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30 procurement programs; prohibiting agencies from procuring  
 31 certain contractual services except as provided by law;  
 32 requiring agencies to provide information to the Legislature  
 33 regarding such procurements; requiring certain contract  
 34 provisions for such procurements; requiring the department to  
 35 establish a database; providing exceptions; providing an  
 36 appropriation; providing effective dates.

37  
 38 Be It Enacted by the Legislature of the State of Florida:

39  
 40 Section 1. Subsections (2), (3), and (4) of section  
 41 255.249, Florida Statutes, are amended, and subsections (6) and  
 42 (7) are added to said section, to read:

43 255.249 Department of Management Services; responsibility;  
 44 department rules.--

45 (2)(a) The department shall have the responsibility and  
 46 authority to procure and manage all leases of privately owned  
 47 buildings on behalf of any executive agency, except as set forth  
 48 in s. 255.248. All cost savings resulting from leases negotiated  
 49 or renegotiated by the department shall be deposited in escrow  
 50 for tenant improvements to the leased space or deposited in the  
 51 General Revenue Fund. ~~require any state agency planning to~~  
 52 ~~terminate a lease for the purpose of occupying space in a new~~  
 53 ~~state-owned office building, the funds for which are~~  
 54 ~~appropriated after June 30, 2000, to state why the proposed~~  
 55 ~~relocation is in the best interest of the state.~~

56 (b) Information on the costs and benefits of any lease  
 57 that has been negotiated or renegotiated by the department shall  
 58 be provided to the chair and vice chair of the Legislative

59 Budget Commission if the annualized cost of the new or  
 60 renegotiated lease is in excess of \$1 million and if it  
 61 represents a greater than 10 percent change in the annualized  
 62 cost of the department's or other executive agency's original  
 63 lease. The head of the department or an executive agency that  
 64 provides information under this subparagraph may be requested to  
 65 make a presentation at a future Legislative Budget Commission  
 66 meeting.

67 (c) This subsection does not apply to the Department of  
 68 Legal Affairs, the Department of Financial Services, or the  
 69 Department of Agriculture and Consumer Services unless the  
 70 cabinet officer requests that the department perform the  
 71 service, or part thereof, for the cabinet officer's agency.

72 (3) The department may assign one or more agencies to move  
 73 into space vacated by another executive agency. The executive  
 74 agency that requested space may reject the department's transfer  
 75 of the executive agency into the vacated space based on  
 76 excessive cost, unfavorable lease terms or conditions, negative  
 77 impact on employee productivity, security concerns, poor  
 78 location, poor building quality, insufficient parking, excessive  
 79 moving costs, or difficult access for persons served by the  
 80 executive agency. In order to reject the transfer, the agency  
 81 head of the executive agency must state in writing the specific  
 82 reason or reasons for rejecting the vacated space ~~shall, to the~~  
 83 ~~extent feasible, coordinate the vacation of privately owned~~  
 84 ~~leased space with the expiration of the lease on that space and,~~  
 85 ~~when a lease is terminated before expiration of its base term,~~  
 86 ~~will make a reasonable effort to place another state agency in~~  
 87 ~~the space vacated. Any state agency may lease the space in any~~

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88 ~~building that was subject to a lease terminated by a state~~  
 89 ~~agency for a period of time equal to the remainder of the base~~  
 90 ~~term without the requirement of competitive bidding.~~

91 (4) The department shall promulgate rules ~~pursuant to~~  
 92 ~~chapter 120~~ providing:

93 (a) Methods for accomplishing the duties outlined in  
 94 subsections subsection (1), (2), and (3).

