

By Senator Argenziano

3-373-06

1 A bill to be entitled
2 An act relating to governmental reorganization;
3 amending s. 20.22, F.S.; designating the
4 Governor and Cabinet as head of the Department
5 of Management Services; providing for
6 appointment of an executive director; amending
7 ss. 110.107, 110.181, 110.405, 110.406,
8 110.605, 110.606, 121.021, 121.025, 215.96,
9 255.05, 255.0525, 255.29, 267.075, 272.18,
10 287.0943, 287.18, 401.021, 401.027, 403.42, and
11 1004.58, F.S., and repealing s. 288.703(8),
12 F.S., to conform; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:
15

16 Section 1. Subsections (1) and (4) of section 20.22,
17 Florida Statutes, are amended to read:

18 20.22 Department of Management Services.--There is
19 created a Department of Management Services.

20 (1) The head of the Department of Management Services
21 is the Governor and Cabinet. The executive director of the
22 department ~~Secretary of Management Services, who~~ shall be
23 appointed by the Governor with the concurrence of two members
24 of the Cabinet and, subject to confirmation by the Senate. The
25 executive director, ~~and~~ shall serve at the pleasure of the
26 Governor and Cabinet.

27 (4) The duties of the Chief Labor Negotiator shall be
28 determined by the executive director of the department
29 ~~Secretary of Management Services,~~ and must include, but need
30 not be limited to, the representation of the Governor as the
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1 public employer in collective bargaining negotiations pursuant
2 to the provisions of chapter 447.

3 Section 2. Subsection (2) of section 110.107, Florida
4 Statutes, is amended to read:

5 110.107 Definitions.--As used in this chapter, the
6 term:

7 (2) "Executive director"~~"Secretary"~~ means the
8 executive director of the department ~~Secretary of Management~~
9 ~~Services~~.

10 Section 3. Subsection (4) of section 110.181, Florida
11 Statutes, is amended to read:

12 110.181 Florida State Employees' Charitable
13 Campaign.--

14 (4) FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN
15 STEERING COMMITTEE.--A Florida State Employees' Charitable
16 Campaign steering committee shall be established with seven
17 members appointed by members of the administration commission,
18 and two members appointed by the executive director ~~secretary~~
19 ~~of the department~~ from among applications submitted from other
20 agencies or departments. The committee, whose members shall
21 serve staggered terms, shall meet at the call of the executive
22 director ~~secretary~~. Members shall serve without compensation,
23 but shall be entitled to receive reimbursement for travel and
24 per diem expenses as provided in s. 112.061.

25 Section 4. Section 110.405, Florida Statutes, is
26 amended to read:

27 110.405 Advisory committees.--The executive director
28 ~~Secretary of Management Services~~ may at any time appoint an ad
29 hoc or continuing advisory committee consisting of members of
30 the Senior Management Service or other persons knowledgeable
31 in the field of personnel management. Any such committee

1 shall consist of not more than nine members, who shall serve
2 at the pleasure and meet at the call of the executive director
3 ~~secretary~~, to advise and consult with the executive director
4 ~~secretary~~ on such matters affecting the Senior Management
5 Service as the executive director ~~secretary~~ requests. Members
6 shall serve without compensation, but shall be entitled to
7 receive reimbursement for travel expenses as provided in s.
8 112.061. The executive director ~~secretary~~ may periodically
9 hire a consultant with expertise in personnel management to
10 advise him or her with respect to the administration of the
11 Senior Management Service.

12 Section 5. Paragraph (b) of subsection (2) and
13 subsection (3) of section 110.406, Florida Statutes, are
14 amended to read:

15 110.406 Senior Management Service; data collection.--

16 (2) The data required by this section shall include:

17 (b) Any recommendations and proposals for legislation
18 which the executive director ~~has secretary may have~~ with
19 respect to improving the operation and administration of the
20 Senior Management Service.

21 (3) To assist in the preparation of the data required
22 by this section, the executive director ~~secretary~~ may hire a
23 consultant with expertise in the field of personnel management
24 and may use the services of the advisory committee authorized
25 in s. 110.405.

