

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

302-1883-00

1 A bill to be entitled
2 An act relating to state government; amending
3 s. 110.117, F.S.; providing eligibility for
4 state employees for a personal day each year;
5 amending s. 110.122, F.S.; providing for
6 accumulated sick leave upon termination of
7 employment; amending s. 110.1521, F.S.;
8 providing for development of a model rule on
9 family support personnel policies; amending s.
10 255.25, F.S.; authorizing state agencies to
11 negotiate a replacement lease under certain
12 conditions; providing an exception to
13 limitations on state-agency leases for leases
14 negotiated pursuant to the pilot project
15 established by the Department of Management
16 Services; providing for leases without
17 competitive bids for office space in an area
18 designated as part of the Front Porch Florida
19 Initiative when approved by the department;
20 requiring the department to undertake a pilot
21 project to assist agencies to locate
22 private-sector leases; authorizing the
23 department to adopt rules; providing goals for
24 the pilot project; amending s. 255.2501, F.S.;
25 providing a limitation on lease of space
26 financed with local government obligation for
27 leases entered into under s. 255.25, F.S.;
28 amending s. 272.161, F.S.; authorizing the
29 department to assign permit parking spaces;
30 authorizing the department to establish fees
31 for all state-owned parking facilities under

1 its jurisdiction; authorizing the department to
2 issue tickets; amending s. 287.042, F.S.;
3 authorizing the department to plan and
4 coordinate purchases in volume and to execute
5 purchasing agreements and contracts for
6 emergency medical services organizations;
7 amending s. 365.171, F.S.; modifying provisions
8 relating to the "911" fee; authorizing the
9 department to establish by rule the methods for
10 collecting data and the "911" fee; repealing
11 ss. 110.1522 and 110.1523, F.S., relating to
12 the Family Support Personnel Policies Act;
13 providing an effective date.
14

15 Be It Enacted by the Legislature of the State of Florida:
16

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

19 110.117 Paid holidays.--

20 (3) Each full-time employee is eligible for ~~entitled~~
21 ~~to one personal day holiday~~ each year. Each part-time employee
22 is eligible for ~~entitled to a personal day holiday~~ each year
23 which shall be calculated proportionately to the personal day
24 ~~holiday~~ allowed to a full-time employee. Such personal day
25 ~~holiday~~ shall be credited to eligible employees on July 1 of
26 each year to be taken prior to June 30 of the following year.
27 Members of the teaching and research faculty of the State
28 University System and administrative and professional
29 positions exempted under s. 110.205(2)(d) are not eligible for
30 this benefit.
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1 Section 2. Section 110.122, Florida Statutes, is
2 amended to read:

3 110.122 Terminal payment for accumulated sick leave.--

4 (1) All state branches, departments, and agencies
5 which have the authority to establish or approve personnel
6 policies for employees and to employ personnel and establish
7 the conditions of their employment shall establish policies to
8 provide terminal "incentive" pay for accumulated and unused
9 sick leave to each employee upon ~~normal or regular retirement~~
10 ~~for reason other than disability or upon~~ termination of
11 employment, or to the employee's beneficiary if service is
12 terminated by death, provided such ~~retirement~~, termination, or
13 death occurs after 10 years of creditable state employment.

14 (2) The employing entity shall establish and publish
15 rules governing the accumulation and use of sick leave and
16 maintain accurate and reliable records showing the amount of
17 sick leave which has accumulated and is unused by the employee
18 at the time of ~~retirement~~, death, or termination.

19 (3) The payments authorized by this section shall be
20 determined by using the rate of pay received by the employee
21 at the time of ~~retirement~~, termination, or death, applied to
22 the sick leave time for which the employee is qualified to
23 receive terminal "incentive" pay under the rules adopted by
24 the department pursuant to the provisions of this section.
25 Rules and policies adopted pursuant to this section shall
26 permit terminal pay for sick leave equal to one-eighth of all
27 unused sick leave credit accumulated prior to October 1, 1973,
28 plus one-fourth of all unused sick leave accumulated on or
29 after October 1, 1973. However, terminal pay allowable for
30 unused sick leave accumulated on or after October 1, 1973,
31 shall not exceed a maximum of 480 hours of actual payment.

