

By the Committee on Governmental Reform and Oversight and
Senator Gutman

302-1759-98

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; clarifying
6 provisions relating to operation of the
7 Division of State Group Insurance; modifying
8 the role of the Director of the Division of
9 State Group Insurance and staff thereof with
10 respect to the Florida State Group Insurance
11 Council; amending ss. 110.109, 110.112, F.S.;
12 revising reporting requirements; amending s.
13 110.1099, F.S.; providing conditions for the
14 reimbursement of training expenses by an
15 employee; amending s. 110.1165, F.S.; providing
16 a statute of limitations on filing certain
17 actions; amending s. 110.123, F.S., relating to
18 the state group insurance program; adding and
19 updating definitions; providing for Career
20 Service exemptions in the Division of State
21 Group Insurance; clarifying and correcting
22 references; updating provisions relating to
23 agency payment of premiums for certain
24 employees injured or killed in the line of duty
25 to conform to existing law; amending s.
26 110.12315, F.S., relating to the state
27 employees' prescription drug program, to
28 revise, clarify, and reorganize such
29 provisions; amending s. 110.1232, F.S.,
30 relating to health insurance coverage for
31 certain state retirees, to correct a reference;

1 amending s. 110.1234, F.S., relating to
2 Medicare supplement coverage for state
3 retirees, to correct a reference; amending s.
4 110.1238, F.S., relating to refunds with
5 respect to provider overcharges; modifying the
6 refund cap; amending s. 110.1245, F.S.;
7 revising reporting requirements; increasing the
8 cap on meritorious service awards; amending s.
9 110.161, F.S., relating to the State Employees
10 Pretax Benefits Program Act, to correct
11 references and update language; amending s.
12 110.181, F.S.; providing that the fiscal agent
13 for the Florida State Employees' Charitable
14 Campaign need not reimburse costs under
15 specified conditions; amending s. 110.201,
16 F.S.; providing for a report; amending s.
17 110.205, F.S.; conforming provisions to changes
18 made by the act; providing for the designation
19 of Senior Management Service positions;
20 amending s. 110.235, F.S.; deleting a
21 requirement for a report; amending s. 110.503,
22 F.S.; allowing agencies to incur expenses to
23 recognize the service of volunteers; amending
24 s. 110.504, F.S.; providing a limitation on
25 volunteer awards; amending s. 112.061, F.S.;
26 authorizing the designee of an agency head to
27 approve specified expenses for employees;
28 amending s. 121.025, F.S., providing for Career
29 Service exemptions in the Division of
30 Retirement; amending s. 215.196, F.S.; revising
31 the organizational structure of the department

1 relating to the Architects Incidental Trust
2 Fund; amending s. 215.422, F.S.; deleting a
3 vendor's right to the name of an ombudsman;
4 amending s. 215.94, F.S.; conforming a
5 reference to changes made by the act; amending
6 s. 216.011, F.S.; redefining the term
7 "operating capital outlay"; amending ss.
8 255.249, 255.25, 255.257, F.S.; revising the
9 threshold for leased space facility
10 requirements; amending s. 255.503, F.S.;
11 providing for the closing of facilities in
12 emergency situations; amending s. 267.075,
13 F.S.; revising the membership of The Grove
14 Advisory Council; amending s. 272.18, F.S.;
15 revising the membership of the Governor's
16 Mansion Commission; amending s. 272.185, F.S.;
17 revising the organizational structure of the
18 department relating to maintenance of the
19 Governor's Mansion; amending s. 273.02, F.S.;
20 increasing the value of property required to be
21 inventoried by custodians; amending s. 273.055,
22 F.S.; providing for the disbursement of moneys
23 received from disposition of state-owned
24 tangible personal property; amending s. 281.07,
25 F.S.; revising the organizational structure of
26 the department relating to the capitol police;
27 amending s. 282.111, F.S.; revising the
28 organizational structure of the department
29 relating to the statewide system of regional
30 law enforcement communications; amending s.
31 287.042, F.S.; revising the organizational

1 structure of the department relating to the
2 purchasing of goods and services; amending s.
3 287.057, F.S.; revising the organizational
4 structure of the department relating to the
5 procurement of insurance; amending ss. 287.16,
6 287.18, F.S.; revising the organizational
7 structure of the department relating to motor
8 vehicles, watercraft, and aircraft; amending s.
9 365.171, F.S.; designating the director of the
10 statewide emergency telephone number "911";
11 amending ss. 401.021, 401.027, F.S.;
12 designating the director of the statewide
13 telecommunications system of the regional
14 emergency medical service; amending s. 446.604,
15 F.S.; providing for Government Services Direct
16 to be included in the plan for One-Stop Career
17 Centers; amending s. 447.208, F.S.; providing
18 for the determination of attorney's fees in
19 certain cases; amending s. 768.76, F.S., to
20 remove specified health care plans from the
21 definition of collateral source; repealing ss.
22 110.407 and 110.607, F.S., which provide for
23 performance audits; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (4) and paragraphs (a), (c), and
29 (e) of subsection (5) of section 20.22, Florida Statutes, are
30 amended to read:

31

1 20.22 Department of Management Services.--There is
2 created a Department of Management Services.

3 (4) The duties of the Chief Labor Negotiator ~~Office of~~
4 ~~Labor Relations~~ shall be determined by the Secretary of
5 Management Services, and must include, but need not be limited
6 to, the representation of the Governor as the public employer
7 in collective bargaining negotiations pursuant to the
8 provisions of chapter 447.

9 (5)(a) The Florida State Group Insurance Council is
10 created within the Division of State Group Insurance for the
11 purpose of providing joint and coordinated oversight of the
12 operation and administration of the state group insurance
13 program. The council shall consist of the state budget
14 director; an individual from the private sector with an
15 extensive health administration background, appointed by the
16 Governor; a member of the Florida Senate, appointed by the
17 President of the Senate; a member of the Florida House of
18 Representatives, appointed by the Speaker of the House of
19 Representatives; a representative of the State University
20 System, appointed by the Board of Regents; the State Insurance
21 Commissioner or his designee; the director of the Division of
22 Retirement; and two representatives of employees and retirees,
23 appointed by the Governor. Members of the council appointed by
24 the Governor shall be appointed to serve terms of 4 years
25 each. Each member of the council shall serve until a
26 successor is appointed. ~~Additionally,~~The director of the
27 Division of State Group Employee Insurance shall not be a
28 ~~nonvoting~~ member of the council, but shall assume
29 responsibility for ensuring provision of administrative,
30 analytical, and technical support to the council.

1 (c) The council is assigned to the Division of State
2 Group Insurance for administrative and fiscal accountability
3 purposes, but the council ~~and its staff~~ shall otherwise
4 function independently of the control and direction of the
5 division. The division ~~of State Group Insurance~~ shall furnish
6 ~~dedicated administrative and secretarial assistance to the~~
7 ~~council, and other~~ assistance to the council as requested.

8 (e) The council or a member thereof may not enter into
9 the day-to-day operation of the Division of State Group
10 Insurance and is specifically prohibited from taking part in:

11 1. The awarding or termination of contracts.

12 2. The selection of a consultant or contractor or the
13 prequalification of any individual consultant or contractor.
14 However, the council may recommend to the director standards
15 and policies governing the procedure for selection and
16 prequalification of consultants and contractors.

17 3. The employment, promotion, demotion, suspension,
18 transfer, or discharge of any division personnel.

19 ~~4. The granting, denial, suspension, or revocation of~~
20 ~~any license or permit issued by the division.~~

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

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

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

1 ~~department shall be submitted to the Governor, the President~~
2 ~~of the Senate, the Speaker of the House of Representatives,~~
3 ~~and the Auditor General.~~

4 Section 3. Section 110.1099, Florida Statutes, is
5 amended to read:

6 110.1099 Education and training opportunities for
7 state employees.--

8 (1) Education and training are an integral component
9 in improving the delivery of services to the public.

10 Recognizing that the application of productivity-enhancing
11 technology and practice demand continuous educational and
12 training opportunities, state employees may be authorized to
13 receive tuition waivers on a space-available basis or vouchers
14 to attend work-related courses at public universities.

15 (2) The department, in conjunction with the agencies,
16 shall request that such institutions provide evening and
17 weekend programs for state employees. When evening and weekend
18 training and educational programs are not available, employees
19 may be authorized to take paid time off during their regular
20 working hours for training and career development, as provided
21 in s. 110.105(1), if such training benefits the employer.

22 (3) Employees who exhibit superior aptitude and
23 performance may be authorized to take paid educational leaves
24 of absence for up to 1 academic year at a time, for specific
25 approved work-related education and training.

26 (4) Such employees must enter into contracts to return
27 to state employment for a period of time equal to the length
28 of the leave of absence or refund salary and benefits paid
29 during their educational leaves of absence.

30 (5) The Department of Management Services, in
31 consultation with the agencies and, to the extent applicable,

1 Florida's public postsecondary educational institutions, shall
2 adopt rules to implement and administer this section.

3 (6) As a precondition to approving an employee's
4 training request, an agency or the judicial branch may require
5 an employee to enter into an agreement that requires the
6 employee to reimburse the agency or judicial branch the
7 registration fee or similar expense for any training or
8 training series when the cost of the fee or similar expense
9 exceeds \$1,000 if the employee voluntarily terminates
10 employment or is discharged for cause from the agency or
11 judicial branch within a specified period of time not
12 exceeding 4 years after the conclusion of the training. This
13 subsection does not apply to any training program that an
14 agency or the judicial branch requires the employee to attend.
15 An agency or the judicial branch may pay the outstanding
16 balance then due and owing on behalf of a state employee under
17 this subsection in connection with recruitment and hiring of
18 such state employee.