95 (b) Procedures requiring the competitive solicitation of,  
 96 and procedures for, evaluating and accepting responses to  
 97 competitive solicitations for soliciting and accepting  
 98 ~~competitive proposals for, leased space of 5,000 square feet or~~  
 99 ~~more in privately owned buildings., for evaluating the proposals~~  
 100 ~~received, for exemption from competitive bidding requirements of~~  
 101 ~~any~~ However, a lease the purpose of which is to provide the  
 102 provision of care and living space for persons, or a lease for  
 103 emergency space needs as provided in s. 255.25(6), is exempt  
 104 from the competitive solicitation requirement 255.25(10), and  
 105 ~~for the securing of at least three documented quotes for a lease~~  
 106 ~~that is not required to be competitively bid. The procedures may~~  
 107 be simplified for a solicitation of less than 5,000 square feet.

108 (c) Adoption of a standard method for determining square  
 109 footage or any other measurement used as the basis for lease  
 110 payments, or other charges.

111 (d) Methods of allocating space in both state-owned office  
 112 buildings and privately owned buildings leased by the state  
 113 based on use, personnel, and office equipment

114 (e) Acceptable terms and conditions for inclusion in lease  
 115 agreements.

116 (f) Maximum rental rates, by geographic areas or by

117 county, for leasing privately owned space.

118 (g) A standard method for the assessment of rent to state  
 119 agencies and other authorized occupants of state-owned ~~office~~  
 120 space, notwithstanding the source of funds.

121 (h) For full disclosure of the names and the extent of  
 122 interest of the owners holding a 4-percent or more interest in  
 123 any privately owned property leased to the state or in the  
 124 entity holding title to the property, for exemption from such  
 125 disclosure of any beneficial interest which is represented by  
 126 stock in any corporation registered with the Securities and  
 127 Exchange Commission or registered pursuant to chapter 517, which  
 128 stock is for sale to the general public, and for exemption from  
 129 such disclosure of any leasehold interest in property located  
 130 outside the territorial boundaries of the United States.

131 (i) For full disclosure of the names of all public  
 132 officials, agents, or employees holding any interest in any  
 133 privately owned property leased to the state or in the entity  
 134 holding title to the property, and the nature and extent of  
 135 their interest, for exemption from such disclosure of any  
 136 beneficial interest which is represented by stock in any  
 137 corporation registered with the Securities and Exchange  
 138 Commission or registered pursuant to chapter 517, which stock is  
 139 for sale to the general public, and for exemption from such  
 140 disclosure of any leasehold interest in property located outside  
 141 the territorial boundaries of the United States.

142 (j) A method for reporting leases for nominal or no  
 143 consideration.

144 (k) Adoption of the Building Owners and Managers  
 145 Association Metropolitan Base Building Classification, or

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146 equivalent, as a standard method for rating the quality of  
 147 privately owned buildings. When practical, A or B class space  
 148 according to Building Owners and Managers Association standards  
 149 must be used ~~For a lease of less than 5,000 square feet, a~~  
 150 ~~method for certification by the agency head or the agency head's~~  
 151 ~~designated representative that all criteria for leasing have~~  
 152 ~~been fully complied with and for the filing of a copy of such~~  
 153 ~~lease and all supporting documents with the department for its~~  
 154 ~~review and approval as to technical sufficiency.~~

155 (6) On or before January 1, 2005, and annually thereafter,  
 156 the Department of Management Services shall submit a report to  
 157 the presiding officers of the Legislature which sets forth the  
 158 department's enterprise plan for the next 5 years for the use of  
 159 state-owned and state-leased space and for any acquisition,  
 160 financing, refinancing, or disposition of state real property  
 161 and improvements that the department is permitted by law to  
 162 execute. If the department intends to deviate from the  
 163 enterprise plan after submission of the annual report, the  
 164 department must provide notice to the presiding officers of the  
 165 Legislature at least 30 days prior to the execution of any  
 166 deviation.

167 (7) The department shall coordinate with local governments  
 168 and with the appropriate economic development organization in  
 169 the capitol area in regards to the strategic planning for the  
 170 management of state owned facilities.

171 Section 2. Section 255.25, Florida Statutes, is amended to  
 172 read:

173 255.25 Leasing ~~Approval required prior to construction or~~  
 174 ~~lease of buildings.--~~

175 (1)(a) No state agency may lease space in a private  
 176 building that is to be constructed for state use unless prior  
 177 approval of the architectural design and preliminary  
 178 construction plans is first obtained from the department of  
 179 Management Services.

