

By Senator Gutman

34-615A-98

1 A bill to be entitled
2 An act relating to the Department of Management
3 Services; amending s. 20.22, F.S.; revising the
4 organizational structure of the department
5 relating to labor organizations; amending ss.
6 110.109, 110.112, F.S.; revising reporting
7 requirements; amending s. 110.1165, F.S.;
8 providing a statute of limitations on filing
9 certain actions; amending s. 110.123, F.S.;
10 redefining the term "full-time state employee";
11 amending s. 110.1245, F.S.; revising reporting
12 requirements; increasing the cap on meritorious
13 service awards; amending s. 110.131, F.S.;
14 revising the terms and conditions of
15 other-personal-services employment; amending s.
16 110.181, F.S.; providing the fiscal agent for
17 the Florida State Employees' Charitable
18 Campaign need not reimburse costs under
19 specified conditions; amending s. 110.201,
20 F.S.; providing for a report; amending s.
21 110.205, F.S.; providing for the designation of
22 Senior Management Service positions; amending
23 s. 110.235, F.S.; deleting a requirement for a
24 report; amending s. 110.503, F.S.; allowing
25 agencies to incur expenses to recognize the
26 service of volunteers; amending s. 110.504,
27 F.S.; providing a limitation on volunteer
28 awards; amending s. 215.196, F.S.; revising the
29 organizational structure of the department
30 relating to the Architects Incidental Trust
31 Fund; amending ss. 255.249, 255.25, 255.257,

1 F.S.; revising the threshold for leased space
2 facility requirements; amending s. 255.503,
3 F.S.; providing for the closing of facilities
4 in emergency situations; amending s. 267.075,
5 F.S.; revising the membership of The Grove
6 Advisory Council; amending s. 272.18, F.S.;
7 revising the membership of the Governor's
8 Mansion Commission; amending s. 272.185, F.S.;
9 revising the organizational structure of the
10 department relating to maintenance of the
11 Governor's Mansion; amending s. 281.07, F.S.;
12 revising the organizational structure of the
13 department relating to the capitol police;
14 amending s. 282.111, F.S.; revising the
15 organizational structure of the department
16 relating to the statewide system of regional
17 law enforcement communications; amending s.
18 287.042, F.S.; revising the organizational
19 structure of the department relating to the
20 purchasing of goods and services; amending s.
21 287.057, F.S.; revising the organizational
22 structure of the department relating to the
23 procurement of insurance; amending ss. 287.16,
24 287.18, F.S.; revising the organizational
25 structure of the department relating to motor
26 vehicles, watercraft, and aircraft; amending s.
27 365.171, F.S.; designating the director of the
28 statewide emergency telephone number "911";
29 amending ss. 401.021, 401.027, F.S.;
30 designating the director of the statewide
31 telecommunications system of the regional

1 emergency medical service; amending s. 446.604,
2 F.S.; providing for Government Services Direct
3 to be included in the plan for One-Stop Career
4 Centers; amending s. 447.208, F.S.; providing
5 for the determination of attorney's fees in
6 certain cases; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Subsection (4) of section 20.22, Florida
11 Statutes, is amended to read:

12 20.22 Department of Management Services.--There is
13 created a Department of Management Services.

14 (4) The duties of the Chief Labor Negotiator ~~Office of~~
15 ~~Labor Relations~~ shall be determined by the Secretary of
16 Management Services, and must include, but need not be limited
17 to, the representation of the Governor as the public employer
18 in collective bargaining negotiations pursuant to the
19 provisions of chapter 447.

20 Section 2. Subsection (2) of section 110.109, Florida
21 Statutes, is amended to read:

22 110.109 Productivity improvement and personnel audits
23 of executive branch agencies.--The department shall be
24 responsible for conducting personnel audits of all executive
25 branch agencies, except the State University System, to
26 provide as follows:

27 (2) It shall be the duty of the department to audit
28 the personnel programs of the state agencies on a continuing
29 and regular basis to ensure the agencies' compliance with
30 state laws and regulations. ~~A copy of such study made by the~~
31 ~~department shall be submitted to the Governor, the President~~

1 ~~of the Senate, the Speaker of the House of Representatives,~~
2 ~~and the Auditor General.~~

3 Section 3. Paragraph (d) of subsection (2) and
4 subsection (6) of section 110.112, Florida Statutes, is
5 amended to read:

6 110.112 Affirmative action; equal employment
7 opportunity.--

8 (2)

9 (d) The department shall report information in its
10 annual workforce report relating to ~~annually to the Governor~~
11 ~~on~~ the implementation, continuance, updating, and results of
12 each executive agency's affirmative action plan for the
13 previous fiscal year.

