

By the Policy and Steering Committee on Ways and Means; the Committee on Governmental Oversight and Accountability; and Senator Ring

576-03331B-10

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1 A bill to be entitled
 2 An act relating to a review of the Department of
 3 Management Services under the Florida Government
 4 Accountability Act; transferring certain programs and
 5 related trust funds from the department to other state
 6 agencies within the executive branch; authorizing the
 7 Executive Office of the Governor to transfer funds and
 8 positions with the approval of the Legislative budget
 9 Commission; requesting the interim assistance of the
 10 Division of Statutory Revision to prepare conforming
 11 legislation for the next regular session of the
 12 Legislature; amending ss. 11.917, 14.057, 14.204,
 13 16.615, and 20.04, F.S.; conforming provisions to
 14 changes made by the act; amending s. 20.22, F.S.;
 15 changing the name of the department to the Department
 16 of Personnel Management; conforming provisions to
 17 changes made by the act; amending s. 20.255, F.S.;
 18 providing for an additional deputy secretary within
 19 the Department of Environmental Protection; creating
 20 the Division of Facilities Management and Building
 21 Construction within the department; amending ss.
 22 20.23, 20.331, 20.50, 24.105, 24.120, 29.008, 29.21,
 23 110.1055, 110.107, 110.1099, 110.116, 110.121,
 24 110.1227, 110.1228, 110.123, 110.12312, 110.12315,
 25 110.1232, 110.1234, 110.1245, 110.125, 110.131,
 26 110.151, 110.1522, 110.161, 110.171, 110.181,
 27 110.2035, 110.2037, 110.205, 110.2135, 110.227,
 28 110.403, 110.405, 110.406, 110.503, 110.605, 110.606,
 29 112.0455, 112.05, 112.08, 112.0804, 112.24, 112.3173,

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30 112.31895, 112.352, 112.354, 112.358, 112.361,
31 112.362, 112.363, 112.63, 112.64, 112.658, 112.661,
32 112.665, 120.65, 121.021, 121.025, 121.031, 121.051,
33 121.0511, 121.0515, 121.055, and 121.1815, F.S.;
34 conforming provisions to changes made by the act;
35 repealing s. 121.1905, F.S., relating to the creation
36 of the Division of Retirement; amending ss. 121.192,
37 121.22, 121.23, 121.24, 121.35, 121.40, 121.4501,
38 121.4503, 121.591, 121.5911, 121.78, 122.02, 122.09,
39 122.23, 122.34, 145.19, 154.04, 163.3184, 175.032,
40 175.1215, 175.361, 185.02, 185.105, 185.37, 189.4035,
41 189.412, 210.20, 210.75, 213.053, 215.196, 215.22,
42 215.28, 215.422, 215.425, 215.47, 215.50, 215.94,
43 215.96, 216.0152, 216.016, 216.023, 216.044, 216.163,
44 216.237, 216.238, 216.262, 216.292, 217.02, 217.04,
45 217.045, 238.01, 238.02, 238.03, 238.07, 238.09,
46 238.10, 238.11, 238.12, 238.15, 238.171, 238.181,
47 238.32, 250.22, 252.385, 253.034, 253.126, 253.45,
48 255.02, 255.043, 255.05, 255.0525, 255.248, 255.249,
49 255.25, 255.25001, 255.252, 255.253, 255.257,
50 255.2575, 255.259, 255.28, 255.29, 255.30, 255.31,
51 255.32, 255.45, 255.451, 255.502, 255.503, 255.504,
52 255.505, 255.506, 255.507, 255.508, 255.509, 255.51,
53 255.511, 255.513, 255.514, 255.515, 255.517, 255.518,
54 255.52, 255.521, 255.522, 255.523, 255.555, 265.001,
55 265.2865, 267.061, 267.0625, 267.075, 270.27, 272.03,
56 272.04, 272.05, 272.06, 272.07, 272.08, 272.09,
57 272.12, 272.121, 272.122, 272.124, 272.129, 272.16,
58 272.161, 272.18, 272.185, 273.055, 281.02, 281.03,

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59 281.06, 281.07, 281.08, 282.0041, 282.205, 282.604,
60 282.702, 282.703, 282.704, 282.705, 282.706, 282.707,
61 282.709, 282.7101, 282.711, 283.30, 283.32, 284.01,
62 284.04, 284.05, 284.08, 284.33, 284.385, 284.42,
63 285.06, 285.14, 286.29, 287.012, 287.025, 287.032,
64 287.042, 287.055, 287.057, and 287.05721, F.S.;
65 conforming provisions to changes made by the act;
66 repealing s. 287.0573, F.S., relating to the Council
67 on Efficient Government; amending ss. 287.0574,
68 287.076, 287.083, 287.0834, 287.0943, 287.09451,
69 287.131, 287.133, 287.134, 287.15, 287.151, 287.155,
70 287.16, 287.161, 287.17, 287.18, 287.19, 288.021,
71 288.109, 288.1092, 288.1093, 288.1185, 288.15, 288.17,
72 288.18, 288.703, 288.706, 288.708, 288.7091, 288.712,
73 288.901, 295.187, 318.18, 318.21, 320.0802, 320.08056,
74 321.04, 328.72, 337.02, 337.023, 337.165, 338.2216,
75 338.227, 350.0614, 350.125, 364.0135, 364.515,
76 364.516, 365.171, 365.172, 365.173, 373.4596, 373.461,
77 376.10, 377.703, 381.98, 394.9151, 395.1031, 400.121,
78 401.013, 401.015, 401.018, 401.021, 401.024, 401.027,
79 401.245, 402.35, 402.50, 403.061, 403.42, 403.518,
80 403.5365, 403.7065, 403.714, 403.7145, 403.71852,
81 406.075, 408.039, 408.910, 413.036, 413.051, 414.37,
82 429.14, 440.2715, 440.45, 445.009, 447.205, 455.32,
83 471.038, 489.145, 553.995, 570.07, 627.096, 633.382,
84 650.02, 760.04, 766.302, 768.1326, 943.03, 943.0311,
85 943.13, 943.61, 943.66, 943.681, 944.02, 944.10,
86 944.115, 944.713, 944.72, 944.8041, 945.215, 946.504,
87 946.515, 946.525, 957.04, 957.06, 957.07, 957.08,

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88 957.14, 957.15, 957.16, 1001.27, 1001.42, 1001.705,
89 1001.706, 1001.74, 1002.36, 1002.37, 1004.58, 1012.33,
90 1012.34, 1012.61, 1012.796, 1012.865, 1012.875,
91 1013.03, 1013.23, s. 1013.30, and 1013.38, F.S.;

92 conforming provision to changes made by the act;
93 requiring that the Department of Environmental
94 Protection coordinate the collection of certain
95 information during the 2010-2011 fiscal year;
96 requiring that state agencies submit such information
97 on or before a specified deadline; requiring that the
98 department submit a plan to centralize all real estate
99 leasing and facilities operations and maintenance to
100 the Executive Office of the Governor and Legislature
101 on or before a specified date; requiring that such
102 information be included in each agency's legislative
103 budget request for the 2011-2012 fiscal year as a
104 transfer to the Department of Asset Management;
105 creating s. 20.51, F.S.; establishing the Department
106 of Asset Management; transferring certain divisions
107 and programs in the Department of Environmental
108 Protection to the Department of Asset Management;
109 providing effective dates.

110

111 WHEREAS, the Florida Government Accountability Act, ss.
112 11.901-11.920, Florida Statutes, requires the Department of
113 Management Services to undergo a sunset review by July 1, 2010,
114 in order to determine whether the agency should be retained,
115 modified, or abolished, and

116 WHEREAS, in anticipation of that review, the Department of

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117 Management Services produced a report pursuant to s. 11.906,
118 Florida Statutes, and

119 WHEREAS, upon receipt of that report, the Joint Legislative
120 Sunset Committee and the Legislative Sunset Review Committees of
121 the Senate and the House of Representatives reviewed the report
122 and directed the Office of Program Policy Analysis and
123 Government Accountability to conduct a review of the department,
124 and

125 WHEREAS, based on the department's report, the reports
126 prepared by the Office of Program Policy Analysis and Government
127 Accountability, and public input, the Legislative Sunset Review
128 Committees made recommendations on the abolition, continuation,
129 or reorganization of the Department of Management Services; on
130 the need for the functions performed by the department; and on
131 the consolidation, transfer, or reorganization of programs
132 within the department, NOW, THEREFORE,

133
134 Be It Enacted by the Legislature of the State of Florida:

135
136 Section 1. Type two transfers from the Department of
137 Management Services.—

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

145 (a) The executive aircraft pool established under s.

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146 287.161, Florida Statutes, is transferred to the Executive
147 Office of the Governor.

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

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

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

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

164 (2) The following trust funds are transferred:

165 (a) From the Department of Management Services to the
166 Department of Environmental Protection:

167 1. The Architects Incidental Trust Fund, FLAIR number 72-2-
168 033.

169 2. The Florida Facilities Pool Working Capital Trust Fund,
170 FLAIR number 72-2-225.

171 3. The Florida Facilities Pool Clearing Trust Fund, FLAIR
172 number 72-2-313.

173 4. The Public Facilities Finance Trust Fund, FLAIR number
174 72-2-495.

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175 5. The Supervision Trust Fund, FLAIR number 72-2-696.

176 (b) The Bureau of Aircraft Trust Fund, FLAIR number 72-2-
177 066, is transferred from the Department of Management Services
178 to the Executive Office of the Governor:

179 (c) From the Department of Management Services to the
180 Agency for Enterprise Information Technology:

181 1. The Communications Working Capital Trust Fund, FLAIR
182 number 72-2-105.

183 2. The Working Capital Trust Fund, FLAIR number 72-2-792.

184 (d) From the Department of Management Services to the
185 Department of Law Enforcement:

186 1. The Law Enforcement Radio Trust Fund, FLAIR number 72-2-
187 432.

188 2. The Emergency Communications Number E911 System Trust
189 Fund, FLAIR number 72-2-344.

190 (e) The Surplus Property Revolving Trust Fund, FLAIR number
191 72-2-699, is transferred From the Department of Management
192 Services to the Department of Financial Services.

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

197 Section 3. The Legislature recognizes that there is a need
198 to conform the Florida Statutes to the policy decisions
199 reflected in this act and that there is a need to resolve
200 apparent conflicts between any other legislation that has been
201 or may be enacted during 2010 and the abolition of the
202 Department of Management Services, the creation of the
203 Department of Personnel Management, and the transfer of the

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204 duties of the Department of Management Services to other
205 agencies made by this act. Therefore, in the interim between
206 this act becoming law and the 2011 Regular Session of the
207 Legislature or an earlier special session addressing this issue,
208 the Division of Statutory Revision shall provide the relevant
209 substantive committees of the Senate and the House of
210 Representatives with assistance, upon request, to enable such
211 committees to prepare draft legislation to conform the Florida
212 Statutes and any legislation enacted during 2010 to the
213 provisions of this act.

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

216 11.917 Procedure after termination.—

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

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

221 ~~(b) If not otherwise provided by law,~~ Records in the
222 custody of an abolished state agency or advisory committee shall
223 be transferred to the Department of State.

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

226 14.057 Governor-elect; establishment of operating fund.—

227 (2) The Department of Environmental Protection Management
228 ~~Services~~ shall provide for the Governor-elect, the Governor-
229 elect's staff, and the inauguration staff temporary office
230 facilities in the capitol center ~~for the period extending~~ from
231 the day of the certification of the Governor-elect's election by
232 the Elections Canvassing Commission to the day of his or her

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233 inauguration.

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

236 14.204 Agency for Enterprise Information Technology.—The
237 Agency for Enterprise Information Technology is created within
238 the Executive Office of the Governor.

239 (4) The agency shall have the following duties and
240 responsibilities:

241 (h) In consultation with the Division of Purchasing in the
242 Department of Financial ~~Management~~ Services, coordinate
243 procurement negotiations for software that will be used by
244 multiple agencies.

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

248 Section 7. Paragraph (i) of subsection (1) of section
249 16.615, Florida Statutes, is amended to read:

250 16.615 Council on the Social Status of Black Men and Boys.—

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

254 (i) The executive director of the Department of Personnel
255 Management ~~Secretary of Management Services~~ or a ~~his or her~~
256 designee.

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

259 20.04 Structure of executive branch.—The executive branch
260 of state government is structured as follows:

261 (3) For their internal structure, all departments, except

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262 for the Department of Financial Services, the Department of
263 Children and Family Services, the Department of Corrections, the
264 Department of Personnel Management Services, the Department of
265 Revenue, and the Department of Transportation, must adhere to
266 the following standard terms:

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

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

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

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

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

278 (a) Those functions or agencies assigned generally to the
279 department without specific designation to a unit of the
280 department may be allocated and reallocated to a unit of the
281 department at the discretion of the head of the department.

282 (b) Within the limitations of this subsection, the head of
283 the department may recommend the establishment of additional
284 divisions, bureaus, sections, and subsections of the department
285 to promote efficient and effective operation of the department.
286 However, additional divisions, or offices in the Department of
287 Children and Family Services, the Department of Corrections, and
288 the Department of Transportation, may be established only by
289 specific statutory enactment.

290 (c) New bureaus, sections, and subsections of departments

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291 may be initiated by a department and established as recommended
292 by the Department of Personnel Management ~~Services~~ and approved
293 by the Executive Office of the Governor, or may be established
294 by specific statutory enactment.

295 ~~(d)-(e)~~ For the purposes of such recommendations and
296 approvals, the Department of Personnel Management ~~Services~~ and
297 the Executive Office of the Governor, respectively, must adopt
298 and apply specific criteria for assessing the appropriateness of
299 all reorganization requests from agencies. The criteria must be
300 applied to future agency requests for reorganization and must be
301 used to review the appropriateness of bureaus currently in
302 existence. Any current bureau that does not meet the criteria
303 for a bureau must be reorganized into a section or other
304 appropriate unit.

305 Section 9. Section 20.22, Florida Statutes, is amended to
306 read:

307 20.22 Department of Personnel Management ~~Services~~. ~~The~~
308 ~~There is created a~~ Department of Personnel Management is created
309 ~~Services~~.

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

316 (2) The following divisions and programs ~~within the~~
317 ~~Department of Management Services~~ are established within the
318 department:

319 ~~(a) Facilities Program.~~

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320 ~~(b) Technology Program.~~
 321 (a)(e) Division of Human Resource Management Workforce
 322 Program.
 323 ~~(d)1. Support Program.~~
 324 ~~2. Federal Property Assistance Program.~~
 325 ~~(e) Administration Program.~~
 326 ~~(f) Division of Administrative Hearings.~~
 327 (b)(g) Division of Retirement.
 328 (c)(h) Division of State Group Insurance.
 329 (d) Division of Administrative Hearings, as a separate
 330 budget entity and not subject to the department's control,
 331 supervision, or direction.

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

337 Section 10. Subsection (6) of section 20.23, Florida
 338 Statutes, is amended to read:

339 20.23 Department of Transportation.—There is created a
 340 Department of Transportation which shall be a decentralized
 341 agency.

342 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the
 343 Department of Personnel Management may ~~Services is authorized to~~
 344 exempt positions within the Department of Transportation which
 345 are comparable to positions within the Senior Management Service
 346 pursuant to s. 110.205(2)(j) or positions that ~~which~~ are
 347 comparable to positions in the Selected Exempt Service under s.
 348 110.205(2)(m).

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349 Section 11. Paragraph (a) of subsection (2) of section
350 20.255, Florida Statutes, are amended, and paragraph (i) is
351 added to subsection (3) of that section, to read:

352 20.255 Department of Environmental Protection.—There is
353 created a Department of Environmental Protection.

354 (2) (a) There shall be four ~~three~~ deputy secretaries who are
355 to be appointed by and shall serve at the pleasure of the
356 secretary. The secretary may assign any deputy secretary the
357 responsibility to supervise, coordinate, and formulate policy
358 for any division, office, or district. The following special
359 offices are established and headed by managers, each of whom is
360 to be appointed by and serve at the pleasure of the secretary:

- 361 1. Office of Chief of Staff;
- 362 2. Office of General Counsel;
- 363 3. Office of Inspector General;
- 364 4. Office of External Affairs;
- 365 5. Office of Legislative Affairs;
- 366 6. Office of Intergovernmental Programs; and
- 367 7. Office of Greenways and Trails.

368

369 The managers of all divisions and offices specifically named in
370 this section and the directors of the six administrative
371 districts are exempt from part II of chapter 110 and are
372 included in the Senior Management Service in accordance with s.
373 110.205(2) (j).

