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A bill to be entitled  
An act relating to diversity, equity, and inclusion and affirmative action; amending s. 16.71, F.S.; removing a requirement that the Governor consider certain appointees; repealing s. 24.113, F.S., relating to minority participation for lottery retailers; amending s. 110.112, F.S.; providing for equal employment opportunity; prohibiting a hiring manager from engaging in certain employment practices; authorizing certain persons to file complaints with the Attorney General; amending s. 110.605, F.S.; revising the personnel rules of the Department of Management Services; repealing ss. 255.101 and 255.102, F.S., relating to contracts for public construction works and utilization of minority business enterprises, respectively; amending s. 287.042, F.S.; revising the powers, duties, and functions of the department relating to commodities, insurance, and contractual services; amending s. 287.055, F.S.; revising public announcement and qualification procedures and competitive selection requirements; amending s. 287.057, F.S.; revising provisions relating to procurement of commodities or contractual services; repealing ss. 287.093, 287.0931, 287.094, 287.0943, and 287.09431, F.S., relating to

minority business enterprises and programs; amending s. 287.09451, F.S.; renaming the Office of Supplier Diversity as the Office of Supplier Development; repealing s. 287.0947, F.S., relating to the Florida Advisory Council on Small and Minority Business Development; repealing s. 288.1167, F.S., relating to sports franchise contract provisions for food and beverage concession and contract awards to minority business enterprises; amending ss. 288.703 and 409.920, F.S.; revising definitions; repealing s. 395.807, F.S., relating to retention of family practice residents; repealing s. 420.622, F.S., relating to the State Office on Homelessness and Council on Homelessness; amending s. 445.007, F.S.; removing requirements that minority and gender representation be considered when making appointments to a local workforce development board; amending s. 473.3065, F.S.; renaming the Public Accountant Education Minority Assistance Advisory Council as the Public Accountant Education Opportunity Assistance Advisory Council; revising the selection and eligibility criteria for receipt of the Clay Ford Scholarship Program; revising the selection and eligibility criteria for appointment to the council; amending s. 489.111, F.S.; removing requirement that a

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51       sensitivity review committee be established; repealing  
52       s. 641.217, F.S., relating to minority recruitment and  
53       retention plans; repealing s. 760.80, F.S., relating  
54       to minority representation on boards, commissions,  
55       councils, and committees; redesignating part V of ch.  
56       760, F.S., as part IV to conform to changes made by  
57       the act; amending ss. 17.11, 20.60, 43.16, 110.105,  
58       110.211, 187.201, 212.096, 215.971, 255.20, 282.201,  
59       282.709, 286.101, 287.012, 287.0571, 287.059,  
60       288.0001, 288.001, 288.0065, 288.12266, 288.1229,  
61       288.124, 288.7015, 288.7031, 288.706, 288.776,  
62       290.004, 290.0056, 290.0057, 290.046, 295.187, 320.63,  
63       337.11, 339.63, 376.3072, 376.84, 381.986, 383.216,  
64       394.47865, 402.7305, 408.045, 409.901, 430.502,  
65       440.45, 446.041, 570.07, 616.255, 616.256, 627.351,  
66       627.3511, 1001.216, 1001.706, 1004.42, 1004.435, and  
67       1013.46, F.S.; conforming cross-references and  
68       provisions to changes made by the act; providing an  
69       effective date.

70  
71       Be It Enacted by the Legislature of the State of Florida:

72  
73       **Section 1. Paragraph (a) of subsection (2) of section  
74       16.71, Florida Statutes, is amended to read:**

75       16.71 Florida Gaming Control Commission; creation;

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76 meetings; membership.—

77 (2) MEMBERSHIP.—

78 (a) The commission shall consist of five members appointed  
79 by the Governor, and subject to confirmation by the Senate, for  
80 terms of 4 years. Members of the commission must be appointed by  
81 January 1, 2022. ~~The Governor shall consider appointees who~~  
82 ~~reflect Florida's racial, ethnic, and gender diversity.~~ Of the  
83 initial five members appointed by the Governor, and immediately  
84 upon appointment, the Governor shall appoint one of the members  
85 as the initial chair and one of the members as the initial vice  
86 chair. At the end of the initial chair's and vice chair's terms  
87 pursuant to subparagraph 1., the commission shall elect one of  
88 the members of the commission as chair and one of the members of  
89 the commission as vice chair.

90 1. For the purpose of providing staggered terms, of the  
91 initial appointments, two members shall be appointed to 4-year  
92 terms, two members shall be appointed to 3-year terms, and one  
93 member shall be appointed to a 2-year term.

94 2. Of the five members, at least one member must have at  
95 least 10 years of experience in law enforcement and criminal  
96 investigations, at least one member must be a certified public  
97 accountant licensed in this state with at least 10 years of  
98 experience in accounting and auditing, and at least one member  
99 must be an attorney admitted and authorized to practice law in  
100 this state for at least the preceding 10 years.

101       **Section 2. Subsection (2) of section 17.11, Florida**  
102       **Statutes, is amended to read:**

103       17.11 To report disbursements made.—

104       (2) The Chief Financial Officer shall also cause to have  
105       reported from the Florida Accounting Information Resource  
106       Subsystem no less than quarterly the disbursements which  
107       agencies made to small businesses, as defined in s. 288.703 ~~the~~  
108       ~~Florida Small and Minority Business Assistance Act; to certified~~  
109       ~~minority business enterprises in the aggregate; and to certified~~  
110       ~~minority business enterprises broken down into categories of~~  
111       ~~minority persons, as well as gender and nationality subgroups.~~

112       This information shall be made available to the agencies, the  
113       Office of Supplier Development Diversity, the Governor, the  
114       President of the Senate, and the Speaker of the House of  
115       Representatives. Each agency shall be responsible for the  
116       accuracy of information entered into the Florida Accounting  
117       Information Resource Subsystem for use in this reporting.

118       **Section 3. Paragraphs (e) and (k) of subsection (4) and**  
119       **paragraph (a) of subsection (5) of section 20.60, Florida**  
120       **Statutes, are amended to read:**

121       20.60 Department of Commerce; creation; powers and  
122       duties.—

123       (4) The purpose of the department is to assist the  
124       Governor in working with the Legislature, state agencies,  
125       business leaders, and economic development professionals to

126 formulate and implement coherent and consistent policies and  
127 strategies designed to promote economic opportunities for all  
128 Floridians. The department is the state's chief agency for  
129 business recruitment and expansion and economic development. To  
130 accomplish such purposes, the department shall:

131 (e) Manage the activities of public-private partnerships  
132 and state agencies in order to avoid duplication and promote  
133 coordinated and consistent implementation of programs in areas  
134 including, but not limited to, tourism; international trade and  
135 investment; business recruitment, creation, retention, and  
136 expansion; ~~minority~~ and small business development; defense,  
137 space, and aerospace development; rural community development;  
138 and the development and promotion of professional and amateur  
139 sporting events.

140 (k) Assist, promote, and enhance economic opportunities  
141 for this state's ~~minority~~-owned businesses and rural and urban  
142 communities.

143 (5) The divisions within the department have specific  
144 responsibilities to achieve the duties, responsibilities, and  
145 goals of the department. Specifically:

146 (a) The Division of Economic Development shall:

147 1. Analyze and evaluate business prospects identified by  
148 the Governor and the secretary.

149 2. Administer certain tax refund, tax credit, and grant  
150 programs created in law. Notwithstanding any other provision of

151 law, the department may expend interest earned from the  
152 investment of program funds deposited in the Grants and  
153 Donations Trust Fund to contract for the administration of those  
154 programs, or portions of the programs, assigned to the  
155 department by law, by the appropriations process, or by the  
156 Governor. Such expenditures shall be subject to review under  
157 chapter 216.

158 3. Develop measurement protocols for the state incentive  
159 programs and for the contracted entities which will be used to  
160 determine their performance and competitive value to the state.  
161 Performance measures, benchmarks, and sanctions must be  
162 developed in consultation with the legislative appropriations  
163 committees and the appropriate substantive committees, and are  
164 subject to the review and approval process provided in s.  
165 216.177. The approved performance measures, standards, and  
166 sanctions shall be included and made a part of the strategic  
167 plan for contracts entered into for delivery of programs  
168 authorized by this section.

169 4. Develop a 5-year statewide strategic plan. The  
170 strategic plan must include, but need not be limited to:

171 a. Strategies for the promotion of business formation,  
172 expansion, recruitment, and retention through aggressive  
173 marketing, attraction of venture capital and finance  
174 development, domestic trade, international development, and  
175 export assistance, which lead to more and better jobs and higher

176 wages for all geographic regions, disadvantaged communities, and  
177 populations of the state, including rural areas, ~~minority~~  
178 ~~businesses,~~ and urban core areas.

179 b. The development of realistic policies and programs to  
180 further the economic diversity of the state, its regions, and  
181 their associated industrial clusters.

182 c. Specific provisions for the stimulation of economic  
183 development and job creation in rural areas and midsize cities  
184 and counties of the state, including strategies for rural  
185 marketing and the development of infrastructure in rural areas.

186 d. Provisions for the promotion of the successful long-  
187 term economic development of the state with increased emphasis  
188 in market research and information.

189 e. Plans for the generation of foreign investment in the  
190 state which create jobs paying above-average wages and which  
191 result in reverse investment in the state, including programs  
192 that establish viable overseas markets, assist in meeting the  
193 financing requirements of export-ready firms, broaden  
194 opportunities for international joint venture relationships, use  
195 the resources of academic and other institutions, coordinate  
196 trade assistance and facilitation services, and facilitate  
197 availability of and access to education and training programs  
198 that assure requisite skills and competencies necessary to  
199 compete successfully in the global marketplace.

200 f. The identification of business sectors that are of

201 current or future importance to the state's economy and to the  
202 state's global business image, and development of specific  
203 strategies to promote the development of such sectors.

204 g. Strategies for talent development necessary in the  
205 state to encourage economic development growth, taking into  
206 account factors such as the state's talent supply chain,  
207 education and training opportunities, and available workforce.

208 h. Strategies and plans to support this state's defense,  
209 space, and aerospace industries and the emerging complementary  
210 business activities and industries that support the development  
211 and growth of defense, space, and aerospace in this state.

212 5. Update the strategic plan every 5 years.

213 6. Involve CareerSource Florida, Inc.; direct-support  
214 organizations of the department; local governments; the general  
215 public; local and regional economic development organizations;  
216 other local, state, and federal economic, international, and  
217 workforce development entities; the business community; and  
218 educational institutions to assist with the strategic plan.

219 7. Coordinate with the Florida Tourism Industry Marketing  
220 Corporation in the development of the 4-year marketing plan  
221 pursuant to s. 288.1226(13).

222 8. Administer and manage relationships, as appropriate,  
223 with the entities and programs created pursuant to the Florida  
224 Capital Formation Act, ss. 288.9621-288.96255.

225 **Section 4.** Section 24.113, Florida Statutes, is repealed.

226       **Section 5. Subsection (1) of section 43.16, Florida**  
227       **Statutes, is amended to read:**

228       43.16 Justice Administrative Commission; membership,  
229       powers and duties.—

230       (1) There is hereby created a Justice Administrative  
231       Commission, with headquarters located in the state capital. The  
232       necessary office space for use of the commission shall be  
233       furnished by the proper state agency in charge of state  
234       buildings. For purposes of the fees imposed on agencies pursuant  
235       to s. 287.057(22) ~~s. 287.057(24)~~, the Justice Administrative  
236       Commission shall be exempt from such fees.

237       **Section 6. Subsection (1) of section 110.105, Florida**  
238       **Statutes, is amended to read:**

239       110.105 Employment policy of the state.—

240       (1) It is the purpose of this chapter to establish a  
241       system of personnel management. This system shall provide means  
242       to recruit, select, train, develop, and maintain an effective  
243       and responsible workforce and shall include policies and  
244       procedures for employee hiring and advancement, training and  
245       career development, position classification, salary  
246       administration, benefits, discipline, discharge, employee  
247       performance evaluations, ~~affirmative action~~, and other related  
248       activities.

249       **Section 7. Section 110.112, Florida Statutes, is amended**  
250       **to read:**

251 110.112 ~~Affirmative action;~~ Equal employment opportunity.—  
252 (1) It is the policy of this state to provide equal  
253 opportunities in employment. Discrimination in employment  
254 because of race, gender, creed, color, or national origin is  
255 prohibited. Executive agencies may not use racial or gender set-  
256 asides, preferences, or quotas when making decisions regarding  
257 the hiring, retention, or promotion of a state employee assist  
258 in providing the assurance of equal employment opportunity  
259 through programs of affirmative and positive action that will  
260 allow full utilization of women, minorities, and individuals who  
261 have a disability.

262 (2) (a) ~~The head of each executive agency shall develop and~~  
263 ~~implement an affirmative action plan in accordance with rules~~  
264 ~~adopted by the department and approved by a majority vote of the~~  
265 ~~Administration Commission before their adoption.~~

266 (b) ~~Each executive agency shall establish annual goals for~~  
267 ~~ensuring full utilization of groups underrepresented in the~~  
268 ~~agency's workforce, including women, minorities, and individuals~~  
269 ~~who have a disability, as compared to the relevant labor market,~~  
270 ~~as defined by the agency. Each executive agency shall design its~~  
271 ~~affirmative action plan to meet its established goals.~~

272 (c) ~~Each executive agency shall annually report to the~~  
273 ~~department regarding the agency's progress toward increasing~~  
274 ~~employment among women, minorities, and individuals who have a~~  
275 ~~disability.~~

276 (d) An affirmative action-equal employment opportunity  
277 officer shall be appointed by the head of each executive agency.  
278 The affirmative action-equal employment opportunity officer's  
279 responsibilities must include determining annual goals,  
280 monitoring agency compliance, and providing consultation to  
281 managers regarding progress, deficiencies, and appropriate  
282 corrective action.

283 (e) The department shall report information in its annual  
284 workforce report relating to the implementation, continuance,  
285 updating, and results of each executive agency's affirmative  
286 action plan for the previous fiscal year. The annual workforce  
287 report must also include data for each executive agency relating  
288 to employment levels among women, minorities, and individuals  
289 who have a disability.

290 (f) The department shall provide to all supervisory  
291 personnel of the executive agencies training in the principles  
292 of equal employment opportunity and affirmative action, the  
293 development and implementation of affirmative action plans, and  
294 the establishment of annual affirmative action goals. The  
295 department may contract for training services, and each  
296 participating agency shall reimburse the department for costs  
297 incurred through such contract. After the department approves  
298 the contents of the training program for the agencies, the  
299 department may delegate this training to the executive agencies.

300 (2)-(3)(a) The department, in consultation with the Agency

301 for Persons with Disabilities, the Division of Vocational  
302 Rehabilitation and the Division of Blind Services of the  
303 Department of Education, the Department of Commerce, and the  
304 Executive Office of the Governor, shall develop and implement  
305 programs that incorporate internships, mentoring, on-the-job  
306 training, unpaid work experience, situational assessments, and  
307 other innovative strategies that are specifically geared toward  
308 individuals who have a disability.

309 (b) By January 1, 2017, the department shall develop  
310 mandatory training programs for human resources personnel and  
311 hiring managers of executive agencies which support the  
312 employment of individuals who have a disability.

313 (c) 1. By January 1, 2017, each executive agency shall  
314 develop an agency-specific plan that addresses how to promote  
315 employment opportunities for individuals who have a disability.

316 2. The department shall assist executive agencies in the  
317 implementation of agency-specific plans. The department shall  
318 regularly report to the Governor, the President of the Senate,  
319 and the Speaker of the House of Representatives the progress of  
320 executive agencies in implementing these plans. Such reports  
321 shall be made at least biannually.

322 (d) The department shall compile data regarding the hiring  
323 practices of executive agencies with regard to individuals who  
324 have a disability and make such data available on its website.

325 (e) The department shall assist executive agencies in

326 identifying and implementing strategies for retaining employees  
327 who have a disability which include, but are not limited to,  
328 training programs, funding reasonable accommodations, increasing  
329 access to appropriate technologies, and ensuring accessibility  
330 of physical and virtual workplaces.

331 (f) The department shall adopt rules relating to forms  
332 that provide for the voluntary self-identification of  
333 individuals who have a disability and are employed by an  
334 executive agency.

335 (g) This subsection does not create any substantive or  
336 procedural right or benefit enforceable at law or in equity  
337 against the state or a state agency, or an officer, employee, or  
338 agent thereof.

339 ~~(4) Each state attorney and public defender shall:~~

340 ~~(a) Develop and implement an affirmative action plan.~~

341 ~~(b) Establish annual goals for ensuring full utilization~~  
342 ~~of groups underrepresented in its workforce as compared to the~~  
343 ~~relevant labor market in this state. The state attorneys' and~~  
344 ~~public defenders' affirmative action plans must be designed to~~  
345 ~~meet the established goals.~~

346 ~~(c) Appoint an affirmative action-equal employment~~  
347 ~~opportunity officer.~~

348 ~~(3)-(5) The state and, its agencies and officers shall~~  
349 ensure freedom from discrimination in employment as provided by  
350 the Florida Civil Rights Act of 1992, by s. 112.044, and by this

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351 chapter.

