

By the Committees on General Government Appropriations,  
Governmental Operations and Representatives Posey, Ball, A.  
Greene, Hafner and Fasano

1                                   A bill to be entitled  
2           An act relating to the Department of Management  
3           Services; amending s. 20.22, F.S.; revising the  
4           organizational structure of the department  
5           relating to labor organizations; amending s.  
6           110.1099, F.S.; providing conditions for the  
7           reimbursement of training expenses by an  
8           employee; amending s. 110.112, F.S.; revising  
9           reporting requirements; amending s. 110.1245,  
10          F.S.; revising reporting requirements;  
11          increasing the cap on meritorious service  
12          awards; amending s. 110.131, F.S.; authorizing  
13          the designee of an agency head to extend the  
14          other-personal-services employment of a health  
15          care practitioner; amending s. 110.151, F.S.;  
16          modifying duties of state agencies for child  
17          care programs sponsored by the agencies;  
18          amending s. 110.181, F.S.; providing that the  
19          fiscal agent for the Florida State Employees'  
20          Charitable Campaign need not reimburse costs  
21          under specified conditions; amending s.  
22          110.201, F.S.; providing for adoption of rules;  
23          providing for a workforce report; amending s.  
24          110.205, F.S.; authorizing the Department of  
25          Management Services to designate specified  
26          employees within the Governor's Office to have  
27          salaries and benefits in accordance with the  
28          rules of Senior Management Service; authorizing  
29          specified employees to have benefits comparable  
30          to legislative employees; conforming provisions  
31          to changes made by the act; providing for the

1 designation of Senior Management Service exempt  
2 positions; repealing s. 110.207(1)(g), F.S.,  
3 relating to statewide planning of career  
4 service broadbanding compensation and  
5 classification; amending s. 110.209, F.S.;  
6 adding critical market pay to the list of pay  
7 additives; requiring certain pay  
8 implementations to be subject to review and  
9 recommendation by the Department of Management  
10 Services and approval by the Office of Planning  
11 and Budgeting; amending s. 110.235, F.S.;  
12 deleting a requirement for a report; amending  
13 s. 110.503, F.S.; allowing agencies to incur  
14 expenses to recognize the service of  
15 volunteers; amending s. 110.504, F.S.;  
16 providing a limitation on volunteer awards;  
17 amending s. 110.605, F.S.; providing a uniform  
18 appraisal system for employees and positions in  
19 the Selected Exempt Service; amending s.  
20 112.061, F.S.; authorizing the designee of an  
21 agency head to approve specified expenses for  
22 employees; amending s. 112.3145, F.S.;  
23 redefining the terms "local officer" and  
24 "specified state employee" for purposes of  
25 financial disclosure requirements; amending s.  
26 215.196, F.S.; revising the organizational  
27 structure of the department relating to the  
28 Architects Incidental Trust Fund; amending s.  
29 215.422, F.S.; deleting a vendor's right to the  
30 name of an ombudsman; amending s. 216.011,  
31 F.S.; redefining the term "operating capital

1 outlay"; amending s. 255.25, F.S.; exempting  
2 certain leases from the competitive bidding  
3 process; amending ss. 255.249 and 255.257,  
4 F.S.; revising the threshold for leased space  
5 facility requirements; amending s. 267.075,  
6 F.S.; revising the membership of The Grove  
7 Advisory Council; amending s. 272.18, F.S.;  
8 revising the membership of the Governor's  
9 Mansion Commission; amending s. 272.185, F.S.;  
10 revising the organizational structure of the  
11 department relating to maintenance of the  
12 Governor's Mansion; amending s. 273.02, F.S.;  
13 increasing the value of property required to be  
14 inventoried by custodians; amending s. 273.055,  
15 F.S.; providing for the disbursement of moneys  
16 received from disposition of state-owned  
17 tangible personal property; amending ss.  
18 281.02, 281.03, 281.04, 281.05, 281.06, and  
19 281.08, F.S.; including reference to the  
20 Florida Capitol Police; amending s. 281.07,  
21 F.S.; revising the organizational structure of  
22 the department relating to the capitol police;  
23 amending s. 282.105, F.S., relating to use of  
24 State Suncom Network by nonprofit schools;  
25 amending s. 282.1095, F.S.; authorizing the  
26 Department of Management Services to acquire a  
27 state agency law enforcement radio system;  
28 authorizing the Joint Task Force on State  
29 Agency Law Enforcement Communications to advise  
30 the department regarding the system; deleting  
31 obsolete provisions; amending ss. 320.0802 and

1           327.25, F.S.; removing the time limits on the  
2           surcharges used to fund the system; removing  
3           obsolete provisions; amending s. 282.322, F.S.;  
4           amending the requirements for written reports  
5           on designated information resources management  
6           projects; amending s. 282.3091, F.S.; revising  
7           the membership of the State Technology Council;  
8           amending s. 282.111, F.S.; revising the  
9           organizational structure of the department  
10          relating to the statewide system of regional  
11          law enforcement communications; amending s.  
12          287.017, F.S.; increasing purchasing category  
13          threshold amounts; amending s. 287.042, F.S.;  
14          revising the organizational structure of the  
15          department relating to the purchasing of goods  
16          and services; amending s. 287.057, F.S.;  
17          revising the organizational structure of the  
18          department relating to the procurement of  
19          insurance; amending s. 287.151, F.S.; revising  
20          purchasing requirements for certain state motor  
21          vehicles; amending ss. 287.16 and 287.18, F.S.;  
22          revising the organizational structure of the  
23          department relating to motor vehicles,  
24          watercraft, and aircraft; requiring a report on  
25          break-even mileage to be submitted biennially  
26          to agency inspectors general; amending s.  
27          287.17, F.S.; providing definitions; providing  
28          criteria to be followed by an agency head in  
29          assigning a state-owned motor vehicle to an  
30          employee; requiring a report from agency heads  
31          on employee use of state motor vehicles;

1           amending s. 365.171, F.S.; designating the  
2           director of the statewide emergency telephone  
3           number "911"; amending ss. 401.021 and 401.027,  
4           F.S.; designating the director of the statewide  
5           telecommunications system of the regional  
6           emergency medical service; amending s. 446.604,  
7           F.S.; providing for Government Services Direct  
8           to be included in the plan for One-Stop Career  
9           Centers; amending s. 447.208, F.S.; providing  
10          for the determination of attorney's fees in  
11          certain cases; repealing ch. 98-310, Laws of  
12          Florida, relating to evaluation of the state  
13          contract for air carrier service; authorizing  
14          the department to negotiate air services to and  
15          from Tallahassee and other cities; repealing  
16          ss. 110.407 and 110.607, F.S., which provide  
17          for performance audits; providing an effective  
18          date.