374 (3) The following divisions of the Department of
375 Environmental Protection are established:

376 (i) Division of Facilities Management and Building
377 Construction.

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379 In order to ensure statewide and intradepartmental consistency,
380 the department's divisions shall direct the district offices and
381 bureaus on matters of interpretation and applicability of the
382 department's rules and programs.

383 Section 12. Paragraph (c) of subsection (6) of section
384 20.331, Florida Statutes, is amended to read:

385 20.331 Fish and Wildlife Conservation Commission.—

386 (6) GENERAL PROVISIONS.—

387 (c) Divisions, sections, and offices created by this act
388 may be abolished only by general law. Additional divisions in
389 the commission may only be established by general law. New
390 sections, subsections, and offices of the commission may be
391 initiated by the commission and established as recommended by
392 the Department of Personnel Management Services and approved by
393 the Executive Office of the Governor, or may be established by
394 general law.

395 Section 13. Section 20.50, Florida Statutes, is amended to
396 read:

397 20.50 Agency for Workforce Innovation.—~~There is created~~ The
398 Agency for Workforce Innovation is created within the Department
399 of Personnel Management Services. The agency is ~~shall be~~ a
400 separate budget entity, as provided in the General
401 Appropriations Act, ~~and the director of the agency shall be the~~
402 ~~agency head for all purposes.~~ The head of the agency is the
403 director of Workforce Innovation, who shall be appointed by the
404 Governor. The agency is ~~shall~~ not ~~be~~ subject to control,
405 supervision, or direction by the Department of Personnel
406 Management ~~Services in any manner~~, including, but not limited

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407 to, personnel, purchasing, transactions involving real or
408 personal property, and budgetary matters.

409 (1) The agency ~~for Workforce Innovation~~ shall ensure that
410 the state appropriately administers federal and state workforce
411 funding by administering plans and policies of Workforce
412 Florida, Inc., under contract with Workforce Florida, Inc. The
413 operating budget and midyear amendments ~~thereto~~ must be part of
414 such contract.

415 (a) All program and fiscal instructions to regional
416 workforce boards must ~~shall~~ emanate from the agency pursuant to
417 plans and policies of Workforce Florida, Inc. Workforce Florida,
418 Inc., is ~~shall be~~ responsible for all policy directions to the
419 regional boards.

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

423 (2) ~~(a)~~ The agency ~~for Workforce Innovation~~ is the
424 administrative agency designated for receipt of federal
425 workforce development grants and other federal funds. The agency
426 shall administer the duties and responsibilities assigned by the
427 Governor under each federal grant assigned to the agency.

428 (a) The agency shall expend each revenue source as provided
429 by federal and state law and as provided in plans developed by
430 and agreements with Workforce Florida, Inc. The agency may serve
431 as contract administrator for Workforce Florida, Inc., contracts
432 pursuant to s. 445.004(5) as directed by Workforce Florida, Inc.

433 (b) The agency shall prepare and submit a unified budget
434 request for workforce development, in accordance with chapter
435 216 for, and in conjunction with, Workforce Florida, Inc., and

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436 its board. ~~The head of the agency is the director of Workforce~~
437 ~~Innovation, who shall be appointed by the Governor.~~

438 (c) The agency shall include the following offices within
439 its organizational structure:

440 1. The Office of Unemployment Compensation Services;

441 2. The Office of Workforce Program Support;

442 3. The Office of Early Learning, which shall administer the
443 school readiness system in accordance with s. 411.01 and the
444 operational requirements of the Voluntary Prekindergarten
445 Education Program in accordance with part V of chapter 1002. The
446 office shall be directed by the Deputy Director for Early
447 Learning, who shall be appointed by and serve at the pleasure of
448 the director; and

449 4. The Office of Agency Support Services.

450 (d) The director of the agency may establish the positions
451 of assistant director and deputy director to administer the
452 requirements and functions of the agency. In addition, the
453 director may organize and structure the offices of the agency to
454 best meet the goals and objectives of the agency as provided in
455 s. 20.04.

456 (e) ~~(d)~~ The Unemployment Appeals Commission, authorized by
457 s. 443.012, is not subject to control, supervision, or direction
458 by the agency ~~for Workforce Innovation~~ in the performance of its
459 powers and duties but shall receive any and all support and
460 assistance from the agency that is required for the performance
461 of its duties.

462 (3) The agency ~~for Workforce Innovation~~ shall serve as the
463 designated agency for purposes of each federal workforce
464 development grant assigned to it for administration. The agency

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465 shall carry out the duties assigned to it by the Governor, under
466 the terms and conditions of each grant. The agency shall have
467 the level of authority and autonomy necessary to be the
468 designated recipient of each federal grant assigned to it, and
469 shall disperse such grants pursuant to the plans and policies of
470 Workforce Florida, Inc. The director may, upon delegation from
471 the Governor and pursuant to agreement with Workforce Florida,
472 Inc., sign contracts, grants, and other instruments as necessary
473 to execute functions assigned to the agency. Notwithstanding
474 other provisions of law, the agency ~~for Workforce Innovation~~
475 shall administer other programs funded by federal or state
476 appropriations, as determined by the Legislature in the General
477 Appropriations Act or by law.

478 (4) The agency ~~for Workforce Innovation~~ may provide or
479 contract for training for employees of administrative entities
480 and case managers of any contracted providers to ensure that
481 they have the necessary competencies and skills to provide
482 adequate administrative oversight and delivery of the full array
483 of client services.

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

487 Section 14. Subsection (13) of section 24.105, Florida
488 Statutes, is amended to read:

489 24.105 Powers and duties of department.—The department
490 shall:

491 (13) ~~Have the authority to Perform any of the functions of~~
492 the Department of Financial Management Services under chapter
493 255, chapter 273, chapter 281, chapter 283, or chapter 287, or

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494 ~~any~~ rules adopted under ~~any~~ such chapter, and may grant
495 approvals provided for under ~~any~~ such chapter or rules. If the
496 department finds, by rule, that compliance with ~~any~~ such chapter
497 would impair or impede the effective or efficient operation of
498 the lottery, the department may adopt rules providing
499 alternative procurement procedures. Such alternative procedures
500 shall be designed to allow the department to evaluate competing
501 proposals and select the proposal that provides the greatest
502 long-term benefit to the state with respect to the quality of
503 the products or services, dependability and integrity of the
504 vendor, dependability of the vendor's products or services,
505 security, competence, timeliness, and maximization of gross
506 revenues and net proceeds over the life of the contract.

507 Section 15. Subsection (6) of section 24.120, Florida
508 Statutes, is amended to read:

509 24.120 Financial matters; Operating Trust Fund; interagency
510 cooperation.—

511 (6) The Department of Financial ~~Management~~ Services may
512 authorize a sales incentive program for employees of the
513 department for the purpose of increasing the sales volume and
514 distribution of lottery tickets. Payments pursuant to the
515 program are ~~shall not be construed to be~~ lump-sum salary
516 bonuses.

517 Section 16. Paragraph (a) of subsection (1) of section
518 29.008, Florida Statutes, is amended to read:

519 29.008 County funding of court-related functions.—

520 (1) Counties are required by s. 14, Art. V of the State
521 Constitution to fund the cost of communications services,
522 existing radio systems, existing multiagency criminal justice

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523 information systems, and the cost of construction or lease,
524 maintenance, utilities, and security of facilities for the
525 circuit and county courts, public defenders' offices, state
526 attorneys' offices, guardian ad litem offices, and the offices
527 of the clerks of the circuit and county courts performing court-
528 related functions. For purposes of this section, the term
529 "circuit and county courts" includes the offices and staffing of
530 the guardian ad litem programs, and the term "public defenders'
531 offices" includes the offices of criminal conflict and civil
532 regional counsel. The county designated under s. 35.05(1) as the
533 headquarters for each appellate district shall fund these costs
534 for the appellate division of the public defender's office in
535 that county. For purposes of implementing these requirements,
536 the term:

537 (a) "Facility" means reasonable and necessary buildings and
538 office space and appurtenant equipment and furnishings,
539 structures, real estate, easements, and related interests in
540 real estate, including, but not limited to, those for the
541 purpose of housing legal materials for use by the general public
542 and personnel, equipment, or functions of the circuit or county
543 courts, public defenders' offices, state attorneys' offices, and
544 court-related functions of the office of the clerks of the
545 circuit and county courts and all storage. The term ~~"facility"~~
546 includes all wiring necessary for court reporting services. The
547 term also includes access to parking for such facilities in
548 connection with ~~such~~ court-related functions that may be
549 available free or from a private provider or a local government
550 for a fee. The office space provided by a county may not be less
551 than the standards for space allotment adopted by the Department

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552 of Environmental Protection Management Services, except that
553 this requirement applies only to facilities that are leased, or
554 on which construction commences, after June 30, 2003. County
555 funding must include physical modifications and improvements to
556 all facilities ~~as are~~ required for compliance with the Americans
557 with Disabilities Act. Upon mutual agreement of a county and the
558 affected entity ~~in this paragraph~~, the office space provided by
559 the county may vary from the standards for space allotment
560 adopted by the Department of Environmental Protection Management
561 Services.

562 1. ~~As of July 1, 2005,~~ Equipment and furnishings are ~~shall~~
563 ~~be~~ limited to that which is appropriate and customary for
564 courtrooms, hearing rooms, jury facilities, and other public
565 areas in courthouses and any other facility occupied by the
566 courts, state attorneys, public defenders, guardians ad litem,
567 and criminal conflict and civil regional counsel. Court
568 reporting equipment in these areas or facilities is not a
569 responsibility of the county.

570 2. Equipment and furnishings under this paragraph in
571 existence and owned by counties on July 1, 2005, except for that
572 in the possession of the clerks, for areas other than
573 courtrooms, hearing rooms, jury facilities, and other public
574 areas in courthouses and any other facility occupied by the
575 courts, state attorneys, and public defenders, shall be
576 transferred to the state at no charge. This provision does not
577 apply to ~~any~~ communications services as defined in paragraph
578 (f).

579 Section 17. Section 29.21, Florida Statutes, is amended to
580 read:

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581 29.21 ~~Department of Management Services to provide~~
582 Assistance in procuring services.—In accordance with s. 287.042,
583 the Department of Financial Management Services may assist the
584 Office of the State Courts Administrator and the Justice
585 Administrative Commission with competitive solicitations for the
586 procurement of state-funded services under this chapter. This
587 may include assistance in the development and review of
588 proposals in compliance with chapter 287, and rules adopted
589 under that chapter.

590 Section 18. Section 110.1055, Florida Statutes, is amended
591 to read:

592 110.1055 Rules and rulemaking authority.—The Department of
593 Personnel Management ~~Services~~ shall adopt rules as necessary to
594 effectuate the provisions of this chapter, ~~as amended by this~~
595 ~~act,~~ and in accordance with the authority granted to the
596 department under ~~in~~ this chapter. ~~All existing rules relating to~~
597 ~~this chapter are statutorily repealed January 1, 2002, unless~~
598 ~~otherwise readopted.~~

599 Section 19. Subsections (1) and (2) of section 110.107,
600 Florida Statutes, are amended to read:

601 110.107 Definitions.—As used in this chapter, the term:

602 (1) "Department" means the Department of Personnel
603 Management ~~Services~~.

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

606 Section 20. Subsection (5) of section 110.1099, Florida
607 Statutes, is amended to read:

608 110.1099 Education and training opportunities for state
609 employees.—

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610 (5) The department ~~of Management Services~~, in consultation
611 with the agencies and, to the extent applicable, with the state
612 ~~Florida's public~~ community colleges, ~~public~~ career centers, and
613 ~~public~~ universities, shall adopt rules to administer this
614 section.

615 Section 21. Section 110.116, Florida Statutes, is amended
616 to read:

617 110.116 Personnel information system; payroll procedures.-
618 The department ~~of Management Services~~ shall establish and
619 maintain, in coordination with the payroll system of the
620 Department of Financial Services, a complete personnel
621 information system for all authorized and established positions
622 in the state service, with the exception of employees of the
623 Legislature, unless the Legislature chooses to participate. The
624 department may contract with a vendor to provide the personnel
625 information system. The specifications shall be developed in
626 conjunction with the payroll system of the Department of
627 Financial Services and in coordination with the Auditor General.
628 The Department of Financial Services shall determine that the
629 position occupied by each employee has been authorized and
630 established in accordance with ~~the provisions of~~ s. 216.251. The
631 department ~~of Management Services~~ shall develop and maintain a
632 position numbering system that identifies ~~will identify~~ each
633 established position, and such information shall be a part of
634 the payroll system of the Department of Financial Services. With
635 the exception of employees of the Legislature, unless the
636 Legislature chooses to participate, this system includes ~~shall~~
637 ~~include~~ all career service positions and those positions
638 exempted from career service provisions, notwithstanding the

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639 funding source of the salary payments, and information regarding
640 persons receiving payments from other sources. Necessary
641 revisions shall be made in the personnel and payroll procedures
642 of the state to avoid duplication insofar as is feasible. A list
643 shall be organized by budget entity to show the employees or
644 vacant positions within each budget entity. This list must ~~shall~~
645 be available to the Speaker of the House of Representatives and
646 the President of the Senate upon request.

647 Section 22. Section 110.121, Florida Statutes, is amended
648 to read:

649 110.121 Sick leave pool.—Each state ~~department or~~ agency
650 that ~~of the state which~~ has authority to adopt rules governing
651 the accumulation and use of sick leave for employees and that
652 ~~which~~ maintains accurate and reliable records showing the amount
653 of sick leave which has been accumulated and is unused by
654 employees may, in accordance with guidelines that are ~~which~~
655 ~~shall be~~ established by the department of Management Services,
656 adopt rules for establishing ~~the establishment of~~ a plan
657 allowing participating employees to pool sick leave and allowing
658 any sick leave thus pooled to be used by a ~~any~~ participating
659 employee who has used all of his or her ~~the~~ sick leave ~~that has~~
660 ~~been personally accrued by him or her.~~ At a minimum ~~Although not~~
661 ~~limited to the following,~~ such rules shall provide:

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

667 (2) That participation in the sick leave pool is ~~shall,~~ at

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668 ~~all times, be~~ voluntary on the part of the employees.

669 (3) That any sick leave pooled shall be removed from the
670 personally accumulated sick leave balance of the employee
671 contributing such leave.

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

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

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

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

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

687 (9) That an employee who transfers from one position in a
688 state agency ~~government~~ to another position in another state
689 agency ~~government~~ may transfer from one pool to another if the
690 eligibility criteria of the pools are comparable or the
691 administrators of the pools have agreed on a formula for
692 transfer of credits.

693 (10) That alleged abuse of the use of the sick leave pool
694 shall be investigated, and, on a finding of wrongdoing, the
695 employee must ~~shall~~ repay all of the sick leave credits drawn
696 from the sick leave pool and is ~~shall be~~ subject to such other

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697 disciplinary action as is determined by the agency head.

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

700 Section 23. Section 110.1227, Florida Statutes, is amended
701 to read:

702 110.1227 Florida Employee Long-Term-Care Plan ~~Act.~~—

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

707 (a) It is the intent of the Legislature that the Department
708 of Personnel Management ~~Services~~ and the Department of Elderly
709 Affairs implement a self-funded or fully insured, voluntary,
710 long-term-care plan for public employees and their families and
711 provide an opportunity for public employees and their families
712 to purchase said long-term-care insurance by means of payroll
713 deduction.

714 (b) The department and the Department of Elderly Affairs
715 ~~and the Department of Management Services~~ shall jointly design
716 the plan to provide long-term-care coverage for public
717 employees, family members of public employees, and retirees. The
718 departments ~~Department of Management Services and the Department~~
719 ~~of Elderly Affairs~~ shall enter into an interagency agreement
720 defining their roles with regard to plan development and design.
721 Joint planning expenses shall be shared to the extent that
722 funded planning activities are consistent with the goals of the
723 departments. Eligible plan participants must include active and
724 retired officers and employees of all branches and state
725 agencies ~~of state~~ and their spouses, children, stepchildren,

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726 parents, and parents-in-law; and, upon the affirmative vote of
727 the governing body of any county or municipality in this state,
728 the active and retired officers and employees of any such county
729 or municipality and their spouses, children, stepchildren,
730 parents, and parents-in-law; and the surviving spouses,
731 children, stepchildren, parents, and parents-in-law of such
732 deceased officers and employees, whether active or retired at
733 the time of death.

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

737 (d) The department ~~of Management Services~~ and the
738 Department of Elderly Affairs shall review all self-insured and
739 all fully-insured proposals submitted to it by qualified vendors
740 ~~who have submitted responses~~ prior to February 23, 1999. Upon
741 review of the proposals, the departments ~~Department of~~
742 ~~Management Services and the Department of Elderly Affairs~~ may
743 award a contract to the vendor that the departments deem to
744 represent the best value to public employees, family members of
745 public employees, and retirees.

