

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; amending s. 230.23162,  
18 F.S.; directing the department to seek  
19 proposals for the use or transfer of a  
20 specified state facility; requiring the  
21 department to take steps to preserve the  
22 facility; amending s. 110.123, F.S.; providing  
23 coverage in the state group health insurance  
24 plan for certain legislative members; repealing  
25 s. 59(4) of SB 2502, enacted in the 1999  
26 Regular Session of the Legislature, relating to  
27 performance measures for the Florida Public  
28 Service Commission; providing an effective  
29 date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

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

3           20.22 Department of Management Services.--There is  
4 created a Department of Management Services.

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

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

14           110.1099 Education and training opportunities for  
15 state employees.--

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

20           (6) As a precondition to approving an employee's  
21 training request, an agency or the judicial branch may require  
22 an employee to enter into an agreement that requires the  
23 employee to reimburse the agency or judicial branch for the  
24 registration fee or similar expense for any training or  
25 training series when the cost of the fee or similar expense  
26 exceeds \$1,000 if the employee voluntarily terminates  
27 employment or is discharged for cause from the agency or  
28 judicial branch within a specified period of time not  
29 exceeding 4 years after the conclusion of the training. This  
30 subsection does not apply to any training program that an  
31 agency or the judicial branch requires the employee to attend.

1 An agency or the judicial branch may pay the outstanding  
2 balance then due and owing on behalf of a state employee under  
3 this subsection in connection with recruitment and hiring of  
4 such state employee.

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

8 110.112 Affirmative action; equal employment  
9 opportunity.--

10 (2)

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

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

22 Section 4. Section 110.1245, Florida Statutes, is  
23 amended to read:

24 110.1245 Meritorious service awards program.--

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

29 (a) Propose procedures or ideas which are adopted and  
30 which will result in increasing productivity, in eliminating  
31 or reducing state expenditures or improving operations, or in

1 generating additional revenues, provided such proposals are  
2 placed in effect and can be implemented under current  
3 statutory authority; or

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

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



1 other tokens of recognition of meritorious service to an  
2 employee eligible for recognition under either component of  
3 the program, provided that the award may not cost in excess of  
4 ~~\$100~~<sup>\$75</sup> each plus applicable taxes.

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

12 (a) The number of proposals made.

13 (b) The number of awards made to employees for adopted  
14 proposals.

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

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

19 (e) The number of employees recognized for superior  
20 accomplishments.

21 (f) The number of employees recognized for  
22 satisfactory service to the state.

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

29 (4) Each department head is authorized to incur  
30 expenditures to award suitable framed certificates, pins, or  
31 other tokens of recognition to state employees who have

1 achieved increments of 5 years of satisfactory service in the  
2 agency or to the state, in appreciation and recognition of  
3 such service. Such awards may not cost in excess of \$50~~\$10~~  
4 each plus applicable taxes.

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

13 Section 5. Paragraph (c) of subsection (6) of section  
14 110.131, Florida Statutes, 1998 Supplement, is amended to  
15 read:

16 110.131 Other-personal-services temporary  
17 employment.--

18 (6)

19 (c) Notwithstanding the provisions of this section,  
20 the agency head or his or her designee ~~secretary of the~~  
21 ~~Department of Health or the secretary's delegate~~ may extend  
22 the other-personal-services employment of a health care  
23 practitioner licensed pursuant to chapter 458, chapter 459,  
24 chapter 460, chapter 461, chapter 463, chapter 464, chapter  
25 466, chapter 468, chapter 483, chapter 486, or chapter 490  
26 beyond 2,080 hours and may employ such practitioner on an  
27 hourly or other basis.

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

30 110.151 State officers' and employees' child care  
31 services.--

1 (2) Child care programs may be located in state-owned  
 2 office buildings, educational facilities and institutions,  
 3 custodial facilities and institutions, and, with the consent  
 4 of the President of the Senate and the Speaker of the House of  
 5 Representatives, in buildings or spaces used for legislative  
 6 activities. In addition, centers may be located in privately  
 7 owned buildings conveniently located to the place of  
 8 employment of those officers and employees to be served by the  
 9 centers. If a child care program is located in a state-owned  
 10 office building, educational facility or institution, or  
 11 custodial facility or institution, or in a privately owned  
 12 building leased by the state, a portion of the service  
 13 provider's rental fees for child care space may be waived by  
 14 the sponsoring agency in accordance with the rules of the  
 15 Department of Management Services. Additionally, the  
 16 sponsoring state agency may be responsible for the  
 17 maintenance, utilities, and other operating costs associated  
 18 with the ~~physical facility of the~~ child care center.

19 Section 7. Paragraph (b) of subsection (2) of section  
 20 110.181, Florida Statutes, is amended to read:

21 110.181 Florida State Employees' Charitable  
 22 Campaign.--

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

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

1 the General Revenue Fund, the fiscal agent is not required to  
2 reimburse such costs to the department under this subsection.  
3 Otherwise, reimbursement will be the difference between actual  
4 costs and the amount appropriated.

