

By Senator Bankhead

RB98-1lump

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 110.108, 110.123, 120.57, 154.04,
4 215.196, 216.292, 217.045, 217.11, 230.23,
5 255.102, 255.249, 255.25, 255.25001, 255.253,
6 255.254, 255.255, 255.257, 255.258, 255.31,
7 255.45, 255.451, 255.502, 255.503, 255.504,
8 255.505, 255.506, 255.507, 255.508, 255.509,
9 255.51, 255.511, 255.513, 255.514, 255.515,
10 255.517, 255.518, 255.52, 255.521, 255.522,
11 255.523, 265.001, 265.002, 265.2865, 272.03,
12 272.04, 272.05, 272.06, 272.07, 272.08, 272.09,
13 272.12, 272.121, 272.122, 272.124, 272.16,
14 272.185, 273.055, 281.02, 281.03, 281.04,
15 281.05, 281.06, 281.08, 281.09, 282.102,
16 282.103, 282.104, 282.105, 282.1095, 282.111,
17 283.30, 283.32, 284.33, 287.012, 287.017,
18 287.022, 287.032, 287.042, 287.045, 287.055,
19 287.056, 287.057, 287.058, 287.073, 287.083,
20 287.09451, 287.131, 287.15, 287.16, 287.161,
21 287.19, 288.15, 288.18, 318.21, 334.0445,
22 364.515, 365.171, 376.10, 395.1031, 401.013,
23 401.015, 401.018, 401.024, 403.7065, and
24 946.515, Florida Statutes, pursuant to the
25 directive of the Legislature in s. 4, ch.
26 97-296, Laws of Florida, to substitute a
27 reference to the Department of Management
28 Services for all references in the Florida
29 Statutes to any division, bureau, or other unit
30 of the Department of Management Services,
31 except for references to the Division of

1 Administrative Hearings, the Division of
2 Retirement, or commissions.

3
4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Subsection (4) of section 110.108, Florida
7 Statutes, is amended to read:

8 110.108 Personnel pilot projects.--

9 (4) After the Legislature approves a plan for a
10 personnel flexibility pilot project, the agency must prepare
11 and submit a progress report to the Legislature and ~~the~~
12 ~~Division of Personnel Management Services~~ of the Department of
13 Management Services every 6 months, or sooner, if so requested
14 by the Legislature. Upon completion of the pilot project, the
15 agency shall prepare and submit a final report on the project
16 within 6 months of termination of the project.

17 Section 2. Paragraph (e) of subsection (3) of section
18 110.123, Florida Statutes, is amended to read:

19 110.123 State group insurance program.--

20 (3) STATE GROUP INSURANCE PROGRAM.--

21 (e)1. Notwithstanding the provisions of chapter 287
22 and the authority of the department ~~Division of Purchasing~~,
23 for the purpose of protecting the health of, and providing
24 medical services to, state employees participating in the
25 State Employees' Health Self-Insurance Plan, the Division of
26 State Group Insurance may contract to retain the services of
27 professional administrators for the State Employees' Health
28 Self-Insurance Plan. The agency shall follow good purchasing
29 practices of state procurement to the extent practicable under
30 the circumstances.

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1 2. Each vendor in a major procurement, and any other
2 vendor if the division deems it necessary to protect the
3 state's financial interests, shall, at the time of executing
4 any contract with the division, post an appropriate bond with
5 the division in an amount determined by the division to be
6 adequate to protect the state's interests but not higher than
7 the full amount estimated to be paid annually to the vendor
8 under the contract.

9 3. Each major contract entered into by the division
10 pursuant to this section shall contain a provision for payment
11 of liquidated damages to the division for material
12 noncompliance by a vendor with a contract provision. The
13 division may require a liquidated damages provision in any
14 contract if the division deems it necessary to protect the
15 state's financial interests.

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

18 a. A formal written protest of any decision, intended
19 decision, or other action subject to protest shall be filed
20 within 72 hours after receipt of notice of the decision,
21 intended decision, or other action.

22 b. As an alternative to any provision of s. 120.57(3),
23 the division may proceed with the bid selection or contract
24 award process if the director of the department sets forth, in
25 writing, particular facts and circumstances which demonstrate
26 the necessity of continuing the procurement process or the
27 contract award process in order to avoid a substantial
28 disruption to the provision of any scheduled insurance
29 services.

30 Section 3. Paragraph (a) of subsection (3) of section
31 120.57, Florida Statutes, is amended to read:

1 120.57 Additional procedures for particular cases.--

2 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO
3 CONTRACT BIDDING OR AWARD.--Agencies subject to this chapter
4 shall utilize the uniform rules of procedure, which provide
5 procedures for the resolution of protests arising from the
6 contract bidding process. Such rules shall at least provide
7 that:

8 (a) The agency shall provide notice of its decision or
9 intended decision concerning a bid solicitation or a contract
10 award as follows:

11 1. For a bid solicitation, notice of a decision or
12 intended decision shall be given by United States mail or by
13 hand delivery.

14 2. For any decision of the ~~Division of Purchasing of~~
15 ~~the~~ Department of Management Services concerning a request by
16 an agency for approval of an exceptional purchase under part I
17 of chapter 287 and the rules of the Department of Management
18 Services ~~Division of Purchasing~~, notice of a decision or
19 intended decision shall be given by posting such notice in the
20 office of the Department of Management Services ~~Division of~~
21 ~~Purchasing~~.

22 3. For any other agency decision, notice of a decision
23 or intended decision shall be given either by posting the bid
24 tabulation at the location where the bids were opened or by
25 certified United States mail or other express delivery
26 service, return receipt requested.

27
28 The notice required by this paragraph shall contain the
29 following statement: "Failure to file a protest within the
30 time prescribed in s. 120.57(3), Florida Statutes, shall
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1 constitute a waiver of proceedings under chapter 120, Florida
2 Statutes."

3 Section 4. Subsection (2) of section 154.04, Florida
4 Statutes, is amended to read:

5 154.04 Personnel of county health departments; duties;
6 compensation.--

7 (2) The personnel of the county health department
8 shall be employed by the Department of Health. The
9 compensation of such personnel shall be determined under the
10 rules of the ~~Division of Personnel Management Services of the~~
11 Department of Management Services. Such employees shall
12 engage in the prevention of disease and the promotion of
13 health under the supervision of the Department of Health.

14 Section 5. Subsection (2) of section 215.196, Florida
15 Statutes, is amended to read:

16 215.196 Architects Incidental Trust Fund; creation;
17 assessment.--

18 (2) The department ~~division~~ is authorized to levy and
19 assess an amount necessary to cover the cost of administration
20 by the department ~~division~~ of fixed capital outlay projects on
21 which it serves as owner representative on behalf of the
22 state. The assessment rate is to be provided in the General
23 Appropriations Act and statement of intent and shall be based
24 on estimated operating cost projections for the services
25 rendered. The total assessment shall be transferred into the
26 Architects Incidental Trust Fund at the beginning of each
27 fiscal year.

28 Section 6. Subsection (8) of section 216.292, Florida
29 Statutes, is amended to read:

30 216.292 Appropriations nontransferable; exceptions.--

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1 (8) Moneys appropriated in the General Appropriations
2 Act for the purpose of paying for services provided by the
3 state communications system in the ~~Division of Communications~~
4 ~~of the~~ Department of Management Services shall be paid by the
5 user agencies, or the judicial branch, within 45 days after
6 the billing date. Billed amounts not paid by the user
7 agencies, or by the judicial branch, shall be transferred by
8 the Comptroller from the user agencies to the Communications
9 Working Capital Trust Fund.

10 Section 7. Section 217.045, Florida Statutes, is
11 amended to read:

12 217.045 Department of Management Services ~~Bureau of~~
13 ~~Federal Property Assistance~~; assistance to state
14 agencies.--The ~~Bureau of Federal Property Assistance of the~~
15 ~~Division of Purchasing of the~~ Department of Management
16 Services may follow whatever procedure is considered necessary
17 to enable state agencies to take advantage of surplus property
18 allocated to the state by the Federal Government or by its
19 disposal agencies.

20 Section 8. Section 217.11, Florida Statutes, is
21 amended to read:

22 217.11 Department of Management Services ~~Division of~~
23 ~~Facilities Management~~; authority to construct and maintain
24 warehouses and other facilities.--The ~~Division of Facilities~~
25 ~~Management of the~~ department is authorized to construct and
26 maintain such warehouses and other facilities necessary for
27 carrying out the purposes of this chapter.

28 Section 9. Paragraph (j) of subsection (10) of section
29 230.23, Florida Statutes, is amended to read:

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1 230.23 Powers and duties of school board.--The school
2 board, acting as a board, shall exercise all powers and
3 perform all duties listed below:

4 (10) FINANCE.--Take steps to assure children adequate
5 educational facilities through the financial procedure
6 authorized in chapters 236 and 237 and as prescribed below:

7 (j) Purchasing regulations to be secured from
8 Department of Management Services.--Secure purchasing
9 regulations and amendments and changes thereto from the
10 ~~Division of Purchasing of the~~ Department of Management
11 Services and prior to any purchase have reported to it by its
12 staff, and give consideration to the lowest price available to
13 it under such regulations, provided a regulation applicable to
14 the item or items being purchased has been adopted by the
15 department ~~Division of Purchasing~~. The department ~~Division of~~
16 ~~Purchasing~~ should meet with educational administrators to
17 expand the inventory of standard items for common usage in all
18 schools and higher education institutions.

19 Section 10. Subsections (1) and (2) of section
20 255.102, Florida Statutes, are amended to read:

21 255.102 Contractor utilization of minority business
22 enterprises.--

23 (1) Agencies shall consider the use of price
24 preferences, weighted preference formulas, or other
25 preferences for construction contracts, as determined
26 appropriate by the Minority Business Advocacy and Assistance
27 Office in collaboration with the Department of Management
28 Services ~~Division of Building Construction~~ to increase
29 minority participation.

30 (2) The Minority Business Advocacy and Assistance
31 Office, in collaboration with the ~~Division of Building~~

1 ~~Construction of the~~ Department of Management Services and the
2 State University System, shall adopt rules to determine what
3 is a "good faith effort" for purposes of contractor compliance
4 with minority participation goals established for
5 competitively awarded building and construction projects. Pro
6 forma efforts shall not be considered good faith. Factors
7 which shall be considered by the state agency in determining
8 whether a contractor has made good faith efforts shall
9 include, but not be limited to:

10 (a) Whether the contractor attended any
11 presolicitation or prebid meetings that were scheduled by the
12 agency to inform minority business enterprises of contracting
13 and subcontracting opportunities.

14 (b) Whether the contractor advertised in general
15 circulation, trade association, or minority-focus media
16 concerning the subcontracting opportunities.

17 (c) Whether the contractor provided written notice to
18 all relevant subcontractors listed on the minority vendor list
19 for that locality and statewide as provided by the agency as
20 of the date of issuance of the invitation to bid, that their
21 interest in the contract was being solicited in sufficient
22 time to allow the minority business enterprises to participate
23 effectively.

24 (d) Whether the contractor followed up initial
25 solicitations of interest by contacting minority business
26 enterprises, the Minority Business Advocacy and Assistance
27 Office, or minority persons who responded and provided
28 detailed information about prebid meetings, access to plans,
29 specifications, contractor's project manager, subcontractor
30 bonding, if any, payment schedule, bid addenda, and other
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1 assistance provided by the contractor to enhance minority
2 business enterprise participation.

3 (e) Whether the contractor selected portions of the
4 work to be performed by minority business enterprises in order
5 to increase the likelihood of meeting the minority business
6 enterprise procurement goals, including, where appropriate,
7 breaking down contracts into economically feasible units to
8 facilitate minority business enterprise participation under
9 reasonable and economical conditions of performance.

10 (f) Whether the contractor provided the Minority
11 Business Advocacy and Assistance Office as well as interested
12 minority business enterprises or minority persons with
13 adequate information about the plans, specifications, and
14 requirements of the contract or the availability of jobs at a
15 time no later than when such information was provided to other
16 subcontractors.

17 (g) Whether the contractor negotiated in good faith
18 with interested minority business enterprises or minority
19 persons, not rejecting minority business enterprises or
20 minority persons as unqualified without sound reasons based on
21 a thorough investigation of their capabilities or imposing
22 implausible conditions of performance on the contract.

23 (h) Whether the contractor diligently seeks to replace
24 a minority business enterprise subcontractor that is unable to
25 perform successfully with another minority business
26 enterprise.

27 (i) Whether the contractor effectively used the
28 services of available minority community organizations;
29 minority contractors' groups; local, state, and federal
30 minority business assistance offices; and other organizations
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1 that provide assistance in the recruitment and placement of
2 minority business enterprises or minority persons.

3 Section 11. Subsections (1) and (3) of section
4 255.249, Florida Statutes, are amended to read:

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

7 (1) The Department of Management Services ~~Division of~~
8 ~~Facilities Management~~ shall have responsibility and authority
9 for the custodial and preventive maintenance, repair, and
10 allocation of space of all buildings in the Florida Facilities
11 Pool and the grounds located adjacent thereto.

12 (3) The Department of Management Services ~~Division of~~
13 ~~Facilities Management~~ shall prepare a form listing all
14 conditions and requirements adopted pursuant to this chapter
15 which must be met by any state agency leasing any building or
16 part thereof. This form shall be certified by the agency head
17 or the agency head's designated representative.

18 Section 12. Paragraphs (a) and (c) of subsection (1),
19 paragraphs (a) and (b) of subsection (2), paragraphs (a) and
20 (b) of subsection (3), paragraph (a) of subsection (4), and
21 subsections (5), (6), and (10) of section 255.25, Florida
22 Statutes, are amended to read:

23 255.25 Approval required prior to construction or
24 lease of buildings.--

25 (1)(a) No state agency may construct a building for
26 state use or lease space in a private building that is to be
27 constructed for state use unless prior approval of the
28 architectural design and preliminary construction plans is
29 first obtained from the Department of Management Services
30 ~~Division of Building Construction~~.

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1 (c) When specifically authorized by the Appropriations
2 Act and in accordance with s. 255.2501, if applicable, the
3 Department of Management Services ~~Division of Facilities~~
4 ~~Management~~ may approve a lease-purchase, sale-leaseback, or
5 tax-exempt leveraged lease contract or other financing
6 technique for the acquisition, renovation, or construction of
7 a state fixed capital outlay project when it is in the best
8 interest of the state.

9 (2)(a) Except as provided in s. 255.2501, no state
10 agency may lease a building or any part thereof unless prior
11 approval of the lease conditions and of the need therefor is
12 first obtained from the Department of Management Services
13 ~~Division of Facilities Management~~. Any approved lease may
14 include an option to purchase or an option to renew the lease,
15 or both, upon such terms and conditions as are established by
16 the department ~~division~~ subject to final approval by the head
17 of the Department of Management Services and s. 255.2502.

18 (b) The approval of the Department of Management
19 Services ~~Division of Facilities Management~~, except for
20 technical sufficiency, need not be obtained for the lease of
21 less than 3,000 square feet of space within a privately owned
22 building, provided the agency head or the agency head's
23 designated representative has certified compliance with
24 applicable leasing criteria as may be provided pursuant to s.
25 255.249(2)(k) and has determined such lease to be in the best
26 interest of the state. Such a lease which is for a term
27 extending beyond the end of a fiscal year is subject to the
28 provisions of ss. 216.311, 255.2502, and 255.2503.

29 (3)(a) Except as provided in subsection (10), no state
30 agency shall enter into a lease as lessee for the use of 3,000
31 square feet or more of space in a privately owned building

1 except upon advertisement for and receipt of competitive bids
2 and award to the lowest and best bidder. The Department of
3 Management Services ~~Division of Facilities Management~~ shall
4 have the authority to approve a lease for 3,000 square feet or
5 more of space that covers more than 1 fiscal year, subject to
6 the provisions of ss. 216.311, 255.2501, 255.2502, and
7 255.2503, if such lease is, in the judgment of the department
8 ~~division~~, in the best interests of the state. This paragraph
9 does not apply to buildings or facilities of any size leased
10 for the purpose of providing care and living space for
11 persons.

12 (b) The Department of Management Services ~~Division of~~
13 ~~Facilities Management~~ may approve extensions of an existing
14 lease of 3,000 square feet or more of space if such extensions
15 are determined to be in the best interests of the state, but
16 in no case shall the total of such extensions exceed 11
17 months. If at the end of the 11th month an agency still needs
18 space, it shall be procured by competitive bid in accordance
19 with s. 255.249(2)(b).

20 (4)(a) The Department of Management Services ~~Division~~
21 ~~of Facilities Management~~ shall not authorize any state agency
22 to enter into a lease agreement for space in a privately owned
23 building when suitable space is available in a state-owned
24 building located in the same geographic region, except upon
25 presentation to the department ~~division~~ of sufficient written
26 justification, acceptable to the department ~~division~~, that a
27 separate space is required in order to fulfill the statutory
28 duties of the agency making such request. The term
29 "state-owned building" as used in this subsection means any
30 state-owned facility regardless of use or control.

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1 (5) Before construction or renovation of any
2 state-owned building or state-leased space is commenced, the
3 Department of Management Services ~~Division of Building~~
4 ~~Construction or the Division of Facilities Management, as~~
5 ~~appropriate,~~ shall ascertain, by submission of proposed plans
6 to the Division of State Fire Marshal for review, that the
7 proposed construction or renovation plan complies with the
8 uniform firesafety standards required by the Division of State
9 Fire Marshal. The review of construction or renovation plans
10 for state-leased space shall be completed within 10 calendar
11 days of receipt of the plans by the Division of State Fire
12 Marshal. The review of construction or renovation plans for a
13 state-owned building shall be completed within 30 calendar
14 days of receipt of the plans by the Division of State Fire
15 Marshal. The responsibility for submission and retrieval of
16 the plans called for in this subsection shall not be imposed
17 on the design architect or engineer, but shall be the
18 responsibility of the two agencies. Whenever the Division of
19 State Fire Marshal determines that a construction or
20 renovation plan is not in compliance with such uniform
21 firesafety standards, the Division of State Fire Marshal may
22 issue an order to cease all construction or renovation
23 activities until compliance is obtained, except those
24 activities required to achieve such compliance. The
25 Department of Management Services ~~Division of Facilities~~
26 ~~Management~~ shall withhold approval of any proposed lease until
27 the construction or renovation plan complies with the uniform
28 firesafety standards of the Division of State Fire Marshal.
29 The cost of all modifications or renovations made for the
30 purpose of bringing leased property into compliance with the
31 uniform firesafety standards shall be borne by the lessor.

1 (6) Before construction or substantial improvement of
2 any state-owned building is commenced, the Department of
3 Management Services ~~Division of Building Construction~~ must
4 ascertain that the proposed construction or substantial
5 improvement complies with the flood plain management criteria
6 for mitigation of flood hazards, as prescribed in the October
7 1, 1986, rules and regulations of the Federal Emergency
8 Management Agency, and the department ~~division~~ shall monitor
9 the project to assure compliance with the criteria. In
10 accordance with chapter 120, the Department of Management
11 Services ~~Division of Building Construction~~ shall adopt any
12 necessary rules to ensure that all such proposed state
13 construction and substantial improvement of state buildings in
14 designated flood-prone areas complies with the flood plain
15 management criteria. Whenever the department ~~division~~
16 determines that a construction or substantial improvement
17 project is not in compliance with the established flood plain
18 management criteria, the department ~~division~~ may issue an
19 order to cease all construction or improvement activities
20 until compliance is obtained, except those activities required
21 to achieve such compliance.

22 (10) The Department of Management Services ~~Division of~~
23 ~~Facilities Management~~ may approve emergency acquisition of
24 space without competitive bids if existing state-owned or
25 state-leased space is destroyed or rendered uninhabitable by
26 an act of God, fire, malicious destruction, or structural
27 failure, or by legal action, if the chief administrator of the
28 state agency or the chief administrator's designated
29 representative certifies in writing that no other
30 agency-controlled space is available to meet this emergency
31 need, but in no case shall the lease for such space exceed 11

1 months. If the lessor elects not to replace or renovate the
2 destroyed or uninhabitable facility, the agency shall procure
3 the needed space by competitive bid in accordance with s.
4 255.249(2)(b). If the lessor elects to replace or renovate
5 the destroyed or uninhabitable facility and the construction
6 or renovations will not be complete at the end of the 11-month
7 lease, the agency may modify the lease to extend it on a
8 month-to-month basis for an additional 6 months to allow
9 completion of such construction or renovations.