14 (6) The department shall review and audit executive
15 agency actions in carrying out the rules adopted by the
16 department pursuant to this section ~~and shall submit postaudit~~
17 ~~reports to the Governor, the President of the Senate, the~~
18 ~~Speaker of the House of Representatives, and the Auditor~~
19 ~~General.~~

20 Section 4. Subsection (1) of section 110.1165, Florida
21 Statutes, is amended to read:

22 110.1165 Executive branch personnel errors.--

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

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

19 Section 5. Paragraph (d) of subsection (2) of section
20 110.123, Florida Statutes, is amended to read:

21 110.123 State group insurance program.--

22 (2) DEFINITIONS.--As used in this section, the term:

23 (d) "Full-time state employees" includes all full-time
24 employees of all branches or agencies of state government
25 holding salaried positions and paid by state warrant or from
26 agency funds, employees working as other-personal-services
27 employees,and employees paid from regular salary
28 appropriations for 8 months' employment, including university
29 personnel on academic contracts, ~~but in no case shall "state~~
30 ~~employee" or "salaried position" include persons paid from~~
31 ~~other-personal-services (OPS) funds.~~

1 Section 6. Subsections (2), (3), (4), and (5) of
2 section 110.1245, Florida Statutes, are amended to read:

3 110.1245 Meritorious service awards program.--

4 (2) The department and the judicial branch shall
5 submit annually to the President of the Senate and the Speaker
6 of the House of Representatives information that ~~by April 1 of~~
7 ~~each year a report which~~ outlines each agency's level of
8 participation in the meritorious service awards program. The
9 information must report shall include, but is not be limited
10 to:

11 (a) The number of proposals made.

12 (b) The number of awards made to employees for adopted
13 proposals.

14 (c) The actual cost savings realized as a result of
15 implementing employee proposals.

16 (d) Total expenditures incurred by the agency for
17 providing awards to employees for adopted proposals.

18 (e) The number of employees recognized for superior
19 accomplishments.

20 (f) The number of employees recognized for
21 satisfactory service to the state.

22 (3) Each department head is authorized to incur
23 expenditures to award suitable framed certificates, pins, and
24 other tokens of recognition to retiring state employees whose
25 service with the state has been satisfactory, in appreciation
26 and recognition of such service. Such awards may not cost in
27 excess of ~~\$75~~\$50 each plus applicable taxes.

28 (4) Each department head is authorized to incur
29 expenditures to award suitable framed certificates, pins, or
30 other tokens of recognition to state employees who have
31 achieved increments of 5 years of satisfactory service in the

1 agency or to the state, in appreciation and recognition of
2 such service. Such awards may not cost in excess of ~~\$20~~\$10
3 each plus applicable taxes.

4 (5) Each department head is authorized to incur
5 expenditures not to exceed ~~\$75~~\$50 each plus applicable taxes
6 for suitable framed certificates, plaques, or other tokens of
7 recognition to any appointed member of a state board or
8 commission whose service to the state has been satisfactory,
9 in appreciation and recognition of such service upon the
10 expiration of such board or commission member's final term in
11 such position.

12 Section 7. Subsections (2) and (3) of section 110.131,
13 Florida Statutes, are amended to read:

14 110.131 Other-personal-services temporary
15 employment.--

16 (2) The terms and conditions of
17 other-personal-services employment may include paid official
18 state holidays as established in s. 110.117 and insurance
19 benefits as provided by s. 110.123. The inclusion of insurance
20 benefits in other-personal-services employment is at the
21 discretion of the Governor.~~An agency may employ any~~
22 ~~individual in other personal-services temporary employment for~~
23 ~~1,040 hours within any 12-month period. An extension beyond a~~
24 ~~total of 1,040 hours within an agency for any individual~~
25 ~~requires the approval of the agency head or a designee.~~
26 ~~Approval of extensions shall be made in accordance with~~
27 ~~criteria established by the department. Each agency shall~~
28 ~~maintain employee information as specified by the department~~
29 ~~regarding each extension of other-personal-services temporary~~
30 ~~employment. The time limitation established by this~~
31 ~~subsection does not apply to board members, consultants,~~

1 ~~seasonal employees, institutional clients employed as part of~~
2 ~~their rehabilitation, or bona fide, degree-seeking students in~~
3 ~~accredited secondary or postsecondary educational programs.~~

4 (3) The department shall adopt rules providing that
5 other-personal-services temporary employment in an
6 employer-employee relationship shall be used for short-term
7 tasks or time-limited programs. Such rules shall specify the
8 employment categories, terms, conditions, rate of pay, and
9 insurance benefits consistent with this section.~~frequency of~~
10 ~~other-personal-services temporary employment and the duration~~
11 ~~for which such employment may last; specify criteria for~~
12 ~~approving extensions beyond the time limitation provided in~~
13 ~~subsection (2); and prescribe recordkeeping and reporting~~
14 ~~requirements for other-personal-services employment.~~

15 Section 8. Paragraph (b) of subsection (2) of section
16 110.181, Florida Statutes, is amended to read:

17 110.181 Florida State Employees' Charitable
18 Campaign.--

19 (2) SELECTION OF FISCAL AGENTS; COST.--

20 (b) The fiscal agent shall withhold the reasonable
21 costs for conducting the campaign and for accounting and
22 distribution to the participating organizations and shall
23 reimburse the department the actual cost, not to exceed 1
24 percent, for coordinating the campaign in accordance with the
25 rules of the department. In any fiscal year in which the
26 Legislature specifically appropriates to the department its
27 costs for coordinating the campaign from the General Revenue
28 Fund, the fiscal agent is not required to reimburse such costs
29 to the department under this subsection.

