

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; creating s. 110.1082, F.S.; prohibiting
6 state employees from utilizing a voice mail
7 system under certain circumstances; providing
8 certain requirements with respect to telephone
9 menu options; providing for compliance;
10 amending s. 20.055, F.S.; requiring a report
11 from agency heads on employee use of state
12 motor vehicles; amending s. 287.151, F.S.;
13 revising purchasing requirements for state
14 motor vehicles used by state attorneys and
15 public defenders; amending s. 287.16, F.S.,
16 relating to the powers of the Division of Motor
17 Pool of the Department of Management Services;
18 removing the power to require transfer of
19 ownership, custody, or control of aircraft and
20 motor vehicles used principally for state fire
21 marshal purposes; requiring a report on
22 break-even mileage to be submitted biennially
23 to agency inspectors general; amending s.
24 287.17, F.S.; providing definitions; providing
25 criteria to be followed by an agency head in
26 assigning a state-owned motor vehicle to an
27 employee; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
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31

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

4 20.22 Department of Management Services.--There is
5 created a Department of Management Services.

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

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

1 responsibility for ensuring provision of administrative,
2 analytical, and technical support to the council.

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

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

13 1. The awarding or termination of contracts.

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

19 3. The employment, promotion, demotion, suspension,
20 transfer, or discharge of any division personnel.

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

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

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

30 (2) It shall be the duty of the department to audit
31 the personnel programs of the state agencies on a continuing

1 and regular basis to ensure the agencies' compliance with
2 state laws and regulations. ~~A copy of such study made by the~~
3 ~~department shall be submitted to the Governor, the President~~
4 ~~of the Senate, the Speaker of the House of Representatives,~~
5 ~~and the Auditor General.~~

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

9 110.1099 Education and training opportunities for
10 state employees.--

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

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

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

4 110.112 Affirmative action; equal employment
5 opportunity.--

6 (2)

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

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

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

20 110.1165 Executive branch personnel errors.--

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

1 by the agency head to make such representations. Furthermore,
2 the erroneous calculation and payment of an employee's salary,
3 wages, or benefits is not among the written representations
4 which will trigger relief under this section. ~~Section 95.11(4)~~
5 ~~is the statute of limitations for filing any action to recover~~
6 ~~salary, wages, overtime, benefits, or related damages by or on~~
7 ~~behalf of a state employee, or any action under this section.~~
8 ~~No distinctions between the terms "salary" and "wages" in~~
9 ~~construing the provisions of s. 95.11(4) apply to this section~~
10 ~~or the statute of limitations for filing any action under this~~
11 ~~section.~~

12 (2) An agency of the executive branch, including the
13 State University System, is authorized to take such action as
14 may be appropriate to provide a remedy for an employee
15 concerning his or her claim regarding detrimental reliance on
16 erroneous written information provided by the employing agency
17 relating to pay and benefits, provided such remedy is within
18 the purview of the agency's authority. The agency has no
19 authority whatsoever to modify the state retirement system or
20 the state insurance program. Any monetary remedy afforded by
21 the agency must fall within the agency's budgetary authority.
22 Any person dissatisfied with the outcome of this process may
23 file either a grievance pursuant to the agency's internal
24 grievance process or an appeal to the Division of
25 Administrative Hearings pursuant to chapter 120, but not both.

26 (3) The time limit to file any action to recover
27 compensation, including, but not limited to, salaries, wages,
28 overtime pay, fringe benefits, or damages or penalties
29 relating thereto from, by, or on behalf of a state officer or
30 employee is 2 years from the date of the alleged error. This
31 time limit applies in all disputes over compensation for work

1 performed by state officers or employees, and is not confined
2 to cases arising under subsections (1) and (2).

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

8 110.123 State group insurance program.--

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

10 (a) "Department" means the Department of Management
11 Services.

12 (b) "Division" means the Division of State Group
13 Insurance in the department.

14 (c) "Enrollee" means all state officers and employees,
15 retired state officers and employees, and surviving spouses of
16 deceased state officers and employees, and terminated
17 employees or individuals with continuation coverage who are
18 enrolled in an insurance plan offered by the state group
19 insurance program.

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

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

30 (f) "Health plan member" means any person
31 participating in the state group health insurance plan or in a

1 health maintenance organization plan under the state group
2 insurance program, including enrollees and covered dependents
3 thereof.

4 (g)~~(f)~~ "Part-time state employee" means any employee
5 of any branch or agency of state government paid by state
6 warrant from salary appropriations or from agency funds, and
7 who is employed for less than the normal full-time workweek
8 established by the department or, if on academic contract or
9 seasonal or other type of employment which is less than
10 year-round, is employed for less than 8 months during any
11 12-month period, but in no case shall "part-time" employee
12 include a person paid from other-personal-services (OPS)
13 funds.

14 (h)~~(g)~~ "Retired state officer or employee" or
15 "retiree" means any state officer or state employee who
16 retires under a state retirement system or a state optional
17 annuity or retirement program or is placed on disability
18 retirement, and who was insured under the state group
19 insurance program at the time of retirement, and who begins
20 receiving retirement benefits immediately after retirement
21 from state office or employment.

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

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

27 (k)~~(i)~~ "State group health insurance plan" or "state
28 plan" means the state self-insured health insurance plan
29 offered to state officers and employees, retired state
30 officers and employees, and surviving spouses of deceased
31 state officers and employees pursuant to this section.

1 (l)~~(j)~~ "State group insurance program" or "programs"
2 means the package of insurance plans offered to state officers
3 and employees, retired state officers and employees, and
4 surviving spouses of deceased state officers and employees
5 pursuant to this section, including the state group health
6 insurance plan, health maintenance organization plans, and
7 other plans required or authorized by this section.

8 (m)~~(k)~~ "State officer" means any constitutional state
9 officer, any elected state officer paid by state warrant, or
10 any appointed state officer who is commissioned by the
11 Governor and who is paid by state warrant.

12 (n)~~(l)~~ "Surviving spouse" means the widow or widower
13 of a deceased state officer, full-time state employee,
14 part-time state employee, or retiree if such widow or widower
15 was covered as a dependent under the state group health
16 insurance plan or a health maintenance organization plan
17 established pursuant to this section at the time of the death
18 of the deceased officer, employee, or retiree. "Surviving
19 spouse" also means any widow or widower who is receiving or
20 eligible to receive a monthly state warrant from a state
21 retirement system as the beneficiary of a state officer,
22 full-time state employee, or retiree who died prior to July 1,
23 1979. For the purposes of this section, any such widow or
24 widower shall cease to be a surviving spouse upon his or her
25 remarriage.