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

22 110.112 Affirmative action; equal employment
23 opportunity.--

24 (2)

25 (d) The department shall report information in its
26 annual workforce report relating to ~~annually to the Governor~~
27 ~~on~~ the implementation, continuance, updating, and results of
28 each executive agency's affirmative action plan for the
29 previous fiscal year.

30 (6) The department shall review and audit executive
31 agency actions in carrying out the rules adopted by the

1 department pursuant to this section ~~and shall submit postaudit~~
2 ~~reports to the Governor, the President of the Senate, the~~
3 ~~Speaker of the House of Representatives, and the Auditor~~
4 ~~General.~~

5 Section 5. Section 110.1165, Florida Statutes, is
6 amended to read:

7 110.1165 Executive branch personnel errors.--

8 (1) An agency of the executive branch, including the
9 State University System, shall establish procedures for the
10 receipt, consideration, and disposition of a claim regarding
11 pay or benefits brought by an employee when that employee is
12 damaged as a result of being provided with erroneous written
13 information by the employing agency regarding his or her pay
14 or benefits, and the employee detrimentally relies upon such
15 written information. In order to qualify for the relief
16 provided by this section, the employee's reliance on the
17 representation must have been reasonable and based only upon
18 the written representations made by those persons authorized
19 by the agency head to make such representations. Furthermore,
20 the erroneous calculation and payment of an employee's salary,
21 wages, or benefits is not among the written representations
22 which will trigger relief under this section. ~~Section 95.11(4)~~
23 ~~is the statute of limitations for filing any action to recover~~
24 ~~salary, wages, overtime, benefits, or related damages by or on~~
25 ~~behalf of a state employee, or any action under this section.~~
26 ~~No distinctions between the terms "salary" and "wages" in~~
27 ~~construing the provisions of s. 95.11(4) apply to this section~~
28 ~~or the statute of limitations for filing any action under this~~
29 ~~section.~~

30 (2) An agency of the executive branch, including the
31 State University System, is authorized to take such action as

1 may be appropriate to provide a remedy for an employee
2 concerning his or her claim regarding detrimental reliance on
3 erroneous written information provided by the employing agency
4 relating to pay and benefits, provided such remedy is within
5 the purview of the agency's authority. The agency has no
6 authority whatsoever to modify the state retirement system or
7 the state insurance program. Any monetary remedy afforded by
8 the agency must fall within the agency's budgetary authority.
9 Any person dissatisfied with the outcome of this process may
10 file either a grievance pursuant to the agency's internal
11 grievance process or an appeal to the Division of
12 Administrative Hearings pursuant to chapter 120, but not both.

13 (3) The time limit to file any action to recover
14 compensation, including, but not limited to, salaries, wages,
15 overtime pay, fringe benefits, or damages or penalties
16 relating thereto from, by, or on behalf of a state officer or
17 employee is 2 years from the date of the alleged error. This
18 time limit applies in all disputes over compensation for work
19 performed by state officers or employees, and is not confined
20 to cases arising under subsections (1) and (2).

21 Section 6. Subsection (2), paragraphs (a), (e), and
22 (h) of subsection (3), paragraphs (a) and (e) of subsection
23 (4), and subsections (5) and (9) of section 110.123, Florida
24 Statutes, are amended, and subsections (12) and (13) are added
25 to that section, to read:

26 110.123 State group insurance program.--

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

28 (a) "Department" means the Department of Management
29 Services.

30 (b) "Division" means the Division of State Group
31 Insurance in the department.

1 (c) "Enrollee" means all state officers and employees,
2 retired state officers and employees, and surviving spouses of
3 deceased state officers and employees, and terminated
4 employees or individuals with continuation coverage who are
5 enrolled in an insurance plan offered by the state group
6 insurance program.

7 (d) "Full-time state employees" includes all full-time
8 employees of all branches or agencies of state government
9 holding salaried positions and paid by state warrant or from
10 agency funds, and employees paid from regular salary
11 appropriations for 8 months' employment, including university
12 personnel on academic contracts, but in no case shall "state
13 employee" or "salaried position" include persons paid from
14 other-personal-services (OPS) funds.

15 (e) "Health maintenance organization" or "HMO" means
16 an entity certified under part I of chapter 641.

17 (f) "Health plan member" means any person
18 participating in the state group health insurance plan or in a
19 health maintenance organization plan under the state group
20 insurance program, including enrollees and covered dependents
21 thereof.

22 ~~(g)~~(f) "Part-time state employee" means any employee
23 of any branch or agency of state government paid by state
24 warrant from salary appropriations or from agency funds, and
25 who is employed for less than the normal full-time workweek
26 established by the department or, if on academic contract or
27 seasonal or other type of employment which is less than
28 year-round, is employed for less than 8 months during any
29 12-month period, but in no case shall "part-time" employee
30 include a person paid from other-personal-services (OPS)
31 funds.

1 ~~(h)(g)~~ "Retired state officer or employee" or
2 "retiree" means any state officer or state employee who
3 retires under a state retirement system or a state optional
4 annuity or retirement program or is placed on disability
5 retirement, and who was insured under the state group
6 insurance program at the time of retirement, and who begins
7 receiving retirement benefits immediately after retirement
8 from state office or employment.

9 ~~(i)(h)~~ "State agency" or "agency" means any branch,
10 department, or agency of state government.

11 (j) "State-contracted HMO" means any health
12 maintenance organization under contract with the division to
13 participate in the state group insurance program.

14 ~~(k)(i)~~ "State group health insurance plan" or "state
15 plan" means the state self-insured health insurance plan
16 offered to state officers and employees, retired state
17 officers and employees, and surviving spouses of deceased
18 state officers and employees pursuant to this section.

19 ~~(l)(j)~~ "State group insurance program" or "programs"
20 means the package of insurance plans offered to state officers
21 and employees, retired state officers and employees, and
22 surviving spouses of deceased state officers and employees
23 pursuant to this section, including the state group health
24 insurance plan, health maintenance organization plans, and
25 other plans required or authorized by this section.

26 ~~(m)(k)~~ "State officer" means any constitutional state
27 officer, any elected state officer paid by state warrant, or
28 any appointed state officer who is commissioned by the
29 Governor and who is paid by state warrant.

30 ~~(n)(l)~~ "Surviving spouse" means the widow or widower
31 of a deceased state officer, full-time state employee,

1 part-time state employee, or retiree if such widow or widower
2 was covered as a dependent under the state group health
3 insurance plan or a health maintenance organization plan
4 established pursuant to this section at the time of the death
5 of the deceased officer, employee, or retiree. "Surviving
6 spouse" also means any widow or widower who is receiving or
7 eligible to receive a monthly state warrant from a state
8 retirement system as the beneficiary of a state officer,
9 full-time state employee, or retiree who died prior to July 1,
10 1979. For the purposes of this section, any such widow or
11 widower shall cease to be a surviving spouse upon his or her
12 remarriage.

13 (3) STATE GROUP INSURANCE PROGRAM.--

14 (a) The Division of State Group Insurance is created
15 within the Department of Management Services, to be headed by
16 a director who shall be appointed by the Governor and
17 confirmed by the Senate. The division shall be a separate
18 budget entity, and the director shall be its agency head for
19 all purposes.

20 1. The director and assistant director shall be exempt
21 from the Career Service System as provided under s.
22 110.205(2)(i) of the state personnel law. In addition to the
23 20 policymaking positions allocated to the Department of
24 Management Services, under s. 110.205(2)(m), the director, as
25 agency head, may designate as being exempt from the Career
26 Service System a maximum of 10 positions determined by the
27 director to have policymaking or managerial responsibilities
28 comparable to such positions.

29 2. The Department of Management Services shall provide
30 administrative support and service to the division to the
31 extent requested by the director. The division shall not be

1 subject to control, supervision, or direction by the
2 Department of Management Services in any manner, including,
3 but not limited to, personnel, purchasing, transactions
4 involving real or personal property, and budgetary matters,
5 except to the extent as provided in this chapter and chapters
6 216, 255, 282, and 287 for agencies of the executive branch.

7 (e)1. Notwithstanding the provisions of chapter 287
8 and the authority of the Division of Purchasing, for the
9 purpose of protecting the health of, and providing medical
10 services to, state employees participating in the state group
11 insurance program ~~Employees' Health Self-Insurance Plan~~, the
12 Division of State Group Insurance may contract to retain the
13 services of professional administrators for the state group
14 insurance program ~~Employees' Health Self-Insurance Plan~~. The
15 division ~~agency~~ shall follow good purchasing practices of
16 state procurement to the extent practicable under the
17 circumstances.

18 2. Each vendor in a major procurement, and any other
19 vendor if the division deems it necessary to protect the
20 state's financial interests, shall, at the time of executing
21 any contract with the division, post an appropriate bond with
22 the division in an amount determined by the division to be
23 adequate to protect the state's interests but not higher than
24 the full amount estimated to be paid annually to the vendor
25 under the contract.