19

20 Be It Enacted by the Legislature of the State of Florida:

21

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

24

25           20.22 Department of Management Services.--There is  
26 created a Department of Management Services.

27

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

1           Section 2. Subsection (5) of section 110.1099, Florida  
2 Statutes, 1998 Supplement, is amended, and subsection (6) is  
3 added to said section, to read:

4           110.1099 Education and training opportunities for  
5 state employees.--

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

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

26           Section 3. Paragraph (d) of subsection (2) and  
27 subsection (6) of section 110.112, Florida Statutes, are  
28 amended to read:

29           110.112 Affirmative action; equal employment  
30 opportunity.--

31           (2)

1           (d) The department shall report information in its  
2 annual workforce report relating to ~~annually to the Governor~~  
3 ~~on~~ the implementation, continuance, updating, and results of  
4 each executive agency's affirmative action plan for the  
5 previous fiscal year.

6           (6) The department shall review and monitor ~~audit~~  
7 executive agency actions in carrying out the rules adopted by  
8 the department pursuant to this section ~~and shall submit~~  
9 ~~postaudit reports to the Governor, the President of the~~  
10 ~~Senate, the Speaker of the House of Representatives, and the~~  
11 ~~Auditor General.~~

12           Section 4. Section 110.1245, Florida Statutes, is  
13 amended to read:

14           110.1245 Meritorious service awards program.--

15           (1) The Department of Management Services shall set  
16 policy, develop procedures, and promote a program of  
17 meritorious service awards, incentives, and recognition to  
18 employees who:

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

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

28  
29 Every state agency, unless otherwise provided by law, shall  
30 participate in the program. The Chief Justice shall have the  
31 authority to establish a meritorious service awards program

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

26 (2) The department and the judicial branch shall  
27 submit annually to the President of the Senate and the Speaker  
28 of the House of Representatives information that ~~by April 1 of~~  
29 ~~each year a report which~~ outlines each agency's level of  
30 participation in the meritorious service awards program. The  
31



1 information must ~~report shall~~ include, but is not ~~be~~ limited  
2 to:

3 (a) The number of proposals made.

4 (b) The number of awards made to employees for adopted  
5 proposals.

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

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

10 (e) The number of employees recognized for superior  
11 accomplishments.

12 (f) The number of employees recognized for  
13 satisfactory service to the state.

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

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

27 (5) Each department head is authorized to incur  
28 expenditures not to exceed ~~\$100~~\$50 each plus applicable taxes  
29 for suitable framed certificates, plaques, or other tokens of  
30 recognition to any appointed member of a state board or  
31 commission whose service to the state has been satisfactory,

1 in appreciation and recognition of such service upon the  
2 expiration of such board or commission member's final term in  
3 such position.

4 Section 5. Paragraph (c) of subsection (6) of section  
5 110.131, Florida Statutes, 1998 Supplement, is amended to  
6 read:

7 110.131 Other-personal-services temporary  
8 employment.--

9 (6)

10 (c) Notwithstanding the provisions of this section,  
11 the agency head or his or her designee ~~secretary of the~~  
12 ~~Department of Health or the secretary's delegate~~ may extend  
13 the other-personal-services employment of a health care  
14 practitioner licensed pursuant to chapter 458, chapter 459,  
15 chapter 460, chapter 461, chapter 463, chapter 464, chapter  
16 466, chapter 468, chapter 483, chapter 486, or chapter 490  
17 beyond 2,080 hours and may employ such practitioner on an  
18 hourly or other basis.

19 Section 6. Subsection (2) of section 110.151, Florida  
20 Statutes, is amended to read:

21 110.151 State officers' and employees' child care  
22 services.--

23 (2) Child care programs may be located in state-owned  
24 office buildings, educational facilities and institutions,  
25 custodial facilities and institutions, and, with the consent  
26 of the President of the Senate and the Speaker of the House of  
27 Representatives, in buildings or spaces used for legislative  
28 activities. In addition, centers may be located in privately  
29 owned buildings conveniently located to the place of  
30 employment of those officers and employees to be served by the  
31 centers. If a child care program is located in a state-owned

1 office building, educational facility or institution, or  
2 custodial facility or institution, or in a privately owned  
3 building leased by the state, a portion of the service  
4 provider's rental fees for child care space may be waived by  
5 the sponsoring agency in accordance with the rules of the  
6 Department of Management Services. Additionally, the  
7 sponsoring state agency may be responsible for the  
8 maintenance, utilities, and other operating costs associated  
9 with the ~~physical facility of the~~ child care center.

10 Section 7. Paragraph (b) of subsection (2) of section  
11 110.181, Florida Statutes, is amended to read:

12 110.181 Florida State Employees' Charitable  
13 Campaign.--

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

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

27 Section 8. Subsection (5) is added to section 110.201,  
28 Florida Statutes, to read:

29 110.201 Personnel rules, records, and reports.--

30 (5) The department shall develop a workforce report  
31 that contains data representative of the state's human

1 resources. The report should identify trends for planning and  
2 improving the management of the state's human resources. The  
3 department shall submit this report annually to the Governor,  
4 the President of the Senate, and the Speaker of the House of  
5 Representatives.