30 Section 9. Subsection (5) is added to section 110.201,
31 Florida Statutes, to read:

1 110.201 Personnel rules, records, and reports.--
2 (5) The department shall develop a workforce report
3 that contains data representative of the state's human
4 resources. The report should identify trends for planning and
5 improving the management of the state's human resources. The
6 department shall submit this report annually to the Governor,
7 the President of the Senate, and the Speaker of the House of
8 Representatives.

9 Section 10. Paragraph (m) of subsection (2) of section
10 110.205, Florida Statutes, is amended to read:

11 110.205 Career service; exemptions.--

12 (2) EXEMPT POSITIONS.--The exempt positions which are
13 not covered by this part include the following, provided that
14 no position, except for positions established for a limited
15 period of time pursuant to paragraph (h), shall be exempted if
16 the position reports to a position in the career service:

17 (m)1. In addition to those positions exempted by other
18 paragraphs of this subsection, each department head may
19 designate a maximum of 20 policymaking or managerial
20 positions, as defined by the department and approved by the
21 Administration Commission, as being exempt from the Career
22 Service System. Career service employees who occupy a
23 position designated as a position in the Selected Exempt
24 Service under this paragraph shall have the right to remain in
25 the Career Service System by opting to serve in a position not
26 exempted by the employing agency. Unless otherwise fixed by
27 law, the department shall set the salary and benefits of these
28 positions in accordance with the rules of the Selected Exempt
29 Service; provided, however, that if the agency head determines
30 that the general counsel, chief Cabinet aide, public
31 information administrator or comparable position for a Cabinet

1 officer, inspector general, or legislative affairs director
2 has both policymaking and managerial responsibilities and if
3 the department determines that any such position has both
4 policymaking and managerial responsibilities, the salary and
5 benefits for each such position shall be established by the
6 department in accordance with the rules of the Senior
7 Management Service. In addition, each department may designate
8 one additional position in the Senior Management Service if
9 that position reports directly to the agency head or to a
10 position in the Senior Management Service and if any
11 additional costs are absorbed from the existing budget of that
12 department.

13 2. If otherwise exempt, employees of the Public
14 Employees Relations Commission, the Commission on Human
15 Relations, and the Unemployment Appeals Commission, upon the
16 certification of their respective commission heads, may be
17 provided for under this paragraph as members of the Senior
18 Management Service, if otherwise qualified. However, the
19 deputy general counsels of the Public Employees Relations
20 Commission shall be compensated as members of the Selected
21 Exempt Service.

22 Section 11. Subsection (4) of section 110.235, Florida
23 Statutes, is amended to read:

24 110.235 Training.--

25 (4) Each employing agency shall annually evaluate and
26 report to the department the training it has implemented and
27 the progress it has made in the area of training. ~~The~~
28 ~~department shall review and consolidate the information~~
29 ~~reported to it by the agencies and shall annually report the~~
30 ~~progress of the agencies in training to the Governor, the~~

31

1 ~~President of the Senate, and the Speaker of the House of~~
2 ~~Representatives.~~

3 Section 12. Subsection (5) of section 110.503, Florida
4 Statutes, is amended to read:

5 110.503 Responsibilities of departments and
6 agencies.--Each department or agency utilizing the services of
7 volunteers shall:

8 (5) Provide for the recognition of volunteers who have
9 offered continuous and outstanding service to
10 state-administered programs. Each department or agency using
11 the services of volunteers is authorized to incur expenditures
12 not to exceed \$75 each plus applicable taxes for suitable
13 framed certificates, plaques, or other tokens of recognition
14 to honor, reward, or encourage volunteers for their service.

15 Section 13. Subsection (6) of section 110.504, Florida
16 Statutes, is amended to read:

17 110.504 Volunteer benefits.--

18 (6) Incidental recognition benefits or incidental
19 nonmonetary awards may be furnished to volunteers serving in
20 state departments to award, recognize, or encourage volunteers
21 for their service. The awards may not cost in excess of \$75
22 each plus applicable taxes.

23 Section 14. Subsection (1) of section 215.196, Florida
24 Statutes, is amended to read:

25 215.196 Architects Incidental Trust Fund; creation;
26 assessment.--

27 (1) There is created the Architects Incidental Trust
28 Fund for the purpose of providing sufficient funds for the
29 operation of the facilities development activities of the
30 Department of Management Services ~~Division of Building~~
31 ~~Construction.~~

1 Section 15. Paragraphs (b) and (k) of subsection (2)
2 of section 255.249, Florida Statutes, are amended to read:

3 255.249 Division of Facilities Management;
4 responsibility; department rules.--

5 (2) The department shall promulgate rules pursuant to
6 chapter 120 providing:

7 (b) Procedures for soliciting and accepting
8 competitive proposals for leased space of 5,000 ~~3,000~~ square
9 feet or more in privately owned buildings, for evaluating the
10 proposals received, for exemption from competitive bidding
11 requirements of any lease the purpose of which is the
12 provision of care and living space for persons or emergency
13 space needs as provided in s. 255.25(10), and for the securing
14 of at least three documented quotes for a lease that is not
15 required to be competitively bid.