180 (b) During the term of existing leases, each agency shall  
 181 monitor market conditions and shall initiate negotiations for  
 182 each lease held in the private sector to effect the best overall  
 183 lease terms reasonably available to that agency. Amendments to  
 184 leases may be permitted to modify any lease provisions or any  
 185 other terms or conditions, except to the extent specifically  
 186 prohibited by this chapter. The Department of Management  
 187 Services shall serve as a mediator in lease renegotiations if  
 188 the agency and the lessor are unable to reach a compromise  
 189 within 6 months of renegotiation and if either the agency or  
 190 lessor requests the Department of Management Services'  
 191 intervention.

192 (c) When specifically authorized by the Appropriations Act  
 193 and in accordance with s. 255.2501, if applicable, the  
 194 department of Management Services may approve a lease-purchase,  
 195 sale-leaseback, or tax-exempt leveraged lease contract or other  
 196 financing technique for the acquisition, renovation, or  
 197 construction of a state fixed capital outlay project when it is  
 198 in the best interest of the state.

199 (d) The Department of Management Services in order to seek  
 200 economies of scale and the opportunity to colocate executive  
 201 agencies, may competitively negotiate to procure new leases,  
 202 renegotiate existing leases, or otherwise consolidate existing  
 203 leases into a large scale lease or leases covering one or more

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204 privately owned buildings. The department may promulgate rules  
 205 establishing procedures to procure and manage large-scale and  
 206 provide a method for allocating lease costs among executive  
 207 agencies.

208 (2)(a) Except as provided in s. 255.2501, no state agency  
 209 may lease a building or any part thereof unless prior approval  
 210 of the lease conditions and of the need therefor is first  
 211 obtained from the department of Management Services. Any  
 212 approved lease may include an option to purchase or an option to  
 213 renew the lease, or both, upon such terms and conditions as are  
 214 established by the department subject to final approval by the  
 215 head of the Department of Management Services and s. 255.2502.

216 (b) The Department of Management Services and an executive  
 217 agency allowed to directly procure a ~~The approval of the~~  
 218 ~~Department of Management Services, except for technical~~  
 219 ~~sufficiency, need not be obtained for the lease or an extension~~  
 220 ~~of a lease must comply of less than 5,000 square feet of space~~  
 221 ~~within a privately owned building, provided the agency head or~~  
 222 ~~the agency head's designated representative has certified~~  
 223 ~~compliance~~ with applicable leasing criteria as may be provided  
 224 pursuant to this section and s. 255.249(4)(k) and shall  
 225 determine that ~~has determined~~ such lease is to be in the best  
 226 interest of the state. Such a lease which is for a term  
 227 extending beyond the end of a fiscal year is subject to the  
 228 provisions of ss. 216.311, 255.2502, and 255.2503.

229 (c) The Department of Management Services shall adopt as a  
 230 rule uniform leasing procedures for use by each state agency  
 231 other than the Department of Transportation. Each state agency  
 232 shall ensure that the leasing practices of that agency are in

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233 substantial compliance with the uniform leasing rules adopted  
 234 under this section and ss. 255.249, 255.2502, and 255.2503.

235 ~~(3)(a) Except as provided in subsection (10), no state~~  
 236 ~~agency shall enter into a lease as lessee for the use of 5,000~~  
 237 ~~square feet or more of space in a privately owned building~~  
 238 ~~except upon advertisement for and receipt of competitive bids~~  
 239 ~~and award to the lowest and best bidder. The Department of~~  
 240 ~~Management Services shall have the authority to approve a lease~~  
 241 ~~for 5,000 square feet or more of space that covers more than 1~~  
 242 ~~fiscal year, subject to the provisions of ss. 216.311, 255.2501,~~  
 243 ~~255.2502, and 255.2503, if such lease is, in the judgment of the~~  
 244 ~~department, in the best interests of the state. This paragraph~~  
 245 ~~does not apply to buildings or facilities of any size leased for~~  
 246 ~~the purpose of providing care and living space for persons.~~

