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Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to the Department of Management
Services; amending s. 20.22, F.S.; providing that the
head of the department is the Governor and Cabinet;
requiring that the Governor and Cabinet appoint an
executive director of the department; providing that
the executive director serves at the pleasure of the
Governor and Cabinet; amending ss. 16.615, 110.405,
255.05, 255.0525, 267.075, 272.18, 287.0573, 287.18,
365.173, 401.021, 401.027, 403.42, 408.910, and
768.1326, F.S., to conform; directing the Division of
Statutory Revision to prepare a bill for consideration
by the Legislature conforming provisions of the
Florida Statutes to changes made by the act; providing
an effective date.

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

Section 1. Subsections (1) and (3) of section 20.22,
Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a
Department of Management Services.

(1) The head of the Department of Management Services is
the Governor and Cabinet, who shall appoint an executive
director ~~the Secretary of Management Services, who shall be~~
~~appointed by the Governor,~~ subject to confirmation by the
Senate. The executive director, ~~and~~ shall serve at the pleasure



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28 of the Governor and Cabinet.

29 (3) The duties of the Chief Labor Negotiator shall be
30 determined by the Governor and Cabinet ~~Secretary of Management~~
31 ~~Services~~, and must include, but need not be limited to, the
32 representation of the Governor as the public employer in
33 collective bargaining negotiations pursuant to the provisions of
34 chapter 447.

35 Section 2. Paragraph (i) of subsection (1) of section
36 16.615, Florida Statutes, is amended to read:

37 16.615 Council on the Social Status of Black Men and Boys.—

38 (1) The Council on the Social Status of Black Men and Boys
39 is established within the Department of Legal Affairs and shall
40 consist of 19 members appointed as follows:

41 (i) The Governor, a member of the Cabinet, Secretary of
42 ~~Management Services~~ or a his or her designee of the Governor and
43 Cabinet.

44 Section 3. Section 110.405, Florida Statutes, is amended to
45 read:

46 110.405 Advisory committees.—The executive director of the
47 Department ~~Secretary~~ of Management Services may at any time
48 appoint an ad hoc or continuing advisory committee consisting of
49 members of the Senior Management Service or other persons
50 knowledgeable in the field of personnel management. Any such
51 committee shall consist of not more than nine members, who shall
52 serve at the pleasure and meet at the call of the secretary, to
53 advise and consult with the secretary on such matters affecting
54 the Senior Management Service as the secretary requests. Members
55 shall serve without compensation, but shall be entitled to
56 receive reimbursement for travel expenses as provided in s.



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57 112.061. The secretary may periodically hire a consultant with
58 expertise in personnel management to advise him or her with
59 respect to the administration of the Senior Management Service.

60 Section 4. Paragraph (a) of subsection (1) of section
61 255.05, Florida Statutes, is amended to read:

62 255.05 Bond of contractor constructing public buildings;
63 form; action by materialmen.—

64 (1) (a) Any person entering into a formal contract with the
65 state or any county, city, or political subdivision thereof, or
66 other public authority or private entity, for the construction
67 of a public building, for the prosecution and completion of a
68 public work, or for repairs upon a public building or public
69 work shall be required, before commencing the work or before
70 recommencing the work after a default or abandonment, to
71 execute, deliver to the public owner, and record in the public
72 records of the county where the improvement is located, a
73 payment and performance bond with a surety insurer authorized to
74 do business in this state as surety. A public entity may not
75 require a contractor to secure a surety bond under this section
76 from a specific agent or bonding company. The bond must state on
77 its front page: the name, principal business address, and phone
78 number of the contractor, the surety, the owner of the property
79 being improved, and, if different from the owner, the
80 contracting public entity; the contract number assigned by the
81 contracting public entity; and a description of the project
82 sufficient to identify it, such as a legal description or the
83 street address of the property being improved, and a general
84 description of the improvement. Such bond shall be conditioned
85 upon the contractor's performance of the construction work in