26 Section 6. Subsection (5) of section 110.605, Florida
27 Statutes, is amended to read:

28 110.605 Powers and duties; personnel rules, records,
29 reports, and performance appraisal.--

30 (5) The executive director ~~secretary~~ may periodically
31 hire a consultant with expertise in personnel management to

1 advise him or her with respect to the administration of the
2 Selected Exempt Service.

3 Section 7. Paragraph (b) of subsection (2) and
4 subsection (3) of section 110.606, Florida Statutes, are
5 amended to read:

6 110.606 Selected Exempt Service; data collection.--

7 (2) The data required by this section shall include:

8 (b) Any recommendations and proposals for legislation
9 which the executive director has ~~secretary may have~~ with
10 respect to improving the operation and administration of the
11 Selected Exempt Service.

12 (3) To assist in the preparation of the data required
13 by this section, the executive director ~~secretary~~ may hire a
14 consultant with expertise in the field of personnel
15 management.

16 Section 8. Subsection (5) of section 121.021, Florida
17 Statutes, is amended to read:

18 121.021 Definitions.--The following words and phrases
19 as used in this chapter have the respective meanings set forth
20 unless a different meaning is plainly required by the context:

21 (5) "Administrator" means the executive director
22 ~~secretary~~ of the Department of Management Services.

23 Section 9. Section 121.025, Florida Statutes, is
24 amended to read:

25 121.025 Administrator; powers and duties.--The
26 executive director ~~secretary~~ of the Department of Management
27 Services shall be the administrator of the retirement and
28 pension systems assigned or transferred to the Department of
29 Management Services by law and shall have the authority to
30 sign the contracts necessary to carry out the duties and
31

1 | responsibilities assigned by law to the Department of
2 | Management Services.

3 | Section 10. Subsection (2) of section 215.96, Florida
4 | Statutes, is amended to read:

5 | 215.96 Coordinating council and design and
6 | coordination staff.--

7 | (2) The coordinating council shall consist of the
8 | Chief Financial Officer; the Commissioner of Agriculture; the
9 | executive director ~~secretary~~ of the Department of Management
10 | Services; the Attorney General; and the Director of Planning
11 | and Budgeting, Executive Office of the Governor, or their
12 | designees. The Chief Financial Officer, or his or her
13 | designee, shall be chair of the coordinating council, and the
14 | design and coordination staff shall provide administrative and
15 | clerical support to the council and the board. The design and
16 | coordination staff shall maintain the minutes of each meeting
17 | and shall make such minutes available to any interested
18 | person. The Auditor General, the State Courts Administrator,
19 | an executive officer of the Florida Association of State
20 | Agency Administrative Services Directors, and an executive
21 | officer of the Florida Association of State Budget Officers,
22 | or their designees, shall serve without voting rights as ex
23 | officio members on the coordinating council. The chair may
24 | call meetings of the coordinating council as often as
25 | necessary to transact business; however, the coordinating
26 | council shall meet at least once a year. Action of the
27 | coordinating council shall be by motion, duly made, seconded
28 | and passed by a majority of the coordinating council voting in
29 | the affirmative for approval of items that are to be
30 | recommended for approval to the Financial Management
31 | Information Board.

1 Section 11. Paragraph (a) of subsection (1) of section
2 255.05, Florida Statutes, is amended to read:

3 255.05 Bond of contractor constructing public
4 buildings; form; action by materialmen.--

5 (1)(a) Any person entering into a formal contract with
6 the state or any county, city, or political subdivision
7 thereof, or other public authority, for the construction of a
8 public building, for the prosecution and completion of a
9 public work, or for repairs upon a public building or public
10 work shall be required, before commencing the work or before
11 recommencing the work after a default or abandonment, to
12 execute, deliver to the public owner, and record in the public
13 records of the county where the improvement is located, a
14 payment and performance bond with a surety insurer authorized
15 to do business in this state as surety. A public entity may
16 not require a contractor to secure a surety bond under this
17 section from a specific agent or bonding company. The bond
18 must state on its front page: the name, principal business
19 address, and phone number of the contractor, the surety, the
20 owner of the property being improved, and, if different from
21 the owner, the contracting public entity; the contract number
22 assigned by the contracting public entity; and a description
23 of the project sufficient to identify it, such as a legal
24 description or the street address of the property being
25 improved, and a general description of the improvement. Such
26 bond shall be conditioned upon the contractor's performance of
27 the construction work in the time and manner prescribed in the
28 contract and promptly making payments to all persons defined
29 in s. 713.01 who furnish labor, services, or materials for the
30 prosecution of the work provided for in the contract. Any
31 claimant may apply to the governmental entity having charge of

