

By the Committee on Governmental Operations and
Representatives Reddick and K. Pruitt

1 A bill to be entitled
2 An act relating to the Department of Management
3 Services; amending s. 20.22, F.S.; revising the
4 organizational structure of the department
5 relating to labor organizations; clarifying
6 provisions relating to operation of the
7 Division of State Group Insurance; modifying
8 the role of the director of the Division of
9 State Group Insurance and staff thereof with
10 respect to the Florida State Group Insurance
11 Council; amending ss. 110.109 and 110.112,
12 F.S.; revising reporting requirements; amending
13 s. 110.1099, F.S.; providing conditions for the
14 reimbursement of training expenses by an
15 employee; amending s. 110.1165, F.S.; providing
16 a statute of limitations on filing certain
17 actions; amending s. 110.123, F.S., relating to
18 the state group insurance program; revising and
19 adding definitions; providing for Career
20 Service exemptions in the Division of State
21 Group Insurance; clarifying and correcting
22 references; updating provisions relating to
23 agency payment of premiums for certain
24 employees injured or killed in the line of
25 duty, to conform to existing law; amending s.
26 110.12315, F.S., relating to the state
27 employees' prescription drug program, to
28 revise, clarify, and reorganize such
29 provisions; amending s. 110.1232, F.S.,
30 relating to health insurance coverage for
31 certain state retirees, to correct a reference;

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

1 organizational structure of the department
2 relating to the Architects Incidental Trust
3 Fund; amending s. 215.422, F.S.; deleting a
4 vendor's right to the name of an ombudsman;
5 amending s. 215.94, F.S.; conforming a
6 reference to changes made by the act; amending
7 s. 216.011, F.S.; redefining the term
8 "operating capital outlay"; amending s. 255.25,
9 F.S.; exempting certain leases from the
10 competitive bidding process; providing for a
11 pilot project under the Department of
12 Management Services for contracted tenant
13 brokers to assist state agencies in locating
14 suitable private sector leases; providing
15 requirements of the program; providing for a
16 report; providing for future repeal; amending
17 ss. 255.249 and 255.257, F.S.; revising the
18 threshold for leased space facility
19 requirements; amending s. 255.503, F.S.;
20 providing for the closing of facilities in
21 emergency situations; amending s. 267.075,
22 F.S.; revising the membership of The Grove
23 Advisory Council; amending s. 272.18, F.S.;
24 revising the membership of the Governor's
25 Mansion Commission; amending s. 272.185, F.S.;
26 revising the organizational structure of the
27 department relating to maintenance of the
28 Governor's Mansion; amending s. 273.02, F.S.;
29 increasing the value of property required to be
30 inventoried by custodians; amending s. 273.055,
31 F.S.; providing for the disbursement of moneys

1 received from disposition of state-owned
2 tangible personal property; amending s. 281.07,
3 F.S.; revising the organizational structure of
4 the department relating to the capitol police;
5 amending s. 282.105, F.S., relating to use of
6 State Suncom Network by nonprofit schools;
7 amending s. 282.111, F.S.; revising the
8 organizational structure of the department
9 relating to the statewide system of regional
10 law enforcement communications; amending s.
11 287.042, F.S.; revising the organizational
12 structure of the department relating to the
13 purchasing of goods and services; amending s.
14 287.057, F.S.; revising the organizational
15 structure of the department relating to the
16 procurement of insurance; amending s. 287.058,
17 F.S.; providing cancellation and public access
18 provisions; amending ss. 287.16 and 287.18,
19 F.S.; revising the organizational structure of
20 the department relating to motor vehicles,
21 watercraft, and aircraft; amending s. 365.171,
22 F.S.; designating the director of the statewide
23 emergency telephone number "911"; amending ss.
24 401.021 and 401.027, F.S.; designating the
25 director of the statewide telecommunications
26 system of the regional emergency medical
27 service; amending s. 446.045, F.S., relating to
28 the State Apprenticeship Council; revising the
29 repeal date; amending s. 446.604, F.S.;
30 providing for Government Services Direct to be
31 included in the plan for One-Stop Career

1 Centers; amending s. 447.208, F.S.; providing
2 for the determination of attorney's fees in
3 certain cases; repealing ss. 110.407 and
4 110.607, F.S., which provide for performance
5 audits; providing an effective date.
6

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

9 Section 1. Subsection (4) and paragraphs (a), (c), and
10 (e) of subsection (5) of section 20.22, Florida Statutes, are
11 amended to read:

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

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

20 (5)(a) The Florida State Group Insurance Council is
21 created within the Division of State Group Insurance for the
22 purpose of providing joint and coordinated oversight of the
23 operation and administration of the state group insurance
24 program. The council shall consist of the state budget
25 director; an individual from the private sector with an
26 extensive health administration background, appointed by the
27 Governor; a member of the Florida Senate, appointed by the
28 President of the Senate; a member of the Florida House of
29 Representatives, appointed by the Speaker of the House of
30 Representatives; a representative of the State University
31 System, appointed by the Board of Regents; the State Insurance

1 Commissioner or his designee; the director of the Division of
2 Retirement; and two representatives of employees and retirees,
3 appointed by the Governor. Members of the council appointed by
4 the Governor shall be appointed to serve terms of 4 years
5 each. Each member of the council shall serve until a
6 successor is appointed. ~~Additionally,~~The director of the
7 Division of State Group ~~Employee~~ Insurance shall not be a
8 nonvoting member of the council, but shall assume
9 responsibility for ensuring provision of administrative,
10 analytical, and technical support to the council.

11 (c) The council is assigned to the Division of State
12 Group Insurance for administrative and fiscal accountability
13 purposes, but the council ~~and its staff~~ shall otherwise
14 function independently of the control and direction of the
15 division. The division of ~~State Group Insurance~~ shall furnish
16 ~~dedicated administrative and secretarial assistance to the~~
17 ~~council, and other~~ assistance to the council as requested.

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

21 1. The awarding or termination of contracts.
22 2. The selection of a consultant or contractor or the
23 prequalification of any individual consultant or contractor.
24 However, the council may recommend to the director standards
25 and policies governing the procedure for selection and
26 prequalification of consultants and contractors.

27 3. The employment, promotion, demotion, suspension,
28 transfer, or discharge of any division personnel.

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

31

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

3 110.109 Productivity improvement and personnel audits
4 of executive branch agencies.--The department shall be
5 responsible for conducting personnel audits of all executive
6 branch agencies, except the State University System, to
7 provide as follows:

8 (2) It shall be the duty of the department to audit
9 the personnel programs of the state agencies on a continuing
10 and regular basis to ensure the agencies' compliance with
11 state laws and regulations. ~~A copy of such study made by the~~
12 ~~department shall be submitted to the Governor, the President~~
13 ~~of the Senate, the Speaker of the House of Representatives,~~
14 ~~and the Auditor General.~~

15 Section 3. Subsection (5) of section 110.1099, Florida
16 Statutes, is amended, and subsection (6) is added to said
17 section, to read:

18 110.1099 Education and training opportunities for
19 state employees.--

20 (5) The Department of Management Services, in
21 consultation with the agencies and, to the extent applicable,
22 Florida's public postsecondary educational institutions, shall
23 adopt rules to implement and administer this section.

24 (6) As a precondition to approving an employee's
25 training request, an agency or the judicial branch may require
26 an employee to enter into an agreement that requires the
27 employee to reimburse the agency or judicial branch the
28 registration fee or similar expense for any training or
29 training series when the cost of the fee or similar expense
30 exceeds \$1,000 if the employee voluntarily terminates
31 employment or is discharged for cause from the agency or

1 judicial branch within a specified period of time not
2 exceeding 4 years after the conclusion of the training. This
3 subsection does not apply to any training program that an
4 agency or the judicial branch requires the employee to attend.
5 An agency or the judicial branch may pay the outstanding
6 balance then due and owing on behalf of a state employee under
7 this subsection in connection with recruitment and hiring of
8 such state employee.

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

12 110.112 Affirmative action; equal employment
13 opportunity.--

14 (2)

15 (d) The department shall report information in its
16 annual workforce report relating to ~~annually to the Governor~~
17 ~~on~~ the implementation, continuance, updating, and results of
18 each executive agency's affirmative action plan for the
19 previous fiscal year.