16 (k) For a lease of less than 5,000 ~~3,000~~ square feet,
17 a method for certification by the agency head or the agency
18 head's designated representative that all criteria for leasing
19 have been fully complied with and for the filing of a copy of
20 such lease and all supporting documents with the department
21 for its review and approval as to technical sufficiency.

22 Section 16. Paragraph (b) of subsection (2) and
23 subsection (3) of section 255.25, Florida Statutes, are
24 amended to read:

25 255.25 Approval required prior to construction or
26 lease of buildings.--

27 (2)

28 (b) The approval of the Department ~~Division~~ of
29 ~~Facilities~~ Management Services, except for technical
30 sufficiency, need not be obtained for the lease of less than
31 5,000 ~~3,000~~ square feet of space within a privately owned

1 building, provided the agency head or the agency head's
2 designated representative has certified compliance with
3 applicable leasing criteria as may be provided pursuant to s.
4 255.249(2)(k) and has determined such lease to be in the best
5 interest of the state. Such a lease which is for a term
6 extending beyond the end of a fiscal year is subject to the
7 provisions of ss. 216.311, 255.2502, and 255.2503.

8 (3)(a) Except as provided in subsection (10), no state
9 agency shall enter into a lease as lessee for the use of 5,000
10 ~~3,000~~ square feet or more of space in a privately owned
11 building except upon advertisement for and receipt of
12 competitive bids and award to the lowest and best bidder. The
13 Department Division of Facilities Management Services shall
14 have the authority to approve a lease for 5,000 ~~3,000~~ square
15 feet or more of space that covers more than 1 fiscal year,
16 subject to the provisions of ss. 216.311, 255.2501, 255.2502,
17 and 255.2503, if such lease is, in the judgment of the
18 department division, in the best interests of the state. This
19 paragraph does not apply to buildings or facilities of any
20 size leased for the purpose of providing care and living space
21 for persons.

22 (b) The Department Division of Facilities Management
23 Services may approve extensions of an existing lease of 5,000
24 ~~3,000~~ square feet or more of space if such extensions are
25 determined to be in the best interests of the state, but in no
26 case shall the total of such extensions exceed 11 months. If
27 at the end of the 11th month an agency still needs space, it
28 shall be procured by competitive bid in accordance with s.
29 255.249(2)(b).

30 (c) Any person who files an action protesting a
31 decision or intended decision pertaining to a competitive bid

1 for space to be leased by the agency pursuant to s.
2 120.57(3)(b) shall post with the state agency at the time of
3 filing the formal written protest a bond payable to the agency
4 in an amount equal to 1 percent of the estimated total rental
5 of the basic lease period or \$5,000, whichever is greater
6 ~~less~~, which bond shall be conditioned upon the payment of all
7 costs which may be adjudged against him or her in the
8 administrative hearing in which the action is brought and in
9 any subsequent appellate court proceeding. If the agency
10 prevails after completion of the administrative hearing
11 process and any appellate court proceedings, it shall recover
12 all costs and charges which shall be included in the final
13 order or judgment, excluding attorney's fees. Upon payment of
14 such costs and charges by the person protesting the award, the
15 bond shall be returned to him or her. If the person
16 protesting the award prevails, the bond shall be returned to
17 that person and he or she shall recover from the agency all
18 costs and charges which shall be included in the final order
19 of judgment, excluding attorney's fees.

20 Section 17. Subsection (2) of section 255.257, Florida
21 Statutes, is amended to read:

22 255.257 Energy management plan; buildings occupied by
23 state agencies.--

24 (2) ENERGY CONSUMPTION AND COST DATA.--Each state
25 agency shall submit, in the form and manner to be prescribed
26 by the Department ~~Division~~ of Facilities Management Services,
27 data on energy consumption and cost. The data gathered shall
28 be on all state-owned facilities and those non-full-service
29 state-leased facilities over 5,000 square feet. These data
30 will be used in the computation of the effectiveness of the
31 state energy management plan and the effectiveness of the

1 energy management program of each of the reporting agencies.
2 The department ~~division~~ shall advise the various agencies on
3 the effectiveness of their energy management programs.

4 Section 18. Section 255.503, Florida Statutes, is
5 amended to read:

6 255.503 Powers of the Department ~~Division~~ of
7 ~~Facilities~~ Management Services.--

8 (1) The Department ~~Division~~ of ~~Facilities~~ Management
9 Services shall have all the authority necessary to carry out
10 and effectuate the purposes and provisions of this act,
11 including, but not limited to, the authority to:

12 (a)~~(1)~~ Collect reasonable rentals or charges for the
13 use of and services provided for facilities in the pool in
14 accordance with the provisions of this act exclusively for the
15 purpose of paying the expenses of improving, repairing,
16 maintaining, and operating facilities and paying debt service
17 charges in connection with its obligations.