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

7 110.201 Personnel rules, records, and reports.--

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

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

17 110.205 Career service; exemptions.--

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

23 (k) All officers and employees in the office of the  
24 Governor, including all employees at the Governor's mansion,  
25 and employees within each separate budget entity, as defined  
26 in chapter 216, assigned to the Governor. Unless otherwise  
27 fixed by law, the salary and benefits of these positions shall  
28 be set by the department as follows:

29 1. The chief of staff, the assistant or deputy chief  
30 of staff, general counsel, Director of Legislative Affairs,  
31 chief inspector general, Director of Cabinet Affairs, Director

1 of Press Relations, Director of Planning and Budgeting,  
2 director of administration, director of state-federal  
3 relations, Director of Appointments, Director of External  
4 Affairs, Deputy General Counsel, Governor's Liaison for  
5 Community Development, Chief of Staff for the Lieutenant  
6 Governor, Deputy Director of Planning and Budgeting, policy  
7 coordinators ~~and chief prosecutor of the statewide grand jury,~~  
8 and the director of each separate budget entity shall have  
9 their salaries and benefits established by the department in  
10 accordance with the rules of the Senior Management Service.

11         2. The salaries and benefits of positions not  
12 established in subparagraph 1. shall be set by the employing  
13 agency. Salaries and benefits of employees whose professional  
14 training is comparable to that of licensed professionals under  
15 paragraph (q), or whose administrative responsibility is  
16 comparable to a bureau chief shall be set by the Selected  
17 Exempt Service. The department shall make the comparability  
18 determinations. Other employees shall have benefits set  
19 comparable to legislative staff, except leave shall be  
20 comparable to career service as if career service employees.

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

1 positions in accordance with the rules of the Selected Exempt  
2 Service; provided, however, that if the agency head determines  
3 that the general counsel, chief Cabinet aide, public  
4 information administrator or comparable position for a Cabinet  
5 officer, inspector general, or legislative affairs director  
6 has both policymaking and managerial responsibilities and if  
7 the department determines that any such position has both  
8 policymaking and managerial responsibilities, the salary and  
9 benefits for each such position shall be established by the  
10 department in accordance with the rules of the Senior  
11 Management Service.

12 b. In addition, each department may designate one  
13 additional position in the Senior Management Service if that  
14 position reports directly to the agency head or to a position  
15 in the Senior Management Service and if any additional costs  
16 are absorbed from the existing budget of that department.

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

26 Section 10. Paragraph (g) of subsection (1) of section  
27 110.207, Florida Statutes, 1998 Supplement, is repealed.

28 Section 11. Paragraph (c) of subsection (2) of section  
29 110.209, Florida Statutes, is amended to read:

30 110.209 Pay plan.--

31 (2)

1 (c) The department shall establish, by rule,  
2 guidelines with respect to, and shall delegate, where  
3 appropriate, to the employing agencies the authority to  
4 administer, the following:

- 5 1. Shift differentials.
- 6 2. On-call fees.
- 7 3. Hazardous-duty pay.
- 8 4. Advanced appointment rates.
- 9 5. Salary increase and decrease corrections.
- 10 6. Lead worker pay.
- 11 7. Temporary special duties pay.
- 12 8. Trainer additive pay.
- 13 9. Competitive area differentials.
- 14 10. Coordinator pay.
- 15 11. Critical market pay.

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

1           Section 12. Section 110.235, Florida Statutes, is  
2 amended to read:

3           110.235 Training.--

4           (1) It is the intent of the Legislature that state  
5 agencies shall implement training programs that encompass  
6 modern management principles, ~~such as those embodied in total~~  
7 ~~quality management~~, and that provide the framework to develop  
8 human resources through empowerment, training, and rewards for  
9 productivity enhancement; to continuously improve the quality  
10 of services; and to satisfy the expectations of the public.

11           ~~(2) If requested by the employing agencies, the~~  
12 ~~Department of Management Services shall provide the employing~~  
13 ~~agencies with training necessary to implement the revision of~~  
14 ~~the Career Service System and implement the principles of~~  
15 ~~quality management.~~

16           ~~(3) The employing agencies shall report annually to~~  
17 ~~the Department of Management Services all training programs~~  
18 ~~used by that agency which have not been provided by the~~  
19 ~~Department of Management Services.~~

20           (2)(4) Each employing agency shall annually evaluate  
21 and report to the department the training it has implemented  
22 and the progress it has made in the area of training. ~~The~~  
23 ~~department shall review and consolidate the information~~  
24 ~~reported to it by the agencies and shall annually report the~~  
25 ~~progress of the agencies in training to the Governor, the~~  
26 ~~President of the Senate, and the Speaker of the House of~~  
27 ~~Representatives.~~

28           (3)(5) As approved by the Legislature by law, each  
29 employing agency may use a specified percentage of its salary  
30 budget to implement training programs.

