;
2521 repealing s. 287.05721, F.S., relating to definitions;
2522 repealing s. 287.0573, F.S., relating to the Council
2523 on Efficient Government and its membership and duties;
2524 repealing s. 287.0574, F.S., relating to provisions
2525 governing business cases for outsourcing and the
2526 review and analysis conducted thereunder, the
2527 requirements of which are relocated in other sections
2528 of Florida Statutes set forth in the act; creating s.
2529 287.0575, F.S.; establishing duties and
2530 responsibilities of the Department of Children and
2531 Family Services, the Agency for Persons with
2532 Disabilities, the Department of Health, the Department
2533 of Elderly Affairs, and the Department of Veterans'
2534 Affairs, and service providers under contract to those
2535 agencies, with respect to coordination of contracted



893806

2536 services; requiring state agencies contracting for
2537 health and human services to notify their contract
2538 service providers of certain requirements by a
2539 specified date or upon entering into any new contract
2540 for health and human services; requiring each service
2541 provider that has more than one contract with one or
2542 more state agencies to provide health and human
2543 services to provide to each of its contract managers a
2544 comprehensive list of its health and human services
2545 contracts by a specified date; specifying information
2546 to be contained in the list; providing for assignment,
2547 by a specified date, of a single lead administrative
2548 coordinator for each service provider from among
2549 agencies having multiple health and human services
2550 contracts; requiring that the lead administrative
2551 coordinator provide notice of his or her designation
2552 to the service provider and to the agency contract
2553 managers for each affected contract; providing the
2554 method of selecting the lead administrative
2555 coordinator; providing responsibilities of the
2556 designated lead administrative coordinator; providing
2557 duties of contract managers for agency contracts;
2558 providing for nonapplicability under certain
2559 circumstances; requiring annual performance
2560 evaluations of designated lead administrative
2561 coordinators by each agency contracting for health and
2562 human services; providing for a report to the Governor
2563 and Legislature; amending s. 287.058, F.S.; revising
2564 provisions regarding contracts for services;



893806

2565 specifying provisions to be included in such
2566 contracts; amending s. 287.059, F.S.; conforming a
2567 cross-reference; repealing s. 287.1345, F.S., relating
2568 to surcharge on users of state term contracts;
2569 amending ss. 295.187, 394.457, 394.47865, 402.40,
2570 402.7305, 408.045, 427.0135, 445.024, 481.205, 570.07,
2571 627.311, 627.351, 765.5155, 893.055 and 1013.38, F.S.,
2572 and s. 21 of chapter 2009-55 and s. 31 of chapter
2573 2009-223, Law of Florida; conforming cross-references;
2574 providing that statutorily authorized transaction or
2575 user fees do not apply to certain contracts for
2576 services if the services were exempt from such fees
2577 before a specified date; requiring state agencies to
2578 provide specified information to the Department of
2579 Financial Services relating to the purchase of
2580 commodities or services; requiring state agencies to
2581 review and renegotiate contract renewals and
2582 procurements in an effort to reduce contract
2583 payments; requiring the Executive Office of the
2584 Governor to place savings from the renegotiation of
2585 contract renewals or procurements in reserve;
2586 requiring each state agency to review its contracts to
2587 ensure that contractors comply with applicable
2588 preferred-pricing clauses; requiring certain contracts
2589 containing a preferred-pricing clause to require that
2590 the contractor submit an affidavit attesting to the
2591 contractor's compliance with the clause; defining the
2592 term "preferred-pricing clause"; requiring that each
2593 entity expending funds provided for in the 2010-2011



893806

2594 fiscal year give preference to vendors or businesses
2595 that have a principal place of business in Florida and
2596 that commit contractually to maximize the use of state
2597 residents, products, and businesses; providing an
2598 exception; requiring state agencies to report
2599 contractor compliance with such requirement to the
2600 Agency for Workforce Innovation; providing an
2601 appropriation and authorizing additional positions;
2602 providing an effective date.