1 Employees shall be required to use all sick leave accumulated
2 prior to October 1, 1973, before using sick leave accumulated
3 on or after October 1, 1973.

4 (4) The payments made pursuant to this section shall
5 not be considered in any state-administered retirement system
6 as salary payments and shall not be used in determining the
7 average final compensation of an employee in any
8 state-administered retirement system.

9 (5) Any otherwise eligible employee:

10 (a) Who is found guilty in a court of competent
11 jurisdiction of committing, aiding, or abetting any
12 embezzlement or theft from the employee's employer or bribery
13 in connection with the employment, committed prior to
14 ~~retirement or 10-year normal creditable~~ termination;

15 (b) Whose employment is terminated by reason of the
16 employee having admitted committing, aiding, or abetting an
17 embezzlement or theft from his or her employer or by reason of
18 bribery;

19 (c) Who, prior to ~~10-year normal creditable~~
20 termination or retirement is adjudged by a court of competent
21 jurisdiction to have violated any state law against strikes by
22 public employees; or

23 (d) Who has been found guilty by a court of competent
24 jurisdiction of violating any state law prohibiting strikes by
25 public employees,

26
27 shall forfeit all rights and benefits under this section. An
28 employee whose employment terminates as a result of an act
29 committed subject to this subsection shall not be given credit
30 for unused sick leave accumulated prior to termination should
31 the employee be reemployed at a later date.

1 Section 3. Section 110.1521, Florida Statutes, is
2 amended to read:

3 110.1521 Family Support Personnel Policies Act ~~Short~~
4 ~~title.--Sections 110.1521-110.1523 may be cited as the "Family~~
5 ~~Support Personnel Policies Act."~~

6 (1) The Department of Management Services shall
7 develop a model rule establishing family support personnel
8 policies for all executive branch agencies, excluding the
9 State University System. The term "family support personnel
10 policies," for purposes of this section, means personnel
11 policies affecting employees' ability to both work and devote
12 care and attention to their families and includes policies on
13 flexible-hour work schedules, compressed time, job sharing,
14 part-time employment, maternity or paternity leave for
15 employees with a newborn or newly adopted child, and paid and
16 unpaid family or administrative leave for family
17 responsibilities.

18 (2) The model rule shall be effective 20 days after
19 having been filed with the Department of State and shall
20 become part of the personnel rules of all applicable state
21 agencies 150 days after the effective date of the rule to the
22 extent that each agency does not, subsequent to such effective
23 date, adopt a rule that sets forth the intent to specifically
24 adopt a rule that sets forth the intent to specifically amend
25 all or part of such model rule. Any employee or organization
26 representing employees shall be considered a party for
27 purposes of any rule required by this section, notwithstanding
28 any provisions of chapter 120 to the contrary.

29 Section 4. Subsection (3) of section 255.25, Florida
30 Statutes, is amended to read:

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1 255.25 Approval required prior to construction or
2 lease of buildings.--

3 (3)(a) Except as provided in subsection (10) and
4 except for those leases negotiated pursuant to the pilot
5 project established by the Department of Management Services,
6 no state agency shall enter into a lease as lessee for the use
7 of 5,000 square feet or more of space in a privately owned
8 building except upon advertisement for and receipt of
9 competitive bids and award to the lowest and best bidder. The
10 Department of Management Services shall have the authority to
11 approve a lease for 5,000 square feet or more of space that
12 covers more than 1 fiscal year, subject to the provisions of
13 ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease
14 is, in the judgment of the department, in the best interests
15 of the state. This paragraph does not apply to buildings or
16 facilities of any size leased for the purpose of providing
17 care and living space for persons.

