

Bill No. CS for SB 1560

Amendment No.      Barcode 641374

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Peaden moved the following amendment:

**Senate Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

Section 1. Section 120.551, Florida Statutes, is created to read:

120.551 Internet publication pilot project.--  
(1) On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of Environmental Protection instead may publish a summary of such notice in the Florida Administrative Weekly along with the specific URL or Internet address where

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 the complete notice required by law shall be published. The  
2 Department of Environmental Protection shall publish all other  
3 notices in the manner prescribed by law. Notices published on  
4 the Internet under this section shall clearly state the date  
5 the notice was first posted on the Internet and shall be  
6 initially posted only on the same days the Florida  
7 Administrative Weekly is published. Notices related to  
8 rulemaking published on the Internet under this provision  
9 shall be maintained on the Internet for a period of at least  
10 12 months after the effective date of the rule or at least 3  
11 months after the publication of a notice of withdrawal of the  
12 proposed rule. All other notices published on the Internet  
13 under this provision shall be maintained on the Internet for a  
14 period of at least 3 months after the date first posted. A  
15 searchable database or other electronic system to be  
16 permanently maintained on the Internet for the purpose of  
17 archiving all notices published on the Internet and allowing  
18 citizens permanent electronic access to such archived records  
19 shall also be established by the pilot project. No notice  
20 posted on the Internet shall be removed until the searchable  
21 database is implemented.

22 (2) The Department of State shall publish notice of  
23 this pilot project in each weekly publication of the Florida  
24 Administrative Weekly. The notice shall state: "Under a  
25 temporary pilot project, in conjunction with the State  
26 Technology Office, to determine the cost-effectiveness of  
27 Internet publication of notices in lieu of complete  
28 publication in the Florida Administrative Weekly, summaries of  
29 notices of the Department of Environmental Protection are  
30 being published in the Florida Administrative Weekly along  
31 with a reference to the specific Internet URL or address where

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 the complete notice required by law shall be published."

2 (3) No later than January 31, 2003, the Department of  
3 Environmental Protection, the State Technology Office, and the  
4 Department of State shall submit a report to the Governor, the  
5 President of the Senate, and the Speaker of the House of  
6 Representatives containing findings on the cost-effectiveness  
7 of publication of notices on the Internet in lieu of  
8 publication in the Florida Administrative Weekly, and  
9 recommendations, including legislative or rule changes, for  
10 modifications to the process necessary to effectuate  
11 publication of notices on the Internet.

12 Section 2. Subsections (20), (21) and (22) of section  
13 287.012, Florida Statutes are created to read:

14 287.012 Definitions.--The following definitions shall  
15 apply in this part:

16 (20) "Invitation to negotiate" means a written  
17 solicitation that calls for responses to select one or more  
18 persons or business entities with which to commence  
19 negotiations fo the procurement of commodities or contractual  
20 services.

21 (21) "Request for a quote" means a solicitation that  
22 calls for pricing information for purposes of competitively  
23 selecting and procuring commodities and contractual services  
24 from qualified or registered vendors.

25 (22) "Information Technology" means equipment,  
26 hardware, software, firmware, programs, systems, networks,  
27 infrastructure, media, and related material used to  
28 automatically, electronically, and wirelessly collect,  
29 receive, access, transmit, display, store, record, retrieve,  
30 analyze, evaluate, process, classify, manipulate, manage,  
31 assimilate, control, communicate, exchange, convert, converge,

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 interface, switch, or disseminate information of any kind or  
2 form.

3 Section 3. Paragraph (d) of subsection (2) is created;  
4 Paragraphs (b) and (c) of subsection (4), paragraphs (a) and  
5 (b) of subsection (5), paragraph (a) of subsection (16) and  
6 subsection (17) of section 287.042, Florida Statutes are  
7 amended and a new paragraph (f) of subsection (4) is created  
8 to read:

9 287.042 Powers, duties, and functions.--The department  
10 shall have the following powers, duties, and functions:

11 (2)(d) The terms, conditions, and specifications of a  
12 request for proposal request for Quote, invitation to bid, or  
13 invitation to negotiate, including any provisions governing  
14 the methods for ranking proposals, awarding contracts,  
15 reserving rights of further negotiation, or the modification  
16 of amendment of any contract, are subject to challenge only by  
17 filing a protest within 72 hours after the notice of the  
18 terms, conditions, or specifications as provided in s.  
19 120.57(3)(b).