26 (3) STATE GROUP INSURANCE PROGRAM.--

27 (a) The Division of State Group Insurance is created
28 within the Department of Management Services, to be headed by
29 a director who shall be appointed by the Governor and
30 confirmed by the Senate. The division shall be a separate
31

1 budget entity, and the director shall be its agency head for
2 all purposes.

3 1. The director and assistant director shall be exempt
4 from the Career Service System as provided under s.
5 110.205(2)(i) of the state personnel law. In addition to the
6 20 policymaking positions allocated to the Department of
7 Management Services, under s. 110.205(2)(m), the director, as
8 agency head, may designate as being exempt from the Career
9 Service System a maximum of 10 positions determined by the
10 director to have policymaking or managerial responsibilities
11 comparable to such positions.

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

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

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

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

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

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

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

30 (h)1. A person eligible to participate in the state
31 group ~~health~~ insurance program ~~plan~~ may be authorized by rules

1 adopted by the division, in lieu of participating in the state
2 group health insurance plan, to exercise an option to elect
3 membership in a health maintenance organization plan which is
4 under contract with the state in accordance with criteria
5 established by this section and by said rules. The offer of
6 optional membership in a health maintenance organization plan
7 permitted by this paragraph may be limited or conditioned by
8 rule as may be necessary to meet the requirements of state and
9 federal laws.

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

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

25 b. A uniform schedule for deductibles and copayments
26 may be established for all participating HMOs.

27 c. Based upon the minimum benefit package and
28 copayments and deductibles contained in sub-subparagraphs a.
29 and b., the division shall issue a request for proposal for
30 all HMOs which are interested in participating in the state
31 group insurance program. Upon receipt of ~~all~~ proposals, the

1 division may, as it deems appropriate, enter into contract
2 negotiations with HMOs submitting bids. As part of the request
3 for proposal process, the division may require detailed
4 financial data from each HMO which participates in the bidding
5 process for the purpose of determining the financial stability
6 of the HMO.

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

25 e. The division may limit the number of HMOs that it
26 contracts with in each service area based on the nature of the
27 bids the division receives, the number of state employees in
28 the service area, or ~~and~~ any unique geographical
29 characteristics of the service area. The division shall
30 establish by rule service areas throughout the state.

31

1 f. All persons participating in the state group
2 insurance program who are required to contribute towards a
3 total state group health premium shall be subject to the same
4 dollar contribution regardless of whether the enrollee enrolls
5 in the state group health insurance plan or in an HMO plan.

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

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

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

19 b. Does not currently meet the 25 percent
20 non-Medicare/non-Medicaid enrollment composition requirement
21 established by the Department of Health and Human Services
22 excluding participants enrolled in the state group insurance
23 program;

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

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

30 e. Meets the minimum surplus requirements of s.
31 641.225.

1
2 The division is authorized to contract with HMOs that meet the
3 requirements of sub-subparagraphs a. through d. prior to the
4 open enrollment period for state employees. The division is
5 not required to renew the contract with the HMOs as set forth
6 in this paragraph more than twice. Thereafter, the HMOs shall
7 be eligible to participate in the state group insurance
8 program only through the request for proposal process
9 described in subparagraph 2.

10 5. All enrollees in the state group health insurance
11 plan or any health maintenance organization plan shall have
12 the option of changing to any other health plan which is
13 offered by the state within any open enrollment period
14 designated by the division. Open enrollment shall be held at
15 least once each calendar year.

16 6. Any HMO participating in the state group insurance
17 program shall, upon the request of the division, submit to the
18 division standardized data for the purpose of comparison of
19 the appropriateness, quality, and efficiency of care provided
20 by the HMO. Such standardized data shall include: membership
21 profiles; inpatient and outpatient utilization by age and sex,
22 type of service, provider type, and facility; and emergency
23 care experience. Requirements and timetables for submission of
24 such standardized data and such other data as the division
25 deems necessary to evaluate the performance of participating
26 HMOs shall be adopted by rule.

27 7. The division shall, after consultation with
28 representatives from each of the unions representing state and
29 university employees, establish a comprehensive package of
30 insurance benefits including, but not limited to, supplemental
31 health and life coverage, dental care, long-term care, and

1 vision care to allow state employees the option to choose the
 2 benefit plans which best suit their individual needs.

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

25 b. Pursuant to the applicable provisions of s.
 26 110.161, and s. 125 of the Internal Revenue Code of 1986, the
 27 division shall enroll in the pretax benefit program those
 28 state employees who voluntarily elect coverage in any of the
 29 supplemental insurance benefit plans as provided by
 30 sub-subparagraph a.

31

1 c. Nothing herein contained shall be construed to
2 prohibit insurance providers from continuing to provide or
3 offer supplemental benefit coverage to state employees as
4 provided under existing agency plans.

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

7 (a) Except as provided in paragraph (e) with respect
8 to law enforcement officers, correctional~~7~~and correctional
9 probation officers, and firefighters, legislative
10 authorization through the appropriations act is required for
11 payment by a state agency of any part of the premium cost of
12 participation in any group insurance plan. However, the state
13 contribution for full-time employees or part-time permanent
14 employees shall continue in the respective proportions for up
15 to 6 months for any such officer or employee who has been
16 granted an approved parental or medical leave of absence
17 without pay.