352 (4) ~~(6)~~ Any individual claiming to be aggrieved by an  
353 unlawful employment practice may file a complaint with the  
354 Florida Commission on Human Relations or the Attorney General as  
355 provided by s. 760.11.

356 (5) ~~(7)~~ The department shall review and monitor executive  
357 agency actions in carrying out the rules adopted by the  
358 department pursuant to this section.

359 **Section 8. Subsections (1) and (4) of section 110.211,  
360 Florida Statutes, are amended to read:**

361 110.211 Recruitment.—

362 (1) Recruiting shall be planned and carried out in a  
363 manner that assures open competition based upon current and  
364 projected employing agency needs, taking into consideration the  
365 number and types of positions to be filled and the labor market  
366 conditions, ~~with special emphasis placed on recruiting efforts~~  
367 ~~to attract minorities, women, or other groups that are~~  
368 ~~underrepresented in the workforce of the employing agency.~~

369 (4) All recruitment literature involving state position  
370 vacancies shall contain the phrase "An Equal Opportunity  
371 Employer/Affirmative Action Employer."

372 **Section 9. Paragraph (d) of subsection (1) of section  
373 110.605, Florida Statutes, is amended to read:**

374 110.605 Powers and duties; personnel rules, records,  
375 reports, and performance appraisal.—

376       (1) The department shall adopt and administer uniform  
377 personnel rules, records, and reports relating to employees and  
378 positions in the Selected Exempt Service, as well as any other  
379 rules and procedures relating to personnel administration which  
380 are necessary to carry out the purposes of this part.

381       ~~(d) The department shall develop a program of affirmative  
382 and positive actions that will ensure full utilization of women  
383 and minorities in Selected Exempt Service positions.~~

384       **Section 10. Paragraph (b) of subsection (21) of section  
385 187.201, Florida Statutes, is amended to read:**

386       187.201 State Comprehensive Plan adopted.—The Legislature  
387 hereby adopts as the State Comprehensive Plan the following  
388 specific goals and policies:

389       (21) THE ECONOMY.—

390       (b) Policies.—

391       1. Attract new job-producing industries, corporate  
392 headquarters, distribution and service centers, regional  
393 offices, and research and development facilities to provide  
394 quality employment for the residents of Florida.

395       2. Promote entrepreneurship and small ~~and minority~~ owned  
396 business startups ~~startup~~ by providing technical and information  
397 resources, facilitating capital formation, and removing  
398 regulatory restraints which are unnecessary for the protection  
399 of consumers and society.

400       3. Maintain, as one of the state's primary economic

401 assets, the environment, including clean air and water, beaches,  
402 forests, historic landmarks, and agricultural and natural  
403 resources.

404 4. Strengthen Florida's position in the world economy  
405 through attracting foreign investment and promoting  
406 international banking and trade.

407 5. Build on the state's attractiveness to make it a leader  
408 in the visual and performing arts and in all phases of film,  
409 television, and recording production.

410 6. Promote economic development for Florida residents  
411 through partnerships among education, business, industry,  
412 agriculture, and the arts.

413 7. Provide increased opportunities for training Florida's  
414 workforce to provide skilled employees for new and expanding  
415 business.

416 8. Promote economic self-sufficiency through training and  
417 educational programs which result in productive employment.

418 9. Promote cooperative employment arrangements between  
419 private employers and public sector employment efforts to  
420 provide productive, permanent employment opportunities for  
421 public assistance recipients through provisions of education  
422 opportunities, tax incentives, and employment training.

423 10. Provide for nondiscriminatory employment  
424 opportunities.

425 11. Provide quality child day care for public assistance

426 families and others who need it in order to work.

427 12. Encourage the development of a business climate that  
428 provides opportunities for the growth and expansion of existing  
429 state industries, particularly those industries which are  
430 compatible with Florida's environment.

431 13. Promote coordination among Florida's ports to increase  
432 their utilization.

433 14. Encourage the full utilization by businesses of the  
434 economic development enhancement programs implemented by the  
435 Legislature for the purpose of extensively involving private  
436 businesses in the development and expansion of permanent job  
437 opportunities, especially for the economically disadvantaged,  
438 through the utilization of enterprise zones, community  
439 development corporations, and other programs designed to enhance  
440 economic and employment opportunities.

441 **Section 11. Paragraph (g) of subsection (3) of section  
442 212.096, Florida Statutes, is amended to read:**

443 212.096 Sales, rental, storage, use tax; enterprise zone  
444 jobs credit against sales tax.—

445 (3) In order to claim this credit, an eligible business  
446 must file under oath with the governing body or enterprise zone  
447 development agency having jurisdiction over the enterprise zone  
448 where the business is located, as applicable, a statement which  
449 includes:

450 (g) Whether the business is a small business as defined in

451 s. 288.703 by s. 288.703(6).

452 **Section 12. Paragraph (a) of subsection (2) of section**  
453 **215.971, Florida Statutes, is amended to read:**

454 215.971 Agreements funded with federal or state  
455 assistance.—

456 (2) For each agreement funded with federal or state  
457 financial assistance, the state agency shall designate an  
458 employee to function as a grant manager who shall be responsible  
459 for enforcing performance of the agreement's terms and  
460 conditions and who shall serve as a liaison with the recipient  
461 or subrecipient.

462 (a)1. Each grant manager who is responsible for agreements  
463 in excess of the threshold amount for CATEGORY TWO under s.  
464 287.017 must, at a minimum, complete training conducted by the  
465 Chief Financial Officer for accountability in contracts and  
466 grant management.

467 2. Effective December 1, 2014, each grant manager  
468 responsible for agreements in excess of \$100,000 annually must  
469 complete the training and become a certified contract manager as  
470 provided under s. 287.057(13) ~~s. 287.057(15)~~. All grant managers  
471 must become certified contract managers within 24 months after  
472 establishment of the training and certification requirements by  
473 the Department of Management Services and the Department of  
474 Financial Services.

475 **Section 13. Sections 255.101 and 255.102, Florida**

476 Statutes, are repealed.

477 **Section 14. Paragraph (c) of subsection (1) of section**  
478 **255.20, Florida Statutes, is amended to read:**

479 255.20 Local bids and contracts for public construction  
480 works; specification of state-produced lumber.—

481 (1) A county, municipality, special district as defined in  
482 chapter 189, or other political subdivision of the state seeking  
483 to construct or improve a public building, structure, or other  
484 public construction works must competitively award to an  
485 appropriately licensed contractor each project that is estimated  
486 to cost more than \$300,000. For electrical work, the local  
487 government must competitively award to an appropriately licensed  
488 contractor each project that is estimated to cost more than  
489 \$75,000. As used in this section, the term "competitively award"  
490 means to award contracts based on the submission of sealed bids,  
491 proposals submitted in response to a request for proposal,  
492 proposals submitted in response to a request for qualifications,  
493 or proposals submitted for competitive negotiation. This  
494 subsection expressly allows contracts for construction  
495 management services, design/build contracts, continuation  
496 contracts based on unit prices, and any other contract  
497 arrangement with a private sector contractor permitted by any  
498 applicable municipal or county ordinance, by district  
499 resolution, or by state law. For purposes of this section, cost  
500 includes employee compensation and benefits, except inmate

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501 labor, the cost of equipment and maintenance, insurance costs,  
502 and the cost of direct materials to be used in the construction  
503 of the project, including materials purchased by the local  
504 government, and other direct costs, plus a factor of 20 percent  
505 for management, overhead, and other indirect costs. Subject to  
506 the provisions of subsection (3), the county, municipality,  
507 special district, or other political subdivision may establish,  
508 by municipal or county ordinance or special district resolution,  
509 procedures for conducting the bidding process.

510 (c) The provisions of this subsection do not apply:

511 1. If the project is undertaken to replace, reconstruct,  
512 or repair an existing public building, structure, or other  
513 public construction works damaged or destroyed by a sudden  
514 unexpected turn of events such as an act of God, riot, fire,  
515 flood, accident, or other urgent circumstances, and such damage  
516 or destruction creates:

517 a. An immediate danger to the public health or safety;  
518 b. Other loss to public or private property which requires  
519 emergency government action; or  
520 c. An interruption of an essential governmental service.

521 2. If, after notice by publication in accordance with the  
522 applicable ordinance or resolution, the governmental entity does  
523 not receive any responsive bids or proposals.

524 3. To construction, remodeling, repair, or improvement to  
525 a public electric or gas utility system if such work on the

526 public utility system is performed by personnel of the system.

527 4. To construction, remodeling, repair, or improvement by  
528 a utility commission whose major contracts are to construct and  
529 operate a public electric utility system.

530 5. If the project is undertaken as repair or maintenance  
531 of an existing public facility. For the purposes of this  
532 paragraph, the term "repair" means a corrective action to  
533 restore an existing public facility to a safe and functional  
534 condition and the term "maintenance" means a preventive or  
535 corrective action to maintain an existing public facility in an  
536 operational state or to preserve the facility from failure or  
537 decline. Repair or maintenance includes activities that are  
538 necessarily incidental to repairing or maintaining the facility.  
539 Repair or maintenance does not include the construction of any  
540 new building, structure, or other public construction works or  
541 any substantial addition, extension, or upgrade to an existing  
542 public facility. Such additions, extensions, or upgrades shall  
543 be considered substantial if the estimated cost of the  
544 additions, extensions, or upgrades included as part of the  
545 repair or maintenance project exceeds the threshold amount in  
546 subsection (1) and exceeds 20 percent of the estimated total  
547 cost of the repair or maintenance project fully accounting for  
548 all costs associated with performing and completing the work,  
549 including employee compensation and benefits, equipment cost and  
550 maintenance, insurance costs, and the cost of direct materials

551 to be used in the construction of the project, including  
552 materials purchased by the local government, and other direct  
553 costs, plus a factor of 20 percent for management, overhead, and  
554 other indirect costs. An addition, extension, or upgrade may  
555 ~~shall~~ not be considered substantial if it is undertaken pursuant  
556 to the conditions specified in subparagraph 1. Repair and  
557 maintenance projects and any related additions, extensions, or  
558 upgrades may not be divided into multiple projects for the  
559 purpose of evading the requirements of this subparagraph.

560 6. If the project is undertaken exclusively as part of a  
561 public educational program.

562 7. If the funding source of the project will be diminished  
563 or lost because the time required to competitively award the  
564 project after the funds become available exceeds the time within  
565 which the funding source must be spent.

566 8. If the local government competitively awarded a project  
567 to a private sector contractor and the contractor abandoned the  
568 project before completion or the local government terminated the  
569 contract.

570 9. If the governing board of the local government complies  
571 with all of the requirements of this subparagraph, conducts a  
572 public meeting under s. 286.011 after public notice, and finds  
573 by majority vote of the governing board that it is in the  
574 public's best interest to perform the project using its own  
575 services, employees, and equipment. The public notice must be

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576 published at least 21 days before the date of the public meeting  
577 at which the governing board takes final action. The notice must  
578 identify the project, the components and scope of the work, and  
579 the estimated cost of the project fully accounting for all costs  
580 associated with performing and completing the work, including  
581 employee compensation and benefits, equipment cost and  
582 maintenance, insurance costs, and the cost of direct materials  
583 to be used in the construction of the project, including  
584 materials purchased by the local government, and other direct  
585 costs, plus a factor of 20 percent for management, overhead, and  
586 other indirect costs. The notice must specify that the purpose  
587 for the public meeting is to consider whether it is in the  
588 public's best interest to perform the project using the local  
589 government's own services, employees, and equipment. Upon  
590 publication of the public notice and for 21 days thereafter, the  
591 local government shall make available for public inspection,  
592 during normal business hours and at a location specified in the  
593 public notice, a detailed itemization of each component of the  
594 estimated cost of the project and documentation explaining the  
595 methodology used to arrive at the estimated cost. At the public  
596 meeting, any qualified contractor or vendor who could have been  
597 awarded the project had the project been competitively bid shall  
598 be provided with a reasonable opportunity to present evidence to  
599 the governing board regarding the project and the accuracy of  
600 the local government's estimated cost of the project. In

601 deciding whether it is in the public's best interest for the  
602 local government to perform a project using its own services,  
603 employees, and equipment, the governing board must consider the  
604 estimated cost of the project fully accounting for all costs  
605 associated with performing and completing the work, including  
606 employee compensation and benefits, equipment cost and  
607 maintenance, insurance costs, and the cost of direct materials  
608 to be used in the construction of the project, including  
609 materials purchased by the local government, and other direct  
610 costs, plus a factor of 20 percent for management, overhead, and  
611 other indirect costs, and the accuracy of the estimated cost in  
612 light of any other information that may be presented at the  
613 public meeting and whether the project requires an increase in  
614 the number of government employees or an increase in capital  
615 expenditures for public facilities, equipment, or other capital  
616 assets. The local government may further consider the impact on  
617 local economic development, the impact on small ~~and minority~~  
618 business owners, the impact on state and local tax revenues,  
619 whether the private sector contractors provide health insurance  
620 and other benefits equivalent to those provided by the local  
621 government, and any other factor relevant to what is in the  
622 public's best interest. A report summarizing completed projects  
623 constructed by the local government pursuant to this subsection  
624 shall be publicly reviewed each year by the governing body of  
625 the local government. The report shall detail the estimated

626 costs and the actual costs of the projects constructed by the  
627 local government pursuant to this subsection. The report shall  
628 be made available for review by the public. The Auditor General  
629 shall review the report as part of his or her audits of local  
630 governments.

631 10. If the governing board of the local government  
632 determines upon consideration of specific substantive criteria  
633 that it is in the best interest of the local government to award  
634 the project to an appropriately licensed private sector  
635 contractor pursuant to administrative procedures established by  
636 and expressly set forth in a charter, ordinance, or resolution  
637 of the local government adopted before July 1, 1994. The  
638 criteria and procedures must be set out in the charter,  
639 ordinance, or resolution and must be applied uniformly by the  
640 local government to avoid awarding a project in an arbitrary or  
641 capricious manner. This exception applies only if all of the  
642 following occur:

643 a. The governing board of the local government, after  
644 public notice, conducts a public meeting under s. 286.011 and  
645 finds by a two-thirds vote of the governing board that it is in  
646 the public's best interest to award the project according to the  
647 criteria and procedures established by charter, ordinance, or  
648 resolution. The public notice must be published at least 14 days  
649 before the date of the public meeting at which the governing  
650 board takes final action. The notice must identify the project,

651 the estimated cost of the project, and specify that the purpose  
652 for the public meeting is to consider whether it is in the  
653 public's best interest to award the project using the criteria  
654 and procedures permitted by the preexisting charter, ordinance,  
655 or resolution.

656 b. The project is to be awarded by any method other than a  
657 competitive selection process, and the governing board finds  
658 evidence that:

659 (I) There is one appropriately licensed contractor who is  
660 uniquely qualified to undertake the project because that  
661 contractor is currently under contract to perform work that is  
662 affiliated with the project; or

663 (II) The time to competitively award the project will  
664 jeopardize the funding for the project, materially increase the  
665 cost of the project, or create an undue hardship on the public  
666 health, safety, or welfare.

667 c. The project is to be awarded by any method other than a  
668 competitive selection process, and the published notice clearly  
669 specifies the ordinance or resolution by which the private  
670 sector contractor will be selected and the criteria to be  
671 considered.

672 d. The project is to be awarded by a method other than a  
673 competitive selection process, and the architect or engineer of  
674 record has provided a written recommendation that the project be  
675 awarded to the private sector contractor without competitive

676 selection, and the consideration by, and the justification of,  
677 the government body are documented, in writing, in the project  
678 file and are presented to the governing board prior to the  
679 approval required in this paragraph.

680 11. To projects subject to chapter 336.

681 **Section 15. Subsection (5) of section 282.201, Florida**  
682 **Statutes, is amended to read:**

683 282.201 State data center.—The state data center is  
684 established within the department. The provision of data center  
685 services must comply with applicable state and federal laws,  
686 regulations, and policies, including all applicable security,  
687 privacy, and auditing requirements. The department shall appoint  
688 a director of the state data center who has experience in  
689 leading data center facilities and has expertise in cloud-  
690 computing management.

691 (5) NORTHWEST REGIONAL DATA CENTER CONTRACT.—In order for  
692 the department to carry out its duties and responsibilities  
693 relating to the state data center, the secretary of the  
694 department shall contract by July 1, 2022, with the Northwest  
695 Regional Data Center pursuant to s. 287.057(10) ~~s. 287.057(11)~~.  
696 The contract shall provide that the Northwest Regional Data  
697 Center will manage the operations of the state data center and  
698 provide data center services to state agencies.

699 (a) The department shall provide contract oversight,  
700 including, but not limited to, reviewing invoices provided by

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701 the Northwest Regional Data Center for services provided to  
702 state agency customers.

703 (b) The department shall approve or request updates to  
704 invoices within 10 business days after receipt. If the  
705 department does not respond to the Northwest Regional Data  
706 Center, the invoice will be approved by default. The Northwest  
707 Regional Data Center must submit approved invoices directly to  
708 state agency customers.

