

Bill No. SB 1738

Amendment No.      Barcode 345644

<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

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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

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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,

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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.

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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.

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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, present subsection (3)  
30 and (22) are amended and subsection (23) of section 287.057,  
31 Florida Statutes is created:

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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           ~~(4)~~(3) When the purchase price of commodities or  
9 contractual services exceeds the threshold amount provided in  
10 s. 287.017 for CATEGORY TWO, no purchase of commodities or  
11 contractual services may be made without receiving competitive  
12 sealed bids, ~~or~~ competitive sealed proposals, or responses to  
13 an invitation to negotiate or a request for a quote unless:

14           (a) The agency head determines in writing that an  
15 immediate danger to the public health, safety, or welfare or  
16 other substantial loss to the state requires emergency action.  
17 After the agency head makes such a written determination, the  
18 agency may proceed with the procurement of commodities or  
19 contractual services necessitated by the immediate danger,  
20 without competition. However, such emergency procurement shall  
21 be made with such competition as is practicable under the  
22 circumstances. The agency shall furnish copies of the written  
23 determination certified under oath and any other documents  
24 relating to the emergency action to the department. A copy of  
25 the statement shall be furnished to the Comptroller with the  
26 voucher authorizing payment. The individual purchase of  
27 personal clothing, shelter, or supplies which are needed on an  
28 emergency basis to avoid institutionalization or placement in  
29 a more restrictive setting is an emergency for the purposes of  
30 this paragraph, and the filing with the department of such  
31 statement is not required in such circumstances. In the case

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1 of the emergency purchase of insurance, the period of coverage  
2 of such insurance shall not exceed a period of 30 days, and  
3 all such emergency purchases shall be reported to the  
4 department.

5 (b) Purchasing agreements and contracts executed by  
6 the department or by agencies under authority delegated by the  
7 department in writing are excepted from bid requirements.

8 (c) Commodities or contractual services available only  
9 from a single source may be excepted from the bid requirements  
10 if it is determined that such commodities or services are  
11 available only from a single source and such determination is  
12 documented. However, if such contract is for an amount greater  
13 than the threshold amount provided in s. 287.017 for CATEGORY  
14 FOUR, the agency head shall file a certification of conditions  
15 and circumstances with the department and shall obtain the  
16 prior approval of the department. The failure of the  
17 department to approve or disapprove the request of an agency  
18 for prior approval within 21 days after receiving such request  
19 or within 14 days after receiving from the agency additional  
20 materials requested by the department shall constitute prior  
21 approval of the department. To the greatest extent  
22 practicable, but no later than 45 days after authorizing the  
23 exception in writing, the department shall combine  
24 single-source procurement authorizations for identical  
25 information technology resources for which the purchase price  
26 exceeds the threshold amount provided in s. 287.017 for  
27 CATEGORY FOUR, and shall negotiate and execute volume  
28 purchasing agreements for such procurements on behalf of the  
29 agencies.

30 (d) When it is in the best interest of the state, the  
31 Secretary of Management Services or his or her designee may



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1 authorize the Support Program to purchase insurance by  
2 negotiation, but such purchase shall be made only under  
3 conditions most favorable to the public interest.

4 (e) Prescriptive assistive devices for the purpose of  
5 medical, developmental, or vocational rehabilitation of  
6 clients are excepted from competitive sealed bid and  
7 competitive sealed proposal requirements and shall be procured  
8 pursuant to an established fee schedule or by any other method  
9 which ensures the best price for the state, taking into  
10 consideration the needs of the client. Prescriptive assistive  
11 devices include, but are not limited to, prosthetics,  
12 orthotics, and wheelchairs. For purchases made pursuant to  
13 this paragraph, state agencies shall annually file with the  
14 department a description of the purchases and methods of  
15 procurement.

16 (f) The following contractual services and commodities  
17 are not subject to the competitive sealed bid requirements of  
18 this section:

- 19 1. Artistic services.
- 20 2. Academic program reviews.
- 21 3. Lectures by individuals.
- 22 4. Auditing services.
- 23 5. Legal services, including attorney, paralegal,  
24 expert witness, appraisal, or mediator services.
- 25 6. Health services involving examination, diagnosis,  
26 treatment, prevention, medical consultation, or  
27 administration.
- 28 7. Services provided to persons with mental or  
29 physical disabilities by not-for-profit corporations which  
30 have obtained exemptions under the provisions of s. 501(c)(3)  
31 of the United States Internal Revenue Code or when such

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1 services are governed by the provisions of Office of  
2 Management and Budget Circular A-122. However, in acquiring  
3 such services, the agency shall consider the ability of the  
4 contractor, past performance, willingness to meet time  
5 requirements, and price.

