

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Posey offered the following:

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Amendment (with title amendment)

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Remove from the bill: Everything after the enacting clause

15

and insert in lieu thereof:

16

Section 1. (1) The Department of Management Services shall establish and maintain a central database to record and maintain all state-approved or reimbursed travel, including information related to each employee's origination and destination and any other information considered necessary by the department. The department may contract with an outside firm for the creation or maintenance of the database and may expend funds to develop, maintain, and improve the database. On January 1, 2001, and annually thereafter, the department shall furnish to the Legislature and the Governor a summary of all state travel and any recommendations for approving the efficiency or cost of that travel.

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(2) The Comptroller shall establish object class codes that uniquely identify expenditures related to payments for air travel, car rental, and motel or hotel accommodations. All

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31

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 state agency personnel, including the State University System,
2 cabinet officers and the Legislature must use their state
3 purchasing card, if issued, and the object codes when
4 requesting payments for the travel expenditures specified in
5 this subsection. The Comptroller shall report expenditures
6 made by state entities not less frequently than annually to
7 the Department of Management Services, or at other times as
8 necessary for contract negotiations and other management
9 needs.

10 Section 2. The Department of Management Services may
11 contract with an eligible air carrier for jet service or other
12 service approved by the department to guarantee a number of
13 seats or minimum revenue per departure or other incentive
14 necessary to improve air service into Tallahassee beginning
15 July 1, 2000. The department may expend funds for the purposes
16 authorized by this section only to the extent necessary to
17 match any public or private local funds.

18 Section 3. There are established two full time
19 positions in the Department of Banking and Finance and the sum
20 of \$90,000 is appropriated from recurring General Revenue Fund
21 to the Department of Banking and Finance to implement the
22 provisions of this act during the 2000-2001 fiscal year.

23 Section 4. Legislative intent; Small and Minority
24 Business Surety Program; eligibility; report; default.--

25 (1) It is the intent of the state to meaningfully
26 assist socially and economically disadvantaged business
27 enterprises through a program that will provide for
28 contracting opportunities and financial assistance in the form
29 of performance, labor, and material bond guarantees, to
30 primarily remedy the effects of past economic disparity.

31 (2) There is established a Small and Minority Business

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 Surety Program. The program shall provide participants who are
2 licensed contractors who desire to compete for state
3 construction projects, with a bond guarantee.

4 (3) The Minority Business Advocacy and Assistance
5 Office shall be responsible for developing a plan to implement
6 the Small and Minority Business Surety Program, which shall
7 include a market assistance plan, an education and application
8 assistance program, and any other elements designed to assist
9 small and minority businesses obtain surety bonding coverage
10 from the private volunteer market.

11 (4) To be eligible for the bond guarantee provided
12 herein, the contractor must have met all of the following
13 conditions:

14 (a) Be a certified small and/or minority business
15 enterprise in accordance with chapter 287, Florida Statutes.

16 (b) Be prequalified pursuant to the rules of the
17 contracting agency.

18 (c) Have applied for a surety bond through the private
19 sector.

20 (5) The state will guarantee up to 65 percent of a
21 contract amount on contracts up to \$1 million, to allow such
22 participants to meet bond requirements for state construction
23 projects, which bonds are provided by an approved surety and
24 which bonds are issued pursuant to s. 255.05, Florida
25 Statutes. The contracting department shall retain 5 percent of
26 the total contract amount designated to the small or minority
27 business until final acceptance of the project, in order to
28 receive a bond guarantee.

29 (6) Annually, the head of the department is required
30 to report the progress of this program to the President of the
31 Senate, the Speaker of the House of Representatives, and the

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 Governor. The report shall include, at a minimum, the number
2 of users of the bond guarantee plan along with the number of
3 defaults and dollars loss to the state.

4 (7) Any participant of the Small and Minority Business
5 Surety Program who defaults on a construction contract shall
6 not participate in the program for at last 3 consecutive years
7 following the default.

