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585-02254-10

Proposed Committee Substitute by the Committee on Governmental  
Oversight and Accountability

A bill to be entitled

An act relating to a review of the Department of  
Management Services under the Florida Government  
Accountability Act; transferring certain programs and  
related trust funds from the department to other state  
agencies within the executive branch; authorizing the  
Executive Office of the Governor to transfer funds and  
positions with the approval of the Legislative budget  
Commission; requesting the interim assistance of the  
Division of Statutory Revision to prepare conforming  
legislation for the next regular session of the  
Legislature; amending ss. 11.917, 14.057, 14.204,  
16.615, and 20.04, F.S.; conforming provisions to  
changes made by the act; amending s. 20.22, F.S.;  
changing the name of the department to the Department  
of Personnel Management; conforming provisions to  
changes made by the act; amending ss. 20.23, 20.331,  
20.50, 24.105, 24.120, 29.008, 29.21, 110.1055,  
110.107, 110.1099, 110.116, 110.121, 110.1227,  
110.1228, 110.123, 110.12312, 110.12315, 110.1232,  
110.1234, 110.1245, 110.125, 110.131, 110.151,  
110.1522, 110.161, 110.171, 110.181, 110.2035,  
110.2037, 110.205, 110.2135, 110.227, 110.403,  
110.405, 110.406, 110.503, 110.605, 110.606, 112.0455,  
112.05, 112.08, 112.0804, 112.24, 112.3173, 112.31895,  
112.352, 112.354, 112.358, 112.361, 112.362, 112.363,  
112.63, 112.64, 112.658, 112.658, 112.661, 112.665,



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28 120.65, 121.021, 121.025, 121.031, 121.051, 121.0511,  
29 121.0515, 121.055, and 121.1815, F.S.; conforming  
30 provisions to changes made by the act; repealing s.  
31 121.1905, F.S., relating to the creation of the  
32 Division of Retirement; amending ss. 121.192, 121.22,  
33 121.23, 121.24, 121.35, 121.40, 121.4501, 121.4503,  
34 121.591, 121.5911, 121.78, 122.02, 122.09, 122.23,  
35 122.34, 145.19, 154.04, 163.3184, 175.032, 175.1215,  
36 175.361, 185.02, 185.105, 185.37, 189.4035, 189.412,  
37 210.20, 210.75, 213.053, 215.196, 215.22, 215.28,  
38 215.422, 215.425, 215.47, 215.50, 215.94, 215.96,  
39 216.0152, 216.016, 216.023, 216.044, 216.163, 216.237,  
40 216.238, 216.262, 216.292, 217.02, 217.04, 217.045,  
41 238.01, 238.02, 238.03, 238.07, 238.09, 238.10,  
42 238.11, 238.12, 238.15, 238.171, 238.181, 238.32,  
43 250.22, 252.385, 253.034, 253.126, 253.45, 255.02,  
44 255.043, 255.05, 255.0525, 255.248, 255.249, 255.25,  
45 255.25001, 255.252, 255.253, 255.257, 255.2575,  
46 255.259, 255.28, 255.29, 255.30, 255.31, 55.32,  
47 255.45, 255.451, 255.502, 255.503, 255.504, 255.505,  
48 255.506, 255.507, 255.508, 255.509, 255.51, 255.511,  
49 255.513, 255.514, 255.515, 255.517, 255.518, 255.52,  
50 55.521, 255.522, 255.523, 255.555, 265.001, 265.2865,  
51 67.061, 267.0625, 267.075, 270.27, 272.03, 272.04,  
52 72.05, 272.06, 272.07, 272.08, 272.09, 272.12,  
53 272.121, 272.122, 272.124, 272.129, 272.16, 272.161,  
54 272.18, 272.185, 273.055, 281.02, 281.03, 281.06,  
55 281.07, 281.08, 282.0041, 282.205, 282.604, 282.702,  
56 282.703, 282.704, 282.705, 282.706, 282.707, 282.709,



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57 282.7101, 282.711, 283.30, 283.32, 284.01, 284.04,  
58 284.05, 284.08, 284.33, 284.385, 284.42, 285.06,  
59 285.14, 286.29, 287.012, 287.025, 287.032, 287.042,  
60 287.055, 287.057, and 287.05721, F.S.; conforming  
61 provisions to changes made by the act; repealing s.  
62 287.0573, F.S., relating to the Council on Efficient  
63 Government; amending ss. 287.0574, 287.076, 287.083,  
64 287.0834, 287.0943, 287.09451, 287.131, 287.133,  
65 287.134, 287.15, 287.151, 287.155, 287.16, 287.161,  
66 287.17, 287.18, 287.19, 288.021, 288.109, 288.1092,  
67 288.1093, 288.1185, 288.15, 288.17, 288.18, 288.703,  
68 288.706, 288.708, 288.7091, 288.712, 288.901, 295.187,  
69 318.18, 318.21, 320.0802, s. 320.08056, 321.04,  
70 328.72, 337.02, 337.023, 337.165, 338.2216, 338.227,  
71 350.0614, 350.125, 364.0135, 364.515, 364.516,  
72 365.171, 365.172, 365.173, 373.4596, 373.461, 376.10,  
73 377.703, 381.98, 394.9151, 395.1031, 400.121, 401.013,  
74 401.015, 401.018, 401.021, 401.024, 401.027, 401.245,  
75 402.35, 402.50, 403.061, 403.42, 403.518, 403.5365,  
76 403.7065, 403.714, 403.7145, 403.71852, 406.075,  
77 408.039, 408.910, 413.036, 413.051, 414.37, 429.14,  
78 440.2715, 440.45, 445.009, 447.205, 455.32, 471.038,  
79 489.145, 553.995, 570.07, 627.096, 633.382, 650.02,  
80 760.04, 766.302, 768.1326, 943.03, 943.0311, 943.13,  
81 943.61, 943.66, 943.681, 944.02, 944.10, 944.115,  
82 944.713, 944.72, 944.8041, 945.215, 946.504, 946.515,  
83 946.525, 957.04, 957.06, 957.07, 957.08, 957.14,  
84 957.15, 957.16, 1001.27, 1001.42, 1001.705, 1001.706,  
85 1001.74, 1002.36, 1002.37, 1004.58, 1012.33, 1012.34,



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86 1012.61, 1012.796, 1012.865, 1012.875, 1013.03,  
87 1013.23, s. 1013.30, and 1013.38, F.S.; conforming  
88 provision to changes made by the act; providing an  
89 effective date.

90

91 WHEREAS, the Florida Government Accountability Act, ss.  
92 11.901-11.920, Florida Statutes, requires the Department of  
93 Management Services to undergo a sunset review by July 1, 2010,  
94 in order to determine whether the agency should be retained,  
95 modified, or abolished, and

96 WHEREAS, in anticipation of that review, the Department of  
97 Management Services produced a report pursuant to s. 11.906,  
98 Florida Statutes, and

99 WHEREAS, upon receipt of that report, the Joint Legislative  
100 Sunset Committee and the Legislative Sunset Review Committees of  
101 the Senate and the House of Representatives reviewed the report  
102 and directed the Office of Program Policy Analysis and  
103 Government Accountability to conduct a review of the department,  
104 and

105 WHEREAS, based on the department's report, the reports  
106 prepared by the Office of Program Policy Analysis and Government  
107 Accountability, and public input, the Legislative Sunset Review  
108 Committees made recommendations on the abolition, continuation,  
109 or reorganization of the Department of Management Services; on  
110 the need for the functions performed by the department; and on  
111 the consolidation, transfer, or reorganization of programs  
112 within the department, NOW, THEREFORE,

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



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Section 1. Type two transfers from the Department of Management Services.-

(1) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Department of Management Services are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:

(a) The executive aircraft pool established under s. 287.161, Florida Statutes, is transferred to the Executive Office of the Governor.

(b) The Division of State Purchasing, the Office of Supplier Diversity, the Fleet Management program, the Federal Surplus Property Donation Program, and the Bureau of Private Prison Monitoring are transferred to the Department of Financial Services.

(c) The Facilities Program is transferred to the Department of Environmental Protection.

(d) All programs relating to the delivery of telecommunications services, including, but not limited to, SUNCOM, are transferred to the Agency for Enterprise Information Technology.

(e) All programs relating to the delivery of land mobile radio services, including local public safety radio services, state public safety radio services, emergency medical services, and the Florida Interoperability Network, are transferred to the Department of Law Enforcement.



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- 144       (2) The following trust funds are transferred:  
145       (a) From the Department of Management Services to the  
146 Department of Environmental Protection:  
147       1. The Architects Incidental Trust Fund, FLAIR number 72-2-  
148 033.  
149       2. The Florida Facilities Pool Working Capital Trust Fund,  
150 FLAIR number 72-2-225.  
151       3. The Florida Facilities Pool Clearing Trust Fund, FLAIR  
152 number 72-2-313.  
153       4. The Public Facilities Finance Trust Fund, FLAIR number  
154 72-2-495.  
155       5. The Supervision Trust Fund, FLAIR number 72-2-696.  
156       (b) The Bureau of Aircraft Trust Fund, FLAIR number 72-2-  
157 066, is transferred from the Department of Management Services  
158 to the Executive Office of the Governor:  
159       (c) From the Department of Management Services to the  
160 Agency for Enterprise Information Technology:  
161       1. The Communications Working Capital Trust Fund, FLAIR  
162 number 72-2-105.  
163       2. The Working Capital Trust Fund, FLAIR number 72-2-792.  
164       (d) From the Department of Management Services to the  
165 Department of Law Enforcement:  
166       1. The Law Enforcement Radio Trust Fund, FLAIR number 72-2-  
167 432.  
168       2. The Emergency Communications Number E911 System Trust  
169 Fund, FLAIR number 72-2-344.  
170       (e) The Surplus Property Revolving Trust Fund, FLAIR number  
171 72-2-696, is transferred From the Department of Management  
172 Services to the Department of Financial Services.



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173           Section 2. Notwithstanding ss. 216.292 and 216.351, Florida  
174 Statutes, upon approval by the Legislative Budget Committee, the  
175 Executive Office of the Governor may transfer funds and  
176 positions between agencies to implement this act.

177           Section 3. The Legislature recognizes that there is a need  
178 to conform the Florida Statutes to the policy decisions  
179 reflected in this act and that there is a need to resolve  
180 apparent conflicts between any other legislation that has been  
181 or may be enacted during 2010 and the abolition of the  
182 Department of Management Services, the creation of the  
183 Department of Personnel Management, and the transfer of the  
184 duties of the Department of Management Services to other  
185 agencies made by this act. Therefore, in the interim between  
186 this act becoming law and the 2011 Regular Session of the  
187 Legislature or an earlier special session addressing this issue,  
188 the Division of Statutory Revision shall provide the relevant  
189 substantive committees of the Senate and the House of  
190 Representatives with assistance, upon request, to enable such  
191 committees to prepare draft legislation to conform the Florida  
192 Statutes and any legislation enacted during 2010 to the  
193 provisions of this act.

194           Section 4. Subsection (3) of section 11.917, Florida  
195 Statutes, is amended to read:

196           11.917 Procedure after termination.—

197           (3) ~~(a)~~ If not otherwise provided by law: ~~r~~

198           (a) Property in the custody of an abolished state agency or  
199 advisory committee shall be transferred to the Department of  
200 Financial Management Services.

201           (b) ~~If not otherwise provided by law,~~ Records in the



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202 custody of an abolished state agency or advisory committee shall  
203 be transferred to the Department of State.

204 Section 5. Subsection (2) of section 14.057, Florida  
205 Statutes, is amended to read:

206 14.057 Governor-elect; establishment of operating fund.—

207 (2) The Department of Environmental Protection Management  
208 ~~Services~~ shall provide for the Governor-elect, the Governor-  
209 elect's staff, and the inauguration staff temporary office  
210 facilities in the capitol center ~~for the period extending~~ from  
211 the day of the certification of the Governor-elect's election by  
212 the Elections Canvassing Commission to the day of his or her  
213 inauguration.

214 Section 6. Paragraphs (h) and (i) of subsection (4) of  
215 section 14.204, Florida Statutes, are amended to read:

216 14.204 Agency for Enterprise Information Technology.—The  
217 Agency for Enterprise Information Technology is created within  
218 the Executive Office of the Governor.

219 (4) The agency shall have the following duties and  
220 responsibilities:

221 (h) In consultation with the Division of Purchasing in the  
222 Department of Financial Management ~~Services~~, coordinate  
223 procurement negotiations for software that will be used by  
224 multiple agencies.

225 (i) In coordination with, and through the services of, the  
226 Division of Purchasing in the Department of Financial Management  
227 ~~Services~~, develop best practices for technology procurements.

228 Section 7. Paragraph (i) of subsection (1) of section  
229 16.615, Florida Statutes, is amended to read:

230 16.615 Council on the Social Status of Black Men and Boys.—





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

234 (i) The executive director of the Department of Personnel  
235 Management ~~Secretary of Management Services~~ or a his or her  
236 designee.

237 Section 8. Subsections (3) and (7) of section 20.04,  
238 Florida Statutes, are amended to read:

239 20.04 Structure of executive branch.—The executive branch  
240 of state government is structured as follows:

241 (3) For their internal structure, all departments, except  
242 for the Department of Financial Services, the Department of  
243 Children and Family Services, the Department of Corrections, the  
244 Department of Personnel Management ~~Services~~, the Department of  
245 Revenue, and the Department of Transportation, must adhere to  
246 the following standard terms:

247 (a) The principal unit of the department is the "division."  
248 Each division is headed by a "director."

249 (b) The principal unit of the division is the "bureau."  
250 Each bureau is headed by a "chief."

251 (c) The principal unit of the bureau is the "section." Each  
252 section is headed by an "administrator."

253 (d) If further subdivision is necessary, sections may be  
254 divided into "subsections," which are headed by "supervisors."

255 (7) ~~(a)~~ Unless specifically authorized by law, the head of a  
256 department may not reallocate duties and functions specifically  
257 assigned by law to a specific unit of the department.

258 (a) Those functions or agencies assigned generally to the  
259 department without specific designation to a unit of the



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260 department may be allocated and reallocated to a unit of the  
261 department at the discretion of the head of the department.

262 (b) Within the limitations of this subsection, the head of  
263 the department may recommend the establishment of additional  
264 divisions, bureaus, sections, and subsections of the department  
265 to promote efficient and effective operation of the department.  
266 However, additional divisions, or offices in the Department of  
267 Children and Family Services, the Department of Corrections, and  
268 the Department of Transportation, may be established only by  
269 specific statutory enactment.

270 (c) New bureaus, sections, and subsections of departments  
271 may be initiated by a department and established as recommended  
272 by the Department of Personnel Management Services and approved  
273 by the Executive Office of the Governor, or may be established  
274 by specific statutory enactment.

275 (d) ~~(e)~~ For the purposes of such recommendations and  
276 approvals, the Department of Personnel Management ~~Services~~ and  
277 the Executive Office of the Governor, respectively, must adopt  
278 and apply specific criteria for assessing the appropriateness of  
279 all reorganization requests from agencies. The criteria must be  
280 applied to future agency requests for reorganization and must be  
281 used to review the appropriateness of bureaus currently in  
282 existence. Any current bureau that does not meet the criteria  
283 for a bureau must be reorganized into a section or other  
284 appropriate unit.

285 Section 9. Section 20.22, Florida Statutes, is amended to  
286 read:

287 20.22 Department of Personnel Management ~~Services~~.—The  
288 ~~There is created a~~ Department of Personnel Management is created



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289 ~~Services.~~

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

296 (2) The following divisions and programs ~~within the~~  
297 ~~Department of Management Services~~ are established within the  
298 department:

299 ~~(a) Facilities Program.~~

300 ~~(b) Technology Program.~~

301 ~~(a)-(e)~~ Division of Human Resource Management Workforce  
302 Program.

303 ~~(d)1. Support Program.~~

304 ~~2. Federal Property Assistance Program.~~

305 ~~(e) Administration Program.~~

306 ~~(f) Division of Administrative Hearings.~~

307 ~~(b)-(g)~~ Division of Retirement.

308 ~~(c)-(h)~~ Division of State Group Insurance.

309 (d) Division of Administrative Hearings, as a separate  
310 budget entity and not subject to the department's control,  
311 supervision, or direction.

312 (3) The duties of the Chief Labor Negotiator shall be  
313 determined by the Governor ~~Secretary of Management Services~~, and  
314 must include, but need not be limited to, the representation of  
315 the Governor as the public employer in collective bargaining  
316 negotiations pursuant to ~~the provisions of~~ chapter 447.

317 Section 10. Subsection (6) of section 20.23, Florida



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318 Statutes, is amended to read:

319 20.23 Department of Transportation.—There is created a  
320 Department of Transportation which shall be a decentralized  
321 agency.

322 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the  
323 Department of Personnel Management may ~~Services is authorized to~~  
324 exempt positions within the Department of Transportation which  
325 are comparable to positions within the Senior Management Service  
326 pursuant to s. 110.205(2) (j) or positions that ~~which~~ are  
327 comparable to positions in the Selected Exempt Service under s.  
328 110.205(2) (m) .

329 Section 11. Paragraph (c) of subsection (6) of section  
330 20.331, Florida Statutes, is amended to read:

331 20.331 Fish and Wildlife Conservation Commission.—

332 (6) GENERAL PROVISIONS.—

333 (c) Divisions, sections, and offices created by this act  
334 may be abolished only by general law. Additional divisions in  
335 the commission may only be established by general law. New  
336 sections, subsections, and offices of the commission may be  
337 initiated by the commission and established as recommended by  
338 the Department of Personnel Management ~~Services~~ and approved by  
339 the Executive Office of the Governor, or may be established by  
340 general law.

341 Section 12. Section 20.50, Florida Statutes, is amended to  
342 read:

343 20.50 Agency for Workforce Innovation.—~~There is created~~ The  
344 Agency for Workforce Innovation is created within the Department  
345 of Personnel Management ~~Services~~. The agency is ~~shall be~~ a  
346 separate budget entity, as provided in the General



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347 ~~Appropriations Act, and the director of the agency shall be the~~  
348 ~~agency head for all purposes. The head of the agency is the~~  
349 ~~director of Workforce Innovation, who shall be appointed by the~~  
350 ~~Governor. The agency is ~~shall~~ not ~~be~~ subject to control,~~  
351 ~~supervision, or direction by the Department of Personnel~~  
352 ~~Management Services in any manner, including, but not limited~~  
353 ~~to, personnel, purchasing, transactions involving real or~~  
354 ~~personal property, and budgetary matters.~~

355 (1) The agency ~~for Workforce Innovation~~ shall ensure that  
356 the state appropriately administers federal and state workforce  
357 funding by administering plans and policies of Workforce  
358 Florida, Inc., under contract with Workforce Florida, Inc. The  
359 operating budget and midyear amendments ~~thereto~~ must be part of  
360 such contract.

361 (a) All program and fiscal instructions to regional  
362 workforce boards must ~~shall~~ emanate from the agency pursuant to  
363 plans and policies of Workforce Florida, Inc. Workforce Florida,  
364 Inc., is ~~shall be~~ responsible for all policy directions to the  
365 regional boards.

366 (b) Unless otherwise provided by agreement with Workforce  
367 Florida, Inc., administrative and personnel policies of the  
368 agency ~~for Workforce Innovation~~ shall apply.

369 (2) ~~(a)~~ The agency ~~for Workforce Innovation~~ is the  
370 administrative agency designated for receipt of federal  
371 workforce development grants and other federal funds. The agency  
372 shall administer the duties and responsibilities assigned by the  
373 Governor under each federal grant assigned to the agency.

374 (a) The agency shall expend each revenue source as provided  
375 by federal and state law and as provided in plans developed by



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376 and agreements with Workforce Florida, Inc. The agency may serve  
377 as contract administrator for Workforce Florida, Inc., contracts  
378 pursuant to s. 445.004(5) as directed by Workforce Florida, Inc.

379 (b) The agency shall prepare and submit a unified budget  
380 request for workforce development, in accordance with chapter  
381 216 for, and in conjunction with, Workforce Florida, Inc., and  
382 its board. ~~The head of the agency is the director of Workforce  
383 Innovation, who shall be appointed by the Governor.~~

384 (c) The agency shall include the following offices within  
385 its organizational structure:

- 386 1. The Office of Unemployment Compensation Services;  
387 2. The Office of Workforce Program Support;  
388 3. The Office of Early Learning, which shall administer the  
389 school readiness system in accordance with s. 411.01 and the  
390 operational requirements of the Voluntary Prekindergarten  
391 Education Program in accordance with part V of chapter 1002. The  
392 office shall be directed by the Deputy Director for Early  
393 Learning, who shall be appointed by and serve at the pleasure of  
394 the director; and  
395 4. The Office of Agency Support Services.

396 (d) The director of the agency may establish the positions  
397 of assistant director and deputy director to administer the  
398 requirements and functions of the agency. In addition, the  
399 director may organize and structure the offices of the agency to  
400 best meet the goals and objectives of the agency as provided in  
401 s. 20.04.

402 ~~(e)~~ (e) The Unemployment Appeals Commission, authorized by  
403 s. 443.012, is not subject to control, supervision, or direction  
404 by the agency ~~for Workforce Innovation~~ in the performance of its



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405 powers and duties but shall receive any and all support and  
406 assistance from the agency that is required for the performance  
407 of its duties.

408 (3) The agency ~~for Workforce Innovation~~ shall serve as the  
409 designated agency for purposes of each federal workforce  
410 development grant assigned to it for administration. The agency  
411 shall carry out the duties assigned to it by the Governor, under  
412 the terms and conditions of each grant. The agency shall have  
413 the level of authority and autonomy necessary to be the  
414 designated recipient of each federal grant assigned to it, and  
415 shall disperse such grants pursuant to the plans and policies of  
416 Workforce Florida, Inc. The director may, upon delegation from  
417 the Governor and pursuant to agreement with Workforce Florida,  
418 Inc., sign contracts, grants, and other instruments as necessary  
419 to execute functions assigned to the agency. Notwithstanding  
420 other provisions of law, the agency ~~for Workforce Innovation~~  
421 shall administer other programs funded by federal or state  
422 appropriations, as determined by the Legislature in the General  
423 Appropriations Act or by law.

424 (4) The agency ~~for Workforce Innovation~~ may provide or  
425 contract for training for employees of administrative entities  
426 and case managers of any contracted providers to ensure that  
427 they have the necessary competencies and skills to provide  
428 adequate administrative oversight and delivery of the full array  
429 of client services.

430 (5) The agency ~~for Workforce Innovation~~ shall have an  
431 official seal by which its records, orders, and proceedings are  
432 authenticated. The seal shall be judicially noticed.

433 Section 13. Subsection (13) of section 24.105, Florida



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434 Statutes, is amended to read:

435       24.105 Powers and duties of department.—The department  
436 shall:

437       (13) ~~Have the authority to~~ Perform ~~any of~~ the functions of  
438 the Department of Financial Management ~~Services~~ under chapter  
439 255, chapter 273, chapter 281, chapter 283, or chapter 287, or  
440 ~~any~~ rules adopted under ~~any~~ such chapter, and may grant  
441 approvals provided for under ~~any~~ such chapter or rules. If the  
442 department finds, by rule, that compliance with ~~any~~ such chapter  
443 would impair or impede the effective or efficient operation of  
444 the lottery, the department may adopt rules providing  
445 alternative procurement procedures. Such alternative procedures  
446 shall be designed to allow the department to evaluate competing  
447 proposals and select the proposal that provides the greatest  
448 long-term benefit to the state with respect to the quality of  
449 the products or services, dependability and integrity of the  
450 vendor, dependability of the vendor's products or services,  
451 security, competence, timeliness, and maximization of gross  
452 revenues and net proceeds over the life of the contract.

453       Section 14. Subsection (6) of section 24.120, Florida  
454 Statutes, is amended to read:

455       24.120 Financial matters; Operating Trust Fund; interagency  
456 cooperation.—

457       (6) The Department of Financial Management ~~Services~~ may  
458 authorize a sales incentive program for employees of the  
459 department for the purpose of increasing the sales volume and  
460 distribution of lottery tickets. Payments pursuant to the  
461 program are ~~shall not be construed to be~~ lump-sum salary  
462 bonuses.





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463           Section 15. Paragraph (a) of subsection (1) of section  
464 29.008, Florida Statutes, is amended to read:

465           29.008 County funding of court-related functions.—

466           (1) Counties are required by s. 14, Art. V of the State  
467 Constitution to fund the cost of communications services,  
468 existing radio systems, existing multiagency criminal justice  
469 information systems, and the cost of construction or lease,  
470 maintenance, utilities, and security of facilities for the  
471 circuit and county courts, public defenders' offices, state  
472 attorneys' offices, guardian ad litem offices, and the offices  
473 of the clerks of the circuit and county courts performing court-  
474 related functions. For purposes of this section, the term  
475 "circuit and county courts" includes the offices and staffing of  
476 the guardian ad litem programs, and the term "public defenders'  
477 offices" includes the offices of criminal conflict and civil  
478 regional counsel. The county designated under s. 35.05(1) as the  
479 headquarters for each appellate district shall fund these costs  
480 for the appellate division of the public defender's office in  
481 that county. For purposes of implementing these requirements,  
482 the term:

483           (a) "Facility" means reasonable and necessary buildings and  
484 office space and appurtenant equipment and furnishings,  
485 structures, real estate, easements, and related interests in  
486 real estate, including, but not limited to, those for the  
487 purpose of housing legal materials for use by the general public  
488 and personnel, equipment, or functions of the circuit or county  
489 courts, public defenders' offices, state attorneys' offices, and  
490 court-related functions of the office of the clerks of the  
491 circuit and county courts and all storage. The term ~~"facility"~~



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492 includes all wiring necessary for court reporting services. The  
493 term also includes access to parking for such facilities in  
494 connection with ~~such~~ court-related functions that may be  
495 available free or from a private provider or a local government  
496 for a fee. The office space provided by a county may not be less  
497 than the standards for space allotment adopted by the Department  
498 of Environmental Protection Management Services, except that  
499 this requirement applies only to facilities that are leased, or  
500 on which construction commences, after June 30, 2003. County  
501 funding must include physical modifications and improvements to  
502 all facilities ~~as are~~ required for compliance with the Americans  
503 with Disabilities Act. Upon mutual agreement of a county and the  
504 affected entity ~~in this paragraph~~, the office space provided by  
505 the county may vary from the standards for space allotment  
506 adopted by the Department of Environmental Protection Management  
507 Services.

508 1. ~~As of July 1, 2005,~~ Equipment and furnishings are ~~shall~~  
509 ~~be~~ limited to that which is appropriate and customary for  
510 courtrooms, hearing rooms, jury facilities, and other public  
511 areas in courthouses and any other facility occupied by the  
512 courts, state attorneys, public defenders, guardians ad litem,  
513 and criminal conflict and civil regional counsel. Court  
514 reporting equipment in these areas or facilities is not a  
515 responsibility of the county.

516 2. Equipment and furnishings under this paragraph in  
517 existence and owned by counties on July 1, 2005, except for that  
518 in the possession of the clerks, for areas other than  
519 courtrooms, hearing rooms, jury facilities, and other public  
520 areas in courthouses and any other facility occupied by the



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521 courts, state attorneys, and public defenders, shall be  
522 transferred to the state at no charge. This provision does not  
523 apply to ~~any~~ communications services as defined in paragraph  
524 (f).

525 Section 16. Section 29.21, Florida Statutes, is amended to  
526 read:

527 29.21 ~~Department of Management Services to provide~~  
528 Assistance in procuring services.—In accordance with s. 287.042,  
529 the Department of Financial Management ~~Services~~ may assist the  
530 Office of the State Courts Administrator and the Justice  
531 Administrative Commission with competitive solicitations for the  
532 procurement of state-funded services under this chapter. This  
533 may include assistance in the development and review of  
534 proposals in compliance with chapter 287, and rules adopted  
535 under that chapter.

536 Section 17. Section 110.1055, Florida Statutes, is amended  
537 to read:

538 110.1055 Rules and rulemaking authority.—The Department of  
539 Personnel Management ~~Services~~ shall adopt rules as necessary to  
540 effectuate the provisions of this chapter, ~~as amended by this~~  
541 ~~act,~~ and in accordance with the authority granted to the  
542 department under ~~in~~ this chapter. ~~All existing rules relating to~~  
543 ~~this chapter are statutorily repealed January 1, 2002, unless~~  
544 ~~otherwise readopted.~~

545 Section 18. Subsections (1) and (2) of section 110.107,  
546 Florida Statutes, are amended to read:

547 110.107 Definitions.—As used in this chapter, the term:

548 (1) "Department" means the Department of Personnel  
549 Management ~~Services~~.



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550 (2) "Executive director ~~Secretary~~" means the executive  
551 director of the department ~~Secretary of Management Services~~.

552 Section 19. Subsection (5) of section 110.1099, Florida  
553 Statutes, is amended to read:

554 110.1099 Education and training opportunities for state  
555 employees.—

556 (5) The department ~~of Management Services~~, in consultation  
557 with the agencies and, to the extent applicable, with the state  
558 ~~Florida's~~ public community colleges, public career centers, and  
559 public universities, shall adopt rules to administer this  
560 section.

561 Section 20. Section 110.116, Florida Statutes, is amended  
562 to read:

563 110.116 Personnel information system; payroll procedures.—  
564 The department ~~of Management Services~~ shall establish and  
565 maintain, in coordination with the payroll system of the  
566 Department of Financial Services, a complete personnel  
567 information system for all authorized and established positions  
568 in the state service, with the exception of employees of the  
569 Legislature, unless the Legislature chooses to participate. The  
570 department may contract with a vendor to provide the personnel  
571 information system. The specifications shall be developed in  
572 conjunction with the payroll system of the Department of  
573 Financial Services and in coordination with the Auditor General.  
574 The Department of Financial Services shall determine that the  
575 position occupied by each employee has been authorized and  
576 established in accordance with ~~the provisions of~~ s. 216.251. The  
577 department ~~of Management Services~~ shall develop and maintain a  
578 position numbering system that identifies ~~will identify~~ each



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579 established position, and such information shall be a part of  
580 the payroll system of the Department of Financial Services. With  
581 the exception of employees of the Legislature, unless the  
582 Legislature chooses to participate, this system includes ~~shall~~  
583 ~~include~~ all career service positions and those positions  
584 exempted from career service provisions, notwithstanding the  
585 funding source of the salary payments, and information regarding  
586 persons receiving payments from other sources. Necessary  
587 revisions shall be made in the personnel and payroll procedures  
588 of the state to avoid duplication insofar as is feasible. A list  
589 shall be organized by budget entity to show the employees or  
590 vacant positions within each budget entity. This list must ~~shall~~  
591 be available to the Speaker of the House of Representatives and  
592 the President of the Senate upon request.

593 Section 21. Section 110.121, Florida Statutes, is amended  
594 to read:

595 110.121 Sick leave pool.—Each state department ~~or agency~~  
596 that of the state which has authority to adopt rules governing  
597 the accumulation and use of sick leave for employees and that  
598 ~~which~~ maintains accurate and reliable records showing the amount  
599 of sick leave which has been accumulated and is unused by  
600 employees may, in accordance with guidelines that are ~~which~~  
601 ~~shall be~~ established by the department ~~of Management Services,~~  
602 adopt rules for establishing ~~the establishment of~~ a plan  
603 allowing participating employees to pool sick leave and allowing  
604 any sick leave thus pooled to be used by a ~~any~~ participating  
605 employee who has used all of his or her ~~the~~ sick leave ~~that has~~  
606 ~~been personally accrued by him or her.~~ At a minimum ~~Although not~~  
607 ~~limited to the following,~~ such rules shall provide:



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608 (1) That employees are ~~shall be~~ eligible for participation  
609 in the sick leave pool after 1 year of employment with a ~~the~~  
610 state ~~or~~ agency if ~~of the state;~~ ~~provided that~~ such employee has  
611 accrued a minimum amount of unused sick leave, which minimum  
612 shall be established by rule.

613 (2) That participation in the sick leave pool is ~~shall, at~~  
614 ~~all times, be~~ voluntary on the part of the employees.

615 (3) That any sick leave pooled shall be removed from the  
616 personally accumulated sick leave balance of the employee  
617 contributing such leave.

618 (4) That any sick leave in the pool which leave is used by  
619 a participating employee is ~~shall be~~ used only for the  
620 employee's personal illness, accident, or injury.

621 (5) That a participating employee may ~~shall not be eligible~~  
622 ~~to~~ use sick leave accumulated in the pool until all of his or  
623 her personally accrued sick, annual, and compensatory leave has  
624 been used.

625 (6) The A maximum number of days of sick leave in the pool  
626 which any one employee may use.

627 (7) That a participating employee who uses sick leave from  
628 the pool is ~~shall not be~~ required to recontribute such sick  
629 leave to the pool, except as otherwise provided in this section.

630 (8) That an employee who cancels his or her membership in  
631 the sick leave pool may ~~shall not be eligible to~~ withdraw the  
632 days of sick leave contributed by that employee to the pool.

633 (9) That an employee who transfers from one position in a  
634 state agency ~~government~~ to another position in another state  
635 agency ~~government~~ may transfer from one pool to another if the  
636 eligibility criteria of the pools are comparable or the



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637 administrators of the pools have agreed on a formula for  
638 transfer of credits.

639 (10) That alleged abuse of the use of the sick leave pool  
640 shall be investigated, and, on a finding of wrongdoing, the  
641 employee must ~~shall~~ repay all of the sick leave credits drawn  
642 from the sick leave pool and is ~~shall be~~ subject to such other  
643 disciplinary action as is determined by the agency head.

644 (11) That sick leave credits may be drawn from the sick  
645 leave pool by a part-time employee on a pro rata basis.

646 Section 22. Section 110.1227, Florida Statutes, is amended  
647 to read:

648 110.1227 Florida Employee Long-Term-Care Plan Act.—

649 (1) The Legislature finds that state expenditures for long-  
650 term-care services continue to increase at a rapid rate and that  
651 the state faces increasing pressure in its efforts to meet the  
652 long-term-care needs of the public.

653 (a) It is the intent of the Legislature that the Department  
654 of Personnel Management Services ~~Services~~ and the Department of Elderly  
655 Affairs implement a self-funded or fully insured, voluntary,  
656 long-term-care plan for public employees and their families and  
657 provide an opportunity for public employees and their families  
658 to purchase said long-term-care insurance by means of payroll  
659 deduction.

660 (b) The department and the Department of Elderly Affairs  
661 ~~and the Department of Management Services~~ shall jointly design  
662 the plan to provide long-term-care coverage for public  
663 employees, family members of public employees, and retirees. The  
664 departments ~~Department of Management Services and the Department~~  
665 ~~of Elderly Affairs~~ shall enter into an interagency agreement



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666 defining their roles with regard to plan development and design.  
667 Joint planning expenses shall be shared to the extent that  
668 funded planning activities are consistent with the goals of the  
669 departments. Eligible plan participants must include active and  
670 retired officers and employees of all branches and state  
671 agencies ~~of state~~ and their spouses, children, stepchildren,  
672 parents, and parents-in-law; and, upon the affirmative vote of  
673 the governing body of any county or municipality in this state,  
674 the active and retired officers and employees of any such county  
675 or municipality and their spouses, children, stepchildren,  
676 parents, and parents-in-law; and the surviving spouses,  
677 children, stepchildren, parents, and parents-in-law of such  
678 deceased officers and employees, whether active or retired at  
679 the time of death.

680 (c) This section does not limit the department's ~~act in no~~  
681 ~~way affects the Department of Management Services'~~ authority  
682 under pursuant to s. 110.123.

683 (d) The department ~~of Management Services~~ and the  
684 Department of Elderly Affairs shall review all self-insured and  
685 all fully-insured proposals submitted to it by qualified vendors  
686 ~~who have submitted responses~~ prior to February 23, 1999. Upon  
687 review of the proposals, the departments ~~Department of~~  
688 ~~Management Services and the Department of Elderly Affairs~~ may  
689 award a contract to the vendor that the departments deem to  
690 represent the best value to public employees, family members of  
691 public employees, and retirees.

692 (e) An ~~No~~ entity providing actuarial consulting services to  
693 the department ~~of Management Services~~ or the Department of  
694 Elderly Affairs in the preparation of the request for proposals,





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695 in the evaluation of such proposals, or in the selection of a  
696 provider of long-term-care service offerings may not ~~shall be~~  
697 ~~eligible to~~ provide or contract to provide the entity selected  
698 as the provider of long-term-care service offerings in this  
699 state with any services related to the ~~Florida Employee Long-~~  
700 ~~Term-Care~~ plan.

701 (2) As used in this section, the term:

702 ~~(a) "Department" means the Department of Elderly Affairs.~~

703 ~~(a)(b)~~ "Self-funded" means that plan benefits and costs are  
704 funded from contributions made by or on behalf of participants  
705 and trust fund investment revenue.

706 ~~(b)(c)~~ "Plan" means the Florida Employee Long-Term-Care  
707 Plan.

708 (3) The department ~~of Management Services~~ and the  
709 Department of Elderly Affairs shall, in consultation with public  
710 employers and employees and representatives from unions and  
711 associations representing state, university, local government,  
712 and other public employees, establish and supervise the  
713 implementation and administration of a self-funded or fully  
714 insured long-term-care plan entitled "Florida Employee Long-  
715 Term-Care Plan."

716 (a) The departments ~~Department of Management Services and~~  
717 ~~the department~~ shall, in consultation with the Office of  
718 Insurance Regulation of the Financial Services Commission,  
719 contract for actuarial, professional-administrator, and other  
720 services for the ~~Florida Employee Long-Term-Care~~ plan.

721 (b) When contracting for a professional administrator, the  
722 department ~~of Management Services~~ shall consider, at a minimum,  
723 the entity's previous experience and expertise in administering



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724 group long-term-care self-funded plans or long-term-care  
725 insurance programs; the entity's demonstrated ability to perform  
726 its contractual obligations in the state and in other  
727 jurisdictions; the entity's projected administrative costs; the  
728 entity's capability to adequately provide service coverage,  
729 including a sufficient number of experienced and qualified  
730 personnel in the areas of marketing, claims processing,  
731 recordkeeping, and underwriting; the entity's accessibility to  
732 public employees and other qualified participants; and the  
733 entity's financial soundness and solvency.

734 (c) Any contract with a professional administrator entered  
735 into by the department ~~of Management Services~~ must require that  
736 the state be held harmless and indemnified for any financial  
737 loss caused by the failure of the professional administrator to  
738 comply with the terms of the contract.

739 (d) The department ~~of Management Services~~ shall explore  
740 innovations in long-term-care financing and service delivery  
741 with regard to possible future inclusion in the plan. Such  
742 innovative financing and service delivery mechanisms may include  
743 managed long-term care and plans that set aside assets with  
744 regard to eligibility for Medicaid-funded long-term-care  
745 services in the same proportion that private long-term-care  
746 insurance benefits are used to pay for long-term care.

747 (4) The department ~~of Management Services~~ and the  
748 Department of Elderly Services shall coordinate, directly or  
749 through contract, marketing of the plan. Expenses related to  
750 such marketing shall be reimbursed from funds of the plan.

751 (5) The department ~~of Management Services~~ shall contract  
752 with the State Board of Administration for the investment of



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753 funds in the Florida Employee Long-Term-Care Plan reserve fund.  
754 Plan funds are not state funds. The moneys shall be held by the  
755 state board ~~of Administration~~ on behalf of enrollees and  
756 invested and disbursed in accordance with a trust agreement  
757 approved by the division and the state board ~~of Administration~~  
758 and in accordance with ~~the provisions of~~ ss. 215.44-215.53.  
759 Moneys in the reserve fund may be used only for the purposes  
760 specified in the agreement.

761 (6) A Florida Employee Long-Term-Care Plan Board of  
762 Directors is created, composed of nine members who shall serve  
763 2-year terms, to be appointed ~~after May 1, 1999~~, as follows:

764 (a) The secretary of the Department of Elderly Affairs  
765 shall appoint a member who is a plan participant.

766 (b) The Director of the Office of Insurance Regulation  
767 shall appoint an actuary.

768 (c) The Attorney General shall appoint an attorney licensed  
769 to practice law in this state.

770 (d) The Governor shall appoint three members from a broad  
771 cross-section of the residents of this state.

772 (e) The Department of Personnel Management ~~Services~~ shall  
773 appoint a member.

774 (f) The President of the Senate shall appoint a member of  
775 the Senate.

776 (g) The Speaker of the House of Representatives shall  
777 appoint a member of the House of Representatives.

778 (7) The board of directors of the Florida Long-Term-Care  
779 Plan shall:

780 (a) Prepare an annual report of the plan, with the  
781 assistance of an actuarial consultant, to be submitted to the



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782 Speaker of the House of Representatives, the President of the  
783 Senate, the Governor, and the Minority Leaders of the Senate and  
784 the House of Representatives.

785 (b) Approve the appointment of an executive director  
786 jointly recommended by the department ~~of Management Services~~ and  
787 the Department of Elderly Affairs to serve as the chief  
788 administrative and operational officer of the ~~Florida Employee~~  
789 ~~Long-Term-Care~~ plan.

790 (c) Approve the terms of the department's ~~Department of~~  
791 ~~Management Services'~~ third-party administrator contract.

792 (d) Implement such other policies and procedures as  
793 necessary to assure the soundness and efficient operation of the  
794 plan.

795 (8) Members of the board may not receive a salary, but may  
796 be reimbursed for travel, per diem, and administrative expenses  
797 related to their duties. Board expenses and costs for the annual  
798 report and other administrative expenses must be borne by the  
799 plan. State funds may not be used for ~~contributed toward~~ costs  
800 associated with board members or their activities conducted on  
801 behalf of and for the benefit of plan beneficiaries.

802 Section 23. Paragraph (f) of subsection (5) and subsection  
803 (7) of section 110.1228, Florida Statutes, are amended to read:

804 110.1228 Participation by small counties, small  
805 municipalities, and district school boards located in small  
806 counties.—

807 (5) If the department determines that a small county, small  
808 municipality, or district school board is eligible to enroll,  
809 the small county, small municipality, or district school board  
810 must agree to the following terms and conditions:



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811 (f) If a small county, small municipality, or district  
812 school board employer fails to make the payments required by  
813 this section to fully reimburse the state, upon the department's  
814 request, the Department of Revenue or the Department of  
815 Financial Services shall, ~~upon the request of the Department of~~  
816 ~~Management Services~~, deduct the amount owed by the employer from  
817 any funds not pledged to bond debt service satisfaction that are  
818 to be distributed by it to the small county, small municipality,  
819 or district school board. The amounts ~~se~~ deducted shall be  
820 transferred to the department ~~of Management Services~~ for further  
821 distribution to the trust funds in accordance with this chapter.

822 (7) The department ~~of Management Services~~ may adopt rules  
823 necessary to administer this section.

824 Section 24. Subsection (2) and paragraphs (a), (e), (h),  
825 and (i) of subsection (3) of section 110.123, Florida Statutes,  
826 are amended to read:

827 110.123 State group insurance program.—

828 (2) DEFINITIONS.—As used in this section, the term:

829 ~~(a) "Department" means the Department of Management~~  
830 ~~Services.~~

831 (a) ~~(b)~~ "Enrollee" means all state officers and employees,  
832 retired state officers and employees, surviving spouses of  
833 deceased state officers and employees, and terminated employees  
834 or individuals with continuation coverage who are enrolled in an  
835 insurance plan offered by the state group insurance program. The  
836 term "Enrollee" includes all state university officers and  
837 employees, retired state university officers and employees,  
838 surviving spouses of deceased state university officers and  
839 employees, and terminated state university employees or



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840 individuals with continuation coverage who are enrolled in an  
841 insurance plan offered by the state group insurance program.

842 (b)~~(e)~~ "Full-time state employees" means ~~includes all~~ full-  
843 time employees of state ~~all branches or agencies of state~~  
844 ~~government~~ holding salaried positions and paid by state warrant  
845 or from agency funds, and employees paid from regular salary  
846 appropriations for 8 months' employment, including university  
847 personnel on academic contracts, but in no case shall "state  
848 employee" or "salaried position" include persons paid from  
849 other-personal-services ~~(OPS)~~ funds. "Full-time employees"  
850 includes all full-time employees of the state universities.

851 (c)~~(d)~~ "Health maintenance organization" or "HMO" means an  
852 entity certified under part I of chapter 641.

853 (d)~~(e)~~ "Health plan member" means any person participating  
854 in a state group health insurance plan, a TRICARE supplemental  
855 insurance plan, or a health maintenance organization plan under  
856 the state group insurance program, including enrollees and  
857 covered dependents thereof.

858 (e)~~(f)~~ "Part-time state employee" means any employee of any  
859 branch or agency of state government paid by state warrant from  
860 salary appropriations or from agency funds, and who is employed  
861 for less than the normal full-time workweek established by the  
862 department or, if on academic contract or seasonal or other type  
863 of employment which is less than year-round, is employed for  
864 less than 8 months during any 12-month period. The term does  
865 not, but in no case shall "part-time" employee include a person  
866 paid from other-personal-services ~~(OPS)~~ funds. "Part-time state  
867 employee" includes any part-time employee of the state  
868 universities.



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869        (f) ~~(g)~~ "Retired state officer or employee" or "retiree"  
870 means any state or state university officer or employee who  
871 retires under a state retirement system or a state optional  
872 annuity or retirement program or is placed on disability  
873 retirement, ~~and~~ who was insured under the state group insurance  
874 program at the time of retirement, and who begins receiving  
875 retirement benefits immediately after retirement from state or  
876 state university office or employment. In addition ~~to these~~  
877 ~~requirements~~, the term includes any state officer or state  
878 employee who retires under the defined contribution Public  
879 ~~Employee Optional Retirement~~ program established under part II  
880 of chapter 121 ~~shall be considered a "retired state officer or~~  
881 ~~employee" or "retiree" as used in this section~~ if he or she:

- 882            1. Meets the age and service requirements to qualify for  
883 normal retirement as set forth in s. 121.021(29); or  
884            2. Has attained the age specified by s. 72(t)(2)(A)(i) of  
885 the Internal Revenue Code and has 6 years of creditable service.

886        (g) ~~(h)~~ "State agency" or "agency" means any branch,  
887 department, or agency of state government. "State agency" or  
888 "agency" includes any state university for purposes of this  
889 section only.

890        (h) ~~(i)~~ "State group health insurance plan or plans" or  
891 "state plan or plans" mean the state self-insured health  
892 insurance plan or plans offered to state officers and employees,  
893 retired state officers and employees, and surviving spouses of  
894 deceased state officers and employees pursuant to this section.

895        (i) ~~(j)~~ "State-contracted HMO" means any health maintenance  
896 organization under contract with the department to participate  
897 in the state group insurance program.



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898        (j)~~(k)~~ "State group insurance program" or "programs" means  
899 the package of insurance plans offered to state officers and  
900 employees, retired state officers and employees, and surviving  
901 spouses of deceased state officers and employees pursuant to  
902 this section, including the state group health insurance plan or  
903 plans, health maintenance organization plans, TRICARE  
904 supplemental insurance plans, and other plans required or  
905 authorized by law.

906        (k)~~(l)~~ "State officer" means any constitutional state  
907 officer, any elected state officer paid by state warrant, or any  
908 appointed state officer who is commissioned by the Governor and  
909 who is paid by state warrant.

910        (l)~~(m)~~ "Surviving spouse" means the widow or widower of a  
911 deceased state officer, full-time state employee, part-time  
912 state employee, or retiree if such widow or widower was covered  
913 as a dependent under the state group health insurance plan, a  
914 TRICARE supplemental insurance plan, or a health maintenance  
915 organization plan established pursuant to this section at the  
916 time of the death of the deceased officer, employee, or retiree.  
917 The term "Surviving spouse" also means any widow or widower who  
918 is receiving or eligible to receive a monthly state warrant from  
919 a state retirement system as the beneficiary of a state officer,  
920 full-time state employee, or retiree who died before ~~prior to~~  
921 July 1, 1979. For the purposes of this section, any such widow  
922 or widower shall cease to be a surviving spouse upon his or her  
923 remarriage.

924        (m)~~(n)~~ "TRICARE supplemental insurance plan" means the  
925 Department of Defense Health Insurance Program for eligible  
926 members of the uniformed services authorized by 10 U.S.C. s.





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927 1097.

928 (3) STATE GROUP INSURANCE PROGRAM.—

929 (a) The Division of State Group Insurance is created within  
930 the department ~~of Management Services~~.

931 (e) The department ~~of Management Services~~ and the Division  
932 of State Group Insurance may not prohibit or limit any properly  
933 licensed insurer, health maintenance organization, prepaid  
934 limited health services organization, or insurance agent from  
935 competing for any insurance product or plan purchased, provided,  
936 or endorsed by the department or the division on the basis of  
937 the compensation arrangement used by the insurer or organization  
938 for its agents.

939 (h)~~1~~. In lieu of participating in the state group health  
940 insurance program, a person eligible to participate in the ~~state~~  
941 ~~group insurance program~~ may be authorized by department rules  
942 ~~adopted by the department, in lieu of participating in the state~~  
943 ~~group health insurance plan, to exercise an option to elect~~  
944 membership in a health maintenance organization plan that ~~which~~  
945 is under contract with the state in accordance with criteria  
946 established by this section and department ~~by said~~ rules. The  
947 offer of optional membership in a health maintenance  
948 organization plan ~~permitted by this paragraph~~ may be limited or  
949 conditioned by rule as ~~may be~~ necessary to meet the requirements  
950 of state and federal laws.

951 ~~1.2~~. The department shall contract with health maintenance  
952 organizations seeking to participate in the state group  
953 insurance program through a request for proposal or other  
954 procurement process, as developed by the department ~~of~~  
955 ~~Management Services~~ and determined to be appropriate.



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956           a. The department shall establish a schedule of minimum  
957 benefits for health maintenance organization coverage, and that  
958 schedule must ~~shall~~ include: physician services; inpatient and  
959 outpatient hospital services; emergency medical services,  
960 including out-of-area emergency coverage; diagnostic laboratory  
961 and diagnostic and therapeutic radiologic services; mental  
962 health, alcohol, and chemical dependency treatment services  
963 meeting the minimum requirements of state and federal law;  
964 skilled nursing facilities and services; prescription drugs;  
965 age-based and gender-based wellness benefits; and other benefits  
966 as may be required by the department. Additional services may be  
967 provided subject to the contract between the department and the  
968 HMO. As used in this paragraph, the term "age-based and gender-  
969 based wellness benefits" includes aerobic exercise, education in  
970 alcohol and substance abuse prevention, blood cholesterol  
971 screening, health risk appraisals, blood pressure screening and  
972 education, nutrition education, program planning, safety belt  
973 education, smoking cessation, stress management, weight  
974 management, and women's health education.

975           b. The department may establish uniform deductibles,  
976 copayments, coverage tiers, or coinsurance schedules for all  
977 participating HMO plans.

978           c. The department may require detailed information from  
979 each health maintenance organization participating in the  
980 procurement process, including information pertaining to  
981 organizational status, experience in providing prepaid health  
982 benefits, accessibility of services, financial stability of the  
983 plan, quality of management services, accreditation status,  
984 quality of medical services, network access and adequacy,



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985 performance measurement, ability to meet the department's  
986 reporting requirements, and the actuarial basis of the proposed  
987 rates and other data determined by the director to be necessary  
988 for the evaluation and selection of health maintenance  
989 organization plans and negotiation of appropriate rates for  
990 these plans. Upon receipt of proposals by health maintenance  
991 organization plans and the evaluation of those proposals, the  
992 department may enter into negotiations with all of the plans or  
993 a subset of the plans, as the department determines appropriate.  
994 ~~Nothing shall preclude~~ The department may negotiate ~~from~~  
995 ~~negotiating~~ regional or statewide contracts with health  
996 maintenance organization plans if ~~when~~ this is cost-effective  
997 and ~~when~~ the department determines that the plan offers high  
998 value to enrollees.

999 d. The department may limit the number of HMOs that it  
1000 contracts with in each service area based on the nature of the  
1001 bids the department receives, the number of state employees in  
1002 the service area, or any unique geographical characteristics of  
1003 the service area. The department shall establish by rule service  
1004 areas throughout the state.

1005 e. All persons participating in the state group insurance  
1006 program may be required to contribute towards a total state  
1007 group health premium that may vary depending upon the plan and  
1008 coverage tier selected by the enrollee and the level of state  
1009 contribution authorized by the Legislature.

1010 ~~2.3.~~ The department may ~~is authorized to~~ negotiate and ~~to~~  
1011 contract with specialty psychiatric hospitals for mental health  
1012 benefits, on a regional basis, for alcohol, drug abuse, and  
1013 mental and nervous disorders. ~~The department may establish,~~



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1014 Subject to the approval of the Legislature pursuant to  
1015 subsection (5), the department may establish ~~any~~ such regional  
1016 plan upon completion of an actuarial study to determine the  
1017 effect ~~any impact~~ on plan benefits and premiums.

1018 ~~3.4.~~ In addition to contracting pursuant to subparagraph 1.  
1019 ~~2.~~, the department may ~~enter into~~ contract with any HMO to  
1020 participate in the state group insurance program which:

1021 a. Serves greater than 5,000 recipients on a prepaid basis  
1022 under the Medicaid program;

1023 b. Does not currently meet the 25-percent non-Medicare/non-  
1024 Medicaid enrollment composition requirement established by the  
1025 Department of Health excluding participants enrolled in the  
1026 state group insurance program;

1027 c. Meets the minimum benefit package and copayments and  
1028 deductibles contained in sub-subparagraphs 1.a. ~~2.a.~~ and b.;

1029 d. Is willing to participate in the state group insurance  
1030 program at a cost of premiums that is not greater than 95  
1031 percent of the cost of HMO premiums accepted by the department  
1032 in each service area; and

1033 e. Meets the minimum surplus requirements of s. 641.225.

1034  
1035 The department may ~~is authorized to~~ contract with HMOs that meet  
1036 the requirements of sub-subparagraphs a.-d. before ~~prior to~~ the  
1037 open enrollment period for state employees. The department is  
1038 not required to renew the contract with the HMOs ~~as set forth in~~  
1039 ~~this paragraph~~ more than twice. Thereafter, the HMOs may ~~shall~~  
1040 ~~be eligible to~~ participate in the state group insurance program  
1041 only through the request for proposal or invitation to negotiate  
1042 process described in subparagraph 1. ~~2.~~



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1043           ~~4.5.~~ All enrollees in a state group health insurance plan,  
1044 a TRICARE supplemental insurance plan, or any health maintenance  
1045 organization plan may change ~~have the option of changing~~ to any  
1046 other health plan that is offered by the state within an ~~any~~  
1047 open enrollment period designated by the department. Open  
1048 enrollment shall be held at least once each calendar year.

1049           ~~5.6.~~ If ~~When~~ a contract between a treating provider and the  
1050 state-contracted health maintenance organization is terminated  
1051 for any reason other than for cause, each party shall allow any  
1052 enrollee for whom treatment was active to continue coverage and  
1053 care when medically necessary, through completion of treatment  
1054 of a condition for which the enrollee was receiving care at the  
1055 time of the termination, until the enrollee selects another  
1056 treating provider, or until the next open enrollment period  
1057 offered, whichever is longer, but no longer than 6 months after  
1058 termination of the contract. Each party to the terminated  
1059 contract shall allow an enrollee who has initiated a course of  
1060 prenatal care, regardless of the trimester in which care was  
1061 initiated, to continue care and coverage until completion of  
1062 postpartum care. This does not prevent a provider from refusing  
1063 to continue to provide care to an enrollee who is abusive,  
1064 noncompliant, or in arrears in payments for services provided.  
1065 For care continued under this subparagraph, the program and the  
1066 provider shall continue to be bound by the terms of the  
1067 terminated contract. Changes made within 30 days before  
1068 termination of a contract are effective only if agreed to by  
1069 both parties.

1070           ~~6.7.~~ Any HMO participating in the state group insurance  
1071 program shall submit health care utilization and cost data to



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1072 the department, in such form and in such manner as the  
1073 department shall require, as a condition of participating in the  
1074 program. The department shall enter into negotiations with its  
1075 contracting HMOs to determine the nature and scope of the data  
1076 submission and the final requirements, format, penalties  
1077 associated with noncompliance, and timetables for submission.  
1078 These determinations shall be adopted by rule.

1079 ~~(i)~~ The department may establish and direct, with respect  
1080 to collective bargaining issues, a comprehensive package of  
1081 insurance benefits that may include supplemental health and life  
1082 coverage, dental care, long-term care, vision care, and other  
1083 benefits it determines necessary to enable state employees to  
1084 select from among benefit options that best suit their  
1085 individual and family needs.

1086 ~~1.a.~~ Based upon a desired benefit package, the department  
1087 shall issue a request for proposal or invitation to negotiate  
1088 for health insurance providers interested in participating in  
1089 the state group insurance program, and the department shall  
1090 issue a request for proposal or invitation to negotiate for  
1091 insurance providers interested in participating in the non-  
1092 health-related components of the state group insurance program.  
1093 Upon receipt of all proposals, the department may enter into  
1094 contract negotiations with insurance providers submitting bids  
1095 or negotiate a specially designed benefit package. Insurance  
1096 providers offering or providing supplemental coverage as of May  
1097 30, 1991, which qualify for pretax benefit treatment pursuant to  
1098 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more  
1099 state employees currently enrolled may be included by the  
1100 department in the supplemental insurance benefit plan



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1101 established by the department without participating in a request  
1102 for proposal, submitting bids, negotiating contracts, or  
1103 negotiating a specially designed benefit package. These  
1104 contracts must ~~shall~~ provide state employees with the most cost-  
1105 effective and comprehensive coverage available; however, ~~no~~  
1106 state or agency funds may not contribute ~~shall be contributed~~  
1107 toward the cost of any part of the premium of such supplemental  
1108 benefit plans. With respect to dental coverage, the division  
1109 shall include in any solicitation or contract for any state  
1110 group dental program made after July 1, 2001, a comprehensive  
1111 indemnity dental plan option that ~~which~~ offers enrollees a  
1112 completely unrestricted choice of dentists. If a dental plan is  
1113 endorsed, or in some manner recognized as the preferred product,  
1114 such plan shall include a comprehensive indemnity dental plan  
1115 option that ~~which~~ provides enrollees with a completely  
1116 unrestricted choice of dentists.

1117 ~~2.b.~~ Pursuant to the applicable provisions of s. 110.161,  
1118 and s. 125 of the Internal Revenue Code of 1986, the department  
1119 shall enroll in the pretax benefit program those state employees  
1120 who voluntarily elect coverage in any of the supplemental  
1121 insurance benefit plans as provided by sub-subparagraph a.

1122 ~~3.e.~~ This paragraph does not ~~Nothing herein contained shall~~  
1123 ~~be construed to~~ prohibit insurance providers from continuing to  
1124 provide or offer supplemental benefit coverage to state  
1125 employees as provided under existing agency plans.

1126 ~~(j)(i)~~ The benefits of the insurance authorized by this  
1127 section are ~~shall~~ not be in lieu of any benefits payable under  
1128 chapter 440, the Workers' Compensation Law. The insurance  
1129 authorized by this section may ~~law shall~~ not be deemed to



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1130 constitute insurance to secure workers' compensation benefits as  
1131 required by chapter 440.

1132 Section 25. Section 110.12312, Florida Statutes, is amended  
1133 to read:

1134 110.12312 Open enrollment period for retirees.—On or after  
1135 July 1, 1997, the department ~~of Management Services~~ shall  
1136 provide for an open enrollment period for retired state  
1137 employees who want to obtain health insurance coverage under ss.  
1138 110.123 and 110.12315. The options offered during the open  
1139 enrollment period must provide the same health insurance  
1140 coverage as the coverage provided to active employees under the  
1141 same premium payment conditions in effect for covered retirees,  
1142 including eligibility for health insurance subsidy payments  
1143 under s. 112.363. A person who separates from employment after  
1144 ~~subsequent to~~ May 1, 1988, but whose date of retirement occurs  
1145 on or after August 1, 1995, is eligible as of the first open  
1146 enrollment period occurring after July 1, 1997, with an  
1147 effective date of January 1, 1998, as long as the retiree's  
1148 enrollment remains in effect.

1149 Section 26. Section 110.12315, Florida Statutes, is amended  
1150 to read:

1151 110.12315 Prescription drug program.—The state employees'  
1152 prescription drug program is established. This program shall be  
1153 administered by the department ~~of Management Services~~, according  
1154 to the terms and conditions of the plan as established by the  
1155 ~~relevant provisions of the annual~~ General Appropriations Act and  
1156 implementing legislation, subject to the following conditions:

1157 (1) The department ~~of Management Services~~ shall allow  
1158 prescriptions written by health care providers under the plan to





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1159 be filled by any licensed pharmacy pursuant to contractual  
1160 claims-processing provisions. ~~Nothing in~~ This section does not  
1161 prohibit ~~may be construed as prohibiting~~ a mail order  
1162 prescription drug program that is distinct from the service  
1163 provided by retail pharmacies.

1164 (2) In providing for reimbursement of pharmacies for  
1165 prescription medicines dispensed to members of the state group  
1166 health insurance plan and their dependents under the state  
1167 employees' prescription drug program:

1168 (a) Retail pharmacies participating in the program must be  
1169 reimbursed at a uniform rate and subject to uniform conditions,  
1170 according to the terms and conditions of the plan.

1171 (b) There shall be a 30-day supply limit for prescription  
1172 card purchases and 90-day supply limit for mail order or mail  
1173 order prescription drug purchases.

1174 (c) The current pharmacy dispensing fee remains in effect.

1175 (3) The department ~~of Management Services~~ shall establish  
1176 the reimbursement schedule for prescription pharmaceuticals  
1177 dispensed under the program. Reimbursement rates for a  
1178 prescription pharmaceutical must be based on the cost of the  
1179 generic equivalent drug if a generic equivalent exists, unless  
1180 the physician prescribing the pharmaceutical clearly states on  
1181 the prescription that the brand name drug is medically necessary  
1182 or that the drug product is included on the formulary of drug  
1183 products that may not be interchanged as provided in chapter  
1184 465, in which case reimbursement must be based on the cost of  
1185 the brand name drug as specified in the reimbursement schedule  
1186 adopted by the department ~~of Management Services~~.

1187 (4) The department ~~of Management Services~~ shall conduct a



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1188 prescription utilization review program. In order to participate  
1189 in the state employees' prescription drug program, retail  
1190 pharmacies dispensing prescription medicines to members of the  
1191 state group health insurance plan or their covered dependents,  
1192 or to subscribers or covered dependents of a health maintenance  
1193 organization plan under the state group insurance program, shall  
1194 make their records available for this review.

1195 (5) The department ~~of Management Services~~ shall implement  
1196 such additional cost-saving measures and adjustments as may be  
1197 required to balance program funding within appropriations  
1198 provided, including a trial or starter dose program and  
1199 dispensing of long-term-maintenance medication in lieu of acute  
1200 therapy medication.

1201 (6) Participating pharmacies must use a point-of-sale  
1202 device or an online computer system to verify a participant's  
1203 eligibility for coverage. The state is not liable for  
1204 reimbursement of a participating pharmacy for dispensing  
1205 prescription drugs to any person whose current eligibility for  
1206 coverage has not been verified by the state's contracted  
1207 administrator or by the department ~~of Management Services~~.

1208 (7) Under the state employees' prescription drug program  
1209 copayments must be made as follows:

1210 (a) ~~Effective January 1, 2006,~~ For the State Group Health  
1211 Insurance Standard Plan:

- 1212 1. For generic drug with card.....\$10.
- 1213 2. For preferred brand name drug with card.....\$25.
- 1214 3. For nonpreferred brand name drug with card.....\$40.
- 1215 4. For generic mail order drug.....\$20.
- 1216 5. For preferred brand name mail order drug.....\$50.



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1217 6. For nonpreferred brand name mail order drug.....\$80.

1218 (b) ~~Effective January 1, 2006,~~ For the State Group Health  
1219 Insurance High Deductible Plan:

1220 1. Retail coinsurance for generic drug with card.....30%.

1221 2. Retail coinsurance for preferred brand name drug with  
1222 card.....30%.

1223 3. Retail coinsurance for nonpreferred brand name drug with  
1224 card.....50%.

1225 4. Mail order coinsurance for generic drug.....30%.

1226 5. Mail order coinsurance for preferred brand name drug.30%.

1227 6. Mail order coinsurance for nonpreferred brand name drug50%.

1228 (c) The department ~~of Management Services~~ shall create a  
1229 preferred brand name drug list to be used in the administration  
1230 of the state employees' prescription drug program.

1231 Section 27. Section 110.1232, Florida Statutes, is amended  
1232 to read:

1233 110.1232 Health insurance coverage for persons retired  
1234 under state-administered retirement systems before January 1,  
1235 1976, and for spouses.—Notwithstanding any other provision  
1236 ~~provisions~~ of law ~~to the contrary~~, the department ~~of Management~~  
1237 ~~Services~~ shall provide health insurance coverage under the state  
1238 group insurance program for persons who retired before January  
1239 1, 1976, under any of the state-administered retirement systems  
1240 and who are not covered by social security and for the spouses  
1241 and surviving spouses of such retirees who are also not covered  
1242 by social security. Such health insurance coverage must ~~shall~~  
1243 provide the same benefits as provided to other retirees who are  
1244 entitled to participate under s. 110.123. The claims experience  
1245 of this group shall be commingled with the claims experience of



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1246 other members covered under s. 110.123.

1247 Section 28. Section 110.1234, Florida Statutes, is amended  
1248 to read:

1249 110.1234 Health insurance for retirees under the Florida  
1250 Retirement System; Medicare supplement and fully insured  
1251 coverage.—

1252 (1) The department of ~~Management Services~~ shall solicit  
1253 competitive bids from state-licensed insurance companies to  
1254 provide and administer a fully insured Medicare supplement  
1255 policy for all eligible retirees of a state or local public  
1256 employer. Such ~~Medicare supplement~~ policy must ~~shall~~ meet the  
1257 provisions of ss. 627.671-627.675. For the purpose of this  
1258 subsection, "eligible retiree" means a ~~any~~ public employee who  
1259 retired from a state or local public employer who is covered by  
1260 Medicare, Parts A and B. The department shall authorize one  
1261 company to offer the Medicare supplement coverage to all  
1262 eligible retirees. All premiums shall be paid by the retiree.

1263 (2) The department of ~~Management Services~~ shall solicit  
1264 competitive bids from state-licensed insurance companies to  
1265 provide and administer fully insured health insurance coverage  
1266 for all public employees who retired from a state or local  
1267 public employer who are not covered by Medicare, Parts A and B.  
1268 The department may authorize one company to offer such coverage  
1269 if the proposed benefits and premiums are reasonable. If such  
1270 coverage is authorized, all premiums shall be paid for by the  
1271 retiree.

1272 Section 29. Paragraph (a) of subsection (1) of section  
1273 110.1245, Florida Statutes, is amended to read:

1274 110.1245 Savings sharing program; bonus payments; other



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1275 awards.-

1276 (1) (a) The department ~~of Management Services~~ shall adopt  
1277 rules that prescribe procedures and promote a savings sharing  
1278 program for an individual or group of employees who propose  
1279 procedures or ideas that are adopted and that result in  
1280 eliminating or reducing state expenditures, if such proposals  
1281 are placed in effect and may be implemented under current  
1282 statutory authority.

1283 Section 30. Section 110.125, Florida Statutes, is amended  
1284 to read:

1285 110.125 Administrative costs.-The administrative expenses  
1286 and costs of operating the personnel program established by this  
1287 chapter shall be paid by the various state agencies ~~of the state~~  
1288 ~~government~~, and each such agency shall include in its budget  
1289 estimates its pro rata share of such cost as determined by the  
1290 department ~~of Management Services~~. To establish an equitable  
1291 division of the costs, the amount to be paid by each agency  
1292 shall be determined in such proportion as the service rendered  
1293 to each agency bears to the total service rendered under ~~the~~  
1294 ~~provisions of~~ this chapter. The amounts paid to the department  
1295 ~~of Management Services~~ which are attributable to positions  
1296 within the Senior Management Service and the Selected Exempt  
1297 ~~Professional~~ Service shall be used for the administration of  
1298 such services, training activities for positions within those  
1299 services, and the development and implementation of a database  
1300 of pertinent historical information on exempt positions. If  
1301 ~~Should~~ any state agency is ~~become~~ more than 90 days delinquent  
1302 in paying ~~payment of~~ this obligation, the department shall  
1303 certify to the Chief Financial Officer the amount due and the



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1304 Chief Financial Officer shall transfer that ~~the~~ amount ~~due~~ to  
1305 the department from any available debtor agency funds ~~available~~.

1306 Section 31. Subsection (7) of section 110.131, Florida  
1307 Statutes, is amended to read:

1308 110.131 Other-personal-services temporary employment.-

1309 (7) The department ~~of Management Services~~ shall annually  
1310 assess agencies for the regulation of other personal services on  
1311 a pro rata share basis not to exceed the ~~an~~ amount ~~as~~ provided  
1312 in the General Appropriations Act.

1313 Section 32. Section 110.151, Florida Statutes, is amended  
1314 to read:

1315 110.151 State officers' and employees' child care  
1316 services.-

1317 (1) The department ~~of Management Services~~ shall approve,  
1318 administer, and coordinate child care services for state  
1319 officers' and employees' children or dependents. Duties ~~shall~~  
1320 include, but are not ~~be~~ limited to, reviewing and approving  
1321 requests from state agencies for child care services; providing  
1322 technical assistance on child care program startup and  
1323 operation; and assisting other agencies in conducting needs  
1324 assessments, designing centers, and selecting service providers.  
1325 Primary emphasis for child care services shall be given to  
1326 children who are not subject to compulsory school attendance  
1327 pursuant to part II of chapter 1003, and, to the extent  
1328 possible, ~~emphasis shall be placed~~ on child care for children  
1329 aged 2 and under.

1330 (2) Child care programs may be located in state-owned  
1331 office buildings, educational facilities and institutions,  
1332 custodial facilities and institutions, and, with the consent of



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1333 the President of the Senate and the Speaker of the House of  
1334 Representatives, in buildings or spaces used for legislative  
1335 activities. In addition, centers may be located in privately  
1336 owned buildings conveniently located to the place of employment  
1337 of those officers and employees to be served by the centers. If  
1338 a child care program is located in a state-owned office  
1339 building, educational facility or institution, or custodial  
1340 facility or institution, or in a privately owned building leased  
1341 by the state, a portion of the service provider's rental fees  
1342 for child care space may be waived by the sponsoring agency in  
1343 accordance with ~~the~~ department rules ~~of the Department of~~  
1344 ~~Management Services~~. Additionally, the sponsoring state agency  
1345 may be responsible for the maintenance, utilities, and other  
1346 operating costs associated with the child care center.

1347 (3) Except as otherwise provided in this section, the cost  
1348 of child care services shall be offset by fees charged to  
1349 employees who use the ~~child care~~ services. Requests for  
1350 proposals may provide for a sliding fee schedule based on, ~~with~~  
1351 ~~fees charged on the basis of~~ the employee's household income.

1352 (4) The provider of proposed child care services shall be  
1353 selected by competitive contract. Requests for proposals shall  
1354 be developed with the assistance of, and subject to the approval  
1355 of, the department ~~of Management Services~~. Management of the  
1356 contract with the service provider is ~~shall be~~ the  
1357 responsibility of the sponsoring state agency.

1358 (5) An operator selected to provide services must comply  
1359 with all state and local standards for the licensure and  
1360 operation of child care facilities, maintain adequate liability  
1361 insurance coverage, and assume financial and legal



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1362 responsibility for the operation of the program. ~~Neither~~ The  
1363 operator of and ~~nor~~ any personnel employed by or at a child care  
1364 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.  
1365 However, the sponsoring state agency may be responsible for the  
1366 operation of the child care center if ~~when~~:

1367 (a) A second request for proposals fails to procure a  
1368 qualified service provider; or

1369 (b) The service provider's contract is canceled and  
1370 attempts to procure another qualified service provider are  
1371 unsuccessful;

1372  
1373 and plans for direct operation are approved by the department ~~of~~  
1374 ~~Management Services~~.

1375 (6) In the areas where the state has an insufficient number  
1376 of employees to justify a worksite center, a state agency may  
1377 join in a consortium arrangement using ~~utilizing~~ available state  
1378 facilities with not-for-profit corporations or other public  
1379 employers to provide child care services to both public  
1380 employees and employees of private sector employers. The  
1381 consortium agreement must first address the unmet child care  
1382 needs of the children of the public employees whose employers  
1383 are members of the consortium, and then address the child care  
1384 needs of private sector employees.

1385 (7) The department ~~of Management Services~~ may adopt ~~any~~  
1386 rules necessary to administer ~~achieve the purposes of~~ this  
1387 section.

1388 Section 33. Section 110.1522, Florida Statutes, is amended  
1389 to read:

1390 110.1522 Model rule establishing family support personnel





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1391 policies.—The department ~~of Management Services~~ shall develop a  
1392 model rule establishing family support personnel policies for  
1393 all executive branch agencies, excluding the State University  
1394 System. The term "family support personnel policies," for  
1395 purposes of ss. 110.1521-110.1523, means personnel policies  
1396 affecting employees' ability to both work and devote care and  
1397 attention to their families and includes policies on flexible  
1398 hour work schedules, compressed time, job sharing, part-time  
1399 employment, maternity or paternity leave for employees with a  
1400 newborn or newly adopted child, and paid and unpaid family or  
1401 administrative leave for family responsibilities.

1402 Section 34. Subsections (5), (6), and (7) of section  
1403 110.161, Florida Statutes, are amended to read:

1404 110.161 State employees; pretax benefits program.—

1405 (5) The department ~~of Management Services~~ shall develop  
1406 rules for the pretax benefits program, which shall specify the  
1407 benefits to be offered under the program, the continuing tax-  
1408 exempt status of the program, and any other matters deemed  
1409 necessary by the department to implement this section. The rules  
1410 must be approved by a majority vote of the Administration  
1411 Commission.

1412 (6) The department shall ~~of Management Services is~~  
1413 ~~authorized to~~ administer the pretax benefits program ~~established~~  
1414 for all employees so that employees may receive benefits that  
1415 are not includable in gross income under the Internal Revenue  
1416 Code of 1986. The pretax benefits program:

1417 (a) Must ~~shall~~ allow employee contributions to premiums for  
1418 the state group insurance program administered under s. 110.123  
1419 to be paid on a pretax basis unless an employee elects not to



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1420 participate.

1421 (b) Must ~~shall~~ allow employees to voluntarily establish  
1422 expense reimbursement plans from their salaries on a pretax  
1423 basis to pay for qualified medical and dependent care expenses,  
1424 including premiums paid by employees for qualified supplemental  
1425 insurance.

1426 (c) May provide for the payment of ~~such~~ premiums through a  
1427 pretax payroll procedure. The Administration Commission and the  
1428 department ~~of Management Services~~ are directed to take all  
1429 actions necessary to preserve the tax-exempt status of the  
1430 program.

1431 (7) The Legislature recognizes that a substantial amount of  
1432 the employer savings realized by the implementation of a pretax  
1433 benefits program is ~~will be~~ the result of diminutions in the  
1434 state's employer contribution to the Federal Insurance  
1435 Contributions Act tax. ~~There is hereby created~~ The Pretax  
1436 Benefits Trust Fund is created in the department ~~of Management~~  
1437 ~~Services~~. Each agency in the executive, legislative, or judicial  
1438 branch of the state, including the State Board of  
1439 Administration, state universities, and other entities of state  
1440 government whose employees hold salaried positions and are paid  
1441 by state warrant or from agency funds, shall transfer to the  
1442 Pretax Benefits Trust Fund the full and complete employer FICA  
1443 contributions saved in connection with each weekly, biweekly,  
1444 semimonthly, or monthly payroll as a result of the  
1445 implementation of the pretax benefits program authorized  
1446 pursuant to this section. Such savings shall be transferred to  
1447 the Pretax Benefits Trust Fund upon transacting each payroll,  
1448 but not later than a subsequent payroll. Any moneys forfeited



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1449 pursuant to employees' salary reduction agreements to  
1450 participate in the program must also be deposited in the Pretax  
1451 Benefits Trust Fund. Moneys in the Pretax Benefits Trust Fund  
1452 shall be used for the pretax benefits program, including its  
1453 administration by the department ~~of Management Services~~ or a  
1454 third-party administrator.

1455 Section 35. Subsection (1) of section 110.171, Florida  
1456 Statutes, is amended to read:

1457 110.171 State employee telecommuting program.—

1458 (1) As used in this section, the term:

1459 (a) "Agency" means any official, officer, commission,  
1460 board, authority, council, committee, or department of state  
1461 government.