6 8. Medicaid services delivered to an eligible Medicaid  
7 recipient by a health care provider who has not previously  
8 applied for and received a Medicaid provider number from the  
9 Agency for Health Care Administration. However, this exception  
10 shall be valid for a period not to exceed 90 days after the  
11 date of delivery to the Medicaid recipient and shall not be  
12 renewed by the agency.

13 9. Family placement services.

14 10. Prevention services related to mental health,  
15 including drug abuse prevention programs, child abuse  
16 prevention programs, and shelters for runaways, operated by  
17 not-for-profit corporations. However, in acquiring such  
18 services, the agency shall consider the ability of the  
19 contractor, past performance, willingness to meet time  
20 requirements, and price.

21 11. Training and education services provided to  
22 injured employees pursuant to s. 440.49(1).

23 12. Contracts entered into pursuant to s. 337.11.

24 13. Services or commodities provided by governmental  
25 agencies.

26 (g) Continuing education events or programs that are  
27 offered to the general public and for which fees have been  
28 collected that pay all expenses associated with the event or  
29 program are exempt from competitive sealed bidding.

30 (22)(a) The State Technology Office ~~of the department~~  
31 shall develop a program for on-line procurement of commodities

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1 and contractual services. To enable the state to promote open  
2 competition and to leverage its buying power, executive state  
3 agencies shall participate in the on-line procurement program,  
4 and other agencies may participate in the program. Only  
5 bidders prequalified as meeting mandatory requirements and  
6 qualifications criteria shall be permitted to participate in  
7 on-line procurement. The State Technology Office may contract  
8 for equipment and services necessary to develop and implement  
9 on-line procurement.

10 (b) The State Technology Office, in consultation with  
11 the department, shall ~~may~~ adopt rules, pursuant to ss.  
12 120.536(1) and 120.54, to implement the program for on-line  
13 procurement. The rules shall include, but not be limited to:

- 14 1. Determining the requirements and qualification  
15 criteria for prequalifying bidders.
- 16 2. Establishing the procedures for conducting on-line  
17 procurement.
- 18 3. Establishing the criteria for eligible commodities  
19 and contractual services.
- 20 4. Establishing the procedures for providing access to  
21 on-line procurement.
- 22 5. Determining the criteria warranting any exceptions  
23 to participation in the on-line procurement program.

24 (c) The Department of Management Services and the  
25 State Technology Office may collect fees for the use of the  
26 online procurement systems. The fees may be imposed on an  
27 individual transaction basis or as a fixed percentage of the  
28 cost savings generated. At a minimum, the fees must be set in  
29 an amount sufficient to cover the projected costs of such  
30 services, including administrative and project service costs  
31 in accordance with the policies of the Department of

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1 Management Services and the State Technology Office. For the  
2 purposes of compensating the provider, the department may  
3 authorize the provider to collect and retain a portion of the  
4 fees. The providers may withhold the portion retained from  
5 the amount of fees to be remitted to the department. The  
6 department may negotiate the retainage as a percentage of such  
7 fees charged to users, as a flat amount, or as any other  
8 method the department deems feasible. All fees and surcharges  
9 collected under this paragraph shall be deposited in the  
10 Grants and Donation Trust Fund as provided by law.

11 (23)(a) The State Technology Office shall establish,  
12 in consultation with the department, state strategic  
13 information technology alliances for the acquisition and use  
14 of information technology and related material with  
15 prequalified contractors or partners to provide the state with  
16 efficient, cost-effective, and advanced information  
17 technology.

18 (b) In consultation with and under contract to the  
19 State Technology Office, the state strategic information  
20 technology alliances shall design, develop, and deploy  
21 projects providing the information technology needed to  
22 collect, store, and process the state's data and information,  
23 provide connectivity, and integrate and standardize computer  
24 networks and information systems of the state.