709 **Section 16. Paragraph (a) of subsection (3) of section  
710 282.709, Florida Statutes, is amended to read:**

711 282.709 State agency law enforcement radio system and  
712 interoperability network.—

713 (3) In recognition of the critical nature of the statewide  
714 law enforcement radio communications system, the Legislature  
715 finds that there is an immediate danger to the public health,  
716 safety, and welfare, and that it is in the best interest of the  
717 state to continue partnering with the system's current operator.  
718 The Legislature finds that continuity of coverage is critical to  
719 supporting law enforcement, first responders, and other public  
720 safety users. The potential for a loss in coverage or a lack of  
721 interoperability between users requires emergency action and is  
722 a serious concern for officers' safety and their ability to  
723 communicate and respond to various disasters and events.

724 (a) The department, pursuant to s. 287.057(10) s.  
725 ~~287.057(11)~~, shall enter into a 15-year contract with the entity

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726 that was operating the statewide radio communications system on  
727 January 1, 2021. The contract must include:

728 1. The purchase of radios;

729 2. The upgrade to the Project 25 communications standard;

730 3. Increased system capacity and enhanced coverage for  
731 system users;

732 4. Operations, maintenance, and support at a fixed annual  
733 rate;

734 5. The conveyance of communications towers to the  
735 department; and

736 6. The assignment of communications tower leases to the  
737 department.

738 **Section 17. Paragraph (b) of subsection (3) of section  
739 286.101, Florida Statutes, is amended to read:**

740 286.101 Foreign gifts and contracts.—

741 (3)

742 (b) Disclosure under this subsection is not required with  
743 respect to:

744 1. A proposal to sell commodities through the online  
745 procurement program established pursuant to s. 287.057(20) s.  
746 287.057(22);

747 2. A proposal to sell commodities to a university pursuant  
748 to Board of Governors Regulation 18.001;

749 3. An application or proposal from an entity that  
750 discloses foreign gifts or grants under subsection (2) or s.

751 1010.25;

752 4. An application or proposal from a foreign source that,  
753 if granted or accepted, would be disclosed under subsection (2)  
754 or s. 1010.25; or

755 5. An application or proposal from a public or not-for-  
756 profit research institution with respect to research funded by  
757 any federal agency.

758 **Section 18. Subsections (19) through (29) of section  
759 287.012, Florida Statutes, are renumbered as subsections (18)  
760 through (28), respectively, and subsection (18) and present  
761 subsection (19) of that section are amended, to read:**

762 287.012 Definitions.—As used in this part, the term:

763 ~~(18) "Minority business enterprise" has the same meaning  
764 as provided in s. 288.703.~~

765 ~~(18)~~ (19) "Office" means the Office of Supplier Development  
766 ~~Diversity~~ of the Department of Management Services.

767 **Section 19. Paragraphs (a) and (c) of subsection (2) and  
768 paragraphs (b) and (c) of subsection (3) of section 287.042,  
769 Florida Statutes, are amended to read:**

770 287.042 Powers, duties, and functions.—The department  
771 shall have the following powers, duties, and functions:

772 (2) (a) To establish purchasing agreements and procure  
773 state term contracts for commodities and contractual services,  
774 pursuant to s. 287.057, under which state agencies shall, and  
775 eligible users may, make purchases pursuant to s. 287.056. The

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776 department may restrict purchases from some term contracts to  
777 state agencies only for those term contracts where the inclusion  
778 of other governmental entities will have an adverse effect on  
779 competition or to those federal facilities located in this  
780 state. ~~In such planning or purchasing the Office of Supplier~~  
781 ~~Diversity may monitor to ensure that opportunities are afforded~~  
782 ~~for contracting with minority business enterprises. The~~  
783 ~~department, for state term contracts, and all agencies, for~~  
784 ~~multiyear contractual services or term contracts, shall explore~~  
785 ~~reasonable and economical means to utilize certified minority~~  
786 ~~business enterprises.~~ Purchases by any county, municipality,  
787 private nonprofit community transportation coordinator  
788 designated pursuant to chapter 427, while conducting business  
789 related solely to the Commission for the Transportation  
790 Disadvantaged, or other local public agency under the provisions  
791 in the state purchasing contracts, and purchases, from the  
792 corporation operating the correctional work programs, of  
793 products or services that are subject to paragraph (1)(f), are  
794 exempt from the competitive solicitation requirements otherwise  
795 applying to their purchases.

796 (c) Any person who files an action protesting a decision  
797 or intended decision pertaining to contracts administered by the  
798 department, a water management district, or an agency pursuant  
799 to s. 120.57(3)(b) shall post with the department, the water  
800 management district, or the agency at the time of filing the

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801 formal written protest a bond payable to the department, the  
802 water management district, or agency in an amount equal to 1  
803 percent of the estimated contract amount. For protests of  
804 decisions or intended decisions pertaining to exceptional  
805 purchases, the bond shall be in an amount equal to 1 percent of  
806 the estimated contract amount for the exceptional purchase. The  
807 estimated contract amount shall be based upon the contract price  
808 submitted by the protestor or, if no contract price was  
809 submitted, the department, water management district, or agency  
810 shall estimate the contract amount based on factors including,  
811 but not limited to, the price of previous or existing contracts  
812 for similar commodities or contractual services, the amount  
813 appropriated by the Legislature for the contract, or the fair  
814 market value of similar commodities or contractual services. The  
815 agency shall provide the estimated contract amount to the vendor  
816 within 72 hours, excluding Saturdays, Sundays, and state  
817 holidays, after the filing of the notice of protest by the  
818 vendor. The estimated contract amount is not subject to protest  
819 pursuant to s. 120.57(3). The bond shall be conditioned upon the  
820 payment of all costs and charges that are adjudged against the  
821 protestor in the administrative hearing in which the action is  
822 brought and in any subsequent appellate court proceeding. In  
823 lieu of a bond, the department, the water management district,  
824 or agency may, in either case, accept a cashier's check,  
825 official bank check, or money order in the amount of the bond.

826 If, after completion of the administrative hearing process and  
827 any appellate court proceedings, the department, water  
828 management district, or agency prevails, it shall recover all  
829 costs and charges which shall be included in the final order or  
830 judgment, excluding attorney's fees. ~~This section shall not~~  
831 ~~apply to protests filed by the Office of Supplier Diversity.~~  
832 Upon payment of such costs and charges by the protestor, the  
833 bond, cashier's check, official bank check, or money order shall  
834 be returned to the protestor. If, after the completion of the  
835 administrative hearing process and any appellate court  
836 proceedings, the protestor prevails, the protestor shall recover  
837 from the department, water management district, or agency all  
838 costs and charges which shall be included in the final order or  
839 judgment, excluding attorney's fees.

840 (3) To establish a system of coordinated, uniform  
841 procurement policies, procedures, and practices to be used by  
842 agencies in acquiring commodities and contractual services,  
843 which shall include, but not be limited to:

844 (b)1. Development of procedures for advertising  
845 solicitations. These procedures must provide for electronic  
846 posting of solicitations for at least 10 days before the date  
847 set for receipt of bids, proposals, or replies, unless the  
848 department or other agency determines in writing that a shorter  
849 period of time is necessary to avoid harming the interests of  
850 the state. ~~The Office of Supplier Diversity may consult with the~~

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851 ~~department regarding the development of solicitation~~  
852 ~~distribution procedures to ensure that maximum distribution is~~  
853 ~~afforded to certified minority business enterprises as defined~~  
854 ~~in s. 288.703.~~

855 2. Development of procedures for electronic posting. The  
856 department shall designate a centralized website on the Internet  
857 for the department and other agencies to electronically post  
858 solicitations, decisions or intended decisions, and other  
859 matters relating to procurement.

860 (c) Development of procedures for the receipt and opening  
861 of bids, proposals, or replies by an agency. ~~Such procedures~~  
862 ~~shall provide the Office of Supplier Diversity an opportunity to~~  
863 ~~monitor and ensure that the contract award is consistent with~~  
864 ~~the requirements of s. 287.09451.~~

865 **Section 20. Paragraph (d) of subsection (3) and paragraph**  
866 **(b) of subsection (4) of section 287.055, Florida Statutes, are**  
867 **amended to read:**

868 287.055 Acquisition of professional architectural,  
869 engineering, landscape architectural, or surveying and mapping  
870 services; definitions; procedures; contingent fees prohibited;  
871 penalties.—

872 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

873 (d) Each agency shall evaluate professional services,  
874 including capabilities, adequacy of personnel, past record,  
875 experience, ~~whether the firm is a certified minority business~~

876 enterprise as defined by the Florida Small and Minority Business  
877 Assistance Act, and other factors determined by the agency to be  
878 applicable to its particular requirements. When securing  
879 professional services, an agency must endeavor to meet the  
880 minority business enterprise procurement goals under s.  
881 287.09451.

882 (4) COMPETITIVE SELECTION.—

883 (b) The agency shall select in order of preference no  
884 fewer than three firms deemed to be the most highly qualified to  
885 perform the required services. In determining whether a firm is  
886 qualified, the agency shall consider such factors as the ability  
887 of professional personnel; whether a firm is a certified  
888 minority business enterprise; past performance; willingness to  
889 meet time and budget requirements; location; recent, current,  
890 and projected workloads of the firms; and the volume of work  
891 previously awarded to each firm by the agency, with the object  
892 of effecting an equitable distribution of contracts among  
893 qualified firms, provided such distribution does not violate the  
894 principle of selection of the most highly qualified firms. The  
895 agency may request, accept, and consider proposals for the  
896 compensation to be paid under the contract only during  
897 competitive negotiations under subsection (5).

898 **Section 21. Subsections (9), (10), (11), and (13) through**  
899 **(28) of section 287.057, Florida Statutes, are renumbered as**  
900 **subsections (8), (9), (10), and (11) through (26), respectively,**

901 and subsections (7) and (8), present subsections (12) and (14),  
902 paragraph (d) of present subsection (15), and present subsection  
903 (18) of that section are amended, to read:

904 287.057 Procurement of commodities or contractual  
905 services.—

906 (7) Upon issuance of any solicitation, an agency shall,  
907 upon request by the department, forward to the department one  
908 copy of each solicitation for all commodity and contractual  
909 services purchases in excess of the threshold amount provided in  
910 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,  
911 furnish a copy of all competitive-solicitation tabulations. ~~The~~  
~~Office of Supplier Diversity may also request from the agencies~~  
~~any information submitted to the department pursuant to this~~  
~~subsection.~~

915 (8) (a) ~~In order to strive to meet the minority business~~  
916 ~~enterprise procurement goals set forth in s. 287.09451, an~~  
917 ~~agency may reserve any contract for competitive solicitation~~  
918 ~~only among certified minority business enterprises. Agencies~~  
919 ~~shall review all their contracts each fiscal year and shall~~  
920 ~~determine which contracts may be reserved for solicitation only~~  
921 ~~among certified minority business enterprises. This reservation~~  
922 ~~may only be used when it is determined, by reasonable and~~  
923 ~~objective means, before the solicitation that there are capable,~~  
924 ~~qualified certified minority business enterprises available to~~  
925 ~~submit a bid, proposal, or reply on a contract to provide for~~

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926 effective competition. The Office of Supplier Diversity shall  
927 consult with any agency in reaching such determination when  
928 deemed appropriate.

929 (b) Before a contract may be reserved for solicitation  
930 only among certified minority business enterprises, the agency  
931 head must find that such a reservation is in the best interests  
932 of the state. All determinations shall be subject to s.

933 287.09451(5). Once a decision has been made to reserve a  
934 contract, but before sealed bids, proposals, or replies are  
935 requested, the agency shall estimate what it expects the amount  
936 of the contract to be, based on the nature of the services or  
937 commodities involved and their value under prevailing market  
938 conditions. If all the sealed bids, proposals, or replies  
939 received are over this estimate, the agency may reject the bids,  
940 proposals, or replies and request new ones from certified  
941 minority business enterprises, or the agency may reject the  
942 bids, proposals, or replies and reopen the bidding to all  
943 eligible vendors.

944 (c) All agencies shall consider the use of price  
945 preferences of up to 10 percent, weighted preference formulas,  
946 or other preferences for vendors as determined appropriate  
947 pursuant to guidelines established in accordance with s.  
948 287.09451(4) to increase the participation of minority business  
949 enterprises.

950 (d) All agencies shall avoid any undue concentration of

951 contracts or purchases in categories of commodities or  
952 contractual services in order to meet the minority business  
953 enterprise purchasing goals in s. 287.09451.

954 (12) If two equal responses to a solicitation or a request  
955 for quote are received and one response is from a certified  
956 minority business enterprise, the agency shall enter into a  
957 contract with the certified minority business enterprise.

958 (13) ~~(14)~~ Contracts for commodities or contractual services  
959 may be renewed for a period that may not exceed 3 years or the  
960 term of the original contract, whichever is longer. Renewal of a  
961 contract for commodities or contractual services must be in  
962 writing and is subject to the same terms and conditions set  
963 forth in the initial contract and any written amendments signed  
964 by the parties. If the commodity or contractual service is  
965 purchased as a result of the solicitation of bids, proposals, or  
966 replies, the price of the commodity or contractual service to be  
967 renewed must be specified in the bid, proposal, or reply, except  
968 that an agency may negotiate lower pricing. A renewal contract  
969 may not include any compensation for costs associated with the  
970 renewal. Renewals are contingent upon satisfactory performance  
971 evaluations by the agency and subject to the availability of  
972 funds. Exceptional purchase contracts pursuant to paragraphs  
973 (3) (a) and (c) may not be renewed. With the exception of  
974 subsection (10) (11), if a contract amendment results in a  
975 longer contract term or increased payments, a state agency may

976 not renew or amend a contract for the outsourcing of a service  
977 or activity that has an original term value exceeding \$5 million  
978 before submitting a written report concerning contract  
979 performance to the Governor, the President of the Senate, and  
980 the Speaker of the House of Representatives at least 90 days  
981 before execution of the renewal or amendment.

982 (12) (15)

983 (d) Each contract manager who is responsible for contracts  
984 in excess of \$10 million annually must, in addition to the  
985 training required in paragraph (b) and the training and  
986 certification required in paragraph (c), possess at least 3 ~~5~~  
987 years of experience managing contracts of at least ~~in excess of~~  
988 \$5 million in total annually.

989 (15) (18) Any person who supervises contract administrators  
990 or contract or grant managers that meet criteria for  
991 certification in subsection (13) ~~(15)~~ shall annually complete  
992 public procurement training for supervisors within 12 months  
993 after appointment to the supervisory position. The department is  
994 responsible for establishing and disseminating the training  
995 course content required for supervisors.

996 **Section 22. Paragraph (a) of subsection (3) of section  
997 287.0571, Florida Statutes, is amended to read:**

998 287.0571 Business case to outsource; applicability.—

999 (3) This section does not apply to:

1000 (a) A procurement of commodities and contractual services

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1001 listed in s. 287.057(3) (d) and (e) and (21) ~~(23)~~.

1002 **Section 23. Paragraph (c) of subsection (10) of section**  
1003 **287.059, Florida Statutes, is amended to read:**

1004 287.059 Private attorney services.—

1005 (10) Agencies are encouraged to use the following criteria  
1006 when selecting outside firms for attorney services:

1007 ~~(e) The firm's minority status.~~

1008 **Section 24. Sections 287.093, 287.0931, 287.094, 287.0943,**  
1009 **and 287.09431, Florida Statutes, are repealed.**

1010 **Section 25. Section 287.09451, Florida Statutes, is**  
1011 **amended to read:**

1012 287.09451 Office of Supplier Development Diversity;  
1013 powers, duties, and functions.—

1014 ~~(1) The Legislature finds that there is evidence of a~~  
1015 ~~systematic pattern of past and continuing racial discrimination~~  
1016 ~~against minority business enterprises and a disparity in the~~  
1017 ~~availability and use of minority business enterprises in the~~  
1018 ~~state procurement system. It is determined to be a compelling~~  
1019 ~~state interest to rectify such discrimination and disparity.~~  
1020 ~~Based upon statistical data profiling this discrimination, the~~  
1021 ~~Legislature has enacted race-conscious and gender-conscious~~  
1022 ~~remedial programs to ensure minority participation in the~~  
1023 ~~economic life of the state, in state contracts for the purchase~~  
1024 ~~of commodities and services, and in construction contracts. The~~  
1025 ~~purpose and intent of this section is to increase participation~~

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1026 by minority business enterprises accomplished by encouraging the  
1027 use of minority business enterprises and the entry of new and  
1028 diversified minority business enterprises into the marketplace.

1029 (1) (2) The Office of Supplier Development Diversity is  
1030 established within the Department of Management Services to  
1031 assist Florida-based small minority business enterprises in  
1032 becoming suppliers of commodities, services, and construction to  
1033 state government.

1034 (2) (3) The secretary shall appoint an executive director  
1035 for the Office of Supplier Development Diversity, who shall  
1036 serve at the pleasure of the secretary.