1462 ~~(b) "Department" means the Department of Management~~  
1463 ~~Services.~~

1464 (b) ~~(e)~~ "Telecommuting" means a work arrangement whereby  
1465 selected state employees are allowed to perform the normal  
1466 duties and responsibilities of their positions, through the use  
1467 of computers or telecommunications, at home or another place  
1468 apart from the employees' usual place of work.

1469 Section 36. Paragraph (a) of subsection (1), paragraph (a)  
1470 of subsection (2), and subsection (4) of section 110.181,  
1471 Florida Statutes, are amended to read:

1472 110.181 Florida State Employees' Charitable Campaign.—

1473 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

1474 (a) The department ~~of Management Services~~ shall establish  
1475 and maintain, in coordination with the payroll system of the  
1476 Department of Financial Services, an annual Florida State  
1477 Employees' Charitable Campaign. Except as provided in subsection



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1478 (5), this annual fundraising drive is the only authorized  
1479 charitable fundraising drive directed toward state employees  
1480 within work areas during work hours, and for which the state  
1481 provides ~~will provide~~ payroll deduction.

1482 (2) SELECTION OF FISCAL AGENTS; COST.—

1483 (a) The department ~~of Management Services~~ shall select  
1484 through the competitive procurement process a fiscal agent or  
1485 agents to receive, account for, and distribute charitable  
1486 contributions among participating charitable organizations.

1487 (4) FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN STEERING  
1488 COMMITTEE.—A Florida State Employees' Charitable Campaign  
1489 steering committee shall be established with seven members  
1490 appointed by members of the administration commission, and two  
1491 members appointed by the executive director ~~secretary~~ of the  
1492 department from among applications submitted from other agencies  
1493 or departments. The committee, whose members shall serve  
1494 staggered terms, shall meet at the call of the executive  
1495 director ~~secretary~~. Members shall serve without compensation,  
1496 but shall be entitled to receive reimbursement for travel and  
1497 per diem expenses as provided in s. 112.061.

1498 Section 37. Subsection (1) of section 110.2035, Florida  
1499 Statutes, is amended to read:

1500 110.2035 Classification and compensation program.—

1501 (1) The department ~~of Management Services~~ shall establish  
1502 and maintain a classification and compensation program  
1503 addressing career service, selected exempt service, and senior  
1504 management service positions. Actions ~~No action~~ may not be taken  
1505 to fill any position until it has been classified in accordance  
1506 with the classification plan.



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1507 (a) The department shall develop occupation profiles  
1508 necessary for the establishment of new occupations or for the  
1509 revision of existing occupations and shall adopt the appropriate  
1510 occupation title and broadband level code for each occupation.  
1511 Such occupation profiles, titles, and codes are ~~shall~~ not  
1512 ~~constitute~~ rules within the meaning of s. 120.52.

1513 (b) The department shall be responsible for conducting  
1514 periodic studies and surveys to ensure that the classification  
1515 plan is maintained on a current basis.

1516 (c) The department may review in a postaudit capacity the  
1517 action taken by an employing agency in classifying or  
1518 reclassifying a position.

1519 (d) The department shall effect a classification change on  
1520 any classification or reclassification action taken by an  
1521 employing agency if the action taken by the agency was not based  
1522 on the duties and responsibilities officially assigned the  
1523 position as they relate to the concepts and description  
1524 contained in the official occupation profile and the level  
1525 definition ~~defined~~ in the occupational group characteristics  
1526 adopted by the department.

1527 (e) In cooperation and consultation with the employing  
1528 agencies, the department shall adopt rules necessary to  
1529 administer ~~govern the administration of~~ the classification plan.  
1530 Such rules shall be approved by the Administration Commission  
1531 before ~~prior to~~ their adoption by the department.

1532 Section 38. Subsection (1) of section 110.2037, Florida  
1533 Statutes, is amended to read:

1534 110.2037 Alternative benefits; tax-sheltered annual leave  
1535 and sick leave payments and special compensation payments.-



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1536           (1) The department may ~~of Management Services has authority~~  
1537 ~~to~~ adopt tax-sheltered plans under s. 401(a) of the Internal  
1538 Revenue Code for state employees who are eligible for payment  
1539 for accumulated leave. ~~The department,~~ Upon adoption of the  
1540 plans, the department shall contract for a private vendor or  
1541 vendors to administer the plans. These plans are ~~shall be~~  
1542 limited to state employees who are over age 55 and who are  
1543 eligible for accumulated leave and special compensation payments  
1544 and separating from employment with 10 years of service in  
1545 accordance with the Internal Revenue Code, or who are  
1546 participating in the Deferred Retirement Option Program on or  
1547 after July 1, 2001. The plans must provide benefits in a manner  
1548 that minimizes the tax liability of the state and participants.  
1549 The plans must be funded by employer contributions of payments  
1550 for accumulated leave or special compensation payments, or both,  
1551 as specified by the department. The plans must have received all  
1552 necessary federal and state approval as required by law, must  
1553 not adversely impact the qualified status of the Florida  
1554 Retirement System defined benefit or defined contribution plans  
1555 or the pretax benefits program, and must comply with the  
1556 provisions of s. 112.65. Adoption of any plan is contingent on  
1557 the department receiving appropriate favorable rulings from the  
1558 Internal Revenue Service; the department negotiating under the  
1559 provisions of chapter 447, where applicable; and the Chief  
1560 Financial Officer making appropriate changes to the state  
1561 payroll system. The department's request for proposals by  
1562 vendors ~~for such plans~~ may require that the vendors provide  
1563 market-risk or volatility ratings from recognized rating  
1564 agencies for each of their investment products. The department



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1565 shall provide ~~for~~ a system of continuous quality assurance  
1566 oversight to ensure that the program objectives are achieved and  
1567 that the program is prudently managed.

1568 Section 39. Subsections (4) and (6) of section 110.205,  
1569 Florida Statutes, as amended by chapter 2009-271, Laws of  
1570 Florida, are amended to read:

1571 110.205 Career service; exemptions.—

1572 (4) DEFINITION OF DEPARTMENT.—~~As when~~ used in this section,  
1573 the term "department" shall mean all departments and commissions  
1574 of the executive branch, whether created by the State  
1575 Constitution or chapter 20,~~†~~ the office of the Governor,~~†~~ and  
1576 the Public Service Commission; however, the term "department"  
1577 means ~~shall mean~~ the Department of Personnel Management ~~Services~~  
1578 when used in the context of the authority to establish pay bands  
1579 and benefits.

1580 (6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,  
1581 DEPARTMENT OF FINANCIAL SERVICES.—~~In addition to those positions~~  
1582 ~~exempted from this part, there is hereby exempted from the~~  
1583 ~~Career Service System~~ The chief inspector of the boiler  
1584 inspection program of the Department of Financial Services is  
1585 exempted from Career Service. The pay band of this position  
1586 shall be established by the Department of Personnel Management  
1587 ~~Services~~ in accordance with the classification and pay plan  
1588 established for the Selected Exempt Service.

1589 Section 40. Subsection (2) of section 110.2135, Florida  
1590 Statutes, is amended to read:

1591 110.2135 Preference in employment, reemployment, promotion,  
1592 and retention.—

1593 (2) A disabled veteran employed as the result of being



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1594 placed at the top of the appropriate employment list under ~~the~~  
1595 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a  
1596 probationary period of 1 year. At the end of such period, if the  
1597 work of the veteran has been satisfactorily performed, the  
1598 veteran will acquire permanent employment status and ~~will~~ be  
1599 subject to the employment rules of the department ~~of Management~~  
1600 ~~Services~~ and the veteran's employing agency.

1601 Section 41. Paragraph (a) of subsection (3) of section  
1602 110.227, Florida Statutes, is amended to read:

1603 110.227 Suspensions, dismissals, reductions in pay,  
1604 demotions, layoffs, transfers, and grievances.-

1605 (3) (a) ~~For With regard to~~ law enforcement or correctional  
1606 officers, firefighters, or professional health care providers,  
1607 if when a layoff becomes necessary, the such layoff shall be  
1608 conducted within the competitive area identified by the agency  
1609 head and approved by the department ~~of Management Services~~. Such  
1610 competitive area shall be established taking into consideration  
1611 the similarity of work; the organizational unit, which may be by  
1612 agency, department, division, bureau, or other organizational  
1613 unit; and the commuting area for the work affected.

1614 Section 42. Subsections (1) and (2) of section 110.403,  
1615 Florida Statutes, are amended to read:

1616 110.403 Powers and duties of the department.-

1617 (1) In order to implement the purposes of this part, the  
1618 department ~~of Management Services~~, after approval by the  
1619 Administration Commission, shall adopt ~~and amend~~ rules that  
1620 provide providing for:

1621 (a) A system for employing, promoting, or reassigning  
1622 managers that is responsive to organizational or program needs.





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1623 ~~In no event shall~~ The number of positions included in the Senior  
1624 Management Service may not exceed 1.0 percent of the total full-  
1625 time equivalent positions in the Career Service. The department  
1626 may not approve the establishment of ~~shall deny approval to~~  
1627 ~~establish~~ any position within the Senior Management Service  
1628 which exceeds ~~would exceed~~ the limitation established in this  
1629 paragraph. The department shall report that the limitation has  
1630 been reached to the Governor, the President of the Senate, and  
1631 the Speaker of the House of Representatives, as soon as  
1632 practicable after it ~~such event~~ occurs. Employees in the Senior  
1633 Management Service shall serve at the pleasure of the agency  
1634 head and are ~~shall be~~ subject to suspension, dismissal,  
1635 reduction in pay, demotion, transfer, or other personnel action  
1636 at the discretion of the agency head. Such personnel actions are  
1637 exempt from ~~the provisions of~~ chapter 120.

1638 (b) A performance appraisal system that takes ~~which shall~~  
1639 ~~take~~ into consideration individual and organizational  
1640 efficiency, productivity, and effectiveness.

1641 (c) A classification plan and a salary and benefit plan  
1642 that provides appropriate incentives for the recruitment and  
1643 retention of outstanding management personnel and provides ~~for~~  
1644 salary increases based on performance.

1645 (d) A system of rating duties and responsibilities for  
1646 positions within the Senior Management Service and the  
1647 qualifications of candidates for those positions.

1648 (e) A system for documenting actions taken on agency  
1649 requests for approval of position exemptions and special pay  
1650 increases.

1651 (f) Requirements for ~~regarding~~ recordkeeping by agencies



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1652 with respect to senior management service positions. Such  
1653 records shall be audited periodically by the department of  
1654 ~~Management Services~~ to determine agency compliance with the  
1655 ~~provisions of this part and department~~ the rules of the  
1656 ~~Department of Management Services~~.

1657 (g) Other procedures relating to personnel administration  
1658 to carry out the purposes of this part.

1659 (h) A program of affirmative and positive action that will  
1660 ensure full utilization of women and minorities in senior  
1661 management service positions.

1662 (2) The powers, duties, and functions of the department  
1663 ~~includes of Management Services shall include~~ responsibility for  
1664 the policy administration of the Senior Management Service.

1665 Section 43. Section 110.405, Florida Statutes, is amended  
1666 to read:

1667 110.405 Advisory committees.—The department's executive  
1668 director ~~Secretary of Management Services~~ may at any time  
1669 appoint an ad hoc or continuing advisory committee consisting of  
1670 members of the Senior Management Service or other persons  
1671 knowledgeable in the field of personnel management. ~~Any~~ Such  
1672 committee ~~may not have~~ shall consist of not more than nine  
1673 members, who shall serve at the pleasure of and meet at the call  
1674 of the director ~~secretary~~, to advise and consult with the  
1675 director ~~secretary~~ on such matters affecting the Senior  
1676 Management Service as the director ~~secretary~~ requests. Members  
1677 shall serve without compensation, but ~~are~~ shall be entitled to  
1678 ~~receive~~ reimbursement for travel expenses as provided in s.  
1679 112.061. The executive director ~~secretary~~ may periodically hire  
1680 a consultant who has ~~with~~ expertise in personnel management to



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1681 advise him or her with respect to the administration of the  
1682 Senior Management Service.

1683 Section 44. Paragraph (b) of subsection (2) and subsection  
1684 (3) of section 110.406, Florida Statutes, are amended to read:

1685 110.406 Senior Management Service; data collection.—

1686 (2) The data required by this section shall include:

1687 (b) Any recommendations and proposals for legislation which  
1688 the executive director ~~secretary~~ may have with respect to  
1689 improving the operation and administration of the Senior  
1690 Management Service.

1691 (3) To assist in the preparation of the data required by  
1692 this section, the executive director ~~secretary~~ may hire a  
1693 consultant with expertise in the field of personnel management  
1694 and may use the services of the advisory committee authorized in  
1695 s. 110.405.

1696 Section 45. Section 110.503, Florida Statutes, is amended  
1697 to read:

1698 110.503 Responsibilities of state ~~departments and~~  
1699 agencies.—Each state ~~department or~~ agency using ~~utilizing~~ the  
1700 services of volunteers shall:

1701 (1) Take such actions as are necessary and appropriate to  
1702 develop meaningful opportunities for volunteers involved in  
1703 state-administered programs.

1704 (2) Comply with the uniform rules adopted by the department  
1705 ~~of Management Services~~ governing the recruitment, screening,  
1706 training, responsibility, use, and supervision of volunteers.

1707 (3) Take such actions as are necessary to ensure that  
1708 volunteers understand their duties and responsibilities.

1709 (4) Take such actions as are necessary and appropriate to



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1710 ensure a receptive climate for citizen volunteers.

1711 (5) Provide for the recognition of volunteers who have  
1712 offered continuous and outstanding service to state-administered  
1713 programs. Each state department ~~or~~ agency using the services of  
1714 volunteers may ~~is authorized to~~ incur expenditures not to exceed  
1715 \$100 each plus applicable taxes for suitable framed  
1716 certificates, plaques, or other tokens of recognition to honor,  
1717 reward, or encourage volunteers for their service.

1718 (6) Recognize prior volunteer service as partial  
1719 fulfillment of state employment requirements for training and  
1720 experience pursuant to department rules ~~adopted by the~~  
1721 ~~Department of Management Services.~~

1722 Section 46. Subsection (5) of section 110.605, Florida  
1723 Statutes, is amended to read:

1724 110.605 Powers and duties; personnel rules, records,  
1725 reports, and performance appraisal.—

1726 (5) The executive director ~~secretary~~ may periodically hire  
1727 a consultant with expertise in personnel management to advise  
1728 him or her with respect to the administration of the Selected  
1729 Exempt Service.

1730 Section 47. Paragraph (b) of subsection (2) and subsection  
1731 (3) of section 110.606, Florida Statutes, are amended to read:

1732 110.606 Selected Exempt Service; data collection.—

1733 (2) The data required by this section shall include:

1734 (b) Any recommendations and proposals for legislation which  
1735 the executive director ~~secretary~~ may have with respect to  
1736 improving the operation and administration of the Selected  
1737 Exempt Service.

1738 (3) To assist in the preparation of the data required by



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1739 this section, the executive director ~~secretary~~ may hire a  
1740 consultant with expertise in the field of personnel management.

1741 Section 48. Paragraph (c) of subsection (13) of section  
1742 112.0455, Florida Statutes, is amended to read:

1743 112.0455 Drug-Free Workplace Act.-

1744 (13) RULES.-

1745 (c) The Department of Personnel Management ~~Services~~ may  
1746 adopt rules for all executive branch agencies implementing this  
1747 section.

1748

1749 This section shall not be construed to eliminate the bargainable  
1750 rights as provided in the collective bargaining process where  
1751 applicable.

1752 Section 49. Paragraph (b) of subsection (4) of section  
1753 112.05, Florida Statutes, is amended to read:

1754 112.05 Retirement; cost-of-living adjustment; employment  
1755 after retirement.-

1756 (4)

1757 (b) Any person to whom the limitation in paragraph (a)  
1758 applies who violates such ~~reemployment~~ limitation and is  
1759 reemployed with any agency participating in the Florida  
1760 Retirement System before completing ~~prior to completion~~ of the  
1761 12-month limitation period must ~~shall~~ give timely notice of this  
1762 fact in writing to the employer and to the Division of  
1763 Retirement; and the person's retirement benefits shall be  
1764 suspended for the balance of the 12-month limitation period. Any  
1765 person employed in violation of this subsection and any  
1766 employing agency that ~~which~~ knowingly employs or appoints such  
1767 person without notifying the Department of Personnel Management



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1768 ~~Services~~ to suspend retirement benefits is ~~shall be~~ jointly and  
1769 severally liable for reimbursement to the retirement trust fund  
1770 of any benefits paid during the ~~reemployment~~ limitation period.  
1771 To avoid liability, the ~~such~~ employing agency must ~~shall~~ have a  
1772 written statement from the retiree that he or she is not retired  
1773 from a state-administered retirement system. Any retirement  
1774 benefits received by such person while reemployed during this  
1775 limitation period must ~~shall~~ be repaid to the retirement trust  
1776 fund, and the retirement benefits ~~shall~~ remain suspended until  
1777 such repayment has been made. Any benefits suspended beyond the  
1778 reemployment limitation period ~~shall~~ apply toward the repayment  
1779 of benefits received in violation of the reemployment  
1780 limitation.

1781 Section 50. Subsection (5) of section 112.08, Florida  
1782 Statutes, is amended to read:

1783 112.08 Group insurance for public officers, employees, and  
1784 certain volunteers; physical examinations.-

1785 (5) The Department of Personnel Management ~~Services~~ shall  
1786 initiate and supervise a group insurance program providing death  
1787 and disability benefits for active members of the Florida  
1788 Highway Patrol Auxiliary, with coverage beginning July 1, 1978,  
1789 and purchased from state funds appropriated for that purpose.  
1790 The department ~~of Management Services~~, in cooperation with the  
1791 Office of Insurance Regulation, shall prepare specifications  
1792 necessary to implement the program, ~~and the Department of~~  
1793 ~~Management Services~~ shall receive bids and award the contract in  
1794 accordance with general law.

1795 Section 51. Section 112.0804, Florida Statutes, is amended  
1796 to read:



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1797           112.0804 Medicare supplement and health insurance for  
1798 retirees under the Florida Retirement System; ~~Medicare~~  
1799 ~~supplement and fully insured coverage.~~—

1800           (1) The Department of Personnel Management ~~Services~~ shall  
1801 solicit competitive bids from state-licensed insurance companies  
1802 to provide and administer a fully insured Medicare supplement  
1803 policy for all eligible retirees of a state or local public  
1804 employer. Such ~~Medicare supplement~~ policy must ~~shall~~ meet the  
1805 provisions of ss. 627.671-627.675. For the purpose of this  
1806 subsection, the term "eligible retiree" means any public  
1807 employee who retired from a state or local public employer who  
1808 is covered by Medicare, Parts A and B. The department ~~of~~  
1809 ~~Management Services~~ shall authorize one company to offer the  
1810 Medicare supplement coverage to all eligible retirees. All  
1811 premiums shall be paid by the retiree.

1812           (2) The Department of Management Services shall solicit  
1813 competitive bids from state-licensed insurance companies to  
1814 provide and administer fully insured health insurance coverage  
1815 for all public employees who retired from a state or local  
1816 public employer and who are not covered by Medicare, Parts A and  
1817 B. The department ~~of Management Services~~ may authorize one  
1818 company to offer such coverage if the proposed benefits and  
1819 premiums are reasonable. If such coverage is authorized, all  
1820 premiums shall be paid for by the retiree.

1821           Section 52. Subsections (1) and (2) of section 112.24,  
1822 Florida Statutes, are amended to read:

1823           112.24 Intergovernmental interchange of public employees.—  
1824 To encourage economical and effective utilization of public  
1825 employees in this state, the temporary assignment of employees



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1826 among agencies of government, both state and local, and  
1827 including school districts and public institutions of higher  
1828 education is authorized under terms and conditions set forth in  
1829 this section. State agencies, municipalities, and political  
1830 subdivisions are authorized to enter into employee interchange  
1831 agreements with other state agencies, the Federal Government,  
1832 another state, a municipality, or a political subdivision  
1833 including a school district, or with a public institution of  
1834 higher education. State agencies are also authorized to enter  
1835 into employee interchange agreements with private institutions  
1836 of higher education and other nonprofit organizations under the  
1837 terms and conditions provided in this section. In addition, the  
1838 Governor or the Governor and Cabinet may enter into employee  
1839 interchange agreements with a state agency, the Federal  
1840 Government, another state, a municipality, or a political  
1841 subdivision including a school district, or with a public  
1842 institution of higher learning to fill, subject to the  
1843 requirements of chapter 20, appointive offices which are within  
1844 the executive branch of government and which are filled by  
1845 appointment by the Governor or the Governor and Cabinet. Under  
1846 no circumstances shall employee interchange agreements be  
1847 utilized for the purpose of assigning individuals to participate  
1848 in political campaigns. Duties and responsibilities of  
1849 interchange employees shall be limited to the mission and goals  
1850 of the agencies of government.

1851 (1) Details of an employee interchange program must ~~shall~~  
1852 be the subject of an agreement, which may be extended or  
1853 modified, between a sending party and a receiving party. State  
1854 agencies shall report such agreements and any extensions or





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1855 modifications ~~thereto~~ to the Department of Personnel Management  
1856 Services.

1857 (2) The period of an individual's assignment or detail  
1858 under an employee interchange program may ~~shall~~ not exceed 2  
1859 years. Upon agreement of the sending party and the receiving  
1860 party and under the same or modified terms, an assignment or  
1861 detail of 2 years may be extended by 3 months. However,  
1862 agreements relating to faculty members of the State University  
1863 System may be extended biennially upon approval by the  
1864 Department of Personnel Management Services. If the appointing  
1865 agency is the Governor or the Governor and Cabinet, the period  
1866 of an individual's assignment or detail under an employee  
1867 interchange program may ~~shall~~ not exceed 2 years plus an  
1868 extension of 3 months or the number of years left in the term of  
1869 office of the Governor, whichever is less.

1870 Section 53. Paragraph (d) of subsection (4) of section  
1871 112.3173, Florida Statutes, is amended to read:

1872 112.3173 Felonies involving breach of public trust and  
1873 other specified offenses by public officers and employees;  
1874 forfeiture of retirement benefits.—

1875 (4) NOTICE.—

1876 (d) The Commission on Ethics shall forward any notice and  
1877 any other document received by it pursuant to this subsection to  
1878 the governing body of the public retirement system of which the  
1879 public officer or employee is a member or from which the public  
1880 officer or employee may be entitled to receive a benefit. If  
1881 ~~When~~ called on by the Commission on Ethics, the Department of  
1882 Personnel Management Services shall assist the commission in  
1883 identifying the appropriate public retirement system.



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1884 Section 54. Paragraph (a) of subsection (3) of section  
1885 112.31895, Florida Statutes, is amended to read:

1886 112.31895 Investigative procedures in response to  
1887 prohibited personnel actions.—

1888 (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

1889 (a) The Florida Commission on Human Relations, in  
1890 accordance with the Whistle-blower's ~~this~~ Act and for the sole  
1891 purpose of the ~~this~~ act, is empowered to:

1892 1. Receive and investigate complaints from employees  
1893 alleging retaliation by state agencies, as the term "state  
1894 agency" is defined in s. 216.011.

1895 2. Protect employees and applicants for employment with  
1896 such agencies from prohibited personnel practices under s.  
1897 112.3187.

1898 3. Petition for stays and petition for corrective actions,  
1899 including, but not limited to, temporary reinstatement.

1900 4. Recommend disciplinary proceedings pursuant to  
1901 investigation and appropriate agency rules and procedures.

1902 5. Coordinate with the Chief Inspector General in the  
1903 Executive Office of the Governor and the Florida Commission on  
1904 Human Relations to receive, review, and forward to appropriate  
1905 agencies, legislative entities, or the Department of Law  
1906 Enforcement disclosures of a violation of any law, rule, or  
1907 regulation, or disclosures of gross mismanagement, malfeasance,  
1908 misfeasance, nonfeasance, neglect of duty, or gross waste of  
1909 public funds.

1910 6. Review rules pertaining to personnel matters issued or  
1911 proposed by the Department of Personnel Management ~~Services~~, the  
1912 Public Employees Relations Commission, and other agencies, and,



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1913 if the Florida Commission on Human Relations finds that any rule  
1914 or proposed rule, on its face or as implemented, requires the  
1915 commission of a prohibited personnel practice, provide a written  
1916 comment to the appropriate agency.

1917 7. Investigate, request assistance from other governmental  
1918 entities, and, if appropriate, bring actions concerning,  
1919 allegations of retaliation by state agencies under subparagraph  
1920 1.

1921 8. Administer oaths, examine witnesses, take statements,  
1922 issue subpoenas, order the taking of depositions, order  
1923 responses to written interrogatories, and make appropriate  
1924 motions to limit discovery, pursuant to investigations under  
1925 subparagraph 1.

1926 9. Intervene or otherwise participate, as a matter of  
1927 right, in any appeal or other proceeding arising under this  
1928 section before the Public Employees Relations Commission or any  
1929 other appropriate agency, except that the Florida Commission on  
1930 Human Relations must comply with the rules of the commission or  
1931 other agency and may not seek corrective action or intervene in  
1932 an appeal or other proceeding without the consent of the person  
1933 protected under ss. 112.3187-112.31895.

1934 10. Conduct an investigation, in the absence of an  
1935 allegation, to determine whether reasonable grounds exist to  
1936 believe that a prohibited action or a pattern of prohibited  
1937 action has occurred, is occurring, or is to be taken.

1938 Section 55. Subsection (7) of section 112.352, Florida  
1939 Statutes, is amended to read:

1940 112.352 Definitions.—The following words and phrases as  
1941 used in this act shall have the following meaning unless a



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1942 different meaning is required by the context:

1943 (7) "Department" means the Department of Personnel  
1944 Management Services.

1945 Section 56. Section 112.354, Florida Statutes, is amended  
1946 to read:

1947 112.354 Eligibility for supplement.—Each retired member or,  
1948 if applicable, a joint annuitant, except any person receiving  
1949 survivor benefits under the teachers' retirement system of the  
1950 state in accordance with s. 238.07(18), is ~~shall be~~ entitled to  
1951 receive a supplement computed in accordance with s. 112.355  
1952 upon:

1953 (1) Furnishing to the department ~~of Management Services~~  
1954 evidence from the Social Security Administration of setting  
1955 ~~forth~~ the retired member's social security benefit or certifying  
1956 the noninsured status of the retired member under the Social  
1957 Security Act, and

1958 (2) Filing written application ~~with the Department of~~  
1959 ~~Management Services~~ for such supplement with the department.

1960 Section 57. Section 112.358, Florida Statutes, is amended  
1961 to read:

1962 112.358 Administration of system.—The department ~~of~~  
1963 ~~Management Services~~ shall adopt ~~make such~~ rules and regulations  
1964 as ~~are~~ necessary for the effective and efficient administration  
1965 of this part act and the cost to pay the expenses of such  
1966 administration is ~~hereby~~ appropriated out of the appropriate  
1967 retirement fund.

1968 Section 58. Paragraph (g) of subsection (2) of section  
1969 112.361, Florida Statutes, is amended to read:

1970 112.361 Additional and updated supplemental retirement



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benefits.-

(2) DEFINITIONS.-As used in this section, unless a different meaning is required by the context:

~~(g) "Department" means the Department of Management Services.~~

Section 59. Paragraphs (a) and (b) of subsection (4) of section 112.362, Florida Statutes, are amended to read:

112.362 Recomputation of retirement benefits.-

(4) (a) Effective July 1, 1980, any person who retired before ~~prior to~~ July 1, 1987, under a state-supported retirement system with at least ~~not less than~~ 10 years of creditable service and who is not receiving or entitled to receive federal social security benefits shall, upon reaching 65 years of age and upon application to the department ~~of Management Services~~, ~~be entitled to~~ receive a minimum monthly benefit equal to \$16.50 multiplied by the member's total number of years of creditable service and adjusted by the actuarial factor applied to the original benefit for optional forms of retirement. Thereafter, the minimum monthly benefit shall be recomputed as provided in paragraph (5) (a). Application for this minimum monthly benefit must ~~shall~~ include certification by the retired member that he or she is not receiving and is not entitled to receive social security benefits and ~~shall~~ include written authorization giving ~~for~~ the department ~~of Management Services to have access to~~ information from the Federal Social Security Administration concerning the member's entitlement to or eligibility for social security benefits. The minimum benefit may ~~provided by this paragraph shall~~ not be paid unless ~~and until~~ the application requirements of this paragraph are satisfied.



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2000 (b) Effective July 1, 1978, the surviving spouse or  
2001 beneficiary who is receiving or entitled to receive a monthly  
2002 benefit commencing before ~~prior to~~ July 1, 1987, from the  
2003 account of a ~~any~~ deceased retired member who had completed at  
2004 least 10 years of creditable service shall, at the time the ~~such~~  
2005 deceased retiree would have reached age 65, if living, and, upon  
2006 application to the department ~~of Management Services~~, ~~be~~  
2007 ~~entitled to~~ receive the minimum monthly benefit described in  
2008 paragraph (a), adjusted by the actuarial factor applied to the  
2009 optional form of benefit payable to the said surviving spouse or  
2010 beneficiary, if such ~~provided said~~ person is not receiving or  
2011 entitled to receive federal social security benefits.  
2012 Application for this minimum monthly benefit must ~~shall~~ include  
2013 certification by the surviving spouse or beneficiary that he or  
2014 she is not receiving and is not entitled to receive social  
2015 security benefits and ~~shall~~ include written authorization giving  
2016 ~~for~~ the department ~~of Management Services to have~~ access to  
2017 information from the Federal Social Security Administration  
2018 concerning such person's entitlement to or eligibility for  
2019 social security benefits. The minimum benefit may ~~provided by~~  
2020 ~~this paragraph shall~~ not be paid unless and until the  
2021 application requirements of this paragraph are satisfied.

2022 Section 60. Paragraph (d) of subsection (2) and subsections  
2023 (4), (7), and (8) of section 112.363, Florida Statutes, are  
2024 amended to read:

2025 112.363 Retiree health insurance subsidy.—

2026 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

2027 (d) Payment of the retiree health insurance subsidy shall  
2028 be made only after coverage for health insurance for the retiree



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2029 or beneficiary has been certified in writing to the department  
2030 ~~of Management Services~~. Participation in a former employer's  
2031 group health insurance program is not a requirement for  
2032 eligibility under this section. Coverage issued pursuant to s.  
2033 408.9091 is considered health insurance for the purposes of this  
2034 section.

2035 (4) PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.—Beginning  
2036 January 1, 1988, any monthly retiree health insurance subsidy  
2037 amount due and payable under this section shall be paid to  
2038 retired members by the department ~~of Management Services~~ or  
2039 under the direction and control of the department.

2040 (7) ADMINISTRATION OF SYSTEM.—The department ~~of Management~~  
2041 ~~Services~~ may adopt ~~such rules and regulations~~ as are necessary  
2042 for the effective and efficient administration of this section.  
2043 The cost of administration shall be appropriated from the trust  
2044 fund.

2045 (8) CONTRIBUTIONS.—For purposes of funding the insurance  
2046 subsidy provided by this section:

2047 (a) Beginning October 1, 1987, the employer of each member  
2048 of a state-administered retirement plan shall contribute 0.24  
2049 percent of gross compensation each pay period.

2050 (b) Beginning January 1, 1989, the employer of each member  
2051 of a state-administered retirement plan shall contribute 0.48  
2052 percent of gross compensation each pay period.

2053 (c) Beginning January 1, 1994, the employer of each member  
2054 of a state-administered retirement plan shall contribute 0.56  
2055 percent of gross compensation each pay period.

2056 (d) Beginning January 1, 1995, the employer of each member  
2057 of a state-administered retirement plan shall contribute 0.66



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2058 percent of gross compensation each pay period.

2059 (e) Beginning July 1, 1998, the employer of each member of  
2060 a state-administered retirement plan shall contribute 0.94  
2061 percent of gross compensation each pay period.

2062 (f) Beginning July 1, 2001, the employer of each member of  
2063 a state-administered plan shall contribute 1.11 percent of gross  
2064 compensation each pay period.

2065  
2066 Such contributions shall be submitted to the department ~~of~~  
2067 ~~Management Services~~ and deposited in the Retiree Health  
2068 Insurance Subsidy Trust Fund.

2069 Section 61. Subsections (2) and (4) of section 112.63,  
2070 Florida Statutes, are amended to read:

2071 112.63 Actuarial reports and statements of actuarial  
2072 impact; review.—

2073 (2) The frequency of actuarial reports must be at least  
2074 every 3 years commencing from the last actuarial report of the  
2075 plan or system or October 1, 1980, if no actuarial report has  
2076 been issued within the 3-year period prior to October 1, 1979.  
2077 The results of each actuarial report must ~~shall~~ be filed with  
2078 the plan administrator within 60 days after ~~of~~ certification.  
2079 Thereafter, the results of each ~~actuarial~~ report shall be made  
2080 available for inspection upon request. Additionally, each  
2081 retirement system or plan covered by this part ~~act~~ which is not  
2082 administered directly by the Department of Personnel Management  
2083 ~~Services~~ shall furnish a copy of each actuarial report to the  
2084 department ~~of Management Services~~ within 60 days after receipt  
2085 from the actuary. The requirements of this section are  
2086 supplemental to actuarial valuations necessary to comply with





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2087 ~~the requirements of s. 218.39.~~

2088 (4) Upon receipt, pursuant to subsection (2), of an  
2089 actuarial report, or upon receipt, pursuant to subsection (3),  
2090 of a statement of actuarial impact, the Department of Personnel  
2091 Management ~~Services~~ shall acknowledge such receipt, but shall  
2092 only review and comment on each retirement system's or plan's  
2093 actuarial valuations at least on a triennial basis. If the  
2094 department finds that the actuarial valuation is not complete,  
2095 accurate, or based on reasonable assumptions or otherwise  
2096 materially fails to satisfy the requirements of this part; ~~if~~  
2097 ~~the department~~ requires additional material information  
2098 necessary to complete its review of the actuarial valuation of a  
2099 system or plan or material information necessary to satisfy the  
2100 duties of the department pursuant to s. 112.665(1); ~~or if the~~  
2101 ~~department~~ does not receive the actuarial report or statement of  
2102 actuarial impact, the department shall notify the administrator  
2103 of the affected retirement system or plan and the affected  
2104 governmental entity and request appropriate adjustment, the  
2105 additional material information, or the required report or  
2106 statement. The notification must inform the administrator of the  
2107 affected retirement system or plan and the affected governmental  
2108 entity of the consequences of failing ~~for failure~~ to comply with  
2109 ~~the requirements of~~ this subsection. If, after a reasonable  
2110 period of time, a satisfactory adjustment is not made or the  
2111 report, statement, or additional material information is not  
2112 provided, the department may notify the Department of Revenue  
2113 and the Department of Financial Services of such noncompliance,  
2114 in which case the Department of Revenue and the Department of  
2115 Financial Services shall withhold any funds not pledged for



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2116 satisfaction of bond debt service which are payable to the  
2117 affected governmental entity until the adjustment is made or the  
2118 report, statement, or additional material information is  
2119 provided to the department. The department shall specify the  
2120 date such action is to begin, and notification by the department  
2121 must be received by the Department of Revenue, the Department of  
2122 Financial Services, and the affected governmental entity 30 days  
2123 before the date the action begins.

2124 (a) Within 21 days after receipt of the notice, the  
2125 affected governmental entity may petition for a hearing under  
2126 ss. 120.569 and 120.57 with the Department of Personnel  
2127 Management Services. The Department of Revenue and the  
2128 Department of Financial Services may not be parties to ~~any~~ such  
2129 hearing, but may request to intervene if requested by the  
2130 department ~~of Management Services~~ or if the Department of  
2131 Revenue or the Department of Financial Services determines its  
2132 interests may be adversely affected by the hearing. If the  
2133 administrative law judge recommends in favor of the department,  
2134 the department shall perform an actuarial review, prepare the  
2135 statement of actuarial impact, or collect the requested material  
2136 information. The cost to the department of conducting ~~performing~~  
2137 such actuarial review, preparing the statement, or collecting  
2138 the requested material information shall be charged to the  
2139 affected governmental entity responsible for ~~of which~~ the  
2140 employees ~~are~~ covered by the retirement system or plan. If  
2141 payment of such costs is not received by the department within  
2142 60 days after receipt by the affected governmental entity of the  
2143 request for payment, the department shall certify to the  
2144 Department of Revenue and the Department of Financial Services



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2145 the amount due, and the Department of Revenue and the Department  
2146 of Financial Services shall pay such amount to the department ~~of~~  
2147 ~~Management Services~~ from any funds not pledged for satisfaction  
2148 of bond debt service which are payable to the affected  
2149 governmental entity ~~of which the employees are covered by the~~  
2150 ~~retirement system or plan~~. If the administrative law judge  
2151 recommends in favor of the affected governmental entity and the  
2152 department conducts ~~performs~~ an actuarial review, prepares the  
2153 statement of actuarial impact, or collects the requested  
2154 material information, the cost to the department of performing  
2155 the actuarial review, preparing the statement, or collecting the  
2156 requested material information shall be paid by the department  
2157 ~~of Management Services~~.

2158 (b) In the case of an affected special district, the  
2159 Department of Personnel ~~Management Services~~ shall also notify  
2160 the Department of Community Affairs. Upon receipt of  
2161 notification, the Department of Community Affairs shall proceed  
2162 pursuant to ~~the provisions of~~ s. 189.421 with regard to the  
2163 special district.

2164 Section 62. Subsection (1) of section 112.64, Florida  
2165 Statutes, is amended to read:

2166 112.64 Administration of funds; amortization of unfunded  
2167 liability.—

2168 (1) Employee contributions shall be deposited in the  
2169 retirement system or plan at least monthly. Employer  
2170 contributions shall be deposited at least quarterly; however,  
2171 any revenues received from any source by an employer which are  
2172 specifically collected for the purpose of allocation for deposit  
2173 into a retirement system or plan must ~~shall~~ be ~~se~~ deposited



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2174 within 30 days after ~~of~~ receipt by the employer. All employers  
2175 and employees participating in the Florida Retirement System and  
2176 other existing retirement systems that ~~which~~ are administered by  
2177 the Department of Personnel Management ~~Services~~ shall continue  
2178 to make contributions at least monthly.

2179 Section 63. Subsections (1) and (3) of section 112.658,  
2180 Florida Statutes, are amended to read:

2181 112.658 Office of Program Policy Analysis and Government  
2182 Accountability to determine compliance of the Florida Retirement  
2183 System.—

2184 (1) The Office of Program Policy Analysis and Government  
2185 Accountability shall determine, through the examination of  
2186 actuarial reviews, financial statements, and the practices and  
2187 procedures of the Department of Management Services, the  
2188 compliance of the Florida Retirement System with the provisions  
2189 of this act.

2190 (3) The Office of Program Policy Analysis and Government  
2191 Accountability shall employ the same actuarial standards to  
2192 monitor the Department of Management Services as the Department  
2193 of Management Services uses to monitor local governments.

2194 Section 64. Section 112.658, Florida Statutes, is amended  
2195 to read:

2196 112.658 Office of Program Policy Analysis and Government  
2197 Accountability to determine compliance of the Florida Retirement  
2198 System.—

2199 ~~(1)~~ The Office of Program Policy Analysis and Government  
2200 Accountability shall:

2201 (1) Determine, through the examination of actuarial  
2202 reviews, financial statements, and the practices and procedures



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2203 of the Department of Personnel Management ~~Services~~, the  
2204 compliance of the Florida Retirement System with the provisions  
2205 of this part ~~act~~.

2206 (2) ~~The Office of Program Policy Analysis and Government~~  
2207 ~~Accountability shall~~ Employ an independent consulting actuary  
2208 who is an enrolled actuary ~~as defined in this part~~ to assist in  
2209 the determination of compliance.

2210 (3) ~~The Office of Program Policy Analysis and Government~~  
2211 ~~Accountability shall~~ Employ the same actuarial standards to  
2212 monitor the Department of Personnel Management that ~~Services as~~  
2213 the department ~~of Management Services~~ uses to monitor local  
2214 governments.

2215 Section 65. Subsections (9), (16), and (17) of section  
2216 112.661, Florida Statutes, are amended to read:

2217 112.661 Investment policies.—Investment of the assets of  
2218 any local retirement system or plan must be consistent with a  
2219 written investment policy adopted by the board. Such policies  
2220 shall be structured to maximize the financial return to the  
2221 retirement system or plan consistent with the risks incumbent in  
2222 each investment and shall be structured to establish and  
2223 maintain an appropriate diversification of the retirement system  
2224 or plan's assets.

2225 (9) EXPECTED ANNUAL RATE OF RETURN.—The investment policy  
2226 must ~~shall~~ require that, for each actuarial valuation, the board  
2227 determine the total expected annual rate of return for the  
2228 current year, for each of the next several years, and for the  
2229 long term ~~thereafter~~. This determination must be filed promptly  
2230 with the Department of Personnel Management ~~Services~~ and with  
2231 the plan's sponsor and the consulting actuary. The department



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2232 shall use this determination ~~only~~ to notify the board, the  
2233 plan's sponsor, and consulting actuary only of material  
2234 differences between the total expected annual rate of return and  
2235 the actuarial assumed rate of return.

2236 (16) FILING OF INVESTMENT POLICY.—Upon adoption by the  
2237 board, the investment policy shall be promptly filed with the  
2238 Department of Personnel Management Services and the plan's  
2239 sponsor and consulting actuary. The effective date of the  
2240 investment policy, and any amendment ~~thereto~~, is ~~shall be~~ the  
2241 31st calendar day following the filing date with the plan  
2242 sponsor.

2243 (17) VALUATION OF ILLIQUID INVESTMENTS.—The investment  
2244 policy must ~~shall~~ provide for the valuation of illiquid  
2245 investments for which a generally recognized market is not  
2246 available or for which there is no consistent or generally  
2247 accepted pricing mechanism. If those investments are used  
2248 ~~utilized~~, the investment policy must include the criteria ~~set~~  
2249 ~~forth~~ in s. 215.47(6), except that submission to the Investment  
2250 Advisory Council is not required. The investment policy must  
2251 ~~shall~~ require that, for each actuarial valuation, the board must  
2252 verify the determination of the fair market value for those  
2253 investments and ascertain that the determination complies with  
2254 all applicable state and federal requirements. The investment  
2255 policy must ~~shall~~ require that the board disclose to the  
2256 Department of Personnel Management Services and the plan's  
2257 sponsor each ~~such~~ investment for which the fair market value is  
2258 not provided.

2259 Section 66. Section 112.665, Florida Statutes, is amended  
2260 to read:



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2261 112.665 Duties of Department of Personnel Management  
2262 ~~Services~~.—

2263 (1) The Department of Personnel Management ~~Services~~ shall:

2264 (a) Gather, catalog, and maintain complete, computerized  
2265 data information on all public employee retirement systems or  
2266 plans in the state, based upon a review of audits, reports, and  
2267 other data pertaining to the systems or plans;

2268 (b) Receive and comment upon all actuarial reviews of  
2269 retirement systems or plans maintained by units of local  
2270 government;

2271 (c) Cooperate with local retirement systems or plans on  
2272 matters of mutual concern and provide technical assistance to  
2273 units of local government in the assessment and revision of  
2274 retirement systems or plans;

2275 (d) Annually issue~~r~~ by January 1 ~~annually~~, a report to the  
2276 President of the Senate and the Speaker of the House of  
2277 Representatives, which ~~report~~ details division activities,  
2278 findings, and recommendations concerning all governmental  
2279 retirement systems. The report may include proposed legislation  
2280 ~~proposed~~ to carry out such recommendations;

2281 (e) Annually issue~~r~~ by January 1 ~~annually~~, a report to the  
2282 Special District Information Program of the Department of  
2283 Community Affairs which ~~that~~ includes the participation in and  
2284 compliance of special districts with the local government  
2285 retirement system provisions in s. 112.63 and the state-  
2286 administered retirement system provisions as specified in part I  
2287 of chapter 121; and

2288 (f) Adopt reasonable rules to administer ~~the provisions of~~  
2289 this part.



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2290 (2) The Department of Personnel Management may subpoena  
2291 actuarial witnesses, review books and records, hold hearings,  
2292 and take testimony. A witness shall have the right to be  
2293 accompanied by counsel.

2294 Section 67. Subsection (1) of section 120.65, Florida  
2295 Statutes, is amended to read:

2296 120.65 Administrative law judges.—

2297 (1) The Division of Administrative Hearings within the  
2298 Department of Personnel Management ~~Services~~ shall be headed by a  
2299 director who shall be appointed by the Administration Commission  
2300 and confirmed by the Senate. The director, who shall also serve  
2301 as the chief administrative law judge, and any deputy chief  
2302 administrative law judge must possess the same minimum  
2303 qualifications as the administrative law judges employed by the  
2304 division. The Deputy Chief Judge of Compensation Claims must  
2305 possess the minimum qualifications established in s. 440.45(2)  
2306 and shall report to the director. The division shall be a  
2307 separate budget entity, and the director shall be its agency  
2308 head for all purposes. The department ~~of Management Services~~  
2309 shall provide administrative support and service to the division  
2310 to the extent requested by the director. The division is ~~shall~~  
2311 not ~~be~~ subject to control, supervision, or direction by the  
2312 department ~~of Management Services~~ in any manner, including, but  
2313 not limited to, personnel, purchasing, transactions involving  
2314 real or personal property, and budgetary matters.

2315 Section 68. Subsections (4), (5), and (32) of section  
2316 121.021, Florida Statutes, are amended to read:

2317 121.021 Definitions.—The following words and phrases as  
2318 used in this chapter have the respective meanings set forth





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2319 unless a different meaning is plainly required by the context:

2320 (4) "Department" means the Department of Personnel  
2321 Management ~~Services~~.

2322 (5) "Administrator" means the executive director ~~secretary~~  
2323 ~~of the Department~~ of Management Services.

2324 (32) "State agency" means the Department of Personnel  
2325 Management ~~Services~~ within the provisions and contemplation of  
2326 chapter 650.

2327 Section 69. Section 121.025, Florida Statutes, is amended  
2328 to read:

2329 121.025 Administrator; powers and duties.—The executive  
2330 director ~~secretary of the Department~~ of Personnel Management is  
2331 ~~Services shall be~~ the administrator of the retirement and  
2332 pension systems assigned or transferred to the Department of  
2333 Personnel Management ~~Services by law~~ and shall ~~have the~~  
2334 ~~authority to sign~~ all the contracts necessary to carry out the  
2335 duties and responsibilities assigned ~~by law~~ to the department by  
2336 law ~~of Management Services~~.

2337 Section 70. Subsections (1), (2), and (5) of section  
2338 121.031, Florida Statutes, are amended to read:

2339 121.031 Administration of system; appropriation; oaths;  
2340 actuarial studies; public records.—

2341 (1) The department may ~~of Management Services has the~~  
2342 ~~authority to adopt rules pursuant to ss. 120.536(1) and 120.54~~  
2343 to implement the provisions of law conferring duties upon the  
2344 department and ~~to adopt rules as are necessary for the effective~~  
2345 and efficient administration of the retirement ~~this~~ system. The  
2346 funds to pay the expenses of administering ~~for administration of~~  
2347 the system are ~~hereby~~ appropriated from the interest earned on



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2348 investments made for the Retirement System Trust Fund and the  
2349 assessments allowed under chapter 650.

2350 (2) The department ~~may~~ of Management Services is authorized  
2351 ~~to~~ require oaths, by affidavit or otherwise, and acknowledgments  
2352 from persons in connection with administering ~~the administration~~  
2353 ~~of~~ its duties and responsibilities under this chapter.

2354 (5) The names and addresses of retirees are confidential  
2355 and exempt from ~~the provisions of~~ s. 119.07(1) such ~~to the~~  
2356 ~~extent~~ that a ~~no~~ state or local governmental agency may not  
2357 provide the names or addresses of retirees ~~such persons~~ in  
2358 aggregate, compiled, or list form to any person except to a  
2359 public agency engaged in official business. However, a state or  
2360 local government agency may provide the names and addresses of  
2361 retirees from that agency to a bargaining agent as defined in s.  
2362 447.203(12) or to a retiree organization for official business  
2363 use. Lists of names or addresses of retirees may be exchanged by  
2364 public agencies, but such lists may ~~shall~~ not be provided to, or  
2365 open for inspection by, the public. Any person may view or copy  
2366 an ~~any~~ individual's retirement records at the department ~~of~~  
2367 ~~Management Services~~, one record at a time, or may obtain  
2368 information by ~~a~~ separate written request for a named individual  
2369 for which information is desired.

2370 Section 71. Paragraph (c) of subsection (1) and paragraph  
2371 (b) of subsection (2) of section 121.051, Florida Statutes, are  
2372 amended to read:

2373 121.051 Participation in the system.—

2374 (1) COMPULSORY PARTICIPATION.—

2375 (c) ~~1. After June 30, 1983, a member of an existing system~~  
2376 ~~who is reemployed after terminating employment shall have at the~~



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2377 ~~time of reemployment the option of selecting to remain in the~~  
2378 ~~existing retirement system or to transfer to the Florida~~  
2379 ~~Retirement System. Failure to submit such selection in writing~~  
2380 ~~to the department of Management Services within 6 months of~~  
2381 ~~reemployment shall result in compulsory membership in the~~  
2382 ~~Florida Retirement System.~~

2383 ~~2. After June 30, 1988, the provisions of subparagraph 1.~~  
2384 ~~shall not apply to~~ A member of an existing retirement system who  
2385 is reemployed within 12 months after terminating employment.  
2386 ~~Such member shall continue to have~~ membership in the existing  
2387 system upon reemployment and may ~~shall not be permitted to~~  
2388 become a member of the Florida Retirement System, except by  
2389 transferring to that system as provided in ss. 121.052 and  
2390 121.055.

2391 (2) OPTIONAL PARTICIPATION.—

2392 (b)~~1.~~ The governing body of a ~~any~~ municipality,  
2393 metropolitan planning organization, or special district ~~in the~~  
2394 ~~state~~ may elect to participate in the Florida Retirement System  
2395 upon proper application to the administrator and may cover all  
2396 or any of its units as approved by the Secretary of Health and  
2397 Human Services and the administrator. The department shall adopt  
2398 rules providing ~~establishing provisions~~ for the submission of  
2399 documents ~~necessary~~ for such application.

2400 1. ~~Prior to~~ being approved for participation in the  
2401 ~~Florida Retirement~~ system, the governing body of ~~any~~ such  
2402 municipality, metropolitan planning organization, or special  
2403 district that has a local retirement system shall submit ~~to the~~  
2404 ~~administrator~~ a certified financial statement to the  
2405 administrator showing the condition of the local retirement



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2406 system as of a date within 3 months before ~~prior to~~ the proposed  
2407 effective date of membership in the Florida Retirement System.  
2408 The statement must be certified by a recognized accounting firm  
2409 that is independent of the local retirement system. All required  
2410 documents necessary for extending Florida Retirement System  
2411 coverage must be received by the department ~~for consideration~~ at  
2412 least 15 days before ~~prior to~~ the proposed effective date of  
2413 coverage. If the municipality, metropolitan planning  
2414 organization, or special district does not comply with this  
2415 requirement, the department may change ~~require that~~ the  
2416 effective date of coverage ~~be changed~~.

2417 2. Any municipality ~~city~~, metropolitan planning  
2418 organization, or special district that has an existing  
2419 retirement system covering the employees in the units that are  
2420 to be brought under the Florida Retirement System may  
2421 participate only after holding a referendum in which all  
2422 employees in the affected units have the right to participate.  
2423 Only those employees electing coverage under the ~~Florida~~  
2424 ~~Retirement~~ system by affirmative vote in the said referendum are  
2425 ~~shall be~~ eligible for coverage under this chapter, and those not  
2426 participating or electing not to be covered by the Florida  
2427 Retirement System shall remain in their existing retirement  
2428 ~~present~~ systems and are ~~shall~~ not be eligible for coverage under  
2429 this chapter. After the referendum is held, all future employees  
2430 are ~~shall be~~ compulsory members of the Florida Retirement  
2431 System.

2432 3. The governing body of a municipality ~~any city~~,  
2433 metropolitan planning organization, or special district  
2434 complying with subparagraph 1. may elect to provide, or not



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2435 provide, benefits based on past service of officers and  
2436 employees as described in s. 121.081(1). However, if the ~~such~~  
2437 employer elects to provide past service benefits, such benefits  
2438 must be provided for all officers and employees of its covered  
2439 group.

2440 4. Once the ~~this~~ election is made and approved it may not  
2441 be revoked, except pursuant to subparagraphs 5. and 6., and all  
2442 present officers and employees electing coverage under this  
2443 chapter and all future officers and employees are ~~shall be~~  
2444 compulsory members of the Florida Retirement System.

2445 5. Subject to the conditions set forth in subparagraph 6.,  
2446 the governing body of a ~~any~~ hospital licensed under chapter 395  
2447 which is governed by the board of a special district as defined  
2448 in s. 189.403(1) or by the board of trustees of a public health  
2449 trust created under s. 154.07, hereinafter referred to as  
2450 "hospital district," and which participates in the system, may  
2451 elect to cease participation in the system with regard to future  
2452 employees in accordance with the following procedure:

2453 a. No more than 30 days and at least 7 days before adopting  
2454 a resolution to partially withdraw from the Florida Retirement  
2455 System and establish an alternative retirement plan for future  
2456 employees, a public hearing must be held on the proposed  
2457 withdrawal and proposed alternative plan.

2458 b. From 7 to 15 days before such hearing, notice of intent  
2459 to withdraw, specifying the time and place of the hearing, must  
2460 be provided in writing to employees of the hospital district  
2461 proposing partial withdrawal and must be published in a  
2462 newspaper of general circulation in the area affected, as  
2463 provided by ss. 50.011-50.031. Proof of publication of such



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2464 notice must ~~shall~~ be submitted to the department ~~of Management~~  
2465 ~~Services~~.

2466 c. The governing body of any hospital district seeking to  
2467 partially withdraw from the system must, before such hearing,  
2468 have an actuarial report prepared and certified by an enrolled  
2469 actuary, as defined in s. 112.625(3), illustrating the cost to  
2470 the hospital district of providing, through the retirement plan  
2471 that the hospital district is to adopt, benefits for new  
2472 employees comparable to those provided under the Florida  
2473 Retirement System.

2474 d. Upon meeting all applicable requirements of this  
2475 subparagraph, and subject to the conditions set forth in  
2476 subparagraph 6., partial withdrawal from the system and adoption  
2477 of the alternative retirement plan may be accomplished by  
2478 resolution ~~duly~~ adopted by the hospital district board. The  
2479 hospital district board must provide written notice of such  
2480 withdrawal to the division by mailing a copy of the resolution  
2481 to the division, postmarked by ~~no later than~~ December 15, 1995.  
2482 The withdrawal shall take effect January 1, 1996.

2483 6. Following the adoption of a resolution under sub-  
2484 subparagraph 5.d., all employees of the withdrawing hospital  
2485 district who were participants in the Florida Retirement System  
2486 before ~~prior to~~ January 1, 1996, ~~shall~~ remain ~~as~~ participants in  
2487 the system for as long as they are employees of the hospital  
2488 district, and all rights, duties, and obligations between the  
2489 hospital district, the system, and the employees ~~shall~~ remain in  
2490 full force and effect. Any employee who is hired or appointed on  
2491 or after January 1, 1996, may not participate in the Florida  
2492 Retirement System, and the withdrawing hospital district has



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2493 ~~shall have~~ no obligation to the system with respect to such  
2494 employees.

2495 Section 72. Subsection (2) of section 121.0511, Florida  
2496 Statutes, is amended to read:

2497 121.0511 Revocation of election and alternative plan.—The  
2498 governing body of any municipality or independent special  
2499 district that has elected to participate in the Florida  
2500 Retirement System may revoke its election in accordance with the  
2501 following procedure:

2502 (2) At least 7 days, but not more than 15 days, before the  
2503 hearing, notice of intent to revoke, specifying the time and  
2504 place of the hearing, must be published in a newspaper of  
2505 general circulation in the area affected, as provided by ss.  
2506 50.011-50.031. Proof of publication ~~of the notice~~ must be  
2507 submitted to the department ~~of Management Services~~.

2508 Section 73. Paragraph (b) of subsection (3) of section  
2509 121.0515, Florida Statutes, is amended to read:

2510 121.0515 Special risk membership.—

2511 (3) PROCEDURE FOR DESIGNATING.—

2512 (b)~~1~~. Applying the criteria set forth in this section, the  
2513 department ~~of Management Services~~ shall determine ~~specify~~ which  
2514 current and newly created classes of positions ~~under the uniform~~  
2515 ~~classification plan established pursuant to chapter 110~~ entitle  
2516 the incumbents of positions in those classes to membership in  
2517 the Special Risk Class. Only employees employed in the classes  
2518 so specified shall be special risk members.

2519 ~~2~~. If ~~When~~ a class is determined ~~to be in the Special~~  
2520 Risk Class ~~specified by the department as provided in~~  
2521 ~~subparagraph 1~~, the employing agency may petition the State



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2522 Retirement Commission for approval in accordance with s. 121.23.

2523 Section 74. Paragraphs (b) and (h) of subsection (1) and  
2524 paragraph (a) of subsection (6) of section 121.055, Florida  
2525 Statutes, are amended to read:

2526 121.055 Senior Management Service Class.—There is hereby  
2527 established a separate class of membership within the Florida  
2528 Retirement System to be known as the "Senior Management Service  
2529 Class," which shall become effective February 1, 1987.

2530 (1)

2531 (b)1. Except as provided in subparagraph 2., ~~effective~~  
2532 ~~January 1, 1990,~~ participation in the Senior Management Service  
2533 Class ~~is shall be~~ compulsory for the president of each community  
2534 college, the manager of each participating city or county, and  
2535 all appointed district school superintendents. Effective January  
2536 1, 1994, additional positions may be included ~~designated for~~  
2537 ~~inclusion~~ in the Senior Management Service Class. ~~of the Florida~~  
2538 ~~Retirement System, provided that:~~

2539 a. ~~The positions must to be included in the class shall~~ be  
2540 designated by the local agency employer. Notice of intent to  
2541 designate positions for inclusion in the class must ~~shall~~ be  
2542 published once a week for 2 consecutive weeks in a newspaper of  
2543 general circulation published in the county or counties  
2544 affected, as provided in chapter 50.

2545 b. Up to 10 nonelective full-time positions may be  
2546 designated for each local agency employer reporting to the  
2547 department. ~~of Management Services;~~ For local agencies with 100  
2548 or more regularly established positions, additional nonelective  
2549 full-time positions may be designated, not to exceed 1 percent  
2550 of the regularly established positions within the agency.





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2551 c. Each position added to the class must be a managerial or  
2552 policymaking position filled by an employee who is not subject  
2553 to continuing contract; who ~~and~~ serves at the pleasure of the  
2554 local agency employer without civil service protection; ; ~~;~~ and  
2555 who~~;~~

2556 ~~(I)~~ heads an organizational unit~~;~~ or

2557 ~~(II)~~ has authority ~~responsibility~~ to effect or recommend  
2558 personnel, budget, expenditure, or policy decisions in his or  
2559 her areas of responsibility.

2560 2. In lieu of participation in the Senior Management  
2561 Service Class, members of the ~~Senior Management Service~~ class  
2562 under ~~pursuant to the provisions of~~ subparagraph 1. may withdraw  
2563 from the Florida Retirement System altogether. The decision to  
2564 withdraw from the Florida Retirement System is ~~shall be~~  
2565 irrevocable ~~for~~ as long as the employee holds the ~~such a~~  
2566 position. Any service creditable under the Senior Management  
2567 Service Class shall be retained after the member withdraws from  
2568 the ~~Florida Retirement~~ system; however, additional service  
2569 credit in the Senior Management Service Class may ~~shall~~ not be  
2570 earned after ~~such~~ withdrawal. Such members may ~~shall~~ not be  
2571 ~~eligible to~~ participate in the Senior Management Service  
2572 Optional Annuity Program.

2573 3. Effective January 1, 2006, through June 30, 2006, an  
2574 employee who has withdrawn from the Florida Retirement System  
2575 under subparagraph 2. has one opportunity to elect to  
2576 participate in ~~either~~ the defined benefit program or the defined  
2577 contribution ~~Public Employee Optional Retirement~~ program of the  
2578 Florida Retirement System.

2579 a. If the employee elects to participate in the defined



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2580 contribution ~~Public Employee Optional Retirement~~ program,  
2581 membership is ~~shall be~~ prospective, and the applicable  
2582 provisions of s. 121.4501(4) ~~shall~~ govern the election.

2583       b. If the employee elects to participate in the defined  
2584 benefit program ~~of the Florida Retirement System~~, the employee  
2585 shall, upon payment to the system trust fund of the amount  
2586 calculated under sub-sub-subparagraph (I), receive service  
2587 credit for prior service based upon the time ~~during which~~ the  
2588 employee had withdrawn from the system.

2589       (I) The cost for such credit shall be an amount  
2590 representing the actuarial accrued liability for the affected  
2591 period of service. The cost shall be calculated using the  
2592 discount rate and other relevant actuarial assumptions that were  
2593 used to value the ~~Florida Retirement System~~ defined benefit plan  
2594 liabilities in the most recent actuarial valuation. The  
2595 calculation must ~~shall~~ include any service already maintained  
2596 under the defined benefit plan in addition to the period of  
2597 withdrawal. The actuarial accrued liability attributable to any  
2598 service already maintained under the defined benefit plan is  
2599 ~~shall be~~ applied as a credit to the total cost resulting from  
2600 the calculation. The division shall ensure that the transfer sum  
2601 is prepared using a formula and methodology certified by an  
2602 actuary.

2603       (II) The employee must transfer a sum representing the net  
2604 cost owed for the actuarial accrued liability in sub-sub-  
2605 subparagraph (I) immediately following the time of such  
2606 movement, determined assuming that attained service equals the  
2607 sum of service in the defined benefit program and the period of  
2608 withdrawal.



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2609 (h)1. Except as provided in subparagraph 3., ~~effective~~  
2610 ~~January 1, 1994,~~ participation in the Senior Management Service  
2611 Class ~~is shall be~~ compulsory for the State Courts Administrator  
2612 and the Deputy State Courts Administrators, the Clerk of the  
2613 Supreme Court, the Marshal of the Supreme Court, the Executive  
2614 Director of the Justice Administrative Commission, the capital  
2615 collateral regional counsel, the clerks of the district courts  
2616 of appeals, the marshals of the district courts of appeals, and  
2617 the trial court administrator and the Chief Deputy Court  
2618 Administrator in each judicial circuit. ~~Effective January 1,~~  
2619 ~~1994,~~ Additional positions in the offices of the state attorney  
2620 and public defender in each judicial circuit may be designated  
2621 for inclusion in the ~~Senior Management Service~~ class of the  
2622 ~~Florida Retirement System, provided that:~~

2623 a. ~~The~~ positions must ~~to be included in the class shall be~~ be  
2624 designated by the state attorney or public defender, as  
2625 appropriate. Notice of intent to designate positions for  
2626 inclusion in the class must ~~shall~~ be published once a week for 2  
2627 consecutive weeks in a newspaper of general circulation  
2628 published in the county or counties affected, as provided in  
2629 chapter 50.

2630 b. One nonelective full-time position may be designated for  
2631 each state attorney and public defender reporting to the  
2632 department ~~of Management Services;~~ for agencies with 200 or more  
2633 regularly established positions under the state attorney or  
2634 public defender, additional nonelective full-time positions may  
2635 be designated, not to exceed 0.5 percent of the regularly  
2636 established positions within the agency.

2637 c. Each position added to the class must be a managerial or



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2638 policymaking position filled by an employee who serves at the  
2639 pleasure of the state attorney or public defender without civil  
2640 service protection, and who:

2641 ~~(I)~~ heads an organizational unit, or

2642 ~~(II)~~ has authority ~~responsibility~~ to effect or recommend  
2643 personnel, budget, expenditure, or policy decisions in his or  
2644 her areas of responsibility.

2645 2. Participation in this class is ~~shall be~~ compulsory,  
2646 except as provided in subparagraph 3., for any judicial employee  
2647 who holds a position designated for coverage in the Senior  
2648 Management Service Class, and such participation continues ~~shall~~  
2649 ~~continue~~ until the employee terminates employment in a covered  
2650 position. ~~Effective January 1, 2001,~~ Participation in this class  
2651 is compulsory for assistant state attorneys, assistant statewide  
2652 prosecutors, assistant public defenders, ~~and~~ assistant capital  
2653 collateral regional counsel, and. ~~Effective January 1, 2002,~~  
2654 ~~participation in this class is compulsory for~~ assistant  
2655 attorneys general.

2656 3. In lieu of participation in the Senior Management  
2657 Service Class, such members, excluding assistant state  
2658 attorneys, assistant public defenders, assistant statewide  
2659 prosecutors, assistant attorneys general, and assistant capital  
2660 collateral regional counsel, may participate in the Senior  
2661 Management Service Optional Annuity Program as established in  
2662 subsection (6).

2663 (6) (a) *Senior Management Service Optional Annuity Program.*—  
2664 The department ~~of Management Services~~ shall establish a Senior  
2665 Management Service Optional Annuity Program under which  
2666 contracts providing retirement, death, and disability benefits



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2667 may be purchased for ~~these~~ employees who elect to participate in  
2668 the optional annuity program. The benefits to be provided for or  
2669 on behalf of participants must ~~in such optional annuity program~~  
2670 ~~shall~~ be provided through individual contracts or individual  
2671 certificates issued for group annuity contracts, which may be  
2672 fixed, variable, or a combination thereof, in accordance with s.  
2673 401(a) of the Internal Revenue Code. Any ~~such~~ individual  
2674 contract or certificate must ~~shall~~ state the annuity plan on its  
2675 face page, and ~~shall~~ include, but not be limited to, a statement  
2676 of ownership, the contract benefits, annuity income options,  
2677 limitations, expense charges, and surrender charges, if any. The  
2678 employing agency shall contribute, as provided in this section,  
2679 toward the purchase of the ~~such~~ optional benefits which shall be  
2680 fully and immediately vested in the participants.

2681 Section 75. Section 121.1815, Florida Statutes, is amended  
2682 to read:

2683 121.1815 Special pensions to individuals; administration ~~of~~  
2684 ~~laws by Department of Management Services.~~—All powers, duties,  
2685 and functions related to the administration of laws providing  
2686 special pensions to individuals, including chapter 18054, Laws  
2687 of Florida, 1937; chapter 26788, Laws of Florida, 1951, as  
2688 amended by chapter 57-871, Laws of Florida; chapter 26836, Laws  
2689 of Florida, 1951; and chapter 63-953, Laws of Florida, are  
2690 vested in the department. All laws hereinafter enacted by the  
2691 Legislature pertaining to special pensions for individuals shall  
2692 be administered by the department, unless contrary provisions  
2693 are contained in such law. Upon the death of any person  
2694 receiving a monthly pension under this section, the monthly  
2695 pension shall be paid through the last day of the month of death



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2696 and shall terminate on that date, unless contrary provisions are  
2697 contained in the special pension law.

2698 Section 76. Section 121.1905, Florida Statutes, is  
2699 repealed.

2700 Section 77. Section 121.192, Florida Statutes, is amended  
2701 to read:

2702 121.192 State retirement actuary.—The department may employ  
2703 an actuary. ~~Such actuary shall,~~ Together with such other duties  
2704 as the executive director ~~secretary~~ may assign, the actuary  
2705 shall be responsible for:

2706 (1) Advising the executive director ~~secretary~~ on actuarial  
2707 matters of the state retirement systems.

2708 (2) Making periodic valuations of the retirement systems.

2709 (3) Providing actuarial analyses to the Legislature  
2710 concerning proposed changes in the retirement systems.

2711 (4) Assisting the executive director ~~secretary~~ in  
2712 developing a sound and modern retirement system.

2713 Section 78. Subsection (1) of section 121.22, Florida  
2714 Statutes, is amended to read:

2715 121.22 State Retirement Commission; creation; membership;  
2716 compensation.—

2717 (1) ~~The~~ ~~There is created within the Department of~~  
2718 ~~Management Services~~ a State Retirement Commission is created  
2719 within the department, composed of five members: Two members who  
2720 are retired under a state-supported retirement system  
2721 administered by the department; two members who are active  
2722 members of a state-supported retirement system that is  
2723 administered by the department; and one member who is neither a  
2724 retiree, beneficiary, or member of a state-supported retirement



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2725 system administered by the department. Each member shall have a  
2726 different occupational background from the other members.

2727 Section 79. Subsection (1) of section 121.23, Florida  
2728 Statutes, is amended to read:

2729 121.23 Disability retirement and special risk membership  
2730 applications; Retirement Commission; powers and duties; judicial  
2731 review.—The provisions of this section apply to all proceedings  
2732 in which the administrator has made a written final decision on  
2733 the merits respecting applications for disability retirement,  
2734 reexamination of retired members receiving disability benefits,  
2735 applications for special risk membership, and reexamination of  
2736 special risk members in the Florida Retirement System. The  
2737 jurisdiction of the State Retirement Commission under this  
2738 section shall be limited to written final decisions of the  
2739 administrator on the merits.

2740 (1) In accordance with the rules of procedure adopted by  
2741 the department ~~of Management Services~~, the administrator shall:

2742 (a) Give reasonable notice of his or her proposed action,  
2743 or decision to refuse action, together with a summary of the  
2744 factual, legal, and policy grounds for the action ~~therefor~~.

2745 (b) Give affected members, or their counsel, an opportunity  
2746 to present to the division written evidence in opposition to the  
2747 proposed action or refusal to act or a written statement  
2748 challenging the grounds upon which the administrator has chosen  
2749 to justify his or her action or inaction.

2750 (c) If the objections of the member are overruled, provide  
2751 a written explanation within 21 days.

2752 Section 80. Subsections (2), (3), and (4) of section  
2753 121.24, Florida Statutes, are amended to read:



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2754           121.24 Conduct of commission business; legal and other  
2755 assistance; compensation.—

2756           (2) Legal counsel for the commission may be provided by the  
2757 department or the Department of Legal Affairs ~~or by the~~  
2758 ~~Department of Management Services~~, with the concurrence of the  
2759 commission, and shall be paid by the department ~~of Management~~  
2760 ~~Services~~ from the appropriate funds.

2761           (3) The department ~~of Management Services~~ shall provide  
2762 timely and appropriate training for newly appointed members of  
2763 the commission. Such training shall be designed to acquaint new  
2764 members ~~of the commission~~ with the duties and responsibilities  
2765 of the commission.

2766           (4) The department ~~of Management Services~~ shall furnish  
2767 administrative and secretarial assistance to the commission and  
2768 ~~shall~~ provide a place where the commission may hold its  
2769 meetings.

2770           Section 81. Subsection (1) and paragraphs (c) and (d) of  
2771 subsection (2) of section 121.35, Florida Statutes, are amended  
2772 to read:

2773           121.35 Optional retirement program for the State University  
2774 System.—

2775           (1) OPTIONAL RETIREMENT PROGRAM ESTABLISHED.—The department  
2776 ~~of Management Services~~ shall establish an optional retirement  
2777 program under which contracts providing retirement and death  
2778 benefits may be purchased for eligible members of the State  
2779 University System who elect to participate in the program. The  
2780 benefits to be provided for or on behalf of participants ~~in such~~  
2781 ~~optional retirement program~~ shall be provided through individual  
2782 contracts or individual certificates issued for group annuity or





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2783 other contracts, which may be fixed, variable, or a combination  
2784 thereof, in accordance with s. 403(b) of the Internal Revenue  
2785 Code. An ~~Any~~ individual contract or certificate must ~~shall~~ state  
2786 the annuity plan on its face page, and ~~shall~~ include, but not be  
2787 limited to, a statement of ownership, the contract benefits,  
2788 annuity income options, limitations, expense charges, and  
2789 surrender charges, if any. The state shall contribute, as  
2790 provided in this section, toward the purchase of such optional  
2791 benefits.

2792 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

2793 ~~(c) For purposes of this section, the Department of~~  
2794 ~~Management Services is referred to as the "department."~~

2795 (c) ~~(d)~~ For purposes of this section, the authority granted  
2796 to the Board of Governors of the State University System may be  
2797 exercised by the Board of Governors or by the Chancellor of the  
2798 State University System.

2799 Section 82. Subsections (3) and (13) of section 121.40,  
2800 Florida Statutes, are amended to read:

2801 121.40 Cooperative extension personnel at the Institute of  
2802 Food and Agricultural Sciences; supplemental retirement  
2803 benefits.—

2804 (3) DEFINITIONS.—The definitions provided in s. 121.021 do  
2805 ~~shall~~ not apply to this program unless ~~except when~~ specifically  
2806 cited. For the purposes of this section, the term ~~the following~~  
2807 ~~words or phrases have the respective meanings set forth:~~

2808 (a) "Institute" means the Institute of Food and  
2809 Agricultural Sciences of the University of Florida.

2810 ~~(b) "Department" means the Department of Management~~  
2811 ~~Services.~~



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2812            (b)~~(e)~~ "Participant" means any employee of the institute  
2813 who is eligible to receive a supplemental benefit under this  
2814 program as provided in subsection (4).

2815            (c)~~(d)~~ "Trust fund" means the Florida Retirement System  
2816 Trust Fund.

2817            (d)~~(e)~~ "Creditable service" means any service after  
2818 ~~subsequent to~~ December 1, 1970, with the institute as a  
2819 cooperative extension employee holding both state and federal  
2820 appointments, that is credited for retirement purposes by the  
2821 institute toward a federal Civil Service Retirement System  
2822 annuity.

2823            (13) ADMINISTRATION OF PROGRAM.—The Department of Personnel  
2824 Management:

2825            (a) ~~The Department~~ Shall adopt ~~make such~~ rules as are  
2826 necessary for the effective and efficient administration of this  
2827 program. The executive director ~~secretary~~ of the department is  
2828 ~~shall be~~ the administrator of the program. The funds to pay the  
2829 expenses for such administration shall be appropriated from the  
2830 interest earned on investments made for the Florida Retirement  
2831 System Trust Fund.

2832            (b) ~~The Department~~ May require oaths, by affidavit or  
2833 otherwise, and acknowledgments from persons in connection with  
2834 the administration of its duties and responsibilities under this  
2835 section.

2836            Section 83. Paragraphs (d) through (m) of subsection (2),  
2837 paragraph (b) of subsection (8), paragraph (h) of subsection  
2838 (10), and subsection (19) of section 121.4501, Florida Statutes,  
2839 is amended to read:

2840            121.4501 Public Employee Optional Retirement Program.—



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2841 (2) DEFINITIONS.—As used in this part, the term:  
2842 ~~(d) "Department" means the Department of Management~~  
2843 ~~Services.~~  
2844 (d)~~(e)~~ "Division" means the Division of Retirement within  
2845 the department ~~of Management Services.~~  
2846 (e)~~(f)~~ "Eligible employee" means an officer or employee, as  
2847 defined in s. 121.021, who:  
2848 1. Is a member of, or is eligible for membership in, the  
2849 Florida Retirement System, including any renewed member of the  
2850 Florida Retirement System initially enrolled before July 1,  
2851 2010; or  
2852 2. Participates in, or is eligible to participate in, the  
2853 Senior Management Service Optional Annuity Program as  
2854 established under s. 121.055(6), the State Community College  
2855 System Optional Retirement Program as established under s.  
2856 121.051(2)(c), or the State University System Optional  
2857 Retirement Program established under s. 121.35.  
2858  
2859 The term does not include any member participating in the  
2860 Deferred Retirement Option Program established under s.  
2861 121.091(13), a retiree of a state-administered retirement system  
2862 initially reemployed on or after July 1, 2010, or a mandatory  
2863 participant of the State University System Optional Retirement  
2864 Program established under s. 121.35.  
2865 (f)~~(g)~~ "Employer" means an employer, as defined in s.  
2866 121.021~~(10)~~, of an eligible employee.  
2867 (g)~~(h)~~ "Participant" means an eligible employee who is  
2868 enrolled ~~elects to participate in the Public Employee Optional~~  
2869 ~~Retirement Program and enrolls in such optional program as~~



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2870 ~~provided in subsection (4)~~ or a terminated Deferred Retirement  
2871 Option Program participant as described in subsection (21).

2872 (h)~~(i)~~ "Public Employee Optional Retirement Program,"  
2873 "optional program," or "optional retirement program" means the  
2874 ~~alternative~~ defined contribution retirement program established  
2875 under this section.

2876 (i)~~(j)~~ "Retiree" means a former participant of ~~the Florida~~  
2877 ~~Retirement System Public Employee~~ optional retirement program  
2878 who has terminated employment and has taken a distribution as  
2879 provided in s. 121.591, except for a mandatory distribution of a  
2880 de minimis account authorized by the state board.