26 3. Each major contract entered into by the division
27 pursuant to this section shall contain a provision for payment
28 of liquidated damages to the division for material
29 noncompliance by a vendor with a contract provision. The
30 division may require a liquidated damages provision in any
31

1 contract if the division deems it necessary to protect the
2 state's financial interests.

3 4. The provisions of s. 120.57(3) apply to the
4 division's contracting process, except:

5 a. A formal written protest of any decision, intended
6 decision, or other action subject to protest shall be filed
7 within 72 hours after receipt of notice of the decision,
8 intended decision, or other action.

9 b. As an alternative to any provision of s. 120.57(3),
10 the division may proceed with the bid selection or contract
11 award process if the director of the division ~~department~~ sets
12 forth, in writing, particular facts and circumstances which
13 demonstrate the necessity of continuing the procurement
14 process or the contract award process in order to avoid a
15 substantial disruption to the provision of any scheduled
16 insurance services.

17 (h)1. A person eligible to participate in the state
18 group ~~health~~ insurance program plan may be authorized by rules
19 adopted by the division, in lieu of participating in the state
20 group health insurance plan, to exercise an option to elect
21 membership in a health maintenance organization plan which is
22 under contract with the state in accordance with criteria
23 established by this section and by said rules. The offer of
24 optional membership in a health maintenance organization plan
25 permitted by this paragraph may be limited or conditioned by
26 rule as may be necessary to meet the requirements of state and
27 federal laws.

28 2. The division shall contract with health maintenance
29 organizations to participate in the state group insurance
30 program through a request for proposal based upon a premium
31 and a minimum benefit package as follows:

1 a. A minimum benefit package to be provided by a
2 participating HMO shall include: physician services; inpatient
3 and outpatient hospital services; emergency medical services,
4 including out-of-area emergency coverage; diagnostic
5 laboratory and diagnostic and therapeutic radiologic services;
6 mental health, alcohol, and chemical dependency treatment
7 services meeting the minimum requirements of state and federal
8 law; skilled nursing facilities and services; prescription
9 drugs; and other benefits as may be required by the division.
10 Additional services may be provided subject to the contract
11 between the division and the HMO.

12 b. A uniform schedule for deductibles and copayments
13 may be established for all participating HMOs.

14 c. Based upon the minimum benefit package and
15 copayments and deductibles contained in sub-subparagraphs a.
16 and b., the division shall issue a request for proposal for
17 all HMOs which are interested in participating in the state
18 group insurance program. Upon receipt of ~~all~~ proposals, the
19 division may, as it deems appropriate, enter into contract
20 negotiations with HMOs submitting bids. As part of the request
21 for proposal process, the division may require detailed
22 financial data from each HMO which participates in the bidding
23 process for the purpose of determining the financial stability
24 of the HMO.

25 d. In determining which HMOs to contract with, the
26 division shall, at a minimum, consider: each proposed
27 contractor's previous experience and expertise in providing
28 prepaid health benefits; each proposed contractor's historical
29 experience in enrolling and providing health care services to
30 participants in the state group insurance program; the cost of
31 the premiums; the plan's ability to adequately provide service

1 coverage and administrative support services as determined by
2 the division; plan benefits in addition to the minimum benefit
3 package; accessibility to providers; and the financial
4 solvency of the plan. Nothing shall preclude the division from
5 negotiating regional or statewide contracts with health
6 maintenance organization plans when this is cost-effective and
7 when the division determines the plan has the best overall
8 benefit package for the service areas involved. However, no
9 HMO shall be eligible for a contract if the HMO's retiree
10 Medicare premium exceeds the retiree rate as set by the
11 division for the state group health insurance plan.

12 e. The division may limit the number of HMOs that it
13 contracts with in each service area based on the nature of the
14 bids the division receives, the number of state employees in
15 the service area, or ~~and~~ any unique geographical
16 characteristics of the service area. The division shall
17 establish by rule service areas throughout the state.

18 f. All persons participating in the state group
19 insurance program who are required to contribute towards a
20 total state group health premium shall be subject to the same
21 dollar contribution regardless of whether the enrollee enrolls
22 in the state group health insurance plan or in an HMO plan.

23 3. The division is authorized to negotiate and to
24 contract with specialty psychiatric hospitals for mental
25 health benefits, on a regional basis, for alcohol, drug abuse,
26 and mental and nervous disorders. The division may establish,
27 subject to the approval of the Legislature pursuant to
28 subsection (5), any such regional plan upon completion of an
29 actuarial study to determine any impact on plan benefits and
30 premiums.

31

1 4. In addition to contracting pursuant to subparagraph
2 2., the division shall enter into contract with any HMO to
3 participate in the state group insurance program which:

4 a. Serves greater than 5,000 recipients on a prepaid
5 basis under the Medicaid program;

6 b. Does not currently meet the 25 percent
7 non-Medicare/non-Medicaid enrollment composition requirement
8 established by the Department of Health and Human Services
9 excluding participants enrolled in the state group insurance
10 program;

11 c. Meets the minimum benefit package and copayments
12 and deductibles contained in sub-subparagraphs 2.a. and b.;

13 d. Is willing to participate in the state group
14 insurance program at a cost of premiums that is not greater
15 than 95 percent of the cost of HMO premiums accepted by the
16 division in each service area; and

17 e. Meets the minimum surplus requirements of s.
18 641.225.

19
20 The division is authorized to contract with HMOs that meet the
21 requirements of sub-subparagraphs a. through d. prior to the
22 open enrollment period for state employees. The division is
23 not required to renew the contract with the HMOs as set forth
24 in this paragraph more than twice. Thereafter, the HMOs shall
25 be eligible to participate in the state group insurance
26 program only through the request for proposal process
27 described in subparagraph 2.

28 5. All enrollees in the state group health insurance
29 plan or any health maintenance organization plan shall have
30 the option of changing to any other health plan which is
31 offered by the state within any open enrollment period

1 designated by the division. Open enrollment shall be held at
2 least once each calendar year.

3 6. Any HMO participating in the state group insurance
4 program shall, upon the request of the division, submit to the
5 division standardized data for the purpose of comparison of
6 the appropriateness, quality, and efficiency of care provided
7 by the HMO. Such standardized data shall include: membership
8 profiles; inpatient and outpatient utilization by age and sex,
9 type of service, provider type, and facility; and emergency
10 care experience. Requirements and timetables for submission of
11 such standardized data and such other data as the division
12 deems necessary to evaluate the performance of participating
13 HMOs shall be adopted by rule.

14 7. The division shall, after consultation with
15 representatives from each of the unions representing state and
16 university employees, establish a comprehensive package of
17 insurance benefits including, but not limited to, supplemental
18 health and life coverage, dental care, long-term care, and
19 vision care to allow state employees the option to choose the
20 benefit plans which best suit their individual needs.

21 a. Based upon a desired benefit package, the division
22 shall issue a request for proposal for health insurance
23 providers interested in participating in the state group
24 insurance program, and the division shall issue a request for
25 proposal for insurance providers interested in participating
26 in the non-health-related components of the state group
27 insurance program. Upon receipt of all proposals, the
28 division may enter into contract negotiations with insurance
29 providers submitting bids or negotiate a specially designed
30 benefit package. Insurance providers offering or providing
31 supplemental coverage as of May 30, 1991, which qualify for

1 pretax benefit treatment pursuant to s. 125 of the Internal
2 Revenue Code of 1986, with 5,500 or more state employees
3 currently enrolled may be included by the division in the
4 supplemental insurance benefit plan established by the
5 division without participating in a request for proposal,
6 submitting bids, negotiating contracts, or negotiating a
7 specially designed benefit package. These contracts shall
8 provide state employees with the most cost-effective and
9 comprehensive coverage available; however, no state or agency
10 funds shall be contributed toward the cost of any part of the
11 premium of such supplemental benefit plans.

12 b. Pursuant to the applicable provisions of s.
13 110.161, and s. 125 of the Internal Revenue Code of 1986, the
14 division shall enroll in the pretax benefit program those
15 state employees who voluntarily elect coverage in any of the
16 supplemental insurance benefit plans as provided by
17 sub-subparagraph a.

18 c. Nothing herein contained shall be construed to
19 prohibit insurance providers from continuing to provide or
20 offer supplemental benefit coverage to state employees as
21 provided under existing agency plans.

22 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE;
23 LIMITATION ON ACTIONS TO PAY AND COLLECT PREMIUMS.--

24 (a) Except as provided in paragraph (e) with respect
25 to law enforcement officers, correctional, and correctional
26 probation officers, and firefighters, legislative
27 authorization through the appropriations act is required for
28 payment by a state agency of any part of the premium cost of
29 participation in any group insurance plan. However, the state
30 contribution for full-time employees or part-time permanent
31 employees shall continue in the respective proportions for up

1 to 6 months for any such officer or employee who has been
2 granted an approved parental or medical leave of absence
3 without pay.