6 Section 9. Paragraphs (k) and (m) of subsection (2) of  
7 section 110.205, Florida Statutes, are amended to read:

8 110.205 Career service; exemptions.--

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

14 (k) All officers and employees in the office of the  
15 Governor, including all employees at the Governor's mansion,  
16 and employees within each separate budget entity, as defined  
17 in chapter 216, assigned to the Governor. Unless otherwise  
18 fixed by law, the salary and benefits of these positions shall  
19 be set by the department as follows:

20 1. The chief of staff, the assistant or deputy chief  
21 of staff, general counsel, Director of Legislative Affairs,  
22 chief inspector general, Director of Cabinet Affairs, Director  
23 of Press Relations, Director of Planning and Budgeting,  
24 director of administration, director of state-federal  
25 relations, Director of Appointments, Director of External  
26 Affairs, Deputy General Counsel, Governor's Liaison for  
27 Community Development, Chief of Staff for the Lieutenant  
28 Governor, Deputy Director of Planning and Budgeting, policy  
29 coordinators ~~and chief prosecutor of the statewide grand jury,~~  
30 and the director of each separate budget entity shall have  
31

1 their salaries and benefits established by the department in  
2 accordance with the rules of the Senior Management Service.

3 2. The salaries and benefits of positions not  
4 established in subparagraph 1. shall be set by the employing  
5 agency. Salaries and benefits of employees whose professional  
6 training is comparable to that of licensed professionals under  
7 paragraph (q), or whose administrative responsibility is  
8 comparable to a bureau chief shall be set by the Selected  
9 Exempt Service. The department shall make the comparability  
10 determinations. Other employees shall have benefits set  
11 comparable to legislative staff, except leave shall be  
12 comparable to career service as if career service employees.

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

1 benefits for each such position shall be established by the  
2 department in accordance with the rules of the Senior  
3 Management Service.

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

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

18 Section 10. Paragraph (g) of subsection (1) of section  
19 110.207, Florida Statutes, 1998 Supplement, is repealed.

20 Section 11. Paragraph (c) of subsection (2) of section  
21 110.209, Florida Statutes, is amended to read:

22 110.209 Pay plan.--

23 (2)

24 (c) The department shall establish, by rule,  
25 guidelines with respect to, and shall delegate, where  
26 appropriate, to the employing agencies the authority to  
27 administer, the following:

28 1. Shift differentials.

29 2. On-call fees.

30 3. Hazardous-duty pay.

31 4. Advanced appointment rates.

- 1           5. Salary increase and decrease corrections.
- 2           6. Lead worker pay.
- 3           7. Temporary special duties pay.
- 4           8. Trainer additive pay.
- 5           9. Competitive area differentials.
- 6           10. Coordinator pay.
- 7           11. Critical market pay.
- 8

9 The employing agency must use such pay additives as are  
10 appropriate within the guidelines established by the  
11 department and shall advise the department in writing of the  
12 plan for implementing such pay additives prior to the  
13 implementation date. Any action by an employing agency to  
14 implement temporary special duties pay, competitive area  
15 differentials, or critical market pay may be implemented only  
16 after the department has reviewed and recommended such action  
17 and the Office of Planning and Budgeting within the Executive  
18 Office of the Governor has approved the action; however, an  
19 employing agency may use temporary special duties pay for up  
20 to 3 months without prior review by the department and  
21 approval by the the Office of Planning and Budgeting within  
22 the Executive Office of the Governor.

23           Section 12. Section 110.235, Florida Statutes, is  
24 amended to read:

25           110.235 Training.--

26           (1) It is the intent of the Legislature that state  
27 agencies shall implement training programs that encompass  
28 modern management principles, ~~such as those embodied in total~~  
29 ~~quality management~~, and that provide the framework to develop  
30 human resources through empowerment, training, and rewards for  
31

1 productivity enhancement; to continuously improve the quality  
2 of services; and to satisfy the expectations of the public.

3 ~~(2) If requested by the employing agencies, the~~  
4 ~~Department of Management Services shall provide the employing~~  
5 ~~agencies with training necessary to implement the revision of~~  
6 ~~the Career Service System and implement the principles of~~  
7 ~~quality management.~~

8 ~~(3) The employing agencies shall report annually to~~  
9 ~~the Department of Management Services all training programs~~  
10 ~~used by that agency which have not been provided by the~~  
11 ~~Department of Management Services.~~

12 (2)~~(4)~~ Each employing agency shall annually evaluate  
13 and report to the department the training it has implemented  
14 and the progress it has made in the area of training. ~~The~~  
15 ~~department shall review and consolidate the information~~  
16 ~~reported to it by the agencies and shall annually report the~~  
17 ~~progress of the agencies in training to the Governor, the~~  
18 ~~President of the Senate, and the Speaker of the House of~~  
19 ~~Representatives.~~

20 (3)~~(5)~~ As approved by the Legislature by law, each  
21 employing agency may use a specified percentage of its salary  
22 budget to implement training programs.

23 Section 13. 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 \$100 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 14. 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 \$100  
11 each plus applicable taxes.

12           Section 15. Subsection (1) of section 110.605, Florida  
13 Statutes, is amended to read:

14           110.605 Powers and duties; personnel rules, records,  
15 reports, and performance appraisal.--

16           (1) The department shall adopt and administer uniform  
17 personnel rules, records, and reports relating to employees  
18 and positions in the Selected Exempt Service, as well as any  
19 other rules and procedures relating to personnel  
20 administration which are necessary to carry out the purposes  
21 of this part. ~~A uniform performance appraisal system shall~~  
22 ~~apply only to employees and positions in the Selected Exempt~~  
23 ~~Service covered by a collective bargaining agreement.~~

24           (a) The department shall develop uniform forms and  
25 instructions to be used in reporting transactions which  
26 involve changes in an employee's salary, status, performance,  
27 leave, fingerprint record, loyalty oath, payroll change, or  
28 appointment action or any additional transactions as the  
29 department may deem appropriate.

30  
31

1 (b) It is the responsibility of the employing agency  
2 to maintain these records and all other records and reports  
3 prescribed in applicable rules on a current basis.

4 (c) The department shall develop a uniform performance  
5 appraisal system for employees and positions in the Selected  
6 Exempt Service covered by a collective bargaining agreement.  
7 Each employing agency shall develop a performance appraisal  
8 system for all other employees and positions in the Selected  
9 Exempt System. Such agency system shall take into  
10 consideration individual and organizational efficiency,  
11 productivity, and effectiveness.

12 ~~(d)~~ ~~(c)~~ The department shall periodically audit  
13 employing agency records to determine compliance with the  
14 provisions of this part and the rules of the department.

15 ~~(e)~~ ~~(d)~~ The department shall develop a program of  
16 affirmative and positive actions that will ensure full  
17 utilization of women and minorities in Selected Exempt Service  
18 positions.

