

By Senator Webster

12-1209-99

See HB

1 A bill to be entitled
2 An act relating to the Department of Management
3 Services; amending s. 20.055, F.S.; requiring a
4 report from agency heads on employee use of
5 state motor vehicles; amending s. 20.22, F.S.;
6 revising the organizational structure of the
7 department relating to labor organizations;
8 amending ss. 110.109 and 110.112, F.S.;
9 revising reporting requirements; amending s.
10 110.1099, F.S.; providing conditions for the
11 reimbursement of training expenses by an
12 employee; amending s. 110.1245, F.S.; revising
13 reporting requirements; increasing the cap on
14 meritorious service awards; amending s.
15 110.131, F.S.; authorizing the designee of an
16 agency head to extend the
17 other-personal-services employment of a health
18 care practitioner; amending s. 110.181, F.S.;
19 providing that the fiscal agent for the Florida
20 State Employees' Charitable Campaign need not
21 reimburse costs under specified conditions;
22 amending s. 110.201, F.S.; providing for
23 adoption of rules; providing for a workforce
24 report; amending s. 110.205, F.S.; conforming
25 provisions to changes made by the act;
26 providing for the designation of Senior
27 Management Service exempt positions; amending
28 s. 110.209, F.S.; adding critical market pay to
29 the list of pay additives; amending s. 110.235,
30 F.S.; deleting a requirement for a report;
31 amending s. 110.503, F.S.; allowing agencies to

1 incur expenses to recognize the service of
2 volunteers; amending s. 110.504, F.S.;
3 providing a limitation on volunteer awards;
4 amending s. 110.605, F.S.; providing a uniform
5 appraisal system for employees and positions in
6 the Selected Exempt Service; amending s.
7 112.061, F.S.; authorizing the designee of an
8 agency head to approve specified expenses for
9 employees; amending s. 215.196, F.S.; revising
10 the organizational structure of the department
11 relating to the Architects Incidental Trust
12 Fund; amending s. 215.422, F.S.; deleting a
13 vendor's right to the name of an ombudsman;
14 amending s. 216.011, F.S.; redefining the term
15 "operating capital outlay"; amending s. 255.25,
16 F.S.; exempting certain leases from the
17 competitive bidding process; amending ss.
18 255.249 and 255.257, F.S.; revising the
19 threshold for leased space facility
20 requirements; amending s. 267.075, F.S.;
21 revising the membership of The Grove Advisory
22 Council; amending s. 272.18, F.S.; revising the
23 membership of the Governor's Mansion
24 Commission; amending s. 272.185, F.S.; revising
25 the organizational structure of the department
26 relating to maintenance of the Governor's
27 Mansion; amending s. 273.02, F.S.; increasing
28 the value of property required to be
29 inventoried by custodians; amending s. 273.055,
30 F.S.; providing for the disbursement of moneys
31 received from disposition of state-owned

1 tangible personal property; amending ss.
2 281.02, 281.03, 281.04, 281.05, 281.06, and
3 281.08, F.S.; including reference to the
4 Florida Capitol Police; amending s. 281.07,
5 F.S.; revising the organizational structure of
6 the department relating to the capitol police;
7 amending s. 282.105, F.S., relating to use of
8 State Suncom Network by nonprofit schools;
9 amending s. 282.111, F.S.; revising the
10 organizational structure of the department
11 relating to the statewide system of regional
12 law enforcement communications; amending s.
13 287.017, F.S.; increasing purchasing category
14 threshold amounts; amending s. 287.042, F.S.;
15 revising the organizational structure of the
16 department relating to the purchasing of goods
17 and services; amending s. 287.057, F.S.;
18 revising the organizational structure of the
19 department relating to the procurement of
20 insurance; amending s. 287.151, F.S.; revising
21 purchasing requirements for certain state motor
22 vehicles; amending ss. 287.16 and 287.18, F.S.;
23 revising the organizational structure of the
24 department relating to motor vehicles,
25 watercraft, and aircraft; requiring a report on
26 break-even mileage to be submitted biennially
27 to agency inspectors general; amending s.
28 287.17, F.S.; providing definitions; providing
29 criteria to be followed by an agency head in
30 assigning a state-owned motor vehicle to an
31 employee; amending s. 365.171, F.S.;