247 ~~(b) The Department of Management Services, or an executive~~  
 248 ~~agency that may procure its own space, may negotiate with the~~  
 249 ~~owner of a privately owned building to enter into an extension~~  
 250 ~~approve extensions of an existing lease of 5,000 square feet or~~  
 251 ~~more of space if such extension is extensions are determined to~~  
 252 ~~be in the best interests of the state., but in no case shall the~~  
 253 ~~total of such extensions exceed 11 months. If at the end of the~~  
 254 ~~11th month an agency still needs that space, it shall be~~  
 255 ~~procured by competitive bid in accordance with s. 255.249(4)(b).~~  
 256 ~~However, an agency that determines that it is in its best~~  
 257 ~~interest to remain in the space it currently occupies may~~  
 258 ~~negotiate a replacement lease with the lessor if an When~~  
 259 ~~determining the best interests of the state, the department or~~  
 260 ~~agency must use an independent comparative market analysis to~~  
 261 ~~show demonstrates that the negotiated lease rate for the~~

262 extension is ~~rates offered are~~ within market rates for  
 263 comparable ~~the~~ space, that ~~and~~ the cost of the extension ~~new~~  
 264 lease does not exceed the cost of a comparable space lease plus  
 265 documented moving costs, and that the space will adequately  
 266 serve the public. A present-value analysis and the consumer  
 267 price index shall be used in the calculation of lease costs. ~~The~~  
 268 ~~term of the replacement lease may not exceed the base term of~~  
 269 ~~the expiring lease.~~

270 (b)(e) Any person who files an action protesting a  
 271 decision or intended decision pertaining to a competitive bid  
 272 for space to be leased by the agency pursuant to s. 120.57(3)(b)  
 273 shall post with the state agency at the time of filing the  
 274 formal written protest a bond payable to the agency in an amount  
 275 equal to 1 percent of the estimated total rental of the basic  
 276 lease period or \$5,000, whichever is greater, which bond shall  
 277 be conditioned upon the payment of all costs which may be  
 278 adjudged against him or her in the administrative hearing in  
 279 which the action is brought and in any subsequent appellate  
 280 court proceeding. If the agency prevails after completion of the  
 281 administrative hearing process and any appellate court  
 282 proceedings, it shall recover all costs and charges which shall  
 283 be included in the final order or judgment, excluding attorney's  
 284 fees. Upon payment of such costs and charges by the person  
 285 protesting the award, the bond shall be returned to him or her.  
 286 If the person protesting the award prevails, the bond shall be  
 287 returned to that person and he or she shall recover from the  
 288 agency all costs and charges which shall be included in the  
 289 final order of judgment, excluding attorney's fees.

290 (c)(d) The agency and the lessor, when entering into a

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291 lease for 5,000 or more square feet of a privately owned  
292 building, shall, before the effective date of the lease, agree  
293 upon and separately state the cost of tenant improvements which  
294 may qualify for reimbursement if the lease is terminated before  
295 the expiration of its base term. The department shall serve as  
296 mediator if the agency and the lessor are unable to agree. The  
297 amount agreed upon and stated shall, if appropriated, be  
298 amortized over the original base term of the lease on a  
299 straight-line basis.

300 (d)~~(e)~~ The unamortized portion of tenant improvements, if  
301 appropriated, will be paid in equal monthly installments over  
302 the remaining term of the lease. If any portion of the original  
303 leased premises is occupied after termination but during the  
304 original term by a tenant that does not require material changes  
305 to the premises, the repayment of the cost of tenant  
306 improvements applicable to the occupied but unchanged portion  
307 shall be abated during occupancy. The portion of the repayment  
308 to be abated shall be based on the ratio of leased space to  
309 unleased space.