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

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

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1           Section 5. Section 287.0731, Florida Statutes, is  
2 amended to read:

3           287.0731 Team for contract negotiations.--Contingent  
4 upon funding in the General Appropriations Act, the Department  
5 of Management Services, in consultation with the State  
6 Technology Office, shall establish a permanent team for  
7 contract negotiations including a chief negotiator, to  
8 specialize in the procurement of information technology  
9 resources.

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

13           288.109 One-Stop Permitting System.--

14           (1) By January 1, 2001 ~~2000~~, the State Technology  
15 Office ~~Department of Management Services~~ must establish and  
16 implement an Internet site for the One-Stop Permitting System.  
17 The One-Stop Permitting System Internet site shall provide  
18 individuals and businesses with information concerning  
19 development permits; guidance on what development permits are  
20 needed for particular projects; permit requirements; and who  
21 may be contacted for more information concerning a particular  
22 development permit for a specific location. The office  
23 ~~department~~ shall design and construct the Internet site and  
24 may competitively procure and contract for services to develop  
25 the site. In designing and constructing the Internet site, the  
26 office ~~department~~ must solicit input from potential users of  
27 the site.

28           (2) The office ~~department~~ shall develop the One-Stop  
29 Permitting System Internet site to allow an applicant to  
30 complete and submit application forms for development permits  
31 to agencies and counties. The Internet site must be capable of

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1 allowing an applicant to submit payment for permit fees and  
2 must provide payment options. After initially establishing the  
3 Internet site, the office department shall implement, in the  
4 most timely manner possible, the capabilities described in  
5 this subsection. The office department shall also develop a  
6 protocol for adding to the One-Stop Permitting System  
7 additional state agencies and counties that agree to  
8 participate. The office department may competitively procure  
9 and contract for services to develop such capabilities.

10 (6) The office department may add counties and  
11 municipalities to the One-Stop Permitting System as such local  
12 governments agree to participate and develop the technical  
13 capability of joining the system.

14 (8) Section 120.60(1) shall apply to any development  
15 permit or license filed under the One-Stop Permitting System,  
16 except the 90-day time period for approving or denying a  
17 completed application shall be 60 days. In the case of permits  
18 issued by the water management districts, each completed  
19 application that does not require governing board approval  
20 must be approved or denied within 60 days after receipt.  
21 However, completed permit applications which must be  
22 considered by a water management district governing board  
23 shall be approved or denied at the next regularly scheduled  
24 meeting after the 60-day period has expired. The 60-day  
25 period for approving or denying a complete application does  
26 not apply in the case of a development permit application  
27 evaluated under a federally delegated or approved permitting  
28 program. However, the reviewing agency shall make a  
29 good-faith effort to act on such permit applications within 60  
30 days.

31 ~~(10) Notwithstanding any other provision of law or~~

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1 ~~administrative rule to the contrary, the fee imposed by a~~  
2 ~~state agency or water management district for issuing a~~  
3 ~~development permit shall be waived for a 6-month period~~  
4 ~~beginning on the date the state agency or water management~~  
5 ~~district begins accepting development permit applications over~~  
6 ~~the Internet and the applicant submits the development permit~~  
7 ~~to the agency or district using the One-Stop Permitting~~  
8 ~~System. The 6-month fee waiver shall not apply to development~~  
9 ~~permit fees assessed by the Electrical Power Plant Siting Act,~~  
10 ~~ss. 403.501-403.519; the Transmission Line Siting Act, ss.~~  
11 ~~403.52-403.5365; the statewide Multi-purpose Hazardous Waste~~  
12 ~~Facility Siting Act, ss. 403.78-403.7893; the Natural Gas~~  
13 ~~Pipeline Siting Act, ss. 403.9401-403.9425; and the High Speed~~  
14 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

15 Section 7. Section 288.1092, Florida Statutes, is  
16 amended to read:

17 288.1092 One-Stop Permitting System Grant  
18 Program.--There is created within the State Technology Office  
19 ~~Department of Management Services~~ the One-Stop Permitting  
20 System Grant Program. The purpose of the grant program is to  
21 encourage counties to coordinate and integrate the development  
22 of the county's permitting process with the One-Stop  
23 Permitting System. The office ~~department~~ shall review grant  
24 applications and, subject to available funds, if a county is  
25 certified as a Quick Permitting County under s. 288.1093,  
26 shall award a grant of up to \$50,000 to provide for such  
27 integration. The office ~~department~~ must review a grant  
28 application for consistency with the purpose of the One-Stop  
29 Permitting System to provide access to development permit  
30 information and application forms. Grants shall be issued on a  
31 first-come, first-served basis to qualified Quick Permitting

