

1 A bill to be entitled
 2 An act relating to the procurement of commodities or
 3 contractual services; amending s. 287.057, F.S.; requiring
 4 that the Department of Management Services compensate a
 5 provider for on-line procurement pursuant to appropriation
 6 after satisfying ongoing costs; requiring that the
 7 provider report transaction data to the department;
 8 requiring that fees due to the state on a transactional
 9 basis or as a fixed percentage of savings generated be
 10 deposited into the State Treasury; requiring that a vendor
 11 pay interest on the balance of fees remaining due and
 12 unpaid; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (c) of subsection (23) of section
 17 287.057, Florida Statutes, is amended to read:

18 287.057 Procurement of commodities or contractual
 19 services.--

20 (23)

21 (c)1. The department may impose and shall collect all fees
 22 for the use of the on-line procurement systems. Such ~~The~~ fees
 23 may be imposed on an individual transaction basis or as a fixed
 24 percentage of the cost savings generated. At a minimum, the fees
 25 must be set in an amount sufficient to cover the projected costs
 26 of such services, including administrative and project service
 27 costs in accordance with the policies of the department. All
 28 fees and surcharges collected under this paragraph shall be

29 deposited into the Grants and Donations Trust Fund as provided
 30 by law.

31 2. If the department contracts with a provider for on-line
 32 procurement, the department, pursuant to appropriation, shall
 33 compensate the provider from such fees after the department has
 34 satisfied all ongoing costs. The provider shall report
 35 transaction data to the department each month so that the
 36 department may determine the amount due and payable to the
 37 department from each vendor.

38 3. All fees that are due and payable to the state on a
 39 transactional basis or as a fixed percentage of the cost savings
 40 generated are subject to s. 215.31 and must be remitted within
 41 40 days after receipt of payment for which such fees are due.
 42 For any fees that are not remitted within 40 days, the vendor
 43 shall pay interest at the rate established under s. 55.03(1) on
 44 the unpaid balance from the expiration of the 40-day period
 45 until the fees are remitted. ~~For the purposes of compensating~~
 46 ~~the provider, the department may authorize the provider to~~
 47 ~~collect and retain a portion of the fees. The providers may~~
 48 ~~withhold the portion retained from the amount of fees to be~~
 49 ~~remitted to the department. The department may negotiate the~~
 50 ~~retainage as a percentage of such fees charged to users, as a~~
 51 ~~flat amount, or as any other method the department deems~~
 52 ~~feasible. All fees and surcharges collected under this paragraph~~
 53 ~~shall be deposited in the Grants and Donation Trust Fund as~~
 54 ~~provided by law.~~

55 Section 2. This act shall take effect July 1, 2005.