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A bill to be entitled An act relating to state government; amending s. 110.117, F.S.; providing eligibility for state employees for a personal day each year; amending s. 110.122, F.S.; providing for accumulated sick leave upon termination of employment; amending s. 110.1523, F.S.; conforming provisions; amending s. 255.25, F.S.; authorizing state agencies to negotiate a replacement lease under certain conditions; providing an exception to limitations on state-agency leases for leases negotiated pursuant to the pilot project established by the Department of Management Services; providing for leases without competitive bids for office space in an area designated as part of the Front Porch Florida Initiative when approved by the department; requiring the department to undertake a pilot project to assist agencies to locate private-sector leases; authorizing the department to adopt rules; providing goals for the pilot project; amending s. 255.2501, F.S.; providing a limitation on lease of space financed with local government obligation for leases entered into under s. 255.25, F.S.; amending s. 272.161, F.S.; authorizing the department to assign permit parking spaces; authorizing the department to establish fees for all state-owned parking facilities under its jurisdiction; authorizing the department to

issue tickets; amending s. 287.042, F.S.; authorizing the department to plan and coordinate purchases in volume and to execute purchasing agreements and contracts for emergency medical services organizations; amending s. 365.171, F.S.; modifying provisions relating to the "911" fee; authorizing the department to establish by rule the methods for collecting data and the "911" fee; repealing s. 110.1521, F.S., relating to the short title of the Family Support Personnel Policies Act; providing an effective date.

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

Section 1. Subsection (3) of section 110.117, Florida Statutes, is amended to read:

110.117 Paid holidays.--

to one personal <u>day holiday</u> each year. Each part-time employee is <u>eligible for entitled to</u> a personal <u>day holiday</u> each year which shall be calculated proportionately to the personal <u>day holiday</u> allowed to a full-time employee. Such personal <u>day holiday</u> shall be credited to eligible employees on July 1 of each year to be taken prior to June 30 of the following year. Members of the teaching and research faculty of the State University System and administrative and professional

University System and administrative and professional positions exempted under s. 110.205(2)(d) are not eligible for

29 this benefit.

30 Section 2. Section 110.122, Florida Statutes, is amended to read:

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1 110.122 Terminal payment for accumulated sick leave.-2 (1) All state branches, departments, and agencies

- (1) All state branches, departments, and agencies which have the authority to establish or approve personnel policies for employees and to employ personnel and establish the conditions of their employment shall establish policies to provide terminal "incentive" pay for accumulated and unused sick leave to each employee upon normal or regular retirement for reason other than disability or upon termination of employment, or to the employee's beneficiary if service is terminated by death, provided such retirement, termination, or death occurs after 10 years of creditable state employment.
- (2) The employing entity shall establish and publish rules governing the accumulation and use of sick leave and maintain accurate and reliable records showing the amount of sick leave which has accumulated and is unused by the employee at the time of retirement, death, or termination.
- (3) The payments authorized by this section shall be determined by using the rate of pay received by the employee at the time of retirement, termination, or death, applied to the sick leave time for which the employee is qualified to receive terminal "incentive" pay under the rules adopted by the department pursuant to the provisions of this section. Rules and policies adopted pursuant to this section shall permit terminal pay for sick leave equal to one-eighth of all unused sick leave credit accumulated prior to October 1, 1973, plus one-fourth of all unused sick leave accumulated on or after October 1, 1973. However, terminal pay allowable for unused sick leave accumulated on or after October 1, 1973, shall not exceed a maximum of 480 hours of actual payment. Employees shall be required to use all sick leave accumulated

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prior to October 1, 1973, before using sick leave accumulated on or after October 1, 1973.

- (4) The payments made pursuant to this section shall not be considered in any state-administered retirement system as salary payments and shall not be used in determining the average final compensation of an employee in any state-administered retirement system.
 - (5) Any otherwise eligible employee:
- (a) Who is found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment, committed prior to retirement or 10-year normal creditable termination;
- (b) Whose employment is terminated by reason of the employee having admitted committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery;
- (c) Who, prior to 10-year normal creditable termination or retirement is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or
- (d) Who has been found guilty by a court of competent jurisdiction of violating any state law prohibiting strikes by public employees,

shall forfeit all rights and benefits under this section. An employee whose employment terminates as a result of an act committed subject to this subsection shall not be given credit for unused sick leave accumulated prior to termination should the employee be reemployed at a later date.