1 designating the director of the statewide
2 emergency telephone number "911"; amending ss.
3 401.021 and 401.027, F.S.; designating the
4 director of the statewide telecommunications
5 system of the regional emergency medical
6 service; amending s. 446.604, F.S.; providing
7 for Government Services Direct to be included
8 in the plan for One-Stop Career Centers;
9 amending s. 447.208, F.S.; providing for the
10 determination of attorney's fees in certain
11 cases; repealing ss. 110.407 and 110.607, F.S.,
12 which provide for performance audits; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (9) is added to section 20.055,
18 Florida Statutes, 1998 Supplement, to read:

19 20.055 Agency inspectors general.--

20 (9) Each state agency's head shall, by December 31,
21 2000, conduct a review of motor vehicle utilization with
22 oversight from the agency's inspector general. This review
23 shall consist of two parts. The first part of the review shall
24 determine the number of miles that each assigned motor vehicle
25 has been driven on official state business in the past fiscal
26 year. Commuting mileage shall be excluded from calculating
27 vehicle use. The purpose of this review is to determine
28 whether employees with assigned motor vehicles are driving the
29 vehicles a sufficient number of miles to warrant continued
30 vehicle assignment. The second part of the review shall
31 identify employees who have driven personal vehicles

1 extensively on state business in the past fiscal year. The
2 purpose of this review is to determine whether it would be
3 cost-effective to provide state motor vehicles to such
4 employees. In making this determination, the inspector general
5 shall use the break-even mileage criteria developed by the
6 Department of Management Services. A copy of the review shall
7 be presented to the Office of Program Policy Analysis and
8 Government Accountability.

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

11 20.22 Department of Management Services.--There is
12 created a Department of Management Services.

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

19 Section 3. Section 110.109, Florida Statutes, is
20 amended to read:

21 110.109 Productivity improvement and personnel audits
22 of executive branch agencies.--The department shall be
23 responsible for monitoring ~~conducting~~ personnel activities
24 ~~audits~~ of all executive branch agencies, except the State
25 University System, to provide as follows:

26 (1) In order to provide for the improvement of
27 productivity and human resources management, the department
28 shall have the authority to conduct agency personnel
29 administration and management reviews to assist agencies in
30 identifying areas of recommended improvement. Such reviews
31 shall be conducted in cooperation with the internal auditor of

1 the employing agency so as to ascertain the operational
2 necessity and effectiveness of agency personnel programs and
3 human resource management. ~~A copy of any such reviews made by~~
4 ~~the department shall be submitted to the Legislature and the~~
5 ~~Auditor General.~~

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

13 (3) At the conclusion of the assessment audit, the
14 Secretary of Management Services or the secretary's designated
15 representative shall discuss the assessment audit with the
16 official whose office is subject to assessment audit and
17 submit to him or her a list of his or her adverse findings
18 which may be included in the assessment audit report. If the
19 official is not available for receipt of the list of adverse
20 ~~audit~~ findings, clearly designated as such, then delivery
21 thereof is presumed to be made when it is delivered to the
22 official's office. The official shall submit to the Secretary
23 of Management Services or the secretary's designated
24 representative, within 30 days after the receipt of the list
25 of findings, his or her written statement of explanation or
26 rebuttal concerning all of the findings, including therein
27 corrective action to be taken to preclude a recurrence of
28 adverse findings.

29 Section 4. Subsection (5) of section 110.1099, Florida
30 Statutes, 1998 Supplement, is amended, and subsection (6) is
31 added to that section, to read:

1 110.1099 Education and training opportunities for
2 state employees.--

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

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

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

26 110.112 Affirmative action; equal employment
27 opportunity.--

28 (2)
29 (d) The department shall report information in its
30 annual workforce report relating to ~~annually to the Governor~~
31 ~~on~~ the implementation, continuance, updating, and results of

1 each executive agency's affirmative action plan for the
2 previous fiscal year.