8 Section 5. The sum of \$1,000,000 is hereby
9 appropriated from the Insurance Commissioner's Regulatory
10 Trust Fund for the purpose of providing a bond guarantee to
11 contractors that meet the eligibility criteria provided
12 herein.

13 Section 6. Paragraphs (a) and (b) of subsection (3) of
14 section 255.25, Florida Statutes, are amended, paragraph (c)
15 of said subsection is redesignated as paragraph (d), and a new
16 paragraph (c) is added to said subsection, and subsection (12)
17 is added to said section, to read:

18 255.25 Approval required prior to construction or
19 lease of buildings.--

20 (3)(a) Except as provided in subsection (10) and
21 except for those leases negotiated pursuant to the pilot
22 project established by the Department of Management Services
23 herein, no state agency shall enter into a lease as lessee for
24 the use of 5,000 square feet or more of space in a privately
25 owned building except upon advertisement for and receipt of
26 competitive bids and award to the lowest and best bidder. The
27 Department of Management Services shall have the authority to
28 approve a lease for 5,000 square feet or more of space that
29 covers more than 1 fiscal year, subject to the provisions of
30 ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease
31 is, in the judgment of the department, in the best interests

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 of the state. This paragraph does not apply to buildings or
2 facilities of any size leased for the purpose of providing
3 care and living space for persons.

4 (b) The Department of Management Services may approve
5 extensions of an existing lease of 5,000 square feet or more
6 of space if such extensions are determined to be in the best
7 interests of the state, but in no case shall the total of such
8 extensions exceed 11 months. If at the end of the 11th month
9 an agency still needs such space, it shall be procured by
10 competitive bid in accordance with s. 255.249(2)(b) or if an
11 agency determines that it is in its best interest to remain in
12 the space it currently occupies, the agency may negotiate a
13 replacement lease with the lessor if an independent market
14 analysis demonstrates that the rates offered are within market
15 rates for the space offered, and if the cost of the new lease
16 does not exceed the cost of a comparable lease plus documented
17 moving costs. A present value analysis and the consumer price
18 index shall be used in the calculation of lease costs. The
19 term of the replacement lease shall not exceed the base term
20 of the expiring lease.

21 (c) Any agency proposing to enter into a lease for
22 office space in an area designated as part of the Front Porch
23 Florida Initiative, or Community Redevelopment Agency (CRA)
24 may, with the prior approval of the Department of Management
25 Services, directly negotiate with a building owner for leased
26 space within such area without the competitive bid requirement
27 of subsection (3)(a).

28 (12)(a) The Department of Management Services shall
29 undertake a pilot project in Hillsborough, Leon, Broward,
30 Orange, and Seminole Counties for a contracted tenant broker
31 to assist state agencies in locating suitable private sector

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

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

22 (b) In designing the pilot project, the department
23 shall endeavor to accomplish the following goals:

- 24 1. Provide for a faster, more efficient, and
25 cost-effective lease procurement process.
- 26 2. Provide access for agencies to experienced brokers
27 with knowledge of the local marketplace.
- 28 3. Provide a documented, professional cost-benefit
29 analysis of all choices.
- 30 4. Provide for the ability to negotiate the best deal.
- 31 5. Provide the ability to reject any proposal which

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 does not meet the needs of the agency.

2 6. Provide that the Department of Management Services
3 shall have the final review and approval of all leases to
4 ensure quality control.

5 (c) On or before July 1, 2002, the Department of
6 Management Services shall report to the Legislature on the
7 effectiveness of the pilot project and shall make
8 recommendations, in the form of legislation, if necessary, for
9 the implementation of the project on a statewide basis.

10 (d) The pilot project shall stand repealed effective
11 July 1, 2002.