20 (6) The department shall review and audit executive
21 agency actions in carrying out the rules adopted by the
22 department pursuant to this section ~~and shall submit postaudit~~
23 ~~reports to the Governor, the President of the Senate, the~~
24 ~~Speaker of the House of Representatives, and the Auditor~~
25 ~~General.~~

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

28 110.1165 Executive branch personnel errors.--

29 (1) An agency of the executive branch, including the
30 State University System, shall establish procedures for the
31 receipt, consideration, and disposition of a claim regarding

1 pay or benefits brought by an employee when that employee is
2 damaged as a result of being provided with erroneous written
3 information by the employing agency regarding his or her pay
4 or benefits, and the employee detrimentally relies upon such
5 written information. In order to qualify for the relief
6 provided by this section, the employee's reliance on the
7 representation must have been reasonable and based only upon
8 the written representations made by those persons authorized
9 by the agency head to make such representations. Furthermore,
10 the erroneous calculation and payment of an employee's salary,
11 wages, or benefits is not among the written representations
12 which will trigger relief under this section. ~~Section 95.11(4)~~
13 ~~is the statute of limitations for filing any action to recover~~
14 ~~salary, wages, overtime, benefits, or related damages by or on~~
15 ~~behalf of a state employee, or any action under this section.~~
16 ~~No distinctions between the terms "salary" and "wages" in~~
17 ~~construing the provisions of s. 95.11(4) apply to this section~~
18 ~~or the statute of limitations for filing any action under this~~
19 ~~section.~~

20 (2) An agency of the executive branch, including the
21 State University System, is authorized to take such action as
22 may be appropriate to provide a remedy for an employee
23 concerning his or her claim regarding detrimental reliance on
24 erroneous written information provided by the employing agency
25 relating to pay and benefits, provided such remedy is within
26 the purview of the agency's authority. The agency has no
27 authority whatsoever to modify the state retirement system or
28 the state insurance program. Any monetary remedy afforded by
29 the agency must fall within the agency's budgetary authority.
30 Any person dissatisfied with the outcome of this process may
31 file either a grievance pursuant to the agency's internal

1 grievance process or an appeal to the Division of
2 Administrative Hearings pursuant to chapter 120, but not both.
3 (3) The time limit to file any action to recover
4 compensation, including, but not limited to, salaries, wages,
5 overtime pay, fringe benefits, or damages or penalties
6 relating thereto from, by, or on behalf of a state officer or
7 employee is 2 years from the date of the alleged error. This
8 time limit applies in all disputes over compensation for work
9 performed by state officers or employees, and is not confined
10 to cases arising under subsections (1) and (2).

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

16 110.123 State group insurance program.--

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

18 (a) "Department" means the Department of Management
19 Services.

20 (b) "Division" means the Division of State Group
21 Insurance in the department.

22 (c) "Enrollee" means all state officers and employees,
23 retired state officers and employees, and surviving spouses of
24 deceased state officers and employees, and terminated
25 employees or individuals with continuation coverage who are
26 enrolled in an insurance plan offered by the state group
27 insurance program.

28 (d) "Full-time state employees" includes all full-time
29 employees of all branches or agencies of state government
30 holding salaried positions and paid by state warrant or from
31 agency funds, and employees paid from regular salary

1 appropriations for 8 months' employment, including university
2 personnel on academic contracts, but in no case shall "state
3 employee" or "salaried position" include persons paid from
4 other-personal-services (OPS) funds.

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

7 (f) "Health plan member" means any person
8 participating in the state group health insurance plan or in a
9 health maintenance organization plan under the state group
10 insurance program, including enrollees and covered dependents
11 thereof.

12 (g)~~(f)~~ "Part-time state employee" means any employee
13 of any branch or agency of state government paid by state
14 warrant from salary appropriations or from agency funds, and
15 who is employed for less than the normal full-time workweek
16 established by the department or, if on academic contract or
17 seasonal or other type of employment which is less than
18 year-round, is employed for less than 8 months during any
19 12-month period, but in no case shall "part-time" employee
20 include a person paid from other-personal-services (OPS)
21 funds.

22 (h)~~(g)~~ "Retired state officer or employee" or
23 "retiree" means any state officer or state employee who
24 retires under a state retirement system or a state optional
25 annuity or retirement program or is placed on disability
26 retirement, and who was insured under the state group
27 insurance program at the time of retirement, and who begins
28 receiving retirement benefits immediately after retirement
29 from state office or employment.

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

1 (j) "State-contracted HMO" means any health
2 maintenance organization under contract with the division to
3 participate in the state group insurance program.
4 ~~(k)(i)~~ "State group health insurance plan" or "state
5 plan" means the state self-insured health insurance plan
6 offered to state officers and employees, retired state
7 officers and employees, and surviving spouses of deceased
8 state officers and employees pursuant to this section.
9 ~~(l)(j)~~ "State group insurance program" or "programs"
10 means the package of insurance plans offered to state officers
11 and employees, retired state officers and employees, and
12 surviving spouses of deceased state officers and employees
13 pursuant to this section, including the state group health
14 insurance plan, health maintenance organization plans, and
15 other plans required or authorized by this section.
16 ~~(m)(k)~~ "State officer" means any constitutional state
17 officer, any elected state officer paid by state warrant, or
18 any appointed state officer who is commissioned by the
19 Governor and who is paid by state warrant.
20 ~~(n)(i)~~ "Surviving spouse" means the widow or widower
21 of a deceased state officer, full-time state employee,
22 part-time state employee, or retiree if such widow or widower
23 was covered as a dependent under the state group health
24 insurance plan or a health maintenance organization plan
25 established pursuant to this section at the time of the death
26 of the deceased officer, employee, or retiree. "Surviving
27 spouse" also means any widow or widower who is receiving or
28 eligible to receive a monthly state warrant from a state
29 retirement system as the beneficiary of a state officer,
30 full-time state employee, or retiree who died prior to July 1,
31 1979. For the purposes of this section, any such widow or

1 widower shall cease to be a surviving spouse upon his or her
2 remarriage.

3 (3) STATE GROUP INSURANCE PROGRAM.--

4 (a) The Division of State Group Insurance is created
5 within the Department of Management Services, to be headed by
6 a director who shall be appointed by the Governor and
7 confirmed by the Senate. The division shall be a separate
8 budget entity, and the director shall be its agency head for
9 all purposes.

10 1. The director and assistant director shall be exempt
11 from the Career Service System as provided under s.
12 110.205(2)(i) of the state personnel law. In addition to the
13 20 policymaking positions allocated to the Department of
14 Management Services, under s. 110.205(2)(m), the director, as
15 agency head, may designate as being exempt from the Career
16 Service System a maximum of 10 positions determined by the
17 director to have policymaking or managerial responsibilities
18 comparable to such positions.

19 2. The Department of Management Services shall provide
20 administrative support and service to the division to the
21 extent requested by the director. The division shall not be
22 subject to control, supervision, or direction by the
23 Department of Management Services in any manner, including,
24 but not limited to, personnel, purchasing, transactions
25 involving real or personal property, and budgetary matters,
26 except to the extent as provided in this chapter and chapters
27 216, 255, 282, and 287 for agencies of the executive branch.

28 (e)1. Notwithstanding the provisions of chapter 287
29 and the authority of the Division of Purchasing, for the
30 purpose of protecting the health of, and providing medical
31 services to, state employees participating in the state group

1 insurance program ~~Employees' Health Self-Insurance Plan~~, the
2 Division of State Group Insurance may contract to retain the
3 services of professional administrators for the state group
4 insurance program ~~Employees' Health Self-Insurance Plan~~. The
5 division ~~agency~~ shall follow good purchasing practices of
6 state procurement to the extent practicable under the
7 circumstances.

8 2. Each vendor in a major procurement, and any other
9 vendor if the division deems it necessary to protect the
10 state's financial interests, shall, at the time of executing
11 any contract with the division, post an appropriate bond with
12 the division in an amount determined by the division to be
13 adequate to protect the state's interests but not higher than
14 the full amount estimated to be paid annually to the vendor
15 under the contract.

16 3. Each major contract entered into by the division
17 pursuant to this section shall contain a provision for payment
18 of liquidated damages to the division for material
19 noncompliance by a vendor with a contract provision. The
20 division may require a liquidated damages provision in any
21 contract if the division deems it necessary to protect the
22 state's financial interests.

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

25 a. A formal written protest of any decision, intended
26 decision, or other action subject to protest shall be filed
27 within 72 hours after receipt of notice of the decision,
28 intended decision, or other action.

29 b. As an alternative to any provision of s. 120.57(3),
30 the division may proceed with the bid selection or contract
31 award process if the director of the division ~~department~~ sets

1 forth, in writing, particular facts and circumstances which
2 demonstrate the necessity of continuing the procurement
3 process or the contract award process in order to avoid a
4 substantial disruption to the provision of any scheduled
5 insurance services.

6 (h)1. A person eligible to participate in the state
7 group ~~health~~ insurance program plan may be authorized by rules
8 adopted by the division, in lieu of participating in the state
9 group health insurance plan, to exercise an option to elect
10 membership in a health maintenance organization plan which is
11 under contract with the state in accordance with criteria
12 established by this section and by said rules. The offer of
13 optional membership in a health maintenance organization plan
14 permitted by this paragraph may be limited or conditioned by
15 rule as may be necessary to meet the requirements of state and
16 federal laws.

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

21 a. A minimum benefit package to be provided by a
22 participating HMO shall include: physician services; inpatient
23 and outpatient hospital services; emergency medical services,
24 including out-of-area emergency coverage; diagnostic
25 laboratory and diagnostic and therapeutic radiologic services;
26 mental health, alcohol, and chemical dependency treatment
27 services meeting the minimum requirements of state and federal
28 law; skilled nursing facilities and services; prescription
29 drugs; and other benefits as may be required by the division.
30 Additional services may be provided subject to the contract
31 between the division and the HMO.