1 Section 3. Section 110.1523, Florida Statutes, is 2 amended to read: 3 110.1523 Adoption of model rule. -- The model rule shall be effective 20 days after having been filed with the 4 5 Department of State and shall become part of the personnel 6 rules of all applicable state agencies 150 days after the 7 effective date of the rule to the extent that each agency does 8 not, subsequent to such effective date, adopt a rule that sets 9 forth the intent to specifically amend all or part of such 10 model rule. Any employee or organization representing 11 employees shall be considered a party for purposes of any rule required by this section and s. 110.1522 ss. 12 110.1521-110.1523, notwithstanding any provision of chapter 13 14 120 to the contrary. 15 Section 4. Subsection (3) of section 255.25, Florida 16 Statutes, is amended to read: 17 255.25 Approval required prior to construction or 18 lease of buildings. --19 (3)(a) Except as provided in subsection (10) and 20 except for those leases negotiated pursuant to the pilot 21 project established by the Department of Management Services, 22 no state agency shall enter into a lease as lessee for the use of 5,000 square feet or more of space in a privately owned 23 24 building except upon advertisement for and receipt of 25 competitive bids and award to the lowest and best bidder. Department of Management Services shall have the authority to 26 approve a lease for 5,000 square feet or more of space that 27 28 covers more than 1 fiscal year, subject to the provisions of 29 ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the department, in the best interests 30 31 of the state. This paragraph does not apply to buildings or

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facilities of any size leased for the purpose of providing care and living space for persons.

- (b) The Department of Management Services may approve extensions of an existing lease of 5,000 square feet or more of space if such extensions are determined to be in the best interests of the state, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs such space, it shall be procured by competitive bid in accordance with s. 255.249(2)(b); or if an agency determines that it is in its best interest to remain in the space it currently occupies, the agency may negotiate a replacement lease with the lessor if an independent market analysis demonstrates that the rates offered are within market rates for the space offered and if the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. A present-value analysis and the consumer-price index must be used in the calculation of lease costs. The term of the replacement lease may not exceed the base term of the expiring lease.
- (c) Any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the agency pursuant to s. 120.57(3)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or \$5,000, whichever is greater, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the agency prevails after 31 completion of the administrative hearing process and any

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appellate court proceedings, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(d) Any agency proposing to enter into a lease for office space in an area designated as part of the Front Porch Florida Initiative may, with the prior approval of the Department of Management Services, directly negotiate with a building owner for leased space within such area without the competitive-bid requirement of paragraph (a).

Section 5. (1) The Department of Management Services shall undertake a pilot project in Hillsborough, Leon, Broward, Orange, and Seminole Counties for a contracted tenant broker to assist state agencies in locating suitable private-sector leases. The department shall solicit qualified candidates through the request-for-proposals process and conduct interviews of finalists. The tenant broker must be under contract to the department, but all fees or commissions to be paid to the tenant broker must be paid by the ultimate private-sector lessor. The department shall select a tenant broker in each county in the pilot project. Agencies may employ the services of the broker in any such county for a specified period of time for a given property procurement. Except for the exemption from competitive bidding described in section 255.29(3)(a), Florida Statutes, current leasing procedures must remain in effect, including the zone rate