31



1           Section 13. Subsection (5) of section 110.503, Florida  
2 Statutes, is amended to read:

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

6           (5) Provide for the recognition of volunteers who have  
7 offered continuous and outstanding service to  
8 state-administered programs. Each department or agency using  
9 the services of volunteers is authorized to incur expenditures  
10 not to exceed \$100 each plus applicable taxes for suitable  
11 framed certificates, plaques, or other tokens of recognition  
12 to honor, reward, or encourage volunteers for their service.

13           Section 14. Subsection (6) of section 110.504, Florida  
14 Statutes, is amended to read:

15           110.504 Volunteer benefits.--

16           (6) Incidental recognition benefits or incidental  
17 nonmonetary awards may be furnished to volunteers serving in  
18 state departments to award, recognize, or encourage volunteers  
19 for their service. The awards may not cost in excess of \$100  
20 each plus applicable taxes.

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

23           110.605 Powers and duties; personnel rules, records,  
24 reports, and performance appraisal.--

25           (1) The department shall adopt and administer uniform  
26 personnel rules, records, and reports relating to employees  
27 and positions in the Selected Exempt Service, as well as any  
28 other rules and procedures relating to personnel  
29 administration which are necessary to carry out the purposes  
30 of this part. ~~A uniform performance appraisal system shall~~

31

1 ~~apply only to employees and positions in the Selected Exempt~~  
2 ~~Service covered by a collective bargaining agreement.~~

3 (a) The department shall develop uniform forms and  
4 instructions to be used in reporting transactions which  
5 involve changes in an employee's salary, status, performance,  
6 leave, fingerprint record, loyalty oath, payroll change, or  
7 appointment action or any additional transactions as the  
8 department may deem appropriate.

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

12 (c) The department shall develop a uniform performance  
13 appraisal system for employees and positions in the Selected  
14 Exempt Service covered by a collective bargaining agreement.  
15 Each employing agency shall develop a performance appraisal  
16 system for all other employees and positions in the Selected  
17 Exempt System. Such agency system shall take into  
18 consideration individual and organizational efficiency,  
19 productivity, and effectiveness.

20 ~~(d)(e)~~ The department shall periodically audit  
21 employing agency records to determine compliance with the  
22 provisions of this part and the rules of the department.

23 ~~(e)(d)~~ The department shall develop a program of  
24 affirmative and positive actions that will ensure full  
25 utilization of women and minorities in Selected Exempt Service  
26 positions.

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

30 112.061 Per diem and travel expenses of public  
31 officers, employees, and authorized persons.--

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

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

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

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

1 other situations that result in cost savings to the state, and  
2 such cost savings shall be documented in the voucher submitted  
3 to the Comptroller for the direct payment of travel expenses.  
4 The provisions of this subsection shall not be deemed to apply  
5 to any legislator or to any employee of the Legislature.

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

8 112.3145 Disclosure of financial interests and clients  
9 represented before agencies.--

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

12 (a) "Local officer" means:

13 1. Every person who is elected to office in any  
14 political subdivision of the state, and every person who is  
15 appointed to fill a vacancy for an unexpired term in such an  
16 elective office.

17 2. Any appointed member of a board; commission;  
18 authority, including any expressway authority or  
19 transportation authority established by general law; community  
20 college district board of trustees; or council of any  
21 political subdivision of the state, excluding any member of an  
22 advisory body. A governmental body with land-planning, zoning,  
23 or natural resources responsibilities shall not be considered  
24 an advisory body.

25 3. Any person holding one or more of the following  
26 positions: mayor; county or city manager; chief administrative  
27 employee of a county, municipality, or other political  
28 subdivision; county or municipal attorney; chief county or  
29 municipal building inspector; county or municipal water  
30 resources coordinator; county or municipal pollution control  
31 director; county or municipal environmental control director;

1 county or municipal administrator, with power to grant or deny  
2 a land development permit; chief of police; fire chief;  
3 municipal clerk; district school superintendent; community  
4 college president; district medical examiner; or purchasing  
5 agent having the authority to make any purchase exceeding the  
6 threshold amount provided for in s. 287.017 for CATEGORY ONE,  
7 on behalf of \$1,000 for any political subdivision of the state  
8 or any entity thereof.

9 (b) "Specified state employee" means:

10 1. Public counsel created by chapter 350, an assistant  
11 state attorney, an assistant public defender, a full-time  
12 state employee who serves as counsel or assistant counsel to  
13 any state agency, a judge of compensation claims, an  
14 administrative law judge, or a hearing officer.

15 2. Any person employed in the office of the Governor  
16 or in the office of any member of the Cabinet if that person  
17 is exempt from the Career Service System, except persons  
18 employed in clerical, secretarial, or similar positions.

19 3. Each appointed secretary, assistant secretary,  
20 deputy secretary, executive director, assistant executive  
21 director, or deputy executive director of each state  
22 department, commission, board, or council; unless otherwise  
23 provided, the division director, assistant division director,  
24 deputy director, bureau chief, and assistant bureau chief of  
25 any state department or division; or any person having the  
26 power normally conferred upon such persons, by whatever title.

27 4. The superintendent or institute director of a state  
28 mental health institute established for training and research  
29 in the mental health field or the superintendent or director  
30 of any major state institution or facility established for  
31 corrections, training, treatment, or rehabilitation.