746 (e) An ~~No~~ entity providing actuarial consulting services to
747 the department ~~of Management Services~~ or the Department of
748 Elderly Affairs in the preparation of the request for proposals,
749 in the evaluation of such proposals, or in the selection of a
750 provider of long-term-care service offerings may not ~~shall be~~
751 ~~eligible to~~ provide or contract to provide the entity selected
752 as the provider of long-term-care service offerings in this
753 state with any services related to the ~~Florida Employee Long-~~
754 ~~Term-Care~~ plan.

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

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

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

760 (b) ~~(e)~~ "Plan" means the Florida Employee Long-Term-Care
761 Plan.

762 (3) The department ~~of Management Services~~ and the
763 Department of Elderly Affairs shall, in consultation with public
764 employers and employees and representatives from unions and
765 associations representing state, university, local government,
766 and other public employees, establish and supervise the
767 implementation and administration of a self-funded or fully
768 insured long-term-care plan entitled "Florida Employee Long-
769 Term-Care Plan."

770 (a) The departments ~~Department of Management Services and~~
771 ~~the department~~ shall, in consultation with the Office of
772 Insurance Regulation of the Financial Services Commission,
773 contract for actuarial, professional-administrator, and other
774 services for the ~~Florida Employee Long-Term-Care~~ plan.

775 (b) When contracting for a professional administrator, the
776 department ~~of Management Services~~ shall consider, at a minimum,
777 the entity's previous experience and expertise in administering
778 group long-term-care self-funded plans or long-term-care
779 insurance programs; the entity's demonstrated ability to perform
780 its contractual obligations in the state and in other
781 jurisdictions; the entity's projected administrative costs; the
782 entity's capability to adequately provide service coverage,
783 including a sufficient number of experienced and qualified

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784 personnel in the areas of marketing, claims processing,
785 recordkeeping, and underwriting; the entity's accessibility to
786 public employees and other qualified participants; and the
787 entity's financial soundness and solvency.

788 (c) Any contract with a professional administrator entered
789 into by the department ~~of Management Services~~ must require that
790 the state be held harmless and indemnified for any financial
791 loss caused by the failure of the professional administrator to
792 comply with the terms of the contract.

793 (d) The department ~~of Management Services~~ shall explore
794 innovations in long-term-care financing and service delivery
795 with regard to possible future inclusion in the plan. Such
796 innovative financing and service delivery mechanisms may include
797 managed long-term care and plans that set aside assets with
798 regard to eligibility for Medicaid-funded long-term-care
799 services in the same proportion that private long-term-care
800 insurance benefits are used to pay for long-term care.

801 (4) The department ~~of Management Services~~ and the
802 Department of Elderly Services shall coordinate, directly or
803 through contract, marketing of the plan. Expenses related to
804 such marketing shall be reimbursed from funds of the plan.

805 (5) The department ~~of Management Services~~ shall contract
806 with the State Board of Administration for the investment of
807 funds in the Florida Employee Long-Term-Care Plan reserve fund.
808 Plan funds are not state funds. The moneys shall be held by the
809 state board ~~of Administration~~ on behalf of enrollees and
810 invested and disbursed in accordance with a trust agreement
811 approved by the division and the state board ~~of Administration~~
812 and in accordance with ~~the provisions of~~ ss. 215.44-215.53.

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813 Moneys in the reserve fund may be used only for the purposes
814 specified in the agreement.

815 (6) A Florida Employee Long-Term-Care Plan Board of
816 Directors is created, composed of nine members who shall serve
817 2-year terms, to be appointed ~~after May 1, 1999~~, as follows:

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

820 (b) The Director of the Office of Insurance Regulation
821 shall appoint an actuary.

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

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

826 (e) The Department of Personnel Management ~~Services~~ shall
827 appoint a member.

828 (f) The President of the Senate shall appoint a member of
829 the Senate.

830 (g) The Speaker of the House of Representatives shall
831 appoint a member of the House of Representatives.

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

834 (a) Prepare an annual report of the plan, with the
835 assistance of an actuarial consultant, to be submitted to the
836 Speaker of the House of Representatives, the President of the
837 Senate, the Governor, and the Minority Leaders of the Senate and
838 the House of Representatives.

839 (b) Approve the appointment of an executive director
840 jointly recommended by the department ~~of Management Services~~ and
841 the Department of Elderly Affairs to serve as the chief

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842 administrative and operational officer of the ~~Florida Employee~~
843 ~~Long-Term-Care~~ plan.

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

846 (d) Implement such other policies and procedures as
847 necessary to assure the soundness and efficient operation of the
848 plan.

849 (8) Members of the board may not receive a salary, but may
850 be reimbursed for travel, per diem, and administrative expenses
851 related to their duties. Board expenses and costs for the annual
852 report and other administrative expenses must be borne by the
853 plan. State funds may not be used for ~~contributed toward~~ costs
854 associated with board members or their activities conducted on
855 behalf of and for the benefit of plan beneficiaries.

856 Section 24. Paragraph (f) of subsection (5) and subsection
857 (7) of section 110.1228, Florida Statutes, are amended to read:

858 110.1228 Participation by small counties, small
859 municipalities, and district school boards located in small
860 counties.—

861 (5) If the department determines that a small county, small
862 municipality, or district school board is eligible to enroll,
863 the small county, small municipality, or district school board
864 must agree to the following terms and conditions:

865 (f) If a small county, small municipality, or district
866 school board employer fails to make the payments required by
867 this section to fully reimburse the state, upon the department's
868 request, the Department of Revenue or the Department of
869 Financial Services shall, ~~upon the request of the Department of~~
870 ~~Management Services~~, deduct the amount owed by the employer from

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871 any funds not pledged to bond debt service satisfaction that are
872 to be distributed by it to the small county, small municipality,
873 or district school board. The amounts ~~se~~ deducted shall be
874 transferred to the department ~~of Management Services~~ for further
875 distribution to the trust funds in accordance with this chapter.

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

878 Section 25. Subsection (2) and paragraphs (a), (e), (h),
879 and (i) of subsection (3) of section 110.123, Florida Statutes,
880 are amended to read:

881 110.123 State group insurance program.—

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

883 ~~(a) "Department" means the Department of Management~~
884 ~~Services.~~

885 (a) ~~(b)~~ "Enrollee" means all state officers and employees,
886 retired state officers and employees, surviving spouses of
887 deceased state officers and employees, and terminated employees
888 or individuals with continuation coverage who are enrolled in an
889 insurance plan offered by the state group insurance program. The
890 term "Enrollee" includes all state university officers and
891 employees, retired state university officers and employees,
892 surviving spouses of deceased state university officers and
893 employees, and terminated state university employees or
894 individuals with continuation coverage who are enrolled in an
895 insurance plan offered by the state group insurance program.

896 (b) ~~(e)~~ "Full-time state employees" means ~~includes all~~ full-
897 time employees of state ~~all branches or~~ agencies ~~of state~~
898 ~~government~~ holding salaried positions and paid by state warrant
899 or from agency funds, and employees paid from regular salary

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900 appropriations for 8 months' employment, including university
901 personnel on academic contracts, but in no case shall "state
902 employee" or "salaried position" include persons paid from
903 other-personal-services ~~(OPS)~~ funds. "Full-time employees"
904 includes all full-time employees of the state universities.

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

907 (d)~~(e)~~ "Health plan member" means any person participating
908 in a state group health insurance plan, a TRICARE supplemental
909 insurance plan, or a health maintenance organization plan under
910 the state group insurance program, including enrollees and
911 covered dependents thereof.

912 (e)~~(f)~~ "Part-time state employee" means any employee of any
913 branch or agency of state government paid by state warrant from
914 salary appropriations or from agency funds, and who is employed
915 for less than the normal full-time workweek established by the
916 department or, if on academic contract or seasonal or other type
917 of employment which is less than year-round, is employed for
918 less than 8 months during any 12-month period. The term does
919 not, but in no case shall "part-time" employee include a person
920 paid from other-personal-services ~~(OPS)~~ funds. "Part-time state
921 employee" includes any part-time employee of the state
922 universities.

923 (f)~~(g)~~ "Retired state officer or employee" or "retiree"
924 means any state or state university officer or employee who
925 retires under a state retirement system or a state optional
926 annuity or retirement program or is placed on disability
927 retirement, ~~and~~ who was insured under the state group insurance
928 program at the time of retirement, and who begins receiving

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929 retirement benefits immediately after retirement from state or
930 state university office or employment. In addition ~~to these~~
931 ~~requirements~~, the term includes any state officer or state
932 employee who retires under the defined contribution Public
933 ~~Employee Optional Retirement~~ program established under part II
934 of chapter 121 ~~shall be considered a "retired state officer or~~
935 ~~employee" or "retiree" as used in this section~~ if he or she:

936 1. Meets the age and service requirements to qualify for
937 normal retirement as set forth in s. 121.021(29); or

938 2. Has attained the age specified by s. 72(t)(2)(A)(i) of
939 the Internal Revenue Code and has 6 years of creditable service.

940 (g) ~~(h)~~ "State agency" or "agency" means any branch,
941 department, or agency of state government. "State agency" or
942 "agency" includes any state university for purposes of this
943 section only.

944 (h) ~~(i)~~ "State group health insurance plan or plans" or
945 "state plan or plans" mean the state self-insured health
946 insurance plan or plans offered to state officers and employees,
947 retired state officers and employees, and surviving spouses of
948 deceased state officers and employees pursuant to this section.

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

952 (j) ~~(k)~~ "State group insurance program" or "programs" means
953 the package of insurance plans offered to state officers and
954 employees, retired state officers and employees, and surviving
955 spouses of deceased state officers and employees pursuant to
956 this section, including the state group health insurance plan or
957 plans, health maintenance organization plans, TRICARE

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958 supplemental insurance plans, and other plans required or
959 authorized by law.

960 (k)~~(l)~~ "State officer" means any constitutional state
961 officer, any elected state officer paid by state warrant, or any
962 appointed state officer who is commissioned by the Governor and
963 who is paid by state warrant.

964 (l)~~(m)~~ "Surviving spouse" means the widow or widower of a
965 deceased state officer, full-time state employee, part-time
966 state employee, or retiree if such widow or widower was covered
967 as a dependent under the state group health insurance plan, a
968 TRICARE supplemental insurance plan, or a health maintenance
969 organization plan established pursuant to this section at the
970 time of the death of the deceased officer, employee, or retiree.
971 The term "Surviving spouse" also means any widow or widower who
972 is receiving or eligible to receive a monthly state warrant from
973 a state retirement system as the beneficiary of a state officer,
974 full-time state employee, or retiree who died before ~~prior to~~
975 July 1, 1979. For the purposes of this section, any such widow
976 or widower shall cease to be a surviving spouse upon his or her
977 remarriage.

978 (m)~~(n)~~ "TRICARE supplemental insurance plan" means the
979 Department of Defense Health Insurance Program for eligible
980 members of the uniformed services authorized by 10 U.S.C. s.
981 1097.

982 (3) STATE GROUP INSURANCE PROGRAM.—

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

985 (e) The department ~~of Management Services~~ and the Division
986 of State Group Insurance may not prohibit or limit any properly

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987 licensed insurer, health maintenance organization, prepaid
988 limited health services organization, or insurance agent from
989 competing for any insurance product or plan purchased, provided,
990 or endorsed by the department or the division on the basis of
991 the compensation arrangement used by the insurer or organization
992 for its agents.

993 ~~(h)1.~~ In lieu of participating in the state group health
994 insurance program, a person eligible to participate in the ~~state~~
995 ~~group insurance~~ program may be authorized by department rules
996 ~~adopted by the department, in lieu of participating in the state~~
997 ~~group health insurance plan, to exercise an option to elect~~
998 membership in a health maintenance organization plan that ~~which~~
999 is under contract with the state in accordance with criteria
1000 established by this section and department ~~by said~~ rules. The
1001 offer of optional membership in a health maintenance
1002 organization plan ~~permitted by this paragraph~~ may be limited or
1003 conditioned by rule as ~~may be~~ necessary to meet the requirements
1004 of state and federal laws.

1005 ~~1.2.~~ The department shall contract with health maintenance
1006 organizations seeking to participate in the state group
1007 insurance program through a request for proposal or other
1008 procurement process, as developed by the department ~~of~~
1009 ~~Management Services~~ and determined to be appropriate.

1010 a. The department shall establish a schedule of minimum
1011 benefits for health maintenance organization coverage, and that
1012 schedule must ~~shall~~ include: physician services; inpatient and
1013 outpatient hospital services; emergency medical services,
1014 including out-of-area emergency coverage; diagnostic laboratory
1015 and diagnostic and therapeutic radiologic services; mental

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1016 health, alcohol, and chemical dependency treatment services
1017 meeting the minimum requirements of state and federal law;
1018 skilled nursing facilities and services; prescription drugs;
1019 age-based and gender-based wellness benefits; and other benefits
1020 as may be required by the department. Additional services may be
1021 provided subject to the contract between the department and the
1022 HMO. As used in this paragraph, the term "age-based and gender-
1023 based wellness benefits" includes aerobic exercise, education in
1024 alcohol and substance abuse prevention, blood cholesterol
1025 screening, health risk appraisals, blood pressure screening and
1026 education, nutrition education, program planning, safety belt
1027 education, smoking cessation, stress management, weight
1028 management, and women's health education.

1029 b. The department may establish uniform deductibles,
1030 copayments, coverage tiers, or coinsurance schedules for all
1031 participating HMO plans.

1032 c. The department may require detailed information from
1033 each health maintenance organization participating in the
1034 procurement process, including information pertaining to
1035 organizational status, experience in providing prepaid health
1036 benefits, accessibility of services, financial stability of the
1037 plan, quality of management services, accreditation status,
1038 quality of medical services, network access and adequacy,
1039 performance measurement, ability to meet the department's
1040 reporting requirements, and the actuarial basis of the proposed
1041 rates and other data determined by the director to be necessary
1042 for the evaluation and selection of health maintenance
1043 organization plans and negotiation of appropriate rates for
1044 these plans. Upon receipt of proposals by health maintenance

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1045 organization plans and the evaluation of those proposals, the
1046 department may enter into negotiations with all of the plans or
1047 a subset of the plans, as the department determines appropriate.
1048 ~~Nothing shall preclude~~ The department may negotiate ~~from~~
1049 ~~negotiating~~ regional or statewide contracts with health
1050 maintenance organization plans if ~~when~~ this is cost-effective
1051 and ~~when~~ the department determines that the plan offers high
1052 value to enrollees.

1053 d. The department may limit the number of HMOs that it
1054 contracts with in each service area based on the nature of the
1055 bids the department receives, the number of state employees in
1056 the service area, or any unique geographical characteristics of
1057 the service area. The department shall establish by rule service
1058 areas throughout the state.

1059 e. All persons participating in the state group insurance
1060 program may be required to contribute towards a total state
1061 group health premium that may vary depending upon the plan and
1062 coverage tier selected by the enrollee and the level of state
1063 contribution authorized by the Legislature.

1064 ~~2.3.~~ The department may ~~is authorized to~~ negotiate and ~~to~~
1065 contract with specialty psychiatric hospitals for mental health
1066 benefits, on a regional basis, for alcohol, drug abuse, and
1067 mental and nervous disorders. ~~The department may establish,~~
1068 Subject to the approval of the Legislature pursuant to
1069 subsection (5), the department may establish ~~any~~ such regional
1070 plan upon completion of an actuarial study to determine the
1071 effect ~~any impact~~ on plan benefits and premiums.

1072 ~~3.4.~~ In addition to contracting pursuant to subparagraph 1.
1073 ~~2.~~, the department may ~~enter into~~ contract with any HMO to

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- 1074 participate in the state group insurance program which:
- 1075 a. Serves greater than 5,000 recipients on a prepaid basis
- 1076 under the Medicaid program;
- 1077 b. Does not currently meet the 25-percent non-Medicare/non-
- 1078 Medicaid enrollment composition requirement established by the
- 1079 Department of Health excluding participants enrolled in the
- 1080 state group insurance program;
- 1081 c. Meets the minimum benefit package and copayments and
- 1082 deductibles contained in sub-subparagraphs 1.a. ~~2.a.~~ and b.;
- 1083 d. Is willing to participate in the state group insurance
- 1084 program at a cost of premiums that is not greater than 95
- 1085 percent of the cost of HMO premiums accepted by the department
- 1086 in each service area; and
- 1087 e. Meets the minimum surplus requirements of s. 641.225.