guidelines. Brokers must be required to disclose any conflict of interest and all compensation received from transactions. 2 3 Brokers' compensation may be no more than that which is customary in the marketplace. Contracts between the department 4 5 and the broker must be for a term of 1 year, renewable for an 6 additional year based on a satisfactory performance review. 7 The Department of Management Services may adopt rules 8 necessary to carry out the intent of this section. 9 (2) In designing the pilot project, the department 10 shall endeavor to accomplish the following goals: 11 (a) Provide for a faster, more efficient, and cost-effective lease-procurement process; 12 (b) Provide access for agencies to experienced brokers 13 having knowledge of the local marketplace; 14 Provide a documented, professional cost-benefit 15 analysis of all choices; 16 17 (d) provide for the ability to negotiate the best 18 deal; 19 (e) Provide the ability to reject any proposal that 20 does not meet the needs of the agency; and 21 Provide for the department to conduct the final (f) 22 review and approval of all leases to ensure quality control. On or before July 1, 2002, the Department of 23 (3) 24 Management Services shall report to the Legislature on the effectiveness of the pilot project and shall make 25 recommendations, in the form of legislation, if necessary, for 26 27 the implementation of the project on a statewide basis. 28 (4) This section expires July 1, 2002. 29 Section 6. Subsection (1) of section 255.2501, Florida 30 Statutes, is amended to read:

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255.2501 Lease of space financed with local government obligations. --

(1) Except when specifically authorized by the Appropriations Act, no executive agency, department, public officer or employee shall enter any contract on behalf of the state, the term of which contract is more than 5 years, including any and all renewal periods and including any and all leases which constitute a series of leases, for the lease, lease-purchase, sale-leaseback, purchase, or rental of any office space, building, real property and improvements thereto, or any other fixed capital outlay project, any of which is, or is to be, or during the term of any lease entered into under s. 255.25 becomes financed with local government obligations of any type.

Section 7. Section 272.161, Florida Statutes, is amended to read:

272.161 Rental of reserved parking spaces. --

- (1)(a) The Department of Management Services may assign a reserved or permit parking space to any state employee, qualified state employee car pool, provider of essential services to the state, or state agency for reassignment to its employees. Any state agency assigned a reserved or permit parking space shall charge the user of such space, except a qualified state employee car pool, a fee in accordance with guidelines established by the department.
- (b) Any state agency assigned a reserved or permit parking space which is not rented for a period of 30 7 consecutive days shall return such space to the department for reassignment. All state agencies assigned reserved or permit parking spaces shall assure the timely payment of assessed 31 rent to the department.

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- (c) Assignments of reserved or permit parking spaces shall be limited to the amount of available parking under the supervision of the department. Preference in the assignment of reserved parking spaces shall be given qualified state employee car pools. A state agency, employee, state employee car pool, or provider of essential services may request a reserved or permit parking space in a manner prescribed by the department.
- (d) The Auditor General shall conduct an audit of state employee parking in non-state-owned parking lots and shall make a recommendation to the Legislature before the 1986 session, for an equitable ratesetting mechanism to ensure that state employees, who, by job description, are required to own an automobile as a condition of employment, are not subjected to higher parking rates than the average rate for employees in state-owned parking facilities.
- (2) All employee parking fees shall be payable by the payroll deduction plan, periodically according to the employee's pay schedule, to the Department of Management Services or to the contracting agency.
- (3) All fees collected by the Department of Management Services under the provisions of this section shall be deposited in the Supervision Trust Fund. The department shall account for the revenues and expenditures related to the paid parking program in compliance with the provisions of s. 215.32(2)(b). The revenues collected from parking fees shall be used for the maintenance, minor construction, enforcement, security, and administration of parking facilities and programs.
- (4) The Department of Management Services shall adopt 31 such rules as are necessary to carry out the purposes of this

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The department shall establish guidelines for qualifying as a state employee car pool and for the preferential assignment of reserved spaces to car pools.

- (5) The Department of Management Services shall establish fees on all state-owned reserved parking facilities under the jurisdiction of the department spaces, except those assigned to qualified state employee car pools, under the jurisdiction of the department. The department shall also issue loading zone permits and scramble parking permits for a fee sufficient to cover the cost of administering the permits and maintaining the parking areas.
- (6) The Department of Management Services shall have the authority to ticket, remove, or tow away, or cause to be removed ticketed, or, towed away, any wrongfully parked vehicle in any assigned, or reserved, or permit parking space or area under the control of the Department of Management Services throughout the state at the expense of the owner of the wrongfully parked vehicle.