19 Section 16. Paragraph (f) of subsection (3) and  
20 subsections (12) and (13) of section 112.061, Florida  
21 Statutes, 1998 Supplement, are amended to read:

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

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

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

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

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

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

29 Section 17. Subsection (1) of section 112.3145,  
30 Florida Statutes, is amended to read:

31

1           112.3145 Disclosure of financial interests and clients  
2 represented before agencies.--

3           (1) For purposes of this section, unless the context  
4 otherwise requires, the term:

5           (a) "Local officer" means:

6           1. Every person who is elected to office in any  
7 political subdivision of the state, and every person who is  
8 appointed to fill a vacancy for an unexpired term in such an  
9 elective office.

10           2. Any appointed member of a board; commission;  
11 authority, including any expressway authority or  
12 transportation authority established by general law; community  
13 college district board of trustees; or council of any  
14 political subdivision of the state, excluding any member of an  
15 advisory body. A governmental body with land-planning, zoning,  
16 or natural resources responsibilities shall not be considered  
17 an advisory body.

18           3. Any person holding one or more of the following  
19 positions: mayor; county or city manager; chief administrative  
20 employee of a county, municipality, or other political  
21 subdivision; county or municipal attorney; chief county or  
22 municipal building inspector; county or municipal water  
23 resources coordinator; county or municipal pollution control  
24 director; county or municipal environmental control director;  
25 county or municipal administrator, with power to grant or deny  
26 a land development permit; chief of police; fire chief;  
27 municipal clerk; district school superintendent; community  
28 college president; district medical examiner; or purchasing  
29 agent having the authority to make any purchase exceeding the  
30 threshold amount provided for in s. 287.017 for CATEGORY ONE,  
31

1 on behalf of~~\$1,000~~ for any political subdivision of the state  
2 or any entity thereof.

3 (b) "Specified state employee" means:

4 1. Public counsel created by chapter 350, an assistant  
5 state attorney, an assistant public defender, a full-time  
6 state employee who serves as counsel or assistant counsel to  
7 any state agency, a judge of compensation claims, an  
8 administrative law judge, or a hearing officer.

9 2. Any person employed in the office of the Governor  
10 or in the office of any member of the Cabinet if that person  
11 is exempt from the Career Service System, except persons  
12 employed in clerical, secretarial, or similar positions.

13 3. Each appointed secretary, assistant secretary,  
14 deputy secretary, executive director, assistant executive  
15 director, or deputy executive director of each state  
16 department, commission, board, or council; unless otherwise  
17 provided, the division director, assistant division director,  
18 deputy director, bureau chief, and assistant bureau chief of  
19 any state department or division; or any person having the  
20 power normally conferred upon such persons, by whatever title.

21 4. The superintendent or institute director of a state  
22 mental health institute established for training and research  
23 in the mental health field or the superintendent or director  
24 of any major state institution or facility established for  
25 corrections, training, treatment, or rehabilitation.

26 5. Business managers, purchasing agents having the  
27 power to make any purchase exceeding the threshold amount  
28 provided for in s. 287.017 for CATEGORY ONE~~\$1,000~~, finance  
29 and accounting directors, personnel officers, or grants  
30 coordinators for any state agency.

31

1           6. Any person, other than a legislative assistant  
2 exempted by the presiding officer of the house by which the  
3 legislative assistant is employed, who is employed in the  
4 legislative branch of government, except persons employed in  
5 maintenance, clerical, secretarial, or similar positions.

6           7. Each employee of the Commission on Ethics.

7           (c) "State officer" means:

8           1. Any elected public officer, excluding those elected  
9 to the United States Senate and House of Representatives, not  
10 covered elsewhere in this part and any person who is appointed  
11 to fill a vacancy for an unexpired term in such an elective  
12 office.

13           2. An appointed member of each board, commission,  
14 authority, or council having statewide jurisdiction, excluding  
15 a member of an advisory body.

16           3. A member of the Board of Regents, the Chancellor  
17 and Vice Chancellors of the State University System, and the  
18 president of a state university.

19           Section 18. Subsection (1) of section 215.196, Florida  
20 Statutes, 1998 Supplement, is amended to read:

21           215.196 Architects Incidental Trust Fund; creation;  
22 assessment.--

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

28           Section 19. Subsections (5) and (9) of section  
29 215.422, Florida Statutes, are amended to read:

30  
31

1           215.422 Warrants, vouchers, and invoices; processing  
2 time limits; dispute resolution; agency or judicial branch  
3 compliance.--

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

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

26           Section 20. Paragraph (x) of subsection (1) of section  
27 216.011, Florida Statutes, 1998 Supplement, is amended to  
28 read:

29           216.011 Definitions.--

30           (1) For the purpose of fiscal affairs of the state,  
31 appropriations acts, legislative budgets, and approved

1 budgets, each of the following terms has the meaning  
2 indicated:

3 (x) "Operating capital outlay" means equipment,  
4 fixtures, and other tangible personal property of a  
5 nonconsumable and nonexpendable nature, the value or cost of  
6 which is \$1,000~~\$500~~ or more and the normal expected life of  
7 which is 1 year or more, and hardback-covered bound books that  
8 are circulated to students or the general public, the value or  
9 cost of which is \$25 or more, and hardback-covered bound  
10 books, the value or cost of which is \$250~~\$100~~ or more.

11 Section 21. Paragraphs (b) and (k) of subsection (2)  
12 of section 255.249, Florida Statutes, 1998 Supplement, are  
13 amended to read:

14 255.249 Department of Management Services;  
15 responsibility; department rules.--

16 (2) The department shall promulgate rules pursuant to  
17 chapter 120 providing:

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

27 (k) For a lease of less than 5,000 ~~3,000~~ square feet,  
28 a method for certification by the agency head or the agency  
29 head's designated representative that all criteria for leasing  
30 have been fully complied with and for the filing of a copy of  
31



1 such lease and all supporting documents with the department  
2 for its review and approval as to technical sufficiency.

