

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Berfield offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (c) of subsection (23) of section
6 287.057, Florida Statutes, is amended to read:

7 287.057 Procurement of commodities or contractual
8 services.--

9 (23)

10 (c)1. The department may impose and shall collect all fees
11 for the use of the on-line procurement systems. Such ~~The~~ fees
12 may be imposed on an individual transaction basis or as a fixed
13 percentage of the cost savings generated. At a minimum, the fees
14 must be set in an amount sufficient to cover the projected costs
15 of such services, including administrative and project service

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16 costs in accordance with the policies of the department. All
17 fees and surcharges collected under this paragraph shall be
18 deposited into the Grants and Donations Trust Fund as provided
19 by law.

20 2. If the department contracts with a provider for on-line
21 procurement, the department, pursuant to appropriation, shall
22 compensate the provider from such fees after the department has
23 satisfied all ongoing costs. The provider shall report
24 transaction data to the department each month so that the
25 department may determine the amount due and payable to the
26 department from each vendor.

27 3. All fees that are due and payable to the state on a
28 transactional basis or as a fixed percentage of the cost savings
29 generated are subject to s. 215.31 and must be remitted within
30 40 days after receipt of payment for which such fees are due.
31 For any fees that are not remitted within 40 days, the vendor
32 shall pay interest at the rate established under s. 55.03(1) on
33 the unpaid balance from the expiration of the 40-day period
34 until the fees are remitted. ~~For the purposes of compensating~~
35 ~~the provider, the department may authorize the provider to~~
36 ~~collect and retain a portion of the fees. The providers may~~
37 ~~withhold the portion retained from the amount of fees to be~~
38 ~~remitted to the department. The department may negotiate the~~
39 ~~retainage as a percentage of such fees charged to users, as a~~
40 ~~flat amount, or as any other method the department deems~~
41 ~~feasible. All fees and surcharges collected under this paragraph~~

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42 ~~shall be deposited in the Grants and Donation Trust Fund as~~
43 ~~provided by law.~~

44 Section 2. This act shall take effect January 1, 2006.

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

47 Remove the entire title, and insert:

48 A bill to be entitled

49 An act relating to the procurement of commodities or
50 contractual services; amending s. 287.057, F.S.; requiring
51 that the Department of Management Services compensate a
52 provider for on-line procurement pursuant to appropriation
53 after satisfying ongoing costs; requiring that the
54 provider report transaction data to the department;
55 requiring that fees due to the state on a transactional
56 basis or as a fixed percentage of savings generated be
57 deposited into the State Treasury; requiring that a vendor
58 pay interest on the balance of fees remaining due and
59 unpaid; providing an effective date.