12 Section 7. Subsection (1) of section 255.2501, Florida
13 Statutes, is amended to read:

14 255.2501 Lease of space financed with local government
15 obligations.--

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

28 Section 8. Section 272.161, Florida Statutes, is
29 amended to read:

30 272.161 Rental of ~~reserved~~ parking spaces.--

31 (1)(a) The Department of Management Services may

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 assign a reserved or permit parking space to any state
2 employee, qualified state employee car pool, provider of
3 essential services to the state, or state agency for
4 reassignment to its employees. Any state agency assigned a
5 reserved or permit parking space shall charge the user of such
6 space, except a qualified state employee car pool, a fee in
7 accordance with guidelines established by the department.

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

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

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

30 (2) All employee parking fees shall be payable by the
31 payroll deduction plan, periodically according to the

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 employee's pay schedule, to the Department of Management
2 Services or to the contracting agency.

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

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

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

25 (6) The Department of Management Services shall have
26 the authority to remove or tow away, or cause to be ticketed,
27 ~~removed, or~~ towed away, any wrongfully parked vehicle in any
28 assigned, or reserved, or permit parking space or area under
29 the control of the Department of Management Services
30 throughout the state at the expense of the owner of the
31 wrongfully parked vehicle.

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 Section 9. Subsection (3) is added to section 287.022,
2 Florida Statutes, to read:

3 287.022 Purchase of insurance.--

4 (3) The department shall not prohibit or limit any
5 properly licensed insurer, health maintenance organization,
6 prepaid limited health services organization, or insurance
7 agent from competing for any insurance product or plan
8 purchased, provided, or endorsed by the department, on the
9 basis of the compensation arrangement utilized by the insurer
10 or organization for its agents.

11 Section 10. Paragraph (a) of subsection (2) of section
12 287.042, Florida Statutes, is amended to read:

13 287.042 Powers, duties, and functions.--The department
14 shall have the following powers, duties, and functions:

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

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 opportunities are afforded for contracting with minority
 2 business enterprises. The department, for state term
 3 contracts, and all agencies, for multiyear contractual
 4 services or term contracts, shall explore reasonable and
 5 economical means to utilize certified minority business
 6 enterprises. Purchases by any county, municipality, private
 7 nonprofit community transportation coordinator designated
 8 pursuant to chapter 427, while conducting business related
 9 solely to the Commission for the Transportation Disadvantaged,
 10 emergency medical services organizations approved to purchase
 11 pursuant to s. 401.024, or other local public agency under the
 12 provisions in the state purchasing contracts, and purchases,
 13 from the corporation operating the correctional work programs,
 14 of products or services that are subject to paragraph (1)(f),
 15 are exempt from the competitive sealed bid requirements
 16 otherwise applying to their purchases.

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

19 365.171 Emergency telephone number "911."--

20 (13) "911" FEE.--

21 (a) Following approval by referendum as set forth in
 22 paragraph (b), or following approval by a majority vote of its
 23 board of county commissioners, a county may impose a "911" fee
 24 to be paid by the local exchange subscribers within its
 25 boundaries served by the "911" service. Proceeds from the
 26 "911" fee shall be used only for "911" expenditures as set
 27 forth in subparagraph 6. The manner of imposing and
 28 collecting said payment shall be as follows:

29 1. At the request of the county subscribing to "911"
 30 service, the telephone company shall, insofar as is
 31 practicable, bill the "911" fee to the local exchange

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 subscribers served by the "911" service, on an individual
2 access line basis, at a rate not to exceed 50 cents per month
3 per line (up to a maximum of 25 access lines per account bill
4 rendered). However, the fee may not be assessed on any pay
5 telephone in this state. A county collecting the fee for the
6 first time may collect the fee for no longer than 36 months
7 without initiating the acquisition of its "911" equipment.

8 2. Fees collected by the telephone company pursuant to
9 subparagraph 1. shall be returned to the county, less the
10 costs of administration retained pursuant to paragraph (c).
11 The Public Service Commission is authorized to enforce the
12 remittance of the collected "911" fee to the county.The
13 county shall provide a minimum of 90 days' written notice to
14 the telephone company prior to the collection of any "911"
15 fees.