18 (b) The Department of Management Services may approve
19 extensions of an existing lease of 5,000 square feet or more
20 of space if such extensions are determined to be in the best
21 interests of the state, but in no case shall the total of such
22 extensions exceed 11 months. If at the end of the 11th month
23 an agency still needs such space, it shall be procured by
24 competitive bid in accordance with s. 255.249(2)(b); or if an
25 agency determines that it is in its best interest to remain in
26 the space it currently occupies, the agency may negotiate a
27 replacement lease with the lessor if an independent market
28 analysis demonstrates that the rates offered are within market
29 rates for the space offered and if the cost of the new lease
30 does not exceed the cost of a comparable lease plus documented
31 moving costs. A present-value analysis and the consumer-price

1 index must be used in the calculation of lease costs. The term
2 of the replacement lease may not exceed the base term of the
3 expiring lease.

4 (c) Any person who files an action protesting a
5 decision or intended decision pertaining to a competitive bid
6 for space to be leased by the agency pursuant to s.
7 120.57(3)(b) shall post with the state agency at the time of
8 filing the formal written protest a bond payable to the agency
9 in an amount equal to 1 percent of the estimated total rental
10 of the basic lease period or \$5,000, whichever is greater,
11 which bond shall be conditioned upon the payment of all costs
12 which may be adjudged against him or her in the administrative
13 hearing in which the action is brought and in any subsequent
14 appellate court proceeding. If the agency prevails after
15 completion of the administrative hearing process and any
16 appellate court proceedings, it shall recover all costs and
17 charges which shall be included in the final order or
18 judgment, excluding attorney's fees. Upon payment of such
19 costs and charges by the person protesting the award, the bond
20 shall be returned to him or her. If the person protesting the
21 award prevails, the bond shall be returned to that person and
22 he or she shall recover from the agency all costs and charges
23 which shall be included in the final order of judgment,
24 excluding attorney's fees.

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

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1 Section 5. (1) The Department of Management Services
2 shall undertake a pilot project in Hillsborough, Leon,
3 Broward, Orange, and Seminole Counties for a contracted tenant
4 broker to assist state agencies in locating suitable
5 private-sector leases. The department shall solicit qualified
6 candidates through the request-for-proposals process and
7 conduct interviews of finalists. The tenant broker must be
8 under contract to the department, but all fees or commissions
9 to be paid to the tenant broker must be paid by the ultimate
10 private-sector lessor. The department shall select a tenant
11 broker in each county in the pilot project. Agencies may
12 employ the services of the broker in any such county for a
13 specified period of time for a given property procurement.
14 Except for the exemption from competitive bidding described in
15 section 255.29(3)(a), Florida Statutes, current leasing
16 procedures must remain in effect, including the zone rate
17 guidelines. Brokers must be required to disclose any conflict
18 of interest and all compensation received from transactions.
19 Brokers' compensation may be no more than that which is
20 customary in the marketplace. Contracts between the department
21 and the broker must be for a term of 1 year, renewable for an
22 additional year based on a satisfactory performance review.
23 The Department of Management Services may adopt rules
24 necessary to carry out the intent of this section.

25 (2) In designing the pilot project, the department
26 shall endeavor to accomplish the following goals:

27 (a) Provide for a faster, more efficient, and
28 cost-effective lease-procurement process;

29 (b) Provide access for agencies to experienced brokers
30 having knowledge of the local marketplace;

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1 (c) Provide a documented, professional cost-benefit
2 analysis of all choices;

3 (d) provide for the ability to negotiate the best
4 deal;

5 (e) Provide the ability to reject any proposal that
6 does not meet the needs of the agency; and

7 (f) Provide for the department to conduct the final
8 review and approval of all leases to ensure quality control.

9 (3) On or before July 1, 2002, the Department of
10 Management Services shall report to the Legislature on the
11 effectiveness of the pilot project and shall make
12 recommendations, in the form of legislation, if necessary, for
13 the implementation of the project on a statewide basis.

14 (4) This section expires July 1, 2002.