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1 Counties. The grant moneys may be used to purchase software,  
 2 hardware, or consulting services necessary for the county to  
 3 create an interface with the One-Stop Permitting System. Grant  
 4 moneys may not be used to pay administrative costs. The grant  
 5 application must specify what items or services the county  
 6 intends to purchase using the grant moneys, the amount of each  
 7 of the items or services to be purchased, and how the items or  
 8 services are necessary for the county to create an interface  
 9 with the One-Stop Permitting System.

10 Section 8. Section 288.1093, Florida Statutes, is  
 11 amended to read:

12 288.1093 Quick Permitting County Designation  
 13 Program.--

14 (1) There is established within the State Technology  
 15 Office ~~Department of Management Services~~ the Quick Permitting  
 16 County Designation Program. To be designated as a Quick  
 17 Permitting County, the chair of the board of county  
 18 commissioners of the applying county must certify to the  
 19 office ~~Department of Management Services~~ that the county meets  
 20 the criteria specified in subsection (3).

21 (2) As used in this section, the term "development  
 22 permitting" includes permits and approvals necessary for the  
 23 physical location of a business, including, but not limited  
 24 to:

- 25 (a) Wetland or environmental resource permits.
- 26 (b) Surface water management permits.
- 27 (c) Stormwater permits.
- 28 (d) Site plan approvals.
- 29 (e) Zoning and comprehensive plan amendments.
- 30 (f) Building permits.
- 31 (g) Transportation concurrency approvals.



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1 (h) Wastewater permits.

2 (3) In order to qualify for a Quick Permitting County  
3 designation, a county must certify to the office ~~department~~  
4 that the county has implemented the following best-management  
5 practices:

6 (a) The establishment of a single point of contact for  
7 a business seeking assistance in obtaining a permit;

8 (b) The selection of high-priority projects for  
9 accelerated permit review;

10 (c) The use of documented preapplication meetings  
11 following standard procedures;

12 (d) The maintenance of an inventory of sites suitable  
13 for high-priority projects;

14 (e) The development of a list of consultants who  
15 conduct business in the county;

16 (f) The evaluation and elimination of duplicative  
17 approval and permitting requirements within the county;

18 (g) The commitment to participate, through the entry  
19 of an interlocal agreement for individual projects, in the  
20 expedited permit process set forth in s. 403.973;

21 (h) The development of a timetable for processing  
22 development permits and approvals; and

23 (i) The use of interagency coordination to facilitate  
24 permit processing.

25 Section 9. Effective July 1, 2001, subsection (1) of  
26 section 455.213, Florida Statutes, is amended, and subsection  
27 (11) is added to that section, to read:

28 455.213 General licensing provisions.--

29 (1) Any person desiring to be licensed shall apply to  
30 the department in writing. The application for licensure shall  
31 be made on a form prepared and furnished by the department and

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1 include the applicant's social security number.

2 Notwithstanding any other provision of law, the department is

3 the sole authority for determining the contents of any

4 documents to be submitted for initial licensure and licensure

5 renewal. Such documents may contain information including, as

6 appropriate: demographics, education, work history, personal

7 background, criminal history, finances, business information,

8 complaints, inspections, investigations, discipline, bonding,

9 signature notarization, photographs, performance periods,

10 reciprocity, local government approvals, supporting

11 documentation, periodic reporting requirements, fingerprint

12 requirements, continuing education requirements, and ongoing

13 education monitoring.The application shall be supplemented as

14 needed to reflect any material change in any circumstance or

15 condition stated in the application which takes place between

16 the initial filing of the application and the final grant or

17 denial of the license and which might affect the decision of

18 the department. In order to further the economic development

19 goals of the state, and notwithstanding any law to the

20 contrary, the department may enter into an agreement with the

21 county tax collector for the purpose of appointing the county

22 tax collector as the department's agent to accept applications

23 for licenses and applications for renewals of licenses. The

24 agreement must specify the time within which the tax collector

25 must forward any applications and accompanying application

26 fees to the department. In cases where a person applies or

27 schedules directly with a national examination organization or

28 examination vendor to take an examination required for

29 licensure, any organization- or vendor-related fees associated

30 with the examination may be paid directly to the organization

31 or vendor.