3 Section 22. Paragraph (b) of subsection (2) and  
4 subsection (3) of section 255.25, Florida Statutes, 1998  
5 Supplement, are amended to read:

6 255.25 Approval required prior to construction or  
7 lease of buildings.--

8 (2)

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

20 (3)(a) Except as provided in subsection (10), no state  
21 agency shall enter into a lease as lessee for the use of 5,000  
22 ~~3,000~~ square feet or more of space in a privately owned  
23 building except upon advertisement for and receipt of  
24 competitive bids and award to the lowest and best bidder. The  
25 Department of Management Services shall have the authority to  
26 approve a lease for 5,000 ~~3,000~~ square feet or more of space  
27 that covers more than 1 fiscal year, subject to the provisions  
28 of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such  
29 lease is, in the judgment of the department, in the best  
30 interests of the state. This paragraph does not apply to  
31

1 buildings or facilities of any size leased for the purpose of  
2 providing care and living space for persons.

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

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

31

1           Section 23. Subsection (2) of section 255.257, Florida  
2 Statutes, 1998 Supplement, is amended to read:

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

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

16           Section 24. Paragraph (a) of subsection (3) of section  
17 267.075, Florida Statutes, is amended to read:

18           267.075 The Grove Advisory Council; creation;  
19 membership; purposes.--

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

22           1. Five members shall be private citizens appointed by  
23 the Secretary of State.

24           2. One member shall be the Secretary ~~director of the~~  
25 ~~Division of Facilities Management of the Department of~~  
26 ~~Management Services~~ or his or her designee.

27           3. One member shall be the director of the Division of  
28 Historical Resources of the Department of State.

29           4. At least one member shall be a direct descendant of  
30 Mary Call Darby Collins appointed by the Secretary of State

31

1 with the advice of the oldest living generation of lineal  
2 descendants of Mary Call Darby Collins.

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

16 Section 25. Paragraph (a) of subsection (1) of section  
17 272.18, Florida Statutes, is amended to read:

18 272.18 Governor's Mansion Commission.--

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

1 remainder of unexpired terms. The spouse of the Governor or  
2 the designated representative of the Governor shall be an ex  
3 officio member of the commission but shall have no voting  
4 rights except in the case of a tie vote.

5 Section 26. Section 272.185, Florida Statutes, 1998  
6 Supplement, is amended to read:

7 272.185 Maintenance of Governor's Mansion by  
8 Department of Management Services.--

9 (1) ~~POWERS AND DUTIES OF DEPARTMENT.--~~

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

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

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

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

31

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

5           Section 27. Section 273.02, Florida Statutes, is  
6 amended to read:

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

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

5 Section 28. Subsection (5) of section 273.055, Florida  
6 Statutes, 1998 Supplement, is amended to read:

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

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

18 Section 29. Section 281.02, Florida Statutes, 1998  
19 Supplement, is amended to read:

20 281.02 Powers and duties of the Department of  
21 Management Services, Florida Capitol Police.--The Department  
22 of Management Services, Florida Capitol Police, has the  
23 following powers and duties:

24 (1) To establish a comprehensive and ongoing plan for  
25 the firesafety and security of the Capitol, the Senate Office  
26 Building, the House Office Building, and the Historic Capitol,  
27 including, but not limited to, the institution of programs for  
28 the awareness and training in firesafety and security of  
29 members of the Legislature and their employees, and all other  
30 elected officials and their respective employees, who occupy  
31 such buildings. The Florida Capitol Police ~~department~~ shall

1 also ensure that adequate signs and personnel are in place to  
2 inform and assist the occupants of and visitors to such  
3 buildings.

4 (2) To provide and maintain the firesafety and  
5 security of all state-owned property leased from the  
6 Department of Management Services, excluding state  
7 universities and custodial institutions, the Governor's  
8 office, the Governor's mansion and the grounds thereof, and  
9 the Supreme Court.

10 (3) To develop emergency procedures and evacuation  
11 routes in the event of fire or disaster and to make such  
12 procedures and routes known to those persons occupying  
13 state-owned buildings leased from the Department of Management  
14 Services.

15 (4) To employ:

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

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

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

25 (6) To respond to all complaints relating to criminal  
26 activity within state-owned buildings or state-leased  
27 property.

28 (7) To enforce rules of the Department of Management  
29 Services governing the regulation of traffic and parking on  
30 state-owned or state-leased property, including, but not  
31 limited to, issuing citations for the violation of such rules



1 or the traffic laws of the state or any county or municipality  
2 and impounding illegally or wrongfully parked vehicles.

3 (8) To delegate its duties provided in this section to  
4 any state agency occupying such state-owned or state-leased  
5 property.

6 Section 30. Section 281.03, Florida Statutes, 1998  
7 Supplement, is amended to read:

8 281.03 Investigations by the Florida Capitol Police  
9 ~~department~~.--

10 (1) The Department of Management Services, Florida  
11 Capitol Police, shall conduct traffic accident investigations  
12 and investigations relating to felonies and misdemeanors  
13 occurring on state-owned or state-leased property. Any  
14 matters which are deemed to involve a felony may be referred  
15 to the appropriate law enforcement agency for criminal  
16 investigation. Such referrals shall include transmittal of  
17 records, reports, statements, and all other information  
18 relating to such matters.

19 (2) The Department of Management Services, Florida  
20 Capitol Police, shall retain copies of all reports relating to  
21 such criminal activity for use in the ongoing firesafety and  
22 security plan as required in s. 281.02.

23 Section 31. Section 281.04, Florida Statutes, 1998  
24 Supplement, is amended to read:

25 281.04 Arrests by agents of department.--A person  
26 arrested by an agent of the Department of Management Services,  
27 Florida Capitol Police, shall be delivered to the sheriff of  
28 the county in which the arrest takes place.

29 Section 32. Section 281.05, Florida Statutes, 1998  
30 Supplement, is amended to read:

31

1           281.05 Ex officio agents.--The Department of Highway  
2 Safety and Motor Vehicles, the Department of Law Enforcement,  
3 and law enforcement officers of counties and municipalities  
4 are ex officio agents of the Department of Management  
5 Services, Florida Capitol Police, and may, when authorized by  
6 the Florida Capitol Police ~~department~~, enforce rules and laws  
7 applicable to the powers and duties of the Florida Capitol  
8 Police ~~department~~ to provide and maintain the security  
9 required by ss. 281.02-281.09.

