

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Benson offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (13) of section 287.012, Florida
6 Statutes, is amended, to read:

7 287.012 Definitions.--As used in this part, the term:

8 (13) "Exceptional purchase" means any purchase of
9 commodities or contractual services excepted by law or rule from
10 the requirements for competitive solicitation, including, but
11 not limited to, purchases from a single source; purchases upon
12 receipt of less than two responsive bids, proposals, or replies;
13 purchases made by an agency, after receiving approval from the
14 department, from a contract procured, pursuant to s. 287.057(1),
15 (2), or (3), by another agency; and purchases made without
16 advertisement in the manner required by s. 287.042(3)(b). The

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17 term "exceptional purchase" does not include purchases made
18 pursuant to s. 287.057(5)(e) and (f).

19 Section 2. Paragraphs (b) and (h) of subsection (1) and
20 paragraph (a) of subsection (16) of section 287.042, Florida
21 Statutes, are amended, to read:

22 287.042 Powers, duties, and functions.--The department
23 shall have the following powers, duties, and functions:

24 (1)

25 (b) ~~To The department may~~ remove from its vendor list any
26 source of supply which fails to fulfill any of its duties
27 specified in a contract with the state. It may reinstate any
28 such source of supply when it is satisfied that further
29 instances of default will not occur.

30 ~~(h) The department may collect fees for the use of its~~
31 ~~electronic information services. The fees may be imposed on an~~
32 ~~individual transaction basis or as a fixed subscription for a~~
33 ~~designated period of time. At a minimum, the fees shall be~~
34 ~~determined in an amount sufficient to cover the department's~~
35 ~~projected costs of such services, including overhead in~~
36 ~~accordance with the policies of the Department of Management~~
37 ~~Services for computing its administrative assessment. All fees~~
38 ~~collected pursuant to this paragraph shall be deposited in the~~
39 ~~Grants and Donations Trust Fund for disbursement as provided by~~
40 ~~law.~~

41 (16)(a) To evaluate contracts that are competitively
42 procured ~~let~~ by the Federal Government, another state, or a
43 political subdivision of any state for the provision of
44 commodities and contractual ~~contract~~ services, and, when it is

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45 determined in writing to be cost-effective and in the best
46 interest of the state, to enter into a written agreement
47 authorizing an agency to make purchases under the a contract
48 ~~approved by the department and let by the Federal Government,~~
49 ~~another state, or a political subdivision.~~

50 Section 3. Subsection (11) of section 287.045, Florida
51 Statutes, is repealed.

52 287.045 Procurement of products and materials with
53 recycled content.--

54 ~~(11) Each agency shall report annually to the department~~
55 ~~its total expenditures on, and use of, products with recycled~~
56 ~~content and the percentage of its budget that represents~~
57 ~~purchases of similar products made from virgin materials. The~~
58 ~~department shall design a uniform reporting mechanism and~~
59 ~~prepare annual summaries of statewide purchases delineating~~
60 ~~those with recycled content to be submitted to the Governor, the~~
61 ~~President of the Senate, and the Speaker of the House of~~
62 ~~Representatives.~~

63 Section 4. Section 287.056, Florida Statutes, is amended
64 to read:

65 287.056 Purchases from purchasing agreements and state
66 term contracts.--

67 (1) Agencies shall, and eligible users may, purchase
68 commodities and contractual services from purchasing agreements
69 established and state term contracts procured, under ~~pursuant to~~
70 s. 287.057, by the department. The department may adopt rules
71 which exempt agencies from this subsection when commodities and

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72 contractual services available from such purchasing agreements
73 and state term contracts cannot meet agency needs.