20 (4)(b) Development of procedures for the releasing of  
21 requests for proposals, requests for quotes, invitations to  
22 bid, invitations to negotiate, and other competitive  
23 acquisitions which procedures shall include, but are not  
24 limited to, notice by publication in the Florida  
25 Administrative Weekly, ~~on Government Services Direct~~, or by  
26 mail at least 10 days before the date set for submittal of  
27 proposals or bids. The Office of Supplier Diversity may  
28 consult with agencies regarding the development of bid  
29 distribution procedures to ensure that maximum distribution is  
30 afforded to certified minority business enterprises as defined  
31 in s. 288.703.

Bill No. CS for SB 1560

Amendment No.      Barcode 641374

1           (c) Development of procedures for the receipt and  
2 opening of bids, responses, quotes, or proposals by an agency.  
3 Such procedures shall provide the Office of Supplier Diversity  
4 an opportunity to monitor and ensure that the contract award  
5 is consistent with the requirements of s. 287.09451 original  
6 request for proposal or invitation to bid, in accordance with  
7 s. 287.0945(6), and subject to the review of bid responses  
8 within standard timelines.

9           (f) Development of procedures to be used by an agency  
10 for issuing invitations to bid, invitations to negotiate,  
11 requests for proposal, requests for quote, or other  
12 competitive procurement processes.

13           (5)(a) To prescribe the methods of securing  
14 competitive sealed bids, responses, quotes, and  
15 proposals. Such methods may include, but are not limited to,  
16 procedures for identifying vendors; setting qualifications;  
17 evaluating responses, bids, and proposals; ranking respondents  
18 and proposers; selecting invitees and proposers; and  
19 conducting negotiations, or negotiating and awarding commodity  
20 and contractual services contracts, unless otherwise provided  
21 by law.

22           (5)(b) To prescribe, in consultation with the State  
23 Technology Office by September 1, 1995, procedures for  
24 procuring information technology and information technology  
25 consultant services which provide for public announcement and  
26 qualification, competitive selection, competitive negotiation,  
27 contract award, and prohibition against contingent fees. Such  
28 procedures shall be limited to information technology  
29 consultant contracts for which the total project costs, or  
30 planning or study activities, are estimated to exceed the  
31 threshold amount provided for in s. 287.017, for CATEGORY TWO.

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1           (16)(a) To enter into joint agreements with  
2 governmental agencies, as defined in s. 163.3164(10), for the  
3 purpose of pooling funds for the purchase of commodities or,  
4 information technology ~~resources, or services~~ that can be used  
5 by multiple agencies. However, the department shall consult  
6 with the State Technology Office on joint agreements that  
7 involve the purchase of information technology ~~resources~~.  
8 Agencies entering into joint purchasing agreements with the  
9 department or the State Technology Office shall authorize the  
10 department or the State Technology Office to contract for such  
11 purchases on their behalf.

12           (17)(a) To evaluate contracts let by the Federal  
13 Government, another state, or a political subdivision for the  
14 provision of commodities and contract services, and, when it  
15 is determined to be cost-effective and in the best interest of  
16 the state, to enter into a written agreement authorizing a  
17 state agency to make purchases under a contract approved by  
18 the department and let by the Federal Government, another  
19 state, or a political subdivision.

20           (b) For contracts pertaining to the provision of  
21 information technology, the State Technology Office, in  
22 consultation with the department, shall assess the  
23 technological needs of a particular agency, evaluate the  
24 contracts, and determine whether to enter into a written  
25 agreement with the letting federal, state, or political  
26 subdivision body to provide information technology for a  
27 particular agency.