10           Section 33. Section 281.06, Florida Statutes, 1998  
11 Supplement, is amended to read:

12           281.06 Contracts with counties, municipalities, or  
13 licensed private security agencies.--The Department of  
14 Management Services, Florida Capitol Police, may contract with  
15 any county, municipality, or licensed private security agency  
16 to provide and maintain the security of state-owned or  
17 state-leased property required by ss. 281.02-281.09 upon such  
18 terms as the department may deem to be in the best interest of  
19 the state.

20           Section 34. Section 281.07, Florida Statutes, is  
21 amended to read:

22           281.07 Rules; Facilities Program, Florida Capitol  
23 Police ~~Division of Capitol Police~~; traffic regulation.--

24           (1) The Department of Management Services shall adopt  
25 and promulgate rules to govern the administration, operation,  
26 and management of the Facilities Program, Florida Capitol  
27 Police ~~Division of Capitol Police~~ and to regulate traffic and  
28 parking on state-owned or state-leased property, which rules  
29 are not in conflict with any state law or county or municipal  
30 ordinance, and to carry out the provisions of ss.  
31 281.02-281.09.

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

4           Section 35. Section 281.08, Florida Statutes, 1998  
5 Supplement, is amended to read:

6           281.08 Equipment.--

7           (1) The Department of Management Services, Florida  
8 Capitol Police, is specifically authorized to purchase, sell,  
9 trade, rent, lease, and maintain all necessary equipment,  
10 uniforms, motor vehicles, communication systems, housing  
11 facilities, and office space, and perform any other acts  
12 necessary for the proper administration and enforcement of ss.  
13 281.02-281.09, pursuant to part I of chapter 287. The  
14 department may prescribe a distinctive uniform to be worn by  
15 personnel of the Florida Capitol Police in the performance of  
16 their duties pursuant to s. 281.02(3). The department may  
17 prescribe a distinctive emblem to be worn by all officers  
18 ~~agents~~ or guards of the Florida Capitol Police.

19           (2) It is unlawful for any unauthorized person to wear  
20 a uniform or emblem prescribed by the department for the  
21 Florida Capitol Police, or a similar uniform or emblem, or to  
22 impersonate, pretend, or represent himself or herself to be a  
23 police officer ~~an agent~~ or guard of the Florida Capitol  
24 Police. Any person who violates the provisions of this  
25 subsection is guilty of a misdemeanor of the first degree,  
26 punishable as provided in s. 775.082 or s. 775.083.

27           Section 36. Subsection (5) is added to section  
28 282.105, Florida Statutes, 1998 Supplement, to read:

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

31

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

5           Section 37. Subsections (1) and (3) of section  
6 282.1095, Florida Statutes, 1998 Supplement, are amended to  
7 read:

8           282.1095 State agency law enforcement radio system.--

9           (1) The Department of Management Services may acquire  
10 and implement ~~For the purpose of acquiring and implementing a~~  
11 ~~statewide radio communications system to serve law enforcement~~  
12 ~~units of state agencies, and to serve local law enforcement~~  
13 ~~agencies through a mutual aid channel.~~ The Joint Task Force  
14 on State Agency Law Enforcement Communications is established  
15 in the Department of Management Services to advise the  
16 department of member-agency needs for the planning, designing,  
17 and establishment of the joint system. ~~and~~ The State Agency  
18 Law Enforcement Radio System Trust Fund is established in the  
19 Department of Management Services ~~from July 1, 1988, through~~  
20 ~~December 31, 2003.~~ The trust fund shall be funded from  
21 surcharges collected under ss. 320.0802 and 327.25.

22           (3) Upon appropriation, moneys in the trust fund may  
23 be used by the department ~~joint task force~~ to acquire by  
24 competitive procurement the equipment; software; and  
25 engineering, administrative, and maintenance services it needs  
26 to construct, operate, and maintain the statewide radio  
27 system. Moneys in the trust fund collected as a result of the  
28 surcharges set forth in ss. 320.0802 and 327.25 shall be used  
29 to help fund the costs of the system. Upon completion of the  
30 system, moneys in the trust fund may also be used by the  
31 department ~~joint task force~~ to provide for payment of the

1 recurring maintenance costs of the system. ~~During statewide~~  
2 ~~implementation,~~ Moneys in the trust fund may be appropriated  
3 ~~used by the joint task force~~ to maintain and enhance, over and  
4 above existing agency budgets, existing radio equipment  
5 systems of the state agencies represented by the task force  
6 members, in an amount not to exceed up to a maximum of 10  
7 percent per year per agency, of the existing radio equipment  
8 inventory until the existing radio equipment can be replaced  
9 pursuant to implementation of the statewide radio  
10 communications system.

11 Section 38. Section 320.0802, Florida Statutes, is  
12 amended to read:

13 320.0802 Surcharge on license tax.--~~During the period~~  
14 ~~January 1, 1989, through December 31, 2003,~~ There is hereby  
15 levied and imposed on each license tax imposed under s.  
16 320.08, except those set forth in s. 320.08(11), a surcharge  
17 in the amount of \$1, which shall be collected in the same  
18 manner as the license tax and deposited into the State Agency  
19 Law Enforcement Radio System Trust Fund of the Department of  
20 Management Services. ~~However, the surcharge shall be~~  
21 ~~terminated on midnight December 31, 1994, unless the pilot~~  
22 ~~project established in s. 282.1095 is deemed successful by the~~  
23 ~~joint task force with the concurrence of the Governor and~~  
24 ~~Cabinet as the head of the Department of General Services.~~

25 Section 39. Subsection (9) of section 327.25, Florida  
26 Statutes, is amended to read:

27 327.25 Classification; registration; fees and charges;  
28 surcharge; disposition of fees; fines; marine turtle  
29 stickers.--

30 (9) SURCHARGE.--In addition, ~~during the period January~~  
31 ~~1, 1989, through December 31, 2003,~~ there is hereby levied and

1 imposed on each vessel registration fee imposed under  
2 subsection (1) a surcharge in the amount of \$1, which shall be  
3 collected in the same manner as the fee and deposited into the  
4 State Agency Law Enforcement Radio System Trust Fund of the  
5 Department of Management Services. ~~However, the surcharge~~  
6 ~~shall be terminated on midnight December 31, 1994, unless the~~  
7 ~~pilot project established in s. 282.1095 is deemed successful~~  
8 ~~by the joint task force with the concurrence of the Governor~~  
9 ~~and Cabinet as the head of the Department of Management~~  
10 ~~Services.~~