18 (e) No state contribution for the cost of any part of
19 the premium shall be made for retirees or surviving spouses
20 for any type of coverage under the state group insurance
21 program. However, any state agency that employs a full-time
22 law enforcement officer, correctional officer, or correctional
23 probation officer who is killed or suffers catastrophic injury
24 in the line of duty as provided in s. 112.19, or a full-time
25 firefighter who is killed or suffers catastrophic injury in
26 the line of duty as provided in s. 112.191, ~~on or after July~~
27 ~~1, 1980, as a result of an act of violence inflicted by~~
28 ~~another person while the officer is engaged in the performance~~
29 ~~of law enforcement duties or as a result of an assault against~~
30 ~~the officer under riot conditions~~ shall pay the entire premium
31 of the state group health insurance plan for the employee's

1 surviving spouse until remarried, and for each dependent child
2 of the employee subject to the conditions and limitations set
3 forth in s. 112.19 or s. 112.191, as applicable ~~until the~~
4 ~~child reaches the age of majority or until the end of the~~
5 ~~calendar year in which the child reaches the age of 25 if:~~

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

8 2. ~~The surviving child continues to be a dependent for~~
9 ~~support, or the surviving child is a full-time or part-time~~
10 ~~student and is dependent for support.~~

11 (5) DIVISION OF STATE GROUP INSURANCE; POWERS AND
12 DUTIES.--The division is responsible for the administration of
13 the state group insurance program. The division shall
14 initiate and supervise the program as established by this
15 section and shall adopt such rules as are necessary to perform
16 its responsibilities. To implement this program, the division
17 shall, with prior approval by the Legislature:

18 (a) Determine the benefits to be provided and the
19 contributions to be required for the state group insurance
20 program. Such determinations, whether for a contracted plan or
21 a self-insurance plan pursuant to paragraph (c), do not
22 constitute rules within the meaning of s. 120.52 or final
23 orders within the meaning of s. 120.52. Any physician's fee
24 schedule used in the health and accident plan shall not be
25 available for inspection or copying by medical providers or
26 other persons not involved in the administration of the
27 program. However, in the determination of the design of the
28 program, the division shall consider existing and
29 complementary benefits provided by the Florida Retirement
30 System and the Social Security System.

31

1 (b) Prepare, in cooperation with the Department of
2 Insurance, the specifications necessary to implement the
3 program.

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

1 The division may contract for medical services which will
2 improve the health or reduce medical costs for employees who
3 participate in the state group insurance plan.

4 (d) With respect to the state group health insurance
5 plan, be authorized to require copayments with respect to all
6 providers under the plan.

7 (e) Have authority to establish a voluntary program
8 for comprehensive health maintenance, which may include health
9 educational components and health appraisals.

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

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

23 (h) Have authority to establish a voluntary group
24 long-term care program or other programs to be funded on a
25 pretax contribution basis or on a posttax contribution basis,
26 as the division determines.

27
28 Final decisions concerning enrollment, the existence of
29 coverage, or covered benefits under the state group health
30 insurance program plan shall not be delegated or deemed to
31 have been delegated by the division.

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

16 Section 7. Section 110.12315, Florida Statutes, is
17 amended to read:

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

20 110.12315 Prescription drug program.--The state
21 employees' prescription drug program is hereby established.
22 This program shall be administered by the Division of State
23 Group Insurance within the Department of Management Services,
24 according to the terms and conditions of the plan as
25 established by the Division of State Group Insurance and by
26 relevant provisions of the annual General Appropriations Act
27 and implementing legislation, subject to the following
28 conditions:

29 (1) The Division of State Group Insurance shall allow
30 prescriptions written by health care providers under the plan
31 to be filled by any licensed pharmacy pursuant to contractual

1 claims-processing provisions. However, nothing in this section
2 shall be construed as prohibiting a mail order prescription
3 drug program distinct from the service provided by retail
4 pharmacies.

5 (2) In providing for reimbursement of pharmacies for
6 prescription medicines dispensed to members of the state group
7 health insurance plan and their dependents under the state
8 employees' prescription drug program:

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

12 (b) There shall be a 30-day supply limit for
13 prescription card purchases; there shall be a 90-day supply
14 limit for mail order or mail order prescription drug
15 purchases.

16 (c) The current pharmacy dispensing fee shall remain
17 in effect.

18 (3) The Division of State Group Insurance shall
19 establish the reimbursement schedule for prescription
20 pharmaceuticals dispensed under the program. Reimbursement
21 rates for a prescription pharmaceutical shall be based on the
22 cost of the generic equivalent drug if a generic equivalent
23 exists, unless the physician prescribing the pharmaceutical
24 clearly states on the prescription that the brand name drug is
25 medically necessary or that the drug product is included on
26 the formulary of drug products that may not be interchanged as
27 provided in chapter 465, in which case, reimbursement shall be
28 based on the cost of the brand name drug as specified in the
29 reimbursement schedule adopted by the Division of State Group
30 Insurance.

31

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

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

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

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

25 110.1232 Health insurance coverage for persons retired
26 under state-administered retirement systems before January 1,
27 1976, and for spouses.--Notwithstanding any provisions of law
28 to the contrary, the Division of State Group Insurance shall
29 provide health insurance coverage under ~~in~~ the state group
30 ~~Health insurance program Plan~~ for persons who retired prior to
31 January 1, 1976, under any of the state-administered

1 retirement systems and who are not covered by social security
2 and for the spouses and surviving spouses of such retirees who
3 are also not covered by social security. Such health
4 insurance coverage shall provide the same benefits as provided
5 to other retirees who are entitled to participate under s.
6 110.123. The claims experience of this group shall be
7 commingled with the claims experience of other members covered
8 under s. 110.123.

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

11 110.1234 Health insurance for retirees under the
12 Florida Retirement System; Medicare supplement and fully
13 insured coverage.--

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

26 Section 10. Section 110.1238, Florida Statutes, is
27 amended to read:

28 110.1238 State group health insurance plans; refunds
29 with respect to overcharges by providers.--A participant in a
30 state group health insurance plan who discovers that he or she
31 was overcharged by a health care provider shall receive a

1 refund of 50 percent of any amount recovered as a result of
2 such overcharge, up to a maximum of \$1,000 ~~per admission~~.

3 Section 11. Section 110.1245, Florida Statutes, is
4 amended to read:

5 110.1245 Meritorious service awards program.--

6 (1) The Department of Management Services shall set
7 policy, develop procedures, and promote a program of
8 meritorious service awards, incentives, and recognition to
9 employees who:

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

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

19
20 Every state agency, unless otherwise provided by law, shall
21 participate in the program. The Chief Justice shall have the
22 authority to establish a meritorious service awards program
23 for employees of the judicial branch within the parameters
24 established in this section. The component of the program
25 specified in paragraph (a) shall apply to all employees within
26 the Career Service System, the Selected Exempt Service System,
27 and comparable employees within the judicial branch. The
28 component of the program specified in paragraph (b) shall
29 apply to all employees of the state. No award granted under
30 the component of the program described in paragraph (a) shall
31 exceed 10 percent of the first year's actual savings or actual

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

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

- 24 (a) The number of proposals made.
25 (b) The number of awards made to employees for adopted
26 proposals.
27 (c) The actual cost savings realized as a result of
28 implementing employee proposals.
29 (d) Total expenditures incurred by the agency for
30 providing awards to employees for adopted proposals.