28           Section 4. A new subsection (3) is created and  
29 subsequent subsections are renumbered, Section (22) is amended  
30 and subsection (23) of section 287.057, Florida Statutes is  
31 created:

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1           287.057 Procurement of commodities or contractual  
2 services.--

3           (3) If an agency determines that the use of an  
4 invitation to bid or a request for a proposal is not  
5 practical, commodities or contractual services may be procured  
6 by an invitation to negotiate or provided by a request for a  
7 quote.

8           (22)(a) The State Technology Office ~~of the department~~  
9 shall develop a program for on-line procurement of commodities  
10 and contractual services. To enable the state to promote open  
11 competition and to leverage its buying power, executive state  
12 agencies shall participate in the on-line procurement program,  
13 and other agencies may participate in the program. Only  
14 bidders prequalified as meeting mandatory requirements and  
15 qualifications criteria shall be permitted to participate in  
16 on-line procurement. The State Technology Office may contract  
17 for equipment and services necessary to develop and implement  
18 on-line procurement.

19           (b) The State Technology Office, in consultation with  
20 the department, shall ~~may~~ adopt rules, pursuant to ss.  
21 120.536(1) and 120.54, to implement the program for on-line  
22 procurement. The rules shall include, but not be limited to:

23           1. Determining the requirements and qualification  
24 criteria for prequalifying bidders.

25           2. Establishing the procedures for conducting on-line  
26 procurement.

27           3. Establishing the criteria for eligible commodities  
28 and contractual services.

29           4. Establishing the procedures for providing access to  
30 on-line procurement.

31           5. Determining the criteria warranting any exceptions

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 to participation in the on-line procurement program.

2 (c) The Department of Management Services and the  
3 State Technology Office may collect fees for the use of the  
4 online procurement systems. The fees may be imposed on an  
5 individual transaction basis or as a fixed percentage of the  
6 cost savings generated. At a minimum, the fees must be set in  
7 an amount sufficient to cover the projected costs of such  
8 services, including administrative and project service costs  
9 in accordance with the policies of the Department of  
10 Management Services and the State Technology Office. For the  
11 purposes of compensating the provider, the department may  
12 authorize the provider to collect and retain a portion of the  
13 fees. The providers may withhold the portion retained from  
14 the amount of fees to be remitted to the department. The  
15 department may negotiate the retainage as a percentage of such  
16 fees charged to users, as a flat amount, or as any other  
17 method the department deems feasible. All fees and surcharges  
18 collected under this paragraph shall be deposited in the  
19 Grants and Donation Trust Fund as provided by law.

20 (23)(a) The State Technology Office shall establish,  
21 in consultation with the department, state strategic  
22 information technology alliances for the acquisition and use  
23 of information technology and related material with  
24 prequalified contractors or partners to provide the state with  
25 efficient, cost-effective, and advanced information  
26 technology.

27 (b) In consultation with and under contract to the  
28 State Technology Office, the state strategic information  
29 technology alliances shall design, develop, and deploy  
30 projects providing the information technology needed to  
31 collect, store, and process the state's data and information,



Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 provide connectivity, and integrate and standardize computer  
2 networks and information systems of the state.

3 (c) The partners in the state strategic information  
4 technology alliances shall be industry leaders with  
5 demonstrated experience in the public and private sectors.

6 (d) The State Technology Office, in consultation with  
7 the Department of Management Services, shall adopt rules,  
8 pursuant to ss. 120.536(1) and 120.54, to implement the state  
9 strategic information technology alliances.