11 Section 40. Section 282.322, Florida Statutes, 1998  
12 Supplement, is amended to read:

13 282.322 Special monitoring process for designated  
14 information resources management projects.--For each  
15 information resources management project which is designated  
16 for special monitoring in the General Appropriations Act, with  
17 a proviso requiring a contract with a project monitor, the  
18 Technology Review Workgroup established pursuant to s.  
19 216.0446, in consultation with each affected agency, shall be  
20 responsible for contracting with the project monitor. Upon  
21 contract award, funds equal to the contract amount shall be  
22 transferred to the Technology Review Workgroup upon request  
23 and subsequent approval of a budget amendment pursuant to s.  
24 216.292. With the concurrence of the Legislative Auditing  
25 Committee, the office of the Auditor General shall be the  
26 project monitor for other projects designated for special  
27 monitoring. However, nothing in this section precludes the  
28 Auditor General from conducting such monitoring on any project  
29 designated for special monitoring. In addition to monitoring  
30 and reporting on significant communications between a  
31 contracting agency and the appropriate federal authorities,

1 the project monitoring process shall consist of evaluating  
2 each major stage of the designated project to determine  
3 whether the deliverables have been satisfied and to assess the  
4 level of risks associated with proceeding to the next stage of  
5 the project. The major stages of each designated project shall  
6 be determined based on the agency's information systems  
7 development methodology. ~~At the end of each quarter and~~ Within  
8 20 days after an agency has completed a major stage of its  
9 designated project or at least 90 days, the project monitor  
10 shall issue a written report, including the findings and  
11 recommendations for correcting deficiencies, to the agency  
12 head, for review and comment. Within 20 days after receipt of  
13 the project monitor's report, the agency head shall submit a  
14 written statement of explanation or rebuttal concerning the  
15 findings and recommendations of the project monitor, including  
16 any corrective action to be taken by the agency. The project  
17 monitor shall include the agency's statement in its final  
18 report, which shall be forwarded, within 7 days after receipt  
19 of the agency's statement, to the agency head, the inspector  
20 general's office of the agency, the Executive Office of the  
21 Governor, the appropriations committees of the Legislature,  
22 the Joint Legislative Auditing Committee, the Technology  
23 Review Workgroup, the President of the Senate, the Speaker of  
24 the House of Representatives, and the Office of Program Policy  
25 Analysis and Government Accountability. The Auditor General  
26 shall also receive a copy of the project monitor's report for  
27 those projects in which the Auditor General is not the project  
28 monitor.

29 Section 41. Subsection (3) of section 282.3091,  
30 Florida Statutes, 1998 Supplement, is amended to read:  
31 282.3091 State Technology Council; creation.--

1           (3) The council shall be composed of nine members as  
2 follows:

3           ~~(a) The director of the Governor's Office of Planning~~  
4 ~~and Budgeting, who shall serve as chair of the council.~~

5           (a)(b) The Comptroller.

6           (b)(c) The Commissioner of Education.

7           (c)(d) The Secretary of State.

8           (d)(e) The secretary of the Department of Management  
9 Services, who shall service as chair of the council.

10           (e)(f) Three ~~Two~~ state agency heads appointed by the  
11 Governor.

12           (f)(g) Two private sector representatives, one  
13 appointed by the Speaker of the House of Representatives and  
14 one appointed by the President of the Senate, who are not  
15 current members of the Legislature. Private sector  
16 representatives shall, at a minimum, have a general knowledge  
17 of or experience in managing information technology resources.  
18 However, representatives of information technology resource  
19 vendors or any of their subsidiaries that sell products or  
20 services to the state shall not be appointed to serve as a  
21 private sector representative.

22  
23 Members may appoint designees to serve on their behalf;  
24 however, such designees must be in a position that reports  
25 directly to the member.

26           Section 42. Subsection (4) of section 282.111, Florida  
27 Statutes, 1998 Supplement, is amended to read:

28           282.111 Statewide system of regional law enforcement  
29 communications.--

30           (4) The Secretary of Management Services or his or her  
31 designee ~~director of the division~~ is designated as the



1 director of the statewide system of regional law enforcement  
2 communications and, for the purpose of carrying out the  
3 provisions of this section, is authorized to coordinate the  
4 activities of the system with other interested state agencies  
5 and local law enforcement agencies.

6 Section 43. Subsection (1) of section 287.017, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8 287.017 Purchasing categories, threshold amounts;  
9 procedures for automatic adjustment by department.--

10 (1) The following purchasing categories are hereby  
11 created:

12 (a) CATEGORY ONE: \$15,000~~\$5,000~~.

13 (b) CATEGORY TWO: \$25,000~~\$15,000~~.

14 (c) CATEGORY THREE: \$50,000~~\$20,000~~.

15 (d) CATEGORY FOUR: \$150,000~~\$60,000~~.

16 (e) CATEGORY FIVE: \$250,000~~\$120,000~~.

17 Section 44. Paragraph (b) of subsection (2) and  
18 paragraph (b) of subsection (4) of section 287.042, Florida  
19 Statutes, 1998 Supplement, are amended to read:

20 287.042 Powers, duties, and functions.--The department  
21 shall have the following powers, duties, and functions:

22 (2)

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

1 protest was received and in which the state did not prevail,  
2 the contract may be canceled and reawarded to the prevailing  
3 party.