1088

1089 The department may ~~is authorized to~~ contract with HMOs that meet

1090 the requirements of sub-subparagraphs a.-d. before ~~prior to~~ the

1091 open enrollment period for state employees. The department is

1092 not required to renew the contract with the HMOs ~~as set forth in~~

1093 ~~this paragraph~~ more than twice. Thereafter, the HMOs may ~~shall~~

1094 ~~be eligible to~~ participate in the state group insurance program

1095 only through the request for proposal or invitation to negotiate

1096 process described in subparagraph 1. ~~2.~~

1097 ~~4.5.~~ All enrollees in a state group health insurance plan,

1098 a TRICARE supplemental insurance plan, or any health maintenance

1099 organization plan may change ~~have the option of changing~~ to any

1100 other health plan that is offered by the state within an ~~any~~

1101 open enrollment period designated by the department. Open

1102 enrollment shall be held at least once each calendar year.

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1103 5.6. ~~If~~ ~~When~~ a contract between a treating provider and the
1104 state-contracted health maintenance organization is terminated
1105 for any reason other than for cause, each party shall allow any
1106 enrollee for whom treatment was active to continue coverage and
1107 care when medically necessary, through completion of treatment
1108 of a condition for which the enrollee was receiving care at the
1109 time of the termination, until the enrollee selects another
1110 treating provider, or until the next open enrollment period
1111 offered, whichever is longer, but no longer than 6 months after
1112 termination of the contract. Each party to the terminated
1113 contract shall allow an enrollee who has initiated a course of
1114 prenatal care, regardless of the trimester in which care was
1115 initiated, to continue care and coverage until completion of
1116 postpartum care. This does not prevent a provider from refusing
1117 to continue to provide care to an enrollee who is abusive,
1118 noncompliant, or in arrears in payments for services provided.
1119 For care continued under this subparagraph, the program and the
1120 provider shall continue to be bound by the terms of the
1121 terminated contract. Changes made within 30 days before
1122 termination of a contract are effective only if agreed to by
1123 both parties.

1124 6.7. Any HMO participating in the state group insurance
1125 program shall submit health care utilization and cost data to
1126 the department, in such form and in such manner as the
1127 department shall require, as a condition of participating in the
1128 program. The department shall enter into negotiations with its
1129 contracting HMOs to determine the nature and scope of the data
1130 submission and the final requirements, format, penalties
1131 associated with noncompliance, and timetables for submission.

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1132 These determinations shall be adopted by rule.

1133 (i)~~g.~~ The department may establish and direct, with respect
1134 to collective bargaining issues, a comprehensive package of
1135 insurance benefits that may include supplemental health and life
1136 coverage, dental care, long-term care, vision care, and other
1137 benefits it determines necessary to enable state employees to
1138 select from among benefit options that best suit their
1139 individual and family needs.

1140 1.a.~~1.~~ Based upon a desired benefit package, the department
1141 shall issue a request for proposal or invitation to negotiate
1142 for health insurance providers interested in participating in
1143 the state group insurance program, and the department shall
1144 issue a request for proposal or invitation to negotiate for
1145 insurance providers interested in participating in the non-
1146 health-related components of the state group insurance program.
1147 Upon receipt of all proposals, the department may enter into
1148 contract negotiations with insurance providers submitting bids
1149 or negotiate a specially designed benefit package. Insurance
1150 providers offering or providing supplemental coverage as of May
1151 30, 1991, which qualify for pretax benefit treatment pursuant to
1152 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more
1153 state employees currently enrolled may be included by the
1154 department in the supplemental insurance benefit plan
1155 established by the department without participating in a request
1156 for proposal, submitting bids, negotiating contracts, or
1157 negotiating a specially designed benefit package. These
1158 contracts must ~~shall~~ provide state employees with the most cost-
1159 effective and comprehensive coverage available; however, ~~no~~
1160 state or agency funds may not contribute ~~shall be contributed~~

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1161 toward the cost of any part of the premium of such supplemental
1162 benefit plans. With respect to dental coverage, the division
1163 shall include in any solicitation or contract for any state
1164 group dental program made after July 1, 2001, a comprehensive
1165 indemnity dental plan option that ~~which~~ offers enrollees a
1166 completely unrestricted choice of dentists. If a dental plan is
1167 endorsed, or in some manner recognized as the preferred product,
1168 such plan shall include a comprehensive indemnity dental plan
1169 option that ~~which~~ provides enrollees with a completely
1170 unrestricted choice of dentists.

1171 2.b. Pursuant to the applicable provisions of s. 110.161,
1172 and s. 125 of the Internal Revenue Code of 1986, the department
1173 shall enroll in the pretax benefit program those state employees
1174 who voluntarily elect coverage in any of the supplemental
1175 insurance benefit plans as provided by sub-subparagraph a.

1176 3.e. This paragraph does not ~~Nothing herein contained shall~~
1177 ~~be construed to~~ prohibit insurance providers from continuing to
1178 provide or offer supplemental benefit coverage to state
1179 employees as provided under existing agency plans.

1180 (j)-(i) The benefits of the insurance authorized by this
1181 section are ~~shall~~ not be in lieu of any benefits payable under
1182 chapter 440, the Workers' Compensation Law. The insurance
1183 authorized by this section may ~~law shall~~ not be deemed to
1184 constitute insurance to secure workers' compensation benefits as
1185 required by chapter 440.

1186 Section 26. Section 110.12312, Florida Statutes, is amended
1187 to read:

1188 110.12312 Open enrollment period for retirees.—On or after
1189 July 1, 1997, the department of ~~Management Services~~ shall

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1190 provide for an open enrollment period for retired state
1191 employees who want to obtain health insurance coverage under ss.
1192 110.123 and 110.12315. The options offered during the open
1193 enrollment period must provide the same health insurance
1194 coverage as the coverage provided to active employees under the
1195 same premium payment conditions in effect for covered retirees,
1196 including eligibility for health insurance subsidy payments
1197 under s. 112.363. A person who separates from employment after
1198 ~~subsequent to~~ May 1, 1988, but whose date of retirement occurs
1199 on or after August 1, 1995, is eligible as of the first open
1200 enrollment period occurring after July 1, 1997, with an
1201 effective date of January 1, 1998, as long as the retiree's
1202 enrollment remains in effect.

1203 Section 27. Section 110.12315, Florida Statutes, is amended
1204 to read:

1205 110.12315 Prescription drug program.—The state employees'
1206 prescription drug program is established. This program shall be
1207 administered by the department ~~of Management Services~~, according
1208 to the terms and conditions of the plan as established by the
1209 ~~relevant provisions of the annual~~ General Appropriations Act and
1210 implementing legislation, subject to the following conditions:

1211 (1) The department ~~of Management Services~~ shall allow
1212 prescriptions written by health care providers under the plan to
1213 be filled by any licensed pharmacy pursuant to contractual
1214 claims-processing provisions. ~~Nothing in~~ This section does not
1215 prohibit ~~may be construed as prohibiting~~ a mail order
1216 prescription drug program that is distinct from the service
1217 provided by retail pharmacies.

1218 (2) In providing for reimbursement of pharmacies for

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1219 prescription medicines dispensed to members of the state group
1220 health insurance plan and their dependents under the state
1221 employees' prescription drug program:

1222 (a) Retail pharmacies participating in the program must be
1223 reimbursed at a uniform rate and subject to uniform conditions,
1224 according to the terms and conditions of the plan.

1225 (b) There shall be a 30-day supply limit for prescription
1226 card purchases and 90-day supply limit for mail order or mail
1227 order prescription drug purchases.

1228 (c) The current pharmacy dispensing fee remains in effect.

1229 (3) The department ~~of Management Services~~ shall establish
1230 the reimbursement schedule for prescription pharmaceuticals
1231 dispensed under the program. Reimbursement rates for a
1232 prescription pharmaceutical must be based on the cost of the
1233 generic equivalent drug if a generic equivalent exists, unless
1234 the physician prescribing the pharmaceutical clearly states on
1235 the prescription that the brand name drug is medically necessary
1236 or that the drug product is included on the formulary of drug
1237 products that may not be interchanged as provided in chapter
1238 465, in which case reimbursement must be based on the cost of
1239 the brand name drug as specified in the reimbursement schedule
1240 adopted by the department ~~of Management Services~~.

1241 (4) The department ~~of Management Services~~ shall conduct a
1242 prescription utilization review program. In order to participate
1243 in the state employees' prescription drug program, retail
1244 pharmacies dispensing prescription medicines to members of the
1245 state group health insurance plan or their covered dependents,
1246 or to subscribers or covered dependents of a health maintenance
1247 organization plan under the state group insurance program, shall

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1248 make their records available for this review.

1249 (5) The department ~~of Management Services~~ shall implement
1250 such additional cost-saving measures and adjustments as may be
1251 required to balance program funding within appropriations
1252 provided, including a trial or starter dose program and
1253 dispensing of long-term-maintenance medication in lieu of acute
1254 therapy medication.

1255 (6) Participating pharmacies must use a point-of-sale
1256 device or an online computer system to verify a participant's
1257 eligibility for coverage. The state is not liable for
1258 reimbursement of a participating pharmacy for dispensing
1259 prescription drugs to any person whose current eligibility for
1260 coverage has not been verified by the state's contracted
1261 administrator or by the department ~~of Management Services~~.

1262 (7) Under the state employees' prescription drug program
1263 copayments must be made as follows:

1264 (a) ~~Effective January 1, 2006,~~ For the State Group Health
1265 Insurance Standard Plan:

- 1266 1. For generic drug with card.....\$10.
- 1267 2. For preferred brand name drug with card.....\$25.
- 1268 3. For nonpreferred brand name drug with card.....\$40.
- 1269 4. For generic mail order drug.....\$20.
- 1270 5. For preferred brand name mail order drug.....\$50.
- 1271 6. For nonpreferred brand name mail order drug.....\$80.

1272 (b) ~~Effective January 1, 2006,~~ For the State Group Health
1273 Insurance High Deductible Plan:

- 1274 1. Retail coinsurance for generic drug with card.....30%.
- 1275 2. Retail coinsurance for preferred brand name drug with
1276 card.....30%.

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- 1277 3. Retail coinsurance for nonpreferred brand name drug with
- 1278 card.....50%.
- 1279 4. Mail order coinsurance for generic drug.....30%.
- 1280 5. Mail order coinsurance for preferred brand name drug.30%.
- 1281 6. Mail order coinsurance for nonpreferred brand name drug50%.

1282 (c) The department ~~of Management Services~~ shall create a
 1283 preferred brand name drug list to be used in the administration
 1284 of the state employees' prescription drug program.

1285 Section 28. Section 110.1232, Florida Statutes, is amended
 1286 to read:

1287 110.1232 Health insurance coverage for persons retired
 1288 under state-administered retirement systems before January 1,
 1289 1976, and for spouses.—Notwithstanding any other provision
 1290 ~~provisions~~ of law ~~to the contrary~~, the department ~~of Management~~
 1291 ~~Services~~ shall provide health insurance coverage under the state
 1292 group insurance program for persons who retired before January
 1293 1, 1976, under any of the state-administered retirement systems
 1294 and who are not covered by social security and for the spouses
 1295 and surviving spouses of such retirees who are also not covered
 1296 by social security. Such health insurance coverage must ~~shall~~
 1297 provide the same benefits as provided to other retirees who are
 1298 entitled to participate under s. 110.123. The claims experience
 1299 of this group shall be commingled with the claims experience of
 1300 other members covered under s. 110.123.

1301 Section 29. Section 110.1234, Florida Statutes, is amended
 1302 to read:

1303 110.1234 Health insurance for retirees under the Florida
 1304 Retirement System; Medicare supplement and fully insured
 1305 coverage.—

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1306 (1) The department ~~of Management Services~~ shall solicit
1307 competitive bids from state-licensed insurance companies to
1308 provide and administer a fully insured Medicare supplement
1309 policy for all eligible retirees of a state or local public
1310 employer. Such ~~Medicare supplement~~ policy must ~~shall~~ meet the
1311 provisions of ss. 627.671-627.675. For the purpose of this
1312 subsection, "eligible retiree" means a ~~any~~ public employee who
1313 retired from a state or local public employer who is covered by
1314 Medicare, Parts A and B. The department shall authorize one
1315 company to offer the Medicare supplement coverage to all
1316 eligible retirees. All premiums shall be paid by the retiree.

1317 (2) The department ~~of Management Services~~ shall solicit
1318 competitive bids from state-licensed insurance companies to
1319 provide and administer fully insured health insurance coverage
1320 for all public employees who retired from a state or local
1321 public employer who are not covered by Medicare, Parts A and B.
1322 The department may authorize one company to offer such coverage
1323 if the proposed benefits and premiums are reasonable. If such
1324 coverage is authorized, all premiums shall be paid for by the
1325 retiree.

1326 Section 30. Paragraph (a) of subsection (1) of section
1327 110.1245, Florida Statutes, is amended to read:

1328 110.1245 Savings sharing program; bonus payments; other
1329 awards.—

1330 (1) (a) The department ~~of Management Services~~ shall adopt
1331 rules that prescribe procedures and promote a savings sharing
1332 program for an individual or group of employees who propose
1333 procedures or ideas that are adopted and that result in
1334 eliminating or reducing state expenditures, if such proposals

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1335 are placed in effect and may be implemented under current
1336 statutory authority.

1337 Section 31. Section 110.125, Florida Statutes, is amended
1338 to read:

1339 110.125 Administrative costs.—The administrative expenses
1340 and costs of operating the personnel program established by this
1341 chapter shall be paid by the various state agencies ~~of the state~~
1342 ~~government~~, and each such agency shall include in its budget
1343 estimates its pro rata share of such cost as determined by the
1344 department ~~of Management Services~~. To establish an equitable
1345 division of the costs, the amount to be paid by each agency
1346 shall be determined in such proportion as the service rendered
1347 to each agency bears to the total service rendered under ~~the~~
1348 ~~provisions of~~ this chapter. The amounts paid to the department
1349 ~~of Management Services~~ which are attributable to positions
1350 within the Senior Management Service and the Selected Exempt
1351 ~~Professional~~ Service shall be used for the administration of
1352 such services, training activities for positions within those
1353 services, and the development and implementation of a database
1354 of pertinent historical information on exempt positions. If
1355 ~~Should~~ any state agency is ~~become~~ more than 90 days delinquent
1356 in paying ~~payment of~~ this obligation, the department shall
1357 certify to the Chief Financial Officer the amount due and the
1358 Chief Financial Officer shall transfer that ~~the~~ amount ~~due~~ to
1359 the department from any available debtor agency funds ~~available~~.

1360 Section 32. Subsection (7) of section 110.131, Florida
1361 Statutes, is amended to read:

1362 110.131 Other-personal-services temporary employment.—

1363 (7) The department ~~of Management Services~~ shall annually

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1364 assess agencies for the regulation of other personal services on
1365 a pro rata share basis not to exceed the ~~an~~ amount ~~as~~ provided
1366 in the General Appropriations Act.

1367 Section 33. Section 110.151, Florida Statutes, is amended
1368 to read:

1369 110.151 State officers' and employees' child care
1370 services.—

1371 (1) The department ~~of Management Services~~ shall approve,
1372 administer, and coordinate child care services for state
1373 officers' and employees' children or dependents. Duties ~~shall~~
1374 include, but are not ~~be~~ limited to, reviewing and approving
1375 requests from state agencies for child care services; providing
1376 technical assistance on child care program startup and
1377 operation; and assisting other agencies in conducting needs
1378 assessments, designing centers, and selecting service providers.
1379 Primary emphasis for child care services shall be given to
1380 children who are not subject to compulsory school attendance
1381 pursuant to part II of chapter 1003, and, to the extent
1382 possible, ~~emphasis shall be placed~~ on child care for children
1383 aged 2 and under.

1384 (2) Child care programs may be located in state-owned
1385 office buildings, educational facilities and institutions,
1386 custodial facilities and institutions, and, with the consent of
1387 the President of the Senate and the Speaker of the House of
1388 Representatives, in buildings or spaces used for legislative
1389 activities. In addition, centers may be located in privately
1390 owned buildings conveniently located to the place of employment
1391 of those officers and employees to be served by the centers. If
1392 a child care program is located in a state-owned office

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1393 building, educational facility or institution, or custodial
1394 facility or institution, or in a privately owned building leased
1395 by the state, a portion of the service provider's rental fees
1396 for child care space may be waived by the sponsoring agency in
1397 accordance with the department rules ~~of the Department of~~
1398 ~~Management Services~~. Additionally, the sponsoring state agency
1399 may be responsible for the maintenance, utilities, and other
1400 operating costs associated with the child care center.

