

By the Committee on Governmental Oversight and Productivity;
and Senator Webster

302-1890-99

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 ss.
6 110.109 and 110.112, F.S.; revising reporting
7 requirements; amending s. 110.1099, F.S.;
8 providing conditions for the reimbursement of
9 training expenses by an employee; amending s.
10 110.1245, F.S.; revising reporting
11 requirements; increasing the cap on meritorious
12 service awards; amending s. 110.131, F.S.;
13 authorizing the designee of an agency head to
14 extend the other-personal-services employment
15 of a health care practitioner; amending s.
16 110.181, F.S.; providing that the fiscal agent
17 for the Florida State Employees' Charitable
18 Campaign need not reimburse costs under
19 specified conditions; amending s. 110.201,
20 F.S.; providing for a workforce report;
21 amending s. 110.205, F.S.; conforming
22 provisions to changes made by the act;
23 providing for the designation of Senior
24 Management Service exempt positions; repealing
25 s. 110.207(1)(g), F.S., relating to statewide
26 planning of career service broadbanding
27 compensation and classification; amending s.
28 110.209, 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. 112.3145, F.S.;
10 redefining the terms "local officer" and
11 "specified state employee" for purposes of
12 financial disclosure requirements; amending s.
13 215.196, F.S.; revising the organizational
14 structure of the department relating to the
15 Architects Incidental Trust Fund; amending s.
16 215.422, F.S.; deleting a vendor's right to the
17 name of an ombudsman; amending s. 216.011,
18 F.S.; redefining the term "operating capital
19 outlay"; amending s. 255.25, F.S.; exempting
20 certain leases from the competitive bidding
21 process; amending ss. 255.249 and 255.257,
22 F.S.; revising the threshold for leased space
23 facility requirements; amending s. 267.075,
24 F.S.; revising the membership of The Grove
25 Advisory Council; amending s. 272.18, F.S.;
26 revising the membership of the Governor's
27 Mansion Commission; amending s. 272.185, F.S.;
28 revising the organizational structure of the
29 department relating to maintenance of the
30 Governor's Mansion; amending s. 273.02, F.S.;
31 increasing the value of property required to be

1 inventoried by custodians; amending s. 273.055,
2 F.S.; providing for the disbursement of moneys
3 received from disposition of state-owned
4 tangible personal property; amending ss.
5 281.02, 281.03, 281.04, 281.05, 281.06, and
6 281.08, F.S.; including reference to the
7 Florida Capitol Police; amending s. 281.07,
8 F.S.; revising the organizational structure of
9 the department relating to the capitol police;
10 amending s. 282.105, F.S., relating to use of
11 State Suncom Network by nonprofit schools;
12 amending s. 282.111, F.S.; revising the
13 organizational structure of the department
14 relating to the statewide system of regional
15 law enforcement communications; amending s.
16 287.017, F.S.; increasing purchasing category
17 threshold amounts; amending s. 287.042, F.S.;
18 revising the organizational structure of the
19 department relating to the purchasing of goods
20 and services; repealing ch. 98-310, Laws of
21 Florida, relating to evaluation of the state
22 contract for air carrier service; authorizing
23 the department to negotiate air services to and
24 from Tallahassee and other cities; amending s.
25 287.057, F.S.; revising the organizational
26 structure of the department relating to the
27 procurement of insurance; amending s. 287.151,
28 F.S.; revising purchasing requirements for
29 certain state motor vehicles; amending ss.
30 287.16 and 287.18, F.S.; revising the
31 organizational structure of the department

1 relating to motor vehicles, watercraft, and
2 aircraft; requiring a report on break-even
3 mileage to be submitted biennially to agency
4 inspectors general; amending s. 287.17, F.S.;
5 providing definitions; providing criteria to be
6 followed by an agency head in assigning a
7 state-owned motor vehicle to an employee;
8 requiring a report from agency heads on
9 employee use of state motor vehicles; amending
10 s. 365.171, F.S.; designating the director of
11 the statewide emergency telephone number "911";
12 amending ss. 401.021 and 401.027, F.S.;
13 designating the director of the statewide
14 telecommunications system of the regional
15 emergency medical service; amending s. 446.604,
16 F.S.; providing for Government Services Direct
17 to be included in the plan for One-Stop Career
18 Centers; amending s. 447.208, F.S.; providing
19 for the determination of attorney's fees in
20 certain cases; repealing ss. 110.407 and
21 110.607, F.S., which provide for performance
22 audits; providing an effective date.

