

1 A bill to be entitled
2 An act relating to diversity, equity, and inclusion
3 and affirmative action; amending s. 16.71, F.S.;
4 removing a requirement that the Governor consider
5 certain appointees; repealing s. 24.113, F.S.,
6 relating to minority participation for lottery
7 retailers; amending s. 110.112, F.S.; providing for
8 equal employment opportunity; prohibiting a hiring
9 manager from engaging in certain employment practices;
10 authorizing certain persons to file complaints with
11 the Attorney General; amending s. 110.605, F.S.;
12 revising the personnel rules of the Department of
13 Management Services; repealing ss. 255.101 and
14 255.102, F.S., relating to contracts for public
15 construction works and utilization of minority
16 business enterprises, respectively; amending s.
17 287.042, F.S.; revising the powers, duties, and
18 functions of the department relating to commodities,
19 insurance, and contractual services; amending s.
20 287.055, F.S.; revising public announcement and
21 qualification procedures and competitive selection
22 requirements; amending s. 287.057, F.S.; revising
23 provisions relating to procurement of commodities or
24 contractual services; repealing ss. 287.093, 287.0931,
25 287.094, 287.0943, and 287.09431, F.S., relating to

26 minority business enterprises and programs; amending
27 s. 287.09451, F.S.; renaming the Office of Supplier
28 Diversity as the Office of Supplier Development;
29 repealing s. 287.0947, F.S., relating to the Florida
30 Advisory Council on Small and Minority Business
31 Development; repealing s. 288.1167, F.S., relating to
32 sports franchise contract provisions for food and
33 beverage concession and contract awards to minority
34 business enterprises; amending ss. 288.703 and
35 409.920, F.S.; revising definitions; repealing s.
36 395.807, F.S., relating to retention of family
37 practice residents; repealing s. 420.622, F.S.,
38 relating to the State Office on Homelessness and
39 Council on Homelessness; amending s. 445.007, F.S.;
40 removing requirements that minority and gender
41 representation be considered when making appointments
42 to a local workforce development board; amending s.
43 473.3065, F.S.; renaming the Public Accountant
44 Education Minority Assistance Advisory Council as the
45 Public Accountant Education Opportunity Assistance
46 Advisory Council; revising the selection and
47 eligibility criteria for receipt of the Clay Ford
48 Scholarship Program; revising the selection and
49 eligibility criteria for appointment to the council;
50 amending s. 489.111, F.S.; removing requirement that a

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

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

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

16.71 Florida Gaming Control Commission; creation;

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

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

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

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

5. Update the strategic plan every 5 years.

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

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

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

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

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

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

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

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

110.105 Employment policy of the state.—

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

Section 7. Section 110.112, Florida Statutes, is amended 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.~~

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

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

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

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

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

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

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

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

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

(e) The department shall assist executive agencies in

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

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

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

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

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

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

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

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

chapter.

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

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

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

110.211 Recruitment.—

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

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

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

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

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

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

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

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

(21) THE ECONOMY.—

(b) Policies.—

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

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

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

families and others who need it in order to work.

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

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

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

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

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

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

(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

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

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

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

a. An immediate danger to the public health or safety;

b. Other loss to public or private property which requires emergency government action; or

c. An interruption of an essential governmental service.

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

3. To construction, remodeling, repair, or improvement to 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

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

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

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

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

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

11. To projects subject to chapter 336.

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

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

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

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

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

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

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

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

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

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

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

1. The purchase of radios;
2. The upgrade to the Project 25 communications standard;
3. Increased system capacity and enhanced coverage for system users;
4. Operations, maintenance, and support at a fixed annual rate;
5. The conveyance of communications towers to the department; and
6. The assignment of communications tower leases to the department.

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

286.101 Foreign gifts and contracts.—

(3)

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

1. A proposal to sell commodities through the online procurement program established pursuant to s. 287.057(20) ~~s. 287.057(22)~~;
2. A proposal to sell commodities to a university pursuant to Board of Governors Regulation 18.001;
3. An application or proposal from an entity that discloses foreign gifts or grants under subsection (2) or s.

1010.25;

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

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

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

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

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

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

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

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

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

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

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~~

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

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

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

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

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

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

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

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

(4) COMPETITIVE SELECTION.—

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

Section 21. Subsections (9), (10), (11), and (13) through (28) of section 287.057, Florida Statutes, are renumbered as 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~~
912 ~~Office of Supplier Diversity may also request from the agencies~~
913 ~~any information submitted to the department pursuant to this~~
914 ~~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~~

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

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

(12) ~~(15)~~

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

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

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

287.0571 Business case to outsource; applicability.—

(3) This section does not apply to:

(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 ~~(c) 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~~

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

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

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

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

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

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

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

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

~~business enterprises or minority persons.~~

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

~~(b) To adopt rules to determine what constitutes a "good faith effort" for purposes of contractor compliance with contractual requirements relating to the use of services or commodities of a minority business enterprise under s. 287.094(2). Factors which shall be considered by the Office of Supplier Diversity in determining whether a contractor has made good faith efforts shall include, but not be limited to:~~