4 (e) No state contribution for the cost of any part of
5 the premium shall be made for retirees or surviving spouses
6 for any type of coverage under the state group insurance
7 program. However, any state agency that employs a full-time
8 law enforcement officer, correctional officer, or correctional
9 probation officer who is killed or suffers catastrophic injury
10 in the line of duty as provided in s. 112.19, or a full-time
11 firefighter who is killed or suffers catastrophic injury in
12 the line of duty as provided in s. 112.191, on or after July
13 1, 1980, as a result of an act of violence inflicted by
14 another person while the officer is engaged in the performance
15 of law enforcement duties or as a result of an assault against
16 the officer under riot conditions shall pay the entire premium
17 of the state group health insurance plan for the employee's
18 surviving spouse until remarried, and for each dependent child
19 of the employee subject to the conditions and limitations set
20 forth in s. 112.119 or s. 112.191, as applicable until the
21 child reaches the age of majority or until the end of the
22 calendar year in which the child reaches the age of 25 if:

23 1. ~~At the time of the employee's death, the child is~~
24 ~~dependent upon the employee for support; and~~

25 2. ~~The surviving child continues to be a dependent for~~
26 ~~support, or the surviving child is a full-time or part-time~~
27 ~~student and is dependent for support.~~

28 (5) DIVISION OF STATE GROUP INSURANCE; POWERS AND
29 DUTIES.--The division is responsible for the administration of
30 the state group insurance program. The division shall
31 initiate and supervise the program as established by this

1 section and shall adopt such rules as are necessary to perform
2 its responsibilities. To implement this program, the division
3 shall, with prior approval by the Legislature:

4 (a) Determine the benefits to be provided and the
5 contributions to be required for the state group insurance
6 program. Such determinations, whether for a contracted plan or
7 a self-insurance plan pursuant to paragraph (c), do not
8 constitute rules within the meaning of s. 120.52 or final
9 orders within the meaning of s. 120.52. Any physician's fee
10 schedule used in the health and accident plan shall not be
11 available for inspection or copying by medical providers or
12 other persons not involved in the administration of the
13 program. However, in the determination of the design of the
14 program, the division shall consider existing and
15 complementary benefits provided by the Florida Retirement
16 System and the Social Security System.

17 (b) Prepare, in cooperation with the Department of
18 Insurance, the specifications necessary to implement the
19 program.

20 (c) Contract on a competitive proposal basis with an
21 insurance carrier or carriers, or professional administrator,
22 determined by the Department of Insurance to be fully
23 qualified, financially sound, and capable of meeting all
24 servicing requirements. Alternatively, the division may
25 self-insure any plan or plans contained in the state group
26 insurance program subject to approval based on actuarial
27 soundness by the Department of Insurance. The division may
28 contract with an insurance company or professional
29 administrator qualified and approved by the Department of
30 Insurance to administer such plan. Before entering into any
31 contract, the division shall advertise for competitive

1 proposals, and such contract shall be let upon the
2 consideration of the benefits provided in relationship to the
3 cost of such benefits. In determining which entity to contract
4 with, the division shall, at a minimum, consider: the
5 entity's previous experience and expertise in administering
6 group insurance programs of the type it proposes to
7 administer; the entity's ability to specifically perform its
8 contractual obligations in this state and other governmental
9 jurisdictions; the entity's anticipated administrative costs
10 and claims experience; the entity's capability to adequately
11 provide service coverage and sufficient number of experienced
12 and qualified personnel in the areas of claims processing,
13 recordkeeping, and underwriting, as determined by the
14 division; the entity's accessibility to state employees and
15 providers; the financial solvency of the entity, using
16 accepted business sector measures of financial performance.
17 The division may contract for medical services which will
18 improve the health or reduce medical costs for employees who
19 participate in the state group insurance plan.

20 (d) With respect to the state group health insurance
21 plan, be authorized to require copayments with respect to all
22 providers under the plan.

23 (e) Have authority to establish a voluntary program
24 for comprehensive health maintenance, which may include health
25 educational components and health appraisals.

26 (f) With respect to any contract with an insurance
27 carrier or carriers or professional administrator entered into
28 by the division, require that the state and the enrollees be
29 held harmless and indemnified for any financial loss caused by
30 the failure of the insurance carrier or professional
31 administrator to comply with the terms of the contract.

1 (g) With respect to any contract with an insurance
2 carrier or carriers, or professional administrator entered
3 into by the division, require that the carrier or professional
4 administrator provide written notice to individual enrollees
5 if any payment due to any health care provider of the enrollee
6 remains unpaid beyond a period of time as specified in the
7 contract.

8 (h) Have authority to establish a voluntary group
9 long-term care program or other programs to be funded on a
10 pretax contribution basis or on a posttax contribution basis,
11 as the division determines.

12
13 Final decisions concerning enrollment, the existence of
14 coverage, or covered benefits under the state group ~~health~~
15 insurance program plan shall not be delegated or deemed to
16 have been delegated by the division.

17 (9) PUBLIC RECORDS LAW; EXEMPTION.--Patient medical
18 records and medical claims records of state employees, former
19 state employees, and their eligible covered dependents in the
20 custody or control of the state group insurance program are
21 confidential and exempt from the provisions of s. 119.07(1).
22 Such records shall not be furnished to any person other than
23 the affected state employee or former state employee, or his
24 or her ~~the employee's~~ legal representative, except upon
25 written authorization of the employee or former state
26 employee, but may be furnished in any civil or criminal
27 action, unless otherwise prohibited by law, upon the issuance
28 of a subpoena from a court of competent jurisdiction and
29 proper notice to the state employee, former state employee, or
30 his or her ~~the employee's~~ legal representative by the party
31 seeking such records.

1 Section 7. Section 110.12315, Florida Statutes, is
2 amended to read:

3 (Substantial rewording of section. See
4 s. 110.12315, F.S., for present text.)

5 110.12315 Prescription drug program.--The state
6 employees' prescription drug program is hereby established.
7 This program shall be administered by the Division of State
8 Group Insurance within the Department of Management Services,
9 according to the terms and conditions of the plan as
10 established by the Division of State Group Insurance and by
11 relevant provisions of the annual General Appropriations Act
12 and implementing legislation, subject to the following
13 conditions:

14 (1) The Division of State Group Insurance shall allow
15 prescriptions written by health care providers under the plan
16 to be filled by any licensed pharmacy pursuant to contractual
17 claims-processing provisions. However, nothing in this section
18 shall be construed as prohibiting a mail order prescription
19 drug program distinct from the service provided by retail
20 pharmacies.

21 (2) In providing for reimbursement of pharmacies for
22 prescription medicines dispensed to members of the state group
23 health insurance plan and their dependents under the state
24 employees' prescription drug program:

25 (a) Retail pharmacies participating in the program
26 shall be reimbursed at a uniform rate and subject to uniform
27 conditions, according to the terms and conditions of the plan.

28 (b) There shall be a 30-day supply limit for
29 prescription card purchases; there shall be a 90-day supply
30 limit for mail order or mail order prescription drug
31 purchases.

1 (c) The current pharmacy dispensing fee shall remain
2 in effect.

3 (3) The Division of State Group Insurance shall
4 establish the reimbursement schedule for prescription
5 pharmaceuticals dispensed under the program. Reimbursement
6 rates for a prescription pharmaceutical shall be based on the
7 cost of the generic equivalent drug if a generic equivalent
8 exists, unless the physician prescribing the pharmaceutical
9 clearly states on the prescription that the brand name drug is
10 medically necessary or that the drug product is included on
11 the formulary of drug products that may not be interchanged as
12 provided in chapter 465, in which case, reimbursement shall be
13 based on the cost of the brand name drug as specified in the
14 reimbursement schedule adopted by the Division of State Group
15 Insurance.

16 (4) The Division of State Group Insurance shall
17 conduct a prescription utilization review program. In order
18 to participate in the state employees' prescription drug
19 program, retail pharmacies dispensing prescription medicines
20 to members of the state group health insurance plan or their
21 covered dependents, or to subscribers or covered dependents of
22 a health maintenance organization plan under the state group
23 insurance program, shall be required to make their records
24 available for this review.

25 (5) The Division of State Group Insurance shall
26 implement such additional cost saving measures and adjustments
27 as may be required to balance program funding within
28 appropriations provided, including, but not limited to, a
29 trial or starter dose program and dispensing of long-term
30 maintenance medication in lieu of acute therapy medication.

31

1 (6) Participating pharmacies must use a point-of-sale
2 device or an on-line computer system to verify a participant's
3 eligibility for coverage. The state is not liable for
4 reimbursement of a participating pharmacy for dispensing
5 prescription drugs to any person whose current eligibility for
6 coverage has not been verified by the state's contracted
7 administrator or by the Division of State Group Insurance.

8 Section 8. Section 110.1232, Florida Statutes, is
9 amended to read:

10 110.1232 Health insurance coverage for persons retired
11 under state-administered retirement systems before January 1,
12 1976, and for spouses.--Notwithstanding any provisions of law
13 to the contrary, the Division of State Group Insurance shall
14 provide health insurance coverage under ~~in~~ the state group
15 ~~Health insurance program Plan~~ for persons who retired prior to
16 January 1, 1976, under any of the state-administered
17 retirement systems and who are not covered by social security
18 and for the spouses and surviving spouses of such retirees who
19 are also not covered by social security. Such health
20 insurance coverage shall provide the same benefits as provided
21 to other retirees who are entitled to participate under s.
22 110.123. The claims experience of this group shall be
23 commingled with the claims experience of other members covered
24 under s. 110.123.