74 ~~(2) Agencies may have the option to purchase commodities~~
75 ~~or contractual services from state term contracts procured,~~
76 ~~pursuant to s. 287.057, by the department which contain a user~~
77 ~~surcharge pursuant to s. 287.1345 as determined by the~~
78 ~~department.~~

79 (2)(3) Agencies and eligible users may use a request for
80 quote to obtain written pricing or services information from a
81 state term contract vendor for commodities or contractual
82 services available on state term contract from that vendor. The
83 purpose of a request for quote is to determine whether a price,
84 term, or condition more favorable to the agency or eligible user
85 than that provided in the state term contract is available. Use
86 of a request for quote does not constitute a decision or
87 intended decision that is subject to protest under s. 120.57(3).

88 Section 5. Section 287.0565, Florida Statutes, is created
89 to read:

90 287.0565 Procurement of commodities or contractual
91 services.--

92 (1) In order to obtain the best value for the state, the
93 department shall adopt rules pursuant to ss. 120.536(1) and
94 120.54, which prescribe methods for the procurement of
95 commodities and contractual services that do not cost in excess
96 of the threshold amount provided in s. 287.017 for CATEGORY TWO.

97 Section 6. Subsections (2), (3), (5), (6), (17), (18), and
98 (23) of section 287.057, Florida Statutes, are amended to read:

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99 287.057 Procurement of commodities or contractual
100 services.--

101 (2)(a) If an agency determines in writing that the use of
102 an invitation to bid is not practicable, commodities or
103 contractual services shall be procured by competitive sealed
104 proposals. A request for proposals shall be made available
105 simultaneously to all vendors, and must include a statement of
106 the commodities or contractual services sought; the time and
107 date for the receipt of proposals and of the public opening; and
108 all contractual terms and conditions applicable to the
109 procurement, including the criteria, which shall include, but
110 ~~need~~ not be limited to, price, to be used in determining
111 acceptability of the proposal. The relative importance of price
112 and other evaluation criteria shall be indicated. If the agency
113 contemplates renewal of the commodities or contractual services
114 contract, that fact must be stated in the request for proposals.
115 The proposal shall include the price for each year for which the
116 contract may be renewed. Evaluation of proposals shall include
117 consideration of the total cost for each year as submitted by
118 the vendor.

119 (b) The contract shall be awarded to the responsible and
120 responsive vendor whose proposal is determined in writing to
121 result in the best value ~~be the most advantageous~~ to the state,
122 taking into consideration the price and the other criteria set
123 forth in the request for proposals. The contract file shall
124 contain documentation supporting the basis on which the award is
125 made.

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126 (3)(a) If the agency determines in writing that the use of
127 an invitation to bid or a request for proposals is ~~will~~ not
128 likely to result in the best value to the state, the agency may
129 procure commodities and contractual services by competitive
130 sealed replies. The agency's written determination must specify
131 reasons that explain why negotiation may be necessary in order
132 for the state to achieve the best value and must be approved in
133 writing by the agency head or his or her designee prior to the
134 advertisement of an invitation to negotiate. An invitation to
135 negotiate shall be made available to all vendors simultaneously
136 and must include a statement of the commodities or contractual
137 services sought; the time and date for the receipt of replies
138 and of the public opening; and all terms and conditions
139 applicable to the procurement, including the criteria to be used
140 in determining the acceptability of the reply. If the agency
141 contemplates renewal of the contract, that fact must be stated
142 in the invitation to negotiate. The reply shall include the
143 price for each year for which the contract may be renewed.

144 (b) The agency shall evaluate and rank responsive replies
145 against all evaluation criteria set forth in the invitation to
146 negotiate and shall select, based on the ranking, one or more
147 vendors with which to commence negotiations. After negotiations
148 are conducted, the agency shall award the contract to the
149 responsible and responsive vendor that the agency determines
150 will provide the best value to the state. The contract file must
151 contain a short plain statement that explains the basis for
152 vendor selection and that sets forth the vendor's deliverables
153 and price, pursuant to the contract, with an explanation of how

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154 these deliverables and price provide the best value to the
155 state.