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

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

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

22 4. The telephone company shall have no obligation to
23 take any legal action to enforce collection of the "911" fee.
24 The telephone company shall provide quarterly to the county a
25 list of the names, addresses, and telephone numbers of any and
26 all subscribers who have identified to the telephone company
27 their refusal to pay the "911" fee.

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

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

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

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

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

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

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

29 8. The Department may establish by rule, in
30 conjunction with applicable public agencies, the methods for
31 collecting data and the "911" fee.

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 Section 12. Section 110.1315, Florida Statutes, is
2 created to read:

3 110.1315 Alternative benefits; other personal services
4 employees.--

5 (1) The Department of Management Services shall
6 contract for the implementation of an alternative retirement
7 income security program for eligible employees paid from other
8 personal services or special category appropriations who pay
9 the social security portion of FICA withholding tax. The term
10 "other personal services" means the compensation for services
11 rendered by a person who is not a regular or full-time
12 employee filling an established position. An employee is
13 ineligible if he or she is concurrently employed in another
14 position as a member of the Florida Retirement System. The
15 contract must provide for a private vendor to administer the
16 program, and the program must provide retirement benefits as
17 required under s. 3121(b)(7)(F) of the Internal Revenue Code.
18 The department shall develop a request for proposals and
19 solicit qualified vendors to compete for the award of the
20 contract. The proposal must have received all necessary
21 federal and state approval as required by law and must comply
22 with s. 112.65.

23 (2) The vendor shall provide and administer this
24 defined-contribution program under the provisions of s.
25 3121(b)(7)(F) of the Internal Revenue Code. The program must
26 provide that there will be no risk of the principal to the
27 participants, that there will be a reasonable rate of interest
28 as defined in the Treasury Regulations for s. 3121(b)(7)(F) of
29 the Internal Revenue Code, that there will be no withdrawal or
30 surrender penalties or fees of any nature charged to the
31 participants, that there will be no administrative charges to

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 either the participants or the state, and that there will be
2 immediate 100-percent vesting to the participants. The
3 department may stipulate that when the employee terminates his
4 or her position, invested funds must remain in the program
5 until the employee reaches age 59 1/2, except that such funds
6 may be transferred to any like tax status plan excluding the
7 Florida Retirement System if the employee obtains a regular or
8 full time position with a state agency. The program must be a
9 defined contribution plan under section 401.(a), section
10 403(b) or section 457. The vendor must indemnify the state,
11 its agencies, and participating employees for any damages
12 resulting from a finding by the Internal Revenue Service that
13 the plan is in violation of s. 3121(b)(7)(F) of the Internal
14 Revenue Code.

15 Section 13. The Department of Management Services
16 shall assure that any provider company maintains an internal
17 system of quality assurance, employs a proven functional
18 system that is fully date-calculation compliant, and is
19 subject to due-diligence inquiry concerning its ability to
20 undertake its service responsibilities.

21 Section 14. By September 1, 2000, the Department of
22 Management Services shall report to the Governor and
23 Legislature the amount of funds paid to other personal
24 services employees by each budget entity for fiscal year
25 1999-2000. In addition, the department shall report the number
26 of OPS employees employed by the state agencies, and the
27 amount, by fund source, of salaries, income taxes, Medicare
28 taxes, and FICA taxes paid by the state on behalf of OPS
29 employees.

30 Section 15. Upon implementation of the alternative
31 retirement income security program, the Executive Office of

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 the Governor shall determine the amount of budget savings
 2 associated with plan implementation and process a budget
 3 amendment in accordance with s. 216.177, Florida Statutes, to
 4 place the corresponding budget authority in Executive Office
 5 of the Governor reserve. The annualized savings identified
 6 shall then be available for reduction during the fiscal year
 7 2001-2002 budget development process.

