

Bill No. CS for SB 1132

Amendment No. Barcode 655300

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5	<hr/>		
6			
7			
8			
9			
10	<hr/>		
11	Senator Garcia moved the following substitute for amendment		
12	(931322):		
13			
14	Senate Amendment (with title amendment)		
15	On page 81, line 11, through page 82, line 21, delete		
16	those lines		
17			
18	and insert:		
19	Section 38. Subsection (2) of section 413.033, Florida		
20	Statutes, is amended and subsection (7) of section 413.033,		
21	Florida Statutes, is created to read:		
22	413.033 Definitions.--As used in ss. 413.032-413.037:		
23	(2) "Other severely handicapped" and "severely		
24	handicapped individuals" mean an individual or class of		
25	individuals under a physical or mental disability other than		
26	blindness, which, according to criteria established by the		
27	<u>department</u> commission created in s. 413.034 , after		
28	consultation with appropriate entities of the state and taking		
29	into account the views of nongovernmental entities		
30	representing the handicapped, constitutes a substantial		
31	handicap to employment and is of such a nature as to prevent		

Bill No. CS for SB 1132

Amendment No. ____ Barcode 655300

1 the individual under such disability from currently engaging
2 in normal competitive employment.

3 (7) "Department" means the Department of Management
4 Services."

5 Section 39. Section 413.035, Florida Statutes, is
6 amended to read:

7 413.035 Duties and powers of the department
8 ~~commission~~--

9 (1) It shall be the duty of the department ~~commission~~
10 to determine the market price of all products and services
11 offered for sale to the various agencies of the state by any
12 qualified nonprofit agency for the blind or other severely
13 handicapped. The price shall recover for the nonprofit agency
14 the cost of raw materials, labor, overhead, and delivery, but
15 without profit, and shall be revised from time to time in
16 accordance with changing cost factors. The department
17 ~~commission~~ shall make such rules and regulations regarding
18 specifications, time of delivery, and assignment of products
19 and services to be supplied by nonprofit agencies for the
20 blind or by agencies for the other severely handicapped, with
21 priority for assignment of products to agencies for the blind,
22 authorization of a central nonprofit agency to facilitate the
23 allocation of orders among qualified nonprofit agencies for
24 the blind, authorization of a central nonprofit agency to
25 facilitate the allocation of orders among qualified nonprofit
26 agencies for other severely handicapped, and other relevant
27 matters of procedure as shall be necessary to carry out the
28 purposes of this act. The department ~~commission~~ shall
29 authorize the purchase of products and services elsewhere when
30 requisitions cannot reasonably be complied with through the
31 nonprofit agencies for the blind and other severely

Bill No. CS for SB 1132

Amendment No. ____ Barcode 655300

1 handicapped.

2 (2) The department ~~commission~~ shall establish and
3 publish a list of products and services provided by any
4 qualified nonprofit agency for the blind and any nonprofit
5 agency for the other severely handicapped, which the
6 department ~~commission~~ determines are suitable for procurement
7 by agencies of the state pursuant to this act. This
8 procurement list and revision thereof shall be distributed to
9 all purchasing officers of the state and its political
10 subdivisions. All products offered for purchase to a state
11 agency by a qualified nonprofit agency shall have significant
12 value added by blind or severely handicapped persons, as
13 determined by the department.

14 Section 40. Section 413.036, Florida Statutes, is
15 amended to read:

16 413.036 Procurement of services by agencies; authority
17 of department ~~commission~~.--

18 (1) If any agency intends to procure any product or
19 service on the procurement list, that agency shall, in
20 accordance with rules and regulations of the department
21 ~~commission~~, procure such product or service at the price
22 established by the department ~~commission~~ from a qualified
23 nonprofit agency for the blind or for the other severely
24 handicapped if the product or service is available within a
25 reasonable delivery time. This act shall not apply in any
26 case in which products or services are available for
27 procurement from any agency of the state and procurement
28 therefrom is required under the provision of any law currently
29 in effect. However, this act shall have precedence over any
30 law requiring state agency procurement of products or services
31 from any other nonprofit corporation unless such precedence is

Bill No. CS for SB 1132

Amendment No. ____ Barcode 655300

1 waived by the department ~~commission~~ in accordance with its
2 rules.