15 Section 6. Subsection (1) of section 255.2501, Florida
16 Statutes, is amended to read:

17 255.2501 Lease of space financed with local government
18 obligations.--

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

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

3 272.161 Rental of ~~reserved~~ parking spaces.--

4 (1)(a) The Department of Management Services may
5 assign a reserved or permit parking space to any state
6 employee, qualified state employee car pool, provider of
7 essential services to the state, or state agency for
8 reassignment to its employees. Any state agency assigned a
9 reserved or permit parking space shall charge the user of such
10 space, except a qualified state employee car pool, a fee in
11 accordance with guidelines established by the department.

12 (b) Any state agency assigned a reserved or permit
13 parking space which is not rented for a period of 30 ~~7~~
14 consecutive days shall return such space to the department for
15 reassignment. All state agencies assigned reserved or permit
16 parking spaces shall assure the timely payment of assessed
17 rent to the department.

18 (c) Assignments of reserved or permit parking spaces
19 shall be limited to the amount of available parking under the
20 supervision of the department. Preference in the assignment of
21 reserved parking spaces shall be given qualified state
22 employee car pools. A state agency, employee, state employee
23 car pool, or provider of essential services may request a
24 reserved or permit parking space in a manner prescribed by the
25 department.

26 (d) The Auditor General shall conduct an audit of
27 state employee parking in non-state-owned parking lots and
28 shall make a recommendation to the Legislature before the 1986
29 session, for an equitable ratesetting mechanism to ensure that
30 state employees, who, by job description, are required to own
31 an automobile as a condition of employment, are not subjected

1 to higher parking rates than the average rate for employees in
2 state-owned parking facilities.

3 (2) All employee parking fees shall be payable by the
4 payroll deduction plan, periodically according to the
5 employee's pay schedule, to the Department of Management
6 Services or to the contracting agency.

7 (3) All fees collected by the Department of Management
8 Services under the provisions of this section shall be
9 deposited in the Supervision Trust Fund. The department shall
10 account for the revenues and expenditures related to the paid
11 parking program in compliance with the provisions of s.
12 215.32(2)(b). The revenues collected from parking fees shall
13 be used for the maintenance, minor construction, enforcement,
14 security, and administration of parking facilities and
15 programs.

16 (4) The Department of Management Services shall adopt
17 such rules as are necessary to carry out the purposes of this
18 section. The department shall establish guidelines for
19 qualifying as a state employee car pool and for the
20 preferential assignment of reserved spaces to car pools.

21 (5) The Department of Management Services shall
22 establish fees on all state-owned ~~reserved~~ reserved parking facilities
23 under the jurisdiction of the department ~~spaces~~, except those
24 assigned to qualified state employee car pools, ~~under the~~
25 ~~jurisdiction of the department~~. The department shall also
26 issue loading zone permits and scramble parking permits for a
27 fee sufficient to cover the cost of administering the permits
28 and maintaining the parking areas.

29 (6) The Department of Management Services shall have
30 the authority to ticket, remove, or tow away, or cause to be
31 removed ticketed, or, towed away, any wrongfully parked

1 vehicle in any assigned, ~~or~~ reserved, or permit parking space
2 or area under the control of the Department of Management
3 Services throughout the state at the expense of the owner of
4 the wrongfully parked vehicle.

5 Section 8. Paragraph (a) of subsection (2) of section
6 287.042, Florida Statutes, is amended to read:

7 287.042 Powers, duties, and functions.--The department
8 shall have the following powers, duties, and functions:

9 (2)(a) To plan and coordinate purchases in volume and
10 to negotiate and execute purchasing agreements and contracts
11 for commodities and contractual services under which state
12 agencies shall make purchases pursuant to s. 287.056, and
13 under which a federal, county, municipality, institutions
14 qualified pursuant to s. 240.605, private nonprofit community
15 transportation coordinator designated pursuant to chapter 427,
16 while conducting business related solely to the Commission for
17 the Transportation Disadvantaged, emergency medical services
18 organizations approved to purchase under s. 401.024, or other
19 local public agency may make purchases. The department may
20 restrict purchases from some term contracts to state agencies
21 only for those term contracts where the inclusion of other
22 governmental entities will have an adverse effect on
23 competition or to those federal facilities located in this
24 state. In such planning or purchasing the Minority Business
25 Advocacy and Assistance Office may monitor to ensure that
26 opportunities are afforded for contracting with minority
27 business enterprises. The department, for state term
28 contracts, and all agencies, for multiyear contractual
29 services or term contracts, shall explore reasonable and
30 economical means to utilize certified minority business
31 enterprises. Purchases by any county, municipality, private