23

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

25

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

28 20.22 Department of Management Services.--There is
29 created a Department of Management Services.

30 (4) The duties of the Chief Labor Negotiator ~~Office of~~
31 ~~Labor Relations~~ shall be determined by the Secretary of

1 Management Services, and must include, but need not be limited
2 to, the representation of the Governor as the public employer
3 in collective bargaining negotiations pursuant to the
4 provisions of chapter 447.

5 Section 2. Section 110.109, Florida Statutes, is
6 amended to read:

7 110.109 Productivity improvement and personnel audits
8 of executive branch agencies.--The department shall be
9 responsible for monitoring ~~conducting~~ personnel activities
10 ~~audits~~ of all executive branch agencies, except the State
11 University System, to provide as follows:

12 (1) In order to provide for the improvement of
13 productivity and human resources management, the department
14 shall have the authority to conduct agency personnel
15 administration and management reviews to assist agencies in
16 identifying areas of recommended improvement. Such reviews
17 shall be conducted in cooperation with the internal auditor of of
18 the employing agency so as to ascertain the operational
19 necessity and effectiveness of agency personnel programs and
20 human resource management. ~~A copy of any such reviews made by~~
21 ~~the department shall be submitted to the Legislature and the~~
22 ~~Auditor General.~~

23 (2) It shall be the duty of the department to monitor
24 ~~audit~~ the personnel programs of the state agencies on a
25 continuing and regular basis to ensure the agencies'
26 compliance with state laws and regulations. ~~A copy of such~~
27 ~~study made by the department shall be submitted to the~~
28 ~~Governor, the President of the Senate, the Speaker of the~~
29 ~~House of Representatives, and the Auditor General.~~

30 (3) At the conclusion of the assessment audit, the
31 Secretary of Management Services or the secretary's designated

1 representative shall discuss the assessment ~~audit~~ with the
2 official whose office is subject to assessment ~~audit~~ and
3 submit to him or her a list of his or her adverse findings
4 which may be included in the assessment ~~audit~~ report. If the
5 official is not available for receipt of the list of adverse
6 ~~audit~~ findings, clearly designated as such, then delivery
7 thereof is presumed to be made when it is delivered to the
8 official's office. The official shall submit to the Secretary
9 of Management Services or the secretary's designated
10 representative, within 30 days after the receipt of the list
11 of findings, his or her written statement of explanation or
12 rebuttal concerning all of the findings, including therein
13 corrective action to be taken to preclude a recurrence of
14 adverse findings.

15 Section 3. Subsection (5) of section 110.1099, Florida
16 Statutes, 1998 Supplement, is amended, and subsection (6) is
17 added to that section, to read:

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

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

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

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

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

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

14 (2)

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

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

26 Section 5. Section 110.1245, Florida Statutes, is
27 amended to read:

28 110.1245 Meritorious service awards program.--

29 (1) The Department of Management Services shall set
30 policy, develop procedures, and promote a program of

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1 meritorious service awards, incentives, and recognition to
2 employees who:

3 (a) Propose procedures or ideas which are adopted and
4 which will result in increasing productivity, in eliminating
5 or reducing state expenditures or improving operations, or in
6 generating additional revenues, provided such proposals are
7 placed in effect and can be implemented under current
8 statutory authority; or

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

12

13 Every state agency, unless otherwise provided by law, shall
14 participate in the program. The Chief Justice shall have the
15 authority to establish a meritorious service awards program
16 for employees of the judicial branch within the parameters
17 established in this section. The component of the program
18 specified in paragraph (a) shall apply to all employees within
19 the Career Service System, the Selected Exempt Service System,
20 and comparable employees within the judicial branch. The
21 component of the program specified in paragraph (b) shall
22 apply to all employees of the state. No award granted under
23 the component of the program described in paragraph (a) shall
24 exceed 10 percent of the first year's actual savings or actual
25 revenue increase, up to \$25,000, plus applicable taxes, unless
26 a larger award is made by the Legislature, and shall be paid
27 from the appropriation available to the judicial branch or
28 state agency affected by the award or from any specific
29 appropriation therefor. No award granted under the component
30 of the program described in paragraph (b) shall exceed \$1,000
31 plus applicable taxes per individual employee. The judicial

1 branch or an agency may award savings bonds or other items in
2 lieu of cash awards, provided that the cost of such item does
3 not exceed the limits specified in this subsection. In
4 addition, the judicial branch or a state agency may award
5 certificates, pins, plaques, letters of commendation, and
6 other tokens of recognition of meritorious service to an
7 employee eligible for recognition under either component of
8 the program, provided that the award may not cost in excess of
9 ~~\$100~~^{\$75} each plus applicable taxes.