18 (b)~~(2)~~ Prescribe for the use of facilities in the
19 pool, prescribe the amount of rentals or charges, and make and
20 enter into contracts with any political subdivision or agency,
21 for the use of and services provided for such facilities.

22 (c)~~(3)~~ Acquire facilities pursuant to s. 11(e), Art.
23 VII of the State Constitution and own, operate, and finance
24 such facilities in accordance with this act through the
25 issuance of obligations by the division under this act; to
26 utilize rentals or charges from such facilities, as well as
27 any appropriated state or other public funds; and to pledge
28 revenue from such facilities to finance the acquisition of
29 facilities pursuant to the provisions of this act.

30 (d)~~(4)~~ Operate existing state-owned facilities in the
31 pool and to pledge rentals or charges for such facilities to

1 finance the acquisition of facilities pursuant to the
2 provisions of this act.

3 (e)~~(5)~~ Pledge, hypothecate, or otherwise encumber
4 rentals or charges as may be agreed as security for
5 obligations issued under this act and enter into trust
6 agreements or indentures for the benefit of the holders of
7 such obligations.

8 (f)~~(6)~~ Borrow money or accept advances, loans, gifts,
9 grants, devises, or bequests from any source; enter into
10 contracts or agreements with any party; and hold and apply
11 advances, loans, gifts, grants, devises, or bequests according
12 to the terms thereof. Such advances, loans, gifts, grants,
13 devises, or bequests of real estate may be in fee simple or of
14 any lesser estate and may be subject to any reasonable
15 reservations. Any advances or loans received from any source
16 may be repaid in accordance with the terms of such advance or
17 loan.

18 (g)~~(7)~~ Sell, lease, release, or otherwise dispose of
19 facilities in the pool in accordance with applicable law.

20 (h)~~(8)~~ Create and establish funds and accounts for the
21 purpose of debt service reserves, for the matching of the
22 timing and the amount of available funds and debt service
23 charges, for sinking funds, for capital depreciation reserves,
24 for operating reserves, for capitalized interest and moneys
25 not required for immediate disbursement to acquire all or a
26 portion of any facility, and for any other reserves, funds, or
27 accounts reasonably necessary to carry out the provisions of
28 this act and to invest in authorized investments any moneys
29 held in such funds and accounts, provided such investments
30 will be made on behalf of the Department ~~Division~~ of
31

1 ~~Facilities~~ Management Services by the State Board of
2 Administration or the Treasurer, as appropriate.

3 ~~(i)(9)~~ Engage the services of consultants for
4 rendering professional and technical assistance and advice and
5 to engage services of professionals in connection with the
6 acquisition or financing of any facility or the operation and
7 activities of the Division of Facilities Management, including
8 attorneys, auditors, consultants, and accountants.

9 ~~(j)(10)~~ Lease all or any portion of any facility to an
10 agency or to any political subdivision.

11 ~~(k)(11)~~ Promulgate all rules necessary to implement
12 the provisions of this act.

13 ~~(l)(12)~~ Do all other acts reasonably necessary to
14 carry out the provisions of this act.

15 (2) When the Governor, by Executive Order, declares an
16 emergency, an agency head has the responsibility for the
17 closing of the affected facilities or portions thereof within
18 his or her jurisdiction which are located in the area covered
19 by the Executive Order. In any other disaster or emergency
20 condition that may necessitate the closing of facilities in an
21 area, an agency head has the authority and responsibility to
22 determine whether the agency offices or facilities or portion
23 thereof under his or her jurisdiction are affected by the
24 emergency and should be closed. The Department of Management
25 Services must approve the closing of any agency facility or
26 portion thereof for more than 2 consecutive work days. In the
27 case of a facility operated by the Department of Management
28 Services, either an agency head or the Secretary of Management
29 Services has the authority and responsibility to determine
30 whether agency offices or facilities or any portion thereof
31 are affected by the emergency and are to be closed.

1 Section 19. Paragraph (a) of subsection (3) of section
2 267.075, Florida Statutes, is amended to read:

3 267.075 The Grove Advisory Council; creation;
4 membership; purposes.--

5 (3)(a) The Grove Advisory Council shall be composed of
6 eight members, as follows:

7 1. Five members shall be private citizens appointed by
8 the Secretary of State.

9 2. One member shall be the Secretary ~~director of the~~
10 ~~Division of Facilities Management of the Department of~~
11 ~~Management Services~~ or his or her designee.

12 3. One member shall be the director of the Division of
13 Historical Resources of the Department of State.

14 4. At least one member shall be a direct descendant of
15 Mary Call Darby Collins appointed by the Secretary of State
16 with the advice of the oldest living generation of lineal
17 descendants of Mary Call Darby Collins.

18
19 Of the citizen members, at least one member shall have
20 professional curatorial and museum expertise, one member shall
21 have professional architectural expertise in the preservation
22 of historic buildings, and one member shall have professional
23 landscape expertise. The five citizen members of the council
24 appointed by the Secretary of State and the member of the
25 council who is a direct descendant of Mary Call Darby Collins
26 appointed by the Secretary of State shall be appointed for
27 staggered 4-year terms. The Secretary of State shall fill the
28 remainder of unexpired terms for the five citizen members of
29 the council and the member of the council who is a direct
30 descendant of Mary Call Darby Collins.