8 Section 16. Paragraph (i) is added to subsection (3)
 9 of section 110.123, Florida Statutes, to read:

10 110.123 State group insurance program.--

11 (3) STATE GROUP INSURANCE PROGRAM.--

12 (i) The department shall not prohibit or limit any
 13 properly licensed insurer, health maintenance organization,
 14 prepaid limited health services organization, or insurance
 15 agent from competing for any insurance product or plan
 16 purchased, provided, or endorsed by the department, on the
 17 basis of the compensation arrangement utilized by the insurer
 18 or organization for its agents.

19 Section 17. Section 110.1521, Florida Statutes, is
 20 amended to read:

21 110.1521 Short title.--~~This section~~ ~~Sections~~
 22 ~~110.1521-110.1523~~ may be cited as the "Family Support
 23 Personnel Policies Act."

24 (1) The Department of Management Services shall
 25 develop a model rule establishing family support personnel
 26 policies for all executive branch agencies, excluding the
 27 State University System. "Family support personnel policies,"
 28 for purposes of this section means personnel policies
 29 affecting employees' ability to both work and devote care and
 30 attention to their families and includes policies on flexible
 31 hour work schedules, compressed time, job sharing, part-time

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 employment, maternity or paternity leave for employees with a
2 newborn or newly adopted child, and paid and unpaid family or
3 administrative leave for family responsibilities.

4 (2) The model rule shall be effective 20 days after
5 having been filed with the Department of State and shall
6 become part of the personnel rules of all applicable state
7 agencies 150 days after the effective date of the rule to the
8 extent that each agency does not, subsequent to such effective
9 date, adopt a rule that sets forth the intent to specifically
10 amend all or part of such model rule. Any employee or
11 organization representing employees shall be considered a
12 party for purposes of any rule required by this section,
13 notwithstanding any provision of chapter 120 to the contrary.

14 Section 18. Section 110.1522, Florida Statutes, is
15 repealed.

16 Section 19. Section 110.1523, Florida Statutes, is
17 repealed.

18 Section 20. Subsection (3) of section 110.117, Florida
19 Statutes, is amended to read:

20 110.117 Paid holidays.--

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

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 Section 21. 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.

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

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.

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 Section 22. Notwithstanding the provisions of s.
2 110.123(2)(g), Florida Statutes, former state officers and
3 employees who are vested in the Florida Retirement System, and
4 who have deferred receiving their state retirement benefits
5 until age 62 to avoid early retirement penalties, may
6 participate in the state group health insurance plan at the
7 time of receiving their state retirement benefits on the same
8 basis as a retiree defined in s. 110.123(2)(g), Florida
9 Statutes.

10 Section 23. The Department of Management Services, in
11 cooperation with the Florida School for the Deaf and Blind,
12 shall review the classification and pay grade assignments for
13 career service, nonteaching employees who deal with visually
14 impaired and hearing impaired students. The department and the
15 school shall provide a report and a recommendation by January
16 1, 2001.

17 Section 24. Paragraph (g) of subsection (3) of section
18 110.123, Florida Statutes, is amended to read:

19 110.123 State group insurance program.--

20 (3) STATE GROUP INSURANCE PROGRAM.--

21 (g)1. A person eligible to participate in the state
22 group insurance program may be authorized by rules adopted by
23 the department, in lieu of participating in the state group
24 health insurance plan, to exercise an option to elect
25 membership in a health maintenance organization plan which is
26 under contract with the state in accordance with criteria
27 established by this section and by said rules. The offer of
28 optional membership in a health maintenance organization plan
29 permitted by this paragraph may be limited or conditioned by
30 rule as may be necessary to meet the requirements of state and
31 federal laws.

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 2. The department shall contract with health
2 maintenance organizations seeking to participate in the state
3 group insurance program through a request for proposal or
4 other procurement process, as developed by the Department of
5 Management Services and determined to be appropriate.

6 a. The department shall establish a schedule of
7 minimum benefits for health maintenance organization coverage,
8 and that schedule shall include: physician services; inpatient
9 and outpatient hospital services; emergency medical services,
10 including out-of-area emergency coverage; diagnostic
11 laboratory and diagnostic and therapeutic radiologic services;
12 mental health, alcohol, and chemical dependency treatment
13 services meeting the minimum requirements of state and federal
14 law; skilled nursing facilities and services; prescription
15 drugs; and other benefits as may be required by the
16 department. Additional services may be provided subject to
17 the contract between the department and the HMO.