156 (5) When the purchase price of commodities or contractual
157 services exceeds the threshold amount provided in s. 287.017 for
158 CATEGORY TWO, no purchase of commodities or contractual services
159 may be made without receiving competitive sealed bids,
160 competitive sealed proposals, or competitive sealed replies
161 unless:

162 (a) The agency head determines in writing that an
163 immediate danger to the public health, safety, or welfare or
164 other substantial loss to the state requires emergency action.
165 After the agency head makes such a written determination, the
166 agency may proceed with the procurement of commodities or
167 contractual services necessitated by the immediate danger,
168 without receiving competitive sealed bids, competitive sealed
169 proposals, or competitive sealed replies. However, such
170 emergency procurement shall be made by obtaining pricing
171 information from at least two prospective vendors, which must be
172 retained in the contract file, unless the agency determines in
173 writing that the time required to obtain pricing information
174 will increase the immediate danger to the public health, safety,
175 or welfare or other substantial loss to the state. The agency
176 shall furnish copies of all written determinations certified
177 under oath and any other documents relating to the emergency
178 action to the department. A copy of the statement shall be
179 furnished to the Chief Financial Officer with the voucher
180 authorizing payment. The individual purchase of personal
181 clothing, shelter, or supplies which are needed on an emergency

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182 basis to avoid institutionalization or placement in a more
183 restrictive setting is an emergency for the purposes of this
184 paragraph, and the filing with the department of such statement
185 is not required in such circumstances. In the case of the
186 emergency purchase of insurance, the period of coverage of such
187 insurance shall not exceed a period of 30 days, and all such
188 emergency purchases shall be reported to the department.

189 (b) The purchase is made by an agency from a state term
190 contract procured, pursuant to this section, by the department
191 or by an agency, after receiving approval from the department,
192 from a contract procured, pursuant to subsection (1), subsection
193 (2), or subsection (3), by another agency.

194 (c) The commodities or contractual services are available
195 only from a single source ~~may be excepted from the competitive-~~
196 ~~solicitation requirements.~~ When an agency believes that
197 commodities or contractual services are available only from a
198 single source, the agency shall electronically post a
199 description in a form prescribed by the department of the
200 commodities or contractual services sought for a period of at
201 least 7 business days. The description must include a request
202 that prospective vendors provide information regarding their
203 ability to supply the commodities or contractual services
204 described. If it is determined in writing by the agency, after
205 reviewing any information received from prospective vendors,
206 that the commodities or contractual services are available only
207 from a single source, the agency shall:

208 1. Provide notice in a form prescribed by the department
209 of its intended decision to enter a single-source purchase

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210 contract in the manner specified in s. 120.57(3), if the amount
211 of the contract does not exceed the threshold amount provided in
212 s. 287.017 for CATEGORY FOUR.

213 2. Request approval from the department for the single-
214 source purchase, if the amount of the contract exceeds the
215 threshold amount provided in s. 287.017 for CATEGORY FOUR. The
216 agency shall initiate its request for approval in a form
217 prescribed by the department, which request may be
218 electronically transmitted. The failure of the department to
219 approve or disapprove the agency's request for approval within
220 21 days after receiving such request shall constitute prior
221 approval of the department. If the department approves the
222 agency's request, the agency shall provide notice of its
223 intended decision to enter a single-source contract in the
224 manner specified in s. 120.57(3).

225 (d) When it is in the best interest of the state, the
226 secretary of the department or his or her designee may authorize
227 the Support Program to purchase insurance by negotiation, but
228 such purchase shall be made only under conditions most favorable
229 to the public interest.

230 (e) Prescriptive assistive devices for the purpose of
231 medical, developmental, or vocational rehabilitation of clients
232 are excepted from competitive-solicitation requirements and
233 shall be procured pursuant to an established fee schedule or by
234 any other method which ensures the best price for the state,
235 taking into consideration the needs of the client. Prescriptive
236 assistive devices include, but are not limited to, prosthetics,
237 orthotics, and wheelchairs. For purchases made pursuant to this

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238 paragraph, state agencies shall annually file with the
239 department a description of the purchases and methods of
240 procurement.

241 (f) The following contractual services and commodities are
242 not subject to the competitive-solicitation requirements of this
243 section:

244 1. Artistic services.