31

1 Section 20. Paragraph (a) of subsection (1) of section
2 272.18, Florida Statutes, is amended to read:

3 272.18 Governor's Mansion Commission.--

4 (1)(a) There is created within the Department of
5 Management Services a Governor's Mansion Commission to be
6 composed of eight members. Five members shall be private
7 citizens appointed by the Governor and subject to confirmation
8 by the Senate; one member shall be the Secretary ~~Director~~ of
9 ~~the Division of Facilities Management of the Department of~~
10 Management Services or his or her designee; one member shall
11 be the Director of the Division of Recreation and Parks of the
12 Department of Environmental Protection; and one member shall
13 be designated by the Secretary of State and shall be an
14 employee of the Department of State with curatorial and museum
15 expertise. The Governor shall appoint all citizen members for
16 4-year terms. The Governor shall fill vacancies for the
17 remainder of unexpired terms. The spouse of the Governor or
18 the designated representative of the Governor shall be an ex
19 officio member of the commission but shall have no voting
20 rights except in the case of a tie vote.

21 Section 21. Section 272.185, Florida Statutes, is
22 amended to read:

23 272.185 Maintenance of Governor's Mansion by
24 Department ~~Division~~ of ~~Facilities~~ Management Services.--

25 (1) ~~POWERS AND DUTIES OF DIVISION.~~--

26 (a) ~~The Division of Facilities Management of the~~
27 Department of Management Services shall maintain all
28 structures, furnishings, equipment, and grounds of the
29 Governor's Mansion, except that the exterior facades; the
30 landscaping of the grounds; the antique furnishings in the
31 private quarters; the interiors of the state rooms; and the

1 articles of furniture, fixtures, and decorative objects used
2 or displayed in the state rooms shall be maintained pursuant
3 to the directives of the Governor's Mansion Commission.

4 (2)~~(b)~~ The department ~~division~~ shall insure the
5 Governor's Mansion, its contents, and all structures and
6 appurtenances thereto with the State Property Insurance Trust
7 Fund as provided in s. 284.01. The department ~~may division is~~
8 ~~authorized to~~ purchase any necessary insurance either by a
9 primary insurance contract, excess coverage insurance, or
10 reinsurance to cover the contents of the mansion, whether
11 title of the contents is in the state or in any other person
12 or entity not a resident of the mansion, notwithstanding the
13 provision of s. 287.025.

14 (3)~~(c)~~ The department ~~division~~ shall have authority to
15 contract and be contracted with for work and materials
16 required.

17 (4)~~(d)~~ The department ~~division~~ shall keep a continuing
18 and accurate inventory of all equipment and furnishings.

19 ~~(2) FINANCING; BUDGETS.--The division shall submit its~~
20 ~~budgetary requirements to the Department of Management~~
21 ~~Services for its approval and inclusion in legislative budget~~
22 ~~requests.~~

23 Section 22. Section 281.07, Florida Statutes, is
24 amended to read:

25 281.07 Rules; Facilities Program ~~Division of Capitol~~
26 ~~Police~~; traffic regulation.--

27 (1) The Department of Management Services shall adopt
28 and promulgate rules to govern the administration, operation,
29 and management of the Facilities Program ~~Division of Capitol~~
30 ~~Police~~ and to regulate traffic and parking on state-owned or
31 state-leased property, which rules are not in conflict with

1 any state law or county or municipal ordinance, and to carry
2 out the provisions of ss. 281.02-281.09.

3 (2) Political subdivisions and municipalities may
4 enact and enforce ordinances on the violation of traffic and
5 parking rules provided in subsection (1).

6 Section 23. Subsection (4) of section 282.111, Florida
7 Statutes, is amended to read:

8 282.111 Statewide system of regional law enforcement
9 communications.--

10 (4) The Secretary of Management Services or his or her
11 designee ~~director of the division~~ is designated as the
12 director of the statewide system of regional law enforcement
13 communications and, for the purpose of carrying out the
14 provisions of this section, is authorized to coordinate the
15 activities of the system with other interested state agencies
16 and local law enforcement agencies.

17 Section 24. Paragraph (b) of subsection (2) and
18 paragraph (b) of subsection (4) of section 287.042, Florida
19 Statutes, are amended to read:

20 287.042 Powers, duties, and functions.--The Department
21 of Management Services ~~division~~ shall have the following
22 powers, duties, and functions:

23 (2)

24 (b) As an alternative to any provision in s.
25 120.57(3)(c), the department ~~division~~ may proceed with the bid
26 solicitation or contract award process of a term contract bid
27 when the secretary of the department or his or her designee
28 ~~director of the division~~ sets forth in writing particular
29 facts and circumstances which demonstrate that the delay
30 incident to staying the bid process or contract award process
31 would be detrimental to the interests of the state. After the

1 award of a contract resulting from a bid in which a timely
2 protest was received and in which the state did not prevail,
3 the contract may be canceled and reawarded to the prevailing
4 party.