25 Section 9. Subsection (1) of section 110.1234, Florida
26 Statutes, is amended to read:

27 110.1234 Health insurance for retirees under the
28 Florida Retirement System; Medicare supplement and fully
29 insured coverage.--

30 (1) The Division of State Group Insurance shall
31 solicit competitive bids from state-licensed insurance

1 companies to provide and administer a fully insured Medicare
2 supplement policy for all eligible retirees of a state or
3 local public employer. Such Medicare supplement policy shall
4 meet the provisions of ss. 627.671-627.675. For the purpose
5 of this subsection, "eligible retiree" means any public
6 employee who retired from a state or local public employer who
7 is covered by Medicare, Parts A and B. The division ~~department~~
8 shall authorize one company to offer the Medicare supplement
9 coverage to all eligible retirees. All premiums shall be paid
10 by the retiree.

11 Section 10. Section 110.1238, Florida Statutes, is
12 amended to read:

13 110.1238 State group health insurance plans; refunds
14 with respect to overcharges by providers.--A participant in a
15 state group health insurance plan who discovers that he or she
16 was overcharged by a health care provider shall receive a
17 refund of 50 percent of any amount recovered as a result of
18 such overcharge, up to a maximum of \$1,000 ~~per admission~~.

19 Section 11. Section 110.1245, Florida Statutes, is
20 amended to read:

21 110.1245 Meritorious service awards program.--

22 (1) The Department of Management Services shall set
23 policy, develop procedures, and promote a program of
24 meritorious service awards, incentives, and recognition to
25 employees who:

26 (a) Propose procedures or ideas which are adopted and
27 which will result in increasing productivity, in eliminating
28 or reducing state expenditures or improving operations, or in
29 generating additional revenues, provided such proposals are
30 placed in effect and can be implemented under current
31 statutory authority; or

1 (b) By their superior accomplishments, make
2 exceptional contributions to the efficiency, economy, or other
3 improvement in the operations of the state government.

4
5 Every state agency, unless otherwise provided by law, shall
6 participate in the program. The Chief Justice shall have the
7 authority to establish a meritorious service awards program
8 for employees of the judicial branch within the parameters
9 established in this section. The component of the program
10 specified in paragraph (a) shall apply to all employees within
11 the Career Service System, the Selected Exempt Service System,
12 and comparable employees within the judicial branch. The
13 component of the program specified in paragraph (b) shall
14 apply to all employees of the state. No award granted under
15 the component of the program described in paragraph (a) shall
16 exceed 10 percent of the first year's actual savings or actual
17 revenue increase, up to \$25,000, plus applicable taxes, unless
18 a larger award is made by the Legislature, and shall be paid
19 from the appropriation available to the judicial branch or
20 state agency affected by the award or from any specific
21 appropriation therefor. No award granted under the component
22 of the program described in paragraph (b) shall exceed \$1,000
23 plus applicable taxes per individual employee. The judicial
24 branch or an agency may award savings bonds or other items in
25 lieu of cash awards, provided that the cost of such item does
26 not exceed the limits specified in this subsection. In
27 addition, the judicial branch or a state agency may award
28 certificates, pins, plaques, letters of commendation, and
29 other tokens of recognition of meritorious service to an
30 employee eligible for recognition under either component of

31

1 the program, provided that the award may not cost in excess of
2 ~~\$100~~^{\$75} each plus applicable taxes.

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

10 (a) The number of proposals made.

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

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

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

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

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

21 (3) Each department head is authorized to incur
22 expenditures to award suitable framed certificates, pins, and
23 other tokens of recognition to retiring state employees whose
24 service with the state has been satisfactory, in appreciation
25 and recognition of such service. Such awards may not cost in
26 excess of ~~\$100~~^{\$50} each plus applicable taxes.

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

1 such service. Such awards may not cost in excess of ~~\$50~~\$10
2 each plus applicable taxes.

3 (5) Each department head is authorized to incur
4 expenditures not to exceed ~~\$100~~\$50 each plus applicable taxes
5 for suitable framed certificates, plaques, or other tokens of
6 recognition to any appointed member of a state board or
7 commission whose service to the state has been satisfactory,
8 in appreciation and recognition of such service upon the
9 expiration of such board or commission member's final term in
10 such position.

11 Section 12. Subsections (5), (6), and (7) of section
12 110.161, Florida Statutes, are amended to read:

13 110.161 State employees; pretax benefits program.--

14 (5) The Division of State Group Insurance shall
15 develop rules for the pretax benefits program, which shall
16 specify the benefits to be offered under the program, the
17 continuing tax-exempt status of the program, and any other
18 matters deemed necessary by the division ~~department~~ to
19 implement this section. The rules must be approved by a
20 majority vote of the Administration Commission.

21 (6) The Division of State Group Insurance is
22 authorized to administer the ~~establish a~~ pretax benefits
23 program established for all employees so that ~~whereby~~
24 employees may ~~would~~ receive benefits which are not includable
25 in gross income under the Internal Revenue Code of 1986. The
26 pretax benefits program: ~~shall be implemented in phases.~~

27 (a) ~~Phase one~~ Shall allow employee contributions to
28 premiums for the state group insurance ~~health~~ program
29 administered under s. 110.123 ~~and state life insurance~~ to be
30 paid on a pretax basis unless an employee elects not to
31 participate.

1 **(b)** ~~Phase two~~ Shall allow employees to voluntarily
2 establish expense reimbursement plans from their salaries on a
3 pretax basis to pay for qualified medical and dependent care
4 expenses, including premiums paid by employees for qualified
5 supplemental insurance.

6 **(c)** ~~Phase two~~ May ~~also~~ provide for the payment of such
7 premiums through a pretax payroll procedure ~~as used in phase~~
8 ~~one~~. The Administration Commission and the Division of State
9 Group Insurance are directed to take all actions necessary to
10 preserve the tax-exempt status of the program.

11 (7) The Legislature recognizes that a substantial
12 amount of the employer savings realized by the implementation
13 of a pretax benefits program will be the result of diminutions
14 in the state's employer contribution to the Federal Insurance
15 Contributions Act tax. There is hereby created the Pretax
16 Benefits Trust Fund in the Division of State Group Insurance.
17 Each agency shall transfer to the Pretax Benefits Trust Fund
18 the employer FICA contributions saved by the state as a result
19 of the implementation of the pretax benefits program
20 authorized pursuant to this section. Any moneys forfeited
21 pursuant to employees' salary reduction agreements to
22 participate in ~~phase one or phase two~~ of the program must also
23 be deposited in the Pretax Benefits Trust Fund. Moneys in the
24 Pretax Benefits Trust Fund shall be used for the pretax
25 benefits program, including its administration by the Division
26 of State Group Insurance ~~Department of Management Services~~ or
27 a third-party administrator.

28 Section 13. Paragraph (b) of subsection (2) of section
29 110.181, Florida Statutes, is amended to read:

30 110.181 Florida State Employees' Charitable
31 Campaign.--

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

2 (b) The fiscal agent shall withhold the reasonable
3 costs for conducting the campaign and for accounting and
4 distribution to the participating organizations and shall
5 reimburse the department the actual cost, not to exceed 1
6 percent, for coordinating the campaign in accordance with the
7 rules of the department. In any fiscal year in which the
8 Legislature specifically appropriates to the department its
9 total costs for coordinating the campaign from the General
10 Revenue Fund, the fiscal agent is not required to reimburse
11 such costs to the department under this subsection. Otherwise,
12 reimbursement will be the difference between actual costs and
13 the amount appropriated.

14 Section 14. Subsection (5) is added to section
15 110.201, Florida Statutes, to read:

16 110.201 Personnel rules, records, and reports.--

17 (5) The department shall develop a workforce report
18 that contains data representative of the state's human
19 resources. The report should identify trends for planning and
20 improving the management of the state's human resources. The
21 department shall submit this report annually to the Governor,
22 the President of the Senate, and the Speaker of the House of
23 Representatives.

24 Section 15. Paragraphs (i) and (m) of subsection (2)
25 of section 110.205, Florida Statutes, are amended to read:

26 110.205 Career service; exemptions.--

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

1 (i) The appointed secretaries, assistant secretaries,
2 deputy secretaries, and deputy assistant secretaries of all
3 departments; the executive directors, assistant executive
4 directors, deputy executive directors, and deputy assistant
5 executive directors of all departments; and the directors of
6 all divisions and those positions determined by the department
7 to have managerial responsibilities comparable to such
8 positions, which positions include, but are not limited to,
9 program directors, assistant program directors, district
10 administrators, deputy district administrators, the Director
11 of Central Operations Services of the Department of Health and
12 Rehabilitative Services, the assistant director of the
13 Division of State Group Insurance and the assistant director
14 of the Division of Retirement of the Department of Management
15 Services, and the State Transportation Planner, State Highway
16 Engineer, State Public Transportation Administrator, district
17 secretaries, district directors of planning and programming,
18 production, and operations, and the managers of the offices
19 specified in s. 20.23(3)(d)2., of the Department of
20 Transportation. Unless otherwise fixed by law, the department
21 shall set the salary and benefits of these positions in
22 accordance with the rules of the Senior Management Service.