10 Section 13. Subsection (2) of section 255.25001,
11 Florida Statutes, is amended to read:

12 255.25001 Suspension or delay of specified functions,
13 programs, and requirements relating to governmental
14 operations.--Notwithstanding the provisions of:

15 (2) Sections 253.025 and 255.25, the Department of
16 Management Services, ~~Division of Facilities Management~~, has
17 the authority to promulgate rules pursuant to chapter 120 to
18 be used in determining whether a lease-purchase of a
19 state-owned office building is in the best interests of the
20 state, which rules provide:

21 (a) Procedures state agencies will follow to certify
22 the need for a lease-purchase acquisition for a state-owned
23 office building to the Department of Management Services
24 ~~Division of Facilities Management~~ and a notification procedure
25 of the department's ~~division's~~ decision regarding state
26 agencies' requests for a lease-purchase agreement. The
27 certification process shall include but not be limited to the
28 following:

29 1. Current programmatic space requirements of the
30 state agency.

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1 2. Future programmatic space requirements of the state
2 agency.

3 3. Time considerations in providing state-owned office
4 building space.

5 4. An analysis of existing leases affected by the
6 lease-purchase agreement.

7 (b) Procedures and document formats for the
8 advertisement, competitive bid process, including format of
9 submissions, and evaluation of lease-purchase acquisition
10 proposals for state-owned office buildings. The evaluation
11 process shall include but not be limited to the following:

12 1. A consideration of the cost of comparable operating
13 leases.

14 2. The appraised value of the facility as required by
15 s. 253.025.

16 3. A present value analysis of the proposed payment
17 stream.

18 4. The cost of financing the facility to be acquired.

19 5. The cost to repair identified physical defects.

20 6. The cost to remove identified hazardous substances.

21 7. An energy analysis.

22 8. A determination of who is responsible for
23 management and maintenance activities.

24

25 In order to minimize the cost of the evaluation process, the
26 Department of Management Services ~~Division of Facilities~~

27 ~~Management~~ may develop a multistage evaluation process to
28 identify the most cost-efficient proposals for extensive
29 evaluation. The studies developed as a result of this
30 evaluation process shall be considered confidential and exempt
31 from the provisions of s. 119.07(1) to the same extent that

1 appraisal reports are considered confidential and exempt from
2 the provisions of s. 119.07(1) as provided in s.
3 253.025(6)(d).

4 (c) Acceptable terms and conditions for inclusion in
5 lease-purchase agreements, which shall include but not be
6 limited to:

7 1. The assignment of the lease-purchase agreement to
8 other governmental entities, including accumulated equity.

9 2. The ability of the acquiring state agency to
10 sublease a portion of the facility, not to exceed 25 percent,
11 to other governmental entities. These subleases shall provide
12 for the recovery of the agencies' cost of operations and
13 maintenance.

14

15 The execution of a lease-purchase is conditioned upon a
16 finding by the Department of Management Services that it would
17 be in the best interests of the state. The language in this
18 subsection shall be considered specific authorization for a
19 lease-purchase pursuant to s. 255.25(1)(b) upon the Department
20 of Management Services' certification that the lease-purchase
21 is in the best interests of the state. Thereafter, the agency
22 is authorized to enter into a lease-purchase agreement and to
23 expend operating funds for lease-purchase payments. Any
24 facility which is acquired pursuant to the processes
25 authorized by this subsection shall be considered to be a
26 "state-owned office building" and a "state-owned building" as
27 those terms are applied in ss. 255.248-255.25.

28 (d) That any costs resulting from the processes
29 authorized by this subsection, including but not limited to
30 appraisals, environmental analyses, and any other studies
31 which may be required under these provisions, shall be borne

1 by the owner of the property which is the subject of the
2 proposed lease-purchase.

3 Section 14. Subsections (1) and (5) of section
4 255.253, Florida Statutes, are amended to read:

5 255.253 Definitions; ss. 255.251-255.258.--

6 (1) "Department"~~"Division"~~ means the ~~Division of~~
7 ~~Building Construction of the~~ Department of Management
8 Services.

9 (5) "Shared savings financing" means the financing of
10 energy conservation measures and maintenance services through
11 a private firm which may own any purchased equipment for the
12 duration of a contract, which shall not exceed 10 years unless
13 so authorized by the department ~~division~~. Such contract shall
14 specify that the private firm will be recompensed either out
15 of a negotiated portion of the savings resulting from the
16 conservation measures and maintenance services provided by the
17 private firm or, in the case of a cogeneration project,
18 through the payment of a rate for energy lower than would
19 otherwise have been paid for the same energy from current
20 sources.

21 Section 15. Section 255.254, Florida Statutes, is
22 amended to read:

23 255.254 No facility constructed or leased without
24 life-cycle costs.--

25 (1) No state agency shall lease, construct, or have
26 constructed, within limits prescribed herein, a facility
27 without having secured from the department ~~division~~ a proper
28 evaluation of life-cycle costs, as computed by an architect or
29 engineer. Furthermore, construction shall proceed only upon
30 disclosing, for the facility chosen, the life-cycle costs as
31 determined in s. 255.255 and the capitalization of the initial

1 construction costs of the building. The life-cycle costs shall
2 be a primary consideration in the selection of a building
3 design. Such analysis shall be required only for construction
4 of buildings with an area of 5,000 square feet or greater.
5 For leased areas of 20,000 square feet or greater within a
6 given building boundary, a life-cycle analysis shall be
7 performed, and a lease shall only be made where there is a
8 showing that the life-cycle costs are minimal compared to
9 available like facilities.

10 (2) On and after January 1, 1979, no state agency
11 shall initiate construction or have construction initiated,
12 prior to approval thereof by the department ~~division~~, on a
13 facility or self-contained unit of any facility, the design
14 and construction of which incorporates or contemplates the use
15 of an energy system other than a solar energy system when the
16 life-cycle costs analysis prepared by the department ~~division~~
17 has determined that a solar energy system is the most
18 cost-efficient energy system for the facility or unit.

19 (3) After September 30, 1985, when any state agency
20 must replace or supplement major items of energy-consuming
21 equipment in existing state-owned or leased facilities or any
22 self-contained unit of any facility with other major items of
23 energy-consuming equipment, the selection of such items shall
24 be made on the basis of a life-cycle cost analysis of
25 alternatives in accordance with rules promulgated by the
26 department ~~division~~ under s. 255.255.

27 Section 16. Subsection (1) and paragraph (a) of
28 subsection (2) of section 255.255, Florida Statutes, are
29 amended to read:

30 255.255 Life-cycle costs.--

31

1 (1) The department ~~division~~ shall promulgate rules and
2 procedures, including energy conservation performance
3 guidelines, for conducting a life-cycle cost analysis of
4 alternative architectural and engineering designs and
5 alternative major items of energy-consuming equipment to be
6 retrofitted in existing state-owned or leased facilities and
7 for developing energy performance indices to evaluate the
8 efficiency of energy utilization for competing designs in the
9 construction of state-financed and leased facilities.

10 (2) Such life-cycle costs shall be the sum of:

11 (a) The reasonably expected fuel costs over the life
12 of the building, as determined by the department ~~division~~,
13 that are required to maintain illumination, power,
14 temperature, humidity, and ventilation and all other
15 energy-consuming equipment in a facility, and

16 Section 17. Subsections (1), (2), (3), and (4) of
17 section 255.257, Florida Statutes, are amended to read:

18 255.257 Energy management plan; buildings occupied by
19 state agencies.--

20 (1) DEPARTMENT ~~DIVISION~~ RESPONSIBILITY.--The
21 Department of Management Services ~~Division of Facilities~~
22 ~~Management~~ shall constitute the responsible state agency for
23 developing and implementing an energy management plan for
24 state agencies occupying state-owned or state-leased
25 buildings. The Department of Community Affairs shall assist in
26 the development of this plan.

27 (2) ENERGY CONSUMPTION AND COST DATA.--Each state
28 agency shall submit, in the form and manner to be prescribed
29 by the Department of Management Services ~~Division of~~
30 ~~Facilities Management~~, data on energy consumption and cost.
31 These data will be used in the computation of the

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

6 (3) ENERGY MANAGEMENT COORDINATORS.--Each state
7 agency, the Florida Public Service Commission, the Department
8 of Military Affairs, and the judicial branch shall appoint a
9 coordinator whose responsibility shall be to advise the head
10 of the agency on matters relating to energy consumption in
11 facilities under the control of that head or in space occupied
12 by the various units comprising that agency, in vehicles
13 operated by that agency, and in other energy-consuming
14 activities of the agency. The coordinator shall cooperate
15 with the Department of Management Services ~~Division of~~
16 ~~Facilities Management~~ in the implementation of the state
17 energy management plan. The coordinator shall implement the
18 energy management program jointly agreed upon by the agency
19 concerned and the department ~~division~~.

20 (4) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
21 Department of Management Services ~~Division of Facilities~~
22 ~~Management~~ shall develop a state energy management plan
23 consisting of, but not limited to, the following elements:

- 24 (a) Data-gathering requirements;
25 (b) Building energy audit procedures;
26 (c) Uniform data analysis procedures;
27 (d) Employee energy education program measures;
28 (e) Energy consumption reduction techniques;
29 (f) Training program for agency energy management
30 coordinators; and
31 (g) Guidelines for building managers.

1
2 The plan shall include a description of actions to reduce
3 consumption of electricity and nonrenewable energy sources
4 used for space heating and cooling, ventilation, lighting,
5 water heating, and transportation.

6 Section 18. Subsection (2) of section 255.258, Florida
7 Statutes, is amended to read:

8 255.258 Shared savings financing of energy
9 conservation in state-owned buildings.--

10 (2) Except as noted in subsection (4), state agency
11 shared savings contracts shall be developed in accordance with
12 a model contract to be developed by the department ~~division~~ in
13 cooperation with the Attorney General, the Comptroller, and
14 the Department of Community Affairs. The model contract shall
15 include the methodology for calculating base line energy
16 costs, a procedure for revising these costs should the state
17 institute additional energy conservation features or building
18 use change, a requirement for a performance bond guaranteeing
19 that the facility will be restored to the original condition
20 in the event of default, a provision for early buy-out, a
21 clause specifying who will be responsible for maintaining the
22 equipment, and a provision allowing the disposal of equipment
23 at the end of the contract. No agency shall substantially
24 alter the provisions described in the model without the
25 permission of the department ~~division~~.

26 Section 19. Subsections (1), (2), and (3) of section
27 255.31, Florida Statutes, are amended to read:

28 255.31 Authority to the ~~Division of Building~~
29 ~~Construction of the~~ Department of Management Services to
30 manage construction projects for state and local
31 governments.--

1 (1) The Department of Management Services ~~Division of~~
2 ~~Building Construction~~ shall provide the project management and
3 administration services for the construction, renovation,
4 repair, modification, or demolition of buildings, utilities,
5 parks, parking lots, or other facilities or improvements for
6 projects for which the funds are appropriated to the
7 department of Management Services. The department's ~~division's~~
8 fees for such services shall be paid from such appropriations.

9 (2) The Department of Management Services ~~Division of~~
10 ~~Building Construction~~ may, upon request, enter into contracts
11 with other state agencies under which the department ~~division~~
12 may provide the project management, administration services,
13 or assistance for the construction, renovation, repair,
14 modification, or demolition of buildings, utilities, parks,
15 parking lots, or other facilities or improvements for projects
16 for which the funds are appropriated to other state agencies.
17 The contracts shall provide for payment of fees to the
18 department ~~division~~.

19 (3) The Department of Management Services ~~Division of~~
20 ~~Building Construction~~ may, upon request, enter into contracts
21 with municipalities, school boards, school districts,
22 authorities, other political subdivisions, and community
23 colleges under which the department ~~division~~ may provide the
24 project management, administration services, or assistance for
25 the construction, renovation, repair, modification, or
26 demolition of buildings, utilities, parks, parking lots, or
27 other facilities or improvements. The contracts shall provide
28 for payment of fees to the department ~~division~~.

29 Section 20. Section 255.45, Florida Statutes, is
30 amended to read:

31

1 255.45 Correction of firesafety violations in certain
2 state-owned property.--The ~~Division of Facilities Management~~
3 ~~of the~~ Department of Management Services is responsible for
4 ensuring that firesafety violations that are noted by the
5 State Fire Marshal pursuant to s. 633.085 are corrected as
6 soon as practicable for all state-owned property which is
7 leased from the Department of Management Services.

8 Section 21. Section 255.451, Florida Statutes, is
9 amended to read:

10 255.451 Electronic firesafety and security
11 system.--The management responsibility of the electronic
12 firesafety and security system located within the Capitol and
13 any system associated therewith is vested in the ~~Division of~~
14 ~~Facilities Management of the~~ Department of Management
15 Services.

16 Section 22. Paragraphs (c), (d), and (1) of subsection
17 (2), subsections (5), (10), (12), and (13), paragraph (b) of
18 subsection (14), and subsection (16) of section 255.502,
19 Florida Statutes, are amended to read:

20 255.502 Definitions; ss. 255.501-255.525.--As used in
21 this act, the following words and terms shall have the
22 following meanings unless the context otherwise requires:

23 (2) "Acquisition costs" means all reasonable and
24 necessary costs incurred in the acquisition of a facility,
25 which costs may include, but are not limited to:

26 (c) Any expenses relating to the issuance of the
27 obligations by the division in the name and on behalf of the
28 Department of Management Services ~~Division of Facilities~~
29 ~~Management~~, including, but not limited to, private placement
30 fees, underwriting fees, original issue discounts, rating
31 agency fees, and other necessary fees.

1 (d) Fees in connection with the planning, execution,
2 and financing of a project, such as those of architects,
3 engineers, attorneys, feasibility consultants, financial
4 advisers, accountants, and the Department of Management
5 Services ~~Division of Facilities Management~~, including the
6 allocable portions of direct costs of the Department of
7 Management Services ~~Division of Facilities Management~~ and the
8 lessee agencies.

9 (1) The reimbursement of all moneys advanced or
10 supplied to or borrowed by the Department of Management
11 Services ~~Division of Facilities Management~~ or others for the
12 payment of any item of cost of a facility.

13 (5) "Debt service charges" means, collectively,
14 principal, including mandatory sinking fund requirements and
15 the accretion portion of any capital appreciation bonds for
16 retirement of obligations, interest, redemption premium, if
17 any, required to be paid by the Department of Management
18 Services ~~Division of Facilities Management~~ on obligations
19 issued under this act and any obligation administrative fees.

20 (10) "Obligation administrative fees" means any
21 periodic expense, charge, or cost relating to or incurred in
22 connection with remarketing of obligations such as remarketing
23 agent or indexing agent fees and any periodic expense, charge,
24 or cost related to any obligations or to credit enhancements
25 or liquidity features, including, but not limited to, letter
26 of credit fees, whether direct pay or standby, swap agent fees
27 and similar expenses, periodic fees and expenses, if any, of
28 trustees, depositories, registrars, book entry registrars and
29 paying agents, and any allowances established by the
30 Department of Management Services ~~Division of Facilities~~
31 ~~Management~~ for working capital, contingency reserves, and

1 reserves for any anticipated operating deficits during each
2 fiscal year.

3 (12) "Pool pledged revenues" means all legislative
4 appropriations and all fees, charges, revenues, or receipts
5 derived by the Department of Management Services ~~Division of~~
6 ~~Facilities Management~~ from the operation, leasing, or other
7 disposition of facilities in the pool, and the proceeds of
8 obligations issued under this act, and shall include any
9 moneys appropriated to an agency for the purpose of making
10 such rental payments, rental payments received with respect to
11 such facilities from whatever sources, and receipts therefrom,
12 and investment of any such moneys pursuant to this act, all as
13 are available for the payment of debt service charges on such
14 obligations as are issued with respect to the pool.

15 (13) "Pool rental rate" means the per square foot
16 rental rate established by the Department of Management
17 Services ~~Division of Facilities Management~~ for every facility
18 which is in the pool.

19 (14) "Qualified facility" means an eligible facility
20 which is either:

21 (b) Determined by the Department of Management
22 Services ~~Division of Facilities Management~~ to be suitable for
23 entry into the pool although not meeting the requirements of
24 paragraph (a); or

25 (16) "Revenue bonds" means any bonds, debentures,
26 notes, certificates, or other evidences of financial
27 indebtedness, whether certificated or noncertificated, issued
28 by the division on behalf of the ~~Division of Facilities~~
29 ~~Management of the~~ Department of Management Services under and
30 pursuant to this act, including, but not limited to, variable
31 rate obligations, designated maturity obligations, capital

1 appreciation bonds, original issue discount bonds, and
2 multimodal instruments or obligations, or instruments
3 combining any of the foregoing.

4 Section 23. Section 255.503, Florida Statutes, is
5 amended to read:

6 255.503 Powers of the Department of Management
7 Services ~~Division of Facilities Management~~.--The Department of
8 Management Services ~~Division of Facilities Management~~ shall
9 have all the authority necessary to carry out and effectuate
10 the purposes and provisions of this act, including, but not
11 limited to, the authority to:

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

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

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

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

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

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

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

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

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

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

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

10 (11) Promulgate all rules necessary to implement the
11 provisions of this act.

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

14 Section 24. Subsection (1) of section 255.504, Florida
15 Statutes, is amended to read:

16 255.504 Use of facilities.--

17 (1) Any facility which is acquired and approved
18 pursuant to s. 11(e), Art. VII of the State Constitution and
19 financed under this act, and any facility in the pool shall be
20 occupied to the extent that space is available, by agencies as
21 authorized by the Department of Management Services ~~Division~~
22 ~~of Facilities Management~~.

23 Section 25. Section 255.505, Florida Statutes, is
24 amended to read:

25 255.505 Creation of the pool.--The Department of
26 Management Services ~~Division of Facilities Management~~ is
27 hereby authorized and directed to create the Florida
28 Facilities Pool in order that agencies may participate, and
29 thereby pool the rentals to be paid by such agencies, at
30 uniform rates with additional charges for services provided,
31 and to authorize the issuance of obligations secured by and

1 payable from such rentals and charges. Participation in the
2 pool shall be in accordance with the provisions of this act.

3 Section 26. Subsections (3) and (4) of section
4 255.506, Florida Statutes, are amended to read:

5 255.506 Facilities in pool.--The following facilities
6 shall be entered into the pool:

7 (3) Any agency may submit all, but not less than all,
8 of the eligible facilities under its jurisdiction for entry
9 into the pool. Each of such eligible facilities which is
10 determined by the Department of Management Services ~~Division~~
11 ~~of Facilities Management~~ to be a qualified facility shall be
12 entered into the pool upon such determination.

13 (4) Any agency which requests the issuance of
14 obligations under this act for the financing of the
15 acquisition of a facility shall submit all, but not less than
16 all, of the eligible facilities under its jurisdiction for
17 entry into the pool. Each of such eligible facilities which
18 is determined by the Department of Management Services
19 ~~Division of Facilities Management~~ to be a qualified facility
20 shall be entered into the pool upon such a determination.

21 Section 27. Section 255.507, Florida Statutes, is
22 amended to read:

23 255.507 Determination of qualified facilities.--The
24 Department of Management Services ~~Division of Facilities~~
25 ~~Management~~, in making determinations under s. 255.502(14)(b),
26 shall determine a facility to be a qualified facility if the
27 facility meets either of the following standards:

28 (1) The facility is in compliance with the firesafety
29 standards established by the State Fire Marshal for
30 state-owned buildings, is in compliance with flood management
31

1 criteria if it is located in a flood-prone area, and is in
2 good operating condition in relation to its intended use.