1 | the work for copies of the contract and bond and shall
2 | thereupon be furnished with a certified copy of the contract
3 | and bond. The claimant shall have a right of action against
4 | the contractor and surety for the amount due him or her,
5 | including unpaid finance charges due under the claimant's
6 | contract. Such action shall not involve the public authority
7 | in any expense. When such work is done for the state and the
8 | contract is for \$100,000 or less, no payment and performance
9 | bond shall be required. At the discretion of the official or
10 | board awarding such contract when such work is done for any
11 | county, city, political subdivision, or public authority, any
12 | person entering into such a contract which is for \$200,000 or
13 | less may be exempted from executing the payment and
14 | performance bond. When such work is done for the state, the
15 | Governor and Cabinet as head ~~Secretary~~ of the Department of
16 | Management Services may delegate to state agencies the
17 | authority to exempt any person entering into such a contract
18 | amounting to more than \$100,000 but less than \$200,000 from
19 | executing the payment and performance bond. In the event such
20 | exemption is granted, the officer or officials shall not be
21 | personally liable to persons suffering loss because of
22 | granting such exemption. The Department of Management Services
23 | shall maintain information on the number of requests by state
24 | agencies for delegation of authority to waive the bond
25 | requirements by agency and project number and whether any
26 | request for delegation was denied and the justification for
27 | the denial. Any provision in a payment bond furnished for
28 | public work contracts as provided by this subsection which
29 | restricts the classes of persons as defined in s. 713.01
30 | protected by the bond or the venue of any proceeding relating
31 | to such bond is unenforceable.

1 Section 12. Subsection (1) of section 255.0525,
2 Florida Statutes, is amended to read:

3 255.0525 Advertising for competitive bids or
4 proposals.--

5 (1) The solicitation of competitive bids or proposals
6 for any state construction project that is projected to cost
7 more than \$200,000 shall be publicly advertised once in the
8 Florida Administrative Weekly at least 21 days prior to the
9 established bid opening. For state construction projects that
10 are projected to cost more than \$500,000, the advertisement
11 shall be published in the Florida Administrative Weekly at
12 least 30 days prior to the established bid opening and at
13 least once in a newspaper of general circulation in the county
14 where the project is located at least 30 days prior to the
15 established bid opening and at least 5 days prior to any
16 scheduled prebid conference. The bids or proposals shall be
17 received and opened publicly at the location, date, and time
18 established in the bid or proposal advertisement. In cases of
19 emergency, the executive director of the Department Secretary
20 of Management Services may alter the procedures required in
21 this section in any manner that is reasonable under the
22 emergency circumstances.

23 Section 13. Subsection (3) of section 255.29, Florida
24 Statutes, is amended to read:

25 255.29 Construction contracts; department rules.--The
26 Department of Management Services shall establish, through the
27 adoption of administrative rules as provided in chapter 120:

28 (3) Procedures to govern negotiations for construction
29 contracts and modifications to contract documents when such
30 negotiations are determined by the executive director

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1 ~~secretary~~ of the Department of Management Services to be in
2 the best interest of the state.

3 Section 14. Paragraph (a) of subsection (3) of section
4 267.075, Florida Statutes, is amended to read:

5 267.075 The Grove Advisory Council; creation;
6 membership; purposes.--

7 (3)(a) The Grove Advisory Council shall be composed of
8 eight members, as follows:

9 1. Five members shall be private citizens appointed by
10 the Secretary of State.

11 2. One member shall be the executive director of the
12 Department ~~Secretary~~ of Management Services or his or her
13 designee.