310 (4)(a) The department of Management Services shall not  
311 authorize any state agency to enter into a lease agreement for  
312 space in a privately owned building when suitable space is  
313 available in a state-owned building located in the same  
314 geographic region, except upon presentation to the department of  
315 sufficient written justification, acceptable to the department,  
316 that a separate space is required in order to fulfill the  
317 statutory duties of the agency making such request. The term  
318 "state-owned building" as used in this subsection means any  
319 state-owned facility regardless of use or control.

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320 (b) State agencies shall cooperate with local governmental  
 321 units by using suitable, existing publicly owned facilities,  
 322 subject to the provisions of ss. 255.2501, 255.2502, and  
 323 255.2503. Agencies may utilize unexpended funds appropriated for  
 324 lease payments to-

325 1. Pay their proportion of operating costs.

326 2. Renovate applicable spaces.

327 (5) Before construction or renovation of any state-owned  
 328 building or state-leased space is commenced, the Department of  
 329 Management Services shall ascertain, by submission of proposed  
 330 plans to the Division of State Fire Marshal for review, that the  
 331 proposed construction or renovation plan complies with the  
 332 uniform firesafety standards required by the Division of State  
 333 Fire Marshal. The review of construction or renovation plans for  
 334 state-leased space shall be completed within 10 calendar days of  
 335 receipt of the plans by the Division of State Fire Marshal. The  
 336 review of construction or renovation plans for a state-owned  
 337 building shall be completed within 30 calendar days of receipt  
 338 of the plans by the Division of State Fire Marshal. The  
 339 responsibility for submission and retrieval of the plans called  
 340 for in this subsection shall not be imposed on the design  
 341 architect or engineer, but shall be the responsibility of the  
 342 two agencies. Whenever the Division of State Fire Marshal  
 343 determines that a construction or renovation plan is not in  
 344 compliance with such uniform firesafety standards, the Division  
 345 of State Fire Marshal may issue an order to cease all  
 346 construction or renovation activities until compliance is  
 347 obtained, except those activities required to achieve such  
 348 compliance. The Department of Management Services shall withhold

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349 approval of any proposed lease until the construction or  
 350 renovation plan complies with the uniform firesafety standards  
 351 of the Division of State Fire Marshal. The cost of all  
 352 modifications or renovations made for the purpose of bringing  
 353 leased property into compliance with the uniform firesafety  
 354 standards shall be borne by the lessor.

355 (6) Before construction or substantial improvement of any  
 356 state-owned building is commenced, the Department of Management  
 357 Services must ascertain that the proposed construction or  
 358 substantial improvement complies with the flood plain management  
 359 criteria for mitigation of flood hazards, as prescribed in the  
 360 October 1, 1986, rules and regulations of the Federal Emergency  
 361 Management Agency, and the department shall monitor the project  
 362 to assure compliance with the criteria. In accordance with  
 363 chapter 120, the Department of Management Services shall adopt  
 364 any necessary rules to ensure that all such proposed state  
 365 construction and substantial improvement of state buildings in  
 366 designated flood-prone areas complies with the flood plain  
 367 management criteria. Whenever the department determines that a  
 368 construction or substantial improvement project is not in  
 369 compliance with the established flood plain management criteria,  
 370 the department may issue an order to cease all construction or  
 371 improvement activities until compliance is obtained, except  
 372 those activities required to achieve such compliance.

373 (7) This section does not apply to any lease having a term  
 374 of less than 120 consecutive days for the purpose of securing  
 375 the one-time special use of the leased property. This section  
 376 does not apply to any lease for nominal or no consideration.

377 (8) No executive agency may ~~shall enter into more than one~~

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378 lease ~~for~~ space in a the same privately owned building if such  
 379 building was in the Florida Facilities Pool at any time in the 3  
 380 years prior to the commencement of the lease facility or complex  
 381 ~~within any 12-month period except upon the solicitation of~~  
 382 ~~competitive bids.~~

383 (9) Specialized educational facilities, excluding  
 384 classrooms, shall be exempt from the competitive bid  
 385 requirements for leasing pursuant to this section if the  
 386 executive head of any state agency certifies in writing that  
 387 said facility is available from a single source and that the  
 388 competitive bid requirements would be detrimental to the state.  
 389 Such certification shall include documentation of evidence of  
 390 steps taken to determine sole-source status.