3 (2) The facility's economic benefit to the pool will
4 be equal to or greater than the cost of restoring the facility
5 to the condition described in subsection (1). For purposes of
6 this subsection, achieving such economic benefit means that
7 the rent to be paid by the occupants of the facility will be
8 adequate to repay the restoration costs within 5 years.

9 Section 28. Section 255.508, Florida Statutes, is
10 amended to read:

11 255.508 Participation in pool.--To participate in the
12 pool, an agency head shall submit a request to the Department
13 of Management Services ~~Division of Facilities Management~~ and
14 to the division pursuant to rules adopted by the Department of
15 Management Services ~~Division of Facilities Management~~ pursuant
16 to this act.

17 Section 29. Section 255.509, Florida Statutes, is
18 amended to read:

19 255.509 Request for advisory statement.--

20 (1) Any agency may request from the Department of
21 Management Services ~~Division of Facilities Management~~ an
22 advisory statement which shall state the estimated pool rental
23 rate which would be assessed under current conditions for the
24 agency's facilities if entered into the pool. The request for
25 an advisory statement shall contain a description of each
26 eligible facility under the jurisdiction of the agency or to
27 be acquired by the agency.

28 (2) In rendering such advisory statement, the
29 Department of Management Services ~~Division of Facilities~~
30 ~~Management~~ shall consult with the division and shall be
31 entitled to rely upon financial advisers or other

1 professionals and may assume whatever method of financing that
2 the division deems cost-effective.

3 Section 30. Section 255.51, Florida Statutes, is
4 amended to read:

5 255.51 Determination of rental rates.--The Department
6 of Management Services ~~Division of Facilities Management~~ shall
7 determine and establish rental rates charged and computed on a
8 per square foot basis for all facilities in the pool whether
9 or not of new construction, and such rates shall be applied
10 uniformly to all agencies using or occupying space in
11 facilities in the pool with additional charges based upon the
12 elements of service and special requests as provided.
13 Separate rates and charges may be established for warehouse
14 space and parking space incidental to facilities in the pool.

15 Section 31. Subsection (1) of section 255.511, Florida
16 Statutes, is amended to read:

17 255.511 Factors to be considered in establishing
18 rental rates.--

19 (1) The Department of Management Services ~~Division of~~
20 ~~Facilities Management~~ shall prepare a complete annual budget
21 for debt service on obligations issued under this act and for
22 capital depreciation reserve deposits and expenses included in
23 the operation and maintenance of each facility in the pool.

24 Section 32. Section 255.513, Florida Statutes, is
25 amended to read:

26 255.513 Powers of the Division of Bond Finance and the
27 Department of Management Services ~~Division of Facilities~~
28 ~~Management~~.--The Division of Bond Finance and the Department
29 of Management Services ~~Division of Facilities Management~~ are
30 authorized to jointly:

31

1 (1) Engage the services of remarketing agents,
2 indexing agents, underwriters, financial advisers, special tax
3 counsel, bond counsel, or similar type services with respect
4 to the issuance of any obligations under this act.

5 (2) Procure credit enhancements such as municipal bond
6 insurance, debt service reserve insurance, lease payment
7 insurance, letters of credit or liquidity facilities such as
8 letters of credit or surety bonds, or to enter into rate
9 protection agreements, such as interest rate swaps or similar
10 arrangements, in conjunction with the issuance of any
11 obligations under this act.

12 Section 33. Section 255.514, Florida Statutes, is
13 amended to read:

14 255.514 Division of Bond Finance; revenue bonds.--The
15 division is authorized to issue obligations under this act on
16 behalf of and at the request of the Department of Management
17 Services ~~Division of Facilities Management~~.

18 Section 34. Section 255.515, Florida Statutes, is
19 amended to read:

20 255.515 Issuance of obligations by the division.--With
21 respect to the issuance of any obligations under this act, the
22 division shall be entitled to use such method of financing or
23 combination of methods of financing as it deems appropriate to
24 result in cost-effective financing. The division shall be
25 entitled to rely upon the advice of financial advisers and
26 other professionals retained jointly by the Department of
27 Management Services ~~Division of Facilities Management~~ and the
28 division for such purposes.

29 Section 35. Section 255.517, Florida Statutes, is
30 amended to read:

31

1 255.517 Anticipation obligations.--To provide funds
2 for the purposes of this act, and prior to the delivery of an
3 issue of revenue bonds for the purposes of this act, the
4 division may, on behalf of the Department of Management
5 Services ~~Division of Facilities Management~~, from time to time,
6 by resolution, anticipate the issuance of such revenue bonds
7 by the issuance of revenue notes, including commercial paper
8 notes in the form of bond anticipation notes, with or without
9 coupons, exchangeable for the revenue bonds when such revenue
10 bonds have been executed and are available for delivery, or to
11 be paid, together with interest and premium, if any, from the
12 proceeds of the sale of such revenue bonds or a renewal issue
13 of revenue notes, including commercial paper notes in the form
14 of bond anticipation notes. In connection with such revenue
15 notes, the Department of Management Services ~~Division of~~
16 ~~Facilities Management~~ may covenant to do all things necessary
17 to authorize the issuance of the obligations and shall make
18 the exchange or application of the proceeds pursuant to its
19 agreements. Such revenue notes and, in the case of commercial
20 paper notes, the latest maturity thereof shall mature not
21 later than 5 years from the date of issue of the original
22 revenue notes and shall bear such other terms and shall be
23 executed and sold in the manner authorized by the division and
24 not prohibited by this act.

25 Section 36. Paragraph (a) of subsection (1),
26 subsection (2), paragraphs (b) and (c) of subsection (5),
27 paragraphs (a), (d), (e), and (f) of subsection (6), paragraph
28 (a) of subsection (7), paragraph (a) of subsection (8), and
29 subsections (10), (11), (12), and (13) of section 255.518,
30 Florida Statutes, are amended to read:

31

1 255.518 Obligations; purpose, terms, approval,
2 limitations.--

3 (1)(a) The issuance of obligations shall provide
4 sufficient funds to achieve the purposes of this act; pay
5 interest on obligations except as provided in paragraph (b);
6 pay expenses incident to the issuance and sale of any
7 obligations issued pursuant to this act, including costs of
8 validating, printing, and delivering the obligations, printing
9 the official statement, publishing notices of sale of the
10 obligations, and related administrative expenses; pay building
11 acquisition and construction costs; and pay all other capital
12 expenditures of the Department of Management Services ~~Division~~
13 ~~of Facilities Management~~ and the division incident to and
14 necessary to carry out the purposes and powers granted by this
15 act, subject to the provisions of s. 11(e), Art. VII of the
16 State Constitution and the applicable provisions of the State
17 Bond Act. Such obligations shall be payable solely from the
18 pool pledged revenues identified to such obligation. Proceeds
19 of obligations may not be used to pay building acquisition or
20 construction costs for any facility until the Legislature has
21 appropriated funds from other sources estimated to be
22 necessary for all costs relating to the initial planning,
23 preliminary design and programming, and land acquisition for
24 such facility and until such planning, design, and land
25 acquisition activities have been completed. Obligation
26 proceeds for building construction, renovation, or acquisition
27 shall be requested for appropriation in any fiscal year by the
28 Department of Management Services only if the department
29 estimates that such construction, renovation, or acquisition
30 can be initiated during such fiscal year.

31

1 (2) All obligations authorized by this act shall be
2 issued on behalf of and in the name of the Department of
3 Management Services ~~Division of Facilities Management~~ by the
4 division as provided by this act, with a term of not more than
5 30 years and, except as otherwise provided herein, in such
6 principal amounts as shall be necessary to provide sufficient
7 funds to achieve the purposes of this act.

8 (5) Any resolution or resolutions authorizing any
9 obligations issued pursuant to this act shall provide that:

10 (b) The Department of Management Services ~~Division of~~
11 ~~Facilities Management~~ shall maintain all facilities in the
12 pool in a satisfactory state of repair, subject to such
13 exceptions as are determined by the Department of Management
14 Services ~~Division of Facilities Management~~, provided that such
15 exceptions do not result in breach of any rate covenant in
16 connection with the obligations.

17 (c) The Department of Management Services ~~Division of~~
18 ~~Facilities Management~~ shall establish pool rental rates in
19 amounts so that the annualized amount of pool pledged revenues
20 for the then-current bond year shall be at least equal to the
21 aggregate of 110 percent of debt services charges, plus 100
22 percent of capital depreciation reserve deposits, plus 100
23 percent of costs of operations and maintenance, if any, in
24 each case as shown in the annual budget required pursuant to
25 this act.

26 (6) Any resolution authorizing any obligations issued
27 pursuant to this act may contain provisions, without
28 limitation, which shall be a part of the contract with the
29 holders thereof, as to:

30 (a) Pledging all or any part of the assets of the
31 Department of Management Services ~~Division of Facilities~~

1 ~~Management~~ securing the same, including leases with respect to
2 all or any part of a facility, to secure the payment of
3 obligations, subject to such agreements with holders of
4 obligations as may then exist.

5 (d) Vesting in the State Board of Administration such
6 property, rights, powers, and duties in trust as the division
7 and the Department of Management Services ~~Division of~~
8 ~~Facilities Management~~ may determine, and limiting or
9 abrogating the right of holders of obligations to appoint a
10 trustee under this act or limiting the rights, powers, and
11 duties of such trustee.

12 (e) Defining the acts or omissions to act which shall
13 constitute a default in the obligations and duties of the
14 division and the Department of Management Services ~~Division of~~
15 ~~Facilities Management~~ to the holders of obligations and
16 providing for the rights and remedies of holders of
17 obligations in the event of such default, including, as matter
18 of right, the appointment of a receiver; provided such rights
19 and remedies shall not be inconsistent with the general laws
20 of the state and the other provisions of this act.

21 (f) Providing for the segregation of revenues payable
22 to the Department of Management Services ~~Division of~~
23 ~~Facilities Management~~ as rentals or charges arising from
24 facilities in the pool; providing for the handling of such
25 revenues and the remittance of all or a portion thereof to the
26 State Board of Administration or a paying agent; providing for
27 the establishment of debt service reserves, capitalized
28 interest accounts, capital depreciation reserve accounts, and
29 the calculation of the amounts to be deposited therein;
30 providing for the procurement of letters of credit or
31 municipal bond insurance or similar credit enhancements or of

1 letters of credit or similar liquidity facilities for the
2 benefit of holders of such obligations or for the entering
3 into of agreements with remarketing agents, tender agents, or
4 indexing agents or of reimbursement agreements with respect to
5 any of the foregoing concerning any such obligations.

6 (7)(a) The obligations issued by the division on
7 behalf of and in the name of the Department of Management
8 Services ~~Division of Facilities Management~~ shall be sold at
9 public sale in the manner provided by the State Bond Act;
10 provided that if the division shall determine that a
11 negotiated sale of the obligations is in the best interest of
12 the state, the division may negotiate for sale of the
13 obligations with the underwriter jointly designated by the
14 division and the Department of Management Services ~~Division of~~
15 ~~Facilities Management~~. In authorizing the negotiated sale,
16 the division shall provide specific findings as to the reasons
17 for the negotiated sale. The reasons shall include, but not
18 be limited to, characteristics of the obligations to be issued
19 and prevailing market conditions that necessitate a negotiated
20 sale. In the event the division negotiates for sale of
21 obligations, the managing underwriter, or financial consultant
22 or adviser, if applicable, shall provide to the division,
23 prior to the award of such obligations to the managing
24 underwriter, a disclosure statement containing the following
25 information:

26 1. An itemized list setting forth the nature and
27 estimated amounts of expenses to be incurred by the managing
28 underwriter in connection with the issuance of such
29 obligations. Notwithstanding the foregoing, any such list may
30 include an item for miscellaneous expenses, provided it
31

1 includes only minor items of expense which cannot be easily
2 categorized elsewhere in the statement.

3 2. The names, addresses, and estimated amounts of
4 compensation of any finders connected with the issuance of the
5 obligations.

6 3. The amount of underwriting spread expected to be
7 realized.

8 4. Any management fee charged by the managing
9 underwriter.

10 5. Any other fee, bonus, or compensation estimated to
11 be paid by the managing underwriter in connection with the
12 obligations issued to any person not regularly employed or
13 retained by it.

14 6. The name and address of the managing underwriter,
15 if any, connected with the obligations issued.

16 7. Any other disclosure which the division may
17 require.

18

19 This paragraph is not intended to restrict or prohibit the
20 employment of professional services relating to obligations
21 issued under this act or the issuance of bonds by the division
22 under any other provisions of law.

23 (8)(a) No underwriter, commercial bank, investment
24 banker, or financial consultant or adviser shall pay any
25 finder any bonus, fee, or gratuity in connection with the sale
26 of obligations issued by the division on behalf of and in the
27 name of the Department of Management Services ~~Division of~~
28 ~~Facilities Management~~ unless full disclosure is made to the
29 division prior to or concurrently with the submission of a
30 purchase proposal for such obligations by the underwriter,
31 commercial bank, investment banker, or financial consultant or

1 adviser and is made subsequently in the official statement or
2 offering circular, if any, detailing the name and address of
3 any finder and the amount of bonus, fee, or gratuity paid to
4 such finder.

5 (10) All obligations issued by the division on behalf
6 of and in the name of the Department of Management Services
7 ~~Division of Facilities Management~~ shall state on the face
8 thereof that they are payable, both as to principal and
9 interest, and premium, if any, solely out of the pool pledged
10 revenues, and do not constitute an obligation, either general
11 or special, of the state or of any political subdivision.

12 (11) All obligations issued by the division on behalf
13 of and in the name of the Department of Management Services
14 ~~Division of Facilities Management~~ are hereby declared to have
15 all the qualities and incidents of negotiable instruments
16 under the applicable laws of the state.

17 (12) Any pledge of earnings, revenues, or other moneys
18 made by the Department of Management Services ~~Division of~~
19 ~~Facilities Management~~ shall be valid and binding from the time
20 the pledge is made. Any earnings, revenues, or other moneys
21 so pledged and thereafter received by the Department of
22 Management Services ~~Division of Facilities Management~~ shall
23 immediately be subject to the lien of that pledge without any
24 physical delivery thereof or further act, and the lien of the
25 pledge shall be valid and binding as against the Department of
26 Management Services ~~Division of Facilities Management~~
27 irrespective of whether the parties have notice thereof.
28 Neither the resolution nor any other instrument by which a
29 pledge is created need be recorded or filed pursuant to the
30 Uniform Commercial Code.

31

1 (13) No employee of the Department of Management
2 Services Division of Facilities Management or the division,
3 nor any person executing obligations issued under this act by
4 the division on behalf of and in the name of the Department of
5 Management Services Division of Facilities Management, shall
6 be liable personally on the obligations or be subject to any
7 personal liability or accountability by reason of the issuance
8 thereof.

9 Section 37. Section 255.52, Florida Statutes, is
10 amended to read:

11 255.52 Approval by State Board of Administration.--At
12 or prior to the sale by the division, all obligations proposed
13 to be issued by the division shall be approved by the State
14 Board of Administration as to fiscal sufficiency. The State
15 Board of Administration shall look to the rate coverage of all
16 pool pledged revenues, as projected by the Department of
17 Management Services Division of Facilities Management, with
18 respect to all proposed and outstanding obligations issued
19 under this act:

20 (1) One hundred and ten percent of debt service
21 charges; plus

22 (2) One hundred percent of capital depreciation
23 reserved deposits, if any; plus

24 (3) One hundred percent of costs of operation and
25 maintenance.

26
27 With respect to variable rate obligations, such evaluation
28 shall be made at the interest rate for the date of sale
29 determined as provided in s. 255.519.

30 Section 38. Section 255.521, Florida Statutes, is
31 amended to read:

1 255.521 Failure of payment.--Should an agency fail to
2 make a timely payment of the pool pledged rentals or charges
3 as required by this act, the Comptroller shall withhold
4 general revenues of the agency in an amount sufficient to pay
5 the rentals and charges due and unpaid from such agency. The
6 Comptroller shall forward said general revenue amounts to the
7 Department of Management Services ~~Division of Facilities~~
8 ~~Management~~ in payment of such rents.

9 Section 39. Section 255.522, Florida Statutes, is
10 amended to read:

11 255.522 State and political subdivisions not liable on
12 obligations.--Obligations issued pursuant to this act shall
13 not be a debt of the state or of any political subdivision,
14 and neither the state nor any political subdivision shall be
15 liable thereon. The Department of Management Services
16 ~~Division of Facilities Management~~ shall not have the power to
17 pledge the credit, the revenues, or the taxing power of the
18 state or of any political subdivision; and neither the credit,
19 the revenues, nor the taxing power of the state or of any
20 political subdivision shall be, or shall be deemed to be,
21 pledged to the payment of any obligations issued pursuant to
22 this act.

23 Section 40. Section 255.523, Florida Statutes, is
24 amended to read:

25 255.523 Exemption from taxes.--The property of the
26 Department of Management Services ~~Division of Facilities~~
27 ~~Management~~, the transactions and operations thereof, and the
28 income therefrom shall be exempt from taxation by the state
29 and political subdivisions.

30 Section 41. Paragraph (a) of subsection (2) of section
31 265.001, Florida Statutes, is amended to read:

1 265.001 Florida Women's Hall of Fame.--

2 (2)(a) There is hereby established the Florida Women's
3 Hall of Fame. The ~~Division of Facilities Management of the~~
4 Department of Management Services shall set aside an area on
5 the Plaza Level of the Capitol Building and shall consult with
6 the Florida Commission on the Status of Women regarding the
7 design and theme of such area.

8 Section 42. Paragraph (a) of subsection (2) of section
9 265.002, Florida Statutes, is amended to read:

10 265.002 Legislative intent; Florida Medal of Honor
11 Wall; duties of the Department of Veterans' Affairs.--

12 (2)(a) There is hereby established the Florida Medal
13 of Honor Wall. The ~~Division of Facilities Management of the~~
14 Department of Management Services shall, in consultation with
15 the Florida Commission on Veterans' Affairs, designate an
16 appropriate area on the Plaza Level of the Capitol Building in
17 Tallahassee for this purpose. The department ~~division~~ shall
18 also subsequently consult with the Commission on Veterans'
19 Affairs regarding the design and theme of such area.

20 Section 43. Paragraph (a) of subsection (2) of section
21 265.2865, Florida Statutes, is amended to read:

22 265.2865 Florida Artists Hall of Fame.--

23 (2)(a) There is hereby created the Florida Artists
24 Hall of Fame. The Florida Arts Council shall identify an
25 appropriate location in the public area of a building in the
26 Capitol Center that is under the jurisdiction of the ~~Division~~
27 ~~of Facilities Management of the~~ Department of Management
28 Services, which location shall be set aside by the department
29 ~~Division of Facilities Management~~ and designated as the
30 Florida Artists Hall of Fame.

31

1 Section 44. Subsection (1) of section 272.03, Florida
2 Statutes, is amended to read:

3 272.03 Department of Management Services ~~Division of~~
4 ~~Facilities Management~~ to supervise Capitol Center buildings;
5 title in state.--

6 (1) All state buildings now or hereafter constructed
7 included in the Capitol Center at the state capital and the
8 grounds and squares contiguous thereto shall be under the
9 general control, custodianship, and supervision of the
10 ~~Division of Facilities Management of the~~ Department of
11 Management Services.

12 Section 45. Section 272.04, Florida Statutes, is
13 amended to read:

14 272.04 Department ~~Division~~ to allocate space.--The
15 ~~Division of Facilities Management of the~~ Department of
16 Management Services shall have authority to allocate space to
17 house the various departments, agencies, boards, and
18 commissions in said buildings, excepting, however, the new
19 Supreme Court Building, for which authority shall be vested in
20 the justices of the Supreme Court.

21 Section 46. Section 272.05, Florida Statutes, is
22 amended to read:

23 272.05 Budgets for repair and maintenance;
24 review.--The ~~Division of Facilities Management of the~~
25 Department of Management Services and the Executive Office of
26 the Governor shall be empowered to review, change, and modify
27 the budgets of the departments, agencies, boards, and
28 commissions relating to the repair, upkeep, and maintenance of
29 said buildings.