2881 ~~(k) "State board" or "board" means the State Board of~~  
2882 ~~Administration.~~

2883 ~~(l) "Trustees" means Trustees of the State Board of~~  
2884 ~~Administration.~~

2885 (j)~~(m)~~ "Vested" or "vesting" means the guarantee that a  
2886 participant is eligible to receive a retirement benefit upon  
2887 completion of the required years of service under the Public  
2888 Employee Optional Retirement Program.

2889 (8) ADMINISTRATION OF PROGRAM.—

2890 (b)1. The state board shall select and contract with a ~~one~~  
2891 third-party administrator to provide administrative services if  
2892 those services cannot be competitively and contractually  
2893 provided by the division ~~of Retirement within the Department of~~  
2894 ~~Management Services~~. With the approval of the state board, the  
2895 third-party administrator may subcontract ~~with other~~  
2896 ~~organizations or individuals~~ to provide components of the  
2897 administrative services. As a cost of administration, the state  
2898 board may compensate any such contractor for its services, in



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2899 accordance with the terms of the contract, as is deemed  
2900 necessary or proper by the board. The third-party administrator  
2901 may not be an approved provider or be affiliated with an  
2902 approved provider.

2903         2. These administrative services may include, but are not  
2904 limited to, enrollment of eligible employees, collection of  
2905 employer contributions, disbursement of ~~such~~ contributions to  
2906 approved providers in accordance with the allocation directions  
2907 of participants; services relating to consolidated billing;  
2908 individual and collective recordkeeping and accounting; asset  
2909 purchase, control, and safekeeping; and direct disbursement of  
2910 funds to and from the third-party administrator, the division,  
2911 the board, employers, participants, approved providers, and  
2912 beneficiaries. This section does not prevent or prohibit a  
2913 bundled provider from providing any administrative or customer  
2914 service, including accounting and administration of individual  
2915 participant benefits and contributions; individual participant  
2916 recordkeeping; asset purchase, control, and safekeeping; direct  
2917 execution of the participant's instructions as to asset and  
2918 contribution allocation; calculation of daily net asset values;  
2919 direct access to participant account information; or periodic  
2920 reporting to participants, at least quarterly, on account  
2921 balances and transactions, if these services are authorized by  
2922 the board as part of the contract.

2923         3. The state board shall select and contract with one or  
2924 more organizations to provide educational services. With  
2925 approval of the state board, the organizations may subcontract  
2926 ~~with other organizations or individuals~~ to provide components of  
2927 the educational services. As a cost of administration, the state



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2928 board may compensate any such contractor for its services in  
2929 accordance with the terms of the contract, as is deemed  
2930 necessary or proper by the board. The education organization may  
2931 not be an approved provider or be affiliated with an approved  
2932 provider.

2933 4. Educational services shall be designed by the state  
2934 board and department to assist employers, eligible employees,  
2935 participants, and beneficiaries in order to maintain compliance  
2936 with United States Department of Labor regulations under s.  
2937 404(c) of the Employee Retirement Income Security Act of 1974  
2938 and to assist employees in their choice of defined benefit or  
2939 defined contribution retirement program alternatives.

2940 Educational services include, but are not limited to,  
2941 disseminating educational materials; providing retirement  
2942 planning education; explaining the differences between the  
2943 defined benefit ~~retirement plan~~ and the defined contribution  
2944 retirement programs plan; and offering financial planning  
2945 guidance on matters such as investment diversification,  
2946 investment risks, investment costs, and asset allocation. An  
2947 approved provider may also provide educational information,  
2948 including retirement planning and investment allocation  
2949 information concerning its products and services.

2950 (10) EDUCATION COMPONENT.—

2951 (h) Pursuant to paragraph (8) (a), all Florida Retirement  
2952 System employers have an obligation to regularly communicate the  
2953 existence of the two Florida Retirement System plans and the  
2954 plan choice in the natural course of administering their  
2955 personnel functions, using the educational materials supplied by  
2956 the state board and the department ~~of Management Services~~.



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2957 (19) PARTICIPANT RECORDS.—Personal identifying information  
2958 of a participant in the Public Employee Optional Retirement  
2959 Program contained in Florida Retirement System records held by  
2960 the State Board of Administration or the department ~~of~~  
2961 ~~Management Services~~ is exempt from s. 119.07(1) and s. 24(a),  
2962 Art. I of the State Constitution.

2963 Section 84. Section 121.4503, Florida Statutes, is amended  
2964 to read:

2965 121.4503 Florida Retirement System Contributions Clearing  
2966 Trust Fund.—

2967 (1) The Florida Retirement System Contributions Clearing  
2968 Trust Fund is created as a clearing fund for disbursing employer  
2969 contributions to the component plans of the Florida Retirement  
2970 System and shall be administered by the department ~~of Management~~  
2971 ~~Services~~. Funds shall be credited to the trust fund as provided  
2972 in this chapter and ~~shall be~~ held in trust for the contributing  
2973 employers until such time as the assets are transferred by the  
2974 department to the Florida Retirement System Trust Fund, the  
2975 Public Employee Optional Retirement Program Trust Fund, or other  
2976 trust funds as authorized by law, to be used for the purposes of  
2977 this chapter. The trust fund is exempt from the service charges  
2978 imposed by s. 215.20.

2979 (2) The Florida Retirement System Contributions Clearing  
2980 Trust Fund is a clearing trust fund of the department ~~of~~  
2981 ~~Management Services~~ pursuant to s. 19(f), Art. III of the State  
2982 Constitution, and is not subject to termination.

2983 (3) The department ~~of Management Services~~ may adopt rules  
2984 governing the receipt and disbursement of amounts received by  
2985 the Florida Retirement System Contributions Clearing Trust Fund



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2986 from employers contributing to the component plans of the  
2987 Florida Retirement System.  
2988 Section 85. Section 121.591, Florida Statutes, is amended  
2989 to read:  
2990 121.591 Payment of benefits ~~payable under the Public~~  
2991 ~~Employee Optional Retirement Program of the Florida Retirement~~  
2992 ~~System.~~ Benefits may not be paid under this section unless the  
2993 member has terminated employment as provided in s.  
2994 121.021(39) (a) or is deceased and a proper application has been  
2995 filed as in the manner prescribed by the state board or the  
2996 department. The state board or department, as appropriate, may  
2997 cancel an application for retirement benefits if ~~when~~ the member  
2998 or beneficiary fails to timely provide the information and  
2999 documents required by this chapter and the rules of the state  
3000 board and department. In accordance with their respective  
3001 responsibilities ~~as provided herein~~, the state board ~~of~~  
3002 ~~Administration~~ and the department ~~of Management Services~~ shall  
3003 adopt rules establishing procedures for application for  
3004 retirement benefits and for the cancellation of such application  
3005 if ~~when~~ the required information or documents are not received.  
3006 The state board ~~of Administration~~ and the department ~~of~~  
3007 ~~Management Services~~, as appropriate, are authorized to cash out  
3008 a de minimis account of a participant who has been terminated  
3009 from Florida Retirement System covered employment for a minimum  
3010 of 6 calendar months. A de minimis account is an account  
3011 containing employer contributions and accumulated earnings of  
3012 not more than \$5,000 made under the provisions of this chapter.  
3013 Such cash-out must ~~either~~ be a complete lump-sum liquidation of  
3014 the account balance, subject to the provisions of the Internal





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3015 Revenue Code, or a lump-sum direct rollover distribution paid  
3016 directly to the custodian of an eligible retirement plan, as  
3017 defined by the Internal Revenue Code, on behalf of the  
3018 participant. If any financial instrument issued for the payment  
3019 of retirement benefits under this section is not presented for  
3020 payment within 180 days after the last day of the month in which  
3021 it was originally issued, the third-party administrator or other  
3022 duly authorized agent of the state board of ~~Administration~~ shall  
3023 cancel the instrument and credit the amount of the instrument to  
3024 the suspense account of the Public Employee Optional Retirement  
3025 Program Trust Fund authorized under s. 121.4501(6). Any ~~such~~  
3026 amounts transferred to the suspense account are payable upon a  
3027 proper application, not to include earnings thereon, as provided  
3028 in this section, within 10 years after the last day of the month  
3029 in which the instrument was originally issued, after which time  
3030 such amounts and any earnings are ~~thereon shall be~~ forfeited.  
3031 Any such forfeited amounts are assets of the ~~Public Employee~~  
3032 ~~Optional Retirement Program~~ trust fund and are not subject to  
3033 ~~the provisions of~~ chapter 717.

3034 (1) NORMAL BENEFITS.—Under the Public Employee Optional  
3035 Retirement Program:

3036 (a) Benefits in the form of vested accumulations as  
3037 described in s. 121.4501(6) are payable under this subsection in  
3038 accordance with the following terms and conditions:

3039 1. ~~To the extent vested,~~ Benefits are payable only to a  
3040 participant.

3041 2. Benefits shall be paid by the third-party administrator  
3042 or designated approved providers in accordance with the law, the  
3043 contracts, and any applicable board rule or policy.



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3044           3. ~~To receive benefits,~~ The participant must be terminated  
3045 from all employment with all Florida Retirement System  
3046 employers, as provided in s. 121.021(39).

3047           4. Benefit payments may not be made until the participant  
3048 has been terminated for 3 calendar months, except that the state  
3049 board may authorize by rule for the distribution of up to 10  
3050 percent of the participant's account after being terminated for  
3051 1 calendar month if the participant has reached the normal  
3052 retirement date as defined in s. 121.021 ~~of the defined benefit~~  
3053 ~~plan.~~

3054           5. If a member or former member of the Florida Retirement  
3055 System receives an invalid distribution ~~from the Public Employee~~  
3056 ~~Optional Retirement Program Trust Fund,~~ such person must repay  
3057 the full amount ~~invalid distribution to the trust fund~~ within 90  
3058 days after receipt of final notification by the state board or  
3059 the third-party administrator that the distribution was invalid.  
3060 If such person fails to repay the full invalid distribution  
3061 within 90 days after receipt of final notification, the person  
3062 may be deemed retired from the optional retirement program by  
3063 the state board, as provided pursuant to s. 121.4501(2)(j), and  
3064 is subject to s. 121.122. If such person is deemed retired ~~by~~  
3065 ~~the state board,~~ any joint and several liability set out in s.  
3066 121.091(9)(d)2. is ~~becomes~~ null and void, and the state board,  
3067 the department, or the employing agency is not liable for gains  
3068 on payroll contributions that have not been deposited to the  
3069 person's account in the retirement program, pending resolution  
3070 of the invalid distribution. The member or former member who has  
3071 been deemed retired or who has been determined by the board to  
3072 have taken an invalid distribution may appeal the agency



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3073 decision through the complaint process as provided under s.  
3074 121.4501(9)(g)3. As used in this subparagraph, the term "invalid  
3075 distribution" means any distribution from an account in the  
3076 optional retirement program which is taken in violation of this  
3077 section, s. 121.091(9), or s. 121.4501.

3078 (b) If a participant elects to receive his or her benefits  
3079 upon termination of employment as defined in s. 121.021, the  
3080 participant must submit a written application or an equivalent  
3081 form to the third-party administrator indicating his or her  
3082 preferred distribution date and selecting an authorized method  
3083 of distribution as provided in paragraph (c). The participant  
3084 may defer receipt of benefits until he or she chooses to make  
3085 such application, subject to federal requirements.

3086 (c) Upon receipt by the third-party administrator of a  
3087 properly executed application for distribution of benefits, the  
3088 total accumulated benefit is ~~shall be~~ payable to the  
3089 participant, as:

- 3090 1. A lump-sum distribution to the participant;
- 3091 2. A lump-sum direct rollover distribution whereby all  
3092 accrued benefits, plus interest and investment earnings, are  
3093 paid from the participant's account directly to the custodian of  
3094 an eligible retirement plan, as defined in s. 402(c)(8)(B) of  
3095 the Internal Revenue Code, on behalf of the participant; or
- 3096 3. Periodic distributions, as authorized by the state  
3097 board.

3098 (2) DISABILITY RETIREMENT BENEFITS.—Benefits provided under  
3099 this subsection are payable in lieu of the benefits that ~~which~~  
3100 would otherwise be payable under ~~the provisions of~~ subsection  
3101 (1). Such benefits must ~~shall~~ be funded entirely from employer



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3102 contributions made under s. 121.571, transferred participant  
3103 funds accumulated pursuant to paragraph (a), and interest and  
3104 earnings thereon. ~~Pursuant thereto:~~

3105 (a) *Transfer of funds.*—To qualify for ~~to receive~~ monthly  
3106 disability benefits under this subsection:

3107 1. All moneys accumulated in the participant's Public  
3108 Employee Optional Retirement Program accounts, including vested  
3109 and nonvested accumulations as described in s. 121.4501(6), must  
3110 ~~shall~~ be transferred from such individual accounts to the  
3111 division ~~of Retirement~~ for deposit in the disability account of  
3112 the Florida Retirement System Trust Fund. Such moneys must ~~shall~~  
3113 be ~~separately~~ accounted for separately. Earnings must ~~shall~~ be  
3114 credited on an annual basis for amounts held in the disability  
3115 accounts ~~of the Florida Retirement System Trust Fund~~ based on  
3116 actual earnings of the ~~Florida Retirement System~~ trust fund.

3117 2. If the participant has retained retirement credit ~~he or~~  
3118 ~~she had~~ earned under the defined benefit program ~~of the Florida~~  
3119 ~~Retirement System~~ as provided in s. 121.4501(3)(b), a sum  
3120 representing the actuarial present value of such credit within  
3121 the Florida Retirement System Trust Fund shall be reassigned by  
3122 the division ~~of Retirement~~ from the defined benefit program to  
3123 the disability program as implemented under this subsection and  
3124 shall be deposited in the disability account of the ~~Florida~~  
3125 ~~Retirement System~~ trust fund. Such moneys must ~~shall~~ be  
3126 ~~separately~~ accounted for separately.

3127 (b) *Disability retirement; entitlement.*—

3128 1. A participant of the Public Employee Optional Retirement  
3129 Program who becomes totally and permanently disabled, as defined  
3130 in paragraph (d) ~~s. 121.091(4)(b)~~, after completing 8 years of



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3131 creditable service, or a participant who becomes totally and  
3132 permanently disabled in the line of duty regardless of ~~his or~~  
3133 ~~her~~ length of service, is ~~shall be~~ entitled to a monthly  
3134 disability benefit ~~as provided herein~~.

3135 2. In order for service to apply toward the 8 years of  
3136 creditable service required ~~to vest~~ for regular disability  
3137 benefits, or toward the creditable service used in calculating a  
3138 service-based benefit as provided ~~for~~ under paragraph (g), the  
3139 service must be creditable service as described below:

3140 a. The participant's period of service under the Public  
3141 Employee Optional Retirement Program is ~~will be~~ considered  
3142 creditable service, except as provided in subparagraph d.

3143 b. If the participant has elected to retain credit for ~~his~~  
3144 ~~or her~~ service under the defined benefit program ~~of the Florida~~  
3145 ~~Retirement System~~ as provided under s. 121.4501(3)(b), all such  
3146 service is ~~will be~~ considered creditable service.

3147 c. If the participant elects ~~has elected~~ to transfer to his  
3148 or her participant accounts a sum representing the present value  
3149 of his or her retirement credit under the defined benefit  
3150 program as provided under s. 121.4501(3)(c), the period of  
3151 service under the defined benefit program represented in the  
3152 present value amounts transferred is ~~will be~~ considered  
3153 creditable service ~~for purposes of vesting for disability~~  
3154 ~~benefits~~, except as provided in subparagraph d.

3155 d. Whenever a participant has terminated employment and has  
3156 taken distribution of his or her funds as provided in subsection  
3157 (1), all creditable service represented by such distributed  
3158 funds is forfeited for purposes of this subsection.

3159 (c) *Disability retirement effective date.*—The effective



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3160 retirement date for a participant who applies and is approved  
3161 for disability retirement shall be established as provided under  
3162 s. 121.091(4) (a)2. and 3.

3163 (d) *Total and permanent disability.*—A participant shall be  
3164 considered totally and permanently disabled if, in the opinion  
3165 of the division, he or she is prevented, by reason of a  
3166 medically determinable physical or mental impairment, from  
3167 rendering useful and efficient service as an officer or  
3168 employee.

3169 (e) *Proof of disability.*—~~The division,~~ Before approving  
3170 payment of any disability retirement benefit, the division shall  
3171 require proof that the participant is totally and permanently  
3172 disabled ~~in the same manner as provided for members of the~~  
3173 ~~defined benefit program of the Florida Retirement System~~ under  
3174 s. 121.091(4) (c).

3175 (f) *Disability retirement benefit.*—Upon the disability  
3176 retirement of a participant under this subsection, the  
3177 participant shall receive a monthly benefit that begins accruing  
3178 ~~shall begin to accrue~~ on the first day of the month of  
3179 disability retirement, as approved by the division, and is ~~shall~~  
3180 ~~be~~ payable on the last day of that month and each month  
3181 thereafter during his or her lifetime and continued disability.  
3182 All disability benefits must ~~payable to such member shall~~ be  
3183 paid out of the disability account of the Florida Retirement  
3184 System Trust Fund established under this subsection.

3185 (g) *Computation of disability retirement benefit.*—The  
3186 amount of each monthly payment must ~~shall~~ be calculated ~~in the~~  
3187 ~~same manner as provided for members of the defined benefit~~  
3188 ~~program of the Florida Retirement System~~ under s. 121.091(4) (f).



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3189 ~~For such purpose,~~ Creditable service under both the defined  
3190 benefit program and the Public Employee Optional Retirement  
3191 Program ~~of the Florida Retirement System~~ shall be applicable as  
3192 provided under paragraph (b).

3193 (h) *Reapplication.*—A participant whose initial application  
3194 for disability retirement ~~is has been~~ denied may reapply for  
3195 disability benefits ~~in the same manner, and under the same~~  
3196 ~~conditions,~~ as provided ~~for members of the defined benefit~~  
3197 ~~program of the Florida Retirement System~~ under s. 121.091(4)(g).

3198 (i) *Membership.*—Upon approval of a participant's an  
3199 application for disability benefits ~~under this subsection,~~ the  
3200 applicant shall be transferred to the defined benefit program ~~of~~  
3201 ~~the Florida Retirement System,~~ effective upon his or her  
3202 disability retirement effective date.

3203 (j) *Option to cancel.*—~~A~~ Any participant whose application  
3204 for disability benefits is approved may cancel the ~~his or her~~  
3205 application ~~if for disability benefits, provided that the~~  
3206 cancellation request is received by the division before a  
3207 disability retirement warrant has been deposited, cashed, or  
3208 received by direct deposit. Upon ~~such~~ cancellation:

3209 1. The participant's transfer to the defined benefit  
3210 program under paragraph (i) shall be nullified;

3211 2. The participant shall be retroactively reinstated in the  
3212 Public Employee Optional Retirement Program without hiatus;

3213 3. All funds transferred to the Florida Retirement System  
3214 Trust Fund under paragraph (a) must ~~shall~~ be returned to the  
3215 participant accounts from which the ~~such~~ funds were drawn; and

3216 4. The participant may elect to receive the benefit payable  
3217 ~~under the provisions of~~ subsection (1) in lieu of disability



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3218 benefits ~~as provided under this subsection.~~

3219 (k) *Recovery from disability.*—

3220 1. The division may require periodic reexaminations at the  
3221 expense of the disability program account of the Florida  
3222 Retirement System Trust Fund. Except as otherwise provided in  
3223 subparagraph 2., ~~the requirements, procedures, and restrictions~~  
3224 ~~relating to the conduct and review of such reexaminations,~~  
3225 ~~discontinuation or termination of benefits, reentry into~~  
3226 ~~employment, disability retirement after reentry into covered~~  
3227 ~~employment, and all other matters relating to recovery from~~  
3228 disability shall be ~~the same~~ as are set forth under s.  
3229 121.091(4)(h).

3230 2. Upon recovery from disability, the ~~any~~ recipient of  
3231 disability retirement benefits under this subsection shall be  
3232 transferred back to ~~a compulsory member of the Public Employee~~  
3233 ~~Optional Retirement Program of the Florida Retirement System.~~  
3234 The net difference between the recipient's original account  
3235 balance transferred to the Florida Retirement System Trust Fund,  
3236 including earnings, ~~under paragraph (a)~~ and total disability  
3237 benefits paid to such recipient, if any, shall be determined as  
3238 provided in sub-subparagraph a.

3239 a. An amount equal to the total benefits paid shall be  
3240 subtracted from that portion of the transferred account balance  
3241 consisting of vested accumulations as described under s.  
3242 121.4501(6), if any, and an amount equal to the remainder of  
3243 benefit amounts paid, if any, shall ~~then~~ be subtracted from any  
3244 remaining ~~portion consisting of~~ nonvested accumulations ~~as~~  
3245 ~~described under s. 121.4501(6).~~

3246 b. Amounts subtracted under sub-subparagraph a. must ~~shall~~





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3247 be retained within the disability account of the Florida  
3248 Retirement System Trust Fund. Any remaining account balance  
3249 shall be transferred to the third-party administrator for  
3250 disposition as provided under sub-subparagraph c. or sub-  
3251 subparagraph d., as appropriate.

3252 c. If the recipient returns to covered employment,  
3253 transferred amounts must ~~shall~~ be deposited in individual  
3254 accounts under the Public Employee Optional Retirement Program,  
3255 as directed by the participant. Vested and nonvested amounts  
3256 shall be separately accounted for as provided in s. 121.4501(6).

3257 d. If the recipient fails to return to covered employment  
3258 upon recovery from disability:

3259 (I) Any remaining vested amount must ~~shall~~ be deposited in  
3260 individual accounts under the Public Employee Optional  
3261 Retirement Program, as directed by the participant, and shall be  
3262 payable as provided in subsection (1).

3263 (II) Any remaining nonvested amount must ~~shall~~ be held in a  
3264 suspense account and is ~~shall be~~ forfeitable after 5 years as  
3265 provided in s. 121.4501(6).

3266 3. If present value was reassigned from the defined benefit  
3267 program to the disability program ~~of the Florida Retirement~~  
3268 ~~System~~ as provided under subparagraph (a)2., the full present  
3269 value amount must ~~shall~~ be returned to the defined benefit  
3270 account within the Florida Retirement System Trust Fund and the  
3271 recipient's ~~affected individual's~~ associated retirement credit  
3272 under the defined benefit program must ~~shall~~ be reinstated in  
3273 full. Any benefit based upon such credit shall be calculated as  
3274 provided in s. 121.091(4)(h)1.

3275 (1) *Nonadmissible causes of disability.*—A participant shall



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3276 not be entitled to receive a disability retirement benefit if  
3277 the disability results from any injury or disease sustained or  
3278 inflicted as described in s. 121.091(4) (i).

3279 (m) *Disability retirement of justice or judge by order of*  
3280 *Supreme Court.*—

3281 1. If a participant is a justice of the Supreme Court,  
3282 judge of a district court of appeal, circuit judge, or judge of  
3283 a county court who has served for 6 years or more as an elected  
3284 constitutional judicial officer, including service as a judicial  
3285 officer in any court abolished pursuant to Art. V of the State  
3286 Constitution, and who is retired for disability ~~by order of the~~  
3287 ~~Supreme Court upon recommendation of the Judicial Qualifications~~  
3288 ~~Commission~~ pursuant to s. 12, ~~the provisions of~~ Art. V of the  
3289 State Constitution, the participant's Option 1 monthly  
3290 disability benefit amount as provided in s. 121.091(6) (a)1.  
3291 shall be two-thirds of his or her monthly compensation as of the  
3292 participant's disability retirement date. The ~~Such a~~ participant  
3293 may alternatively elect to receive an actuarially adjusted  
3294 disability retirement benefit under any other option as provided  
3295 in s. 121.091(6) (a), or to receive the normal benefit payable  
3296 under ~~the Public Employee Optional Retirement Program as set~~  
3297 ~~forth in~~ subsection (1).

3298 2. If any justice or judge who is a participant of the  
3299 Public Employee Optional Retirement Program ~~of the Florida~~  
3300 ~~Retirement System~~ is retired for disability ~~by order of the~~  
3301 ~~Supreme Court upon recommendation of the Judicial Qualifications~~  
3302 ~~Commission~~ pursuant to s. 12, ~~the provisions of~~ Art. V of the  
3303 State Constitution and elects to receive a monthly disability  
3304 benefit under the provisions of this paragraph:



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3305 a. Any present value amount that was transferred to his or  
3306 her program account and all employer contributions made to such  
3307 account on his or her behalf, plus interest and earnings  
3308 thereon, must ~~shall~~ be transferred to and deposited in the  
3309 disability account of the Florida Retirement System Trust Fund;  
3310 and

3311 b. The monthly benefits payable under this paragraph ~~for~~  
3312 ~~any affected justice or judge retired from the Florida~~  
3313 ~~Retirement System pursuant to Art. V of the State Constitution~~  
3314 shall be paid from the disability account of the Florida  
3315 Retirement System Trust Fund.

3316 (n) *Death of retiree or beneficiary.*—Upon the death of a  
3317 disabled retiree or beneficiary of the retiree ~~thereof~~ who is  
3318 receiving monthly disability benefits under this subsection, the  
3319 monthly benefits shall be paid through the last day of the month  
3320 of death and shall terminate, or be adjusted, if applicable, as  
3321 of that date in accordance with the optional form of benefit  
3322 selected at the time of retirement. The department ~~of Management~~  
3323 ~~Services~~ may adopt rules necessary to administer this paragraph.

3324 (3) DEATH BENEFITS.—Under the Public Employee Optional  
3325 Retirement Program:

3326 (a) Survivor benefits are ~~shall be~~ payable in accordance  
3327 with the following terms and conditions:

3328 1. ~~To the extent vested,~~ Benefits shall be payable only to  
3329 a participant's beneficiary or beneficiaries as designated by  
3330 the participant as provided in s. 121.4501(20).

3331 2. Benefits must ~~shall~~ be paid by the third-party  
3332 administrator or designated approved providers in accordance  
3333 with the law, the contracts, and any applicable board rule or



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3334 policy.

3335 3. ~~To receive benefits under this subsection,~~ The  
3336 participant must be deceased.

3337 (b) In the event of a participant's death, all vested  
3338 accumulations as described in s. 121.4501(6), less withholding  
3339 taxes remitted to the Internal Revenue Service, shall be  
3340 distributed, as provided in paragraph (c) or as described in s.  
3341 121.4501(20), as if the participant retired on the date of  
3342 death. No other death benefits are ~~shall be~~ available for  
3343 survivors of participants ~~under the Public Employee Optional~~  
3344 ~~Retirement Program~~, except for ~~such~~ benefits, or coverage for  
3345 ~~such~~ benefits, as are otherwise provided by law or ~~are~~  
3346 separately provided ~~afforded~~ by the employer, at the employer's  
3347 discretion.

3348 (c) Upon receipt by the third-party administrator of a  
3349 properly executed application for distribution of benefits, the  
3350 total accumulated benefit is ~~shall be~~ payable by the third-party  
3351 administrator to the participant's surviving beneficiary or  
3352 beneficiaries, as:

3353 1. A lump-sum distribution payable to the beneficiary or  
3354 beneficiaries, or to the deceased participant's estate;

3355 2. An eligible rollover distribution on behalf of the  
3356 surviving spouse of a deceased participant, whereby all accrued  
3357 benefits, plus interest and investment earnings, are paid from  
3358 the deceased participant's account directly to the custodian of  
3359 an eligible retirement plan, as described in s. 402(c)(8)(B) of  
3360 the Internal Revenue Code, on behalf of the surviving spouse; or

3361 3. A partial lump-sum payment whereby a portion of the  
3362 accrued benefit is paid to the deceased participant's surviving



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3363 spouse or other designated beneficiaries, less withholding taxes  
3364 remitted to the Internal Revenue Service, and the remaining  
3365 amount is transferred directly to the custodian of an eligible  
3366 retirement plan, as described in s. 402(c)(8)(B) of the Internal  
3367 Revenue Code, on behalf of the surviving spouse. The proportions  
3368 must be specified by the participant or the surviving  
3369 beneficiary.

3370  
3371 This paragraph does not abrogate other applicable provisions of  
3372 state or federal law providing for payment of death benefits.

3373 (4) LIMITATION ON LEGAL PROCESS.—The benefits payable to  
3374 any person under the Public Employee Optional Retirement  
3375 Program, and any contributions accumulated under such program,  
3376 are not subject to assignment, execution, attachment, or any  
3377 legal process, except for qualified domestic relations orders by  
3378 a court of competent jurisdiction, income deduction orders as  
3379 provided in s. 61.1301, and federal income tax levies.

3380 Section 86. Section 121.5911, Florida Statutes, is amended  
3381 to read:

3382 121.5911 Disability retirement program; qualified status;  
3383 rulemaking authority.—It is the intent of the Legislature that  
3384 the disability retirement program for participants of the Public  
3385 Employee Optional Retirement Program ~~as created in this act~~ must  
3386 meet all applicable requirements of federal law for a qualified  
3387 plan. The department ~~of Management Services~~ shall seek a private  
3388 letter ruling from the Internal Revenue Service on the  
3389 disability retirement program ~~for participants of the Public~~  
3390 ~~Employee Optional Retirement Program~~. Consistent with the  
3391 private letter ruling, the department ~~of Management Services~~



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3392 shall adopt ~~any necessary~~ rules necessary ~~required~~ to maintain  
3393 the qualified status of the disability retirement program and  
3394 the Florida Retirement System defined benefit program plan.

3395 Section 87. Paragraph (b) of subsection (3) of section  
3396 121.78, Florida Statutes, is amended to read:

3397 121.78 Payment and distribution of contributions.—

3398 (3)

3399 (b) If contributions made by an employer on behalf of  
3400 participants of the optional retirement program or accompanying  
3401 payroll data are not received within the calendar month they are  
3402 due, including, but not limited to, contribution adjustments as  
3403 a result of employer errors or corrections, and if that  
3404 delinquency results in market losses to participants, the  
3405 employer shall reimburse each participant's account for market  
3406 losses resulting from the late contributions. If a participant  
3407 has terminated employment and taken a distribution, the  
3408 participant is responsible for returning any excess  
3409 contributions erroneously provided by employers, adjusted for  
3410 any investment gain or loss incurred during the period such  
3411 excess contributions were in the participant's ~~Public Employee~~  
3412 ~~Optional Retirement Program~~ account. The state board of  
3413 ~~Administration~~ or its designated agent shall communicate to  
3414 terminated participants any obligation to repay such excess  
3415 contribution amounts. However, the state board of  
3416 ~~Administration~~, its designated agents, the Public Employee  
3417 Optional Retirement Program Trust Fund, the department of  
3418 ~~Management Services~~, or the Florida Retirement System Trust Fund  
3419 may ~~shall~~ not incur any loss or gain as a result of an  
3420 employer's correction of such excess contributions. The third-



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3421 party administrator, hired by the state board pursuant to s.  
3422 121.4501(8), shall calculate the market losses for each affected  
3423 participant. ~~If~~ ~~When~~ contributions made on behalf of  
3424 participants of the optional retirement program or accompanying  
3425 payroll data are not received within the calendar month due, the  
3426 employer shall also pay the cost of the third-party  
3427 administrator's calculation and reconciliation adjustments  
3428 resulting from the late contributions. The third-party  
3429 administrator shall notify the employer of the results of the  
3430 calculations and the total amount due from the employer for such  
3431 losses and the costs of calculation and reconciliation. The  
3432 employer shall remit to the division the amount due within 10  
3433 working days after the date of the penalty notice sent by the  
3434 division. The Division of Retirement shall transfer said amount  
3435 to the third-party administrator, which ~~who~~ shall deposit  
3436 proceeds from the 1-percent assessment and from individual  
3437 market losses into participant accounts, as appropriate. The  
3438 state board may ~~is authorized to~~ adopt rules to administer  
3439 ~~implement~~ the provisions regarding late contributions, late  
3440 submission of payroll data, the process for reimbursing  
3441 participant accounts for resultant market losses, and the  
3442 penalties charged to the employers.

3443 Section 88. Subsection (6) of section 122.02, Florida  
3444 Statutes, is amended to read:

3445 122.02 Definitions.—The following words and phrases as used  
3446 in this chapter shall have the following meaning unless a  
3447 different meaning is plainly required by the context:

3448 (6) "Department" means the Department of Personnel  
3449 Management ~~Services~~.



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3450 Section 89. Section 122.09, Florida Statutes, is amended to  
3451 read:

3452 122.09 Disability retirement; medical examinations.—An  
3453 ~~Whenever any~~ officer or employee of the state or a county who  
3454 has 10 years of ~~the state has~~ service credit as ~~such officer or~~  
3455 ~~employee for 10 years within the contemplation of this law,~~ the  
3456 last 5 years of which, except for a single break not to exceed 1  
3457 year, is ~~must be~~ continuous, unbroken service and who is  
3458 regularly contributing to the State and County Officers and  
3459 Employees' Retirement Trust Fund and who, ~~shall~~ while holding  
3460 such office or employment, becomes ~~become~~ permanently and  
3461 totally disabled, physically or mentally, or both, from  
3462 rendering useful and efficient service as an ~~such~~ officer or  
3463 employee, ~~such officer or employee~~ may retire from his or her  
3464 office or employment, and ~~upon such retirement the officer or~~  
3465 ~~employee shall~~ be paid, so long as the permanent and total  
3466 disability continues, on his or her own monthly requisition,  
3467 from the State and County Officers and Employees' Retirement  
3468 Trust Fund ~~hereinafter established,~~ retirement compensation as  
3469 provided in s. 122.08; provided that no officer or employee  
3470 retiring under this section shall receive less than 50 percent  
3471 of his or her average final compensation not to exceed \$75. The  
3472 ~~No~~ officer or employee may not ~~of the state and county of the~~  
3473 ~~state shall be permitted to~~ retire under ~~the provisions of this~~  
3474 section until examined by a ~~duly~~ qualified physician or surgeon  
3475 or board of physicians and surgeons, ~~to be~~ selected by the  
3476 Governor for that purpose, and found to be disabled in the  
3477 degree and in the manner specified in this section. An Any  
3478 officer or employee retiring under this section must ~~shall~~ be





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3479 reexamined ~~examined~~ periodically by a ~~duly~~ qualified physician  
3480 or surgeon or board of physicians and surgeons ~~to be~~ selected by  
3481 the Governor for that purpose and paid from the retirement trust  
3482 fund ~~herein provided for~~, at such time as the department directs  
3483 ~~of Management Services shall direct~~ to determine if such total  
3484 disability has continued. If the ~~and in the event it be~~  
3485 ~~disclosed by said examination that said~~ total disability has  
3486 ceased to exist, the ~~then such officer or employee shall~~  
3487 ~~forthwith cease to be paid~~ benefits paid under this section must  
3488 cease. Benefits shall be computed in accordance with Reference  
3489 ~~to s. 122.08 is for the purpose of computing benefits only.~~ Any  
3490 person ~~heretofore~~ retired under this section qualifies ~~shall be~~  
3491 ~~eligible to qualify~~ for the minimum benefits provided herein;  
3492 however, minimum benefits may ~~shall~~ not be paid retroactively.

3493 Section 90. Section 122.23, Florida Statutes, is amended to  
3494 read:

3495 122.23 Definitions; ss. 122.21-122.321.—In addition to  
3496 those definitions set forth in s. 122.02 the following words and  
3497 phrases used in ss. 122.21-122.24, 122.26 to 122.321, inclusive,  
3498 have the respective meanings set forth:

3499 (1) "System" means the general retirement system provided  
3500 by this chapter, with its two divisions.

3501 (2) "Social security coverage" means old age and survivors  
3502 insurance as provided by the federal Social Security Act.

3503 ~~(3) "Department" means the Department of Management~~  
3504 ~~Services.~~

3505 (3)~~(4)~~ "Agreement" means the modification of the ~~that~~  
3506 ~~certain~~ agreement entered into October 23, 1951, between the  
3507 State of Florida and the Secretary of Health, Education and



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3508 Welfare, pursuant to s. 650.03, which makes available to members  
3509 of division B of this system the provisions of said agreement.

3510 ~~(4)(5)~~ "State agency" means the department of Management  
3511 ~~Services~~ within the provisions and contemplation of chapter 650.

3512 Section 91. Subsection (11) of section 122.34, Florida  
3513 Statutes, is amended to read:

3514 122.34 Special provisions for certain sheriffs and full-  
3515 time deputy sheriffs.—

3516 (11) A ~~No~~ high hazard member may not ~~shall be permitted to~~  
3517 receive benefits under this section until examined by a duly  
3518 qualified physician or surgeon, or board of physicians and  
3519 surgeons, ~~to be~~ selected by the Governor for that purpose, and  
3520 found to be disabled in the degree and in the manner specified  
3521 in this section. ~~At such time~~ As directed by the department of  
3522 ~~Management Services~~ directs, a any high hazard member receiving  
3523 disability benefits under this section must ~~shall~~ submit to a  
3524 medical examination to determine if such disability has  
3525 continued., ~~and~~ The cost of such examination shall be paid from  
3526 the retirement trust fund ~~herein provided for;~~ and if the ~~in the~~  
3527 ~~event it is declared by said examination that said~~ disability  
3528 has cleared, the ~~such~~ member shall ~~be ordered to~~ return to  
3529 active duty with the same rank and salary that he or she had at  
3530 the time of disability. Any ~~such~~ member who fails ~~shall fail~~ to  
3531 return to duty forfeits ~~following such order shall forfeit~~ all  
3532 rights and claims under this section ~~law~~. A ~~Every~~ high hazard  
3533 member retiring under this provision shall be paid so long as  
3534 the member's permanent total or partial disability continues, on  
3535 his or her own requisition.

3536 Section 92. Paragraph (a) of subsection (1) and subsection



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3537 (2) of section 145.19, Florida Statutes, are amended to read:

3538 145.19 Annual percentage increases based on increase for  
3539 state career service employees; limitation.—

3540 (1) As used in this section, the term:

3541 (a) "Annual factor" means 1 plus the lesser of:

3542 1. The average percentage increase in the salaries of state  
3543 career service employees for the current fiscal year as  
3544 determined by the Department of Personnel Management ~~Services~~ or  
3545 as provided in the General Appropriations Act; or

3546 2. Seven percent.

3547 (2) Each fiscal year, the salaries of all officials listed  
3548 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.  
3549 The adjusted salary rate ~~is shall be~~ the product, rounded to the  
3550 nearest dollar, of the salary rate granted by the appropriate  
3551 section of this chapter, s. 1001.395, or s. 1001.47 multiplied  
3552 first by the initial factor, then by the cumulative annual  
3553 factor, and finally by the annual factor. The Department of  
3554 Personnel Management ~~Services~~ shall certify the annual factor  
3555 and the cumulative annual factors. Any special qualification  
3556 salary received under this chapter, s. 1001.47, or the annual  
3557 performance salary incentive available to elected  
3558 superintendents under s. 1001.47 shall be added to such adjusted  
3559 salary rate. The special qualification salary ~~is shall be~~  
3560 \$2,000, ~~but shall not exceed \$2,000.~~

3561 Section 93. Subsection (2) of section 154.04, Florida  
3562 Statutes, is amended to read:

3563 154.04 Personnel of county health departments; duties;  
3564 compensation.—

3565 (2) The personnel of the county health department shall be



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3566 employed by the Department of Health. The compensation of such  
3567 personnel shall be determined in accordance with ~~under the~~ rules  
3568 of the Department of Personnel Management ~~Services~~. Such  
3569 employees shall engage in the prevention of disease and the  
3570 promotion of health under the supervision of the Department of  
3571 Health.

3572 Section 94. Paragraph (b) of subsection (9) and paragraph  
3573 (a) of subsection (10) of section 163.3184, Florida Statutes,  
3574 are amended to read:

3575 163.3184 Process for adoption of comprehensive plan or plan  
3576 amendment.—

3577 (9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

3578 (b) The hearing shall be conducted by an administrative law  
3579 judge of the Division of Administrative Hearings ~~of the~~  
3580 ~~Department of Management Services~~, who shall hold the hearing in  
3581 the county of and convenient to the affected local jurisdiction  
3582 and submit a recommended order to the state land planning  
3583 agency. The state land planning agency shall allow for the  
3584 filing of exceptions to the recommended order and shall issue a  
3585 final order after receipt of the recommended order if the state  
3586 land planning agency determines that the plan or plan amendment  
3587 is in compliance. If the state land planning agency determines  
3588 that the plan or plan amendment is not in compliance, the agency  
3589 shall submit the recommended order to the Administration  
3590 Commission for final agency action.

3591 (10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN  
3592 COMPLIANCE.—

3593 (a) If the state land planning agency issues a notice of  
3594 intent to find the comprehensive plan or plan amendment not in



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3595 compliance with this act, the notice of intent shall be  
3596 forwarded to the Division of Administrative Hearings ~~of the~~  
3597 ~~Department of Management Services~~, which shall conduct a  
3598 proceeding under ss. 120.569 and 120.57 in the county of and  
3599 convenient to the affected local jurisdiction. The parties to  
3600 the proceeding are ~~shall be~~ the state land planning agency, the  
3601 affected local government, and any affected person who  
3602 intervenes. No new issue may be alleged as a reason to find a  
3603 plan or plan amendment not in compliance in an administrative  
3604 pleading filed more than 21 days after publication of notice  
3605 unless the party seeking that issue establishes good cause for  
3606 not alleging the issue within that time period. Good cause does  
3607 ~~shall~~ not include excusable neglect. In the proceeding, the  
3608 local government's determination that the comprehensive plan or  
3609 plan amendment is in compliance is presumed ~~to be~~ correct. The  
3610 local government's determination shall be sustained unless it is  
3611 shown by a preponderance of the evidence that the comprehensive  
3612 plan or plan amendment is not in compliance. The local  
3613 government's determination that elements of its plans are  
3614 related to and consistent with each other shall be sustained if  
3615 the determination is fairly debatable.

3616 Section 95. Subsection (6) of section 175.032, Florida  
3617 Statutes, is amended to read:

3618 175.032 Definitions.—For any municipality, special fire  
3619 control district, chapter plan, local law municipality, local  
3620 law special fire control district, or local law plan under this  
3621 chapter, the following words and phrases have the following  
3622 meanings:

3623 (6) "Division" means the Division of Retirement of the



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3624 Department of Personnel Management ~~Services~~.

3625 Section 96. Section 175.1215, Florida Statutes, is amended  
3626 to read:

3627 175.1215 Police and Firefighters' Premium Tax Trust Fund.—  
3628 The Police and Firefighters' Premium Tax Trust Fund is created,  
3629 to be administered by the division ~~of Retirement of the~~  
3630 ~~Department of Management Services~~. Funds credited to the trust  
3631 fund, as provided in chapter 95-250, Laws of Florida, or similar  
3632 legislation, shall be expended for the purposes set forth in  
3633 that legislation.

3634 Section 97. Section 175.361, Florida Statutes, is amended  
3635 to read:

3636 175.361 Termination of plan and distribution of fund.—For  
3637 any municipality, special fire control district, chapter plan,  
3638 local law municipality, local law special fire control district,  
3639 or local law plan under this chapter, the plan may be terminated  
3640 by the municipality or special fire control district. Upon  
3641 termination of the plan by the municipality or special fire  
3642 control district for any reason or because of a transfer,  
3643 merger, or consolidation of governmental units, services, or  
3644 functions as provided in chapter 121, or upon written notice by  
3645 the municipality or special fire control district to the board  
3646 of trustees that contributions under the plan are being  
3647 permanently discontinued, the rights of all employees to  
3648 benefits accrued to the date of such termination and the amounts  
3649 credited to the employees' accounts are nonforfeitable. The fund  
3650 shall be distributed in accordance with the following  
3651 procedures:

3652 (1) The board of trustees shall determine the date of



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3653 distribution and the asset value required to fund all the  
3654 nonforfeitable benefits after taking into account the expenses  
3655 of such distribution. The board shall inform the municipality or  
3656 special fire control district if additional assets are required,  
3657 in which event the municipality or special fire control district  
3658 shall continue to financially support the plan until all  
3659 nonforfeitable benefits have been funded.

3660 (2) The board of trustees shall determine the method of  
3661 distribution of the asset value, whether distribution is ~~shall~~  
3662 ~~be~~ by payment in cash, by the maintenance of another or  
3663 substituted trust fund, by the purchase of insured annuities, or  
3664 otherwise, for each firefighter entitled to benefits under the  
3665 plan as specified in subsection (3).

3666 (3) The board of trustees shall distribute the asset value  
3667 as of the date of termination as ~~in the manner~~ set forth in this  
3668 subsection, on the basis that the amount required to provide any  
3669 given retirement income is the actuarially computed single-sum  
3670 value of such retirement income, except that if the method of  
3671 distribution determined under subsection (2) involves the  
3672 purchase of an insured annuity, the amount required to provide  
3673 the given retirement income is the single premium payable for  
3674 such annuity. The actuarial single-sum value may not be less  
3675 than the employee's accumulated contributions to the plan, with  
3676 interest if provided by the plan, less the value of any plan  
3677 benefits previously paid to the employee.

3678 (4) If there is asset value remaining after the full  
3679 distribution specified in subsection (3), and after the payment  
3680 of any expenses incurred with such distribution, such excess  
3681 shall be returned to the municipality or special fire control



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3682 district, less the return to the state of the state's  
3683 contributions, ~~provided that,~~ If the excess is less than the  
3684 total contributions made by the municipality or special fire  
3685 control district and the state to date of termination of the  
3686 plan, such excess shall be divided proportionately to the total  
3687 contributions made by the municipality or special fire control  
3688 district and the state.

3689 (5) The board of trustees shall distribute, in accordance  
3690 with subsection (2), the amounts determined under subsection  
3691 (3).

3692 (6) If, after 24 months after the date the plan terminated  
3693 or the date the board received written notice that the  
3694 contributions ~~thereunder~~ were being permanently discontinued,  
3695 the municipality or special fire control district or the board  
3696 of trustees of the firefighters' pension trust fund affected has  
3697 not complied with all the provisions in this section, the  
3698 Department of Personnel Management ~~Services~~ shall effect the  
3699 termination of the fund in accordance with this section.

3700 Section 98. Subsection (7) of section 185.02, Florida  
3701 Statutes, is amended to read:

3702 185.02 Definitions.—For any municipality, chapter plan,  
3703 local law municipality, or local law plan under this chapter,  
3704 the following words and phrases as used in this chapter shall  
3705 have the following meanings, unless a different meaning is  
3706 plainly required by the context:

3707 (7) "Division" means the Division of Retirement of the  
3708 Department of Personnel Management ~~Services~~.

3709 Section 99. Section 185.105, Florida Statutes, is amended  
3710 to read:





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3711           185.105 Police and Firefighters' Premium Tax Trust Fund.—  
3712 The Police and Firefighters' Premium Tax Trust Fund is the trust  
3713 fund created under s. 175.1215 and ~~is created, to be~~  
3714 administered by the division ~~of Retirement of the Department of~~  
3715 ~~Management Services. Funds credited to the trust fund, as~~  
3716 ~~provided in chapter 95-250, Laws of Florida, or similar~~  
3717 ~~legislation, shall be expended for the purposes set forth in~~  
3718 ~~that legislation.~~

3719           Section 100. Section 185.37, Florida Statutes, is amended  
3720 to read:

3721           185.37 Termination of plan and distribution of fund.—For  
3722 any municipality, chapter plan, local law municipality, or local  
3723 law plan under this chapter, the plan may be terminated by the  
3724 municipality. Upon termination of the plan by the municipality  
3725 for any reason, or because of a transfer, merger, or  
3726 consolidation of governmental units, services, or functions as  
3727 provided in chapter 121, or upon written notice to the board of  
3728 trustees by the municipality that contributions under the plan  
3729 are being permanently discontinued, the rights of all employees  
3730 to benefits accrued to the date of such termination or  
3731 discontinuance and the amounts credited to the employees'  
3732 accounts are nonforfeitable. The fund shall be distributed in  
3733 accordance with the following procedures:

3734           (1) The board of trustees shall determine the date of  
3735 distribution and the asset value required to fund all the  
3736 nonforfeitable benefits, after taking into account the expenses  
3737 of such distribution. The board shall inform the municipality if  
3738 additional assets are required, in which event the municipality  
3739 shall continue to financially support the plan until all



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3740 nonforfeitable benefits have been funded.

3741 (2) The board of trustees shall determine the method of  
3742 distribution of the asset value, whether distribution is ~~shall~~  
3743 ~~be~~ by payment in cash, by the maintenance of another or  
3744 substituted trust fund, by the purchase of insured annuities, or  
3745 otherwise, for each police officer entitled to benefits under  
3746 the plan, as specified in subsection (3).

3747 (3) The board of trustees shall distribute the asset value  
3748 as of the date of termination in the manner set forth in this  
3749 subsection, on the basis that the amount required to provide any  
3750 given retirement income is the actuarially computed single-sum  
3751 value of such retirement income, except that if the method of  
3752 distribution determined under subsection (2) involves the  
3753 purchase of an insured annuity, the amount required to provide  
3754 the given retirement income is the single premium payable for  
3755 such annuity. The actuarial single-sum value may not be less  
3756 than the employee's accumulated contributions to the plan, with  
3757 interest if provided by the plan, less the value of any plan  
3758 benefits previously paid to the employee.

3759 (4) If there is asset value remaining after the full  
3760 distribution specified in subsection (3), and after payment of  
3761 any expenses incurred with such distribution, such excess shall  
3762 be returned to the municipality, less the return to the state of  
3763 the state's contributions. ~~., provided that,~~ If the excess is less  
3764 than the total contributions made by the municipality and the  
3765 state to date of termination of the plan, such excess shall be  
3766 divided proportionately to the total contributions made by the  
3767 municipality and the state.

3768 (5) The board of trustees shall distribute, in accordance



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3769 with the manner of distribution determined under subsection (2),  
3770 the amounts determined under subsection (3).

3771 (6) If, after 24 months after the date the plan terminated  
3772 or the date the board received written notice that the  
3773 contributions ~~thereunder~~ were being permanently discontinued,  
3774 the municipality or the board of trustees of the municipal  
3775 police officers' retirement trust fund affected has not complied  
3776 with all the provisions in this section, the Department of  
3777 Management Services shall effect the termination of the fund in  
3778 accordance with this section.

3779 Section 101. Subsection (5) of section 189.4035, Florida  
3780 Statutes, is amended to read:

3781 189.4035 Preparation of official list of special  
3782 districts.—

3783 (5) The official list of special districts shall be  
3784 distributed by the department on October 1 of each year to the  
3785 President of the Senate, the Speaker of the House of  
3786 Representatives, the Auditor General, the Department of Revenue,  
3787 the Department of Financial Services, the Department of Pesonnel  
3788 Management ~~Services~~, the State Board of Administration,  
3789 counties, municipalities, county property appraisers, tax  
3790 collectors, and supervisors of elections and to all interested  
3791 parties who request the list.

3792 Section 102. Subsection (1) of section 189.412, Florida  
3793 Statutes, is amended to read:

3794 189.412 Special District Information Program; duties and  
3795 responsibilities.—The Special District Information Program of  
3796 the Department of Community Affairs is created and has the  
3797 following special duties:



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3798 (1) The collection and maintenance of special district  
3799 noncompliance status reports from the Department of Personnel  
3800 Management ~~Services~~, the Department of Financial Services, the  
3801 Division of Bond Finance of the State Board of Administration,  
3802 and the Auditor General for the reporting required in ss.  
3803 112.63, 218.32, 218.38, and 218.39. The ~~noncompliance~~ reports  
3804 must list those special districts that did not comply with the  
3805 statutory reporting requirements.

3806 Section 103. Subsection (1) of section 210.20, Florida  
3807 Statutes, is amended to read:

3808 210.20 Employees and assistants; distribution of funds.—

3809 (1) The division under the applicable rules of the  
3810 Department of Personnel Management may ~~Services shall have the~~  
3811 ~~power to~~ employ such employees and assistants and incur such  
3812 other expenses as ~~may be~~ necessary for the administration of  
3813 this part, within the limits of an appropriation for the  
3814 operation of the Department of Business and Professional  
3815 Regulation as ~~may be~~ authorized by the General Appropriations  
3816 Act.

3817 Section 104. Subsection (1) of section 210.75, Florida  
3818 Statutes, is amended to read:

3819 210.75 Administration.—

3820 (1) The division, under the applicable rules of the  
3821 Department of Personnel Management may ~~Services, shall have the~~  
3822 ~~power to~~ employ such employees and assistants and ~~to~~ incur such  
3823 other expenses as ~~may be~~ necessary for the administration of  
3824 this part within the limits of an appropriation for the  
3825 operation of the Department of Business and Professional  
3826 Regulation as ~~may be~~ authorized by the General Appropriations



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3827 Act.

3828 Section 105. Paragraph (r) of subsection (8) of section  
3829 213.053, Florida Statutes, is amended to read:

3830 213.053 Confidentiality and information sharing.—

3831 (8) Notwithstanding any other provision of this section,  
3832 the department may provide:

3833 (r) Information relative to the returns required by ss.  
3834 175.111 and 185.09 to the Department of Personnel Management  
3835 ~~Services~~ in the conduct of its official duties. The Department  
3836 of Personnel Management may ~~Services is~~, in turn, ~~authorized to~~  
3837 disclose payment information to a governmental agency or the  
3838 agency's agent for purposes related to budget preparation,  
3839 auditing, revenue or financial administration, or administration  
3840 of chapters 175 and 185.

3841  
3842 Disclosure of information under this subsection shall be  
3843 pursuant to a written agreement between the executive director  
3844 and the agency. Such agencies, governmental or nongovernmental,  
3845 shall be bound by the same requirements of confidentiality as  
3846 the Department of Revenue. Breach of confidentiality is a  
3847 misdemeanor of the first degree, punishable as provided by s.  
3848 775.082 or s. 775.083.

3849 Section 106. Subsection (1) of section 215.196, Florida  
3850 Statutes, is amended to read:

3851 215.196 Architects Incidental Trust Fund; creation;  
3852 assessment.—

3853 (1) ~~There is created~~ The Architects Incidental Trust Fund  
3854 is created for the purpose of providing sufficient funds for the  
3855 operation of the facilities development activities of the



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3856 Department of Environmental Regulation Management Services.

3857 Section 107. Paragraph (p) of subsection (1) of section  
3858 215.22, Florida Statutes, is amended to read:

3859 215.22 Certain income and certain trust funds exempt.—

3860 (1) The following income of a revenue nature or the  
3861 following trust funds shall be exempt from the appropriation  
3862 required by s. 215.20(1):

3863 (p) The Communications Working Capital Trust Fund of the  
3864 Agency for Enterprise Information Technology ~~Department of~~  
3865 ~~Management Services~~.

3866 Section 108. Subsection (3) of section 215.28, Florida  
3867 Statutes, is amended to read:

3868 215.28 United States securities, purchase by state and  
3869 county officers and employees; deductions from salary.—

3870 (3) All deductions ~~so~~ made by a ~~any such~~ disbursing  
3871 authority shall be deposited in a trust account separate and  
3872 apart from the funds of the state, county, or subordinate  
3873 agency. Such account is ~~will be~~ subject to withdrawal only for  
3874 the purchase of United States securities on behalf of officers  
3875 and employees, or for refunds to such persons in accordance with  
3876 ~~the provisions of this section law.~~ If ~~Whenever~~ the sum of  
3877 \$18.75 or the purchase price of the security requested to be  
3878 purchased is accumulated from deductions ~~so~~ made from the  
3879 salaries or wages of an officer or employee, the ~~such~~ disbursing  
3880 agent shall arrange the purchase of the bond or security applied  
3881 for and have it registered in the name or names requested in the  
3882 deduction authorization. Securities so purchased must ~~will~~ be  
3883 delivered in a ~~such~~ manner that is ~~as may be~~ convenient for the  
3884 issuing agent and the purchaser. Any interest earned on moneys



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3885 ~~in such account while~~ awaiting the accumulation of the purchase  
3886 price of the security shall be transferred to the Florida  
3887 Retirement System Trust Fund as reimbursement for administrative  
3888 costs incurred by the Department of Personnel Management  
3889 ~~Services~~ under this section.

3890 Section 109. Subsection (6) of section 215.422, Florida  
3891 Statutes, is amended to read:

3892 215.422 Payments, warrants, and invoices; processing time  
3893 limits; dispute resolution; agency or judicial branch  
3894 compliance.—

3895 (6) The Department of Financial Services shall monitor each  
3896 agency's and the judicial branch's compliance with the time  
3897 limits and interest penalty provisions of this section. The  
3898 department shall provide a report to an agency or to the  
3899 judicial branch if the department determines that the agency or  
3900 the judicial branch has failed to maintain an acceptable rate of  
3901 compliance with the time limits and interest penalty provisions  
3902 ~~of this section~~. The department shall establish criteria for  
3903 determining acceptable rates of compliance. The report must  
3904 ~~shall~~ also include a list of late invoices or payments, the  
3905 amount of interest owed or paid, and any corrective actions  
3906 recommended. The department shall perform monitoring  
3907 responsibilities, pursuant to this section, using the Department  
3908 of Financial Services' financial systems provided in s. 215.94.  
3909 Each agency and the judicial branch shall be responsible for the  
3910 accuracy of information entered into ~~the Department of~~  
3911 ~~Management Services' procurement system and the department's~~  
3912 ~~Department of Financial Services' financial systems~~ for use in  
3913 this monitoring.



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3914 Section 110. Section 215.425, Florida Statutes, is amended  
3915 to read:

3916 215.425 Extra compensation claims prohibited. ~~No~~ Extra  
3917 compensation may not be paid ~~shall be made~~ to any officer,  
3918 agent, employee, or contractor after the service has been  
3919 rendered or the contract made; nor shall any money be  
3920 appropriated or paid on any claim the subject matter of which  
3921 has not been provided for by preexisting laws, unless such  
3922 compensation or claim is allowed by a law enacted by two-thirds  
3923 of the members elected to each house of the Legislature.

3924 However, when adopting salary schedules for a fiscal year, a  
3925 district school board or community college district board of  
3926 trustees may apply the schedule for payment of all services  
3927 rendered after ~~subsequent to~~ July 1 of that fiscal year. The  
3928 provisions of this section do not apply to extra compensation  
3929 given to state employees who are included within the senior  
3930 management group pursuant to rules adopted by the Department of  
3931 Personnel Management Services; to extra compensation given to  
3932 county, municipal, or special district employees pursuant to  
3933 policies adopted by county or municipal ordinances or  
3934 resolutions of governing boards of special districts or to  
3935 employees of the clerk of the circuit court pursuant to written  
3936 policy of the clerk; or to a clothing and maintenance allowance  
3937 given to plainclothes deputies pursuant to s. 30.49.

3938 Section 111. Paragraph (g) of subsection (1) of section  
3939 215.47, Florida Statutes, is amended to read:

3940 215.47 Investments; authorized securities; loan of  
3941 securities.—Subject to the limitations and conditions of the  
3942 State Constitution or of the trust agreement relating to a trust





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3943 fund, moneys available for investments under ss. 215.44-215.53  
3944 may be invested as follows:

3945 (1) Without limitation in:

3946 (g) Bonds issued by the Florida State Improvement  
3947 Commission, Florida Development Commission, ~~Division of Bond~~  
3948 ~~Finance of the Department of General Services,~~ or Division of  
3949 Bond Finance of the State Board of Administration.

3950 Section 112. Subsection (3) of section 215.50, Florida  
3951 Statutes, is amended to read:

3952 215.50 Custody of securities purchased; income.-

3953 (3) The Chief Financial Officer, as custodian of securities  
3954 owned by the Florida Retirement System Trust Fund and the  
3955 Florida Survivor Benefit Trust Fund, shall collect the interest,  
3956 dividends, prepayments, maturities, proceeds from sales, and  
3957 other income accruing from such assets. As such income is  
3958 collected by the Chief Financial Officer, it shall be deposited  
3959 directly into a commercial bank to the credit of the State Board  
3960 of Administration. The ~~Such~~ bank accounts ~~as may be~~ required for  
3961 this purpose shall offer satisfactory collateral security as  
3962 provided by chapter 280. If the ~~In the event~~ funds ~~se~~ deposited  
3963 ~~according to the provisions of this section~~ are required to pay  
3964 ~~for the purpose of paying~~ benefits or other operational needs,  
3965 the State Board of Administration shall remit to the Florida  
3966 Retirement System Trust Fund in the State Treasury such amounts  
3967 as may be requested by the Department of Personnel Management  
3968 ~~Services~~.

3969 Section 113. Subsections (4) and (5) of section 215.94,  
3970 Florida Statutes, are amended to read:

3971 215.94 Designation, duties, and responsibilities of



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3972 functional owners.-

3973 (4) The Department of Financial Management Services is  
3974 ~~shall be~~ the functional owner of the Purchasing Subsystem. The  
3975 department shall design, implement, and operate the subsystem in  
3976 accordance with ~~the provisions of~~ ss. 215.90-215.96. The  
3977 subsystem includes ~~shall include~~, but is ~~shall~~ not be limited  
3978 to, functions for commodity and service procurement.

3979 (5) The Department of Personnel Management is ~~Services~~  
3980 ~~shall be~~ the functional owner of the Personnel Information  
3981 System. The department shall ensure that the system is designed,  
3982 implemented, and operated in accordance with ~~the provisions of~~  
3983 ss. 110.116 and 215.90-215.96. The department may contract with  
3984 a vendor to provide the system and services required of the  
3985 ~~Personnel Information~~ system. The subsystem includes ~~shall~~  
3986 ~~include~~, but is ~~shall~~ not be limited to, functions for:

3987 (a) Maintenance of employee and position data, including  
3988 funding sources and percentages and salary lapse. The employee  
3989 data includes ~~shall include~~, but is not be limited to,  
3990 information to meet the payroll system requirements of the  
3991 Department of Financial Services and to meet the employee  
3992 benefit system requirements of the Department of Personnel  
3993 Management ~~Services~~.

3994 (b) Recruitment and selection.

3995 (c) Time and leave reporting.

3996 (d) Collective bargaining.

3997 Section 114. Subsection (2) of section 215.96, Florida  
3998 Statutes, is amended to read:

3999 215.96 Coordinating council and design and coordination  
4000 staff.-



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4001           (2) The coordinating council shall consist of the Chief  
4002 Financial Officer; the Commissioner of Agriculture; the  
4003 executive director ~~secretary~~ of the Department of Personnel  
4004 Management ~~Services~~; the Attorney General; and the Director of  
4005 Planning and Budgeting, Executive Office of the Governor, or  
4006 their designees. The Chief Financial Officer, or a ~~his or her~~  
4007 designee, shall be the chair of the coordinating council, and  
4008 the design and coordination staff shall provide administrative  
4009 and clerical support to the council and the board. The design  
4010 and coordination staff shall maintain the minutes of each  
4011 meeting and ~~shall~~ make such minutes available to any interested  
4012 person. The Auditor General, the State Courts Administrator, an  
4013 executive officer of the Florida Association of State Agency  
4014 Administrative Services Directors, and an executive officer of  
4015 the Florida Association of State Budget Officers, or their  
4016 designees, shall serve without voting rights as ex officio  
4017 members on the coordinating council. The chair may call meetings  
4018 of the coordinating council as often as necessary to transact  
4019 business; however, the coordinating council must ~~shall~~ meet at  
4020 least once a year. Action of the coordinating council shall be  
4021 by motion, duly made, seconded and passed by a majority of the  
4022 coordinating council voting in the affirmative for approval of  
4023 items that are to be recommended for approval to the Financial  
4024 Management Information Board.

4025           Section 115. Section 216.0152, Florida Statutes, is amended  
4026 to read:

4027           216.0152 Inventory of state-owned facilities or state-  
4028 occupied facilities.—

4029           (1) The Department of Environmental Protection ~~Management~~



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4030 ~~Services~~ shall develop and maintain an automated inventory of  
4031 all facilities owned, leased, rented, or otherwise occupied or  
4032 maintained by any state agency ~~of the state~~ or by the judicial  
4033 branch, except those with less than 3,000 square feet. The  
4034 inventory must ~~shall~~ include the location, occupying agency,  
4035 ownership, size, condition assessment, maintenance record, age,  
4036 parking and employee facilities, and other information ~~as~~  
4037 required by the department for determining maintenance needs and  
4038 life-cycle cost evaluations of the facility. The inventory need  
4039 not include a condition assessment or maintenance record of  
4040 facilities not owned by a state agency or by the judicial  
4041 branch. The term "facility," as used in this section, means  
4042 buildings, structures, and building systems, but does not  
4043 include transportation facilities of the state transportation  
4044 system. The Department of Transportation shall develop and  
4045 maintain an inventory of transportation facilities of the state  
4046 transportation system. The Board of Governors of the State  
4047 University System and the Department of Education, respectively,  
4048 shall develop and maintain an inventory, in the manner  
4049 prescribed by the Department of Environmental Protection  
4050 ~~Management Services~~, of all state university and community  
4051 college facilities and shall make the data available in a format  
4052 acceptable to the Department of Environmental Protection  
4053 ~~Management Services~~.

4054 (2) The Department of Environmental Protection ~~Management~~  
4055 ~~Services~~ shall update its inventory and cause ~~to be updated~~ the  
4056 other inventories required by subsection (1) to be updated at  
4057 least once every 5 years. However, ~~but~~ the inventories must  
4058 ~~shall~~ record acquisitions of new facilities and significant



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4059 changes in existing facilities as they occur. The department ~~of~~  
4060 ~~Management Services~~ shall provide each state agency and the  
4061 judicial branch with the most recent inventory applicable to  
4062 that agency or to the judicial branch. Each state agency and the  
4063 judicial branch shall, in the manner prescribed by the  
4064 department ~~of Management Services~~, report significant changes in  
4065 the inventory as they occur. Items relating to the condition and  
4066 life-cycle cost of a facility must ~~shall~~ be updated at least  
4067 every 5 years.

4068 (3) The Department of Environmental Protection Management  
4069 ~~Services~~ shall, every 3 years, publish a complete report  
4070 detailing this inventory and ~~shall~~ publish an annual update of  
4071 the report. The department shall furnish the updated report to  
4072 the Executive Office of the Governor and the Legislature by ~~no~~  
4073 ~~later than~~ September 15 of each year.

4074 Section 116. Subsection (1) of section 216.016, Florida  
4075 Statutes, is amended to read:

4076 216.016 Evaluation of plans; determination of financing  
4077 method.—

4078 (1) Pursuant to ~~the requirements of~~ s. 216.044, the  
4079 Department of Environmental Protection Management Services shall  
4080 evaluate state agency plans and plans of the judicial branch.

4081 Section 117. Paragraph (a) of subsection (4) of section  
4082 216.023, Florida Statutes, is amended to read:

4083 216.023 Legislative budget requests to be furnished to  
4084 Legislature by agencies.—

4085 (4) (a) The legislative budget request must include ~~contain~~  
4086 for each program:

4087 1. The constitutional or statutory authority for a program,



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4088 a brief purpose statement, and approved program components.

4089 2. Information on expenditures for 3 fiscal years by  
4090 appropriation category, which includes ~~(actual prior-year~~  
4091 ~~expenditures, current-year estimated expenditures, and agency~~  
4092 ~~budget requested expenditures for the next fiscal year)~~ by  
4093 ~~appropriation category.~~

4094 3. Details on trust funds and fees.

4095 4. The total number of positions, including ~~(authorized,~~  
4096 ~~fixed, and requested).~~

4097 5. An issue narrative describing and justifying changes in  
4098 amounts and positions requested for current and proposed  
4099 programs for the next fiscal year.

4100 6. Information resource requests.

4101 7. Supporting information, including applicable cost-  
4102 benefit analyses, business case analyses, performance  
4103 contracting procedures, service comparisons, and impacts on  
4104 performance standards for any request to outsource or privatize  
4105 agency functions. The cost-benefit and business case analyses  
4106 must include an assessment of the impact on each affected  
4107 activity from those identified in accordance with paragraph (b).  
4108 Performance standards must include standards for each affected  
4109 activity and be expressed in terms of the associated unit of  
4110 activity.

4111 8. An evaluation of any major outsourcing and privatization  
4112 initiatives undertaken during the last 5 fiscal years having  
4113 aggregate expenditures exceeding \$10 million during the term of  
4114 the contract. The evaluation must ~~shall~~ include an assessment of  
4115 contractor performance, a comparison of anticipated service  
4116 levels to actual service levels, and a comparison of estimated



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4117 savings to actual savings achieved. Consolidated reports issued  
4118 by the Department of Financial Management Services may be used  
4119 to satisfy this requirement.

4120 9. Supporting information for any proposed consolidated  
4121 financing of deferred-payment commodity contracts including  
4122 guaranteed energy performance savings contracts. Supporting  
4123 information must also include narrative describing and  
4124 justifying the need, baseline for current costs, estimated cost  
4125 savings, projected equipment purchases, estimated contract  
4126 costs, and return on investment calculation.

4127 10. For projects that exceed \$10 million in total cost, the  
4128 statutory reference of the existing policy or the proposed  
4129 substantive policy that establishes and defines the project's  
4130 governance structure, planned scope, main business objectives  
4131 that must be achieved, and estimated completion timeframes.  
4132 Information technology budget requests for the continuance of  
4133 existing hardware and software maintenance agreements, renewal  
4134 of existing software licensing agreements, or the replacement of  
4135 desktop units with new technology that is similar to the  
4136 technology currently in use are exempt from this requirement.

4137 Section 118. Section 216.044, Florida Statutes, is amended  
4138 to read:

4139 216.044 Budget evaluation by ~~Department of Management~~  
4140 ~~Services.~~—

4141 (1) Any state agency or judicial branch entity requesting a  
4142 fixed capital outlay project to be managed by the Department of  
4143 Environmental Protection ~~Management Services~~ shall consult with  
4144 that department during the budget development process. The  
4145 department of ~~Management Services~~ shall provide recommendations



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4146 regarding construction requirements, cost of the project, and  
4147 project alternatives to be incorporated in the agency's or  
4148 entity's proposed fixed capital outlay budget request and  
4149 narrative justification.

4150 (2) Concurrently with the submission of the fixed capital  
4151 outlay legislative budget request to the Executive Office of the  
4152 Governor or to the Chief Justice of the Supreme Court, the  
4153 agency or judicial branch shall submit a copy of the legislative  
4154 budget request to the Department of Environmental Protection  
4155 ~~Management Services~~ for evaluation.

4156 (3) The Department of Environmental Protection ~~Management~~  
4157 ~~Services~~ shall advise the Executive Office of the Governor, the  
4158 Chief Justice, and the Legislature regarding alternatives to the  
4159 proposed fixed capital outlay project and make recommendations  
4160 relating to the construction requirements and cost of the  
4161 project. These recommendations shall be provided to the  
4162 Legislature and Executive Office of the Governor at a time  
4163 specified by the Governor, but at least ~~not less than~~ 90 days  
4164 before ~~prior to~~ the regular session of the Legislature. When  
4165 evaluating alternatives, the department ~~of Management Services~~  
4166 shall include information as to whether it would be more cost-  
4167 efficient to lease private property or facilities, to construct  
4168 facilities on property presently owned by the state, or to  
4169 acquire property on which to construct the facilities. In  
4170 determining the cost to the state of constructing facilities on  
4171 property presently owned by the state or the cost of acquiring  
4172 property on which to construct facilities, the department ~~of~~  
4173 ~~Management Services~~ shall include the costs that ~~which~~ would be  
4174 incurred by a private person in acquiring the property and





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4175 constructing the facilities, including, but not limited to,  
4176 taxes and return on investment.

4177 Section 119. Paragraph (c) of subsection (2) of section  
4178 216.163, Florida Statutes, is amended to read:

4179 216.163 Governor's recommended budget; form and content;  
4180 declaration of collective bargaining impasses.—

4181 (2) The Governor's recommended budget shall also include:

4182 (c) The evaluation of the fixed capital outlay request of  
4183 each agency and the judicial branch and alternatives to the  
4184 proposed projects as made by the Department of Environmental  
4185 Protection Management Services pursuant to s. 216.044.

4186 Section 120. Section 216.237, Florida Statutes, is amended  
4187 to read:

4188 216.237 Availability of any remaining funds; ~~agency~~  
4189 maintenance of accounting records.—Any funds remaining ~~funds~~  
4190 from the General Revenue Fund and trust fund spending authority  
4191 not awarded to agencies pursuant to s. 216.236 shall be made  
4192 available to agencies for innovative projects that ~~which~~  
4193 generate a cost savings, increase revenue, or improve service  
4194 delivery. Innovative projects that ~~which~~ generate a cost savings  
4195 shall receive greater consideration when awarding innovation  
4196 ~~investment~~ funds. Any trust fund authority granted under this  
4197 program must be used ~~shall be utilized~~ in a manner that is  
4198 consistent with the statutory authority for the use of the ~~said~~  
4199 trust fund. Any savings realized as a result of implementing the  
4200 innovative project must ~~shall~~ be used by the agency to establish  
4201 an internal innovations fund. State agencies that ~~which~~ are  
4202 awarded funds for innovative projects shall use ~~utilize~~ the  
4203 chart of accounts used by the Florida Accounting Information



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4204 Resource Subsystem in the manner described in s. 215.93(3). The  
4205 ~~Such~~ chart of accounts shall be developed and amended in  
4206 consultation with the Department of Financial Services and the  
4207 Executive Office of the Governor to separate and account for ~~the~~  
4208 savings that result from the implementation of the innovative  
4209 projects and to keep track of how the innovative funds are  
4210 reinvested by the state agency to fund additional innovative  
4211 projects, which may include, but are not ~~be~~ limited to,  
4212 expenditures for training and information technology resources.  
4213 Guidelines for the establishment of such internal innovations  
4214 fund shall be provided by the Department of Financial Management  
4215 Services. Any agency awarded funds under this section must ~~shall~~  
4216 maintain detailed accounting records showing all expenses, loan  
4217 transfers, savings, or other financial actions concerning the  
4218 project. Any savings realized as a result of implementing the  
4219 innovative project must ~~shall~~ be quantified, validated, and  
4220 verified by the agency. A final report of the results of the  
4221 implementation of each innovative project must ~~shall~~ be  
4222 submitted by each participating agency to the Governor's Office  
4223 of Policy and Budget Planning and Budgeting and the legislative  
4224 appropriations committees by June 30 of the fiscal year in which  
4225 the funds were received and ensuing fiscal years for the life of  
4226 the project.

4227 Section 121. Section 216.238, Florida Statutes, is amended  
4228 to read:

4229 216.238 Rules ~~Authority given to carry out provisions of~~  
4230 ~~program.~~—The Department of Financial Management Services shall,  
4231 ~~in accordance with chapter 120, adopt, promulgate, amend, or~~  
4232 ~~rescind such~~ rules as ~~it deems~~ necessary and administratively



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4233 feasible to administer ~~carry out the provisions of~~ the  
4234 Innovation Investment Program.

4235 Section 122. Paragraphs (d), (e), (f), and (g) of  
4236 subsection (1) and subsection (3) of section 216.262, Florida  
4237 Statutes, are amended to read:

4238 216.262 Authorized positions.—

4239 (1)

4240 (d) An individual employed by a state agency or by the  
4241 judicial branch may not hold more than one employment during his  
4242 or her normal working hours with the state, such working hours  
4243 to be determined by the head of the state agency affected,  
4244 unless approved by the Department of Personnel Management  
4245 ~~Services~~, or otherwise delegated to the agency head, or by the  
4246 Chief Justice of the Supreme Court, respectively.

4247 (e) An individual employed by a state agency or by the  
4248 judicial branch may not fill more than a total of one full-time  
4249 equivalent established position, receive compensation  
4250 simultaneously from any appropriation other than appropriations  
4251 for salaries, or receive compensation simultaneously from more  
4252 than one state agency unless approved by the Department of  
4253 Personnel Management ~~Services~~, or otherwise delegated to the  
4254 agency head, or by the Chief Justice, respectively, during each  
4255 fiscal year. The department ~~of Management Services~~ may adopt  
4256 uniform rules applicable to the executive branch agencies to  
4257 implement its responsibilities under this paragraph.