1 b. A uniform schedule for deductibles and copayments
2 may be established for all participating HMOs.

3 c. Based upon the minimum benefit package and
4 copayments and deductibles contained in sub-subparagraphs a.
5 and b., the division shall issue a request for proposal for
6 all HMOs which are interested in participating in the state
7 group insurance program. Upon receipt of ~~all~~ proposals, the
8 division may, as it deems appropriate, enter into contract
9 negotiations with HMOs submitting bids. As part of the request
10 for proposal process, the division may require detailed
11 financial data from each HMO which participates in the bidding
12 process for the purpose of determining the financial stability
13 of the HMO.

14 d. In determining which HMOs to contract with, the
15 division shall, at a minimum, consider: each proposed
16 contractor's previous experience and expertise in providing
17 prepaid health benefits; each proposed contractor's historical
18 experience in enrolling and providing health care services to
19 participants in the state group insurance program; the cost of
20 the premiums; the plan's ability to adequately provide service
21 coverage and administrative support services as determined by
22 the division; plan benefits in addition to the minimum benefit
23 package; accessibility to providers; and the financial
24 solvency of the plan. Nothing shall preclude the division from
25 negotiating regional or statewide contracts with health
26 maintenance organization plans when this is cost-effective and
27 when the division determines the plan has the best overall
28 benefit package for the service areas involved. However, no
29 HMO shall be eligible for a contract if the HMO's retiree
30 Medicare premium exceeds the retiree rate as set by the
31 division for the state group health insurance plan.

1 e. The division may limit the number of HMOs that it
2 contracts with in each service area based on the nature of the
3 bids the division receives, the number of state employees in
4 the service area, or ~~and~~ any unique geographical
5 characteristics of the service area. The division shall
6 establish by rule service areas throughout the state.

7 f. All persons participating in the state group
8 insurance program who are required to contribute towards a
9 total state group health premium shall be subject to the same
10 dollar contribution regardless of whether the enrollee enrolls
11 in the state group health insurance plan or in an HMO plan.

12 3. The division is authorized to negotiate and to
13 contract with specialty psychiatric hospitals for mental
14 health benefits, on a regional basis, for alcohol, drug abuse,
15 and mental and nervous disorders. The division may establish,
16 subject to the approval of the Legislature pursuant to
17 subsection (5), any such regional plan upon completion of an
18 actuarial study to determine any impact on plan benefits and
19 premiums.

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

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

25 b. Does not currently meet the 25 percent
26 non-Medicare/non-Medicaid enrollment composition requirement
27 established by the Department of Health and Human Services
28 excluding participants enrolled in the state group insurance
29 program;

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

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

5 e. Meets the minimum surplus requirements of s.
6 641.225.

7
8 The division is authorized to contract with HMOs that meet the
9 requirements of sub-subparagraphs a. through d. prior to the
10 open enrollment period for state employees. The division is
11 not required to renew the contract with the HMOs as set forth
12 in this paragraph more than twice. Thereafter, the HMOs shall
13 be eligible to participate in the state group insurance
14 program only through the request for proposal process
15 described in subparagraph 2.

16 5. All enrollees in the state group health insurance
17 plan or any health maintenance organization plan shall have
18 the option of changing to any other health plan which is
19 offered by the state within any open enrollment period
20 designated by the division. Open enrollment shall be held at
21 least once each calendar year.

22 6. Any HMO participating in the state group insurance
23 program shall, upon the request of the division, submit to the
24 division standardized data for the purpose of comparison of
25 the appropriateness, quality, and efficiency of care provided
26 by the HMO. Such standardized data shall include: membership
27 profiles; inpatient and outpatient utilization by age and sex,
28 type of service, provider type, and facility; and emergency
29 care experience. Requirements and timetables for submission of
30 such standardized data and such other data as the division
31

1 deems necessary to evaluate the performance of participating
2 HMOs shall be adopted by rule.

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

10 a. Based upon a desired benefit package, the division
11 shall issue a request for proposal for health insurance
12 providers interested in participating in the state group
13 insurance program, and the division shall issue a request for
14 proposal for insurance providers interested in participating
15 in the non-health-related components of the state group
16 insurance program. Upon receipt of all proposals, the
17 division may enter into contract negotiations with insurance
18 providers submitting bids or negotiate a specially designed
19 benefit package. Insurance providers offering or providing
20 supplemental coverage as of May 30, 1991, which qualify for
21 pretax benefit treatment pursuant to s. 125 of the Internal
22 Revenue Code of 1986, with 5,500 or more state employees
23 currently enrolled may be included by the division in the
24 supplemental insurance benefit plan established by the
25 division without participating in a request for proposal,
26 submitting bids, negotiating contracts, or negotiating a
27 specially designed benefit package. These contracts shall
28 provide state employees with the most cost-effective and
29 comprehensive coverage available; however, no state or agency
30 funds shall be contributed toward the cost of any part of the
31 premium of such supplemental benefit plans.

1 b. Pursuant to the applicable provisions of s.
2 110.161, and s. 125 of the Internal Revenue Code of 1986, the
3 division shall enroll in the pretax benefit program those
4 state employees who voluntarily elect coverage in any of the
5 supplemental insurance benefit plans as provided by
6 sub-subparagraph a.

7 c. Nothing herein contained shall be construed to
8 prohibit insurance providers from continuing to provide or
9 offer supplemental benefit coverage to state employees as
10 provided under existing agency plans.

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

13 (a) Except as provided in paragraph (e) with respect
14 to law enforcement officers, ~~correctional~~ and ~~correctional~~
15 ~~probation officers~~, and firefighters, legislative
16 authorization through the appropriations act is required for
17 payment by a state agency of any part of the premium cost of
18 participation in any group insurance plan. However, the state
19 contribution for full-time employees or part-time permanent
20 employees shall continue in the respective proportions for up
21 to 6 months for any such officer or employee who has been
22 granted an approved parental or medical leave of absence
23 without pay.

24 (e) No state contribution for the cost of any part of
25 the premium shall be made for retirees or surviving spouses
26 for any type of coverage under the state group insurance
27 program. However, any state agency that employs a full-time
28 law enforcement officer, correctional officer, or correctional
29 probation officer who is killed or suffers catastrophic injury
30 in the line of duty as provided in s. 112.19, or a full-time
31 firefighter who is killed or suffers catastrophic injury in

1 the line of duty as provided in s. 112.191,~~on or after July~~
2 ~~1, 1980, as a result of an act of violence inflicted by~~
3 ~~another person while the officer is engaged in the performance~~
4 ~~of law enforcement duties or as a result of an assault against~~
5 ~~the officer under riot conditions shall pay the entire premium~~
6 ~~of the state group health insurance plan for the employee's~~
7 ~~surviving spouse until remarried, and for each dependent child~~
8 ~~of the employee subject to the conditions and limitations set~~
9 ~~forth in s. 112.19 or s. 112.191, as applicable until the~~
10 ~~child reaches the age of majority or until the end of the~~
11 ~~calendar year in which the child reaches the age of 25 if:~~
12 ~~1. At the time of the employee's death, the child is~~
13 ~~dependent upon the employee for support; and~~
14 ~~2. The surviving child continues to be a dependent for~~
15 ~~support, or the surviving child is a full-time or part-time~~
16 ~~student and is dependent for support.~~
17 (5) DIVISION OF STATE GROUP INSURANCE; POWERS AND
18 DUTIES.--The division is responsible for the administration of
19 the state group insurance program. The division shall
20 initiate and supervise the program as established by this
21 section and shall adopt such rules as are necessary to perform
22 its responsibilities. To implement this program, the division
23 shall, with prior approval by the Legislature:
24 (a) Determine the benefits to be provided and the
25 contributions to be required for the state group insurance
26 program. Such determinations, whether for a contracted plan or
27 a self-insurance plan pursuant to paragraph (c), do not
28 constitute rules within the meaning of s. 120.52 or final
29 orders within the meaning of s. 120.52. Any physician's fee
30 schedule used in the health and accident plan shall not be
31 available for inspection or copying by medical providers or

1 other persons not involved in the administration of the
2 program. However, in the determination of the design of the
3 program, the division shall consider existing and
4 complementary benefits provided by the Florida Retirement
5 System and the Social Security System.

6 (b) Prepare, in cooperation with the Department of
7 Insurance, the specifications necessary to implement the
8 program.