31

1 (e) The number of employees recognized for superior
2 accomplishments.

3 (f) The number of employees recognized for
4 satisfactory service to the state.

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

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

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

26 Section 12. Subsections (5), (6), and (7) of section
27 110.161, Florida Statutes, are amended to read:

28 110.161 State employees; pretax benefits program.--

29 (5) The Division of State Group Insurance shall
30 develop rules for the pretax benefits program, which shall
31 specify the benefits to be offered under the program, the

1 continuing tax-exempt status of the program, and any other
 2 matters deemed necessary by the division ~~department~~ to
 3 implement this section. The rules must be approved by a
 4 majority vote of the Administration Commission.

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

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

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

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

26 (7) The Legislature recognizes that a substantial
 27 amount of the employer savings realized by the implementation
 28 of a pretax benefits program will be the result of diminutions
 29 in the state's employer contribution to the Federal Insurance
 30 Contributions Act tax. There is hereby created the Pretax
 31 Benefits Trust Fund in the Division of State Group Insurance.

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

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

14 110.181 Florida State Employees' Charitable
15 Campaign.--

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

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

29 Section 14. Subsection (5) is added to section
30 110.201, Florida Statutes, to read:

31 110.201 Personnel rules, records, and reports.--

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

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

10 110.205 Career service; exemptions.--

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

16 (i) The appointed secretaries, assistant secretaries,
17 deputy secretaries, and deputy assistant secretaries of all
18 departments; the executive directors, assistant executive
19 directors, deputy executive directors, and deputy assistant
20 executive directors of all departments; and the directors of
21 all divisions and those positions determined by the department
22 to have managerial responsibilities comparable to such
23 positions, which positions include, but are not limited to,
24 program directors, assistant program directors, district
25 administrators, deputy district administrators, the Director
26 of Central Operations Services of the Department of Health and
27 Rehabilitative Services, the assistant director of the
28 Division of State Group Insurance and the assistant director
29 of the Division of Retirement of the Department of Management
30 Services, and the State Transportation Planner, State Highway
31 Engineer, State Public Transportation Administrator, district

1 secretaries, district directors of planning and programming,
2 production, and operations, and the managers of the offices
3 specified in s. 20.23(3)(d)2., of the Department of
4 Transportation. Unless otherwise fixed by law, the department
5 shall set the salary and benefits of these positions in
6 accordance with the rules of the Senior Management Service.

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

1 additional costs are absorbed from the existing budget of that
2 department.

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

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

14 110.235 Training.--

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

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

25 110.503 Responsibilities of departments and
26 agencies.--Each department or agency utilizing the services of
27 volunteers shall:

28 (5) Provide for the recognition of volunteers who have
29 offered continuous and outstanding service to
30 state-administered programs. Each department or agency using
31 the services of volunteers is authorized to incur expenditures

1 not to exceed \$75 each plus applicable taxes for suitable
2 framed certificates, plaques, or other tokens of recognition
3 to honor, reward, or encourage volunteers for their service.

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

6 110.504 Volunteer benefits.--

7 (6) Incidental recognition benefits or incidental
8 nonmonetary awards may be furnished to volunteers serving in
9 state departments to award, recognize, or encourage volunteers
10 for their service. The awards may not cost in excess of \$75
11 each plus applicable taxes.

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

15 112.061 Per diem and travel expenses of public
16 officers, employees, and authorized persons.--

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

18 (f) A traveler who becomes sick or injured while away
19 from his or her official headquarters and is therefore unable
20 to perform the official business of the agency may continue to
21 receive subsistence as provided in subsection (6) during this
22 period of illness or injury until such time as he or she is
23 able to perform the official business of the agency or returns
24 to his or her official headquarters, whichever is earlier.
25 Such subsistence may be paid when approved by the agency head
26 or his or her designee.

27 (12) ADVANCEMENTS.--Notwithstanding any of the
28 foregoing restrictions and limitations, an agency head or his
29 or her designee may make, or authorize the making of, advances
30 to cover anticipated costs of travel to travelers. Such
31 advancements may include the costs of subsistence and travel

1 of any person transported in the care or custody of the
 2 traveler in the performance of his or her duties.

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

23 Section 20. Section 121.025, Florida Statutes, is
 24 amended to read:

25 121.025 Administrator; powers and duties.--The
 26 director of the Division of Retirement shall be the
 27 administrator of the retirement and pension systems assigned
 28 or transferred to the Division of Retirement by law and shall
 29 have the authority to sign the contracts necessary to carry
 30 out the duties and responsibilities assigned by law to the
 31 Division of Retirement. The director and assistant director

1 shall be exempt from the Career Service System as provided
2 under s. 110.205(2)(i) of the state personnel law. In addition
3 to the 20 policymaking positions allocated to the Department
4 of Management Services, under s. 110.205(2)(m), the director,
5 as agency head, may designate as being exempt from the Career
6 Service System a maximum of 10 positions determined by the
7 director to have policymaking or managerial responsibilities
8 comparable to such positions.

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

11 215.196 Architects Incidental Trust Fund; creation;
12 assessment.--

13 (1) There is created the Architects Incidental Trust
14 Fund for the purpose of providing sufficient funds for the
15 operation of the facilities development activities of the
16 Department of Management Services ~~Division of Building~~
17 ~~Construction.~~

18 Section 22. Subsections (5) and (9) of section
19 215.422, Florida Statutes, are amended to read:

20 215.422 Warrants, vouchers, and invoices; processing
21 time limits; dispute resolution; agency or judicial branch
22 compliance.--

23 (5) All purchasing agreements between a state agency
24 or the judicial branch and a vendor, applicable to this
25 section, shall include a statement of the vendor's rights and
26 the state's responsibilities under this section. The vendor's
27 rights shall include being provided with the ~~name and~~
28 telephone number of the vendor ombudsman within the Department
29 of Banking and Finance, which information shall also be placed
30 on all agency or judicial branch purchase orders.

