

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 659 through 755, and insert:

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6 Executive Office of the Governor for approval and notifying the  
7 chairs of the legislative appropriations committees of such  
8 submission if the effect of the amendment would be to:

9 (a) Increase the value of the contract by \$1 million or  
10 more for those contracts with a total value of at least \$1  
11 million but less than \$10 million; or

12 (b) Increase the value of the contract by 10 percent or  
13 more for those contracts with a total value of \$10 million or  
14 more.

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16 An agency shall not divide a contract amendment so as to avoid  
17 the requirements of this section.

18 (5) In addition to the requirements of subsections  
19 287.057(13) and (14), prior to the renewal or extension of a  
20 contract, an agency shall document whether all specific direct  
21 and indirect costs, savings, performance standards, and  
22 qualitative and quantitative benefits identified in the contract  
23 have been met by the contractor and the agency. If the actual  
24 performance of the contractor does not meet the required  
25 performance as identified in the contract, the agency shall  
26 explain the reasons why and provide justification for the  
27 extensions or renewal of the contract. This documentation shall  
28 be included in the official contract file.

29 Section 8. Section 287.0578, Florida Statutes, is created  
30 to read:

31 287.0578 Subsequent inconsistent laws.--Subsequent  
32 inconsistent laws shall supersede this act only to the extent  
33 they do so by express reference to this section.

34 Section 9. Paragraph (b) of subsection (17) of section  
35 287.057, Florida Statutes, is amended to read:

36 287.057 Procurement of commodities or contractual  
37 services.--

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

41 (b) At least three persons to conduct negotiations during  
42 a competitive sealed reply procurement who collectively have

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43 experience and knowledge in negotiating contracts, contract  
44 procurement, and the program areas and service requirements for  
45 which commodities or contractual services are sought. When the  
46 annual value of a contract is in excess of \$1 million, at least  
47 one of the persons conducting negotiations must be certified as  
48 a contract negotiator based upon rules adopted by the Department  
49 of Management Services.

50 Section 10. Section 215.4211, Florida Statutes, is created  
51 to read:

52 215.4211 Review of contracts for state agencies.--The  
53 Chief Financial Officer may request, as he or she deems  
54 necessary, the option to review and provide comments prior to  
55 the execution of any contract that is required to be in  
56 compliance with the provisions of s. 287.0577(3).

57 Section 11. Section 216.1817, Florida Statutes, is created  
58 to read:

59 216.1817 Limitation on budgetary changes for contractual  
60 services procurement; placement of positions in reserve; re-  
61 establishment of positions.--Notwithstanding s. 216.351:

62 (1) Any budgetary changes for a contractual services  
63 procurement that are inconsistent with the agency's approved  
64 budget may not be made to existing programs unless such changes  
65 are recommended to the Legislative Budget Commission by the  
66 Governor, and the Legislative Budget Commission expressly  
67 approves such program changes.

68 (2) If a procurement of contractual services involves the  
69 performance of functions or responsibilities that are being

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70 shifted from state employees to a contractor, the agency shall  
71 identify within the business case prepared pursuant to s.  
72 287.0577 all resources which are affected, including full-time  
73 equivalent positions. All full-time equivalent positions  
74 identified in the business case shall be placed in reserve by  
75 the Executive Office of the Governor until the end of the second  
76 year of the contract. However, in the business case, the agency  
77 may account for any savings from the full-time equivalent  
78 positions identified and held in reserve. Notwithstanding the  
79 provisions of s. 216.262, the Executive Office of the Governor  
80 shall request authority from the Legislative Budget Commission  
81 to reestablish full-time equivalent positions above the number  
82 fixed by the Legislature if a contract is terminated and the  
83 performance of the functions or responsibilities must be  
84 returned to the agency.

85 Section 12. Section 287.074, Florida Statutes, is created  
86 to read:

87 287.074 Actions reserved to public officers or  
88 employees.--

89 (1) Only a public officer or a public employee upon whom  
90 the public officer has delegated authority shall, consistent  
91 with law, take actions including, but not limited to:

92 (a) Selecting state officers or employees;

93 (b) Approving position descriptions, performance  
94 standards, or salary adjustments for state employees; and

95 (c) Hiring, promoting, disciplining, demoting, and  
96 dismissing a state employee.

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97 (2) Only a public officer shall, consistent with law,  
98 commission and appoint state officers.

99 Section 13. A contractor, as defined in chapter 287,  
100 Florida Statutes, or its employees, agents, or subcontractors,  
101 may not knowingly participate, through decision, approval,  
102 disapproval, preparation of any part of a purchase request,  
103 investigation, or auditing, in the procurement of contractual  
104 services by an agency from an entity in which the contractor, or  
105 its employees, agents, or subcontractors has a material  
106 interest.

107  
108 ===== T I T L E A M E N D M E N T =====

109 Remove lines 63 through 79, and insert:

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111 for approval; requiring notification of such submission to  
112 the chairs of the legislative appropriations committees;  
113 prohibiting the division of a contract amendment to avoid  
114 specified requirements; requiring documentation of  
115 contractor performance prior to renewal or extension of a  
116 contract; creating s. 287.0578, F.S.; providing for  
117 conditional supersession of the act; amending s. 287.057,  
118 F.S.; providing a requirement with respect to the  
119 composition of persons chosen to conduct negotiations  
120 during a specified competitive sealed reply procurement;  
121 creating s. 215.4211, F.S.; authorizing the Chief  
122 Financial Officer to review contracts for state agencies;  
123 creating s. 216.1817, F.S.; permitting budgetary changes

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HOUSE AMENDMENT

Bill No. HB 1835 CS

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124 | for a contractual services procurement only under  
125 | specified conditions; requiring the placement of full-time  
126 | equivalent positions in reserve under certain conditions;  
127 | providing for the reestablishment of full-time equivalent  
128 | positions upon termination of a contract and reversion of  
129 | functions and responsibilities to the agency; creating s.  
130 | 287.074, F.S.; providing

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