1401 (3) Except as otherwise provided in this section, the cost
1402 of child care services shall be offset by fees charged to
1403 employees who use the ~~child care~~ services. Requests for
1404 proposals may provide for a sliding fee schedule based on, ~~with~~
1405 ~~fees charged on the basis of~~ the employee's household income.

1406 (4) The provider of proposed child care services shall be
1407 selected by competitive contract. Requests for proposals shall
1408 be developed with the assistance of, and subject to the approval
1409 of, the department ~~of Management Services~~. Management of the
1410 contract with the service provider is ~~shall be~~ the
1411 responsibility of the sponsoring state agency.

1412 (5) An operator selected to provide services must comply
1413 with all state and local standards for the licensure and
1414 operation of child care facilities, maintain adequate liability
1415 insurance coverage, and assume financial and legal
1416 responsibility for the operation of the program. ~~Neither~~ The
1417 operator of and ~~nor~~ any personnel employed by or at a child care
1418 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.
1419 However, the sponsoring state agency may be responsible for the
1420 operation of the child care center if ~~when~~:

1421 (a) A second request for proposals fails to procure a

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1422 qualified service provider; or

1423 (b) The service provider's contract is canceled and
1424 attempts to procure another qualified service provider are
1425 unsuccessful;

1426

1427 and plans for direct operation are approved by the department of
1428 ~~Management Services~~.

1429 (6) In the areas where the state has an insufficient number
1430 of employees to justify a worksite center, a state agency may
1431 join in a consortium arrangement using ~~utilizing~~ available state
1432 facilities with not-for-profit corporations or other public
1433 employers to provide child care services to both public
1434 employees and employees of private sector employers. The
1435 consortium agreement must first address the unmet child care
1436 needs of the children of the public employees whose employers
1437 are members of the consortium, and then address the child care
1438 needs of private sector employees.

1439 (7) The department of ~~Management Services~~ may adopt any
1440 rules necessary to administer ~~achieve the purposes of~~ this
1441 section.

1442 Section 34. Section 110.1522, Florida Statutes, is amended
1443 to read:

1444 110.1522 Model rule establishing family support personnel
1445 policies.—The department of ~~Management Services~~ shall develop a
1446 model rule establishing family support personnel policies for
1447 all executive branch agencies, excluding the State University
1448 System. The term "family support personnel policies," for
1449 purposes of ss. 110.1521-110.1523, means personnel policies
1450 affecting employees' ability to both work and devote care and

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1451 attention to their families and includes policies on flexible
1452 hour work schedules, compressed time, job sharing, part-time
1453 employment, maternity or paternity leave for employees with a
1454 newborn or newly adopted child, and paid and unpaid family or
1455 administrative leave for family responsibilities.

1456 Section 35. Subsections (5), (6), and (7) of section
1457 110.161, Florida Statutes, are amended to read:

1458 110.161 State employees; pretax benefits program.—

1459 (5) The department ~~of Management Services~~ shall develop
1460 rules for the pretax benefits program, which shall specify the
1461 benefits to be offered under the program, the continuing tax-
1462 exempt status of the program, and any other matters deemed
1463 necessary by the department to implement this section. The rules
1464 must be approved by a majority vote of the Administration
1465 Commission.

1466 (6) The department shall ~~of Management Services is~~
1467 ~~authorized to~~ administer the pretax benefits program ~~established~~
1468 for all employees so that employees may receive benefits that
1469 are not includable in gross income under the Internal Revenue
1470 Code of 1986. The pretax benefits program:

1471 (a) Must ~~shall~~ allow employee contributions to premiums for
1472 the state group insurance program administered under s. 110.123
1473 to be paid on a pretax basis unless an employee elects not to
1474 participate.

1475 (b) Must ~~shall~~ allow employees to voluntarily establish
1476 expense reimbursement plans from their salaries on a pretax
1477 basis to pay for qualified medical and dependent care expenses,
1478 including premiums paid by employees for qualified supplemental
1479 insurance.

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1480 (c) May provide for the payment of ~~such~~ premiums through a
1481 pretax payroll procedure. The Administration Commission and the
1482 department ~~of Management Services~~ are directed to take all
1483 actions necessary to preserve the tax-exempt status of the
1484 program.

1485 (7) The Legislature recognizes that a substantial amount of
1486 the employer savings realized by the implementation of a pretax
1487 benefits program is ~~will be~~ the result of diminutions in the
1488 state's employer contribution to the Federal Insurance
1489 Contributions Act tax. ~~There is hereby created~~ The Pretax
1490 Benefits Trust Fund is created in the department ~~of Management~~
1491 ~~Services~~. Each agency in the executive, legislative, or judicial
1492 branch of the state, including the State Board of
1493 Administration, state universities, and other entities of state
1494 government whose employees hold salaried positions and are paid
1495 by state warrant or from agency funds, shall transfer to the
1496 Pretax Benefits Trust Fund the full and complete employer FICA
1497 contributions saved in connection with each weekly, biweekly,
1498 semimonthly, or monthly payroll as a result of the
1499 implementation of the pretax benefits program authorized
1500 pursuant to this section. Such savings shall be transferred to
1501 the Pretax Benefits Trust Fund upon transacting each payroll,
1502 but not later than a subsequent payroll. Any moneys forfeited
1503 pursuant to employees' salary reduction agreements to
1504 participate in the program must also be deposited in the Pretax
1505 Benefits Trust Fund. Moneys in the Pretax Benefits Trust Fund
1506 shall be used for the pretax benefits program, including its
1507 administration by the department ~~of Management Services~~ or a
1508 third-party administrator.

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1509 Section 36. Subsection (1) of section 110.171, Florida
1510 Statutes, is amended to read:

1511 110.171 State employee telecommuting program.—

1512 (1) As used in this section, the term:

1513 (a) "Agency" means any official, officer, commission,
1514 board, authority, council, committee, or department of state
1515 government.

1516 ~~(b) "Department" means the Department of Management~~
1517 ~~Services.~~

1518 (b) ~~(e)~~ "Telecommuting" means a work arrangement whereby
1519 selected state employees are allowed to perform the normal
1520 duties and responsibilities of their positions, through the use
1521 of computers or telecommunications, at home or another place
1522 apart from the employees' usual place of work.

1523 Section 37. Paragraph (a) of subsection (1), paragraph (a)
1524 of subsection (2), and subsection (4) of section 110.181,
1525 Florida Statutes, are amended to read:

1526 110.181 Florida State Employees' Charitable Campaign.—

1527 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

1528 (a) The department ~~of Management Services~~ shall establish
1529 and maintain, in coordination with the payroll system of the
1530 Department of Financial Services, an annual Florida State
1531 Employees' Charitable Campaign. Except as provided in subsection
1532 (5), this annual fundraising drive is the only authorized
1533 charitable fundraising drive directed toward state employees
1534 within work areas during work hours, and for which the state
1535 provides ~~will provide~~ payroll deduction.

1536 (2) SELECTION OF FISCAL AGENTS; COST.—

1537 (a) The department ~~of Management Services~~ shall select

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1538 through the competitive procurement process a fiscal agent or
1539 agents to receive, account for, and distribute charitable
1540 contributions among participating charitable organizations.

1541 (4) FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN STEERING
1542 COMMITTEE.—A Florida State Employees' Charitable Campaign
1543 steering committee shall be established with seven members
1544 appointed by members of the administration commission, and two
1545 members appointed by the executive director ~~secretary~~ of the
1546 department from among applications submitted from other agencies
1547 or departments. The committee, whose members shall serve
1548 staggered terms, shall meet at the call of the executive
1549 director ~~secretary~~. Members shall serve without compensation,
1550 but shall be entitled to receive reimbursement for travel and
1551 per diem expenses as provided in s. 112.061.

1552 Section 38. Subsection (1) of section 110.2035, Florida
1553 Statutes, is amended to read:

1554 110.2035 Classification and compensation program.—

1555 (1) The department ~~of Management Services~~ shall establish
1556 and maintain a classification and compensation program
1557 addressing career service, selected exempt service, and senior
1558 management service positions. Actions ~~No action~~ may not be taken
1559 to fill any position until it has been classified in accordance
1560 with the classification plan.

1561 (a) The department shall develop occupation profiles
1562 necessary for the establishment of new occupations or for the
1563 revision of existing occupations and shall adopt the appropriate
1564 occupation title and broadband level code for each occupation.
1565 Such occupation profiles, titles, and codes are ~~shall~~ not
1566 ~~constitute~~ rules within the meaning of s. 120.52.

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1567 (b) The department shall be responsible for conducting
1568 periodic studies and surveys to ensure that the classification
1569 plan is maintained on a current basis.

1570 (c) The department may review in a postaudit capacity the
1571 action taken by an employing agency in classifying or
1572 reclassifying a position.

1573 (d) The department shall effect a classification change on
1574 any classification or reclassification action taken by an
1575 employing agency if the action taken by the agency was not based
1576 on the duties and responsibilities officially assigned the
1577 position as they relate to the concepts and description
1578 contained in the official occupation profile and the level
1579 definition ~~defined~~ in the occupational group characteristics
1580 adopted by the department.

1581 (e) In cooperation and consultation with the employing
1582 agencies, the department shall adopt rules necessary to
1583 administer ~~govern the administration of~~ the classification plan.
1584 Such rules shall be approved by the Administration Commission
1585 before ~~prior to~~ their adoption by the department.

1586 Section 39. Subsection (1) of section 110.2037, Florida
1587 Statutes, is amended to read:

1588 110.2037 Alternative benefits; tax-sheltered annual leave
1589 and sick leave payments and special compensation payments.—

1590 (1) The department may ~~of Management Services has authority~~
1591 ~~to~~ adopt tax-sheltered plans under s. 401(a) of the Internal
1592 Revenue Code for state employees who are eligible for payment
1593 for accumulated leave. ~~The department,~~ Upon adoption of the
1594 plans, the department shall contract for a private vendor or
1595 vendors to administer the plans. These plans are ~~shall be~~

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1596 limited to state employees who are over age 55 and who are+
1597 eligible for accumulated leave and special compensation payments
1598 and separating from employment with 10 years of service in
1599 accordance with the Internal Revenue Code, or who are
1600 participating in the Deferred Retirement Option Program on or
1601 after July 1, 2001. The plans must provide benefits in a manner
1602 that minimizes the tax liability of the state and participants.
1603 The plans must be funded by employer contributions of payments
1604 for accumulated leave or special compensation payments, or both,
1605 as specified by the department. The plans must have received all
1606 necessary federal and state approval as required by law, must
1607 not adversely impact the qualified status of the Florida
1608 Retirement System defined benefit or defined contribution plans
1609 or the pretax benefits program, and must comply with the
1610 provisions of s. 112.65. Adoption of any plan is contingent on+
1611 the department receiving appropriate favorable rulings from the
1612 Internal Revenue Service; the department negotiating under the
1613 provisions of chapter 447, where applicable; and the Chief
1614 Financial Officer making appropriate changes to the state
1615 payroll system. The department's request for proposals by
1616 vendors ~~for such plans~~ may require that the vendors provide
1617 market-risk or volatility ratings from recognized rating
1618 agencies for each of their investment products. The department
1619 shall provide ~~for~~ a system of continuous quality assurance
1620 oversight to ensure that the program objectives are achieved and
1621 that the program is prudently managed.

1622 Section 40. Subsections (4) and (6) of section 110.205,
1623 Florida Statutes, as amended by chapter 2009-271, Laws of
1624 Florida, are amended to read:

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1625 110.205 Career service; exemptions.—

1626 (4) DEFINITION OF DEPARTMENT.—~~As when~~ used in this section,
 1627 the term "department" shall mean all departments and commissions
 1628 of the executive branch, whether created by the State
 1629 Constitution or chapter 20, ~~and~~ the office of the Governor, ~~and~~
 1630 the Public Service Commission; however, the term "department"
 1631 means ~~shall mean~~ the Department of Personnel Management ~~Services~~
 1632 when used in the context of the authority to establish pay bands
 1633 and benefits.

1634 (6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,
 1635 DEPARTMENT OF FINANCIAL SERVICES.—~~In addition to those positions~~
 1636 ~~exempted from this part, there is hereby exempted from the~~
 1637 ~~Career Service System~~ The chief inspector of the boiler
 1638 inspection program of the Department of Financial Services is
 1639 exempted from Career Service. The pay band of this position
 1640 shall be established by the Department of Personnel Management
 1641 ~~Services~~ in accordance with the classification and pay plan
 1642 established for the Selected Exempt Service.

1643 Section 41. Subsection (2) of section 110.2135, Florida
 1644 Statutes, is amended to read:

1645 110.2135 Preference in employment, reemployment, promotion,
 1646 and retention.—

1647 (2) A disabled veteran employed as the result of being
 1648 placed at the top of the appropriate employment list under ~~the~~
 1649 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a
 1650 probationary period of 1 year. At the end of such period, if the
 1651 work of the veteran has been satisfactorily performed, the
 1652 veteran will acquire permanent employment status and ~~will~~ be
 1653 subject to the employment rules of the department ~~of Management~~

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1654 ~~Services~~ and the veteran's employing agency.

1655 Section 42. Paragraph (a) of subsection (3) of section
1656 110.227, Florida Statutes, is amended to read:

1657 110.227 Suspensions, dismissals, reductions in pay,
1658 demotions, layoffs, transfers, and grievances.—

1659 (3) (a) For ~~With regard to~~ law enforcement or correctional
1660 officers, firefighters, or professional health care providers,
1661 if when a layoff becomes necessary, the such layoff shall be
1662 conducted within the competitive area identified by the agency
1663 head and approved by the department ~~of Management Services~~. Such
1664 competitive area shall be established taking into consideration
1665 the similarity of work; the organizational unit, which may be by
1666 agency, department, division, bureau, or other organizational
1667 unit; and the commuting area for the work affected.

1668 Section 43. Subsections (1) and (2) of section 110.403,
1669 Florida Statutes, are amended to read:

1670 110.403 Powers and duties of the department.—

1671 (1) In order to implement the purposes of this part, the
1672 department ~~of Management Services~~, after approval by the
1673 Administration Commission, shall adopt ~~and amend~~ rules that
1674 provide providing for:

1675 (a) A system for employing, promoting, or reassigning
1676 managers that is responsive to organizational or program needs.
1677 ~~In no event shall~~ The number of positions included in the Senior
1678 Management Service may not exceed 1.0 percent of the total full-
1679 time equivalent positions in the Career Service. The department
1680 may not approve the establishment of ~~shall deny approval to~~
1681 ~~establish~~ any position within the Senior Management Service
1682 which exceeds ~~would exceed~~ the limitation established in this

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1683 paragraph. The department shall report that the limitation has
1684 been reached to the Governor, the President of the Senate, and
1685 the Speaker of the House of Representatives, as soon as
1686 practicable after it ~~such event~~ occurs. Employees in the Senior
1687 Management Service shall serve at the pleasure of the agency
1688 head and are ~~shall be~~ subject to suspension, dismissal,
1689 reduction in pay, demotion, transfer, or other personnel action
1690 at the discretion of the agency head. Such personnel actions are
1691 exempt from ~~the provisions of~~ chapter 120.

1692 (b) A performance appraisal system that takes ~~which shall~~
1693 ~~take~~ into consideration individual and organizational
1694 efficiency, productivity, and effectiveness.

1695 (c) A classification plan and a salary and benefit plan
1696 that provides appropriate incentives for the recruitment and
1697 retention of outstanding management personnel and provides ~~for~~
1698 salary increases based on performance.

1699 (d) A system of rating duties and responsibilities for
1700 positions within the Senior Management Service and the
1701 qualifications of candidates for those positions.

1702 (e) A system for documenting actions taken on agency
1703 requests for approval of position exemptions and special pay
1704 increases.

1705 (f) Requirements for ~~regarding~~ recordkeeping by agencies
1706 with respect to senior management service positions. Such
1707 records shall be audited periodically by the department ~~of~~
1708 ~~Management Services~~ to determine agency compliance with ~~the~~
1709 ~~provisions of~~ this part and department ~~the rules of the~~
1710 ~~Department of Management Services~~.

1711 (g) Other procedures relating to personnel administration

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1712 to carry out the purposes of this part.

1713 (h) A program of affirmative and positive action that will
1714 ensure full utilization of women and minorities in senior
1715 management service positions.

1716 (2) The powers, duties, and functions of the department
1717 includes ~~of Management Services shall include~~ responsibility for
1718 the policy administration of the Senior Management Service.