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1 that agencies may purchase title insurance for land  
2 acquisition and may make emergency purchases of insurance  
3 pursuant to s. 287.057(4)(3)(a). The procedures for purchasing  
4 insurance, whether the purchase is made by the department or  
5 by the agencies, shall be the same as those set forth herein  
6 for the purchase of commodities.

7 Section 12. Subsection (5) of section 287.058, Florida  
8 Statutes, is amended to read:

9 287.058 Contract document.--

10 (5) Unless otherwise provided in the General  
11 Appropriations Act or the substantive bill implementing the  
12 General Appropriations Act, the Comptroller may waive the  
13 requirements of this section for services which are included  
14 in s. 287.057(4)(3)(f).

15 Section 13. Subsection (3) of section 394.457, Florida  
16 Statutes, is amended to read:

17 394.457 Operation and administration.--

18 (3) POWER TO CONTRACT.--The department may contract to  
19 provide, and be provided with, services and facilities in  
20 order to carry out its responsibilities under this part with  
21 the following agencies: public and private hospitals;  
22 receiving and treatment facilities; clinics; laboratories;  
23 departments, divisions, and other units of state government;  
24 the state colleges and universities; the community colleges;  
25 private colleges and universities; counties, municipalities,  
26 and any other governmental unit, including facilities of the  
27 United States Government; and any other public or private  
28 entity which provides or needs facilities or services. Baker  
29 Act funds for community inpatient, crisis stabilization,  
30 short-term residential treatment, and screening services must  
31 be allocated to each county pursuant to the department's

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1 funding allocation methodology. Notwithstanding the provisions  
2 of s. 287.057~~(4)~~~~(3)~~(f), contracts for community-based Baker  
3 Act services for inpatient, crisis stabilization, short-term  
4 residential treatment, and screening provided under this part,  
5 other than those with other units of government, to be  
6 provided for the department must be awarded using competitive  
7 sealed bids when the county commission of the county receiving  
8 the services makes a request to the department's district  
9 office by January 15 of the contracting year. The district  
10 shall not enter into a competitively bid contract under this  
11 provision if such action will result in increases of state or  
12 local expenditures for Baker Act services within the district.  
13 Contracts for these Baker Act services using competitive  
14 sealed bids will be effective for 3 years. Services contracted  
15 for by the department may be reimbursed by the state at a rate  
16 up to 100 percent. The department shall adopt rules  
17 establishing minimum standards for such contracted services  
18 and facilities and shall make periodic audits and inspections  
19 to assure that the contracted services are provided and meet  
20 the standards of the department.

21 Section 14. Paragraph (a) of subsection (1) of section  
22 394.47865, Florida Statutes, is amended to read:

23 394.47865 South Florida State Hospital;  
24 privatization.--

25 (1) The Department of Children and Family Services  
26 shall, through a request for proposals, privatize South  
27 Florida State Hospital. The department shall plan to begin  
28 implementation of this privatization initiative by July 1,  
29 1998.

30 (a) Notwithstanding s. 287.057~~(13)~~~~(12)~~, the department  
31 may enter into agreements, not to exceed 20 years, with a

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1 private provider, a coalition of providers, or another agency  
2 to finance, design, and construct a treatment facility having  
3 up to 350 beds and to operate all aspects of daily operations  
4 within the facility. The department may subcontract any or all  
5 components of this procurement to a statutorily established  
6 state governmental entity that has successfully contracted  
7 with private companies for designing, financing, acquiring,  
8 leasing, constructing, and operating major privatized state  
9 facilities.

10 Section 15. Subsections (1) and (5) of section 402.73,  
11 Florida Statutes, are amended to read:

12 402.73 Contracting and performance standards.--

13 (1) The Department of Children and Family Services  
14 shall establish performance standards for all contracted  
15 client services. Notwithstanding s. 287.057(4)(~~3~~)(f), the  
16 department must competitively procure any contract for client  
17 services when any of the following occurs:

18 (a) The provider fails to meet appropriate performance  
19 standards established by the department after the provider has  
20 been given a reasonable opportunity to achieve the established  
21 standards.

22 (b) A new program or service has been authorized and  
23 funded by the Legislature and the annual value of the contract  
24 for such program or service is \$300,000 or more.