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

17 (a) The number of proposals made.

18 (b) The number of awards made to employees for adopted
19 proposals.

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

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

24 (e) The number of employees recognized for superior
25 accomplishments.

26 (f) The number of employees recognized for
27 satisfactory service to the state.

28 (3) Each department head is authorized to incur
29 expenditures to award suitable framed certificates, pins, and
30 other tokens of recognition to retiring state employees whose
31 service with the state has been satisfactory, in appreciation

1 and recognition of such service. Such awards may not cost in
2 excess of \$100~~\$50~~ each plus applicable taxes.

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

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

18 Section 6. Paragraph (c) of subsection (6) of section
19 110.131, Florida Statutes, 1998 Supplement, is amended to
20 read:

21 110.131 Other-personal-services temporary
22 employment.--

23 (6)

24 (c) Notwithstanding the provisions of this section,
25 the agency head or his or her designee ~~secretary of the~~
26 ~~Department of Health or the secretary's delegate~~ may extend
27 the other-personal-services employment of a health care
28 practitioner licensed pursuant to chapter 458, chapter 459,
29 chapter 460, chapter 461, chapter 463, chapter 464, chapter
30 466, chapter 468, chapter 483, chapter 486, or chapter 490

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1 beyond 2,080 hours and may employ such practitioner on an
2 hourly or other basis.

3 Section 7. Paragraph (b) of subsection (2) of section
4 110.181, Florida Statutes, is amended to read:

5 110.181 Florida State Employees' Charitable
6 Campaign.--

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

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

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

22 110.201 Personnel rules, records, and reports.--

23 (5) The department shall develop a workforce report
24 that contains data representative of the state's human
25 resources. The report should identify trends for planning and
26 improving the management of the state's human resources. The
27 department shall submit this report annually to the Governor,
28 the President of the Senate, and the Speaker of the House of
29 Representatives.

30 Section 9. Paragraph (m) of subsection (2) of section
31 110.205, Florida Statutes, is amended to read:

1 110.205 Career service; exemptions.--

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

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

29 b. In addition, each department may designate one
30 additional position in the Senior Management Service if that
31 position reports directly to the agency head or to a position

1 in the Senior Management Service and if any additional costs
2 are absorbed from the existing budget of that department.

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

12 Section 10. Paragraph (g) of subsection (1) of section
13 110.207, Florida Statutes, as amended by section 3 of chapter
14 98-196, Laws of Florida, is repealed.

15 Section 11. Paragraph (c) of subsection (2) of section
16 110.209, Florida Statutes, is amended to read:

17 110.209 Pay plan.--

18 (2)

19 (c) The department shall establish, by rule,
20 guidelines with respect to, and shall delegate, where
21 appropriate, to the employing agencies the authority to
22 administer, the following:

- 23 1. Shift differentials.
- 24 2. On-call fees.
- 25 3. Hazardous-duty pay.
- 26 4. Advanced appointment rates.
- 27 5. Salary increase and decrease corrections.
- 28 6. Lead worker pay.
- 29 7. Temporary special duties pay.
- 30 8. Trainer additive pay.
- 31 9. Competitive area differentials.

1 10. Coordinator pay.

2 11. Critical market pay.

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4 The employing agency must use such pay additives as are
5 appropriate within the guidelines established by the
6 department and shall advise the department in writing of the
7 plan for implementing such pay additives prior to the
8 implementation date.

9 Section 12. Section 110.235, Florida Statutes, is
10 amended to read:

11 110.235 Training.--

12 (1) It is the intent of the Legislature that state
13 agencies shall implement training programs that encompass
14 modern management principles, ~~such as those embodied in total~~
15 ~~quality management~~, and that provide the framework to develop
16 human resources through empowerment, training, and rewards for
17 productivity enhancement; to continuously improve the quality
18 of services; and to satisfy the expectations of the public.