245 2. Academic program reviews.

246 3. Lectures by individuals.

247 4. Auditing services.

248 5. Legal services, including attorney, paralegal, expert
249 witness, appraisal, or mediator services.

250 6. Health services involving examination, diagnosis,
251 treatment, prevention, medical consultation, or administration.

252 7. Services provided to persons with mental or physical
253 disabilities by not-for-profit corporations which have obtained
254 exemptions under the provisions of s. 501(c)(3) of the United
255 States Internal Revenue Code or when such services are governed
256 by the provisions of Office of Management and Budget Circular A-
257 122. However, in acquiring such services, the agency shall
258 consider the ability of the vendor, past performance,
259 willingness to meet time requirements, and price.

260 8. Medicaid services delivered to an eligible Medicaid
261 recipient by a health care provider who has not previously
262 applied for and received a Medicaid provider number from the
263 Agency for Health Care Administration. However, this exception
264 shall be valid for a period not to exceed 90 days after the date

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265 of delivery to the Medicaid recipient and shall not be renewed
266 by the agency.

267 9. Family placement services.

268 10. Prevention services related to mental health,
269 including drug abuse prevention programs, child abuse prevention
270 programs, and shelters for runaways, operated by not-for-profit
271 corporations. However, in acquiring such services, the agency
272 shall consider the ability of the vendor, past performance,
273 willingness to meet time requirements, and price.

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

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

277 13. Contractual services or commodities provided directly
278 by ~~governmental~~ agencies; political subdivisions of the state;
279 state universities and colleges; the Federal Government or any
280 department, commission, agency, or other instrumentality
281 thereof; and any state or agency thereof. This subparagraph does
282 not apply to contractual services or commodities provided by
283 these entities pursuant to a contract between the entity and a
284 private vendor.

285 (g) Continuing education events or programs that are
286 offered to the general public and for which fees have been
287 collected that pay all expenses associated with the event or
288 program are exempt from requirements for competitive
289 solicitation.

290 (6) If less than two responsive bids, proposals, or
291 replies for commodity or contractual services purchases are
292 received, the department or other agency may negotiate on the

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293 best terms and conditions. The department or other agency shall
294 document the reasons that such action is in the best interest of
295 the state in lieu of resoliciting competitive sealed bids,
296 proposals, or replies. ~~Each agency shall report all such actions~~
297 ~~to the department on a quarterly basis, in a manner and form~~
298 ~~prescribed by the department.~~

299 (17) For a contract in excess of the threshold amount
300 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
301 appoint:

302 (a) At least three persons to evaluate proposals and
303 replies who collectively have experience and knowledge in the
304 program areas and service requirements for which commodities or
305 contractual services are sought.

306 (b) At least three persons to conduct negotiations during
307 a competitive sealed reply procurement who collectively have
308 experience and knowledge in negotiating contracts, contract
309 procurement, and the program areas and service requirements for
310 which commodities or contractual services are sought. As of
311 January 1, 2005, when the contract is in excess of \$1 million,
312 at least one of the persons conducting negotiations must be a
313 certified negotiator as established by the department. The
314 department shall, by rule, establish the experience, knowledge,
315 and training required to be a certified negotiator. If the
316 procuring agency does not have an employee who has the requisite
317 certification, the department shall contract with a certified
318 negotiator to participate in the procuring agency's
319 negotiations.

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320 (18) A person who receives a contract that has not been
321 procured pursuant to subsections (1) through (5) to perform a
322 feasibility study of the potential implementation of a
323 subsequent contract, who participates in the drafting of a
324 solicitation or who develops a program for future
325 implementation, is not eligible to contract or subcontract,
326 directly or indirectly, with the agency for any other contracts
327 dealing with that specific subject matter, and any firm in which
328 such person has any interest is not eligible to receive such
329 contract or subcontract. However, this prohibition does not
330 prevent a vendor who responds to a request for information from
331 being eligible to contract with an agency.