23 (m)1. In addition to those positions exempted by other
24 paragraphs of this subsection, each department head may
25 designate a maximum of 20 policymaking or managerial
26 positions, as defined by the department and approved by the
27 Administration Commission, as being exempt from the Career
28 Service System. Career service employees who occupy a
29 position designated as a position in the Selected Exempt
30 Service under this paragraph shall have the right to remain in
31 the Career Service System by opting to serve in a position not

1 exempted by the employing agency. Unless otherwise fixed by
2 law, the department shall set the salary and benefits of these
3 positions in accordance with the rules of the Selected Exempt
4 Service; provided, however, that if the agency head determines
5 that the general counsel, chief Cabinet aide, public
6 information administrator or comparable position for a Cabinet
7 officer, inspector general, or legislative affairs director
8 has both policymaking and managerial responsibilities and if
9 the department determines that any such position has both
10 policymaking and managerial responsibilities, the salary and
11 benefits for each such position shall be established by the
12 department in accordance with the rules of the Senior
13 Management Service. In addition, each department may designate
14 one additional position in the Senior Management Service if
15 that position reports directly to the agency head or to a
16 position in the Senior Management Service and if any
17 additional costs are absorbed from the existing budget of that
18 department.

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

28 Section 16. Subsection (4) of section 110.235, Florida
29 Statutes, is amended to read:

30 110.235 Training.--

31

1 (4) Each employing agency shall annually evaluate and
2 report to the department the training it has implemented and
3 the progress it has made in the area of training. ~~The~~
4 ~~department shall review and consolidate the information~~
5 ~~reported to it by the agencies and shall annually report the~~
6 ~~progress of the agencies in training to the Governor, the~~
7 ~~President of the Senate, and the Speaker of the House of~~
8 ~~Representatives.~~

9 Section 17. Subsection (5) of section 110.503, Florida
10 Statutes, is amended to read:

11 110.503 Responsibilities of departments and
12 agencies.--Each department or agency utilizing the services of
13 volunteers shall:

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

21 Section 18. Subsection (6) of section 110.504, Florida
22 Statutes, is amended to read:

23 110.504 Volunteer benefits.--

24 (6) Incidental recognition benefits or incidental
25 nonmonetary awards may be furnished to volunteers serving in
26 state departments to award, recognize, or encourage volunteers
27 for their service. The awards may not cost in excess of \$75
28 each plus applicable taxes.

29 Section 19. Paragraph (f) of subsection (3) and
30 subsections (12) and (13) of section 112.061, Florida
31 Statutes, are amended to read:

1 112.061 Per diem and travel expenses of public
2 officers, employees, and authorized persons.--

3 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.--

4 (f) A traveler who becomes sick or injured while away
5 from his or her official headquarters and is therefore unable
6 to perform the official business of the agency may continue to
7 receive subsistence as provided in subsection (6) during this
8 period of illness or injury until such time as he or she is
9 able to perform the official business of the agency or returns
10 to his or her official headquarters, whichever is earlier.
11 Such subsistence may be paid when approved by the agency head
12 or his or her designee.

13 (12) ADVANCEMENTS.--Notwithstanding any of the
14 foregoing restrictions and limitations, an agency head or his
15 or her designee may make, or authorize the making of, advances
16 to cover anticipated costs of travel to travelers. Such
17 advancements may include the costs of subsistence and travel
18 of any person transported in the care or custody of the
19 traveler in the performance of his or her duties.

20 (13) DIRECT PAYMENT OF EXPENSES BY AGENCY.--Whenever
21 an agency requires an employee to incur either Class A or
22 Class B travel on emergency notice to the traveler, such
23 traveler may request the agency to pay his or her expenses for
24 meals and lodging directly to the vendor, and the agency may
25 pay the vendor the actual expenses for meals and lodging
26 during the travel period, limited to an amount not to exceed
27 that authorized pursuant to this section. In emergency
28 situations, the agency head or his or her designee may
29 authorize an increase in the amount paid for a specific meal,
30 provided that the total daily cost of meals does not exceed
31 the total amount authorized for meals each day. The agency

1 head or his or her designee may also grant prior approval for
2 a state agency to make direct payments of travel expenses in
3 other situations that result in cost savings to the state, and
4 such cost savings shall be documented in the voucher submitted
5 to the Comptroller for the direct payment of travel expenses.
6 The provisions of this subsection shall not be deemed to apply
7 to any legislator or to any employee of either house of the
8 Legislature or of the Joint Legislative Management Committee.

9 Section 20. Section 121.025, Florida Statutes, is
10 amended to read:

11 121.025 Administrator; powers and duties.--The
12 director of the Division of Retirement shall be the
13 administrator of the retirement and pension systems assigned
14 or transferred to the Division of Retirement by law and shall
15 have the authority to sign the contracts necessary to carry
16 out the duties and responsibilities assigned by law to the
17 Division of Retirement. The director and assistant director
18 shall be exempt from the Career Service System as provided
19 under s. 110.205(2)(i) of the state personnel law. In addition
20 to the 20 policymaking positions allocated to the Department
21 of Management Services, under s. 110.205(2)(m), the director,
22 as agency head, may designate as being exempt from the Career
23 Service System a maximum of 10 positions determined by the
24 director to have policymaking or managerial responsibilities
25 comparable to such positions.

26 Section 21. Subsection (1) of section 215.196, Florida
27 Statutes, is amended to read:

28 215.196 Architects Incidental Trust Fund; creation;
29 assessment.--

30 (1) There is created the Architects Incidental Trust
31 Fund for the purpose of providing sufficient funds for the

1 operation of the facilities development activities of the
2 Department of Management Services ~~Division of Building~~
3 ~~Construction.~~

4 Section 22. Subsections (5) and (9) of section
5 215.422, Florida Statutes, are amended to read:

6 215.422 Warrants, vouchers, and invoices; processing
7 time limits; dispute resolution; agency or judicial branch
8 compliance.--

9 (5) All purchasing agreements between a state agency
10 or the judicial branch and a vendor, applicable to this
11 section, shall include a statement of the vendor's rights and
12 the state's responsibilities under this section. The vendor's
13 rights shall include being provided with the ~~name and~~
14 telephone number of the vendor ombudsman within the Department
15 of Banking and Finance, which information shall also be placed
16 on all agency or judicial branch purchase orders.

17 (9) Each agency and the judicial branch shall include
18 in the official position description of every officer or
19 employee who is responsible for the approval or processing of
20 vendors' invoices or distribution of warrants to vendors that
21 the requirements of this section are mandatory. ~~In addition,~~
22 ~~each employee shall be required to sign a statement at least~~
23 ~~annually that he or she has been provided a copy of this~~
24 ~~section and the rules promulgated by the Comptroller. The~~
25 ~~statement shall also acknowledge that the employee understands~~
26 ~~the approval and processing time limitations and the provision~~
27 ~~for automatic interest penalty payments. Each agency and the~~
28 ~~judicial branch shall certify its compliance with this~~
29 ~~subsection to the Comptroller on or before February 1 of each~~
30 ~~year.~~

31

1 Section 23. Paragraph (a) of subsection (5) of section
2 215.94, Florida Statutes, is amended to read:

3 215.94 Designation, duties, and responsibilities of
4 functional owners.--

5 (5) The Department of Management Services shall be the
6 functional owner of the Cooperative Personnel Employment
7 Subsystem. The department shall design, implement, and
8 operate the subsystem in accordance with the provisions of ss.
9 110.116 and 215.90-215.96. The subsystem shall include, but
10 shall not be limited to, functions for:

11 (a) Maintenance of employee and position data,
12 including funding sources and percentages and salary lapse.
13 The employee data shall include, but not be limited to,
14 information to meet the payroll system requirements of the
15 Department of Banking and Finance and to meet the employee
16 benefit system requirements of the Division of State Group
17 ~~Employees~~ Insurance in the Department of Management Services.

18 Section 24. Paragraph (v) of subsection (1) of section
19 216.011, Florida Statutes, is amended to read:

20 216.011 Definitions.--

21 (1) For the purpose of fiscal affairs of the state,
22 appropriations acts, legislative budgets, and approved
23 budgets, each of the following terms has the meaning
24 indicated:

25 (v) "Operating capital outlay" means equipment,
26 fixtures, and other tangible personal property of a
27 nonconsumable and nonexpendable nature, the value or cost of
28 which is \$1,000~~\$500~~ or more and the normal expected life of
29 which is 1 year or more, and hardback-covered bound books that
30 are circulated to students or the general public, the value or
31

1 cost of which is \$25 or more, and hardback-covered bound
2 books, the value or cost of which is \$250~~\$100~~ or more.

3 Section 25. Paragraphs (b) and (k) of subsection (2)
4 of section 255.249, Florida Statutes, are amended to read:

5 255.249 Division of Facilities Management;
6 responsibility; department rules.--

7 (2) The department shall promulgate rules pursuant to
8 chapter 120 providing:

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

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

24 Section 26. Paragraph (b) of subsection (2) and
25 subsection (3) of section 255.25, Florida Statutes, are
26 amended to read:

27 255.25 Approval required prior to construction or
28 lease of buildings.--

29 (2)

30 (b) The approval of the Department ~~Division~~ of
31 ~~Facilities~~ Management Services, except for technical

1 sufficiency, need not be obtained for the lease of less than
2 5,000 ~~3,000~~ square feet of space within a privately owned
3 building, provided the agency head or the agency head's
4 designated representative has certified compliance with
5 applicable leasing criteria as may be provided pursuant to s.
6 255.249(2)(k) and has determined such lease to be in the best
7 interest of the state. Such a lease which is for a term
8 extending beyond the end of a fiscal year is subject to the
9 provisions of ss. 216.311, 255.2502, and 255.2503.

