

Bill No. CS for SB 1132

Amendment No. Barcode 931322

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

13 **Senate Amendment (with title amendment)**

14 On page 81, line 11, through page 82, line 21, delete
15 those lines

17 and insert:

18 Section 38. Subsection (2) of section 413.033, Florida
19 Statutes, is amended to read:

20 413.033 Definitions.--As used in ss. 413.032-413.037:

21 (2) "Other severely handicapped" and "severely
22 handicapped individuals" mean an individual or class of
23 individuals under a physical or mental disability other than
24 blindness, which, according to criteria established by the
25 department ~~commission created in s. 413.034~~, after
26 consultation with appropriate entities of the state and taking
27 into account the views of nongovernmental entities
28 representing the handicapped, constitutes a substantial
29 handicap to employment and is of such a nature as to prevent
30 the individual under such disability from currently engaging
31 in normal competitive employment.

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1 Section 39. Section 413.035, Florida Statutes, is
2 amended to read:

3 413.035 Duties and powers of the department
4 ~~commission~~.--

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

29 (2) The department ~~commission~~ shall establish and
30 publish a list of products and services provided by any
31 qualified nonprofit agency for the blind and any nonprofit

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

10 Section 40. Section 413.036, Florida Statutes, is
11 amended to read:

12 413.036 Procurement of services by agencies; authority
13 of department ~~commission~~.--

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

30 (2) The provisions of part I of chapter 287 do not
31 apply to any purchase of commodities or contractual services

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1 made by any legislative, executive, or judicial agency of the
2 state from a qualified nonprofit agency for the blind or for
3 the other severely handicapped.

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

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

22 (4) No similar product or service of comparable price
23 and quality found necessary for use by any state agency may be
24 purchased from any source other than the nonprofit agency for
25 the blind or for the severely handicapped if the nonprofit
26 agency certifies that the product is manufactured or supplied
27 by, or the service is provided by, the blind or the severely
28 handicapped and the product or service meets the comparable
29 performance specifications and comparable price and quality
30 requirements as determined by the department or an agency. The
31 purchasing authority of any such state agency may make

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1 reasonable determinations of need, price, and quality with
2 reference to products or services available from the nonprofit
3 agency.

4 Section 41. Section 413.037, Florida Statutes, is
5 amended to read:

6 413.037 Cooperation with department ~~commission~~
7 required; duties of state agencies.--

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

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

26 (3) Space shall be set aside in the State Capitol for
27 the purpose of exhibiting products produced by clients of
28 rehabilitation-oriented agencies of the state.

29 Section 42. Section 413.034, Florida Statutes, is
30 repealed.

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1 (Redesignate subsequent sections.)

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

5 And the title is amended as follows:

6 On page 5, lines 16 through 20, delete those lines

7

8 and insert:

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

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