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86 the time and manner prescribed in the contract and promptly
87 making payments to all persons defined in s. 713.01 who furnish
88 labor, services, or materials for the prosecution of the work
89 provided for in the contract. Any claimant may apply to the
90 governmental entity having charge of the work for copies of the
91 contract and bond and shall thereupon be furnished with a
92 certified copy of the contract and bond. The claimant shall have
93 a right of action against the contractor and surety for the
94 amount due him or her, including unpaid finance charges due
95 under the claimant's contract. Such action shall not involve the
96 public authority in any expense. When such work is done for the
97 state and the contract is for \$100,000 or less, no payment and
98 performance bond shall be required. At the discretion of the
99 official or board awarding such contract when such work is done
100 for any county, city, political subdivision, or public
101 authority, any person entering into such a contract which is for
102 \$200,000 or less may be exempted from executing the payment and
103 performance bond. When such work is done for the state, the
104 Governor and Cabinet, in their capacity as head of the
105 Department Secretary of Management Services, may delegate to
106 state agencies the authority to exempt any person entering into
107 such a contract amounting to more than \$100,000 but less than
108 \$200,000 from executing the payment and performance bond. In the
109 event such exemption is granted, the officer or officials shall
110 not be personally liable to persons suffering loss because of
111 granting such exemption. The department ~~of Management Services~~
112 shall maintain information on the number of requests by state
113 agencies for delegation of authority to waive the bond
114 requirements by agency and project number and whether any



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115 request for delegation was denied and the justification for the
116 denial. Any provision in a payment bond furnished for public
117 work contracts as provided by this subsection which restricts
118 the classes of persons as defined in s. 713.01 protected by the
119 bond or the venue of any proceeding relating to such bond is
120 unenforceable.

121 Section 5. Subsection (1) of section 255.0525, Florida
122 Statutes, is amended to read:

123 255.0525 Advertising for competitive bids or proposals.—

124 (1) The solicitation of competitive bids or proposals for
125 any state construction project that is projected to cost more
126 than \$200,000 shall be publicly advertised once in the Florida
127 Administrative Weekly at least 21 days prior to the established
128 bid opening. For state construction projects that are projected
129 to cost more than \$500,000, the advertisement shall be published
130 in the Florida Administrative Weekly at least 30 days prior to
131 the established bid opening and at least once in a newspaper of
132 general circulation in the county where the project is located
133 at least 30 days prior to the established bid opening and at
134 least 5 days prior to any scheduled prebid conference. The bids
135 or proposals shall be received and opened publicly at the
136 location, date, and time established in the bid or proposal
137 advertisement. In cases of emergency, the Governor and Cabinet
138 ~~Secretary of Management Services~~ may alter the procedures
139 required in this section in any manner that is reasonable under
140 the emergency circumstances.

141 Section 6. Paragraph (a) of subsection (3) of section
142 267.075, Florida Statutes, is amended to read:

143 267.075 The Grove Advisory Council; creation; membership;



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144 purposes.-

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

147 1. Five members shall be private citizens appointed by the
148 Secretary of State.

149 2. One member shall be the Governor, a member of the
150 Cabinet, Secretary of Management Services or a his or her
151 designee of the Governor and Cabinet.

152 3. One member shall be the director of the Division of
153 Historical Resources of the Department of State.

154 4. At least one member shall be a direct descendant of Mary
155 Call Darby Collins appointed by the Secretary of State with the
156 advice of the oldest living generation of lineal descendants of
157 Mary Call Darby Collins.

158
159 Of the citizen members, at least one member shall have
160 professional curatorial and museum expertise, one member shall
161 have professional architectural expertise in the preservation of
162 historic buildings, and one member shall have professional
163 landscape expertise. The five citizen members of the council
164 appointed by the Secretary of State and the member of the
165 council who is a direct descendant of Mary Call Darby Collins
166 appointed by the Secretary of State shall be appointed for
167 staggered 4-year terms. The Secretary of State shall fill the
168 remainder of unexpired terms for the five citizen members of the
169 council and the member of the council who is a direct descendant
170 of Mary Call Darby Collins.

171 Section 7. Paragraph (a) of subsection (1) of section
172 272.18, Florida Statutes, is amended to read:



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173 272.18 Governor's Mansion Commission.-

174 (1) (a) There is created within the Department of Management
175 Services a Governor's Mansion Commission to be composed of eight
176 members. Five members shall be private citizens appointed by the
177 Governor and subject to confirmation by the Senate; one member
178 shall be a member of the Cabinet ~~the Secretary of Management~~
179 ~~Services~~ or his or her designee; one member shall be the
180 director of the Division of Recreation and Parks of the
181 Department of Environmental Protection; and one member shall be
182 designated by the Secretary of State and shall be an employee of
183 the Department of State with curatorial and museum expertise.
184 The Governor shall appoint all citizen members for 4-year terms.
185 The Governor shall fill vacancies for the remainder of unexpired
186 terms. The spouse of the Governor or the designated
187 representative of the Governor shall be an ex officio member of
188 the commission but shall have no voting rights except in the
189 case of a tie vote.