332 (23)(a) The department, in consultation with the State
333 Technology Office and the Chief Financial Officer ~~Comptroller~~,
334 shall develop a program for on-line procurement of commodities
335 and contractual services. To enable the state to promote open
336 competition and to leverage its buying power, agencies shall
337 participate in the on-line procurement program, and eligible
338 users may participate in the program. ~~Only vendors prequalified~~
339 ~~as meeting mandatory requirements and qualifications criteria~~
340 ~~shall be permitted to participate in on-line procurement~~. The
341 department, in consultation with the State Technology Office,
342 may contract for equipment and services necessary to develop and
343 implement on-line procurement.

344 (b) The department, in consultation with the State
345 Technology Office, shall adopt rules, pursuant to ss. 120.536(1)
346 and 120.54, to administer the program for on-line procurement.
347 The rules shall include, but not be limited to:

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348 1. Determining the requirements and qualification criteria
349 for prequalifying vendors.

350 2. Establishing the procedures for conducting on-line
351 procurement.

352 ~~3. Establishing the criteria for eligible commodities and~~
353 ~~contractual services.~~

354 ~~3.4.~~ Establishing the procedures for providing access to
355 on-line procurement.

356 ~~4.5.~~ Determining the criteria warranting any exceptions to
357 participation in the on-line procurement program.

358 (c) The department may collect fees for the use of the on-
359 line procurement system ~~systems~~. The fees may be imposed on an
360 individual transaction basis or as a fixed percentage of the
361 cost savings generated. At a minimum, the fees must be set in an
362 amount sufficient to cover the projected costs of such services,
363 including administrative and project service costs in accordance
364 with the policies of the department; however, the fee may not
365 exceed 1 percent of each transaction. ~~For the purposes of~~
366 ~~compensating the provider, the department may authorize the~~
367 ~~provider to collect and retain a portion of the fees. The~~
368 ~~providers may withhold the portion retained from the amount of~~
369 ~~fees to be remitted to the department. The department may~~
370 ~~negotiate the retainage as a percentage of such fees charged to~~
371 ~~users, as a flat amount, or as any other method the department~~
372 ~~deems feasible.~~ All fees and surcharges collected under this
373 paragraph shall be collected by the department and deposited in
374 the Grants and Donation Trust Fund as provided by law.

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375 Section 7. Subsection (6) is added to 287.058, Florida
376 Statutes, to read:

377 (6) The contract documents for procurements subject to the
378 provisions of s. 287.05857 shall include the following:

379 (a) Clear and specific terms and conditions, including a
380 detailed scope of work and descriptions of related deliverables,
381 activities, or events that are quantifiable, measurable, and
382 verifiable.

383 (b) Service-level agreements describing all performance
384 requirements and agency and contractor responsibilities.

385 (c) Associated costs and savings, payment terms, including
386 incentive and penalty provisions, and criteria governing
387 payment.

388 (d) An implementation schedule for transition to and
389 operation by the contractor of the contracted function or
390 responsibility.

391 (e) Identification of all performance measures and levels,
392 including, but not limited to, detailed measurable acceptance
393 criteria for each deliverable and service to be provided and the
394 penalties that shall be assessed for contractor nonperformance.

395 (f) Organizational change management plan.

396 (g) Requirements that the contractor maintain adequate
397 accounting records and authorize access to and audit of all
398 records related to the contract for state audit purposes.

399 (h) Description of required reports.

400 (i) Requirements for contractor compliance with public
401 records law.

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402 Section 8. Section 287.05857, Florida Statutes, is created
403 to read:

404 287.05857 Procurement of contractual services.--

405 (1) A procurement of contractual services which:

406 (a) Is valued in excess of \$10 million;

407 (b) Creates a contractual relationship between an agency

408 and another entity for the provision in whole or in part of a

409 public function or responsibility whereby the agency is

410 accountable for the provision of the function or responsibility

411 and the entity performs the function or responsibility; and

412 (c) Transfers or shifts work currently performed by state

413 employees to another entity, resulting in those state employees

414 no longer performing the work; involves work which had

415 previously been performed by state employees but has been

416 transferred or shifted to another entity; or involves a function

417 or responsibility that is not currently being performed by the

418 state through a contractor or by state employees,

419

420 shall comply with this section unless the agency first executed

421 a contract prior to July 1, 1994, to procure contractual

422 services substantially similar in nature and purpose to those to

423 be procured in the proposed contract.