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

9 Section 6. Section 110.1245, Florida Statutes, is
10 amended to read:

11 110.1245 Meritorious service awards program.--

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

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

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

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

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

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

30 (a) The number of proposals made.

31

1 (b) The number of awards made to employees for adopted
2 proposals.

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

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

7 (e) The number of employees recognized for superior
8 accomplishments.

9 (f) The number of employees recognized for
10 satisfactory service to the state.

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

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

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

1 Section 7. Paragraph (c) of subsection (6) of section
2 110.131, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 110.131 Other-personal-services temporary
5 employment.--

6 (6)

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

16 Section 8. Paragraph (b) of subsection (2) of section
17 110.181, Florida Statutes, is amended to read:

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

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

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

31

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

3 Section 9. Subsections (5) and (6) are added to
4 section 110.201, Florida Statutes, to read:

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

6 (5) Each agency shall adopt rules pursuant to ss.
7 120.536(1) and 120.54 prescribing penalties or ranges of
8 penalties for various types of misconduct within the agency.
9 Copies of the rules prescribing penalties must be given to the
10 agency's career service employees.

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

18 Section 10. Paragraph (m) of subsection (2) of section
19 110.205, Florida Statutes, is amended to read:

20 110.205 Career service; exemptions.--

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

26 (m)1.a. In addition to those positions exempted by
27 other paragraphs of this subsection, each department head may
28 designate a maximum of 20 policymaking or managerial
29 positions, as defined by the department and approved by the
30 Administration Commission, as being exempt from the Career
31 Service System. Career service employees who occupy a

1 position designated as a position in the Selected Exempt
2 Service under this paragraph shall have the right to remain in
3 the Career Service System by opting to serve in a position not
4 exempted by the employing agency. Unless otherwise fixed by
5 law, the department shall set the salary and benefits of these
6 positions in accordance with the rules of the Selected Exempt
7 Service; provided, however, that if the agency head determines
8 that the general counsel, chief Cabinet aide, public
9 information administrator or comparable position for a Cabinet
10 officer, inspector general, or legislative affairs director
11 has both policymaking and managerial responsibilities and if
12 the department determines that any such position has both
13 policymaking and managerial responsibilities, the salary and
14 benefits for each such position shall be established by the
15 department in accordance with the rules of the Senior
16 Management Service.

17 b. In addition, each department may designate one
18 additional position in the Senior Management Service if that
19 position reports directly to the agency head or to a position
20 in the Senior Management Service and if any additional costs
21 are absorbed from the existing budget of that department.

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

31

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

3 110.209 Pay plan.--

4 (2)

5 (c) The department shall establish, by rule,
6 guidelines with respect to, and shall delegate, where
7 appropriate, to the employing agencies the authority to
8 administer, the following:

9 1. Shift differentials.

10 2. On-call fees.

11 3. Hazardous-duty pay.

12 4. Advanced appointment rates.

13 5. Salary increase and decrease corrections.

14 6. Lead worker pay.

15 7. Temporary special duties pay.

16 8. Trainer additive pay.

17 9. Competitive area differentials.

18 10. Coordinator pay.

19 11. Critical market pay.

20
21 The employing agency must use such pay additives as are
22 appropriate within the guidelines established by the
23 department and shall advise the department in writing of the
24 plan for implementing such pay additives prior to the
25 implementation date.

26 Section 12. Section 110.235, Florida Statutes, is
27 amended to read:

28 110.235 Training.--

29 (1) It is the intent of the Legislature that state
30 agencies shall implement training programs that encompass
31 modern management principles, ~~such as those embodied in total~~

1 ~~quality management~~, and that provide the framework to develop
2 human resources through empowerment, training, and rewards for
3 productivity enhancement; to continuously improve the quality
4 of services; and to satisfy the expectations of the public.