18 b. The department may establish uniform deductibles,
19 copayments, or coinsurance schedules for all participating HMO
20 plans.

21 c. The department may require detailed information
22 from each health maintenance organization participating in the
23 procurement process, including information pertaining to
24 organizational status, experience in providing prepaid health
25 benefits, accessibility of services, financial stability of
26 the plan, quality of management services, accreditation
27 status, quality of medical services, network access and
28 adequacy, performance measurement, ability to meet the
29 department's reporting requirements, and the actuarial basis
30 of the proposed rates and other data determined by the
31 director to be necessary for the evaluation and selection of

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 health maintenance organization plans and negotiation of
2 appropriate rates for these plans. Upon receipt of proposals
3 by health maintenance organization plans and the evaluation of
4 those proposals, the department may enter into negotiations
5 with all of the plans or a subset of the plans, as the
6 department determines appropriate. Nothing shall preclude the
7 department from negotiating regional or statewide contracts
8 with health maintenance organization plans when this is
9 cost-effective and when the department determines that the
10 plan offers high value to enrollees.

11 d. The department may limit the number of HMOs that it
12 contracts with in each service area based on the nature of the
13 bids the department receives, the number of state employees in
14 the service area, or any unique geographical characteristics
15 of the service area. The department shall establish by rule
16 service areas throughout the state.

17 e. All persons participating in the state group
18 insurance program who are required to contribute towards a
19 total state group health premium shall be subject to the same
20 dollar contribution regardless of whether the enrollee enrolls
21 in the state group health insurance plan or in an HMO plan.

22 3. The division is authorized to negotiate and to
23 contract with specialty psychiatric hospitals for mental
24 health benefits, on a regional basis, for alcohol, drug abuse,
25 and mental and nervous disorders. The division may establish,
26 subject to the approval of the Legislature pursuant to
27 subsection (5), any such regional plan upon completion of an
28 actuarial study to determine any impact on plan benefits and
29 premiums.

30 4. In addition to contracting pursuant to subparagraph
31 2., the department shall enter into contract with any HMO to

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

- 1 participate in the state group insurance program which:
- 2 a. Serves greater than 5,000 recipients on a prepaid
- 3 basis under the Medicaid program;
- 4 b. Does not currently meet the 25 percent
- 5 non-Medicare/non-Medicaid enrollment composition requirement
- 6 established by the Department of Health excluding participants
- 7 enrolled in the state group insurance program;
- 8 c. Meets the minimum benefit package and copayments
- 9 and deductibles contained in sub-subparagraphs 2.a. and b.;
- 10 d. Is willing to participate in the state group
- 11 insurance program at a cost of premiums that is not greater
- 12 than 95 percent of the cost of HMO premiums accepted by the
- 13 department in each service area; and
- 14 e. Meets the minimum surplus requirements of s.
- 15 641.225.

16

17 The department is authorized to contract with HMOs that meet

18 the requirements of sub-subparagraphs a. through d. prior to

19 the open enrollment period for state employees. The

20 department is not required to renew the contract with the HMOs

21 as set forth in this paragraph more than twice. Thereafter,

22 the HMOs shall be eligible to participate in the state group

23 insurance program only through the request for proposal

24 process described in subparagraph 2.

25 5. All enrollees in the state group health insurance

26 plan or any health maintenance organization plan shall have

27 the option of changing to any other health plan which is

28 offered by the state within any open enrollment period

29 designated by the department. Open enrollment shall be held at

30 least once each calendar year.