19 ~~(2) If requested by the employing agencies, the~~
20 ~~Department of Management Services shall provide the employing~~
21 ~~agencies with training necessary to implement the revision of~~
22 ~~the Career Service System and implement the principles of~~
23 ~~quality management.~~

24 ~~(3) The employing agencies shall report annually to~~
25 ~~the Department of Management Services all training programs~~
26 ~~used by that agency which have not been provided by the~~
27 ~~Department of Management Services.~~

28 (2)(4) Each employing agency shall annually evaluate
29 and report to the department the training it has implemented
30 and the progress it has made in the area of training. ~~The~~
31 ~~department shall review and consolidate the information~~

1 ~~reported to it by the agencies and shall annually report the~~
2 ~~progress of the agencies in training to the Governor, the~~
3 ~~President of the Senate, and the Speaker of the House of~~
4 ~~Representatives.~~

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

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

10 110.503 Responsibilities of departments and
11 agencies.--Each department or agency utilizing the services of
12 volunteers shall:

13 (5) Provide for the recognition of volunteers who have
14 offered continuous and outstanding service to
15 state-administered programs. Each department or agency using
16 the services of volunteers is authorized to incur expenditures
17 not to exceed \$100 each plus applicable taxes for suitable
18 framed certificates, plaques, or other tokens of recognition
19 to honor, reward, or encourage volunteers for their service.

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

22 110.504 Volunteer benefits.--

23 (6) Incidental recognition benefits or incidental
24 nonmonetary awards may be furnished to volunteers serving in
25 state departments to award, recognize, or encourage volunteers
26 for their service. The awards may not cost in excess of \$100
27 each plus applicable taxes.

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

30 110.605 Powers and duties; personnel rules, records,
31 reports, and performance appraisal.--

1 (1) The department shall adopt and administer uniform
2 personnel rules, records, and reports relating to employees
3 and positions in the Selected Exempt Service, as well as any
4 other rules and procedures relating to personnel
5 administration which are necessary to carry out the purposes
6 of this part. ~~A uniform performance appraisal system shall~~
7 ~~apply only to employees and positions in the Selected Exempt~~
8 ~~Service covered by a collective bargaining agreement.~~

9 (a) The department shall develop uniform forms and
10 instructions to be used in reporting transactions which
11 involve changes in an employee's salary, status, performance,
12 leave, fingerprint record, loyalty oath, payroll change, or
13 appointment action or any additional transactions as the
14 department may deem appropriate.

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

18 (c) The department shall develop a uniform performance
19 appraisal system for employees and positions in the Selected
20 Exempt Service covered by a collective bargaining agreement.
21 Each employing agency shall develop a performance appraisal
22 system for all other employees and positions in the Selected
23 Exempt System. Such agency system shall take into
24 consideration individual and organizational efficiency,
25 productivity, and effectiveness.

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

29 ~~(e)(d)~~ The department shall develop a program of
30 affirmative and positive actions that will ensure full
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1 utilization of women and minorities in Selected Exempt Service
2 positions.

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

6 112.061 Per diem and travel expenses of public
7 officers, employees, and authorized persons.--

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

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

18 (12) ADVANCEMENTS.--Notwithstanding any of the
19 foregoing restrictions and limitations, an agency head or his
20 or her designee may make, or authorize the making of, advances
21 to cover anticipated costs of travel to travelers. Such
22 advancements may include the costs of subsistence and travel
23 of any person transported in the care or custody of the
24 traveler in the performance of his or her duties.

25 (13) DIRECT PAYMENT OF EXPENSES BY AGENCY.--Whenever
26 an agency requires an employee to incur either Class A or
27 Class B travel on emergency notice to the traveler, such
28 traveler may request the agency to pay his or her expenses for
29 meals and lodging directly to the vendor, and the agency may
30 pay the vendor the actual expenses for meals and lodging
31 during the travel period, limited to an amount not to exceed

1 that authorized pursuant to this section. In emergency
2 situations, the agency head or his or her designee may
3 authorize an increase in the amount paid for a specific meal,
4 provided that the total daily cost of meals does not exceed
5 the total amount authorized for meals each day. The agency
6 head or his or her designee may also grant prior approval for
7 a state agency to make direct payments of travel expenses in
8 other situations that result in cost savings to the state, and
9 such cost savings shall be documented in the voucher submitted
10 to the Comptroller for the direct payment of travel expenses.
11 The provisions of this subsection shall not be deemed to apply
12 to any legislator or to any employee of the Legislature.