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

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

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

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

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

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

30 (5) Provide for the recognition of volunteers who have
31 offered continuous and outstanding service to

1 state-administered programs. Each department or agency using
2 the services of volunteers is authorized to incur expenditures
3 not to exceed \$100 each plus applicable taxes for suitable
4 framed certificates, plaques, or other tokens of recognition
5 to honor, reward, or encourage volunteers for their service.

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

8 110.504 Volunteer benefits.--

9 (6) Incidental recognition benefits or incidental
10 nonmonetary awards may be furnished to volunteers serving in
11 state departments to award, recognize, or encourage volunteers
12 for their service. The awards may not cost in excess of \$100
13 each plus applicable taxes.

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

16 110.605 Powers and duties; personnel rules, records,
17 reports, and performance appraisal.--

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

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

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

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

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

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

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

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

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

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

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

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

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

29 Section 17. Subsection (1) of section 215.196, Florida
30 Statutes, 1998 Supplement, is amended to read:

31

1 215.196 Architects Incidental Trust Fund; creation;
2 assessment.--

3 (1) There is created the Architects Incidental Trust
4 Fund for the purpose of providing sufficient funds for the
5 operation of the facilities development activities of the
6 Department of Management Services Division of Building
7 Construction.

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

10 215.422 Warrants, vouchers, and invoices; processing
11 time limits; dispute resolution; agency or judicial branch
12 compliance.--

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

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

1 ~~judicial branch shall certify its compliance with this~~
2 ~~subsection to the Comptroller on or before February 1 of each~~
3 ~~year.~~

4 Section 19. Paragraph (x) of subsection (1) of section
5 216.011, Florida Statutes, 1998 Supplement, is amended to
6 read:

7 216.011 Definitions.--

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

12 (x) "Operating capital outlay" 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.

20 Section 20. Paragraphs (b) and (k) of subsection (2)
21 of section 255.249, Florida Statutes, 1998 Supplement, are
22 amended to read:

23 255.249 Department of Management Services;
24 responsibility; department rules.--

25 (2) The department shall promulgate rules pursuant to
26 chapter 120 providing:

27 (b) Procedures for soliciting and accepting
28 competitive proposals for leased space of 5,000~~3,000~~ square
29 feet or more in privately owned buildings, for evaluating the
30 proposals received, for exemption from competitive bidding
31 requirements of any lease the purpose of which is the

1 provision of care and living space for persons or emergency
2 space needs as provided in s. 255.25(10), and for the securing
3 of at least three documented quotes for a lease that is not
4 required to be competitively bid.

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

11 Section 21. Paragraph (b) of subsection (2) and
12 subsection (3) of section 255.25, Florida Statutes, 1998
13 Supplement, are amended to read:

14 255.25 Approval required prior to construction or
15 lease of buildings.--

16 (2)

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

28 (3)(a) Except as provided in subsection (10), no state
29 agency shall enter into a lease as lessee for the use of 5,000
30 ~~3,000~~ square feet or more of space in a privately owned
31 building except upon advertisement for and receipt of

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

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

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

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

7 Section 22. Subsection (2) of section 255.257, Florida
8 Statutes, 1998 Supplement, is amended to read:

9 255.257 Energy management plan; buildings occupied by
10 state agencies.--

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

22 Section 23. Paragraph (a) of subsection (3) of section
23 267.075, Florida Statutes, is amended to read:

24 267.075 The Grove Advisory Council; creation;
25 membership; purposes.--

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

28 1. Five members shall be private citizens appointed by
29 the Secretary of State.

30
31

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

4 3. One member shall be the director of the Division of
5 Historical Resources of the Department of State.

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

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

23 Section 24. Paragraph (a) of subsection (1) of section
24 272.18, Florida Statutes, is amended to read:

25 272.18 Governor's Mansion Commission.--

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

1 Management Services or his or her designee; one member shall
2 be the Director of the Division of Recreation and Parks of the
3 Department of Environmental Protection; and one member shall
4 be designated by the Secretary of State and shall be an
5 employee of the Department of State with curatorial and museum
6 expertise. The Governor shall appoint all citizen members for
7 4-year terms. The Governor shall fill vacancies for the
8 remainder of unexpired terms. The spouse of the Governor or
9 the designated representative of the Governor shall be an ex
10 officio member of the commission but shall have no voting
11 rights except in the case of a tie vote.