190 Section 8. Paragraph (a) of subsection (2) of section
191 287.0573, Florida Statutes, is amended to read:

192 287.0573 Council on Efficient Government; membership;
193 duties.-

194 (2) The council shall consist of seven members appointed by
195 the Governor pursuant to s. 20.052:

196 (a) The executive director of the Department ~~Secretary~~ of
197 Management Services, who shall serve as chair.

198 Section 9. Section 287.18, Florida Statutes, is amended to
199 read:

200 287.18 Repair and service of motor vehicles and aircraft.-
201 The Governor and Cabinet, ~~Secretary of Management Services~~ or a



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202 ~~his or her~~ designee of the Governor and Cabinet, may require a
203 department or any state agency having facilities for the repair
204 of aircraft or motor vehicles and for the storage and
205 distribution of gasoline and other petroleum products to repair
206 aircraft and motor vehicles and to furnish gasoline and other
207 petroleum products to any other department or agency and shall
208 compensate for the cost of such services and products.

209 Section 10. Subsection (1) of section 365.173, Florida
210 Statutes, is amended to read:

211 365.173 Emergency Communications Number E911 System Fund.—

212 (1) All revenues derived from the fee levied on subscribers
213 under s. 365.172 must be paid by the board into the State
214 Treasury on or before the 15th day of each month. Such moneys
215 must be accounted for in a special fund to be designated as the
216 Emergency Communications Number E911 System Fund, a fund created
217 in the Technology Program, or other office as designated by the
218 executive director of the Department ~~Secretary~~ of Management
219 Services, and, for accounting purposes, must be segregated into
220 two separate categories:

221 (a) The wireless category; and

222 (b) The nonwireless category.

223

224 All moneys must be invested by the Chief Financial Officer
225 pursuant to s. 17.61. All moneys in such fund are to be expended
226 by the office for the purposes provided in this section and s.
227 365.172. These funds are not subject to s. 215.20.

228 Section 11. Section 401.021, Florida Statutes, is amended
229 to read:

230 401.021 System director.—The Governor and Cabinet,



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231 ~~Secretary of Management Services~~ or a his or her designee of the
232 Governor and Cabinet, is designated as the director of the
233 statewide telecommunications system of the regional emergency
234 medical service and, for the purpose of carrying out the
235 provisions of this part, is authorized to coordinate the
236 activities of the telecommunications system with other
237 interested state, county, local, and private agencies.

238 Section 12. Section 401.027, Florida Statutes, is amended
239 to read:

240 401.027 Federal assistance.—The Governor and Cabinet,
241 ~~Secretary of Management Services~~ or a his or her designee of the
242 Governor and Cabinet, is authorized to apply for and accept
243 federal funding assistance in the development and implementation
244 of a statewide emergency medical telecommunications system.

245 Section 13. Paragraph (b) of subsection (3) of section
246 403.42, Florida Statutes, is amended to read:

247 403.42 Florida Clean Fuel Act.—

248 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
249 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

250 (b)1. The advisory board shall consist of the Secretary of
251 Community Affairs, or a designee from that department, the
252 Secretary of Environmental Protection, or a designee from that
253 department, the Commissioner of Education, or a designee from
254 that department, the Secretary of Transportation, or a designee
255 from that department, the Commissioner of Agriculture, or a
256 designee from the Department of Agriculture and Consumer
257 Services, the executive director of the Department ~~Secretary~~ of
258 Management Services, or a designee from that department, and a
259 representative of each of the following, who shall be appointed



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260 by the Secretary of Environmental Protection:
261 a. The Florida biodiesel industry.
262 b. The Florida electric utility industry.
263 c. The Florida natural gas industry.
264 d. The Florida propane gas industry.
265 e. An automobile manufacturers' association.
266 f. A Florida Clean Cities Coalition designated by the
267 United States Department of Energy.
268 g. Enterprise Florida, Inc.
269 h. EV Ready Broward.
270 i. The Florida petroleum industry.
271 j. The Florida League of Cities.
272 k. The Florida Association of Counties.
273 l. Floridians for Better Transportation.
274 m. A motor vehicle manufacturer.
275 n. Florida Local Environment Resource Agencies.
276 o. Project for an Energy Efficient Florida.
277 p. Florida Transportation Builders Association.
278 2. The purpose of the advisory board is to serve as a
279 resource for the department and to provide the Governor, the
280 Legislature, and the Secretary of Environmental Protection with
281 private sector and other public agency perspectives on achieving
282 the goal of increasing the use of alternative fuel vehicles in
283 this state.
284 3. Members shall be appointed to serve terms of 1 year
285 each, with reappointment at the discretion of the Secretary of
286 Environmental Protection. Vacancies shall be filled for the
287 remainder of the unexpired term in the same manner as the
288 original appointment.