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

15 112.3145 Disclosure of financial interests and clients
16 represented before agencies.--

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

19 (a) "Local officer" means:

20 1. Every person who is elected to office in any
21 political subdivision of the state, and every person who is
22 appointed to fill a vacancy for an unexpired term in such an
23 elective office.

24 2. Any appointed member of a board; commission;
25 authority, including any expressway authority or
26 transportation authority established by general law; community
27 college district board of trustees; or council of any
28 political subdivision of the state, excluding any member of an
29 advisory body. A governmental body with land-planning, zoning,
30 or natural resources responsibilities shall not be considered
31 an advisory body.

1 3. Any person holding one or more of the following
2 positions: mayor; county or city manager; chief administrative
3 employee of a county, municipality, or other political
4 subdivision; county or municipal attorney; chief county or
5 municipal building inspector; county or municipal water
6 resources coordinator; county or municipal pollution control
7 director; county or municipal environmental control director;
8 county or municipal administrator, with power to grant or deny
9 a land development permit; chief of police; fire chief;
10 municipal clerk; district school superintendent; community
11 college president; district medical examiner; or purchasing
12 agent having the authority to make any purchase exceeding the
13 threshold amount provided for in s. 287.017 for CATEGORY ONE,
14 on behalf of~~\$1,000~~ for any political subdivision of the state
15 or any entity thereof.

16 (b) "Specified state employee" means:

17 1. Public counsel created by chapter 350, an assistant
18 state attorney, an assistant public defender, a full-time
19 state employee who serves as counsel or assistant counsel to
20 any state agency, a judge of compensation claims, an
21 administrative law judge, or a hearing officer.

22 2. Any person employed in the office of the Governor
23 or in the office of any member of the Cabinet if that person
24 is exempt from the Career Service System, except persons
25 employed in clerical, secretarial, or similar positions.

26 3. Each appointed secretary, assistant secretary,
27 deputy secretary, executive director, assistant executive
28 director, or deputy executive director of each state
29 department, commission, board, or council; unless otherwise
30 provided, the division director, assistant division director,
31 deputy director, bureau chief, and assistant bureau chief of

1 any state department or division; or any person having the
2 power normally conferred upon such persons, by whatever title.

3 4. The superintendent or institute director of a state
4 mental health institute established for training and research
5 in the mental health field or the superintendent or director
6 of any major state institution or facility established for
7 corrections, training, treatment, or rehabilitation.

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

13 6. Any person, other than a legislative assistant
14 exempted by the presiding officer of the house by which the
15 legislative assistant is employed, who is employed in the
16 legislative branch of government, except persons employed in
17 maintenance, clerical, secretarial, or similar positions.

18 7. Each employee of the Commission on Ethics.

19 (c) "State officer" means:

20 1. Any elected public officer, excluding those elected
21 to the United States Senate and House of Representatives, not
22 covered elsewhere in this part and any person who is appointed
23 to fill a vacancy for an unexpired term in such an elective
24 office.

25 2. An appointed member of each board, commission,
26 authority, or council having statewide jurisdiction, excluding
27 a member of an advisory body.

28 3. A member of the Board of Regents, the Chancellor
29 and Vice Chancellors of the State University System, and the
30 president of a state university.

31

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

3 215.196 Architects Incidental Trust Fund; creation;
4 assessment.--

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

10 Section 19. Subsections (5) and (9) of section
11 215.422, Florida Statutes, are amended to read:

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

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

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

1 ~~the approval and processing time limitations and the provision~~
2 ~~for automatic interest penalty payments. Each agency and the~~
3 ~~judicial branch shall certify its compliance with this~~
4 ~~subsection to the Comptroller on or before February 1 of each~~
5 ~~year.~~

6 Section 20. Paragraph (x) of subsection (1) of section
7 216.011, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 216.011 Definitions.--

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

14 (x) "Operating capital outlay" 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.

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

25 255.249 Department of Management Services;
26 responsibility; department rules.--

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

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

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

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

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

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

18 (2)

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

30 (3)(a) Except as provided in subsection (10), no state
31 agency shall enter into a lease as lessee for the use of 5,000

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

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

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

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

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

11 255.257 Energy management plan; buildings occupied by
12 state agencies.--

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

24 Section 24. Paragraph (a) of subsection (3) of section
25 267.075, Florida Statutes, is amended to read:

26 267.075 The Grove Advisory Council; creation;
27 membership; purposes.--

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

30 1. Five members shall be private citizens appointed by
31 the Secretary of State.