4258 (f) Perquisites may not be furnished by a state agency or  
4259 by the judicial branch unless approved by the Department of  
4260 Personnel Management ~~Services~~, or otherwise delegated to the  
4261 agency head, or by the Chief Justice, respectively, during each



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4262 fiscal year. ~~If Whenever~~ a state agency or the judicial branch  
4263 is to furnish perquisites, the department ~~of Management Services~~  
4264 or the agency head to which the approval has been delegated or  
4265 the Chief Justice, respectively, must approve the kind and  
4266 monetary value of such perquisites before they are ~~may be~~  
4267 furnished. Perquisites may be furnished only if ~~when~~ in the best  
4268 interest of the state due to the exceptional or unique  
4269 requirements of the position. The value of a perquisite may not  
4270 be used to compute an employee's base rate of pay or regular  
4271 rate of pay unless required by the Fair Labor Standards Act.  
4272 Permissible perquisites include, but are not limited to, moving  
4273 expenses, clothing, use of vehicles and other transportation,  
4274 domestic services, groundskeeping services, telephone services,  
4275 medical services, housing, utilities, and meals. The Department  
4276 of Personnel ~~Management~~ Services may adopt uniform rules  
4277 applicable to the executive branch agencies to implement its  
4278 responsibilities under this paragraph, which ~~rules~~ may specify  
4279 additional perquisites, establish additional criteria for each  
4280 kind of perquisite, provide the procedure to be used by  
4281 executive agencies in applying for approvals, and establish the  
4282 required justification. As used in this section, the term  
4283 "perquisites" means those things, or the use thereof, or  
4284 services of a kind that confer on the officers or employees  
4285 receiving them some benefit that is in the nature of additional  
4286 compensation, or that reduce to some extent the normal personal  
4287 expenses of the officer or employee receiving them. The term  
4288 includes, but is not limited to, such things as quarters,  
4289 subsistence, utilities, laundry services, medical service, use  
4290 of state-owned vehicles for other than state purposes, and



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4291 servants paid by the state.

4292 (g) If goods and services are to be sold to officers and  
4293 employees of a state agency or of the judicial branch rather  
4294 than being furnished as perquisites, the kind and selling price  
4295 must ~~thereof shall~~ be approved by the Department of Personnel  
4296 ~~Management~~ Services, unless otherwise delegated to the agency  
4297 head, or by the Chief Justice, respectively, during each fiscal  
4298 year before such sales are made. The selling price may be  
4299 deducted from any amounts due by the state to the ~~any~~ person  
4300 receiving such things. The amount of cash so deducted must ~~shall~~  
4301 be faithfully accounted for. This paragraph does not apply to  
4302 sales to officers or employees of items generally sold to the  
4303 public and does not apply to meals that ~~which~~ may be provided  
4304 without charge to volunteers under a volunteer service program  
4305 approved by the Department of Personnel Management ~~Services~~. The  
4306 goods and services may include, but are not limited to, medical  
4307 services, long-term and short-term rental housing, and laundry  
4308 and transportation services. The department ~~of Management~~  
4309 ~~Services~~ may adopt uniform rules applicable to the executive  
4310 branch agencies to implement its responsibilities under this  
4311 paragraph, which ~~rules~~ may specify other items that may be  
4312 approved, the required justification for proposed sales, and the  
4313 manner in which agencies are required to ~~will~~ apply for  
4314 approvals.

4315 (3) A ~~No~~ full-time position may not ~~shall~~ be filled by more  
4316 than the equivalent of one full-time officer or employee, except  
4317 when extenuating circumstances exist. Extenuating circumstances  
4318 must ~~will~~ be provided for in rules to be adopted by the  
4319 Department of Personnel Management ~~Services~~ or by the Chief



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4320 Justice, respectively.

4321 Section 123. Paragraph (c) of subsection (6) of section  
4322 216.292, Florida Statutes, is amended to read:

4323 216.292 Appropriations nontransferable; exceptions.—

4324 (6) The Chief Financial Officer shall transfer from any  
4325 available funds of an agency or the judicial branch the  
4326 following amounts and shall report all such transfers and the  
4327 reasons therefor to the legislative appropriations committees  
4328 and the Executive Office of the Governor:

4329 (c) The amount due to the Communications Working Capital  
4330 Trust Fund from moneys appropriated in the General  
4331 Appropriations Act for the purpose of paying for services  
4332 provided by the state communications system in the Agency for  
4333 Enterprise Information Technology Department of Management  
4334 Services which is unpaid 45 days after the billing date. The  
4335 amount transferred shall be the amount ~~that~~ billed by the  
4336 department.

4337 Section 124. Section 217.02, Florida Statutes, is amended  
4338 to read:

4339 217.02 Definitions.—As used in this chapter act, the term:

4340 (1) "Department" means the Department of Financial  
4341 ~~Management~~ Services.

4342 (2) "Surplus property" means any federal property that  
4343 ~~which~~ has been declared excess by a federal agency, including  
4344 the Department of Defense, and made available for procurement  
4345 and distribution in the state in compliance with the Federal  
4346 Property and Administrative Services Act of 1949, and subsequent  
4347 amendments thereto, or any other federal law provided for the  
4348 procurement and distribution of federal excess and surplus



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4349 property.

4350 Section 125. Section 217.04, Florida Statutes, is amended  
4351 to read:

4352 217.04 Negotiation ~~Department of Management Services as~~  
4353 ~~state agency to negotiate~~ with federal agency.—The department ~~of~~  
4354 ~~Management Services~~ is designated the official agency of the  
4355 state to negotiate with any federal agency in accordance and  
4356 compliance with the Federal Property and Administrative Services  
4357 Act of 1949 and subsequent amendments thereto, and any other  
4358 federal law or regulation providing for the procurement and  
4359 distribution of federal surplus personal property.

4360 Section 126. Section 217.045, Florida Statutes, is amended  
4361 to read:

4362 217.045 ~~Department of Management Services;~~ Assistance to  
4363 state agencies.—The department ~~of Management Services~~ may follow  
4364 whatever procedure is considered necessary to enable state  
4365 agencies to take advantage of surplus property allocated to the  
4366 state by the Federal Government or by its disposal agencies.

4367 Section 127. Subsections (2), (3), (11), and (13) of  
4368 section 238.01, Florida Statutes, are amended to read:

4369 238.01 Definitions.—The following words and phrases as used  
4370 in this chapter shall have the following meanings unless a  
4371 different meaning is plainly required by the context:

4372 (2) "Department" means the Department of Personnel  
4373 ~~Management Services~~.

4374 (3) "Teacher" means any member of the teaching or  
4375 professional staff and any certificated employee of any public  
4376 free school, ~~of~~ any district school system and career center,  
4377 any member of the teaching or professional staff of the Florida



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4378 School for the Deaf and Blind, child training schools of the  
4379 Department of Juvenile Justice, the Department of Corrections,  
4380 and any tax-supported institution of higher learning of the  
4381 state, and any member and any certified employee of the  
4382 Department of Education, any certified employee of the  
4383 retirement system, any full-time employee of any nonprofit  
4384 professional association or corporation of teachers functioning  
4385 in Florida on a statewide basis, which seeks to protect and  
4386 improve public school opportunities for children and advance the  
4387 professional and welfare status of its members, any person now  
4388 serving as superintendent, or who was serving as county  
4389 superintendent of public instruction on July 1, 1939, and any  
4390 hereafter duly elected or appointed superintendent, who holds a  
4391 valid Florida teachers' certificate. In all cases of doubt the  
4392 department ~~of Management Services~~ shall determine whether a any  
4393 person is a teacher as defined herein.

4394 (11) "Regular interest" means interest at such rate as may  
4395 be set from time to time by the department ~~of Management~~  
4396 ~~Services~~.

4397 (13) "Earnable compensation" means the full compensation  
4398 payable to a teacher working the full working time for his or  
4399 her position. With ~~In~~ respect to plans A, B, C, and D only, if  
4400 the ~~in cases where~~ compensation includes maintenance, the  
4401 department ~~of Management Services~~ shall fix the value of that  
4402 part of the compensation not paid in money if, ~~provided that~~ all  
4403 members as of ~~shall from~~ July 1, 1955, make contributions to the  
4404 retirement system on the basis of "earnable compensation," as  
4405 defined herein ~~and all persons who are members on July 1, 1955,~~  
4406 ~~may, upon application, have their "earnable compensation" for~~





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4407 ~~the time during which they have been members prior to that date~~  
4408 ~~determined on the basis of "earnable compensation" as defined in~~  
4409 ~~this law, upon paying to the retirement system, on or before the~~  
4410 ~~date of retirement, a sum equal to the additional contribution~~  
4411 ~~with accumulated regular interest thereon they would have made~~  
4412 ~~if "earnable compensation" had been defined, at the time they~~  
4413 ~~became members, as it is now defined. However, earnable~~  
4414 ~~compensation for all plan years beginning on or after July 1,~~  
4415 ~~1990, may ~~shall~~ not include any amounts in excess of the~~  
4416 ~~compensation limitation (originally \$200,000) established by s.~~  
4417 ~~401(a)(17) of the Internal Revenue Code prior to the Omnibus~~  
4418 ~~Budget Reconciliation Act of 1993, which limitation shall be~~  
4419 ~~adjusted for changes in the cost of living since 1989, as in the~~  
4420 ~~manner provided by s. 401(a)(17) of the Internal Revenue Code of~~  
4421 ~~1991. This limitation, which has been part of the Teachers'~~  
4422 ~~Retirement System since plan years beginning on or after July 1,~~  
4423 ~~1990, must ~~shall~~ be adjusted as required by federal law for~~  
4424 ~~qualified government plans.~~

4425 Section 128. Section 238.02, Florida Statutes, is amended  
4426 to read:

4427 238.02 ~~Name and date of Establishment.~~—A retirement system  
4428 is established and placed under the management of the department  
4429 ~~of Management Services~~ for the purpose of providing retirement  
4430 allowances and other benefits for teachers of the state. The  
4431 retirement system shall have ~~begin operations on July 1, 1939.~~  
4432 ~~It has~~ such powers and privileges of a corporation as ~~may be~~  
4433 necessary to carry out ~~effectively~~ the provisions of this  
4434 chapter and shall be known as the "Teachers' Retirement System  
4435 of the State," and by such name all of its business shall be



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4436 transacted, all of its funds invested, and all of its cash and  
4437 securities and other property held in trust for the purpose for  
4438 which received.

4439 Section 129. Subsection (1) of section 238.03, Florida  
4440 Statutes, is amended to read:

4441 238.03 Administration.—

4442 (1) The general administration and the responsibility for  
4443 the proper operation of the retirement system and for making  
4444 effective the provisions of this chapter are vested in the  
4445 department ~~of Management Services~~. Subject to the limitation of  
4446 this chapter, the department shall, from time to time, adopt  
4447 ~~establish~~ rules and ~~regulations~~ for the administration and  
4448 transaction of the business of the retirement system and shall  
4449 perform such other functions as are required for the execution  
4450 of this chapter.

4451 Section 130. Subsection (3) of section 238.07, Florida  
4452 Statutes, is amended to read:

4453 238.07 Regular benefits; survivor benefits.—

4454 (3) ~~Any member who, prior to July 1, 1955, elected to~~  
4455 ~~retire under one of plans A, B, C, or D may elect, prior to~~  
4456 ~~retirement, to retire under plan E in accordance with the terms~~  
4457 ~~hereof.~~ Any person who became a member on or after July 1, 1955,  
4458 shall retire under plan E, except as provided for under s.  
4459 238.31. With respect to plans A, B, C, or D, any member may  
4460 ~~shall have the right~~ at any time ~~to~~ change to a plan of  
4461 retirement requiring a lower rate of contribution. The  
4462 department ~~of Management Services~~ shall also notify the member  
4463 of the rate of contribution such member must make from and after  
4464 selecting such plan of retirement. Any member in service may



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4465 retire upon reaching the age of retirement formerly selected by  
4466 him or her, upon the member's written application to the  
4467 department setting forth at which time, not more than 90 days  
4468 after ~~subsequent to the execution and filing of~~ such  
4469 application, it is his or her desire to retire notwithstanding  
4470 that during such period ~~of notification~~ he or she may have  
4471 separated from service. Upon receipt of such application ~~for~~  
4472 ~~retirement~~, the department shall retire such member not more  
4473 than 90 days thereafter. Before such member may retire, he or  
4474 she must file with the department his or her written selection  
4475 of one of the optional benefits provided in s. 238.08.

4476 Section 131. Paragraph (a) of subsection (1) of section  
4477 238.09, Florida Statutes, is amended to read:

4478 238.09 Method of financing.—All of the assets of the  
4479 retirement system shall be credited, according to the purposes  
4480 for which they are held, to one of four funds; namely, the  
4481 Annuity Savings Trust Fund, the Pension Accumulation Trust Fund,  
4482 the Expense Trust Fund, and the Survivors' Benefit Trust Fund.

4483 (1) The Annuity Savings Trust Fund shall be a fund in which  
4484 shall be accumulated contributions made from the salaries of  
4485 members under the provisions of paragraph (c) or paragraph (f).  
4486 Contribution to, payments from, the Annuity Savings Trust Fund  
4487 shall be made as follows:

4488 (a) With respect to plan A, B, C, or D, upon the basis of  
4489 such tables as the department ~~of Management Services~~ shall  
4490 adopt, and regular interest, the actuary of the retirement  
4491 system shall determine for each member the proportion of  
4492 earnable compensation which, when deducted from each payment of  
4493 his or her prospective earnable annual compensation prior to his



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4494 or her minimum service retirement age, and accumulated at  
4495 regular interest until such age, shall be computed to provide at  
4496 such age:

4497 1. An annuity equal to one one-hundred-fortieth of the  
4498 member's ~~his or her~~ average final compensation multiplied by the  
4499 number of ~~his or her~~ years of membership in the case of each  
4500 member electing to retire under the provisions of plan A or B.

4501 2. An annuity equal to one one-hundred-twentieth of the  
4502 member's ~~his or her~~ average final compensation multiplied by the  
4503 number of ~~his or her~~ years of membership service in the case of  
4504 each member electing to retire under the provisions of plan C.

4505 3. An annuity equal to one one-hundredth of his or her  
4506 average final compensation multiplied by the number of the  
4507 members' ~~his or her~~ years of membership service in the case of  
4508 each member electing to retire under the provisions of plan D.

4509  
4510 For each ~~In the case of any~~ member who ~~has~~ attained his or her  
4511 minimum service retirement age before ~~prior to~~ becoming a  
4512 member, the proportion of salary applicable to such member, with  
4513 respect to plan A, B, C, or D, shall be the proportion computed  
4514 for the age 1 year younger than his or her minimum service  
4515 retirement age.

4516 Section 132. Section 238.10, Florida Statutes, is amended  
4517 to read:

4518 238.10 Management of funds.—The department ~~of Management~~  
4519 ~~Services~~, annually, shall allow regular interest on the amount  
4520 for the preceding year to the credit of each of the funds of the  
4521 retirement system, and to the credit of the individual account  
4522 therein, if any, with the exception of the expense fund, from



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4523 the interest and dividends earned from investments.

4524 Section 133. Paragraph (b) of subsection (1) and  
4525 subsections (2) and (3) of section 238.11, Florida Statutes, are  
4526 amended to read:

4527 238.11 Collection of contributions.—

4528 (1) The collection of contributions shall be as follows:

4529 (b) Each employer shall transmit monthly to the department  
4530 ~~of Management Services~~ a warrant for the total amount of ~~such~~  
4531 deductions. Each employer shall also transmit monthly to the  
4532 department a warrant for ~~such~~ employer contribution set aside as  
4533 provided ~~for~~ in paragraph (a) ~~of this subsection~~. The  
4534 department, after making records of all such warrants, shall  
4535 transmit them to the Department of Financial Services for  
4536 delivery to the Chief Financial Officer, who shall collect them.

4537 (2) The collection of the state contribution shall be made  
4538 as follows:

4539 (a) The amounts required to be paid by the state into the  
4540 Teachers' Retirement System under ~~in~~ this chapter shall be  
4541 provided ~~therefor~~ in the General Appropriations Act. However, if  
4542 ~~in the event~~ a sufficient amount is not included in the General  
4543 Appropriations Act to meet the full amount needed to pay the  
4544 retirement compensation provided for in this chapter, the  
4545 additional amount needed for such retirement compensation is  
4546 ~~hereby~~ appropriated from the General Revenue Fund as approved by  
4547 the department ~~of Management Services~~.

4548 (b) The department ~~of Management Services~~ shall certify  
4549 one-fourth of the amount so ascertained for each year to the  
4550 Chief Financial Officer on or before the last day of July,  
4551 October, January, and April of each year. The Chief Financial



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4552 Officer shall, on or before the first day of August, November,  
4553 February, and May of each year, immediately transfer the amounts  
4554 due to the several funds of the retirement system ~~the amounts~~  
4555 ~~due.~~

4556 (3) All collection of contributions of a nonprofit  
4557 professional association or corporation of teachers as referred  
4558 to in s. 238.01(3) and (5) shall be made by such association or  
4559 corporation in the following manner:

4560 (a) On April 1 of each year, the department ~~of Management~~  
4561 ~~Services~~ shall certify to ~~any~~ such nonprofit professional  
4562 association or corporation of teachers the amounts that ~~which~~  
4563 will become due and payable during the ensuing fiscal year to  
4564 each of the funds of the retirement system to which such  
4565 contributions are payable as set forth in this section ~~law~~.

4566 (b) The department ~~of Management Services~~ shall certify  
4567 one-fourth of the amount so ascertained for each year to the  
4568 nonprofit professional association or corporation of teachers on  
4569 or before the last day of July, October, January, and April of  
4570 each year. The nonprofit professional association or corporation  
4571 of teachers shall, on or before the first day of August,  
4572 November, February, and May of each year, draw its check payable  
4573 to the department for the respective amounts due the several  
4574 funds of the retirement system. Upon receipt of the check, the  
4575 department shall immediately transfer the amounts due to the  
4576 several funds of the retirement system ~~the amounts due,~~  
4577 ~~provided, however, that the amounts due the several funds of the~~  
4578 ~~retirement system from any such association or corporation for~~  
4579 ~~creditable service accruing to any such member before July 1,~~  
4580 ~~1947, shall be paid prior to the retirement of any such member.~~



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4581           Section 134. Subsection (1) of section 238.12, Florida  
4582 Statutes, is amended to read:

4583           238.12 Duties of employers.—

4584           (1) Each employer shall keep such records and, from time to  
4585 time, shall furnish such information as the department ~~of~~  
4586 ~~Management Services~~ may require in the discharge of its duties.  
4587 Upon the employment of any teacher to whom this chapter may  
4588 apply, the teacher shall be informed by his or her employer of  
4589 his or her duties and obligations in connection with the  
4590 retirement system as a condition of his or her employment. Every  
4591 teacher accepting employment shall be deemed to consent and  
4592 agree to any deductions from his or her compensation required in  
4593 this chapter and to all other provisions of this chapter.

4594           Section 135. Section 238.15, Florida Statutes, is amended  
4595 to read:

4596           238.15 Exemption of funds from taxation, execution, and  
4597 assignment.—The pensions, annuities or any other benefits  
4598 accrued or accruing to any person under ~~the provisions of~~ this  
4599 chapter and the accumulated contributions and cash securities in  
4600 the funds created under this chapter are exempted from any  
4601 state, county or municipal tax of the state, and are ~~shall~~ not  
4602 ~~be~~ subject to execution or attachment or to any legal process  
4603 whatsoever, and shall be unassignable, except:

4604           (1) That any teacher who has retired may ~~shall have the~~  
4605 ~~right and power to~~ authorize the department in writing ~~the~~  
4606 ~~department of Management Services~~ to deduct from his or her  
4607 monthly retirement allowance money for the payment of the  
4608 premiums on group insurance for hospital, medical and surgical  
4609 benefits, under a plan or plans for such benefits approved in



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4610 writing by the Chief Financial Officer, and upon receipt of such  
4611 request the department shall make the monthly payments as  
4612 directed; and

4613 (2) As may be otherwise specifically provided for in this  
4614 chapter.

4615 Section 136. Paragraph (b) of subsection (3) of section  
4616 238.171, Florida Statutes, is amended to read:

4617 238.171 Monthly allowance; when made.—

4618 (3)

4619 (b) On July 1, 1975, and each July 1 thereafter, the  
4620 department ~~of Management Services~~ shall adjust the monthly  
4621 allowance being paid on that ~~said~~ date. The percentage of such  
4622 adjustment is ~~shall be~~ equal to the percentage change in the  
4623 average cost-of-living index during the preceding 12-month  
4624 period, April 1 through March 31, ignoring changes in the cost-  
4625 of-living index which are greater than 3 percent during the  
4626 preceding fiscal year.

4627 Section 137. Paragraph (b) of subsection (2) of section  
4628 238.181, Florida Statutes, is amended to read:

4629 238.181 Reemployment after retirement; conditions and  
4630 limitations.—

4631 (2)

4632 (b) Any person to whom the limitation in paragraph (a)  
4633 applies who violates such reemployment limitation and who is  
4634 reemployed with any agency participating in the Florida  
4635 Retirement System before completing ~~completion of~~ the 12-month  
4636 limitation period must ~~shall~~ give timely notice of this fact in  
4637 writing to his or her employer and to the department ~~of~~  
4638 ~~Management Services~~ and shall have his or her retirement





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4639 benefits suspended for the balance of the 12-month limitation  
4640 period. Any person employed in violation of this paragraph and  
4641 any employing agency that ~~which~~ knowingly employs or appoints  
4642 such person without notifying the department to suspend  
4643 retirement benefits are ~~shall be~~ jointly and severally liable  
4644 for reimbursement ~~to the retirement trust fund~~ of any benefits  
4645 paid during the reemployment limitation period. To avoid  
4646 liability, the ~~such~~ employing agency shall have a written  
4647 statement from the retiree that he or she is not retired from a  
4648 state-administered retirement system. Any retirement benefits  
4649 received must ~~while reemployed during this reemployment~~  
4650 ~~limitation period shall~~ be repaid to the retirement trust fund,  
4651 and retirement benefits ~~shall~~ remain suspended until such  
4652 repayment has been made. Benefits suspended beyond the  
4653 reemployment limitation ~~shall~~ apply toward repayment of benefits  
4654 received in violation of the reemployment limitation.

4655 Section 138. Section 238.32, Florida Statutes, is amended  
4656 to read:

4657 238.32 Service credit in disputed cases.—The department ~~of~~  
4658 ~~Management Services~~ may ~~in its discretion~~ allow or deny a member  
4659 service credit in disputed or doubtful cases for employment in  
4660 in this state Florida and in out-of-state schools in order to  
4661 serve the best interests of the state and the member, subject to  
4662 the membership dates set forth in s. 238.06(4).

4663 Section 139. Subsection (6) of section 250.22, Florida  
4664 Statutes, is amended to read:

4665 250.22 Retirement.—

4666 (6) All powers, duties, and functions related to the  
4667 administration of this section are vested in the Department of



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4668 Personnel Management Services.

4669 Section 140. Subsection (4) of section 252.385, Florida  
4670 Statutes, is amended to read:

4671 252.385 Public shelter space.—

4672 (4)~~(a)~~ Public facilities, including schools, postsecondary  
4673 education facilities, and other facilities owned or leased by  
4674 the state or local governments, but excluding hospitals, hospice  
4675 care facilities, assisted living facilities, and nursing homes,  
4676 which are suitable for use as public hurricane evacuation  
4677 shelters shall be made available at the request of the local  
4678 emergency management agencies. The local emergency management  
4679 agency shall coordinate with these entities to ensure that  
4680 designated facilities are ready to activate before ~~prior to~~ a  
4681 specific hurricane or disaster. Such agencies shall coordinate  
4682 with the appropriate school board, university, community  
4683 college, state agency, or local governing board when requesting  
4684 the use of such facilities as public hurricane evacuation  
4685 shelters.

4686 ~~(b)~~ The Department of Environmental Protection Management  
4687 Services shall:

4688 (a) Incorporate provisions for the use of suitable leased  
4689 public facilities as public hurricane evacuation shelters into  
4690 lease agreements for state agencies. Suitable leased public  
4691 facilities include leased public facilities that are solely  
4692 occupied by state agencies and have at least 2,000 square feet  
4693 of net floor area in a single room or in a combination of rooms  
4694 having a minimum of 400 square feet in each room. The net square  
4695 footage of floor area shall be determined by subtracting from  
4696 the gross square footage the square footage of spaces such as



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4697 mechanical and electrical rooms, storage rooms, open corridors,  
4698 restrooms, kitchens, science or computer laboratories, shop or  
4699 mechanical areas, administrative offices, records vaults, and  
4700 crawl spaces.

4701 ~~(b)(c) The Department of Management Services shall,~~ In  
4702 consultation with local and state emergency management agencies,  
4703 assess department ~~of Management Services~~ facilities to identify  
4704 the extent to which each facility has public hurricane  
4705 evacuation shelter space. The department ~~of Management Services~~  
4706 shall submit proposed facility retrofit projects that  
4707 incorporate hurricane protection enhancements to the department  
4708 for assessment and inclusion in the annual report prepared in  
4709 accordance with subsection (3).

4710 ~~(c)(d) The Department of Management Services shall~~ Include  
4711 in the annual state facilities inventory report required under  
4712 ss. 216.015-216.016 a separate list of state-owned facilities,  
4713 including, but not limited to, meeting halls, auditoriums,  
4714 conference centers, and training centers that have unoccupied  
4715 space suitable for use as an emergency shelter during a storm or  
4716 other catastrophic event. Facilities must be listed by the  
4717 county and municipality where the facility is located and must  
4718 be made available in accordance with this subsection ~~paragraph~~  
4719 ~~(a)~~. As used in this paragraph, the term "suitable for use as an  
4720 emergency shelter" means meeting the standards set by the  
4721 American Red Cross for a hurricane evacuation shelter, and the  
4722 term "unoccupied" means vacant due to suspended operation or  
4723 nonuse. The list must be updated by May 31 of each year.

4724 Section 141. Paragraph (b) of subsection (6) of section  
4725 253.034, Florida Statutes, is amended to read:



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4726 253.034 State-owned lands; uses.-

4727 (6) The Board of Trustees of the Internal Improvement Trust  
4728 Fund shall determine which lands, the title to which is vested  
4729 in the board, may be surplus. For conservation lands, the  
4730 board shall make a determination that the lands are no longer  
4731 needed for conservation purposes and may dispose of them by an  
4732 affirmative vote of at least three members. In the case of a  
4733 land exchange involving the disposition of conservation lands,  
4734 the board must determine by an affirmative vote of at least  
4735 three members that the exchange will result in a net positive  
4736 conservation benefit. For all other lands, the board shall make  
4737 a determination that the lands are no longer needed and may  
4738 dispose of them by an affirmative vote of at least three  
4739 members.

4740 (b) For ~~any~~ lands purchased by the state on or after July  
4741 1, 1999, a determination shall be made by the board before ~~prior~~  
4742 ~~to~~ acquisition as to those parcels that shall be designated as  
4743 having been acquired for conservation purposes. ~~No~~ Lands  
4744 acquired for use by the Department of Corrections, the  
4745 Department of Environmental Protection ~~Management Services~~ for  
4746 use as state offices, the Department of Transportation, except  
4747 those specifically managed for conservation or recreation  
4748 purposes, or the State University System or the Florida  
4749 Community College System may not ~~shall be~~ designated as having  
4750 been purchased for conservation purposes.

4751 Section 142. Subsection (2) of section 253.126, Florida  
4752 Statutes, is amended to read:

4753 253.126 Legislative intent.—The limitations and  
4754 restrictions imposed by this chapter as amended by chapter 67-



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4755 393, Laws of Florida, upon the construction of islands or the  
4756 extension or addition to existing lands or islands bordering on  
4757 or being in the navigable waters, as defined in s. 253.12, shall  
4758 apply to the state, its agencies and all political subdivisions  
4759 and governmental units. No other general or special act shall  
4760 operate to grant exceptions to this section unless this section  
4761 is specifically repealed thereby.

4762 (2) The provisions of chapter 120 shall be accorded any  
4763 person where substantial interests will be affected by an  
4764 activity proposed to be conducted by such agency pursuant to its  
4765 certification and the department's acceptance. If a proceeding  
4766 is conducted pursuant to ss. 120.569 and 120.57, the department  
4767 may intervene as a party. Should an administrative law judge of  
4768 the Division of Administrative Hearings ~~of the Department of~~  
4769 ~~Management Services~~ submit a recommended order pursuant to ~~ss.~~  
4770 ~~120.569 and 120.57~~, the Department of Environmental Protection  
4771 shall issue a final department order adopting, rejecting, or  
4772 modifying the recommended order pursuant to such action.

4773 Section 143. Subsection (1) of section 253.45, Florida  
4774 Statutes, is amended to read:

4775 253.45 Sale or lease of phosphate, clay, minerals, etc., in  
4776 or under state lands.—

4777 (1) The Board of Trustees of the Internal Improvement Trust  
4778 Fund may sell or lease any phosphate, earth or clay, sand,  
4779 gravel, shell, mineral, metal, timber or water, or any other  
4780 substance similar to the foregoing, in, on, or under, any land  
4781 the title to which is vested in the state, ~~the Department of~~  
4782 ~~Management Services~~, the Department of Environmental Protection,  
4783 the Fish and Wildlife Conservation Commission, the State Board



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4784 of Education, or any other state board, department, or agency;  
4785 provided that the board of trustees does ~~may~~ not grant such a  
4786 sale or lease on the land of any other state board, department,  
4787 or agency without first obtaining approval therefrom. Such ~~No~~  
4788 sale or lease is not ~~provided for in this section shall be~~  
4789 allowed on hard-surfaced beaches that are used for bathing or  
4790 driving and areas contiguous thereto out to a mean low-water  
4791 depth of 3 feet and landward to the nearest paved public road.  
4792 Any sale or lease provided for in this section shall be  
4793 conducted by competitive bidding as provided for in ss. 253.52,  
4794 253.53, and 253.54. The proceeds of such sales or leases are to  
4795 be credited to the board of trustees, board, department, or  
4796 agency that ~~which~~ has title or control of the land involved.

4797 Section 144. Section 255.02, Florida Statutes, is amended  
4798 to read:

4799 255.02 Boards authorized to replace buildings destroyed by  
4800 fire.—The Department of Environmental Protection ~~Management~~  
4801 ~~Services~~ or any board or person having the direct supervision  
4802 and control of any state building or state property may rebuild  
4803 or replace ~~have rebuilt or replaced~~, out of the proceeds from  
4804 the fire insurance on such buildings or property, any buildings  
4805 or property owned by the state, which is ~~may be~~ destroyed in  
4806 whole or in part by fire.

4807 Section 145. Subsection (2) of section 255.043, Florida  
4808 Statutes, is amended to read:

4809 255.043 Art in state buildings.—

4810 (2) The Department of Environmental Protection ~~Management~~  
4811 ~~Services~~ or other state agency ~~agencies~~ receiving appropriations  
4812 for original constructions shall notify the Florida Arts Council



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4813 and the user agency of any construction project that ~~which~~ is  
4814 eligible under ~~the provisions of~~ this section. The department of  
4815 ~~Management Services~~ or other state agency shall determine the  
4816 amount to be made available for purchase or commission of works  
4817 of art for each project and shall report these amounts to the  
4818 Florida Arts Council and the user agency. Payments ~~therefor~~  
4819 shall be made from funds appropriated for fixed capital outlay  
4820 according to law.

4821 Section 146. Paragraphs (a) and (b) of subsection (1) of  
4822 section 255.05, Florida Statutes, are amended to read:

4823 255.05 Bond of contractor constructing public buildings;  
4824 form; action by materialmen.—

4825 (1) (a) Any person entering into a formal contract with the  
4826 state or any county, municipality ~~city~~, or political subdivision  
4827 thereof, or other public authority or private entity, for the  
4828 construction of a public building, for the prosecution and  
4829 completion of a public work, or for repairs upon a public  
4830 building or public work must ~~shall be required~~, before  
4831 commencing the work or before recommencing the work after a  
4832 default or abandonment, ~~to~~ execute, deliver to the public owner,  
4833 and record in the public records of the county where the  
4834 improvement is located, a payment and performance bond with a  
4835 surety insurer authorized to do business in this state as  
4836 surety. A public entity may not require a contractor to secure a  
4837 surety bond under this section from a specific agent or bonding  
4838 company. The bond must state on its front page: the name,  
4839 principal business address, and phone number of the contractor,  
4840 the surety, the owner of the property being improved, and, if  
4841 different from the owner, the contracting public entity; the



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4842 contract number assigned by the contracting public entity; and a  
4843 description of the project sufficient to identify it, such as a  
4844 legal description or the street address of the property being  
4845 improved, and a general description of the improvement. Such  
4846 bond must ~~shall~~ be conditioned upon the contractor's performance  
4847 of the construction work in the time and manner prescribed in  
4848 the contract and promptly making payments to all persons defined  
4849 in s. 713.01 who furnish labor, services, or materials for the  
4850 prosecution of the work provided for in the contract. Any  
4851 claimant may apply to the governmental entity having charge of  
4852 the work for copies of the contract and bond and shall ~~thereupon~~  
4853 be furnished with a certified copy of the contract and bond. The  
4854 claimant shall have a right of action against the contractor and  
4855 surety for the amount due him or her, including unpaid finance  
4856 charges due under the claimant's contract. Such action may ~~shall~~  
4857 not involve the public authority in any expense. If ~~When~~ such  
4858 work is done for the state and the contract is for \$100,000 or  
4859 less, a ~~no~~ payment and performance bond is not ~~shall be~~  
4860 required. At the discretion of the official or board awarding  
4861 such contract when such work is done for any county,  
4862 municipality ~~city~~, political subdivision, or public authority,  
4863 any person entering into ~~such~~ a contract ~~which is~~ for \$200,000  
4864 or less may be exempted from executing the payment and  
4865 performance bond. If ~~When~~ such work is done for the state, the  
4866 Secretary of Environmental Protection ~~Management Services~~ may  
4867 delegate to state agencies the authority to exempt any person  
4868 entering into such a contract amounting to more than \$100,000  
4869 but less than \$200,000 from executing the payment and  
4870 performance bond. If ~~In the event~~ such exemption is granted, the





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4871 officer or officials may ~~shall~~ not be held personally liable to  
4872 persons suffering loss because of granting such exemption. The  
4873 Department of Environmental Protection Management Services shall  
4874 maintain information on the number of requests by state agencies  
4875 for delegation of authority to waive the bond requirements by  
4876 agency and project number and whether any request for delegation  
4877 was denied and the justification for the denial. Any provision  
4878 in a payment bond furnished for public work contracts ~~as~~  
4879 ~~provided by this subsection~~ which restricts the classes of  
4880 persons as defined in s. 713.01 protected by the bond or the  
4881 venue of any proceeding relating to such bond is unenforceable.

4882 (b) The Department of Environmental Protection Management  
4883 ~~Services~~ shall adopt rules with respect to all contracts for  
4884 \$200,000 or less, to provide:

4885 1. Procedures for retaining up to 10 percent of each  
4886 request for payment submitted by a contractor and procedures for  
4887 determining disbursements from the amount retained on a pro rata  
4888 basis to laborers, materialmen, and subcontractors, as defined  
4889 in s. 713.01.

4890 2. Procedures for requiring certification from laborers,  
4891 materialmen, and subcontractors, as defined in s. 713.01, prior  
4892 to final payment to the contractor that such laborers,  
4893 materialmen, and subcontractors have no claims against the  
4894 contractor resulting from the completion of the work provided  
4895 for in the contract.

4896  
4897 The state shall not be held liable to any laborer, materialman,  
4898 or subcontractor for any amounts greater than the pro rata share  
4899 as determined under this section.



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4900           Section 147. Subsection (1) of section 255.0525, Florida  
4901 Statutes, is amended to read:  
4902           255.0525 Advertising for competitive bids or proposals.—  
4903           (1) The solicitation of competitive bids or proposals for  
4904 any state construction project that is projected to cost more  
4905 than \$200,000 must ~~shall~~ be publicly advertised once in the  
4906 Florida Administrative Weekly at least 21 days before ~~prior to~~  
4907 the established bid opening. For state construction projects  
4908 that are projected to cost more than \$500,000, the advertisement  
4909 must ~~shall~~ be published in the Florida Administrative Weekly at  
4910 least 30 days before ~~prior to~~ the established bid opening and at  
4911 least once in a newspaper of general circulation in the county  
4912 where the project is located at least 30 days before ~~prior to~~  
4913 the established bid opening and at least 5 days before ~~a prior~~  
4914 ~~to any~~ scheduled prebid conference. The bids or proposals must  
4915 ~~shall~~ be received and opened publicly at the location, date, and  
4916 time established in the bid or proposal advertisement. In cases  
4917 of emergency, the Secretary of Environmental Protection  
4918 ~~Management Services~~ may alter these ~~the~~ procedures ~~required in~~  
4919 ~~this section~~ in any manner that is reasonable under the  
4920 emergency circumstances.

4921           Section 148. Subsection (3) of section 255.248, Florida  
4922 Statutes, is amended to read:  
4923           255.248 Definitions; ss. 255.249 and 255.25.—As used in ss.  
4924 255.249 and 255.25, the term:

4925           (3) "Department" means the Department of Environmental  
4926 Protection ~~Management Services~~.

4927           Section 149. Section 255.249, Florida Statutes, is amended  
4928 to read:



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4929           255.249 Department responsibilities ~~of Management Services;~~  
4930 ~~responsibility; department~~ rules.-

4931           (1) The department shall have responsibility and authority  
4932 for the custodial and preventive maintenance, repair, and  
4933 allocation of space of all buildings in the Florida Facilities  
4934 Pool and the grounds located adjacent thereto.

4935           (2) The department shall require any state agency planning  
4936 to terminate a lease for the purpose of occupying space in a new  
4937 state-owned office building, ~~the funds for which are~~  
4938 ~~appropriated after June 30, 2000,~~ to state why the proposed  
4939 relocation is in the best interest of the state.

4940           (3) (a) The department shall, to the extent feasible,  
4941 coordinate the vacation of privately owned leased space with the  
4942 expiration of the lease on that space and, if ~~when~~ a lease is  
4943 terminated before expiration of its base term, shall ~~will~~ make a  
4944 reasonable effort to place another state agency in the space  
4945 vacated. Any state agency may lease the space in any building  
4946 that was subject to a lease terminated by a state agency for a  
4947 period of time equal to the remainder of the base term without  
4948 ~~the requirement of~~ competitive solicitation.

4949           (b) The department shall develop and implement a strategic  
4950 leasing plan. The ~~strategic leasing~~ plan must ~~shall~~ forecast  
4951 space needs for all state agencies and identify opportunities  
4952 for reducing costs through consolidation, relocation,  
4953 reconfiguration, capital investment, and the building or  
4954 acquisition of state-owned space.

4955           (c) The department shall annually publish a master leasing  
4956 report. The department shall furnish the ~~master leasing~~ report  
4957 to the Executive Office of the Governor and the Legislature by



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4958 September 15 of each year which provides the following  
4959 information:

4960 1. A list, by agency and by geographic market, of all  
4961 leases that are due to expire within 24 months.

4962 2. Details of each lease, including location, size, cost  
4963 per leased square foot, lease-expiration date, and a  
4964 determination of whether sufficient state-owned office space  
4965 will be available at the expiration of the lease to accommodate  
4966 affected employees.

4967 3. A list of amendments and supplements to and waivers of  
4968 terms and conditions in lease agreements that have been approved  
4969 pursuant to s. 255.25(2)(a) during the previous 12 months and an  
4970 associated comprehensive analysis, including financial  
4971 implications, showing that any amendment, supplement, or waiver  
4972 is in the state's long-term best interest.

4973 4. Financial impacts to the pool rental rate due to the  
4974 sale, removal, acquisition, or construction of pool facilities.

4975 5. Changes in occupancy rate, maintenance costs, and  
4976 efficiency costs of leases in the state portfolio. Changes to  
4977 occupancy costs in leased space by market and changes to space  
4978 consumption by agency and by market.

4979 6. An analysis of portfolio supply and demand.

4980 7. Cost-benefit analyses of acquisition, build, and  
4981 consolidation opportunities, recommendations for strategic  
4982 consolidation, and strategic recommendations for disposition,  
4983 acquisition, and building.

4984 8. The updated plan required by s. 255.25(4)(c).

4985 (d) By June 30 of each year, each state agency shall  
4986 annually provide to the department all information regarding



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4987 agency programs affecting the need for or use of space by that  
4988 agency, reviews of lease-expiration schedules for each  
4989 geographic area, active and planned full-time equivalent data,  
4990 business case analyses related to consolidation plans by an  
4991 agency, a telecommuting program, and current occupancy and  
4992 relocation costs, inclusive of furnishings, fixtures and  
4993 equipment, data, and communications.

4994 (4) The department shall adopt rules ~~pursuant to chapter~~  
4995 ~~120~~ providing:

4996 (a) Methods for accomplishing the duties outlined in  
4997 subsection (1).

4998 (b) Procedures for soliciting and accepting competitive  
4999 solicitations for leased space of 5,000 square feet or more in  
5000 privately owned buildings, for evaluating the proposals  
5001 received, for exemption from competitive solicitations  
5002 requirements of any lease the purpose of which is the provision  
5003 of care and living space for persons or emergency space needs as  
5004 provided in s. 255.25(10), and for the securing of at least  
5005 three documented quotes for a lease that is not required to be  
5006 competitively solicited.

5007 (c) A standard method for determining square footage or any  
5008 other measurement used as the basis for lease payments or other  
5009 charges.

5010 (d) Methods of allocating space in both state-owned office  
5011 buildings and privately owned buildings leased by the state  
5012 based on use, personnel, and office equipment.

5013 (e) ~~1.~~ Acceptable terms and conditions for inclusion in  
5014 lease agreements.

5015 ~~2.~~ Such terms and conditions must ~~shall~~ include, at a



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5016 minimum, the following clauses, which may not be amended,  
5017 supplemented, or waived:

5018 ~~1.a.~~ As provided in s. 255.2502, "The State of Florida's  
5019 performance and obligation to pay under this contract is  
5020 contingent upon an annual appropriation by the Legislature."

5021 ~~2.b.~~ "The Lessee shall have the right to terminate, without  
5022 penalty, this lease in the event a State-owned building becomes  
5023 available to the Lessee for occupancy upon giving 6 months'  
5024 advance written notice to the Lessor by Certified Mail, Return  
5025 Receipt Requested."

5026 (f) Maximum rental rates, by geographic areas or by county,  
5027 for leasing privately owned space.

5028 (g) A standard method for the assessment of rent to state  
5029 agencies and other authorized occupants of state-owned office  
5030 space, notwithstanding the source of funds.

5031 (h) For full disclosure of the names and the extent of  
5032 interest of the owners holding a 4-percent or more interest in  
5033 any privately owned property leased to the state or in the  
5034 entity holding title to the property, for exemption from such  
5035 disclosure of any beneficial interest which is represented by  
5036 stock in any corporation registered with the Securities and  
5037 Exchange Commission or registered pursuant to chapter 517, which  
5038 stock is for sale to the general public, and for exemption from  
5039 such disclosure of any leasehold interest in property located  
5040 outside the territorial boundaries of the United States.

5041 (i) For full disclosure of the names of all public  
5042 officials, agents, or employees holding any interest in any  
5043 privately owned property leased to the state or in the entity  
5044 holding title to the property, and the nature and extent of



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5045 their interest;~~it~~ for exemption from such disclosure of any  
5046 beneficial interest which is represented by stock in any  
5047 corporation registered with the Securities and Exchange  
5048 Commission or registered pursuant to chapter 517, which stock is  
5049 for sale to the general public;~~it~~ and for exemption from such  
5050 disclosure of any leasehold interest in property located outside  
5051 the territorial boundaries of the United States.

5052 (j) A method for reporting leases for nominal or no  
5053 consideration.

5054 (k) For a lease of less than 5,000 square feet, a method  
5055 for certification by the agency head or the agency head's  
5056 designated representative that all criteria for leasing have  
5057 been fully complied with and for ~~the~~ filing ~~of~~ a copy of such  
5058 lease and all supporting documents with the department for its  
5059 review and approval as to technical sufficiency and whether it  
5060 is in the best interests of the state.

5061 (l) A standardized format for state agency reporting of the  
5062 information required by paragraph (3) (d).

5063 (5) The department shall prepare a form listing all  
5064 conditions and requirements adopted pursuant to this chapter  
5065 which must be met by any state agency leasing any building or  
5066 part thereof. Before executing any lease, this form must ~~shall~~  
5067 be certified by the agency head or a designee ~~the agency head's~~  
5068 ~~designated representative~~ and submitted to the department.

5069 (6) The department may contract for real estate consulting  
5070 or tenant brokerage services in order to carry out its duties  
5071 relating to the strategic leasing plan. The contract must ~~shall~~  
5072 be procured pursuant to s. 287.057. The vendor that is awarded  
5073 the contract shall be compensated by the department, subject to



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5074 the provisions of the contract, and such compensation is subject  
5075 to appropriation by the Legislature. The real estate consultant  
5076 or tenant broker may not receive compensation directly from a  
5077 lessor for services that are rendered pursuant to the contract.  
5078 Moneys paid to the real estate consultant or tenant broker are  
5079 exempt from any charge imposed under s. 287.1345. Moneys paid by  
5080 a lessor to the department under a facility-leasing arrangement  
5081 are not subject to the charges imposed under s. 215.20.

5082 Section 150. Paragraphs (a) and (d) of subsection (2),  
5083 paragraphs (b) and (h) of subsection (3), paragraph (c) of  
5084 subsection (4), and subsections (5), (6), and (10) of section  
5085 255.25, Florida Statutes, are amended to read:

5086 255.25 Approval required prior to construction or lease of  
5087 buildings.—

5088 (2) (a) Except as provided in s. 255.2501, a state agency  
5089 may not lease a building or any part thereof unless prior  
5090 approval of the lease conditions and of the need for the lease  
5091 ~~therefor~~ is first obtained from the department. An ~~Any~~ approved  
5092 lease may include an option to purchase or an option to renew  
5093 the lease, or both, upon such terms and conditions as are  
5094 established by the department subject to final approval by the  
5095 head of the department ~~of Management Services~~ and s. 255.2502.

5096 (d) Notwithstanding paragraph (a) and except as provided in  
5097 ss. 255.249 and 255.2501, a state agency may not lease a  
5098 building or any part thereof unless prior approval of the lease  
5099 terms and conditions and of the need therefor is first obtained  
5100 from the department. The department may not approve any term or  
5101 condition in a lease agreement which has been amended,  
5102 supplemented, or waived unless a comprehensive analysis,





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5103 including financial implications, demonstrates that such  
5104 amendment, supplement, or waiver is in the state's long-term  
5105 best interest. Any approved lease may include an option to  
5106 purchase or an option to renew the lease, or both, upon such  
5107 terms and conditions as are established by the department  
5108 subject to final approval by the head of the department ~~of~~  
5109 ~~Management Services~~ and the provisions of s. 255.2502.

5110 (3)

5111 (b) The department ~~may~~ ~~of Management Services~~ shall have  
5112 ~~the authority to~~ approve a lease for 5,000 square feet or more  
5113 of space that covers more than 1 fiscal year, subject to ~~the~~  
5114 ~~provisions of~~ ss. 216.311, 255.2501, 255.2502, and 255.2503, if  
5115 such lease is, in the judgment of the department, in the best  
5116 interests of the state. In determining best interest, the  
5117 department shall consider availability of state-owned space and  
5118 analyses of build-to-suit and acquisition opportunities. This  
5119 paragraph does not apply to buildings or facilities of any size  
5120 leased for the purpose of providing care and living space for  
5121 persons.

5122 (h) The department ~~of Management Services~~ may, pursuant to  
5123 s. 287.042(2)(a), procure a term contract for real estate  
5124 consulting and brokerage services. A state agency may not  
5125 purchase services from the contract unless the contract has been  
5126 procured under s. 287.057(1), (2), or (3) after March 1, 2007,  
5127 and contains the following provisions or requirements:

5128 1. Awarded brokers must maintain an office or presence in  
5129 the market served. In awarding the contract, preference must be  
5130 given to brokers that are licensed ~~in this state~~ under chapter  
5131 475 and that have 3 or more years of experience in the market



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5132 served. The contract may be made with up to three tenant brokers  
5133 in order to serve the marketplace in the north, central, and  
5134 south areas of the state.

5135 2. Each contracted tenant broker shall work under the  
5136 direction, supervision, and authority of the state agency,  
5137 subject to the rules governing lease procurements.

5138 3. The department shall provide training for the awarded  
5139 tenant brokers concerning the rules governing the procurement of  
5140 leases.

5141 4. Tenant brokers must comply with all applicable  
5142 provisions of s. 475.278.

5143 5. Real estate consultants and tenant brokers shall be  
5144 compensated by the state agency, subject to the provisions of  
5145 the term contract, and such compensation is subject to  
5146 appropriation by the Legislature. A real estate consultant or  
5147 tenant broker may not receive compensation directly from a  
5148 lessor for services that are rendered under the term contract.  
5149 Moneys paid to a real estate consultant or tenant broker are  
5150 exempt from any charge imposed under s. 287.1345. Moneys paid by  
5151 a lessor to the state agency under a facility leasing  
5152 arrangement are not subject to the charges imposed under s.  
5153 215.20. All terms relating to the compensation of the real  
5154 estate consultant or tenant broker must ~~shall~~ be specified in  
5155 the term contract and may not be supplemented or modified by the  
5156 state agency using the contract.

5157 6. The department shall conduct periodic customer-  
5158 satisfaction surveys.

5159 7. Each state agency shall report the following information  
5160 to the department:



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- 5161           a. The number of leases that adhere to the goal of the  
5162 workspace-management initiative of 180 square feet per FTE.
- 5163           b. The quality of space leased and the adequacy of tenant-  
5164 improvement funds.
- 5165           c. The timeliness of lease procurement, measured from the  
5166 date of the agency's request to the finalization of the lease.
- 5167           d. Whether cost-benefit analyses were performed before  
5168 execution of the lease in order to ensure that the lease is in  
5169 the best interest of the state.
- 5170           e. The lease costs compared to market rates for similar  
5171 types and classifications of space according to the official  
5172 classifications of the Building Owners and Managers Association.
- 5173           (4)
- 5174           (c) Because the state has a substantial financial  
5175 investment in state-owned buildings, it is legislative policy  
5176 and intent that when state-owned buildings meet the needs of  
5177 state agencies, agencies must fully use such buildings before  
5178 leasing privately owned buildings. ~~By September 15, 2006,~~ The  
5179 department ~~of Management Services~~ shall create a 5-year plan for  
5180 implementing this policy. The department shall update this plan  
5181 annually, detailing proposed departmental actions to meet the  
5182 plan's goals, and shall furnish this plan annually as part of  
5183 the master leasing report.
- 5184           (5) Before construction or renovation of any state-owned  
5185 building or state-leased space is commenced, the department ~~of~~  
5186 ~~Management Services~~ shall ascertain, by submission of proposed  
5187 plans to the Division of State Fire Marshal for review, that the  
5188 proposed construction or renovation plan complies with the  
5189 uniform firesafety standards required by the division ~~of State~~



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5190 ~~Fire Marshal~~. The review of construction or renovation plans for  
5191 state-leased space must ~~shall~~ be completed within 10 calendar  
5192 days after ~~of~~ receipt of the plans by the division ~~of State Fire~~  
5193 ~~Marshal~~. The review of construction or renovation plans for a  
5194 state-owned building must ~~shall~~ be completed within 30 calendar  
5195 days after ~~of~~ receipt of the plans by the division ~~of State Fire~~  
5196 ~~Marshal~~. The responsibility for submission and retrieval of the  
5197 plans called for in this subsection may ~~shall~~ not be imposed on  
5198 the design architect or engineer, but shall be the  
5199 responsibility of the two agencies. If ~~Whenever~~ the division ~~of~~  
5200 ~~State Fire Marshal~~ determines that a construction or renovation  
5201 plan is not in compliance with such uniform firesafety  
5202 standards, the division ~~of State Fire Marshal~~ may issue an order  
5203 to cease all construction or renovation activities until  
5204 compliance is obtained, except those activities required to  
5205 achieve such compliance. The department ~~of Management Services~~  
5206 shall withhold approval of any proposed lease until the  
5207 construction or renovation plan complies with the division's  
5208 uniform firesafety standards ~~of the Division of State Fire~~  
5209 ~~Marshal~~. The cost of all modifications or renovations made for  
5210 the purpose of bringing leased property into compliance with the  
5211 uniform firesafety standards shall be borne by the lessor.

5212 (6) Before construction or substantial improvement of any  
5213 state-owned building is commenced, the department ~~of Management~~  
5214 ~~Services~~ must ascertain that the proposed construction or  
5215 substantial improvement complies with the flood plain management  
5216 criteria for mitigation of flood hazards, as prescribed in the  
5217 October 1, 1986, rules and regulations of the Federal Emergency  
5218 Management Agency, and the department shall monitor the project



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5219 to assure compliance with the criteria. ~~In accordance with~~  
5220 ~~chapter 120,~~ The department ~~of Management Services~~ shall adopt  
5221 ~~any necessary~~ rules necessary to ensure that all such proposed  
5222 state construction and substantial improvement of state  
5223 buildings in designated flood-prone areas complies with the  
5224 flood plain management criteria. If ~~Whenever~~ the department  
5225 determines that a construction or substantial improvement  
5226 project is not in compliance with the ~~established flood plain~~  
5227 ~~management~~ criteria, the department may issue an order to cease  
5228 all construction or improvement activities until compliance is  
5229 obtained, except those activities required to achieve such  
5230 compliance.

5231 (10) The department ~~of Management Services~~ may approve  
5232 emergency acquisition of space without competitive bids if  
5233 existing state-owned or state-leased space is destroyed or  
5234 rendered uninhabitable by an act of God, fire, malicious  
5235 destruction, or structural failure, or by legal action, if the  
5236 chief administrator of the state agency or the chief  
5237 administrator's designee ~~designated representative~~ certifies in  
5238 writing that no other agency-controlled space is available to  
5239 meet this emergency need, but in no case shall the lease for  
5240 such space exceed 11 months. If the lessor elects not to replace  
5241 or renovate the destroyed or uninhabitable facility, the agency  
5242 shall procure the needed space by competitive bid in accordance  
5243 with s. 255.249(4) (b). If the lessor elects to replace or  
5244 renovate the destroyed or uninhabitable facility and the  
5245 construction or renovations will not be complete at the end of  
5246 the 11-month lease, the agency may modify the lease to extend it  
5247 on a month-to-month basis for an additional 6 months to allow



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5248 completion of such construction or renovations.

5249 Section 151. Subsections (1) and (2) of section 255.25001,  
5250 Florida Statutes, are amended to read:

5251 255.25001 Suspension or delay of specified functions,  
5252 programs, and requirements relating to governmental operations.-  
5253 Notwithstanding the provisions of:

5254 (1) Section 946.504(3), as amended by chapter 92-279, Laws  
5255 of Florida, the Department of Environmental Protection is  
5256 ~~Management Services~~ shall not be required to participate with  
5257 the Department of Corrections in the correctional work program  
5258 (PRIDE) leasing process.

5259 (2) Sections 253.025 and 255.25, the Department of  
5260 Environmental Protection may adopt ~~Management Services has the~~  
5261 ~~authority to promulgate rules pursuant to chapter 120~~ to be used  
5262 in determining whether a lease-purchase of a state-owned office  
5263 building is in the best interests of the state, which ~~rules~~  
5264 provide:

5265 (a) Procedures state agencies shall ~~will~~ follow to certify  
5266 the need for a lease-purchase acquisition for a state-owned  
5267 office building to the department of ~~Management Services~~ and a  
5268 notification procedure of the department's decision regarding  
5269 state agencies' requests for a lease-purchase agreement. The  
5270 certification process shall include but not be limited to the  
5271 following:

5272 1. Current programmatic space requirements of the state  
5273 agency.

5274 2. Future programmatic space requirements of the state  
5275 agency.

5276 3. Time considerations in providing state-owned office



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5277 building space.

5278           4. An analysis of existing leases affected by the lease-

5279 purchase agreement.

5280           (b) Procedures and document formats for the advertisement,

5281 competitive bid process, including format of submissions, and

5282 evaluation of lease-purchase acquisition proposals for state-

5283 owned office buildings. The evaluation process shall include but

5284 not be limited to the following:

5285           1. A consideration of the cost of comparable operating

5286 leases.

5287           2. The appraised value of the facility as required by s.

5288 253.025.

5289           3. A present value analysis of the proposed payment stream.

5290           4. The cost of financing the facility to be acquired.

5291           5. The cost to repair identified physical defects.

5292           6. The cost to remove identified hazardous substances.

5293           7. An energy analysis.

5294           8. A determination of who is responsible for management and

5295 maintenance activities.

5296

5297 In order to minimize the cost of the evaluation process, the

5298 department of ~~Management Services~~ may develop a multistage

5299 evaluation process to identify the most cost-efficient proposals

5300 for extensive evaluation. The studies developed as a result of

5301 this evaluation process are ~~shall be considered~~ confidential and

5302 exempt from ~~the provisions of~~ s. 119.07(1) to the same extent

5303 that appraisal reports are ~~considered~~ confidential and exempt

5304 from ~~the provisions of~~ s. 119.07(1) as provided in s.

5305 253.025(6)(d).



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5306 (c) Acceptable terms and conditions for inclusion in lease-  
5307 purchase agreements, which ~~shall~~ include, but are not ~~be~~ limited  
5308 to:

5309 1. The assignment of the lease-purchase agreement to other  
5310 governmental entities, including accumulated equity.

5311 2. The ability of the acquiring state agency to sublease up  
5312 to 25 percent of a portion of the facility, ~~not to exceed 25~~  
5313 ~~percent~~, to other governmental entities. These subleases must  
5314 ~~shall~~ provide for the recovery of the agencies' cost of  
5315 operations and maintenance.

5316  
5317 The execution of a lease-purchase is conditioned upon a finding  
5318 by the Department of Environmental Protection Management  
5319 ~~Services~~ that it would be in the best interests of the state.  
5320 ~~The language in~~ This subsection shall be considered specific  
5321 authorization for a lease-purchase pursuant to s. 255.25(1)(c)  
5322 upon the department's ~~Department of Management Services'~~  
5323 certification that the lease-purchase is in the best interests  
5324 of the state. Thereafter, the agency may ~~is authorized to~~ enter  
5325 into a lease-purchase agreement and ~~to~~ expend operating funds  
5326 for lease-purchase payments. Any facility that ~~which~~ is acquired  
5327 pursuant to ~~the processes authorized by~~ this subsection is ~~shall~~  
5328 ~~be considered to be~~ a "state-owned office building" and a  
5329 "state-owned building" as those terms are applied in ss.  
5330 255.248-255.25.

5331 (d) That any costs resulting from the processes authorized  
5332 by this subsection, including but not limited to appraisals,  
5333 environmental analyses, and any other studies that ~~which~~ may be  
5334 required under these provisions, shall be borne by the owner of





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5335 the property that ~~which~~ is the subject of the proposed lease-  
5336 purchase.

5337 Section 152. Subsection (5) of section 255.252, Florida  
5338 Statutes, is amended to read:

5339 255.252 Findings and intent.—

5340 (5) Each state agency occupying space within buildings  
5341 owned or managed by the Department of Environmental Protection  
5342 ~~Management Services~~ must identify and compile a list of projects  
5343 determined to be suitable for a guaranteed energy, water, and  
5344 wastewater performance savings contract pursuant to s. 489.145.  
5345 The list of projects compiled by each state agency shall be  
5346 submitted to the department ~~of Management Services by December~~  
5347 ~~31, 2008,~~ and must include all criteria used to determine  
5348 suitability. The list of projects shall be developed from the  
5349 list of state-owned facilities more than 5,000 square feet in  
5350 area and for which the state agency is responsible for paying  
5351 the expenses of utilities and other operating expenses as they  
5352 relate to energy use. In consultation with the head of each  
5353 state agency, by July 1, 2009, the department shall prioritize  
5354 all projects deemed suitable by each state agency and shall  
5355 develop an energy-efficiency project schedule based on factors  
5356 such as project magnitude, efficiency and effectiveness of  
5357 energy conservation measures to be implemented, and other  
5358 factors that may prove to be advantageous to pursue. The  
5359 schedule shall provide the deadline for guaranteed energy,  
5360 water, and wastewater performance savings contract improvements  
5361 to be made to the state-owned buildings.

5362 Section 153. Subsection (1) of section 255.253, Florida  
5363 Statutes, is amended to read:



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5364 255.253 Definitions; ss. 255.251-255.258.—

5365 (1) "Department" means the Department of Environmental  
5366 Protection Management Services.

5367 Section 154. Subsection (3) of section 255.257, Florida  
5368 Statutes, is amended to read:

5369 255.257 Energy management; buildings occupied by state  
5370 agencies.—

5371 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.—The  
5372 department of ~~Management Services~~ shall develop a state energy  
5373 management plan consisting of, but not limited to, the following  
5374 elements:

5375 (a) Data-gathering requirements;

5376 (b) Building energy audit procedures;

5377 (c) Uniform data analysis procedures;

5378 (d) Employee energy education program measures;

5379 (e) Energy consumption reduction techniques;

5380 (f) Training program for state agency energy management  
5381 coordinators; and

5382 (g) Guidelines for building managers.

5383  
5384 The plan must ~~shall~~ include a description of actions that state  
5385 agencies shall take to reduce consumption of electricity and  
5386 nonrenewable energy sources used for space heating and cooling,  
5387 ventilation, lighting, water heating, and transportation.

5388 Section 155. Subsection (2) of section 255.2575, Florida  
5389 Statutes, is amended to read:

5390 255.2575 Energy-efficient and sustainable buildings.—

5391 (2) All county, municipal, school district, water  
5392 management district, state university, community college, and



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5393 Florida state court buildings shall be constructed to meet the  
5394 United States Green Building Council (USGBC) Leadership in  
5395 Energy and Environmental Design (LEED) rating system, the Green  
5396 Building Initiative's Green Globes rating system, the Florida  
5397 Green Building Coalition standards, or a nationally recognized,  
5398 high-performance green building rating system as approved by the  
5399 department of ~~Management Services~~. This section applies ~~shall~~  
5400 ~~apply~~ to all county, municipal, school district, water  
5401 management district, state university, community college, and  
5402 Florida state court buildings the architectural plans of which  
5403 are commenced after July 1, 2008.

5404 Section 156. Subsections (2) and (3) of section 255.259,  
5405 Florida Statutes, are amended to read:

5406 255.259 Florida-friendly landscaping on public property.—

5407 (2) As used in this section, "publicly owned buildings or  
5408 facilities" means construction projects under the purview of the  
5409 Department of Environmental Protection ~~Management Services~~. The  
5410 term does not include environmentally endangered land or roads  
5411 and highway construction under the purview of the Department of  
5412 Transportation.

5413 (3) The ~~Department of Management Services~~, in consultation  
5414 ~~with the~~ Department of Environmental Protection, shall adopt  
5415 rules and guidelines for the required use of Florida-friendly  
5416 landscaping on public property associated with publicly owned  
5417 buildings or facilities constructed after June 30, 2009. The  
5418 department of ~~Management Services~~ shall also develop a 5-year  
5419 program for phasing in the use of Florida-friendly landscaping  
5420 on public property associated with publicly owned buildings or  
5421 facilities constructed before July 1, 2009. In accomplishing



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5422 these tasks, the department ~~of Management Services~~ shall take  
5423 into account the standards provided in s. 373.185. The  
5424 Department of Transportation shall implement Florida-friendly  
5425 landscaping pursuant to s. 335.167.

5426 Section 157. Paragraphs (c) and (d) of subsection (1) of  
5427 section 255.28, Florida Statutes, are amended to read:

5428 255.28 Department authority to acquire land with or for  
5429 facility thereon.—

5430 (1) For the purposes of this section:

5431 (c) "Building" or "facility" means those construction  
5432 projects under the purview of the department ~~of Management~~  
5433 ~~Services. It shall not include~~ Environmentally endangered land,  
5434 recreational land, or roads and highway construction under the  
5435 purview of the Department of Transportation are not included.

5436 (d) "Department" means the Department of Environmental  
5437 Protection Management Services.

5438 Section 158. Section 255.29, Florida Statutes, is amended  
5439 to read:

5440 255.29 Construction contracts; department rules.—The  
5441 Department of Environmental Protection Management Services shall  
5442 establish by rule, ~~through the adoption of administrative rules~~  
5443 ~~as provided in chapter 120~~:

5444 (1) Procedures for determining the qualifications and  
5445 responsibility of potential bidders before ~~prior to~~  
5446 advertisement for and receipt of bids for building construction  
5447 contracts, including procedures for the rejection of bidders who  
5448 are reasonably determined from prior experience to be  
5449 unqualified or irresponsible to perform the work required by a  
5450 proposed contract.



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5451 (2) Procedures for awarding each state agency construction  
5452 project to the lowest qualified bidder as well as procedures to  
5453 be followed when ~~in cases in which~~ the department ~~of Management~~  
5454 ~~Services~~ declares the existence of a valid emergency that  
5455 necessitates ~~to exist which would necessitate~~ the waiver of the  
5456 rules governing the awarding of state construction contracts to  
5457 the lowest qualified bidder.

5458 (3) Procedures to govern negotiations for construction  
5459 contracts and modifications to contract documents if ~~when~~ such  
5460 negotiations are determined by the secretary of the department  
5461 ~~of Management Services~~ to be in the best interest of the state.

5462 (4) Procedures for entering into performance-based  
5463 contracts for the development of public facilities when the  
5464 department ~~of Management Services~~ determines the use of such  
5465 contracts to be in the best interest of the state. The  
5466 procedures must ~~shall~~ include, but are not limited to:

5467 (a) Prequalification of bidders;

5468 (b) Criteria to be used in developing requests for  
5469 proposals which may provide for singular responsibility for  
5470 design and construction, developer flexibility in material  
5471 selection, construction techniques, and application of state-of-  
5472 the-art improvements;

5473 (c) Accelerated scheduling, including the development of  
5474 plans, designs, and construction simultaneously; and

5475 (d) Evaluation of proposals and award of contracts  
5476 considering such factors as price, quality, and concept of the  
5477 proposal.

5478 Section 159. Subsection (1) of section 255.30, Florida  
5479 Statutes, is amended to read:



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5480           255.30 Fixed capital outlay projects; department rules;  
5481 delegation of supervisory authority; delegation of  
5482 responsibility for accounting records.-

5483           (1) The Department of Environmental Protection Management  
5484 ~~Services~~ shall ~~make and~~ adopt rules pursuant to ~~chapter 120 in~~  
5485 ~~order~~ to establish a procedure for delegating to state agencies  
5486 its supervisory authority as it relates to the repair,  
5487 alteration, and construction of fixed capital outlay projects.

5488           Section 160. Section 255.31, Florida Statutes, is amended  
5489 to read:

5490           255.31 Authority to ~~the Department of Management Services~~  
5491 ~~to~~ manage construction projects for state and local  
5492 governments.-

5493           (1) The design, construction, erection, alteration,  
5494 modification, repair, and demolition of all public and private  
5495 buildings are governed by the Florida Building Code and the  
5496 Florida Fire Prevention Code, which are ~~to be~~ enforced by local  
5497 jurisdictions or local enforcement districts unless specifically  
5498 exempted as provided in s. 553.80. However, the Department of  
5499 Environmental Protection Management Services shall provide the  
5500 project management and administration services for the  
5501 construction, renovation, repair, modification, or demolition of  
5502 buildings, utilities, parks, parking lots, or other facilities  
5503 or improvements for projects for which the funds are  
5504 appropriated to the department. However; ~~provided that~~, with the  
5505 exception of facilities constructed under the authority of  
5506 chapters 944, 945, and 985; the Governor's mansion and grounds  
5507 thereof, as described in s. 272.18; and the Capitol Building and  
5508 environs, being that part of the City of Tallahassee bounded on



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5509 the north by Pensacola and Jefferson Streets, on the east by  
5510 Monroe Street, on the south by Madison Street, and on the west  
5511 by Duval Street, the department may not conduct plans reviews or  
5512 inspection services for consistency with the Florida Building  
5513 Code. The department's fees for such services shall be paid from  
5514 such appropriations.

5515 (2) The Department of Environmental Protection Management  
5516 ~~Services~~ may, upon request, enter into contracts with other  
5517 state agencies under which the department may provide the  
5518 project management, administration services, or assistance for  
5519 the construction, renovation, repair, modification, or  
5520 demolition of buildings, utilities, parks, parking lots, or  
5521 other facilities or improvements for projects for which the  
5522 funds are appropriated to other state agencies; however,  
5523 ~~provided that~~ the department may ~~does~~ not conduct plans reviews  
5524 or inspection services for consistency with the Florida Building  
5525 Code. The contracts must ~~shall~~ provide for payment of fees to  
5526 the department.

5527 (3) This section may ~~shall~~ not be construed to be in  
5528 derogation of any authority conferred on the department by other  
5529 provisions of law.

5530 Section 161. Paragraph (d) of subsection (1) of section  
5531 255.32, Florida Statutes, is amended to read:

5532 255.32 State construction management contracting.—

5533 (1) As used in this section, the term:

5534 (d) "Department" means the Department of Environmental  
5535 Protection Management ~~Services~~.

5536 Section 162. Section 255.45, Florida Statutes, is amended  
5537 to read:



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5538           255.45 Correction of firesafety violations in certain  
5539 state-owned property.—The Department of Environmental Protection  
5540 ~~Management Services~~ is responsible for ensuring that firesafety  
5541 violations that are noted by the State Fire Marshal pursuant to  
5542 s. 633.085 are corrected as soon as practicable for all state-  
5543 owned property ~~which is~~ leased from the department ~~of Management~~  
5544 ~~Services~~.

5545           Section 163. Section 255.451, Florida Statutes, is amended  
5546 to read:

5547           255.451 Electronic firesafety and security system.—The  
5548 management responsibility of the electronic firesafety and  
5549 security system located within the Capitol and any associated  
5550 system ~~associated therewith~~ is vested in the Department of  
5551 Environmental Protection ~~Management Services~~.

5552           Section 164. Present subsections (6) through (18) of  
5553 section 255.502, Florida Statutes, are redesignated as  
5554 subsections (7) through (15), a new subsection (6) is added to  
5555 that section, and paragraphs (c), (d), and (l) of subsections  
5556 (2), and present subsections (5), (7), (10), (12), (14), and  
5557 (16) of that section, are amended to read:

5558           255.502 Definitions; ss. 255.501-255.525.—As used in this  
5559 act, the following words and terms shall have the following  
5560 meanings unless the context otherwise requires:

5561           (2) "Acquisition costs" means all reasonable and necessary  
5562 costs incurred in the acquisition of a facility, which costs may  
5563 include, but are not limited to:

5564           (c) Any expenses relating to the issuance of the  
5565 obligations by the division in the name and on behalf of the  
5566 department ~~of Management Services~~, including, but not limited





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5567 to, private placement fees, underwriting fees, original issue  
5568 discounts, rating agency fees, and other necessary fees.

5569 (d) Fees in connection with the planning, execution, and  
5570 financing of a project, such as those of architects, engineers,  
5571 attorneys, feasibility consultants, financial advisers,  
5572 accountants, and the department ~~of Management Services~~,  
5573 including the allocable portions of direct costs of the  
5574 department ~~of Management Services~~ and the lessee agencies.

5575 (1) The reimbursement of all moneys advanced or supplied to  
5576 or borrowed by the department ~~of Management Services~~ or others  
5577 for the payment of any item of cost of a facility.

5578 (5) "Debt service charges" means, collectively, principal,  
5579 including mandatory sinking fund requirements and the accretion  
5580 portion of any capital appreciation bonds for retirement of  
5581 obligations, interest, redemption premium, if any, ~~required~~ to  
5582 be paid by the department ~~of Management Services~~ on obligations  
5583 issued under this act and any obligation administrative fees.

5584 (6) "Department" means the Department of Environmental  
5585 Protection.

5586 (8)~~(7)~~ "Eligible facility" means all state-owned facilities  
5587 under the jurisdiction of the department ~~of Management Services~~  
5588 and all other state-owned facilities except those having less  
5589 than 3,000 square feet.

5590 (11)~~(10)~~ "Obligation administrative fees" means any  
5591 periodic expense, charge, or cost relating to or incurred in  
5592 connection with remarketing of obligations such as remarketing  
5593 agent or indexing agent fees and any periodic expense, charge,  
5594 or cost related to any obligations or to credit enhancements or  
5595 liquidity features, including, but not limited to, letter of



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5596 credit fees, whether direct pay or standby, swap agent fees and  
5597 similar expenses, periodic fees and expenses, if any, of  
5598 trustees, depositories, registrars, book entry registrars and  
5599 paying agents, and any allowances established by the department  
5600 ~~of Management Services~~ for working capital, contingency  
5601 reserves, and reserves for any anticipated operating deficits  
5602 during each fiscal year.

5603 (13)~~(12)~~ "Pool pledged revenues" means all legislative  
5604 appropriations and all fees, charges, revenues, or receipts  
5605 derived by the department ~~of Management Services~~ from the  
5606 operation, leasing, or other disposition of facilities in the  
5607 pool, and the proceeds of obligations issued under this act,  
5608 including ~~and shall include~~ any moneys appropriated to an agency  
5609 for the purpose of making such rental payments, rental payments  
5610 received with respect to such facilities from whatever sources,  
5611 and receipts therefrom, and investment of any such moneys  
5612 pursuant to this act, all as are available for the payment of  
5613 debt service charges on such obligations as are issued with  
5614 respect to the pool.

5615 (15)~~(14)~~ "Qualified facility" means an eligible facility  
5616 that ~~which~~ is either:

5617 (a) Structurally sound and is in a satisfactory state of  
5618 repair;

5619 (b) Determined by the department ~~of Management Services~~ to  
5620 be suitable for entry into the pool although not meeting the  
5621 requirements of paragraph (a); or

5622 (c) Under the jurisdiction of the department ~~of Management~~  
5623 ~~Services~~.

5624 (17)~~(16)~~ "Revenue bonds" means any bonds, debentures,



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5625 notes, certificates, or other evidences of financial  
5626 indebtedness, whether certificated or noncertificated, issued by  
5627 the division on behalf of the department ~~of Management Services~~  
5628 under and pursuant to this act, including, but not limited to,  
5629 variable rate obligations, designated maturity obligations,  
5630 capital appreciation bonds, original issue discount bonds, and  
5631 multimodal instruments or obligations, or instruments combining  
5632 any of the foregoing.

5633 Section 165. Section 255.503, Florida Statutes, is amended  
5634 to read:

5635 255.503 Powers of the Department of Environmental  
5636 Protection Management Services.—The department is authorized of  
5637 ~~Management Services shall have all the authority necessary to~~  
5638 carry out and effectuate the purposes and provisions of this  
5639 act, including, but not limited to, ~~the authority to:~~

5640 (1) Collect reasonable rentals or charges for the use of  
5641 and services provided for facilities in the pool in accordance  
5642 with ~~the provisions of~~ this act exclusively for the purpose of  
5643 paying the expenses of improving, repairing, maintaining, and  
5644 operating facilities and paying debt service charges in  
5645 connection with its obligations.

5646 (2) Prescribe ~~for~~ the use of facilities in the pool,  
5647 prescribe the amount of rentals or charges, and make and enter  
5648 into contracts with any political subdivision or agency, for the  
5649 use of and services provided for such facilities.

5650 (3) Acquire facilities pursuant to s. 11(f), Art. VII of  
5651 the State Constitution and own, operate, and finance such  
5652 facilities in accordance with this act through the issuance of  
5653 obligations by the division ~~under this act;~~ to use utilize



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5654 rentals or charges from such facilities, as well as any  
5655 appropriated state or other public funds; and to pledge revenue  
5656 from such facilities to finance the acquisition of facilities  
5657 pursuant to ~~the provisions of~~ this act.

5658 (4) Operate existing state-owned facilities in the pool and  
5659 to pledge rentals or charges for such facilities to finance the  
5660 acquisition of facilities pursuant to ~~the provisions of~~ this  
5661 act.

5662 (5) Pledge, hypothecate, or otherwise encumber rentals or  
5663 charges as may be agreed as security for obligations issued  
5664 under this act and enter into trust agreements or indentures for  
5665 the benefit of the holders of such obligations.

5666 (6) Borrow money or accept advances, loans, gifts, grants,  
5667 devises, or bequests from any legal source; enter into contracts  
5668 or agreements with any party; and hold and apply advances,  
5669 loans, gifts, grants, devises, or bequests according to the  
5670 terms thereof. Such advances, loans, gifts, grants, devises, or  
5671 bequests of real estate may be in fee simple or of any lesser  
5672 estate and may be subject to any reasonable reservations. Any  
5673 advances or loans received from any source may be repaid in  
5674 accordance with the terms of such advance or loan.

5675 (7) (a) Sell, lease, release, or otherwise dispose of  
5676 facilities in the pool in accordance with applicable law.