1037 (3) (4) The Office of Supplier Development Diversity shall  
1038 have the following powers, duties, and functions:

1039 (a) To receive and disseminate information:

1040 1. For the continued growth and success of Florida's small  
1041 businesses, which may include the planning, hosting, and support  
1042 of events for Florida-based enterprises.

1043 2. Related to procurement opportunities for Florida-based  
1044 small business enterprises.

1045 (b) To create electronic certification and recertification  
1046 processes for veteran-owned small business enterprises. The  
1047 certifications must be valid for 2 years and must be recertified  
1048 every 2 years thereafter. The benefits of certification must be  
1049 clearly posted on the department's website. To be eligible for  
1050 certification and recertification as a veteran-owned business

1051 enterprise, a business must meet the requirements of s. 295.187.

1052 (c) To advise and provide education or other resources to  
1053 agencies on methods and techniques for achieving procurement  
1054 objectives that increase the use of Florida-based enterprises in  
1055 state and local government procurement contracts.

1056 (d) To adopt rules, establish processes, and prescribe and  
1057 publish forms as necessary to carry out the duties provided in  
1058 this section.

1059 ~~(a) To adopt rules to determine what constitutes a "good~~  
1060 ~~faith effort" for purposes of state agency compliance with the~~  
1061 ~~minority business enterprise procurement goals set forth in s.~~  
1062 ~~287.042. Factors which shall be considered by the Minority~~  
1063 ~~Business Enterprise Assistance Office in determining good faith~~  
1064 ~~effort shall include, but not be limited to:~~

1065 ~~1. Whether the agency scheduled presolicitation or prebid~~  
1066 ~~meetings for the purpose of informing minority business~~  
1067 ~~enterprises of contracting and subcontracting opportunities.~~

1068 ~~2. Whether the contractor advertised in general~~  
1069 ~~circulation, trade association, or minority focus media~~  
1070 ~~concerning the subcontracting opportunities.~~

1071 ~~3. Whether the agency effectively used services and~~  
1072 ~~resources of available minority community organizations;~~  
1073 ~~minority contractors' groups; local, state, and federal minority~~  
1074 ~~business assistance offices; and other organizations that~~  
1075 ~~provide assistance in the recruitment and placement of minority~~

1076 ~~business enterprises or minority persons.~~

1077 ~~4. Whether the agency provided written notice to a~~  
1078 ~~reasonable number of minority business enterprises that their~~  
1079 ~~interest in contracting with the agency was being solicited in~~  
1080 ~~sufficient time to allow the minority business enterprises to~~  
1081 ~~participate effectively.~~

1082 ~~(b) To adopt rules to determine what constitutes a "good~~  
1083 ~~faith effort" for purposes of contractor compliance with~~  
1084 ~~contractual requirements relating to the use of services or~~  
1085 ~~commodities of a minority business enterprise under s.~~

1086 ~~287.094(2). Factors which shall be considered by the Office of~~  
1087 ~~Supplier Diversity in determining whether a contractor has made~~  
1088 ~~good faith efforts shall include, but not be limited to:~~

1089 ~~1. Whether the contractor attended any presolicitation or~~  
1090 ~~prebid meetings that were scheduled by the agency to inform~~  
1091 ~~minority business enterprises of contracting and subcontracting~~  
1092 ~~opportunities.~~

1093 ~~2. Whether the contractor advertised in general~~  
1094 ~~circulation, trade association, or minority focus media~~  
1095 ~~concerning the subcontracting opportunities.~~

1096 ~~3. Whether the contractor provided written notice to a~~  
1097 ~~reasonable number of specific minority business enterprises that~~  
1098 ~~their interest in the contract was being solicited in sufficient~~  
1099 ~~time to allow the minority business enterprises to participate~~  
1100 ~~effectively.~~

1101 4. Whether the contractor followed up initial  
1102 solicitations of interest by contacting minority business  
1103 enterprises or minority persons to determine with certainty  
1104 whether the minority business enterprises or minority persons  
1105 were interested.

1106 5. Whether the contractor selected portions of the work to  
1107 be performed by minority business enterprises in order to  
1108 increase the likelihood of meeting the minority business  
1109 enterprise procurement goals, including, where appropriate,  
1110 breaking down contracts into economically feasible units to  
1111 facilitate minority business enterprise participation.

1112 6. Whether the contractor provided interested minority  
1113 business enterprises or minority persons with adequate  
1114 information about the plans, specifications, and requirements of  
1115 the contract or the availability of jobs.

1116 7. Whether the contractor negotiated in good faith with  
1117 interested minority business enterprises or minority persons,  
1118 not rejecting minority business enterprises or minority persons  
1119 as unqualified without sound reasons based on a thorough  
1120 investigation of their capabilities.

1121 8. Whether the contractor effectively used the services of  
1122 available minority community organizations; minority  
1123 contractors' groups; local, state, and federal minority business  
1124 assistance offices; and other organizations that provide  
1125 assistance in the recruitment and placement of minority business

1126 enterprises or minority persons.

1127 (e) To adopt rules and do all things necessary or  
1128 convenient to guide all state agencies toward making  
1129 expenditures for commodities, contractual services,  
1130 construction, and architectural and engineering services with  
1131 certified minority business enterprises in accordance with the  
1132 minority business enterprise procurement goals set forth in s.  
1133 287.042.

1134 (d) To monitor the degree to which agencies procure  
1135 services, commodities, and construction from minority business  
1136 enterprises in conjunction with the Department of Financial  
1137 Services as specified in s. 17.11.

1138 (e) To receive and disseminate information relative to  
1139 procurement opportunities, availability of minority business  
1140 enterprises, and technical assistance.

1141 (f) To advise agencies on methods and techniques for  
1142 achieving procurement objectives.

1143 (g) To provide a central minority business enterprise  
1144 certification process which includes independent verification of  
1145 status as a minority business enterprise.

1146 (h) To develop procedures to investigate complaints  
1147 against minority business enterprises or contractors alleged to  
1148 violate any provision related to this section or s. 287.0943,  
1149 that may include visits to worksites or business premises, and  
1150 to refer all information on businesses suspected of

1151 misrepresenting minority status to the Department of Management  
1152 Services for investigation. When an investigation is completed  
1153 and there is reason to believe that a violation has occurred,  
1154 the matter shall be referred to the office of the Attorney  
1155 General, Department of Legal Affairs, for prosecution.

1156 (i) To maintain a directory of all minority business  
1157 enterprises which have been certified and provide this  
1158 information to any agency or business requesting it.

1159 (j) To encourage all firms which do more than \$1 million  
1160 in business with the state within a 12 month period to develop,  
1161 implement, and submit to this office a minority business  
1162 development plan.

1163 (k) To communicate on a monthly basis with the Small and  
1164 Minority Business Advisory Council to keep the council informed  
1165 on issues relating to minority enterprise procurement.

1166 (l) To serve as an advocate for minority business  
1167 enterprises, and coordinate with the small and minority business  
1168 ombudsman, as defined in s. 288.703, which duties shall include:

1169 1. Ensuring that agencies supported by state funding  
1170 effectively target the delivery of services and resources, as  
1171 related to minority business enterprises.

1172 2. Establishing standards within each industry with which  
1173 the state government contracts on how agencies and contractors  
1174 may provide the maximum practicable opportunity for minority  
1175 business enterprises.

1176 3. Assisting agencies and contractors by providing  
1177 outreach to minority businesses, by specifying and monitoring  
1178 technical and managerial competence for minority business  
1179 enterprises, and by consulting in planning of agency procurement  
1180 to determine how best to provide opportunities for minority  
1181 business enterprises.

1182 4. Integrating technical and managerial assistance for  
1183 minority business enterprises with government contracting  
1184 opportunities.

1185 (m) To certify minority business enterprises, as defined  
1186 in s. 288.703, and as specified in ss. 287.0943 and 287.09431,  
1187 and shall recertify such minority businesses at least once every  
1188 2 years. Minority business enterprises must be recertified at  
1189 least once every 2 years. Such certifications may include an  
1190 electronic signature.

1191 (n) 1. To develop procedures to be used by an agency in  
1192 identifying commodities, contractual services, architectural and  
1193 engineering services, and construction contracts, except those  
1194 architectural, engineering, construction, or other related  
1195 services or contracts subject to the provisions of chapter 339,  
1196 that could be provided by minority business enterprises. Each  
1197 agency is encouraged to spend 21 percent of the moneys actually  
1198 expended for construction contracts, 25 percent of the moneys  
1199 actually expended for architectural and engineering contracts,  
1200 24 percent of the moneys actually expended for commodities, and

1201 50.5 percent of the moneys actually expended for contractual  
1202 services during the previous fiscal year, except for the state  
1203 university construction program which shall be based upon public  
1204 education capital outlay projections for the subsequent fiscal  
1205 year, and reported to the Legislature pursuant to s. 216.023,  
1206 for the purpose of entering into contracts with certified  
1207 minority business enterprises as defined in s. 288.703, or  
1208 approved joint ventures. However, in the event of budget  
1209 reductions pursuant to s. 216.221, the base amounts may be  
1210 adjusted to reflect such reductions. The overall spending goal  
1211 for each industry category shall be subdivided as follows:  
1212 a. For construction contracts: 4 percent for black  
1213 Americans, 6 percent for Hispanic Americans, and 11 percent for  
1214 American women.  
1215 b. For architectural and engineering contracts: 9 percent  
1216 for Hispanic Americans, 1 percent for Asian Americans, and 15  
1217 percent for American women.  
1218 c. For commodities: 2 percent for black Americans, 4  
1219 percent for Hispanic Americans, 0.5 percent for Asian Americans,  
1220 0.5 percent for Native Americans, and 17 percent for American  
1221 women.  
1222 d. For contractual services: 6 percent for black  
1223 Americans, 7 percent for Hispanic Americans, 1 percent for  
1224 Asian Americans, 0.5 percent for Native Americans, and 36  
1225 percent for American women.

1226        2. For the purposes of commodities contracts for the  
1227 purchase of equipment to be used in the construction and  
1228 maintenance of state transportation facilities involving the  
1229 Department of Transportation, the terms "minority business  
1230 enterprise" and "minority person" have the same meanings as  
1231 provided in s. 288.703. In order to ensure that the goals  
1232 established under this paragraph for contracting with certified  
1233 minority business enterprises are met, the department, with the  
1234 assistance of the Office of Supplier Diversity, shall make  
1235 recommendations to the Legislature on revisions to the goals,  
1236 based on an updated statistical analysis, at least once every 5  
1237 years. Such recommendations shall be based on statistical data  
1238 indicating the availability of and disparity in the use of  
1239 minority businesses contracting with the state.

1240        3. In determining the base amounts for assessing  
1241 compliance with this paragraph, the Office of Supplier Diversity  
1242 may develop, by rule, guidelines for all agencies to use in  
1243 establishing such base amounts. These rules must include, but  
1244 are not limited to, guidelines for calculation of base amounts,  
1245 a deadline for the agencies to submit base amounts, a deadline  
1246 for approval of the base amounts by the Office of Supplier  
1247 Diversity, and procedures for adjusting the base amounts as a  
1248 result of budget reductions made pursuant to s. 216.221.

1249        4. To determine guidelines for the use of price  
1250 preferences, weighted preference formulas, or other preferences,

1251 as appropriate to the particular industry or trade, to increase  
1252 the participation of minority businesses in state contracting.

1253 These guidelines shall include consideration of:

1254 a. Size and complexity of the project.

1255 b. The concentration of transactions with minority  
1256 business enterprises for the commodity or contractual services  
1257 in question in prior agency contracting.

1258 c. The specificity and definition of work allocated to  
1259 participating minority business enterprises.

1260 d. The capacity of participating minority business  
1261 enterprises to complete the tasks identified in the project.

1262 e. The available pool of minority business enterprises as  
1263 prime contractors, either alone or as partners in an approved  
1264 joint venture that serves as the prime contractor.

1265 5. To determine guidelines for use of joint ventures to  
1266 meet minority business enterprises spending goals. For purposes  
1267 of this section, "joint venture" means any association of two or  
1268 more business concerns to carry out a single business enterprise  
1269 for profit, for which purpose they combine their property,  
1270 capital, efforts, skills, and knowledge. The guidelines shall  
1271 allow transactions with joint ventures to be eligible for credit  
1272 against the minority business enterprise goals of an agency when  
1273 the contracting joint venture demonstrates that at least one  
1274 partner to the joint venture is a certified minority business  
1275 enterprise as defined in s. 288.703, and that such partner is

1276 responsible for a clearly defined portion of the work to be  
1277 performed, and shares in the ownership, control, management,  
1278 responsibilities, risks, and profits of the joint venture. Such  
1279 demonstration shall be by verifiable documents and sworn  
1280 statements and may be reviewed by the Office of Supplier  
1281 Diversity at or before the time a contract bid, proposal, or  
1282 reply is submitted. An agency may count toward its minority  
1283 business enterprise goals a portion of the total dollar amount  
1284 of a contract equal to the percentage of the ownership and  
1285 control held by the qualifying certified minority business  
1286 partners in the contracting joint venture, so long as the joint  
1287 venture meets the guidelines adopted by the office.

1288 (e)1. To establish a system to record and measure the use  
1289 of certified minority business enterprises in state contracting.  
1290 This system shall maintain information and statistics on  
1291 certified minority business enterprise participation, awards,  
1292 dollar volume of expenditures and agency goals, and other  
1293 appropriate types of information to analyze progress in the  
1294 access of certified minority business enterprises to state  
1295 contracts and to monitor agency compliance with this section.  
1296 Such reporting must include, but is not limited to, the  
1297 identification of all subcontracts in state contracting by  
1298 dollar amount and by number of subcontracts and the  
1299 identification of the utilization of certified minority business  
1300 enterprises as prime contractors and subcontractors by dollar

1301 amounts of contracts and subcontracts, number of contracts and  
1302 subcontracts, minority status, industry, and any conditions or  
1303 circumstances that significantly affected the performance of  
1304 subcontractors. Agencies shall report their compliance with the  
1305 requirements of this reporting system at least annually and at  
1306 the request of the office. All agencies shall cooperate with the  
1307 office in establishing this reporting system. Except in  
1308 construction contracting, all agencies shall review contracts  
1309 costing in excess of CATEGORY FOUR as defined in s. 287.017 to  
1310 determine if such contracts could be divided into smaller  
1311 contracts to be separately solicited and awarded, and shall,  
1312 when economical, offer such smaller contracts to encourage  
1313 minority participation.

1314 2. To report agency compliance with the provisions of  
1315 subparagraph 1. for the preceding fiscal year to the Governor  
1316 and Cabinet, the President of the Senate, and the Speaker of the  
1317 House of Representatives on or before February 1 of each year.  
1318 The report must contain, at a minimum, the following:

1319 a. Total expenditures of each agency by industry.  
1320 b. The dollar amount and percentage of contracts awarded  
1321 to certified minority business enterprises by each state agency.  
1322 c. The dollar amount and percentage of contracts awarded  
1323 indirectly to certified minority business enterprises as  
1324 subcontractors by each state agency.  
1325 d. The total dollar amount and percentage of contracts

1326 awarded to certified minority business enterprises, whether  
1327 directly or indirectly, as subcontractors.

1328 e. A statement and assessment of good faith efforts taken  
1329 by each state agency.

1330 f. A status report of agency compliance with subsection  
1331 (6), as determined by the Minority Business Enterprise Office.

1332 (5) (a) Each agency shall, at the time the specifications  
1333 or designs are developed or contract sizing is determined for  
1334 any proposed procurement costing in excess of CATEGORY FOUR, as  
1335 defined in s. 287.017, forward a notice to the Office of  
1336 Supplier Diversity of the proposed procurement and any  
1337 determination on the designs of specifications of the proposed  
1338 procurement that impose requirements on prospective vendors, no  
1339 later than 30 days prior to the issuance of a solicitation,  
1340 except that this provision shall not apply to emergency  
1341 acquisitions. The 30-day notice period shall not toll the time  
1342 for any other procedural requirements.

1343 (b) If the Office of Supplier Diversity determines that  
1344 the proposed procurement will not likely allow opportunities for  
1345 minority business enterprises, the office may, within 20 days  
1346 after it receives the information specified in paragraph (a),  
1347 propose the implementation of minority business enterprise  
1348 utilization provisions or submit alternative procurement methods  
1349 that would significantly increase minority business enterprise  
1350 contracting opportunities.

1351       (e) Whenever the agency and the Office of Supplier  
1352 Diversity disagree, the matter shall be submitted for  
1353 determination to the head of the agency or the senior-level  
1354 official designated pursuant to this section as liaison for  
1355 minority business enterprise issues.

1356       (d) If the proposed procurement proceeds to competitive  
1357 solicitation, the office is hereby granted standing to protest,  
1358 pursuant to this section, in a timely manner, any contract award  
1359 during competitive solicitation for contractual services and  
1360 construction contracts that fail to include minority business  
1361 enterprise participation, if any responsible and responsive  
1362 vendor has demonstrated the ability to achieve any level of  
1363 participation, or, any contract award for commodities where, a  
1364 reasonable and economical opportunity to reserve a contract,  
1365 statewide or district level, for minority participation was not  
1366 executed or, an agency failed to adopt an applicable preference  
1367 for minority participation. The bond requirement shall be waived  
1368 for the office purposes of this subsection.