14 3. One member shall be the director of the Division of
15 Historical Resources of the Department of State.

16 4. At least one member shall be a direct descendant of
17 Mary Call Darby Collins appointed by the Secretary of State
18 with the advice of the oldest living generation of lineal
19 descendants of Mary Call Darby Collins.

20
21 Of the citizen members, at least one member must ~~shall~~ have
22 professional curatorial and museum expertise, one member must
23 ~~shall~~ have professional architectural expertise in the
24 preservation of historic buildings, and one member must ~~shall~~
25 have professional landscape expertise. The five citizen
26 members of the council appointed by the Secretary of State and
27 the member of the council who is a direct descendant of Mary
28 Call Darby Collins appointed by the Secretary of State shall
29 be appointed for staggered 4-year terms. The Secretary of
30 State shall fill the remainder of unexpired terms for the five
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1 citizen members of the council and the member of the council
2 who is a direct descendant of Mary Call Darby Collins.

3 Section 15. Paragraph (a) of subsection (1) and
4 paragraph (c) of subsection (2) of section 272.18, Florida
5 Statutes, are amended to read:

6 272.18 Governor's Mansion Commission.--

7 (1)(a) There is created within the Department of
8 Management Services a Governor's Mansion Commission to be
9 composed of eight members. Five members shall be private
10 citizens appointed by the Governor and subject to confirmation
11 by the Senate; one member shall be the executive director of
12 the Department ~~Secretary~~ of Management Services or his or her
13 designee; one member shall be the director of the Division of
14 Recreation and Parks of the Department of Environmental
15 Protection; and one member shall be designated by the
16 Secretary of State and must ~~shall~~ be an employee of the
17 Department of State with curatorial and museum expertise. The
18 Governor shall appoint all citizen members for 4-year terms.
19 The Governor shall fill vacancies for the remainder of
20 unexpired terms. The spouse of the Governor or the designated
21 representative of the Governor shall be an ex officio member
22 of the commission but shall have no voting rights except in
23 the case of a tie vote.

24 (2)

25 (c) Members of the commission shall serve without
26 compensation or honorarium but shall be entitled to receive
27 reimbursement for per diem and travel expenses as provided in
28 s. 112.061. All expenses of the commission shall be paid from
29 appropriations to be made by the Legislature to the Department
30 of Management Services for that purpose. The commission shall
31 submit its budgetary requests to the Department of Management

1 Services for approval and inclusion in the legislative budget
2 request of the department. All vouchers shall be approved by
3 the executive director ~~secretary~~ of the Department of
4 Management Services before being submitted to the Chief
5 Financial Officer for payment.

6 Section 16. Paragraph (j) of subsection (2), paragraph
7 (e) of subsection (3), and paragraph (a) of subsection (5) of
8 section 287.0943, Florida Statutes, are amended to read:

9 287.0943 Certification of minority business
10 enterprises.--

11 (2)

12 (j) The statewide and interlocal agreement shall be
13 guided by the terms and conditions found therein and may be
14 amended at any meeting of the task force and subsequently
15 adopted by the Governor and Cabinet as head ~~secretary~~ of the
16 Department of Management Services. The amended agreement must
17 be enacted, initialed, and legally executed by at least
18 two-thirds of the certifying entities party to the existing
19 agreement and adopted by the state as originally executed in
20 order to bind the certifying entity.

21 (3)

22 (e) Any participating program receiving three or more
23 challenges to its certification decisions pursuant to
24 subsection (4) from other organizations that are executors to
25 the statewide and interlocal agreement, shall be subject to a
26 review by the office, as provided in paragraphs (a) and (b),
27 of the organization's capacity to perform under such agreement
28 and in accordance with the core criteria established by the
29 task force. The office shall submit a report to the Governor
30 and Cabinet as head ~~secretary~~ of the Department of Management
31 Services regarding the results of the review.

1 (5)(a) The Governor and Cabinet as head ~~secretary~~ of
2 the Department of Management Services shall execute the
3 statewide and interlocal agreement established under s.
4 287.09431 on behalf of the state. The office shall certify
5 minority business enterprises in accordance with the laws of
6 this state and, by affidavit, shall recertify such minority
7 business enterprises not less than once each year.