Section 8. Paragraph (a) of subsection (2) of section 287.042, Florida Statutes, is amended to read:

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

(2)(a) To plan and coordinate purchases in volume and to negotiate and execute purchasing agreements and contracts for commodities and contractual services under which state agencies shall make purchases pursuant to s. 287.056, and under which a federal, county, municipality, institutions qualified pursuant to s. 240.605, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Commission for 31 the Transportation Disadvantaged, emergency medical services

organizations approved to purchase under s. 401.024, or other 2 local public agency may make purchases. The department may 3 restrict purchases from some term contracts to state agencies 4 only for those term contracts where the inclusion of other 5 governmental entities will have an adverse effect on 6 competition or to those federal facilities located in this 7 state. In such planning or purchasing the Minority Business 8 Advocacy and Assistance Office may monitor to ensure that 9 opportunities are afforded for contracting with minority 10 business enterprises. The department, for state term 11 contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and 12 13 economical means to utilize certified minority business 14 enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated 15 pursuant to chapter 427, while conducting business related 16 17 solely to the Commission for the Transportation Disadvantaged, 18 emergency medical organizations approved to purchase under s. 19 401.024, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the 20 corporation operating the correctional work programs, of 21 products or services that are subject to paragraph (1)(f), are 22 exempt from the competitive sealed bid requirements otherwise 23 24 applying to their purchases. Section 9. Paragraph (a) of subsection (13) of section 25 365.171, Florida Statutes, is amended to read: 26 27 365.171 Emergency telephone number "911."--28 (13) "911" FEE.--(a) Following approval by referendum as set forth in 29 30 paragraph (b), or following approval by a majority vote of its

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to be paid by the local exchange subscribers within its boundaries served by the "911" service. Proceeds from the "911" fee shall be used only for "911" expenditures as set forth in subparagraph 6. The manner of imposing and collecting said payment shall be as follows:

- At the request of the county subscribing to "911" service, the telephone company shall, insofar as is practicable, bill the "911" fee to the local exchange subscribers served by the "911" service, on an individual access line basis, at a rate not to exceed 50 cents per month per line(up to a maximum of 25 access lines per account bill rendered). However, the fee may not be assessed on any pay telephone in this state. A county collecting the fee for the first time may collect the fee for no longer than 36 months without initiating the acquisition of its "911" equipment.
- 2. Fees collected by the telephone company pursuant to subparagraph 1. shall be returned to the county, less the costs of administration retained pursuant to paragraph (c). The Public Service Commission may enforce the remittance of the collected "911" fee to the county. The county shall provide a minimum of 90 days' written notice to the telephone company prior to the collection of any "911" fees.
- 3. Any county that currently has an operational "911" system or that is actively pursuing the implementation of a "911" system shall establish a fund to be used exclusively for receipt and expenditure of "911" fee revenues collected pursuant to this section. All fees placed in said fund, and any interest accrued thereupon, shall be used solely for "911" costs described in subparagraph 6. The money collected and interest earned in this fund shall be appropriated for "911" 31 purposes by the county commissioners and incorporated into the

annual county budget. The county shall annually have a 2 financial audit performed on this fund, in accordance with s. 3 11.45. A report of the audit shall be forwarded to the 4 department within 60 days of its completion. A county may 5 carry forward on an annual basis unspent moneys in the fund 6 for expenditures allowed by this section, or it may reduce its 7 fee. However, in no event shall a county carry forward more 8 than 10 percent of the "911" fee billed for the prior year. 9 The amount of moneys carried forward each year may be 10 accumulated in order to allow for capital improvements described in this subsection. The carryover shall be 11 documented by resolution of the board of county commissioners 12 13 expressing the purpose of the carryover or by an adopted capital improvement program identifying projected expansion or 14 replacement expenditures for "911" equipment and service 15 features, or both. In no event shall the "911" fee carryover 16 17 surplus moneys be used for any purpose other than for the 18 "911" equipment, service features, and installation charges 19 authorized in subparagraph 6. Nothing in this section shall 20 prohibit a county from using other sources of revenue for improvements, replacements, or expansions of its "911" system. 21 A county may increase its fee for purposes authorized in this 22 section. However, in no case shall the fee exceed 50 cents per 23 24 month per line. All current "911" fees shall be reported to 25 the department within 30 days of the start of each county's fiscal period. Any fee adjustment made by a county shall be 26 27 reported to the department. A county shall give the telephone 28 company a 90-day written notice of such fee adjustment. 29 The telephone company shall have no obligation to 30 take any legal action to enforce collection of the "911" fee.

