

By Senator Fasano

11-1303-07

See HB

1 A bill to be entitled

2 An act relating to the Advisory Committee on

3 State Procurement; creating s. 287.0575, F.S.;

4 establishing the Advisory Committee on State

5 Procurement; providing policy of the

6 Legislature with respect to the procurement of

7 goods, services, and facilities by the state;

8 providing for membership and organization of

9 the committee; providing duties of the

10 committee; providing powers of the committee;

11 requiring state agency cooperation with the

12 committee; requiring reports of the committee;

13 providing for termination of the committee;

14 providing an appropriation; providing an

15 effective date.

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

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19 Section 1. Section 287.0575, Florida Statutes, is

20 created to read:

21 287.0575 Advisory Committee on State Procurement;

22 policy; duties; termination of advisory committee.--

23 (1) ADVISORY COMMITTEE ON STATE PROCUREMENT;

24 ESTABLISHMENT.--The Advisory Committee on State Procurement is

25 established for the purpose of carrying out the policy set

26 forth in subsection (2).

27 (2) LEGISLATIVE POLICY.--It is the policy of the

28 Legislature to promote economy, efficiency, and effectiveness

29 in the procurement of goods, services, and facilities by and

30 for the executive branch of state government through the

31 following means:

1 (a) The establishment of policies, procedures, and
2 practices which require the state to procure goods, services,
3 and facilities of requisite quality, in a timely manner, and
4 at the lowest reasonable cost, using competitive bidding to
5 the maximum extent possible.

6 (b) Improvement of the quality, efficiency, economy,
7 and performance of organizations and personnel involved in the
8 procurement of goods, services, and facilities by the state.

9 (c) Elimination of unnecessary overlapping or
10 duplication of procurement activities and related activities
11 such as contract administration and inspections.

12 (d) Elimination of unnecessary or redundant
13 requirements placed on contractors or on officials in charge
14 of the procurement of goods, services, and facilities by the
15 state.

16 (e) Identification of gaps, omissions, or
17 inconsistencies in state laws, rules, and directives relating
18 to the procurement of goods, services, and facilities by the
19 state which should be brought to the attention of the
20 Legislature.

21 (f) Attainment of greater uniformity in and
22 simplification of procurement procedures, whenever
23 appropriate.

24 (g) Coordination of the procurement policies and
25 programs of the various departments and agencies of the state,
26 whenever possible.

27 (h) The conforming of procurement policies and
28 programs to other successful established state policies and
29 programs, whenever appropriate.

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1 (i) Minimization of possible disruptive effects of
2 state procurement on particular industries, areas, or
3 occupations.

4 (j) Improvement of the understanding of the laws and
5 policies of the state relating to the procurement of goods,
6 services, and facilities by the state, not only within state
7 government but on the part of organizations and individuals
8 doing business with the state.

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

11 (l) Promotion of economy, efficiency, and
12 effectiveness in state procurement organizations and
13 operations by any means the committee deems beneficial and
14 appropriate.

15 (m) Giving special consideration to procurement laws,
16 policies, procedures, practices, organization, staffing,
17 leadership and controls of the Federal Government's
18 procurement process.

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20 Nothing in this subsection shall be construed as limiting the
21 committee's means of facilitating the legislative policy
22 expressed herein, the inquiries of the committee, or the
23 committee's authority to investigate additional areas the
24 committee deems significant, relevant, or important.

25 (3) MEMBERSHIP; ORGANIZATION.--

26 (a) The committee shall be composed of 10 members,
27 three of whom shall be appointed by the President of the
28 Senate, three of whom shall be appointed by the Speaker of the
29 House of Representatives, and four of whom shall be appointed
30 by the Governor. Of the three appointments made by the
31 President of the Senate, two appointees shall be Senators who

1 are not of the same political party, and one appointee shall
2 be from outside state government. Of the three appointments
3 made by the Speaker of the House of Representatives, two
4 appointees shall be members of the House of Representatives
5 who are not of the same political party, and one appointee
6 shall be from outside state government. Of the four
7 appointments made by the Governor, two appointees shall be
8 from the executive branch of state government and two
9 appointees will be from outside state government.

10 (b) The Auditor General or the Auditor General's
11 designated representative shall serve as an additional ex
12 officio member of the committee.

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

15 (d) Six members of the committee shall constitute a
16 quorum.

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

20 (f) Members of the committee who are members of the
21 Legislature or who are officers or employees in the executive
22 branch of state government shall serve without compensation
23 but shall be reimbursed for per diem and travel expenses in
24 accordance with s. 112.061.

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

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

29 (b) The procurement policies, rules, procedures, and
30 practices followed by the departments, bureaus, agencies,
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1 boards, commissions, offices, and instrumentalities of the
2 executive branch of state government; and

3 (c) The organizations through which goods, services,
4 and facilities are procured, to determine the extent to which
5 these factors facilitate the policy set forth in subsection
6 (2).

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

8 (a) The advisory committee, or any subcommittee or
9 individual member thereof, may hold hearings and take
10 testimony. Any member of the committee may administer oaths or
11 affirmations to witnesses.

12 (b) The committee may acquire information directly
13 from the head of any state department or agency for the
14 purpose of its studies and investigations. All departments and
15 agencies shall cooperate with the committee and furnish all
16 information requested by the committee to the extent permitted
17 by law. Requests for information are required to be made in
18 the name of the chair or vice chair of the committee.

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

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

24 (e) The committee may enter into contracts with
25 private organizations and nonprofit institutions to carry out
26 studies and prepare reports to facilitate the committee's
27 work.

28 (6) AGENCY COOPERATION.--All departments or agencies
29 of the state are required to provide services to the committee
30 upon request, on a reimbursable basis or otherwise, pursuant
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1 to agreements between the contributing agency and the chair or
2 vice chair of the committee.

3 (7) REPORTS.--

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

6 (b) By July 1, 2009, the advisory committee shall
7 submit to the Clerk of the House of Representatives and the
8 Secretary of the Senate the final report of its findings and
9 recommendations for changes in statutes, rules, policies, and
10 procedures necessary to carry out the policy set forth in
11 subsection (2).

12 (8) TERMINATION OF ADVISORY COMMITTEE.--The Advisory
13 Committee on State Procurement shall cease to exist 120 days
14 after the submission of its final report. The committee and
15 its staff shall utilize the 120-day period between the
16 submission of the final report and the termination of the
17 committee to draft or assist in final preparation of
18 legislative or administrative proposals that will carry out
19 the recommendations of the committee contained in its final
20 report.

21 Section 2. For the 2007-2008 fiscal year, the sum of \$
22 is appropriated from the General Revenue Fund to the
23 Advisory Committee on State Procurement for the purposes of
24 carrying out the provisions of this act.

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