

By the Committees on Fiscal Policy; Governmental Oversight and Productivity; and Senator Webster

309-2155-99

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. 110.123, F.S.;
13 providing coverage in the state group health
14 insurance plan for certain legislative members;
15 amending s. 110.131, F.S.; authorizing the
16 designee of an agency head to extend the
17 other-personal-services employment of a health
18 care practitioner; creating s. 110.1315, F.S.;
19 requiring that the Department of Management
20 Services contract with a private vendor for an
21 alternative retirement program for temporary
22 and seasonal state employees; creating s.
23 110.1316, F.S.; providing for favorable tax
24 treatment for certain incentive pay and
25 payments for accumulated sick leave and annual
26 leave; providing for the use of unobligated
27 payroll contributions by state agencies;
28 providing for oversight of the program;
29 amending s. 110.181, F.S.; providing that the
30 fiscal agent for the Florida State Employees'
31 Charitable Campaign need not reimburse costs

1 under specified conditions; amending s.
2 110.201, F.S.; providing for a workforce
3 report; amending s. 110.205, F.S.; conforming
4 provisions to changes made by the act;
5 providing for the designation of Senior
6 Management Service exempt positions; repealing
7 s. 110.207(1)(g), F.S., relating to statewide
8 planning of career service broadbanding
9 compensation and classification; amending s.
10 110.209, F.S.; adding critical market pay to
11 the list of pay additives; amending s. 110.235,
12 F.S.; deleting a requirement for a report;
13 amending s. 110.503, F.S.; allowing agencies to
14 incur expenses to recognize the service of
15 volunteers; amending s. 110.504, F.S.;
16 providing a limitation on volunteer awards;
17 amending s. 110.605, F.S.; providing a uniform
18 appraisal system for employees and positions in
19 the Selected Exempt Service; amending s.
20 112.061, F.S.; authorizing the designee of an
21 agency head to approve specified expenses for
22 employees; amending s. 112.3145, F.S.;
23 redefining the terms "local officer" and
24 "specified state employee" for purposes of
25 financial disclosure requirements; amending s.
26 215.196, F.S.; revising the organizational
27 structure of the department relating to the
28 Architects Incidental Trust Fund; amending s.
29 215.422, F.S.; deleting a vendor's right to the
30 name of an ombudsman; amending s. 216.011,
31 F.S.; redefining the term "operating capital

1 outlay"; amending s. 255.25, F.S.; exempting
2 certain leases from the competitive bidding
3 process; amending ss. 255.249 and 255.257,
4 F.S.; revising the threshold for leased space
5 facility requirements; amending s. 267.075,
6 F.S.; revising the membership of The Grove
7 Advisory Council; amending s. 272.18, F.S.;
8 revising the membership of the Governor's
9 Mansion Commission; amending s. 272.185, F.S.;
10 revising the organizational structure of the
11 department relating to maintenance of the
12 Governor's Mansion; amending s. 273.02, F.S.;
13 increasing the value of property required to be
14 inventoried by custodians; amending s. 273.055,
15 F.S.; providing for the disbursement of moneys
16 received from disposition of state-owned
17 tangible personal property; amending ss.
18 281.02, 281.03, 281.04, 281.05, 281.06, and
19 281.08, F.S.; including reference to the
20 Florida Capitol Police; amending s. 281.07,
21 F.S.; revising the organizational structure of
22 the department relating to the capitol police;
23 amending s. 282.105, F.S., relating to use of
24 State Suncom Network by nonprofit schools;
25 amending s. 282.111, F.S.; revising the
26 organizational structure of the department
27 relating to the statewide system of regional
28 law enforcement communications; amending s.
29 287.017, F.S.; increasing purchasing category
30 threshold amounts; amending s. 287.042, F.S.;
31 revising the organizational structure of the