9 (c) Contract on a competitive proposal basis with an
10 insurance carrier or carriers, or professional administrator,
11 determined by the Department of Insurance to be fully
12 qualified, financially sound, and capable of meeting all
13 servicing requirements. Alternatively, the division may
14 self-insure any plan or plans contained in the state group
15 insurance program subject to approval based on actuarial
16 soundness by the Department of Insurance. The division may
17 contract with an insurance company or professional
18 administrator qualified and approved by the Department of
19 Insurance to administer such plan. Before entering into any
20 contract, the division shall advertise for competitive
21 proposals, and such contract shall be let upon the
22 consideration of the benefits provided in relationship to the
23 cost of such benefits. In determining which entity to contract
24 with, the division shall, at a minimum, consider: the
25 entity's previous experience and expertise in administering
26 group insurance programs of the type it proposes to
27 administer; the entity's ability to specifically perform its
28 contractual obligations in this state and other governmental
29 jurisdictions; the entity's anticipated administrative costs
30 and claims experience; the entity's capability to adequately
31 provide service coverage and sufficient number of experienced

1 and qualified personnel in the areas of claims processing,
2 recordkeeping, and underwriting, as determined by the
3 division; the entity's accessibility to state employees and
4 providers; the financial solvency of the entity, using
5 accepted business sector measures of financial performance.
6 The division may contract for medical services which will
7 improve the health or reduce medical costs for employees who
8 participate in the state group insurance plan.

9 (d) With respect to the state group health insurance
10 plan, be authorized to require copayments with respect to all
11 providers under the plan.

12 (e) Have authority to establish a voluntary program
13 for comprehensive health maintenance, which may include health
14 educational components and health appraisals.

15 (f) With respect to any contract with an insurance
16 carrier or carriers or professional administrator entered into
17 by the division, require that the state and the enrollees be
18 held harmless and indemnified for any financial loss caused by
19 the failure of the insurance carrier or professional
20 administrator to comply with the terms of the contract.

21 (g) With respect to any contract with an insurance
22 carrier or carriers, or professional administrator entered
23 into by the division, require that the carrier or professional
24 administrator provide written notice to individual enrollees
25 if any payment due to any health care provider of the enrollee
26 remains unpaid beyond a period of time as specified in the
27 contract.

28 (h) Have authority to establish a voluntary group
29 long-term care program or other programs to be funded on a
30 pretax contribution basis or on a posttax contribution basis,
31 as the division determines.

1
2 Final decisions concerning enrollment, the existence of
3 coverage, or covered benefits under the state group ~~health~~
4 insurance program plan shall not be delegated or deemed to
5 have been delegated by the division.

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

21 Section 7. Section 110.12315, Florida Statutes, is
22 amended to read:

23 (Substantial rewording of section. See
24 s. 110.12315, F.S., for present text.)
25 110.12315 Prescription drug program.--The state
26 employees' prescription drug program is hereby established.
27 This program shall be administered by the Division of State
28 Group Insurance within the Department of Management Services,
29 according to the terms and conditions of the plan as
30 established by the Division of State Group Insurance and by
31 relevant provisions of the annual General Appropriations Act

1 and implementing legislation, subject to the following
2 conditions:

3 (1) The Division of State Group Insurance shall allow
4 prescriptions written by health care providers under the plan
5 to be filled by any licensed pharmacy pursuant to contractual
6 claims-processing provisions. However, nothing in this section
7 shall be construed as prohibiting a mail order prescription
8 drug program distinct from the service provided by retail
9 pharmacies.

10 (2) In providing for reimbursement of pharmacies for
11 prescription medicines dispensed to members of the state group
12 health insurance plan and their dependents under the state
13 employees' prescription drug program:

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

17 (b) There shall be a 30-day supply limit for
18 prescription card purchases; there shall be a 90-day supply
19 limit for mail order or mail order prescription drug
20 purchases.

21 (c) The current pharmacy dispensing fee shall remain
22 in effect.

23 (3) The Division of State Group Insurance shall
24 establish the reimbursement schedule for prescription
25 pharmaceuticals dispensed under the program. Reimbursement
26 rates for a prescription pharmaceutical shall be based on the
27 cost of the generic equivalent drug if a generic equivalent
28 exists, unless the physician prescribing the pharmaceutical
29 clearly states on the prescription that the brand name drug is
30 medically necessary or that the drug product is included on
31 the formulary of drug products that may not be interchanged as

1 provided in chapter 465, in which case, reimbursement shall be
2 based on the cost of the brand name drug as specified in the
3 reimbursement schedule adopted by the Division of State Group
4 Insurance.

5 (4) The Division of State Group Insurance shall
6 conduct a prescription utilization review program. In order
7 to participate in the state employees' prescription drug
8 program, retail pharmacies dispensing prescription medicines
9 to members of the state group health insurance plan or their
10 covered dependents, or to subscribers or covered dependents of
11 a health maintenance organization plan under the state group
12 insurance program, shall be required to make their records
13 available for this review.

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

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

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

29 110.1232 Health insurance coverage for persons retired
30 under state-administered retirement systems before January 1,
31 1976, and for spouses.--Notwithstanding any provisions of law

1 to the contrary, the Division of State Group Insurance shall
2 provide health insurance coverage under ~~in~~ the state group
3 ~~Health~~ insurance program Plan for persons who retired prior to
4 January 1, 1976, under any of the state-administered
5 retirement systems and who are not covered by social security
6 and for the spouses and surviving spouses of such retirees who
7 are also not covered by social security. Such health
8 insurance coverage shall provide the same benefits as provided
9 to other retirees who are entitled to participate under s.
10 110.123. The claims experience of this group shall be
11 commingled with the claims experience of other members covered
12 under s. 110.123.

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

15 110.1234 Health insurance for retirees under the
16 Florida Retirement System; Medicare supplement and fully
17 insured coverage.--

18 (1) The Division of State Group Insurance shall
19 solicit competitive bids from state-licensed insurance
20 companies to provide and administer a fully insured Medicare
21 supplement policy for all eligible retirees of a state or
22 local public employer. Such Medicare supplement policy shall
23 meet the provisions of ss. 627.671-627.675. For the purpose
24 of this subsection, "eligible retiree" means any public
25 employee who retired from a state or local public employer who
26 is covered by Medicare, Parts A and B. The division ~~department~~
27 shall authorize one company to offer the Medicare supplement
28 coverage to all eligible retirees. All premiums shall be paid
29 by the retiree.

30 Section 10. Section 110.1238, Florida Statutes, is
31 amended to read:

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

7 Section 11. Section 110.1245, Florida Statutes, is
8 amended to read:

9 110.1245 Meritorious service awards program.--

10 (1) The Department of Management Services shall set
11 policy, develop procedures, and promote a program of
12 meritorious service awards, incentives, and recognition to
13 employees who:

14 (a) Propose procedures or ideas which are adopted and
15 which will result in increasing productivity, in eliminating
16 or reducing state expenditures or improving operations, or in
17 generating additional revenues, provided such proposals are
18 placed in effect and can be implemented under current
19 statutory authority; or

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

23
24 Every state agency, unless otherwise provided by law, shall
25 participate in the program. The Chief Justice shall have the
26 authority to establish a meritorious service awards program
27 for employees of the judicial branch within the parameters
28 established in this section. The component of the program
29 specified in paragraph (a) shall apply to all employees within
30 the Career Service System, the Selected Exempt Service System,
31 and comparable employees within the judicial branch. The

1 component of the program specified in paragraph (b) shall
2 apply to all employees of the state. No award granted under
3 the component of the program described in paragraph (a) shall
4 exceed 10 percent of the first year's actual savings or actual
5 revenue increase, up to \$25,000, plus applicable taxes, unless
6 a larger award is made by the Legislature, and shall be paid
7 from the appropriation available to the judicial branch or
8 state agency affected by the award or from any specific
9 appropriation therefor. No award granted under the component
10 of the program described in paragraph (b) shall exceed \$1,000
11 plus applicable taxes per individual employee. The judicial
12 branch or an agency may award savings bonds or other items in
13 lieu of cash awards, provided that the cost of such item does
14 not exceed the limits specified in this subsection. In
15 addition, the judicial branch or a state agency may award
16 certificates, pins, plaques, letters of commendation, and
17 other tokens of recognition of meritorious service to an
18 employee eligible for recognition under either component of
19 the program, provided that the award may not cost in excess of
20 ~~\$100~~\$75 each plus applicable taxes.

21 (2) The department and the judicial branch shall
22 submit annually to the President of the Senate and the Speaker
23 of the House of Representatives information that ~~by April 1 of~~
24 ~~each year a report which~~ outlines each agency's level of
25 participation in the meritorious service awards program. The
26 information must ~~report shall~~ include, but is not ~~be~~ limited
27 to:

- 28 (a) The number of proposals made.
29 (b) The number of awards made to employees for adopted
30 proposals.
31

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

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

5 (e) The number of employees recognized for superior
6 accomplishments.

7 (f) The number of employees recognized for
8 satisfactory service to the state.

9 (3) Each department head is authorized to incur
10 expenditures to award suitable framed certificates, pins, and
11 other tokens of recognition to retiring state employees whose
12 service with the state has been satisfactory, in appreciation
13 and recognition of such service. Such awards may not cost in
14 excess of \$100~~\$50~~ each plus applicable taxes.

15 (4) Each department head is authorized to incur
16 expenditures to award suitable framed certificates, pins, or
17 other tokens of recognition to state employees who have
18 achieved increments of 5 years of satisfactory service in the
19 agency or to the state, in appreciation and recognition of
20 such service. Such awards may not cost in excess of \$50~~\$10~~
21 each plus applicable taxes.