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 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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 32. 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 33. 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 34. 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 35. 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 36. 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 37. 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 38. 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 39. 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 40. Chapter 98-310, Laws of Florida, is
24 repealed. The Department of Management Services has the
25 authority to negotiate in the best interest of the state for
26 air services to and from Tallahassee and other municipalities
27 outside the state. Such negotiations may be undertaken without
28 the benefit of the formal invitation to negotiate process. The
29 department is exempt from the requirements of chapter 287,
30 Florida Statutes, for the sole purpose of securing air travel
31

1 services for the State of Florida in the most efficient and
2 effective way possible.

3 Section 41. Paragraph (d) of subsection (3) of section
4 287.057, Florida Statutes, 1998 Supplement, is amended to
5 read:

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

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

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

19 Section 42. Subsection (1) of section 287.151, Florida
20 Statutes, is amended to read:

21 287.151 Limitation on classes of motor vehicles
22 procured.--

23 (1) All motor vehicles purchased or leased by the
24 state with funds provided in the General Appropriations Act
25 shall be of the subcompact class except vehicles used for law
26 enforcement purposes by law enforcement officers of the state,
27 used as tow vehicles, routinely used to transport more than
28 three adults or bulk materials, or vehicles operated
29 frequently on unpaved roads. All vehicles purchased shall be
30 of the smallest class that can safely and adequately meet the
31 transportation requirements. ~~The exception from the~~

1 ~~subcompact vehicle requirement for law enforcement purposes~~
2 ~~shall not apply to state attorneys and public defenders.~~

3 Section 43. Subsections (3) and (8) of section 287.16,
4 Florida Statutes, 1998 Supplement, are amended and subsection
5 (11) is added to that section, to read:

6 287.16 Powers and duties of department.--The
7 Department of Management Services shall have the following
8 powers, duties, and responsibilities:

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

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

29 (11) To calculate biennially the break-even mileage at
30 which it becomes cost-effective for the state to provide
31 assigned motor vehicles to employees. The Support Program

1 shall provide the information to agency heads and agency
2 inspectors general to assist them in meeting the reporting
3 requirements of s. 20.055.

4 Section 44. Section 287.17, Florida Statutes, is
5 amended to read:

6 287.17 Limitation on use of motor vehicles and
7 aircraft.--

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

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

14 (a) Whether the use of a motor vehicle or aircraft is
15 necessary to carry out state official or employee job
16 assignments.

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

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

25 (d) Whether an emergency exists requiring the use of a
26 motor vehicle or aircraft for the protection of life or
27 property.

28 (3) The term "official state business" may not be
29 construed to permit the use of a motor vehicle or aircraft for
30 ~~personal business or~~ commuting purposes, unless special
31 assignment of a motor vehicle is authorized as a perquisite by

1 the Department of Management Services, required by an employee
2 after normal duty hours to perform duties of the position to
3 which assigned, or authorized for an employee whose home is
4 the official base of operation.

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

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

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

24 (5) Each state agency's head shall, by December 31,
25 2000, conduct a review of motor vehicle utilization with
26 oversight from the agency's inspector general. This review
27 shall consist of two parts. The first part of the review shall
28 determine the number of miles that each assigned motor vehicle
29 has been driven on official state business in the past fiscal
30 year. Commuting mileage shall be excluded from calculating
31 vehicle use. The purpose of this review is to determine

1 whether employees with assigned motor vehicles are driving the
2 vehicles a sufficient number of miles to warrant continued
3 vehicle assignment. The second part of the review shall
4 identify employees who have driven personal vehicles
5 extensively on state business in the past fiscal year. The
6 purpose of this review is to determine whether it would be
7 cost-effective to provide state motor vehicles to such
8 employees. In making this determination, the inspector general
9 shall use the break-even mileage criteria developed by the
10 Department of Management Services. A copy of the review shall
11 be presented to the Office of Program Policy Analysis and
12 Government Accountability.