1 nonprofit community transportation coordinator designated
2 pursuant to chapter 427, while conducting business related
3 solely to the Commission for the Transportation Disadvantaged,
4 emergency medical organizations approved to purchase under s.
5 401.024, or other local public agency under the provisions in
6 the state purchasing contracts, and purchases, from the
7 corporation operating the correctional work programs, of
8 products or services that are subject to paragraph (1)(f), are
9 exempt from the competitive sealed bid requirements otherwise
10 applying to their purchases.

11 Section 9. Paragraph (a) of subsection (13) of section
12 365.171, Florida Statutes, is amended to read:

13 365.171 Emergency telephone number "911."--

14 (13) "911" FEE.--

15 (a) Following approval by referendum as set forth in
16 paragraph (b), or following approval by a majority vote of its
17 board of county commissioners, a county may impose a "911" fee
18 to be paid by the local exchange subscribers within its
19 boundaries served by the "911" service. Proceeds from the
20 "911" fee shall be used only for "911" expenditures as set
21 forth in subparagraph 6. The manner of imposing and
22 collecting said payment shall be as follows:

23 1. At the request of the county subscribing to "911"
24 service, the telephone company shall, insofar as is
25 practicable, bill the "911" fee to the local exchange
26 subscribers served by the "911" service, on an individual
27 access line basis, at a rate not to exceed 50 cents per month
28 per line (up to a maximum of 25 access lines per account bill
29 rendered). However, the fee may not be assessed on any pay
30 telephone in this state. A county collecting the fee for the
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1 first time may collect the fee for no longer than 36 months
2 without initiating the acquisition of its "911" equipment.

3 2. Fees collected by the telephone company pursuant to
4 subparagraph 1. shall be returned to the county, less the
5 costs of administration retained pursuant to paragraph (c).
6 The Public Service Commission may enforce the remittance of
7 the collected "911" fee to the county. The county shall
8 provide a minimum of 90 days' written notice to the telephone
9 company prior to the collection of any "911" fees.

10 3. Any county that currently has an operational "911"
11 system or that is actively pursuing the implementation of a
12 "911" system shall establish a fund to be used exclusively for
13 receipt and expenditure of "911" fee revenues collected
14 pursuant to this section. All fees placed in said fund, and
15 any interest accrued thereupon, shall be used solely for "911"
16 costs described in subparagraph 6. The money collected and
17 interest earned in this fund shall be appropriated for "911"
18 purposes by the county commissioners and incorporated into the
19 annual county budget. The county shall annually have a
20 financial audit performed on this fund, in accordance with s.
21 11.45. A report of the audit shall be forwarded to the
22 department within 60 days of its completion. A county may
23 carry forward on an annual basis unspent moneys in the fund
24 for expenditures allowed by this section, or it may reduce its
25 fee. However, in no event shall a county carry forward more
26 than 10 percent of the "911" fee billed for the prior year.
27 The amount of moneys carried forward each year may be
28 accumulated in order to allow for capital improvements
29 described in this subsection. The carryover shall be
30 documented by resolution of the board of county commissioners
31 expressing the purpose of the carryover or by an adopted

1 capital improvement program identifying projected expansion or
2 replacement expenditures for "911" equipment and service
3 features, or both. In no event shall the "911" fee carryover
4 surplus moneys be used for any purpose other than for the
5 "911" equipment, service features, and installation charges
6 authorized in subparagraph 6. Nothing in this section shall
7 prohibit a county from using other sources of revenue for
8 improvements, replacements, or expansions of its "911" system.
9 A county may increase its fee for purposes authorized in this
10 section. However, in no case shall the fee exceed 50 cents per
11 month per line. All current "911" fees shall be reported to
12 the department within 30 days of the start of each county's
13 fiscal period. Any fee adjustment made by a county shall be
14 reported to the department. A county shall give the telephone
15 company a 90-day written notice of such fee adjustment.

