

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Kottkamp offered the following:

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3 **Substitute Amendment for Amendment (667579) (with title**
4 **amendment)**

5 Remove lines 142 through 270 and insert:

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7 (3) The provisions of this act shall not be required to
8 apply to:

9 (a) Procurements of commodities and contractual services:

10 1. Listed in s. 287.057(5)(e), (f), and (g) and (22).

11 2. Subject to s. 287.055.

12 (b) Contracts in support of the planning, development,
13 implementation, operation, or maintenance of the road, bridge,
14 and public transportation construction program of the Department
15 of Transportation.

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16 (4) Only the provisions of ss. 287.0571-287.0576, 287.058,
17 and section 13 of this act shall apply to procurements governed
18 by the provisions of HB 1827 or SB 1476, 2005 Regular Session of
19 the Legislature, or similar legislation, if adopted in the same
20 legislative session or an extension thereof and enacted into
21 law.

22 Section 3. Section 287.0573, Florida Statutes, is created
23 to read:

24 287.0573 Definitions.--For the purposes of this act:

25 (1) "Center" means the Center for Efficient Government.

26 (2) "Centralized gate process" means the system of review
27 phases for a proposed procurement of contractual services, the
28 conclusion of each phase being a "gate" or decision point at
29 which the commission determines whether the procurement under
30 consideration may proceed to the next phase.

31 (3) "Commission" means the Commission on Efficient
32 Government.

33 Section 4. Section 287.0574, Florida Statutes, is created
34 to read:

35 287.0574 Criteria for procurement of contractual
36 services.--

37 (1) The agency must include with its final legislative
38 budget request the business cases for procurements for
39 contractual services that the agency proposes in the fiscal year
40 for which the final legislative budget request is submitted, in
41 the manner and form prescribed in the legislative budget request
42 instructions pursuant to s. 216.023.

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43 (2) When compared to the cost and quality of service
44 performed by state employees, an agency may procure a
45 contractual service currently or previously provided by state
46 employees only if, upon full implementation of a procurement,
47 it:

48 (a) Results in reasonable cost savings while maintaining
49 at least the same quality of service;

50 (b) Reasonably increases the quality of service while not
51 exceeding the same level of cost; or

52 (c) Significantly increases measurable outputs and quality
53 while minimally increasing costs, at levels and percentages
54 proposed by the procuring agency and approved in writing in
55 advance of the procurement by the commission. Only projects with
56 an annual cost below \$10 million in each fiscal year may meet
57 this criterion. This paragraph shall expire on July 1, 2006.

58 Section 5. Section 287.0575, Florida Statutes, is created
59 to read:

60 287.0575 Commission on Efficient Government; membership;
61 duties; Center for Efficient Government; duties.--

62 (1) The Commission on Efficient Government is created
63 within the Department of Management Services to oversee the
64 Center for Efficient Government and carry out the
65 responsibilities specified in this section.

66 (a) The commission shall consist of seven members
67 appointed by the Governor:

68 1. Four members shall be heads of executive branch
69 agencies.

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70 2. Three members shall be from the private sector and,
71 collectively, shall have experience with procurement,
72 successfully increasing operational efficiency, and implementing
73 complex projects in the private sector business environment. No
74 private sector member of the commission may at any time during
75 his or her appointment to the commission be registered to lobby
76 the executive or legislative branch.

77 (b) By August 1, 2005, the Governor shall appoint two
78 private sector members and two agency heads for terms of 3 years
79 and one private sector member and two agency heads for terms of
80 4 years. Thereafter, each member shall serve for a term of 4
81 years. The private sector members shall serve without
82 compensation but shall be entitled to reimbursement for per diem
83 and travel expenses pursuant to s. 112.061.

84 (c) No member of the commission shall participate in
85 commission review of a procurement when his or her agency is
86 conducting the procurement or, in the case of a private sector
87 member, he or she has a business relationship with an entity
88 that is involved or could potentially be involved in the
89 procurement.

90 (d) The members of the commission may not delegate their
91 membership to a designee.

92 (e) A quorum shall consist of at least four members,
93 including at least two private-sector members. At least one
94 private-sector member must vote on the prevailing side for
95 commission action to take effect.

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96 (f) Any vacancy on the commission shall be filled in the
97 same manner as the original appointment, and any member
98 appointed to fill a vacancy occurring for a reason other than
99 the expiration of a term shall serve only for the unexpired term
100 of the member's predecessor.

101 (g) At the first meeting of the commission after August 1,
102 2005, the members of the commission shall elect, by majority
103 vote of those in attendance, a member to serve as chair of the
104 commission. No later than September 1 of each succeeding year,
105 the commission shall elect a new chair.

106 (h) The commission shall:

107 1. Oversee the Center for Efficient Government.

108 2. Adopt the centralized gate process.

109 3. Review, evaluate, grant approval of, withhold approval
110 of, or deny approval of a proposed procurement at each gate
111 established within the centralized gate process. The commission
112 shall adopt rules regarding the procurements that must pass
113 through the centralized gate process. Such procurements shall
114 include, at a minimum, those subject to the requirements of s.
115 287.0576(1).

116 4. Approve templates and guidelines and adopt rules
117 prescribing standards and procedures for use by agencies during
118 the procurement process which shall, at a minimum, include the
119 requirements under ss. 287.0576-287.0577 for procurements of
120 contractual services.

121 5. Implement a plan for providing information and
122 documentation to the Legislature and the Governor on behalf of

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123 agencies and in compliance with the provisions of this chapter.
 124 The plan shall include, at a minimum, providing copies of
 125 documents to be reviewed by the commission to the President of
 126 the Senate, the Speaker of the House of Representatives, the
 127 Governor, and the chairs of the relevant appropriations and
 128 substantive legislative committees at least 14 days prior to the
 129 meeting of the commission at which the proposed procurement will
 130 be discussed.

131 6. Review the performance of procurements which have
 132 advanced through the full centralized gate process.

133 (2) The Center for Efficient Government is created in the
 134 department to establish and promote best business practices so
 135 that the delivery of services to citizens of the state are
 136 provided in the most effective and cost-efficient manner
 137 possible. The secretary of the department shall appoint a
 138 director of the center. The duties and responsibilities of the
 139 center are:

140 (a) Recommending and implementing a centralized gate
 141 process for reviewing and evaluating, and granting, withholding,
 142 or denying approval of, agency

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

Remove line 16 and insert:

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HOUSE AMENDMENT

Bill No. HB 1835 CS

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149 | procurement of contractual services by an agency;
150 | requiring an agency to include with its final legislative
151 | budget request the business cases for specified
152 | procurements; creating

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