424 (2) For the purposes of this section:

425 (a) "Cost" means the reasonable, relevant, and verifiable

426 cost. The appropriate elements shall depend on the nature of the

427 function or responsibility to be contracted out and the proposed

428 contractual arrangement.

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429 (b) "Savings" means the difference between the recurring
430 operating appropriations or actual expenditures, whichever is
431 less, in the full fiscal year immediately prior to the signing
432 of the contract compared to the cost for the contracted
433 functions or responsibilities in any succeeding state fiscal
434 year during the term of the contract.

435 (3) No agency may procure contractual services to contract
436 out a function or responsibility subject to this section without
437 having or seeking authority except as authorized by general law,
438 or in an appropriations act, and the agency shall:

439 (a) Develop a business case which shall include, but not
440 be limited to, the following information:

441 1. A detailed description of the function or
442 responsibility to be contracted out, a description and analysis
443 of the agency's current performance, a rationale for the
444 proposed contracting, and a citation of the existing or proposed
445 legal authority for the proposed contracting.

446 2. A cost-benefit analysis describing the estimated
447 specific costs, savings, performance improvements, risks, and
448 benefits. Both quantitative and qualitative aspects shall be
449 addressed. Quantitative aspects which are not readily measured
450 shall be estimated. All elements of cost shall be clearly
451 identified in the cost-benefit analysis and described in the
452 business case. The agency shall certify that all costs, savings,
453 and benefits are valid and achievable

454 3. A statement of the potential impact on state revenues
455 and expenditures.

456 4. A plan regarding compliance with public records law.

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457 5. An agency transition plan.

458 6. A plan for contract management, including the process
459 for monitoring contractor performance, and specific contingency
460 plans for continuing operation of the function or responsibility
461 if the contractor fails to perform.

462 7. A listing of assets proposed for transfer to or use by
463 a contractor and the rationale for such transfer or use.

464 8. A plan for ensuring compliance with the Americans with
465 Disabilities Act.

466
467 If the contractual services would impact other state information
468 technology systems, the agency shall submit the feasibility
469 study documentation as required by the legislative budget
470 request instructions established pursuant to s. 216.023.

471 (b) Furnish the following reports and information to the
472 President of the Senate and the Speaker of the House of
473 Representatives for procurements of contractual services subject
474 to this section:

475 1. The business case, at least 60 days prior to the first
476 day of the regular legislative session, when an agency seeks
477 authority by law to procure such contractual services.

478 2. The business case, at least 30 days prior to the
479 issuance of a solicitation to contract for that function or
480 responsibility, when an agency has authority provided by law or
481 is required by legislative action to procure such contractual
482 services and no business case was furnished under paragraph (a).

483 3. The solicitation documents, a current and updated
484 business case, and a detailed listing of the changes to the

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485 updated business case at the time the solicitation is posted or
486 advertised.

487 4. An executed contract, a current and updated business
488 case, and a detailed listing of the changes to the updated
489 business case, no later than 15 days after execution of the
490 contract.

491 5. A notice of a proposed renewal of a contract, at least
492 15 days prior to the execution of the contract for renewal,
493 including a copy of the proposed renewal contract and an updated
494 business case.

495 (4) The intent of this section is to provide legislative
496 policy and budgetary oversight over the executive branch.
497 Accordingly, an action or omission of any agency pursuant to
498 this section shall not constitute grounds for a protest under s.
499 120.57(3) and shall not create a civil cause of action.