22 (5) Each department head is authorized to incur
23 expenditures not to exceed \$100~~\$50~~ each plus applicable taxes
24 for suitable framed certificates, plaques, or other tokens of
25 recognition to any appointed member of a state board or
26 commission whose service to the state has been satisfactory,
27 in appreciation and recognition of such service upon the
28 expiration of such board or commission member's final term in
29 such position.

30 Section 12. Subsections (5), (6), and (7) of section
31 110.161, Florida Statutes, are amended to read:

1 110.161 State employees; pretax benefits program.--

2 (5) The Division of State Group Insurance shall
3 develop rules for the pretax benefits program, which shall
4 specify the benefits to be offered under the program, the
5 continuing tax-exempt status of the program, and any other
6 matters deemed necessary by the division ~~department~~ to
7 implement this section. The rules must be approved by a
8 majority vote of the Administration Commission.

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

15 (a) Phase one Shall allow employee contributions to
16 premiums for the state group insurance ~~health~~ program
17 administered under s. 110.123 ~~and state life insurance~~ to be
18 paid on a pretax basis unless an employee elects not to
19 participate.

20 (b) Phase two Shall allow employees to voluntarily
21 establish expense reimbursement plans from their salaries on a
22 pretax basis to pay for qualified medical and dependent care
23 expenses, including premiums paid by employees for qualified
24 supplemental insurance.

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

30 (7) The Legislature recognizes that a substantial
31 amount of the employer savings realized by the implementation

1 of a pretax benefits program will be the result of diminutions
2 in the state's employer contribution to the Federal Insurance
3 Contributions Act tax. There is hereby created the Pretax
4 Benefits Trust Fund in the Division of State Group Insurance.
5 Each agency shall transfer to the Pretax Benefits Trust Fund
6 the employer FICA contributions saved by the state as a result
7 of the implementation of the pretax benefits program
8 authorized pursuant to this section. Any moneys forfeited
9 pursuant to employees' salary reduction agreements to
10 participate in ~~phase one or phase two of~~ the program must also
11 be deposited in the Pretax Benefits Trust Fund. Moneys in the
12 Pretax Benefits Trust Fund shall be used for the pretax
13 benefits program, including its administration by the Division
14 of State Group Insurance ~~Department of Management Services~~ or
15 a third-party administrator.

16 Section 13. Paragraph (b) of subsection (2) of section
17 110.181, Florida Statutes, is amended to read:

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

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

21 (b) The fiscal agent shall withhold the reasonable
22 costs for conducting the campaign and for accounting and
23 distribution to the participating organizations and shall
24 reimburse the department the actual cost, not to exceed 1
25 percent of gross pledges, for coordinating the campaign in
26 accordance with the rules of the department. In any fiscal
27 year in which the Legislature specifically appropriates to the
28 department its total costs for coordinating the campaign from
29 the General Revenue Fund, the fiscal agent shall not reimburse
30 such costs to the department under this subsection. Otherwise,
31

1 reimbursement will be the difference between actual costs and
2 the amount appropriated.

3 Section 14. Subsection (5) is added to section
4 110.201, Florida Statutes, to read:

5 110.201 Personnel rules, records, and reports.--

6 (5) The department shall develop a workforce report
7 that contains data with regard to the state's human resources.
8 The report should identify trends for planning and improving
9 the management of the state's human resources. The department
10 shall submit this report annually to the Governor, the
11 President of the Senate, and the Speaker of the House of
12 Representatives.

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

15 110.205 Career service; exemptions.--

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

21 (i) The appointed secretaries, assistant secretaries,
22 deputy secretaries, and deputy assistant secretaries of all
23 departments; the executive directors, assistant executive
24 directors, deputy executive directors, and deputy assistant
25 executive directors of all departments; and the directors of
26 all divisions and those positions determined by the department
27 to have managerial responsibilities comparable to such
28 positions, which positions include, but are not limited to,
29 program directors, assistant program directors, district
30 administrators, deputy district administrators, the Director
31 of Central Operations Services of the Department of Health and

1 Rehabilitative Services, the assistant director of the
2 Division of State Group Insurance and the assistant director
3 of the Division of Retirement of the Department of Management
4 Services,and the State Transportation Planner, State Highway
5 Engineer, State Public Transportation Administrator, district
6 secretaries, district directors of planning and programming,
7 production, and operations, and the managers of the offices
8 specified in s. 20.23(3)(d)2., of the Department of
9 Transportation. Unless otherwise fixed by law, the department
10 shall set the salary and benefits of these positions in
11 accordance with the rules of the Senior Management Service.

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

1 department in accordance with the rules of the Senior
2 Management Service. In addition, each department may designate
3 one additional position in the Senior Management Service if
4 that position reports directly to the agency head or to a
5 position in the Senior Management Service and if any
6 additional costs are absorbed from the existing budget of that
7 department.

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

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

19 110.235 Training.--

20 (4) Each employing agency shall annually evaluate and
21 report to the department the training it has implemented and
22 the progress it has made in the area of training. ~~The~~
23 ~~department shall review and consolidate the information~~
24 ~~reported to it by the agencies and shall annually report the~~
25 ~~progress of the agencies in training to the Governor, the~~
26 ~~President of the Senate, and the Speaker of the House of~~
27 ~~Representatives.~~

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

30
31

1 110.503 Responsibilities of departments and
2 agencies.--Each department or agency utilizing the services of
3 volunteers shall:

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

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

13 110.504 Volunteer benefits.--

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

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

22 112.061 Per diem and travel expenses of public
23 officers, employees, and authorized persons.--

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

25 (f) A traveler who becomes sick or injured while away
26 from his or her official headquarters and is therefore unable
27 to perform the official business of the agency may continue to
28 receive subsistence as provided in subsection (6) during this
29 period of illness or injury until such time as he or she is
30 able to perform the official business of the agency or returns
31 to his or her official headquarters, whichever is earlier.

1 Such subsistence may be paid when approved by the agency head
2 or his or her designee.

3 (12) ADVANCEMENTS.--Notwithstanding any of the
4 foregoing restrictions and limitations, an agency head or his
5 or her designee may make, or authorize the making of, advances
6 to cover anticipated costs of travel to travelers. Such
7 advancements may include the costs of subsistence and travel
8 of any person transported in the care or custody of the
9 traveler in the performance of his or her duties.

10 (13) DIRECT PAYMENT OF EXPENSES BY AGENCY.--Whenever
11 an agency requires an employee to incur either Class A or
12 Class B travel on emergency notice to the traveler, such
13 traveler may request the agency to pay his or her expenses for
14 meals and lodging directly to the vendor, and the agency may
15 pay the vendor the actual expenses for meals and lodging
16 during the travel period, limited to an amount not to exceed
17 that authorized pursuant to this section. In emergency
18 situations, the agency head or his or her designee may
19 authorize an increase in the amount paid for a specific meal,
20 provided that the total daily cost of meals does not exceed
21 the total amount authorized for meals each day. The agency
22 head or his or her designee may also grant prior approval for
23 a state agency to make direct payments of travel expenses in
24 other situations that result in cost savings to the state, and
25 such cost savings shall be documented in the voucher submitted
26 to the Comptroller for the direct payment of travel expenses.
27 The provisions of this subsection shall not be deemed to apply
28 to any legislator or to any employee of either house of the
29 Legislature or of the Joint Legislative Management Committee.
30 Section 20. Section 121.025, Florida Statutes, is
31 amended to read:

1 121.025 Administrator; powers and duties.--The
2 director of the Division of Retirement shall be the
3 administrator of the retirement and pension systems assigned
4 or transferred to the Division of Retirement by law and shall
5 have the authority to sign the contracts necessary to carry
6 out the duties and responsibilities assigned by law to the
7 Division of Retirement. The director and assistant director
8 shall be exempt from the Career Service System as provided
9 under s. 110.205(2)(i) of the state personnel law. In addition
10 to the 20 policymaking positions allocated to the Department
11 of Management Services, under s. 110.205(2)(m), the director,
12 as agency head, may designate as being exempt from the Career
13 Service System a maximum of 10 positions determined by the
14 director to have policymaking or managerial responsibilities
15 comparable to such positions.

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

18 215.196 Architects Incidental Trust Fund; creation;
19 assessment.--

20 (1) There is created the Architects Incidental Trust
21 Fund for the purpose of providing sufficient funds for the
22 operation of the facilities development activities of the
23 Department of Management Services ~~Division of Building~~
24 ~~Construction.~~

25 Section 22. Subsections (5) and (9) of section
26 215.422, Florida Statutes, are amended to read:

27 215.422 Warrants, vouchers, and invoices; processing
28 time limits; dispute resolution; agency or judicial branch
29 compliance.--

30 (5) All purchasing agreements between a state agency
31 or the judicial branch and a vendor, applicable to this

1 section, shall include a statement of the vendor's rights and
2 the state's responsibilities under this section. The vendor's
3 rights shall include being provided with the ~~name and~~
4 telephone number of the vendor ombudsman within the Department
5 of Banking and Finance, which information shall also be placed
6 on all agency or judicial branch purchase orders.