5677 (b) Upon determining ~~No later than the date upon which the~~  
5678 ~~department recommends to the Division of State Lands of the~~  
5679 ~~Department of Environmental Protection~~ the disposition of any  
5680 facility within the Florida Facilities Pool, the department  
5681 shall provide to the President of the Senate, the Speaker of the  
5682 House of Representatives, the Executive Office of the Governor,



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5683 and the Division of Bond Finance of the State Board of  
5684 Administration an analysis that includes:

5685 1. The cost benefit of the proposed facility disposition,  
5686 including the facility's current operating expenses, condition,  
5687 and market value, and viable alternatives for work space for  
5688 impacted state employees.

5689 2. The effect of the proposed facility disposition on the  
5690 financial status of the Florida Facilities Pool, including the  
5691 effect on rental rates and coverage requirement for the bonds.

5692

5693 ~~This paragraph expires July 1, 2010.~~

5694 (8) Create and establish funds and accounts for ~~the purpose~~  
5695 ~~of~~ debt service reserves, for ~~the~~ matching ~~of~~ the timing and the  
5696 amount of available funds and debt service charges, for sinking  
5697 funds, for capital depreciation reserves, for operating  
5698 reserves, for capitalized interest and moneys not required for  
5699 immediate disbursement to acquire all or a portion of any  
5700 facility, and for any other reserves, funds, or accounts  
5701 reasonably necessary to carry out the provisions of this act and  
5702 to invest in authorized investments any moneys held in such  
5703 funds and accounts ~~if, provided~~ such investments will be made on  
5704 behalf of the department ~~of Management Services~~ by the State  
5705 Board of Administration or the Chief Financial Officer, as  
5706 appropriate.

5707 (9) Engage the services of consultants for rendering  
5708 professional and technical assistance and advice and ~~to~~ engage  
5709 services of professionals in connection with the acquisition or  
5710 financing of any facility or the operation and activities of the  
5711 department ~~of Management Services~~, including attorneys,



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5712 auditors, consultants, and accountants.

5713 (10) Lease all or any portion of any facility to an agency  
5714 or to any political subdivision.

5715 (11) Adopt ~~Promulgate~~ all rules necessary to administer  
5716 ~~implement the provisions of~~ this act.

5717 (12) Do all other acts reasonably necessary to carry out  
5718 the provisions of this act.

5719 Section 166. Subsection (1) of section 255.504, Florida  
5720 Statutes, is amended to read:

5721 255.504 Use of facilities.—

5722 (1) Any facility that ~~which~~ is acquired and approved  
5723 pursuant to s. 11(f), Art. VII of the State Constitution and  
5724 financed under this act, and any facility in the pool shall be  
5725 occupied to the extent that space is available, by agencies as  
5726 authorized by the department ~~of Management Services~~.

5727 Section 167. Section 255.505, Florida Statutes, is amended  
5728 to read:

5729 255.505 Creation of the pool.—The department ~~of Management~~  
5730 ~~Services~~ is ~~hereby~~ authorized and directed to create the Florida  
5731 Facilities Pool in order for ~~that~~ agencies to ~~may~~ participate,  
5732 and ~~thereby~~ pool the rentals to be paid by such agencies, at  
5733 uniform rates with additional charges for services provided, and  
5734 to authorize the issuance of obligations secured by and payable  
5735 from such rentals and charges. Participation in the pool must  
5736 ~~shall~~ be in accordance with ~~the provisions of~~ this act.

5737 Section 168. Subsections (1), (3), and (4) of section  
5738 255.506, Florida Statutes, are amended to read:

5739 255.506 Facilities in pool.—The following facilities shall  
5740 be entered into the pool:



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5741 (1) All existing state-owned facilities under the  
5742 jurisdiction of the department ~~of Management Services~~ shall be  
5743 entered into the pool upon the creation of the pool.

5744 (3) Any agency may submit all, but not less than all, of  
5745 the eligible facilities under its jurisdiction for entry into  
5746 the pool. Each of such eligible facilities which is determined  
5747 by the department ~~of Management Services~~ to be a qualified  
5748 facility shall be entered into the pool ~~upon such determination.~~

5749 (4) Any agency that ~~which~~ requests the issuance of  
5750 obligations under this act for ~~the~~ financing ~~of~~ the acquisition  
5751 of a facility shall submit all, but not less than all, of the  
5752 eligible facilities under its jurisdiction for entry into the  
5753 pool. Each of such eligible facilities which is determined by  
5754 the department ~~of Management Services~~ to be a qualified facility  
5755 shall be entered into the pool ~~upon such a determination.~~

5756 Section 169. Section 255.507, Florida Statutes, is amended  
5757 to read:

5758 255.507 Determination of qualified facilities.—~~The~~  
5759 ~~Department of Management Services,~~ In making determinations  
5760 under s. 255.502(15)(b) ~~255.502(14)(b)~~, the department shall  
5761 determine a facility to be a qualified ~~facility~~ if the facility  
5762 meets one ~~either~~ of the following standards:

5763 (1) The facility is in compliance with the firesafety  
5764 standards established by the State Fire Marshal for state-owned  
5765 buildings, is in compliance with flood management criteria if it  
5766 is located in a flood-prone area, and is in good operating  
5767 condition in relation to its intended use.

5768 (2) The facility's economic benefit to the pool will be  
5769 equal to or greater than the cost of restoring the facility to



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5770 the condition described in subsection (1). For purposes of this  
5771 subsection, achieving such economic benefit means that the rent  
5772 to be paid by the occupants of the facility will be adequate to  
5773 repay the restoration costs within 5 years.

5774 Section 170. Section 255.508, Florida Statutes, is amended  
5775 to read:

5776 255.508 Participation in pool.—To participate in the pool,  
5777 an agency head shall submit a request to the department ~~of~~  
5778 ~~Management Services~~ and to the division pursuant to rules  
5779 adopted by the department ~~of Management Services~~ pursuant to  
5780 this act.

5781 Section 171. Section 255.509, Florida Statutes, is amended  
5782 to read:

5783 255.509 Request for advisory statement.—

5784 (1) Any agency may request ~~from the Department of~~  
5785 ~~Management Services~~ an advisory statement from the department  
5786 which states shall state the estimated pool rental rate that  
5787 ~~which~~ would be assessed under current conditions for the  
5788 agency's facilities if entered into the pool. The request for an  
5789 advisory statement must shall contain a description of each  
5790 eligible facility under the jurisdiction of the agency or to be  
5791 acquired by the agency.

5792 (2) In rendering such advisory statement, the department ~~of~~  
5793 ~~Management Services~~ shall consult with the division and is shall  
5794 ~~be~~ entitled to rely upon financial advisers or other  
5795 professionals and may assume whatever method of financing that  
5796 the division deems cost-effective.

5797 Section 172. Section 255.51, Florida Statutes, is amended  
5798 to read:





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5799           255.51 Determination of rental rates.—The department ~~of~~  
5800 ~~Management Services~~ shall determine and establish rental rates  
5801 charged and computed on a per square foot basis for all  
5802 facilities in the pool whether or not of new construction, and  
5803 such rates shall be applied uniformly to all agencies using or  
5804 occupying space in facilities in the pool with additional  
5805 charges based upon the elements of service and special requests  
5806 as provided. Separate rates and charges may be established for  
5807 warehouse space and parking space incidental to facilities in  
5808 the pool.

5809           Section 173. Subsection (1) of section 255.511, Florida  
5810 Statutes, is amended to read:

5811           255.511 Factors to be considered in establishing rental  
5812 rates.—

5813           (1) The department ~~of Management Services~~ shall prepare a  
5814 complete annual budget for debt service on obligations issued  
5815 under this act and for capital depreciation reserve deposits and  
5816 expenses included in the operation and maintenance of each  
5817 facility in the pool.

5818           Section 174. Section 255.513, Florida Statutes, is amended  
5819 to read:

5820           255.513 Powers of the Division of Bond Finance and the  
5821 Department of Environmental Protection ~~Management Services~~.—The  
5822 division ~~of Bond Finance~~ and the department ~~of Management~~  
5823 ~~Services~~ are authorized to jointly:

5824           (1) Engage the services of remarketing agents, indexing  
5825 agents, underwriters, financial advisers, special tax counsel,  
5826 bond counsel, or similar type services with respect to the  
5827 issuance of any obligations under this act.



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5828 (2) Procure credit enhancements such as municipal bond  
5829 insurance, debt service reserve insurance, lease payment  
5830 insurance, letters of credit or liquidity facilities such as  
5831 letters of credit or surety bonds, or to enter into rate  
5832 protection agreements, such as interest rate swaps or similar  
5833 arrangements, in conjunction with the issuance of any  
5834 obligations under this act.

5835 Section 175. Section 255.514, Florida Statutes, is amended  
5836 to read:

5837 255.514 Division of Bond Finance; revenue bonds.—The  
5838 division is authorized to issue obligations under this act on  
5839 behalf of and at the request of the department ~~of Management~~  
5840 ~~Services~~.

5841 Section 176. Section 255.515, Florida Statutes, is amended  
5842 to read:

5843 255.515 Issuance of obligations by the division.—With  
5844 respect to the issuance of any obligations under this act, the  
5845 division may ~~shall be entitled to~~ use such method of financing  
5846 or combination of methods of financing as it deems appropriate  
5847 to result in cost-effective financing. The division may ~~shall be~~  
5848 ~~entitled to~~ rely upon the advice of financial advisers and other  
5849 professionals retained jointly by the department ~~of Management~~  
5850 ~~Services~~ and the division for such purposes.

5851 Section 177. Section 255.517, Florida Statutes, is amended  
5852 to read:

5853 255.517 Anticipation obligations.—To provide funds for the  
5854 purposes of this act, and before ~~prior to~~ the delivery of an  
5855 issue of revenue bonds for the purposes of this act, the  
5856 division may, on behalf of the department ~~of Management~~



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5857 ~~Services, from time to time,~~ by resolution, anticipate the  
5858 issuance of such revenue bonds by the issuance of revenue notes,  
5859 including commercial paper notes in the form of bond  
5860 anticipation notes, with or without coupons, exchangeable for  
5861 the revenue bonds when such revenue bonds have been executed and  
5862 are available for delivery, or to be paid, together with  
5863 interest and premium, if any, from the proceeds of the sale of  
5864 such revenue bonds or a renewal issue of revenue notes,  
5865 including commercial paper notes in the form of bond  
5866 anticipation notes. In connection with such revenue notes, the  
5867 department ~~of Management Services~~ may covenant to do all things  
5868 necessary to authorize the issuance of the obligations and shall  
5869 make the exchange or application of the proceeds pursuant to its  
5870 agreements. Such revenue notes and, in the case of commercial  
5871 paper notes, the latest maturity thereof may not ~~shall~~ mature  
5872 ~~not~~ later than 5 years from the date of issue of the original  
5873 revenue notes and shall bear such other terms and shall be  
5874 executed and sold in the manner authorized by the division and  
5875 not prohibited by this act.

5876 Section 178. Subsections (1) and (2), paragraphs (b) and  
5877 (c) of subsection (5), paragraphs (a), (d), (e), and (f) of  
5878 subsection (6), paragraph (a) of subsection (7), and subsections  
5879 (8), (10), (11), (12), and (13) of section 255.518, Florida  
5880 Statutes, are amended to read:

5881 255.518 Obligations; purpose, terms, approval,  
5882 limitations.—

5883 (1)~~(a)~~ The issuance of obligations shall provide sufficient  
5884 funds to achieve the purposes of this act; pay interest on  
5885 obligations except as provided in paragraph (b); pay expenses



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5886 incident to the issuance and sale of any obligations issued  
5887 pursuant to this act, including costs of validating, printing,  
5888 and delivering the obligations, printing the official statement,  
5889 publishing notices of sale of the obligations, and related  
5890 administrative expenses; pay building acquisition and  
5891 construction costs; and pay all other capital expenditures of  
5892 the department ~~of Management Services~~ and the division incident  
5893 to and necessary to carry out the purposes and powers granted by  
5894 this act, subject to ~~the provisions of~~ s. 11(f), Art. VII of the  
5895 State Constitution and the applicable provisions of the State  
5896 Bond Act. Such obligations are ~~shall be~~ payable solely from the  
5897 pool pledged revenues identified to such obligation.

5898 (a) Proceeds of obligations may not be used to pay building  
5899 acquisition or construction costs for any facility until the  
5900 Legislature has appropriated funds from other sources estimated  
5901 to be necessary for all costs relating to the initial planning,  
5902 preliminary design and programming, and land acquisition for  
5903 such facility and until such planning, design, and land  
5904 acquisition activities have been completed. Obligation proceeds  
5905 for building construction, renovation, or acquisition shall be  
5906 requested for appropriation in any fiscal year by the department  
5907 ~~of Management Services~~ only if the department estimates that  
5908 such construction, renovation, or acquisition can be initiated  
5909 during such fiscal year.

5910 (b) Payment of debt service charges on obligations during  
5911 the construction of any facility financed by such obligations  
5912 shall be made from funds other than proceeds of obligations.

5913 (2) All obligations authorized by this act shall be issued  
5914 on behalf of and in the name of the Department of Management



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5915 Services by the division as provided by this act, with a term of  
5916 not more than 30 years and, except as otherwise provided herein,  
5917 in such principal amounts as shall be necessary to provide  
5918 sufficient funds to achieve the purposes of this act.

5919 (5) Any resolution or resolutions authorizing any  
5920 obligations issued pursuant to this act shall provide that:

5921 (b) The department ~~of Management Services~~ shall maintain  
5922 all facilities in the pool in a satisfactory state of repair,  
5923 subject to such exceptions as are determined by the department  
5924 ~~of Management Services~~, provided that such exceptions do not  
5925 result in breach of any rate covenant in connection with the  
5926 obligations.

5927 (c) The department ~~of Management Services~~ shall establish  
5928 pool rental rates in amounts so that the annualized amount of  
5929 pool pledged revenues for the then-current bond year is ~~shall be~~  
5930 at least equal to the aggregate of 110 percent of debt services  
5931 charges, plus 100 percent of capital depreciation reserve  
5932 deposits, plus 100 percent of costs of operations and  
5933 maintenance, if any, in each case as shown in the annual budget  
5934 required pursuant to this act.

5935 (6) Any resolution authorizing any obligations issued  
5936 pursuant to this act may contain provisions, without limitation,  
5937 which shall be a part of the contract with the holders thereof,  
5938 as to:

5939 (a) Pledging all or any part of the assets of the  
5940 department ~~of Management Services~~ securing the same, including  
5941 leases with respect to all or any part of a facility, to secure  
5942 the payment of obligations, subject to any existing ~~such~~  
5943 agreements with holders of obligations ~~as may then exist~~.



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5944 (d) Vesting in the State Board of Administration such  
5945 property, rights, powers, and duties in trust as the division  
5946 and the department ~~of Management Services~~ may determine, and  
5947 limiting or abrogating the right of holders of obligations to  
5948 appoint a trustee under this act or limiting the rights, powers,  
5949 and duties of such trustee.

5950 (e) Defining the acts or omissions to act which ~~shall~~  
5951 constitute a default in the obligations and duties of the  
5952 division and the department ~~of Management Services~~ to the  
5953 holders of obligations and providing for the rights and remedies  
5954 of holders of obligations in the event of such default,  
5955 including, as matter of right, the appointment of a receiver;  
5956 provided such rights and remedies are ~~shall~~ not be inconsistent  
5957 with state law ~~the general laws of the state~~ and the other  
5958 provisions of this act.

5959 (f) Providing for the segregation of revenues payable to  
5960 the department ~~of Management Services~~ as rentals or charges  
5961 arising from facilities in the pool; providing for the handling  
5962 of such revenues and the remittance of all or a portion thereof  
5963 to the State Board of Administration or a paying agent;  
5964 providing for the establishment of debt service reserves,  
5965 capitalized interest accounts, capital depreciation reserve  
5966 accounts, and the calculation of the amounts to be deposited  
5967 therein; providing for the procurement of letters of credit or  
5968 municipal bond insurance or similar credit enhancements or of  
5969 letters of credit or similar liquidity facilities for the  
5970 benefit of holders of such obligations or for the entering into  
5971 of agreements with remarketing agents, tender agents, or  
5972 indexing agents or of reimbursement agreements with respect to



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5973 any of the foregoing concerning any such obligations.

5974 (7) (a) The obligations issued by the division on behalf of  
5975 and in the name of the department ~~of Management Services~~ shall  
5976 be sold at public sale in the manner provided by the State Bond  
5977 Act. ~~However, provided that~~ if the division determines ~~shall~~  
5978 ~~determine~~ that a negotiated sale of the obligations is in the  
5979 best interest of the state, the division may negotiate for sale  
5980 of the obligations with the underwriter jointly designated by  
5981 the division and the department ~~of Management Services~~. In  
5982 authorizing the negotiated sale, the division shall provide  
5983 specific findings as to the reasons for the negotiated sale. The  
5984 reasons ~~shall~~ include, but are not ~~be~~ limited to,  
5985 characteristics of the obligations to be issued and prevailing  
5986 market conditions that necessitate a negotiated sale. If ~~In the~~  
5987 ~~event~~ the division negotiates for sale of obligations, the  
5988 managing underwriter, or financial consultant or adviser, if  
5989 applicable, shall provide to the division, before awarding ~~prior~~  
5990 ~~to the award of~~ such obligations to the managing underwriter, a  
5991 disclosure statement containing the following information:

5992 1. An itemized list setting forth the nature and estimated  
5993 amounts of expenses to be incurred by the managing underwriter  
5994 in connection with the issuance of such obligations. However  
5995 ~~Notwithstanding the foregoing~~, any such list may include an item  
5996 for miscellaneous expenses, provided it includes only minor  
5997 items of expense which are not ~~cannot be~~ easily categorized  
5998 elsewhere in the statement.

5999 2. The names, addresses, and estimated amounts of  
6000 compensation of any finders connected with the issuance of the  
6001 obligations.



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- 6002           3. The amount of underwriting spread expected to be  
6003 realized.
- 6004           4. Any management fee charged by the managing underwriter.
- 6005           5. Any other fee, bonus, or compensation estimated to be  
6006 paid by the managing underwriter in connection with the  
6007 obligations issued to any person not regularly employed or  
6008 retained by it.
- 6009           6. The name and address of the managing underwriter, if  
6010 any, connected with the obligations issued.
- 6011           7. Any other disclosure ~~which~~ the division may require.

6012

6013 This paragraph is not intended to restrict or prohibit the  
6014 employment of professional services relating to obligations  
6015 issued under this act or the issuance of bonds by the division  
6016 under any other provisions of law.

6017           (8) ~~(a)~~ No underwriter, commercial bank, investment banker,  
6018 or financial consultant or adviser shall pay any finder any  
6019 bonus, fee, or gratuity in connection with the sale of  
6020 obligations issued by the division on behalf of and in the name  
6021 of the department ~~of Management Services~~ unless full disclosure  
6022 is made to the division before ~~prior to~~ or concurrently with the  
6023 submission of a purchase proposal for such obligations by the  
6024 underwriter, commercial bank, investment banker, or financial  
6025 consultant or adviser and is made subsequently in the official  
6026 statement or offering circular, if any, detailing the name and  
6027 address of any finder and the amount of bonus, fee, or gratuity  
6028 paid to such finder.

6029           (a) ~~(b)~~ A willful violation of this subsection is a felony  
6030 of the third degree, punishable as provided in s. 775.082, s.





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6031 775.083, or s. 775.084.

6032 ~~(b)(e)~~ A ~~No~~ violation of this subsection does not shall  
6033 affect the validity of any obligation issued under this act.

6034 (10) All obligations issued by the division on behalf of  
6035 and in the name of the department ~~of Management Services~~ shall  
6036 state on the face thereof that they are payable, both as to  
6037 principal and interest, and premium, if any, solely out of the  
6038 pool pledged revenues, and do not constitute an obligation,  
6039 ~~either~~ general or special, of the state or of any political  
6040 subdivision.

6041 (11) All obligations issued by the division on behalf of  
6042 and in the name of the department ~~of Management Services~~ are  
6043 ~~hereby declared to~~ have all the qualities and incidents of  
6044 negotiable instruments under the applicable laws of the state.

6045 (12) Any pledge of earnings, revenues, or other moneys made  
6046 by the department are ~~of Management Services~~ shall be valid and  
6047 binding from the time the pledge is made. Any earnings,  
6048 revenues, or other moneys so pledged and thereafter received by  
6049 the department ~~of Management Services~~ shall immediately be  
6050 subject to the lien of that pledge without any physical delivery  
6051 thereof or further act, and the lien of the pledge is ~~shall be~~  
6052 valid and binding ~~as~~ against the department ~~of Management~~  
6053 ~~Services~~ irrespective of whether the parties have notice  
6054 ~~thereof~~. Neither the resolution nor any other instrument by  
6055 which a pledge is created need be recorded or filed pursuant to  
6056 the Uniform Commercial Code.

6057 (13) No employee of the department ~~of Management Services~~  
6058 or the division, nor any person lawfully executing obligations  
6059 issued under this act by the division on behalf of and in the



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6060 name of the Department of Management Services, is ~~shall be~~  
6061 ~~liable~~ personally liable on the obligations or ~~be~~ subject to any  
6062 personal liability or accountability by reason of the issuance  
6063 thereof.

6064 Section 179. Section 255.52, Florida Statutes, is amended  
6065 to read:

6066 255.52 Approval by State Board of Administration.—At or  
6067 before ~~prior to~~ the sale by the division, all obligations  
6068 proposed to be issued by the division must ~~shall~~ be approved by  
6069 the State Board of Administration as to fiscal sufficiency. The  
6070 state board ~~of Administration~~ shall look to the rate coverage of  
6071 all pool pledged revenues, as projected by the department ~~of~~  
6072 ~~Management Services~~, with respect to all proposed and  
6073 outstanding obligations issued under this act:

6074 (1) One hundred and ten percent of debt service charges;  
6075 plus

6076 (2) One hundred percent of capital depreciation reserved  
6077 deposits, if any; plus

6078 (3) One hundred percent of costs of operation and  
6079 maintenance.

6080  
6081 With respect to variable rate obligations, such evaluation shall  
6082 be made at the interest rate for the date of sale determined as  
6083 provided in s. 255.519.

6084 Section 180. Section 255.521, Florida Statutes, is amended  
6085 to read:

6086 255.521 Failure of payment.—If ~~Should~~ an agency fails ~~fail~~  
6087 to make a timely payment of the pool pledged rentals or charges  
6088 as required by this act, the Chief Financial Officer shall



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6089 withhold general revenues of the agency in an amount sufficient  
6090 to pay the rentals and charges due and unpaid ~~from such agency~~.  
6091 The Chief Financial Officer shall forward such general revenue  
6092 ~~amounts~~ to the department ~~of Management Services~~ in payment of  
6093 such rents.

6094 Section 181. Section 255.522, Florida Statutes, is amended  
6095 to read:

6096 255.522 State and political subdivisions not liable on  
6097 obligations.—Obligations issued pursuant to this act are ~~shall~~  
6098 ~~be~~ a debt of the state or of any political subdivision, and  
6099 neither the state nor any political subdivision is ~~shall be~~  
6100 liable thereon. The department may not ~~of Management Services~~  
6101 ~~shall not have the power to~~ pledge the credit, the revenues, or  
6102 the taxing power of the state or of any political subdivision;  
6103 and ~~neither~~ the credit, the revenues, or ~~nor~~ the taxing power of  
6104 the state or of any political subdivision may not ~~shall be, or~~  
6105 ~~shall~~ be deemed to be, pledged to the payment of any obligations  
6106 issued pursuant to this act.

6107 Section 182. Section 255.523, Florida Statutes, is amended  
6108 to read:

6109 255.523 Exemption from taxes.—The property of the  
6110 department ~~of Management Services~~, the transactions and  
6111 operations thereof, and the income therefrom are ~~shall be~~ exempt  
6112 from taxation by the state and political subdivisions.

6113 Section 183. Section 255.555, Florida Statutes, is amended  
6114 to read:

6115 255.555 Records.—Each state agency that ~~which~~ finds that it  
6116 has asbestos-containing materials in any public building for  
6117 which it is responsible shall prepare and maintain a record



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6118 containing a report summarizing the survey, including the hazard  
6119 assessment, drawings and photographs of the sample area, and  
6120 estimates of the quantities of hazardous materials. The agency  
6121 shall, within 30 days after ~~of~~ receipt of said survey, submit a  
6122 copy of the survey to the regional asbestos program manager and  
6123 a summary to the Department of Environmental Protection  
6124 ~~Management Services~~.

6125 Section 184. Paragraph (a) of subsection (2) of section  
6126 265.001, Florida Statutes, is amended to read:

6127 265.001 Florida Women's Hall of Fame.-

6128 (2) (a) There is hereby established the Florida Women's Hall  
6129 of Fame. The Department of Environmental Protection ~~Management~~  
6130 ~~Services~~ shall set aside an area on the Plaza Level of the  
6131 Capitol Building and shall consult with the Florida Commission  
6132 on the Status of Women regarding the design and theme of such  
6133 area.

6134 Section 185. Paragraph (a) of subsection (2) of section  
6135 265.2865, Florida Statutes, is amended to read:

6136 265.2865 Florida Artists Hall of Fame.-

6137 (2) (a) There is hereby created the Florida Artists Hall of  
6138 Fame. The Florida Arts Council shall identify an appropriate  
6139 location in the public area of a building in the Capitol Center  
6140 that is under the jurisdiction of the Department of  
6141 Environmental Protection ~~Management Services~~, which location  
6142 shall be set aside by the department and designated as the  
6143 Florida Artists Hall of Fame.

6144 Section 186. Subsection (3) of section 267.061, Florida  
6145 Statutes, is amended to read:

6146 267.061 Historic properties; state policy,



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6147 responsibilities.-

6148 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION MANAGEMENT  
6149 SERVICES.—The Department of Environmental Protection Management  
6150 Services, in consultation with the division, shall adopt rules  
6151 for the renovation of historic properties that ~~which~~ are owned  
6152 or leased by the state. Such rules must ~~shall~~ be based on  
6153 national guidelines for historic renovation, including the  
6154 standards and guidelines for rehabilitation adopted by the  
6155 United States Secretary of the Interior.

6156 Section 187. Paragraph (b) of subsection (4) of section  
6157 267.0625, Florida Statutes, is amended to read:

6158 267.0625 Abrogation of offensive and derogatory geographic  
6159 place names.—

6160 (4) The division shall:

6161 (b) Notify the Department of Transportation, the Office of  
6162 Tourism, Trade, and Economic Development, the Department of  
6163 Environmental Protection Management Services, and any other  
6164 entity that compiles information for or develops maps or markers  
6165 for the state of the name change so that it may be reflected on  
6166 subsequent editions of any maps, informational literature, or  
6167 markers produced by those entities.

6168 Section 188. Paragraphs (a) and (c) of subsection (3) of  
6169 section 267.075, Florida Statutes, are amended to read:

6170 267.075 The Grove Advisory Council; creation; membership;  
6171 purposes.—

6172 (3) (a) The Grove Advisory Council shall be composed of  
6173 eight members, as follows:

6174 1. Five members shall be private citizens appointed by the  
6175 Secretary of State.



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6176           2. One member shall be the Secretary of Environmental  
6177 Protection Management Services or a his or her designee.

6178           3. One member shall be the director of the Division of  
6179 Historical Resources of the Department of State.

6180           4. At least one member shall be a direct descendant of Mary  
6181 Call Darby Collins appointed by the Secretary of State with the  
6182 advice of the oldest living generation of lineal descendants of  
6183 Mary Call Darby Collins.

6184  
6185 Of the citizen members, at least one member must ~~shall~~ have  
6186 professional curatorial and museum expertise, one member must  
6187 ~~shall~~ have professional architectural expertise in the  
6188 preservation of historic buildings, and one member must ~~shall~~  
6189 have professional landscape expertise. The five citizen members  
6190 of the council appointed by the Secretary of State and the  
6191 member of the council who is a direct descendant of Mary Call  
6192 Darby Collins appointed by the Secretary of State shall be  
6193 appointed for staggered 4-year terms. The Secretary of State  
6194 shall fill the remainder of unexpired terms for the five citizen  
6195 members of the council and the member of the council who is a  
6196 direct descendant of Mary Call Darby Collins.

6197           (c) The council shall obtain clerical, expert, technical,  
6198 or other services from the Division of Historical Resources. The  
6199 Department of Environmental Protection Management Services shall  
6200 provide reasonable assistance to the Department of State in  
6201 carrying out the purposes of this section.

6202           Section 189. Subsections (1) and (2) of section 270.27,  
6203 Florida Statutes, are amended to read:

6204           270.27 Sale of unused public lands.—



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6205 (1) The Department of Environmental Protection may  
6206 ~~Management Services is hereby authorized to sell~~, to the best  
6207 possible advantage, any or all detached pieces or parcels of  
6208 land held by the state for the use of any institution under the  
6209 supervision and control of the department if, whenever, in the  
6210 judgment of the department, such detached pieces or parcels of  
6211 land are not suitable for, or necessary and useful in, the  
6212 operation and maintenance of the ~~such~~ institution, and the  
6213 proceeds from the sale of such land could be used to better  
6214 advantage ~~than said land~~ in the operation and maintenance of  
6215 such institution.

6216 (2) The proceeds derived from the sale of any land, as  
6217 authorized in this section, shall be deposited in the State  
6218 Treasury to the account of the Department of Environmental  
6219 Protection ~~Management Services~~ for the use of the particular  
6220 institution from the sale of whose lands the ~~said~~ funds were  
6221 derived. Such funds may be used, from time to time, by the  
6222 department for the purpose of acquiring additional lands that  
6223 may be needed for the particular institution credited with such  
6224 funds, or for needed buildings or repairs for such institution,  
6225 in the discretion of the department; and such funds, when  
6226 obtained, are hereby appropriated for such purposes.

6227 Section 190. Section 272.03, Florida Statutes, is amended  
6228 to read:

6229 272.03 Supervision of ~~Department of Management Services to~~  
6230 ~~supervise~~ Capitol Center buildings; title in state.-

6231 (1) All state buildings ~~now or hereafter constructed~~  
6232 included in the Capitol Center at the state capital and the  
6233 grounds and squares contiguous thereto are ~~shall be~~ under the



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6234 general control, custodianship, and supervision of the  
6235 Department of Environmental Protection Management Services.

6236 (2) Title to Capitol Center ~~said buildings vests shall vest~~  
6237 in the state.

6238 (3) This section does not ~~Nothing herein is intended to~~  
6239 disturb or impair the contractual obligations for the discharge  
6240 of the indebtedness incurred for the construction of the Florida  
6241 Industrial Commission Building.

6242 Section 191. Section 272.04, Florida Statutes, is amended  
6243 to read:

6244 272.04 Department to allocate space.—The Department of  
6245 Environmental Protection Management Services shall ~~have~~  
6246 ~~authority to~~ allocate space to house the various departments,  
6247 agencies, boards, and commissions in said buildings, excepting,  
6248 however, the new Supreme Court Building, for which authority is  
6249 ~~shall be~~ vested in the justices of the Supreme Court.

6250 Section 192. Section 272.05, Florida Statutes, is amended  
6251 to read:

6252 272.05 Budgets for repair and maintenance; review.—The  
6253 Department of Environmental Protection Management Services and  
6254 the Executive Office of the Governor may ~~shall be empowered to~~  
6255 review, change, and modify the budgets of the departments,  
6256 agencies, boards, and commissions relating to the repair,  
6257 upkeep, and maintenance of said buildings.

6258 Section 193. Section 272.06, Florida Statutes, is amended  
6259 to read:

6260 272.06 Authority to contract for utility services.—The  
6261 Department of Environmental Protection Management Services may  
6262 provide or enter into contracts to provide heating, power,





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6263 lighting, cooling systems, and other necessary services or  
6264 facilities for any or all of said buildings.

6265 Section 194. Section 272.07, Florida Statutes, is amended  
6266 to read:

6267 272.07 Department may provide for parks, drives, and  
6268 walkways.—The Department of Environmental Protection Management  
6269 ~~Services~~ may provide for the establishment of parks, drives,  
6270 walkways, and parkways on said grounds and squares and for the  
6271 supervision, regulation, and maintenance of the same, including  
6272 traffic and parking thereon.

6273 Section 195. Section 272.08, Florida Statutes, is amended  
6274 to read:

6275 272.08 Duty of repair, maintenance, and supervision.—Except  
6276 when otherwise directed by the Department of Environmental  
6277 Protection Management Services, ~~the official or~~ officials now  
6278 having the duty of repair, care, maintenance, and supervision of  
6279 any of said buildings shall continue to exercise such authority.

6280 Section 196. Section 272.09, Florida Statutes, is amended  
6281 to read:

6282 272.09 Management, maintenance, and upkeep of Capitol  
6283 Center.—The management, maintenance, and upkeep of the Capitol  
6284 Center as defined in s. 272.03, are ~~hereby~~ vested in and made  
6285 the direct obligation of the Department of Environmental  
6286 Protection Management Services, which shall ~~have authority to~~ do  
6287 all things necessary to satisfactorily accomplish these  
6288 functions, including the employment of a superintendent of  
6289 grounds and buildings and other employees; the establishment of  
6290 central repair and maintenance shops; and the designation or  
6291 appointment of nonsalaried advisory committees to advise with



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6292 them.

6293 Section 197. Subsection (2) of section 272.12, Florida  
6294 Statutes, is amended to read:

6295 272.12 Florida Capitol Center Planning District.—

6296 (2) The Department of Environmental Protection may  
6297 ~~Management Services~~ is hereby authorized to purchase at fair  
6298 market value any lands or buildings owned by the Department of  
6299 Transportation within the Capitol Center. The Department of  
6300 Environmental Protection ~~Management Services~~ may use any funds  
6301 for this purpose ~~any funds~~ which are available to it at the time  
6302 of the purchase.

6303 Section 198. Subsection (1) of section 272.121, Florida  
6304 Statutes, is amended to read:

6305 272.121 Capitol Center long-range planning.—

6306 (1) The Department of Environmental Protection ~~Management~~  
6307 ~~Services~~ shall develop a comprehensive and long-range plan for  
6308 the development of state-owned property within the Capitol  
6309 Center. In developing this plan, the department shall consider:

6310 (a) The most efficient, expeditious, and economical method  
6311 of accomplishing the desired results.

6312 (b) The architectural and aesthetic coordination of the  
6313 proposed plan with the existing structures.

6314 (c) The effective utilization of all available space so as  
6315 to minimize waste.

6316 (d) The plans adopted by the local planning agencies in  
6317 Leon County.

6318 Section 199. Section 272.122, Florida Statutes, is amended  
6319 to read:

6320 272.122 Acquisition of land for state buildings and



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6321 facilities in the Capitol Center.—The Department of  
6322 Environmental Protection shall ~~Management Services~~ is hereby  
6323 ~~authorized and directed to~~ acquire both land and buildings now  
6324 ~~needed or to be~~ needed for use, in whole or in part, by state  
6325 government or any agency, board, bureau, or commission thereof.  
6326 However, no building can be constructed or land acquired under  
6327 this section without specific legislative approval. The  
6328 acquisition of the land, buildings, and facilities may be  
6329 financed by grants, by direct appropriations, or by the issuance  
6330 of revenue bonds or certificates pledging the revenues and  
6331 rentals derived from the use of the buildings and facilities.  
6332 The department may ~~of Management Services~~ is expressly  
6333 ~~authorized to~~ issue revenue certificates to carry out the  
6334 purposes of this section. Title to any lands acquired pursuant  
6335 to this section shall be vested in the Board of Trustees of the  
6336 Internal Improvement Trust Fund for the use and benefit of the  
6337 State of Florida.

6338 Section 200. Section 272.124, Florida Statutes, is amended  
6339 to read:

6340 272.124 ~~Department of Management Services;~~ Power to  
6341 contract.—The Department of Environmental Protection may  
6342 ~~Management Services~~ is authorized and empowered to make and  
6343 enter into any contract or agreement, with any person or agency,  
6344 public or private, to lease, buy, acquire, construct, hold, or  
6345 dispose of real and personal property necessary to carry out the  
6346 objects and purposes of this chapter. ~~act;~~ However, no contract  
6347 may be entered into without specific authorization of the  
6348 Legislature for the project. Lands shall be acquired by the  
6349 department in accordance with acquisition procedures for state



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6350 lands provided ~~for~~ in s. 253.025.

6351 Section 201. Subsection (3) of section 272.129, Florida  
6352 Statutes, is amended to read:

6353 272.129 Florida Historic Capitol; space allocation;  
6354 maintenance, repair, and security.—

6355 (3) Custodial and preventive maintenance and repair of the  
6356 entire Historic Capitol and the grounds located adjacent thereto  
6357 are ~~shall be~~ the responsibility of the Department of  
6358 Environmental Protection Management Services, subject to the  
6359 special requirements of the building as determined by the  
6360 Capitol Curator.

6361 Section 202. Subsections (1) and (4) of section 272.16,  
6362 Florida Statutes, are amended to read:

6363 272.16 Parking areas within Capitol Center area.—

6364 (1) The Department of Environmental Protection Management  
6365 ~~Services~~ may assign parking areas within the Capitol Center area  
6366 to a state agency for its own use or for reassignment to state  
6367 officers and employees employed in Tallahassee; however, parking  
6368 areas must be provided for members of the Legislature during  
6369 sessions of the Legislature, regular and extraordinary. Not more  
6370 than 15 percent of the ~~said~~ parking areas may be set aside for  
6371 the use of persons temporarily visiting or attending to business  
6372 in the Capitol Center area who reside beyond the territorial  
6373 limits of the City of Tallahassee. Any remaining portion of the  
6374 parking areas not assigned ~~as aforesaid~~ may be limited in period  
6375 of time for use. However, the department may not ~~of Management~~  
6376 ~~Services shall have no power to~~ assign parking spaces in the  
6377 legislative office buildings, nor shall those spaces and spaces  
6378 in the parking facility within the Capitol Building which are



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6379 allocated to the Legislature be included under the provisions of  
6380 this section and s. 272.161(1), except as provided in subsection  
6381 (2) of this section.

6382 (4) The Department of Environmental Protection Management  
6383 ~~Services~~ shall adopt such rules as are necessary to carry out  
6384 the purposes of subsections (1) and (3).

6385 Section 203. Section 272.161, Florida Statutes, is amended  
6386 to read:

6387 272.161 Rental of reserved parking spaces.—

6388 (1)~~(a)~~ The Department of Environmental Protection  
6389 ~~Management Services~~ may assign a reserved parking space to any  
6390 state employee, qualified state employee car pool, provider of  
6391 essential services to the state, or state agency for  
6392 reassignment to its employees.

6393 (a) Any state agency assigned a reserved parking space  
6394 shall charge the user of such space, except a qualified state  
6395 employee car pool, a fee in accordance with guidelines  
6396 established by the department.

6397 (b) Any state agency assigned a reserved parking space that  
6398 ~~which~~ is not rented for a ~~period of~~ 7 consecutive days shall  
6399 return such space to the department for reassignment. All state  
6400 agencies assigned reserved parking spaces must ensure ~~shall~~  
6401 ~~assure~~ the timely payment of assessed rent to the department.

6402 (c) Assignments of reserved parking spaces is ~~shall be~~  
6403 limited to the amount of available parking under the supervision  
6404 of the department. Preference in the assignment of reserved  
6405 parking spaces shall be given qualified state employee car  
6406 pools. A state agency, employee, state employee car pool, or  
6407 provider of essential services may request a reserved parking



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6408 space in a manner prescribed by the department.

6409 (2) ~~All~~ Employee parking fees are ~~shall be~~ payable by the  
6410 payroll deduction plan, periodically according to the employee's  
6411 pay schedule, to the Department of Environmental Protection  
6412 ~~Management Services~~ or to the contracting agency.

6413 (3) All fees collected by the Department of Environmental  
6414 Protection Management Services under ~~the provisions of this~~  
6415 section shall be deposited in the Supervision Trust Fund. The  
6416 department shall account for the revenues and expenditures  
6417 related to the paid parking program in compliance with ~~the~~  
6418 ~~provisions of~~ s. 215.32(2)(b). The revenues collected from  
6419 parking fees shall be used for the maintenance, minor  
6420 construction, enforcement, security, and administration of  
6421 parking facilities and programs.

6422 (4) The Department of Environmental Protection Management  
6423 ~~Services~~ shall adopt ~~such~~ rules as ~~are~~ necessary to carry out  
6424 the purposes of this section. The department shall establish  
6425 guidelines for qualifying as a state employee car pool and for  
6426 the preferential assignment of reserved spaces to car pools.

6427 (5) The Department of Environmental Protection Management  
6428 ~~Services~~ shall establish fees on all state-owned reserved  
6429 parking spaces, except those assigned to qualified state  
6430 employee car pools, under the jurisdiction of the department.  
6431 The department shall also issue loading zone permits and  
6432 scramble parking permits for a fee sufficient to cover the cost  
6433 of administering the permits and maintaining the parking areas.

6434 (6) The Department of Environmental Protection may  
6435 ~~Management Services~~ ~~shall have the authority to~~ remove or tow  
6436 away, or cause to be removed or towed away, any wrongfully



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6437 parked vehicle in any assigned or reserved parking space or area  
6438 under the control of the department ~~of Management Services~~  
6439 throughout the state at the expense of the owner of the  
6440 wrongfully parked vehicle.

6441 Section 204. Paragraph (a) of subsection (1) and paragraphs  
6442 (b) and (c) of subsection (2) of section 272.18, Florida  
6443 Statutes, are amended to read:

6444 272.18 Governor's Mansion Commission.—

6445 (1) (a) ~~There is created within the Department of Management~~  
6446 ~~Services~~ A Governor's Mansion Commission ~~to be~~ composed of seven  
6447 ~~eight~~ members is created within the Department of Environmental  
6448 Protection. Five members shall be private citizens appointed by  
6449 the Governor and subject to confirmation by the Senate; ~~one~~  
6450 ~~member shall be the Secretary of Management Services or his or~~  
6451 ~~her designee~~; one member shall be the director of the Division  
6452 of Recreation and Parks of the Department of Environmental  
6453 Protection; and one member shall be designated by the Secretary  
6454 of State and shall be an employee of the Department of State  
6455 with curatorial and museum expertise. The Governor shall appoint  
6456 all citizen members for 4-year terms. The Governor shall fill  
6457 vacancies for the remainder of unexpired terms. The spouse of  
6458 the Governor or the designated representative of the Governor  
6459 shall be an ex officio member of the commission but shall have  
6460 no voting rights except in the case of a tie vote.

6461 (2)

6462 (b) The commission shall obtain clerical, expert,  
6463 technical, or other services from the Department of  
6464 Environmental Protection ~~Management Services as the commission~~  
6465 ~~requires~~ to carry out the purposes of this section.



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6466 (c) Members of the commission shall serve without  
6467 compensation or honorarium but are ~~shall be~~ entitled to receive  
6468 reimbursement for per diem and travel expenses as provided in s.  
6469 112.061. All expenses of the commission shall be paid from  
6470 appropriations to be made by the Legislature to the Department  
6471 of Environmental Protection Management Services for that  
6472 purpose. The commission shall submit its budgetary requests to  
6473 the department ~~of Management Services~~ for approval and inclusion  
6474 in the legislative budget request of the department. All  
6475 vouchers must ~~shall~~ be approved by the secretary of the  
6476 department ~~of Management Services~~ before being submitted to the  
6477 Chief Financial Officer for payment.

6478 Section 205. Section 272.185, Florida Statutes, is amended  
6479 to read:

6480 272.185 Maintenance of Governor's Mansion ~~by Department of~~  
6481 ~~Management Services.~~—

6482 (1) The Department of Environmental Protection Management  
6483 ~~Services~~ shall maintain all structures, furnishings, equipment,  
6484 and grounds of the Governor's Mansion, except that the exterior  
6485 facades; the landscaping of the grounds; the antique furnishings  
6486 in the private quarters; the interiors of the state rooms; and  
6487 the articles of furniture, fixtures, and decorative objects used  
6488 or displayed in the state rooms shall be maintained pursuant to  
6489 the directives of the Governor's Mansion Commission.

6490 (2) The Department of Environmental Protection shall insure  
6491 the Governor's Mansion, its contents, and all structures and  
6492 appurtenances thereto with the State Risk Management Trust Fund  
6493 as provided in s. 284.01. The department may purchase any  
6494 necessary insurance ~~either~~ by a primary insurance contract,





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6495 excess coverage insurance, or reinsurance to cover the contents  
6496 of the mansion, whether title of the contents is in the state or  
6497 in any other person or entity not a resident of the mansion,  
6498 notwithstanding ~~the provision of~~ s. 287.025.

6499 (3) The Department of Environmental Protection may ~~shall~~  
6500 ~~have authority to~~ contract and be contracted with for work and  
6501 materials required.

6502 (4) The Department of Environmental Protection shall keep a  
6503 continuing and accurate inventory of all equipment and  
6504 furnishings.

6505 Section 206. Subsection (4) of section 273.055, Florida  
6506 Statutes, is amended to read:

6507 273.055 Disposition of state-owned tangible personal  
6508 property.—

6509 (4) Each custodian shall adopt guidelines or ~~administrative~~  
6510 ~~rules and regulations pursuant to chapter 120~~ providing for, but  
6511 not limited to, transferring, warehousing, bidding, destroying,  
6512 scrapping, or other disposing of state-owned tangible personal  
6513 property. However, ~~the~~ approval of the Department of Financial  
6514 ~~Management~~ Services is required before ~~prior to~~ the disposal of  
6515 motor vehicles, watercraft, or aircraft pursuant to ss. 287.15  
6516 and 287.16.

6517 Section 207. Section 281.02, Florida Statutes, is amended  
6518 to read:

6519 281.02 ~~Powers and duties of the Department of Management~~  
6520 ~~Services with respect to Firesafety and security.~~—The Department  
6521 of Environmental Protection ~~Management Services~~ has the  
6522 following powers and duties with respect to firesafety and  
6523 security:



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6524 (1) ~~To~~ Assist the State Fire Marshal in maintaining the  
6525 firesafety of public buildings pursuant to s. 633.085.

6526 (2) ~~To~~ Make provision by rule, contract, lease, or  
6527 interagency agreement for the security of all state-owned  
6528 property leased from the department ~~of Management Services,~~  
6529 excluding state universities and custodial institutions, the  
6530 Capitol Complex, the Governor's mansion and the grounds thereof,  
6531 and the Supreme Court. For these purposes, security includes  
6532 ~~shall include~~ the safety and security of occupants and visitors  
6533 to state-owned property, appropriate law enforcement response to  
6534 complaints relating to criminal activity or security threats,  
6535 the development of emergency procedures and evacuation routes in  
6536 the event of fire or disaster, and ensuring that such procedures  
6537 and routes are known to ~~these~~ persons occupying such property.

6538 (3) ~~To~~ Employ guards and administrative, clerical,  
6539 technical, and other personnel as may be required.

6540 (4) ~~To~~ Train employees and make provision for the training  
6541 of agents, guards, and employees of tenant agencies in security  
6542 and emergency procedures.

6543 (5) ~~To~~ Make provision for the enforcement of rules  
6544 governing the regulation of traffic and parking on state-owned  
6545 property, including, but not limited to, issuing citations for  
6546 the violation of such rules or the traffic laws of the state or  
6547 any county or municipality and impounding illegally or  
6548 wrongfully parked vehicles.

6549 (6) ~~To~~ Delegate or assign duties and responsibilities  
6550 furthering the provision of security as required and authorized  
6551 by this section to any state agency occupying such state-owned  
6552 property. Security requirements may be included in lease



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6553 agreements or established by department rule.

6554 Section 208. Section 281.03, Florida Statutes, is amended  
6555 to read:

6556 281.03 Incident reports and record retention.—The  
6557 Department of Environmental Protection Management Services shall  
6558 provide ~~make provision~~ for the collection and retention of  
6559 copies of reports relating to criminal activity or other safety-  
6560 related and security-related incidents occurring on state-owned  
6561 property for use in ongoing security planning and to fulfill its  
6562 responsibilities under s. 281.02.

6563 Section 209. Section 281.06, Florida Statutes, is amended  
6564 to read:

6565 281.06 Contracts with counties, municipalities, or licensed  
6566 private security agencies.—The Department of Environmental  
6567 Protection Management Services may contract with any county,  
6568 municipality, or licensed private security agency to provide and  
6569 maintain the security of state-owned property, and the safety  
6570 and security of occupants and visitors thereof, pursuant to ss.  
6571 281.02-281.08 upon such terms as the department deems ~~may deem~~  
6572 to be in the best interest of the state.

6573 Section 210. Subsection (1) of section 281.07, Florida  
6574 Statutes, is amended to read:

6575 281.07 Rules; Facilities Program; traffic regulation.—

6576 (1) The Department of Environmental Protection Management  
6577 Services shall adopt and ~~promulgate~~ rules to govern the  
6578 administration, operation, and management of the Facilities  
6579 Program and to regulate traffic and parking on state-owned  
6580 property, including the Capitol Complex, which may ~~rules are not~~  
6581 ~~in~~ conflict with any state law or county or municipal ordinance,



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6582 and to carry out the provisions of ss. 281.02-281.08.

6583 Section 211. Section 281.08, Florida Statutes, is amended  
6584 to read:

6585 281.08 Equipment.—The Department of Environmental  
6586 Protection ~~may Management Services is specifically authorized to~~  
6587 purchase, sell, trade, rent, lease, and maintain all necessary  
6588 equipment, motor vehicles, communication systems, housing  
6589 facilities, and office space, and perform any other acts  
6590 necessary for the proper administration of ss. 281.02-281.08,  
6591 pursuant to part I of chapter 287.

6592 Section 212. Subsection (12) of section 282.0041, Florida  
6593 Statutes, is amended to read:

6594 282.0041 Definitions.—As used in this chapter, the term:  
6595 ~~(12) "Department" means the Department of Management~~  
6596 ~~Services.~~

6597 Section 213. Section 282.205, Florida Statutes, is amended  
6598 to read:

6599 282.205 Southwood Shared Resource Center.—The Southwood  
6600 Shared Resource Center is an agency established within the  
6601 Agency for Enterprise Information Technology ~~department~~ for  
6602 administrative purposes only.

6603 (1) The center is designated as a primary data center and  
6604 shall be a separate budget entity that is not subject to  
6605 control, supervision, or direction of the agency ~~department~~ in  
6606 any manner, including, but not limited to, purchasing,  
6607 transactions involving real or personal property, personnel, or  
6608 budgetary matters.

6609 (2) The center shall be headed by a board of trustees as  
6610 provided in s. 282.203, who shall comply with all requirements



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6611 of that section related to the operation of the center and with  
6612 the rules of the agency ~~for Enterprise Information Technology~~  
6613 related to the design and delivery of enterprise information  
6614 technology services.

6615 Section 214. Section 282.604, Florida Statutes, is amended  
6616 to read:

6617 282.604 Adoption of rules.—The Agency for Enterprise  
6618 Information Technology ~~Department of Management Services~~ shall,  
6619 with input from stakeholders, adopt rules pursuant to ss.  
6620 ~~120.536(1) and 120.54~~ for the development, procurement,  
6621 maintenance, and use of accessible electronic information  
6622 technology by governmental units.

6623 Section 215. Section 282.702, Florida Statutes, is amended  
6624 to read:

6625 282.702 Powers and duties.—The Agency for Enterprise  
6626 Information Technology ~~Department of Management Services~~ shall  
6627 have the following powers, duties, and functions:

6628 (1) To publish electronically the portfolio of services  
6629 available from the department, including pricing information;  
6630 the policies and procedures of the state communications network  
6631 governing usage of available services; and a forecast of the  
6632 priorities and initiatives for the state communications system  
6633 for the ensuing 2 years.

6634 (2) To adopt technical standards for the state  
6635 communications network which will ensure the interconnection of  
6636 computer networks and information systems of agencies.

6637 (3) To enter into agreements related to information  
6638 technology with state agencies and political subdivisions of the  
6639 state.



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6640 (4) To purchase from or contract with information  
6641 technology providers for information technology, including  
6642 private line services.

6643 (5) To apply for, receive, and hold such authorizations,  
6644 patents, copyrights, trademarks, service marks, licenses, and  
6645 allocations or channels and frequencies to carry out the  
6646 purposes of this part.

6647 (6) To purchase, lease, or otherwise acquire and to hold,  
6648 sell, transfer, license, or otherwise dispose of real, personal,  
6649 and intellectual property, including, but not limited to,  
6650 patents, trademarks, copyrights, and service marks.

6651 (7) To cooperate with any federal, state, or local  
6652 emergency management agency in providing for emergency  
6653 communications services.

6654 (8) To control and approve the purchase, lease, or  
6655 acquisition and the use of communications services provided as  
6656 part of any other total system to be used by the state or any of  
6657 its agencies.

6658 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~  
6659 relating to communications and to administer ~~the provisions of~~  
6660 this part.

6661 (10) To apply for and accept federal funds for any of the  
6662 purposes of this part as well as gifts and donations from  
6663 individuals, foundations, and private organizations.

6664 (11) To monitor issues relating to communications  
6665 facilities and services before the Florida Public Service  
6666 Commission and, when necessary, prepare position papers, prepare  
6667 testimony, appear as a witness, and retain witnesses on behalf  
6668 of state agencies in proceedings before the commission.



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6669           (12) Unless delegated to the state agencies by the Agency  
6670 for Enterprise Information Technology department, to manage and  
6671 control, but not intercept or interpret, communications within  
6672 the SUNCOM Network by:

6673           (a) Establishing technical standards to physically  
6674 interface with the SUNCOM Network.

6675           (b) Specifying how communications are transmitted within  
6676 the SUNCOM Network.

6677           (c) Controlling the routing of communications within the  
6678 SUNCOM Network.

6679           (d) Establishing standards, policies, and procedures for  
6680 access to the SUNCOM Network.

6681           (e) Ensuring orderly and reliable communications services  
6682 in accordance with the service level agreements executed with  
6683 state agencies.

6684           (13) To plan, design, and conduct experiments for  
6685 communications services, equipment, and technologies, and to  
6686 implement enhancements in the state communications network if  
6687 ~~when~~ in the public interest and cost-effective. Funding for such  
6688 experiments shall be derived from SUNCOM Network service  
6689 revenues and may ~~shall~~ not exceed 2 percent of the annual budget  
6690 for the SUNCOM Network for any fiscal year or as provided in the  
6691 General Appropriations Act. New services offered as a result of  
6692 this subsection may ~~shall~~ not affect existing rates for  
6693 facilities or services.

6694           (14) To enter into contracts or agreements, with or without  
6695 competitive bidding or procurement, to make available, on a  
6696 fair, reasonable, and nondiscriminatory basis, property and  
6697 other structures under the Agency for Enterprise Information



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6698 Technology's ~~departmental~~ control for the placement of new  
6699 facilities by any wireless provider of mobile service as defined  
6700 in 47 U.S.C. s. 153(27) or s. 332(d) and any telecommunications  
6701 company as defined in s. 364.02 if ~~when~~ it is ~~determined to be~~  
6702 practical and feasible to make such property or other structures  
6703 available. The agency ~~department~~ may, without adopting a rule,  
6704 charge a just, reasonable, and nondiscriminatory fee for the  
6705 placement of the facilities, payable annually, based on the fair  
6706 market value of space used by comparable communications  
6707 facilities in the state. The agency ~~department~~ and a wireless  
6708 provider or telecommunications company may negotiate the  
6709 reduction or elimination of a fee in consideration of services  
6710 provided to the agency ~~department~~ by the wireless provider or  
6711 telecommunications company. All such fees collected by the  
6712 department shall be deposited directly into ~~the~~ Law Enforcement  
6713 Radio ~~Operating~~ Trust Fund, and may be used by the agency  
6714 ~~department~~ to construct, maintain, or support the system.

6715 Section 216. Section 282.703, Florida Statutes, is amended  
6716 to read:

6717 282.703 SUNCOM Network; exemptions from the required use.—

6718 (1) ~~There is created within the department~~ The SUNCOM  
6719 Network is created within the Agency for Enterprise Information  
6720 Technology as, ~~which shall be developed to serve as~~ the state  
6721 communications system for providing local and long-distance  
6722 communications services to state agencies, political  
6723 subdivisions of the state, municipalities, state universities,  
6724 and nonprofit corporations pursuant to this part. The SUNCOM  
6725 Network shall be developed to transmit all types of  
6726 communications signals, including, but not limited to, voice,





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6727 data, video, image, and radio. State agencies shall cooperate  
6728 and assist in the development and joint use of communications  
6729 systems and services.

6730 (2) The agency ~~department~~ shall design, engineer,  
6731 implement, manage, and operate through state ownership,  
6732 commercial leasing, or some combination thereof, the facilities  
6733 and equipment providing SUNCOM Network services, and shall  
6734 develop a system of equitable billings and charges for  
6735 communication services.

6736 (3) All state agencies and state universities shall use the  
6737 SUNCOM Network for agency and state university communications  
6738 services as the services become available; however, no agency or  
6739 university is relieved of responsibility for maintaining  
6740 communications services necessary for effective management of  
6741 its programs and functions. If a SUNCOM Network service does not  
6742 meet the communications requirements of an agency or university,  
6743 the agency or university shall notify the Agency for Enterprise  
6744 Information Technology ~~department~~ in writing and detail the  
6745 requirements for that communications service. If the agency  
6746 ~~department~~ is unable to meet an agency's or university's  
6747 requirements by enhancing SUNCOM Network service, the agency  
6748 ~~department~~ may grant the agency or university an exemption from  
6749 the required use of specified SUNCOM Network services.

6750 Section 217. Section 282.704, Florida Statutes, is amended  
6751 to read:

6752 282.704 Use of state SUNCOM Network by municipalities.—Any  
6753 municipality may request the Agency for Enterprise Information  
6754 Technology ~~department~~ to provide any or all of the SUNCOM  
6755 Network's portfolio of communications services upon such terms



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6756 and conditions as the agency department may establish. The  
6757 requesting municipality shall pay its share of installation and  
6758 recurring costs according to the published rates for SUNCOM  
6759 Network services and as invoiced by the agency department. Such  
6760 municipality shall also pay for any requested modifications to  
6761 existing SUNCOM Network services, if any charges apply.

6762 Section 218. Section 282.705, Florida Statutes, is amended  
6763 to read:

6764 282.705 Use of state SUNCOM Network by nonprofit  
6765 corporations.—

6766 (1) The Agency for Enterprise Information Technology  
6767 ~~department~~ shall provide a means whereby private nonprofit  
6768 corporations under contract with state agencies or political  
6769 subdivisions of the state may use the state SUNCOM Network,  
6770 subject to the limitations in this section. In order to qualify  
6771 to use the state SUNCOM Network, a nonprofit corporation shall:

6772 (a) Expend the majority of its total direct revenues for  
6773 the provision of contractual services to the state, a  
6774 municipality, or a political subdivision; and

6775 (b) Receive only a small portion of its total revenues from  
6776 any source other than a state agency, a municipality, or a  
6777 political subdivision during the time SUNCOM Network services  
6778 are requested.

6779 (2) Each nonprofit corporation seeking authorization to use  
6780 the state SUNCOM Network shall provide to the agency department,  
6781 upon request, proof of compliance with subsection (1).

6782 (3) Nonprofit corporations established pursuant to general  
6783 law and an association of municipal governments which is wholly  
6784 owned by the municipalities are eligible to use the state SUNCOM



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6785 Network, subject to the terms and conditions of the agency  
6786 ~~department~~.

6787 (4) Institutions qualified to participate in the William L.  
6788 Boyd, IV, Florida Resident Access Grant Program pursuant to s.  
6789 1009.89 may ~~are eligible to~~ use the state SUNCOM Network,  
6790 subject to the terms and conditions of the agency ~~department~~.  
6791 Such entities are not required to satisfy the other criteria of  
6792 this section.

6793 (5) Private, nonprofit elementary and secondary schools are  
6794 eligible for rates and services on the same basis as public  
6795 schools if such schools do not have an endowment in excess of  
6796 \$50 million.

6797 Section 219. Section 282.706, Florida Statutes, is amended  
6798 to read:

6799 282.706 Use of SUNCOM Network by libraries.—The Agency for  
6800 Enterprise Information Technology ~~department~~ may provide SUNCOM  
6801 Network services to any library in the state, including  
6802 libraries in public schools, community colleges, state  
6803 universities, and nonprofit private postsecondary educational  
6804 institutions, and libraries owned and operated by municipalities  
6805 and political subdivisions.

6806 Section 220. Section 282.707, Florida Statutes, is amended  
6807 to read:

6808 282.707 SUNCOM Network; criteria for usage.—

6809 (1) The Agency for Enterprise Information Technology  
6810 ~~department~~ shall periodically review the qualifications of  
6811 subscribers using the state SUNCOM Network and ~~shall~~ terminate  
6812 services provided to any facility not qualified under this part  
6813 or rules adopted hereunder. In the event of nonpayment of



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6814 invoices by subscribers whose SUNCOM Network invoices are paid  
6815 from sources other than legislative appropriations, such  
6816 nonpayment represents good and sufficient reason to terminate  
6817 service.

6818 (2) The agency ~~department~~ shall adopt rules for  
6819 implementing and operating the state SUNCOM Network, which  
6820 include procedures for withdrawing and restoring authorization  
6821 to use the state SUNCOM Network. Such rules must ~~shall~~ provide a  
6822 minimum of 30 days' notice to affected parties before  
6823 terminating voice communications service.

6824 (3) This section does not limit or restrict the ability of  
6825 the Florida Public Service Commission to set jurisdictional  
6826 tariffs of telecommunications companies.

6827 Section 221. Section 282.709, Florida Statutes, is amended  
6828 to read:

6829 282.709 State agency law enforcement radio system and  
6830 interoperability network.—

6831 (1) The Department of Law Enforcement may acquire and  
6832 administer a statewide radio communications system to serve law  
6833 enforcement units of state agencies, and to serve local law  
6834 enforcement agencies through mutual aid channels.

6835 (a) The department shall, in conjunction with the  
6836 Department of Law Enforcement and the Division of Emergency  
6837 Management of the Department of Community Affairs, establish  
6838 policies, procedures, and standards to be incorporated into a  
6839 comprehensive management plan for the use and operation of the  
6840 statewide radio communications system.

6841 (b) The department shall bear the overall responsibility  
6842 for the design, engineering, acquisition, and implementation of



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6843 the statewide radio communications system and for ensuring the  
6844 proper operation and maintenance of all common system equipment.

6845 (c)1. The department may rent or lease space on any tower  
6846 under its control and refuse to lease space on any tower at any  
6847 site.

6848 2. The department may rent, lease, or sublease ground space  
6849 as necessary to locate equipment to support antennae on the  
6850 towers. The costs for the use of such space shall be established  
6851 by the department for each site if it is determined to be  
6852 practicable and feasible to make space available.

6853 3. The department may rent, lease, or sublease ground space  
6854 on lands acquired by the department for the construction of  
6855 privately owned or publicly owned towers. The department may, as  
6856 a part of such rental, lease, or sublease agreement, require  
6857 space on such towers for antennae as necessary for the  
6858 construction and operation of the state agency law enforcement  
6859 radio system or any other state need.

6860 4. All moneys collected by the department for rents,  
6861 leases, and subleases under this subsection shall be deposited  
6862 directly into the ~~State Agency Law Enforcement Radio System~~  
6863 Trust Fund established in subsection (3) and may be used by the  
6864 department to construct, maintain, or support the system.

6865 5. The positions necessary for the department to accomplish  
6866 its duties under this subsection shall be established in the  
6867 General Appropriations Act and funded by the Law Enforcement  
6868 Radio ~~Operating~~ Trust Fund or other revenue sources.

6869 (d) The department shall exercise its powers and duties  
6870 under this part to plan, manage, and administer the mutual aid  
6871 channels in the statewide radio communication system.



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6872           1. In implementing such powers and duties, the department  
6873 shall consult and act in conjunction with the Department of Law  
6874 Enforcement and the Division of Emergency Management of the  
6875 Department of Community Affairs, and shall manage and administer  
6876 the mutual aid channels in a manner that reasonably addresses  
6877 the needs and concerns of the involved law enforcement agencies  
6878 and emergency response agencies and entities.

6879           2. The department may make the mutual aid channels  
6880 available to federal agencies, state agencies, and agencies of  
6881 the political subdivisions of the state for the purpose of  
6882 public safety and domestic security.

6883           (e) The department may allow other state agencies to use  
6884 the statewide radio communications system under terms and  
6885 conditions established by the department.

6886           (2) The Joint Task Force on State Agency Law Enforcement  
6887 Communications is created adjunct to the department to advise  
6888 the department of member-agency needs relating to the planning,  
6889 designing, and establishment of the statewide communication  
6890 system.

6891           (a) The Joint Task Force on State Agency Law Enforcement  
6892 Communications shall consist of eight members, as follows:

6893           1. A representative of the Division of Alcoholic Beverages  
6894 and Tobacco of the Department of Business and Professional  
6895 Regulation who shall be appointed by the secretary of the  
6896 department.

6897           2. A representative of the Division of Florida Highway  
6898 Patrol of the Department of Highway Safety and Motor Vehicles  
6899 who shall be appointed by the executive director of the  
6900 department.



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6901           3. A representative of the Department of Law Enforcement  
6902 who shall be appointed by the executive director of the  
6903 department.

6904           4. A representative of the Fish and Wildlife Conservation  
6905 Commission who shall be appointed by the executive director of  
6906 the commission.

6907           5. A representative of the Division of Law Enforcement of  
6908 the Department of Environmental Protection who shall be  
6909 appointed by the secretary of the department.

6910           6. A representative of the Department of Corrections who  
6911 shall be appointed by the secretary of the department.

6912           7. A representative of the Division of State Fire Marshal  
6913 of the Department of Financial Services who shall be appointed  
6914 by the State Fire Marshal.

6915           8. A representative of the Department of Transportation who  
6916 shall be appointed by the secretary of the department.

6917           (b) Each appointed member of the joint task force shall  
6918 serve at the pleasure of the appointing official. Any vacancy on  
6919 the joint task force shall be filled in the same manner as the  
6920 original appointment. A joint task force member may, upon  
6921 notification to the chair before the beginning of any scheduled  
6922 meeting, appoint an alternative to represent the member on the  
6923 task force and vote on task force business in his or her  
6924 absence.

6925           (c) The joint task force shall elect a chair from among its  
6926 members to serve a 1-year term. A vacancy in the chair of the  
6927 joint task force must be filled for the remainder of the  
6928 unexpired term by an election of the joint task force members.

6929           (d) The joint task force shall meet as necessary, but at



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6930 least quarterly, at the call of the chair and at the time and  
6931 place designated by him or her.

6932 (e) The per diem and travel expenses incurred by a member  
6933 of the joint task force in attending its meetings and in  
6934 attending to its affairs shall be paid pursuant to s. 112.061,  
6935 from funds budgeted to the state agency that the member  
6936 represents.

6937 (f) The department shall provide technical support to the  
6938 joint task force.

6939 (3) The ~~State Agency~~ Law Enforcement Radio ~~System~~ Trust  
6940 Fund is established in the department and funded from surcharges  
6941 collected under ss. 318.18, 320.0802, and 328.72. Upon  
6942 appropriation, moneys in the trust fund may be used by the  
6943 department to acquire by competitive procurement the equipment,  
6944 software, and engineering, administrative, and maintenance  
6945 services it needs to construct, operate, and maintain the  
6946 statewide radio system. Moneys in the trust fund collected as a  
6947 result of the surcharges set forth in ss. 318.18, 320.0802, and  
6948 328.72 shall be used to help fund the costs of the system. Upon  
6949 completion of the system, moneys in the trust fund may also be  
6950 used by the department for payment of the recurring maintenance  
6951 costs of the system.

6952 (4) The department may create and administer an  
6953 interoperability network to enable interoperability between  
6954 various radio communications technologies and to serve federal  
6955 agencies, state agencies, and agencies of political subdivisions  
6956 of the state for the purpose of public safety and domestic  
6957 security.

6958 (a) The department shall, in conjunction with the





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6959 Department of Law Enforcement and the Division of Emergency  
6960 Management of the Department of Community Affairs, exercise its  
6961 powers and duties pursuant to this chapter to plan, manage, and  
6962 administer the interoperability network. The office may:

6963 1. Enter into mutual aid agreements among federal agencies,  
6964 state agencies, and political subdivisions of the state for the  
6965 use of the interoperability network.

6966 2. Establish the cost of maintenance and operation of the  
6967 interoperability network and charge subscribing federal and  
6968 local law enforcement agencies for access and use of the  
6969 network. The department may not charge state law enforcement  
6970 agencies identified in paragraph (2) (a) to use the network.

6971 3. In consultation with the ~~Department of Law Enforcement~~  
6972 ~~and the~~ Division of Emergency Management of the Department of  
6973 Community Affairs, amend and enhance the statewide radio  
6974 communications system as necessary to implement the  
6975 interoperability network.

6976 (b) The department, in consultation with the Joint Task  
6977 Force on State Agency Law Enforcement Communications, and in  
6978 conjunction with ~~the Department of Law Enforcement and the~~  
6979 Division of Emergency Management of the Department of Community  
6980 Affairs, shall establish policies, procedures, and standards to  
6981 incorporate into a comprehensive management plan for the use and  
6982 operation of the interoperability network.

6983 Section 222. Section 282.7101, Florida Statutes, is amended  
6984 to read:

6985 282.7101 Statewide system of regional law enforcement  
6986 communications.—

6987 (1) It is the intent and purpose of the Legislature that a



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6988 statewide system of regional law enforcement communications be  
6989 developed whereby maximum efficiency in the use of existing  
6990 radio channels is achieved in order to deal more effectively  
6991 with the apprehension of criminals and the prevention of crime.  
6992 To this end, all law enforcement agencies within the state are  
6993 directed to provide the Department of Law Enforcement with any  
6994 information the department requests for the purpose of  
6995 implementing the provisions of subsection (2).

6996 (2) The Department of Law Enforcement shall ~~is hereby~~  
6997 ~~authorized and directed to~~ develop and maintain a statewide  
6998 system of regional law enforcement communications. In  
6999 formulating such a system, the department shall divide the state  
7000 into appropriate regions and shall develop a program that  
7001 includes, but is not limited to:

7002 (a) The communications requirements for each county and  
7003 municipality comprising the region.

7004 (b) An interagency communications provision that depicts  
7005 the communication interfaces between municipal, county, and  
7006 state law enforcement entities operating within the region.

7007 (c) A frequency allocation and use provision that includes,  
7008 on an entity basis, each assigned and planned radio channel and  
7009 the type of operation, simplex, duplex, or half-duplex, on each  
7010 channel.

7011 (3) The department shall adopt ~~any~~ necessary rules ~~and~~  
7012 ~~regulations~~ for administering and coordinating the statewide  
7013 system of regional law enforcement communications.

7014 (4) The executive director ~~secretary~~ of the department or a  
7015 ~~his or her~~ designee shall be ~~is designated as~~ the director of  
7016 the statewide system of regional law enforcement communications



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7017 and, for the purpose of carrying out the provisions of this  
7018 section, may coordinate the activities of the system with other  
7019 interested state agencies and local law enforcement agencies.

7020 (5) A law enforcement communications system may not be  
7021 established or expanded without the prior approval of the  
7022 department.

7023 ~~(6) Within the limits of its capability, the Department of~~  
7024 ~~Law Enforcement is encouraged to lend assistance to the~~  
7025 ~~department in the development of the statewide system of~~  
7026 ~~regional law enforcement communications proposed by this~~  
7027 ~~section.~~

7028 Section 223. Section 282.711, Florida Statutes, is amended  
7029 to read:

7030 282.711 Remote electronic access services.—The Agency for  
7031 Enterprise Information Technology ~~department~~ may collect fees  
7032 for providing remote electronic access pursuant to s. 119.07(2).  
7033 The fees may be imposed on individual transactions or as a fixed  
7034 subscription for a designated period of time. All fees collected  
7035 under this section shall be deposited in the appropriate trust  
7036 fund of the program or activity that made the remote electronic  
7037 access available.

7038 Section 224. Subsections (2) through (6) of section 283.30,  
7039 Florida Statutes, are amended to read:

7040 283.30 Definitions.—As used in this part, unless the  
7041 context clearly requires otherwise, the term:

7042 ~~(2) "Department" means the Department of Management~~  
7043 ~~Services.~~

7044 (2)~~(3)~~ "Duplicating" means the process of reproducing an  
7045 image or images from an original to a final substrate through



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7046 the electrophotographic, xerographic, laser, or offset process  
7047 or any combination of these processes, by which an operator can  
7048 make more than one copy without rehandling the original.

7049 (3)~~(4)~~ "Printing" means ~~is~~ the transfer of an image or  
7050 images by the use of ink or similar substance from an original  
7051 image to the final substrate through the process of letterpress,  
7052 offset lithography, gravure, screen printing, or engraving.  
7053 Printing includes ~~shall include~~ the process of and the materials  
7054 used in binding. Printing ~~shall~~ also includes ~~include~~  
7055 duplicating when used to produce publications.

7056 (4)~~(5)~~ "Public" means those entities and persons other than  
7057 subordinate and functionally related or connected federal,  
7058 state, or local governmental agencies.

7059 (5)~~(6)~~ "Publication" means any document, whether produced  
7060 for public or internal distribution.

7061 Section 225. Subsection (3) of section 283.32, Florida  
7062 Statutes, is amended to read:

7063 283.32 Recycled paper to be used by each agency; printing  
7064 bids certifying use of recycled paper; percentage preference in  
7065 awarding contracts.—

7066 (3) Upon the evaluation of bids for each printing contract,  
7067 the agency shall identify the lowest responsive bid and any  
7068 other responsive bids in which it has been certified that the  
7069 materials used in printing contain at least the minimum  
7070 percentage of recycled content that is set forth by the  
7071 Department of Financial Services. In awarding a contract for  
7072 printing, the agency may allow up to a 10-percent price  
7073 preference, as provided in s. 287.045, to a responsible and  
7074 responsive vendor that has certified that the materials used in



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7075 printing contain at least the minimum percentage of recycled  
7076 content established by the department. If no vendors offer  
7077 materials for printing that contain the minimum prescribed  
7078 recycled content, the contract shall be awarded to the  
7079 responsible vendor that submits the lowest responsive bid.

7080 Section 226. Subsection (2) of section 284.01, Florida  
7081 Statutes, is amended to read:

7082 284.01 State Risk Management Trust Fund; coverages to be  
7083 provided.—

7084 (2) The fund shall insure all buildings, whether financed  
7085 in whole or in part by revenue bonds or certificates, and the  
7086 contents thereof or of any other buildings leased or rented by  
7087 the state. For the purpose of this section, all manufactured  
7088 homes and contents, whether permanently affixed to realty or  
7089 otherwise, are included. Rental value insurance shall also be  
7090 provided to indemnify the state or any of its agencies for loss  
7091 of income if ~~when such~~ rental income insurance is required to be  
7092 carried by the terms of any bonding or revenue certificates or  
7093 resolutions. Rental value insurance must ~~shall~~ also be provided  
7094 to indemnify the state or any of its agencies for loss of income  
7095 from those buildings operated and maintained by the Department  
7096 of Environmental Protection Management Services from the  
7097 Supervision Trust Fund.

7098 Section 227. Section 284.04, Florida Statutes, is amended  
7099 to read:

7100 284.04 ~~Notice and information required by Department of~~  
7101 ~~Financial Services of all~~ Newly erected or acquired state  
7102 property subject to insurance.—The Department of Environmental  
7103 Protection Management Services and all agencies in charge of



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7104 state property shall notify the Department of Financial Services  
7105 of all newly erected or acquired property subject to coverage as  
7106 soon as erected or acquired, giving its value, type of  
7107 construction, location, whether inside or outside of corporate  
7108 limits, occupancy, and any other information the Department of  
7109 Financial Services may require in connection with such property.  
7110 Such department or agency shall also immediately notify the  
7111 Department of Financial Services ~~immediately~~ of any change in  
7112 value or occupancy of any property covered by the fund. Unless  
7113 the above data is submitted in writing within a reasonable time  
7114 following such erection, acquisition, or change, the Department  
7115 of Financial Services shall provide insurance coverage to the  
7116 extent shown by the last notification in writing to the fund or  
7117 in accordance with the last valuation shown by fund records. In  
7118 case of disagreement between the Department of Financial  
7119 Services and the agency or person in charge of any covered state  
7120 property as to its true value, the amount of the insurance to be  
7121 carried ~~thereon~~, the proper premium rate or rates, or amount of  
7122 loss settlement, the matter in disagreement shall be determined  
7123 by the Department of Environmental Protection Management  
7124 ~~Services~~.