31

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

15 Section 23. Paragraph (a) of subsection (5) of section
16 215.94, Florida Statutes, is amended to read:

17 215.94 Designation, duties, and responsibilities of
18 functional owners.--

19 (5) The Department of Management Services shall be the
20 functional owner of the Cooperative Personnel Employment
21 Subsystem. The department shall design, implement, and
22 operate the subsystem in accordance with the provisions of ss.
23 110.116 and 215.90-215.96. The subsystem shall include, but
24 shall not be limited to, functions for:

25 (a) Maintenance of employee and position data,
26 including funding sources and percentages and salary lapse.
27 The employee data shall include, but not be limited to,
28 information to meet the payroll system requirements of the
29 Department of Banking and Finance and to meet the employee
30 benefit system requirements of the Division of State Group
31 ~~Employees~~ Insurance in the Department of Management Services.

1 Section 24. Paragraph (v) of subsection (1) of section
2 216.011, Florida Statutes, is amended to read:

3 216.011 Definitions.--

4 (1) For the purpose of fiscal affairs of the state,
5 appropriations acts, legislative budgets, and approved
6 budgets, each of the following terms has the meaning
7 indicated:

8 (v) "Operating capital outlay" 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.

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

18 255.249 Division of Facilities Management;
19 responsibility; department rules.--

20 (2) The department shall promulgate rules pursuant to
21 chapter 120 providing:

22 (b) Procedures for soliciting and accepting
23 competitive proposals for leased space of 5,000 ~~3,000~~ square
24 feet or more in privately owned buildings, for evaluating the
25 proposals received, for exemption from competitive bidding
26 requirements of any lease the purpose of which is the
27 provision of care and living space for persons or emergency
28 space needs as provided in s. 255.25(10), and for the securing
29 of at least three documented quotes for a lease that is not
30 required to be competitively bid.

31

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

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

10 255.25 Approval required prior to construction or
11 lease of buildings.--

12 (2)

13 (b) The approval of the Department ~~Division~~ of
14 ~~Facilities~~ Management Services, except for technical
15 sufficiency, need not be obtained for the lease of less than
16 5,000 ~~3,000~~ square feet of space within a privately owned
17 building, provided the agency head or the agency head's
18 designated representative has certified compliance with
19 applicable leasing criteria as may be provided pursuant to s.
20 255.249(2)(k) and has determined such lease to be in the best
21 interest of the state. Such a lease which is for a term
22 extending beyond the end of a fiscal year is subject to the
23 provisions of ss. 216.311, 255.2502, and 255.2503.

24 (3)(a) Except as provided in subsection (10) and
25 except for those leases negotiated pursuant to the pilot
26 project for contracted tenant brokers established by the
27 Department of Management Services in this act, no state agency
28 shall enter into a lease as lessee for the use of 5,000 ~~3,000~~
29 square feet or more of space in a privately owned building
30 except upon advertisement for and receipt of competitive bids
31 and award to the lowest and best bidder. The Department of

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

10 (b) The Department ~~Division~~ of Facilities Management
11 Services may approve extensions of an existing lease of 5,000
12 ~~3,000~~ square feet or more of space if such extensions are
13 determined to be in the best interests of the state, but in no
14 case shall the total of such extensions exceed 11 months. If
15 at the end of the 11th month an agency still needs space, it
16 shall be procured by competitive bid in accordance with s.
17 255.249(2)(b).

18 (c) Any person who files an action protesting a
19 decision or intended decision pertaining to a competitive bid
20 for space to be leased by the agency pursuant to s.
21 120.57(3)(b) shall post with the state agency at the time of
22 filing the formal written protest a bond payable to the agency
23 in an amount equal to 1 percent of the estimated total rental
24 of the basic lease period or \$5,000, whichever is greater
25 ~~less~~, which bond shall be conditioned upon the payment of all
26 costs which may be adjudged against him or her in the
27 administrative hearing in which the action is brought and in
28 any subsequent appellate court proceeding. If the agency
29 prevails after completion of the administrative hearing
30 process and any appellate court proceedings, it shall recover
31 all costs and charges which shall be included in the final

1 order or judgment, excluding attorney's fees. Upon payment of
2 such costs and charges by the person protesting the award, the
3 bond shall be returned to him or her. If the person
4 protesting the award prevails, the bond shall be returned to
5 that person and he or she shall recover from the agency all
6 costs and charges which shall be included in the final order
7 of judgment, excluding attorney's fees.

8 Section 27. Contracted tenant brokers; pilot
9 project.--

10 (1) The Department of Management Services shall
11 undertake a pilot project in Hillsborough, Leon, Levy, and
12 Orange Counties for a contracted tenant broker to assist state
13 agencies in locating suitable private sector leases. The
14 department shall solicit qualified candidates through the
15 request for proposals process and conduct interviews of
16 finalists. The tenant broker shall be under contract to the
17 department, but all fees or commissions to be paid to the
18 tenant broker shall be paid by the ultimate private sector
19 lessor. The department shall select two brokers in each county
20 in the pilot project. Agencies may employ the services of
21 either broker in any such county for a specified period of
22 time for a given property procurement. Except for the
23 exemption from competitive bidding as described in s.
24 255.25(3)(a), Florida Statutes, current leasing procedures
25 would remain in effect, including the zone rate guidelines.
26 Brokers shall be required to disclose any conflict of interest
27 and all compensation received from transactions. Brokers'
28 compensation shall be no more than what is customarily found
29 in the marketplace. Contracts between the department and the
30 brokers shall be for a term of 1 year, renewable for an
31 additional year based on a satisfactory performance review.

1 The Department of Management Services is authorized to adopt
2 such rules as may be necessary to carry out the intent of this
3 section.

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

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

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

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

12 (d) Provide for the ability to negotiate the best
13 deal.

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

16 (f) Provide that the Department of Management Services
17 shall have final review and approval of all leases to ensure
18 quality control.

19 (3) On or before July 1, 2000, the Department of
20 Management Services shall report to the Legislature on the
21 effectiveness of the pilot project and shall make
22 recommendations, in the form of legislation, if necessary, for
23 the implementation of the project on a statewide basis.

24 (4) The pilot project shall stand repealed effective
25 July 1, 2000.