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

21 Section 23. Paragraph (a) of subsection (5) of section
22 215.94, Florida Statutes, is amended to read:

23 215.94 Designation, duties, and responsibilities of
24 functional owners.--

25 (5) The Department of Management Services shall be the
26 functional owner of the Cooperative Personnel Employment
27 Subsystem. The department shall design, implement, and
28 operate the subsystem in accordance with the provisions of ss.
29 110.116 and 215.90-215.96. The subsystem shall include, but
30 shall not be limited to, functions for:

31

1 (a) Maintenance of employee and position data,
2 including funding sources and percentages and salary lapse.
3 The employee data shall include, but not be limited to,
4 information to meet the payroll system requirements of the
5 Department of Banking and Finance and to meet the employee
6 benefit system requirements of the Division of State Group
7 ~~Employees~~ Insurance in the Department of Management Services.

8 Section 24. Paragraph (v) of subsection (1) of section
9 216.011, Florida Statutes, is amended to read:

10 216.011 Definitions.--

11 (1) For the purpose of fiscal affairs of the state,
12 appropriations acts, legislative budgets, and approved
13 budgets, each of the following terms has the meaning
14 indicated:

15 (v) "Operating capital outlay" means equipment,
16 fixtures, and other tangible personal property of a
17 nonconsumable and nonexpendable nature, the value or cost of
18 which is \$1,000~~\$500~~ or more and the normal expected life of
19 which is 1 year or more, and hardback-covered bound books that
20 are circulated to students or the general public, the value or
21 cost of which is \$25 or more, and hardback-covered bound
22 books, the value or cost of which is \$250~~\$100~~ or more.

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

25 255.249 Division of Facilities Management;
26 responsibility; department rules.--

27 (2) The department shall promulgate rules pursuant to
28 chapter 120 providing:

29 (b) Procedures for soliciting and accepting
30 competitive proposals for leased space of 5,000 ~~3,000~~ square
31 feet or more in privately owned buildings, for evaluating the

1 proposals received, for exemption from competitive bidding
2 requirements of any lease the purpose of which is the
3 provision of care and living space for persons or emergency
4 space needs as provided in s. 255.25(10), and for the securing
5 of at least three documented quotes for a lease that is not
6 required to be competitively bid.

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

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

16 255.25 Approval required prior to construction or
17 lease of buildings.--

18 (2)

19 (b) The approval of the Department ~~Division~~ of
20 ~~Facilities~~ Management Services, except for technical
21 sufficiency, need not be obtained for the lease of less than
22 5,000 ~~3,000~~ square feet of space within a privately owned
23 building, provided the agency head or the agency head's
24 designated representative has certified compliance with
25 applicable leasing criteria as may be provided pursuant to s.
26 255.249(2)(k) and has determined such lease to be in the best
27 interest of the state. Such a lease which is for a term
28 extending beyond the end of a fiscal year is subject to the
29 provisions of ss. 216.311, 255.2502, and 255.2503.

30 (3)(a) Except as provided in subsection (10) and
31 except for those leases negotiated pursuant to the pilot

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

16 (b) The Department ~~Division~~ of ~~Facilities~~ Management
17 Services may approve extensions of an existing lease of 5,000
18 ~~3,000~~ square feet or more of space if such extensions are
19 determined to be in the best interests of the state, but in no
20 case shall the total of such extensions exceed 11 months. If
21 at the end of the 11th month an agency still needs space, it
22 shall be procured by competitive bid in accordance with s.
23 255.249(2)(b).

24 (c) Any person who files an action protesting a
25 decision or intended decision pertaining to a competitive bid
26 for space to be leased by the agency pursuant to s.
27 120.57(3)(b) shall post with the state agency at the time of
28 filing the formal written protest a bond payable to the agency
29 in an amount equal to 1 percent of the estimated total rental
30 of the basic lease period or \$5,000, whichever is greater
31 ~~less~~, which bond shall be conditioned upon the payment of all

1 costs which may be adjudged against him or her in the
2 administrative hearing in which the action is brought and in
3 any subsequent appellate court proceeding. If the agency
4 prevails after completion of the administrative hearing
5 process and any appellate court proceedings, it shall recover
6 all costs and charges which shall be included in the final
7 order or judgment, excluding attorney's fees. Upon payment of
8 such costs and charges by the person protesting the award, the
9 bond shall be returned to him or her. If the person
10 protesting the award prevails, the bond shall be returned to
11 that person and he or she shall recover from the agency all
12 costs and charges which shall be included in the final order
13 of judgment, excluding attorney's fees.

14 Section 27. Contracted tenant brokers; pilot
15 project.--

16 (1) The Department of Management Services shall
17 undertake a pilot project in Hillsborough, Leon, Levy, and
18 Orange Counties for a contracted tenant broker to assist state
19 agencies in locating suitable private sector leases. The
20 department shall solicit qualified candidates through the
21 request for proposals process and conduct interviews of
22 finalists. The tenant broker shall be under contract to the
23 department, but all fees or commissions to be paid to the
24 tenant broker shall be paid by the ultimate private sector
25 lessor. The department shall select two brokers in each county
26 in the pilot project. Agencies may employ the services of
27 either broker in any such county for a specified period of
28 time for a given property procurement. Except for the
29 exemption from competitive bidding as described in s.
30 255.25(3)(a), Florida Statutes, current leasing procedures
31 would remain in effect, including the zone rate guidelines.

1 Brokers shall be required to disclose any conflict of interest
2 and all compensation received from transactions. Brokers'
3 compensation shall be no more than what is customarily found
4 in the marketplace. Contracts between the department and the
5 brokers shall be for a term of 1 year, renewable for an
6 additional year based on a satisfactory performance review.
7 The Department of Management Services is authorized to adopt
8 such rules as may be necessary to carry out the intent of this
9 section.

10 (2) In designing the pilot project, the department
11 shall endeavor to accomplish the following goals:

12 (a) Provide for a faster, more efficient, and
13 cost-effective lease procurement process.

14 (b) Provide access for agencies to experienced brokers
15 with knowledge of the local marketplace.

16 (c) Provide a documented, professional cost/benefit
17 analysis of all choices.

18 (d) Provide for the ability to negotiate the best
19 deal.

20 (e) Provide the ability to reject any proposal which
21 does not meet the needs of the agency.

22 (f) Provide that the Department of Management Services
23 shall have final review and approval of all leases to ensure
24 quality control.

25 (3) On or before July 1, 2000, the Department of
26 Management Services shall report to the Legislature on the
27 effectiveness of the pilot project and shall make
28 recommendations, in the form of legislation, if necessary, for
29 the implementation of the project on a statewide basis.

30 (4) The pilot project shall stand repealed effective
31 July 1, 2000.

1 Section 28. Subsection (2) of section 255.257, Florida
2 Statutes, is amended to read:

3 255.257 Energy management plan; buildings occupied by
4 state agencies.--

5 (2) ENERGY CONSUMPTION AND COST DATA.--Each state
6 agency shall submit, in the form and manner to be prescribed
7 by the Department ~~Division~~ of ~~Facilities~~ Management Services,
8 data on energy consumption and cost. The data gathered shall
9 be on state-owned facilities and metered state-leased
10 facilities of 5,000 net square feet or more. These data will
11 be used in the computation of the effectiveness of the state
12 energy management plan and the effectiveness of the energy
13 management program of each of the reporting agencies. The
14 department ~~division~~ shall advise the various agencies on the
15 effectiveness of their energy management programs.

16 Section 29. Section 255.503, Florida Statutes, is
17 amended to read:

18 255.503 Powers of the Department ~~Division~~ of
19 ~~Facilities~~ Management Services.--

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

24 (a)~~(1)~~ Collect reasonable rentals or charges for the
25 use of and services provided for facilities in the pool in
26 accordance with the provisions of this act exclusively for the
27 purpose of paying the expenses of improving, repairing,
28 maintaining, and operating facilities and paying debt service
29 charges in connection with its obligations.

30 (b)~~(2)~~ Prescribe for the use of facilities in the
31 pool, prescribe the amount of rentals or charges, and make and

1 enter into contracts with any political subdivision or agency,
2 for the use of and services provided for such facilities.

3 (c)~~(3)~~ Acquire facilities pursuant to s. 11(e), Art.
4 VII of the State Constitution and own, operate, and finance
5 such facilities in accordance with this act through the
6 issuance of obligations by the division under this act; to
7 utilize rentals or charges from such facilities, as well as
8 any appropriated state or other public funds; and to pledge
9 revenue from such facilities to finance the acquisition of
10 facilities pursuant to the provisions of this act.

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

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

20 (f)~~(6)~~ Borrow money or accept advances, loans, gifts,
21 grants, devises, or bequests from any source; enter into
22 contracts or agreements with any party; and hold and apply
23 advances, loans, gifts, grants, devises, or bequests according
24 to the terms thereof. Such advances, loans, gifts, grants,
25 devises, or bequests of real estate may be in fee simple or of
26 any lesser estate and may be subject to any reasonable
27 reservations. Any advances or loans received from any source
28 may be repaid in accordance with the terms of such advance or
29 loan.