1719 Section 44. Section 110.405, Florida Statutes, is amended
1720 to read:

1721 110.405 Advisory committees.—The department's executive
1722 director ~~Secretary of Management Services~~ may at any time
1723 appoint an ad hoc or continuing advisory committee consisting of
1724 members of the Senior Management Service or other persons
1725 knowledgeable in the field of personnel management. ~~Any~~ Such
1726 committee may not have ~~shall consist of not~~ more than nine
1727 members, who shall serve at the pleasure of and meet at the call
1728 of the director ~~secretary~~, to advise and consult with the
1729 director ~~secretary~~ on such matters affecting the Senior
1730 Management Service as the director ~~secretary~~ requests. Members
1731 shall serve without compensation, but are ~~shall be~~ entitled to
1732 ~~receive~~ reimbursement for travel expenses as provided in s.
1733 112.061. The executive director ~~secretary~~ may periodically hire
1734 a consultant who has ~~with~~ expertise in personnel management to
1735 advise him or her with respect to the administration of the
1736 Senior Management Service.

1737 Section 45. Paragraph (b) of subsection (2) and subsection
1738 (3) of section 110.406, Florida Statutes, are amended to read:

1739 110.406 Senior Management Service; data collection.—

1740 (2) The data required by this section shall include:

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1741 (b) Any recommendations and proposals for legislation which
1742 the executive director ~~secretary~~ may have with respect to
1743 improving the operation and administration of the Senior
1744 Management Service.

1745 (3) To assist in the preparation of the data required by
1746 this section, the executive director ~~secretary~~ may hire a
1747 consultant with expertise in the field of personnel management
1748 and may use the services of the advisory committee authorized in
1749 s. 110.405.

1750 Section 46. Section 110.503, Florida Statutes, is amended
1751 to read:

1752 110.503 Responsibilities of state ~~departments~~ and
1753 agencies.—Each state ~~department~~ or agency using ~~utilizing~~ the
1754 services of volunteers shall:

1755 (1) Take such actions as are necessary and appropriate to
1756 develop meaningful opportunities for volunteers involved in
1757 state-administered programs.

1758 (2) Comply with the uniform rules adopted by the department
1759 ~~of Management Services~~ governing the recruitment, screening,
1760 training, responsibility, use, and supervision of volunteers.

1761 (3) Take such actions as are necessary to ensure that
1762 volunteers understand their duties and responsibilities.

1763 (4) Take such actions as are necessary and appropriate to
1764 ensure a receptive climate for citizen volunteers.

1765 (5) Provide for the recognition of volunteers who have
1766 offered continuous and outstanding service to state-administered
1767 programs. Each state ~~department~~ or agency using the services of
1768 volunteers may ~~is authorized to~~ incur expenditures not to exceed
1769 \$100 each plus applicable taxes for suitable framed

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1770 certificates, plaques, or other tokens of recognition to honor,
1771 reward, or encourage volunteers for their service.

1772 (6) Recognize prior volunteer service as partial
1773 fulfillment of state employment requirements for training and
1774 experience pursuant to department rules ~~adopted by the~~
1775 ~~Department of Management Services.~~

1776 Section 47. Subsection (5) of section 110.605, Florida
1777 Statutes, is amended to read:

1778 110.605 Powers and duties; personnel rules, records,
1779 reports, and performance appraisal.—

1780 (5) The executive director ~~secretary~~ may periodically hire
1781 a consultant with expertise in personnel management to advise
1782 him or her with respect to the administration of the Selected
1783 Exempt Service.

1784 Section 48. Paragraph (b) of subsection (2) and subsection
1785 (3) of section 110.606, Florida Statutes, are amended to read:

1786 110.606 Selected Exempt Service; data collection.—

1787 (2) The data required by this section shall include:

1788 (b) Any recommendations and proposals for legislation which
1789 the executive director ~~secretary~~ may have with respect to
1790 improving the operation and administration of the Selected
1791 Exempt Service.

1792 (3) To assist in the preparation of the data required by
1793 this section, the executive director ~~secretary~~ may hire a
1794 consultant with expertise in the field of personnel management.

1795 Section 49. Paragraph (c) of subsection (13) of section
1796 112.0455, Florida Statutes, is amended to read:

1797 112.0455 Drug-Free Workplace Act.—

1798 (13) RULES.—

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1799 (c) The Department of Personnel Management ~~Services~~ may
1800 adopt rules for all executive branch agencies implementing this
1801 section.

1802
1803 This section shall not be construed to eliminate the bargainable
1804 rights as provided in the collective bargaining process where
1805 applicable.

1806 Section 50. Paragraph (b) of subsection (4) of section
1807 112.05, Florida Statutes, is amended to read:

1808 112.05 Retirement; cost-of-living adjustment; employment
1809 after retirement.-

1810 (4)

1811 (b) Any person to whom the limitation in paragraph (a)
1812 applies who violates such ~~reemployment~~ limitation and is
1813 reemployed with any agency participating in the Florida
1814 Retirement System before completing ~~prior to completion~~ of the
1815 12-month limitation period must ~~shall~~ give timely notice of this
1816 fact in writing to the employer and to the Division of of
1817 Retirement; and the person's retirement benefits shall be
1818 suspended for the balance of the 12-month limitation period. Any
1819 person employed in violation of this subsection and any
1820 employing agency that ~~which~~ knowingly employs or appoints such
1821 person without notifying the Department of Personnel Management
1822 ~~Services~~ to suspend retirement benefits is ~~shall be~~ jointly and
1823 severally liable for reimbursement to the retirement trust fund
1824 of any benefits paid during the ~~reemployment~~ limitation period.
1825 To avoid liability, the ~~such~~ employing agency must ~~shall~~ have a
1826 written statement from the retiree that he or she is not retired
1827 from a state-administered retirement system. Any retirement

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1828 benefits received by such person while reemployed during this
1829 limitation period must ~~shall~~ be repaid to the retirement trust
1830 fund, and the retirement benefits ~~shall~~ remain suspended until
1831 such repayment has been made. Any benefits suspended beyond the
1832 reemployment limitation period ~~shall~~ apply toward the repayment
1833 of benefits received in violation of the reemployment
1834 limitation.

1835 Section 51. Subsection (5) of section 112.08, Florida
1836 Statutes, is amended to read:

1837 112.08 Group insurance for public officers, employees, and
1838 certain volunteers; physical examinations.-

1839 (5) The Department of Personnel Management ~~Services~~ shall
1840 initiate and supervise a group insurance program providing death
1841 and disability benefits for active members of the Florida
1842 Highway Patrol Auxiliary, with coverage beginning July 1, 1978,
1843 and purchased from state funds appropriated for that purpose.
1844 The department ~~of Management Services~~, in cooperation with the
1845 Office of Insurance Regulation, shall prepare specifications
1846 necessary to implement the program, ~~and the Department of~~
1847 ~~Management Services~~ shall receive bids and award the contract in
1848 accordance with general law.

1849 Section 52. Section 112.0804, Florida Statutes, is amended
1850 to read:

1851 112.0804 Medicare supplement and health insurance for
1852 retirees under the Florida Retirement System; ~~Medicare~~
1853 ~~supplement and fully insured coverage~~.-

1854 (1) The Department of Personnel Management ~~Services~~ shall
1855 solicit competitive bids from state-licensed insurance companies
1856 to provide and administer a fully insured Medicare supplement

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1857 policy for all eligible retirees of a state or local public
1858 employer. Such ~~Medicare supplement~~ policy must ~~shall~~ meet the
1859 provisions of ss. 627.671-627.675. For the purpose of this
1860 subsection, the term "eligible retiree" means any public
1861 employee who retired from a state or local public employer who
1862 is covered by Medicare, Parts A and B. The department ~~of~~
1863 ~~Management Services~~ shall authorize one company to offer the
1864 Medicare supplement coverage to all eligible retirees. All
1865 premiums shall be paid by the retiree.

1866 (2) The Department of Management Services shall solicit
1867 competitive bids from state-licensed insurance companies to
1868 provide and administer fully insured health insurance coverage
1869 for all public employees who retired from a state or local
1870 public employer and who are not covered by Medicare, Parts A and
1871 B. The department ~~of Management Services~~ may authorize one
1872 company to offer such coverage if the proposed benefits and
1873 premiums are reasonable. If such coverage is authorized, all
1874 premiums shall be paid for by the retiree.

1875 Section 53. Subsections (1) and (2) of section 112.24,
1876 Florida Statutes, are amended to read:

1877 112.24 Intergovernmental interchange of public employees.-
1878 To encourage economical and effective utilization of public
1879 employees in this state, the temporary assignment of employees
1880 among agencies of government, both state and local, and
1881 including school districts and public institutions of higher
1882 education is authorized under terms and conditions set forth in
1883 this section. State agencies, municipalities, and political
1884 subdivisions are authorized to enter into employee interchange
1885 agreements with other state agencies, the Federal Government,

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1886 another state, a municipality, or a political subdivision
1887 including a school district, or with a public institution of
1888 higher education. State agencies are also authorized to enter
1889 into employee interchange agreements with private institutions
1890 of higher education and other nonprofit organizations under the
1891 terms and conditions provided in this section. In addition, the
1892 Governor or the Governor and Cabinet may enter into employee
1893 interchange agreements with a state agency, the Federal
1894 Government, another state, a municipality, or a political
1895 subdivision including a school district, or with a public
1896 institution of higher learning to fill, subject to the
1897 requirements of chapter 20, appointive offices which are within
1898 the executive branch of government and which are filled by
1899 appointment by the Governor or the Governor and Cabinet. Under
1900 no circumstances shall employee interchange agreements be
1901 utilized for the purpose of assigning individuals to participate
1902 in political campaigns. Duties and responsibilities of
1903 interchange employees shall be limited to the mission and goals
1904 of the agencies of government.

1905 (1) Details of an employee interchange program must ~~shall~~
1906 be the subject of an agreement, which may be extended or
1907 modified, between a sending party and a receiving party. State
1908 agencies shall report such agreements and any extensions or
1909 modifications ~~thereto~~ to the Department of Personnel Management
1910 Services.

1911 (2) The period of an individual's assignment or detail
1912 under an employee interchange program may ~~shall~~ not exceed 2
1913 years. Upon agreement of the sending party and the receiving
1914 party and under the same or modified terms, an assignment or

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1915 detail of 2 years may be extended by 3 months. However,
1916 agreements relating to faculty members of the State University
1917 System may be extended biennially upon approval by the
1918 Department of Personnel Management ~~Services~~. If the appointing
1919 agency is the Governor or the Governor and Cabinet, the period
1920 of an individual's assignment or detail under an employee
1921 interchange program may ~~shall~~ not exceed 2 years plus an
1922 extension of 3 months or the number of years left in the term of
1923 office of the Governor, whichever is less.

1924 Section 54. Paragraph (d) of subsection (4) of section
1925 112.3173, Florida Statutes, is amended to read:

1926 112.3173 Felonies involving breach of public trust and
1927 other specified offenses by public officers and employees;
1928 forfeiture of retirement benefits.—

1929 (4) NOTICE.—

1930 (d) The Commission on Ethics shall forward any notice and
1931 any other document received by it pursuant to this subsection to
1932 the governing body of the public retirement system of which the
1933 public officer or employee is a member or from which the public
1934 officer or employee may be entitled to receive a benefit. If
1935 ~~When~~ called on by the Commission on Ethics, the Department of
1936 Personnel Management ~~Services~~ shall assist the commission in
1937 identifying the appropriate public retirement system.

1938 Section 55. Paragraph (a) of subsection (3) of section
1939 112.31895, Florida Statutes, is amended to read:

1940 112.31895 Investigative procedures in response to
1941 prohibited personnel actions.—

1942 (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

1943 (a) The Florida Commission on Human Relations, in

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1944 accordance with the Whistle-blower's ~~this~~ Act and for the sole
1945 purpose of the ~~this~~ act, is empowered to:

1946 1. Receive and investigate complaints from employees
1947 alleging retaliation by state agencies, as the term "state
1948 agency" is defined in s. 216.011.

1949 2. Protect employees and applicants for employment with
1950 such agencies from prohibited personnel practices under s.
1951 112.3187.

1952 3. Petition for stays and petition for corrective actions,
1953 including, but not limited to, temporary reinstatement.

1954 4. Recommend disciplinary proceedings pursuant to
1955 investigation and appropriate agency rules and procedures.

1956 5. Coordinate with the Chief Inspector General in the
1957 Executive Office of the Governor and the Florida Commission on
1958 Human Relations to receive, review, and forward to appropriate
1959 agencies, legislative entities, or the Department of Law
1960 Enforcement disclosures of a violation of any law, rule, or
1961 regulation, or disclosures of gross mismanagement, malfeasance,
1962 misfeasance, nonfeasance, neglect of duty, or gross waste of
1963 public funds.

1964 6. Review rules pertaining to personnel matters issued or
1965 proposed by the Department of Personnel Management ~~Services~~, the
1966 Public Employees Relations Commission, and other agencies, and,
1967 if the Florida Commission on Human Relations finds that any rule
1968 or proposed rule, on its face or as implemented, requires the
1969 commission of a prohibited personnel practice, provide a written
1970 comment to the appropriate agency.

1971 7. Investigate, request assistance from other governmental
1972 entities, and, if appropriate, bring actions concerning,

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1973 allegations of retaliation by state agencies under subparagraph
1974 1.

1975 8. Administer oaths, examine witnesses, take statements,
1976 issue subpoenas, order the taking of depositions, order
1977 responses to written interrogatories, and make appropriate
1978 motions to limit discovery, pursuant to investigations under
1979 subparagraph 1.

1980 9. Intervene or otherwise participate, as a matter of
1981 right, in any appeal or other proceeding arising under this
1982 section before the Public Employees Relations Commission or any
1983 other appropriate agency, except that the Florida Commission on
1984 Human Relations must comply with the rules of the commission or
1985 other agency and may not seek corrective action or intervene in
1986 an appeal or other proceeding without the consent of the person
1987 protected under ss. 112.3187-112.31895.

1988 10. Conduct an investigation, in the absence of an
1989 allegation, to determine whether reasonable grounds exist to
1990 believe that a prohibited action or a pattern of prohibited
1991 action has occurred, is occurring, or is to be taken.

1992 Section 56. Subsection (7) of section 112.352, Florida
1993 Statutes, is amended to read:

1994 112.352 Definitions.—The following words and phrases as
1995 used in this act shall have the following meaning unless a
1996 different meaning is required by the context:

1997 (7) "Department" means the Department of Personnel
1998 Management ~~Services~~.

1999 Section 57. Section 112.354, Florida Statutes, is amended
2000 to read:

2001 112.354 Eligibility for supplement.—Each retired member or,

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2002 if applicable, a joint annuitant, except any person receiving
 2003 survivor benefits under the teachers' retirement system of the
 2004 state in accordance with s. 238.07(18), is ~~shall be~~ entitled to
 2005 receive a supplement computed in accordance with s. 112.355
 2006 upon:

2007 (1) Furnishing to the department ~~of Management Services~~
 2008 evidence from the Social Security Administration of setting
 2009 ~~forth~~ the retired member's social security benefit or certifying
 2010 the noninsured status of the retired member under the Social
 2011 Security Act, and

2012 (2) Filing written application ~~with the Department of~~
 2013 ~~Management Services~~ for such supplement with the department.

2014 Section 58. Section 112.358, Florida Statutes, is amended
 2015 to read:

2016 112.358 Administration of system.—The department ~~of~~
 2017 ~~Management Services~~ shall adopt ~~make such~~ rules and regulations
 2018 as ~~are~~ necessary for the effective and efficient administration
 2019 of this part ~~act~~ and the cost to pay the expenses of such
 2020 administration is ~~hereby~~ appropriated out of the appropriate
 2021 retirement fund.