5 (4) To establish a system of coordinated, uniform
6 procurement policies, procedures, and practices to be used by
7 agencies in acquiring commodities and contractual services,
8 which shall include, but not be limited to:

9 (b) Development of procedures for the releasing of
10 requests for proposals and invitations to bid, which
11 procedures shall include, but not be limited to, publication
12 in the Florida Administrative Weekly or on Government Services
13 Direct ~~the Florida Communities Network~~ of notice for requests
14 for proposals at least 28 days before the date set for
15 submittal of proposals and publication of notice for
16 invitations to bid at least 10 calendar days before the date
17 set for submission of bids. An agency may waive the
18 requirement for notice in the Florida Administrative Weekly or
19 on Government Services Direct ~~the Florida Communities Network~~.
20 Notice of the request for proposals shall be mailed to
21 prospective offerors at least 28 calendar days prior to the
22 date for submittal of proposals. Notice of the invitation to
23 bid shall be mailed to prospective bidders at least 10
24 calendar days prior to the date set for submittal of bids. The
25 Minority Business Advocacy and Assistance Office may consult
26 with agencies regarding the development of bid distribution
27 procedures to ensure that maximum distribution is afforded to
28 certified minority business enterprises as defined in s.
29 288.703.

30 Section 25. Paragraph (d) of subsection (3) of section
31 287.057, Florida Statutes, is amended to read:

1 287.057 Procurement of commodities or contractual
2 services.--

3 (3) When the purchase price of commodities or
4 contractual services exceeds the threshold amount provided in
5 s. 287.017 for CATEGORY TWO, no purchase of commodities or
6 contractual services may be made without receiving competitive
7 sealed bids or competitive sealed proposals unless:

8 (d) When it is in the best interest of the state, the
9 Secretary ~~the Department~~ of Management Services or his or her
10 designee may authorize the Support Program ~~director of the~~
11 ~~division~~ to purchase insurance by negotiation, but such
12 purchase shall be made only under conditions most favorable to
13 the public interest.

14 Section 26. Section 287.16, Florida Statutes, is
15 amended to read:

16 287.16 Powers and duties of department ~~division~~--The
17 Department of Management Services ~~Division of Motor Pool~~ shall
18 have the following powers, duties, and responsibilities:

19 (1) To obtain the most effective and efficient use of
20 motor vehicles, watercraft, and aircraft for state purposes.

21 (2) To establish and operate central facilities for
22 the acquisition, disposal, operation, maintenance, repair,
23 storage, supervision, control, and regulation of all
24 state-owned or state-leased aircraft and motor vehicles and to
25 operate any state facilities for those purposes. Acquisition
26 may be by purchase, lease, loan, or in any other legal manner.

27 (3) In its discretion, to require every state agency
28 to transfer its ownership, custody, and control of every
29 aircraft and motor vehicle, and associated maintenance
30 facilities and equipment, except those used principally
31 associated maintenance facilities and equipment, except those

1 used principally for law enforcement or fire control purposes,
2 to the Department of Management Services, including all right,
3 title, interest, and equity therein.

4 (4) Upon requisition and showing of need, to assign
5 suitable aircraft or motor vehicles, on a temporary (for a
6 period up to and including 1 month) or permanent (for a period
7 from 1 month up to and including 1 full year) basis, to any
8 state agency.

9 (5) To allocate and charge fees to the state agencies
10 to which aircraft or motor vehicles are furnished, based upon
11 any reasonable criteria.

12 (6) To adopt and enforce rules and regulations for the
13 efficient and safe use, operation, maintenance, repair, and
14 replacement of all state-owned or state-leased aircraft and
15 motor vehicles and to require the placement of appropriate
16 stickers, decals, or other markings upon the aircraft and
17 motor vehicles of the state. The department ~~division~~ may
18 delegate to the respective heads of the agencies to which
19 aircraft and motor vehicles are assigned the duty of enforcing
20 the rules and regulations adopted by the department ~~division~~.

21 (7) To contract for specialized maintenance services.

22 (8) To require any state agency to keep records and
23 make reports regarding aircraft and motor vehicles to the
24 department ~~division~~ as may be required. The Department of
25 Highway Safety and Motor Vehicles may use the reporting system
26 in effect on October 1, 1983, until July 1, 1984. Beginning
27 July 1, 1984, the Department of Highway Safety and Motor
28 Vehicles shall use a reporting system approved by the
29 department ~~division~~. The Support Program ~~division~~ shall assist
30 the Department of Highway Safety and Motor Vehicles in
31 developing or implementing a reporting system prior to July 1,

1 1984, which shall specifically address the needs and
2 requirements of the Support Program ~~division~~ and the
3 Department of Highway Safety and Motor Vehicles.