16 4. The telephone company shall have no obligation to
17 take any legal action to enforce collection of the "911" fee.
18 The telephone company shall provide quarterly to the county a
19 list of the names, addresses, and telephone numbers of any and
20 all subscribers who have identified to the telephone company
21 their refusal to pay the "911" fee.

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

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

30 6. It is the intent of the Legislature that the "911"
31 fee authorized by this section to be imposed by counties will

1 not necessarily provide the total funding required for
2 establishing or providing the "911" service. For purposes of
3 this section, "911" service includes the functions of database
4 management, call taking, location verification, and call
5 transfer. The following costs directly attributable to the
6 establishment and/or provision of "911" service are eligible
7 for expenditure of moneys derived from imposition of the "911"
8 fee authorized by this section: the acquisition,
9 implementation, and maintenance of Public Safety Answering
10 Point (PSAP) equipment and "911" service features, as defined
11 in the Florida Public Service Commission's lawfully approved
12 "911" and related tariffs and/or the acquisition,
13 installation, and maintenance of other "911" equipment,
14 including call answering equipment, call transfer equipment,
15 ANI controllers, ALI controllers, ANI displays, ALI displays,
16 station instruments, "911" telecommunications systems,
17 teleprinters, logging recorders, instant playback recorders,
18 telephone devices for the deaf (TDD) used in the "911" system,
19 PSAP backup power systems, consoles, automatic call
20 distributors, and interfaces (hardware and software) for
21 computer-aided dispatch (CAD) systems; salary and associated
22 expenses for "911" call takers for that portion of their time
23 spent taking and transferring "911" calls; salary and
24 associated expenses for a county to employ a full-time
25 equivalent "911" coordinator position and a full-time
26 equivalent staff assistant position per county for the portion
27 of their time spent administrating the "911" system; training
28 costs for PSAP call takers in the proper methods and
29 techniques used in taking and transferring "911" calls; and
30 expenses required to develop and maintain all information (ALI
31 and ANI databases and other information source repositories)

1 necessary to properly inform call takers as to location
2 address, type of emergency, and other information directly
3 relevant to the "911" call-taking and transferring function.
4 The "911" fee revenues shall not be used to pay for any item
5 not listed, including, but not limited to, any capital or
6 operational costs for emergency responses which occur after
7 the call transfer to the responding public safety entity and
8 the costs for constructing buildings, leasing buildings,
9 maintaining buildings, or renovating buildings, except for
10 those building modifications necessary to maintain the
11 security and environmental integrity of the PSAP and "911"
12 equipment rooms.

13 7. It is the goal of the Legislature that enhanced
14 "911" service be available throughout the state. Expenditure
15 by counties of the "911" fees authorized by this section
16 should support this goal to the greatest extent feasible
17 within the context of local service needs and fiscal
18 capability. Nothing in this section shall be construed to
19 prohibit two or more counties from establishing a combined
20 emergency "911" telephone service by interlocal agreement and
21 utilizing the "911" fees authorized by this section for such
22 combined "911" service.

23 8. The department may establish by rule, with input
24 with applicable agencies, the methods for collecting data and
25 the "911" fee.

26 Section 10. Sections 110.1522 and 110.1523, Florida
27 Statutes, are repealed.

28 Section 11. This act shall take effect July 1, 2000.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2160

The Committee Substitute consolidates in fewer sections the authority given the Department of Management Services on the rule development of family support personnel policies. It deletes from the original bill a limitation on access line charges imposed on "911" services and provides enforcement authority to the Public Service Commission.