12 Section 25. Section 272.185, Florida Statutes, 1998
13 Supplement, is amended to read:

14 272.185 Maintenance of Governor's Mansion by
15 Department of Management Services.--

16 (1) ~~POWERS AND DUTIES OF DEPARTMENT.~~

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

25 (2)~~(b)~~ The department shall insure the Governor's
26 Mansion, its contents, and all structures and appurtenances
27 thereto with the State Property Insurance Trust Fund as
28 provided in s. 284.01. The department may ~~is authorized to~~
29 purchase any necessary insurance either by a primary insurance
30 contract, excess coverage insurance, or reinsurance to cover
31 the contents of the mansion, whether title of the contents is

1 in the state or in any other person or entity not a resident
2 of the mansion, notwithstanding the provision of s. 287.025.

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

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

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

11 Section 26. Section 273.02, Florida Statutes, is
12 amended to read:

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

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

11 Section 27. Subsection (5) of section 273.055, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 273.055 Disposition of state-owned tangible personal
14 property.--

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

24 Section 28. Section 281.02, Florida Statutes, 1998
25 Supplement, is amended to read:

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

30 (1) To establish a comprehensive and ongoing plan for
31 the firesafety and security of the Capitol, the Senate Office

1 Building, the House Office Building, and the Historic Capitol,
2 including, but not limited to, the institution of programs for
3 the awareness and training in firesafety and security of
4 members of the Legislature and their employees, and all other
5 elected officials and their respective employees, who occupy
6 such buildings. The Florida Capitol Police ~~department~~ shall
7 also ensure that adequate signs and personnel are in place to
8 inform and assist the occupants of and visitors to such
9 buildings.

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

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

21 (4) To employ:

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

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

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

31

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

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

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

13 Section 29. Section 281.03, Florida Statutes, 1998
14 Supplement, is amended to read:

15 281.03 Investigations by the Florida Capitol Police
16 ~~department.~~--

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

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

30 Section 30. Section 281.04, Florida Statutes, 1998
31 Supplement, is amended to read:

1 281.04 Arrests by agents of department.--A person
2 arrested by an agent of the Department of Management Services,
3 Florida Capitol Police, shall be delivered to the sheriff of
4 the county in which the arrest takes place.

5 Section 31. Section 281.05, Florida Statutes, 1998
6 Supplement, is amended to read:

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

16 Section 32. Section 281.06, Florida Statutes, 1998
17 Supplement, is amended to read:

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

26 Section 33. Section 281.07, Florida Statutes, is
27 amended to read:

28 281.07 Rules; Facilities Program, Florida Capitol
29 Police ~~Division of Capitol Police~~; traffic regulation.--

30 (1) The Department of Management Services shall adopt
31 and promulgate rules to govern the administration, operation,

1 and management of the Facilities Program, Florida Capitol
2 Police Division of Capitol Police and to regulate traffic and
3 parking on state-owned or state-leased property, which rules
4 are not in conflict with any state law or county or municipal
5 ordinance, and to carry out the provisions of ss.

6 281.02-281.09.

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

10 Section 34. Section 281.08, Florida Statutes, 1998
11 Supplement, is amended to read:

12 281.08 Equipment.--

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

25 (2) It is unlawful for any unauthorized person to wear
26 a uniform or emblem prescribed by the department for the
27 Florida Capitol Police, or a similar uniform or emblem, or to
28 impersonate, pretend, or represent himself or herself to be a
29 police officer ~~an agent~~ or guard of the Florida Capitol
30 Police. Any person who violates the provisions of this

31

1 subsection is guilty of a misdemeanor of the first degree,
2 punishable as provided in s. 775.082 or s. 775.083.