30 Section 47. Section 272.06, Florida Statutes, is
31 amended to read:

1 272.06 Authority to enter into contracts to provide
2 utility services for buildings.--The ~~Division of Facilities~~
3 ~~Management of the~~ Department of Management Services may
4 provide or enter into contracts to provide heating, power,
5 lighting, cooling systems, and other necessary services or
6 facilities for any or all of said buildings.

7 Section 48. Section 272.07, Florida Statutes, is
8 amended to read:

9 272.07 Department ~~Division~~ may provide for parks,
10 drives, and walkways.--The ~~Division of Facilities Management~~
11 ~~of the~~ Department of Management Services may provide for the
12 establishment of parks, drives, walkways, and parkways on said
13 grounds and squares and for the supervision, regulation, and
14 maintenance of the same, including traffic and parking
15 thereon.

16 Section 49. Section 272.08, Florida Statutes, is
17 amended to read:

18 272.08 Duty of repair, maintenance, and
19 supervision.--Except when otherwise directed by the ~~Division~~
20 ~~of Facilities Management of the~~ Department of Management
21 Services, the official or officials now having the duty of
22 repair, care, maintenance, and supervision of any of said
23 buildings shall continue to exercise such authority.

24 Section 50. Section 272.09, Florida Statutes, is
25 amended to read:

26 272.09 Management, maintenance, and upkeep of Capitol
27 Center.--The management, maintenance, and upkeep of the
28 Capitol Center as defined in s. 272.03, are hereby vested in
29 and made the direct obligation of the ~~Division of Facilities~~
30 ~~Management of the~~ Department of Management Services, which
31 shall have authority to do all things necessary to

1 satisfactorily accomplish these functions, including the
2 employment of a superintendent of grounds and buildings and
3 other employees; the establishment of central repair and
4 maintenance shops; and the designation or appointment of
5 nonsalaried advisory committees to advise with them.

6 Section 51. Subsection (7) of section 272.12, Florida
7 Statutes, is amended to read:

8 272.12 Florida Capitol Center Planning District.--

9 (7) ~~The Division of Facilities Management of the~~
10 Department of Management Services is hereby authorized to
11 purchase at fair market value any lands or buildings owned by
12 the Department of Transportation within the Capitol Center.
13 The Department of Management Services ~~Division of Facilities~~
14 ~~Management~~ may use for this purpose any funds which are
15 available to it ~~the division~~ at the time of the purchase.

16 Section 52. Section 272.121, Florida Statutes, is
17 amended to read:

18 272.121 Capitol Center long-range planning.--

19 (1) ~~The Division of Facilities Management of the~~
20 Department of Management Services shall develop a
21 comprehensive and long-range plan for development within the
22 Capitol Center, which plan, and amendments thereto, shall be
23 presented to the planning commission for final approval. In
24 developing this plan, the department ~~division~~ shall consider:

25 (a) The most efficient, expeditious, and economical
26 method of accomplishing the desired results.

27 (b) The architectural and aesthetic coordination of
28 the proposed plan with the existing structures.

29 (c) The effective utilization of all available space
30 so as to minimize waste.

31

1 (d) The plans adopted by the local planning agencies
2 in Leon County.

3 (2) The department ~~division~~ shall further determine
4 the needs of state government and the various agencies thereof
5 occupying the Capitol Center and activities requiring space or
6 facilities in the Capitol Center. When these needs have been
7 determined the department ~~division~~ shall develop a
8 comprehensive plan for meeting these needs and for providing
9 immediate facilities for state government and its agencies to
10 effectively and efficiently discharge their duties and
11 responsibilities, which plan shall be consistent with the plan
12 for development of the Capitol Center Planning District.

13 (3) In carrying out the provisions of the foregoing,
14 the department ~~division~~ shall consult with the Capitol Center
15 Planning Commission and shall request the cooperation of those
16 state and private architects, engineers and interior designers
17 determined by the department ~~division~~ to possess expertise or
18 information helpful to the development of a Capitol Plan and
19 solicit and accept information, suggestions, and
20 recommendations from all interested parties.

21 (4) The commission and the department ~~division~~ shall
22 prepare a report of their findings and recommendations and
23 submit the same to the Governor and the Legislature every
24 fifth year, except that the next report shall not be due until
25 February 1, 1979. Said report shall reflect the actions of
26 the commission and the department ~~division~~ in carrying out the
27 provisions of this act and shall include an updated
28 comprehensive plan to carry out the provisions of this act
29 each time the report is submitted.

30 (5) The department ~~division~~ is authorized to contract
31 with the City of Tallahassee, Leon County, the

1 Tallahassee-Leon County Planning Department, or any other
2 agency of such city or county to obtain planning services and
3 functions required for the planning and development of the
4 district in harmony with the coordinated planning of the city
5 and the county. Services and functions covered under such
6 agreements may include, but shall not be limited to,
7 topographic surveys; base mapping; inventory of land use,
8 employment, parking, and building floor areas; land
9 acquisition information; analysis of trends; physical planning
10 activities, including a master plan and any other required
11 planning studies; preparation of zoning codes to provide for
12 compatible development within the Capitol Center area and in
13 the vicinity thereof; coordination of plans for development of
14 the district with city and county development plans; and
15 application for and use of federal funds which may be
16 available for planning or related purposes.

17 Section 53. Section 272.122, Florida Statutes, is
18 amended to read:

19 272.122 Acquisition of land for state buildings and
20 facilities in the Capitol Center.--~~The Division of Facilities~~
21 ~~Management of the~~ Department of Management Services is hereby
22 authorized and directed to acquire both land and buildings now
23 needed or to be needed for use, in whole or in part, by state
24 government or any agency, board, bureau, or commission
25 thereof. However, no building can be constructed or land
26 acquired under this section without specific legislative
27 approval. The acquisition of the land, buildings, and
28 facilities may be financed by grants, by direct
29 appropriations, or by the issuance of revenue bonds or
30 certificates pledging the revenues and rentals derived from
31 the use of the buildings and facilities. The Department of

1 Management Services is expressly authorized to issue revenue
2 certificates to carry out the purposes of this section. Title
3 to any lands acquired pursuant to this section shall be vested
4 in the Board of Trustees of the Internal Improvement Trust
5 Fund for the use and benefit of the State of Florida.

6 Section 54. Section 272.124, Florida Statutes, is
7 amended to read:

8 272.124 Department of Management Services ~~Division of~~
9 ~~Facilities Management~~; power to contract.--The ~~Division of~~
10 ~~Facilities Management of the~~ Department of Management Services
11 is authorized and empowered to make and enter into any
12 contract or agreement, with any person or agency, public or
13 private, to lease, buy, acquire, construct, hold, or dispose
14 of real and personal property necessary to carry out the
15 objects and purposes of this act; however, no contract may be
16 entered into without specific authorization of the Legislature
17 for the project. Lands shall be acquired by the department
18 ~~Division of Facilities Management~~ in accordance with
19 acquisition procedures for state lands provided for in s.
20 253.025.

21 Section 55. Subsection (1) of section 272.16, Florida
22 Statutes, is amended to read:

23 272.16 Parking areas within Capitol Center area.--

24 (1) The ~~Division of Facilities Management of the~~
25 Department of Management Services may assign parking areas
26 within the Capitol Center area to a state agency for its own
27 use or for reassignment to state officers and employees
28 employed in Tallahassee; however, parking areas must be
29 provided for members of the Legislature during sessions of the
30 Legislature, regular and extraordinary. Not more than 15
31 percent of said parking areas may be set aside for the use of

1 persons temporarily visiting or attending to business in the
2 Capitol Center area who reside beyond the territorial limits
3 of the City of Tallahassee. Any remaining portion of the
4 parking areas not assigned as aforesaid may be limited in
5 period of time for use. However, the Department of Management
6 Services shall have no power to assign parking spaces in the
7 legislative office buildings, nor shall those spaces and
8 spaces in the parking facility within the Capitol Building
9 which are allocated to the Legislature be included under the
10 provisions of this section and s. 272.161(1), except as
11 provided in subsection (2) of this section.

12 Section 56. Section 272.185, Florida Statutes, is
13 amended to read:

14 272.185 Maintenance of Governor's Mansion by
15 Department of Management Services ~~Division of Facilities~~
16 ~~Management~~.--

17 (1) POWERS AND DUTIES OF DEPARTMENT ~~DIVISION~~.--

18 (a) The ~~Division of Facilities Management of the~~
19 Department of Management Services shall maintain all
20 structures, furnishings, equipment, and grounds of the
21 Governor's Mansion, except that the exterior facades; the
22 landscaping of the grounds; the antique furnishings in the
23 private quarters; the interiors of the state rooms; and the
24 articles of furniture, fixtures, and decorative objects used
25 or displayed in the state rooms shall be maintained pursuant
26 to the directives of the Governor's Mansion Commission.

27 (b) The department ~~division~~ shall insure the
28 Governor's Mansion, its contents, and all structures and
29 appurtenances thereto with the State Property Insurance Trust
30 Fund as provided in s. 284.01. The department ~~division~~ is
31 authorized to purchase any necessary insurance either by a

1 primary insurance contract, excess coverage insurance, or
2 reinsurance to cover the contents of the mansion, whether
3 title of the contents is in the state or in any other person
4 or entity not a resident of the mansion, notwithstanding the
5 provision of s. 287.025.

6 (c) The department ~~division~~ shall have authority to
7 contract and be contracted with for work and materials
8 required.

9 (d) The department ~~division~~ shall keep a continuing
10 and accurate inventory of all equipment and furnishings.

11 (2) FINANCING; BUDGETS.--The division shall submit its
12 budgetary requirements to the Department of Management
13 Services for its approval and inclusion in legislative budget
14 requests.

15 Section 57. Subsection (4) of section 273.055, Florida
16 Statutes, is amended to read:

17 273.055 Disposition of state-owned tangible personal
18 property.--

19 (4) Each custodian shall adopt guidelines or
20 administrative rules and regulations pursuant to chapter 120
21 providing for, but not limited to, transferring, warehousing,
22 bidding, destroying, scrapping, or other disposing of
23 state-owned tangible personal property. However, the approval
24 of the Department of Management Services ~~Division of Motor~~
25 ~~Pool~~ is required prior to the disposal of motor vehicles,
26 watercraft, or aircraft pursuant to ss. 287.15 and 287.16.

27 Section 58. Section 281.02, Florida Statutes, is
28 amended to read:

29 281.02 Powers and duties of the Department of
30 Management Services ~~Division of Capitol Police~~.--The ~~Division~~

31

1 ~~of Capitol Police of the~~ Department of Management Services has
2 the following powers and duties:

3 (1) To establish a comprehensive and ongoing plan for
4 the firesafety and security of the Capitol, the Senate Office
5 Building, the House Office Building, and the Historic Capitol,
6 including, but not limited to, the institution of programs for
7 the awareness and training in firesafety and security of
8 members of the Legislature and their employees, and all other
9 elected officials and their respective employees, who occupy
10 such buildings. The department ~~division~~ shall also ensure that
11 adequate signs and personnel are in place to inform and assist
12 the occupants of and visitors to such buildings.

13 (2) To provide and maintain the firesafety and
14 security of all state-owned property leased from the
15 Department of Management Services, excluding state
16 universities and custodial institutions, the Governor's
17 office, the Governor's mansion and the grounds thereof, and
18 the Supreme Court.

19 (3) To develop emergency procedures and evacuation
20 routes in the event of fire or disaster and to make such
21 procedures and routes known to those persons occupying
22 state-owned buildings leased from the Department of Management
23 Services.

24 (4) To employ:

25 (a) Agents who hold certification as police officers
26 in accordance with the minimum standards and qualifications as
27 set forth in s. 943.13 and the provisions of chapter 110, who
28 shall have the authority to bear arms, make arrests, and apply
29 for arrest warrants; and

30 (b) Guards and administrative, clerical, technical,
31 and other personnel as may be required.

1 (5) To train agents and guards in fire prevention,
2 firesafety, and emergency medical procedures.

3 (6) To respond to all complaints relating to criminal
4 activity within state-owned buildings or state-leased
5 property.

6 (7) To enforce rules of the Department of Management
7 Services governing the regulation of traffic and parking on
8 state-owned or state-leased property, including, but not
9 limited to, issuing citations for the violation of such rules
10 or the traffic laws of the state or any county or municipality
11 and impounding illegally or wrongfully parked vehicles.

12 (8) To delegate its duties provided in this section to
13 any state agency occupying such state-owned or state-leased
14 property.

15 Section 59. Section 281.03, Florida Statutes, is
16 amended to read:

17 281.03 Investigations by department ~~division~~--

18 (1) The Department of Management Services ~~Division of~~
19 ~~Capitol Police~~ shall conduct traffic accident investigations
20 and investigations relating to felonies and misdemeanors
21 occurring on state-owned or state-leased property. Any
22 matters which are deemed to involve a felony may be referred
23 to the appropriate law enforcement agency for criminal
24 investigation. Such referrals shall include transmittal of
25 records, reports, statements, and all other information
26 relating to such matters.

27 (2) The Department of Management Services ~~Division of~~
28 ~~Capitol Police~~ shall retain copies of all reports relating to
29 such criminal activity for use in the ongoing firesafety and
30 security plan as required in s. 281.02.

31

1 Section 60. Section 281.04, Florida Statutes, is
2 amended to read:

3 281.04 Arrests by agents of department division.--A
4 person arrested by an agent of the Department of Management
5 Services Division of Capitol Police shall be delivered to the
6 sheriff of the county in which the arrest takes place.

7 Section 61. Section 281.05, Florida Statutes, is
8 amended to read:

9 281.05 Ex officio agents.--The Department of Highway
10 Safety and Motor Vehicles, the Department of Law Enforcement,
11 and law enforcement officers of counties and municipalities
12 are ex officio agents of the Department of Management Services
13 Division of Capitol Police and may, when authorized by the
14 department division, enforce rules and laws applicable to the
15 powers and duties of the department division to provide and
16 maintain the security required by ss. 281.02-281.09.

17 Section 62. Section 281.06, Florida Statutes, is
18 amended to read:

19 281.06 Contracts with counties, municipalities, or
20 licensed private security agencies.--The Department of
21 Management Services Division of Capitol Police may contract
22 with any county, municipality, or licensed private security
23 agency to provide and maintain the security of state-owned or
24 state-leased property required by ss. 281.02-281.09 upon such
25 terms as the department division may deem to be in the best
26 interest of the state.

27 Section 63. Section 281.08, Florida Statutes, is
28 amended to read:

29 281.08 Equipment.--

30 (1) The Department of Management Services Division of
31 Capitol Police is specifically authorized to purchase, sell,

1 trade, rent, lease, and maintain all necessary equipment,
2 uniforms, motor vehicles, communication systems, housing
3 facilities, and office space, and perform any other acts
4 necessary for the proper administration and enforcement of ss.
5 281.02-281.09, pursuant to part I of chapter 287. The
6 department ~~division~~ may prescribe a distinctive uniform to be
7 worn by personnel in the performance of their duties pursuant
8 to s. 281.02(3). The department ~~division~~ may prescribe a
9 distinctive emblem to be worn by all agents or guards.

10 (2) It is unlawful for any unauthorized person to wear
11 a uniform or emblem prescribed by the department ~~division~~, or
12 a similar uniform or emblem, or to impersonate, pretend, or
13 represent himself or herself to be an agent or guard. Any
14 person who violates the provisions of this subsection is
15 guilty of a misdemeanor of the first degree, punishable as
16 provided in s. 775.082 or s. 775.083.

17 Section 64. Section 281.09, Florida Statutes, is
18 amended to read:

19 281.09 Bonding required of officers and agents.--The
20 Department of Management Services shall ensure that each
21 officer and agent of the department ~~Division of Capitol Police~~
22 is adequately bonded in accordance with its procedures
23 relating to blanket bonding of public employees.

24 Section 65. Section 282.102, Florida Statutes, is
25 amended to read:

26 282.102 Powers and duties of ~~Division of~~
27 ~~Communications~~ of the Department of Management Services.--The
28 ~~Division of Communications of the~~ Department of Management
29 Services shall have the following powers, duties, and
30 functions:

31

1 (1) To publish electronically the portfolio of
2 services available from the department ~~division~~, including
3 pricing information; the policies and procedures of the
4 department ~~division~~ governing usage of available services; and
5 a forecast of the priorities and initiatives for the state
6 communications system for the ensuing 2 years. The department
7 ~~division~~ shall provide a hard copy of its portfolio of
8 services upon request.

9 (2) To coordinate the purchase, lease, and use of all
10 communications services for state government, including
11 communications services provided as part of any other total
12 system to be used by the state or any of its agencies.

13 (3) To advise and render aid to state agencies and
14 political subdivisions of the state as to systems or methods
15 to be used for organizing and meeting communications
16 requirements efficiently and effectively.

17 (4) To consolidate the communications systems and
18 services of state agencies and to provide for their joint use
19 by the agencies when determined by the department ~~division~~ to
20 be economically efficient or performance-effective.

21 (5) To adopt technical standards for the state
22 communications system which will assure the interconnection of
23 computer networks and information systems of state agencies.

24 (6) To assume management responsibility for any
25 consolidated communications system or service when determined
26 by the department ~~division~~ to be economically efficient or
27 performance-effective.

28 (7) To enter into agreements for the support and use
29 of the communications services of state agencies and of
30 political subdivisions of the state.

31

1 (8) To use or acquire, with agency concurrence,
2 communications facilities now owned or operated by any state
3 agency.

4 (9) To standardize policies and procedures for the use
5 of such services.

6 (10) To purchase from or contract with suppliers and
7 communications companies for communications facilities or
8 services, including private line services.

9 (11) To apply for, receive, and hold, or assist
10 agencies in applying for, receiving, or holding, such
11 authorizations, licenses, and allocations or channels and
12 frequencies to carry out the purposes of ss. 282.101-282.109.

13 (12) To acquire real estate, equipment, and other
14 property.

15 (13) To cooperate with any federal, state, or local
16 emergency management agency in providing for emergency
17 communications services.

18 (14) To delegate to state agencies the powers of
19 acquisition and utilization of communications equipment,
20 facilities, and services or to control and approve the
21 purchase, lease, and use of all communications equipment,
22 services, and facilities, including communications services
23 provided as part of any other total system to be used by the
24 state or any of its agencies. This subsection does not apply
25 to the data processing hardware of an agency as defined in
26 this part.

27 (15) To take ownership, custody, and control of
28 existing communications equipment and facilities, with agency
29 concurrence, including all right, title, interest, and equity
30 therein, to carry out the purposes of ss. 282.101-282.109.
31 However, the provisions of this subsection shall in no way

1 affect the rights, title, interest, or equity in any such
2 equipment or facilities owned by, or leased to, the state or
3 any state agency by any telecommunications company.

4 (16) To prescribe rules and regulations for the use of
5 the state communications system.

6 (17) To provide a means whereby political subdivisions
7 of the state may use the state communications system upon such
8 terms and under such conditions as the department ~~division~~ may
9 establish.

10 (18) To apply for and accept federal funds for any of
11 the purposes of ss. 282.101-282.109 as well as gifts and
12 donations from individuals, foundations, and private
13 organizations.

14 (19) To monitor issues relating to communications
15 facilities and services before the Florida Public Service
16 Commission and, when necessary, prepare position papers,
17 prepare testimony, appear as a witness, and retain witnesses
18 on behalf of state agencies in proceedings before the
19 commission.

20 (20) Unless delegated to the agencies, to manage and
21 control, but not intercept or interpret, communications within
22 the SUNCOM Network by:

23 (a) Establishing technical standards to physically
24 interface with the SUNCOM Network.

25 (b) Specifying how communications are transmitted
26 within the SUNCOM Network.

27 (c) Controlling the routing of communications within
28 the SUNCOM Network.

29 (d) Establishing standards, policies, and procedures
30 for access to the SUNCOM Network.