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

28 255.257 Energy management plan; buildings occupied by
29 state agencies.--

30 (2) ENERGY CONSUMPTION AND COST DATA.--Each state
31 agency shall submit, in the form and manner to be prescribed

1 by the Department ~~Division~~ of Facilities Management Services,
2 data on energy consumption and cost. The data gathered shall
3 be on state-owned facilities and metered state-leased
4 facilities of 5,000 net square feet or more. These data will
5 be used in the computation of the effectiveness of the state
6 energy management plan and the effectiveness of the energy
7 management program of each of the reporting agencies. The
8 department ~~division~~ shall advise the various agencies on the
9 effectiveness of their energy management programs.

10 Section 29. Section 255.503, Florida Statutes, is
11 amended to read:

12 255.503 Powers of the Department ~~Division~~ of
13 Facilities Management Services.--

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

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

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

28 (c)~~(3)~~ Acquire facilities pursuant to s. 11(e), Art.
29 VII of the State Constitution and own, operate, and finance
30 such facilities in accordance with this act through the
31 issuance of obligations by the division under this act; to

1 utilize rentals or charges from such facilities, as well as
2 any appropriated state or other public funds; and to pledge
3 revenue from such facilities to finance the acquisition of
4 facilities pursuant to the provisions of this act.

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

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

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

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

26 (h)~~(8)~~ Create and establish funds and accounts for the
27 purpose of debt service reserves, for the matching of the
28 timing and the amount of available funds and debt service
29 charges, for sinking funds, for capital depreciation reserves,
30 for operating reserves, for capitalized interest and moneys
31 not required for immediate disbursement to acquire all or a

1 portion of any facility, and for any other reserves, funds, or
2 accounts reasonably necessary to carry out the provisions of
3 this act and to invest in authorized investments any moneys
4 held in such funds and accounts, provided such investments
5 will be made on behalf of the Department ~~Division~~ of
6 ~~Facilities~~ Management Services by the State Board of
7 Administration or the Treasurer, as appropriate.

8 (i)~~(9)~~ Engage the services of consultants for
9 rendering professional and technical assistance and advice and
10 to engage services of professionals in connection with the
11 acquisition or financing of any facility or the operation and
12 activities of the Department ~~Division~~ of ~~Facilities~~ Management
13 Services, including attorneys, auditors, consultants, and
14 accountants.

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

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

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

21 (2) When the Governor, by executive order, declares an
22 emergency, an agency head has the responsibility for the
23 closing of the affected facilities or portions thereof within
24 his or her jurisdiction which are located in the area covered
25 by the executive order. In any other disaster or emergency
26 condition that may necessitate the closing of facilities in an
27 area, an agency head has the authority and responsibility to
28 determine whether the agency offices or facilities or portion
29 thereof under his or her jurisdiction are affected by the
30 emergency and should be closed. The Department of Management
31 Services must approve the closing of any agency facility or

1 portion thereof for more than 2 consecutive work days. In the
2 case of a facility operated by the Department of Management
3 Services, either an agency head or the Secretary of Management
4 Services has the authority and responsibility to determine
5 whether agency offices or facilities or any portion thereof
6 are affected by the emergency and are to be closed.

7 Section 30. Paragraph (a) of subsection (3) of section
8 267.075, Florida Statutes, is amended to read:

9 267.075 The Grove Advisory Council; creation;
10 membership; purposes.--

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

13 1. Five members shall be private citizens appointed by
14 the Secretary of State.

15 2. One member shall be the Secretary ~~director of the~~
16 ~~Division of Facilities Management of the Department of~~
17 ~~Management Services~~ or his or her designee.

18 3. One member shall be the director of the Division of
19 Historical Resources of the Department of State.

20 4. At least one member shall be a direct descendant of
21 Mary Call Darby Collins appointed by the Secretary of State
22 with the advice of the oldest living generation of lineal
23 descendants of Mary Call Darby Collins.

24
25 Of the citizen members, at least one member shall have
26 professional curatorial and museum expertise, one member shall
27 have professional architectural expertise in the preservation
28 of historic buildings, and one member shall have professional
29 landscape expertise. The five citizen members of the council
30 appointed by the Secretary of State and the member of the
31 council who is a direct descendant of Mary Call Darby Collins

1 appointed by the Secretary of State shall be appointed for
2 staggered 4-year terms. The Secretary of State shall fill the
3 remainder of unexpired terms for the five citizen members of
4 the council and the member of the council who is a direct
5 descendant of Mary Call Darby Collins.

6 Section 31. Paragraph (a) of subsection (1) of section
7 272.18, Florida Statutes, is amended to read:

8 272.18 Governor's Mansion Commission.--

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

26 Section 32. Section 272.185, Florida Statutes, is
27 amended to read:

28 272.185 Maintenance of Governor's Mansion by
29 Department ~~Division~~ of ~~Facilities~~ Management Services.--

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

31

1 ~~(a) The Division of Facilities Management of the~~
2 Department of Management Services shall maintain all
3 structures, furnishings, equipment, and grounds of the
4 Governor's Mansion, except that the exterior facades; the
5 landscaping of the grounds; the antique furnishings in the
6 private quarters; the interiors of the state rooms; and the
7 articles of furniture, fixtures, and decorative objects used
8 or displayed in the state rooms shall be maintained pursuant
9 to the directives of the Governor's Mansion Commission.

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

20 (3)(c) The department ~~division~~ shall have authority to
21 contract and be contracted with for work and materials
22 required.

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

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

29 Section 33. Section 273.02, Florida Statutes, is
30 amended to read:

31

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

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

1 273.055 Disposition of state-owned tangible personal
2 property.--

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

12 Section 35. Section 281.07, Florida Statutes, is
13 amended to read:

14 281.07 Rules; Facilities Program ~~Division of Capitol~~
15 ~~Police~~; traffic regulation.--

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

23 (2) Political subdivisions and municipalities may
24 enact and enforce ordinances on the violation of traffic and
25 parking rules provided in subsection (1).

26 Section 36. Subsection (5) is added to section
27 282.105, Florida Statutes, to read:

28 282.105 Use of state SUNCOM Network by nonprofit
29 corporations.--

30 (5) Private, nonprofit elementary and secondary
31 schools shall be eligible for rates and services on the same

1 basis as public schools, providing these nonpublic schools do
2 not have an endowment in excess of \$50 million.