13 (6)(4) A person who is not otherwise authorized in
14 this section may accompany the Governor, the Lieutenant
15 Governor, a member of the Cabinet, the President of the
16 Senate, the Speaker of the House of Representatives, or the
17 Chief Justice of the Supreme Court when such official is
18 traveling on state aircraft for official state business and
19 the aircraft is traveling with seats available.
20 Transportation of a person accompanying any official specified
21 in this subsection shall be approved by the official, who
22 shall also guarantee payment of the transportation charges.
23 When the person accompanying such official is not traveling on
24 official state business as provided in this section, the
25 transportation charge shall be a prorated share of all fixed
26 and variable expenses related to the ownership, operation, and
27 use of such state aircraft. The spouse of any official
28 specified in this subsection may, without payment of
29 transportation charges, accompany the official when such
30 official is traveling for official state business and the
31 aircraft has seats available.

1 (7)~~(5)~~ It is the intention of the Legislature that
2 persons traveling on state aircraft for purposes consistent
3 with, but not necessarily constituting, official state
4 business may travel only when accompanying persons who are
5 traveling on official state business and that such persons
6 shall pay the state for all costs associated with such travel.
7 A person traveling on state aircraft for purposes other than
8 official state business shall pay for any trip not exclusively
9 for state business by paying a prorated share of all fixed and
10 variable expenses related to the ownership, operation, and use
11 of such aircraft.

12 Section 45. Section 287.18, Florida Statutes, is
13 amended to read:

14 287.18 Repair and service of motor vehicles and
15 aircraft.--The Secretary of Management Services or his or her
16 designee ~~director of the Division of Motor Pool~~ may require a
17 department or any state agency having facilities for the
18 repair of aircraft or motor vehicles and for the storage and
19 distribution of gasoline and other petroleum products to
20 repair aircraft and motor vehicles and to furnish gasoline and
21 other petroleum products to any other department or agency and
22 shall compensate for the cost of such services and products.

23 Section 46. Subsections (5) and (12) of section
24 365.171, Florida Statutes, 1998 Supplement, are amended to
25 read:

26 365.171 Emergency telephone number "911."--

27 (5) SYSTEM DIRECTOR.--The secretary of the department
28 or his or her designee ~~director of the division~~ is designated
29 as the director of the statewide emergency telephone number
30 "911" system and, for the purpose of carrying out the
31 provisions of this section, is authorized to coordinate the

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

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

14 Section 47. Section 401.021, Florida Statutes, is
15 amended to read:

16 401.021 System director.--The Secretary of Management
17 Services or his or her designee ~~director of the Division of~~
18 ~~Communications~~ is designated as the director of the statewide
19 telecommunications system of the regional emergency medical
20 service and, for the purpose of carrying out the provisions of
21 this part, is authorized to coordinate the activities of the
22 telecommunications system with other interested state, county,
23 local, and private agencies.

24 Section 48. Section 401.027, Florida Statutes, is
25 amended to read:

26 401.027 Federal assistance.--The Secretary of
27 Management Services or his or her designee ~~director of the~~
28 ~~Division of Communications~~ is authorized to apply for and
29 accept federal funding assistance in the development and
30 implementation of a statewide emergency medical
31 telecommunications system.

1 Section 49. Subsection (1) of section 446.604, Florida
2 Statutes, is amended to read:

3 446.604 One-Stop Career Centers.--

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

15 Section 50. Paragraph (e) of subsection (3) of section
16 447.208, Florida Statutes, is amended to read:

17 447.208 Procedure with respect to certain appeals
18 under s. 447.207.--

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

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

1 the reasonable hourly rate charged in the geographic area for
2 similar appeals, but not including litigation over the amount
3 of the attorney's fee. This paragraph applies to future and
4 pending cases.

5 Section 51. Sections 110.407 and 110.607, Florida
6 Statutes, are repealed.

7 Section 52. This act shall take effect upon becoming a
8 law.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 SB 2410

13 The Committee Substitute transfers language requiring a motor
14 vehicle utilization study from state agency inspector general
15 statutes to ch. 287, F.S.; removes provisions requiring each
16 state agency to promulgate rules on employee discipline;
17 repeals provisions of current law establishing broad banding
18 personnel classification systems and studies; raises from
19 \$1000 to \$5000 the purchasing agent threshold triggering
20 required financial disclosures; and directs the DMS to
21 undertake actions to secure efficient and effective air
22 service between Tallahassee and other city pairs without the
23 necessity of competitive bid procedures.
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