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

6           6. Any person, other than a legislative assistant  
7 exempted by the presiding officer of the house by which the  
8 legislative assistant is employed, who is employed in the  
9 legislative branch of government, except persons employed in  
10 maintenance, clerical, secretarial, or similar positions.

11           7. Each employee of the Commission on Ethics.

12           (c) "State officer" means:

13           1. Any elected public officer, excluding those elected  
14 to the United States Senate and House of Representatives, not  
15 covered elsewhere in this part and any person who is appointed  
16 to fill a vacancy for an unexpired term in such an elective  
17 office.

18           2. An appointed member of each board, commission,  
19 authority, or council having statewide jurisdiction, excluding  
20 a member of an advisory body.

21           3. A member of the Board of Regents, the Chancellor  
22 and Vice Chancellors of the State University System, and the  
23 president of a state university.

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

26           215.196 Architects Incidental Trust Fund; creation;  
27 assessment.--

28           (1) There is created the Architects Incidental Trust  
29 Fund for the purpose of providing sufficient funds for the  
30 operation of the facilities development activities of the  
31

1 Department of Management Services ~~Division of Building~~  
2 ~~Construction.~~

3 Section 19. Subsections (5) and (9) of section  
4 215.422, Florida Statutes, are amended to read:

5 215.422 Warrants, vouchers, and invoices; processing  
6 time limits; dispute resolution; agency or judicial branch  
7 compliance.--

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

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

1           Section 20. Paragraph (x) of subsection (1) of section  
2 216.011, Florida Statutes, 1998 Supplement, is amended to  
3 read:

4           216.011 Definitions.--

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

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

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

20           255.249 Department of Management Services;  
21 responsibility; department rules.--

22           (2) The department shall promulgate rules pursuant to  
23 chapter 120 providing:

24           (b) Procedures for soliciting and accepting  
25 competitive proposals for leased space of 5,000 ~~3,000~~ square  
26 feet or more in privately owned buildings, for evaluating the  
27 proposals received, for exemption from competitive bidding  
28 requirements of any lease the purpose of which is the  
29 provision of care and living space for persons or emergency  
30 space needs as provided in s. 255.25(10), and for the securing  
31



1 of at least three documented quotes for a lease that is not  
2 required to be competitively bid.

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

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

12 255.25 Approval required prior to construction or  
13 lease of buildings.--

14 (2)

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

26 (3)(a) Except as provided in subsection (10), no state  
27 agency shall enter into a lease as lessee for the use of 5,000  
28 ~~3,000~~ square feet or more of space in a privately owned  
29 building except upon advertisement for and receipt of  
30 competitive bids and award to the lowest and best bidder. The  
31 Department of Management Services shall have the authority to

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

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

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

1 protesting the award prevails, the bond shall be returned to  
2 that person and he or she shall recover from the agency all  
3 costs and charges which shall be included in the final order  
4 of judgment, excluding attorney's fees.

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

7 255.257 Energy management plan; buildings occupied by  
8 state agencies.--

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

20 Section 24. Paragraph (a) of subsection (3) of section  
21 267.075, Florida Statutes, is amended to read:

22 267.075 The Grove Advisory Council; creation;  
23 membership; purposes.--

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

26 1. Five members shall be private citizens appointed by  
27 the Secretary of State.

28 2. One member shall be the Secretary ~~director of the~~  
29 ~~Division of Facilities Management of the Department of~~  
30 ~~Management Services~~ or his or her designee.

31

1           3. One member shall be the director of the Division of  
2 Historical Resources of the Department of State.

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

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

20           Section 25. Paragraph (a) of subsection (1) of section  
21 272.18, Florida Statutes, is amended to read:

22           272.18 Governor's Mansion Commission.--

23           (1)(a) There is created within the Department of  
24 Management Services a Governor's Mansion Commission to be  
25 composed of eight members. Five members shall be private  
26 citizens appointed by the Governor and subject to confirmation  
27 by the Senate; one member shall be the Secretary ~~Director~~ of  
28 ~~the Division of Facilities Management of the Department~~ of  
29 Management Services or his or her designee; one member shall  
30 be the Director of the Division of Recreation and Parks of the  
31 Department of Environmental Protection; and one member shall

1 be designated by the Secretary of State and shall be an  
2 employee of the Department of State with curatorial and museum  
3 expertise. The Governor shall appoint all citizen members for  
4 4-year terms. The Governor shall fill vacancies for the  
5 remainder of unexpired terms. The spouse of the Governor or  
6 the designated representative of the Governor shall be an ex  
7 officio member of the commission but shall have no voting  
8 rights except in the case of a tie vote.