10 Section 5. Section 287.0731, Florida Statutes, is  
11 amended to read:

12 287.0731 Team for contract negotiations.--Contingent  
13 upon funding in the General Appropriations Act, the Department  
14 of Management Services, in consultation with the State  
15 Technology Office, shall establish a permanent team for  
16 contract negotiations including a chief negotiator, to  
17 specialize in the procurement of information technology  
18 ~~resources.~~

19 Section 6. Subsections (1), (2), (6), and (8) of  
20 section 288.109, Florida Statutes is amended, subsection (10)  
21 is deleted and subsequent subsections are renumbered to read:

22 288.109 One-Stop Permitting System.--

23 (1) By January 1, 2001 ~~2000~~, the State Technology  
24 Office ~~Department of Management Services~~ must establish and  
25 implement an Internet site for the One-Stop Permitting System.  
26 The One-Stop Permitting System Internet site shall provide  
27 individuals and businesses with information concerning  
28 development permits; guidance on what development permits are  
29 needed for particular projects; permit requirements; and who  
30 may be contacted for more information concerning a particular  
31 development permit for a specific location. The office

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 ~~department~~ shall design and construct the Internet site and  
2 may competitively procure and contract for services to develop  
3 the site. In designing and constructing the Internet site, the  
4 ~~office department~~ must solicit input from potential users of  
5 the site.

6 (2) The ~~office department~~ shall develop the One-Stop  
7 Permitting System Internet site to allow an applicant to  
8 complete and submit application forms for development permits  
9 to agencies and counties. The Internet site must be capable of  
10 allowing an applicant to submit payment for permit fees and  
11 must provide payment options. After initially establishing the  
12 Internet site, the ~~office department~~ shall implement, in the  
13 most timely manner possible, the capabilities described in  
14 this subsection. The ~~office department~~ shall also develop a  
15 protocol for adding to the One-Stop Permitting System  
16 additional state agencies and counties that agree to  
17 participate. The ~~office department~~ may competitively procure  
18 and contract for services to develop such capabilities.

19 (6) The ~~office department~~ may add counties and  
20 municipalities to the One-Stop Permitting System as such local  
21 governments agree to participate and develop the technical  
22 capability of joining the system.

23 (8) Section 120.60(1) shall apply to any development  
24 permit or license filed under the One-Stop Permitting System,  
25 except the 90-day time period for approving or denying a  
26 completed application shall be 60 days. In the case of permits  
27 issued by the water management districts, each completed  
28 application that does not require governing board approval  
29 must be approved or denied within 60 days after receipt.  
30 However, completed permit applications which must be  
31 considered by a water management district governing board

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 shall be approved or denied at the next regularly scheduled  
2 meeting after the 60-day period has expired. The 60-day  
3 period for approving or denying a complete application does  
4 not apply in the case of a development permit application  
5 evaluated under a federally delegated or approved permitting  
6 program. However, the reviewing agency shall make a  
7 good-faith effort to act on such permit applications within 60  
8 days.

9 ~~(10) Notwithstanding any other provision of law or~~  
10 ~~administrative rule to the contrary, the fee imposed by a~~  
11 ~~state agency or water management district for issuing a~~  
12 ~~development permit shall be waived for a 6-month period~~  
13 ~~beginning on the date the state agency or water management~~  
14 ~~district begins accepting development permit applications over~~  
15 ~~the Internet and the applicant submits the development permit~~  
16 ~~to the agency or district using the One-Stop Permitting~~  
17 ~~System. The 6-month fee waiver shall not apply to development~~  
18 ~~permit fees assessed by the Electrical Power Plant Siting Act,~~  
19 ~~ss. 403.501-403.519; the Transmission Line Siting Act, ss.~~  
20 ~~403.52-403.5365; the statewide Multi-purpose Hazardous Waste~~  
21 ~~Facility Siting Act, ss. 403.78-403.7893; the Natural Gas~~  
22 ~~Pipeline Siting Act, ss. 403.9401-403.9425; and the High Speed~~  
23 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

24 Section 7. Effective July 1, 2001, subsection (1) of  
25 section 455.213, Florida Statutes, is amended, and subsection  
26 (11) is added to that section, to read:

27 455.213 General licensing provisions.--

28 (1) Any person desiring to be licensed shall apply to  
29 the department in writing. The application for licensure shall  
30 be made on a form prepared and furnished by the department and  
31 include the applicant's social security number.