1 department relating to the purchasing of goods
2 and services; repealing ch. 98-310, Laws of
3 Florida, relating to evaluation of the state
4 contract for air carrier service; authorizing
5 the department to negotiate air services to and
6 from Tallahassee and other cities; amending s.
7 287.057, F.S.; revising the organizational
8 structure of the department relating to the
9 procurement of insurance; amending s. 287.151,
10 F.S.; revising purchasing requirements for
11 certain state motor vehicles; amending ss.
12 287.16 and 287.18, F.S.; revising the
13 organizational structure of the department
14 relating to motor vehicles, watercraft, and
15 aircraft; requiring a report on break-even
16 mileage to be submitted biennially to agency
17 inspectors general; amending s. 287.17, F.S.;
18 providing definitions; providing criteria to be
19 followed by an agency head in assigning a
20 state-owned motor vehicle to an employee;
21 requiring a report from agency heads on
22 employee use of state motor vehicles; amending
23 s. 365.171, F.S.; designating the director of
24 the statewide emergency telephone number "911";
25 amending ss. 401.021 and 401.027, F.S.;
26 designating the director of the statewide
27 telecommunications system of the regional
28 emergency medical service; amending s. 446.604,
29 F.S.; providing for Government Services Direct
30 to be included in the plan for One-Stop Career
31 Centers; amending s. 447.208, F.S.; providing

1 for the determination of attorney's fees in
2 certain cases; repealing ss. 110.407 and
3 110.607, F.S., which provide for performance
4 audits; amending s. 110.151, F.S.; providing
5 for maintenance of state employee child care
6 facilities; amending s. 282.1095, F.S.;
7 authorizing the Department of Management
8 Services to acquire a state agency law
9 enforcement radio system; authorizing the Joint
10 Task Force on State Agency Law Enforcement
11 Communications to advise the department
12 regarding the system; deleting obsolete
13 provisions; amending s. 282.322, F.S.; amending
14 the requirements for written reports on
15 designated information resources management
16 projects; amending s. 282.3091, F.S.; revising
17 the membership of the State Technology Council;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (4) of section 20.22, Florida
23 Statutes, is amended to read:

24 20.22 Department of Management Services.--There is
25 created a Department of Management Services.

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

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

3 110.109 Productivity improvement and personnel audits
4 of executive branch agencies.--The department shall be
5 responsible for monitoring ~~conducting~~ personnel activities
6 ~~audits~~ of all executive branch agencies, except the State
7 University System, to provide as follows:

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

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

26 (3) At the conclusion of the assessment ~~audit~~, the
27 Secretary of Management Services or the secretary's designated
28 representative shall discuss the assessment ~~audit~~ with the
29 official whose office is subject to assessment ~~audit~~ and
30 submit to him or her a list of his or her adverse findings
31 which may be included in the assessment ~~audit~~ report. If the

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

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

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

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

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

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

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

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

10 (2)

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

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

22 Section 5. Section 110.1245, Florida Statutes, is
23 amended to read:

24 110.1245 Meritorious service awards program.--

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

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

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

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

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

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

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

12 (a) The number of proposals made.

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

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

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

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

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

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

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

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

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

13 Section 6. Subsection (8) of section 110.123, Florida
14 Statutes, 1998 Supplement, is amended to read:

15 110.123 State group insurance program.--

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

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

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

31

1 under the group term life insurance program prevailing for
2 current members at the premium cost in effect for that plan.

3 Section 7. Paragraph (c) of subsection (6) of section
4 110.131, Florida Statutes, 1998 Supplement, is amended to
5 read:

6 110.131 Other-personal-services temporary
7 employment.--

8 (6)

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

18 Section 8. Effective July 1, 1999, section 110.1315,
19 Florida Statutes, is created to read:

20 110.1315 Alternative benefits; other-personal-services
21 employees.--The Department of Management Services shall
22 contract by January 1, 2000, for the implementation by July 1,
23 2000, of an alternative retirement income security program for
24 eligible part-time and seasonal employees of the state which
25 is funded from appropriations for other personal services. The
26 contract must provide for a private vendor to administer the
27 program under a defined-contribution plan under section
28 401(a), 403(b), or 457 of the Internal Revenue Code, and the
29 program must provide retirement benefits as required under
30 section 3121(b)(7)(F) of the Internal Revenue Code. The
31 department shall develop a request for proposals and solicit

1 qualified vendors to compete for the award of the contract.
2 The vendor shall be selected on the basis of the plan that
3 best serves the interests of the participating employees. The
4 proposal must comply with all necessary federal and state laws
5 and rules. The proposal must be reviewed by the State Board of
6 Administration, which shall advise the department with respect
7 to the findings of that review.