500 Section 9. Subsection (4) of section 945.025, Florida
501 Statutes, is amended to read:

502 945.025 Jurisdiction of department.--

503 (4)(a) Nothing contained in chapter 287 shall be construed
504 as requiring competitive bids for health services involving
505 examination, diagnosis, or treatment.

506 (b) Notwithstanding the provisions of s. 287.017, a
507 contract in which the department, in exchange for revenue,
508 authorizes a vendor to use governmental authority or property
509 for the purpose of selling goods or services to a person shall
510 be considered a procurement of a contractual service in excess
511 of the threshold amount for CATEGORY FIVE and shall be awarded

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512 by competitive solicitation in accordance with the provisions of
513 part I of chapter 287.

514 Section 10. Section 215.3215, Florida Statutes, is created
515 to read:

516 215.3215 Charges by agencies or contractors.--Specific
517 statutory authority shall be required for an agency, as defined
518 in s. 287.012(1), or a contractor with such agency, to levy or
519 impose upon a person who is not a party to the contract a fee,
520 tax, or other charge which funds the contract or provides
521 payment to the contractor, regardless of whether the levy or
522 imposition is direct or indirect or is mandatory or optional.

523 Section 11. Section 287.1345, Florida Statutes, is
524 repealed.

525 Section 12. This act shall take effect October 1, 2004.

526

527

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

529 Remove the entire title and insert:

530 A bill to be entitled
531 An act relating to governmental procurement; amending s.
532 287.012, F.S.; revising definitions; amending s. 287.042,
533 F.S.; revising the powers and duties of the Department of
534 Management Services relating to the purchase of
535 commodities and contractual services for the state;
536 authorizing the department to approve purchases from
537 contracts let by political subdivisions in any state;
538 amending s. 287.045, F.S.; deleting a requirement that
539 agencies report on expenditures and use of recycled

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540 materials; amending s. 287.056, F.S.; authorizing the
541 department to adopt rules that exempt agencies from
542 purchasing agreements and state term contracts; deleting
543 authority for agencies to choose not to use state term
544 contracts that contain a surcharge, to conform; creating
545 s. 287.0565, F.S.; requiring the department to adopt rules
546 regarding small purchases; amending s. 287.057, F.S.;
547 revising request for proposal and invitation to negotiate
548 requirements; requiring single source purchases to be
549 posted in a form prescribed by the department; revising
550 exceptions to competitive solicitation requirements;
551 providing that services or commodities provided by certain
552 agencies are not subject to competitive solicitation
553 requirements; requiring certified negotiators for
554 specified procurements; deleting a requirement that an
555 agency report when it receives fewer than two bids,
556 proposals, or replies; requiring the department to adopt
557 rules for certification of negotiators; providing that
558 certain activities will render a person ineligible for
559 subcontracts; deleting a requirement that vendors be
560 prequalified to use the online procurement system;
561 deleting a requirement that the department adopt rules
562 establishing online procurement criteria for eligible
563 commodities and contractual services; revising fees that
564 may be charged for the online procurement system; revising
565 collection and deposit methods for online procurement
566 fees; amending s. 287.058, F.S.; specifying requirements
567 for contract documents for procurements for contractual

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568 services; creating s. 287.05857, F.S.; requiring the
569 department to prescribe methods for the procurement of
570 certain commodities and contractual services; providing
571 for procurements of certain contractual services;
572 prohibiting agencies from procuring contractual services
573 except as provided by law; requiring agencies to develop a
574 business case for certain purposes; providing
575 requirements; providing definitions; requiring reports and
576 information to be provided to the Legislature for certain
577 procurements of contractual services; specifying that
578 agency actions are not grounds for an administrative
579 protest; amending s. 945.025, F.S.; requiring specified
580 contracts executed by the Department of Corrections to be
581 competitively solicited; creating s. 215.3215, F.S.;
582 authorizing agencies or contractors to require, levy, or
583 impose certain fees, taxes, or charges; repealing s.
584 287.1345, F.S., relating to surcharges on users of state
585 term contracts; providing an effective date.