31 6. When a contract between a treating provider and the

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 state-contracted health maintenance organization is terminated
2 for any reason other than for cause, each party shall allow
3 any enrollee for whom treatment was active to continue
4 coverage and care when medically necessary, through completion
5 of treatment of a condition for which the enrollee was
6 receiving care at the time of the termination, until the
7 enrollee selects another treating provider, or until the next
8 open enrollment period offered, whichever is longer, but no
9 longer than 6 months after termination of the contract. Each
10 party to the terminated contract shall allow an enrollee who
11 has initiated a course of prenatal care, regardless of the
12 trimester in which care was initiated, to continue care and
13 coverage until completion of postpartum care. This does not
14 prevent a provider from refusing to continue to provide care
15 to an enrollee who is abusive, noncompliant, or in arrears in
16 payments for services provided. For care continued under this
17 subparagraph, the program and the provider shall continue to
18 be bound by the terms of the terminated contract. Changes made
19 within 30 days before termination of a contract are effective
20 only if agreed to by both parties.

21 7. Any HMO participating in the state group insurance
22 program shall submit health care utilization and cost data to
23 the department, in such form and in such manner as the
24 division shall require, as a condition of participating in the
25 program. The department shall enter into negotiations with
26 its contracting HMOs to determine the nature and scope of the
27 data submission and the final requirements, format, penalties
28 associated with noncompliance, and timetables for submission.
29 These determinations shall be adopted by rule.

30 8. The department may establish and direct, with
31 respect to collective bargaining issues, a comprehensive

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 package of insurance benefits that may include supplemental
2 health and life coverage, dental care, long-term care, vision
3 care, and other benefits it determines necessary to enable
4 state employees to select from among benefit options that best
5 suit their individual and family needs.

6 a. Based upon a desired benefit package, the
7 department shall issue a request for proposal for health
8 insurance providers interested in participating in the state
9 group insurance program, and the division shall issue a
10 request for proposal for insurance providers interested in
11 participating in the non-health-related components of the
12 state group insurance program. Upon receipt of all proposals,
13 the department may enter into contract negotiations with
14 insurance providers submitting bids or negotiate a specially
15 designed benefit package. Insurance providers offering or
16 providing supplemental coverage as of May 30, 1991, which
17 qualify for pretax benefit treatment pursuant to s. 125 of the
18 Internal Revenue Code of 1986, with 5,500 or more state
19 employees currently enrolled may be included by the department
20 in the supplemental insurance benefit plan established by the
21 department without participating in a request for proposal,
22 submitting bids, negotiating contracts, or negotiating a
23 specially designed benefit package. These contracts shall
24 provide state employees with the most cost-effective and
25 comprehensive coverage available; however, no state or agency
26 funds shall be contributed toward the cost of any part of the
27 premium of such supplemental benefit plans. With respect to
28 dental coverage, the division shall include in any
29 solicitation or contract for any state group dental program
30 made after July 1, 2001, a comprehensive indemnity dental plan
31 option which offers enrollees a completely unrestricted choice

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 of dentists. If a dental plan is endorsed, or in some manner
2 recognized as the preferred product, such plan shall include a
3 comprehensive indemnity dental plan option which provides
4 enrollees with a completely unrestricted choice of dentists.

5 b. Pursuant to the applicable provisions of s.
6 110.161, and s. 125 of the Internal Revenue Code of 1986, the
7 department shall enroll in the pretax benefit program those
8 state employees who voluntarily elect coverage in any of the
9 supplemental insurance benefit plans as provided by
10 sub-subparagraph a.

11 c. Nothing herein contained shall be construed to
12 prohibit insurance providers from continuing to provide or
13 offer supplemental benefit coverage to state employees as
14 provided under existing agency plans.

