

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 **Amendment (with title amendment)**

4 Remove lines 142 through 270, and insert:

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

8 (a) Procurements of commodities and contractual services:

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

10 2. Subject to s. 287.055, F.S.

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

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

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

23       287.0573 Definitions.--For the purposes of this act:

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

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

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

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

34       287.0574 Criteria for procurement of contractual  
35 services.--When compared to the cost and quality of service  
36 performed by state employees, an agency may procure a  
37 contractual service currently or previously provided by state  
38 employees only if, upon full implementation of a procurement,  
39 it:

40       (1) Results in reasonable cost savings while maintaining  
41 at least the same quality of service;

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42 (2) Reasonably increases the quality of service while not  
43 exceeding the same level of cost; or

44 (3) Significantly increases measurable outputs and quality  
45 while minimally increasing costs, at levels and percentages  
46 proposed by the procuring agency and approved in writing in  
47 advance of the procurement by the commission.

48 Section 5. Section 287.0575, Florida Statutes, is created  
49 to read:

50 287.0575 Commission on Efficient Government; membership;  
51 duties; Center for Efficient Government; duties.--

52 (1) The Commission on Efficient Government is created  
53 within the Department of Management Services to oversee the  
54 Center for Efficient Government and carry out the  
55 responsibilities specified in this section.

56 (a) The commission shall consist of seven members  
57 appointed by the Governor:

58 1. Four members shall be heads of executive branch  
59 agencies.

60 2. Three members shall be from the private sector and,  
61 collectively, shall have experience with procurement,  
62 successfully increasing operational efficiency, and implementing  
63 complex projects in the private sector business environment. No  
64 private sector member of the commission may at any time during  
65 his or her appointment to the commission be registered to lobby  
66 the executive or legislative branch.

67 (b) By August 1, 2005, the Governor shall appoint two  
68 private sector members and two agency heads for terms of 3 years

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69 and one private sector member and two agency heads for terms of  
70 4 years. Thereafter, each member shall serve for a term of 4  
71 years. The private sector members shall serve without  
72 compensation but shall be entitled to reimbursement for per diem  
73 and travel expenses pursuant to s. 112.061.

74 (c) No member of the commission shall participate in  
75 commission review of a procurement when his or her agency is  
76 conducting the procurement or, in the case of a private sector  
77 member, he or she has a business relationship with an entity  
78 that is involved or could potentially be involved in the  
79 procurement.

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

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

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

91 (g) At the first meeting of the commission after August 1,  
92 2005, the members of the commission shall elect, by majority  
93 vote of those in attendance, a member to serve as chair of the  
94 commission. No later than September 1 of each succeeding year,  
95 the commission shall elect a new chair.

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96 (h) The commission shall:

97 1. Oversee the Center for Efficient Government.

98 2. Adopt the centralized gate process.

99 3. Review, evaluate, grant approval of, withhold approval  
100 of, or deny approval of a proposed procurement at each gate  
101 established within the centralized gate process. The commission  
102 shall adopt rules regarding the procurements that must pass  
103 through the centralized gate process. Such procurements shall  
104 include, at a minimum, those subject to the requirements of s.  
105 287.0576(1).

106 4. Approve templates and guidelines and adopt rules  
107 prescribing standards and procedures for use by agencies during  
108 the procurement process which shall, at a minimum, include the  
109 requirements under ss. 287.0576-287.0577 for procurements of  
110 contractual services.

111 5. Implement a plan for providing information and  
112 documentation to the Legislature and the Governor on behalf of  
113 agencies and in compliance with the provisions of this chapter.  
114 The plan shall include, at a minimum, providing copies of  
115 documents to be reviewed by the commission to the President of  
116 the Senate, the Speaker of the House of Representatives, the  
117 Governor, and the chairs of the relevant appropriations and  
118 substantive legislative committees at least 14 days prior to the  
119 meeting of the commission at which the proposed procurement will  
120 be discussed.

121 6. Review the performance of procurements which have  
122 advanced through the full centralized gate process.

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123       (2) The Center for Efficient Government is created in the  
124 department to establish and promote best business practices so  
125 that the delivery of services to citizens of the state are  
126 provided in the most effective and cost-efficient manner  
127 possible. The secretary of the department shall appoint a  
128 director of the center. The duties and responsibilities of the  
129 center are:

130       (a) Recommending and implementing a centralized gate  
131 process for reviewing and evaluating, and granting, withholding,  
132 or denying approval of, agency