1369       (e) An agency may presume that a vendor offering no  
1370 minority participation has not made a good faith effort when  
1371 other vendors offer minority participation of firms listed as  
1372 relevant to the agency's purchasing needs in the pertinent  
1373 locality or statewide to complete the project.

1374       (f) Paragraph (a) will not apply when the Office of  
1375 Supplier Diversity determines that an agency has established a

1376 ~~work plan to allow advance consultation and planning with~~  
1377 ~~minority business enterprises and where such plan clearly~~  
1378 ~~demonstrates:~~

1379 ~~1. A high level of advance planning by the agency with~~  
1380 ~~minority business enterprises.~~

1381 ~~2. A high level of accessibility, knowledge, and~~  
1382 ~~experience by minority business enterprises in the agency's~~  
1383 ~~contract decisionmaking process.~~

1384 ~~3. A high quality of agency monitoring and enforcement of~~  
1385 ~~internal implementation of minority business utilization~~  
1386 ~~provisions.~~

1387 ~~4. A high quality of agency monitoring and enforcement of~~  
1388 ~~contractor utilization of minority business enterprises,~~  
1389 ~~especially tracking subcontractor data, and ensuring the~~  
1390 ~~integrity of subcontractor reporting.~~

1391 ~~5. A high quality of agency outreach, agency networking of~~  
1392 ~~major vendors with minority vendors, and innovation in~~  
1393 ~~techniques to improve utilization of minority business~~  
1394 ~~enterprises.~~

1395 ~~6. Substantial commitment, sensitivity, and proactive~~  
1396 ~~attitude by the agency head and among the agency minority~~  
1397 ~~business staff.~~

1398 ~~(6) Each state agency shall coordinate its minority~~  
1399 ~~business enterprise procurement activities with the Office of~~  
1400 ~~Supplier Diversity. At a minimum, each agency shall:~~

1401 (a) Adopt a minority business enterprise utilization plan  
1402 for review and approval by the Office of Supplier Diversity  
1403 which should require meaningful and useful methods to attain the  
1404 legislative intent in assisting minority business enterprises.

1405 (b) Designate a senior-level employee in the agency as a  
1406 minority enterprise assistance officer, responsible for  
1407 overseeing the agency's minority business utilization  
1408 activities, and who is not also charged with purchasing  
1409 responsibility. A senior-level agency employee and agency  
1410 purchasing officials shall be accountable to the agency head for  
1411 the agency's minority business utilization performance. The  
1412 Office of Supplier Diversity shall advise each agency on  
1413 compliance performance.

1414 (c) If an agency deviates significantly from its  
1415 utilization plan in 2 consecutive or 3 out of 5 total fiscal  
1416 years, the Office of Supplier Diversity may review any and all  
1417 solicitations and contract awards of the agency as deemed  
1418 necessary until such time as the agency meets its utilization  
1419 plan.

1420 **Section 26.** Section 287.0947, Florida Statutes, is  
1421 repealed.

1422 **Section 27. Paragraph (b) of subsection (2) of section**  
1423 **288.0001, Florida Statutes, is amended to read:**

1424 288.0001 Economic Development Programs Evaluation.—The  
1425 Office of Economic and Demographic Research and the Office of

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1426 Program Policy Analysis and Government Accountability (OPPAGA)  
1427 shall develop and present to the Governor, the President of the  
1428 Senate, the Speaker of the House of Representatives, and the  
1429 chairs of the legislative appropriations committees the Economic  
1430 Development Programs Evaluation.

1431 (2) The Office of Economic and Demographic Research and  
1432 OPPAGA shall provide a detailed analysis of economic development  
1433 programs as provided in the following schedule:

1434 (b) By January 1, 2015, and every 3 years thereafter, an  
1435 analysis of:

1436 1. The entertainment industry sales tax exemption program  
1437 established under s. 288.1258.

1438 2. VISIT Florida and its programs established or funded  
1439 under ss. 288.122-288.12265 and 288.124.

1440 3. The Florida Sports Foundation and related programs,  
1441 including those established under ss. 288.1162, 288.11621, and  
1442 288.1166, and 288.1167.

1443 **Section 28. Paragraph (b) of subsection (4) of section  
1444 288.001, Florida Statutes, is amended to read:**

1445 288.001 The Florida Small Business Development Center  
1446 Network.—

1447 (4) STATEWIDE ADVISORY BOARD.—

1448 (b) The statewide advisory board shall consist of 19  
1449 members from across the state. At least 12 members must be  
1450 representatives of the private sector who are knowledgeable of

1451 the needs and challenges of small businesses. The members must  
1452 represent various segments and industries of the economy in this  
1453 state and must bring knowledge and skills to the statewide  
1454 advisory board which would enhance the board's collective  
1455 knowledge of small business assistance needs and challenges.  
1456 ~~Minority and gender representation must be considered when~~  
1457 ~~making appointments to the board.~~ The board must include the  
1458 following members:

1459 1. Three members appointed from the private sector by the  
1460 President of the Senate.

1461 2. Three members appointed from the private sector by the  
1462 Speaker of the House of Representatives.

1463 3. Three members appointed from the private sector by the  
1464 Governor.

1465 4. Three members appointed from the private sector by the  
1466 network's statewide director.

1467 5. One member appointed by the host institution.

1468 6. The Secretary of Commerce or his or her designee.

1469 7. The Chief Financial Officer or his or her designee.

1470 8. The President of the Florida Chamber of Commerce or his  
1471 or her designee.

1472 9. The Small Business Development Center Project Officer  
1473 from the U.S. Small Business Administration at the South Florida  
1474 District Office or his or her designee.

1475 10. The executive director of the National Federation of

1476 Independent Businesses, Florida, or his or her designee.

1477 11. The executive director of the Florida United Business  
1478 Association or his or her designee.

1479 **Section 29. Subsection (8) of section 288.0065, Florida  
1480 Statutes, is amended to read:**

1481 288.0065 Annual incentives report.—By December 30 of each  
1482 year, the department shall provide the Governor, the President  
1483 of the Senate, and the Speaker of the House of Representatives a  
1484 detailed incentives report quantifying the economic benefits for  
1485 all of the economic development incentive programs administered  
1486 by the department and its public-private partnerships. The  
1487 annual incentives report must include:

1488 (8) A description of the trends relating to business  
1489 interest in, and usage of, the various incentives, and the  
1490 number of ~~small minority-owned or woman-owned~~ businesses  
1491 receiving incentives.

1492 **Section 30. Section 288.1167, Florida Statutes, is  
1493 repealed.**

1494 **Section 31. Subsection (1) of section 288.12266, Florida  
1495 Statutes, is amended to read:**

1496 288.12266 Targeted Marketing Assistance Program.—

1497 (1) The Targeted Marketing Assistance Program is created  
1498 to enhance the tourism business marketing of small, ~~minority~~,  
1499 rural, and agritourism businesses in the state. The department,  
1500 in conjunction with the Florida Tourism Industry Marketing

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1501 Corporation, shall administer the program. The program shall  
1502 provide marketing plans, marketing assistance, promotional  
1503 support, media development, technical expertise, marketing  
1504 advice, technology training, social marketing support, and other  
1505 assistance to an eligible entity.

1506 **Section 32. Paragraph (b) of subsection (2) of section**

1507 **288.1229, Florida Statutes, is amended to read:**

1508 288.1229 Promotion and development of sports-related  
1509 industries and amateur athletics; direct-support organization  
1510 established; powers and duties.—

1511 (2) The Florida Sports Foundation must:

1512 (b) Be governed by a board of directors, which must  
1513 consist of up to 15 members appointed by the Governor. In making  
1514 appointments, the Governor must consider a potential member's  
1515 background in community service and sports activism in, and  
1516 financial support of, the sports industry, professional sports,  
1517 or organized amateur athletics. Members must be residents of the  
1518 state and highly knowledgeable about or active in professional  
1519 or organized amateur sports.

1520 1. The board must contain representatives of all  
1521 geographical regions of the state and must represent ethnic and  
1522 gender diversity.

1523 2. The terms of office of the members shall be 4 years. No  
1524 member may serve more than two consecutive terms. The Governor  
1525 may remove any member for cause and shall fill all vacancies

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1526 that occur.

1527 **Section 33. Section 288.124, Florida Statutes, is amended**  
1528 **to read:**

1529 288.124 Convention grants program.—The Florida Tourism  
1530 Industry Marketing Corporation is authorized to establish a  
1531 convention grants program and, pursuant to that program, to  
1532 recommend to the department expenditures and contracts with  
1533 local governments and nonprofit corporations or organizations  
1534 for the purpose of attracting national conferences and  
1535 conventions to Florida. ~~Preference shall be given to local~~  
1536 ~~governments and nonprofit corporations or organizations seeking~~  
1537 ~~to attract minority conventions to Florida. Minority conventions~~  
1538 ~~are events that primarily involve minority persons, as defined~~  
1539 ~~in s. 288.703, who are residents or nonresidents of the state.~~  
1540 The Florida Tourism Industry Marketing Corporation shall  
1541 establish guidelines governing the award of grants and the  
1542 administration of this program. The department has final  
1543 approval authority for any grants under this section. The total  
1544 annual allocation of funds for this program shall not exceed  
1545 \$40,000.

1546 **Section 34. Subsection (2) of section 288.7015, Florida**  
1547 **Statutes, is amended to read:**

1548 288.7015 Appointment of rules ombudsman; duties.—The  
1549 Governor shall appoint a rules ombudsman, as defined in s.  
1550 288.703, in the Executive Office of the Governor, for

1551 considering the impact of agency rules on the state's citizens  
1552 and businesses. The duties of the rules ombudsman are to:

1553 (2) Review state agency rules that adversely or  
1554 disproportionately impact businesses, particularly those  
1555 relating to small ~~and minority~~ businesses.

1556 **Section 35. Subsections (2), (5), and (6) of section**  
1557 **288.703, Florida Statutes, are renumbered as (1), (2), and (3),**  
1558 **respectively, and subsection (1) and present subsections (3),**  
1559 **(4), and (5) of that section are amended, to read:**

1560 288.703 Definitions.—As used in ss. 288.702-288.706, the  
1561 term:

1562 ~~(1) "Certified minority business enterprise" means a~~  
1563 ~~business which has been certified by the certifying organization~~  
1564 ~~or jurisdiction in accordance with s. 287.0943(1) and (2).~~

1565 ~~(3) "Minority business enterprise" means any small~~  
1566 ~~business concern as defined in subsection (6) which is organized~~  
1567 ~~to engage in commercial transactions, which is domiciled in~~  
1568 ~~Florida, and which is at least 51 percent owned by minority~~  
1569 ~~persons who are members of an insular group that is of a~~  
1570 ~~particular racial, ethnic, or gender makeup or national origin,~~  
1571 ~~which has been subjected historically to disparate treatment due~~  
1572 ~~to identification in and with that group resulting in an~~  
1573 ~~underrepresentation of commercial enterprises under the group's~~  
1574 ~~control, and whose management and daily operations are~~  
1575 ~~controlled by such persons. A minority business enterprise may~~

1576 primarily involve the practice of a profession. Ownership by a  
1577 minority person does not include ownership which is the result  
1578 of a transfer from a nonminority person to a minority person  
1579 within a related immediate family group if the combined total  
1580 net asset value of all members of such family group exceeds \$1  
1581 million. For purposes of this subsection, the term "related  
1582 immediate family group" means one or more children under 16  
1583 years of age and a parent of such children or the spouse of such  
1584 parent residing in the same house or living unit.

1585 (4) "Minority person" means a lawful, permanent resident  
1586 of Florida who is:

1587 (a) An African American, a person having origins in any of  
1588 the black racial groups of the African Diaspora, regardless of  
1589 cultural origin.

1590 (b) A Hispanic American, a person of Spanish or Portuguese  
1591 culture with origins in Spain, Portugal, Mexico, South America,  
1592 Central America, or the Caribbean, regardless of race.

1593 (c) An Asian American, a person having origins in any of  
1594 the original peoples of the Far East, Southeast Asia, the Indian  
1595 Subcontinent, or the Pacific Islands, including the Hawaiian  
1596 Islands before 1778.

1597 (d) A Native American, a person who has origins in any of  
1598 the Indian Tribes of North America before 1835, upon  
1599 presentation of proper documentation thereof as established by  
1600 rule of the Department of Management Services.

1601 (e) An American woman.

1602 (2) ~~(5)~~ "Ombudsman" means an office or individual whose  
1603 responsibilities include coordinating with the Office of  
1604 Supplier Development Diversity for the interests of and  
1605 providing assistance to small ~~and minority~~ business enterprises  
1606 in dealing with governmental agencies and in developing  
1607 proposals for changes in state agency rules.

1608 **Section 36. Section 288.7031, Florida Statutes, is amended  
1609 to read:**

1610 288.7031 Application of definition ~~certain definitions~~.—  
1611 The definition ~~definitions~~ of "small business," "minority  
1612 business enterprise," and "certified minority business  
1613 enterprise" ~~provided~~ in s. 288.703 applies ~~apply~~ to the state  
1614 and all political subdivisions of the state.

1615 **Section 37. Subsection (2) of section 288.706, Florida  
1616 Statutes, is amended to read:**

1617 288.706 Florida Minority Business Loan Mobilization  
1618 Program.—

1619 (2) The Florida Minority Business Loan Mobilization  
1620 Program is created to promote the development of minority  
1621 business enterprises, ~~as defined in s. 288.703(3)~~, increase the  
1622 ability of minority business enterprises to compete for state  
1623 contracts, and sustain the economic growth of minority business  
1624 enterprises in this state. The goal of the program is to assist  
1625 minority business enterprises by facilitating working capital

1626 loans to minority business enterprises that are vendors on state  
1627 agency contracts. The Department of Management Services shall  
1628 administer the program.

1629 **Section 38. Paragraph (a) of subsection (1) of section  
1630 288.776, Florida Statutes, is amended to read:**

1631 288.776 Board of directors; powers and duties.—

1632 (1) (a) The corporation shall have a board of directors  
1633 consisting of 15 members representing all geographic areas of  
1634 the state. ~~Minority and gender representation must be considered~~  
1635 ~~when making appointments to the board.~~ The board membership must  
1636 include:

1637 1. A representative of the following businesses, all of  
1638 which must be registered to do business in this state: a foreign  
1639 bank, a state bank, a federal bank, an insurance company  
1640 involved in covering trade financing risks, and a small or  
1641 medium-sized exporter.

1642 2. The following persons or their designees: the  
1643 Secretary of Commerce, the Chief Financial Officer, the  
1644 Secretary of State, and a senior official of the United States  
1645 Department of Commerce.

1646 **Section 39. Subsection (4) of section 290.004, Florida  
1647 Statutes, is amended to read:**

1648 290.004 Definitions relating to Florida Enterprise Zone  
1649 Act.—As used in ss. 290.001-290.016:

1650 (4) ~~"Minority business enterprise"~~ has the same meaning as

1651 provided in s. 288.703.

1652 **Section 40. Subsection (10) of section 290.0056, Florida**

1653 **Statutes, is amended to read:**

1654 290.0056 Enterprise zone development agency.—

1655 (10) Contingent upon approval by the governing body, the  
1656 agency may invest in community investment corporations which  
1657 conduct, or agree to conduct, loan guarantee programs assisting  
1658 small minority business enterprises located in the enterprise  
1659 zone. In making such investments, the agency shall first attempt  
1660 to invest in existing community investment corporations  
1661 providing services in the enterprise zone. Such investments  
1662 shall be made under conditions required by law and as the agency  
1663 may require, including, but not limited to:

1664 (a) The funds invested by the agency shall be used to  
1665 provide loan guarantees to individuals for small minority  
1666 business enterprises located in the enterprise zone.

1667 (b) The community investment corporation may not approve  
1668 any application for a loan guarantee unless the person applying  
1669 for the loan guarantee shows that he or she has applied for the  
1670 loan or loan guarantee through normal banking channels and that  
1671 the loan or loan guarantee has been refused by at least one bank  
1672 or other financial institution.

1673 **Section 41. Paragraph (f) of subsection (1) of section**  
1674 **290.0057, Florida Statutes, is amended to read:**

1675 290.0057 Enterprise zone development plan.—

1676        (1) Any application for designation as a new enterprise  
1677        zone must be accompanied by a strategic plan adopted by the  
1678        governing body of the municipality or county, or the governing  
1679        bodies of the county and one or more municipalities together. At  
1680        a minimum, the plan must:

1681        (f) Identify the amount of local and private resources  
1682        that will be available in the nominated area and the  
1683        private/public partnerships to be used, which may include  
1684        participation by, and cooperation with, universities, community  
1685        colleges, small business development centers, ~~black business~~  
1686        ~~investment corporations~~, certified development corporations, and  
1687        other private and public entities.