2022 Section 59. Paragraph (g) of subsection (2) of section
 2023 112.361, Florida Statutes, is amended to read:

2024 112.361 Additional and updated supplemental retirement
 2025 benefits.—

2026 (2) DEFINITIONS.—As used in this section, unless a
 2027 different meaning is required by the context:

2028 ~~(g) "Department" means the Department of Management~~
 2029 ~~Services.~~

2030 Section 60. Paragraphs (a) and (b) of subsection (4) of

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2031 section 112.362, Florida Statutes, are amended to read:

2032 112.362 Recomputation of retirement benefits.—

2033 (4) (a) Effective July 1, 1980, any person who retired
2034 before ~~prior to~~ July 1, 1987, under a state-supported retirement
2035 system with at least ~~not less than~~ 10 years of creditable
2036 service and who is not receiving or entitled to receive federal
2037 social security benefits shall, upon reaching 65 years of age
2038 and upon application to the department ~~of Management Services,~~
2039 ~~be entitled to~~ receive a minimum monthly benefit equal to \$16.50
2040 multiplied by the member's total number of years of creditable
2041 service and adjusted by the actuarial factor applied to the
2042 original benefit for optional forms of retirement. Thereafter,
2043 the minimum monthly benefit shall be recomputed as provided in
2044 paragraph (5) (a). Application for this minimum monthly benefit
2045 must ~~shall~~ include certification by the retired member that he
2046 or she is not receiving and is not entitled to receive social
2047 security benefits and ~~shall~~ include written authorization giving
2048 ~~for~~ the department ~~of Management Services to have access to~~
2049 information from the Federal Social Security Administration
2050 concerning the member's entitlement to or eligibility for social
2051 security benefits. The minimum benefit may ~~provided by this~~
2052 ~~paragraph shall~~ not be paid unless ~~and until~~ the application
2053 requirements of this paragraph are satisfied.

2054 (b) Effective July 1, 1978, the surviving spouse or
2055 beneficiary who is receiving or entitled to receive a monthly
2056 benefit commencing before ~~prior to~~ July 1, 1987, from the
2057 account of a ~~any~~ deceased retired member who had completed at
2058 least 10 years of creditable service shall, at the time the ~~such~~
2059 deceased retiree would have reached age 65, if living, and, upon

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2060 application to the department ~~of Management Services~~, be
2061 ~~entitled to~~ receive the minimum monthly benefit described in
2062 paragraph (a), adjusted by the actuarial factor applied to the
2063 optional form of benefit payable to the said surviving spouse or
2064 beneficiary, if such ~~provided said~~ person is not receiving or
2065 entitled to receive federal social security benefits.
2066 Application for this minimum monthly benefit must ~~shall~~ include
2067 certification by the surviving spouse or beneficiary that he or
2068 she is not receiving and is not entitled to receive social
2069 security benefits and ~~shall~~ include written authorization giving
2070 ~~for the department of Management Services to have~~ access to
2071 information from the Federal Social Security Administration
2072 concerning such person's entitlement to or eligibility for
2073 social security benefits. The minimum benefit may ~~provided by~~
2074 ~~this paragraph shall~~ not be paid unless and until the
2075 application requirements of this paragraph are satisfied.

2076 Section 61. Paragraph (d) of subsection (2) and subsections
2077 (4), (7), and (8) of section 112.363, Florida Statutes, are
2078 amended to read:

2079 112.363 Retiree health insurance subsidy.—

2080 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

2081 (d) Payment of the retiree health insurance subsidy shall
2082 be made only after coverage for health insurance for the retiree
2083 or beneficiary has been certified in writing to the department
2084 ~~of Management Services~~. Participation in a former employer's
2085 group health insurance program is not a requirement for
2086 eligibility under this section. Coverage issued pursuant to s.
2087 408.9091 is considered health insurance for the purposes of this
2088 section.

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2089 (4) PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.—Beginning
2090 January 1, 1988, any monthly retiree health insurance subsidy
2091 amount due and payable under this section shall be paid to
2092 retired members by the department ~~of Management Services~~ or
2093 under the direction and control of the department.

2094 (7) ADMINISTRATION OF SYSTEM.—The department ~~of Management~~
2095 ~~Services~~ may adopt ~~such~~ rules and ~~regulations~~ as are necessary
2096 for the effective and efficient administration of this section.
2097 The cost of administration shall be appropriated from the trust
2098 fund.

2099 (8) CONTRIBUTIONS.—For purposes of funding the insurance
2100 subsidy provided by this section:

2101 (a) Beginning October 1, 1987, the employer of each member
2102 of a state-administered retirement plan shall contribute 0.24
2103 percent of gross compensation each pay period.

2104 (b) Beginning January 1, 1989, the employer of each member
2105 of a state-administered retirement plan shall contribute 0.48
2106 percent of gross compensation each pay period.

2107 (c) Beginning January 1, 1994, the employer of each member
2108 of a state-administered retirement plan shall contribute 0.56
2109 percent of gross compensation each pay period.

2110 (d) Beginning January 1, 1995, the employer of each member
2111 of a state-administered retirement plan shall contribute 0.66
2112 percent of gross compensation each pay period.

2113 (e) Beginning July 1, 1998, the employer of each member of
2114 a state-administered retirement plan shall contribute 0.94
2115 percent of gross compensation each pay period.

2116 (f) Beginning July 1, 2001, the employer of each member of
2117 a state-administered plan shall contribute 1.11 percent of gross

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2118 compensation each pay period.

2119

2120 Such contributions shall be submitted to the department of
2121 ~~Management Services~~ and deposited in the Retiree Health
2122 Insurance Subsidy Trust Fund.

2123 Section 62. Subsections (2) and (4) of section 112.63,
2124 Florida Statutes, are amended to read:

2125 112.63 Actuarial reports and statements of actuarial
2126 impact; review.—

2127 (2) The frequency of actuarial reports must be at least
2128 every 3 years commencing from the last actuarial report of the
2129 plan or system or October 1, 1980, if no actuarial report has
2130 been issued within the 3-year period prior to October 1, 1979.
2131 The results of each actuarial report must ~~shall~~ be filed with
2132 the plan administrator within 60 days after ~~of~~ certification.
2133 Thereafter, the results of each ~~actuarial~~ report shall be made
2134 available for inspection upon request. Additionally, each
2135 retirement system or plan covered by this part ~~act~~ which is not
2136 administered directly by the Department of Personnel Management
2137 ~~Services~~ shall furnish a copy of each actuarial report to the
2138 department of ~~Management Services~~ within 60 days after receipt
2139 from the actuary. The requirements of this section are
2140 supplemental to actuarial valuations necessary to comply with
2141 ~~the requirements of~~ s. 218.39.

2142 (4) Upon receipt, pursuant to subsection (2), of an
2143 actuarial report, or upon receipt, pursuant to subsection (3),
2144 of a statement of actuarial impact, the Department of Personnel
2145 Management ~~Services~~ shall acknowledge such receipt, but shall
2146 only review and comment on each retirement system's or plan's

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2147 actuarial valuations at least on a triennial basis. If the
2148 department finds that the actuarial valuation is not complete,
2149 accurate, or based on reasonable assumptions or otherwise
2150 materially fails to satisfy the requirements of this part;;~~if~~
2151 ~~the department~~ requires additional material information
2152 necessary to complete its review of the actuarial valuation of a
2153 system or plan or material information necessary to satisfy the
2154 duties of the department pursuant to s. 112.665(1);; ~~if the~~
2155 ~~department~~ does not receive the actuarial report or statement of
2156 actuarial impact, the department shall notify the administrator
2157 of the affected retirement system or plan and the affected
2158 governmental entity and request appropriate adjustment, the
2159 additional material information, or the required report or
2160 statement. The notification must inform the administrator of the
2161 affected retirement system or plan and the affected governmental
2162 entity of the consequences of failing ~~for failure~~ to comply with
2163 ~~the requirements of~~ this subsection. If, after a reasonable
2164 period of time, a satisfactory adjustment is not made or the
2165 report, statement, or additional material information is not
2166 provided, the department may notify the Department of Revenue
2167 and the Department of Financial Services of such noncompliance,
2168 in which case the Department of Revenue and the Department of
2169 Financial Services shall withhold any funds not pledged for
2170 satisfaction of bond debt service which are payable to the
2171 affected governmental entity until the adjustment is made or the
2172 report, statement, or additional material information is
2173 provided to the department. The department shall specify the
2174 date such action is to begin, and notification by the department
2175 must be received by the Department of Revenue, the Department of

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2176 Financial Services, and the affected governmental entity 30 days
2177 before the date the action begins.

2178 (a) Within 21 days after receipt of the notice, the
2179 affected governmental entity may petition for a hearing under
2180 ss. 120.569 and 120.57 with the Department of Personnel
2181 ~~Management Services~~. The Department of Revenue and the
2182 Department of Financial Services may not be parties to ~~any~~ such
2183 hearing, but may request to intervene if requested by the
2184 department ~~of Management Services~~ or if the Department of
2185 Revenue or the Department of Financial Services determines its
2186 interests may be adversely affected by the hearing. If the
2187 administrative law judge recommends in favor of the department,
2188 the department shall perform an actuarial review, prepare the
2189 statement of actuarial impact, or collect the requested material
2190 information. The cost to the department of conducting ~~performing~~
2191 such actuarial review, preparing the statement, or collecting
2192 the requested material information shall be charged to the
2193 affected governmental entity responsible for ~~of which~~ the
2194 employees ~~are~~ covered by the retirement system or plan. If
2195 payment of such costs is not received by the department within
2196 60 days after receipt by the affected governmental entity of the
2197 request for payment, the department shall certify to the
2198 Department of Revenue and the Department of Financial Services
2199 the amount due, and the Department of Revenue and the Department
2200 of Financial Services shall pay such amount to the department ~~of~~
2201 ~~Management Services~~ from any funds not pledged for satisfaction
2202 of bond debt service which are payable to the affected
2203 governmental entity ~~of which the employees are covered by the~~
2204 ~~retirement system or plan~~. If the administrative law judge

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2205 recommends in favor of the affected governmental entity and the
2206 department conducts ~~performs~~ an actuarial review, prepares the
2207 statement of actuarial impact, or collects the requested
2208 material information, the cost to the department of performing
2209 the actuarial review, preparing the statement, or collecting the
2210 requested material information shall be paid by the department
2211 ~~of Management Services~~.

2212 (b) In the case of an affected special district, the
2213 Department of Personnel Management ~~Services~~ shall also notify
2214 the Department of Community Affairs. Upon receipt of
2215 notification, the Department of Community Affairs shall proceed
2216 pursuant to ~~the provisions of~~ s. 189.421 with regard to the
2217 special district.

2218 Section 63. Subsection (1) of section 112.64, Florida
2219 Statutes, is amended to read:

2220 112.64 Administration of funds; amortization of unfunded
2221 liability.—

2222 (1) Employee contributions shall be deposited in the
2223 retirement system or plan at least monthly. Employer
2224 contributions shall be deposited at least quarterly; however,
2225 any revenues received from any source by an employer which are
2226 specifically collected for the purpose of allocation for deposit
2227 into a retirement system or plan must ~~shall~~ be ~~so~~ deposited
2228 within 30 days after ~~of~~ receipt by the employer. All employers
2229 and employees participating in the Florida Retirement System and
2230 other existing retirement systems that ~~which~~ are administered by
2231 the Department of Personnel ~~Management~~ Services shall continue
2232 to make contributions at least monthly.

2233 Section 64. Section 112.658, Florida Statutes, is amended

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2234 to read:

2235 112.658 Office of Program Policy Analysis and Government
2236 Accountability to determine compliance of the Florida Retirement
2237 System.—

2238 ~~(1) The Office of Program Policy Analysis and Government~~
2239 ~~Accountability shall:~~

2240 (1) Determine, through the examination of actuarial
2241 reviews, financial statements, and the practices and procedures
2242 of the Department of Personnel Management ~~Services~~, the
2243 compliance of the Florida Retirement System with the provisions
2244 of this part ~~act~~.

2245 ~~(2) The Office of Program Policy Analysis and Government~~
2246 ~~Accountability shall~~ Employ an independent consulting actuary
2247 who is an enrolled actuary ~~as defined in this part~~ to assist in
2248 the determination of compliance.

2249 ~~(3) The Office of Program Policy Analysis and Government~~
2250 ~~Accountability shall~~ Employ the same actuarial standards to
2251 monitor the Department of Personnel Management that ~~Services~~ as
2252 the department ~~of Management Services~~ uses to monitor local
2253 governments.

2254 Section 65. Subsections (9), (16), and (17) of section
2255 112.661, Florida Statutes, are amended to read:

2256 112.661 Investment policies.—Investment of the assets of
2257 any local retirement system or plan must be consistent with a
2258 written investment policy adopted by the board. Such policies
2259 shall be structured to maximize the financial return to the
2260 retirement system or plan consistent with the risks incumbent in
2261 each investment and shall be structured to establish and
2262 maintain an appropriate diversification of the retirement system

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2263 or plan's assets.

2264 (9) EXPECTED ANNUAL RATE OF RETURN.—The investment policy
2265 must ~~shall~~ require that, for each actuarial valuation, the board
2266 determine the total expected annual rate of return for the
2267 current year, for each of the next several years, and for the
2268 long term ~~thereafter~~. This determination must be filed promptly
2269 with the Department of Personnel Management ~~Services~~ and with
2270 the plan's sponsor and the consulting actuary. The department
2271 shall use this determination ~~only~~ to notify the board, the
2272 plan's sponsor, and consulting actuary only of material
2273 differences between the total expected annual rate of return and
2274 the actuarial assumed rate of return.

2275 (16) FILING OF INVESTMENT POLICY.—Upon adoption by the
2276 board, the investment policy shall be promptly filed with the
2277 Department of Personnel Management ~~Services~~ and the plan's
2278 sponsor and consulting actuary. The effective date of the
2279 investment policy, and any amendment ~~thereto~~, is ~~shall be~~ the
2280 31st calendar day following the filing date with the plan
2281 sponsor.

2282 (17) VALUATION OF ILLIQUID INVESTMENTS.—The investment
2283 policy must ~~shall~~ provide for the valuation of illiquid
2284 investments for which a generally recognized market is not
2285 available or for which there is no consistent or generally
2286 accepted pricing mechanism. If those investments are used
2287 ~~utilized~~, the investment policy must include the criteria ~~set~~
2288 ~~forth~~ in s. 215.47(6), except that submission to the Investment
2289 Advisory Council is not required. The investment policy must
2290 ~~shall~~ require that, for each actuarial valuation, the board must
2291 verify the determination of the fair market value for those

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2292 investments and ascertain that the determination complies with
2293 all applicable state and federal requirements. The investment
2294 policy must ~~shall~~ require that the board disclose to the
2295 Department of Personnel Management ~~Services~~ and the plan's
2296 sponsor each ~~such~~ investment for which the fair market value is
2297 not provided.

2298 Section 66. Section 112.665, Florida Statutes, is amended
2299 to read:

2300 112.665 Duties of Department of Personnel Management
2301 ~~Services~~.—

2302 (1) The Department of Personnel Management ~~Services~~ shall:

2303 (a) Gather, catalog, and maintain complete, computerized
2304 data information on all public employee retirement systems or
2305 plans in the state, based upon a review of audits, reports, and
2306 other data pertaining to the systems or plans;

2307 (b) Receive and comment upon all actuarial reviews of
2308 retirement systems or plans maintained by units of local
2309 government;

2310 (c) Cooperate with local retirement systems or plans on
2311 matters of mutual concern and provide technical assistance to
2312 units of local government in the assessment and revision of
2313 retirement systems or plans;

2314 (d) Annually issue~~7~~ by January 1 ~~annually~~, a report to the
2315 President of the Senate and the Speaker of the House of
2316 Representatives, which ~~report~~ details division activities,
2317 findings, and recommendations concerning all governmental
2318 retirement systems. The report may include proposed legislation
2319 ~~proposed~~ to carry out such recommendations;

2320 (e) Annually issue~~7~~ by January 1 ~~annually~~, a report to the

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2321 Special District Information Program of the Department of
2322 Community Affairs which ~~that~~ includes the participation in and
2323 compliance of special districts with the local government
2324 retirement system provisions in s. 112.63 and the state-
2325 administered retirement system provisions as specified in part I
2326 of chapter 121; and

2327 (f) Adopt reasonable rules to administer ~~the provisions of~~
2328 this part.

2329 (2) The Department of Personnel Management may subpoena
2330 actuarial witnesses, review books and records, hold hearings,
2331 and take testimony. A witness shall have the right to be
2332 accompanied by counsel.

2333 Section 67. Subsection (1) of section 120.65, Florida
2334 Statutes, is amended to read:

2335 120.65 Administrative law judges.—

2336 (1) The Division of Administrative Hearings within the
2337 Department of Personnel Management ~~Services~~ shall be headed by a
2338 director who shall be appointed by the Administration Commission
2339 and confirmed by the Senate. The director, who shall also serve
2340 as the chief administrative law judge, and any deputy chief
2341 administrative law judge must possess the same minimum
2342 qualifications as the administrative law judges employed by the
2343 division. The Deputy Chief Judge of Compensation Claims must
2344 possess the minimum qualifications established in s. 440.45(2)
2345 and shall report to the director. The division shall be a
2346 separate budget entity, and the director shall be its agency
2347 head for all purposes. The department ~~of Management Services~~
2348 shall provide administrative support and service to the division
2349 to the extent requested by the director. The division is ~~shall~~

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2350 not ~~be~~ subject to control, supervision, or direction by the
2351 department ~~of Management Services~~ in any manner, including, but
2352 not limited to, personnel, purchasing, transactions involving
2353 real or personal property, and budgetary matters.