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

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

1 ~~bidders at least 10 calendar days prior to the date set for~~  
2 ~~submittal of bids. The Minority Business Advocacy and~~  
3 ~~Assistance Office may consult with agencies regarding the~~  
4 ~~development of bid distribution procedures to ensure that~~  
5 ~~maximum distribution is afforded to certified minority~~  
6 ~~business enterprises as defined in s. 288.703.~~

7           Section 45. Paragraph (d) of subsection (3) of section  
8 287.057, Florida Statutes, 1998 Supplement, is amended to  
9 read:

10           287.057 Procurement of commodities or contractual  
11 services.--

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

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

23           Section 46. Subsection (1) of section 287.151, Florida  
24 Statutes, is amended to read:

25           287.151 Limitation on classes of motor vehicles  
26 procured.--

27           (1) All motor vehicles purchased or leased by the  
28 state with funds provided in the General Appropriations Act  
29 shall be of the subcompact class except vehicles used for law  
30 enforcement purposes by law enforcement officers of the state,  
31 used as tow vehicles, routinely used to transport more than

1 three adults or bulk materials, or vehicles operated  
2 frequently on unpaved roads. All vehicles purchased shall be  
3 of the smallest class that can safely and adequately meet the  
4 transportation requirements. ~~The exception from the~~  
5 ~~subcompact vehicle requirement for law enforcement purposes~~  
6 ~~shall not apply to state attorneys and public defenders.~~

7 Section 47. Subsections (3) and (8) of section 287.16,  
8 Florida Statutes, 1998 Supplement, are amended and subsection  
9 (11) is added to said section, to read:

10 287.16 Powers and duties of department.--The  
11 Department of Management Services shall have the following  
12 powers, duties, and responsibilities:

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

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

1 ~~Support Program division~~ and the Department of Highway Safety  
2 and Motor Vehicles.

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

9 Section 48. Section 287.17, Florida Statutes, is  
10 amended to read:

11 287.17 Limitation on use of motor vehicles and  
12 aircraft.--

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

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

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

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

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

30  
31

1           (d) Whether an emergency exists requiring the use of a  
2 motor vehicle or aircraft for the protection of life or  
3 property.

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

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

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

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

31

1       (5) Each state agency's head shall, by December 31,  
2 2000, conduct a review of motor vehicle utilization with  
3 oversight from the agency's inspector general. This review  
4 shall consist of two parts. The first part of the review shall  
5 determine the number of miles that each assigned motor vehicle  
6 has been driven on official state business in the past fiscal  
7 year. Commuting mileage shall be excluded from calculating  
8 vehicle use. The purpose of this review is to determine  
9 whether employees with assigned motor vehicles are driving the  
10 vehicles a sufficient number of miles to warrant continued  
11 vehicle assignment. The second part of the review shall  
12 identify employees who have driven personal vehicles  
13 extensively on state business in the past fiscal year. The  
14 purpose of this review is to determine whether it would be  
15 cost-effective to provide state motor vehicles to such  
16 employees. In making this determination, the inspector general  
17 shall use the break-even mileage criteria developed by the  
18 Department of Management Services. A copy of the review shall  
19 be presented to the Office of Program Policy Analysis and  
20 Government Accountability.

21       ~~(6)~~(4) A person who is not otherwise authorized in  
22 this section may accompany the Governor, the Lieutenant  
23 Governor, a member of the Cabinet, the President of the  
24 Senate, the Speaker of the House of Representatives, or the  
25 Chief Justice of the Supreme Court when such official is  
26 traveling on state aircraft for official state business and  
27 the aircraft is traveling with seats available.  
28 Transportation of a person accompanying any official specified  
29 in this subsection shall be approved by the official, who  
30 shall also guarantee payment of the transportation charges.  
31 When the person accompanying such official is not traveling on

1 official state business as provided in this section, the  
2 transportation charge shall be a prorated share of all fixed  
3 and variable expenses related to the ownership, operation, and  
4 use of such state aircraft. The spouse of any official  
5 specified in this subsection may, without payment of  
6 transportation charges, accompany the official when such  
7 official is traveling for official state business and the  
8 aircraft has seats available.

9 (7)~~(5)~~ It is the intention of the Legislature that  
10 persons traveling on state aircraft for purposes consistent  
11 with, but not necessarily constituting, official state  
12 business may travel only when accompanying persons who are  
13 traveling on official state business and that such persons  
14 shall pay the state for all costs associated with such travel.  
15 A person traveling on state aircraft for purposes other than  
16 official state business shall pay for any trip not exclusively  
17 for state business by paying a prorated share of all fixed and  
18 variable expenses related to the ownership, operation, and use  
19 of such aircraft.

20 Section 49. Section 287.18, Florida Statutes, is  
21 amended to read:

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

31



1           Section 50. Subsections (5) and (12) of section  
2 365.171, Florida Statutes, 1998 Supplement, are amended to  
3 read:  
4           365.171 Emergency telephone number "911."--  
5           (5) SYSTEM DIRECTOR.--The secretary of the department  
6 or his or her designee ~~director of the division~~ is designated  
7 as the director of the statewide emergency telephone number  
8 "911" system and, for the purpose of carrying out the  
9 provisions of this section, is authorized to coordinate the  
10 activities of the system with state, county, local, and  
11 private agencies. The director is authorized to employ not  
12 less than five persons, three of whom will be at the  
13 professional level, one at the secretarial level, and one to  
14 fill a fiscal position, for the purpose of carrying out the  
15 provisions of this section. The director in implementing the  
16 system shall consult, cooperate, and coordinate with local law  
17 enforcement agencies.

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

23           Section 51. Section 401.021, Florida Statutes, is  
24 amended to read:

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

1 telecommunications system with other interested state, county,  
2 local, and private agencies.

3 Section 52. Section 401.027, Florida Statutes, is  
4 amended to read:

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

11 Section 53. Subsection (1) of section 446.604, Florida  
12 Statutes, is amended to read:

13 446.604 One-Stop Career Centers.--

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

25 Section 54. Paragraph (e) of subsection (3) of section  
26 447.208, Florida Statutes, is amended to read:

27 447.208 Procedure with respect to certain appeals  
28 under s. 447.207.--

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

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

15           Section 55. Chapter 98-310, Laws of Florida, is  
16 repealed. The Department of Management Services has the  
17 authority to negotiate in the best interest of the state for  
18 air services to and from Tallahassee and other municipalities  
19 outside the state. Such negotiations may be undertaken without  
20 the benefit of the formal invitation to negotiate process. The  
21 department is exempt from the requirements of chapter 287,  
22 Florida Statutes, for the sole purpose of securing air travel  
23 services for the State of Florida in the most efficient and  
24 effective way possible.

25           Section 56. Sections 110.407 and 110.607, Florida  
26 Statutes, are repealed.

27           Section 57. This act shall take effect upon becoming a  
28 law.

29  
30  
31