31

1 (e) Ensuring orderly and reliable communications
2 services in accordance with the standards and policies of all
3 state agencies and the service agreements executed with state
4 agencies.

5 (21) To plan, design, and conduct experiments in
6 communications services, equipment, and technologies, and to
7 implement enhancements in the state communications system when
8 justified and cost-effective. Funding for such experiments
9 shall be derived from SUNCOM Network service revenues and
10 shall not exceed 1 percent of the annual budget for the SUNCOM
11 Network for any fiscal year. New services offered as a result
12 of this subsection shall not affect existing rates for
13 facilities or services.

14 (22) To enter into contracts or agreements, with or
15 without competitive bidding or procurement, to make available,
16 on a fair, reasonable, and nondiscriminatory basis, property
17 and other structures under department ~~division~~ control for the
18 placement of new facilities by any wireless provider of mobile
19 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
20 telecommunications company as defined in s. 364.02 when it is
21 determined to be practical and feasible to make such property
22 or other structures available. The department ~~division~~ may,
23 without adopting a rule, charge a just, reasonable, and
24 nondiscriminatory fee for the placement of the facilities,
25 payable annually, based on the fair market value of space used
26 by comparable communications facilities in the state. The
27 department ~~division~~ and a wireless provider or
28 telecommunications company may negotiate the reduction or
29 elimination of a fee in consideration of services provided to
30 the department ~~division~~ by the wireless provider or
31 telecommunications company. All such fees collected by the

1 department ~~division~~ shall be deposited directly into the State
2 Agency Law Enforcement Radio System Trust Fund, and may be
3 used by the department ~~division~~ to construct, maintain, or
4 support the system.

5 Section 66. Section 282.103, Florida Statutes, is
6 amended to read:

7 282.103 SUNCOM Network; exemptions from the required
8 use.--

9 (1) There is created within the ~~Division of~~
10 ~~Communications of the~~ Department of Management Services the
11 SUNCOM Network which shall be developed to serve as the state
12 communications system for providing local and long-distance
13 communications services to state agencies, political
14 subdivisions of the state, municipalities, and nonprofit
15 corporations pursuant to ss. 282.101-282.111. The SUNCOM
16 Network shall be developed to transmit all types of
17 communications signals, including, but not limited to, voice,
18 data, video, image, and radio. State agencies shall cooperate
19 and assist in the development and joint use of communications
20 systems and services.

21 (2) The Department of Management Services ~~Division of~~
22 ~~Communications~~ shall design, engineer, implement, manage, and
23 operate through state ownership, commercial leasing, or some
24 combination thereof, the facilities and equipment providing
25 SUNCOM Network services, and shall develop a system of
26 equitable billings and charges for communication services.

27 (3) All state agencies are required to use the SUNCOM
28 Network for agency communications services as the services
29 become available; however, no agency is relieved of
30 responsibility for maintaining communications services
31 necessary for effective management of its programs and

1 functions. If a SUNCOM Network service does not meet the
2 communications requirements of an agency, the agency shall
3 notify the Department of Management Services ~~Division of~~
4 ~~Communications~~ in writing and detail the requirements for that
5 communications service. If the department ~~division~~ is unable,
6 within 90 days, to meet an agency's requirements by enhancing
7 SUNCOM Network service, the department ~~division~~ shall grant
8 the agency an exemption from the required use of specified
9 SUNCOM Network services.

10 Section 67. Section 282.104, Florida Statutes, is
11 amended to read:

12 282.104 Use of state SUNCOM Network by
13 municipalities.--Any municipality may request the Department
14 of Management Services ~~Division of Communications~~ to provide
15 any or all of the SUNCOM Network's portfolio of communications
16 services upon such terms and under such conditions as the
17 department ~~division~~ may establish. The requesting
18 municipality shall pay its share of installation and recurring
19 costs according to the published rates for SUNCOM Network
20 services and as invoiced by the department ~~division~~. Such
21 municipality shall also pay for any requested modifications to
22 existing SUNCOM Network services, if any charges apply.

23 Section 68. Section 282.105, Florida Statutes, is
24 amended to read:

25 282.105 Use of state SUNCOM Network by nonprofit
26 corporations.--

27 (1) The ~~Division of Communications of the~~ Department
28 of Management Services shall provide a means whereby private
29 nonprofit corporations under contract with state agencies or
30 political subdivisions of the state may use the state SUNCOM
31 Network, subject to the limitations in this section. In order

1 to qualify to use the state SUNCOM Network, a nonprofit
2 corporation shall:

3 (a) Expend the majority of its total direct revenues
4 for the provision of contractual services to the state, a
5 municipality, or a political subdivision of the state; and

6 (b) Receive only a small portion of its total revenues
7 from any source other than a state agency, a municipality, or
8 a political subdivision of the state during the period of time
9 SUNCOM Network services are requested.

10 (2) Each nonprofit corporation seeking authorization
11 to use the state SUNCOM Network pursuant to this section shall
12 provide to the department division, upon request, proof of
13 compliance with subsection (1).

14 (3) Nonprofit corporations established pursuant to
15 general law and an association of municipal governments which
16 is wholly owned by the municipalities shall be eligible to use
17 the state SUNCOM Network, subject to the terms and conditions
18 of the department division.

19 (4) Institutions qualified pursuant to s. 240.605
20 shall be eligible to use the state SUNCOM Network, subject to
21 the terms and conditions of the department division. Such
22 entities shall not be required to satisfy the other criteria
23 of this section.

24 Section 69. Paragraphs (f) and (g) of subsection (2)
25 and subsection (5) of section 282.1095, Florida Statutes, are
26 amended to read:

27 282.1095 State agency law enforcement radio system.--

28 (2)

29 (f) The Department of Management Services Division of
30 ~~Communications~~ is hereby authorized to rent or lease space on
31 any tower under its control. The department division may also

1 rent, lease, or sublease ground space as necessary to locate
2 equipment to support antennae on the towers. The costs for
3 use of such space shall be established by the department
4 ~~division~~ for each site, when it is determined to be
5 practicable and feasible to make space available. The
6 department ~~division~~ may refuse to lease space on any tower at
7 any site. All moneys collected by the department ~~division~~ for
8 such rents, leases, and subleases shall be deposited directly
9 into the State Agency Law Enforcement Radio System Trust Fund
10 and may be used by the department ~~division~~ to construct,
11 maintain, or support the system.

12 (g) The Department of Management Services ~~Division of~~
13 ~~Communications~~ is hereby authorized to rent, lease, or
14 sublease ground space on lands acquired by the ~~division or the~~
15 ~~department of Management Services~~ for the construction of
16 privately owned or publicly owned towers. The department
17 ~~division~~ may, as a part of such rental, lease, or sublease
18 agreement, require space on said tower or towers for antennae
19 as may be necessary for the construction and operation of the
20 state agency law enforcement radio system or any other state
21 need. The positions necessary for the department ~~division~~ to
22 accomplish its duties under this paragraph and paragraph (f)
23 shall be established in the General Appropriations Act and
24 shall be funded by the State Agency Law Enforcement Radio
25 System Trust Fund.

26 (5)(a) The ~~Division of Communications of the~~
27 Department of Management Services shall provide technical
28 support to the joint task force and shall bear the overall
29 responsibility for the design, engineering, acquisition, and
30 implementation of the statewide radio communications system

31

1 and for ensuring the proper operation and maintenance of all
2 system common equipment.

3 (b) The positions necessary for the department
4 ~~division~~ to accomplish its duties under this section shall be
5 established through the budgetary process and shall be funded
6 by the State Agency Law Enforcement Radio System Trust Fund.

7 Section 70. Subsections (1), (2), (3), (5), and (6) of
8 section 282.111, Florida Statutes, are amended to read:

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

11 (1) It is the intent and purpose of the Legislature
12 that a statewide system of regional law enforcement
13 communications be developed whereby maximum efficiency in the
14 use of existing radio channels is achieved in order to deal
15 more effectively with the apprehension of criminals and the
16 prevention of crime generally. To this end, all law
17 enforcement agencies within the state are directed to provide
18 the ~~Division of Communications of the~~ Department of Management
19 Services with any information the department ~~division~~ requests
20 for the purpose of implementing the provisions of subsection
21 (2).

22 (2) The Department of Management Services ~~Division of~~
23 ~~Communications~~ is hereby authorized and directed to develop
24 and maintain a statewide system of regional law enforcement
25 communications. In formulating such a system, the department
26 ~~division~~ shall divide the state into appropriate regions and
27 shall develop a program which shall include, but not be
28 limited to, the following provisions:

29 (a) The communications requirements for each county
30 and municipality comprising the region.

31

1 (b) An interagency communications provision which
2 shall depict the communication interfaces between municipal,
3 county, and state law enforcement entities which operate
4 within the region.

5 (c) Frequency allocation and use provision which shall
6 include, on an entity basis, each assigned and planned radio
7 channel and the type of operation, simplex, duplex, or
8 half-duplex, on each channel.

9 (3) The department ~~division~~ shall adopt any necessary
10 rules and regulations for implementing and coordinating the
11 statewide system of regional law enforcement communications.

12 (5) No law enforcement communications system shall be
13 established or present system expanded after July 1, 1972,
14 without the prior approval of the Department of Management
15 Services ~~Division of Communications~~. After January 1, 1997,
16 the department ~~Division of Communications~~ shall consult with
17 the Criminal and Juvenile Justice Information Systems Council
18 before approving any law enforcement communications system or
19 system expansion.

20 (6) Within the limits of its capability, the
21 Department of Law Enforcement is encouraged to lend assistance
22 to the Department of Management Services ~~Division of~~
23 ~~Communications~~ in the development of the statewide system of
24 regional law enforcement communications proposed by this
25 section.

26 Section 71. Subsection (2) of section 283.30, Florida
27 Statutes, is amended to read:

28 283.30 Definitions.--As used in this part, unless the
29 context clearly requires otherwise, the term:

30 (2) "Department" ~~"Division"~~ means the ~~Division of~~
31 ~~Purchasing of the~~ Department of Management Services.

1 Section 72. Subsection (3) of section 283.32, Florida
2 Statutes, is amended to read:

3 283.32 Recycled paper to be used by each agency;
4 printing bids certifying use of recycled paper; percentage
5 preference in awarding contracts.--

6 (3) Upon evaluation of bids for each printing
7 contract, the agency shall identify the lowest responsive
8 bidder and any other responsive bidders who have certified
9 that the materials used in printing contain at least the
10 minimum percentage of recycled content that is set forth by
11 the department ~~division~~. In awarding a contract for printing,
12 the agency may allow up to a 10-percent price preference, as
13 provided in s. 287.045, to a responsive bidder who has
14 certified that the materials used in printing contain at least
15 the minimum percentage of recycled content established by the
16 department ~~division~~. If no bidders offer materials for
17 printing that contain the minimum prescribed recycled content,
18 the contract shall be awarded to the lowest qualified bidder.

19 Section 73. Subsection (1) of section 284.33, Florida
20 Statutes, is amended to read:

21 284.33 Purchase of insurance, reinsurance, and
22 services.--

23 (1) The Department of Insurance is authorized to
24 provide insurance, specific excess insurance, and aggregate
25 excess insurance through the Department of Management Services
26 ~~Division of Purchasing~~, pursuant to the provisions of part I
27 of chapter 287, as necessary to provide insurance coverages
28 authorized by this part, consistent with market availability.
29 The Department of Insurance is further authorized to purchase
30 such risk management services, including, but not limited to,
31 risk and claims control; safety management; and legal,

1 | investigative, and adjustment services, as may be required and
2 | pay claims. The department may contract with a service
3 | organization for such services and advance money to such
4 | service organization for deposit in a special checking account
5 | for paying claims made against the state under the provisions
6 | of this part. The special checking account shall be
7 | maintained in this state in a bank or savings association
8 | organized under the laws of this state or of the United
9 | States. The department may replenish such account as often as
10 | necessary upon the presentation by the service organization of
11 | documentation for payments of claims equal to the amount of
12 | the requested reimbursement.

13 | Section 74. Subsections (8) and (9) of section
14 | 287.012, Florida Statutes, are amended to read:

15 | 287.012 Definitions.--The following definitions shall
16 | apply in this part:

17 | (8) "Department"~~"Division"~~ means the ~~Division of~~
18 | ~~Purchasing of the~~ Department of Management Services.

19 | (9) "Exceptional purchase" means any purchase of
20 | commodities or contractual services excepted by law or rule
21 | from the requirements for competitive solicitation or
22 | acquisition, including, but not limited to, purchases from a
23 | single source, purchases upon receipt of less than two
24 | responsive bids or proposals, purchases without publication of
25 | notice in the Florida Administrative Weekly, and exceptions
26 | granted by the department ~~division~~ for a purchase of
27 | commodities from other than a state term contract vendor.

28 | Section 75. Section 287.017, Florida Statutes, is
29 | amended to read:

30 | 287.017 Purchasing categories, threshold amounts;
31 | procedures for automatic adjustment by department ~~division~~.--

1 (1) The following purchasing categories are hereby
2 created:
3 (a) CATEGORY ONE: \$5,000.
4 (b) CATEGORY TWO: \$15,000.
5 (c) CATEGORY THREE: \$20,000.
6 (d) CATEGORY FOUR: \$60,000.
7 (e) CATEGORY FIVE: \$120,000.
8 (2) The department ~~division~~ shall adopt rules to
9 annually adjust the amounts provided in subsection (1) based
10 upon the rate of change of a nationally recognized price
11 index. Such rules shall include, but not be limited to, the
12 following:
13 (a) Designation of the nationally recognized price
14 index or component thereof used to calculate the proper
15 adjustment authorized in this section.
16 (b) The procedure for rounding results.
17 (c) The effective date of each annual adjustment based
18 upon the previous calendar year data.
19 (3) Notwithstanding s. 240.225, the State University
20 System shall be subject to the rules adopted pursuant to this
21 section.
22 Section 76. Section 287.022, Florida Statutes, is
23 amended to read:
24 287.022 Purchase of insurance.--
25 (1) Insurance, while not a commodity, nevertheless
26 shall be purchased for all agencies by the department
27 ~~division~~, except that agencies may purchase title insurance
28 for land acquisition and may make emergency purchases of
29 insurance pursuant to s. 287.057(3)(a). The procedures for
30 purchasing insurance, whether the purchase is made by the
31

1 department ~~division~~ or by the agencies, shall be the same as
2 those set forth herein for the purchase of commodities.

3 (2) When an insurer or agent pays a commission or any
4 portion thereof to any person, on insurance purchased under
5 this part, such payment shall be reported to the department
6 ~~division~~ in writing and under oath within 30 days thereafter.
7 Any failure to report as required herein shall subject the
8 insurer or agent to the penalties provided in s. 624.15.

9 Section 77. Section 287.032, Florida Statutes, is
10 amended to read:

11 287.032 Purpose of department ~~division~~.--It shall be
12 the purpose of the Department of Management Services ~~Division~~
13 ~~of Purchasing~~:

14 (1) To promote efficiency, economy, and the
15 conservation of energy and to effect coordination in the
16 purchase of commodities for the state.

17 (2) To provide uniform contractual service procurement
18 policies, rules, procedures, and forms for use by the various
19 agencies in procuring contractual services.

20 (3) To procure and distribute state-owned surplus
21 tangible personal property and federal surplus tangible
22 personal property allocated to the state by the Federal
23 Government.

24 Section 78. Section 287.042, Florida Statutes, is
25 amended to read:

26 287.042 Powers, duties, and functions.--The department
27 ~~division~~ shall have the following powers, duties, and
28 functions:

29 (1)(a) To canvass all sources of supply, establish and
30 maintain a vendor list, and contract for the purchase, lease,
31 or acquisition in any manner, including purchase by

1 installment sales or lease-purchase contracts which may
2 provide for the payment of interest on unpaid portions of the
3 purchase price, of all commodities and contractual services
4 required by any agency under competitive bidding or by
5 contractual negotiation. Any contract providing for deferred
6 payments and the payment of interest shall be subject to
7 specific rules adopted by the department ~~division~~.

8 (b) The department ~~division~~ may remove from its vendor
9 list any source of supply which fails to fulfill any of its
10 duties specified in a contract with the state. It may
11 reinstate any such source of supply when it is satisfied that
12 further instances of default will not occur.

13 (c) In order to promote cost-effective procurement of
14 commodities and contractual services, the department ~~division~~
15 or an agency may enter into contracts that limit the liability
16 of a vendor consistent with s. 672.719.

17 (d) The department ~~division~~ shall issue commodity
18 numbers for all products of the corporation operating the
19 correctional industry program which meet or exceed department
20 ~~division~~ specifications.

21 (e) The department ~~division~~ shall, beginning October
22 1, 1991, include the products offered by the corporation on
23 any listing prepared by the department ~~division~~ which lists
24 term contracts executed by the department ~~division~~. The
25 products or services shall be placed on such list in a
26 category based upon specification criteria developed through a
27 joint effort of the department ~~division~~ and the corporation
28 and approved by the department ~~division~~.

29 (f) The corporation may submit products and services
30 to the department ~~division~~ for testing, analysis, and review
31 relating to the quality and cost comparability. If, after

1 review and testing, the department ~~division~~ approves of the
2 products and services, the department ~~division~~ shall give
3 written notice thereof to the corporation. The corporation
4 shall pay a reasonable fee charged for testing its products by
5 the Department of Agriculture and Consumer Services.

6 (g) The department ~~division~~ may collect fees for the
7 use of its electronic information services. The fees may be
8 imposed on an individual transaction basis or as a fixed
9 subscription for a designated period of time. At a minimum,
10 the fees shall be determined in an amount sufficient to cover
11 the department's ~~division's~~ projected costs of such services,
12 including overhead in accordance with the policies of the
13 Department of Management Services for computing its
14 administrative assessment. All fees collected pursuant to
15 this paragraph shall be deposited in the Grants and Donations
16 Trust Fund for disbursement as provided by law.

17 (2)(a) To plan and coordinate purchases in volume and
18 to negotiate and execute purchasing agreements and contracts
19 for commodities and contractual services under which state
20 agencies shall make purchases pursuant to s. 287.056, and
21 under which a federal, county, municipality, institutions
22 qualified pursuant to s. 240.605, private nonprofit community
23 transportation coordinator designated pursuant to chapter 427,
24 while conducting business related solely to the Commission for
25 the Transportation Disadvantaged, or other local public agency
26 may make purchases. The department ~~division~~ may restrict
27 purchases from some term contracts to state agencies only for
28 those term contracts where the inclusion of other governmental
29 entities will have an adverse effect on competition or to
30 those federal facilities located in this state. In such
31 planning or purchasing the Minority Business Advocacy and

1 Assistance Office may monitor to ensure that opportunities are
2 afforded for contracting with minority business enterprises.
3 The department ~~division~~, for state term contracts, and all
4 agencies, for multiyear contractual services or term
5 contracts, shall explore reasonable and economical means to
6 utilize certified minority business enterprises. Purchases by
7 any county, municipality, private nonprofit community
8 transportation coordinator designated pursuant to chapter 427,
9 while conducting business related solely to the Commission for
10 the Transportation Disadvantaged, or other local public agency
11 under the provisions in the state purchasing contracts, and
12 purchases, from the corporation operating the correctional
13 work programs, of products or services that are subject to
14 paragraph (1)(f), are exempt from the competitive sealed bid
15 requirements otherwise applying to their purchases.

16 (b) As an alternative to any provision in s.
17 120.57(3)(c), the department ~~division~~ may proceed with the bid
18 solicitation or contract award process of a term contract bid
19 when the director of the division sets forth in writing
20 particular facts and circumstances which demonstrate that the
21 delay incident to staying the bid process or contract award
22 process would be detrimental to the interests of the state.
23 After the award of a contract resulting from a bid in which a
24 timely protest was received and in which the state did not
25 prevail, the contract may be canceled and reawarded to the
26 prevailing party.