3 (2) The provisions of part I of chapter 287 do not
4 apply to any purchase of commodities or contractual services
5 made by any legislative, executive, or judicial agency of the
6 state from a qualified nonprofit agency for the blind or for
7 the other severely handicapped.

8 (3) If, pursuant to a contract between any
9 legislative, executive, or judicial agency of the state and
10 any private contract vendor, a product or service is required
11 by the Department of Management Services or on behalf of any
12 state agency that is included on the procurement list
13 established by the department pursuant to s. 413.035(2), the
14 contract must contain the following language:

15 "IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY
16 ARTICLES THAT ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT,
17 THIS CONTRACT SHALL BE PURCHASED FROM A NONPROFIT AGENCY FOR
18 THE BLIND OR FOR THE SEVERELY HANDICAPPED THAT IS QUALIFIED
19 PURSUANT TO CHAPTER 413, FLORIDA STATUTES, IN THE SAME MANNER
20 AND UNDER THE SAME PROCEDURES SET FORTH IN SECTION 413.036(1)
21 AND (2), FLORIDA STATUTES; AND FOR PURPOSES OF THIS CONTRACT
22 THE PERSON, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE
23 PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED
24 FOR THE STATE AGENCY INsofar AS DEALINGS WITH SUCH QUALIFIED
25 NONPROFIT AGENCY ARE CONCERNED."

26 (4) No similar product or service of comparable price
27 and quality found necessary for use by any state agency may be
28 purchased from any source other than the nonprofit agency for
29 the blind or for the severely handicapped if the nonprofit
30 agency certifies that the product is manufactured or supplied
31 by, or the service is provided by, the blind or the severely

Bill No. CS for SB 1132

Amendment No. ____ Barcode 655300

1 handicapped and the product or service meets the comparable
2 performance specifications and comparable price and quality
3 requirements as determined by the department or an agency. The
4 purchasing authority of any such state agency may make
5 reasonable determinations of need, price, and quality with
6 reference to products or services available from the nonprofit
7 agency.

8 Section 41. Section 413.037, Florida Statutes, is
9 amended to read:

10 413.037 Cooperation with department ~~commission~~
11 required; duties of state agencies.--

12 (1) In furtherance of the purposes of this act and in
13 order to contribute to the economy of state government, it is
14 the intent of the Legislature that there be close cooperation
15 between the department ~~commission~~ and any agency of the state
16 from which procurement of products or services is required
17 under the provision of any law currently in effect. The
18 department ~~commission~~ and any such agency of the state are
19 authorized to enter into such contractual agreements,
20 cooperative working relationships, or other arrangements as
21 may be determined to be necessary for effective coordination
22 and efficient realization of the objectives of this act and
23 any other law requiring procurement of products or services
24 from any agency of the state.

25 (2) The department ~~commission~~ may secure directly from
26 any agency of the state information necessary to enable it to
27 carry out this act. Upon request of the department ~~chair of~~
28 ~~the commission~~, the head of the agency shall furnish such
29 information to the department ~~commission~~.

30 (3) Space shall be set aside in the State Capitol for
31 the purpose of exhibiting products produced by clients of

Bill No. CS for SB 1132

Amendment No. ____ Barcode 655300

1 rehabilitation-oriented agencies of the state.

2 Section 42. Section 413.034, Florida Statutes, is
3 repealed.

4
5 (Redesignate subsequent sections.)

6
7
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 5, lines 16 though 20, delete those lines

11
12 and insert:

13 s. 413.033, F.S.; revising a definition;
14 creating a new definition; amending s. 413.035,
15 F.S.; providing content requirements for
16 certain products; providing that the Department
17 of Management Services will assume the
18 commission's duties; clarifying and conforming
19 changes; amending s. 413.036, F.S.; providing
20 that ch. 287, F.S., does not apply to purchases
21 made from specified nonprofit agencies;
22 specifying provisions required to be contained
23 in certain state contracts; limiting purchases
24 of products or services by state agencies from
25 sources other than the nonprofit agency for the
26 blind or severely handicapped under certain
27 circumstances; amending s. 413.037, F.S.;
28 clarifying and conforming changes; repealing s.
29 413.034, F.S., relating to the commission for
30 purchase from the blind or other severely
31 handicapped; providing an effective