8 Section 9. Effective July 1, 1999, section 110.1316,
9 Florida Statutes, is created to read:

10 110.1316 Alternative benefits; tax-sheltered incentive
11 pay and annual-leave and sick-leave payments.--The Department
12 of Management Services shall contract by January 1, 2000, for
13 the implementation by July 1, 2000, of a tax-sheltered plan
14 for state employees who are eligible for incentive pay or for
15 payment for accumulated sick leave or annual leave at
16 termination of employment or as a result of electing the
17 Deferred Retirement Option Plan (DROP). The contract must
18 provide for a private vendor to administer the plan, and the
19 plan must provide retirement benefits in a manner that
20 minimizes the tax liability of the participants. The plan must
21 be funded by employer contributions of incentive pay or
22 payments for accumulated sick leave or annual leave. Eligible
23 employer contributions must be placed into the plan
24 mandatorily in order to give the employer and the employee the
25 full advantages available under the federal tax laws. The plan
26 must have received all necessary federal and state approval as
27 required by law and must comply with the provisions of s.
28 112.65. The proposal may require that the vendor provide
29 market risk or volatility ratings from recognized rating
30 agencies for each of its investment products. The department
31 shall provide for a system of continuous quality-assurance

1 oversight to ensure that the program objectives are achieved
2 and that the program is prudently managed.

3 Section 10. Effective July 1, 1999, unobligated
4 employer payroll contributions under this act must be placed
5 in a mandatory reserve and be transferred to administered
6 funds pursuant to section 216.177, Florida Statutes. Pursuant
7 to budget amendments and the legislative-consultation
8 provisions of section 216.177, Florida Statutes, the Executive
9 Office of the Governor shall release such funds only to
10 agencies that are operating under a performance-based budget
11 approved under section 216.0166, Florida Statutes, and that
12 have achieved or exceeded their approved performance
13 expectations, as authorized by law. The Legislature shall
14 annually determine the maximum amount to be placed in reserve
15 under this section.

16 Section 11. Effective July 1, 1999, the Department of
17 Management Services shall assure that any provider company
18 maintains an internal system of quality assurance, employs a
19 proven functional system that is fully date-calculation
20 compliant, and is subject to due-diligence inquiry concerning
21 its ability to undertake its service responsibilities.

22 Section 12. Paragraph (b) of subsection (2) of section
23 110.181, Florida Statutes, is amended to read:

24 110.181 Florida State Employees' Charitable
25 Campaign.--

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

27 (b) The fiscal agent shall withhold the reasonable
28 costs for conducting the campaign and for accounting and
29 distribution to the participating organizations and shall
30 reimburse the department the actual cost, not to exceed 1
31 percent of gross pledges, for coordinating the campaign in

1 accordance with the rules of the department. In any fiscal
2 year in which the Legislature specifically appropriates to the
3 department its total costs for coordinating the campaign from
4 the General Revenue Fund, the fiscal agent is not required to
5 reimburse such costs to the department under this subsection.
6 Otherwise, reimbursement will be the difference between actual
7 costs and the amount appropriated.

8 Section 13. Subsection (5) is added to section
9 110.201, Florida Statutes, to read:

10 110.201 Personnel rules, records, and reports.--

11 (5) 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 14. 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.

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1 Section 15. Paragraph (g) of subsection (1) of section
2 110.207, Florida Statutes, as amended by section 3 of chapter
3 98-196, Laws of Florida, is repealed.

4 Section 16. Paragraph (c) of subsection (2) of section
5 110.209, Florida Statutes, is amended to read:

6 110.209 Pay plan.--

7 (2)

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

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

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

29 Section 17. Section 110.235, Florida Statutes, is
30 amended to read:

31 110.235 Training.--

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

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

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

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

25 (3)~~(5)~~ As approved by the Legislature by law, each
26 employing agency may use a specified percentage of its salary
27 budget to implement training programs.