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

5 282.111 Statewide system of regional law enforcement
6 communications.--

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

14 Section 38. Paragraph (b) of subsection (2) and
15 paragraph (b) of subsection (4) of section 287.042, Florida
16 Statutes, are amended to read:

17 287.042 Powers, duties, and functions.--The Department
18 of Management Services ~~division~~ shall have the following
19 powers, duties, and functions:

20 (2)

21 (b) As an alternative to any provision in s.
22 120.57(3)(c), the department ~~division~~ may proceed with the bid
23 solicitation or contract award process of a term contract bid
24 when the secretary of the department or his or her designee
25 ~~director of the division~~ sets forth in writing particular
26 facts and circumstances which demonstrate that the delay
27 incident to staying the bid process or contract award process
28 would be detrimental to the interests of the state. After the
29 award of a contract resulting from a bid in which a timely
30 protest was received and in which the state did not prevail,
31

1 the contract may be canceled and reawarded to the prevailing
2 party.

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

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

28 Section 39. Paragraph (d) of subsection (3) of section
29 287.057, Florida Statutes, is amended to read:

30 287.057 Procurement of commodities or contractual
31 services.--

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

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

12 Section 40. Paragraph (c) of subsection (1) of section
13 287.058, Florida Statutes, is amended to read:

14 287.058 Contract document.--

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

25 (c) A provision allowing unilateral cancellation by
26 the agency for refusal by the contractor to allow public
27 access to all documents, papers, letters, or other material
28 subject to the provisions of chapter 119 and made or received
29 by the contractor in conjunction with the contract. Further
30 agreements between the contractor, subcontractors, or other
31 parties performing services and receiving state funds, either

1 directly or indirectly, shall also contain a provision
2 allowing unilateral cancellation by the contractor or by the
3 agency for refusal by the subcontractor or other party to
4 allow public access to all documents, papers, letters, or
5 other such material subject to the provisions of chapter 119
6 and made or received by the subcontractor or other party in
7 conjunction with the contract.

8
9 In lieu of a written agreement, the division may authorize the
10 use of a purchase order for classes of contractual services,
11 provided the provisions of paragraphs (a)-(f) are included in
12 the purchase order, invitation to bid, or request for
13 proposals. The purchase order shall include an adequate
14 description of the services, the contract period, and the
15 method of payment. In lieu of printing the provisions of
16 paragraphs (a)-(f) in the contract document or purchase order,
17 agencies may incorporate the requirements of paragraphs
18 (a)-(f) by reference.

19 Section 41. Section 287.16, Florida Statutes, is
20 amended to read:

21 287.16 Powers and duties of department ~~division~~.--The
22 Department of Management Services ~~Division of Motor Pool~~ shall
23 have the following powers, duties, and responsibilities:

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

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

1 (3) In its discretion, to require every state agency
2 to transfer its ownership, custody, and control of every
3 aircraft and motor vehicle, and associated maintenance
4 facilities and equipment, except those used principally for
5 law enforcement or fire control purposes, to the Department of
6 Management Services, including all right, title, interest, and
7 equity therein.

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

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

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

25 (7) To contract for specialized maintenance services.

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

1 Vehicles shall use a reporting system approved by the
2 department division. The Support Program division shall assist
3 the Department of Highway Safety and Motor Vehicles in
4 developing or implementing a reporting system prior to July 1,
5 1984, which shall specifically address the needs and
6 requirements of the Support Program division and the
7 Department of Highway Safety and Motor Vehicles.

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

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

24 Section 42. Section 287.18, Florida Statutes, is
25 amended to read:

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

1 repair aircraft and motor vehicles and to furnish gasoline and
2 other petroleum products to any other department or agency and
3 shall compensate for the cost of such services and products.

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

6 365.171 Emergency telephone number "911."--

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

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

25 Section 44. Section 401.021, Florida Statutes, is
26 amended to read:

27 401.021 System director.--The Secretary of Management
28 Services or his or her designee ~~director of the Division of~~
29 ~~Communications~~ is designated as the director of the statewide
30 telecommunications system of the regional emergency medical
31 service and, for the purpose of carrying out the provisions of

1 this part, is authorized to coordinate the activities of the
2 telecommunications system with other interested state, county,
3 local, and private agencies.

4 Section 45. Section 401.027, Florida Statutes, is
5 amended to read:

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

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

14 446.045 State Apprenticeship Council.--

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

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

20 446.604 One-Stop Career Centers.--

21 (1) The Department of Management Services shall
22 coordinate among the agencies a plan for a One-Stop Career
23 Center Electronic Network made up of One-Stop Career Centers
24 that are operated by the Department of Labor and Employment
25 Security, the Department of Health and Rehabilitative
26 Services, the Department of Education, and other authorized
27 public or private for-profit or not-for-profit agents. The
28 plan shall identify resources within existing revenues to
29 establish and support such electronic network for service
30 delivery that includes Government Services Direct ~~the Florida~~
31 ~~Communities Network~~.

1 Section 48. Paragraph (e) of subsection (3) of section
2 447.208, Florida Statutes, is amended to read:

3 447.208 Procedure with respect to certain appeals
4 under s. 447.207.--

5 (3) With respect to hearings relating to demotions,
6 suspensions, or dismissals pursuant to the provisions of this
7 section:

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

22 Section 49. Sections 110.407 and 110.607, Florida
23 Statutes, are repealed.

24 Section 50. Section 110.1082, Florida Statutes, is
25 created to read:

26 110.1082 Telephone voice mail systems and telephone
27 menu options systems.--

28 (1) No state employee shall utilize a voice mail
29 system when the employee is at his or her regularly assigned
30 work station where his or her telephone is functional and
31 available for use, unless such voice mail system alerts the

1 caller to, and provides the caller with access to a
2 nonelectronic attendant, or automatically transfers the caller
3 to a nonelectronic attendant.

4 (2) Telephone menu options systems used by state
5 agencies, departments, or other state government units, will
6 alert the caller to, and provide the caller with access to a
7 nonelectronic attendant.

8 (3) Agency heads will ensure compliance with the
9 provisions of this section.