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289 4. The board shall annually select a chairperson.

290 5.a. The board shall meet at least once each quarter or
291 more often at the call of the chairperson or the Secretary of
292 Environmental Protection.

293 b. Meetings are exempt from the notice requirements of
294 chapter 120, and sufficient notice shall be given to afford
295 interested persons reasonable notice under the circumstances.

296 6. Members of the board are entitled to travel expenses
297 while engaged in the performance of board duties.

298 7. The board shall terminate 5 years after the effective
299 date of this act.

300 Section 14. Paragraph (a) of subsection (11) of section
301 408.910, Florida Statutes, is amended to read:

302 408.910 Florida Health Choices Program.—

303 (11) CORPORATION.—There is created the Florida Health
304 Choices, Inc., which shall be registered, incorporated,
305 organized, and operated in compliance with part III of chapter
306 112 and chapters 119, 286, and 617. The purpose of the
307 corporation is to administer the program created in this section
308 and to conduct such other business as may further the
309 administration of the program.

310 (a) The corporation shall be governed by a 15-member board
311 of directors consisting of:

312 1. Three ex officio, nonvoting members to include:

313 a. The Secretary of Health Care Administration or a
314 designee with expertise in health care services.

315 b. The executive director of the Department ~~Secretary~~ of
316 Management Services or a designee with expertise in state
317 employee benefits.



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318 c. The commissioner of the Office of Insurance Regulation
319 or a designee with expertise in insurance regulation.

320 2. Four members appointed by and serving at the pleasure of
321 the Governor.

322 3. Four members appointed by and serving at the pleasure of
323 the President of the Senate.

324 4. Four members appointed by and serving at the pleasure of
325 the Speaker of the House of Representatives.

326 5. Board members may not include insurers, health insurance
327 agents or brokers, health care providers, health maintenance
328 organizations, prepaid service providers, or any other entity,
329 affiliate or subsidiary of eligible vendors.

330 Section 15. Section 768.1326, Florida Statutes, is amended
331 to read:

332 768.1326 Placement of automated external defibrillators in
333 state buildings; rulemaking authority.—No later than January 1,
334 2003, the State Surgeon General shall adopt rules to establish
335 guidelines on the appropriate placement of automated external
336 defibrillator devices in buildings or portions of buildings
337 owned or leased by the state, and shall establish, by rule,
338 recommendations on procedures for the deployment of automated
339 external defibrillator devices in such buildings in accordance
340 with the guidelines. The Governor and Cabinet, acting in their
341 capacity as head of the Department ~~Secretary~~ of Management
342 Services, shall assist the State Surgeon General in the
343 development of the guidelines. The guidelines for the placement
344 of the automated external defibrillators shall take into account
345 the typical number of employees and visitors in the buildings,
346 the extent of the need for security measures regarding the



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347 buildings, special circumstances in buildings or portions of
348 buildings such as high electrical voltages or extreme heat or
349 cold, and such other factors as the State Surgeon General and
350 the Governor and Cabinet, acting in their capacity as head of
351 the Department Secretary of Management Services, determine to be
352 appropriate. The State Surgeon General's recommendations for
353 deployment of automated external defibrillators in buildings or
354 portions of buildings owned or leased by the state shall
355 include:

356 (1) A reference list of appropriate training courses in the
357 use of such devices, including the role of cardiopulmonary
358 resuscitation;

359 (2) The extent to which such devices may be used by
360 laypersons;

361 (3) Manufacturer recommended maintenance and testing of the
362 devices; and

363 (4) Coordination with local emergency medical services
364 systems regarding the incidents of use of the devices.

365
366 In formulating these guidelines and recommendations, the State
367 Surgeon General may consult with all appropriate public and
368 private entities, including national and local public health
369 organizations that seek to improve the survival rates of
370 individuals who experience cardiac arrest.

371 Section 16. Pursuant to s. 11.242, Florida Statutes, the
372 Division of Statutory Revision of the Office of Legislative
373 Services is directed to prepare a reviser's bill for
374 consideration by the 2010 Regular Session of the Legislature to
375 conform the Florida Statutes to the provisions of this act.



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Section 17. This act shall take effect July 1, 2009.