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 Notwithstanding any other provision of law, the department is  
2 the sole authority for determining the contents of any  
3 documents to be submitted for initial licensure and licensure  
4 renewal. Such documents may contain information including, as  
5 appropriate: demographics, education, work history, personal  
6 background, criminal history, finances, business information,  
7 complaints, inspections, investigations, discipline, bonding,  
8 signature notarization, photographs, performance periods,  
9 reciprocity, local government approvals, supporting  
10 documentation, periodic reporting requirements, fingerprint  
11 requirements, continuing education requirements, and ongoing  
12 education monitoring.The application shall be supplemented as  
13 needed to reflect any material change in any circumstance or  
14 condition stated in the application which takes place between  
15 the initial filing of the application and the final grant or  
16 denial of the license and which might affect the decision of  
17 the department. In order to further the economic development  
18 goals of the state, and notwithstanding any law to the  
19 contrary, the department may enter into an agreement with the  
20 county tax collector for the purpose of appointing the county  
21 tax collector as the department's agent to accept applications  
22 for licenses and applications for renewals of licenses. The  
23 agreement must specify the time within which the tax collector  
24 must forward any applications and accompanying application  
25 fees to the department. In cases where a person applies or  
26 schedules directly with a national examination organization or  
27 examination vendor to take an examination required for  
28 licensure, any organization- or vendor-related fees associated  
29 with the examination may be paid directly to the organization  
30 or vendor.

31 (11) Any submission required to be in writing may be

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 made by electronic means.

2 Section 8. Except as otherwise provided, this act  
3 shall take effect July 1, 2001.

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

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10 and insert:

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A bill to be entitled

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An act relating to information technology;

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creating s. 120.551, F.S.; directing the

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Department of Environmental Protection and the

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State Technology Office to establish a pilot

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project to test the cost-effectiveness of

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publication of notices on the Internet in lieu

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of publication in the Florida Administrative

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Weekly; directing the Department of State to

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publish notice of the pilot project; requiring

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the Department of Environmental Protection, the

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State Technology Office, and the Department of

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State to submit a joint report on the

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cost-effectiveness of publication of such

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notices on the Internet; defining the term

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"information technology"; amending s. 287.012,

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F.S.; defining "invitation to negotiate" and

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"request for a quote"; amending s. 287.042,

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F.S.; providing challenge procedure; adding

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responses and quotes to category of items to

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which procedures are developed; tasking

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1 Department of Management Services with  
2 developing procedures to be used by agencies  
3 for issuing invitations and requests;  
4 identifying methods for securing bids,  
5 responses, Quotes and proposals revising  
6 language with respect to the Department of  
7 Management Services; providing that the  
8 department, in consultation with the State  
9 Technology Office, shall prescribe procedures  
10 for procuring information technology; directing  
11 the office to assess the technological needs of  
12 certain agencies; amending s. 287.057, F.S.;  
13 providing for the role of the State Technology  
14 Office in developing a program for on-line  
15 procurement of commodities and contractual  
16 services; authorizing the office to collect  
17 certain fees; providing for the deposit of such  
18 fees; directing the office to establish state  
19 strategic information technology alliances for  
20 the acquisition and use of information  
21 technology; providing for the duties of such  
22 alliances; providing for rules; amending 287;  
23 providing for agency use of invitations to  
24 negotiate; amending s. 287.0731, F.S.;  
25 conforming provisions to changes made by the  
26 act; amending s. 288.109(1), F.S.; substituting  
27 State Technology Office for Department of  
28 Management Services; providing for  
29 establishment and maintenance of a One-Stop  
30 Permitting System; amending s. 455.213, F.S.;  
31 providing for the content of licensure and

Bill No. CS for SB 1560

Amendment No. \_\_\_\_ Barcode 641374

1           renewal documents; providing for the electronic  
2           submission of information to the department;  
3           providing that all legal obligations must be  
4           met before the issuance or renewal of a  
5           license; providing an effective date.  
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