1688        **Section 42. Paragraph (c) of subsection (3) of section  
1689 290.046, Florida Statutes, is amended to read:**

1690        290.046 Applications for grants; procedures;  
1691        requirements.—

1692        (3)

1693        (c) The application's program impact score, equal  
1694        employment opportunity and fair housing score, and communitywide  
1695        needs score may take into consideration scoring factors,  
1696        including, but not limited to, unemployment, poverty levels,  
1697        low-income and moderate-income populations, benefits to low-  
1698        income and moderate-income residents, ~~use of minority owned and~~  
1699        ~~woman owned business enterprises in previous grants~~, health and  
1700        safety issues, and the condition of physical structures.

1701       **Section 43. Paragraph (b) of subsection (4) of section**  
1702       **295.187, Florida Statutes, is amended to read:**

1703       295.187 Florida Veteran Business Enterprise Opportunity  
1704       Act.—

1705       (4) VENDOR PREFERENCE.—

1706       (b) ~~Notwithstanding s. 287.057(12),~~ If a veteran business  
1707       enterprise entitled to the vendor preference under this section  
1708       and one or more businesses entitled to this preference or  
1709       another vendor preference provided by law submit bids,  
1710       proposals, or replies for procurement of commodities or  
1711       contractual services which are equal with respect to all  
1712       relevant considerations, including price, quality, and service,  
1713       the state agency shall award the procurement or contract to the  
1714       business having the smallest net worth.

1715       **Section 44. Subsection (3) of section 320.63, Florida**  
1716       **Statutes, is amended to read:**

1717       320.63 Application for license; contents.—Any person  
1718       desiring to be licensed pursuant to ss. 320.60-320.70 shall make  
1719       application therefor to the department upon a form containing  
1720       such information as the department requires. The department  
1721       shall require, with such application or otherwise and from time  
1722       to time, all of the following, which information may be  
1723       considered by the department in determining the fitness of the  
1724       applicant or licensee to engage in the business for which the  
1725       applicant or licensee desires to be licensed:

1726       (3) From each manufacturer, distributor, or importer which  
1727 utilizes an identical blanket basic agreement for its dealers or  
1728 distributors in this state, which agreement comprises all or any  
1729 part of the applicant's or licensee's agreements with motor  
1730 vehicle dealers in this state, a copy of the written agreement  
1731 and all supplements thereto, together with a list of the  
1732 applicant's or licensee's authorized dealers or distributors and  
1733 their addresses. The applicant or licensee shall further notify  
1734 the department immediately of the appointment of any additional  
1735 dealer or distributor. ~~The applicant or licensee shall annually~~  
1736 ~~report to the department on its efforts to add new minority~~  
1737 ~~dealer points, including difficulties encountered under ss.~~  
1738 ~~320.61-320.70. For purposes of this section "minority" shall~~  
1739 ~~have the same meaning as that given it in the definition of~~  
1740 ~~"minority person" in s. 288.703.~~ Not later than 60 days before  
1741 the date a revision or modification to a franchise agreement is  
1742 offered uniformly to a licensee's motor vehicle dealers in this  
1743 state, the licensee shall notify the department of such  
1744 revision, modification, or addition to the franchise agreement  
1745 on file with the department. In no event may a franchise  
1746 agreement, or any addendum or supplement thereto, be offered to  
1747 a motor vehicle dealer in this state until the applicant or  
1748 licensee files an affidavit with the department acknowledging  
1749 that the terms or provisions of the agreement, or any related  
1750 document, are not inconsistent with, prohibited by, or contrary

1751 to the provisions contained in ss. 320.60-320.70. Any franchise  
1752 agreement offered to a motor vehicle dealer in this state shall  
1753 provide that all terms and conditions in such agreement  
1754 inconsistent with the law and rules of this state are of no  
1755 force and effect.

1756 **Section 45. Paragraph (d) of subsection (4) of section  
1757 337.11, Florida Statutes, is amended to read:**

1758 337.11 Contracting authority of department; bids;  
1759 emergency repairs, supplemental agreements, and change orders;  
1760 combined design and construction contracts; progress payments;  
1761 records; requirements of vehicle registration.—

1762 (4)

1763 (d) Notwithstanding the requirements of ss. 120.57(3)(c)  
1764 and 287.057(23) 287.057(25), upon receipt of a formal written  
1765 protest that is timely filed, the department may continue the  
1766 process provided in this subsection but may not take final  
1767 agency action as to the lowest bidder except as part of the  
1768 department's final agency action in the protest or upon  
1769 dismissal of the protest by the protesting party.

1770 **Section 46. Paragraph (b) of subsection (5) of section  
1771 339.63, Florida Statutes, is amended to read:**

1772 339.63 System facilities designated; additions and  
1773 deletions.—

1774 (5)

1775 (b) A facility designated part of the Strategic Intermodal

1776 System pursuant to paragraph (a) that is within the jurisdiction  
1777 of a local government that maintains a transportation  
1778 concurrency system shall receive a waiver of transportation  
1779 concurrency requirements applicable to Strategic Intermodal  
1780 System facilities in order to accommodate any development at the  
1781 facility which occurs pursuant to a building permit issued on or  
1782 before December 31, 2017, but only if such facility is located:

1783 1. Within an area designated pursuant to s. 288.0656(7) as  
1784 a rural area of opportunity;

1785 2. Within a rural enterprise zone as defined in s. 290.004  
1786 ~~s. 290.004(5)~~; or

1787 3. Within 15 miles of the boundary of a rural area of  
1788 opportunity or a rural enterprise zone.

1789 **Section 47. Paragraph (a) of subsection (2) of section  
1790 376.3072, Florida Statutes, is amended to read:**

1791 376.3072 Florida Petroleum Liability and Restoration  
1792 Insurance Program.—

1793 (2) (a) An owner or operator of a petroleum storage system  
1794 may become an insured in the restoration insurance program at a  
1795 facility if:

1796 1. A site at which an incident has occurred is eligible  
1797 for restoration if the insured is a participant in the third-  
1798 party liability insurance program or otherwise meets applicable  
1799 financial responsibility requirements. After July 1, 1993, the  
1800 insured must also provide the required excess insurance coverage

1801 or self-insurance for restoration to achieve the financial  
1802 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,  
1803 not covered by paragraph (d).

1804 2. A site which had a discharge reported before January 1,  
1805 1989, for which notice was given pursuant to s. 376.3071(10) and  
1806 which is ineligible for the third-party liability insurance  
1807 program solely due to that discharge is eligible for  
1808 participation in the restoration program for an incident  
1809 occurring on or after January 1, 1989, pursuant to subsection  
1810 (3). Restoration funding for an eligible contaminated site will  
1811 be provided without participation in the third-party liability  
1812 insurance program until the site is restored as required by the  
1813 department or until the department determines that the site does  
1814 not require restoration.

1815 3. Notwithstanding paragraph (b), a site where an  
1816 application is filed with the department before January 1, 1995,  
1817 where the owner is a small business under s. 288.703(3) s.  
~~288.703(6)~~, a Florida College System institution with less than  
1819 2,500 FTE, a religious institution as defined by s.  
1820 212.08(7)(m), a charitable institution as defined by s.  
1821 212.08(7)(p), or a county or municipality with a population of  
1822 less than 50,000, is eligible for up to \$400,000 of eligible  
1823 restoration costs, less a deductible of \$10,000 for small  
1824 businesses, eligible Florida College System institutions, and  
1825 religious or charitable institutions, and \$30,000 for eligible

1826 counties and municipalities, if:

1827 a. Except as provided in sub subparagraph e., the facility  
1828 was in compliance with department rules at the time of the  
1829 discharge.

1830 b. The owner or operator has, upon discovery of a  
1831 discharge, promptly reported the discharge to the department,  
1832 and drained and removed the system from service, if necessary.

1833 c. The owner or operator has not intentionally caused or  
1834 concealed a discharge or disabled leak detection equipment.

1835 d. The owner or operator proceeds to complete initial  
1836 remedial action as specified in department rules.

1837 e. The owner or operator, if required and if it has not  
1838 already done so, applies for third-party liability coverage for  
1839 the facility within 30 days after receipt of an eligibility  
1840 order issued by the department pursuant to this subparagraph.

1841  
1842 However, the department may consider in-kind services from  
1843 eligible counties and municipalities in lieu of the \$30,000  
1844 deductible. The cost of conducting initial remedial action as  
1845 defined by department rules is an eligible restoration cost  
1846 pursuant to this subparagraph.

1847 4.a. By January 1, 1997, facilities at sites with existing  
1848 contamination must have methods of release detection to be  
1849 eligible for restoration insurance coverage for new discharges  
1850 subject to department rules for secondary containment. Annual

1851 storage system testing, in conjunction with inventory control,  
1852 shall be considered to be a method of release detection until  
1853 the later of December 22, 1998, or 10 years after the date of  
1854 installation or the last upgrade. Other methods of release  
1855 detection for storage tanks which meet such requirement are:

1856 (I) Interstitial monitoring of tank and integral piping  
1857 secondary containment systems;

1858 (II) Automatic tank gauging systems; or

1859 (III) A statistical inventory reconciliation system with a  
1860 tank test every 3 years.

1861 b. For pressurized integral piping systems, the owner or  
1862 operator must use:

1863 (I) An automatic in-line leak detector with flow  
1864 restriction meeting the requirements of department rules used in  
1865 conjunction with an annual tightness or pressure test; or

1866 (II) An automatic in-line leak detector with electronic  
1867 flow shut-off meeting the requirements of department rules.

1868 c. For suction integral piping systems, the owner or  
1869 operator must use:

1870 (I) A single check valve installed directly below the  
1871 suction pump if there are no other valves between the dispenser  
1872 and the tank; or

1873 (II) An annual tightness test or other approved test.

1874 d. Owners of facilities with existing contamination that  
1875 install internal release detection systems pursuant to sub-

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1876 subparagraph a. shall permanently close their external  
1877 groundwater and vapor monitoring wells pursuant to department  
1878 rules by December 31, 1998. Upon installation of the internal  
1879 release detection system, such wells must be secured and taken  
1880 out of service until permanent closure.

1881 e. Facilities with vapor levels of contamination meeting  
1882 the requirements of or below the concentrations specified in the  
1883 performance standards for release detection methods specified in  
1884 department rules may continue to use vapor monitoring wells for  
1885 release detection.

1886 f. The department may approve other methods of release  
1887 detection for storage tanks and integral piping which have at  
1888 least the same capability to detect a new release as the methods  
1889 specified in this subparagraph.

1890  
1891 Sites meeting the criteria of this subsection for which a site  
1892 rehabilitation completion order was issued before June 1, 2008,  
1893 do not qualify for the 2008 increase in site rehabilitation  
1894 funding assistance and are bound by the pre-June 1, 2008,  
1895 limits. Sites meeting the criteria of this subsection for which  
1896 a site rehabilitation completion order was not issued before  
1897 June 1, 2008, regardless of whether they have previously  
1898 transitioned to nonstate-funded cleanup status, may continue  
1899 state-funded cleanup pursuant to s. 376.3071(6) until a site  
1900 rehabilitation completion order is issued or the increased site

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1901 rehabilitation funding assistance limit is reached, whichever  
1902 occurs first.

1903 **Section 48. Paragraph (g) of subsection (1) of section**  
1904 **376.84, Florida Statutes, is amended to read:**

1905 376.84 Brownfield redevelopment economic incentives.—It is  
1906 the intent of the Legislature that brownfield redevelopment  
1907 activities be viewed as opportunities to significantly improve  
1908 the utilization, general condition, and appearance of these  
1909 sites. Different standards than those in place for new  
1910 development, as allowed under current state and local laws,  
1911 should be used to the fullest extent to encourage the  
1912 redevelopment of a brownfield. State and local governments are  
1913 encouraged to offer redevelopment incentives for this purpose,  
1914 as an ongoing public investment in infrastructure and services,  
1915 to help eliminate the public health and environmental hazards,  
1916 and to promote the creation of jobs in these areas. Such  
1917 incentives may include financial, regulatory, and technical  
1918 assistance to persons and businesses involved in the  
1919 redevelopment of the brownfield pursuant to this act.

1920 (1) Financial incentives and local incentives for  
1921 redevelopment may include, but not be limited to:

1922 ~~(g) Minority business enterprise programs as provided in~~  
1923 ~~s. 287.0943.~~

1924 **Section 49. Paragraph (b) of subsection (8) of section**  
1925 **381.986, Florida Statutes, is amended to read:**

1926        381.986 Medical use of marijuana.—

1927        (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

1928        (b) An applicant for licensure as a medical marijuana

1929 treatment center must apply to the department on a form

1930 prescribed by the department and adopted in rule. The department

1931 shall adopt rules pursuant to ss. 120.536(1) and 120.54

1932 establishing a procedure for the issuance and biennial renewal

1933 of licenses, including initial application and biennial renewal

1934 fees sufficient to cover the costs of implementing and

1935 administering this section, and establishing supplemental

1936 licensure fees for payment beginning May 1, 2018, sufficient to

1937 cover the costs of administering ss. 381.989 and 1004.4351. The

1938 department shall identify applicants with strong diversity plans

1939 reflecting this state's commitment to diversity and implement

1940 training programs and other educational programs to enable

1941 minority persons and minority business enterprises, as defined

1942 in s. 288.703, and veteran business enterprises, as defined in

1943 s. 295.187, to compete for medical marijuana treatment center

1944 licensure and contracts. Subject to the requirements in

1945 subparagraphs (a)2.-4., the department shall issue a license to

1946 an applicant if the applicant meets the requirements of this

1947 section and pays the initial application fee. The department

1948 shall renew the licensure of a medical marijuana treatment

1949 center biennially if the licensee meets the requirements of this

1950 section and pays the biennial renewal fee. However, the

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1951 department may not renew the license of a medical marijuana  
1952 treatment center that has not begun to cultivate, process, and  
1953 dispense marijuana by the date that the medical marijuana  
1954 treatment center is required to renew its license. An individual  
1955 may not be an applicant, owner, officer, board member, or  
1956 manager on more than one application for licensure as a medical  
1957 marijuana treatment center. An individual or entity may not be  
1958 awarded more than one license as a medical marijuana treatment  
1959 center. An applicant for licensure as a medical marijuana  
1960 treatment center must demonstrate:

1961 1. That, for the 5 consecutive years before submitting the  
1962 application, the applicant has been registered to do business in  
1963 this state.

1964 2. Possession of a valid certificate of registration  
1965 issued by the Department of Agriculture and Consumer Services  
1966 pursuant to s. 581.131.

1967 3. The technical and technological ability to cultivate  
1968 and produce marijuana, including, but not limited to, low-THC  
1969 cannabis.

1970 4. The ability to secure the premises, resources, and  
1971 personnel necessary to operate as a medical marijuana treatment  
1972 center.

1973 5. The ability to maintain accountability of all raw  
1974 materials, finished products, and any byproducts to prevent  
1975 diversion or unlawful access to or possession of these

1976 substances.

1977 6. An infrastructure reasonably located to dispense  
1978 marijuana to registered qualified patients statewide or  
1979 regionally as determined by the department.

1980 7. The financial ability to maintain operations for the  
1981 duration of the 2-year approval cycle, including the provision  
1982 of certified financial statements to the department.

1983 a. Upon approval, the applicant must post a \$5 million  
1984 performance bond issued by an authorized surety insurance  
1985 company rated in one of the three highest rating categories by a  
1986 nationally recognized rating service. However, a medical  
1987 marijuana treatment center serving at least 1,000 qualified  
1988 patients is only required to maintain a \$2 million performance  
1989 bond.

1990 b. In lieu of the performance bond required under sub-  
1991 subparagraph a., the applicant may provide an irrevocable letter  
1992 of credit payable to the department or provide cash to the  
1993 department. If provided with cash under this sub subparagraph,  
1994 the department must deposit the cash in the Grants and Donations  
1995 Trust Fund within the Department of Health, subject to the same  
1996 conditions as the bond regarding requirements for the applicant  
1997 to forfeit ownership of the funds. If the funds deposited under  
1998 this sub subparagraph generate interest, the amount of that  
1999 interest must be used by the department for the administration  
2000 of this section.

2001        8. That all owners and managers have passed a background  
2002 screening pursuant to subsection (9). As used in this  
2003 subparagraph, the term:

2004        a. "Manager" means any person with the authority to  
2005 exercise or contribute to the operational control, direction, or  
2006 management of an applicant or a medical marijuana treatment  
2007 center or who has authority to supervise any employee of an  
2008 applicant or a medical marijuana treatment center. The term  
2009 includes an individual with the power or authority to direct or  
2010 influence the direction or operation of an applicant or a  
2011 medical marijuana treatment center through board membership, an  
2012 agreement, or a contract.

2013        b. "Owner" means any person who owns or controls a 5  
2014 percent or greater share of interests of the applicant or a  
2015 medical marijuana treatment center which include beneficial or  
2016 voting rights to interests. In the event that one person owns a  
2017 beneficial right to interests and another person holds the  
2018 voting rights with respect to such interests, then in such case,  
2019 both are considered the owner of such interests.

2020        9. The employment of a medical director to supervise the  
2021 activities of the medical marijuana treatment center.