9 Section 26. Section 272.185, Florida Statutes, 1998  
10 Supplement, is amended to read:

11 272.185 Maintenance of Governor's Mansion by  
12 Department of Management Services.--

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

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

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

31

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

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

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

9           Section 27. Section 273.02, Florida Statutes, is  
10 amended to read:

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

1 The catalog and inventory control records maintained by each  
2 publicly supported library shall constitute the property  
3 record of hardback-covered bound books with a value or cost of  
4 \$25 or more included in each publicly supported library  
5 collection and shall serve as a perpetual inventory in lieu of  
6 an annual physical inventory. All books identified by these  
7 records as missing shall be traced and reconciled, and the  
8 library inventory shall be adjusted accordingly.

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

11 273.055 Disposition of state-owned tangible personal  
12 property.--

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

22 Section 29. Section 281.02, Florida Statutes, 1998  
23 Supplement, is amended to read:

24 281.02 Powers and duties of the Department of  
25 Management Services, Florida Capitol Police.--The Department  
26 of Management Services, Florida Capitol Police, has the  
27 following powers and duties:

28 (1) To establish a comprehensive and ongoing plan for  
29 the firesafety and security of the Capitol, the Senate Office  
30 Building, the House Office Building, and the Historic Capitol,  
31 including, but not limited to, the institution of programs for

1 the awareness and training in firesafety and security of  
2 members of the Legislature and their employees, and all other  
3 elected officials and their respective employees, who occupy  
4 such buildings. The Florida Capitol Police ~~department~~ shall  
5 also ensure that adequate signs and personnel are in place to  
6 inform and assist the occupants of and visitors to such  
7 buildings.

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

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

19 (4) To employ:

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

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

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

29 (6) To respond to all complaints relating to criminal  
30 activity within state-owned buildings or state-leased  
31 property.



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

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

10           Section 30. Section 281.03, Florida Statutes, 1998  
11 Supplement, is amended to read:

12           281.03 Investigations by the Florida Capitol Police  
13 ~~department~~.--

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

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

27           Section 31. Section 281.04, Florida Statutes, 1998  
28 Supplement, is amended to read:

29           281.04 Arrests by agents of department.--A person  
30 arrested by an agent of the Department of Management Services,  
31

1 Florida Capitol Police, shall be delivered to the sheriff of  
2 the county in which the arrest takes place.

3 Section 32. Section 281.05, Florida Statutes, 1998  
4 Supplement, is amended to read:

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

14 Section 33. Section 281.06, Florida Statutes, 1998  
15 Supplement, is amended to read:

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

24 Section 34. Section 281.07, Florida Statutes, is  
25 amended to read:

26 281.07 Rules; Facilities Program, Florida Capitol  
27 Police Division of Capitol Police; traffic regulation.--

28 (1) The Department of Management Services shall adopt  
29 and promulgate rules to govern the administration, operation,  
30 and management of the Facilities Program, Florida Capitol  
31 Police Division of Capitol Police and to regulate traffic and

1 parking on state-owned or state-leased property, which rules  
2 are not in conflict with any state law or county or municipal  
3 ordinance, and to carry out the provisions of ss.  
4 281.02-281.09.

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

8 Section 35. Section 281.08, Florida Statutes, 1998  
9 Supplement, is amended to read:

10 281.08 Equipment.--

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

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

31

1 Section 36. Subsection (5) is added to section  
2 282.105, Florida Statutes, 1998 Supplement, to read:

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

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

9 Section 37. Subsections (1) and (3) of section  
10 282.1095, Florida Statutes, 1998 Supplement, are amended to  
11 read:

12 282.1095 State agency law enforcement radio system.--

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

26 (3) Upon appropriation, moneys in the trust fund may  
27 be used by the department ~~joint task force~~ to acquire by  
28 competitive procurement the equipment; software; and  
29 engineering, administrative, and maintenance services it needs  
30 to construct, operate, and maintain the statewide radio  
31 system. Moneys in the trust fund collected as a result of the

1 surcharges set forth in ss. 320.0802 and 327.25 shall be used  
 2 to help fund the costs of the system. Upon completion of the  
 3 system, moneys in the trust fund may also be used by the  
 4 department ~~joint task force~~ to provide for payment of the  
 5 recurring maintenance costs of the system. ~~During statewide~~  
 6 ~~implementation,~~ Moneys in the trust fund may be appropriated  
 7 ~~used by the joint task force~~ to maintain and enhance, over and  
 8 above existing agency budgets, existing radio equipment  
 9 systems of the state agencies represented by the task force  
 10 members, in an amount not to exceed up to a maximum of 10  
 11 percent per year per agency, of the existing radio equipment  
 12 inventory until the existing radio equipment can be replaced  
 13 pursuant to implementation of the statewide radio  
 14 communications system.