The telephone company shall provide quarterly to the county a

list of the names, addresses, and telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the "911" fee.

5. The county subscribing to "911" service shall remain liable to the telephone company for any "911" service, equipment, operation, or maintenance charge owed by the county to the telephone company.

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As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.

It is the intent of the Legislature that the "911" fee authorized by this section to be imposed by counties will not necessarily provide the total funding required for establishing or providing the "911" service. For purposes of this section, "911" service includes the functions of database management, call taking, location verification, and call transfer. The following costs directly attributable to the establishment and/or provision of "911" service are eligible for expenditure of moneys derived from imposition of the "911" fee authorized by this section: the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and "911" service features, as defined in the Florida Public Service Commission's lawfully approved "911" and related tariffs and/or the acquisition, installation, and maintenance of other "911" equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, "911" telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf (TDD) used in the "911" system,

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PSAP backup power systems, consoles, automatic call 2 distributors, and interfaces (hardware and software) for 3 computer-aided dispatch (CAD) systems; salary and associated expenses for "911" call takers for that portion of their time 4 5 spent taking and transferring "911" calls; salary and 6 associated expenses for a county to employ a full-time 7 equivalent "911" coordinator position and a full-time 8 equivalent staff assistant position per county for the portion 9 of their time spent administrating the "911" system; training 10 costs for PSAP call takers in the proper methods and 11 techniques used in taking and transferring "911" calls; and expenses required to develop and maintain all information (ALI 12 13 and ANI databases and other information source repositories) necessary to properly inform call takers as to location 14 address, type of emergency, and other information directly 15 relevant to the "911" call-taking and transferring function. 16 17 The "911" fee revenues shall not be used to pay for any item not listed, including, but not limited to, any capital or 18 19 operational costs for emergency responses which occur after 20 the call transfer to the responding public safety entity and 21 the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for 22 those building modifications necessary to maintain the 23 24 security and environmental integrity of the PSAP and "911" 25 equipment rooms.

7. It is the goal of the Legislature that enhanced "911" service be available throughout the state. Expenditure by counties of the "911" fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to

prohibit two or more counties from establishing a combined emergency "911" telephone service by interlocal agreement and utilizing the "911" fees authorized by this section for such combined "911" service.

The department may establish by rule, with imput with applicable agencies, the methods for collecting data and the "911" fee.

Section 10. Section 110.1521, Florida Statutes, is repealed.

Section 11. This act shall take effect July 1, 2000.

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******** SENATE SUMMARY

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21 22 Amends various statutes relating to state agencies, state employees, and the Department of Management Services. Provides that state employees are eligible rather than entitled to a personal day of leave each year. Provides for accumulated sick leave to be provided as incentive benefits upon termination of employment. Authorizes agencies to negotiate a replacement lease under certain conditions. Provides an exception to limitations on state-agency leases for leases negotiated pursuant to the pilot project established by the Department of Management Services. Provides for leases without competitive bids for office space in an area designated as part of the for office space in an area designated as part of the Front Porch Florida Initiative when approved by the

Front Porch Florida Initiative when approved by the department. Requires the department to undertake a pilot project to assist counties to locate private-sector leases. Authorizes the department to adopt rules. Provides goals for the project. Provides a limitation on lease of space financed with local-government obligations for leases entered into under s. 255.25, F.S. Authorizes the department to assign permit parking spaces, to establish fees for all state-owned parking facilities under its jurisdiction, and to issue tickets. Authorizes the department to plan and coordinate purchases in volume and to execute purchasing agreements and contracts for emergency medical services organizations. Authorizes the 23 24 25 emergency medical services organizations. Authorizes the department to establish by rule the methods for collecting data and the "911" fee. Repeals s. 110.1521, 26 27

F.S., relating to the short title of the Family Support Personnel Policies Act.

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