2022        10. A diversity plan that promotes and ensures the  
2023 involvement of minority persons and minority business  
2024 enterprises, ~~as defined in s. 288.703,~~ or veteran business  
2025 enterprises, as defined in s. 295.187, in ownership, management,

2026 and employment. An applicant for licensure renewal must show the  
2027 effectiveness of the diversity plan by including the following  
2028 with his or her application for renewal:

2029 a. Representation of minority persons and veterans in the  
2030 medical marijuana treatment center's workforce;

2031 b. Efforts to recruit minority persons and veterans for  
2032 employment; and

2033 c. A record of contracts for services with minority  
2034 business enterprises and veteran business enterprises.

2035 **Section 50. Subsection (5) of section 383.216, Florida  
2036 Statutes, is amended to read:**

2037 383.216 Community-based prenatal and infant health care.—

2038 (5) The membership of each prenatal and infant health care  
2039 coalition shall represent health care providers, the recipient  
2040 community, and the community at large; ~~shall represent the~~  
2041 ~~racial, ethnic, and gender composition of the community;~~ and  
2042 shall include at least the following:

2043 (a) Consumers of family planning, primary care, or  
2044 prenatal care services, at least two of whom are low-income or  
2045 Medicaid eligible.

2046 (b) Health care providers, including:

- 2047 1. County health departments.
- 2048 2. Migrant and community health centers.
- 2049 3. Hospitals.
- 2050 4. Local medical societies.

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2051 5. Local health planning organizations.

2052 (c) Local health advocacy interest groups and community  
2053 organizations.

2054 (d) County and municipal governments.

2055 (e) Social service organizations.

2056 (f) Local education communities.

2057 **Section 51. Paragraph (a) of subsection (1) of section  
2058 394.47865, Florida Statutes, is amended to read:**

2059 394.47865 South Florida State Hospital; privatization.—

2060 (1) The Department of Children and Families shall, through  
2061 a request for proposals, privatize South Florida State Hospital.  
2062 The department shall plan to begin implementation of this  
2063 privatization initiative by July 1, 1998.

2064 (a) Notwithstanding s. 287.057(12) s. 287.057(14), the  
2065 department may enter into agreements, not to exceed 20 years,  
2066 with a private provider, a coalition of providers, or another  
2067 agency to finance, design, and construct a treatment facility  
2068 having up to 350 beds and to operate all aspects of daily  
2069 operations within the facility. The department may subcontract  
2070 any or all components of this procurement to a statutorily  
2071 established state governmental entity that has successfully  
2072 contracted with private companies for designing, financing,  
2073 acquiring, leasing, constructing, and operating major privatized  
2074 state facilities.

2075 **Section 52. Section 395.807, Florida Statutes, is**

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2076 repealed.

2077       **Section 53. Paragraph (b) of subsection (2) and subsection**  
2078       **(3) of section 402.7305, Florida Statutes, are amended to read:**

2079       402.7305 Department of Children and Families; procurement  
2080       of contractual services; contract management.—

2081       (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

2082       (b) When it is in the best interest of a defined segment  
2083       of its consumer population, the department may competitively  
2084       procure and contract for systems of treatment or service that  
2085       involve multiple providers, rather than procuring and  
2086       contracting for treatment or services separately from each  
2087       participating provider. The department must ensure that all  
2088       providers that participate in the treatment or service system  
2089       meet all applicable statutory, regulatory, service quality, and  
2090       cost control requirements. If other governmental entities or  
2091       units of special purpose government contribute matching funds to  
2092       the support of a given system of treatment or service, the  
2093       department shall formally request information from those funding  
2094       entities in the procurement process and may take the information  
2095       received into account in the selection process. If a local  
2096       government contributes matching funds to support the system of  
2097       treatment or contracted service and if the match constitutes at  
2098       least 25 percent of the value of the contract, the department  
2099       shall afford the governmental match contributor an opportunity  
2100       to name an employee as one of the persons required by s.

2101 287.057(15) ~~s. 287.057(17)~~ to evaluate or negotiate certain  
2102 contracts, unless the department sets forth in writing the  
2103 reason why the inclusion would be contrary to the best interest  
2104 of the state. Any employee so named by the governmental match  
2105 contributor shall qualify as one of the persons required by s.  
2106 287.057(15) ~~s. 287.057(17)~~. A governmental entity or unit of  
2107 special purpose government may not name an employee as one of  
2108 the persons required by s. 287.057(15) ~~s. 287.057(17)~~ if it, or  
2109 any of its political subdivisions, executive agencies, or  
2110 special districts, intends to compete for the contract to be  
2111 awarded. The governmental funding entity or contributor of  
2112 matching funds must comply with all procurement procedures set  
2113 forth in s. 287.057 when appropriate and required.

2114 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The  
2115 Department of Children and Families shall review the time period  
2116 for which the department executes contracts and shall execute  
2117 multiyear contracts to make the most efficient use of the  
2118 resources devoted to contract processing and execution. Whenever  
2119 the department chooses not to use a multiyear contract, a  
2120 justification for that decision must be contained in the  
2121 contract. Notwithstanding s. 287.057(13) ~~s. 287.057(15)~~, the  
2122 department is responsible for establishing a contract management  
2123 process that requires a member of the department's Senior  
2124 Management or Selected Exempt Service to assign in writing the  
2125 responsibility of a contract to a contract manager. The

2126 department shall maintain a set of procedures describing its  
2127 contract management process which must minimally include the  
2128 following requirements:

2129 (a) The contract manager shall maintain the official  
2130 contract file throughout the duration of the contract and for a  
2131 period not less than 6 years after the termination of the  
2132 contract.

2133 (b) The contract manager shall review all invoices for  
2134 compliance with the criteria and payment schedule provided for  
2135 in the contract and shall approve payment of all invoices before  
2136 their transmission to the Department of Financial Services for  
2137 payment.

2138 (c) The contract manager shall maintain a schedule of  
2139 payments and total amounts disbursed and shall periodically  
2140 reconcile the records with the state's official accounting  
2141 records.

2142 (d) For contracts involving the provision of direct client  
2143 services, the contract manager shall periodically visit the  
2144 physical location where the services are delivered and speak  
2145 directly to clients receiving the services and the staff  
2146 responsible for delivering the services.

2147 (e) The contract manager shall meet at least once a month  
2148 directly with the contractor's representative and maintain  
2149 records of such meetings.

2150 (f) The contract manager shall periodically document any

2151 differences between the required performance measures and the  
2152 actual performance measures. If a contractor fails to meet and  
2153 comply with the performance measures established in the  
2154 contract, the department may allow a reasonable period for the  
2155 contractor to correct performance deficiencies. If performance  
2156 deficiencies are not resolved to the satisfaction of the  
2157 department within the prescribed time, and if no extenuating  
2158 circumstances can be documented by the contractor to the  
2159 department's satisfaction, the department must terminate the  
2160 contract. The department may not enter into a new contract with  
2161 that same contractor for the services for which the contract was  
2162 previously terminated for a period of at least 24 months after  
2163 the date of termination. The contract manager shall obtain and  
2164 enforce corrective action plans, if appropriate, and maintain  
2165 records regarding the completion or failure to complete  
2166 corrective action items.

2167 (g) The contract manager shall document any contract  
2168 modifications, which shall include recording any contract  
2169 amendments as provided for in this section.

2170 (h) The contract manager shall be properly trained before  
2171 being assigned responsibility for any contract.

2172 **Section 54. Subsection (2) of section 408.045, Florida**  
2173 **Statutes, is amended to read:**

2174 408.045 Certificate of need; competitive sealed  
2175 proposals.—

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2176       (2) The agency shall make a decision regarding the  
2177 issuance of the certificate of need in accordance with the  
2178 provisions of s. 287.057(15) ~~s. 287.057(17)~~, rules adopted by  
2179 the agency relating to intermediate care facilities for the  
2180 developmentally disabled, and the criteria in s. 408.035, as  
2181 further defined by rule.

2182       **Section 55. Subsection (24) of section 409.901, Florida  
2183 Statutes, is amended to read:**

2184       409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
2185 409.901-409.920, except as otherwise specifically provided, the  
2186 term:

2187       ~~(24) "Minority physician network" means a network of  
2188 primary care physicians with experience managing Medicaid or  
2189 Medicare recipients that is predominantly owned by minorities as  
2190 defined in s. 288.703, which may have a collaborative  
2191 partnership with a public college or university and a tax-exempt  
2192 charitable corporation.~~

2193       **Section 56. Paragraph (e) of subsection (1) of section  
2194 409.920, Florida Statutes, is amended to read:**

2195       409.920 Medicaid provider fraud.—

2196       (1) For the purposes of this section, the term:

2197       (e) "Managed care plans" means a health insurer authorized  
2198 under chapter 624, an exclusive provider organization authorized  
2199 under chapter 627, a health maintenance organization authorized  
2200 under chapter 641, a prepaid health plan authorized under this

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2201 chapter, a provider service network authorized under this  
2202 ~~chapter, a minority physician network authorized under this~~  
2203 ~~chapter,~~ and an emergency department diversion program  
2204 authorized under this chapter or the General Appropriations Act,  
2205 providing health care services pursuant to a contract with the  
2206 Medicaid program.

2207 **Section 57.** Section 420.622, Florida Statutes, is  
2208 repealed.

2209 **Section 58. Paragraph (b) of subsection (4) of section**  
2210 **430.502, Florida Statutes, is amended to read:**

2211 430.502 Alzheimer's disease; memory disorder clinics and  
2212 day care and respite care programs.—

2213 (4) The department shall develop performance goals that  
2214 exceed the minimum performance standards developed under  
2215 subsection (3), which goals must be achieved in order for a  
2216 memory disorder clinic to be eligible for incentive funding  
2217 above the base level, subject to legislative appropriation.  
2218 Incentive funding shall be based on criteria including, but not  
2219 limited to:

2220 (b) Significant increase in public outreach to low-income  
2221 ~~and minority~~ populations.

2222 **Section 59. Paragraph (b) of subsection (2) of section**  
2223 **440.45, Florida Statutes, is amended to read:**

2224 440.45 Office of the Judges of Compensation Claims.—  
2225 (2)

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2226       (b) Except as provided in paragraph (c), the Governor  
2227 shall appoint a judge of compensation claims from a list of  
2228 three persons nominated by a statewide nominating commission.  
2229 The statewide nominating commission shall be composed of the  
2230 following:

2231       1. Six members, ~~at least one of whom must be a member of a~~  
2232 ~~minority group as defined in s. 288.703,~~ one of each who resides  
2233 in each of the territorial jurisdictions of the district courts  
2234 of appeal, appointed by the Board of Governors of The Florida  
2235 Bar from among The Florida Bar members engaged in the practice  
2236 of law. Each member shall be appointed for a 4-year term;

2237       2. Six electors, ~~at least one of whom must be a member of~~  
2238 ~~a minority group as defined in s. 288.703,~~ one of each who  
2239 resides in each of the territorial jurisdictions of the district  
2240 courts of appeal, appointed by the Governor. Each member shall  
2241 be appointed for a 4-year term; and

2242       3. Six electors, ~~at least one of whom must be a member of~~  
2243 ~~a minority group as defined in s. 288.703,~~ one of each who  
2244 resides in the territorial jurisdictions of the district courts  
2245 of appeal, selected and appointed by a majority vote of the  
2246 other 10 members of the commission. Each member shall be  
2247 appointed for a 4-year term.

2248  
2249 A vacancy occurring on the commission shall be filled by the  
2250 original appointing authority for the unexpired balance of the

2251 term. An attorney who appears before any judge of compensation  
2252 claims more than four times a year is not eligible to serve on  
2253 the statewide nominating commission. The meetings and  
2254 determinations of the nominating commission as to the judges of  
2255 compensation claims shall be open to the public.

2256 **Section 60. Subsections (9) through (15) of section  
2257 445.007, Florida Statutes, are renumbered as subsections (8)  
2258 through (14), respectively, and subsections (1) and (8) of that  
2259 section are amended, to read:**

2260 445.007 Local workforce development boards.—

2261 (1) One local workforce development board shall be  
2262 appointed in each designated service delivery area and shall  
2263 serve as the local workforce development board pursuant to Pub.  
2264 L. No. 113-128. The membership of the local board must be  
2265 consistent with Pub. L. No. 113-128, Title I, s. 107(b). If a  
2266 public education or training provider is represented on the  
2267 local board, a representative of a private education provider  
2268 must also be appointed to the local board. The state board may  
2269 waive this requirement if requested by a local board if it is  
2270 demonstrated that such representatives do not exist in the  
2271 region. ~~The importance of minority and gender representation  
2272 shall be considered when making appointments to the local board.~~  
2273 The local board, its committees, subcommittees, and  
2274 subdivisions, and other units of the workforce system, including  
2275 units that may consist in whole or in part of local governmental

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2276 units, may use any method of telecommunications to conduct  
2277 meetings, including establishing a quorum through  
2278 telecommunications, provided that the public is given proper  
2279 notice of the telecommunications meeting and reasonable access  
2280 to observe and, when appropriate, participate. Local boards are  
2281 subject to chapters 119 and 286 and s. 24, Art. I of the State  
2282 Constitution. Each member of a local board who is not otherwise  
2283 required to file a full and public disclosure of financial  
2284 interests under s. 8, Art. II of the State Constitution or s.  
2285 112.3144 shall file a statement of financial interests under s.  
2286 112.3145. The executive director or designated person  
2287 responsible for the operational and administrative functions of  
2288 the local board who is not otherwise required to file a full and  
2289 public disclosure of financial interests under s. 8, Art. II of  
2290 the State Constitution or s. 112.3144 shall file a statement of  
2291 financial interests under s. 112.3145. The local board's  
2292 website, or the department's website if the local board does not  
2293 maintain a website, must inform the public that each disclosure  
2294 or statement has been filed with the Commission on Ethics and  
2295 provide information how each disclosure or statement may be  
2296 reviewed. The notice to the public must remain on the website  
2297 throughout the term of office or employment of the filer and  
2298 until 1 year after the term on the local board or employment  
2299 ends.

2300 (8) ~~The importance of minority and gender representation~~

2301 shall be considered when appointments are made to any committee  
2302 established by the local workforce development board.

2303 **Section 61. Subsection (12) of section 446.041, Florida  
2304 Statutes, is amended to read:**

2305 446.041 Duties of the department.—The department shall:  
2306 (12) ~~Ensure that minority and gender diversity are~~  
2307 considered in administering this program.

2308 **Section 62. Section 473.3065, Florida Statutes, is amended  
2309 to read:**

2310 473.3065 Clay Ford Scholarship Program; Certified Public  
2311 Accountant Education Opportunity ~~Minority~~ Assistance Advisory  
2312 Council.—

2313 (1) The Clay Ford Scholarship Program for Florida  
2314 residents is hereby established in the division for the purpose  
2315 of providing scholarships to ~~minority~~ persons as defined in s.  
2316 ~~288.703~~ who are students enrolled in their fifth year of an  
2317 accounting education program at an institution in this state  
2318 approved by the board by rule. A Certified Public Accountant  
2319 Education Opportunity ~~Minority~~ Assistance Advisory Council shall  
2320 assist the board in administering the program.

2321 (2) All moneys used to provide scholarships under the Clay  
2322 Ford Scholarship Program shall be funded by a portion of  
2323 existing license fees, as set by the board, not to exceed \$10  
2324 per license. Such moneys shall be deposited into the  
2325 Professional Regulation Trust Fund in a separate account

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2326 maintained for that purpose. The department may spend up to  
2327 \$200,000 per year for the program from this program account but  
2328 may not allocate overhead charges to it. Moneys for scholarships  
2329 shall be disbursed twice per year upon recommendation of the  
2330 advisory council and approval by the board, based on the adopted  
2331 eligibility criteria and comparative evaluation of all  
2332 applicants. Funds in the program account may be invested by the  
2333 Chief Financial Officer under the same limitations as apply to  
2334 investment of other state funds, and all interest earned thereon  
2335 shall be credited to the program account.

2336 (3) The board shall adopt rules as necessary for  
2337 administration of the Clay Ford Scholarship Program, including  
2338 rules relating to the following:

2339 (a) Eligibility criteria for receipt of a scholarship,  
2340 which, at a minimum, shall include the following factors:

2341 1. Financial need.

2342 2. ~~Ethnic, gender, or racial minority status pursuant to~~  
2343 ~~s. 288.703(4).~~

2344 2.3. Scholastic ability and performance.

2345 (b) Scholarship application procedures.

2346 (c) Amounts in which scholarships may be provided, the  
2347 total amount that may be provided, the timeframe for payments or  
2348 partial payments, and criteria for how scholarship funds may be  
2349 expended.

2350 (d) The total amount of scholarships that can be made each

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2351 year.

2352 (e) The minimum balance that must be maintained in the  
2353 program account.

2354 (4) Determinations made by the board regarding recipients  
2355 of scholarship moneys shall not be considered agency action for  
2356 purposes of chapter 120.