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

24 (b) The Department ~~Division~~ of Facilities Management
25 Services may approve extensions of an existing lease of 5,000
26 ~~3,000~~ square feet or more of space if such extensions are
27 determined to be in the best interests of the state, but in no
28 case shall the total of such extensions exceed 11 months. If
29 at the end of the 11th month an agency still needs space, it
30 shall be procured by competitive bid in accordance with s.
31 255.249(2)(b).

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

22 Section 27. Subsection (2) of section 255.257, Florida
23 Statutes, is amended to read:

24 255.257 Energy management plan; buildings occupied by
25 state agencies.--

26 (2) ENERGY CONSUMPTION AND COST DATA.--Each state
27 agency shall submit, in the form and manner to be prescribed
28 by the Department ~~Division~~ of Facilities Management Services,
29 data on energy consumption and cost. The data gathered shall
30 be on state-owned facilities and metered state-leased
31 facilities of 5,000 net square feet or more.These data will

1 be used in the computation of the effectiveness of the state
2 energy management plan and the effectiveness of the energy
3 management program of each of the reporting agencies. The
4 department ~~division~~ shall advise the various agencies on the
5 effectiveness of their energy management programs.

6 Section 28. Section 255.503, Florida Statutes, is
7 amended to read:

8 255.503 Powers of the Department ~~Division~~ of
9 ~~Facilities~~ Management Services.--

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

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

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

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

1 ~~(d)(4)~~ Operate existing state-owned facilities in the
2 pool and to pledge rentals or charges for such facilities to
3 finance the acquisition of facilities pursuant to the
4 provisions of this act.

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

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

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

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

1 will be made on behalf of the Department ~~Division~~ of
2 ~~Facilities~~ Management Services by the State Board of
3 Administration or the Treasurer, as appropriate.

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

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

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

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

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

31

1 whether agency offices or facilities or any portion thereof
2 are affected by the emergency and are to be closed.

3 Section 29. Paragraph (a) of subsection (3) of section
4 267.075, Florida Statutes, is amended to read:

5 267.075 The Grove Advisory Council; creation;
6 membership; purposes.--

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

9 1. Five members shall be private citizens appointed by
10 the Secretary of State.

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

14 3. One member shall be the director of the Division of
15 Historical Resources of the Department of State.

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

20
21 Of the citizen members, at least one member shall have
22 professional curatorial and museum expertise, one member shall
23 have professional architectural expertise in the preservation
24 of historic buildings, and one member shall have professional
25 landscape expertise. The five citizen members of the council
26 appointed by the Secretary of State and the member of the
27 council who is a direct descendant of Mary Call Darby Collins
28 appointed by the Secretary of State shall be appointed for
29 staggered 4-year terms. The Secretary of State shall fill the
30 remainder of unexpired terms for the five citizen members of
31

1 the council and the member of the council who is a direct
2 descendant of Mary Call Darby Collins.

3 Section 30. Paragraph (a) of subsection (1) of section
4 272.18, Florida Statutes, is amended to read:

5 272.18 Governor's Mansion Commission.--

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

23 Section 31. Section 272.185, Florida Statutes, is
24 amended to read:

25 272.185 Maintenance of Governor's Mansion by
26 Department ~~Division of Facilities Management~~ Services.--

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

28 (a) ~~The Division of Facilities Management of the~~
29 Department of Management Services shall maintain all
30 structures, furnishings, equipment, and grounds of the
31 Governor's Mansion, except that the exterior facades; the

1 landscaping of the grounds; the antique furnishings in the
2 private quarters; the interiors of the state rooms; and the
3 articles of furniture, fixtures, and decorative objects used
4 or displayed in the state rooms shall be maintained pursuant
5 to the directives of the Governor's Mansion Commission.

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

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

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

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

25 Section 32. Section 273.02, Florida Statutes, is
26 amended to read:

27 273.02 Record and inventory of certain property.--The
28 word "property" as used in this section means equipment,
29 fixtures, and other tangible personal property of a
30 nonconsumable and nonexpendable nature, the value or cost of
31 which is \$1,000~~\$500~~ or more and the normal expected life of

1 which is 1 year or more, and hardback-covered bound books that
2 are circulated to students or the general public, the value or
3 cost of which is \$25 or more, and hardback-covered bound
4 books, the value or cost of which is \$250~~\$100~~ or more. Each
5 item of property which it is practicable to identify by
6 marking shall be marked in the manner required by the Auditor
7 General. Each custodian shall maintain an adequate record of
8 property in his or her custody, which record shall contain
9 such information as shall be required by the Auditor General.
10 Once each year, on July 1 or as soon thereafter as is
11 practicable, and whenever there is a change of custodian, each
12 custodian shall take an inventory of property in his or her
13 custody. The inventory shall be compared with the property
14 record, and all discrepancies shall be traced and reconciled.
15 All publicly supported libraries shall be exempt from marking
16 hardback-covered bound books, as required by this section.
17 The catalog and inventory control records maintained by each
18 publicly supported library shall constitute the property
19 record of hardback-covered bound books with a value or cost of
20 \$25 or more included in each publicly supported library
21 collection and shall serve as a perpetual inventory in lieu of
22 an annual physical inventory. All books identified by these
23 records as missing shall be traced and reconciled, and the
24 library inventory shall be adjusted accordingly.

25 Section 33. Subsection (5) of section 273.055, Florida
26 Statutes, is amended to read:

27 273.055 Disposition of state-owned tangible personal
28 property.--

29 (5) All moneys received ~~by the division~~ from the
30 disposition of state-owned tangible personal property or from
31 any agreement entered into under this chapter must be retained

1 by the custodian and may be disbursed for the acquisition of
2 exchange and surplus property and for all necessary operating
3 expenditures, and are appropriated for those purposes. The
4 custodian shall maintain records of the accounts into which
5 the money is deposited ~~shall be deposited into the General~~
6 ~~Revenue Fund.~~

7 Section 34. Section 281.07, Florida Statutes, is
8 amended to read:

9 281.07 Rules; Facilities Program ~~Division of Capitol~~
10 ~~Police~~; traffic regulation.--

11 (1) The Department of Management Services shall adopt
12 and promulgate rules to govern the administration, operation,
13 and management of the Facilities Program ~~Division of Capitol~~
14 ~~Police~~ and to regulate traffic and parking on state-owned or
15 state-leased property, which rules are not in conflict with
16 any state law or county or municipal ordinance, and to carry
17 out the provisions of ss. 281.02-281.09.

18 (2) Political subdivisions and municipalities may
19 enact and enforce ordinances on the violation of traffic and
20 parking rules provided in subsection (1).

21 Section 35. Subsection (4) of section 282.111, Florida
22 Statutes, is amended to read:

23 282.111 Statewide system of regional law enforcement
24 communications.--

25 (4) The Secretary of Management Services or his or her
26 designee ~~director of the division~~ is designated as the
27 director of the statewide system of regional law enforcement
28 communications and, for the purpose of carrying out the
29 provisions of this section, is authorized to coordinate the
30 activities of the system with other interested state agencies
31 and local law enforcement agencies.

1 Section 36. Paragraph (b) of subsection (2) and
2 paragraph (b) of subsection (4) of section 287.042, Florida
3 Statutes, are amended to read:

4 287.042 Powers, duties, and functions.--The Department
5 of Management Services ~~division~~ shall have the following
6 powers, duties, and functions:

7 (2)

8 (b) As an alternative to any provision in s.
9 120.57(3)(c), the department ~~division~~ may proceed with the bid
10 solicitation or contract award process of a term contract bid
11 when the secretary of the department or his or her designee
12 ~~director of the division~~ sets forth in writing particular
13 facts and circumstances which demonstrate that the delay
14 incident to staying the bid process or contract award process
15 would be detrimental to the interests of the state. After the
16 award of a contract resulting from a bid in which a timely
17 protest was received and in which the state did not prevail,
18 the contract may be canceled and reawarded to the prevailing
19 party.

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

24 (b) Development of procedures for the releasing of
25 requests for proposals, ~~and~~ and other
26 competitive procurements, which procedures shall include, but
27 not be limited to, publication in the Florida Administrative
28 Weekly or on Government Services Direct ~~the Florida~~
29 ~~Communities Network~~ of notice for requests for proposals at
30 least 28 days before the date set for submittal of proposals
31 and publication of notice for invitations to bid at least 10

1 calendar days before the date set for submission of bids. An
2 agency may waive the requirement for notice in the Florida
3 Administrative Weekly or on Government Services Direct ~~the~~
4 ~~Florida Communities Network~~. Notice of the request for
5 proposals shall be mailed to prospective offerors at least 28
6 calendar days prior to the date for submittal of proposals.
7 Notice of the invitation to bid shall be mailed to prospective
8 bidders at least 10 calendar days prior to the date set for
9 submittal of bids. The Minority Business Advocacy and
10 Assistance Office may consult with agencies regarding the
11 development of bid distribution procedures to ensure that
12 maximum distribution is afforded to certified minority
13 business enterprises as defined in s. 288.703.