7125 Section 228. Section 284.05, Florida Statutes, is amended  
7126 to read:

7127 284.05 Inspection of insured state property.—The Department  
7128 of Financial Services shall inspect all permanent buildings  
7129 insured by the State Risk Management Trust Fund, and whenever  
7130 ~~conditions are found to exist which~~, in the opinion of the  
7131 Department of Financial Services, conditions are found to exist  
7132 which are hazardous from the standpoint of destruction by fire



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7133 or other loss, the department ~~of Financial Services~~ may order  
7134 the same repaired or remedied, and the agency, board, or person  
7135 in charge of such property must immediately repair or remedy is  
7136 ~~required to have~~ such dangerous conditions ~~immediately repaired~~  
7137 ~~or remedied~~ upon written notice from the department ~~of Financial~~  
7138 ~~Services~~ of the ~~such~~ hazardous conditions. Such amounts as may  
7139 be necessary to comply with such notice or notices shall be paid  
7140 by the Department of Environmental Protection Management  
7141 ~~Services~~ or by the agency, board, or person in charge of such  
7142 property out of any moneys appropriated for the maintenance of  
7143 the respective agency or for the repairs or permanent  
7144 improvement of such properties or from any incidental or  
7145 contingent funds they may have on hand. If there is ~~In the event~~  
7146 ~~of~~ a disagreement between the Department of Financial Services  
7147 and the agency, board, or person having charge of such property  
7148 as to the necessity of the repairs or remedies ordered, the  
7149 matter in disagreement shall be determined by the Department of  
7150 Environmental Protection Management ~~Services~~.

7151 Section 229. Section 284.08, Florida Statutes, is amended  
7152 to read:

7153 284.08 Reinsurance on excess coverage ~~and approval by~~  
7154 ~~Department of Management Services~~.—The Department of Financial  
7155 Services shall determine what excess coverage is necessary and  
7156 may purchase reinsurance ~~thereon upon approval by the Department~~  
7157 ~~of Management Services~~.

7158 Section 230. Subsection (1) of section 284.33, Florida  
7159 Statutes, is amended to read:

7160 284.33 Purchase of insurance, reinsurance, and services.—

7161 (1) The Department of Financial Services shall ~~is~~



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7162 ~~authorized to~~ provide insurance, specific excess insurance, and  
7163 aggregate excess insurance ~~through the Department of Management~~  
7164 ~~Services,~~ pursuant to ~~the provisions of~~ part I of chapter 287,  
7165 as necessary to provide insurance coverages authorized by this  
7166 part, consistent with market availability. ~~However,~~ The  
7167 department ~~of Financial Services~~ may directly purchase annuities  
7168 by using a structured settlement insurance consulting firm  
7169 ~~selected by the department~~ to assist in the settlement of claims  
7170 being handled by the Division of Risk Management. The selection  
7171 of the structured settlement insurance services consultant shall  
7172 be made by using competitive sealed proposals. The consulting  
7173 firm shall act as an agent of record for the department in  
7174 procuring the best annuity products available to facilitate  
7175 structured settlement of claims, considering price, insurer  
7176 financial strength, and the best interests of the state risk  
7177 management program. Purchase of annuities by the department  
7178 using a structured settlement method is excepted from  
7179 competitive sealed bidding or proposal requirements. The  
7180 department may also ~~of Financial Services is further authorized~~  
7181 ~~to~~ purchase ~~such~~ risk management services, including, but not  
7182 limited to, risk and claims control; safety management; and  
7183 legal, investigative, and adjustment services, as ~~may be~~  
7184 required and pay claims. The department may contract with a  
7185 service organization for such services and advance money to such  
7186 ~~service~~ organization for deposit in a special checking account  
7187 for paying claims made against the state under ~~the provisions of~~  
7188 this part. The special checking account shall be maintained in  
7189 this state in a bank or savings association organized under the  
7190 laws of this state or of the United States. The department may





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7191 replenish such account as often as necessary upon the  
7192 presentation by the service organization of documentation for  
7193 payments of claims equal to the amount of the requested  
7194 reimbursement.

7195 Section 231. Section 284.385, Florida Statutes, is amended  
7196 to read:

7197 284.385 Reporting and handling of claims.—All departments  
7198 covered by the State Risk Management Trust Fund under this part  
7199 shall immediately report all known or potential claims to the  
7200 Department of Financial Services for handling, except employment  
7201 complaints which have not been filed with the Florida Human  
7202 Relations Commission, Equal Employment Opportunity Commission,  
7203 or any similar agency. ~~If~~ When deemed necessary, the Department  
7204 of Financial Services shall assign or reassign the claim to  
7205 counsel. The assigned counsel shall report regularly to the  
7206 Department of Financial Services or to the covered department on  
7207 the status of any such claims or litigation as required by the  
7208 Department of Financial Services. A No-such claim may not shall  
7209 be compromised or settled for monetary compensation without the  
7210 prior approval of the Department of Financial Services and prior  
7211 notification to the covered department. All departments shall  
7212 cooperate with the Department of Financial Services in its  
7213 handling of claims. The Department of Financial Services ~~and the~~  
7214 ~~Department of Management Services~~, with the cooperation of the  
7215 state attorneys and the clerks of the courts, shall develop a  
7216 system to coordinate the exchange of information concerning  
7217 claims for and against the state, its agencies, and its  
7218 subdivisions, to assist in collection of amounts due to them.  
7219 The covered department shall have the responsibility for the



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7220 settlement of any claim for injunctive or affirmative relief  
7221 under 42 U.S.C. s. 1983 or similar federal or state statutes.  
7222 The payment of a settlement or judgment for any claim covered  
7223 and reported under this part shall be made only from the State  
7224 Risk Management Trust Fund.

7225 Section 232. Section 284.42, Florida Statutes, is amended  
7226 to read:

7227 284.42 Reports on state insurance program.—

7228 (1) The Department of Financial Services, ~~with the~~  
7229 ~~Department of Management Services,~~ shall make an analysis of the  
7230 state insurance program annually, which includes ~~shall include~~:

7231 (a) Complete underwriting information as to the nature of  
7232 the risks accepted for self-insurance and those risks that are  
7233 transferred to the insurance market.

7234 (b) The funds allocated to the Florida Casualty Risk  
7235 Management Trust Fund and premiums paid for insurance through  
7236 the market.

7237 (c) The method of handling legal matters and the cost  
7238 allocated.

7239 (d) The method and cost of handling inspection and  
7240 engineering of risks.

7241 (e) The cost of risk management service purchased.

7242 (f) The cost of managing the State Insurance Program by the  
7243 Department of Financial Services ~~and the Department of~~  
7244 ~~Management Services.~~

7245 (2) The department ~~departments~~ shall make available  
7246 complete claims history including description of loss, claims  
7247 paid and reserved, and the cost of all claims handled by the  
7248 state.



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7249 Section 233. Section 285.06, Florida Statutes, is amended  
7250 to read:

7251 285.06 State Indian Reservation.—~~If~~ When, as the result of  
7252 the exchanges provided ~~for~~ in ss. 285.04 and 285.05, ~~there shall~~  
7253 ~~have been established~~ a reservation that has been established  
7254 for the Indians by the United States in Florida, the State  
7255 Seminole Indian Reservation in Monroe County, created by chapter  
7256 7310, Acts of 1917, is ~~shall be~~ withdrawn and returned to the  
7257 Board of Trustees of the Internal Improvement Trust Fund, ~~and~~  
7258 ~~thereupon~~ the board of trustees ~~of the Internal Improvement~~  
7259 ~~Trust Fund~~ shall set aside a tract of land of approximately  
7260 equal size and of suitable character, adjacently located, as  
7261 nearly as may be, to the reservation ~~to be~~ established by the  
7262 United States; and said lands, when so set aside, shall  
7263 constitute the State Indian Reservation and shall be held in  
7264 trust by the Department of Environmental Protection Management  
7265 ~~Services~~ for the perpetual benefit of the Indians and as a  
7266 reservation for them.

7267 Section 234. Subsection (4) of section 285.14, Florida  
7268 Statutes, is amended to read:

7269 285.14 Board of Trustees of the Internal Improvement Trust  
7270 Fund as trustee to accept donations of and acquire property for  
7271 Indians.—

7272 (4) The Department of Environmental Protection Management  
7273 ~~Services~~, the State Board of Education, and any other state  
7274 board or agency having title to lands or having lands under  
7275 their jurisdiction, management, or control, may ~~in their~~  
7276 ~~discretion~~ convey and transfer to the board of trustees the  
7277 title to such ~~any of said~~ lands in trust for the use and benefit



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7278 of said Indians.

7279 Section 235. Subsections (1) and (3) of section 286.29,  
7280 Florida Statutes, are amended to read:

7281 286.29 Climate-friendly public business.—The Legislature  
7282 recognizes the importance of leadership by state government in  
7283 the area of energy efficiency and in reducing the greenhouse gas  
7284 emissions of state government operations. The following shall  
7285 pertain to all state agencies when conducting public business:

7286 (1) The Department of Financial ~~Management~~ Services shall  
7287 develop the "Florida Climate-Friendly Preferred Products List."  
7288 In maintaining that list, the department, in consultation with  
7289 the Department of Environmental Protection, shall continually  
7290 assess products currently available for purchase under state  
7291 term contracts to identify specific products and vendors that  
7292 offer clear energy efficiency or other environmental benefits  
7293 over competing products. When procuring products from state term  
7294 contracts, state agencies shall first consult the Florida  
7295 Climate-Friendly Preferred Products List and procure such  
7296 products if the price is comparable.

7297 (3) Each state agency shall ensure that all maintained  
7298 vehicles meet minimum maintenance schedules shown to reduce fuel  
7299 consumption, which include: ensuring appropriate tire pressures  
7300 and tread depth; replacing fuel filters and emission filters at  
7301 recommended intervals; using proper motor oils; and performing  
7302 timely motor maintenance. Each state agency shall measure and  
7303 report compliance to the Department of Financial ~~Management~~  
7304 Services through the Equipment Management Information System  
7305 database.

7306 Section 236. Subsections (10) and (19) of section 287.012,



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7307 Florida Statutes, are amended to read:

7308 287.012 Definitions.—As used in this part, the term:

7309 (10) "Department" means the Department of Financial  
7310 ~~Management~~ Services.

7311 (19) "Office" means the Office of Supplier Diversity in ~~of~~  
7312 the department ~~of Management Services~~.

7313 Section 237. Subsection (4) of section 287.025, Florida  
7314 Statutes, is amended to read:

7315 287.025 Prohibition against certain insurance coverage on  
7316 specified state property or insurable subjects.—

7317 (4) No primary insurance contracts shall be purchased on  
7318 any property or insurable subjects when the same is loaned to,  
7319 leased by, or intended to be leased by, the state or its  
7320 departments, divisions, bureaus, commissions, or agencies unless  
7321 such coverage is required by the terms of the lease agreement  
7322 and unless the insurance coverages required by the provisions of  
7323 the lease are approved in writing by the Department of Financial  
7324 ~~Management~~ Services.

7325 Section 238. Section 287.032, Florida Statutes, is amended  
7326 to read:

7327 287.032 Purpose of department.—~~It shall be~~ The purpose of  
7328 the Department of Financial Management ~~Services~~ under this  
7329 chapter is to:

7330 (1) ~~To~~ Promote efficiency, economy, and the conservation of  
7331 energy and to effect coordination in the purchase of commodities  
7332 and contractual services for the state.

7333 (2) ~~To~~ Provide uniform commodity and contractual service  
7334 procurement policies, rules, procedures, and forms for use by  
7335 agencies and eligible users.



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7336 (3) ~~To~~ Procure and distribute federal surplus tangible  
7337 personal property allocated to the state by the Federal  
7338 Government.

7339 Section 239. Paragraph (h) of subsection (1), paragraph (b)  
7340 of subsection (2), and subsection (8) of section 287.042,  
7341 Florida Statutes, are amended to read:

7342 287.042 Powers, duties, and functions.—The department shall  
7343 have the following powers, duties, and functions:

7344 (1)

7345 (h) The department may collect fees for the use of its  
7346 electronic information services. The fees may be imposed on an  
7347 individual transaction basis or as a fixed subscription for a  
7348 designated period of time. At a minimum, the fees shall be  
7349 determined in an amount sufficient to cover the department's  
7350 projected costs of the services, including overhead in  
7351 accordance with the department's policies ~~of the Department of~~  
7352 ~~Management Services~~ for computing its administrative assessment.  
7353 All fees collected under this paragraph shall be deposited in  
7354 the Operating Trust Fund for disbursement as provided by law.

7355 (2)

7356 (b) As an alternative to any provision in s. 120.57(3)(c),  
7357 the department may proceed with the competitive solicitation or  
7358 contract award process of a term contract if the Chief Financial  
7359 Officer ~~when the secretary of the department or a his or her~~  
7360 designee sets forth in writing particular facts and  
7361 circumstances that ~~which~~ demonstrate that the delay incident to  
7362 staying the solicitation or contract award process would be  
7363 detrimental to the interests of the state. After the award of a  
7364 contract resulting from a competitive solicitation in which a



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7365 timely protest was received and in which the state did not  
7366 prevail, the contract may be canceled and reawarded.

7367 (8) To provide any commodity and contractual service  
7368 purchasing rules to ~~the Chief Financial Officer and~~ all agencies  
7369 through an electronic medium or other means. Agencies may not  
7370 approve any account or request any payment of any account for  
7371 the purchase of any commodity or the procurement of any  
7372 contractual service covered by a purchasing or contractual  
7373 service rule except as authorized therein. The department shall  
7374 furnish copies of department rules ~~adopted by the department~~ to  
7375 any county, municipality, or other local public agency  
7376 requesting them.

7377 Section 240. Subsections (7) and (8) and paragraph (c) of  
7378 subsection (9) of section 287.055, Florida Statutes, are amended  
7379 to read:

7380 287.055 Acquisition of professional architectural,  
7381 engineering, landscape architectural, or surveying and mapping  
7382 services; definitions; procedures; contingent fees prohibited;  
7383 penalties.-

7384 (7) AUTHORITY OF DEPARTMENT OF ENVIRONMENTAL PROTECTION  
7385 ~~MANAGEMENT SERVICES~~.-Notwithstanding any other provision of this  
7386 section, the Department of Environmental Protection Management  
7387 ~~Services~~ shall be the agency of state government which is solely  
7388 and exclusively authorized and empowered to administer and  
7389 perform the functions described in subsections (3), (4), and (5)  
7390 respecting all projects for which the funds necessary to  
7391 complete same are appropriated to the department of ~~Management~~  
7392 ~~Services~~, irrespective of whether such projects are intended for  
7393 the use and benefit of the department of ~~Management Services~~ or



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7394 any other agency of government. However, nothing herein shall be  
7395 construed to be in derogation of any authority conferred on the  
7396 Department of Environmental Protection ~~Management Services~~ by  
7397 other express provisions of law. Additionally, any agency of  
7398 government may, with the approval of the department ~~of~~  
7399 ~~Management Services~~, delegate to the department ~~of Management~~  
7400 ~~Services~~ authority to administer and perform the functions  
7401 described in subsections (3), (4), and (5). Under the terms of  
7402 the delegation, the agency may reserve its right to accept or  
7403 reject a proposed contract.

7404 (8) STATE ASSISTANCE TO LOCAL AGENCIES.—On any professional  
7405 service contract for which the fee is over \$25,000, the  
7406 Department of Transportation or the Department of Environmental  
7407 Protection ~~Management Services~~ shall provide, upon request by a  
7408 municipality, political subdivision, school board, or school  
7409 district, and upon reimbursement of the costs involved,  
7410 assistance in selecting consultants and in negotiating  
7411 consultant contracts.

7412 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.—

7413 (c) Except as otherwise provided in s. 337.11(7), the  
7414 Department of Environmental Protection ~~Management Services~~ shall  
7415 adopt rules for the award of design-build contracts to be  
7416 followed by state agencies. Each other agency must adopt rules  
7417 or ordinances for the award of design-build contracts.  
7418 Municipalities, political subdivisions, school districts, and  
7419 school boards shall award design-build contracts by the ~~use of a~~  
7420 competitive proposal selection process ~~as~~ described in this  
7421 subsection, or by ~~the use of~~ a qualifications-based selection  
7422 process pursuant to subsections (3), (4), and (5) for entering





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7423 into a contract whereby the selected firm ~~shall will~~, subsequent  
7424 to competitive negotiations, establish a guaranteed maximum  
7425 price and guaranteed completion date. If the procuring agency  
7426 elects the option of qualifications-based selection, during the  
7427 selection of the design-build firm the procuring agency shall  
7428 employ or retain a licensed design professional appropriate to  
7429 the project to serve as the agency's representative. Procedures  
7430 for the use of a competitive proposal selection process must  
7431 include, at as a minimum, the following:

7432 1. The preparation of a design criteria package for the  
7433 design and construction of the public construction project.

7434 2. The qualification and selection of at least no fewer  
7435 ~~than~~ three design-build firms as the most qualified, based on  
7436 the qualifications, availability, and past work of the firms,  
7437 including the partners or members thereof.

7438 3. The criteria, procedures, and standards for the  
7439 evaluation of design-build contract proposals or bids, based on  
7440 price, technical, and design aspects of the public construction  
7441 project, weighted for the project.

7442 4. The solicitation of competitive proposals, pursuant to a  
7443 design criteria package, from those qualified design-build firms  
7444 and the evaluation of the responses or bids submitted by those  
7445 firms based on the evaluation criteria and procedures  
7446 established before ~~prior to~~ the solicitation of competitive  
7447 proposals.

7448 5. For consultation with the employed or retained design  
7449 criteria professional concerning the evaluation of the responses  
7450 or bids submitted by the design-build firms, the supervision or  
7451 approval by the agency of the detailed working drawings of the



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7452 project; and for evaluation of the compliance of the project  
7453 construction with the design criteria package by the design  
7454 criteria professional.

7455 6. In the case of public emergencies, for the agency head  
7456 to declare an emergency and authorize negotiations with the best  
7457 qualified design-build firm available at that time.

7458 Section 241. Paragraph (d) of subsection (5) and paragraph  
7459 (b) of subsection (17) of section 287.057, Florida Statutes, are  
7460 amended to read:

7461 287.057 Procurement of commodities or contractual  
7462 services.—

7463 (5) When the purchase price of commodities or contractual  
7464 services exceeds the threshold amount provided in s. 287.017 for  
7465 CATEGORY TWO, no purchase of commodities or contractual services  
7466 may be made without receiving competitive sealed bids,  
7467 competitive sealed proposals, or competitive sealed replies  
7468 unless:

7469 (d) ~~If~~ ~~When~~ it is in the best interest of the state, the  
7470 Chief Financial Officer ~~secretary of the department~~ or a his or  
7471 ~~her~~ designee may authorize the Support Program to purchase  
7472 insurance by negotiation, but such purchase shall be made only  
7473 under conditions most favorable to the public interest.

7474 (17) For a contract in excess of the threshold amount  
7475 provided in s. 287.017 for CATEGORY FOUR, the agency head shall  
7476 appoint:

7477 (b) At least three persons to conduct negotiations during a  
7478 competitive sealed reply procurement who collectively have  
7479 experience and knowledge in negotiating contracts, contract  
7480 procurement, and the program areas and service requirements for



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7481 which commodities or contractual services are sought. ~~If~~ ~~When~~  
7482 the value of a contract is in excess of \$1 million in any fiscal  
7483 year, at least one of the persons conducting negotiations must  
7484 be certified as a contract negotiator in accordance with  
7485 department based upon ~~rules adopted by the Department of~~  
7486 ~~Management Services~~ in order to ensure that certified contract  
7487 negotiators are knowledgeable about effective negotiation  
7488 strategies, capable of successfully implementing those  
7489 strategies, and involved appropriately in the procurement  
7490 process. At a minimum, the rules must address the qualifications  
7491 required for certification, the method of certification, and the  
7492 procedure for involving the certified negotiator. If the value  
7493 of a contract is in excess of \$10 million in any fiscal year, at  
7494 least one of the persons conducting negotiations must be a  
7495 Project Management Professional, as certified by the Project  
7496 Management Institute.

7497 Section 242. Section 287.05721, Florida Statutes, is  
7498 amended to read:

7499 287.05721 Definitions.—As used in ss. 287.0571-287.0574,  
7500 the term:

7501 ~~(1) "Council" means the Council on Efficient Government.~~

7502 ~~(2) "outsource" means the process of contracting with a~~  
7503 vendor to provide a service as defined in s. 216.011(1)(f), in  
7504 whole or in part, or an activity as defined in s.  
7505 216.011(1)(rr), while a state agency retains ~~the~~ responsibility  
7506 and accountability for the service or activity and there is a  
7507 transfer of management responsibility for the delivery of  
7508 resources and the performance of those resources.

7509 Section 243. Section 287.0573, Florida Statutes, is



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7510 repealed.

7511 Section 244. Subsections (1), (2), (3), and (4) of section  
7512 287.0574, Florida Statutes, are amended to read:

7513 287.0574 Business cases to outsource; review and analysis;  
7514 requirements.-

7515 (1) A business case to outsource having a projected cost  
7516 exceeding \$10 million in any fiscal year shall require:

7517 (a) An initial business case analysis conducted by the  
7518 state agency and submitted to ~~the council~~, the Governor, the  
7519 President of the Senate, and the Speaker of the House of  
7520 Representatives at least 60 days before a solicitation is  
7521 issued. ~~The council shall evaluate the business case analysis~~  
7522 ~~and submit an advisory report to the state agency, the Governor,~~  
7523 ~~the President of the Senate, and the Speaker of the House of~~  
7524 ~~Representatives when the advisory report is completed, but at~~  
7525 ~~least 30 days before the agency issues the solicitation.~~

7526 (b) A final business case analysis conducted by the state  
7527 agency and submitted after the conclusion of any negotiations,  
7528 at least 30 days before execution of a contract, to ~~the council~~,  
7529 the Governor, the President of the Senate, and the Speaker of  
7530 the House of Representatives.

7531 (2) A proposal to outsource having a projected total cost  
7532 that ranges from \$1 million to \$10 million must ~~in any fiscal~~  
7533 ~~year shall~~ require:

7534 (a) An initial business case analysis conducted by the  
7535 state agency and submission of the business case, at least 30  
7536 days before issuing a solicitation, to ~~the council~~, the  
7537 Governor, the President of the Senate, and the Speaker of the  
7538 House of Representatives.



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7539 (b) A final business case analysis conducted by the state  
7540 agency and submitted after the conclusion of any negotiations,  
7541 at least 30 days before execution of a contract, to ~~the council,~~  
7542 the Governor, the President of the Senate, and the Speaker of  
7543 the House of Representatives.

7544 (3) A business case to outsource that has ~~having~~ a  
7545 projected cost that is less than \$1 million must ~~in any fiscal~~  
7546 ~~year shall~~ require a final business case analysis conducted by  
7547 the state agency after the conclusion of any negotiations ~~and~~  
7548 ~~provided at least 30 days before execution of a contract to the~~  
7549 ~~council. The council shall provide such business cases in its~~  
7550 ~~annual report to the Legislature.~~

7551 (4) For any proposed outsourcing, the state agency shall  
7552 develop a business case that justifies the proposal to  
7553 outsource. In order to reduce any administrative burden, the  
7554 ~~council may allow a~~ state agency shall ~~to~~ submit the business  
7555 case in the form required by the budget instructions issued  
7556 pursuant to s. 216.023(4)(a)7., augmented with additional  
7557 information if necessary, to ensure that the requirements of  
7558 this section are met. The business case is not subject to  
7559 challenge or protest pursuant to chapter 120. The business case  
7560 must include, but need not be limited to:

7561 (a) A detailed description of the service or activity for  
7562 which the outsourcing is proposed.

7563 (b) A description and analysis of the state agency's  
7564 current performance, based on existing performance metrics if  
7565 the state agency is currently performing the service or  
7566 activity.

7567 (c) The goals desired to be achieved through the proposed



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7568 outsourcing and the rationale for such goals.

7569 (d) A citation to the existing or proposed legal authority  
7570 for outsourcing the service or activity.

7571 (e) A description of available options for achieving the  
7572 goals. If state employees are currently performing the service  
7573 or activity, at least one option involving maintaining state  
7574 provision of the service or activity must ~~shall~~ be included.

7575 (f) An analysis of the advantages and disadvantages of each  
7576 option, including, at a minimum, potential performance  
7577 improvements and risks.

7578 (g) A description of the current market for the contractual  
7579 services that are under consideration for outsourcing.

7580 (h) A cost-benefit analysis documenting the direct and  
7581 indirect specific baseline costs, savings, and qualitative and  
7582 quantitative benefits involved in or resulting from the  
7583 implementation of the recommended option or options. Such  
7584 analysis must specify the schedule that, at a minimum, must be  
7585 adhered to in order to achieve the estimated savings. All  
7586 elements of cost must be clearly identified in the cost-benefit  
7587 analysis, described in the business case, and supported by  
7588 applicable records and reports. The state agency head shall  
7589 attest that, based on the data and information underlying the  
7590 business case, to the best of his or her knowledge, all  
7591 projected costs, savings, and benefits are valid and achievable.  
7592 As used in this section, the term "cost" means the reasonable,  
7593 relevant, and verifiable cost, which may include, but is not  
7594 limited to, elements such as personnel, materials and supplies,  
7595 services, equipment, capital depreciation, rent, maintenance and  
7596 repairs, utilities, insurance, personnel travel, overhead, and



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7597 interim and final payments. The appropriate elements shall  
7598 depend on the nature of the specific initiative. As used in this  
7599 section, the term "savings" means the difference between the  
7600 direct and indirect actual annual baseline costs compared to the  
7601 projected annual cost for the contracted functions or  
7602 responsibilities in any succeeding state fiscal year during the  
7603 term of the contract.

7604 (i) A description of differences among current state agency  
7605 policies and processes and, as appropriate, a discussion of  
7606 options for or a plan to standardize, consolidate, or revise  
7607 current policies and processes, if any, to reduce the  
7608 customization of any proposed solution that would otherwise be  
7609 required.

7610 (j) A description of the specific performance standards  
7611 that must, at a minimum, be met to ensure adequate performance.

7612 (k) The projected timeframe for key events from the  
7613 beginning of the procurement process through the expiration of a  
7614 contract.

7615 (l) A plan to ensure compliance with the public records  
7616 law.

7617 (m) A specific and feasible contingency plan addressing  
7618 contractor nonperformance and a description of the tasks  
7619 involved in and costs required for its implementation.

7620 (n) A state agency's transition plan for addressing changes  
7621 in the number of agency personnel, affected business processes,  
7622 employee transition issues, and communication with affected  
7623 stakeholders, such as agency clients and the public. The  
7624 transition plan must contain a reemployment and retraining  
7625 assistance plan for employees who are not retained by the state



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7626 agency or employed by the contractor.

7627 (o) A plan for ensuring access by persons with disabilities  
7628 in compliance with applicable state and federal law.

7629 (p) A description of legislative and budgetary actions  
7630 necessary to accomplish the proposed outsourcing.

7631 Section 245. Section 287.076, Florida Statutes, is amended  
7632 to read:

7633 287.076 ~~Project Management Professionals~~ Training for  
7634 personnel involved in managing outsourcings; funding.—The  
7635 department ~~of Management Services~~ may implement a program to  
7636 train state agency employees who are involved in managing  
7637 outsourcings as Project Management Professionals, as certified  
7638 by the Project Management Institute. ~~For the 2006-2007 fiscal~~  
7639 ~~year, the sum of \$500,000 in recurring funds from the General~~  
7640 ~~Revenue Fund is appropriated to the department of Management~~  
7641 ~~Services to implement this program.~~ The department ~~of Management~~  
7642 ~~Services~~, in consultation with entities subject to this act,  
7643 shall identify personnel to participate in this training based  
7644 on requested need and ensure that each agency is represented.  
7645 The department ~~of Management Services~~ may remit payment for this  
7646 training on behalf of all participating personnel.

7647 Section 246. Subsection (1) of section 287.083, Florida  
7648 Statutes, is amended to read:

7649 287.083 Purchase of commodities.—

7650 (1) ~~It shall be the policy of the state for~~ The Department  
7651 of Financial Management Services shall ~~to~~ consider the life-  
7652 cycle cost of commodities purchased by the state, if when  
7653 applicable and feasible as determined by the department.

7654 Section 247. Section 287.0834, Florida Statutes, is amended





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7655 to read:

7656           287.0834 Motor vehicles; energy-saving equipment and  
7657 additives.—Each motor vehicle purchased by the state and each  
7658 motor vehicle leased by the state ~~for a period~~ in excess of 1  
7659 year must ~~shall~~ use devices, equipment, and additives that have  
7660 been certified as energy-saving and approved for use by the  
7661 United States Environmental Protection Agency and that have been  
7662 determined by the department to be cost-effective ~~by the~~  
7663 ~~Department of Management Services.~~

7664           Section 248. Subsection (1), paragraphs (d), (g), and (j)  
7665 of subsection (2), paragraph (e) of subsection (3), paragraph  
7666 (a) of subsection (5), and subsection (12) of section 287.0943,  
7667 Florida Statutes, are amended to read:

7668           287.0943 Certification of minority business enterprises.—

7669           (1) A business certified by any local governmental  
7670 jurisdiction or organization shall be accepted by the ~~Department~~  
7671 ~~of Management Services, office of Supplier Diversity,~~ as a  
7672 certified minority business enterprise for purposes of doing  
7673 business with state government if ~~when~~ the office of ~~Supplier~~  
7674 ~~Diversity~~ determines that the state's minority business  
7675 enterprise certification criteria are applied in the local  
7676 certification process.

7677           (2)

7678           (d) A final list of the criteria and procedures proposed by  
7679 the task force shall be considered by the Chief Financial  
7680 Officer ~~secretary~~. The task force may seek technical assistance  
7681 from qualified providers of technical, business, and managerial  
7682 expertise to ensure the reliability of the certification  
7683 criteria developed.



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7684 (g) The certification criteria approved by the task force  
7685 and adopted by the department must ~~of Management Services shall~~  
7686 be included in a statewide and interlocal agreement as defined  
7687 in s. 287.09431 and, in accordance with s. 163.01, shall be  
7688 executed according to the terms included therein.

7689 (j) The statewide and interlocal agreement shall be guided  
7690 by the terms and conditions found therein and may be amended at  
7691 any meeting of the task force and subsequently adopted by the  
7692 Chief Financial Officer ~~secretary of the Department of~~  
7693 ~~Management Services~~. The amended agreement must be enacted,  
7694 initialed, and legally executed by at least two-thirds of the  
7695 certifying entities party to the existing agreement and adopted  
7696 by the state as originally executed in order to bind the  
7697 certifying entity.

7698 (3)

7699 (e) Any participating program receiving three or more  
7700 challenges to its certification decisions pursuant to subsection  
7701 (4) from other organizations that are executors to the statewide  
7702 and interlocal agreement, is ~~shall be~~ subject to a review by the  
7703 office, as provided in paragraphs (a) and (b), of the  
7704 organization's capacity to perform under such agreement and in  
7705 accordance with the core criteria established by the task force.  
7706 The office shall submit a report to the Chief Financial Officer  
7707 ~~secretary of the Department of Management Services~~ regarding the  
7708 results of the review.

7709 (5) (a) The Chief Financial Officer ~~secretary of the~~  
7710 ~~Department of Management Services~~ shall execute the statewide  
7711 and interlocal agreement established under s. 287.09431 on  
7712 behalf of the state. The office shall certify minority business



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7713 enterprises in accordance with the laws of this state and, by  
7714 affidavit, shall recertify such minority business enterprises  
7715 not less than once each year.

7716 (12) Any executor of the statewide and interlocal agreement  
7717 may revoke the certification or recertification of a firm doing  
7718 business as a certified minority business enterprise if the  
7719 minority business enterprise does not meet the requirements of  
7720 the jurisdiction or certifying entity that certified or  
7721 recertified the firm as a certified minority business  
7722 enterprise, or the requirements of subsection (2), s. 288.703,  
7723 and any rule of the office or the department ~~of Management~~  
7724 ~~Services~~ or if the business acquired certification or  
7725 recertification by means of falsely representing any entity as a  
7726 minority business enterprise for purposes of qualifying for  
7727 certification or recertification.

7728 Section 249. Subsections (2) and (3) and paragraph (h) of  
7729 subsection (4) of section 287.09451, Florida Statutes, are  
7730 amended to read:

7731 287.09451 Office of Supplier Diversity; powers, duties, and  
7732 functions.—

7733 (2) The Office of Supplier Diversity is established within  
7734 the department ~~of Management Services~~ to assist minority  
7735 business enterprises in becoming suppliers of commodities,  
7736 services, and construction to state government.

7737 (3) The Chief Financial Officer ~~secretary~~ shall appoint an  
7738 executive director for the office ~~of Supplier Diversity~~, who  
7739 shall serve at the pleasure of the Chief Financial Officer  
7740 ~~secretary~~.

7741 (4) The Office of Supplier Diversity shall have the



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7742 following powers, duties, and functions:

7743 (h) To develop procedures to investigate complaints against  
7744 minority business enterprises or contractors alleged to violate  
7745 any provision related to this section or s. 287.0943, that may  
7746 include visits to worksites or business premises, and to refer  
7747 all information on businesses suspected of misrepresenting  
7748 minority status to the department ~~of Management Services~~ for  
7749 investigation. When an investigation is completed and there is  
7750 reason to believe that a violation has occurred, the department  
7751 ~~of Labor and Employment Security~~ shall refer the matter to the  
7752 office of the Attorney General, ~~Department of Legal Affairs~~, for  
7753 prosecution.

7754 Section 250. Section 287.131, Florida Statutes, is amended  
7755 to read:

7756 287.131 Assistance of Department of Financial Services.—The  
7757 department ~~of Financial Services~~ shall provide ~~the Department of~~  
7758 ~~Management Services with~~ technical assistance in all matters  
7759 pertaining to the purchase of insurance for all agencies, and  
7760 shall make surveys of the insurance needs of the state and all  
7761 departments thereof, including the benefits, if any, of self-  
7762 insurance.

7763 Section 251. Paragraphs (d), (e), (f), and (g) of  
7764 subsection (1) of section 287.133, Florida Statutes, are amended  
7765 to read:

7766 287.133 Public entity crime; denial or revocation of the  
7767 right to transact business with public entities.—

7768 (1) As used in this section:

7769 ~~(d) "Department" means the Department of Management~~  
7770 ~~Services.~~



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7771        (d)~~(e)~~ "Person" means any natural person or any entity  
7772 organized under the laws of any state or of the United States  
7773 with the legal power to enter into a binding contract and which  
7774 bids or applies to bid on contracts let by a public entity, or  
7775 which otherwise transacts or applies to transact business with a  
7776 public entity. The term ~~"person"~~ includes those officers,  
7777 directors, executives, partners, shareholders, employees,  
7778 members, and agents who are active in management of an entity.

7779        (e)~~(f)~~ "Public entity" means the State of Florida, any of  
7780 its ~~departments or~~ agencies, or any political subdivision.

7781        (f)~~(g)~~ "Public entity crime" means a violation of any state  
7782 or federal law by a person with respect to and directly related  
7783 to the transaction of business with any public entity or with an  
7784 agency or political subdivision of any other state or with the  
7785 United States, including, but not limited to, any bid, proposal,  
7786 reply, or contract for goods or services, any lease for real  
7787 property, or any contract for the construction or repair of a  
7788 public building or public work, involving antitrust, fraud,  
7789 theft, bribery, collusion, racketeering, conspiracy, or material  
7790 misrepresentation.

7791        Section 252. Paragraphs (d), (e), (f), and (g) of  
7792 subsection (1) of section 287.134, Florida Statutes, are amended  
7793 to read:

7794        287.134 Discrimination; denial or revocation of the right  
7795 to transact business with public entities.-

7796        (1) As used in this section:

7797        ~~(d) "Department" means the Department of Management~~  
7798 ~~Services.~~

7799        (d)~~(e)~~ "Entity" means any natural person or any entity



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7800 organized under the laws of any state or of the United States  
7801 with the legal power to enter into a binding contract and which  
7802 bids or applies to bid on contracts let by a public entity, or  
7803 which otherwise transacts or applies to transact business with a  
7804 public entity.

7805 (e)~~(f)~~ "Public entity" means this state and ~~any department~~  
7806 ~~or~~ agency of this state.

7807 (f)~~(g)~~ "Senior management" includes chief executive  
7808 officers; assistant chief executive officers, including, but not  
7809 limited to, assistant presidents, vice presidents, or assistant  
7810 treasurers; chief financial officers; chief personnel officers;  
7811 or any employee of an entity performing similar functions.

7812 Section 253. Section 287.15, Florida Statutes, is amended  
7813 to read:

7814 287.15 Purchase or lease of motor vehicles, watercraft, or  
7815 aircraft; ~~prior approval of the Department of Management~~  
7816 ~~Services.~~—No state agency shall purchase, lease, or acquire any  
7817 motor vehicle, watercraft, or aircraft of any type unless prior  
7818 approval is first obtained from the Department of Financial  
7819 ~~Management~~ Services. However, this section does not ~~nothing~~  
7820 ~~herein shall~~ prohibit the lease for casual use of motor  
7821 vehicles, or remove the requirement that all purchases be in  
7822 compliance with the rules ~~and regulations~~ of the Department of  
7823 Financial ~~Management~~ Services.

7824 Section 254. Subsection (2) of section 287.151, Florida  
7825 Statutes, is amended to read:

7826 287.151 Limitation on classes of motor vehicles procured.—

7827 (2) ~~No~~ Funds in the General Appropriations Act may not  
7828 ~~shall~~ be used to purchase any vehicle at prices in excess of the



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7829 standard prices negotiated by the Department of Financial  
7830 ~~Management~~ Services.

7831 Section 255. Subsections (1) and (3) of section 287.155,  
7832 Florida Statutes, are amended to read:

7833 287.155 Motor vehicles; purchase by Department of Children  
7834 and Family Services, Agency for Persons with Disabilities,  
7835 Department of Health, Department of Juvenile Justice, and  
7836 Department of Corrections.—

7837 (1) The Department of Children and Family Services, the  
7838 Agency for Persons with Disabilities, the Department of Health,  
7839 the Department of Juvenile Justice, and the Department of  
7840 Corrections may, subject to the approval of the Department of  
7841 Financial ~~Management~~ Services, purchase automobiles, trucks,  
7842 tractors, and other automotive equipment for the use of  
7843 institutions or developmental disabilities centers under the  
7844 management of the Department of Children and Family Services,  
7845 the Agency for Persons with Disabilities, the Department of  
7846 Health, and the Department of Corrections, and for the use of  
7847 residential facilities managed or contracted by the Department  
7848 of Juvenile Justice.

7849 (3) The Department of Health may ~~is authorized~~, subject to  
7850 the approval of the Department of Financial ~~Management~~ Services,  
7851 ~~to~~ purchase automobiles, trucks, and other automotive equipment  
7852 for use by county health departments.

7853 Section 256. Section 287.16, Florida Statutes, is amended  
7854 to read:

7855 287.16 Powers and duties of department.—The Department of  
7856 Financial ~~Management~~ Services shall have the following powers,  
7857 duties, and responsibilities:



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7858 (1) To obtain the most effective and efficient use of motor  
7859 vehicles, watercraft, and aircraft for state purposes.

7860 (2) To establish and operate central facilities for the  
7861 acquisition, disposal, operation, maintenance, repair, storage,  
7862 supervision, control, and regulation of all state-owned or  
7863 state-leased aircraft, watercraft, and motor vehicles and to  
7864 operate any state facilities for those purposes. Acquisition may  
7865 be by purchase, lease, loan, or in any other legal manner. The  
7866 department may contract for the maintenance of motor vehicles.

7867 (3) In its discretion, to require every state agency to  
7868 transfer its ownership, custody, and control of every aircraft  
7869 and motor vehicle, and associated maintenance facilities and  
7870 equipment, except those used principally for law enforcement,  
7871 state fire marshal, or fire control purposes, to the department  
7872 ~~of Management Services~~, including all right, title, interest,  
7873 and equity therein.

7874 (4) Upon requisition and showing of need, to assign  
7875 suitable aircraft or motor vehicles, on a temporary basis of  
7876 ~~(for a period up to and including 1 month,)~~ or a permanent basis  
7877 ~~(for a period from 1 month up to and including 1 full year)~~  
7878 basis, to any state agency.

7879 (5) To allocate and charge fees to the state agencies to  
7880 which aircraft or motor vehicles are furnished, based upon any  
7881 reasonable criteria.

7882 (6) To adopt and enforce rules and regulations for the  
7883 efficient and safe use, operation, maintenance, repair,  
7884 disposal, and replacement of all state-owned or state-leased  
7885 aircraft, watercraft, and motor vehicles and to require the  
7886 placement of appropriate stickers, decals, or other markings





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7887 upon them. The department may delegate to the respective heads  
7888 of the agencies to which aircraft, watercraft, and motor  
7889 vehicles are assigned the duty of enforcing the rules and  
7890 regulations adopted by the department.

7891 (7) To contract for specialized maintenance services.

7892 (8) To require any state agency to keep records and make  
7893 reports regarding aircraft and motor vehicles to the department  
7894 as may be required. The Department of Highway Safety and Motor  
7895 Vehicles shall use a reporting system approved by the  
7896 department.

7897 (9) To establish and operate central facilities to  
7898 determine the mode of transportation to be used by state  
7899 employees traveling on official state business and to schedule  
7900 and coordinate use of state-owned or state-leased aircraft and  
7901 passenger-carrying vehicles to assure maximum utilization of  
7902 state aircraft, motor vehicles, and employee time by assuring  
7903 that employees travel by the most practical and economical mode  
7904 of travel. The department shall consider the number of employees  
7905 making the trip to the same location, the most efficient and  
7906 economical means of travel considering the time of the employee,  
7907 transportation cost and subsistence required, the urgency of the  
7908 trip, and the nature and purpose of the trip.

7909 (10) To provide the Legislature annual reports at the end  
7910 of each calendar year concerning the use ~~utilization~~ of all  
7911 aircraft in the executive pool.

7912 (11) To calculate biennially the break-even mileage at  
7913 which it becomes cost-effective for the state to provide  
7914 assigned motor vehicles to employees. The Support Program shall  
7915 provide the information to agency heads and agency inspectors



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7916 general to assist them in meeting the reporting requirements of  
7917 s. 20.055.

7918 (12) To conduct, in coordination with the Department of  
7919 Transportation, an analysis of fuel additive and biofuel use by  
7920 the Department of Transportation through its central fueling  
7921 facilities. The department shall encourage other state  
7922 government entities to analyze transportation fuel usage,  
7923 including the different types and percentages of fuels consumed,  
7924 and report such information to the department.

7925 Section 257. Section 287.161, Florida Statutes, is amended  
7926 to read:

7927 287.161 Executive aircraft pool; assignment of aircraft;  
7928 charge for transportation.-

7929 (1) ~~There is created within the Department of Management~~  
7930 ~~Services~~ An executive aircraft pool consisting of state-owned  
7931 aircraft for the purpose of furnishing executive air travel is  
7932 created within the Executive Office of the Governor. Such  
7933 aircraft may ~~shall~~ not be a model in excess of a two-engine jet.  
7934 Aircraft included in the executive aircraft pool may not be  
7935 specifically assigned to any department or agency on any basis.

7936 (2) The Executive Office of the Governor ~~Department of~~  
7937 ~~Management Services~~ shall charge all persons receiving  
7938 transportation from the executive aircraft pool a rate not less  
7939 than the mileage allowance fixed by the Legislature for the use  
7940 of privately owned vehicles. Fees collected for persons  
7941 traveling by aircraft in the executive aircraft pool shall be  
7942 deposited into the Bureau of Aircraft Trust Fund and ~~shall be~~  
7943 expended for costs incurred to operate ~~the~~ aircraft management  
7944 activities ~~of the department~~. It is the intent of the



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7945 Legislature that the executive aircraft pool be operated on a  
7946 full cost recovery basis, less available funds.

7947 Section 258. Paragraph (a) of subsection (3) of section  
7948 287.17, Florida Statutes, is amended to read:

7949 287.17 Limitation on use of motor vehicles and aircraft.—

7950 (3) (a) The term "official state business" does ~~may not be~~  
7951 ~~construed to~~ permit the use of a motor vehicle or aircraft for  
7952 commuting purposes, unless special assignment of a motor vehicle  
7953 is authorized as a perquisite by the Department of Personnel  
7954 Management ~~Services~~, required by an employee after normal duty  
7955 hours to perform duties of the position to which assigned, or  
7956 authorized for an employee whose home is the official base of  
7957 operation.

7958 Section 259. Section 287.18, Florida Statutes, is amended  
7959 to read:

7960 287.18 Repair and service of motor vehicles and aircraft.—  
7961 The Chief Financial Officer ~~Secretary of Management Services~~ or  
7962 a ~~his or her~~ designee may require a ~~department or any~~ state  
7963 agency having facilities for the repair of aircraft or motor  
7964 vehicles and for the storage and distribution of gasoline and  
7965 other petroleum products to repair aircraft and motor vehicles  
7966 and to furnish gasoline and other petroleum products to any  
7967 other state ~~department or~~ agency and shall compensate for the  
7968 cost of such services and products.

7969 Section 260. Section 287.19, Florida Statutes, is amended  
7970 to read:

7971 287.19 Transfer of funds.—All moneys designated for or  
7972 appropriated to any agency for the use, operation, maintenance,  
7973 repair, or replacement of any state-owned or leased motor



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7974 vehicles or aircraft shall be transferred to the Department of  
7975 Financial Management Services as required by the department.

7976 Section 261. Subsection (1) of section 288.021, Florida  
7977 Statutes, is amended to read:

7978 288.021 Economic development liaison.-

7979 (1) The heads of the Department of Transportation, the  
7980 Department of Environmental Protection and an additional member  
7981 appointed by the secretary of the department, ~~the Department of~~  
7982 ~~Labor and Employment Security,~~ the Department of Education, the  
7983 Department of Community Affairs, ~~the Department of Management~~  
7984 ~~Services,~~ the Department of Revenue, the Fish and Wildlife  
7985 Conservation Commission, each water management district, and  
7986 each Department of Transportation District office shall  
7987 designate a high-level staff member from within such agency to  
7988 serve as the economic development liaison for the agency. This  
7989 person shall report to the agency head and have general  
7990 knowledge both of the state's permitting and other regulatory  
7991 functions and of the state's economic goals, policies, and  
7992 programs. This person shall also be the primary point of contact  
7993 for the agency with the Office of Tourism, Trade, and Economic  
7994 Development on issues and projects important to the economic  
7995 development of this state ~~Florida~~, including its rural areas, to  
7996 expedite project review, to ensure a prompt, effective response  
7997 to problems arising with regard to permitting and regulatory  
7998 functions, and to work closely with the other economic  
7999 development liaisons to resolve interagency conflicts.

8000 Section 262. Subsections (1) and (2), paragraphs (c)  
8001 through (j) of subsection (4), and subsection (6) of section  
8002 288.109, Florida Statutes, are amended to read:



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8003           288.109 One-Stop Permitting System.—  
8004           (1) The Department of Community Affairs shall ~~By January 1,~~  
8005 ~~2001, the State Technology Office must~~ establish and administer  
8006 ~~implement~~ an Internet site for the One-Stop Permitting System.  
8007 The One-Stop Permitting System Internet site shall provide  
8008 individuals and businesses with information concerning  
8009 development permits; guidance on what development permits are  
8010 needed for particular projects; permit requirements; and who may  
8011 be contacted for more information concerning a particular  
8012 development permit for a specific location. The department  
8013 ~~office~~ shall design and construct the Internet site and may  
8014 competitively procure and contract for services to develop the  
8015 site. In designing and constructing the Internet site, the  
8016 department shall ~~office must~~ solicit input from potential users  
8017 of the site.  
8018           (2) The Department of Community Affairs ~~office~~ shall  
8019 develop the One-Stop Permitting System Internet site to allow an  
8020 applicant to complete and submit application forms for  
8021 development permits to agencies and counties. The Internet site  
8022 must be capable of allowing an applicant to submit payment for  
8023 permit fees and must provide payment options. After initially  
8024 establishing the Internet site, the department ~~office~~ shall  
8025 implement, in the most timely manner possible, the capabilities  
8026 described in this subsection. The department ~~office~~ shall also  
8027 develop a protocol for adding ~~to the One-Stop Permitting System~~  
8028 additional state agencies and counties that agree to participate  
8029 to the One-Stop Permitting System. The department ~~office~~ may  
8030 competitively procure and contract for services to develop such  
8031 capabilities.



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8032 (4) The One-Stop Permitting System must initially provide  
8033 access to the following state agencies, water management  
8034 districts and counties, with other agencies and counties that  
8035 agree to participate:

8036 ~~(c) The Department of Management Services.~~

8037 (c) ~~(d)~~ The Department of Transportation, including district  
8038 offices.

8039 (d) ~~(e)~~ The Northwest Florida Water Management District.

8040 (e) ~~(f)~~ The St. Johns River Water Management District.

8041 (f) ~~(g)~~ The Southwest Florida Water Management District.

8042 (g) ~~(h)~~ The Suwannee River Water Management District.

8043 (h) ~~(i)~~ The South Florida Water Management District.

8044 (i) ~~(j)~~ Selected counties that agree to participate.

8045 (6) The Department of Community Affairs ~~office~~ may add  
8046 counties and municipalities to the One-Stop Permitting System as  
8047 such local governments agree to participate and develop the  
8048 technical capability of joining the system.

8049 Section 263. Section 288.1092, Florida Statutes, is amended  
8050 to read:

8051 288.1092 One-Stop Permitting System Grant Program. ~~There is~~  
8052 ~~created within the State Technology Office~~ The One-Stop  
8053 Permitting System Grant Program is created within the Department  
8054 of Community Affairs. The purpose of the grant program is to  
8055 encourage counties to coordinate and integrate the development  
8056 of the county's permitting process with the One-Stop Permitting  
8057 System. The department ~~office~~ shall review grant applications  
8058 and, subject to available funds, if a county is certified as a  
8059 Quick Permitting County under s. 288.1093, shall award a grant  
8060 of up to \$50,000 to provide for such integration. The department



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8061 ~~office~~ must review a grant application for consistency with the  
8062 purpose of the One-Stop Permitting System to provide access to  
8063 development permit information and application forms. Grants  
8064 shall be issued on a first-come, first-served basis to qualified  
8065 Quick Permitting Counties. The grant moneys may be used to  
8066 purchase software, hardware, or consulting services necessary  
8067 for the county to create an interface with the One-Stop  
8068 Permitting System. Grant moneys may not be used to pay  
8069 administrative costs. The grant application must specify what  
8070 items or services the county intends to purchase using the grant  
8071 moneys, the amount of each of the items or services to be  
8072 purchased, and how the items or services are necessary for the  
8073 county to create an interface with the One-Stop Permitting  
8074 System.

8075 Section 264. Subsections (1) and (3) of section 288.1093,  
8076 Florida Statutes, are amended to read:

8077 288.1093 Quick Permitting County Designation Program.—

8078 (1) ~~There is established within the State Technology Office~~  
8079 The Quick Permitting County Designation Program is established  
8080 within the Department of Community Affairs. To be designated as  
8081 a Quick Permitting County, the chair of the board of county  
8082 commissioners of the applying county must certify to the  
8083 department ~~office~~ that the county meets the criteria specified  
8084 in subsection (3).

8085 (3) In order to qualify for a Quick Permitting County  
8086 designation, a county must certify to the Department of  
8087 Community Affairs ~~office~~ that the county has implemented the  
8088 following best management practices:

8089 (a) The establishment of a single point of contact for a



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8090 business seeking assistance in obtaining a permit;  
8091 (b) The selection of high-priority projects for accelerated  
8092 permit review;  
8093 (c) The use of documented preapplication meetings following  
8094 standard procedures;  
8095 (d) The maintenance of an inventory of sites suitable for  
8096 high-priority projects;  
8097 (e) The development of a list of consultants who conduct  
8098 business in the county;  
8099 (f) The evaluation and elimination of duplicative approval  
8100 and permitting requirements within the county;  
8101 (g) The commitment to participate, through the entry of an  
8102 interlocal agreement for individual projects, in the expedited  
8103 permit process set forth in s. 403.973;  
8104 (h) The development of a timetable for processing  
8105 development permits and approvals; and  
8106 (i) The use of interagency coordination to facilitate  
8107 permit processing.  
8108 Section 265. Paragraph (a) of subsection (3) of section  
8109 288.1185, Florida Statutes, is amended to read:  
8110 288.1185 Recycling Markets Advisory Committee.—  
8111 (3) (a) The heads of the Department of Transportation, the  
8112 Department of Environmental Protection, ~~the Department of~~  
8113 ~~Management Services,~~ the Department of Agriculture and Consumer  
8114 Services, the Florida Energy Office, the Chief Financial  
8115 Officer, and the Governor shall each designate a staff member  
8116 from within the agency to serve as the recycling market  
8117 development liaison for the agency. This person must ~~shall~~ have  
8118 knowledge of recycling and the issues and problems related to





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8119 recycling and recycled materials market development. This person  
8120 shall be the primary point of contact for the agency on issues  
8121 related to recycled materials market development. These liaisons  
8122 shall be available for committee meetings and shall work closely  
8123 with the committee and other recycling market development  
8124 liaisons to further the goals of the committee, as appropriate.

8125 Section 266. Paragraph (d) of subsection (5) and subsection  
8126 (8) of section 288.15, Florida Statutes, are amended to read:

8127 288.15 Powers of Division of Bond Finance.—There is hereby  
8128 granted to and vested in the Division of Bond Finance of the  
8129 State Board of Administration the power, right, franchise, and  
8130 authority:

8131 (5) In order to carry out the objectives and purposes of  
8132 this chapter, the division is authorized to acquire, own,  
8133 construct, operate, maintain, improve, and extend public  
8134 buildings, facilities, or works within the state which are of  
8135 the character hereinafter specifically mentioned. All public  
8136 buildings, facilities, and works which the division is  
8137 authorized to own, construct, operate, and maintain must be such  
8138 as can ultimately be owned and operated by an agency,  
8139 department, board, bureau, or commission of the state. All or  
8140 any such buildings, facilities, or works may be of a revenue-  
8141 producing character in order that the cost of the same or some  
8142 part of improvements or extensions thereto may be paid from  
8143 receipts therefrom, including in Tallahassee only rentals,  
8144 leases, and sales to both public and nonpublic agencies through  
8145 the issue and sales or disposition of revenue bonds, notes, or  
8146 certificates of the division. The buildings, facilities, and  
8147 works which the division is hereby authorized to acquire,



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8148 construct, operate, maintain, improve, and extend are:

8149 (d) Public buildings, facilities, and additions or  
8150 improvements to existing buildings and facilities for ultimate  
8151 use in connection with any of the several state institutions,  
8152 departments, bureaus, boards, or commissions. For this use; ~~and,~~  
8153 ~~In furtherance of this paragraph,~~ the Department of  
8154 Environmental Protection Management Services, the Board of  
8155 Governors of the State University System, and the State Board of  
8156 Education shall ~~are authorized to~~ cooperate with the Division of  
8157 Bond Finance and ~~to do and~~ perform all acts and things necessary  
8158 thereto. Any property acquired by the division ~~of Bond Finance~~  
8159 ~~under the provisions of~~ this chapter may ultimately be conveyed  
8160 to the state free and clear of all debt or other encumbrance.

8161 (8) The division shall ~~is hereby authorized and directed to~~  
8162 proceed with the acquisition of land and buildings ~~thereon now~~  
8163 ~~needed or to be~~ needed for use in whole or in part by any  
8164 agency, board, bureau, or commission of the state, such  
8165 acquisition to be within the area defined by the Department of  
8166 Environmental Protection Management Services for the long-range  
8167 development of the proposed Capitol Center. The division shall  
8168 also; ~~and~~

8169 (a) ~~To~~ Construct, acquire, own, and operate buildings and  
8170 facilities thereon, such buildings and facilities to be financed  
8171 by the revenue they yield, through the issuance of revenue  
8172 certificates; and

8173 (b) ~~To~~ Have specific authority in financing the  
8174 acquisition, construction, and operation of such buildings and  
8175 facilities, to utilize rentals to both public and nonpublic  
8176 agencies as well as any regularly appropriated state or other



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8177 public funds; however, ~~no~~ revenue from lands, buildings, or  
8178 facilities now owned by the state may not be pledged to finance  
8179 the acquisition of land, buildings, or facilities pursuant to  
8180 this section ~~the provisions of this law~~, except for revenue from  
8181 land, buildings, or facilities purchased or acquired pursuant to  
8182 this section ~~the provisions of this law~~.

8183 Section 267. Section 288.17, Florida Statutes, is amended  
8184 to read:

8185 288.17 Revenue certificates.—The Division of Bond Finance  
8186 of the State Board of Administration may ~~is authorized to~~ issue  
8187 interest-bearing revenue certificates for construction of all  
8188 state buildings approved by the Legislature in its appropriation  
8189 acts and requested by the Department of Environmental Protection  
8190 ~~Management Services~~ or by the Board of Governors of the State  
8191 University System.

8192 Section 268. Subsections (1) and (3) of section 288.18,  
8193 Florida Statutes, are amended to read:

8194 288.18 Planning, promoting, and supervising state building  
8195 projects.—

8196 (1) The Department of Environmental Protection ~~is~~  
8197 ~~Management Services~~ shall be responsible for promoting any state  
8198 building project financed as provided by law in any community  
8199 where a state building is needed.

8200 (3) Any state agency required to occupy space by the  
8201 Department of Environmental Protection ~~Management Services~~ may  
8202 contract for such space and pledge such rentals as are provided  
8203 and appropriated by the Legislature for the purpose of financing  
8204 the retirement of revenue certificates for the lifetime of any  
8205 issue.



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8206 Section 269. Paragraph (d) of subsection (3) and  
8207 subsections (5) and (8) of section 288.703, Florida Statutes,  
8208 are amended to read:

8209 288.703 Definitions.—As used in this act, the following  
8210 words and terms shall have the following meanings unless the  
8211 content shall indicate another meaning or intent:

8212 (3) "Minority person" means a lawful, permanent resident of  
8213 Florida who is:

8214 (d) A Native American, a person who has origins in any of  
8215 the Indian Tribes of North America prior to 1835, upon  
8216 presentation of proper documentation ~~thereof~~ as established by  
8217 rule of the Department of Financial Management Services.

8218 (5) "Department" means the Department of Financial  
8219 ~~Management~~ Services.

8220 ~~(8) "Secretary" means the secretary of the Department of~~  
8221 ~~Management Services.~~

8222 Section 270. Subsections (2), (10), (11), and (12) of  
8223 section 288.706, Florida Statutes, are amended to read:

8224 288.706 Florida Minority Business Loan Mobilization  
8225 Program.—

8226 (2) The Florida Minority Business Loan Mobilization Program  
8227 is created to promote the development of minority business  
8228 enterprises, ~~as defined in s. 288.703(2)~~, increase the ability  
8229 of minority business enterprises to compete for state contracts,  
8230 and sustain the economic growth of minority business enterprises  
8231 in this state. The goal of the program is to assist minority  
8232 business enterprises by facilitating working capital loans to  
8233 minority business enterprises that are vendors on state agency  
8234 contracts. The department ~~of Management Services~~ shall



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8235 administer the program.

8236 (10) The department ~~of Management Services~~ may adopt rules  
8237 to administer ~~implement the provisions of~~ this section.

8238 (11) The department ~~of Management Services~~ shall maintain a  
8239 listing of financial institutions willing to participate in the  
8240 Florida Minority Business Loan Mobilization Program. This list  
8241 may of financial institutions shall not be exclusive. A minority  
8242 business enterprise vendor who has a working relationship with a  
8243 financial institution is encouraged to request that the  
8244 financial institution apply to participate as a financial  
8245 institution for the program.

8246 (12) The department ~~of Management Services~~ shall  
8247 collaborate with the Florida Black Business Investment Board,  
8248 Inc., and the Office of Tourism, Trade, and Economic Development  
8249 to assist in the development and enhancement of black business  
8250 enterprises.

8251 Section 271. Subsection (2) of section 288.708, Florida  
8252 Statutes, is amended to read:

8253 288.708 President; employees.—

8254 (2) An employee of the board may not receive compensation  
8255 for employment that exceeds the salary paid to the Governor,  
8256 unless the board and the employee have executed a contract that  
8257 prescribes specific and measurable performance outcomes for the  
8258 employee, the satisfaction of which provides the basis for the  
8259 award of incentive payments that increase the employee's total  
8260 compensation to a level above the salary paid to the Governor.  
8261 The Executive Office of the Governor ~~Department of Management~~  
8262 ~~Services~~ shall establish a lease-agreement program under which  
8263 an employee of the board, as of June 30, 2002, retains his or



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8264 her status as a state employee until the employee voluntarily or  
8265 involuntarily terminates his or her status with the board.

8266 Status as a state employee includes ~~shall include~~ the right to  
8267 participate in the Florida Retirement System.

8268 Section 272. Subsection (6) of section 288.7091, Florida  
8269 Statutes, is amended to read:

8270 288.7091 Duties of the Florida Black Business Investment  
8271 Board, Inc.—The board shall:

8272 (6) Collaborate with the Department of Transportation, the  
8273 Department of Financial Management ~~Services~~, including the  
8274 Florida Minority Business Loan Mobilization Program, Workforce  
8275 Florida, Inc., and other state agencies and partners, the State  
8276 University System, including the Florida Agricultural and  
8277 Mechanical University's Institute of Urban Policy and Commerce,  
8278 school boards, and local governments to create an ~~a network of~~  
8279 information network and to identify available resources to  
8280 enhance the development and expansion of black business  
8281 enterprises.

8282 Section 273. Paragraph (b) of subsection (5) of section  
8283 288.712, Florida Statutes, is amended to read:

8284 288.712 Guarantor funds.—

8285 (5) The board shall do all of the following to implement  
8286 the black contractors bonding program:

8287 (b) Provide assistance to the Office of Supplier Diversity  
8288 within the Department of Financial Management ~~Services~~, as  
8289 needed, to certify new black business enterprises and to train  
8290 appropriate department staff.

8291 Section 274. Subsection (2) of section 288.901, Florida  
8292 Statutes, is amended to read:



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8293           288.901 Enterprise Florida, Inc.; creation; membership;  
8294 organization; meetings; disclosure.—

8295           (2) Enterprise Florida, Inc., shall establish one or more  
8296 corporate offices, at least one of which shall be located in  
8297 Leon County. The Executive Office of the Governor ~~Department of~~  
8298 ~~Management Services~~ may establish a lease agreement program  
8299 under which Enterprise Florida, Inc., may hire any individual  
8300 who, ~~as of June 30, 1996, is employed by the Department of~~  
8301 ~~Commerce or who, as of January 1, 1997, is employed by the~~  
8302 Executive Office of the Governor and has responsibilities  
8303 specifically in support of the Workforce Development Board  
8304 established under s. 445.004 ~~288.9620~~. Under such agreement, the  
8305 employee shall retain his or her status as a state employee but  
8306 shall work under the direct supervision of Enterprise Florida,  
8307 Inc. Retention of state employee status includes ~~shall include~~  
8308 the right to participate in the Florida Retirement System. The  
8309 office ~~Department of Management Services~~ shall establish the  
8310 terms and conditions of such lease agreements.

8311           Section 275. Paragraph (a) of subsection (3), paragraphs  
8312 (d) and (e) of subsection (5), paragraph (a) of subsection (6),  
8313 and subsections (7) and (9) of section 295.187, Florida  
8314 Statutes, are amended to read:

8315           295.187 Florida Service-Disabled Veteran Business  
8316 Enterprise Opportunity Act.—

8317           (3) DEFINITIONS.—For the purpose of this section, the term:

8318           (a) "Certified service-disabled veteran business  
8319 enterprise" means a business that has been certified by the  
8320 Department of Financial ~~Management~~ Services to be a service-  
8321 disabled veteran business enterprise ~~as defined in paragraph~~



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8322 ~~(e).~~

8323 (5) CERTIFICATION PROCEDURE.—

8324 (d) A certified service-disabled veteran business  
8325 enterprise must notify the Department of Financial Management  
8326 Services within 30 business days after any event that may  
8327 significantly affect the certification of the business,  
8328 including, but not limited to, a change in ownership or change  
8329 in management and daily business operations.

8330 (e) The certification of a service-disabled veteran  
8331 business enterprise shall be revoked for 12 months if the  
8332 Department of Financial Management Services determines that the  
8333 business enterprise violated paragraph (d). An owner of a  
8334 certified service-disabled veteran business enterprise whose  
8335 certification is revoked may ~~is not permitted to~~ reapply for  
8336 certification under this section as an owner of any business  
8337 enterprise during the 12-month revocation period.

8338 1. During the 12-month revocation period, a service-  
8339 disabled veteran business enterprise whose certification has  
8340 been revoked may bid on state contracts but is not eligible for  
8341 any preference available under this section.

8342 2. A service-disabled veteran business enterprise whose  
8343 certification has been revoked may apply for certification at  
8344 the conclusion of the 12-month revocation period by complying  
8345 with requirements applicable to initial certifications.

8346 (6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The  
8347 department shall:

8348 (a) Assist the Department of Financial Management Services  
8349 in establishing a certification procedure, which shall be  
8350 reviewed biennially and updated as necessary.





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8351 (7) DUTIES OF THE DEPARTMENT OF FINANCIAL ~~MANAGEMENT~~  
8352 SERVICES.—The department shall:

8353 (a) With assistance from the Department of Veterans'  
8354 Affairs, establish a certification procedure, which shall be  
8355 reviewed biennially and updated as necessary.

8356 (b) Grant, deny, or revoke the certification of a service-  
8357 disabled veteran business enterprise under this section.

8358 (c) Maintain an electronic directory of certified service-  
8359 disabled veteran business enterprises for use by the state,  
8360 political subdivisions of the state, and the public.

8361 (9) RULES.—The Department of Veterans' Affairs and the  
8362 Department of Financial ~~Management~~ Services, as appropriate, may  
8363 adopt rules as necessary to administer this section.

8364 Section 276. Subsection (17) of section 318.18, Florida  
8365 Statutes, is amended to read:

8366 318.18 Amount of penalties.—The penalties required for a  
8367 noncriminal disposition pursuant to s. 318.14 or a criminal  
8368 offense listed in s. 318.17 are as follows:

8369 (17) In addition to any penalties imposed, a surcharge of  
8370 \$3 must be paid for all criminal offenses listed in s. 318.17  
8371 and for all noncriminal moving traffic violations under chapter  
8372 316. Revenue from the surcharge shall be remitted to the  
8373 Department of Revenue and deposited quarterly into the State  
8374 Agency Law Enforcement Radio System Trust Fund of the Department  
8375 of Law Enforcement ~~Management~~ ~~Services~~ for the state agency law  
8376 enforcement radio system, as described in s. 282.709, and to  
8377 provide technical assistance to state agencies and local law  
8378 enforcement agencies with their statewide systems of regional  
8379 law enforcement communications, as described in s. 282.710. This



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8380 subsection expires July 1, 2012. The Department of Law  
8381 Enforcement Management Services may retain funds sufficient to  
8382 recover the costs and expenses incurred for managing,  
8383 administering, and overseeing the Statewide Law Enforcement  
8384 Radio System, and providing technical assistance to state  
8385 agencies and local law enforcement agencies with their statewide  
8386 systems of regional law enforcement communications. The  
8387 Department of Law Enforcement Management Services working in  
8388 conjunction with the Joint Task Force on State Agency Law  
8389 Enforcement Communications shall determine and direct the  
8390 purposes for which these funds are used to enhance and improve  
8391 the radio system.

8392 Section 277. Subsection (9) of section 318.21, Florida  
8393 Statutes, is amended to read:

8394 318.21 Disposition of civil penalties by county courts.—All  
8395 civil penalties received by a county court pursuant to the  
8396 provisions of this chapter shall be distributed and paid monthly  
8397 as follows:

8398 (9) Twelve dollars and fifty cents from each moving traffic  
8399 violation must be used by the county to fund that county's  
8400 participation in an intergovernmental radio communication  
8401 program approved by the Department of Law Enforcement Management  
8402 Services. If the county is not participating in such a program,  
8403 funds collected must be used to fund local law enforcement  
8404 automation and must be distributed to the municipality or  
8405 special improvement district in which the violation occurred or  
8406 to the county if the violation occurred within the  
8407 unincorporated area of the county.

8408 Section 278. Section 320.0802, Florida Statutes, is amended



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8409 to read:

8410           320.0802 Surcharge on license tax.—A \$1 surcharge ~~There is~~  
8411 ~~hereby~~ levied and imposed on each license tax imposed under s.  
8412 320.08, except those set forth in s. 320.08(11), ~~a surcharge in~~  
8413 ~~the amount of \$1,~~ which shall be collected in the same manner as  
8414 the license tax and deposited into the State Agency Law  
8415 Enforcement Radio System Trust Fund of the Department of Law  
8416 Enforcement Management Services.

8417           Section 279. Subsection (7) of section 320.08056, Florida  
8418 Statutes, is amended to read:

8419           320.08056 Specialty license plates.—

8420           (7) The department shall annually retain from the first  
8421 proceeds derived from the annual use fees collected an amount  
8422 sufficient to defray each specialty plate's pro rata share of  
8423 the department's costs directly related to the specialty license  
8424 plate program. Such costs must ~~shall~~ include inventory costs,  
8425 distribution costs, direct costs to the department, costs  
8426 associated with reviewing each organization's compliance with  
8427 audit and attestation requirements of s. 320.08062, and any  
8428 applicable increased costs of manufacturing the specialty  
8429 license plate. Any cost increase to the department related to  
8430 actual cost of the plate, including a reasonable vendor profit,  
8431 shall be verified by the Department of Financial Management  
8432 Services. The balance of the proceeds from the annual use fees  
8433 collected for that specialty license plate shall be distributed  
8434 as provided by law.

8435           Section 280. Subsection (1) of section 321.04, Florida  
8436 Statutes, is amended to read:

8437           321.04 Personnel of the highway patrol; rank



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8438 classifications; probationary status of new patrol officers;  
8439 subsistence; special assignments.—

8440 (1) The Department of Highway Safety and Motor Vehicles  
8441 shall employ patrol officers, as authorized by the Legislature  
8442 in appropriating funds for their salaries exclusive of those  
8443 members of the patrol who are assigned to and paid by special  
8444 departments; and shall establish the necessary supervisory ranks  
8445 within the Florida Highway Patrol to efficiently supervise and  
8446 carry out the designated functions of the patrol and the  
8447 department in accordance with rules ~~the regulations~~ established  
8448 by the Department of Personnel Management Services.

8449 Section 281. Subsection (9) of section 328.72, Florida  
8450 Statutes, is amended to read:

8451 328.72 Classification; registration; fees and charges;  
8452 surcharge; disposition of fees; fines; marine turtle stickers.—

8453 (9) SURCHARGE.—In addition, there is hereby levied and  
8454 imposed on each vessel registration fee imposed under subsection  
8455 (1) a surcharge in the amount of \$1 for each 12-month period of  
8456 registration, which shall be collected in the same manner as the  
8457 fee and deposited into the State Agency Law Enforcement Radio  
8458 System Trust Fund of the Department of Law Enforcement  
8459 ~~Management Services~~.

8460 Section 282. Subsections (1) and (2) of section 337.02,  
8461 Florida Statutes, are amended to read:

8462 337.02 Purchases by department subject to competitive bids;  
8463 advertisement; emergency purchases; bid specifications.—

8464 (1) Except as provided herein, purchase by the Department  
8465 of Transportation of commodities, including the advertising and  
8466 awarding of competitive bids, are ~~shall be~~ governed by chapters



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8467 283 and 287 and rules adopted by the Department of Financial  
8468 ~~Management Services pursuant thereto~~. However, ~~the provisions of~~  
8469 s. 287.057 notwithstanding, the department may purchase parts  
8470 and repairs valued at up to the threshold amount provided in s.  
8471 287.017 for CATEGORY TWO for the repair of mobile road  
8472 maintenance equipment, marine vessels, permanent vehicle scales,  
8473 and mechanical and electrical equipment for movable bridges,  
8474 toll facilities including the Florida Turnpike, and up to the  
8475 threshold amount provided in s. 287.017 for CATEGORY THREE for  
8476 treatment plants and lift stations for water and sewage, and  
8477 major heating and cooling systems without receiving competitive  
8478 bids.

8479 (2) If the department determines that an emergency exists  
8480 in regard to the purchase of materials, machinery, tools,  
8481 equipment, or supplies, so that the delay incident to ~~giving~~  
8482 ~~opportunity for~~ competitive bidding is ~~would be~~ detrimental to  
8483 the interests of the state, the provisions for competitive  
8484 bidding do not apply; and the department may authorize or  
8485 purchase such materials, machinery, tools, equipment, or  
8486 supplies without ~~giving opportunity for~~ competitive bidding  
8487 ~~thereon~~. The department shall, within 10 days after such  
8488 determination and purchase, file with the Chief Financial  
8489 Officer ~~head of the Department of Management Services~~ a written  
8490 statement of the materials, machinery, tools, equipment, or  
8491 supplies purchased and a certificate as to the conditions and  
8492 circumstances constituting such emergency.

8493 Section 283. Section 337.023, Florida Statutes, is amended  
8494 to read:

8495 337.023 Sale of building; acceptance of replacement



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8496 building.—Notwithstanding the provisions of s. 216.292(2)(b)2.,  
8497 if the department sells a building, the department may accept  
8498 the construction of a replacement building, in response to a  
8499 request for proposals, totally or partially in lieu of cash, and  
8500 may do so without a specific legislative appropriation. Such  
8501 action is subject to the approval of the Executive Office of the  
8502 Governor, and is subject to the notice, review, and objection  
8503 procedures under s. 216.177. The replacement building shall be  
8504 consistent with the current and projected needs of the  
8505 department as agreed upon by the department and the Department  
8506 of Environmental Protection Management Services.

8507 Section 284. Paragraph (d) of subsection (2) of section  
8508 337.165, Florida Statutes, is amended to read:

8509 337.165 Contract crime; denial or revocation of a  
8510 certificate of qualification.—

8511 (2)

8512 (d) A contractor or affiliate whose certificate has been  
8513 denied or revoked may, at any time after denial or revocation,  
8514 petition for and be granted a hearing to determine his or her  
8515 eligibility for reapplication or reinstatement upon such terms  
8516 and conditions as may be prescribed upon finding that  
8517 reapplication or reinstatement is in the public interest. The  
8518 petition shall be filed with the department. Any hearing  
8519 conducted by the department must ~~shall~~ be conducted within 30  
8520 days after receipt of the petition, unless otherwise stipulated  
8521 by the parties. If the contractor or affiliate requests in the  
8522 ~~his or her~~ petition that the hearing be conducted by the  
8523 Division of Administrative Hearings ~~of the Department of~~  
8524 ~~Management Services~~, the department shall, within 5 days after



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8525 receipt of the petition, notify the division of the request. The  
8526 director of the Division of Administrative Hearings shall,  
8527 within 5 days after receipt of the notice by the department,  
8528 assign an administrative law judge, who shall conduct the  
8529 hearing within 30 days ~~thereafter~~, unless otherwise stipulated  
8530 by the parties. The department shall be a party in interest in  
8531 any hearing conducted by the division of ~~Administrative~~  
8532 ~~Hearings~~. In determining whether reapplication or reinstatement  
8533 would be in the public interest, the department or ~~division~~  
8534 administrative law judge shall give consideration to any  
8535 relevant mitigating circumstances, which may include, but are  
8536 not limited to, the following:

- 8537 1. The degree of culpability;
- 8538 2. Prompt and voluntary payment of damages to the state as  
8539 a result of the contractor's violation of state or federal  
8540 antitrust laws;
- 8541 3. Cooperation with any state or federal prosecution or  
8542 investigation of a contract crime;
- 8543 4. Disassociation with those involved in a contract crime;
- 8544 5. Reinstatement in other state or federal jurisdictions;
- 8545 and
- 8546 6. The needs of the department in completing its programs  
8547 in a timely, cost-effective manner.

8548  
8549 The department or ~~division~~ administrative law judge shall also  
8550 consider the failure of the contractor or affiliate to comply  
8551 with the notification provisions of subsection (5). Any hearing  
8552 requested under this paragraph must ~~shall~~ be conducted and  
8553 concluded without undue delay. The administrative law judge



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8554 shall, within 30 days after the hearing, complete and submit a  
8555 final order to the department, which ~~order~~ may not be altered or  
8556 amended by the department. If eligibility for reapplication or  
8557 reinstatement is denied, the contractor or affiliate may not  
8558 petition for a subsequent hearing for ~~a period of~~ 9 months  
8559 following the date of the order of denial or revocation.  
8560 However, a hearing before ~~prior to~~ the expiration of such period  
8561 may be authorized by the department if, ~~in its discretion,~~ it  
8562 determines that a hearing is in the public interest.