2357 (5) It is unlawful for any person or agent of such person  
2358 to knowingly file with the board any notice, statement, or other  
2359 document that is false or that contains any material  
2360 misstatement of fact. A person who violates this subsection  
2361 commits a misdemeanor of the second degree, punishable as  
2362 provided in s. 775.082 or s. 775.083.

2363 (6) There is hereby created the Certified Public  
2364 Accountant Education Opportunity ~~Minority~~ Assistance Advisory  
2365 Council to assist the board in administering the Clay Ford  
2366 Scholarship Program. ~~The council shall be diverse and~~  
2367 ~~representative of the gender, ethnic, and racial categories set~~  
2368 ~~forth in s. 288.703(4).~~

2369 (a) The council shall consist of five licensed Florida-  
2370 certified public accountants selected by the board, of whom one  
2371 shall be a board member who serves as chair of the council, ~~one~~  
2372 ~~shall be a representative of the National Association of Black~~  
2373 ~~Accountants, one shall be a representative of the Cuban American~~  
2374 ~~CPA Association, and two shall be selected at large. At least~~  
2375 ~~one member of the council must be a woman.~~

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2376       (b) The board shall determine the terms for initial  
2377 appointments and appointments thereafter.

2378       (c) ~~Any vacancy on the council shall be filled in the~~  
2379 ~~manner provided for the selection of the initial member.~~ Any  
2380 member appointed to fill a vacancy of an unexpired term shall be  
2381 appointed for the remainder of that term.

2382       (d) Three consecutive absences or absences constituting 50  
2383 percent or more of the council's meetings within any 12-month  
2384 period shall cause the council membership of the member in  
2385 question to become void, and the position shall be considered  
2386 vacant.

2387       (e) The members of the council shall serve without  
2388 compensation, and any necessary and actual expenses incurred by  
2389 a member while engaged in the business of the council shall be  
2390 borne by such member or by the organization or agency such  
2391 member represents. However, the council member who is a member  
2392 of the board shall be compensated in accordance with ss.  
2393 455.207(4) and 112.061.

2394       **Section 63. Subsection (4) of section 489.111, Florida**  
2395 **Statutes, is amended to read:**

2396       489.111 Licensure by examination.—

2397       (4) ~~The department shall ensure that a sensitivity review~~  
2398 ~~committee has been established including representatives of~~  
2399 ~~various ethnic/minority groups. No question found by this~~  
2400 ~~committee to be discriminatory against any ethnic/minority group~~

2401 shall be included in the examination.

2402 **Section 64. Subsection (42) of section 570.07, Florida**  
2403 **Statutes, is amended to read:**

2404 570.07 Department of Agriculture and Consumer Services;  
2405 functions, powers, and duties.—The department shall have and  
2406 exercise the following functions, powers, and duties:

2407 (42) Notwithstanding the provisions of s. 287.057(22) s.  
2408 ~~s. 287.057(24)~~ that require all agencies to use the online  
2409 procurement system developed by the Department of Management  
2410 Services, the department may continue to use its own online  
2411 system. However, vendors utilizing such system shall be  
2412 prequalified as meeting mandatory requirements and  
2413 qualifications and shall remit fees pursuant to s. 287.057(22)  
2414 ~~s. 287.057(24)~~, and any rules implementing s. 287.057.

2415 **Section 65. Subsection (2) of section 616.255, Florida**  
2416 **Statutes, is amended to read:**

2417 616.255 Duties of authority; Florida State Fairgrounds.—  
2418 The authority shall:

2419 (2) Throughout each year, promote the progress of the  
2420 state and stimulate public interest in the advantages and  
2421 development of the state by providing facilities for  
2422 agricultural and industrial exhibitions, public gatherings,  
2423 cultural activities, and other functions intended to advance the  
2424 educational, physical, economic, and cultural interests of the  
2425 public. It is the intent of the Legislature that the authority,

2426 when contracting for concessions at functions held pursuant to  
2427 this subsection, give consideration to increasing the number of  
2428 concessionaires that are small minority businesses.

2429 **Section 66. Subsection (2) of section 616.256, Florida  
2430 Statutes, is amended to read:**

2431 616.256 Powers of authority.—

2432 (2) It is the intent of the Legislature that the  
2433 authority, when contracting for the acquisition of personal  
2434 property or services pursuant to this section, give  
2435 consideration to increasing the number of contractors that are  
2436 small minority businesses.

2437 **Section 67. Paragraph (e) of subsection (6) of section  
2438 627.351, Florida Statutes, is amended to read:**

2439 627.351 Insurance risk apportionment plans.—

2440 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

2441 (e) The corporation is subject to s. 287.057 for the  
2442 purchase of commodities and contractual services except as  
2443 otherwise provided in this paragraph. Services provided by  
2444 tradepersons or technical experts to assist a licensed adjuster  
2445 in the evaluation of individual claims are not subject to the  
2446 procurement requirements of this section. Additionally, the  
2447 procurement of financial services providers and underwriters  
2448 must be made pursuant to s. 627.3513. Contracts for goods or  
2449 services valued at or more than \$100,000 are subject to approval  
2450 by the board.

2451       1. The corporation is an agency for purposes of s.  
2452 287.057, except that, for purposes of s. 287.057(22) s.  
2453 ~~287.057(24)~~, the corporation is an eligible user.

2454       a. The authority of the Department of Management Services  
2455 and the Chief Financial Officer under s. 287.057 extends to the  
2456 corporation as if the corporation were an agency.

2457       b. The executive director of the corporation is the agency  
2458 head under s. 287.057. The executive director of the corporation  
2459 may assign or appoint a designee to act on his or her behalf.

2460       2. The corporation must provide notice of a decision or  
2461 intended decision concerning a solicitation, contract award, or  
2462 exceptional purchase by electronic posting. Such notice must  
2463 contain the following statement: "Failure to file a protest  
2464 within the time prescribed in this section constitutes a waiver  
2465 of proceedings."

2466       a. A person adversely affected by the corporation's  
2467 decision or intended decision to award a contract pursuant to s.  
2468 287.057(1) or (3)(c) who elects to challenge the decision must  
2469 file a written notice of protest with the executive director of  
2470 the corporation within 72 hours after the corporation posts a  
2471 notice of its decision or intended decision. For a protest of  
2472 the terms, conditions, and specifications contained in a  
2473 solicitation, including provisions governing the methods for  
2474 ranking bids, proposals, replies, awarding contracts, reserving  
2475 rights of further negotiation, or modifying or amending any

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2476 contract, the notice of protest must be filed in writing within  
2477 72 hours after posting the solicitation. Saturdays, Sundays, and  
2478 state holidays are excluded in the computation of the 72-hour  
2479 time period.

2480 b. A formal written protest must be filed within 10 days  
2481 after the date the notice of protest is filed. The formal  
2482 written protest must state with particularity the facts and law  
2483 upon which the protest is based. Upon receipt of a formal  
2484 written protest that has been timely filed, the corporation must  
2485 stop the solicitation or contract award process until the  
2486 subject of the protest is resolved by final board action unless  
2487 the executive director sets forth in writing particular facts  
2488 and circumstances that require the continuance of the  
2489 solicitation or contract award process without delay in order to  
2490 avoid an immediate and serious danger to the public health,  
2491 safety, or welfare.

2492 (I) The corporation must provide an opportunity to resolve  
2493 the protest by mutual agreement between the parties within 7  
2494 business days after receipt of the formal written protest.

2495 (II) If the subject of a protest is not resolved by mutual  
2496 agreement within 7 business days, the corporation's board must  
2497 transmit the protest to the Division of Administrative Hearings  
2498 and contract with the division to conduct a hearing to determine  
2499 the merits of the protest and to issue a recommended order. The  
2500 contract must provide for the corporation to reimburse the

2501 division for any costs incurred by the division for court  
2502 reporters, transcript preparation, travel, facility rental, and  
2503 other customary hearing costs in the manner set forth in s.  
2504 120.65(9). The division has jurisdiction to determine the facts  
2505 and law concerning the protest and to issue a recommended order.  
2506 The division's rules and procedures apply to these proceedings.  
2507 The protest must be heard by the division at a publicly noticed  
2508 meeting in accordance with procedures established by the  
2509 division.

2510 c. In a protest of an invitation-to-bid or request-for-  
2511 proposals procurement, submissions made after the bid or  
2512 proposal opening which amend or supplement the bid or proposal  
2513 may not be considered. In protesting an invitation-to-negotiate  
2514 procurement, submissions made after the corporation announces  
2515 its intent to award a contract, reject all replies, or withdraw  
2516 the solicitation that amends or supplements the reply may not be  
2517 considered. Unless otherwise provided by law, the burden of  
2518 proof rests with the party protesting the corporation's action.  
2519 In a competitive-procurement protest, other than a rejection of  
2520 all bids, proposals, or replies, the administrative law judge  
2521 must conduct a de novo proceeding to determine whether the  
2522 corporation's proposed action is contrary to the corporation's  
2523 governing statutes, the corporation's rules or policies, or the  
2524 solicitation specifications. The standard of proof for the  
2525 proceeding is whether the corporation's action was clearly

2526 erroneous, contrary to competition, arbitrary, or capricious. In  
2527 any bid-protest proceeding contesting an intended corporation  
2528 action to reject all bids, proposals, or replies, the standard  
2529 of review by the board is whether the corporation's intended  
2530 action is illegal, arbitrary, dishonest, or fraudulent.

2531 d. Failure to file a notice of protest or failure to file  
2532 a formal written protest constitutes a waiver of proceedings.

2533 3. The agency head or his or her designee shall consider  
2534 the recommended order of an administrative law judge and take  
2535 final action on the protest. Any further legal remedy lies with  
2536 the First District Court of Appeal.

2537 **Section 68. Subsection (7) of section 627.3511, Florida  
2538 Statutes, is amended to read:**

2539 627.3511 Depopulation of Citizens Property Insurance  
2540 Corporation.—

2541 ~~(7) A minority business, which is at least 51 percent  
2542 owned by minority persons as described in s. 288.703, desiring  
2543 to operate or become licensed as a property and casualty insurer  
2544 may exempt up to \$50 of the escrow requirements of the take-out  
2545 bonus, as described in this section. Such minority business,  
2546 which has applied for a certificate of authority to engage in  
2547 business as a property and casualty insurer, may simultaneously  
2548 file the business' proposed take-out plan, as described in this  
2549 section, with the corporation.~~

2550 **Section 69. Section 641.217, Florida Statutes, is**

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2551 repealed.

2552 **Section 70.** Part IV of chapter 760, Florida Statutes,  
2553 consisting of section 760.80, Florida Statutes, is repealed, and  
2554 part V of that chapter is redesignated as part IV of that  
2555 chapter.

2556 **Section 71. Paragraph (k) of subsection (1) of section**  
2557 **1001.216, Florida Statutes, is amended to read:**

2558 1001.216 Council on the Social Status of Black Men and  
2559 Boys.—

2560 (1) The Council on the Social Status of Black Men and Boys  
2561 is established within Florida Memorial University and shall be  
2562 composed of 19 members appointed as follows:

2563 (k) A businessperson who is an African American, as  
2564 defined in s. 760.80(2)(a), appointed by the Governor.

2565 **Section 72. Paragraph (d) of subsection (7) of section**  
2566 **1001.706, Florida Statutes, is amended to read:**

2567 1001.706 Powers and duties of the Board of Governors.—

2568 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

2569 ~~(d) The Board of Governors, or the board's designee, shall~~  
2570 ~~ensure compliance with the provisions of s. 287.09451 for all~~  
2571 ~~procurement and ss. 255.101 and 255.102 for construction~~  
2572 ~~contracts, and rules adopted pursuant thereto, relating to the~~  
2573 ~~utilization of minority business enterprises, except that~~  
2574 ~~procurements costing less than the amount provided for in~~  
2575 ~~CATEGORY FIVE as provided in s. 287.017 shall not be subject to~~

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2576 ~~s. 287.09451.~~

2577       **Section 73. Subsections (1) and (10) of section 1004.42, Florida Statutes, are amended to read:**

2579       1004.42 Florida State University College of Medicine.—

2580       (1) CREATION.—There is hereby established a 4-year  
2581 allopathic medical school within the Florida State University,  
2582 to be known as the Florida State University College of Medicine,  
2583 with a principal focus on recruiting and training medical  
2584 professionals to meet the primary health care needs of the  
2585 state, especially the needs of the state's elderly, rural,  
2586 ~~minority~~, and other underserved citizens.

2587       (10) INCREASING PARTICIPATION OF UNDERREPRESENTED GROUPS.—  
2588 To increase the participation of underrepresented groups and  
2589 socially and economically disadvantaged youth in science and  
2590 medical programs, the College of Medicine shall ~~continue the~~  
2591 ~~outreach efforts of the Program in Medical Sciences (PIMS) to~~  
2592 ~~middle and high school minority students, including the Science~~  
2593 ~~Students Together Reaching Instructional Diversity and~~  
2594 ~~Excellence (SSTRIDE), and shall build an endowment income to~~  
2595 support recruitment programs and scholarship and financial aid  
2596 packages for these students. To develop a base of qualified  
2597 potential medical school candidates from underrepresented  
2598 groups, the College of Medicine shall coordinate with the  
2599 undergraduate premedical and science programs currently offered  
2600 at the Florida State University, develop relationships with

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2601 potential feeder institutions, including 4-year institutions and  
2602 community colleges, and pursue grant funds to support programs,  
2603 as well as support scholarship and financial aid packages. The  
2604 College of Medicine shall develop plans for a postbaccalaureate,  
2605 1-year academic program that provides a second chance to a  
2606 limited number of students per year who have been declined  
2607 medical school admission, who are state residents, and who meet  
2608 established criteria as socially and economically disadvantaged.  
2609 The College of Medicine shall make every effort, through  
2610 recruitment and retention, to employ a faculty and support staff  
2611 that reflect the heterogeneous nature of the state's general  
2612 population.

2613 **Section 74. Paragraph (a) of subsection (4) of section  
2614 1004.435, Florida Statutes, is amended to read:**

2615 1004.435 Cancer control and research.—

2616 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
2617 CREATION; COMPOSITION.—

2618 (a) There is created within the H. Lee Moffitt Cancer  
2619 Center and Research Institute, Inc., the Florida Cancer Control  
2620 and Research Advisory Council. The council shall consist of 16  
2621 members, which includes the chairperson, all of whom must be  
2622 residents of this state. The State Surgeon General or his or her  
2623 designee within the Department of Health shall be one of the 16  
2624 members. Members, except those appointed by the Governor, the  
2625 Speaker of the House of Representatives, or the President of the

2626 Senate, must be appointed by the chief executive officer of the  
2627 institution or organization represented, or his or her designee.  
2628 One member must be a representative of the American Cancer  
2629 Society; one member must be a representative of the Sylvester  
2630 Comprehensive Cancer Center of the University of Miami; one  
2631 member must be a representative of the University of Florida  
2632 Shands Cancer Center; one member must be a representative of the  
2633 Florida Nurses Association who specializes in the field of  
2634 oncology and is not from an institution or organization already  
2635 represented on the council; one member must be a representative  
2636 of the Florida Osteopathic Medical Association who specializes  
2637 in the field of oncology; one member must be a member of the  
2638 Florida Medical Association who specializes in the field of  
2639 oncology and who represents a cancer center not already  
2640 represented on the council; one member must be a representative  
2641 of the H. Lee Moffitt Cancer Center and Research Institute,  
2642 Inc.; one member must be a representative of the Mayo Clinic in  
2643 Jacksonville; one member must be a member of the Florida  
2644 Hospital Association who specializes in the field of oncology  
2645 and who represents a comprehensive cancer center not already  
2646 represented on the council; one member must be a representative  
2647 of the Association of Community Cancer Centers; one member must  
2648 specialize in pediatric oncology research or clinical care  
2649 appointed by the Governor; one member must specialize in  
2650 oncology clinical care or research appointed by the President of

2651 the Senate; one member must be a current or former cancer  
2652 patient or a current or former caregiver to a cancer patient  
2653 appointed by the Speaker of the House of Representatives; one  
2654 member must be a member of the House of Representatives  
2655 appointed by the Speaker of the House of Representatives; and  
2656 one member must be a member of the Senate appointed by the  
2657 President of the Senate. ~~At least four of the members must be~~  
2658 ~~individuals who are minority persons as defined by s. 288.703.~~

2659 **Section 75. Paragraph (c) of subsection (1) of section  
2660 1013.46, Florida Statutes, is amended to read:**

2661 1013.46 Advertising and awarding contracts;  
2662 prequalification of contractor.—

2663 (1)

2664 ~~(e) As an option, any county, municipality, or board may~~  
2665 ~~set aside up to 10 percent of the total amount of funds~~  
2666 ~~allocated for the purpose of entering into construction capital~~  
2667 ~~project contracts with minority business enterprises, as defined~~  
2668 ~~in s. 287.094. Such contracts shall be competitively bid only~~  
2669 ~~among minority business enterprises. The set aside shall be used~~  
2670 ~~to redress present effects of past discriminatory practices and~~  
2671 ~~shall be subject to periodic reassessment to account for~~  
2672 ~~changing needs and circumstances.~~

2673 **Section 76.** This act shall take effect July 1, 2026.