3 Section 35. Subsection (5) is added to section
4 282.105, Florida Statutes, 1998 Supplement, to read:

5 282.105 Use of state SUNCOM Network by nonprofit
6 corporations.--

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

11 Section 36. Subsection (4) of section 282.111, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 282.111 Statewide system of regional law enforcement
14 communications.--

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

22 Section 37. Subsection (1) of section 287.017, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 287.017 Purchasing categories, threshold amounts;
25 procedures for automatic adjustment by department.--

26 (1) The following purchasing categories are hereby
27 created:

- 28 (a) CATEGORY ONE: \$15,000~~\$5,000~~.
- 29 (b) CATEGORY TWO: \$25,000~~\$15,000~~.
- 30 (c) CATEGORY THREE: \$50,000~~\$20,000~~.
- 31 (d) CATEGORY FOUR: \$150,000~~\$60,000~~.

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

2 Section 38. Paragraph (b) of subsection (2) and
3 paragraph (b) of subsection (4) of section 287.042, Florida
4 Statutes, 1998 Supplement, are amended to read:

5 287.042 Powers, duties, and functions.--The department
6 shall have the following powers, duties, and functions:

7 (2)

8 (b) As an alternative to any provision in s.
9 120.57(3)(c), the department may proceed with the bid
10 solicitation or contract award process of a term contract bid
11 when the secretary of the department or his or her designee
12 ~~director of the division~~ sets forth in writing particular
13 facts and circumstances which demonstrate that the delay
14 incident to staying the bid process or contract award process
15 would be detrimental to the interests of the state. After the
16 award of a contract resulting from a bid in which a timely
17 protest was received and in which the state did not prevail,
18 the contract may be canceled and reawarded to the prevailing
19 party.

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

24 (b) Development of procedures for the releasing of
25 requests for proposals, invitations to bid, and other
26 competitive acquisitions which procedures shall include, but
27 are not limited to, notice by publication in the Florida
28 Administrative Weekly, on Government Services Direct, or by
29 mail at least 10 days before the date set for submittal of
30 proposals or bids. The Minority Business Advocacy and
31 Assistance Office may consult with agencies regarding the

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

23 Section 39. Paragraph (d) of subsection (3) of section
24 287.057, Florida Statutes, 1998 Supplement, is amended to
25 read:

26 287.057 Procurement of commodities or contractual
27 services.--

28 (3) When the purchase price of commodities or
29 contractual services exceeds the threshold amount provided in
30 s. 287.017 for CATEGORY TWO, no purchase of commodities or
31

1 contractual services may be made without receiving competitive
2 sealed bids or competitive sealed proposals unless:

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

9 Section 40. Subsection (1) of section 287.151, Florida
10 Statutes, is amended to read:

11 287.151 Limitation on classes of motor vehicles
12 procured.--

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

24 Section 41. Subsections (3) and (8) of section 287.16,
25 Florida Statutes, 1998 Supplement, are amended and subsection
26 (11) is added to that section, to read:

27 287.16 Powers and duties of department.--The
28 Department of Management Services shall have the following
29 powers, duties, and responsibilities:

30 (3) In its discretion, to require every state agency
31 to transfer its ownership, custody, and control of every

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

6 (8) To require any state agency to keep records and
7 make reports regarding aircraft and motor vehicles to the
8 department as may be required. The Department of Highway
9 Safety and Motor Vehicles may use the reporting system in
10 effect on October 1, 1983, until July 1, 1984. Beginning July
11 1, 1984, the Department of Highway Safety and Motor Vehicles
12 shall use a reporting system approved by the department. The
13 Support Program ~~division~~ shall assist the Department of
14 Highway Safety and Motor Vehicles in developing or
15 implementing a reporting system prior to July 1, 1984, which
16 shall specifically address the needs and requirements of the
17 Support Program ~~division~~ and the Department of Highway Safety
18 and Motor Vehicles.

