

A bill to be entitled

An act relating to the Advisory Committee on State Procurement; creating s. 287.0575, F.S.; establishing the Advisory Committee on State Procurement for the purpose of evaluating the state procurement process and carrying out the legislative policy created under the act; providing policy of the Legislature with respect to the procurement of goods, services, and facilities by the state; providing for membership and organization of the committee; providing duties of the committee; providing powers of the committee; requiring state agency cooperation with the committee; requiring reports of the committee; providing for termination of the committee; providing an appropriation; providing an effective date.

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

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

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

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

HB 79

2008

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.

76  
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 13 members. Three  
84 members shall be appointed by the President of the Senate, three

85 members shall be appointed by the Speaker of the House of  
86 Representatives, four members shall be appointed by the  
87 Governor, one member shall be appointed by the Attorney General,  
88 one member shall be appointed by the Commissioner of  
89 Agriculture, and one member shall be appointed by the Chief  
90 Financial Officer. Of the three appointments made by the  
91 President of the Senate, two appointees shall be Senators who  
92 are not of the same political party, and one appointee shall be  
93 from outside state government. Of the three appointments made by  
94 the Speaker of the House of Representatives, two appointees  
95 shall be members of the House of Representatives who are not of  
96 the same political party, and one appointee shall be from  
97 outside state government. Of the four appointments made by the  
98 Governor, two appointees shall be from the executive branch of  
99 state government and two appointees shall be from outside state  
100 government. The Attorney General, the Commissioner of  
101 Agriculture, and the Chief Financial Officer shall each appoint  
102 the official in charge of procurement within his or her  
103 respective agency.

104 (b) The Auditor General or the Auditor General's  
105 designated representative shall attend the meetings of the  
106 committee and provide technical assistance to the committee.

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

109 (d) Eight members of the committee shall constitute a  
110 quorum.

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

113 (f) Members of the committee who are members of the  
114 Legislature or who are officers or employees in the executive  
115 branch of state government shall serve without compensation but  
116 shall be reimbursed for per diem and travel expenses in  
117 accordance with s. 112.061.

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

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

122 (b) The procurement policies, rules, procedures, and  
123 practices followed by the departments, bureaus, agencies,  
124 boards, commissions, offices, and instrumentalities of the  
125 executive branch of state government; and

126 (c) The organizations and management processes involved in  
127 a state procurement of goods, services, and facilities prior to  
128 the award of a state procurement contract, during the  
129 solicitation of bids, evaluation, and negotiation of a contract,  
130 and subsequent to the award of the contract to determine the  
131 extent to which these organizations and management processes  
132 facilitate the policy set forth in subsection (2).

133 (5) POWERS OF ADVISORY COMMITTEE.--

134 (a) The advisory committee, or any subcommittee or  
135 individual member thereof, may hold hearings and take testimony.  
136 Any member of the committee may administer oaths or affirmations  
137 to witnesses.

138 (b) The committee may acquire information directly from  
139 the head of any state department or agency for the purpose of  
140 its studies and investigations. All departments and agencies

141 shall cooperate with the committee and furnish all information  
142 requested by the committee to the extent permitted by law.  
143 Requests for information are required to be made in the name of  
144 the chair or vice chair of the committee.

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

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

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

153 (6) AGENCY COOPERATION.--All departments or agencies of  
154 the state are required to provide services to the committee upon  
155 request, on a reimbursable basis or otherwise, pursuant to  
156 agreements between the contributing agency and the chair or vice  
157 chair of the committee.

158 (7) REPORTS.--

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

161 (b) By July 1, 2010, the advisory committee shall submit  
162 to the Clerk of the House of Representatives and the Secretary  
163 of the Senate the final report of its findings and  
164 recommendations for changes in statutes, rules, policies,  
165 procedures, and organization necessary to carry out the policy  
166 set forth in subsection (2).

167 (8) TERMINATION OF ADVISORY COMMITTEE.--The Advisory  
168 Committee on State Procurement shall cease to exist 120 days

HB 79

2008

169 after the submission of its final report. The committee and its  
170 staff shall utilize the 120-day period between the submission of  
171 the final report and the termination of the committee to draft  
172 or assist in final preparation of legislative or administrative  
173 proposals that will carry out the recommendations of the  
174 committee contained in its final report.

175 Section 2. For the 2008-2009 fiscal year, the sum of \$4  
176 million is appropriated from the General Revenue Fund to the  
177 Advisory Committee on State Procurement for the purposes of  
178 carrying out the provisions of this act.

179 Section 3. This act shall take effect July 1, 2008.