28 Section 18. Subsection (5) of section 110.503, Florida
29 Statutes, is amended to read:

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1 110.503 Responsibilities of departments and
2 agencies.--Each department or agency utilizing the services of
3 volunteers shall:

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

11 Section 19. Subsection (6) of section 110.504, Florida
12 Statutes, is amended to read:

13 110.504 Volunteer benefits.--

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

19 Section 20. Subsection (1) of section 110.605, Florida
20 Statutes, is amended to read:

21 110.605 Powers and duties; personnel rules, records,
22 reports, and performance appraisal.--

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

31

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

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

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

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

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

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

28 112.061 Per diem and travel expenses of public
29 officers, employees, and authorized persons.--

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

31

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

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

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

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

5 Section 22. Subsection (1) of section 112.3145,
6 Florida Statutes, is amended to read:

7 112.3145 Disclosure of financial interests and clients
8 represented before agencies.--

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

11 (a) "Local officer" means:

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

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

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

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

8 (b) "Specified state employee" means:

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

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

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

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

31

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

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

11 7. Each employee of the Commission on Ethics.

12 (c) "State officer" means:

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

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

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

24 Section 23. Subsection (1) of section 215.196, Florida
25 Statutes, 1998 Supplement, is amended to read:

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

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

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

3 Section 24. Subsections (5) and (9) of section
4 215.422, Florida Statutes, are amended to read:

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

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

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

30
31

1 Section 25. Paragraph (x) of subsection (1) of section
2 216.011, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 216.011 Definitions.--

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

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

17 Section 26. Paragraphs (b) and (k) of subsection (2)
18 of section 255.249, Florida Statutes, 1998 Supplement, are
19 amended to read:

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

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

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

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

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

9 Section 27. Paragraph (b) of subsection (2) and
10 subsection (3) of section 255.25, Florida Statutes, 1998
11 Supplement, are amended to read:

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

14 (2)

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

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

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

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

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

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

5 Section 28. Subsection (2) of section 255.257, Florida
6 Statutes, 1998 Supplement, is amended to read:

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

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

20 Section 29. Paragraph (a) of subsection (3) of section
21 267.075, Florida Statutes, is amended to read:

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

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

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

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

31

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

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

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

20 Section 30. Paragraph (a) of subsection (1) of section
21 272.18, Florida Statutes, is amended to read:

22 272.18 Governor's Mansion Commission.--

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

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

9 Section 31. Section 272.185, Florida Statutes, 1998
10 Supplement, is amended to read:

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

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

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

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

31

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

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

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

9 Section 32. Section 273.02, Florida Statutes, is
10 amended to read:

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

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

9 Section 33. Subsection (5) of section 273.055, Florida
10 Statutes, 1998 Supplement, is amended to read:

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

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

22 Section 34. Section 281.02, Florida Statutes, 1998
23 Supplement, is amended to read:

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

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

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

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

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

19 (4) To employ:

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

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

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

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

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

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

10 Section 35. Section 281.03, Florida Statutes, 1998
11 Supplement, is amended to read:

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

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

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

27 Section 36. Section 281.04, Florida Statutes, 1998
28 Supplement, is amended to read:

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

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

3 Section 37. Section 281.05, Florida Statutes, 1998
4 Supplement, is amended to read:

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

14 Section 38. Section 281.06, Florida Statutes, 1998
15 Supplement, is amended to read:

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

24 Section 39. Section 281.07, Florida Statutes, is
25 amended to read:

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

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

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

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

8 Section 40. Section 281.08, Florida Statutes, 1998
9 Supplement, is amended to read:

10 281.08 Equipment.--

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

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

31

1 Section 41. Subsection (5) is added to section
2 282.105, Florida Statutes, 1998 Supplement, to read:

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

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

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

11 282.111 Statewide system of regional law enforcement
12 communications.--

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

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

22 287.017 Purchasing categories, threshold amounts;
23 procedures for automatic adjustment by department.--

24 (1) The following purchasing categories are hereby
25 created:

- 26 (a) CATEGORY ONE: \$15,000~~\$5,000~~.
27 (b) CATEGORY TWO: \$25,000~~\$15,000~~.
28 (c) CATEGORY THREE: \$50,000~~\$20,000~~.
29 (d) CATEGORY FOUR: \$150,000~~\$60,000~~.
30 (e) CATEGORY FIVE: \$250,000~~\$120,000~~.

31

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

4 287.042 Powers, duties, and functions.--The department
5 shall have the following powers, duties, and functions:

6 (2)

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

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

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

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

22 Section 45. Chapter 98-310, Laws of Florida, is
23 repealed. The Department of Management Services has the
24 authority to negotiate in the best interest of the state for
25 air services to and from Tallahassee and other municipalities
26 outside the state. Such negotiations may be undertaken without
27 the benefit of the formal invitation to negotiate process. The
28 department is exempt from the requirements of chapter 287,
29 Florida Statutes, for the sole purpose of securing air travel
30 services for the State of Florida in the most efficient and
31 effective way possible.