15 Section 38. Section 320.0802, Florida Statutes, is  
 16 amended to read:

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

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

31

1           327.25 Classification; registration; fees and charges;  
2 surcharge; disposition of fees; fines; marine turtle  
3 stickers.--

4           (9) SURCHARGE.--In addition, ~~during the period January~~  
5 ~~1, 1989, through December 31, 2003,~~there is hereby levied and  
6 imposed on each vessel registration fee imposed under  
7 subsection (1) a surcharge in the amount of \$1, which shall be  
8 collected in the same manner as the fee and deposited into the  
9 State Agency Law Enforcement Radio System Trust Fund of the  
10 Department of Management Services. ~~However, the surcharge~~  
11 ~~shall be terminated on midnight December 31, 1994, unless the~~  
12 ~~pilot project established in s. 282.1095 is deemed successful~~  
13 ~~by the joint task force with the concurrence of the Governor~~  
14 ~~and Cabinet as the head of the Department of Management~~  
15 ~~Services.~~

16           Section 40. Section 282.322, Florida Statutes, 1998  
17 Supplement, is amended to read:

18           282.322 Special monitoring process for designated  
19 information resources management projects.--For each  
20 information resources management project which is designated  
21 for special monitoring in the General Appropriations Act, with  
22 a proviso requiring a contract with a project monitor, the  
23 Technology Review Workgroup established pursuant to s.  
24 216.0446, in consultation with each affected agency, shall be  
25 responsible for contracting with the project monitor. Upon  
26 contract award, funds equal to the contract amount shall be  
27 transferred to the Technology Review Workgroup upon request  
28 and subsequent approval of a budget amendment pursuant to s.  
29 216.292. With the concurrence of the Legislative Auditing  
30 Committee, the office of the Auditor General shall be the  
31 project monitor for other projects designated for special

1 monitoring. However, nothing in this section precludes the  
2 Auditor General from conducting such monitoring on any project  
3 designated for special monitoring. In addition to monitoring  
4 and reporting on significant communications between a  
5 contracting agency and the appropriate federal authorities,  
6 the project monitoring process shall consist of evaluating  
7 each major stage of the designated project to determine  
8 whether the deliverables have been satisfied and to assess the  
9 level of risks associated with proceeding to the next stage of  
10 the project. The major stages of each designated project shall  
11 be determined based on the agency's information systems  
12 development methodology. ~~At the end of each quarter and~~ Within  
13 20 days after an agency has completed a major stage of its  
14 designated project or at least 90 days, the project monitor  
15 shall issue a written report, including the findings and  
16 recommendations for correcting deficiencies, to the agency  
17 head, for review and comment. Within 20 days after receipt of  
18 the project monitor's report, the agency head shall submit a  
19 written statement of explanation or rebuttal concerning the  
20 findings and recommendations of the project monitor, including  
21 any corrective action to be taken by the agency. The project  
22 monitor shall include the agency's statement in its final  
23 report, which shall be forwarded, within 7 days after receipt  
24 of the agency's statement, to the agency head, the inspector  
25 general's office of the agency, the Executive Office of the  
26 Governor, the appropriations committees of the Legislature,  
27 the Joint Legislative Auditing Committee, the Technology  
28 Review Workgroup, the President of the Senate, the Speaker of  
29 the House of Representatives, and the Office of Program Policy  
30 Analysis and Government Accountability. The Auditor General  
31 shall also receive a copy of the project monitor's report for

1 those projects in which the Auditor General is not the project  
2 monitor.

3 Section 41. Subsection (3) of section 282.3091,  
4 Florida Statutes, 1998 Supplement, is amended to read:

5 282.3091 State Technology Council; creation.--

6 (3) The council shall be composed of nine members as  
7 follows:

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

10 (a)~~(b)~~ The Comptroller.

11 (b)~~(c)~~ The Commissioner of Education.

12 (c)~~(d)~~ The Secretary of State.

13 (d)~~(e)~~ The secretary of the Department of Management  
14 Services, who shall service as chair of the council.

15 (e)~~(f)~~ Three ~~Two~~ state agency heads appointed by the  
16 Governor.

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

27  
28 Members may appoint designees to serve on their behalf;  
29 however, such designees must be in a position that reports  
30 directly to the member.

31



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

3 282.111 Statewide system of regional law enforcement  
4 communications.--

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

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

14 287.017 Purchasing categories, threshold amounts;  
15 procedures for automatic adjustment by department.--

16 (1) The following purchasing categories are hereby  
17 created:

- 18 (a) CATEGORY ONE: \$15,000~~\$5,000~~.
- 19 (b) CATEGORY TWO: \$25,000~~\$15,000~~.
- 20 (c) CATEGORY THREE: \$50,000~~\$20,000~~.
- 21 (d) CATEGORY FOUR: \$150,000~~\$60,000~~.
- 22 (e) CATEGORY FIVE: \$250,000~~\$120,000~~.

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

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

28 (2)

29 (b) As an alternative to any provision in s.  
30 120.57(3)(c), the department may proceed with the bid  
31 solicitation or contract award process of a term contract bid

1 when the secretary of the department or his or her designee  
2 ~~director of the division~~ sets forth in writing particular  
3 facts and circumstances which demonstrate that the delay  
4 incident to staying the bid process or contract award process  
5 would be detrimental to the interests of the state. After the  
6 award of a contract resulting from a bid in which a timely  
7 protest was received and in which the state did not prevail,  
8 the contract may be canceled and reawarded to the prevailing  
9 party.