15 Section 25. Sections 272.12 and 272.121, Florida
16 Statutes, are hereby repealed.

17 Section 26. This act shall take effect July 1, 2000.

18
19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 remove from the title of the bill: everything before the
23 enacting clause

24

25 and insert in lieu thereof:

26 A bill to be entitled
27 An act relating to the Department of Management
28 Services; requiring the Department of
29 Management Services to establish a central
30 database to maintain a record of all
31 state-related travel; providing an

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 appropriation for the development, maintenance,
2 and improvements to the database; requiring the
3 Comptroller to establish object codes that
4 uniquely identify expenses related to air
5 travel, car rental, and motel or hotel
6 accommodations; authorizing the Department of
7 Management Services to negotiate and contract
8 with an air carrier for service; requiring
9 local matching funds; providing an
10 appropriation; providing legislative intent;
11 establishing the Small and Minority Business
12 Surety Program; providing for a plan; providing
13 eligibility; providing state responsibility;
14 providing for an annual report; providing
15 penalties for default; providing an
16 appropriation; amending s. 255.25, F.S.,
17 providing an exception to competitive bidding
18 for those leases negotiated pursuant to the
19 department pilot project to be established;
20 providing for negotiation of a replacement
21 lease for currently occupied space under
22 certain conditions; allowing agencies to
23 negotiate leases in designated Front Porch
24 Communities without competitive bidding;
25 establishing a tenant broker pilot project in
26 certain designated Florida counties to assist
27 with property procurement and providing goals
28 for the project; providing for automatic repeal
29 of the pilot project; amending s. 255.2501,
30 F.S., extending the conditions of this section
31 to any lease that, during the term of the

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 lease, becomes financed with local government
2 obligations of any type; amending s. 272.161,
3 F.S., providing for the rental of "permit"
4 parking spaces in addition to "reserved"
5 parking spaces; amending s. 287.022, F.S.;
6 prohibiting the Department of Management
7 Services from limiting certain insurers and
8 others from competing for certain insurance
9 products or plans on the basis of a
10 compensation arrangement; amending s. 287.042,
11 F.S., authorizing emergency medical services
12 organizations to purchase under state term
13 contracts; amending s. 365.171, F.S.;
14 authorizing the Public Service Commission to
15 enforce the remittance of the collected "911"
16 fee to the county; providing the department
17 with rulemaking authority for establishing the
18 methods for collecting data and the "911" fee;
19 creating s. 110.1315, F.S.; requiring that the
20 Department of Management Services contract with
21 a private vendor for an alternative retirement
22 program for other personal services employees;
23 providing contract requirements; requiring the
24 private vendor to indemnify the state and
25 participating employees from certain adverse
26 tax consequences; providing for oversight of
27 the program; directing the Department of
28 Management Services to make a report; directing
29 the Executive Office of the Governor to
30 determine certain savings made; amending s.
31 110.123, F.S.; revising language with respect

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 to the state group insurance program; providing
2 that certain organizations may not be
3 prohibited or limited from competing for the
4 plan; amending s. 110.1521, F.S.; combining
5 current ss. 110.1522 and 110.1523, F.S., into
6 this section; repealing s. 110.1522, F.S.,
7 relating to model rule establishing family
8 support personnel policies; repealing s.
9 110.1523, F.S., relating to adoption of model
10 rule; amending s. 110.17, F.S.; changing
11 "personal holiday" to "personal day" and
12 replacing "entitled to" with "eligible for";
13 amending s. 110.122, F.S.; providing that state
14 employees who terminate employment for reasons
15 of disability shall be eligible for payment of
16 accumulated and unused sick leave; providing
17 for application of this section to each
18 employee upon termination of employment;
19 providing that former state officers and
20 employees who are vested in the Florida
21 Retirement System may participate in the state
22 group health insurance plan at the time of
23 receiving their state retirement benefits;
24 directing the Department of Management Services
25 and the Florida School for the Deaf and Blind
26 to develop a report and recommendation;
27 providing for its submission by January 1,
28 2001; amending s. 110.123, F.S.; requiring
29 solicitations or contracts or a state group
30 dental program to include a comprehensive
31 indemnity dental plan option providing

dhs-21

Bill No. HB 2361, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 enrollees an unrestricted access to dentists;
2 repealing ss. 272.12 and 272.121, Florida
3 Statutes, relating to the Capitol Center
4 Planning Commission; providing an effective
5 date.
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