1 Section 46. Paragraph (d) of subsection (3) of section
2 287.057, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 287.057 Procurement of commodities or contractual
5 services.--

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

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

17 Section 47. Subsection (1) of section 287.151, Florida
18 Statutes, is amended to read:

19 287.151 Limitation on classes of motor vehicles
20 procured.--

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

1 Section 48. Subsections (3) and (8) of section 287.16,
2 Florida Statutes, 1998 Supplement, are amended and subsection
3 (11) is added to that section, to read:

4 287.16 Powers and duties of department.--The
5 Department of Management Services shall have the following
6 powers, duties, and responsibilities:

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

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

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

1 inspectors general to assist them in meeting the reporting
2 requirements of s. 20.055.

3 Section 49. Section 287.17, Florida Statutes, is
4 amended to read:

5 287.17 Limitation on use of motor vehicles and
6 aircraft.--

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (6)(4) A person who is not otherwise authorized in
13 this section may accompany the Governor, the Lieutenant
14 Governor, a member of the Cabinet, the President of the
15 Senate, the Speaker of the House of Representatives, or the
16 Chief Justice of the Supreme Court when such official is
17 traveling on state aircraft for official state business and
18 the aircraft is traveling with seats available.
19 Transportation of a person accompanying any official specified
20 in this subsection shall be approved by the official, who
21 shall also guarantee payment of the transportation charges.
22 When the person accompanying such official is not traveling on
23 official state business as provided in this section, the
24 transportation charge shall be a prorated share of all fixed
25 and variable expenses related to the ownership, operation, and
26 use of such state aircraft. The spouse of any official
27 specified in this subsection may, without payment of
28 transportation charges, accompany the official when such
29 official is traveling for official state business and the
30 aircraft has seats available.

31

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 50. 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 51. 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 52. 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 53. 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 54. 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 55. 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 56. Sections 110.407 and 110.607, Florida
6 Statutes, are repealed.

7 Section 57. Subsection (2) of section 110.151, Florida
8 Statutes, is amended to read:

9 110.151 State officers' and employees' child care
10 services.--

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

29 Section 58. Subsections (1) and (3) of section
30 282.1095, Florida Statutes, 1998 Supplement, are amended to
31 read:

1 282.1095 State agency law enforcement radio system.--
2 (1) The Department of Management Services may acquire
3 and implement ~~For the purpose of acquiring and implementing a~~
4 statewide radio communications system to serve law enforcement
5 units of state agencies, and to serve local law enforcement
6 agencies through a mutual aid channel.~~7~~The Joint Task Force
7 on State Agency Law Enforcement Communications is established
8 in the Department of Management Services to advise the
9 department of member-agency needs for the planning, designing,
10 and establishment of the joint system.~~and~~ The State Agency
11 Law Enforcement Radio System Trust Fund is established in the
12 Department of Management Services ~~from July 1, 1988, through~~
13 ~~December 31, 2003.~~ The trust fund shall be funded from
14 surcharges collected under ss. 320.0802 and 327.25.
15 (3) Upon appropriation, moneys in the trust fund may
16 be used by the department ~~joint task force~~ to acquire by
17 competitive procurement the equipment; software; and
18 engineering, administrative, and maintenance services it needs
19 to construct, operate, and maintain the statewide radio
20 system. Moneys in the trust fund collected as a result of the
21 surcharges set forth in ss. 320.0802 and 327.25 shall be used
22 to help fund the costs of the system. Upon completion of the
23 system, moneys in the trust fund may also be used by the
24 department ~~joint task force~~ to provide for payment of the
25 recurring maintenance costs of the system. ~~During statewide~~
26 ~~implementation,~~ Moneys in the trust fund may be appropriated
27 ~~used by the joint task force~~ to maintain and enhance, over and
28 above existing agency budgets, existing radio equipment
29 systems of the state agencies represented by the task force
30 members, in an amount not to exceed ~~up to a maximum of 10~~
31 percent per year per agency, of the existing radio equipment

1 inventory until the existing radio equipment can be replaced
2 pursuant to implementation of the statewide radio
3 communications system.