27 (c) Any person who files an action protesting a
28 decision or intended decision pertaining to contracts
29 administered by the department ~~division~~ or a state agency
30 pursuant to s. 120.57(3)(b) shall post with the department
31 ~~division~~ or the state agency at the time of filing the formal

1 written protest a bond payable to the department ~~division~~ or
2 state agency in an amount equal to 1 percent of the
3 department's ~~division's~~ or the state agency's estimate of the
4 total volume of the contract or \$5,000, whichever is less,
5 which bond shall be conditioned upon the payment of all costs
6 which may be adjudged against him or her in the administrative
7 hearing in which the action is brought and in any subsequent
8 appellate court proceeding. For protests of decisions or
9 intended decisions of the department ~~division~~ pertaining to
10 agencies' requests for approval of exceptional purchases, the
11 bond shall be in an amount equal to 1 percent of the
12 requesting agency's estimate of the contract amount for the
13 exceptional purchase requested or \$5,000, whichever is less.
14 In lieu of a bond, the department ~~division~~ or state agency
15 may, in either case, accept a cashier's check or money order
16 in the amount of the bond. If, after completion of the
17 administrative hearing process and any appellate court
18 proceedings, the agency prevails, it shall recover all costs
19 and charges which shall be included in the final order or
20 judgment, excluding attorney's fees. This section shall not
21 apply to protests filed by the Minority Business Advocacy and
22 Assistance Office. Upon payment of such costs and charges by
23 the person protesting the award, the bond, cashier's check, or
24 money order shall be returned to him or her. If the person
25 protesting the award prevails, he or she shall recover from
26 the agency all costs and charges which shall be included in
27 the final order of judgment, excluding attorney's fees.

28 (3) To have general supervision, through the state
29 agencies, of all storerooms and stores operated by the
30 agencies and to have supervision of inventories of all
31 commodities belonging to the state agencies. The duties

1 imposed by this section do not relieve any state agency from
2 accountability for commodities under its control.

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

7 (a) Development of a list of interested vendors to be
8 maintained by classes of commodities and contractual services.
9 This list shall not be used to prequalify vendors or to
10 exclude any interested vendor from bidding.

11 (b) Development of procedures for the releasing of
12 requests for proposals and invitations to bid, which
13 procedures shall include, but not be limited to, publication
14 in the Florida Administrative Weekly or on the Florida
15 Communities Network of notice for requests for proposals at
16 least 28 days before the date set for submittal of proposals
17 and publication of notice for invitations to bid at least 10
18 calendar days before the date set for submission of bids. An
19 agency may waive the requirement for notice in the Florida
20 Administrative Weekly or on the Florida Communities Network.
21 Notice of the request for proposals shall be mailed to
22 prospective offerors at least 28 calendar days prior to the
23 date for submittal of proposals. Notice of the invitation to
24 bid shall be mailed to prospective bidders at least 10
25 calendar days prior to the date set for submittal of bids. The
26 Minority Business Advocacy and Assistance Office may consult
27 with agencies regarding the development of bid distribution
28 procedures to ensure that maximum distribution is afforded to
29 certified minority business enterprises as defined in s.
30 288.703.

31

1 (c) Development of procedures for the receipt and
2 opening of bids or proposals by an agency. Such procedures
3 shall provide the Minority Business Advocacy and Assistance
4 Office an opportunity to monitor and ensure that the contract
5 award is consistent with the original request for proposal or
6 invitation to bid, in accordance with s. 287.0945(6), and
7 subject to the review of bid responses within standard
8 timelines.

9 (d) Development of procedures to be used by an agency
10 in deciding to contract, including, but not limited to,
11 identifying and assessing in writing project needs and
12 requirements, availability of agency employees, budgetary
13 constraints or availability, facility equipment availability,
14 current and projected agency workload capabilities, and the
15 ability of any other state agency to perform the services.

16 (e) Development of procedures to be used by an agency
17 in maintaining a contract file for each contract which shall
18 include, but not be limited to, all pertinent information
19 relating to the contract during the preparatory stages, a copy
20 of the invitation to bid or request for proposals,
21 documentation relating to the bid process, opening of bids,
22 evaluation and tabulation of bids, and determination and
23 notice of award of contract.

24 (5)(a) To prescribe the methods of securing
25 competitive sealed bids and proposals, or negotiating and
26 awarding commodity and contractual services contracts, unless
27 otherwise provided by law.

28 (b) To prescribe, by September 1, 1995, procedures for
29 procuring information technology consultant services which
30 provide for public announcement and qualification, competitive
31 selection, competitive negotiation, contract award, and

1 prohibition against contingent fees. Such procedures shall be
2 limited to information technology consultant contracts for
3 which the total project costs, or planning or study
4 activities, are estimated to exceed the threshold amount
5 provided for in s. 287.017, for CATEGORY TWO.

6 (6) To prescribe specific commodities and quantities
7 to be purchased locally.

8 (7)(a) To govern the purchase by any agency of any
9 commodity or contractual service and to establish standards
10 and specifications for any commodity.

11 (b) Except for the purchase of insurance, the
12 department ~~division~~ may delegate to agencies the authority for
13 the contracting for, or the purchase, lease, or acquisition
14 of, commodities or contractual services.

15 (8) To establish definitions and classes of
16 commodities and contractual services. Agencies shall follow
17 the definitions and classes of commodities and contractual
18 services established by the department ~~division~~ in acquiring
19 or purchasing commodities or contractual services. The
20 authority of the department ~~division~~ under this section shall
21 not be construed to impair or interfere with the determination
22 by state agencies of their need for, or their use of, services
23 including particular specifications.

24 (9) To furnish copies of any commodity and contractual
25 service purchasing rules to the Comptroller and all agencies
26 affected thereby. The Comptroller shall not approve any
27 account or direct any payment of any account for the purchase
28 of any commodity or the procurement of any contractual service
29 covered by a purchasing or contractual service rule except as
30 authorized therein. The department ~~division~~ shall furnish
31 copies of rules adopted by the department ~~division~~ to any

1 county, municipality, or other local public agency requesting
2 them.

3 (10) To require that every agency furnish information
4 relative to its commodity and contractual services purchases
5 and methods of purchasing commodities and contractual services
6 to the department ~~division~~ when so requested.

7 (11) To prepare statistical data concerning the method
8 of procurement, terms, usage, and disposition of commodities
9 and contractual services by state agencies. All agencies shall
10 furnish such information for this purpose to the office and to
11 the department ~~division~~, as the department ~~division~~ or office
12 may call for, but no less frequently than annually, on such
13 forms or in such manner as the department ~~division~~ may
14 prescribe.

15 (12) To establish and maintain programs for the
16 purpose of disseminating information to government, industry,
17 educational institutions, and the general public concerning
18 policies, procedures, rules, and forms for the procurement of
19 commodities and contractual services.

20 (13) Except as otherwise provided herein, to adopt
21 rules necessary to carry out the purposes of this section,
22 including the authority to delegate to any state agency any
23 and all of the responsibility conferred by this section,
24 retaining to the department ~~division~~ any and all authority for
25 supervision thereof. Such purchasing of commodities and
26 procurement of contractual services by state agencies shall be
27 in strict accordance with the rules and procedures prescribed
28 by the Department of Management Services.

29 (14) If the department ~~division~~ determines that it is
30 in the best interest of the state, to award to multiple
31 suppliers contracts for commodities and contractual services

1 established by the department ~~division~~ for use by all
2 agencies. Such awards may be on a statewide or regional basis.
3 If regional contracts are established by the department
4 ~~division~~, multiple supplier awards may be based upon multiple
5 awards for regions. Agencies may award contracts to the
6 lowest qualified responsive bidder on a statewide or regional
7 basis.

8 (15) To procure and distribute state-owned surplus
9 tangible personal property and federal surplus tangible
10 personal property allocated to the state by the Federal
11 Government.

12 (16)(a) To enter into joint agreements with
13 governmental agencies, as defined in s. 163.3164(10), for the
14 purpose of pooling funds for the purchase of commodities,
15 information technology resources, or services that can be used
16 by multiple agencies. However, the department may consult
17 with the State Technology Office on joint agreements that
18 involve the purchase of information technology resources.
19 Agencies entering into joint purchasing agreements with the
20 department ~~division~~ shall authorize the department ~~division~~ to
21 contract for such purchases on their behalf.

22 (b) Each agency that has been appropriated or has
23 existing funds for such purchases, shall, upon contract award
24 by the department ~~division~~, transfer their portion of the
25 funds into the department's ~~division's~~ Grants and Donations
26 Trust Fund for payment by the department ~~division~~. These
27 funds shall be transferred by the Executive Office of the
28 Governor pursuant to the agency budget amendment request
29 provisions in chapter 216.

30 (c) Agencies that sign such joint agreements are
31 financially obligated for their portion of the agreed-upon

1 funds. If any agency becomes more than 90 days delinquent in
2 paying such funds, the Department of Management Services shall
3 certify to the Comptroller the amount due, and the Comptroller
4 shall transfer the amount due to the Grants and Donations
5 Trust Fund of the department ~~division~~ from any of the agency's
6 available funds. The Comptroller shall report all such
7 transfers and the reasons for such transfers to the Executive
8 Office of the Governor and the legislative appropriations
9 committees.

10 (17) To evaluate contracts let by the Federal
11 Government, another state, or a political subdivision for the
12 provision of commodities and contract services, and, when it
13 is determined to be cost-effective and in the best interest of
14 the state, to enter into a written agreement authorizing a
15 state agency to make purchases under a contract approved by
16 the department ~~division~~ and let by the Federal Government,
17 another state, or a political subdivision.

18 Section 79. Paragraph (a) of subsection (1),
19 paragraphs (a), (b), and (c) of subsection (2), and
20 subsections (3), (4), (5), (7), (8), (9), (10), and (11) of
21 section 287.045, Florida Statutes, are amended to read:

22 287.045 Procurement of products and materials with
23 recycled content.--

24 (1)(a) The Department of Management Services ~~Division~~
25 ~~of Purchasing~~, in cooperation with the Department of
26 Environmental Protection, shall review and revise existing
27 procurement procedures and specifications for the purchase of
28 products and materials to eliminate any procedures and
29 specifications that explicitly discriminate against products
30 and materials with recycled content except where such

31

1 procedures and specifications are necessary to protect the
2 public health, safety, and welfare.

3 (2)(a) The department ~~division~~ and each state agency
4 shall review and revise its procurement procedures and
5 specifications for the purchase of products and materials to
6 ensure to the maximum extent that each agency uses state
7 contracts to purchase products or materials that may be
8 recycled or reused when these products or materials are
9 discarded.

10 (b) The department ~~division~~ shall establish
11 procurement goals for state agencies in procuring products
12 with recycled content and postconsumer content. In order to
13 establish these goals, the department shall contract for a
14 technical study to determine what minimum recycled content and
15 postconsumer content levels should be established, on a
16 commodity-by-commodity basis, for those commodities purchased
17 by the state. The study shall be completed no later than
18 October 1, 1994. The established levels should be consistent
19 with orderly market development.

20 1. At a minimum, the study must include plastic,
21 glass, paper, and steel and aluminum cans.

22 2. The division shall propose minimum content levels
23 for products made from the commodities studied and procurement
24 goals no later than November 1, 1994. The division shall use
25 accepted national standards when defining terms, especially
26 postconsumer recovered material.

27 (c) Notwithstanding the department's ~~division's~~
28 rulemaking efforts, recycled content printing and fine writing
29 grades of paper shall contain at least 10 percent
30 "postconsumer recovered materials." "Postconsumer recovered
31 materials" means any product generated by a business or a

1 consumer which has served its intended end use, and which has
2 been separated from solid waste for the purpose of collection,
3 recycling, and disposition. The purchase of such recycled
4 content paper with postconsumer recovered materials shall be
5 phased in over a 4-year period as follows:

6 1. By January 1, 1995, not less than 30 percent of the
7 paper purchased by the department ~~division~~ and all state
8 agencies shall be recycled content paper;

9 2. By January 1, 1996, not less than 40 percent of the
10 paper purchased by the department ~~division~~ and all state
11 agencies shall be recycled content paper;

12 3. By January 1, 1997, not less than 50 percent of the
13 paper purchased by the department ~~division~~ and all state
14 agencies shall be recycled content paper; and

15 4. By January 1, 1998, not less than 65 percent of the
16 paper purchased by the department ~~division~~ and all state
17 agencies shall be recycled content paper.

18 (3) As part of the review and revision required in
19 subsection (2), the department ~~division~~ and each agency shall
20 review its procurement provisions and specifications for the
21 purchase of products and materials to determine which products
22 or materials with recycled content could be procured by the
23 department ~~division~~ or other agencies and the amount of
24 recycled content that can technologically be contained in such
25 products or materials. The department ~~division~~ and other
26 agencies must use the amounts of recycled content and
27 postconsumer recovered material determined by the department
28 ~~division~~ in issuing invitations to bid for contracts for the
29 purchase of such products or materials.

30 (4) Upon completion of the review required in
31 subsection (3), the department ~~division~~ or an agency shall

1 require that a person who submits a bid for a contract for the
2 purchase of products or materials identified in subsection (3)
3 and who wishes to be considered for the price preference
4 described in subsection (5) certify in writing the percentage
5 of recycled content in the product or material that is subject
6 to the bid. A person may certify that the product or material
7 contains no recycled content.

8 (5) Upon evaluation of bids for every public contract
9 that involves the purchase of products or materials identified
10 in subsection (3), the department ~~division~~ or an agency shall
11 identify the lowest responsive bidder and other responsive
12 bidders who have certified that the products or materials
13 contain at least the minimum percentage of recycled content
14 and postconsumer recovered material that is set forth in the
15 invitation for the bids. The department ~~division~~ or agency
16 may consider life-cycle costing when evaluating a bid on a
17 product that consists of recycled materials. The department
18 ~~division~~ shall adopt rules that specify the criteria to be
19 used when considering life-cycle costing in evaluating bids.
20 The rules must take into consideration the specified warranty
21 periods for products and the comparative expected service life
22 relative to the cost of the products. In awarding a contract
23 for the purchase of products or materials, the department
24 ~~division~~ or an agency may allow up to a 10-percent price
25 preference to a responsive bidder who has certified that the
26 products or materials contain at least the minimum percentage
27 of recycled content and postconsumer recovered material and up
28 to an additional 5-percent price preference to a responsible
29 bidder who has certified that the products or material are
30 made of materials recovered in this state. The amount of the
31 price preference must be commensurate with the certified

1 amounts of recycled material and postconsumer recovered
2 material and materials recycled from products in this state,
3 contained in the product or materials on a sliding scale as
4 established by department ~~division~~ rule, which rule shall not
5 become effective prior to November 1, 1994. Reusable
6 materials and products shall be used where economically and
7 technically feasible. If no bidders offer products or
8 materials with measurable life-cycle costing factors or the
9 minimum prescribed recycled and postconsumer content, the
10 contract must be awarded to the lowest qualified responsive
11 bidder.

12 (7) Any person may request the department ~~division~~ to
13 evaluate a product or material with recycled content if the
14 product or material is eligible for inclusion under state
15 contracts. The department ~~division~~ shall review each
16 reasonable proposal to determine its merit and, if it finds
17 that the product or material may be used beneficially, it may
18 incorporate that product or material into its procurement
19 procedures.

20 (8) The department ~~division~~ and each state agency
21 shall review and revise its procedures and specifications on a
22 continuing basis to encourage the use of products and
23 materials with recycled content and postconsumer recovered
24 material and shall, in developing new procedures and
25 specifications, encourage the use of products and materials
26 with recycled content and postconsumer recovered material.

27 (9) After November 1, 1994, the department ~~division~~
28 may discontinue contracting for products or materials the
29 recycled content of which does not meet the requirements of
30 subsection (3) if it determines that products or materials

31

1 meeting those requirements are available at a cost not to
2 exceed an additional 10 percent of comparable virgin products.

3 (10) A state agency, or a person contracting with such
4 agency with respect to work performed under contract, must
5 procure products or materials with recycled content if the
6 department ~~division~~ determines that those products or
7 materials are available pursuant to subsection (5).

8 Notwithstanding any other provision to the contrary, for the
9 purpose of this section, the term "agency" means any of the
10 various state officers, departments, boards, commissions,
11 divisions, bureaus, and councils and any other unit of
12 organization, however designated, of the executive branch
13 including the Department of the Lottery, the legislative
14 branch, the judicial branch, and the State University System.

15 A decision not to procure such items must be based on the
16 department's ~~division's~~ determination that such procurement is
17 not reasonably available within an acceptable period of time
18 or fails to meet the performance standards set forth in the
19 applicable specifications or fails to meet the performance
20 standards of the agency.

21 (11) Each state agency shall report annually to the
22 department ~~division~~ its total expenditures on, and use of,
23 products with recycled content and the percentage of its
24 budget that represents purchases of similar products made from
25 virgin materials. The department ~~division~~ shall design a
26 uniform reporting mechanism and prepare annual summaries of
27 statewide purchases delineating those with recycled content to
28 be submitted to the Governor, the President of the Senate, and
29 the Speaker of the House of Representatives.

30 Section 80. Subsection (7) of section 287.055, Florida
31 Statutes, is amended to read:

1 287.055 Acquisition of professional architectural,
2 engineering, landscape architectural, or surveying and mapping
3 services; definitions; procedures; contingent fees prohibited;
4 penalties.--

5 (7) AUTHORITY OF DEPARTMENT OF MANAGEMENT

6 SERVICES.--Notwithstanding any other provision of this
7 section, the Department of Management Services, ~~Division of~~
8 ~~Building Construction~~, shall be the agency of state government
9 which is solely and exclusively authorized and empowered to
10 administer and perform the functions described in subsections
11 (3), (4), and (5) respecting all projects for which the funds
12 necessary to complete same are appropriated to the Department
13 of Management Services, irrespective of whether such projects
14 are intended for the use and benefit of the Department of
15 Management Services or any other agency of government.
16 However, nothing herein shall be construed to be in derogation
17 of any authority conferred on the Department of Management
18 Services by other express provisions of law. Additionally, any
19 agency of government may, with the approval of the Department
20 of Management Services, delegate to the Department of
21 Management Services authority to administer and perform the
22 functions described in subsections (3), (4), and (5). Under
23 the terms of the delegation, the agency may reserve its right
24 to accept or reject a proposed contract.

25 Section 81. Section 287.056, Florida Statutes, is
26 amended to read:

27 287.056 Agency purchases from agreements and contracts
28 executed by the department ~~division~~.--

29 (1) Agencies shall purchase commodities and
30 contractual services from the purchasing agreements and
31

1 contracts negotiated and executed by the department ~~division~~,
2 as authorized in s. 287.042(2).

3 (2) Agencies may have the option to purchase
4 commodities or contractual services from any written
5 agreements or contracts negotiated and executed by the
6 department ~~division~~ which contain a user surcharge pursuant to
7 s. 287.1345 or such other agreements as determined by the
8 department ~~division~~.

9 Section 82. Paragraphs (a), (b), (c), and (e) of
10 subsection (3) and subsections (4), (5), (14), and (18) of
11 section 287.057, Florida Statutes, are amended to read:

12 287.057 Procurement of commodities or contractual
13 services.--

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

19 (a) The agency head determines in writing that an
20 immediate danger to the public health, safety, or welfare or
21 other substantial loss to the state requires emergency action.
22 After the agency head makes such a written determination, the
23 agency may proceed with the procurement of commodities or
24 contractual services necessitated by the immediate danger,
25 without competition. However, such emergency procurement shall
26 be made with such competition as is practicable under the
27 circumstances. The agency shall furnish copies of the written
28 determination certified under oath and any other documents
29 relating to the emergency action to the department ~~division~~.

30 A copy of the statement shall be furnished to the Comptroller
31 with the voucher authorizing payment. The individual purchase

1 of personal clothing, shelter, or supplies which are needed on
2 an emergency basis to avoid institutionalization or placement
3 in a more restrictive setting is an emergency for the purposes
4 of this paragraph, and the filing with the department ~~division~~
5 of such statement is not required in such circumstances. In
6 the case of the emergency purchase of insurance, the period of
7 coverage of such insurance shall not exceed a period of 30
8 days, and all such emergency purchases shall be reported to
9 the department ~~of Management Services~~.