8563 Section 285. Subsection (2) of section 338.2216, Florida  
8564 Statutes, is amended to read:

8565 338.2216 Florida Turnpike Enterprise; powers and  
8566 authority.—

8567 (2) The department may ~~shall have the authority to~~ employ  
8568 procurement methods available to the Department of Financial  
8569 ~~Management~~ Services and the Department of Environmental  
8570 Protection under chapters 255 and 287 and under any rule adopted  
8571 under such chapters solely for the benefit of the turnpike  
8572 enterprise.

8573 Section 286. Subsection (4) of section 338.227, Florida  
8574 Statutes, is amended to read:

8575 338.227 Turnpike revenue bonds.—

8576 (4) The Department of Transportation and the Department of  
8577 Financial ~~Management~~ Services shall create and implement an  
8578 outreach program designed to enhance the participation of  
8579 minority persons and minority business enterprises in all  
8580 contracts entered into by their respective departments for  
8581 services related to the financing of department projects for the  
8582 Florida Intrastate Highway System Plan. These services must





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8583 ~~shall~~ include, but are not ~~be~~ limited to, bond counsel and bond  
8584 underwriters.

8585 Section 287. Subsection (3) of section 350.0614, Florida  
8586 Statutes, is amended to read:

8587 350.0614 Public Counsel; compensation and expenses.—

8588 (3) Neither the Executive Office of the Governor nor the  
8589 Department of Personnel Management Services or its successor may  
8590 ~~shall have power to~~ determine the number, or fix the  
8591 compensation, of the employees of the Public Counsel or to  
8592 exercise any ~~manner of~~ control over them.

8593 Section 288. Section 350.125, Florida Statutes, is amended  
8594 to read:

8595 350.125 Administrative law judges.—Notwithstanding any  
8596 other provision of law ~~to the contrary notwithstanding~~, the  
8597 commission shall use ~~utilize~~ administrative law judges of the  
8598 Division of Administrative Hearings ~~of the Department of~~  
8599 ~~Management Services~~ to conduct hearings of the commission not  
8600 assigned to members of the commission.

8601 Section 289. Subsection (2) of section 364.0135, Florida  
8602 Statutes, is amended to read:

8603 364.0135 Promotion of broadband deployment.—

8604 (2) The Agency for Enterprise Information Technology shall  
8605 ~~Department of Management Services is authorized to~~ work  
8606 collaboratively with, and ~~to~~ receive staffing support and other  
8607 resources from, Enterprise Florida, Inc., state agencies, local  
8608 governments, private businesses, and community organizations to:

8609 (a) Conduct a needs assessment of broadband Internet  
8610 service in collaboration with communications service providers,  
8611 including, but not limited to, wireless and wireline Internet



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8612 service providers, to develop geographical information system  
8613 maps at the census tract level that will:

8614 1. Identify geographic gaps in broadband services,  
8615 including areas unserved by any broadband provider and areas  
8616 served by a single broadband provider;

8617 2. Identify the download and upload transmission speeds  
8618 made available to businesses and individuals in the state, at  
8619 the census tract level of detail, using data rate benchmarks for  
8620 broadband service used by the Federal Communications Commission  
8621 to reflect different speed tiers; and

8622 3. Provide a baseline assessment of statewide broadband  
8623 deployment in terms of percentage of households with broadband  
8624 availability.

8625 (b) Create a strategic plan that has goals and strategies  
8626 for increasing the use of broadband Internet service in the  
8627 state.

8628 (c) Build and facilitate local technology planning teams or  
8629 partnerships with members representing cross-sections of the  
8630 community, which may include, but are not limited to,  
8631 representatives from the following organizations and industries:  
8632 libraries, K-12 education, colleges and universities, local  
8633 health care providers, private businesses, community  
8634 organizations, economic development organizations, local  
8635 governments, tourism, parks and recreation, and agriculture.

8636 (d) Encourage the use of broadband Internet service,  
8637 especially in the rural, unserved, and underserved communities  
8638 of the state through grant programs having effective strategies  
8639 to facilitate the statewide deployment of broadband Internet  
8640 service. For any grants to be awarded, priority must be given to



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8641 projects that:

8642 1. Provide access to broadband education, awareness,  
8643 training, access, equipment, and support to libraries, schools,  
8644 colleges and universities, health care providers, and community  
8645 support organizations.

8646 2. Encourage investments in primarily unserved areas to  
8647 give consumers a choice of more than one broadband Internet  
8648 service provider.

8649 3. Work toward establishing affordable and sustainable  
8650 broadband Internet service in unserved areas of the state.

8651 4. Facilitate the development of applications, programs,  
8652 and services, including, but not limited to, telework,  
8653 telemedicine, and e-learning to increase the usage of, and  
8654 demand for, broadband Internet service in the state.

8655 Section 290. Subsections (2), (3), (4), (5), (6), and (9)  
8656 of section 364.515, Florida Statutes, are amended to read:

8657 364.515 Infrastructure investment.—

8658 (2) In order to be eligible under this act, an eligible  
8659 facility, or a group of eligible facilities based on geographic  
8660 proximity, shall submit a technology-needs request to the Agency  
8661 for Enterprise Information Technology ~~Department of Management~~  
8662 ~~Services~~. The agency ~~department~~ shall review the technology-  
8663 needs request to determine if it conforms to the standards  
8664 outlined in the State Education Technology Committee's plan. If  
8665 the technology-needs request does not conform to the plan, ~~then~~  
8666 the agency ~~department~~ shall return the request to the eligible  
8667 facility or group for modifications. After modification of a  
8668 technology-needs request it can ~~then~~ be resubmitted by the  
8669 eligible facility or a group of eligible facilities. A



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8670 technology-needs request shall be submitted to the agency by  
8671 ~~department no later than~~ July 1, 1997. ~~Nothing in this section~~  
8672 ~~shall prevent~~ The agency may group ~~Department of Management~~  
8673 ~~Services from grouping~~ eligible facilities technology requests  
8674 if when such grouping would result in the most efficient method  
8675 to deliver advanced telecommunications services.

8676 (3) Once a technology-needs request or group request has  
8677 been received and has been determined to meet the standards  
8678 outlined in the plan, the Agency for Enterprise Information  
8679 Technology ~~Department of Management Services~~ shall acquire  
8680 advanced telecommunications services requested by an eligible  
8681 facility or group of eligible facilities pursuant to chapter  
8682 287. The agency ~~Department of Management Services~~ shall  
8683 establish specifications to acquire the advanced  
8684 telecommunications infrastructure needed to provide advanced  
8685 telecommunications services. The advanced telecommunications  
8686 infrastructure used to provide ~~such~~ connections to the eligible  
8687 facilities shall be provided at no cost in an amount not to  
8688 exceed \$20,000 per eligible facility. If ~~In those instances in~~  
8689 ~~which~~ a competitive bid is not received, advanced  
8690 telecommunications services to be provided over this  
8691 communication infrastructure must ~~shall~~ be priced below  
8692 commercially available rates for comparable service and less  
8693 than the statewide average of such services.

8694 (4) Notwithstanding ~~the requirements in~~ subsection (3), in  
8695 geographic areas where interconnection between entities is the  
8696 most efficient method of providing advanced telecommunications  
8697 services, the Agency for Enterprise Information Technology  
8698 ~~Department of Management Services~~ may suggest, along with the



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8699 commission, such interconnection arrangements.

8700 (5) Any entity may submit a bid or proposal in response to  
8701 the solicitation for services by the Agency for Enterprise  
8702 Information Technology Department of Management Services. The  
8703 agency Department of Management Services shall award a bid in  
8704 conformity with chapter 287, and may not require ~~under no~~  
8705 ~~circumstances shall~~ the bidder ~~be required~~ to install facilities  
8706 until the eligible facility is ready to use ~~utilize~~ the  
8707 services. If no bids or proposals are received in response to a  
8708 solicitation ~~issued by the Department of Management Services~~,  
8709 the agency Department of Management Services shall obtain the  
8710 name and address from the commission of the carrier of last  
8711 resort in the territory of the eligible facility and provide  
8712 that carrier ~~of last resort~~ with a description of the advanced  
8713 telecommunications services that must be provided. If no bids or  
8714 proposals are submitted for the provision of advanced  
8715 telecommunications services to an eligible facility, the  
8716 telecommunications company serving as the carrier of last resort  
8717 to such eligible facility shall provide the advanced  
8718 telecommunications services.

8719 (6) Advanced telecommunications services to be provided by  
8720 the entity awarded the contract or, if no bid or proposal is  
8721 received, the carrier of last resort must ~~shall~~ be provided  
8722 within 6 months or at such later date as the eligible facility  
8723 may specify. If ~~In~~ the event that a technology-needs request is  
8724 received by July 1, 1997, but is requested not to be completed  
8725 until after January 1, 1999, the Agency for Enterprise  
8726 Information Technology Department of Management Services shall  
8727 ~~then~~ issue a solicitation closer to the time the advanced



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8728 telecommunications services are requested. The entities  
8729 providing advanced telecommunications services pursuant to this  
8730 chapter shall abide by the same terms and conditions as those  
8731 eligible facilities requesting such services by January 1, 1999.

8732 (9) ~~Nothing in~~ This part does not shall preclude the Agency  
8733 for Enterprise Information Technology Department of Management  
8734 Services from combining an eligible facility with any grouping  
8735 of qualified subscribers as defined in chapter 282, to create  
8736 the most cost-effective and efficient access to network  
8737 services.

8738 Section 291. Section 364.516, Florida Statutes, is amended  
8739 to read:

8740 364.516 Penalties.—If In the event that the provision of  
8741 advanced telecommunications services to a requesting eligible  
8742 facility pursuant to s. 364.515(5) or (6) is not performed by  
8743 the entity awarded the contract or by a carrier of last resort  
8744 or within the date specified in the solicitation, except in  
8745 those instances in which acts of God may have prevented the  
8746 bidder from completing the contract, the eligible facility or  
8747 the Agency for Enterprise Information Technology Department of  
8748 Management Services may petition the commission for an order  
8749 enforcing the requirements. The commission shall act upon such  
8750 petition within 60 days and, if in the event the commission  
8751 finds that the entity that has been awarded the contract or the  
8752 carrier of last resort has not performed as specified in this  
8753 part, the commission shall order the entities to perform as  
8754 required in the contract or by this part. If In the event the  
8755 entity fails to comply with the commission's order within 60  
8756 days, the commission shall impose a fine on the bidding company



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8757 or carrier of last resort of \$25,000 per eligible facility  
8758 specified in the contract. Any fines collected ~~under this~~  
8759 ~~section~~ shall be deposited in the General Revenue Fund to be  
8760 allocated back to the specific requesting area where the  
8761 eligible facility is located to implement advanced  
8762 telecommunications services.

8763 Section 292. Paragraph (a) of subsection (3) of section  
8764 365.171, Florida Statutes, is amended to read:

8765 365.171 Emergency communications number E911 state plan.—

8766 (3) DEFINITIONS.—As used in this section, the term:

8767 (a) "Office" means the Technology Program within the  
8768 Department of Law Enforcement Management Services, as designated  
8769 by the department's executive director ~~secretary of the~~  
8770 ~~department~~.

8771 Section 293. Paragraph (t) of subsection (3), paragraph (a)  
8772 of subsection (6), paragraph (c) of subsection (7), and  
8773 paragraph (f) of subsection (12) of section 365.172, Florida  
8774 Statutes, are amended to read:

8775 365.172 Emergency communications number "E911."—

8776 (3) DEFINITIONS.—Only as used in this section and ss.

8777 365.171, 365.173, and 365.174, the term:

8778 (t) "Office" means the Technology Program within the  
8779 Department of Law Enforcement Management Services, as designated  
8780 by the department's executive director ~~secretary of the~~  
8781 ~~department~~.

8782 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

8783 (a) The board shall:

8784 1. Administer the E911 fee.

8785 2. Implement, maintain, and oversee the fund.



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8786           3. Review and oversee the disbursement of the revenues  
8787 deposited into the fund as provided in s. 365.173.

8788           a. The board may establish a schedule for implementing  
8789 wireless E911 service by service area, and prioritize  
8790 disbursements of revenues from the fund to providers and rural  
8791 counties as provided in s. 365.173(2)(d) and (g) pursuant to the  
8792 schedule, in order to implement E911 services in the most  
8793 efficient and cost-effective manner.

8794           b. Revenues in the fund which have not been disbursed  
8795 because sworn invoices ~~as~~ required by s. 365.173(2)(d) have not  
8796 been submitted to the board may be used by the board as needed  
8797 to provide grants to counties for the purpose of upgrading E911  
8798 systems. The counties must use the funds only for capital  
8799 expenditures directly attributable to establishing and  
8800 provisioning E911 services, which may include next-generation  
8801 deployment. Before distributing the ~~Prior to the distribution of~~  
8802 grants, the board shall provide 90 days' written notice to all  
8803 counties and publish ~~electronically~~ an approved application  
8804 process electronically. County grant applications shall be  
8805 prioritized based on the availability of funds, current system  
8806 life expectancy, system replacement needs, and Phase II  
8807 compliance per the Federal Communications Commission. No grants  
8808 will be available to any county for next-generation deployment  
8809 until all counties are Phase II complete. The board shall take  
8810 all actions within its authority to ensure that county  
8811 recipients of such grants use these funds only for the purpose  
8812 under which they have been provided and may take any actions  
8813 within its authority to secure county repayment of grant  
8814 revenues upon determination that the funds were not used for the





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8815 purpose for ~~under~~ which they were provided.

8816 c. The board shall reimburse all costs of a wireless  
8817 provider in accordance with s. 365.173(2)(d) before taking any  
8818 action to transfer additional funds.

8819 d. By September 1, 2007, the board shall authorize the  
8820 transfer of up to \$15 million to the counties from existing  
8821 money within the fund established under s. 365.173(1). The money  
8822 shall be disbursed equitably to all of the counties using a  
8823 timeframe and distribution methodology established by the board  
8824 before September 1, 2007, in order to prevent a loss to the  
8825 counties in the ordinary and expected time value of money caused  
8826 by any timing delay in remittance to the counties of wireline  
8827 fees caused by the one-time transfer of collecting wireline fees  
8828 by the counties to the board. All disbursements for this purpose  
8829 must be returned to the fund from future remittances by the  
8830 nonwireless category.

8831 e. After taking the action required in sub-subparagraphs  
8832 a.-d., the board may review and, with all members participating  
8833 in the vote, adjust the percentage allocations or adjust the  
8834 amount of the fee, or both, under paragraph (8)(h), and, if the  
8835 board determines that the revenues in the wireless category  
8836 exceed the amount needed to reimburse wireless providers for the  
8837 cost to implement E911 services, the board may transfer revenue  
8838 to the counties from the existing funds within the wireless  
8839 category. The board shall disburse the funds equitably to all  
8840 counties using a timeframe and distribution methodology  
8841 established by the board.

8842 4. Review documentation submitted by wireless providers  
8843 which reflects current and projected funds derived from the fee,



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8844 and the expenses incurred and expected to be incurred in order  
8845 to comply with the E911 service requirements contained in the  
8846 order for the purposes of:

8847 a. Ensuring that wireless providers receive fair and  
8848 equitable distributions of funds from the fund.

8849 b. Ensuring that wireless providers are not provided  
8850 disbursements from the fund which exceed the costs of providing  
8851 E911 service, including the costs of complying with the order.

8852 c. Ascertaining the projected costs of compliance with the  
8853 requirements of the order and projected collections of the fee.

8854 d. Implementing changes to the allocation percentages or  
8855 adjusting the fee under paragraph (8) (i).

8856 5. Meet monthly in the most efficient and cost-effective  
8857 manner, including telephonically if ~~when~~ practical, ~~for the~~  
8858 ~~business to be conducted~~, to review and approve or reject, in  
8859 whole or in part, applications submitted by wireless providers  
8860 for recovery of moneys deposited into the wireless category, and  
8861 to authorize the transfer of, and distribute, the fee allocation  
8862 to the counties.

8863 6. Hire and retain employees, which may include an  
8864 independent executive director who must ~~shall~~ possess experience  
8865 in ~~the area of~~ telecommunications and emergency 911 issues, for  
8866 the purposes of performing the technical and administrative  
8867 functions for the board.

8868 7. Make and enter into contracts, pursuant to chapter 287,  
8869 and execute other instruments necessary or convenient for the  
8870 exercise of the powers and functions of the board.

8871 8. Sue and be sued, and appear and defend in all actions  
8872 and proceedings, in its corporate name to the same extent as a



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- 8873 natural person.
- 8874 9. Adopt, use, and alter a common corporate seal.
- 8875 10. Elect or appoint the officers and agents that are  
8876 required by the affairs of the board.
- 8877 11. The board may adopt rules ~~under ss. 120.536(1) and~~  
8878 ~~120.54~~ to implement this section and ss. 365.173 and 365.174.
- 8879 12. Provide coordination, support, and technical assistance  
8880 to counties to promote the deployment of advanced 911 and E911  
8881 systems in the state.
- 8882 13. Provide coordination and support for educational  
8883 opportunities related to E911 issues for the E911 community in  
8884 this state.
- 8885 14. Act as an advocate for issues related to E911 system  
8886 functions, features, and operations to improve the delivery of  
8887 E911 services to the residents of and visitors to this state.
- 8888 15. Coordinate input from this state at national forums and  
8889 associations, to ensure that policies related to E911 systems  
8890 and services are consistent with the policies of the E911  
8891 community in this state.
- 8892 16. Work cooperatively with the system director established  
8893 in s. 365.171(5) to enhance the state of E911 services in this  
8894 state and to provide unified leadership for all E911 issues  
8895 through planning and coordination.
- 8896 17. Do all acts and things necessary or convenient to carry  
8897 out the powers granted in this section in a manner that is  
8898 competitively and technologically neutral as to all voice  
8899 communications services providers, including, but not limited  
8900 to, consideration of emerging technology and related cost  
8901 savings, while taking into account embedded costs in current



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8902 systems.

8903           18. Have ~~the~~ authority to secure the services of an  
8904 independent, private attorney via invitation to bid, request for  
8905 proposals, invitation to negotiate, or professional contracts  
8906 for legal services already established at the Division of  
8907 Purchasing of the Department of Financial Management ~~Management~~ Services.

8908           (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING FIRM.—

8909           (c) ~~After July 1, 2004,~~ The board may secure the services  
8910 of an independent accounting firm via invitation to bid, request  
8911 for proposals, invitation to negotiate, or professional  
8912 contracts already established at the Division of Purchasing,  
8913 Department of Financial Management ~~Management~~ Services, for certified  
8914 public accounting firms, or the board may hire and retain  
8915 professional accounting staff to accomplish these functions.

8916           (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance  
8917 the public need for reliable E911 services through reliable  
8918 wireless systems and the public interest served by governmental  
8919 zoning and land development regulations and notwithstanding any  
8920 other law or local ordinance to the contrary, the following  
8921 standards shall apply to a local government's actions, as a  
8922 regulatory body, in the regulation of the placement,  
8923 construction, or modification of a wireless communications  
8924 facility. This subsection shall not, however, be construed to  
8925 waive or alter the provisions of s. 286.011 or s. 286.0115. For  
8926 the purposes of this subsection only, "local government" shall  
8927 mean any municipality or county and any agency of a municipality  
8928 or county only. The term "local government" does not, however,  
8929 include any airport, as defined by s. 330.27(2), even if it is  
8930 owned or controlled by or through a municipality, county, or



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8931 agency of a municipality or county. Further, notwithstanding  
8932 anything in this section to the contrary, this subsection does  
8933 not apply to or control a local government's actions as a  
8934 property or structure owner in the use of any property or  
8935 structure owned by such entity for the placement, construction,  
8936 or modification of wireless communications facilities. In the  
8937 use of property or structures owned by the local government,  
8938 however, a local government may not use its regulatory authority  
8939 so as to avoid compliance with, or in a manner that does not  
8940 advance, the provisions of this subsection.

8941 (f) Notwithstanding any other law ~~to the contrary~~  
8942 ~~notwithstanding~~, the Department of Law Enforcement Management  
8943 ~~Services~~ shall negotiate, in the name of the state, leases for  
8944 wireless communications facilities that provide access to state  
8945 government-owned property not acquired for transportation  
8946 purposes, and the Department of Transportation shall negotiate,  
8947 in the name of the state, leases for wireless communications  
8948 facilities that provide access to property acquired for state  
8949 rights-of-way. On property acquired for transportation purposes,  
8950 leases shall be granted in accordance with s. 337.251. On other  
8951 state government-owned property, leases shall be granted on a  
8952 space available, first-come, first-served basis. Payments  
8953 required by state government under a lease must be reasonable  
8954 and must reflect the market rate for the use of the state  
8955 government-owned property. The Department of Law Enforcement  
8956 ~~Management Services~~ and the Department of Transportation may ~~are~~  
8957 ~~authorized to~~ adopt rules for the terms and conditions and  
8958 granting of any such leases.

8959 Section 294. Subsection (1) of section 365.173, Florida



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8960 Statutes, is amended to read:

8961 365.173 Emergency Communications Number E911 System Fund.—

8962 (1) All revenues derived from the fee levied on subscribers  
8963 under s. 365.172 must be paid by the board into the State  
8964 Treasury on or before the 15th day of each month. Such moneys  
8965 must be accounted for in a special fund to be designated as the  
8966 Emergency Communications Number E911 System Fund, a fund created  
8967 in the Technology Program within the Department of Law  
8968 Enforcement, or other office as designated by the department's  
8969 executive director ~~Secretary of Management Services~~, and, for  
8970 accounting purposes, must be segregated into ~~two separate~~  
8971 ~~categories~~:

8972 ~~(a)~~ the wireless category; and

8973 ~~(b)~~ the nonwireless category. All moneys must be invested  
8974 by the Chief Financial Officer pursuant to s. 17.61. All moneys  
8975 in such fund are to be expended by the office for the purposes  
8976 provided in this section and s. 365.172. These funds are not  
8977 subject to s. 215.20.

8978 Section 295. Section 373.4596, Florida Statutes, is amended  
8979 to read:

8980 373.4596 State compliance with stormwater management  
8981 programs.—The state, through the department ~~of Management~~  
8982 ~~Services~~, the Department of Transportation, and other agencies,  
8983 shall construct, operate, and maintain buildings, roads, and  
8984 other facilities it owns, leases, or manages to fully comply  
8985 with state, water management district, and local government  
8986 stormwater management programs.

8987 Section 296. Paragraph (f) of subsection (5) of section  
8988 373.461, Florida Statutes, is amended to read:



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8989 373.461 Lake Apopka improvement and management.-

8990 (5) PURCHASE OF AGRICULTURAL LANDS.-

8991 (f)1. Tangible personal property acquired by the district  
8992 as part of related facilities pursuant to this section, and  
8993 classified as surplus by the district, shall be sold by the  
8994 Department of Financial Management Services. The department ~~of~~  
8995 ~~Management Services~~ shall deposit the proceeds of such sale in  
8996 the Economic Development Trust Fund in the Executive Office of  
8997 the Governor. The proceeds shall be used to provide ~~for the~~  
8998 ~~purpose of providing~~ economic and infrastructure development in  
8999 portions of northwestern Orange County and east central Lake  
9000 County which will be adversely affected economically due to the  
9001 acquisition of lands pursuant to this subsection.

9002 2. The Office of Tourism, Trade, and Economic Development  
9003 shall, upon presentation of ~~the~~ appropriate documentation  
9004 justifying expenditure of the funds deposited pursuant to this  
9005 paragraph, pay any obligation for which it has sufficient funds  
9006 from the proceeds of the sale of tangible personal property and  
9007 which meets the limitations specified in paragraph (g). The  
9008 authority of the office ~~of Tourism, Trade, and Economic~~  
9009 ~~Development~~ to expend such funds shall expire 5 years after ~~from~~  
9010 the effective date of this paragraph. Such expenditures may  
9011 occur without future appropriation from the Legislature.

9012 3. Funds deposited under this paragraph may not be used for  
9013 any purpose other than those enumerated in paragraph (g).

9014 Section 297. Section 376.10, Florida Statutes, is amended  
9015 to read:

9016 376.10 Personnel and equipment.-The department shall  
9017 establish and maintain at ~~such~~ ports within the state and other



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9018 places as it shall determine such employees and equipment as in  
9019 its judgment may be necessary to carry out ~~the provisions of~~ ss.  
9020 376.011-376.21. The department may employ and prescribe the  
9021 duties of such employees, subject to the rules ~~and regulations~~  
9022 of the Department of Personnel Management Services. The salaries  
9023 of the employees and the cost of the equipment shall be paid  
9024 from the Florida Coastal Protection Trust Fund established by  
9025 ss. 376.011-376.21. The department shall periodically consult  
9026 with other agencies ~~departments~~ of the state relative to  
9027 procedures for the prevention of discharges of pollutants into  
9028 or affecting the coastal waters of the state from operations  
9029 regulated by ss. 376.011-376.21.

9030 Section 298. Paragraph (k) of subsection (2) of section  
9031 377.703, Florida Statutes, is amended to read:

9032 377.703 Additional functions of the Florida Energy and  
9033 Climate Commission.—

9034 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The  
9035 commission shall perform the following functions consistent with  
9036 the development of a state energy policy:

9037 (k) The commission shall coordinate energy-related programs  
9038 of state government, including, but not limited to, the programs  
9039 provided in this section. To this end, the commission shall:

9040 1. Provide assistance to other state agencies, counties,  
9041 municipalities, and regional planning agencies to further and  
9042 promote their energy planning activities.

9043 2. Require, in cooperation with the Department of  
9044 Environmental Protection ~~Management Services~~, that all state  
9045 agencies ~~to~~ operate state-owned and state-leased buildings in  
9046 accordance with energy conservation standards ~~as~~ adopted by the





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9047 department ~~of Management Services~~. Every 3 months, the  
9048 department ~~of Management Services~~ shall furnish the commission  
9049 with data on agencies' energy consumption and emissions of  
9050 greenhouse gases in a format prescribed by the commission.

9051 3. Promote the development and use of renewable energy  
9052 resources, energy efficiency technologies, and conservation  
9053 measures.

9054 4. Promote the recovery of energy from wastes, including,  
9055 but not limited to, the use of waste heat, the use of  
9056 agricultural products as a source of energy, and recycling of  
9057 manufactured products. Such promotion must ~~shall~~ be conducted in  
9058 conjunction with, and after consultation with, the Department of  
9059 Environmental Protection and the Florida Public Service  
9060 Commission where electrical generation or natural gas is  
9061 involved, and any other relevant federal, state, or local  
9062 governmental agency having responsibility for resource recovery  
9063 programs.

9064 Section 299. Subsection (9) of section 381.98, Florida  
9065 Statutes, is amended to read:

9066 381.98 The Florida Public Health Institute, Inc.;  
9067 establishment; purpose; mission; duties; board of directors.—

9068 (9) The corporation may purchase goods, services, and  
9069 property for use by the Department of Health. These purchases  
9070 are not subject to the provisions of chapters 253, 255, and 287,  
9071 or ~~nor~~ to the control or direction of the Department of  
9072 Environmental Protection or the Department of Financial  
9073 ~~Management~~ Services.

9074 Section 300. Section 394.9151, Florida Statutes, is amended  
9075 to read:



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9076           394.9151 Contract authority.—The Department of Children and  
9077 Family Services may contract with a private entity or state  
9078 agency for use of and operation of facilities to comply with the  
9079 requirements of this part act. The department ~~of Children and~~  
9080 ~~Family Services~~ may also contract with the Department of  
9081 Financial Management Services to issue a request for proposals  
9082 and monitor contract compliance for these services.

9083           Section 301. Section 395.1031, Florida Statutes, is amended  
9084 to read:

9085           395.1031 Emergency medical services; communication.—Each  
9086 licensed hospital with an emergency department must be capable  
9087 of communicating by two-way radio with all ground-based basic  
9088 life support service vehicles and advanced life support service  
9089 vehicles that operate within the hospital's service area under a  
9090 state permit and with all rotorcraft air ambulances that operate  
9091 under a state permit. The hospital's radio system must be  
9092 capable of interfacing with municipal mutual aid channels  
9093 designated by the Department of Law Enforcement Management  
9094 ~~Services~~ and the Federal Communications Commission.

9095           Section 302. Subsection (5) of section 400.121, Florida  
9096 Statutes, is amended to read:

9097           400.121 Denial, suspension, revocation of license;  
9098 administrative fines; procedure; order to increase staffing.—

9099           (5) An action taken by the agency to deny, suspend, or  
9100 revoke a facility's license under this part or part II of  
9101 chapter 408 shall be heard by the Division of Administrative  
9102 Hearings ~~of the Department of Management Services~~ within 60 days  
9103 after the assignment of an administrative law judge, unless the  
9104 time limitation is waived by both parties. The administrative



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9105 law judge must render a decision within 30 days after receipt of  
9106 a proposed recommended order.

9107 Section 303. Section 401.013, Florida Statutes, is amended  
9108 to read:

9109 401.013 Legislative intent.—It is the intention ~~and purpose~~  
9110 of the Legislature that a statewide system of regional emergency  
9111 medical telecommunications be developed whereby maximum use of  
9112 existing radio channels is achieved in order to more effectively  
9113 and rapidly provide emergency medical service to the general  
9114 population. To this end, all emergency medical service entities  
9115 within the state are directed to provide the Department of Law  
9116 Enforcement Management Services with any information the  
9117 department requests for the purpose of implementing ~~the~~  
9118 ~~provisions of~~ s. 401.015, and such entities shall comply with  
9119 the resultant provisions established pursuant to this part.

9120 Section 304. Section 401.015, Florida Statutes, is amended  
9121 to read:

9122 401.015 Statewide regional emergency medical  
9123 telecommunication system.—The Department of Law Enforcement  
9124 shall Management Services ~~is authorized and directed to~~ develop  
9125 a statewide system of regional emergency medical  
9126 telecommunications. For the purpose of this part, the term  
9127 "telecommunications" means those voice, data, and signaling  
9128 transmissions and receptions between emergency medical service  
9129 components, including, but not limited to: ambulances; rescue  
9130 vehicles; hospitals or other related emergency receiving  
9131 facilities; emergency communications centers; physicians and  
9132 emergency medical personnel; paging facilities; law enforcement  
9133 and fire protection agencies; and poison control, suicide, and



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9134 emergency management agencies. In formulating such a system, the  
9135 department shall divide the state into appropriate regions and  
9136 shall develop a program that ~~which~~ includes, but is not limited  
9137 to, ~~the following provisions:~~

9138 (1) A requirements provision that states, ~~which shall state~~  
9139 the telecommunications requirements for each emergency medical  
9140 entity comprising the region.

9141 (2) An interfacility communications provision that depicts,  
9142 ~~which shall depict~~ the telecommunications interfaces between the  
9143 various medical service entities that ~~which~~ operate within the  
9144 region and state.

9145 (3) An organizational layout provision that includes, ~~which~~  
9146 ~~shall include~~ each emergency medical entity and the number of  
9147 base, mobile, handheld, or other radio operating units ~~(base,~~  
9148 ~~mobile, handheld, etc.)~~ per entity.

9149 (4) A frequency allocation and use provision that includes,  
9150 ~~which shall include~~ on an entity basis each assigned and planned  
9151 radio channel and the simplex, duplex, or other type of  
9152 operation ~~(simplex, duplex, half duplex, etc.)~~ on each channel.

9153 (5) An operational provision that includes, ~~which shall~~  
9154 ~~include~~ dispatching, logging, and operating procedures  
9155 pertaining to telecommunications on an entity basis and regional  
9156 basis.

9157 (6) An emergency medical service telephone provision that  
9158 includes, ~~which shall include~~ the telephone and the numbering  
9159 plan throughout the region for both the public and interface  
9160 requirements.

9161 Section 305. Section 401.018, Florida Statutes, is amended  
9162 to read:



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9163 401.018 System coordination.—

9164 (1) The statewide system of regional emergency medical  
9165 telecommunications shall be developed by the Department of Law  
9166 Enforcement Management Services, which ~~department~~ shall be  
9167 responsible for the implementation and coordination of such  
9168 system into the state telecommunications plan. The department  
9169 shall adopt any necessary rules ~~and regulations~~ for implementing  
9170 and coordinating such a system.

9171 (2) The Department of Law Enforcement is Management  
9172 Services ~~shall be~~ designated as the state frequency coordinator  
9173 for the special emergency radio service.

9174 Section 306. Section 401.021, Florida Statutes, is amended  
9175 to read:

9176 401.021 System director.—The executive director of Law  
9177 Enforcement Secretary of Management Services or a his or her  
9178 designee shall be ~~is designated as~~ the director of the statewide  
9179 telecommunications system of the regional emergency medical  
9180 service and, for the purpose of carrying out the provisions of  
9181 this part, may ~~is authorized to~~ coordinate the activities of the  
9182 telecommunications system with other interested state, county,  
9183 local, and private agencies.

9184 Section 307. Section 401.024, Florida Statutes, is amended  
9185 to read:

9186 401.024 System approval.—An ~~From July 1, 1973, no~~ emergency  
9187 medical telecommunications system may not ~~shall~~ be established  
9188 or present systems expanded without prior approval of the  
9189 Department of Law Enforcement Management Services.

9190 Section 308. Section 401.027, Florida Statutes, is amended  
9191 to read:



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9192           401.027 Federal assistance.—The executive director of Law  
9193 Enforcement Secretary of Management Services or a his or her  
9194 designee may ~~is authorized to~~ apply for and accept federal  
9195 funding assistance in the development and implementation of a  
9196 statewide emergency medical telecommunications system.

9197           Section 309. Paragraph (b) of subsection (2) of section  
9198 401.245, Florida Statutes, is amended to read:

9199           401.245 Emergency Medical Services Advisory Council.—

9200           (2)

9201           (b) Representation on the Emergency Medical Services  
9202 Advisory Council must ~~shall~~ include: two licensed physicians who  
9203 are “medical directors” ~~as defined in s. 401.23(15)~~ or whose  
9204 medical practice is closely related to emergency medical  
9205 services; two emergency medical service administrators, one of  
9206 whom is employed by a fire service; two certified paramedics,  
9207 one of whom is employed by a fire service; two certified  
9208 emergency medical technicians, one of whom is employed by a fire  
9209 service; one emergency medical services educator; one emergency  
9210 nurse; one hospital administrator; one representative of air  
9211 ambulance services; one representative of a commercial ambulance  
9212 operator; and two laypersons who are in no way connected with  
9213 emergency medical services, one of whom is a representative of  
9214 the elderly. Ex officio members of the advisory council from  
9215 state agencies must ~~shall~~ include, but are ~~shall~~ not be limited  
9216 to, representatives from the Department of Education, the  
9217 Department of Law Enforcement Management Services, the State  
9218 Fire Marshal, the Department of Highway Safety and Motor  
9219 Vehicles, the Department of Transportation, and the Department  
9220 of Community Affairs.



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9221 Section 310. Section 402.35, Florida Statutes, is amended  
9222 to read:

9223 402.35 Employees.—All personnel of the Department of  
9224 Children and Family Services shall be governed by rules ~~and~~  
9225 ~~regulations~~ adopted and ~~promulgated~~ by the Department of  
9226 Personnel Management Services ~~relative thereto~~ except for the  
9227 director and persons paid on a fee basis. The Department of  
9228 Children and Family Services may participate with other state  
9229 departments and agencies in a joint merit system. A ~~No~~ federal,  
9230 state, county, or municipal officer may not ~~shall be eligible to~~  
9231 serve as an employee of the Department of Children and Family  
9232 Services.

9233 Section 311. Paragraph (a) of subsection (2) of section  
9234 402.50, Florida Statutes, is amended to read:

9235 402.50 Administrative infrastructure; legislative intent;  
9236 establishment of standards.—

9237 (2) ADMINISTRATIVE INFRASTRUCTURE STANDARDS.—

9238 (a) The department, in conjunction with the Department of  
9239 Personnel Management Services and the Governor's Office of  
9240 Policy and Budget Planning and Budgeting, shall develop  
9241 standards for administrative infrastructure funding and staffing  
9242 to support the department and contract service providers in the  
9243 execution of their duties and responsibilities.

9244 Section 312. Paragraph (b) of subsection (14) of section  
9245 403.061, Florida Statutes, is amended to read:

9246 403.061 Department; powers and duties.—The department shall  
9247 have the power and the duty to control and prohibit pollution of  
9248 air and water in accordance with the law and rules adopted and  
9249 promulgated by it and, for this purpose, to:



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9250 (14) Establish a permit system whereby a permit may be  
9251 required for the operation, construction, or expansion of any  
9252 installation that may be a source of air or water pollution and  
9253 provide for the issuance and revocation of such permits and for  
9254 the posting of an appropriate bond to operate.

9255 (b) The provisions of chapter 120 shall be accorded any  
9256 person when substantial interests will be affected by an  
9257 activity proposed to be conducted by the Department of  
9258 Transportation pursuant to its certification and the acceptance  
9259 of the department. If a proceeding is conducted pursuant to ss.  
9260 120.569 and 120.57, the department may intervene as a party. If  
9261 ~~Should~~ an administrative law judge of the Division of  
9262 Administrative Hearings submits ~~of the Department of Management~~  
9263 ~~Services submit~~ a recommended order pursuant to ss. ~~120.569 and~~  
9264 ~~120.57~~, the department shall issue a final department order  
9265 adopting, rejecting, or modifying the recommended order pursuant  
9266 to such action.

9267  
9268 The department shall implement such programs in conjunction with  
9269 its other powers and duties and shall place special emphasis on  
9270 reducing and eliminating contamination that presents a threat to  
9271 humans, animals or plants, or to the environment.

9272 Section 313. Paragraph (b) of subsection (3) of section  
9273 403.42, Florida Statutes, is amended to read:

9274 403.42 Florida Clean Fuel Act.—

9275 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;  
9276 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

9277 (b)1. The advisory board shall consist of the Secretary of  
9278 Community Affairs, or a designee ~~from that department~~, the





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9279 Secretary of Environmental Protection, or a designee ~~from that~~  
9280 ~~department~~, the Commissioner of Education, or a designee ~~from~~  
9281 ~~that department~~, the Secretary of Transportation, or a designee  
9282 ~~from that department~~, the Commissioner of Agriculture, or a  
9283 designee ~~from the Department of Agriculture and Consumer~~  
9284 ~~Services~~, the Chief Financial Officer ~~Secretary of Management~~  
9285 ~~Services~~, or a designee ~~from that department~~, and a  
9286 representative of each of the following, who shall be appointed  
9287 by the Secretary of Environmental Protection:

- 9288 a. The Florida biodiesel industry.
- 9289 b. The Florida electric utility industry.
- 9290 c. The Florida natural gas industry.
- 9291 d. The Florida propane gas industry.
- 9292 e. An automobile manufacturers' association.
- 9293 f. A Florida Clean Cities Coalition designated by the  
9294 United States Department of Energy.
- 9295 g. Enterprise Florida, Inc.
- 9296 h. EV Ready Broward.
- 9297 i. The Florida petroleum industry.
- 9298 j. The Florida League of Cities.
- 9299 k. The Florida Association of Counties.
- 9300 l. Floridians for Better Transportation.
- 9301 m. A motor vehicle manufacturer.
- 9302 n. Florida Local Environment Resource Agencies.
- 9303 o. Project for an Energy Efficient Florida.
- 9304 p. Florida Transportation Builders Association.
- 9305 2. The purpose of the advisory board is to serve as a  
9306 resource for the department and to provide the Governor, the  
9307 Legislature, and the Secretary of Environmental Protection with



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9308 private sector and other public agency perspectives on achieving  
9309 the goal of increasing the use of alternative fuel vehicles in  
9310 this state.

9311 3. Members shall be appointed to serve terms of 1 year  
9312 each, with reappointment at the discretion of the Secretary of  
9313 Environmental Protection. Vacancies shall be filled for the  
9314 remainder of the unexpired term in the same manner as the  
9315 original appointment.

9316 4. The board shall annually select a chairperson.

9317 5.~~a~~. The board shall meet at least once each quarter or  
9318 more often at the call of the chairperson or the Secretary of  
9319 Environmental Protection.

9320 ~~b~~. Meetings are exempt from the notice requirements of  
9321 chapter 120, and sufficient notice must ~~shall~~ be given to afford  
9322 interested persons reasonable notice under the circumstances.

9323 6. Members of the board are entitled to travel expenses  
9324 while engaged in the performance of board duties.

9325 7. The board shall terminate 5 years after the effective  
9326 date of this act.

9327 Section 314. Paragraph (b) of subsection (2) and paragraph  
9328 (b) of subsection (3) of section 403.518, Florida Statutes, are  
9329 amended to read:

9330 403.518 Fees; disposition.—The department shall charge the  
9331 applicant the following fees, as appropriate, which, unless  
9332 otherwise specified, shall be paid into the Florida Permit Fee  
9333 Trust Fund:

9334 (2) An application fee, which shall not exceed \$200,000.  
9335 The fee shall be fixed by rule on a sliding scale related to the  
9336 size, type, ultimate site capacity, or increase in electrical



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9337 generating capacity proposed by the application.

9338 (b) The following percentages shall be transferred to the  
9339 Operating Trust Fund of the Division of Administrative Hearings  
9340 ~~of the Department of Management Services:~~

9341 1. Five percent to compensate expenses from the initial  
9342 exercise of duties associated with the filing of an application.

9343 2. An additional 5 percent if a land use hearing is held  
9344 pursuant to s. 403.508.

9345 3. An additional 10 percent if a certification hearing is  
9346 held pursuant to s. 403.508.

9347 (3)

9348 (b) The fee shall be submitted to the department with a  
9349 petition for modification pursuant to s. 403.516. ~~The This~~ fee  
9350 shall be established, disbursed, and processed in the same  
9351 manner as the application fee in subsection (2), except that the  
9352 Division of Administrative Hearings may ~~shall~~ not receive a  
9353 portion of the fee unless the petition for certification  
9354 modification is referred to the Division of Administrative  
9355 Hearings for hearing. If the petition is so referred, only  
9356 \$10,000 of the fee shall be transferred to the Operating Trust  
9357 Fund of the ~~Division of Administrative Hearings of the~~  
9358 Department of Personnel Management Services.

9359 Section 315. Paragraph (c) of subsection (1) of section  
9360 403.5365, Florida Statutes, is amended to read:

9361 403.5365 Fees; disposition.—The department shall charge the  
9362 applicant the following fees, as appropriate, which, unless  
9363 otherwise specified, shall be paid into the Florida Permit Fee  
9364 Trust Fund:

9365 (1) An application fee.



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9366 (c) The following percentages shall be transferred to the  
9367 Operating Trust Fund of the ~~Division of Administrative Hearings~~  
9368 ~~of the~~ Department of Personnel Management Services:

9369 1. Five percent to compensate for expenses from the initial  
9370 exercise of duties associated with the filing of an application.

9371 2. An additional 10 percent if an administrative hearing  
9372 under s. 403.527 is held.

9373 Section 316. Subsection (1) of section 403.7065, Florida  
9374 Statutes, is amended to read:

9375 403.7065 Procurement of products or materials with recycled  
9376 content.—

9377 (1) Except as provided in s. 287.045, any state agency or  
9378 agency of a political subdivision of the state which is using  
9379 state funds, or any person contracting with ~~any~~ such agency with  
9380 respect to work performed under contract, must ~~is required to~~  
9381 procure products or materials that have ~~with~~ recycled content if  
9382 ~~when~~ the Department of Financial Management ~~Services~~ determines  
9383 that those products or materials are available. A decision not  
9384 to procure such items must be based on the department's  
9385 ~~Department of Management Services'~~ determination that such  
9386 procurement is not reasonably available within an acceptable  
9387 period of time, fails to meet the performance standards set  
9388 forth in the applicable specifications, or fails to meet the  
9389 performance standards of the agency. If ~~When~~ the requirements of  
9390 s. 287.045 are met, agencies are ~~shall be~~ subject to the  
9391 procurement requirements of that section for procuring products  
9392 or materials with recycled content.

9393 Section 317. Paragraphs (a) and (d) of subsection (1) and  
9394 subsection (3) of section 403.714, Florida Statutes, are amended



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9395 to read:

9396 403.714 Duties of state agencies.—

9397 (1) Each state agency, the judicial branch of state  
9398 government, and the State University System shall:

9399 (a) Establish a program, in cooperation with the department  
9400 and the Department of Financial Management Services, for the  
9401 collection of all recyclable materials generated in state  
9402 offices and institutions throughout the state, including, at a  
9403 minimum, aluminum, high-grade office paper, and corrugated  
9404 paper.

9405 (d) Establish and implement, in cooperation with the  
9406 department and the Department of Financial Management Services,  
9407 a solid waste reduction program for materials used in the course  
9408 of agency operations. The program shall be designed and  
9409 implemented to achieve the maximum feasible reduction of solid  
9410 waste generated as a result of agency operations.

9411 (3) All state agencies, including, but not limited to, the  
9412 Department of Transportation, the department, and the Department  
9413 of Financial Management Services and local governments, must ~~are~~  
9414 ~~required to~~ procure compost products if ~~when~~ they can be  
9415 substituted for, and cost no more than, regular soil amendment  
9416 products, provided the compost products meet all applicable  
9417 state standards, specifications, and regulations.

9418 Section 318. Subsection (1) of section 403.7145, Florida  
9419 Statutes, is amended to read:

9420 403.7145 Recycling.—

9421 (1) The Capitol and the House and Senate office buildings  
9422 constitute the Capitol recycling area. The Florida House of  
9423 Representatives, the Florida Senate, and the Office of the



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9424 Governor, the Secretary of State, and each Cabinet officer who  
9425 heads a department that occupies office space in the Capitol,  
9426 shall institute a recycling program for their respective offices  
9427 in the House and Senate office buildings and the Capitol.  
9428 Provisions shall be made to collect and sell wastepaper and  
9429 empty aluminum beverage cans generated by employee activities in  
9430 these offices. The collection and sale of such materials shall  
9431 be coordinated with ~~Department of Management Services~~ recycling  
9432 activities of the Department of Financial Services in order to  
9433 maximize the efficiency and economy of the ~~this~~ program. The  
9434 Governor, the Speaker of the House of Representatives, the  
9435 President of the Senate, the Secretary of State, and the Cabinet  
9436 officers may authorize the use of proceeds from recyclable  
9437 material sales for employee benefits and other purposes, in  
9438 order to provide incentives to their respective employees for  
9439 participation in the recycling program. Such proceeds may also  
9440 be used to offset any costs of the recycling program.

9441 Section 319. Section 403.71852, Florida Statutes, is  
9442 amended to read:

9443 403.71852 Collection of lead-containing products.—The  
9444 department shall ~~of Environmental Protection is directed to~~ work  
9445 with the Department of Financial ~~Management~~ Services to  
9446 implement a pilot program to collect lead-containing products,  
9447 including end-of-life computers and other electronic equipment  
9448 from state and local agencies. Local governments are encouraged  
9449 to establish collection and recycling programs for publicly and  
9450 privately owned lead-containing products, including end-of-life  
9451 televisions, computers, and other electronic products, through  
9452 existing recycling and household hazardous-waste-management



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9453 programs.

9454 Section 320. Paragraph (c) of subsection (3) of section  
9455 406.075, Florida Statutes, is amended to read:

9456 406.075 Grounds for discipline; disciplinary proceedings.-  
9457 (3)

9458 (c) A formal hearing before an administrative law judge  
9459 from the Division of Administrative Hearings ~~of the Department~~  
9460 ~~of Management Services~~ shall be held pursuant to chapter 120  
9461 unless all parties agree in writing that there is no disputed  
9462 issue of material fact. The administrative law judge shall issue  
9463 a recommended order ~~pursuant to chapter 120~~. If any party raises  
9464 an issue of disputed fact during an informal hearing, the  
9465 hearing shall be terminated and a formal hearing pursuant to  
9466 chapter 120 shall be held.

9467 Section 321. Paragraph (b) of subsection (5) of section  
9468 408.039, Florida Statutes, is amended to read:

9469 408.039 Review process.-The review process for certificates  
9470 of need shall be as follows:

9471 (5) ADMINISTRATIVE HEARINGS.-

9472 (b) Hearings shall be held in Tallahassee unless the  
9473 administrative law judge determines that changing the location  
9474 will facilitate the proceedings. The agency shall assign  
9475 proceedings requiring hearings to the Division of Administrative  
9476 Hearings ~~of the Department of Management Services~~ within 10 days  
9477 after the time has expired for requesting a hearing. Except upon  
9478 unanimous consent of the parties or upon the granting by the  
9479 administrative law judge of a motion of continuance, hearings  
9480 shall commence within 60 days after the administrative law judge  
9481 has been assigned. For an application for a general hospital,



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9482 administrative hearings shall commence within 6 months after the  
9483 administrative law judge has been assigned, and a continuance  
9484 may not be granted absent a finding of extraordinary  
9485 circumstances by the administrative law judge. All parties,  
9486 except the agency, shall bear their own expense of preparing a  
9487 transcript. In any application for a certificate of need which  
9488 is referred to the division of ~~Administrative Hearings~~ for  
9489 hearing, the administrative law judge shall complete and submit  
9490 to the parties a recommended order as provided in ss. 120.569  
9491 and 120.57. The recommended order must ~~shall~~ be issued within 30  
9492 days after the receipt of the proposed recommended orders or the  
9493 deadline for submission of such proposed recommended orders,  
9494 whichever is earlier. The division shall adopt procedures for  
9495 administrative hearings which ~~shall~~ maximize the use of  
9496 stipulated facts and ~~shall~~ provide for the admission of prepared  
9497 testimony.

9498 Section 322. Paragraph (a) of subsection (11) of section  
9499 408.910, Florida Statutes, is amended to read:

9500 408.910 Florida Health Choices Program.—

9501 (11) CORPORATION.—There is created the Florida Health  
9502 Choices, Inc., which shall be registered, incorporated,  
9503 organized, and operated in compliance with part III of chapter  
9504 112 and chapters 119, 286, and 617. The purpose of the  
9505 corporation is to administer the program created in this section  
9506 and to conduct such other business as may further the  
9507 administration of the program.

9508 (a) The corporation shall be governed by a 15-member board  
9509 of directors consisting of:

9510 1. Three ex officio, nonvoting members to include:





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9511 a. The Secretary of Health Care Administration or a  
9512 designee with expertise in health care services.

9513 b. The executive director of Personnel ~~Secretary of~~  
9514 ~~Management Services~~ or a designee with expertise in state  
9515 employee benefits.

9516 c. The commissioner of the Office of Insurance Regulation  
9517 or a designee with expertise in insurance regulation.

9518 2. Four members appointed by and serving at the pleasure of  
9519 the Governor.

9520 3. Four members appointed by and serving at the pleasure of  
9521 the President of the Senate.

9522 4. Four members appointed by and serving at the pleasure of  
9523 the Speaker of the House of Representatives.

9524 5. Board members may not include insurers, health insurance  
9525 agents or brokers, health care providers, health maintenance  
9526 organizations, prepaid service providers, or any other entity,  
9527 affiliate or subsidiary of eligible vendors.

9528 Section 323. Subsection (3) of section 413.036, Florida  
9529 Statutes, is amended to read:

9530 413.036 Procurement of services by agencies; authority of  
9531 department.—

9532 (3) If, pursuant to a contract between a any legislative,  
9533 executive, or judicial agency of the state and any private  
9534 contract vendor, a product or service is required by the  
9535 Department of Financial Management ~~Services~~ or on behalf of any  
9536 state agency which ~~that~~ is included on the procurement list  
9537 established by the commission pursuant to s. 413.035(2), the  
9538 contract must contain the following language:

9539 "IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES



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9540 THAT ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT  
9541 MUST ~~SHALL~~ BE PURCHASED FROM A NONPROFIT AGENCY FOR THE BLIND OR  
9542 FOR THE SEVERELY HANDICAPPED WHICH ~~THAT~~ IS QUALIFIED PURSUANT TO  
9543 CHAPTER 413, FLORIDA STATUTES, IN THE SAME MANNER AND UNDER THE  
9544 SAME PROCEDURES SET FORTH IN SECTION 413.036(1) AND (2), FLORIDA  
9545 STATUTES. ~~;~~ ~~AND~~ FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM,  
9546 OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS  
9547 CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THE STATE AGENCY  
9548 INSOFAR AS DEALINGS WITH SUCH QUALIFIED NONPROFIT AGENCY ARE  
9549 CONCERNED."

9550 Section 324. Subsection (11) of section 413.051, Florida  
9551 Statutes, is amended to read:

9552 413.051 Eligible blind persons; operation of vending  
9553 stands.—

9554 (11) Effective July 1, 1996, blind licensees who remain  
9555 members of the Florida Retirement System pursuant to s.  
9556 121.051(6)(b)1. must ~~shall~~ pay any unappropriated retirement  
9557 costs from their net profits or from program income. Within 30  
9558 days after the effective date of this act, each blind licensee  
9559 who is eligible to maintain membership in the Florida Retirement  
9560 System under s. 121.051(6)(b)1., but who elects to withdraw from  
9561 the system as provided in s. 121.051(6)(b)3., must, on or before  
9562 July 31, 1996, notify the Division of Blind Services and the  
9563 Department of Personnel Management ~~Services~~ in writing of his or  
9564 her election to withdraw. Failure to timely notify the divisions  
9565 shall be deemed a decision to remain a compulsory member of the  
9566 Florida Retirement System. However, if, at any time after July  
9567 1, 1996, sufficient funds are not paid by a blind licensee to  
9568 cover the required contribution to the Florida Retirement



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9569 System, that blind licensee is ~~shall become~~ ineligible to  
9570 participate in the Florida Retirement System on the last day of  
9571 the first month for which no contribution is made or the amount  
9572 contributed is insufficient to cover the required contribution.  
9573 For any blind licensee who becomes ineligible to participate in  
9574 the Florida Retirement System as described in this subsection,  
9575 ~~no~~ creditable service may not ~~shall~~ be earned under the Florida  
9576 Retirement System for any period following the month that  
9577 retirement contributions ceased to be reported. However, ~~any~~  
9578 such person may participate in the Florida Retirement System in  
9579 the future if employed by a participating employer in a covered  
9580 position.

9581 Section 325. Section 414.37, Florida Statutes, is amended  
9582 to read:

9583 414.37 Public assistance overpayment recovery  
9584 privatization; reemployment of laid-off career service  
9585 employees.—Should career service employees of the Department of  
9586 Children and Family Services be subject to layoff after July 1,  
9587 1995, due to the privatization of public assistance overpayment  
9588 recovery functions, the privatization contract must ~~shall~~  
9589 require the contracting firm to give priority consideration to  
9590 employment of such employees. In addition, a task force composed  
9591 of representatives from the Department of Children and Family  
9592 Services and the Department of Personnel Management ~~Services~~  
9593 shall be established to provide reemployment assistance to such  
9594 employees.

9595 Section 326. Subsection (5) of section 429.14, Florida  
9596 Statutes, is amended to read:

9597 429.14 Administrative penalties.—



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9598 (5) An action taken by the agency to suspend, deny, or  
9599 revoke a facility's license under this part or part II of  
9600 chapter 408, in which the agency claims that the facility owner  
9601 or an employee of the facility has threatened the health,  
9602 safety, or welfare of a resident of the facility must be heard  
9603 by the Division of Administrative Hearings ~~of the Department of~~  
9604 ~~Management Services~~ within 120 days after receipt of the  
9605 facility's request for a hearing, unless that time limitation is  
9606 waived by both parties. The administrative law judge must render  
9607 a decision within 30 days after receipt of a proposed  
9608 recommended order.

9609 Section 327. Section 440.2715, Florida Statutes, is amended  
9610 to read:

9611 440.2715 Access to courts through state video  
9612 teleconferencing network.—The First District Court of Appeal  
9613 shall use the state video teleconferencing network established  
9614 by the Agency for Enterprise Information Technology Department  
9615 ~~of Management Services~~ to facilitate access to courts for  
9616 purposes of workers' compensation actions.

9617 Section 328. Paragraph (a) of subsection (1) of section  
9618 440.45, Florida Statutes, is amended to read:

9619 440.45 Office of the Judges of Compensation Claims.—

9620 (1) (a) ~~There is created~~ The Office of the Judges of  
9621 Compensation Claims is created within the Division of  
9622 Administrative Hearings ~~Department of Management Services~~. The  
9623 office ~~of the Judges of Compensation Claims~~ shall be headed by  
9624 the Deputy Chief Judge of Compensation Claims. The Deputy Chief  
9625 Judge shall report to the director of the Division of  
9626 Administrative Hearings. The Deputy Chief Judge shall be



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9627 appointed by the Governor for a term of 4 years from a list of  
9628 three names submitted by the statewide nominating commission  
9629 created under subsection (2). The Deputy Chief Judge must  
9630 demonstrate prior administrative experience and possess the same  
9631 qualifications for appointment as a judge of compensation  
9632 claims, and the procedure for reappointment of the Deputy Chief  
9633 Judge will be the same as for reappointment of a judge of  
9634 compensation claims. The office shall be a separate budget  
9635 entity and the director of the Division of Administrative  
9636 Hearings shall be its agency head for all purposes, including,  
9637 but not limited to, rulemaking pursuant to subsection (4) and  
9638 establishing agency policies and procedures. The Department of  
9639 Personnel Management Services shall provide administrative  
9640 support and service to the office to the extent requested by the  
9641 division director ~~of the Division of Administrative Hearings~~ but  
9642 may ~~shall~~ not direct, supervise, or control the Office of the  
9643 Judges of Compensation Claims in any manner, including, but not  
9644 limited to, personnel, purchasing, budgetary matters, or  
9645 property transactions. The operating budget of the Office of the  
9646 Judges of Compensation Claims shall be paid out of the Workers'  
9647 Compensation Administration Trust Fund established in s. 440.50.

9648 Section 329. Paragraph (b) of subsection (9) of section  
9649 445.009, Florida Statutes, is amended to read:

9650 445.009 One-stop delivery system.—

9651 (9)

9652 (b) The network shall assure that a uniform method is used  
9653 to determine eligibility for and management of services provided  
9654 by agencies that conduct workforce development activities. The  
9655 Department of Financial Management Services shall develop



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9656 strategies to allow access to the databases and information  
9657 management systems of the following systems in order to link  
9658 information in those databases with the one-stop delivery  
9659 system:

9660 1. The Unemployment Compensation Program of the Agency for  
9661 Workforce Innovation.

9662 2. The public employment service described in s. 443.181.

9663 3. The FLORIDA System and the components related to WAGES,  
9664 food stamps, and Medicaid eligibility.

9665 4. The Student Financial Assistance System of the  
9666 Department of Education.

9667 5. Enrollment in the public postsecondary education system.

9668 6. Other information systems determined appropriate by  
9669 Workforce Florida, Inc.

9670 Section 330. Subsections (3) and (4) of section 447.205,  
9671 Florida Statutes, are amended to read:

9672 447.205 Public Employees Relations Commission.—

9673 (3) The commission, in the performance of its powers and  
9674 duties under this part, is ~~shall~~ not be subject to control,  
9675 supervision, or direction by the Department of Personnel  
9676 Management ~~Services~~.

9677 (4) The property, personnel, and appropriations related to  
9678 the commission's specified authority, powers, duties, and  
9679 responsibilities shall be provided to the commission by the  
9680 Department of Personnel Management ~~Services~~.

9681 Section 331. Paragraph (k) of subsection (14) of section  
9682 455.32, Florida Statutes, is amended to read:

9683 455.32 Management Privatization Act.—

9684 (14) The contract between the department and the



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9685 corporation must be in compliance with this section and other  
9686 applicable laws. The department shall retain responsibility for  
9687 any duties it currently exercises relating to its police powers  
9688 and any other current duty that is not provided to the  
9689 corporation by contract or this section. The contract shall  
9690 provide, at a minimum, that:

9691 (k) The corporation, out of its allocated budget, pay to  
9692 the department all costs incurred by the corporation or the  
9693 board for the Division of Administrative Hearings ~~of the~~  
9694 ~~Department of Management Services~~ and any other cost for using  
9695 ~~utilization of~~ these state services.

9696 Section 332. Paragraph (j) of subsection (3) of section  
9697 471.038, Florida Statutes, is amended to read:

9698 471.038 Florida Engineers Management Corporation.—

9699 (3) The Florida Engineers Management Corporation is created  
9700 to provide administrative, investigative, and prosecutorial  
9701 services to the board in accordance with the provisions of  
9702 chapter 455 and this chapter. The management corporation may  
9703 hire staff as necessary to carry out its functions. Such staff  
9704 are not public employees for the purposes of chapter 110 or  
9705 chapter 112, except that the board of directors and the staff  
9706 are subject to the provisions of s. 112.061. The provisions of  
9707 s. 768.28 apply to the management corporation, which is deemed  
9708 to be a corporation primarily acting as an instrumentality of  
9709 the state, but which is not an agency within the meaning of s.  
9710 20.03(11). The management corporation shall:

9711 (j) Operate under a written contract with the department  
9712 which is approved by the board. The contract must provide for,  
9713 but is not limited to:



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9714 1. Submission by the management corporation of an annual  
9715 budget that complies with board rules for approval by the board  
9716 and the department.

9717 2. Annual certification by the board and the department  
9718 that the management corporation is complying with the terms of  
9719 the contract in a manner consistent with the goals and purposes  
9720 of the board and in the best interest of the state. This  
9721 certification must be reported in the board's minutes. The  
9722 contract must also provide for methods and mechanisms to resolve  
9723 any situation in which the certification process determines  
9724 noncompliance.

9725 3. Funding of the management corporation through  
9726 appropriations allocated to the regulation of professional  
9727 engineers from the Professional Regulation Trust Fund.

9728 4. The reversion to the board, or the state if the board  
9729 ceases to exist, of moneys, records, data, and property held in  
9730 trust by the management corporation for the benefit of the  
9731 board, if the management corporation is no longer approved to  
9732 operate for the board or the board ceases to exist. All records  
9733 and data in a computerized database shall be returned to the  
9734 department in a form that is compatible with the computerized  
9735 database of the department.

9736 5. The securing and maintaining by the management  
9737 corporation, during the term of the contract and for all acts  
9738 performed during the term of the contract, of all liability  
9739 insurance coverages in an amount to be approved by the board to  
9740 defend, indemnify, and hold harmless the management corporation  
9741 and its officers and employees, the department and its  
9742 employees, and the state against all claims arising from state





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9743 and federal laws. Such insurance coverage must be with insurers  
9744 qualified and doing business in the state. The management  
9745 corporation must provide proof of insurance to the department.  
9746 The department and its employees and the state are exempt from  
9747 and are not liable for any sum of money which represents a  
9748 deductible, which sums are ~~shall be~~ the sole responsibility of  
9749 the management corporation. Violation of this subparagraph is  
9750 ~~shall be~~ grounds for terminating the contract.

9751 6. Payment by the management corporation, out of its  
9752 allocated budget, to the department of all costs of  
9753 representation by the board counsel, including salary and  
9754 benefits, travel, and any other compensation traditionally paid  
9755 by the department to other board counsel.

9756 7. Payment by the management corporation, out of its  
9757 allocated budget, to the department of all costs incurred by the  
9758 management corporation or the board for the Division of  
9759 Administrative Hearings ~~of the Department of Management Services~~  
9760 and any other cost for using ~~utilization of~~ these state  
9761 services.

9762 8. Payment by the management corporation, out of its  
9763 allocated budget, to the department of reasonable costs  
9764 associated with the contract monitor.

9765 Section 333. Section 489.145, Florida Statutes, is amended  
9766 to read:

9767 489.145 Guaranteed energy, water, and wastewater  
9768 performance savings contracting.—

9769 (1) SHORT TITLE.—This section may be cited as the  
9770 "Guaranteed Energy, Water, and Wastewater Performance Savings  
9771 Contracting Act."



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9772 (2) LEGISLATIVE FINDINGS.—The Legislature finds that  
9773 investment in energy, water, and wastewater efficiency and  
9774 conservation measures in agency facilities can reduce the amount  
9775 of energy and water consumed and wastewater produced and produce  
9776 immediate and long-term savings. It is the policy of this state  
9777 to encourage each agency to invest in energy, water, and  
9778 wastewater efficiency and conservation measures to minimize  
9779 energy and water consumption and wastewater production and  
9780 maximize energy, water, and wastewater savings. It is further  
9781 the policy of this state to encourage agencies to reinvest any  
9782 resulting savings ~~resulting from energy, water, and wastewater~~  
9783 ~~efficiency and conservation measures~~ in additional energy,  
9784 water, and wastewater efficiency and conservation measures.

9785 (3) DEFINITIONS.—As used in this section, the term:

9786 (a) "Agency" means the state, a municipality, or a  
9787 political subdivision.

9788 (b) "Energy, water, and wastewater efficiency and  
9789 conservation measure" means a training program incidental to the  
9790 contract, facility alteration, or equipment purchase to be used  
9791 in new construction, including an addition to existing  
9792 facilities or infrastructure, which reduces energy or water  
9793 consumption, wastewater production, or energy-related operating  
9794 costs and includes, but is not limited to:

9795 1. Insulation of the facility structure and systems within  
9796 the facility.

9797 2. Storm windows and doors, caulking or weatherstripping,  
9798 multiglazed windows and doors, heat-absorbing, or heat-  
9799 reflective, glazed and coated window and door systems,  
9800 additional glazing, reductions in glass area, and other window



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- 9801 and door system modifications that reduce energy consumption.
- 9802       3. Automatic energy control systems.
- 9803       4. Heating, ventilating, or air-conditioning system
- 9804 modifications or replacements.
- 9805       5. Replacement or modifications of lighting fixtures to
- 9806 increase the energy efficiency of the lighting system, which, at
- 9807 a minimum, must conform to the applicable state or local
- 9808 building code.
- 9809       6. Energy recovery systems.
- 9810       7. Cogeneration systems that produce steam or forms of
- 9811 energy such as heat, as well as electricity, for use primarily
- 9812 within a facility or complex of facilities.
- 9813       8. Energy conservation measures that reduce British thermal
- 9814 units (Btu), kilowatts (kW), or kilowatt hours (kWh) consumed or
- 9815 provide long-term operating cost reductions.
- 9816       9. Renewable energy systems, such as solar, biomass, or
- 9817 wind systems.
- 9818       10. Devices that reduce water consumption or sewer charges.
- 9819       11. Energy storage systems, such as fuel cells and thermal
- 9820 storage.
- 9821       12. Energy-generating technologies, such as microturbines.
- 9822       13. Any other repair, replacement, or upgrade of existing
- 9823 equipment.
- 9824       (c) "Energy, water, or wastewater cost savings" means a
- 9825 measured reduction in the cost of fuel, energy or water
- 9826 consumption, wastewater production, and stipulated operation and
- 9827 maintenance created from the implementation of one or more
- 9828 energy, water, or wastewater efficiency or conservation measures
- 9829 when compared with an established baseline for the previous cost



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9830 of fuel, energy or water consumption, wastewater production, and  
9831 stipulated operation and maintenance.

9832 (d) "Guaranteed energy, water, and wastewater performance  
9833 savings contract" means a contract for the evaluation,  
9834 recommendation, and implementation of energy, water, or  
9835 wastewater efficiency or conservation measures, which, at a  
9836 minimum, ~~shall~~ include:

9837 1. The design and installation of equipment to implement  
9838 one or more of such measures and, if applicable, operation and  
9839 maintenance of such measures.

9840 2. The amount of any actual annual savings that meet or  
9841 exceed total annual contract payments made by the agency for the  
9842 contract and may include allowable cost avoidance if determined  
9843 appropriate by the Chief Financial Officer.

9844 3. The finance charges incurred by the agency over the life  
9845 of the contract.

9846 (e) "Guaranteed energy, water, and wastewater performance  
9847 savings contractor" means a person or business that is licensed  
9848 under chapter 471, chapter 481, or this chapter and is  
9849 experienced in the analysis, design, implementation, or  
9850 installation of energy, water, and wastewater efficiency and  
9851 conservation measures through energy performance contracts.

9852 (f) "Investment grade energy audit" means a detailed  
9853 energy, water, and wastewater audit, along with an accompanying  
9854 analysis of proposed energy, water, and wastewater conservation  
9855 measures, and their costs, savings, and benefits before ~~prior to~~  
9856 entry into an energy savings contract.

9857 (4) PROCEDURES.—

9858 (a) An agency may enter into a guaranteed energy, water,



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9859 and wastewater performance savings contract with a guaranteed  
9860 energy, water, and wastewater performance savings contractor to  
9861 reduce energy or water consumption, wastewater production, or  
9862 energy-related operating costs of an agency facility through one  
9863 or more energy, water, or wastewater efficiency or conservation  
9864 measures.

9865 (b) Before design and installation of energy, water, or  
9866 wastewater efficiency and conservation measures, the agency must  
9867 obtain from a guaranteed energy, water, and wastewater  
9868 performance savings contractor a report that summarizes the  
9869 costs associated such ~~with the energy, water, or wastewater~~  
9870 ~~efficiency and conservation~~ measures or energy-related  
9871 operational cost-saving measures and provides an estimate of the  
9872 amount of the cost savings. The agency and the ~~guaranteed~~  
9873 ~~energy, water, and wastewater performance savings~~ contractor may  
9874 enter into a separate agreement to pay for costs associated with  
9875 the preparation and delivery of the report; however, payment to  
9876 the contractor is ~~shall be~~ contingent upon the report's  
9877 projection of energy, water, and wastewater cost savings being  
9878 equal to or greater than the total projected costs of the design  
9879 and installation of the report's energy conservation measures.

9880 (c) The agency may enter into a guaranteed energy, water,  
9881 and wastewater performance savings contract with a guaranteed  
9882 energy, water, and wastewater performance savings contractor if  
9883 the agency finds that the amount the agency would spend on such  
9884 ~~the energy, water, and wastewater efficiency and conservation~~  
9885 measures will not likely exceed the amount of the cost savings  
9886 for up to 20 years from the date of installation, based on the  
9887 life cycle cost calculations provided in s. 255.255, if the



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9888 recommendations in the report were followed and if the qualified  
9889 provider or providers give a written guarantee that the cost  
9890 savings will meet or exceed the costs of the system. However,  
9891 actual computed cost savings must meet or exceed the estimated  
9892 cost savings provided in each agency's program approval.  
9893 Baseline adjustments used in calculations must be specified in  
9894 the contract. The contract may provide for installment payments  
9895 for up to ~~a period not to exceed~~ 20 years.

9896 (d) A guaranteed energy, water, and wastewater performance  
9897 savings contractor must be selected in compliance with s.  
9898 287.055; except that if fewer than three firms are qualified to  
9899 perform the required services, the requirement for agency  
9900 selection of three firms, as provided in s. 287.055(4)(b), and  
9901 the bid requirements of s. 287.057 do not apply.

9902 (e) Before entering into a guaranteed energy, water, and  
9903 wastewater performance savings contract, an agency must provide  
9904 published notice of the meeting in which it proposes to award  
9905 the contract, the names of the parties to the proposed contract,  
9906 and the contract's purpose.

9907 (f) A guaranteed energy, water, and wastewater performance  
9908 savings contract may provide for financing, including tax-exempt  
9909 financing, by a third party. The contract for third-party  
9910 financing may be separate from the energy, water, and wastewater  
9911 performance contract. A separate contract for third-party  
9912 financing under this paragraph must include a provision that the  
9913 third-party financier may ~~must~~ not be granted rights or  
9914 privileges that exceed the rights and privileges available to  
9915 the ~~guaranteed energy, water, and wastewater performance savings~~  
9916 contractor.



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9917 (g) Financing for guaranteed energy, water, and wastewater  
9918 performance savings contracts may be provided under ~~the~~  
9919 ~~authority of~~ s. 287.064.

9920 (h) ~~The Office of the~~ Chief Financial Officer shall review  
9921 proposals from state agencies to ensure that the most effective  
9922 financing is being used.

9923 (i) Annually, the agency that has entered into the contract  
9924 shall provide the ~~Department of Management Services and the~~  
9925 ~~Chief Financial Officer~~ the measurement and verification report  
9926 required by the contract to the Chief Financial Officer to  
9927 validate that savings have occurred.

9928 (j) In determining the amount the agency will finance to  
9929 acquire the energy, water, and wastewater efficiency and  
9930 conservation measures, the agency may reduce such amount by the  
9931 application of any grant moneys, rebates, or capital funding  
9932 available to the agency for the purpose of buying down the cost  
9933 of the guaranteed energy, water, and wastewater performance  
9934 savings contract. However, in calculating the life cycle cost as  
9935 required in paragraph (c), the agency may ~~shall~~ not apply any  
9936 grants, rebates, or capital funding.

9937 (5) CONTRACT PROVISIONS.—

9938 (a) A guaranteed energy, water, and wastewater performance  
9939 savings contract must include a written guarantee that may  
9940 include, but is not limited to the form of, a letter of credit,  
9941 insurance policy, or corporate guarantee by the guaranteed  
9942 energy, water, and wastewater performance savings contractor  
9943 that annual cost savings will meet or exceed the amortized cost  
9944 of energy, water, and wastewater efficiency and conservation  
9945 measures.



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9946 (b) The guaranteed energy, water, and wastewater  
9947 performance savings contract must provide that all payments,  
9948 except obligations on termination of the contract before its  
9949 expiration, may be made over time, but not ~~to~~ exceed 20 years  
9950 from the date of complete installation and acceptance by the  
9951 agency, and that the annual savings are guaranteed to the extent  
9952 necessary to make annual payments to satisfy the ~~guaranteed~~  
9953 ~~energy, water, and wastewater performance savings~~ contract.

9954 (c) The guaranteed energy, water, and wastewater  
9955 performance savings contract must require that the guaranteed  
9956 energy, water, and wastewater performance savings contractor to  
9957 whom the contract is awarded provide a 100-percent public  
9958 construction bond to the agency for its faithful performance, as  
9959 required by s. 255.05.

9960 (d) The guaranteed energy, water, and wastewater  
9961 performance savings contract may contain a provision allocating  
9962 to the parties to the contract any annual cost savings that  
9963 exceed the amount of the cost savings guaranteed in the  
9964 contract.

9965 (e) The guaranteed energy, water, and wastewater  
9966 performance savings contract must ~~shall~~ require the guaranteed  
9967 energy, water, and wastewater performance savings contractor to  
9968 provide to the agency an annual reconciliation of the guaranteed  
9969 energy or associated cost savings. If the reconciliation reveals  
9970 a shortfall in annual energy or associated cost savings, the  
9971 ~~guaranteed energy, water, and wastewater performance savings~~  
9972 contractor is liable for such shortfall. If the reconciliation  
9973 reveals an excess in annual cost savings, the excess savings may  
9974 be allocated under paragraph (d) but may not be used to cover





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9975 potential energy or associated cost savings shortages in  
9976 subsequent contract years.

9977 (f) The guaranteed energy, water, and wastewater  
9978 performance savings contract must provide for payments of not  
9979 less than one-twentieth of the price to be paid within 2 years  
9980 from the date of the complete installation and acceptance by the  
9981 agency using straight-line amortization for the term of the  
9982 loan, and the remaining costs to be paid at least quarterly, not  
9983 to exceed a 20-year term, based on life cycle cost calculations.

9984 (g) The guaranteed energy, water, and wastewater  
9985 performance savings contract may extend beyond the fiscal year  
9986 in which it becomes effective; however, the term of any contract  
9987 expires at the end of each fiscal year and may be automatically  
9988 renewed annually for up to 20 years, subject to the agency  
9989 making sufficient annual appropriations based upon continued  
9990 realized energy, water, and wastewater savings.

9991 (h) The guaranteed energy, water, and wastewater  
9992 performance savings contract must stipulate that it does not  
9993 constitute a debt, liability, or obligation of the state.

9994 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.—The  
9995 Department of Financial Management Services, ~~with the assistance~~  
9996 ~~of the Office of the Chief Financial Officer~~, shall, within  
9997 available resources, provide technical content assistance to  
9998 state agencies contracting for energy, water, and wastewater  
9999 efficiency and conservation measures and engage in other  
10000 activities considered appropriate by the department for  
10001 promoting and facilitating guaranteed energy, water, and  
10002 wastewater performance contracting by state agencies. The  
10003 Department of Financial Management Services shall review the



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10004 investment-grade audit for each proposed project and certify  
10005 that the cost savings are appropriate and sufficient for the  
10006 term of the contract. ~~The Office of the Chief Financial Officer,~~  
10007 ~~with the assistance of the~~ Department of Financial Management  
10008 Services, shall, within available resources, develop model  
10009 contractual and related documents for use by state agencies.  
10010 Before ~~Prior to~~ entering into a guaranteed energy, water, and  
10011 wastewater performance savings contract, any contract or lease  
10012 for third-party financing, or any combination of such contracts,  
10013 a state agency shall submit such proposed contract or lease to  
10014 the Department of Financial Services ~~Office of the Chief~~  
10015 ~~Financial Officer~~ for review and approval. A proposed contract  
10016 or lease must ~~shall~~ include:

10017 (a) Supporting information required by s. 216.023(4)(a)9.  
10018 in ss. 287.063(5) and 287.064(11). For contracts approved under  
10019 this section, the criteria may, at a minimum, include the  
10020 specification of a benchmark cost of capital and minimum real  
10021 rate of return on energy, water, or wastewater savings against  
10022 which proposals must ~~shall~~ be evaluated.