8 Section 17. Section 287.18, Florida Statutes, is
9 amended to read:

10 287.18 Repair and service of motor vehicles and
11 aircraft.--The executive director of the Department ~~Secretary~~
12 of Management Services or his or her designee may require a
13 department or any state agency having facilities for the
14 repair of aircraft or motor vehicles and for the storage and
15 distribution of gasoline and other petroleum products to
16 repair aircraft and motor vehicles and to furnish gasoline and
17 other petroleum products to any other department or agency and
18 shall compensate for the cost of such services and products.

19 Section 18. Subsection (8) of section 288.703, Florida
20 Statutes, is repealed.

21 Section 19. Section 401.021, Florida Statutes, is
22 amended to read:

23 401.021 System director.--The executive director of
24 the Department ~~Secretary~~ of Management Services or his or her
25 designee is designated as the director of the statewide
26 telecommunications system of the regional emergency medical
27 service and, for the purpose of carrying out the provisions of
28 this part, is authorized to coordinate the activities of the
29 telecommunications system with other interested state, county,
30 local, and private agencies.

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1 Section 20. Section 401.027, Florida Statutes, is
2 amended to read:

3 401.027 Federal assistance.--The executive director of
4 the Department Secretary of Management Services or his or her
5 designee is authorized to apply for and accept federal funding
6 assistance in the development and implementation of a
7 statewide emergency medical telecommunications system.

8 Section 21. Paragraph (b) of subsection (3) of section
9 403.42, Florida Statutes, is amended to read:

10 403.42 Florida Clean Fuel Act.--

11 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
12 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.--

13 (b)1. The advisory board shall consist of the
14 Secretary of Community Affairs, or a designee from that
15 department, the Secretary of Environmental Protection, or a
16 designee from that department, the Commissioner of Education,
17 or a designee from that department, the Secretary of
18 Transportation, or a designee from that department, the
19 Commissioner of Agriculture, or a designee from the Department
20 of Agriculture and Consumer Services, the executive director
21 of the Department Secretary of Management Services, or a
22 designee from that department, and a representative of each of
23 the following, who shall be appointed by the Secretary of
24 Environmental Protection:

- 25 a. The Florida biodiesel industry.
26 b. The Florida electric utility industry.
27 c. The Florida natural gas industry.
28 d. The Florida propane gas industry.
29 e. An automobile manufacturers' association.
30 f. A Florida Clean Cities Coalition designated by the
31 United States Department of Energy.

- 1 g. Enterprise Florida, Inc.
- 2 h. EV Ready Broward.
- 3 i. The Florida petroleum industry.
- 4 j. The Florida League of Cities.
- 5 k. The Florida Association of Counties.
- 6 l. Floridians for Better Transportation.
- 7 m. A motor vehicle manufacturer.
- 8 n. Florida Local Environment Resource Agencies.
- 9 o. Project for an Energy Efficient Florida.
- 10 p. Florida Transportation Builders Association.
- 11 2. The purpose of the advisory board is to serve as a
- 12 resource for the department and to provide the Governor, the
- 13 Legislature, and the Secretary of Environmental Protection
- 14 with private sector and other public agency perspectives on
- 15 achieving the goal of increasing the use of alternative fuel
- 16 vehicles in this state.
- 17 3. Members shall be appointed to serve terms of 1 year
- 18 each, with reappointment at the discretion of the Secretary of
- 19 Environmental Protection. Vacancies shall be filled for the
- 20 remainder of the unexpired term in the same manner as the
- 21 original appointment.
- 22 4. The board shall annually select a chairperson.
- 23 5.a. The board shall meet at least once each quarter
- 24 or more often at the call of the chairperson or the Secretary
- 25 of Environmental Protection.
- 26 b. Meetings are exempt from the notice requirements of
- 27 chapter 120, and sufficient notice shall be given to afford
- 28 interested persons reasonable notice under the circumstances.
- 29 6. Members of the board are entitled to travel
- 30 expenses while engaged in the performance of board duties.
- 31