10 (b) Purchasing agreements and contracts executed by
11 the department ~~division~~ or by agencies under authority
12 delegated by the department ~~division~~ in writing are excepted
13 from bid requirements.

14 (c) Commodities or contractual services available only
15 from a single source may be excepted from the bid requirements
16 if it is determined that such commodities or services are
17 available only from a single source and such determination is
18 documented. However, if such contract is for an amount greater
19 than the threshold amount provided in s. 287.017 for CATEGORY
20 FOUR, the agency head shall file a certification of conditions
21 and circumstances with the department ~~division~~ and shall
22 obtain the prior approval of the department ~~division~~. The
23 failure of the department ~~division~~ to approve or disapprove
24 the request of an agency for prior approval within 21 days
25 after receiving such request or within 14 days after receiving
26 from the agency additional materials requested by the
27 department ~~division~~ shall constitute prior approval of the
28 department ~~division~~. To the greatest extent practicable, but
29 no later than 45 days after authorizing the exception in
30 writing, the department ~~division~~ shall combine single-source
31 procurement authorizations for identical information

1 technology resources for which the purchase price exceeds the
2 threshold amount provided in s. 287.017 for CATEGORY FOUR, and
3 shall negotiate and execute volume purchasing agreements for
4 such procurements on behalf of the agencies.

5 (e) Prescriptive assistive devices for the purpose of
6 medical, developmental, or vocational rehabilitation of
7 clients are excepted from competitive sealed bid and
8 competitive sealed proposal requirements and shall be procured
9 pursuant to an established fee schedule or by any other method
10 which ensures the best price for the state, taking into
11 consideration the needs of the client. Prescriptive assistive
12 devices include, but are not limited to, prosthetics,
13 orthotics, and wheelchairs. For purchases made pursuant to
14 this paragraph, state agencies shall annually file with the
15 department ~~division~~ a description of the purchases and methods
16 of procurement.

17 (4) If less than two responsive bids or proposals for
18 commodity or contractual services purchases are received, the
19 department ~~division~~ or the agency may negotiate on the best
20 terms and conditions. The agency shall document the reasons
21 that such action is in the best interest of the state in lieu
22 of resoliciting competitive sealed bids or proposals. The
23 agency shall report all such actions to the department
24 ~~division~~ on a quarterly basis, in a manner and form prescribed
25 by the department ~~division~~.

26 (5) Upon issuance of any invitation to bid or request
27 for proposals, an agency shall forward to the department
28 ~~division~~ one copy of each invitation to bid or request for
29 proposals for all commodity and contractual services purchases
30 in excess of the threshold amount provided in s. 287.017 for
31 CATEGORY TWO. An agency shall also, upon request, furnish a

1 copy of all competitive sealed bid or competitive sealed
2 proposal tabulations. The Minority Business Advocacy and
3 Assistance Office may also request from the agencies any
4 information submitted to the department ~~division~~ pursuant to
5 this subsection.

6 (14) Each agency shall designate at least one employee
7 who shall serve as a contract administrator responsible for
8 maintaining a contract file and financial information on all
9 contractual services contracts and who shall serve as a
10 liaison with the contract managers and the department
11 ~~division~~.

12 (18) The department ~~division~~ may establish state
13 contractual service term contracts. Such contracts may be
14 utilized by any agency, county, municipality, or local public
15 agency.

16 Section 83. Subsections (1) and (2) of section
17 287.058, Florida Statutes, are amended to read:

18 287.058 Contract document.--

19 (1) Every procurement of contractual services in
20 excess of the threshold amount provided in s. 287.017 for
21 CATEGORY TWO, except for the providing of health and mental
22 health services or drugs in the examination, diagnosis, or
23 treatment of sick or injured state employees or the providing
24 of other benefits as required by the provisions of chapter
25 440, shall be evidenced by a written agreement embodying all
26 provisions and conditions of the procurement of such services,
27 which provisions and conditions shall, where applicable,
28 include, but shall not be limited to:

29 (a) A provision that bills for fees or other
30 compensation for services or expenses be submitted in detail
31 sufficient for a proper preaudit and postaudit thereof.

1 (b) A provision that bills for any travel expenses be
2 submitted in accordance with s. 112.061. A state agency may
3 establish rates lower than the maximum provided in s. 112.061.

4 (c) A provision allowing unilateral cancellation by
5 the agency for refusal by the contractor to allow public
6 access to all documents, papers, letters, or other material
7 subject to the provisions of chapter 119 and made or received
8 by the contractor in conjunction with the contract.

9 (d) A provision dividing the contract into units of
10 deliverables, which shall include, but not be limited to,
11 reports, findings, and drafts, that must be received and
12 accepted in writing by the contract manager prior to payment.

13 (e) A provision specifying the criteria and the final
14 date by which such criteria must be met for completion of the
15 contract.

16 (f) A provision specifying that the contract may be
17 renewed on a yearly basis for a period of up to 2 years after
18 the initial contract or for a period no longer than the term
19 of the original contract, whichever period is longer,
20 specifying the terms under which the cost may change as
21 determined in the invitation to bid or request for proposals,
22 and specifying that renewals shall be contingent upon
23 satisfactory performance evaluations by the agency and subject
24 to the availability of funds.

25
26 In lieu of a written agreement, the department ~~division~~ may
27 authorize the use of a purchase order for classes of
28 contractual services, provided the provisions of paragraphs
29 (a)-(f) are included in the purchase order, invitation to bid,
30 or request for proposals. The purchase order shall include an
31 adequate description of the services, the contract period, and

1 the method of payment. In lieu of printing the provisions of
2 paragraphs (a)-(f) in the contract document or purchase order,
3 agencies may incorporate the requirements of paragraphs
4 (a)-(f) by reference.

5 (2) The written agreement shall be signed by the
6 agency head and the contractor prior to the rendering of any
7 contractual service the value of which is in excess of the
8 threshold amount provided in s. 287.017 for CATEGORY TWO,
9 except in the case of a valid emergency as certified by the
10 agency head. The certification of an emergency shall be
11 prepared within 30 days after the contractor begins rendering
12 the service and shall state the particular facts and
13 circumstances which precluded the execution of the written
14 agreement prior to the rendering of the service. If the
15 agency fails to have the contract signed by the agency head
16 and the contractor prior to rendering the contractual service,
17 and if an emergency does not exist, the agency head shall, no
18 later than 30 days after the contractor begins rendering the
19 service, certify the specific conditions and circumstances to
20 the department ~~division~~ as well as describe actions taken to
21 prevent recurrence of such noncompliance. The agency head may
22 delegate the certification only to other senior management
23 agency personnel. A copy of the certification shall be
24 furnished to the Comptroller with the voucher authorizing
25 payment. The department ~~division~~ shall report repeated
26 instances of noncompliance by an agency to the Auditor
27 General. Nothing in this subsection shall be deemed to
28 authorize additional compensation prohibited by s. 215.425.
29 The procurement of contractual services shall not be divided
30 so as to avoid the provisions of this section.

31

1 Section 84. Subsections (3) and (4) of section
2 287.073, Florida Statutes, are amended to read:

3 287.073 Procurement of information technology
4 resources.--

5 (3) When an agency determines that there are
6 alternative means by which to meet the agency's requirements
7 for information technology resources, that establishing
8 precise specifications is not practicable, and that other
9 evaluation criteria, in addition to price, will best meet the
10 agency's requirements, the agency may solicit sealed proposals
11 through a request for proposals, stating in writing the title,
12 date, and hour of the public opening. A request for proposals
13 may include, but is not limited to, general information,
14 applicable laws and rules, functional or general
15 specifications, a statement of work, proposal instructions,
16 and evaluation criteria. Evaluation criteria may include, but
17 are not limited to, cost factors, technological assessment,
18 service assessment, reliability assessment, software
19 compatibility, and benchmark performance. To assure full
20 understanding of and responsiveness to the requirements set
21 forth in the request for proposals, the agency may conduct
22 discussions with qualified offerors. The department ~~division~~
23 shall assist in such discussions upon the request of an
24 agency. Qualified offerors shall be accorded fair and equal
25 treatment with respect to any opportunity for discussion and
26 revision of proposals prior to the submittal date specified in
27 the request for proposals. A contract shall be awarded to the
28 responsive offeror whose proposal is determined to be the most
29 advantageous to the state, taking into consideration price and
30 other evaluation criteria set forth in the request for
31 proposals.

1 (4) If an agency determines that the information
2 technology resources required to meet the agency's needs are
3 available only from a single source of supply, the agency head
4 shall file a single-source certification request with the
5 department ~~division~~, specifying the conditions and
6 circumstances and requesting that the acquisition of
7 information technology resources be exempt from the bid
8 requirements provided under s. 287.057.

9 Section 85. Section 287.083, Florida Statutes, is
10 amended to read:

11 287.083 Purchase of commodities.--

12 (1) It shall be the policy of the state for the
13 Department of Management Services ~~Division of Purchasing~~ to
14 consider the life-cycle cost of commodities purchased by the
15 state, when applicable and feasible as determined by the
16 department ~~division~~.

17 (2) Definitions.--For the purpose of this section:

18 (a) "Major energy-consuming product" means any article
19 so designated by the department ~~division~~.

20 (b) "Energy-efficiency standard" means a performance
21 standard which prescribes the relationship of the energy use
22 of a product to its useful output of services.

23 (3)(a) The department ~~division~~ is authorized to
24 establish by rule energy-efficiency standards for major
25 energy-consuming products.

26 (b) When federal energy-efficiency standards exist,
27 the department ~~division~~ shall, when feasible, adopt standards
28 at least as stringent as the federal standards.

29 (4) When energy-efficiency standards are established,
30 life-cycle costs shall be used by the department ~~division~~ in
31 contracting for major energy-consuming products.

1 (5) In determining the life-cycle cost, the department
2 ~~division~~ may consider the acquisition cost of the product; the
3 energy consumption and the projected cost of energy over the
4 useful life of the product; and the anticipated trade-in,
5 resale, or salvage value of the product.

6 Section 86. Paragraph (n) of subsection (4) of section
7 287.09451, Florida Statutes, is amended to read:

8 287.09451 Minority Business Advocacy and Assistance
9 Office; powers, duties, and functions.--

10 (4) The Minority Business Advocacy and Assistance
11 Office shall have the following powers, duties, and functions:

12 (n)1. To develop procedures to be used by an agency in
13 identifying commodities, contractual services, architectural
14 and engineering services, and construction contracts, except
15 those architectural, engineering, construction, or other
16 related services or contracts subject to the provisions of
17 chapter 339, that could be provided by minority business
18 enterprises. Each agency is encouraged to spend 21 percent of
19 the moneys actually expended for construction contracts, 25
20 percent of the moneys actually expended for architectural and
21 engineering contracts, 24 percent of the moneys actually
22 expended for commodities, and 50.5 percent of the moneys
23 actually expended for contractual services during the previous
24 fiscal year, except for the state university construction
25 program which shall be based upon public education capital
26 outlay projections for the subsequent fiscal year, and
27 reported to the Legislature pursuant to s. 216.023, for the
28 purpose of entering into contracts with certified minority
29 business enterprises as defined in s. 288.703(2), or approved
30 joint ventures. However, in the event of budget reductions
31 pursuant to s. 216.221, the base amounts may be adjusted to

1 reflect such reductions. The overall spending goal for each
2 industry category shall be subdivided as follows:
3 a. For construction contracts: 4 percent for black
4 Americans, 6 percent for Hispanic-Americans, and 11 percent
5 for American women.
6 b. For architectural and engineering contracts: 9
7 percent for Hispanic-Americans, 1 percent for Asian-Americans,
8 and 15 percent for American women.
9 c. For commodities: 2 percent for black Americans, 4
10 percent for Hispanic-Americans, 0.5 percent for
11 Asian-Americans, 0.5 percent for Native Americans, and 17
12 percent for American women.
13 d. For contractual services: 6 percent for black
14 Americans, 7 percent for Hispanic-Americans, 1 percent for
15 Asian-Americans, 0.5 percent for Native Americans, and 36
16 percent for American women.
17 2. For the purposes of commodities contracts for the
18 purchase of equipment to be used in the construction and
19 maintenance of state transportation facilities involving the
20 Department of Transportation, "minority business enterprise"
21 has the same meaning as provided in s. 288.703. "Minority
22 person" has the same meaning as in s. 288.703(3). In order to
23 ensure that the goals established under this paragraph for
24 contracting with certified minority business enterprises are
25 met, the department ~~division~~, with the assistance of the
26 Minority Business Advocacy and Assistance Office, shall make
27 recommendations to the Legislature on revisions to the goals,
28 based on an updated statistical analysis, at least once every
29 5 years. Such recommendations shall be based on statistical
30 data indicating the availability of and disparity in the use
31 of minority businesses contracting with the state. The results

1 of the first updated disparity study must be presented to the
2 Legislature no later than December 1, 1996.

3 3. In determining the base amounts for assessing
4 compliance with this paragraph, the Minority Business Advocacy
5 and Assistance Office may develop, by rule, guidelines for all
6 agencies to use in establishing such base amounts. These rules
7 must include, but are not limited to, guidelines for
8 calculation of base amounts, a deadline for the agencies to
9 submit base amounts, a deadline for approval of the base
10 amounts by the Minority Business Advocacy and Assistance
11 Office, and procedures for adjusting the base amounts as a
12 result of budget reductions made pursuant to s. 216.221.

13 4. To determine guidelines for the use of price
14 preferences, weighted preference formulas, or other
15 preferences, as appropriate to the particular industry or
16 trade, to increase the participation of minority businesses in
17 state contracting. These guidelines shall include
18 consideration of:

- 19 a. Size and complexity of the project.
20 b. The concentration of transactions with minority
21 business enterprises for the commodity or contractual services
22 in question in prior agency contracting.
23 c. The specificity and definition of work allocated to
24 participating minority business enterprises.
25 d. The capacity of participating minority business
26 enterprises to complete the tasks identified in the project.
27 e. The available pool of minority business enterprises
28 as prime contractors, either alone or as partners in an
29 approved joint venture that serves as the prime contractor.

30 5. To determine guidelines for use of joint ventures
31 to meet minority business enterprises spending goals. For

1 purposes of this section, "joint venture" means any
2 association of two or more business concerns to carry out a
3 single business enterprise for profit, for which purpose they
4 combine their property, capital, efforts, skills, and
5 knowledge. The guidelines shall allow transactions with joint
6 ventures to be eligible for credit against the minority
7 business enterprise goals of an agency when the contracting
8 joint venture demonstrates that at least one partner to the
9 joint venture is a certified minority business enterprise as
10 defined in s. 288.703, and that such partner is responsible
11 for a clearly defined portion of the work to be performed, and
12 shares in the ownership, control, management,
13 responsibilities, risks, and profits of the joint venture.
14 Such demonstration shall be by verifiable documents and sworn
15 statements and may be reviewed by the Minority Business
16 Advocacy and Assistance Office at or before the time a
17 contract bid is submitted. An agency may count toward its
18 minority business enterprise goals a portion of the total
19 dollar amount of a contract equal to the percentage of the
20 ownership and control held by the qualifying certified
21 minority business partners in the contracting joint venture,
22 so long as the joint venture meets the guidelines adopted by
23 the office.

24 Section 87. Section 287.131, Florida Statutes, is
25 amended to read:

26 287.131 Assistance of Department of Insurance.--The
27 Department of Insurance shall provide the Department of
28 Management Services ~~division~~ with technical assistance in all
29 matters pertaining to the purchase of insurance for all
30 agencies, and shall make surveys of the insurance needs of the

31

1 state and all departments thereof, including the benefits, if
2 any, of self-insurance.

3 Section 88. Section 287.15, Florida Statutes, is
4 amended to read:

5 287.15 Purchase or lease of motor vehicles,
6 watercraft, or aircraft; prior approval of ~~Division of Motor~~
7 ~~Pool of~~ the Department of Management Services.--No state
8 agency shall purchase, lease, or acquire any motor vehicle,
9 watercraft, or aircraft of any type unless prior approval is
10 first obtained from the ~~Division of Motor Pool of the~~
11 Department of Management Services. However, nothing herein
12 shall prohibit the lease for casual use of motor vehicles, or
13 remove the requirement that all purchases be in compliance
14 with the rules and regulations of the Department of Management
15 Services ~~Division of Purchasing~~.

16 Section 89. Section 287.16, Florida Statutes, is
17 amended to read:

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

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

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

29 (3) In its discretion, to require every state agency
30 to transfer its ownership, custody, and control of every
31 aircraft and motor vehicle, and associated maintenance

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

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

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

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

22 (7) To contract for specialized maintenance services.

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

1 implementing a reporting system prior to July 1, 1984, which
2 shall specifically address the needs and requirements of the
3 division and the Department of Highway Safety and Motor
4 Vehicles.

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

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

21 Section 90. Subsections (1) and (2) of section
22 287.161, Florida Statutes, are amended to read:

23 287.161 Executive aircraft pool; assignment of
24 aircraft; charge for transportation.--

25 (1) There is created within the Department of
26 Management Services ~~Bureau of Aircraft~~ an executive aircraft
27 pool consisting of state-owned aircraft for the purpose of
28 furnishing executive air travel. Such aircraft shall not be a
29 model in excess of a two-engine jet. Aircraft included in the
30 executive aircraft pool may not be specifically assigned to
31 any department or agency on any basis.

1 (2) The Department of Management Services ~~Bureau of~~
2 ~~Aircraft~~ shall charge all persons receiving transportation
3 from the executive aircraft pool a rate not less than the
4 mileage allowance fixed by the Legislature for the use of
5 privately owned vehicles. However, state employees traveling
6 on a space-available basis may not be charged more than the
7 vehicle mileage allowance.

8 Section 91. Section 287.19, Florida Statutes, is
9 amended to read:

10 287.19 Transfer of funds.--All moneys designated for
11 or appropriated to any agency for the use, operation,
12 maintenance, repair, or replacement of any state-owned or
13 leased motor vehicles or aircraft shall be transferred to the
14 Department of Management Services ~~Division of Motor Pool~~ as
15 required by the department ~~division~~.

16 Section 92. Paragraph (d) of subsection (5) and
17 subsection (8) of section 288.15, Florida Statutes, are
18 amended to read:

19 288.15 Powers of Division of Bond Finance.--There is
20 hereby granted to and vested in the Division of Bond Finance
21 of the State Board of Administration the power, right,
22 franchise, and authority:

23 (5) In order to carry out the objectives and purposes
24 of this chapter, the division is authorized to acquire, own,
25 construct, operate, maintain, improve, and extend public
26 buildings, facilities, or works within the state which are of
27 the character hereinafter specifically mentioned. All public
28 buildings, facilities, and works which the division is
29 authorized to own, construct, operate, and maintain must be
30 such as can ultimately be owned and operated by an agency,
31 department, board, bureau, or commission of the state. All or

1 any such buildings, facilities, or works may be of a
2 revenue-producing character in order that the cost of the same
3 or some part of improvements or extensions thereto may be paid
4 from receipts therefrom, including in Tallahassee only
5 rentals, leases, and sales to both public and nonpublic
6 agencies through the issue and sales or disposition of revenue
7 bonds, notes, or certificates of the division. The buildings,
8 facilities, and works which the division is hereby authorized
9 to acquire, construct, operate, maintain, improve, and extend
10 are:

11 (d) Public buildings, facilities, and additions or
12 improvements to existing buildings and facilities for ultimate
13 use in connection with any of the several state institutions,
14 departments, bureaus, boards, or commissions; and, in
15 furtherance of this paragraph, ~~the Division of Building~~
16 ~~Construction of the Department of Management Services, the~~
17 ~~Division of Facilities Management of~~ the Department of
18 Management Services, and the State Board of Education are
19 authorized to cooperate with the Division of Bond Finance and
20 to do and perform all acts and things necessary thereto. Any
21 property acquired by the Division of Bond Finance under the
22 provisions of this chapter may ultimately be conveyed to the
23 state free and clear of all debt or other encumbrance.

