

1 A bill to be entitled
 2 An act relating to the Advisory Committee on State
 3 Procurement; creating s. 287.0575, F.S.; establishing the
 4 Advisory Committee on State Procurement for the purpose of
 5 evaluating the state procurement process and carrying out
 6 the legislative policy created under the act; providing
 7 policy of the Legislature with respect to the procurement
 8 of goods, services, and facilities by the state; providing
 9 for membership and organization of the committee;
 10 providing duties of the committee; providing powers of the
 11 committee; requiring state agency cooperation with the
 12 committee; requiring reports of the committee; providing
 13 for termination of the committee; providing an
 14 appropriation; providing an effective date.

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

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 18 Section 1. Section 287.0575, Florida Statutes, is created
 19 to read:

20 287.0575 Advisory Committee on State Procurement; policy;
 21 duties; termination of advisory committee.--

22 (1) ADVISORY COMMITTEE ON STATE PROCUREMENT;
 23 ESTABLISHMENT.--The Advisory Committee on State Procurement is
 24 established for the purpose of evaluating the entire state
 25 procurement process, including the organization, staffing,
 26 leadership, planning, and controls involved in the procurement
 27 process, and for the purpose of carrying out the policy set
 28 forth in subsection (2).

29 (2) LEGISLATIVE POLICY.--It is the policy of the
30 Legislature to promote economy, efficiency, and effectiveness in
31 the procurement of goods, services, and facilities by and for
32 the executive branch of state government through the following
33 means:

34 (a) The establishment of policies, procedures, and
35 practices which require the state to procure goods, services,
36 and facilities of requisite quality, in a timely manner, and at
37 the lowest reasonable cost, using competitive bidding to the
38 maximum extent possible.

39 (b) Improvement of the quality, efficiency, economy, and
40 performance of organizations and personnel involved in the
41 procurement of goods, services, and facilities by the state.

42 (c) Elimination of unnecessary overlapping or duplication
43 of procurement activities and related activities such as
44 contract administration and inspections.

45 (d) Elimination of unnecessary or redundant requirements
46 placed on contractors or on officials in charge of the
47 procurement of goods, services, and facilities by the state.

48 (e) Identification of gaps, omissions, or inconsistencies
49 in state laws, rules, and directives relating to the procurement
50 of goods, services, and facilities by the state which should be
51 brought to the attention of the Legislature.

52 (f) Attainment of greater uniformity in and simplification
53 of procurement procedures, whenever appropriate.

54 (g) Coordination of the procurement policies and programs
55 of the various departments and agencies of the state, whenever
56 possible.

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57 (h) The conforming of procurement policies and programs to
58 other successful established state policies and programs,
59 whenever appropriate.

60 (i) Minimization of possible disruptive effects of state
61 procurement on particular industries, areas, or occupations.

62 (j) Improvement of the understanding of the laws and
63 policies of the state relating to the procurement of goods,
64 services, and facilities by the state, not only within state
65 government but on the part of organizations and individuals
66 doing business with the state.

67 (k) Promotion of fair dealing and equitable relationships
68 among the parties in state contracting.

69 (l) Promotion of economy, efficiency, and effectiveness in
70 state procurement organizations and operations by any means the
71 committee deems beneficial and appropriate.

72 (m) Giving special consideration to procurement laws,
73 policies, procedures, practices, organization, staffing,
74 leadership and controls of the Federal Government's procurement
75 process.

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77 Nothing in this subsection shall be construed as limiting the
78 committee's means of facilitating the legislative policy
79 expressed herein, the inquiries of the committee, or the
80 committee's authority to investigate additional areas the
81 committee deems significant, relevant, or important.

82 (3) MEMBERSHIP; ORGANIZATION.--

83 (a) The committee shall be composed of 10 members, three
84 of whom shall be appointed by the President of the Senate, three

85 of whom shall be appointed by the Speaker of the House of
 86 Representatives, and four of whom shall be appointed by the
 87 Governor. Of the three appointments made by the President of the
 88 Senate, two appointees shall be Senators who are not of the same
 89 political party, and one appointee shall be from outside state
 90 government. Of the three appointments made by the Speaker of the
 91 House of Representatives, two appointees shall be members of the
 92 House of Representatives who are not of the same political
 93 party, and one appointee shall be from outside state government.
 94 Of the four appointments made by the Governor, two appointees
 95 shall be from the executive branch of state government and two
 96 appointees will be from outside state government.

