

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Hart offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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 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, in lieu
of publication in the Florida Administrative Weekly, the
Department of Environmental Protection shall publish such
notices on the Internet. The Department of Environmental

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1 Protection shall publish all other notices in the manner
2 prescribed by law. Notices published on the Internet under
3 this section shall clearly state the date the notice was first
4 posted on the Internet, shall be posted only on the same days
5 the Florida Administrative Weekly is published, and shall
6 comply with the form and content provisions of the Florida
7 Administrative Code. Notices related to rulemaking published
8 on the Internet under this provision shall be maintained on
9 the Internet for a period of at least 12 months after the
10 effective date of the rule or at least 3 months after the
11 publication of a notice of withdrawal of the proposed rule.
12 All other notices published on the Internet under this
13 provision shall be maintained on the Internet for a period of
14 at least 3 months after the date first posted. A searchable
15 database or other electronic system to be permanently
16 maintained on the Internet for the purpose of archiving all
17 notices published on the Internet and allowing citizens
18 permanent electronic access to such archived records shall
19 also be established by the pilot project. No notice posted on
20 the Internet shall be removed until the searchable database is
21 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 publication in the
28 Florida Administrative Weekly, notices of the Department of
29 Environmental Protection are being published on the Internet
30 at the following Internet URL or address:
31 <http://www.dep.state.fl.us>."

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

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

13 287.012 Definitions.--The following definitions shall
14 apply in this part:

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

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

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

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1 form.

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

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

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

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

31 (c) Development of procedures for the receipt and

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

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

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

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

31 (16)(a) To enter into joint agreements with

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

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

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

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

31 287.057 Procurement of commodities or contractual

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1 services.--

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

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

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

- 22 1. Determining the requirements and qualification
23 criteria for prequalifying bidders.
- 24 2. Establishing the procedures for conducting on-line
25 procurement.
- 26 3. Establishing the criteria for eligible commodities
27 and contractual services.
- 28 4. Establishing the procedures for providing access to
29 on-line procurement.
- 30 5. Determining the criteria warranting any exceptions
31 to participation in the on-line procurement program.

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

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

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

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1 networks and information systems of the state.

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

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

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

11 287.0731 Team for contract negotiations.--Contingent
12 upon funding in the General Appropriations Act, the Department
13 of Management Services, in consultation with the State
14 Technology Office, shall establish a permanent team for
15 contract negotiations including a chief negotiator, to
16 specialize in the procurement of information technology
17 ~~resources.~~

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

21 288.109 One-Stop Permitting System.--

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

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

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

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

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

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

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

23 Section 7. This act shall take effect July 1, 2001.

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

27 And the title is amended as follows:

28 On page 1, line 2-16,
29 remove from the title of the bill: all of said lines
30
31 and insert in lieu thereof:

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1 An act relating to information technology; creating s.
2 120.551, F.S.; directing the Department of Environmental
3 Protection and the State Technology Office to establish a
4 pilot project to test the cost-effectiveness of publication of
5 notices on the Internet in lieu of publication in the Florida
6 Administrative Weekly; directing the Department of State to
7 publish notice of the pilot project; requiring the Department
8 of Environmental Protection, the State Technology Office, and
9 the Department of State to submit a joint report on the
10 cost-effectiveness of publication of such notices on the
11 Internet; defining the term "information technology"; amending
12 s. 287.012, F.S.; defining "invitation to negotiate" and
13 "request for a quote"; amending s. 287.042, F.S.; providing
14 challenge procedure; adding responses and quotes to category
15 of items to which procedures are developed; tasking Department
16 of Management Services with developing procedures to be used
17 by agencies for issuing invitations and requests; identifying
18 methods for securing bids, responses, Quotes and proposals
19 revising language with respect to the Department of Management
20 Services; providing that the department, in consultation with
21 the State Technology Office, shall prescribe procedures for
22 procuring information technology; directing the office to
23 assess the technological needs of certain agencies; amending
24 s. 287.057, F.S.; providing for the role of the State
25 Technology Office in developing a program for on-line
26 procurement of commodities and contractual services;
27 authorizing the office to collect certain fees; providing for
28 the deposit of such fees; directing the office to establish
29 state strategic information technology alliances for the
30 acquisition and use of information technology; providing for
31 the duties of such alliances; providing for rules; amending

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1 287; providing for agency use of invitations to negotiate;
2 amending s. 287.0731, F.S.; conforming provisions to changes
3 made by the act; amending s. 288.109(1), F.S.; substituting
4 State Technology Office for Department of Management Services;
5 providing for establishment and maintenance of a One-Stop
6 Permitting System; providing an effective date;
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