4 Section 59. Section 282.322, Florida Statutes, 1998
5 Supplement, is amended to read:

6 282.322 Special monitoring process for designated
7 information resources management projects.--For each
8 information resources management project which is designated
9 for special monitoring in the General Appropriations Act, with
10 a proviso requiring a contract with a project monitor, the
11 Technology Review Workgroup established pursuant to s.
12 216.0446, in consultation with each affected agency, shall be
13 responsible for contracting with the project monitor. Upon
14 contract award, funds equal to the contract amount shall be
15 transferred to the Technology Review Workgroup upon request
16 and subsequent approval of a budget amendment pursuant to s.
17 216.292. With the concurrence of the Legislative Auditing
18 Committee, the office of the Auditor General shall be the
19 project monitor for other projects designated for special
20 monitoring. However, nothing in this section precludes the
21 Auditor General from conducting such monitoring on any project
22 designated for special monitoring. In addition to monitoring
23 and reporting on significant communications between a
24 contracting agency and the appropriate federal authorities,
25 the project monitoring process shall consist of evaluating
26 each major stage of the designated project to determine
27 whether the deliverables have been satisfied and to assess the
28 level of risks associated with proceeding to the next stage of
29 the project. The major stages of each designated project shall
30 be determined based on the agency's information systems
31 development methodology. ~~At the end of each quarter and~~ Within

1 20 days after an agency has completed a major stage of its
2 designated project or at least every 90 days, the project
3 monitor shall issue a written report, including the findings
4 and recommendations for correcting deficiencies, to the agency
5 head, for review and comment. Within 20 days after receipt of
6 the project monitor's report, the agency head shall submit a
7 written statement of explanation or rebuttal concerning the
8 findings and recommendations of the project monitor, including
9 any corrective action to be taken by the agency. The project
10 monitor shall include the agency's statement in its final
11 report, which shall be forwarded, within 7 days after receipt
12 of the agency's statement, to the agency head, the inspector
13 general's office of the agency, the Executive Office of the
14 Governor, the appropriations committees of the Legislature,
15 the Joint Legislative Auditing Committee, the Technology
16 Review Workgroup, the President of the Senate, the Speaker of
17 the House of Representatives, and the Office of Program Policy
18 Analysis and Government Accountability. The Auditor General
19 shall also receive a copy of the project monitor's report for
20 those projects in which the Auditor General is not the project
21 monitor.

22 Section 60. Subsection (3) of section 282.3091,
23 Florida Statutes, 1998 Supplement, is amended to read:

24 282.3091 State Technology Council; creation.--

25 (3) The council shall be composed of nine members as
26 follows:

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

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

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

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

1 (d)~~(e)~~ The secretary of the Department of Management
2 Services, who shall serve as chairperson of the council.

3 (e)~~(f)~~ Three ~~Two~~ state agency heads appointed by the
4 Governor.

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

15
16 Members may appoint designees to serve on their behalf;
17 however, such designees must be in a position that reports
18 directly to the member.

19 Section 61. This act shall take effect upon becoming a
20 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 2410

4 The committee substitute directs the DMS to contract for the
5 provision of alternative Social Security Act retirement
6 coverage for OPS employees. The selection of a provider
7 company is to be completed by January 1, 2000, for plan
8 commencement on July 1, 2000. The plan must be in compliance
9 with state and federal law governing such arrangements.

10 The bill provides that unobligated employer contributions
11 attributable to the created programs shall be placed in
12 administered funds and be made available for the
13 implementation of incentives authorized under s. 216.0166,
14 F.S., in the execution of performance-based program budgeting.

15 The bill provides for the development of a contractually
16 managed tax-shielding program for the payment of sick and
17 annual leave from terminating and retiring state employees.

18 The bill allows for legislative members terminating elected
19 service after July 1, 1999 that are vested in the state
20 retirement system to purchase coverage in the state group
21 health insurance plan and continue group term life insurance
22 program at their own expense.

23 The bill authorizes the DMS to acquire and implement a
24 statewide radio communications system to serve law
25 enforcement.

26 Reporting requirements for the Technology Review Workgroup are
27 revised.

28 The secretary of DMS is designated as the chairperson of the
29 State Technology Council.