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

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

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

~~enterprises or minority persons.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~2. Establishing standards within each industry with which the state government contracts on how agencies and contractors may provide the maximum practicable opportunity for minority 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~~

~~50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the state university construction program which shall be based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703, or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:~~

~~a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic-Americans, and 11 percent for American women.~~

~~b. For architectural and engineering contracts: 9 percent for Hispanic-Americans, 1 percent for Asian-Americans, and 15 percent for American women.~~

~~c. For commodities: 2 percent for black Americans, 4 percent for Hispanic-Americans, 0.5 percent for Asian-Americans, 0.5 percent for Native Americans, and 17 percent for American women.~~

~~d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic-Americans, 1 percent for Asian-Americans, 0.5 percent for Native Americans, and 36 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 ~~(c)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 ~~(c) 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~~

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

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

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

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

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

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

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

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

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

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

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

Section 26. Section 287.0947, Florida Statutes, is repealed.

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

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

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

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

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

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

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

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

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

288.001 The Florida Small Business Development Center Network.—

(4) STATEWIDE ADVISORY BOARD.—

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

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

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

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

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

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

5. One member appointed by the host institution.

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

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

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

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

10. The executive director of the National Federation of

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Independent Businesses, Florida, or his or her designee.

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

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

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

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

Section 30. Section 288.1167, Florida Statutes, is repealed.

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

288.12266 Targeted Marketing Assistance Program.—

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

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

Section 32. Paragraph (b) of subsection (2) of section 288.1229, Florida Statutes, is amended to read:

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

(2) The Florida Sports Foundation must:

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

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

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

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that occur.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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~~(e) An American woman.~~

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

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

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

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

288.706 Florida Minority Business Loan Mobilization
Program.—

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

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

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

288.776 Board of directors; powers and duties.—

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

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

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

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

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

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

provided in s. 288.703.

Section 40. Subsection (10) of section 290.0056, Florida Statutes, is amended to read:

290.0056 Enterprise zone development agency.—

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

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

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

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

290.0057 Enterprise zone development plan.—

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

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

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

290.046 Applications for grants; procedures; requirements.—

(3)

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

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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

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

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

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

(4)

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

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

339.63 System facilities designated; additions and deletions.—

(5)

(b) A facility designated part of the Strategic Intermodal

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

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

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

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

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

376.3072 Florida Petroleum Liability and Restoration Insurance Program.—

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

1. A site at which an incident has occurred is eligible for restoration if the insured is a participant in the third-party liability insurance program or otherwise meets applicable financial responsibility requirements. After July 1, 1993, the 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.~~
1818 ~~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

counties and municipalities, if:

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

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

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

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

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

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

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

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

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

(II) Automatic tank gauging systems; or

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

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

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

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

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

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

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

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

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

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

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

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

rehabilitation funding assistance limit is reached, whichever occurs first.

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

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

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

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

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

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(b) An applicant for licensure as a medical marijuana treatment center must apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, ~~as defined in s. 288.703,~~ and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. However, the

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

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

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

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

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

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

substances.

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

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

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

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

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

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

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

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

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

383.216 Community-based prenatal and infant health care.—

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

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

(b) Health care providers, including:

1. County health departments.
2. Migrant and community health centers.
3. Hospitals.
4. Local medical societies.

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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repealed.

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

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

(2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

(b) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service quality, and cost control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received into account in the selection process. If a local government contributes matching funds to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity 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

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

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

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

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

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

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

(f) The contract manager shall periodically document any

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

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

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

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

408.045 Certificate of need; competitive sealed proposals.—

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

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

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

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

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

409.920 Medicaid provider fraud.—

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

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

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

Section 57. Section 420.622, Florida Statutes, is repealed.

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

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

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

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

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

440.45 Office of the Judges of Compensation Claims.—

(2)

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

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

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

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

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

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

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

445.007 Local workforce development boards.—

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Financial need.

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

~~2.3.~~ Scholastic ability and performance.

(b) Scholarship application procedures.

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

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

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.~~

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

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

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

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

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

489.111 Licensure by examination.—

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

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shall be included in the examination.

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

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

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

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

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

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

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

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

616.256 Powers of authority.—

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

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

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

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

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

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

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

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

627.3511 Depopulation of Citizens Property Insurance Corporation.—

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

Section 69. Section 641.217, Florida Statutes, is

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repealed.

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

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

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

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

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

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

1001.706 Powers and duties of the Board of Governors.—

(7) POWERS AND DUTIES RELATING TO PROPERTY.—

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

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~~s. 287.09451.~~

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

1004.42 Florida State University College of Medicine.—

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

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

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

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

1004.435 Cancer control and research.—

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

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

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

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

1013.46 Advertising and awarding contracts;
prequalification of contractor.—

(1)

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

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