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

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

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

13 Section 45. Paragraph (d) of subsection (3) of section  
14 287.057, Florida Statutes, 1998 Supplement, is amended to  
15 read:

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

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

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

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

31

1           287.151 Limitation on classes of motor vehicles  
2 procured.--

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

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

17           287.16 Powers and duties of department.--The  
18 Department of Management Services shall have the following  
19 powers, duties, and responsibilities:

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

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

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

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

15 Section 48. Section 287.17, Florida Statutes, is  
16 amended to read:

17 287.17 Limitation on use of motor vehicles and  
18 aircraft.--

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

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

25 (a) Whether the use of a motor vehicle or aircraft is  
26 necessary to carry out state official or employee job  
27 assignments.

28 (b) Whether the use of a motor vehicle or aircraft is  
29 for transporting an employee, state official, or other person  
30 authorized by the agency head for purposes of conducting  
31

1 official state business or for purposes of performing services  
2 for the state.

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

6 (d) Whether an emergency exists requiring the use of a  
7 motor vehicle or aircraft for the protection of life or  
8 property.

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

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

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

30 (b) An agency head may assign motor vehicles to state  
31 officers and employees who perform duties related to law

1 enforcement. However, the agency head shall not assign a  
2 pursuit motor vehicle to an officer or employee whose job  
3 duties do not routinely require performance of a patrol or law  
4 enforcement function requiring a pursuit vehicle.

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

25 (6)~~(4)~~ A person who is not otherwise authorized in  
26 this section may accompany the Governor, the Lieutenant  
27 Governor, a member of the Cabinet, the President of the  
28 Senate, the Speaker of the House of Representatives, or the  
29 Chief Justice of the Supreme Court when such official is  
30 traveling on state aircraft for official state business and  
31 the aircraft is traveling with seats available.

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

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

24 Section 49. 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 50. Subsections (5) and (12) of section  
5 365.171, Florida Statutes, 1998 Supplement, are amended to  
6 read:

7 365.171 Emergency telephone number "911."--

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

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

26 Section 51. Section 401.021, Florida Statutes, is  
27 amended to read:

28 401.021 System director.--The Secretary of Management  
29 Services or his or her designee ~~director of the Division of~~  
30 ~~Communications~~ is designated as the director of the statewide  
31 telecommunications system of the regional emergency medical

1 service and, for the purpose of carrying out the provisions of  
2 this part, is authorized to coordinate the activities of the  
3 telecommunications system with other interested state, county,  
4 local, and private agencies.

5 Section 52. Section 401.027, Florida Statutes, is  
6 amended to read:

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

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

15 446.604 One-Stop Career Centers.--

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

27 Section 54. Paragraph (e) of subsection (3) of section  
28 447.208, Florida Statutes, is amended to read:

29 447.208 Procedure with respect to certain appeals  
30 under s. 447.207.--

31

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

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

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

28           Section 56. Sections 110.407 and 110.607, Florida  
29 Statutes, are repealed.

30           Section 57. Section 230.23162, Florida Statutes, 1998  
31 Supplement, is amended to read:

1           230.23162 Residential public education facility.--

2           (1) Ownership of the facility and related assets  
3 authorized under former s. 985.402, is transferred to the  
4 Department of Management Services. The Department of  
5 Management Services shall direct change orders in existing  
6 construction contracts necessary to complete construction to  
7 the extent necessary to stabilize assets and prepare the  
8 facility for future utilization. The Department of Management  
9 Services shall provide administrative, site inspection, and  
10 security services as necessary to carry out the provisions of  
11 this section. The Department of Management Services shall have  
12 access to all state funds previously appropriated to the  
13 Alternative Education Institute for this purpose.

14           (a) The Department of Management Services shall  
15 continue to work with contractors to weatherize, close in, and  
16 stabilize the facility, protect the assets, and resolve any  
17 claims regarding the facility.

18           (b) The Department of Management Services should  
19 continue to facilitate interest by private entities or public  
20 entities capable of serving as either owner, occupant, or  
21 fiscal agent for a public-private partnership. Any entity,  
22 public, private, or a public-private partnership, must meet  
23 all of the criteria specified in the revised Department of  
24 Management Services Request for Proposal dated August 21,  
25 1998, and issued pursuant to chapter 98-209, Laws of Florida.

26           (2) The Department of Management Services, in  
27 cooperation with the relevant state agencies, is directed to  
28 continue to receive and evaluate proposals for the use or  
29 transfer of the facility described in subsection (1) and,  
30 after taking into account local and state concerns and  
31 interests, may make a final disposition for use or transfer of

1 such facility, subject to the notice, review, and objection  
2 procedures of s. 216.177. Any unexpended balance of funds  
3 appropriated from Specific Appropriation 2012A of chapter  
4 94-357, Laws of Florida, remaining after dry-in and  
5 stabilization may be expended, consistent with the provisions  
6 of this section, for completion of the facility in connection  
7 with the disposition or transfer of the facility.

8 (a) The Department of Management Services shall  
9 continue to invite public-agency proposals and related funding  
10 requests, from either state or local agencies, to provide an  
11 education program for nonadjudicated youth, and also to  
12 continue to encourage other proposals and funding requests  
13 consistent with state and local community needs and concerns.