10 Section 51. Subsection (9) is added to section 20.055,
11 Florida Statutes, to read:

12 20.055 Agency inspectors general.--

13 (9) Each state agency's head shall, by December 31,
14 2000, conduct a review of motor vehicle utilization with
15 oversight from the agency's inspector general. This review
16 shall consist of two parts. The first part of the review shall
17 determine the number of miles that each assigned motor vehicle
18 has been driven on official state business in the past fiscal
19 year. Commuting mileage shall be excluded from calculating
20 vehicle use. The purpose of this review is to determine
21 whether employees with assigned motor vehicles are driving the
22 vehicles a sufficient number of miles to warrant continued
23 vehicle assignment. The second part of the review shall
24 identify employees who have driven personal vehicles
25 extensively on state business in the past fiscal year. The
26 purpose of this review is to determine whether it would be
27 cost-effective to provide state motor vehicles to such
28 employees. In making this determination, the inspector general
29 shall use the break-even mileage criteria developed by the
30 Department of Management Services. A copy of the review shall

31

1 be presented to the Office of Program Policy Analysis and
2 Government Accountability.

3 Section 52. Subsection (1) of section 287.151, Florida
4 Statutes, is amended to read:

5 287.151 Limitation on classes of motor vehicles
6 procured.--

7 (1) All motor vehicles purchased or leased by the
8 state with funds provided in the General Appropriations Act
9 shall be of the subcompact class except vehicles used for law
10 enforcement purposes by law enforcement officers of the state,
11 used as tow vehicles, routinely used to transport more than
12 three adults or bulk materials, or vehicles operated
13 frequently on unpaved roads. All vehicles purchased shall be
14 of the smallest class that can safely and adequately meet the
15 transportation requirements. ~~The exception from the~~
16 ~~subcompact vehicle requirement for law enforcement purposes~~
17 ~~shall not apply to state attorneys and public defenders.~~

18 Section 53. Subsection (3) of section 287.16, Florida
19 Statutes, is amended, and subsection (11) is added to that
20 section, to read:

21 287.16 Powers and duties of division.--The Division of
22 Motor Pool shall have the following powers, duties, and
23 responsibilities:

24 (3) In its discretion, to require every state agency
25 to transfer its ownership, custody, and control of every
26 aircraft and motor vehicle, and associated maintenance
27 facilities and equipment, except those used principally for
28 law enforcement, state fire marshal, or fire control purposes,
29 to the Department of Management Services, including all right,
30 title, interest, and equity therein.

31

1 (11) To calculate biennially the break-even mileage at
2 which it becomes cost-effective for the state to provide
3 assigned motor vehicles to employees. The division shall
4 provide the information to agency heads and agency inspectors
5 general to assist them in meeting the reporting requirements
6 of s. 20.055.

7 Section 54. Section 287.17, Florida Statutes, is
8 amended to read:

9 287.17 Limitation on use of motor vehicles and
10 aircraft.--

11 (1) The aircraft and motor vehicles owned, leased, or
12 operated by any state agency, as defined in s. 287.012, shall
13 be available for official state business only as authorized by
14 agency heads, as defined in s. 287.012.

15 (2) The following criteria shall be considered in
16 determining appropriate uses of motor vehicles and aircraft:

17 (a) Whether the use of a motor vehicle or aircraft is
18 necessary to carry out state official or employee job
19 assignments.

20 (b) Whether the use of a motor vehicle or aircraft is
21 for transporting an employee, state official, or other person
22 authorized by the agency head for purposes of conducting
23 official state business or for purposes of performing services
24 for the state.

25 (c) Whether the Department of Law Enforcement has been
26 directed by the agency head to provide security or
27 transportation pursuant to s. 281.20.

28 (d) Whether an emergency exists requiring the use of a
29 motor vehicle or aircraft for the protection of life or
30 property.

31

1 (3) The term "official state business" may not be
2 construed to permit the use of a motor vehicle or aircraft for
3 ~~personal business or~~ commuting purposes, unless special
4 assignment of a motor vehicle is authorized as a perquisite by
5 the Department of Management Services, required by an employee
6 after normal duty hours to perform duties of the position to
7 which assigned, or authorized for an employee whose home is
8 the official base of operation.

9 (4) An agency head, as defined in s. 287.012, shall
10 comply with the following criteria for the special assignment
11 of motor vehicles:

12 (a) An agency head may assign a motor vehicle to a
13 state officer or employee only if the officer or employee is
14 projected to drive the motor vehicle a minimum of 10,000 miles
15 annually on official state business, unless an agency head
16 annually provides written justification for the need of the
17 assignment of a motor vehicle. Commuting mileage incidental to
18 use of the motor vehicle on official state business shall be
19 excluded from calculating the projected mileage. Priority in
20 assigning motor vehicles shall be given to those employees who
21 drive over 15,000 miles annually on state business.

22 (b) An agency head may assign motor vehicles to state
23 officers and employees who perform duties related to law
24 enforcement. However, the agency head shall not assign a
25 pursuit motor vehicle to an officer or employee whose job
26 duties do not routinely require performance of a patrol or law
27 enforcement function requiring a pursuit vehicle.

28 (5)~~(4)~~ A person who is not otherwise authorized in
29 this section may accompany the Governor, the Lieutenant
30 Governor, a member of the Cabinet, the President of the
31 Senate, the Speaker of the House of Representatives, or the

1 Chief Justice of the Supreme Court when such official is
 2 traveling on state aircraft for official state business and
 3 the aircraft is traveling with seats available.
 4 Transportation of a person accompanying any official specified
 5 in this subsection shall be approved by the official, who
 6 shall also guarantee payment of the transportation charges.
 7 When the person accompanying such official is not traveling on
 8 official state business as provided in this section, the
 9 transportation charge shall be a prorated share of all fixed
 10 and variable expenses related to the ownership, operation, and
 11 use of such state aircraft. The spouse of any official
 12 specified in this subsection may, without payment of
 13 transportation charges, accompany the official when such
 14 official is traveling for official state business and the
 15 aircraft has seats available.

16 (6)~~(5)~~ It is the intention of the Legislature that
 17 persons traveling on state aircraft for purposes consistent
 18 with, but not necessarily constituting, official state
 19 business may travel only when accompanying persons who are
 20 traveling on official state business and that such persons
 21 shall pay the state for all costs associated with such travel.
 22 A person traveling on state aircraft for purposes other than
 23 official state business shall pay for any trip not exclusively
 24 for state business by paying a prorated share of all fixed and
 25 variable expenses related to the ownership, operation, and use
 26 of such aircraft.

27 Section 55. This act shall take effect upon becoming a
 28 law.

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 30
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