4 (9) To establish and operate central facilities to
5 determine the mode of transportation to be used by state
6 employees traveling on official state business and to schedule
7 and coordinate use of state-owned or state-leased aircraft and
8 passenger-carrying vehicles to assure maximum utilization of
9 state aircraft, motor vehicles, and employee time by assuring
10 that employees travel by the most practical and economical
11 mode of travel. The department ~~division~~ shall consider the
12 number of employees making the trip to the same location, the
13 most efficient and economical means of travel considering the
14 time of the employee, transportation cost and subsistence
15 required, the urgency of the trip, and the nature and purpose
16 of the trip.

17 (10) To provide the Legislature annual reports at the
18 end of each calendar year concerning the utilization of all
19 aircraft in the executive pool and special purpose aircraft.

20 Section 27. Section 287.18, Florida Statutes, is
21 amended to read:

22 287.18 Repair and service of motor vehicles and
23 aircraft.--The Secretary of Management Services or his or her
24 designee ~~director of the Division of Motor Pool~~ may require a
25 department or any state agency having facilities for the
26 repair of aircraft or motor vehicles and for the storage and
27 distribution of gasoline and other petroleum products to
28 repair aircraft and motor vehicles and to furnish gasoline and
29 other petroleum products to any other department or agency and
30 shall compensate for the cost of such services and products.

31

1 Section 28. Subsections (5) and (12) of section
2 365.171, Florida Statutes, are amended to read:

3 365.171 Emergency telephone number "911."--

4 (5) SYSTEM DIRECTOR.--The secretary of the department
5 or his or her designee ~~director of the division~~ is designated
6 as the director of the statewide emergency telephone number
7 "911" system and, for the purpose of carrying out the
8 provisions of this section, is authorized to coordinate the
9 activities of the system with state, county, local, and
10 private agencies. The director is authorized to employ not
11 less than five persons, three of whom will be at the
12 professional level, one at the secretarial level, and one to
13 fill a fiscal position, for the purpose of carrying out the
14 provisions of this section. The director in implementing the
15 system shall consult, cooperate, and coordinate with local law
16 enforcement agencies.

17 (12) FEDERAL ASSISTANCE.--The secretary of the
18 department or his or her designee ~~may director of the division~~
19 ~~is authorized to~~ apply for and accept federal funding
20 assistance in the development and implementation of a
21 statewide emergency telephone number "911" system.

22 Section 29. Section 401.021, Florida Statutes, is
23 amended to read:

24 401.021 System director.--The Secretary of Management
25 Services or his or her designee ~~director of the Division of~~
26 ~~Communications~~ is designated as the director of the statewide
27 telecommunications system of the regional emergency medical
28 service and, for the purpose of carrying out the provisions of
29 this part, is authorized to coordinate the activities of the
30 telecommunications system with other interested state, county,
31 local, and private agencies.

1 Section 30. Section 401.027, Florida Statutes, is
2 amended to read:

3 401.027 Federal assistance.--The Secretary of
4 Management Services or his or her designee ~~director of the~~
5 ~~Division of Communications~~ is authorized to apply for and
6 accept federal funding assistance in the development and
7 implementation of a statewide emergency medical
8 telecommunications system.

9 Section 31. Subsection (1) of section 446.604, Florida
10 Statutes, is amended to read:

11 446.604 One-Stop Career Centers.--

12 (1) The Department of Management Services shall
13 coordinate among the agencies a plan for a One-Stop Career
14 Center Electronic Network made up of One-Stop Career Centers
15 that are operated by the Department of Labor and Employment
16 Security, the Department of Health and Rehabilitative
17 Services, the Department of Education, and other authorized
18 public or private for-profit or not-for-profit agents. The
19 plan shall identify resources within existing revenues to
20 establish and support such electronic network for service
21 delivery that includes Government Services Direct ~~the Florida~~
22 ~~Communities Network~~.

23 Section 32. Paragraph (e) of subsection (3) of section
24 447.208, Florida Statutes, is amended to read:

25 447.208 Procedure with respect to certain appeals
26 under s. 447.207.--

27 (3) With respect to hearings relating to demotions,
28 suspensions, or dismissals pursuant to the provisions of this
29 section:

30 (e) Any order of the commission issued pursuant to
31 this subsection may include back pay, if applicable, and an

1 amount, to be determined by the commission and paid by the
2 agency, for reasonable attorney's fees, witness fees, and
3 other out-of-pocket expenses incurred during the prosecution
4 of an appeal against an agency in which the commission
5 sustains the employee. In determining the amount of an
6 attorney's fee, the commission shall consider only the number
7 of hours reasonably spent on the appeal, comparing the number
8 of hours spent on similar Career Service System appeals and
9 the reasonable hourly rate charged in the geographic area for
10 similar appeals, but not including litigation over the amount
11 of the attorney's fee. This paragraph applies to future and
12 pending cases.

13 Section 33. This act shall take effect upon becoming a
14 law.

15
16 *****

17 SENATE SUMMARY

18 Amends various sections of the Florida Statutes to revise
19 the powers and functions of the Department of Management
20 Services. Revises the organizational structure of the
21 Department of Management Services to conform to the
22 reorganization of the department enacted by the
23 Legislature in 1997.
24
25
26
27
28
29
30
31