14 (b) Upon request, the Department of Management  
15 Services shall continue to work with project proposers who  
16 submitted proposals, and an addendum to proposals, to the  
17 working group pursuant to chapter 98-209, Laws of Florida.

18 (c) In considering proposals, the Department of  
19 Management Services and the Legislature shall take into  
20 account local and state interests and concerns.

21 ~~(2)(a) A working group is formed to develop a plan for~~  
22 ~~the use of the facility and to develop a request for proposals~~  
23 ~~or request for information for operation of the program by a~~  
24 ~~private contractor. The working group shall be composed of~~  
25 ~~eight members: one member each from the Department of~~  
26 ~~Education, Department of Juvenile Justice, and Department of~~  
27 ~~Children and Family Services; one member appointed by the~~  
28 ~~President of the Senate; one member appointed by the Speaker~~  
29 ~~of the House of Representatives; one representative of the~~  
30 ~~13th judicial circuit of Hillsborough County, to be appointed~~  
31 ~~by the Chief Circuit Judge; one representative of the~~

1 ~~Hillsborough School District, and one representative from~~  
2 ~~local law enforcement to be appointed by the Sheriff of~~  
3 ~~Hillsborough County. The Department of Education shall provide~~  
4 ~~administrative support for the working group.~~

5 ~~(b) The group shall assess needs of categories of~~  
6 ~~clients served by the member agencies in evaluating possible~~  
7 ~~uses for the facility in meeting the needs of the clients. The~~  
8 ~~group shall identify client categories that may be served~~  
9 ~~through the use of the facility, shall outline a program~~  
10 ~~structure, and shall make further recommendations, including a~~  
11 ~~proposed private provider for implementation. The group should~~  
12 ~~consider previous recommendations for use of the facility, and~~  
13 ~~shall specifically consider the viability of prior proposals~~  
14 ~~submitted for use of the facility in the fiscal year~~  
15 ~~1997-1998. The group shall be formed and activated when this~~  
16 ~~act becomes law.~~

17 ~~(3) The Department of Management Services shall survey~~  
18 ~~state agencies, and shall invite bids and proposals from state~~  
19 ~~agencies, local government agencies, federal agencies, and the~~  
20 ~~private sector for the use or disposition of the facility and~~  
21 ~~related assets, no later than June 15, 1998. Notwithstanding~~  
22 ~~any law to the contrary, the Department of Management Services~~  
23 ~~shall set a deadline for receipt of bids and proposals of not~~  
24 ~~less than 3 months after the invitation for bids and proposals~~  
25 ~~is advertised. By October 1, 1998, the Department of~~  
26 ~~Management Services shall evaluate all bids and proposals and~~  
27 ~~make a recommendation to the working group created under this~~  
28 ~~section regarding proposed uses for the facility, taking into~~  
29 ~~account local and state interests and concerns.~~

30 ~~(4) Taking into consideration the recommendation of~~  
31 ~~the Department of Management Services, and local and state~~

1 ~~concerns and interests, the working group shall, no later than~~  
2 ~~November 1, 1998, make a final determination for the use or~~  
3 ~~disposition of the facility and related assets planned,~~  
4 ~~constructed, acquired, and equipped pursuant to Specific~~  
5 ~~Appropriation 2012A of the 1994-1995 General Appropriations~~  
6 ~~Act, and shall be disbanded upon that date. Such~~  
7 ~~determination shall be subject to the notice, review, and~~  
8 ~~objection procedures of s. 216.177. If the final determination~~  
9 ~~made by the working group is objected to under s. 216.177, the~~  
10 ~~final determination for the facility and related assets shall~~  
11 ~~be made by the Legislature during the 1999 Regular Session.~~

12 Section 58. Subsection (8) of section 110.123, Florida  
13 Statutes, 1998 Supplement, is amended to read:

14 110.123 State group insurance program.--

15 (8) COVERAGE FOR LEGISLATIVE MEMBERS AND EMPLOYEES.--

16 (a) The Legislature may provide coverage for its  
17 members and employees under all or any part of the state group  
18 insurance program; may provide coverage for its members and  
19 employees under a legislative group insurance program in lieu  
20 of all or any part of the state group insurance program; and,  
21 notwithstanding the provisions of paragraph (4)(c), may assume  
22 the cost of any group insurance coverage provided to its  
23 members and employees.

24 (b) Effective July 1, 1999, any legislative member who  
25 terminates his or her elected service after July 1, 1999,  
26 after having vested in the state retirement system, may  
27 purchase coverage in the state group health insurance plan at  
28 the same premium cost as that for retirees and surviving  
29 spouses. Such legislators may also elect to continue coverage  
30 under the group term life insurance program prevailing for  
31 current members at the premium cost in effect for that plan.

1           Section 59. Subsection (4) of section 59 of Senate  
2 Bill 2502, enacted in the 1999 Regular Session of the  
3 Legislature, is repealed.

4           Section 60. This act shall take effect upon becoming a  
5 law.

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