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

1 (h)~~(8)~~ Create and establish funds and accounts for the
2 purpose of debt service reserves, for the matching of the
3 timing and the amount of available funds and debt service
4 charges, for sinking funds, for capital depreciation reserves,
5 for operating reserves, for capitalized interest and moneys
6 not required for immediate disbursement to acquire all or a
7 portion of any facility, and for any other reserves, funds, or
8 accounts reasonably necessary to carry out the provisions of
9 this act and to invest in authorized investments any moneys
10 held in such funds and accounts, provided such investments
11 will be made on behalf of the Department ~~Division~~ of
12 ~~Facilities~~ Management Services by the State Board of
13 Administration or the Treasurer, as appropriate.

14 (i)~~(9)~~ Engage the services of consultants for
15 rendering professional and technical assistance and advice and
16 to engage services of professionals in connection with the
17 acquisition or financing of any facility or the operation and
18 activities of the Department ~~Division~~ of ~~Facilities~~ Management
19 Services, including attorneys, auditors, consultants, and
20 accountants.

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

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

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

27 (2) When the Governor, by executive order, declares an
28 emergency, an agency head has the responsibility for the
29 closing of the affected facilities or portions thereof within
30 his or her jurisdiction which are located in the area covered
31 by the executive order. In any other disaster or emergency

1 condition that may necessitate the closing of facilities in an
2 area, an agency head has the authority and responsibility to
3 determine whether the agency offices or facilities or portion
4 thereof under his or her jurisdiction are affected by the
5 emergency and should be closed. The Department of Management
6 Services must approve the closing of any agency facility or
7 portion thereof for more than 2 consecutive work days. In the
8 case of a facility operated by the Department of Management
9 Services, either an agency head or the Secretary of Management
10 Services has the authority and responsibility to determine
11 whether agency offices or facilities or any portion thereof
12 are affected by the emergency and are to be closed.

13 Section 30. Paragraph (a) of subsection (3) of section
14 267.075, Florida Statutes, is amended to read:

15 267.075 The Grove Advisory Council; creation;
16 membership; purposes.--

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

19 1. Five members shall be private citizens appointed by
20 the Secretary of State.

21 2. One member shall be the Secretary ~~director of the~~
22 ~~Division of Facilities Management of the Department of~~
23 ~~Management Services~~ or his or her designee.

24 3. One member shall be the director of the Division of
25 Historical Resources of the Department of State.

26 4. At least one member shall be a direct descendant of
27 Mary Call Darby Collins appointed by the Secretary of State
28 with the advice of the oldest living generation of lineal
29 descendants of Mary Call Darby Collins.

30
31

1 Of the citizen members, at least one member shall have
2 professional curatorial and museum expertise, one member shall
3 have professional architectural expertise in the preservation
4 of historic buildings, and one member shall have professional
5 landscape expertise. The five citizen members of the council
6 appointed by the Secretary of State and the member of the
7 council who is a direct descendant of Mary Call Darby Collins
8 appointed by the Secretary of State shall be appointed for
9 staggered 4-year terms. The Secretary of State shall fill the
10 remainder of unexpired terms for the five citizen members of
11 the council and the member of the council who is a direct
12 descendant of Mary Call Darby Collins.

13 Section 31. Paragraph (a) of subsection (1) of section
14 272.18, Florida Statutes, is amended to read:

15 272.18 Governor's Mansion Commission.--

16 (1)(a) There is created within the Department of
17 Management Services a Governor's Mansion Commission to be
18 composed of eight members. Five members shall be private
19 citizens appointed by the Governor and subject to confirmation
20 by the Senate; one member shall be the Secretary ~~Director~~ of
21 ~~the Division of Facilities Management of the Department of~~
22 Management Services or his or her designee; one member shall
23 be the Director of the Division of Recreation and Parks of the
24 Department of Environmental Protection; and one member shall
25 be designated by the Secretary of State and shall be an
26 employee of the Department of State with curatorial and museum
27 expertise. The Governor shall appoint all citizen members for
28 4-year terms. The Governor shall fill vacancies for the
29 remainder of unexpired terms. The spouse of the Governor or
30 the designated representative of the Governor shall be an ex
31

1 officio member of the commission but shall have no voting
2 rights except in the case of a tie vote.

3 Section 32. Section 272.185, Florida Statutes, is
4 amended to read:

5 272.185 Maintenance of Governor's Mansion by
6 Department ~~Division~~ of ~~Facilities~~ Management Services.--

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

8 (a) ~~The Division of Facilities Management of the~~
9 Department of Management Services shall maintain all
10 structures, furnishings, equipment, and grounds of the
11 Governor's Mansion, except that the exterior facades; the
12 landscaping of the grounds; the antique furnishings in the
13 private quarters; the interiors of the state rooms; and the
14 articles of furniture, fixtures, and decorative objects used
15 or displayed in the state rooms shall be maintained pursuant
16 to the directives of the Governor's Mansion Commission.

17 (2) ~~(b)~~ The department ~~division~~ shall insure the
18 Governor's Mansion, its contents, and all structures and
19 appurtenances thereto with the State Property Insurance Trust
20 Fund as provided in s. 284.01. The department ~~may~~ ~~division~~ ~~is~~
21 ~~authorized~~ to purchase any necessary insurance either by a
22 primary insurance contract, excess coverage insurance, or
23 reinsurance to cover the contents of the mansion, whether
24 title of the contents is in the state or in any other person
25 or entity not a resident of the mansion, notwithstanding the
26 provision of s. 287.025.

27 (3) ~~(c)~~ The department ~~division~~ shall have authority to
28 contract and be contracted with for work and materials
29 required.

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

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

5 Section 33. Section 273.02, Florida Statutes, is
6 amended to read:

7 273.02 Record and inventory of certain property.--The
8 word "property" as used in this section means equipment,
9 fixtures, and other tangible personal property of a
10 nonconsumable and nonexpendable nature, the value or cost of
11 which is \$1,000~~\$500~~ or more and the normal expected life of
12 which is 1 year or more, and hardback-covered bound books that
13 are circulated to students or the general public, the value or
14 cost of which is \$25 or more, and hardback-covered bound
15 books, the value or cost of which is \$250~~\$100~~ or more. Each
16 item of property which it is practicable to identify by
17 marking shall be marked in the manner required by the Auditor
18 General. Each custodian shall maintain an adequate record of
19 property in his or her custody, which record shall contain
20 such information as shall be required by the Auditor General.
21 Once each year, on July 1 or as soon thereafter as is
22 practicable, and whenever there is a change of custodian, each
23 custodian shall take an inventory of property in his or her
24 custody. The inventory shall be compared with the property
25 record, and all discrepancies shall be traced and reconciled.
26 All publicly supported libraries shall be exempt from marking
27 hardback-covered bound books, as required by this section.
28 The catalog and inventory control records maintained by each
29 publicly supported library shall constitute the property
30 record of hardback-covered bound books with a value or cost of
31 \$25 or more included in each publicly supported library

1 collection and shall serve as a perpetual inventory in lieu of
2 an annual physical inventory. All books identified by these
3 records as missing shall be traced and reconciled, and the
4 library inventory shall be adjusted accordingly.

5 Section 34. Subsection (5) of section 273.055, Florida
6 Statutes, is amended to read:

7 273.055 Disposition of state-owned tangible personal
8 property.--

9 (5) All moneys received ~~by the division~~ from the
10 disposition of state-owned tangible personal property or from
11 any agreement entered into under this chapter must be retained
12 by the custodian and may be disbursed for the acquisition of
13 exchange and surplus property and for all necessary operating
14 expenditures, and are appropriated for those purposes. The
15 custodian shall maintain records of the accounts into which
16 the money is deposited ~~shall be deposited into the General~~
17 ~~Revenue Fund.~~

18 Section 35. Section 281.07, Florida Statutes, is
19 amended to read:

20 281.07 Rules; Facilities Program ~~Division of Capitol~~
21 ~~Police~~; traffic regulation.--

22 (1) The Department of Management Services shall adopt
23 and promulgate rules to govern the administration, operation,
24 and management of the Facilities Program ~~Division of Capitol~~
25 ~~Police~~ and to regulate traffic and parking on state-owned or
26 state-leased property, which rules are not in conflict with
27 any state law or county or municipal ordinance, and to carry
28 out the provisions of ss. 281.02-281.09.

29 (2) Political subdivisions and municipalities may
30 enact and enforce ordinances on the violation of traffic and
31 parking rules provided in subsection (1).

1 Section 36. Subsection (5) is added to section
2 282.105, Florida Statutes, to read:

3 282.105 Use of state SUNCOM Network by nonprofit
4 corporations.--

5 (5) Private, nonprofit elementary and secondary
6 schools shall be eligible for rates and services on the same
7 basis as public schools, providing these nonpublic schools do
8 not have an endowment in excess of \$50 million.