10023 (b) Documentation supporting recurring funds requirements  
10024 in ss. 287.063(5) and 287.064(11).

10025 (c) Approval by the head of the agency or a ~~his or her~~  
10026 designee.

10027 (d) An agency measurement and verification plan to monitor  
10028 cost savings.

10029 (7) FUNDING SUPPORT.—For purposes of consolidated financing  
10030 of deferred payment commodity contracts under this section by an  
10031 agency, ~~any~~ such contract must be supported from available funds  
10032 appropriated to the agency in an appropriation category, as



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10033 defined in chapter 216, that the Chief Financial Officer has  
10034 determined is appropriate or that the Legislature has designated  
10035 for payment ~~of the obligation incurred under this section.~~

10036  
10037 The ~~Office of the~~ Chief Financial Officer may ~~shall~~ not approve  
10038 any contract submitted under this section from a state agency  
10039 that does not meet the requirements of this section.

10040 Section 334. Subsection (4) of section 553.995, Florida  
10041 Statutes, is amended to read:

10042 553.995 Energy-efficiency ratings for buildings.-

10043 (4) The Department of Community Affairs shall develop a  
10044 training and certification program to certify raters. In  
10045 addition to the department, ratings may be conducted by any  
10046 local government or private entity if, ~~provided that~~ the  
10047 appropriate persons have completed the necessary training and  
10048 have been certified by the department. The Department of  
10049 Environmental Protection Management Services shall rate state-  
10050 owned or state-leased buildings if, ~~provided that~~ the  
10051 appropriate persons have completed the necessary training and  
10052 have been certified by the Department of Community Affairs. A  
10053 state agency that ~~which~~ has building construction regulation  
10054 authority may rate its own buildings and those it is responsible  
10055 for, if the appropriate persons have completed the necessary  
10056 training and have been certified by the Department of Community  
10057 Affairs. The department ~~of Community Affairs~~ may charge a fee  
10058 not to exceed the costs for the training and certification of  
10059 raters. The department shall by rule set the appropriate charges  
10060 for raters to charge for energy ratings, not to exceed the  
10061 actual costs.



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10062 Section 335. Subsection (41) of section 570.07, Florida  
10063 Statutes, is amended to read:

10064 570.07 Department of Agriculture and Consumer Services;  
10065 functions, powers, and duties.—The department shall have and  
10066 exercise the following functions, powers, and duties:

10067 (41) Notwithstanding ~~the provisions of~~ s. 287.057(23) that  
10068 require all agencies to use the online procurement system  
10069 developed by the Department of Financial Management Services,  
10070 the department may continue to use its own online system.  
10071 However, vendors using ~~utilizing~~ such system must ~~shall~~ be  
10072 prequalified as meeting mandatory requirements and  
10073 qualifications and shall remit fees pursuant to s. 287.057(23),  
10074 and any rules implementing s. 287.057.

10075 Section 336. Subsection (2) of section 627.096, Florida  
10076 Statutes, is amended to read:

10077 627.096 Workers' Compensation Rating Bureau.—

10078 (2) The acquisition by the Department of Financial  
10079 Management ~~Services~~ of data processing software, hardware, and  
10080 services necessary to carry out the provisions of this part act  
10081 for the department or office are ~~shall be~~ exempt from ~~the~~  
10082 ~~provisions of~~ part I of chapter 287.

10083 Section 337. Paragraph (c) of subsection (4) of section  
10084 633.382, Florida Statutes, is amended to read:

10085 633.382 Firefighters; supplemental compensation.—

10086 (4) FUNDING.—

10087 (c) There is appropriated from the Police and Firefighter's  
10088 Premium Tax Trust Fund to the Firefighters' Supplemental  
10089 Compensation Trust Fund, which is ~~hereby~~ created under the  
10090 Department of Revenue, all moneys that ~~which~~ have not been



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10091 distributed to municipalities and special fire control districts  
10092 in accordance with s. 175.121 due to ~~as a result of~~ the  
10093 limitation contained in s. 175.122 on the disbursement of  
10094 revenues collected pursuant to chapter 175 or as a result of any  
10095 municipality or special fire control district not having  
10096 qualified in any given year, or portion thereof, for  
10097 participation in the distribution of the revenues collected  
10098 pursuant to chapter 175. The total required annual distribution  
10099 from the Firefighters' Supplemental Compensation Trust Fund must  
10100 ~~shall~~ equal the amount necessary to pay supplemental  
10101 compensation as provided in this section if, ~~provided that~~:

10102       1. Any deficit in the total required annual distribution is  
10103 ~~shall be~~ made up from accrued surplus funds existing in the  
10104 Firefighters' Supplemental Compensation Trust Fund on June 30,  
10105 1990, for as long as such funds last. If the accrued surplus is  
10106 insufficient to cure the deficit in any given year, the  
10107 proration of the appropriation among the counties,  
10108 municipalities, and special fire service taxing districts must  
10109 ~~shall~~ equal the ratio of compensation paid in the prior year to  
10110 county, municipal, and special fire service taxing district  
10111 firefighters pursuant to this section. This ratio shall be  
10112 provided annually to the Department of Revenue by the Division  
10113 of State Fire Marshal. Surplus funds that have accrued or accrue  
10114 on or after July 1, 1990, shall be redistributed to  
10115 municipalities and special fire control districts as provided in  
10116 subparagraph 2.

10117       2. By October 1 of each year, any funds that have accrued  
10118 or accrue on or after July 1, 1990, and remain in the  
10119 Firefighters' Supplemental Compensation Trust Fund following the



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10120 required annual distribution shall be redistributed by the  
10121 Department of Revenue pro rata to those municipalities and  
10122 special fire control districts identified by the Department of  
10123 Personnel Management Services as ~~being~~ eligible for additional  
10124 funds pursuant to s. 175.121(3)(b).

10125 Section 338. Subsection (4) of section 650.02, Florida  
10126 Statutes, is amended to read:

10127 650.02 Definitions.—For the purpose of this chapter:

10128 (4) The term "state agency" means the Department of  
10129 Personnel Management Services.

10130 Section 339. Section 760.04, Florida Statutes, is amended  
10131 to read:

10132 760.04 ~~Commission on Human Relations~~, Assigned to Executive  
10133 Office of the Governor Department of Management Services.—The  
10134 commission ~~created by s. 760.03~~ is assigned to the Executive  
10135 Office of the Governor Department of Management Services. The  
10136 commission, in the performance of its duties pursuant to the  
10137 Florida Civil Rights Act of 1992, ~~is shall~~ not ~~be~~ subject to  
10138 control, supervision, or direction by the office ~~Department of~~  
10139 ~~Management Services~~.

10140 Section 340. Subsection (5) of section 766.302, Florida  
10141 Statutes, is amended to read:

10142 766.302 Definitions; ss. 766.301-766.316.—As used in ss.  
10143 766.301-766.316, the term:

10144 (5) "Division" means the Division of Administrative  
10145 Hearings ~~of the Department of Management Services~~.

10146 Section 341. Section 768.1326, Florida Statutes, is amended  
10147 to read:

10148 768.1326 Placement of automated external defibrillators in



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10149 state buildings; rulemaking authority. ~~No later than January 1,~~  
10150 ~~2003,~~ The State Surgeon General shall adopt rules to establish  
10151 guidelines on the appropriate placement of automated external  
10152 defibrillator devices in buildings or portions of buildings  
10153 owned or leased by the state, and shall establish, by rule,  
10154 recommendations on procedures for the deployment of automated  
10155 external defibrillator devices in such buildings in accordance  
10156 with the guidelines. The Secretary of Environmental Protection  
10157 ~~Management Services~~ shall assist the State Surgeon General in  
10158 the development of the guidelines. The guidelines for the  
10159 placement of the automated external defibrillators must ~~shall~~  
10160 take into account the typical number of employees and visitors  
10161 in the buildings, the extent of the need for security measures  
10162 regarding the buildings, special circumstances in buildings or  
10163 portions of buildings such as high electrical voltages or  
10164 extreme heat or cold, and such other factors as the State  
10165 Surgeon General and secretary ~~of Management Services~~ determine  
10166 to be appropriate.

10167       (1) The State Surgeon General's recommendations for  
10168 deployment of automated external defibrillators in buildings or  
10169 portions of buildings owned or leased by the state must ~~shall~~  
10170 include:

10171       (a) ~~(1)~~ A reference list of appropriate training courses in  
10172 the use of such devices, including the role of cardiopulmonary  
10173 resuscitation;

10174       (b) ~~(2)~~ The extent to which such devices may be used by  
10175 laypersons;

10176       (c) ~~(3)~~ Manufacturer recommended maintenance and testing of  
10177 the devices; and



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10178            (d) ~~(4)~~ Coordination with local emergency medical services  
10179 systems regarding the incidents of use of the devices.

10180            (2) In formulating these guidelines and recommendations,  
10181 the State Surgeon General may consult with all appropriate  
10182 public and private entities, including national and local public  
10183 health organizations that seek to improve the survival rates of  
10184 individuals who experience cardiac arrest.

10185            Section 342. Subsection (11) of section 943.03, Florida  
10186 Statutes, is amended to read:

10187            943.03 Department of Law Enforcement.—

10188            (11) The department shall establish headquarters in  
10189 Tallahassee. The Department of Environmental Protection  
10190 ~~Management Services~~ shall furnish the department with proper and  
10191 adequate housing for its operation.

10192            Section 343. Subsection (7) of section 943.0311, Florida  
10193 Statutes, is amended to read:

10194            943.0311 Chief of Domestic Security; duties of the  
10195 department with respect to domestic security.—

10196            (7) As used in this section, the term "state agency"  
10197 includes the Agency for Health Care Administration, the Agency  
10198 for Workforce Innovation, the Department of Agriculture and  
10199 Consumer Services, the Department of Business and Professional  
10200 Regulation, the Department of Children and Family Services, the  
10201 Department of Citrus, the Department of Community Affairs, the  
10202 Department of Corrections, the Department of Education, the  
10203 Department of Elderly Affairs, the Department of Environmental  
10204 Protection, the Department of Financial Services, the Department  
10205 of Health, the Department of Highway Safety and Motor Vehicles,  
10206 the Department of Juvenile Justice, the Department of Law





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10207 Enforcement, the Department of Legal Affairs, the Department of  
10208 Personnel Management Services, the Department of Military  
10209 Affairs, the Department of Revenue, the Department of State, the  
10210 Department of the Lottery, the Department of Transportation, the  
10211 Department of Veterans' Affairs, the Fish and Wildlife  
10212 Conservation Commission, the Parole Commission, the State Board  
10213 of Administration, and the Executive Office of the Governor.

10214 Section 344. Section 943.13, Florida Statutes, is amended  
10215 to read:

10216 943.13 Officers' minimum qualifications for employment or  
10217 appointment. ~~On or after October 1, 1984,~~ Any person employed or  
10218 appointed as a full-time, part-time, or auxiliary law  
10219 enforcement officer or correctional officer; ~~on or after October~~  
10220 ~~1, 1986, any person employed~~ as a full-time, part-time, or  
10221 auxiliary correctional probation officer; and ~~on or after~~  
10222 ~~October 1, 1986, any person employed~~ as a full-time, part-time,  
10223 or auxiliary correctional officer by a private entity under  
10224 contract to the Department of Corrections, to a county  
10225 commission, or to the Department of Personnel Management must  
10226 ~~Services shall:~~

10227 (1) Be at least 19 years of age.

10228 (2) Be a citizen of the United States, notwithstanding any  
10229 law of the state to the contrary.

10230 (3) Be a high school graduate or its "equivalent" as the  
10231 commission has defined the term by rule.

10232 (4) Not have been convicted of any felony or of a  
10233 misdemeanor involving perjury or a false statement, or have  
10234 received a dishonorable discharge from any of the Armed Forces  
10235 of the United States. Any person who, after July 1, 1981, pleads



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10236 guilty or nolo contendere to or is found guilty of any felony or  
10237 of a misdemeanor involving perjury or a false statement is not  
10238 eligible for employment or appointment as an officer,  
10239 notwithstanding suspension of sentence or withholding of  
10240 adjudication. Notwithstanding this subsection, any person who  
10241 has pled nolo contendere to a misdemeanor involving a false  
10242 statement, before ~~prior to~~ December 1, 1985, and has had such  
10243 record sealed or expunged may ~~shall~~ not be deemed ineligible for  
10244 employment or appointment as an officer.

10245 (5) Have documentation of his or her processed fingerprints  
10246 on file with the employing agency or, if a private correctional  
10247 officer, have documentation of his or her processed fingerprints  
10248 on file with the Department of Corrections or the Criminal  
10249 Justice Standards and Training Commission. If administrative  
10250 delays are caused by the department or the Federal Bureau of  
10251 Investigation and the person has complied with subsections (1)-  
10252 (4) and (6)-(9), he or she may be employed or appointed for up  
10253 to a period not to exceed 1 calendar year from the date he or  
10254 she was employed or appointed or until return of the processed  
10255 fingerprints documenting noncompliance with subsections (1)-(4)  
10256 or subsection (7), whichever occurs first. ~~Beginning January 15,~~  
10257 ~~2007,~~ The department shall retain and enter into the statewide  
10258 automated fingerprint identification system authorized by s.  
10259 943.05 all fingerprints submitted to the department as required  
10260 by this section. Thereafter, the fingerprints shall be available  
10261 for all purposes and uses authorized for arrest fingerprint  
10262 cards entered in the statewide automated fingerprint  
10263 identification system pursuant to s. 943.051. The department  
10264 shall search all arrest fingerprint cards received pursuant to



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10265 s. 943.051 against the fingerprints retained in the statewide  
10266 automated fingerprint identification system pursuant to this  
10267 section and report to the employing agency any arrest records  
10268 that are identified with the retained employee's fingerprints.  
10269 ~~By January 1, 2008, a person who must meet minimum~~  
10270 ~~qualifications as provided in this section and whose~~  
10271 ~~fingerprints are not retained by the department pursuant to this~~  
10272 ~~section must be refingerprinted. These fingerprints must be~~  
10273 ~~forwarded to the department for processing and retention.~~

10274 (6) Have passed a physical examination by a licensed  
10275 physician, physician assistant, or certified advanced registered  
10276 nurse practitioner, based on specifications established by the  
10277 commission. In order to be eligible for the presumption set  
10278 forth in s. 112.18 while employed with an employing agency, a  
10279 law enforcement officer, correctional officer, or correctional  
10280 probation officer must have successfully passed the physical  
10281 examination required by this subsection upon entering into  
10282 service as a law enforcement officer, correctional officer, or  
10283 correctional probation officer with the employing agency, which  
10284 examination must have failed to reveal any evidence of  
10285 tuberculosis, heart disease, or hypertension. A law enforcement  
10286 officer, correctional officer, or correctional probation officer  
10287 may not use a physical examination from a former employing  
10288 agency for purposes of claiming the presumption set forth in s.  
10289 112.18 against the current employing agency.

10290 (7) Have a good moral character as determined by a  
10291 background investigation under procedures established by the  
10292 commission.

10293 (8) Execute and submit to the employing agency or, if a



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10294 private correctional officer, submit to the appropriate  
10295 governmental entity an affidavit-of-applicant form, adopted by  
10296 the commission, attesting to his or her compliance with  
10297 subsections (1)-(7). The affidavit must ~~shall~~ be executed under  
10298 oath and constitutes an official statement within the purview of  
10299 s. 837.06. The affidavit must ~~shall~~ include conspicuous language  
10300 that the intentional false execution of the affidavit  
10301 constitutes a misdemeanor of the second degree. The affidavit  
10302 shall be retained by the employing agency.

10303 (9) Complete a commission-approved basic recruit training  
10304 program for the applicable criminal justice discipline, unless  
10305 exempt under this subsection. An applicant who has:

10306 (a) Completed a comparable basic recruit training program  
10307 for the applicable criminal justice discipline in another state  
10308 or for the Federal Government; and

10309 (b) Served as a full-time sworn officer in another state or  
10310 for the Federal Government for at least 1 year and ~~provided~~  
10311 there is no more than an 8-year break in employment, as measured  
10312 from the separation date of the most recent qualifying  
10313 employment to the time a complete application is submitted for  
10314 an exemption under this section,

10315  
10316 is exempt in accordance with s. 943.131(2) from completing the  
10317 commission-approved basic recruit training program.

10318 (10) Achieve an acceptable score on the officer  
10319 certification examination for the applicable criminal justice  
10320 discipline.

10321 (11) Comply with the continuing training or education  
10322 requirements of s. 943.135.



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10323           Section 345. Paragraph (i) of subsection (4) of section  
10324 943.61, Florida Statutes, is amended to read:

10325           943.61 Powers and duties of the Capitol Police.—

10326           (4) The Capitol Police shall have the following  
10327 responsibilities, powers, and duties:

10328           (i) To enforce rules of the Department of Environmental  
10329 Protection Management Services governing the regulation of  
10330 traffic and parking within the Capitol Complex and to impound  
10331 illegally or wrongfully parked vehicles.

10332           Section 346. Section 943.66, Florida Statutes, is amended  
10333 to read:

10334           943.66 Rules; Facilities Program, Capitol Police; traffic  
10335 regulation.—The Capitol Police may enforce rules of the  
10336 Department of Environmental Protection Management Services  
10337 governing the administration, operation, and management of the  
10338 Facilities Program and regulating traffic and parking at state-  
10339 owned buildings or on state-owned property and any local  
10340 ordinance on the violation of such if such rules are not in  
10341 conflict with ~~any~~ state law or county or municipal ordinance,  
10342 and are not inconsistent with the other requirements of ss.  
10343 943.61-943.68 or any security plan developed and approved  
10344 thereunder.

10345           Section 347. Section 943.681, Florida Statutes, is amended  
10346 to read:

10347           943.681 Capitol Police program; funding.—Funds shall be  
10348 transferred quarterly, ~~beginning July 1, 2002,~~ by the Department  
10349 of Environmental Protection Management Services, from the  
10350 Supervision Trust Fund, to the Florida Department of Law  
10351 Enforcement for the purpose of funding the Capitol Police



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10352 program. Funds are provided from the office space rental  
10353 receipts assessed to tenant agencies in the Florida Facilities  
10354 Pool, based on the rental assessment mandated in s. 255.51.  
10355 Transfers shall be based on the existing rental rate on July 1,  
10356 2002, unless otherwise appropriated by the Legislature. This  
10357 section does not ~~Additionally, nothing herein shall~~ limit the  
10358 Capitol Police from providing for the safety and security needs  
10359 of the archaeological, archival, and historic treasures and  
10360 artifacts housed in the Historic Capitol or the R.A. Gray  
10361 Building, as the official capitol repositories, from funds  
10362 provided by the Department of State.

10363 Section 348. Subsection (4) of section 944.02, Florida  
10364 Statutes, is amended to read:

10365 944.02 Definitions.—The following words and phrases used in  
10366 this chapter shall, unless the context clearly indicates  
10367 otherwise, have the following meanings:

10368 (4) "Elderly offender" means a prisoner age 50 or older in  
10369 a state correctional institution or facility operated by the  
10370 Department of Corrections or the Department of Financial  
10371 ~~Management~~ Services.

10372 Section 349. Paragraph (a) of subsection (3) of section  
10373 944.10, Florida Statutes, is amended to read:

10374 944.10 Department of Corrections to provide buildings; sale  
10375 and purchase of land; contracts to provide services and inmate  
10376 labor.—

10377 (3) (a) The department may enter into lease-purchase  
10378 agreements to provide correctional facilities for the housing of  
10379 state inmates. However, a ~~no such~~ lease-purchase agreement may  
10380 not shall be entered into without specific legislative



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10381 authorization of that agreement, and funds must be specifically  
10382 appropriated for each ~~lease-purchase~~ agreement. The facilities  
10383 provided through such agreements must ~~shall~~ meet the program  
10384 plans and specifications of the department. The department may  
10385 enter into such lease agreements with private corporations and  
10386 other governmental entities. However, notwithstanding ~~the~~  
10387 ~~provisions of~~ s. 255.25(3) (a), the department may not enter into  
10388 such lease agreement except upon advertisement for and receipt  
10389 of competitive bids and award to the lowest and best bidder,  
10390 unless the lease-purchase agreement is entered into with the  
10391 Department of Environmental Protection Management Services, ~~the~~  
10392 Florida Correctional Finance Corporation, or the successors or  
10393 assignees of either.

10394 Section 350. Paragraph (b) of subsection (2) of section  
10395 944.115, Florida Statutes, is amended to read:

10396 944.115 Smoking prohibited inside state correctional  
10397 facilities.—

10398 (2) As used in this section, the term:

10399 (b) "Employee" means an employee of the department or a  
10400 private vendor in a contractual relationship with ~~either~~ the  
10401 Department of Corrections or the Department of Financial  
10402 ~~Management~~ Services, and includes persons such as contractors,  
10403 volunteers, or law enforcement officers who are within a state  
10404 correctional facility to perform a professional service.

10405 Section 351. Subsection (1) of section 944.713, Florida  
10406 Statutes, is amended to read:

10407 944.713 Insurance against liability.—

10408 (1) A bidder must provide an adequate plan of insurance  
10409 against liability, including liability for violations of an



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10410 inmate's civil rights by an insurance agency licensed in this  
10411 state, pursuant to chapter 287. The insurance plan must ~~shall~~,  
10412 at a minimum, protect the department from actions of a third  
10413 party, assure the private vendor's ability to fulfill the  
10414 conditions of the contract, and provide adequate protection for  
10415 the department against claims arising as a result of any  
10416 occurrence during the term of the contract on an occurrence  
10417 basis. The adequacy of the insurance plan shall be determined,  
10418 at the bidder's expense, by an independent risk management or  
10419 actuarial firm selected by the Department of Financial  
10420 ~~Management~~ Services. The risk management or actuarial firm  
10421 selected must have demonstrated experience in assessing public  
10422 liability of state government.

10423 Section 352. Subsection (1) of section 944.72, Florida  
10424 Statutes, is amended to read:

10425 944.72 Privately Operated Institutions Inmate Welfare Trust  
10426 Fund.—

10427 (1) ~~There is hereby created in the Department of~~  
10428 ~~Corrections~~ The Privately Operated Institutions Inmate Welfare  
10429 Trust Fund is created in the department. The purpose of the  
10430 trust fund shall be the benefit and welfare of inmates  
10431 incarcerated in private correctional facilities under contract  
10432 with the department pursuant to this chapter or the Department  
10433 of Financial ~~Management~~ Services pursuant to chapter 957. Moneys  
10434 shall be deposited in the trust fund and expenditures made from  
10435 the trust fund as provided in s. 945.215.

10436 Section 353. Section 944.8041, Florida Statutes, is amended  
10437 to read:

10438 944.8041 Elderly offenders; annual review.—For the purpose





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10439 of providing information to the Legislature on elderly offenders  
10440 within the correctional system, the department and the  
10441 Correctional Medical Authority shall each submit annually a  
10442 report on the status and treatment of elderly offenders in the  
10443 state-administered and private state correctional systems, as  
10444 well as such information on the River Junction Correctional  
10445 Institution. In order to adequately prepare the reports, the  
10446 department and the Department of Financial Management Services  
10447 shall grant access to the Correctional Medical Authority which  
10448 includes access to the facilities, offenders, and any  
10449 information the agencies require to complete their reports. The  
10450 review must ~~shall~~ also include an examination of promising  
10451 geriatric policies, practices, and programs currently  
10452 implemented in other correctional systems within the United  
10453 States. The reports, with specific findings and recommendations  
10454 for implementation, shall be submitted to the President of the  
10455 Senate and the Speaker of the House of Representatives on or  
10456 before December 31 of each year.

10457 Section 354. Paragraphs (a) and (c) of subsection (2) of  
10458 section 945.215, Florida Statutes, are amended to read:

10459 945.215 Inmate welfare and employee benefit trust funds.—

10460 (2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST  
10461 FUND; PRIVATE CORRECTIONAL FACILITIES.—

10462 (a) For purposes of this subsection, privately operated  
10463 institutions or private correctional facilities are those  
10464 correctional facilities under contract with the department  
10465 pursuant to chapter 944 or the Department of Financial  
10466 ~~Management~~ Services pursuant to chapter 957.

10467 (c) The Department of Financial Management Services shall



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10468 annually compile a report that documents Privately Operated  
10469 Institutions Inmate Welfare Trust Fund receipts and expenditures  
10470 at each private correctional facility. This report must  
10471 specifically identify receipt sources and expenditures. The  
10472 department of ~~Management Services~~ shall compile this report for  
10473 the prior fiscal year and shall submit the report by September 1  
10474 of each year to the chairs of the appropriate substantive and  
10475 fiscal committees of the Senate and House of Representatives and  
10476 to the Executive Office of the Governor.

10477 Section 355. Subsection (3) and paragraph (a) of subsection  
10478 (6) of section 946.504, Florida Statutes, are amended to read:

10479 946.504 Organization of corporation to operate correctional  
10480 work programs; lease of facilities.-

10481 (3) The corporation shall negotiate with the Department of  
10482 Environmental Protection ~~Management Services~~ to reach and enter  
10483 into an agreement for the lease of each correctional work  
10484 program proposed by the corporation. The facilities to be leased  
10485 and the amount of rental for such facilities shall be agreed  
10486 upon by the Department of Environmental Protection ~~Management~~  
10487 ~~Services~~ and the corporation, with consultation with the  
10488 department. The length of such lease shall be mutually agreed  
10489 upon among the department, the Department of Environmental  
10490 Protection ~~Management Services~~, and the corporation; however,  
10491 the initial lease may not exceed 7 years. The department shall  
10492 continue to manage and operate the various correctional work  
10493 programs until the lease between the department and the  
10494 corporation is effective.

10495 (6) (a) Upon the effective date of each lease of each  
10496 correctional work program, the department shall remit ~~cause to~~



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10497 ~~be remitted~~ to the corporation all funds appropriated for,  
10498 associated with, or budgeted for the operation of that  
10499 correctional work program, as agreed upon among the department,  
10500 the Department of Environmental Protection Management Services,  
10501 and the corporation.

10502 Section 356. Subsections (2) and (6) of section 946.515,  
10503 Florida Statutes, are amended to read:

10504 946.515 Use of goods and services produced in correctional  
10505 work programs.—

10506 (2) A ~~No~~ similar product or service of comparable price and  
10507 quality found necessary for use by any state agency may not be  
10508 purchased from any source other than the corporation if the  
10509 corporation certifies that the product is manufactured by, or  
10510 the service is provided by, inmates and the product or service  
10511 meets the comparable performance specifications and comparable  
10512 price and quality requirements as specified under s.

10513 287.042(1)(f) or as determined by an individual agency as  
10514 provided in this section. The purchasing authority of ~~any~~ such  
10515 state agency may make reasonable determinations of need, price,  
10516 and quality with reference to products or services available  
10517 from the corporation. If ~~In the event of~~ a dispute between the  
10518 corporation and any purchasing authority based upon price or  
10519 quality under this section or s. 287.042(1)(f), either party may  
10520 request a hearing with the Department of Environmental  
10521 Protection Management Services and if not resolved, either party  
10522 may request a proceeding pursuant to ss. 120.569 and 120.57,  
10523 which shall be referred to the Division of Administrative  
10524 Hearings within 60 days after such request, to resolve any  
10525 dispute under this section. No party is entitled to any appeal



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10526 pursuant to s. 120.68.

10527 (6) If, pursuant to a contract between any legislative,  
10528 executive, or judicial agency of the state and any private  
10529 contract vendor, a product or service is required by the  
10530 Department of Financial Management Services or on behalf of any  
10531 state agency, is certified by or is available from the  
10532 corporation identified in this chapter, and has been approved in  
10533 accordance with subsection (2), the contract must contain the  
10534 following language:

10535  
10536 IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY  
10537 ARTICLES THAT ~~WHICH~~ ARE THE SUBJECT OF, OR REQUIRED TO  
10538 CARRY OUT, THIS CONTRACT MUST ~~SHALL~~ BE PURCHASED FROM  
10539 THE CORPORATION IDENTIFIED UNDER CHAPTER 946, F.S., IN  
10540 THE SAME MANNER AND UNDER THE SAME PROCEDURES SET  
10541 FORTH IN SECTION 946.515(2), AND (4), F.S.; AND FOR  
10542 PURPOSES OF THIS CONTRACT, THE PERSON, FIRM, OR OTHER  
10543 BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS  
10544 CONTRACT IS ~~SHALL BE~~ DEEMED TO BE SUBSTITUTED FOR THIS  
10545 AGENCY INsofar AS DEALINGS WITH SUCH CORPORATION ARE  
10546 CONCERNED.

10547 Section 357. Section 946.525, Florida Statutes, is amended  
10548 to read:

10549 946.525 Participation by the corporation in the state group  
10550 health insurance and prescription drug programs.—

10551 (1) The board of directors of the corporation established  
10552 under this part may apply for participation in the state group  
10553 health insurance program authorized in s. 110.123 and the  
10554 prescription drug coverage program authorized by s. 110.12315 by



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10555 submitting an application along with a \$500 nonrefundable fee to  
10556 the Department of Personnel Management ~~Services~~.

10557 (2) As a prerequisite to the adoption of a resolution for  
10558 participation in the state group health insurance and  
10559 prescription drug coverage program, the corporation shall seek  
10560 proposals to provide health insurance and prescription drug  
10561 coverages which ~~coverages~~ are equivalent to those offered  
10562 currently by the corporation and ~~coverages~~ equivalent to the  
10563 state group health insurance and prescription drug coverage  
10564 program. The corporation shall review and consider all  
10565 responsive proposals before ~~prior to the~~ adoption of any  
10566 resolution for participation in the state group health insurance  
10567 and prescription drug coverage program.

10568 (3) If the Department of Personnel Management ~~Services~~  
10569 determines that the corporation is eligible to enroll, the  
10570 corporation must agree to the following terms and conditions:

10571 (a) The minimum enrollment or contractual period is ~~will be~~  
10572 3 years.

10573 (b) The corporation must pay to the department ~~of~~  
10574 ~~Management Services~~ an initial administrative fee not less than  
10575 \$2.61 per enrollee per month, or such other amount established  
10576 annually to fully reimburse the department ~~of Management~~  
10577 ~~Services~~ for its costs.

10578 (c) Termination of participation of the corporation  
10579 requires written notice 1 year before the termination date.

10580 (d) If participation is terminated, the corporation may not  
10581 reapply for participation for ~~a period of~~ 2 years.

10582 (e) The corporation shall reimburse the state for 100  
10583 percent of its costs, including administrative costs.



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10584 (f) If the corporation fails to make the payments required  
10585 by this section to fully reimburse the state, the Department of  
10586 Revenue or the Department of Financial Services shall, upon the  
10587 request of the Department of Personnel Management ~~Services~~,  
10588 deduct the amount owed by the employer from any funds to be  
10589 distributed by it to the corporation. The amounts so deducted  
10590 shall be transferred to the Department of Personnel Management  
10591 ~~Services~~ for further distribution to the trust funds in  
10592 accordance with this chapter.

10593 (g) The corporation shall furnish the Department of  
10594 Personnel Management ~~Services~~ any information requested by the  
10595 department of ~~Management Services~~ which the department of  
10596 ~~Management Services~~ considers necessary to administer the state  
10597 group health insurance program and the prescription drug  
10598 program.

10599 (4) Sections ~~The provisions of ss.~~ 624.436-624.446 do not  
10600 apply to the State Group Insurance Program or to this section.

10601 (5) The Department of Personnel Management ~~Services~~ may  
10602 adopt rules necessary to administer this section.

10603 Section 358. Section 957.04, Florida Statutes, is amended  
10604 to read:

10605 957.04 Contract requirements.—

10606 (1) A contract entered into under this chapter for the  
10607 operation of private correctional facilities must ~~shall~~ maximize  
10608 the cost savings of such facilities and shall:

10609 (a) Be negotiated with the firm found most qualified.  
10610 However, a contract for private correctional services may not be  
10611 entered into by the Department of Financial ~~Management~~ Services  
10612 unless the Department of Financial ~~Management~~ Services



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10613 determines that the contractor has demonstrated that it has:  
10614       1. The qualifications, experience, and management personnel  
10615 necessary to carry out the terms of the contract.  
10616       2. The ability to expedite the siting, design, and  
10617 construction of correctional facilities.  
10618       3. The ability to comply with applicable laws, court  
10619 orders, and national correctional standards.  
10620       (b) Indemnify the state and the department, including their  
10621 officials and agents, against any and all liability, including,  
10622 but not limited to, civil rights liability. Proof of  
10623 satisfactory insurance is required in an amount to be determined  
10624 by the Department of Financial Management Services.  
10625       (c) Require that the contractor seek, obtain, and maintain  
10626 accreditation by the American Correctional Association for the  
10627 facility under that contract. Compliance with amendments to the  
10628 accreditation standards of the association is required upon the  
10629 approval of such amendments by the commission.  
10630       (d) Require that the proposed facilities and the management  
10631 plans for the inmates meet applicable American Correctional  
10632 Association standards and the requirements of all applicable  
10633 court orders and state law.  
10634       (e) Establish operations standards for correctional  
10635 facilities subject to the contract. However, if the department  
10636 and the contractor disagree with an operations standard, the  
10637 contractor may propose to waive any rule, policy, or procedure  
10638 of the department related to the operations standards of  
10639 correctional facilities which is inconsistent with the mission  
10640 of the contractor to establish cost-effective, privately  
10641 operated correctional facilities. The Department of Financial



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10642 ~~Management Services~~ is ~~shall be~~ responsible for considering all  
10643 proposals from the contractor to waive any rule, policy, or  
10644 procedure and shall render a final decision granting or denying  
10645 such request.

10646 (f) Require the contractor to be responsible for a range of  
10647 dental, medical, and psychological services; diet; education;  
10648 and work programs at least equal to those provided by the  
10649 department in comparable facilities. The work and education  
10650 programs must be designed to reduce recidivism, and include  
10651 opportunities to participate in such work programs as authorized  
10652 pursuant to s. 946.523.

10653 (g) Require the selection and appointment of a full-time  
10654 contract monitor. The contract monitor shall be appointed and  
10655 supervised by the Department of Financial Management ~~Management~~ Services.  
10656 The contractor is required to reimburse the Department of  
10657 Financial Management ~~Management~~ Services for the salary and expenses of the  
10658 contract monitor. It is the obligation of the contractor to  
10659 provide suitable office space for the contract monitor at the  
10660 correctional facility. The contract monitor shall have unlimited  
10661 access to the correctional facility.

10662 (h) Be for a period of 3 years and may be renewed for  
10663 successive 2-year periods thereafter. However, the state is not  
10664 obligated for any payments to the contractor beyond current  
10665 annual appropriations.

10666 (2) Each contract entered into for the design and  
10667 construction of a private correctional facility or juvenile  
10668 commitment facility must include:

10669 (a) Notwithstanding any provision of chapter 255 ~~to the~~  
10670 ~~contrary~~, a specific provision authorizing the use of tax-exempt





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10671 financing through the issuance of tax-exempt bonds, certificates  
10672 of participation, lease-purchase agreements, or other tax-exempt  
10673 financing methods. Pursuant to s. 255.25, approval is hereby  
10674 provided for the lease-purchase of up to two private  
10675 correctional facilities and any other facility authorized by the  
10676 General Appropriations Act.

10677 (b) A specific provision requiring the design and  
10678 construction of the proposed facilities to meet the applicable  
10679 standards of the American Correctional Association and the  
10680 requirements of all applicable court orders and state law.

10681 (c) A specific provision requiring the contractor, and not  
10682 the Department of Financial Management ~~Management~~ Services, to obtain the  
10683 financing required to design and construct the private  
10684 correctional facility or juvenile commitment facility built  
10685 under this chapter.

10686 (d) A specific provision stating that the state is not  
10687 obligated for any payments that exceed the amount of the current  
10688 annual appropriation.

10689 (3) (a) Each contract for the designing, financing,  
10690 acquiring, leasing, constructing, and operating of a private  
10691 correctional facility is ~~shall be~~ subject to ss. 255.2502 and  
10692 255.2503.

10693 (b) Each contract for the designing, financing, acquiring,  
10694 leasing, and constructing of a private juvenile commitment  
10695 facility is ~~shall be~~ subject to ss. 255.2502 and 255.2503.

10696 (4) A contract entered into under this chapter does not  
10697 accord third-party beneficiary status to any inmate or juvenile  
10698 offender or to any member of the general public.

10699 (5) Each contract entered into by the Department of



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10700 Financial Management Services must include substantial minority  
10701 participation unless demonstrated by evidence, after a good  
10702 faith effort, as impractical and must also include any other  
10703 requirements the Department of Financial Management Services  
10704 considers necessary and appropriate for carrying out the  
10705 purposes of this chapter.

10706 (6) Notwithstanding s. 253.025(7), the Board of Trustees of  
10707 the Internal Improvement Trust Fund need not approve a lease-  
10708 purchase agreement negotiated by the Department of Financial  
10709 ~~Management~~ Services if the department of ~~Management Services~~  
10710 finds that there is a need to expedite the lease-purchase.

10711 (7) (a) Notwithstanding s. 253.025 or s. 287.057, if  
10712 ~~whenever~~ the Department of Financial Management Services finds  
10713 it to be in the best interest of timely site acquisition, it may  
10714 contract without the need for competitive selection with one or  
10715 more appraisers whose names are contained on the list of  
10716 approved appraisers maintained by the Division of State Lands of  
10717 the Department of Environmental Protection in accordance with s.  
10718 253.025(6) (b). If ~~In those instances when~~ the Department of  
10719 Management Services directly contracts for appraisal services,  
10720 it shall also contract with an approved appraiser who is not  
10721 employed by the same appraisal firm for review services.

10722 (b) Notwithstanding s. 253.025(6), the Department of  
10723 Financial Management Services may negotiate and enter into  
10724 lease-purchase agreements before an appraisal is obtained. Any  
10725 such agreement must state that the final purchase price cannot  
10726 exceed the maximum value allowed by law.

10727 Section 359. Subsection (2) of section 957.06, Florida  
10728 Statutes, is amended to read:



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10729           957.06 Powers and duties not delegable to contractor.—A  
10730 contract entered into under this chapter does not authorize,  
10731 allow, or imply a delegation of authority to the contractor to:

10732           (2) Choose the facility to which an inmate is initially  
10733 assigned or subsequently transferred. The contractor may  
10734 request, in writing, that an inmate be transferred to a facility  
10735 operated by the department. The Department of Financial  
10736 ~~Management~~ Services, the contractor, and the department shall  
10737 develop and implement a cooperative agreement for transferring  
10738 inmates between a correctional facility operated by the  
10739 department and a private correctional facility. The department,  
10740 the Department of Financial ~~Management~~ Services, and the  
10741 contractor must comply with the cooperative agreement.

10742           Section 360. Subsection (1) and paragraph (d) of subsection  
10743 (5) of section 957.07, Florida Statutes, are amended to read:

10744           957.07 Cost-saving requirements.—

10745           (1) The Department of Financial ~~Management~~ Services may not  
10746 enter into a contract or series of contracts unless the  
10747 department determines that the contract or series of contracts  
10748 in total for the facility will result in a cost savings to the  
10749 state of at least 7 percent over the public provision of a  
10750 similar facility. Such cost savings, as determined by the  
10751 Department of Financial ~~Management~~ Services, must be based upon  
10752 the actual costs associated with the construction and operation  
10753 of similar facilities or services as determined by the  
10754 Department of Corrections and certified by the Auditor General.  
10755 The Department of Corrections shall calculate all of the cost  
10756 components that determine the inmate per diem in correctional  
10757 facilities of a substantially similar size, type, and location



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10758 that are operated by the department ~~of Corrections~~, including  
10759 administrative costs associated with central administration.  
10760 Services that are provided to the Department of Corrections by  
10761 other governmental agencies at no direct cost to the department  
10762 shall be assigned an equivalent cost and included in the per  
10763 diem.

10764 (5)

10765 (d) If a private vendor chooses not to renew the contract  
10766 at the appropriated level, the Department of Financial  
10767 ~~Management~~ Services shall terminate the contract as provided in  
10768 s. 957.14.

10769 Section 361. Section 957.08, Florida Statutes, is amended  
10770 to read:

10771 957.08 Capacity requirements.—The Department of Corrections  
10772 shall transfer and assign prisoners to each private correctional  
10773 facility opened pursuant to this chapter in an amount not less  
10774 than 90 percent or more than 100 percent of the capacity of the  
10775 facility pursuant to the contract with the Department of  
10776 Financial Management Services. The prisoners transferred by the  
10777 Department of Corrections must ~~shall~~ represent a cross-section  
10778 of the general inmate population, based on the grade of custody  
10779 or the offense of conviction, at the most comparable facility  
10780 operated by the department.

10781 Section 362. Section 957.14, Florida Statutes, is amended  
10782 to read:

10783 957.14 Contract termination and control of a correctional  
10784 facility by the department.—A detailed plan shall be provided by  
10785 a private vendor under which the department shall assume  
10786 temporary control of a private correctional facility upon



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10787 termination of the contract. The Department of Financial  
10788 ~~Management~~ Services may terminate the contract with cause after  
10789 written notice of material deficiencies and after 60 workdays in  
10790 order to correct the material deficiencies. If any event occurs  
10791 that involves the noncompliance with or violation of contract  
10792 terms and ~~that~~ presents a serious threat to the safety, health,  
10793 or security of the inmates, employees, or the public, the  
10794 department may temporarily assume control of the private  
10795 correctional facility, with the approval of the Department of  
10796 Financial ~~Management~~ Services. A plan must ~~shall~~ also be  
10797 provided by a private vendor for the purchase and temporary  
10798 assumption of operations of a correctional facility by the  
10799 department in the event of bankruptcy or the financial  
10800 insolvency of the private vendor. The private vendor shall  
10801 provide an emergency plan to address inmate disturbances,  
10802 employee work stoppages, strikes, or other serious events in  
10803 accordance with standards of the American Correctional  
10804 Association.

10805 Section 363. Section 957.15, Florida Statutes, is amended  
10806 to read:

10807 957.15 Funding of contracts for operation, maintenance, and  
10808 lease-purchase of private correctional facilities.—The request  
10809 for appropriation of funds to make payments pursuant to  
10810 contracts entered into by the Department of Financial ~~Management~~  
10811 Services for the operation, maintenance, and lease-purchase of  
10812 the private correctional facilities authorized by this chapter  
10813 shall be made by the Department of Financial ~~Management~~ Services  
10814 in a request to the department. The department shall include  
10815 such request in its budget request to the Legislature as a



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10816 separately identified item and shall forward the request of the  
10817 Department of Financial Management Services without change.  
10818 After an appropriation has been made by the Legislature to the  
10819 department for the private correctional facilities, the  
10820 department shall have no authority over such funds other than to  
10821 pay from such appropriation to the appropriate private vendor  
10822 such amounts as are certified for payment by the Department of  
10823 Financial Management Services.

10824 Section 364. Section 957.16, Florida Statutes, is amended  
10825 to read:

10826 957.16 Expanding capacity.—The Department of Financial  
10827 ~~Management~~ Services may ~~is authorized to~~ modify and execute  
10828 agreements with contractors to expand up to the total capacity  
10829 of contracted correctional facilities. Total capacity means the  
10830 design capacity of all contracted correctional facilities  
10831 increased by one-half as described under s. 944.023(1)(b). Any  
10832 additional beds authorized under this section must comply with  
10833 the cost-saving requirements set forth in s. 957.07. Any  
10834 additional beds authorized as a result of expanded capacity  
10835 under this section are contingent upon specified appropriations.

10836 Section 365. Subsection (3) of section 1001.27, Florida  
10837 Statutes, is amended to read:

10838 1001.27 State satellite network.—

10839 (3) The department, in consultation with the Department of  
10840 Financial Management Services, shall implement the provisions of  
10841 this section and coordinate the network. Specifically, the  
10842 department shall:

10843 (a) Provide for technical analysis of suitable existing  
10844 satellite receiving equipment at Florida public postsecondary



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10845 educational institutions for inclusion in the network.

10846 (b) Acquire by competitive sealed bid and place appropriate  
10847 receiving equipment in those community college regions of the  
10848 state in which such equipment is presently not available at a  
10849 public postsecondary educational institution.

10850 (c) Develop an implementation plan that provides for  
10851 designation of a site in each community college region for  
10852 inclusion in the initial network. Criteria for selection must  
10853 ~~shall~~ include:

10854 1. Accessibility to a substantial portion of the population  
10855 of the region.

10856 2. Demonstrated institutional commitment to support and  
10857 encourage use of the network both within the region and  
10858 statewide.

10859 3. Willingness to complement state support with matching  
10860 institutional resources.

10861 4. Evidence of cooperation and coordinated planning with  
10862 other postsecondary educational institutions in the region.

10863 5. Availability of existing telecommunications equipment  
10864 which is compatible or adaptable for use in the network.

10865 (d) Identify additional sites for inclusion in the network  
10866 in the event that demand exceeds the capacity of the initial  
10867 network.

10868 (e) Coordinate scheduling and encourage use of the network.

10869 (f) Develop operating procedures for the system and  
10870 recommend fee schedules for both public and private entities  
10871 wishing to transmit or receive programming through the network.  
10872 Scheduling procedures must ~~shall~~ assign the highest priority to  
10873 educational programming.



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10874 (g) Provide training for institutional, state agency, and  
10875 other personnel in effective techniques for the use of the  
10876 network.

10877 (h) Provide initial startup support for operations,  
10878 maintenance, and publicity costs of the network. Continuation  
10879 costs in these areas shall be recovered through user fees and  
10880 local resources.

10881 Section 366. Paragraph (j) of subsection (12) of section  
10882 1001.42, Florida Statutes, is amended to read:

10883 1001.42 Powers and duties of district school board.—The  
10884 district school board, acting as a board, shall exercise all  
10885 powers and perform all duties listed below:

10886 (12) FINANCE.—Take steps to assure students adequate  
10887 educational facilities through the financial procedure  
10888 authorized in chapters 1010 and 1011 and as prescribed below:

10889 (j) *Purchasing regulations to be secured from Department of*  
10890 *Financial Management Services.*—Secure purchasing regulations and  
10891 amendments and changes thereto from the Department of Financial  
10892 Management Services and report prior to any expected purchase  
10893 ~~have reported to the department it by its staff,~~ and give  
10894 consideration to the lowest price available ~~to it~~ under such  
10895 regulations, if provided a regulation applicable to the item or  
10896 items being purchased has been adopted by the department. The  
10897 department should meet with educational administrators to expand  
10898 the inventory of standard items for common usage in all schools  
10899 and postsecondary educational institutions.

10900 Section 367. Paragraph (b) of subsection (1) of section  
10901 1001.705, Florida Statutes, is amended to read:

10902 1001.705 Responsibility for the State University System





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10903 under s. 7, Art. IX of the State Constitution; legislative  
10904 finding and intent.—

10905 (1) LEGISLATIVE FINDINGS.—

10906 (b) *Constitutional duties of the Board of Governors of the*  
10907 *State University System.*—In accordance with s. 7, Art. IX of the  
10908 State Constitution, the Board of Governors of the State  
10909 University System has the duty to operate, regulate, control,  
10910 and be fully responsible for the management of the whole  
10911 publicly funded State University System and the board, or the  
10912 board's designee, has responsibility for:

10913 1. Defining the distinctive mission of each constituent  
10914 university.

10915 2. Defining the articulation of each constituent university  
10916 in conjunction with the Legislature's authority over the public  
10917 schools and community colleges.

10918 3. Ensuring the well-planned coordination and operation of  
10919 the State University System.

10920 4. Avoiding wasteful duplication of facilities or programs  
10921 within the State University System.

10922 5. Accounting for expenditure of funds appropriated by the  
10923 Legislature for the State University System as provided by law.

10924 6. Submitting a budget request for legislative  
10925 appropriations for the institutions under the supervision of the  
10926 board as provided by law.

10927 7. Adopting strategic plans for the State University System  
10928 and each constituent university.

10929 8. Approving, reviewing, and terminating degree programs of  
10930 the State University System.

10931 9. Governing admissions to the state universities.



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10932           10. Serving as the public employer to all public employees  
10933 of state universities for collective bargaining purposes.

10934           11. Establishing a personnel system for all state  
10935 university employees; however, the Department of Personnel  
10936 Management ~~Services~~ shall retain authority over state university  
10937 employees for programs established in ss. 110.123, 110.1232,  
10938 110.1234, 110.1238, and 110.161, and in chapters 121, 122, and  
10939 238.

10940           12. Complying with, and enforcing for institutions under  
10941 the board's jurisdiction, all applicable local, state, and  
10942 federal laws.

10943           Section 368. Paragraph (b) of subsection (5) of section  
10944 1001.706, Florida Statutes, is amended to read:

10945           1001.706 Powers and duties of the Board of Governors.—

10946           (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

10947           (b) The Department of Personnel Management ~~Services~~ shall  
10948 retain authority over state university employees for programs  
10949 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and  
10950 110.161 and in chapters 121, 122, and 238. Unless specifically  
10951 authorized by law, neither the Board of Governors nor a state  
10952 university may offer group insurance programs for employees as a  
10953 substitute for or as an alternative to the health insurance  
10954 programs offered pursuant to chapter 110.

10955           Section 369. Paragraph (c) of subsection (5) of section  
10956 1001.74, Florida Statutes, is amended to read:

10957           1001.74 Powers and duties of university boards of  
10958 trustees.—

10959           (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

10960           (c) The Department of Personnel Management ~~Services~~ shall



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10961 retain authority over state university employees for programs  
10962 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and  
10963 110.161 and in chapters 121, 122, and 238. Unless specifically  
10964 authorized by law, neither the Board of Governors nor a state  
10965 university may offer group insurance programs for employees as a  
10966 substitute for or as an alternative to the health insurance  
10967 programs offered pursuant to chapter 110.

10968 Section 370. Paragraph (f) of subsection (4) of section  
10969 1002.36, Florida Statutes, is amended to read:

10970 1002.36 Florida School for the Deaf and the Blind.—

10971 (4) BOARD OF TRUSTEES.—

10972 (f) The board of trustees shall:

10973 1. Prepare and submit legislative budget requests for  
10974 operations and fixed capital outlay, in accordance with chapter  
10975 216 and ss. 1011.56 and 1013.60, to the Department of Education  
10976 for review and approval. The department must analyze the amount  
10977 requested for fixed capital outlay to determine if the request  
10978 is consistent with the school's campus master plan, educational  
10979 plant survey, and facilities master plan. Projections of  
10980 facility space needs may exceed the norm space and occupant  
10981 design criteria established in the State Requirements for  
10982 Educational Facilities.

10983 2. Approve and administer an annual operating budget in  
10984 accordance with ss. 1011.56 and 1011.57.

10985 3. Require all funds received other than gifts, donations,  
10986 bequests, funds raised by or belonging to student clubs or  
10987 student organizations, and funds held for specific students or  
10988 in accounts for individual students to be deposited in the State  
10989 Treasury and expended as authorized in the General



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10990 Appropriations Act.

10991 4. Require all purchases to be in accordance with the  
10992 ~~provisions of~~ chapter 287 except for purchases made with funds  
10993 received as gifts, donations, or bequests; funds raised by or  
10994 belonging to student clubs or student organizations; or funds  
10995 held for specific students or in accounts for individual  
10996 students.

10997 5. Administer and maintain personnel programs for all  
10998 employees of the board of trustees and the Florida School for  
10999 the Deaf and the Blind who are ~~shall be~~ state employees,  
11000 including the personnel classification and pay plan established  
11001 in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for  
11002 academic and academic administrative personnel, the provisions  
11003 of chapter 110, and the provisions of law that grant authority  
11004 to the Department of Personnel Management ~~Services~~ over ~~such~~  
11005 programs for state employees.

11006 6. Give preference in appointment and retention in  
11007 positions of employment as provided in ~~within~~ s. 295.07(1).

11008 7. Ensure that the Florida School for the Deaf and the  
11009 Blind complies with s. 1013.351 concerning the coordination of  
11010 planning between the Florida School for the Deaf and the Blind  
11011 and local governing bodies.

11012 8. Ensure that the Florida School for the Deaf and the  
11013 Blind complies with s. 112.061 concerning per diem and travel  
11014 expenses of public officers, employees, and authorized persons  
11015 with respect to all funds other than funds received as gifts,  
11016 donations, or bequests; funds raised by or belonging to student  
11017 clubs or student organizations; or funds held for specific  
11018 students or in accounts for individual students.



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11019           9. Adopt a master plan that ~~which~~ specifies the mission and  
11020 objectives of the Florida School for the Deaf and the Blind. The  
11021 plan must ~~shall~~ include, but not be limited to, procedures for  
11022 systematically measuring the school's progress toward meeting  
11023 its objectives, analyzing changes in the student population, and  
11024 modifying school programs and services to respond to such  
11025 changes. The plan shall be for ~~a period of~~ 5 years and shall be  
11026 reviewed for needed modifications every 2 years. The board of  
11027 trustees shall submit the initial plan and subsequent  
11028 modifications to the Speaker of the House of Representatives and  
11029 the President of the Senate.

11030           10. Designate a portion of the school as "The Verle Allyn  
11031 Pope Complex for the Deaf," in tribute to the late Senator Verle  
11032 Allyn Pope.

11033           Section 371. Paragraph (f) of subsection (2) of section  
11034 1002.37, Florida Statutes, is amended to read:

11035           1002.37 The Florida Virtual School.—

11036           (2) The Florida Virtual School shall be governed by a board  
11037 of trustees comprised of seven members appointed by the Governor  
11038 to 4-year staggered terms. The board of trustees shall be a  
11039 public agency entitled to sovereign immunity pursuant to s.  
11040 768.28, and board members shall be public officers who shall  
11041 bear fiduciary responsibility for the Florida Virtual School.  
11042 The board of trustees shall have the following powers and  
11043 duties:

11044           (f) In accordance with law and rules of the State Board of  
11045 Education, the board of trustees shall administer and maintain  
11046 personnel programs for all employees of the board of trustees  
11047 and the Florida Virtual School. The board of trustees may adopt



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11048 rules, policies, and procedures related to the appointment,  
11049 employment, and removal of personnel.

11050 1. The board of trustees shall determine the compensation,  
11051 including salaries and fringe benefits, and other conditions of  
11052 employment for such personnel.

11053 2. The board of trustees may establish and maintain a  
11054 personnel loan or exchange program by which persons employed by  
11055 the board of trustees for the Florida Virtual School as academic  
11056 administrative and instructional staff may be loaned to, or  
11057 exchanged with persons employed in like capacities by, public  
11058 agencies either within or without this state, or by private  
11059 industry. With respect to public agency employees, the program  
11060 must authorized by this subparagraph shall be consistent with  
11061 the requirements of part II of chapter 112. The salary and  
11062 benefits of board of trustees personnel participating in the  
11063 loan or exchange program shall be continued during the period of  
11064 ~~time~~ they participate in a loan or exchange program, and such  
11065 personnel shall be deemed to not have a no break in creditable  
11066 or continuous service or employment during such time. The salary  
11067 and benefits of persons participating in the personnel loan or  
11068 exchange program who are employed by public agencies or private  
11069 industry shall be paid by the originating employers of those  
11070 participants, and such personnel are ~~shall be~~ deemed to have no  
11071 break in creditable or continuous service or employment during  
11072 such time.

11073 3. The employment of all Florida Virtual School academic  
11074 administrative and instructional personnel is ~~shall be~~ subject  
11075 to rejection for cause by the board of trustees, and ~~shall be~~  
11076 ~~subject~~ to policies of the board of trustees relative to



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11077 certification, tenure, leaves of absence, sabbaticals,  
11078 remuneration, and such other conditions of employment as the  
11079 board of trustees deems necessary and proper, not inconsistent  
11080 with law.

11081 4. Each person employed by the board of trustees in an  
11082 academic administrative or instructional capacity with the  
11083 Florida Virtual School is ~~shall be~~ entitled to a contract as  
11084 provided by rules of the board of trustees.

11085 5. All employees except temporary, seasonal, and student  
11086 employees may be state employees for the purpose of being  
11087 eligible to participate in the Florida Retirement System and  
11088 receive benefits. The classification and pay plan, including  
11089 terminal leave and other benefits are, ~~and any amendments~~  
11090 ~~thereto, shall be~~ subject to review and approval by the  
11091 Department of Personnel Management ~~Services~~ and the Executive  
11092 Office of the Governor before ~~prior to~~ adoption.

11093  
11094 The Governor shall designate the initial chair of the board of  
11095 trustees to serve a term of 4 years. Members of the board of  
11096 trustees shall serve without compensation, but may be reimbursed  
11097 for per diem and travel expenses pursuant to s. 112.061. The  
11098 board of trustees shall be a body corporate with all the powers  
11099 of a body corporate and such authority as is needed for the  
11100 proper operation and improvement of the Florida Virtual School.  
11101 The board of trustees is specifically authorized to adopt rules,  
11102 policies, and procedures, consistent with law and rules of the  
11103 State Board of Education related to governance, personnel,  
11104 budget and finance, administration, programs, curriculum and  
11105 instruction, travel and purchasing, technology, students,



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11106 contracts and grants, and property as necessary for optimal,  
11107 efficient operation of the Florida Virtual School. Tangible  
11108 personal property owned by the board of trustees shall be  
11109 subject to the provisions of chapter 273.

11110 Section 372. Paragraph (c) of subsection (2) of section  
11111 1004.58, Florida Statutes, is amended to read:

11112 1004.58 Leadership Board for Applied Research and Public  
11113 Service.—

11114 (2) Membership of the board shall be:

11115 (c) The executive director ~~secretary~~ of Personnel  
11116 Management ~~the Department of Management Services~~.

11117 Section 373. Paragraph (f) of subsection (3) and paragraph  
11118 (a) of subsection (6) of section 1012.33, Florida Statutes, are  
11119 amended to read:

11120 1012.33 Contracts with instructional staff, supervisors,  
11121 and school principals.—

11122 (3)

11123 (f) The district school superintendent shall notify an  
11124 employee who holds a professional service contract on July 1,  
11125 1997, in writing, within no later than 6 weeks before ~~prior to~~  
11126 the end of the postschool conference period, of performance  
11127 deficiencies which may result in termination of employment, if  
11128 not corrected during the subsequent year of employment, ~~which~~  
11129 shall be granted for an additional year in accordance with ~~the~~  
11130 ~~provisions in~~ subsection (1)~~). Except as otherwise hereinafter~~  
11131 provided, this action is ~~shall~~ not be subject to ~~the provisions~~  
11132 ~~of~~ chapter 120, but the following procedures ~~shall~~ apply:

11133 1. On receiving notice of unsatisfactory performance, the  
11134 employee, on request, shall be accorded an opportunity to meet





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11135 with the district school superintendent, or a ~~his or her~~  
11136 designee, for an informal review of the determination of  
11137 unsatisfactory performance.

11138         2. An employee notified of unsatisfactory performance may  
11139 request ~~an opportunity to be considered for~~ a transfer to  
11140 another appropriate position, with a different supervising  
11141 administrator, for the subsequent year of employment. If the  
11142 request for the transfer is granted, the district school  
11143 superintendent shall annually report to the department the total  
11144 number of employees transferred pursuant to this subparagraph,  
11145 where they were transferred, and what, if any, remediation was  
11146 implemented to remediate the unsatisfactory performance.

11147         3. During the subsequent year, the employee shall be  
11148 provided assistance and inservice training opportunities to help  
11149 correct the noted performance deficiencies. The employee shall  
11150 also be evaluated periodically so that he or she will be kept  
11151 apprised of progress achieved.

11152         4. At least ~~Not later than~~ 6 weeks before ~~prior to~~ the  
11153 close of the postschool conference period of the subsequent  
11154 year, the district school superintendent, after receiving and  
11155 reviewing the recommendation required by s. 1012.34, shall  
11156 notify the employee, in writing, whether the performance  
11157 deficiencies have been corrected. If so, a new professional  
11158 service contract shall be issued to the employee. If the  
11159 performance deficiencies have not been corrected, the district  
11160 school superintendent may notify the district school board and  
11161 the employee, in writing, that the employee shall not be issued  
11162 a new professional service contract; however, if the  
11163 recommendation of the district school superintendent is not to



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11164 issue a new professional service contract, and if the employee  
11165 wishes to contest such recommendation, the employee will have 15  
11166 days from receipt of the district school superintendent's  
11167 recommendation to demand, in writing, a hearing. In such  
11168 hearing, the employee may raise as an issue, among other things,  
11169 the sufficiency of the district school superintendent's charges  
11170 of unsatisfactory performance. Such hearing shall be conducted  
11171 at the district school board's election in accordance with one  
11172 of the following procedures:

11173       a. A direct hearing conducted by the district school board  
11174 within 60 days after ~~of~~ receipt of the written appeal. The  
11175 hearing shall be conducted in accordance with ~~the provisions of~~  
11176 ss. 120.569 and 120.57. A majority vote of the membership of the  
11177 district school board is ~~shall be~~ required to sustain the  
11178 district school superintendent's recommendation. The  
11179 determination of the district school board is ~~shall be~~ final as  
11180 to the sufficiency or insufficiency of the grounds for  
11181 termination of employment; or

11182       b. A hearing conducted by an administrative law judge  
11183 assigned by the Division of Administrative Hearings ~~of the~~  
11184 ~~Department of Management Services~~. The hearing must ~~shall~~ be  
11185 conducted within 60 days after ~~of~~ receipt of the written appeal  
11186 in accordance with chapter 120. The recommendation of the  
11187 administrative law judge shall be made to the district school  
11188 board. A majority vote of the membership of the district school  
11189 board is ~~shall be~~ required to sustain or change the  
11190 administrative law judge's recommendation. The determination of  
11191 the district school board is ~~shall be~~ final as to the  
11192 sufficiency or insufficiency of the grounds for termination of



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11193 employment.

11194 (6) (a) Any member of the instructional staff, excluding an  
11195 employee specified in subsection (4), may be suspended or  
11196 dismissed at any time during the term of the contract for just  
11197 cause as provided in paragraph (1) (a). The district school board  
11198 must notify the employee in writing whenever charges are made  
11199 against the employee and may suspend such person without pay;  
11200 however ~~but~~, if the charges are not sustained, the employee must  
11201 ~~shall~~ be immediately reinstated, and his or her back salary  
11202 ~~shall be~~ paid. If the employee wishes to contest the charges,  
11203 the employee must, within 15 days after receipt of the written  
11204 notice, submit a written request for a hearing. Such hearing  
11205 shall be conducted at the district school board's election in  
11206 accordance with one of the following procedures:

11207 1. A direct hearing conducted by the district school board  
11208 within 60 days after receipt of the written appeal. The hearing  
11209 shall be conducted in accordance with ~~the provisions of~~ ss.  
11210 120.569 and 120.57. A majority vote of the membership of the  
11211 district school board is ~~shall be~~ required to sustain the  
11212 district school superintendent's recommendation. The  
11213 determination of the district school board is ~~shall be~~ final as  
11214 to the sufficiency or insufficiency of the grounds for  
11215 termination of employment; or

11216 2. A hearing conducted by an administrative law judge  
11217 assigned by the Division of Administrative Hearings ~~of the~~  
11218 ~~Department of Management Services~~. The hearing shall be  
11219 conducted within 60 days after receipt of the written appeal in  
11220 accordance with chapter 120. The recommendation of the  
11221 administrative law judge shall be made to the district school



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11222 board. A majority vote of the membership of the district school  
11223 board ~~is shall be~~ required to sustain or change the  
11224 administrative law judge's recommendation. The determination of  
11225 the district school board ~~is shall be~~ final as to the  
11226 sufficiency or insufficiency of the grounds for termination of  
11227 employment.

11228  
11229 Any such decision adverse to the employee may be appealed by the  
11230 employee pursuant to s. 120.68, provided such appeal is filed  
11231 within 30 days after the decision of the district school board.

11232 Section 374. Paragraph (d) of subsection (3) of section  
11233 1012.34, Florida Statutes, is amended to read:

11234 1012.34 Assessment procedures and criteria.-

11235 (3) The assessment procedure for instructional personnel  
11236 and school administrators must be primarily based on the  
11237 performance of students assigned to their classrooms or schools,  
11238 as appropriate. Pursuant to this section, a school district's  
11239 performance assessment is not limited to basing unsatisfactory  
11240 performance of instructional personnel and school administrators  
11241 upon student performance, but may include other criteria  
11242 approved to assess instructional personnel and school  
11243 administrators' performance, or any combination of student  
11244 performance and other approved criteria. The procedures must  
11245 comply with, but are not limited to, the following requirements:

11246 (d) If an employee is not performing his or her duties in a  
11247 satisfactory manner, the evaluator shall notify the employee in  
11248 writing of such determination. The notice must describe such  
11249 unsatisfactory performance and include notice of the following  
11250 procedural requirements:



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11251           1. Upon delivery of a notice of unsatisfactory performance,  
11252 the evaluator must confer with the employee, make  
11253 recommendations with respect to specific areas of unsatisfactory  
11254 performance, and provide assistance in helping to correct  
11255 deficiencies within a prescribed period of time.

11256           2.a. If the employee holds a professional service contract  
11257 as provided in s. 1012.33, the employee shall be placed on  
11258 performance probation and governed by the provisions of this  
11259 section for 90 calendar days following the receipt of the notice  
11260 of unsatisfactory performance to demonstrate corrective action.  
11261 School holidays and school vacation periods are not counted when  
11262 calculating the 90-calendar-day period. During the 90 calendar  
11263 days, the employee who holds a professional service contract  
11264 must be evaluated periodically and apprised of progress achieved  
11265 and must be provided assistance and inservice training  
11266 opportunities to help correct the noted performance  
11267 deficiencies. At any time during the 90 calendar days, the  
11268 employee who holds a professional service contract may request a  
11269 transfer to another appropriate position with a different  
11270 supervising administrator; however, a transfer does not extend  
11271 the period for correcting performance deficiencies.

11272           b. Within 14 days after the close of the 90 calendar days,  
11273 the evaluator must assess whether the performance deficiencies  
11274 have been corrected and forward a recommendation to the district  
11275 school superintendent. Within 14 days after receiving the  
11276 evaluator's recommendation, the district school superintendent  
11277 must notify the employee who holds a professional service  
11278 contract in writing whether the performance deficiencies have  
11279 been satisfactorily corrected and whether the district school



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11280 superintendent will recommend that the district school board  
11281 continue or terminate his or her employment contract. If the  
11282 employee wishes to contest the district school superintendent's  
11283 recommendation, the employee must, within 15 days after receipt  
11284 of the district school superintendent's recommendation, submit a  
11285 written request for a hearing. The hearing shall be conducted at  
11286 the district school board's election in accordance with one of  
11287 the following procedures:

11288 (I) A direct hearing conducted by the district school board  
11289 within 60 days after receipt of the written appeal. The hearing  
11290 shall be conducted in accordance with ~~the provisions of~~ ss.  
11291 120.569 and 120.57. A majority vote of the membership of the  
11292 district school board is ~~shall be~~ required to sustain the  
11293 district school superintendent's recommendation. The  
11294 determination of the district school board is ~~shall be~~ final as  
11295 to the sufficiency or insufficiency of the grounds for  
11296 termination of employment; or

11297 (II) A hearing conducted by an administrative law judge  
11298 assigned by the Division of Administrative Hearings ~~of the~~  
11299 ~~Department of Management Services~~. The hearing shall be  
11300 conducted within 60 days after receipt of the written appeal in  
11301 accordance with chapter 120. The recommendation of the  
11302 administrative law judge shall be made to the district school  
11303 board. A majority vote of the membership of the district school  
11304 board is ~~shall be~~ required to sustain or change the  
11305 administrative law judge's recommendation. The determination of  
11306 the district school board is ~~shall be~~ final as to the  
11307 sufficiency or insufficiency of the grounds for termination of  
11308 employment.



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11309 Section 375. Paragraph (d) of subsection (2) of section  
11310 1012.61, Florida Statutes, is amended to read:

11311 1012.61 Sick leave.—

11312 (2) PROVISIONS GOVERNING SICK LEAVE.—The following  
11313 provisions shall govern sick leave:

11314 (d) *Expenditure authorized.*—District school boards may  
11315 expend public funds for payment to employees on account of  
11316 sickness. The expending and excluding of such funds shall be in  
11317 compliance with rules adopted by the Department of Personnel  
11318 Management ~~Services~~ pursuant to chapter 650.

11319 Section 376. Subsection (6) of section 1012.796, Florida  
11320 Statutes, is amended to read:

11321 1012.796 Complaints against teachers and administrators;  
11322 procedure; penalties.—

11323 (6) Upon the finding of probable cause, the commissioner  
11324 shall file a formal complaint and prosecute the complaint  
11325 pursuant to ~~the provisions of~~ chapter 120. An administrative law  
11326 judge shall be assigned by the Division of Administrative  
11327 Hearings ~~of the Department of Management Services~~ to hear the  
11328 complaint if there are disputed issues of material fact. The  
11329 administrative law judge shall make recommendations in  
11330 accordance with ~~the provisions of~~ subsection (7) to the  
11331 appropriate Education Practices Commission panel which shall  
11332 conduct a formal review of such recommendations and other  
11333 pertinent information and issue a final order. The commission  
11334 shall consult with its legal counsel before ~~prior to~~ issuance of  
11335 a final order.

11336 Section 377. Subsection (5) of section 1012.865, Florida  
11337 Statutes, is amended to read:



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11338           1012.865 Sick leave.—Each community college board of  
11339 trustees shall adopt rules whereby any full-time employee who is  
11340 unable to perform his or her duties at the community college on  
11341 account of personal sickness, accident disability, or extended  
11342 personal illness, or because of illness or death of the  
11343 employee's father, mother, brother, sister, husband, wife,  
11344 child, or other close relative or member of the employee's own  
11345 household, and who consequently has to be absent from work shall  
11346 be granted leave of absence for sickness by the president or by  
11347 the president's designated representative. The following  
11348 provisions shall govern sick leave:

11349           (5) EXPENDITURE AUTHORIZED.—Community college boards of  
11350 trustees may expend public funds for payment to employees on  
11351 account of sickness. The expending and excluding of such funds  
11352 must comply ~~shall be in compliance~~ with rules adopted by the  
11353 Department of Personnel Management ~~Services~~ pursuant to chapter  
11354 650.

11355           Section 378. Paragraph (c) of subsection (1) of section  
11356 1012.875, Florida Statutes, is amended to read:

11357           1012.875 State Community College System Optional Retirement  
11358 Program.—Each community college may implement an optional  
11359 retirement program, if such program is established therefor  
11360 pursuant to s. 1001.64(20), under which annuity or other  
11361 contracts providing retirement and death benefits may be  
11362 purchased by, and on behalf of, eligible employees who  
11363 participate in the program, in accordance with s. 403(b) of the  
11364 Internal Revenue Code. Except as otherwise provided herein, this  
11365 retirement program, which shall be known as the State Community  
11366 College System Optional Retirement Program, may be implemented





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11367 and administered only by an individual community college or by a  
11368 consortium of community colleges.

11369 (1) As used in this section, the term:

11370 (c) "Department" means the Department of Personnel  
11371 Management ~~Services~~.

11372 Section 379. Subsection (7) of section 1013.03, Florida  
11373 Statutes, is amended to read:

11374 1013.03 Functions of the department and the Board of  
11375 Governors.—The functions of the Department of Education as it  
11376 pertains to educational facilities of school districts and  
11377 community colleges and of the Board of Governors as it pertains  
11378 to educational facilities of state universities shall include,  
11379 but not be limited to, the following:

11380 (7) Provide training, technical assistance, and building  
11381 code interpretation for requirements of the mandatory Florida  
11382 Building Code for the educational facilities construction and  
11383 capital improvement programs of the community college boards and  
11384 district school boards and, upon request, approve phase III  
11385 construction documents for remodeling, renovation, or new  
11386 construction of educational plants or ancillary facilities,  
11387 except that university boards of trustees shall approve  
11388 specifications and construction documents for their respective  
11389 institutions pursuant to guidelines of the Board of Governors.  
11390 The Department of Environmental Protection ~~Management Services~~  
11391 may, upon request, provide similar services for the Florida  
11392 School for the Deaf and the Blind and shall use the Florida  
11393 Building Code and the Florida Fire Prevention Code.

11394 Section 380. Paragraph (d) of subsection (3) of section  
11395 1013.23, Florida Statutes, is amended to read:



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11396 1013.23 Energy efficiency contracting.—

11397 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.—

11398 (d) Prior to the design and installation of the energy  
11399 conservation measure, the district school board, community  
11400 college board of trustees, or state university board of trustees  
11401 must obtain from the energy performance contractor a report that  
11402 discloses all costs associated with the energy conservation  
11403 measure and provides an estimate of the amount of the energy  
11404 cost savings. The report must be reviewed by ~~either~~ the  
11405 Department of Education or the Department of Financial  
11406 ~~Management~~ Services or signed and sealed by a registered  
11407 professional engineer.

11408 Section 381. Subsection (8) of section 1013.30, Florida  
11409 Statutes, is amended to read:

11410 1013.30 University campus master plans and campus  
11411 development agreements.—

11412 (8) Following receipt of a petition challenging a campus  
11413 master plan or plan amendment, the university board of trustees  
11414 must submit the petition to the Division of Administrative  
11415 Hearings ~~of the Department of Management Services~~ for assignment  
11416 to an administrative law judge under ss. 120.569 and 120.57.

11417 (a) If a party to the proceeding requests mediation, the  
11418 parties have up to ~~no more than~~ 30 days to resolve any issue in  
11419 dispute. The costs of the mediation must be borne equally by all  
11420 ~~of the~~ parties to the proceeding.

11421 (b) If the matter is not resolved within 30 days, the  
11422 administrative law judge shall proceed with a hearing under ss.  
11423 120.569 and 120.57. The hearing shall be held in the county  
11424 where the campus of the university subject to the amendment is



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11425 located. Within 60 days after receiving the petition, the  
11426 administrative law judge must, ~~consistent with the applicable~~  
11427 ~~requirements and procedures of the Administrative Procedure Act,~~  
11428 hold a hearing pursuant to chapter 120, identify the issues  
11429 remaining in dispute, prepare a record of the proceedings, and  
11430 submit a recommended order to the state land planning agency for  
11431 final action. Parties to the proceeding may submit written  
11432 exceptions to the recommended order within 10 days after the  
11433 recommended order is issued. The state land planning agency must  
11434 issue its final order within ~~no later than~~ 60 days after  
11435 receiving the recommended order.

11436 (c) The final order of the state land planning agency is  
11437 subject to judicial review as provided in s. 120.68.

11438 (d) The signature of an attorney or party constitutes a  
11439 certificate that he or she has read the pleading, motion, or  
11440 other paper and that, to the best of his or her knowledge,  
11441 information, and belief formed after reasonable inquiry, it is  
11442 not interposed for any improper purpose, such as to harass or to  
11443 cause unnecessary delay, or for economic advantage, competitive  
11444 reasons, frivolous purposes, or needless increase in the cost of  
11445 litigation. If a pleading, motion, or other paper is signed in  
11446 violation of these requirements, the division, upon motion or  
11447 its own initiative, shall impose upon ~~either~~ the person who  
11448 signed it or a represented party, or both, an appropriate  
11449 sanction, which may include an order to pay to the other party  
11450 or parties the amount of reasonable expenses incurred because of  
11451 the filing of the pleading, motion, or other paper, including  
11452 reasonable attorney's fees.

11453 Section 382. Subsection (3) of section 1013.38, Florida



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11454 Statutes, is amended to read:

11455           1013.38 Boards to ensure that facilities comply with  
11456 building codes and life safety codes.—

11457           (3) The Department of Environmental Protection Management  
11458 ~~Services~~ may, upon request, provide facilities services for the  
11459 Florida School for the Deaf and the Blind, the Division of Blind  
11460 Services, and public broadcasting. As used in this section, the  
11461 term "facilities services" means project management, code and  
11462 design plan review, and code compliance inspection for projects  
11463 as defined in s. 287.017(1)(e).

11464           Section 383. This act shall take effect October 1, 2010.