97 (b) The Auditor General or the Auditor General's
 98 designated representative shall serve as an additional ex
 99 officio member of the committee.

100 (c) The committee shall select a chair and a vice chair
 101 from among its members.

102 (d) Six members of the committee shall constitute a
 103 quorum.

104 (e) Any vacancies in the committee shall be filled for the
 105 unexpired term in the same manner as the original appointment.

106 (f) Members of the committee who are members of the
 107 Legislature or who are officers or employees in the executive
 108 branch of state government shall serve without compensation but
 109 shall be reimbursed for per diem and travel expenses in
 110 accordance with s. 112.061.

111 (4) DUTIES OF ADVISORY COMMITTEE.--The advisory committee
 112 shall study and investigate:

113 (a) The current laws of the state which govern the
 114 procurement of goods, services, and facilities by the state;

115 (b) The procurement policies, rules, procedures, and
 116 practices followed by the departments, bureaus, agencies,
 117 boards, commissions, offices, and instrumentalities of the
 118 executive branch of state government; and

119 (c) The organizations and management processes involved in
 120 a state procurement of goods, services, and facilities prior to
 121 the award of a state procurement contract, during the
 122 solicitation of bids, evaluation, and negotiation of a contract,
 123 and subsequent to the award of the contract to determine the
 124 extent to which these organizations and management processes
 125 facilitate the policy set forth in subsection (2).

126 (5) POWERS OF THE ADVISORY COMMITTEE.--

127 (a) The advisory committee, or any subcommittee or
 128 individual member thereof, may hold hearings and take testimony.
 129 Any member of the committee may administer oaths or affirmations
 130 to witnesses.

131 (b) The committee may acquire information directly from
 132 the head of any state department or agency for the purpose of
 133 its studies and investigations. All departments and agencies
 134 shall cooperate with the committee and furnish all information
 135 requested by the committee to the extent permitted by law.
 136 Requests for information are required to be made in the name of
 137 the chair or vice chair of the committee.

138 (c) The committee shall have power to appoint and fix the
 139 compensation of committee personnel without regard to state laws
 140 or rules governing state employment.

141 (d) The committee may procure the services of experts and
142 consultants at rates not to exceed \$400 per day.

143 (e) The committee may enter into contracts with private
144 organizations and nonprofit institutions to carry out studies
145 and prepare reports to facilitate the committee's work.

146 (6) AGENCY COOPERATION.--All departments or agencies of
147 the state are required to provide services to the committee upon
148 request, on a reimbursable basis or otherwise, pursuant to
149 agreements between the contributing agency and the chair or vice
150 chair of the committee.

151 (7) REPORTS.--

152 (a) The advisory committee may make such interim reports
153 as it deems advisable.

154 (b) By July 1, 2009, the advisory committee shall submit
155 to the Clerk of the House of Representatives and the Secretary
156 of the Senate the final report of its findings and
157 recommendations for changes in statutes, rules, policies,
158 procedures, and organization necessary to carry out the policy
159 set forth in subsection (2).

160 (8) TERMINATION OF ADVISORY COMMITTEE.--The Advisory
161 Committee on State Procurement shall cease to exist 120 days
162 after the submission of its final report. The committee and its
163 staff shall utilize the 120-day period between the submission of
164 the final report and the termination of the committee to draft
165 or assist in final preparation of legislative or administrative
166 proposals that will carry out the recommendations of the
167 committee contained in its final report.

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168 Section 2. For the 2007-2008 fiscal year, the sum of \$4
169 million is appropriated from the General Revenue Fund to the
170 Advisory Committee on State Procurement for the purposes of
171 carrying out the provisions of this act.

172 Section 3. This act shall take effect July 1, 2007.