9 Section 37. Subsection (4) of section 282.111, Florida
10 Statutes, is amended to read:

11 282.111 Statewide system of regional law enforcement
12 communications.--

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

20 Section 38. Paragraph (b) of subsection (2) and
21 paragraph (b) of subsection (4) of section 287.042, Florida
22 Statutes, are amended to read:

23 287.042 Powers, duties, and functions.--The Department
24 of Management Services ~~division~~ shall have the following
25 powers, duties, and functions:

26 (2)

27 (b) As an alternative to any provision in s.
28 120.57(3)(c), the department ~~division~~ may proceed with the bid
29 solicitation or contract award process of a term contract bid
30 when the secretary of the department or his or her designee
31 ~~director of the division~~ sets forth in writing particular

1 facts and circumstances which demonstrate that the delay
2 incident to staying the bid process or contract award process
3 would be detrimental to the interests of the state. After the
4 award of a contract resulting from a bid in which a timely
5 protest was received and in which the state did not prevail,
6 the contract may be canceled and reawarded to the prevailing
7 party.

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

12 (b) Development of procedures for the releasing of
13 requests for proposals, ~~and~~ and invitations to bid, and other
14 competitive procurements, which procedures shall include, but
15 not be limited to, publication in the Florida Administrative
16 Weekly or on Government Services Direct ~~the Florida~~
17 ~~Communities Network~~ of notice for requests for proposals at
18 least 28 days before the date set for submittal of proposals
19 and publication of notice for invitations to bid at least 10
20 calendar days before the date set for submission of bids. An
21 agency may waive the requirement for notice in the Florida
22 Administrative Weekly or on Government Services Direct ~~the~~
23 ~~Florida Communities Network~~. Notice of the request for
24 proposals shall be mailed to prospective offerors at least 28
25 calendar days prior to the date for submittal of proposals.
26 Notice of the invitation to bid shall be mailed to prospective
27 bidders at least 10 calendar days prior to the date set for
28 submittal of bids. The Minority Business Advocacy and
29 Assistance Office may consult with agencies regarding the
30 development of bid distribution procedures to ensure that
31

1 maximum distribution is afforded to certified minority
2 business enterprises as defined in s. 288.703.

3 Section 39. Paragraph (d) of subsection (3) of section
4 287.057, Florida Statutes, is amended to read:

5 287.057 Procurement of commodities or contractual
6 services.--

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

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

18 Section 40. Paragraph (c) of subsection (1) of section
19 287.058, Florida Statutes, is amended to read:

20 287.058 Contract document.--

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

31

1 (c) A provision allowing unilateral cancellation by
2 the agency for refusal by the contractor to allow public
3 access to all documents, papers, letters, or other material
4 subject to the provisions of chapter 119 and made or received
5 by the contractor in conjunction with the contract. Further
6 agreements between the contractor, subcontractors, or other
7 parties performing services and receiving state funds, either
8 directly or indirectly, shall also contain a provision
9 allowing unilateral cancellation by the contractor or by the
10 agency for refusal by the subcontractor or other party to
11 allow public access to all documents, papers, letters, or
12 other such material subject to the provisions of chapter 119
13 and made or received by the subcontractor or other party in
14 conjunction with the contract.

15
16 In lieu of a written agreement, the division may authorize the
17 use of a purchase order for classes of contractual services,
18 provided the provisions of paragraphs (a)-(f) are included in
19 the purchase order, invitation to bid, or request for
20 proposals. The purchase order shall include an adequate
21 description of the services, the contract period, and the
22 method of payment. In lieu of printing the provisions of
23 paragraphs (a)-(f) in the contract document or purchase order,
24 agencies may incorporate the requirements of paragraphs
25 (a)-(f) by reference.

26 Section 41. Section 287.16, Florida Statutes, is
27 amended to read:

28 287.16 Powers and duties of department ~~division~~.--The
29 Department of Management Services ~~Division of Motor Pool~~ shall
30 have the following powers, duties, and responsibilities:
31

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

3 (2) To establish and operate central facilities for
4 the acquisition, disposal, operation, maintenance, repair,
5 storage, supervision, control, and regulation of all
6 state-owned or state-leased aircraft and motor vehicles and to
7 operate any state facilities for those purposes. Acquisition
8 may be by purchase, lease, loan, or in any other legal manner.

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

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

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

24 (6) To adopt and enforce rules and regulations for the
25 efficient and safe use, operation, maintenance, repair, and
26 replacement of all state-owned or state-leased aircraft and
27 motor vehicles and to require the placement of appropriate
28 stickers, decals, or other markings upon the aircraft and
29 motor vehicles of the state. The department ~~division~~ may
30 delegate to the respective heads of the agencies to which
31

1 aircraft and motor vehicles are assigned the duty of enforcing
2 the rules and regulations adopted by the department ~~division~~.
3 (7) To contract for specialized maintenance services.
4 (8) To require any state agency to keep records and
5 make reports regarding aircraft and motor vehicles to the
6 department ~~division~~ as may be required. The Department of
7 Highway Safety and Motor Vehicles may use the reporting system
8 in effect on October 1, 1983, until July 1, 1984. Beginning
9 July 1, 1984, the Department of Highway Safety and Motor
10 Vehicles shall use a reporting system approved by the
11 department ~~division~~. The Support Program ~~division~~ shall assist
12 the Department of Highway Safety and Motor Vehicles in
13 developing or implementing a reporting system prior to July 1,
14 1984, which shall specifically address the needs and
15 requirements of the Support Program ~~division~~ and the
16 Department of Highway Safety and Motor Vehicles.
17 (9) To establish and operate central facilities to
18 determine the mode of transportation to be used by state
19 employees traveling on official state business and to schedule
20 and coordinate use of state-owned or state-leased aircraft and
21 passenger-carrying vehicles to assure maximum utilization of
22 state aircraft, motor vehicles, and employee time by assuring
23 that employees travel by the most practical and economical
24 mode of travel. The department ~~division~~ shall consider the
25 number of employees making the trip to the same location, the
26 most efficient and economical means of travel considering the
27 time of the employee, transportation cost and subsistence
28 required, the urgency of the trip, and the nature and purpose
29 of the trip.
30
31

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

4 Section 42. Section 287.18, Florida Statutes, is
5 amended to read:

6 287.18 Repair and service of motor vehicles and
7 aircraft.--The Secretary of Management Services or his or her
8 designee ~~director of the Division of Motor Pool~~ may require a
9 department or any state agency having facilities for the
10 repair of aircraft or motor vehicles and for the storage and
11 distribution of gasoline and other petroleum products to
12 repair aircraft and motor vehicles and to furnish gasoline and
13 other petroleum products to any other department or agency and
14 shall compensate for the cost of such services and products.

15 Section 43. Subsections (5) and (12) of section
16 365.171, Florida Statutes, are amended to read:

17 365.171 Emergency telephone number "911."--

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

31

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

6 Section 44. Section 401.021, Florida Statutes, is
7 amended to read:

8 401.021 System director.--The Secretary of Management
9 Services or his or her designee ~~director of the Division of~~
10 ~~Communications~~ is designated as the director of the statewide
11 telecommunications system of the regional emergency medical
12 service and, for the purpose of carrying out the provisions of
13 this part, is authorized to coordinate the activities of the
14 telecommunications system with other interested state, county,
15 local, and private agencies.

16 Section 45. Section 401.027, Florida Statutes, is
17 amended to read:

18 401.027 Federal assistance.--The Secretary of
19 Management Services or his or her designee ~~director of the~~
20 ~~Division of Communications~~ is authorized to apply for and
21 accept federal funding assistance in the development and
22 implementation of a statewide emergency medical
23 telecommunications system.

24 Section 46. Subsection (3) of section 446.045, Florida
25 Statutes, is amended to read:

26 446.045 State Apprenticeship Council.--

27 (3) The State Apprenticeship Council is repealed on
28 October 1, 2008 ~~1998~~, and shall be reviewed by the Legislature
29 prior to that date pursuant to the Sundown Act.

30 Section 47. Subsection (1) of section 446.604, Florida
31 Statutes, is amended to read:

1 446.604 One-Stop Career Centers.--

2 (1) The Department of Management Services shall
3 coordinate among the agencies a plan for a One-Stop Career
4 Center Electronic Network made up of One-Stop Career Centers
5 that are operated by the Department of Labor and Employment
6 Security, the Department of Health and Rehabilitative
7 Services, the Department of Education, and other authorized
8 public or private for-profit or not-for-profit agents. The
9 plan shall identify resources within existing revenues to
10 establish and support such electronic network for service
11 delivery that includes Government Services Direct ~~the Florida~~
12 ~~Communities Network~~.

13 Section 48. Paragraph (e) of subsection (3) of section
14 447.208, Florida Statutes, is amended to read:

15 447.208 Procedure with respect to certain appeals
16 under s. 447.207.--

17 (3) With respect to hearings relating to demotions,
18 suspensions, or dismissals pursuant to the provisions of this
19 section:

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

1 of the attorney's fee. This paragraph applies to future and
2 pending cases.

3 Section 49. Sections 110.407 and 110.607, Florida
4 Statutes, are repealed.

5 Section 50. This act shall take effect upon becoming a
6 law.

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