391 (10) The Department of Management Services may approve  
 392 emergency acquisition of space without competitive bids if  
 393 existing state-owned or state-leased space is destroyed or  
 394 rendered uninhabitable by an act of God, fire, malicious  
 395 destruction, or structural failure, or by legal action, if the  
 396 chief administrator of the state agency or the chief  
 397 administrator's designated representative certifies in writing  
 398 that no other agency-controlled space is available to meet this  
 399 emergency need, but in no case shall the lease for such space  
 400 exceed 11 months. If the lessor elects not to replace or  
 401 renovate the destroyed or uninhabitable facility, the agency  
 402 shall procure the needed space by competitive bid in accordance  
 403 with s. 255.249(4)(b). If the lessor elects to replace or  
 404 renovate the destroyed or uninhabitable facility and the  
 405 construction or renovations will not be complete at the end of  
 406 the 11-month lease, the agency may modify the lease to extend it

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407 on a month-to-month basis for an additional 6 months to allow  
 408 completion of such construction or renovations.

409 (11) In any leasing of space that is accomplished without  
 410 competition, the individuals taking part in the development or  
 411 selection of criteria for evaluation, in the evaluation, and in  
 412 the award processes shall attest in writing that they are  
 413 independent of, and have no conflict of interest in, the  
 414 entities evaluated and selected.

415 Section 3. Section 270.27, Florida Statutes, is repealed.

416 Section 4. Section 215.3215, Florida Statutes, is created  
 417 to read:

418 215.3215 Charges by agencies or contractors.--Specific  
 419 statutory authority authorizing the maximum amount of a fee,  
 420 tax, or other charge shall be required for an agency, as defined  
 421 in s. 287.012(1), or contractor with such agency to levy or  
 422 impose upon a person who is not a party to the contract a fee,  
 423 tax, or other charge which funds the contract or provides  
 424 payment to the contractor, regardless of whether the levy or  
 425 imposition is direct or indirect or is mandatory or optional.

426 Section 5. Subsections (17) and (23) of section 287.057,  
 427 Florida Statutes, are amended, and a new subsection (25) is  
 428 added to said section, to read:

429 287.057 Procurement of commodities or contractual  
 430 services.--

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

434 (a) At least three persons to evaluate proposals and  
 435 replies who collectively have experience and knowledge in the

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436 program areas and service requirements for which commodities or  
 437 contractual services are sought.

438 (b) At least three persons to conduct negotiations during  
 439 a competitive sealed reply procurement who collectively have  
 440 experience and knowledge in negotiating contracts, contract  
 441 procurement, and the program areas and service requirements for  
 442 which commodities or contractual services are sought. As of  
 443 January 1, 2005, when the contract is in excess of \$1 million,  
 444 at least one of the persons conducting negotiations must be a  
 445 certified negotiator as established by the department. The  
 446 department shall, by rule, establish the experience, knowledge,  
 447 and training required to be a certified negotiator.

448 (23)(a) The department, in consultation with the Chief  
 449 Financial Officer ~~State Technology Office and the Comptroller,~~  
 450 shall develop a program for on-line procurement of commodities  
 451 and contractual services. To enable the state to promote open  
 452 competition and to leverage its buying power, agencies shall  
 453 participate in the on-line procurement program, and eligible  
 454 users and cabinet agencies may participate in the program. ~~Only~~  
 455 ~~vendors prequalified as meeting mandatory requirements and~~  
 456 ~~qualifications criteria shall be permitted to participate in on-~~  
 457 ~~line procurement.~~ The department, ~~in consultation with the State~~  
 458 ~~Technology Office,~~ may contract for equipment and services  
 459 necessary to develop and implement on-line procurement.

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

- 464 1. Determining the requirements and qualification criteria

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465 for prequalifying vendors.