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

25 Section 42. Section 287.17, Florida Statutes, is
26 amended to read:

27 287.17 Limitation on use of motor vehicles and
28 aircraft.--

29 (1) The aircraft and motor vehicles owned, leased, or
30 operated by any state agency, as defined in s. 287.012, shall
31

1 be available for official state business only as authorized by
2 agency heads, as defined in s. 287.012.

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

5 (a) Whether the use of a motor vehicle or aircraft is
6 necessary to carry out state official or employee job
7 assignments.

8 (b) Whether the use of a motor vehicle or aircraft is
9 for transporting an employee, state official, or other person
10 authorized by the agency head for purposes of conducting
11 official state business or for purposes of performing services
12 for the state.

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

16 (d) Whether an emergency exists requiring the use of a
17 motor vehicle or aircraft for the protection of life or
18 property.

19 (3) The term "official state business" may not be
20 construed to permit the use of a motor vehicle or aircraft for
21 ~~personal business or~~ commuting purposes, unless special
22 assignment of a motor vehicle is authorized as a perquisite by
23 the Department of Management Services, required by an employee
24 after normal duty hours to perform duties of the position to
25 which assigned, or authorized for an employee whose home is
26 the official base of operation.

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

30 (a) An agency head may assign a motor vehicle to a
31 state officer or employee only if the officer or employee is

1 projected to drive the motor vehicle a minimum of 10,000 miles
2 annually on official state business, unless an agency head
3 annually provides written justification for the need of the
4 assignment of a motor vehicle. Commuting mileage incidental to
5 use of the motor vehicle on official state business shall be
6 excluded from calculating the projected mileage. Priority in
7 assigning motor vehicles shall be given to those employees who
8 drive over 15,000 miles annually on state business.

9 (b) An agency head may assign motor vehicles to state
10 officers and employees who perform duties related to law
11 enforcement. However, the agency head shall not assign a
12 pursuit motor vehicle to an officer or employee whose job
13 duties do not routinely require performance of a patrol or law
14 enforcement function requiring a pursuit vehicle.

15 (5)~~(4)~~ A person who is not otherwise authorized in
16 this section may accompany the Governor, the Lieutenant
17 Governor, a member of the Cabinet, the President of the
18 Senate, the Speaker of the House of Representatives, or the
19 Chief Justice of the Supreme Court when such official is
20 traveling on state aircraft for official state business and
21 the aircraft is traveling with seats available.

22 Transportation of a person accompanying any official specified
23 in this subsection shall be approved by the official, who
24 shall also guarantee payment of the transportation charges.
25 When the person accompanying such official is not traveling on
26 official state business as provided in this section, the
27 transportation charge shall be a prorated share of all fixed
28 and variable expenses related to the ownership, operation, and
29 use of such state aircraft. The spouse of any official
30 specified in this subsection may, without payment of
31 transportation charges, accompany the official when such

1 official is traveling for official state business and the
2 aircraft has seats available.

3 (6)~~(5)~~ It is the intention of the Legislature that
4 persons traveling on state aircraft for purposes consistent
5 with, but not necessarily constituting, official state
6 business may travel only when accompanying persons who are
7 traveling on official state business and that such persons
8 shall pay the state for all costs associated with such travel.
9 A person traveling on state aircraft for purposes other than
10 official state business shall pay for any trip not exclusively
11 for state business by paying a prorated share of all fixed and
12 variable expenses related to the ownership, operation, and use
13 of such aircraft.

14 Section 43. Section 287.18, Florida Statutes, is
15 amended to read:

16 287.18 Repair and service of motor vehicles and
17 aircraft.--The Secretary of Management Services or his or her
18 designee ~~director of the Division of Motor Pool~~ may require a
19 department or any state agency having facilities for the
20 repair of aircraft or motor vehicles and for the storage and
21 distribution of gasoline and other petroleum products to
22 repair aircraft and motor vehicles and to furnish gasoline and
23 other petroleum products to any other department or agency and
24 shall compensate for the cost of such services and products.