14 Section 37. Paragraph (d) of subsection (3) of section
15 287.057, Florida Statutes, is amended to read:

16 287.057 Procurement of commodities or contractual
17 services.--

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

23 (d) When it is in the best interest of the state, the
24 Secretary ~~the Department~~ of Management Services or his or her
25 designee may authorize the Support Program ~~director of the~~
26 ~~division~~ to purchase insurance by negotiation, but such
27 purchase shall be made only under conditions most favorable to
28 the public interest.

29 Section 38. Section 287.16, Florida Statutes, is
30 amended to read:

31

1 287.16 Powers and duties of department ~~division~~.--The
2 Department of Management Services ~~Division of Motor Pool~~ shall
3 have the following powers, duties, and responsibilities:

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

6 (2) To establish and operate central facilities for
7 the acquisition, disposal, operation, maintenance, repair,
8 storage, supervision, control, and regulation of all
9 state-owned or state-leased aircraft and motor vehicles and to
10 operate any state facilities for those purposes. Acquisition

11 may be by purchase, lease, loan, or in any other legal manner.

12 (3) In its discretion, to require every state agency
13 to transfer its ownership, custody, and control of every
14 aircraft and motor vehicle, and associated maintenance
15 facilities and equipment, except those used principally
16 associated maintenance facilities and equipment, except those
17 used principally for law enforcement or fire control purposes,
18 to the Department of Management Services, including all right,
19 title, interest, and equity therein.

20 (4) Upon requisition and showing of need, to assign
21 suitable aircraft or motor vehicles, on a temporary (for a
22 period up to and including 1 month) or permanent (for a period
23 from 1 month up to and including 1 full year) basis, to any
24 state agency.

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

28 (6) To adopt and enforce rules and regulations for the
29 efficient and safe use, operation, maintenance, repair, and
30 replacement of all state-owned or state-leased aircraft and
31 motor vehicles and to require the placement of appropriate

1 stickers, decals, or other markings upon the aircraft and
2 motor vehicles of the state. The department ~~division~~ may
3 delegate to the respective heads of the agencies to which
4 aircraft and motor vehicles are assigned the duty of enforcing
5 the rules and regulations adopted by the department ~~division~~.

6 (7) To contract for specialized maintenance services.

7 (8) To require any state agency to keep records and
8 make reports regarding aircraft and motor vehicles to the
9 department ~~division~~ as may be required. The Department of
10 Highway Safety and Motor Vehicles may use the reporting system
11 in effect on October 1, 1983, until July 1, 1984. Beginning
12 July 1, 1984, the Department of Highway Safety and Motor
13 Vehicles shall use a reporting system approved by the
14 department ~~division~~. The Support Program ~~division~~ shall assist
15 the Department of Highway Safety and Motor Vehicles in
16 developing or implementing a reporting system prior to July 1,
17 1984, which shall specifically address the needs and
18 requirements of the Support Program ~~division~~ and the
19 Department of Highway Safety and Motor Vehicles.

20 (9) To establish and operate central facilities to
21 determine the mode of transportation to be used by state
22 employees traveling on official state business and to schedule
23 and coordinate use of state-owned or state-leased aircraft and
24 passenger-carrying vehicles to assure maximum utilization of
25 state aircraft, motor vehicles, and employee time by assuring
26 that employees travel by the most practical and economical
27 mode of travel. The department ~~division~~ shall consider the
28 number of employees making the trip to the same location, the
29 most efficient and economical means of travel considering the
30 time of the employee, transportation cost and subsistence

31

1 required, the urgency of the trip, and the nature and purpose
2 of the trip.

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

6 Section 39. Section 287.18, Florida Statutes, is
7 amended to read:

8 287.18 Repair and service of motor vehicles and
9 aircraft.--The Secretary of Management Services or his or her
10 designee ~~director of the Division of Motor Pool~~ may require a
11 department or any state agency having facilities for the
12 repair of aircraft or motor vehicles and for the storage and
13 distribution of gasoline and other petroleum products to
14 repair aircraft and motor vehicles and to furnish gasoline and
15 other petroleum products to any other department or agency and
16 shall compensate for the cost of such services and products.

17 Section 40. Subsections (5) and (12) of section
18 365.171, Florida Statutes, are amended to read:

19 365.171 Emergency telephone number "911".--

20 (5) SYSTEM DIRECTOR.--The secretary of the department
21 or his or her designee ~~director of the division~~ is designated
22 as the director of the statewide emergency telephone number
23 "911" system and, for the purpose of carrying out the
24 provisions of this section, is authorized to coordinate the
25 activities of the system with state, county, local, and
26 private agencies. The director is authorized to employ not
27 less than five persons, three of whom will be at the
28 professional level, one at the secretarial level, and one to
29 fill a fiscal position, for the purpose of carrying out the
30 provisions of this section. The director in implementing the
31

1 system shall consult, cooperate, and coordinate with local law
2 enforcement agencies.

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

8 Section 41. Section 401.021, Florida Statutes, is
9 amended to read:

10 401.021 System director.--The Secretary of Management
11 Services or his or her designee ~~director of the Division of~~
12 ~~Communications~~ is designated as the director of the statewide
13 telecommunications system of the regional emergency medical
14 service and, for the purpose of carrying out the provisions of
15 this part, is authorized to coordinate the activities of the
16 telecommunications system with other interested state, county,
17 local, and private agencies.

18 Section 42. Section 401.027, Florida Statutes, is
19 amended to read:

20 401.027 Federal assistance.--The Secretary of
21 Management Services or his or her designee ~~director of the~~
22 ~~Division of Communications~~ is authorized to apply for and
23 accept federal funding assistance in the development and
24 implementation of a statewide emergency medical
25 telecommunications system.

26 Section 43. Subsection (1) of section 446.604, Florida
27 Statutes, is amended to read:

28 446.604 One-Stop Career Centers.--

29 (1) The Department of Management Services shall
30 coordinate among the agencies a plan for a One-Stop Career
31 Center Electronic Network made up of One-Stop Career Centers

1 that are operated by the Department of Labor and Employment
2 Security, the Department of Health and Rehabilitative
3 Services, the Department of Education, and other authorized
4 public or private for-profit or not-for-profit agents. The
5 plan shall identify resources within existing revenues to
6 establish and support such electronic network for service
7 delivery that includes Government Services Direct ~~the Florida~~
8 ~~Communities Network~~.

9 Section 44. Paragraph (e) of subsection (3) of section
10 447.208, Florida Statutes, is amended to read:

11 447.208 Procedure with respect to certain appeals
12 under s. 447.207.--

13 (3) With respect to hearings relating to demotions,
14 suspensions, or dismissals pursuant to the provisions of this
15 section:

16 (e) Any order of the commission issued pursuant to
17 this subsection may include back pay, if applicable, and an
18 amount, to be determined by the commission and paid by the
19 agency, for reasonable attorney's fees, witness fees, and
20 other out-of-pocket expenses incurred during the prosecution
21 of an appeal against an agency in which the commission
22 sustains the employee. In determining the amount of an
23 attorney's fee, the commission shall consider only the number
24 of hours reasonably spent on the appeal, comparing the number
25 of hours spent on similar Career Service System appeals and
26 the reasonable hourly rate charged in the geographic area for
27 similar appeals, but not including litigation over the amount
28 of the attorney's fee. This paragraph applies to future and
29 pending cases.

30 Section 45. Paragraph (b) of subsection (2) of section
31 768.76, Florida Statutes, is amended to read:

1 768.76 Collateral sources of indemnity.--
2 (2) For purposes of this section:
3 (b) Notwithstanding any other provision of this
4 section, benefits received under Medicare, or any other
5 federal program providing for a Federal Government lien on or
6 right of reimbursement from the plaintiff's recovery, the
7 Workers' Compensation Law, the Medicaid program of Title XIX
8 of the Social Security Act, the state group health
9 self-insurance plan administered under s. 110.123, or from any
10 medical services program administered by the Department of
11 Health and Rehabilitative Services shall not be considered a
12 collateral source. In addition, a health maintenance
13 organization participating in the state group insurance
14 program pursuant to state contract shall not be considered a
15 collateral source for benefits received by any claimant who,
16 with respect to such benefits, was covered by the health
17 maintenance organization plan as a participant under the state
18 group insurance program as defined in s. 110.123.

19 Section 46. Sections 110.407 and 110.607, Florida
20 Statutes, are repealed.

21 Section 47. This act shall take effect upon becoming a
22 law.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1132

The Committee Substitute increases the number of positions eligible for Senior Management Service status by treating the Division of State Group Insurance and the Division of Retirement as if they were departments. Each division is not permitted to designate up to ten policymaking positions as eligible for SMS inclusion. All state agencies would be permitted to receive an additional position for SMS eligibility. Dollar thresholds on the inventorying requirements and classification of tangible personal property and books are raised from \$500 and \$100, respectively, to \$1,000 and \$250, respectively. A substantial revision to the state employee prescription drug program is undertaken to shift the setting of co-payment amounts from general law to the appropriations or implementing bill process. Technical nomenclature changes to the employee health insurance program are completed following its reorganization by the 1997 Legislature. Participating entities in the program, including external managed care organizations, are excluded from collateral source recovery under s. 768.76, F.S. Stipend amounts for employee and volunteer awards and commemorative items are raised.