466 2. Establishing the procedures for conducting on-line  
467 procurement.

468 3. Establishing the criteria for eligible commodities and  
469 contractual services.

470 4. Establishing the procedures for providing access to on-  
471 line procurement.

472 5. Determining the criteria warranting any exceptions to  
473 participation in the on-line procurement program.

474 (c) The department may collect fees for the use of the on-  
475 line procurement program systems. Purchase of commodities and  
476 contractual services from vendors that are registered with the  
477 on-line procurement program may be considered use of the  
478 program. The fees may be imposed on an individual transaction  
479 basis or as a fixed percentage of the cost savings generated. At  
480 a minimum, the fees must be set in an amount sufficient to cover  
481 the projected costs of such services, including administrative  
482 and project service costs in accordance with the policies of the  
483 department; however, fees imposed on an individual transaction  
484 basis may not exceed 1 percent of the transaction amount. For  
485 ~~the purposes of compensating the provider, the department may~~  
486 ~~authorize the provider to collect and retain a portion of the~~  
487 ~~fees. The providers may withhold the portion retained from the~~  
488 ~~amount of fees to be remitted to the department. The department~~  
489 ~~may negotiate the retainage as a percentage of such fees charged~~  
490 ~~to users, as a flat amount, or as any other method the~~  
491 ~~department deems feasible.~~ All fees and surcharges collected  
492 under this paragraph shall be collected by the department and  
493 deposited in the Grants and Donation Trust Fund as provided by

494 law.

495 (25)(a) Legal authority is required for contractual  
496 services procurements with a cost greater than \$10 million over  
497 the contract term which shift functions or responsibilities from  
498 agency staff to the private sector where the agency remains  
499 accountable while the private sector entity performs the  
500 function or responsibility. At least 60 days prior to the  
501 Legislative session, if the agency seeks authority by law to  
502 procure such contractual services, or 30 days prior to issuing a  
503 solicitation, if the agency has legal authority to procure such  
504 contractual services, upon issuance of a solicitation, and upon  
505 execution of a contract, the agency shall provide to the  
506 President of the Senate and the Speaker of the House of  
507 Representatives current cost-benefit analyses, business case  
508 analyses, plans for contract management, proposed performance  
509 contracting procedures, detailed service comparisons, and  
510 information about impacts to approved performance standards  
511 regarding the proposed procurement. The contract for such  
512 procurement shall include at a minimum a detailed scope of work  
513 specifying services and deliverables; specific payment terms,  
514 including incentive and penalty provisions; implementation  
515 schedules; required performance measures; provisions for the  
516 transfer of the function or responsibility if the contractor  
517 ceases to perform; and requirements for access to public records  
518 consistent with law. The department shall maintain a database  
519 containing, for procurements subject to this subsection, the  
520 agency name, the name and description of the contractual service  
521 procured, and the names of the prime contractor and any  
522 subcontractors; projected and actual completion dates by project

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523 phase; a description of performance measures contained in the  
 524 contract, projected performance, and actual performance; and  
 525 projected costs and revenues, as applicable, and actual costs  
 526 and revenues.

527 (b) This subsection shall not apply to any procurement for  
 528 which a contract was executed prior to July 1, 1994, for  
 529 contractual services substantially similar in nature and purpose  
 530 to those to be procured in the proposed contract.

531 Section 6. Effective October 1, 2004, there is hereby  
 532 appropriated from the Grants and Donation Trust Fund in the  
 533 Department of Management Services \$5,000,000 in the Special  
 534 Categories Contractual Services for the purpose of transferring  
 535 funds to the on-line procurement program contractor, in  
 536 accordance with s. 287.057, Florida Statutes.

537 Section 7. The amendment to section 287.057(23)(c),  
 538 Florida Statutes, which removes authority for the provider to  
 539 collect and retain fees and require the department to collect  
 540 the fees, shall take effect October 1, 2004.

541 Section 8. Except as otherwise provided herein, this act  
 542 shall take effect July 1, 2004.

543  
 544