25 (c) The department has concluded, after reviewing  
26 market prices and available treatment options, that there is  
27 evidence that the department can improve the performance  
28 outcomes produced by its contract resources. At a minimum, the  
29 department shall review market prices and available treatment  
30 options biennially. The department shall compile the results  
31 of the biennial review and include the results in its annual

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1 performance report to the Legislature pursuant to chapter  
2 94-249, Laws of Florida. The department shall provide notice  
3 and an opportunity for public comment on its review of market  
4 prices and available treatment options.

5 Section 16. Paragraph (c) of subsection (5) of section  
6 445.024, Florida Statutes, is amended to read:

7 445.024 Work requirements.--

8 (5) USE OF CONTRACTS.--Regional workforce boards shall  
9 provide work activities, training, and other services, as  
10 appropriate, through contracts. In contracting for work  
11 activities, training, or services, the following applies:

12 (c) Notwithstanding the exemption from the competitive  
13 sealed bid requirements provided in s. 287.057(4)(3)(f) for  
14 certain contractual services, each contract awarded under this  
15 chapter must be awarded on the basis of a competitive sealed  
16 bid, except for a contract with a governmental entity as  
17 determined by the regional workforce board.

18 Section 17. Paragraph (d) of subsection (2) of section  
19 455.2177, Florida Statutes, is amended to read:

20 455.2177 Monitoring of compliance with continuing  
21 education requirements.--

22 (2) If the compliance monitoring system required under  
23 this section is privatized, the following provisions apply:

24 (d) Upon the failure of a vendor to meet its  
25 obligations under a contract as provided in paragraph (a), the  
26 department may suspend the contract and enter into an  
27 emergency contract under s. 287.057(4)(3).

28 Section 18. This act shall take effect upon becoming a  
29 law.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to information technology;

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

9 Department of Environmental Protection and the

10 State Technology Office to establish a pilot

11 project to test the cost-effectiveness of

12 publication of notices on the Internet in lieu

13 of publication in the Florida Administrative

14 Weekly; directing the Department of State to

15 publish notice of the pilot project; requiring

16 the Department of Environmental Protection, the

17 State Technology Office, and the Department of

18 State to submit a joint report on the

19 cost-effectiveness of publication of such

20 notices on the Internet; defining the term

21 "information technology"; amending s. 287.012,

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

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

24 F.S.; providing challenge procedure; adding

25 responses and quotes to category of items to

26 which procedures are developed; tasking

27 Department of Management Services with

28 developing procedures to be used by agencies

29 for issuing invitations and requests;

30 identifying methods for securing bids,

31 responses, Quotes and proposals revising



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1 language with respect to the Department of  
2 Management Services; providing that the  
3 department, in consultation with the State  
4 Technology Office, shall prescribe procedures  
5 for procuring information technology; directing  
6 the office to assess the technological needs of  
7 certain agencies; amending s. 287.057, F.S.;  
8 providing for the role of the State Technology  
9 Office in developing a program for on-line  
10 procurement of commodities and contractual  
11 services; authorizing the office to collect  
12 certain fees; providing for the deposit of such  
13 fees; directing the office to establish state  
14 strategic information technology alliances for  
15 the acquisition and use of information  
16 technology; providing for the duties of such  
17 alliances; providing for rules; amending 287;  
18 providing for agency use of invitations to  
19 negotiate; amending s. 287.0731, F.S.;  
20 conforming provisions to changes made by the  
21 act; amending s. 288.109, F.S.; substituting  
22 State Technology Office for Department of  
23 Management Services; providing for  
24 establishment and maintenance of a One-Stop  
25 Permitting System; amending ss. 288.1092 and  
26 288.1093, F.S.; establishing the One-Stop  
27 Permitting System Grant Program and the Quick  
28 Permitting County Designation Program within  
29 the State Technology Office; amending s.  
30 455.213, F.S.; providing for the content of  
31 licensure and renewal documents; providing for

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1           the electronic submission of information to the  
2           department; providing that all legal  
3           obligations must be met before the issuance or  
4           renewal of a license; amending ss. 61.1826,  
5           287.022, 287.058, 394.457, 394.47865, 402.73,  
6           445.024, and 455.2177, F.S.; correcting cross  
7           references; providing an effective date.  
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