24 (8) The division is hereby authorized and directed to
25 proceed with the acquisition of land and buildings thereon now
26 needed or to be needed for use in whole or in part by any
27 agency, board, bureau, or commission of the state, such
28 acquisition to be within the area defined by the ~~Division of~~
29 ~~Facilities Management of the~~ Department of Management Services
30 for the long-range development of the proposed Capitol Center;
31 and

1 (a) To construct, acquire, own, and operate buildings
2 and facilities thereon, such buildings and facilities to be
3 financed by the revenue they yield, through the issuance of
4 revenue certificates;

5 (b) To have specific authority in financing the
6 acquisition, construction, and operation of such buildings and
7 facilities, to utilize rentals to both public and nonpublic
8 agencies as well as any regularly appropriated state or other
9 public funds; however, no revenue from lands, buildings, or
10 facilities now owned by the state may be pledged to finance
11 the acquisition of land, buildings, or facilities pursuant to
12 the provisions of this law, except revenue from land,
13 buildings, or facilities purchased or acquired pursuant to the
14 provisions of this law.

15 Section 93. Subsections (1) and (3) of section 288.18,
16 Florida Statutes, are amended to read:

17 288.18 Planning, promoting, and supervising state
18 building projects.--

19 (1) ~~The Division of Facilities Management of the~~
20 Department of Management Services shall be responsible for
21 promoting any state building project financed as provided by
22 law in any community where a state building is needed.

23 (3) Any state agency required to occupy space by the
24 ~~Division of Facilities Management of the~~ Department of
25 Management Services may contract for such space and pledge
26 such rentals as are provided and appropriated by the
27 Legislature for the purpose of financing the retirement of
28 revenue certificates for the lifetime of any issue.

29 Section 94. Subsection (10) of section 318.21, Florida
30 Statutes, is amended to read:

31

1 318.21 Disposition of civil penalties by county
2 courts.--All civil penalties received by a county court
3 pursuant to the provisions of this chapter shall be
4 distributed and paid monthly as follows:

5 (10) Twelve dollars and fifty cents from each moving
6 traffic violation must be used by the county to fund that
7 county's participation in an intergovernmental radio
8 communication program approved by the ~~Division of~~
9 ~~Communications of the~~ Department of Management Services. If
10 the county is not participating in such a program, funds
11 collected must be used to fund local law enforcement
12 automation and must be distributed to the municipality or
13 special improvement district in which the violation occurred
14 or to the county if the violation occurred within the
15 unincorporated area of the county.

16 Section 95. Subsection (5) of section 334.0445,
17 Florida Statutes, is amended to read:

18 334.0445 Model career service classification and
19 compensation plan.--

20 (5) This section shall not be construed to remove
21 employees of the Department of Transportation from the Career
22 Service System or abrogate the terms and conditions of the
23 collective bargaining agreements currently in effect and
24 applicable to such employees. The ~~Office of Labor Relations of~~
25 ~~the~~ Department of Management Services shall continue to
26 represent the state for purposes of negotiating terms related
27 to this act and shall be authorized, pursuant to the
28 provisions of this section, to provide benefits in addition to
29 those offered to career service employees under the terms of
30 the collective bargaining agreement.

31

1 Section 96. Subsection (2) of section 364.515, Florida
2 Statutes, is amended to read:

3 364.515 Infrastructure investment.--

4 (2) In order to be eligible under this act, an
5 eligible facility, or a group of eligible facilities based on
6 geographic proximity, shall submit a technology-needs request
7 to the ~~Division of Communications of the~~ Department of
8 Management Services. The department ~~division~~ shall review the
9 technology-needs request to determine if it conforms to the
10 standards outlined in the State Education Technology
11 Committee's plan. If the technology-needs request does not
12 conform to the plan, then the department ~~division~~ shall return
13 the request to the eligible facility or group for
14 modifications. After modification of a technology-needs
15 request it can then be resubmitted by the eligible facility or
16 a group of eligible facilities. A technology-needs request
17 shall be submitted to the department ~~division~~ no later than
18 July 1, 1997. Nothing in this section shall prevent the
19 Department of Management Services from grouping eligible
20 facilities technology requests when such grouping would result
21 in the most efficient method to deliver advanced
22 telecommunications services.

23 Section 97. Paragraph (b) of subsection (3) is
24 repealed and subsections (4), (7), (9), and (10) and paragraph
25 (a) of subsection (13) of section 365.171, Florida Statutes,
26 are amended to read:

27 365.171 Emergency telephone number "911."--

28 (4) STATE PLAN.--The department ~~division~~ shall develop
29 a statewide emergency telephone number "911" system plan. The
30 plan shall provide for:

31

1 (a) The establishment of the public agency emergency
2 telephone communications requirements for each entity of local
3 government in the state.

4 (b) A system to meet specific local government
5 requirements. Such system shall include law enforcement,
6 firefighting, and emergency medical services and may include
7 other emergency services such as poison control, suicide
8 prevention, and emergency management services.

9 (c) Identification of the mutual aid agreements
10 necessary to obtain an effective "911" system.

11 (d) A funding provision which shall identify the cost
12 necessary to implement the "911" system.

13 (e) A firm implementation schedule which shall include
14 the installation of the "911" system in a local community
15 within 24 months after the designated agency of the local
16 government gives a firm order to the telephone utility for a
17 "911" system.

18
19 The department ~~division~~ shall be responsible for the
20 implementation and coordination of such plan. The department
21 ~~division~~ shall adopt any necessary rules and schedules related
22 to public agencies for implementing and coordinating such
23 plan, pursuant to chapter 120. The public agency designated
24 in the plan shall order such system within 6 months after
25 publication date of the plan if the public agency is in
26 receipt of funds appropriated by the Legislature for the
27 implementation and maintenance of the "911" system. Any
28 jurisdiction which has utilized local funding as of July 1,
29 1976, to begin the implementation of the state plan as set
30 forth in this section shall be eligible for at least a partial
31

1 reimbursement of its direct cost when, and if, state funds are
2 available for such reimbursement.

3 (7) TELEPHONE INDUSTRY COORDINATION.--The department
4 ~~division~~ shall coordinate with the Florida Public Service
5 Commission which shall encourage the Florida telephone
6 industry to activate facility modification plans for a timely
7 "911" implementation.

8 (9) SYSTEM APPROVAL.--No emergency telephone number
9 "911" system shall be established and no present system shall
10 be expanded without prior approval of the department ~~Division~~
11 ~~of Communications~~.

12 (10) COMPLIANCE.--All public agencies shall assist the
13 department ~~division~~ in their efforts to carry out the intent
14 of this section, and such agencies shall comply with the
15 developed plan.

16 (13) "911" FEE.--

17 (a) Following approval by referendum as set forth in
18 paragraph (b), or following approval by a majority vote of its
19 board of county commissioners, a county may impose a "911" fee
20 to be paid by the local exchange subscribers within its
21 boundaries served by the "911" service. Proceeds from the
22 "911" fee shall be used only for "911" expenditures as set
23 forth in subparagraph 6. The manner of imposing and
24 collecting said payment shall be as follows:

25 1. At the request of the county subscribing to "911"
26 service, the telephone company shall, insofar as is
27 practicable, bill the "911" fee to the local exchange
28 subscribers served by the "911" service, on an individual
29 access line basis, at a rate not to exceed 50 cents per month
30 per line (up to a maximum of 25 access lines per account bill
31 rendered). However, the fee may not be assessed on any pay

1 telephone in this state. A county collecting the fee for the
2 first time may collect the fee for no longer than 36 months
3 without initiating the acquisition of its "911" equipment.

4 2. Fees collected by the telephone company pursuant to
5 subparagraph 1. shall be returned to the county, less the
6 costs of administration retained pursuant to paragraph (c).
7 The county shall provide a minimum of 90 days' written notice
8 to the telephone company prior to the collection of any "911"
9 fees.

10 3. Any county that currently has an operational "911"
11 system or that is actively pursuing the implementation of a
12 "911" system shall establish a fund to be used exclusively for
13 receipt and expenditure of "911" fee revenues collected
14 pursuant to this section. All fees placed in said fund, and
15 any interest accrued thereupon, shall be used solely for "911"
16 costs described in subparagraph 6. The money collected and
17 interest earned in this fund shall be appropriated for "911"
18 purposes by the county commissioners and incorporated into the
19 annual county budget. The county shall annually have a
20 financial audit performed on this fund, in accordance with s.
21 11.45. A report of the audit shall be forwarded to the
22 department ~~Division of Communications~~ within 60 days of its
23 completion. A county may carry forward on an annual basis
24 unspent moneys in the fund for expenditures allowed by this
25 section, or it may reduce its fee. However, in no event shall
26 a county carry forward more than 10 percent of the "911" fee
27 billed for the prior year. The amount of moneys carried
28 forward each year may be accumulated in order to allow for
29 capital improvements described in this subsection. The
30 carryover shall be documented by resolution of the board of
31 county commissioners expressing the purpose of the carryover

1 or by an adopted capital improvement program identifying
2 projected expansion or replacement expenditures for "911"
3 equipment and service features, or both. In no event shall
4 the "911" fee carryover surplus moneys be used for any purpose
5 other than for the "911" equipment, service features, and
6 installation charges authorized in subparagraph 6. Nothing in
7 this section shall prohibit a county from using other sources
8 of revenue for improvements, replacements, or expansions of
9 its "911" system. A county may increase its fee for purposes
10 authorized in this section. However, in no case shall the fee
11 exceed 50 cents per month per line. All current "911" fees
12 shall be reported to the department ~~Division of Communications~~
13 within 30 days of the start of each county's fiscal period.
14 Any fee adjustment made by a county shall be reported to the
15 department ~~Division of Communications~~. A county shall give
16 the telephone company a 90-day written notice of such fee
17 adjustment.

18 4. The telephone company shall have no obligation to
19 take any legal action to enforce collection of the "911" fee.
20 The telephone company shall provide quarterly to the county a
21 list of the names, addresses, and telephone numbers of any and
22 all subscribers who have identified to the telephone company
23 their refusal to pay the "911" fee.

24 5. The county subscribing to "911" service shall
25 remain liable to the telephone company for any "911" service,
26 equipment, operation, or maintenance charge owed by the county
27 to the telephone company.

28
29 As used in this paragraph, "telephone company" means an
30 exchange telephone service provider of "911" service or
31 equipment to any county within its certificated area.

1 6. It is the intent of the Legislature that the "911"
2 fee authorized by this section to be imposed by counties will
3 not necessarily provide the total funding required for
4 establishing or providing the "911" service. For purposes of
5 this section, "911" service includes the functions of database
6 management, call taking, location verification, and call
7 transfer. The following costs directly attributable to the
8 establishment and/or provision of "911" service are eligible
9 for expenditure of moneys derived from imposition of the "911"
10 fee authorized by this section: the acquisition,
11 implementation, and maintenance of Public Safety Answering
12 Point (PSAP) equipment and "911" service features, as defined
13 in the Florida Public Service Commission's lawfully approved
14 "911" and related tariffs and/or the acquisition,
15 installation, and maintenance of other "911" equipment,
16 including call answering equipment, call transfer equipment,
17 ANI controllers, ALI controllers, ANI displays, ALI displays,
18 station instruments, "911" telecommunications systems,
19 teleprinters, logging recorders, instant playback recorders,
20 telephone devices for the deaf (TDD) used in the "911" system,
21 PSAP backup power systems, consoles, automatic call
22 distributors, and interfaces (hardware and software) for
23 computer-aided dispatch (CAD) systems; salary and associated
24 expenses for "911" call takers for that portion of their time
25 spent taking and transferring "911" calls; salary and
26 associated expenses for a county to employ a full-time
27 equivalent "911" coordinator position and a full-time
28 equivalent staff assistant position per county for the portion
29 of their time spent administrating the "911" system; training
30 costs for PSAP call takers in the proper methods and
31 techniques used in taking and transferring "911" calls; and

1 expenses required to develop and maintain all information (ALI
2 and ANI databases and other information source repositories)
3 necessary to properly inform call takers as to location
4 address, type of emergency, and other information directly
5 relevant to the "911" call-taking and transferring function.
6 The "911" fee revenues shall not be used to pay for any item
7 not listed, including, but not limited to, any capital or
8 operational costs for emergency responses which occur after
9 the call transfer to the responding public safety entity and
10 the costs for constructing buildings, leasing buildings,
11 maintaining buildings, or renovating buildings, except for
12 those building modifications necessary to maintain the
13 security and environmental integrity of the PSAP and "911"
14 equipment rooms.

15 7. It is the goal of the Legislature that enhanced
16 "911" service be available throughout the state. Expenditure
17 by counties of the "911" fees authorized by this section
18 should support this goal to the greatest extent feasible
19 within the context of local service needs and fiscal
20 capability. Nothing in this section shall be construed to
21 prohibit two or more counties from establishing a combined
22 emergency "911" telephone service by interlocal agreement and
23 utilizing the "911" fees authorized by this section for such
24 combined "911" service.

25 Section 98. Section 376.10, Florida Statutes, is
26 amended to read:

27 376.10 Personnel and equipment.--The department shall
28 establish and maintain at such ports within the state and
29 other places as it shall determine such employees and
30 equipment as in its judgment may be necessary to carry out the
31 provisions of ss. 376.011-376.21. The department may employ

1 and prescribe the duties of such employees, subject to the
2 rules and regulations of the ~~Division of Personnel Management~~
3 ~~Services of the~~ Department of Management Services. The
4 salaries of the employees and the cost of the equipment shall
5 be paid from the Florida Coastal Protection Trust Fund
6 established by ss. 376.011-376.21. The department shall
7 periodically consult with other departments of the state
8 relative to procedures for the prevention of discharges of
9 pollutants into or affecting the coastal waters of the state
10 from operations regulated by ss. 376.011-376.21.

11 Section 99. Section 395.1031, Florida Statutes, is
12 amended to read:

13 395.1031 Emergency medical services;
14 communication.--Each licensed hospital with an emergency
15 department must be capable of communicating by two-way radio
16 with all ground-based basic life support service vehicles and
17 advanced life support service vehicles that operate within the
18 hospital's service area under a state permit and with all
19 rotocraft air ambulances that operate under a state permit.
20 The hospital's radio system must be capable of interfacing
21 with municipal mutual aid channels designated by the ~~Division~~
22 ~~of Communications of the~~ Department of Management Services and
23 the Federal Communications Commission.

24 Section 100. Section 401.013, Florida Statutes, is
25 amended to read:

26 401.013 Legislative intent.--It is the intention and
27 purpose of the Legislature that a statewide system of regional
28 emergency medical telecommunications be developed whereby
29 maximum use of existing radio channels is achieved in order to
30 more effectively and rapidly provide emergency medical service
31 to the general population. To this end, all emergency medical

1 service entities within the state are directed to provide the
2 ~~Division of Communications of the~~ Department of Management
3 Services with any information the department ~~division~~ requests
4 for the purpose of implementing the provisions of s. 401.015,
5 and such entities shall comply with the resultant provisions
6 established pursuant to this part.

7 Section 101. Section 401.015, Florida Statutes, is
8 amended to read:

9 401.015 Statewide regional emergency medical
10 telecommunication system.--The ~~Division of Communications of~~
11 ~~the~~ Department of Management Services is authorized and
12 directed to develop a statewide system of regional emergency
13 medical telecommunications. For the purpose of this part, the
14 term "telecommunications" means those voice, data, and
15 signaling transmissions and receptions between emergency
16 medical service components, including, but not limited to:
17 ambulances; rescue vehicles; hospitals or other related
18 emergency receiving facilities; emergency communications
19 centers; physicians and emergency medical personnel; paging
20 facilities; law enforcement and fire protection agencies; and
21 poison control, suicide, and emergency management agencies.
22 In formulating such a system, the department ~~division~~ shall
23 divide the state into appropriate regions and shall develop a
24 program which includes, but is not limited to, the following
25 provisions:

26 (1) A requirements provision, which shall state the
27 telecommunications requirements for each emergency medical
28 entity comprising the region.

29 (2) An interfacility communications provision, which
30 shall depict the telecommunications interfaces between the
31

1 various medical service entities which operate within the
2 region and state.

3 (3) An organizational layout provision, which shall
4 include each emergency medical entity and the number of radio
5 operating units (base, mobile, handheld, etc.) per entity.

6 (4) A frequency allocation and use provision, which
7 shall include on an entity basis each assigned and planned
8 radio channel and the type of operation (simplex, duplex, half
9 duplex, etc.) on each channel.

10 (5) An operational provision, which shall include
11 dispatching, logging, and operating procedures pertaining to
12 telecommunications on an entity basis and regional basis.

13 (6) An emergency medical service telephone provision,
14 which shall include the telephone and the numbering plan
15 throughout the region for both the public and interface
16 requirements.

17 Section 102. Section 401.018, Florida Statutes, is
18 amended to read:

19 401.018 System coordination.--

20 (1) The statewide system of regional emergency medical
21 telecommunications shall be developed by the Department of
22 Management Services Division ~~Division of Communications~~, which
23 department ~~division~~ shall be responsible for the
24 implementation and coordination of such system into the state
25 telecommunications plan. The department ~~division~~ shall adopt
26 any necessary rules and regulations for implementing and
27 coordinating such a system.

28 (2) The Department of Management Services Division ~~of~~
29 ~~Communications~~ shall be designated as the state frequency
30 coordinator for the special emergency radio service.

31

1 Section 103. Section 401.024, Florida Statutes, is
2 amended to read:

3 401.024 System approval.--From July 1, 1973, no
4 emergency medical telecommunications system shall be
5 established or present systems expanded without prior approval
6 of the Department of Management Services ~~Division of~~
7 ~~Communications~~.

8 Section 104. Subsection (1) of section 403.7065,
9 Florida Statutes, is amended to read:

10 403.7065 Procurement of products or materials with
11 recycled content.--

12 (1) Except as provided in s. 287.045, any state agency
13 or agency of a political subdivision of the state which is
14 using state funds, or any person contracting with any such
15 agency with respect to work performed under contract, is
16 required to procure products or materials with recycled
17 content when the ~~Division of Purchasing of the~~ Department of
18 Management Services determines that those products or
19 materials are available. A decision not to procure such items
20 must be based on the Department of Management Services'
21 ~~Division of Purchasing's~~ determination that such procurement
22 is not reasonably available within an acceptable period of
23 time, fails to meet the performance standards set forth in the
24 applicable specifications, or fails to meet the performance
25 standards of the agency. When the requirements of s. 287.045
26 are met, agencies shall be subject to the procurement
27 requirements of that section for procuring products or
28 materials with recycled content.

29 Section 105. Subsection (2) of section 946.515,
30 Florida Statutes, is amended to read:

31

1 946.515 Use of goods and services produced in
2 correctional work programs.--

3 (2) No similar product or service of comparable price
4 and quality found necessary for use by any state agency may be
5 purchased from any source other than the corporation if the
6 corporation certifies that the product is manufactured by, or
7 the service is provided by, inmates and the product or service
8 meets the comparable performance specifications and comparable
9 price and quality requirements as specified under s.

10 287.042(1)(f) or as determined by an individual agency as
11 provided in this section. The purchasing authority of any such
12 state agency may make reasonable determinations of need,
13 price, and quality with reference to products or services
14 available from the corporation. In the event of a dispute
15 between the corporation and any purchasing authority based
16 upon price or quality under this section or s. 287.042(1)(f),
17 either party may request a hearing with the Department of
18 Management Services ~~Division of Purchasing~~ and if not
19 resolved, either party may request a proceeding pursuant to
20 ss. 120.569 and 120.57, which shall be referred to the
21 Division of Administrative Hearings within 60 days after such
22 request, to resolve any dispute under this section. No party
23 is entitled to any appeal pursuant to s. 120.68.

24
25 Reviser's note.--Amended pursuant to the
26 directive in s. 4, ch. 97-296, Laws of Florida,
27 to substitute a reference to the Department of
28 Management Services for all references in the
29 Florida Statutes to any division, bureau, or
30 other unit of the Department of Management
31 Services, except for references to the Division

1 of Administrative Hearings, the Division of
2 Retirement, or commissions.
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