25 Section 44. Subsections (5) and (12) of section
26 365.171, Florida Statutes, 1998 Supplement, are amended to
27 read:

28 365.171 Emergency telephone number "911."--

29 (5) SYSTEM DIRECTOR.--The secretary of the department
30 or his or her designee ~~director of the division~~ is designated
31 as the director of the statewide emergency telephone number

1 "911" system and, for the purpose of carrying out the
2 provisions of this section, is authorized to coordinate the
3 activities of the system with state, county, local, and
4 private agencies. The director is authorized to employ not
5 less than five persons, three of whom will be at the
6 professional level, one at the secretarial level, and one to
7 fill a fiscal position, for the purpose of carrying out the
8 provisions of this section. The director in implementing the
9 system shall consult, cooperate, and coordinate with local law
10 enforcement agencies.

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

16 Section 45. Section 401.021, Florida Statutes, is
17 amended to read:

18 401.021 System director.--The Secretary of Management
19 Services or his or her designee ~~director of the Division of~~
20 ~~Communications~~ is designated as the director of the statewide
21 telecommunications system of the regional emergency medical
22 service and, for the purpose of carrying out the provisions of
23 this part, is authorized to coordinate the activities of the
24 telecommunications system with other interested state, county,
25 local, and private agencies.

26 Section 46. Section 401.027, Florida Statutes, is
27 amended to read:

28 401.027 Federal assistance.--The Secretary of
29 Management Services or his or her designee ~~director of the~~
30 ~~Division of Communications~~ is authorized to apply for and
31 accept federal funding assistance in the development and

1 implementation of a statewide emergency medical
2 telecommunications system.

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

5 446.604 One-Stop Career Centers.--

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

17 Section 48. Paragraph (e) of subsection (3) of section
18 447.208, Florida Statutes, is amended to read:

19 447.208 Procedure with respect to certain appeals
20 under s. 447.207.--

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

24 (e) Any order of the commission issued pursuant to
25 this subsection may include back pay, if applicable, and an
26 amount, to be determined by the commission and paid by the
27 agency, for reasonable attorney's fees, witness fees, and
28 other out-of-pocket expenses incurred during the prosecution
29 of an appeal against an agency in which the commission
30 sustains the employee. In determining the amount of an
31 attorney's fee, the commission shall consider only the number

1 of hours reasonably spent on the appeal, comparing the number
2 of hours spent on similar Career Service System appeals and
3 the reasonable hourly rate charged in the geographic area for
4 similar appeals, but not including litigation over the amount
5 of the attorney's fee. This paragraph applies to future and
6 pending cases.

7 Section 49. Sections 110.407 and 110.607, Florida
8 Statutes, are repealed.

9 Section 50. This act shall take effect upon becoming a
10 law.

11 *****

12
13 LEGISLATIVE SUMMARY

14 Revises various provisions of law with respect to the
15 Department of Management Services to:

- 16 1. Require a report from agency heads on employee
- 17 use of state motor vehicles.
- 18 2. Revise reporting requirements.
- 19 3. Provide conditions for the reimbursement of
- 20 training expenses by an employee.
- 21 4. Increase the cap on meritorious service awards.
- 22 5. Provide for the designation of described Senior
- 23 Management Service employees.
- 24 6. Add critical market pay to the list of pay
- 25 additives.
- 26 7. Provide a uniform appraisal system for employees
- 27 and positions in the Selected Exempt Service.
- 28 8. Exempt described leases from the competitive
- 29 bidding process and to revise for leased space facilities
- 30 requirements.
- 31 9. Increase the value of property required to be
- inventoried by custodians.
10. Provide for the disbursement of moneys received
- from the disposition of state-owned tangible personal
- property.
11. Increase purchasing category threshold amounts.
12. Revise purchasing requirements for state motor
- vehicles used by state attorneys and public defenders.
13. Provide criteria to be used by an agency head
- in assigning a state-owned motor vehicle to an employee.
14. Provide for Government Services Direct to be
- included in the One-Stop Career Centers.

See bill for details.