2354 Section 68. Subsections (4), (5), and (32) of section
2355 121.021, Florida Statutes, are amended to read:

2356 121.021 Definitions.—The following words and phrases as
2357 used in this chapter have the respective meanings set forth
2358 unless a different meaning is plainly required by the context:

2359 (4) "Department" means the Department of Personnel
2360 Management ~~Services~~.

2361 (5) "Administrator" means the executive director ~~secretary~~
2362 of the Department of Personnel Management ~~Services~~.

2363 (32) "State agency" means the Department of Personnel
2364 Management ~~Services~~ within the provisions and contemplation of
2365 chapter 650.

2366 Section 69. Section 121.025, Florida Statutes, is amended
2367 to read:

2368 121.025 Administrator; powers and duties.—The executive
2369 director ~~secretary~~ of the Department of Personnel Management is
2370 ~~Services shall be~~ the administrator of the retirement and
2371 pension systems assigned or transferred to the Department of
2372 Personnel Management ~~Services by law~~ and shall ~~have the~~
2373 ~~authority to sign~~ all ~~the~~ contracts necessary to carry out the
2374 duties and responsibilities assigned ~~by law~~ to the department by
2375 law ~~of Management Services~~.

2376 Section 70. Subsections (1), (2), and (5) of section
2377 121.031, Florida Statutes, are amended to read:

2378 121.031 Administration of system; appropriation; oaths;

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2379 actuarial studies; public records.—

2380 (1) The department may ~~of Management Services~~ has the
2381 ~~authority to~~ adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~
2382 to implement the provisions of law conferring duties upon the
2383 department and ~~to adopt rules~~ as are necessary for the effective
2384 and efficient administration of the retirement ~~this~~ system. The
2385 funds to pay the expenses of administering ~~for administration of~~
2386 the system are ~~hereby~~ appropriated from the interest earned on
2387 investments made for the Retirement System Trust Fund and the
2388 assessments allowed under chapter 650.

2389 (2) The department may ~~of Management Services~~ is authorized
2390 ~~to~~ require oaths, by affidavit or otherwise, and acknowledgments
2391 from persons in connection with administering ~~the administration~~
2392 ~~of~~ its duties and responsibilities under this chapter.

2393 (5) The names and addresses of retirees are confidential
2394 and exempt from ~~the provisions of~~ s. 119.07(1) such ~~to the~~
2395 ~~extent~~ that a ~~no~~ state or local governmental agency may not
2396 provide the names or addresses of retirees ~~such persons~~ in
2397 aggregate, compiled, or list form to any person except to a
2398 public agency engaged in official business. However, a state or
2399 local government agency may provide the names and addresses of
2400 retirees from that agency to a bargaining agent as defined in s.
2401 447.203(12) or to a retiree organization for official business
2402 use. Lists of names or addresses of retirees may be exchanged by
2403 public agencies, but such lists may ~~shall~~ not be provided to, or
2404 open for inspection by, the public. Any person may view or copy
2405 an ~~any~~ individual's retirement records at the department ~~of~~
2406 ~~Management Services~~, one record at a time, or may obtain
2407 information by a separate written request for a named individual

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2408 for which information is desired.

2409 Section 71. Paragraph (c) of subsection (1) and paragraph
2410 (b) of subsection (2) of section 121.051, Florida Statutes, are
2411 amended to read:

2412 121.051 Participation in the system.—

2413 (1) COMPULSORY PARTICIPATION.—

2414 (c)1. After June 30, 1983, a member of an existing system
2415 who is reemployed after terminating employment shall have at the
2416 time of reemployment the option of selecting to remain in the
2417 existing retirement system or to transfer to the Florida
2418 Retirement System. Failure to submit such selection in writing
2419 to the department of Management Services within 6 months of
2420 reemployment shall result in compulsory membership in the
2421 Florida Retirement System.

2422 2. After June 30, 1988, the provisions of subparagraph 1.
2423 shall not apply to a member of an existing retirement system who
2424 is reemployed within 12 months after terminating employment.
2425 Such member shall continue ~~to have~~ membership in the existing
2426 system upon reemployment and may ~~shall not be permitted to~~
2427 become a member of the Florida Retirement System, except by
2428 transferring to that system as provided in ss. 121.052 and
2429 121.055.

2430 (2) OPTIONAL PARTICIPATION.—

2431 (b)~~1~~. The governing body of a ~~any~~ municipality,
2432 metropolitan planning organization, or special district ~~in the~~
2433 ~~state~~ may elect to participate in the Florida Retirement System
2434 upon proper application to the administrator and may cover all
2435 or any of its units as approved by the Secretary of Health and
2436 Human Services and the administrator. The department shall adopt

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2437 rules providing ~~establishing provisions~~ for the submission of
2438 documents ~~necessary~~ for such application.

2439 1. Before ~~Prior to~~ being approved for participation in the
2440 ~~Florida Retirement~~ system, the governing body of ~~any~~ such
2441 municipality, metropolitan planning organization, or special
2442 district that has a local retirement system shall submit ~~to the~~
2443 ~~administrator~~ a certified financial statement to the
2444 administrator showing the condition of the local retirement
2445 system as of a date within 3 months before ~~prior to~~ the proposed
2446 effective date of membership in the Florida Retirement System.
2447 The statement must be certified by a recognized accounting firm
2448 that is independent of the local retirement system. All required
2449 documents necessary for extending Florida Retirement System
2450 coverage must be received by the department ~~for consideration~~ at
2451 least 15 days before ~~prior to~~ the proposed effective date of
2452 coverage. If the municipality, metropolitan planning
2453 organization, or special district does not comply with this
2454 requirement, the department may change ~~require that~~ the
2455 effective date of coverage ~~be changed~~.

2456 2. Any municipality ~~city~~, metropolitan planning
2457 organization, or special district that has an existing
2458 retirement system covering the employees in the units that are
2459 to be brought under the Florida Retirement System may
2460 participate only after holding a referendum in which all
2461 employees in the affected units have the right to participate.
2462 Only those employees electing coverage under the ~~Florida~~
2463 ~~Retirement~~ system by affirmative vote in the said referendum are
2464 ~~shall be~~ eligible for coverage under this chapter, and those not
2465 participating or electing not to be covered by the Florida

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2466 Retirement System shall remain in their existing retirement
2467 ~~present~~ systems and are ~~shall~~ not be eligible for coverage under
2468 this chapter. After the referendum is held, all future employees
2469 are ~~shall be~~ compulsory members of the Florida Retirement
2470 System.

2471 3. The governing body of a municipality ~~any city~~,
2472 metropolitan planning organization, or special district
2473 complying with subparagraph 1. may elect to provide, or not
2474 provide, benefits based on past service of officers and
2475 employees as described in s. 121.081(1). However, if the ~~such~~
2476 employer elects to provide past service benefits, such benefits
2477 must be provided for all officers and employees of its covered
2478 group.

2479 4. Once the ~~this~~ election is made and approved it may not
2480 be revoked, except pursuant to subparagraphs 5. and 6., and all
2481 present officers and employees electing coverage under this
2482 chapter and all future officers and employees are ~~shall be~~
2483 compulsory members of the Florida Retirement System.

2484 5. Subject to the conditions set forth in subparagraph 6.,
2485 the governing body of a ~~any~~ hospital licensed under chapter 395
2486 which is governed by the board of a special district as defined
2487 in s. 189.403(1) or by the board of trustees of a public health
2488 trust created under s. 154.07, hereinafter referred to as
2489 "hospital district," and which participates in the system, may
2490 elect to cease participation in the system with regard to future
2491 employees in accordance with the following procedure:

2492 a. No more than 30 days and at least 7 days before adopting
2493 a resolution to partially withdraw from the Florida Retirement
2494 System and establish an alternative retirement plan for future

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2495 employees, a public hearing must be held on the proposed
2496 withdrawal and proposed alternative plan.

2497 b. From 7 to 15 days before such hearing, notice of intent
2498 to withdraw, specifying the time and place of the hearing, must
2499 be provided in writing to employees of the hospital district
2500 proposing partial withdrawal and must be published in a
2501 newspaper of general circulation in the area affected, as
2502 provided by ss. 50.011-50.031. Proof of publication of such
2503 notice must ~~shall~~ be submitted to the department ~~of Management~~
2504 Services.

2505 c. The governing body of any hospital district seeking to
2506 partially withdraw from the system must, before such hearing,
2507 have an actuarial report prepared and certified by an enrolled
2508 actuary, as defined in s. 112.625(3), illustrating the cost to
2509 the hospital district of providing, through the retirement plan
2510 that the hospital district is to adopt, benefits for new
2511 employees comparable to those provided under the Florida
2512 Retirement System.

2513 d. Upon meeting all applicable requirements of this
2514 subparagraph, and subject to the conditions set forth in
2515 subparagraph 6., partial withdrawal from the system and adoption
2516 of the alternative retirement plan may be accomplished by
2517 resolution ~~duly~~ adopted by the hospital district board. The
2518 hospital district board must provide written notice of such
2519 withdrawal to the division by mailing a copy of the resolution
2520 to the division, postmarked by ~~no later than~~ December 15, 1995.
2521 The withdrawal shall take effect January 1, 1996.

2522 6. Following the adoption of a resolution under sub-
2523 subparagraph 5.d., all employees of the withdrawing hospital

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2524 district who were participants in the Florida Retirement System
2525 before ~~prior to~~ January 1, 1996, ~~shall~~ remain ~~as~~ participants in
2526 the system for as long as they are employees of the hospital
2527 district, and all rights, duties, and obligations between the
2528 hospital district, the system, and the employees ~~shall~~ remain in
2529 full force and effect. Any employee who is hired or appointed on
2530 or after January 1, 1996, may not participate in the Florida
2531 Retirement System, and the withdrawing hospital district has
2532 ~~shall have~~ no obligation to the system with respect to such
2533 employees.

2534 Section 72. Subsection (2) of section 121.0511, Florida
2535 Statutes, is amended to read:

2536 121.0511 Revocation of election and alternative plan.—The
2537 governing body of any municipality or independent special
2538 district that has elected to participate in the Florida
2539 Retirement System may revoke its election in accordance with the
2540 following procedure:

2541 (2) At least 7 days, but not more than 15 days, before the
2542 hearing, notice of intent to revoke, specifying the time and
2543 place of the hearing, must be published in a newspaper of
2544 general circulation in the area affected, as provided by ss.
2545 50.011-50.031. Proof of publication ~~of the notice~~ must be
2546 submitted to the department ~~of Management Services~~.

2547 Section 73. Paragraph (b) of subsection (3) of section
2548 121.0515, Florida Statutes, is amended to read:

2549 121.0515 Special risk membership.—

2550 (3) PROCEDURE FOR DESIGNATING.—

2551 (b)~~1~~. Applying the criteria set forth in this section, the
2552 department ~~of Management Services~~ shall determine ~~specify~~ which

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2553 current and newly created classes of positions under the uniform
2554 classification plan established pursuant to chapter 110 entitle
2555 the incumbents of positions in those classes to membership in
2556 the Special Risk Class. Only employees employed in the classes
2557 so specified shall be special risk members.

2558 ~~2. If~~ When a class is determined not to be in the Special
2559 Risk Class ~~specified by the department as provided in~~
2560 ~~subparagraph 1.~~, the employing agency may petition the State
2561 Retirement Commission for approval in accordance with s. 121.23.

2562 Section 74. Paragraphs (b) and (h) of subsection (1) and
2563 paragraph (a) of subsection (6) of section 121.055, Florida
2564 Statutes, are amended to read:

2565 121.055 Senior Management Service Class.—There is hereby
2566 established a separate class of membership within the Florida
2567 Retirement System to be known as the "Senior Management Service
2568 Class," which shall become effective February 1, 1987.

2569 (1)

2570 (b)1. Except as provided in subparagraph 2., effective
2571 January 1, 1990, participation in the Senior Management Service
2572 Class ~~is shall be~~ compulsory for the president of each community
2573 college, the manager of each participating city or county, and
2574 all appointed district school superintendents. Effective January
2575 1, 1994, additional positions may be included ~~designated for~~
2576 ~~inclusion~~ in the Senior Management Service Class. ~~of the Florida~~
2577 ~~Retirement System, provided that:~~

2578 a. ~~The positions must to be included in the class shall~~ be
2579 designated by the local agency employer. Notice of intent to
2580 designate positions for inclusion in the class must ~~shall~~ be
2581 published once a week for 2 consecutive weeks in a newspaper of

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2582 general circulation published in the county or counties
2583 affected, as provided in chapter 50.

2584 b. Up to 10 nonelective full-time positions may be
2585 designated for each local agency employer reporting to the
2586 department. ~~of Management Services;~~ For local agencies with 100
2587 or more regularly established positions, additional nonelective
2588 full-time positions may be designated, not to exceed 1 percent
2589 of the regularly established positions within the agency.

2590 c. Each position added to the class must be a managerial or
2591 policymaking position filled by an employee who is not subject
2592 to continuing contract; who ~~and~~ serves at the pleasure of the
2593 local agency employer without civil service protection; r and
2594 who~~+~~

2595 ~~(I)~~ heads an organizational unit~~r~~ or

2596 ~~(II)~~ has authority ~~responsibility~~ to effect or recommend
2597 personnel, budget, expenditure, or policy decisions in his or
2598 her areas of responsibility.

2599 2. In lieu of participation in the Senior Management
2600 Service Class, members of the ~~Senior Management Service~~ class
2601 under ~~pursuant to the provisions of~~ subparagraph 1. may withdraw
2602 from the Florida Retirement System altogether. The decision to
2603 withdraw from the Florida Retirement System is ~~shall be~~
2604 irrevocable ~~for~~ as long as the employee holds the ~~such a~~
2605 position. Any service creditable under the Senior Management
2606 Service Class shall be retained after the member withdraws from
2607 the ~~Florida Retirement~~ system; however, additional service
2608 credit in the Senior Management Service Class may ~~shall~~ not be
2609 earned after ~~such~~ withdrawal. Such members may ~~shall~~ not be
2610 eligible to participate in the Senior Management Service

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2611 Optional Annuity Program.

2612 3. Effective January 1, 2006, through June 30, 2006, an
2613 employee who has withdrawn from the Florida Retirement System
2614 under subparagraph 2. has one opportunity to elect to
2615 participate in ~~either~~ the defined benefit program or the defined
2616 contribution ~~Public Employee Optional Retirement~~ program of the
2617 Florida Retirement System.

2618 a. If the employee elects to participate in the defined
2619 contribution ~~Public Employee Optional Retirement~~ program,
2620 membership is ~~shall be~~ prospective, and the applicable
2621 provisions of s. 121.4501(4) ~~shall~~ govern the election.

2622 b. If the employee elects to participate in the defined
2623 benefit program ~~of the Florida Retirement System~~, the employee
2624 shall, upon payment to the system trust fund of the amount
2625 calculated under sub-sub-subparagraph (I), receive service
2626 credit for prior service based upon the time ~~during which~~ the
2627 employee had withdrawn from the system.

2628 (I) The cost for such credit shall be an amount
2629 representing the actuarial accrued liability for the affected
2630 period of service. The cost shall be calculated using the
2631 discount rate and other relevant actuarial assumptions that were
2632 used to value the ~~Florida Retirement System~~ defined benefit plan
2633 liabilities in the most recent actuarial valuation. The
2634 calculation must ~~shall~~ include any service already maintained
2635 under the defined benefit plan in addition to the period of
2636 withdrawal. The actuarial accrued liability attributable to any
2637 service already maintained under the defined benefit plan is
2638 ~~shall be~~ applied as a credit to the total cost resulting from
2639 the calculation. The division shall ensure that the transfer sum

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2640 is prepared using a formula and methodology certified by an
2641 actuary.

2642 (II) The employee must transfer a sum representing the net
2643 cost owed for the actuarial accrued liability in sub-sub-
2644 subparagraph (I) immediately following the time of such
2645 movement, determined assuming that attained service equals the
2646 sum of service in the defined benefit program and the period of
2647 withdrawal.

2648 (h)1. Except as provided in subparagraph 3., effective
2649 January 1, 1994, participation in the Senior Management Service
2650 Class is ~~shall be~~ compulsory for the State Courts Administrator
2651 and the Deputy State Courts Administrators, the Clerk of the
2652 Supreme Court, the Marshal of the Supreme Court, the Executive
2653 Director of the Justice Administrative Commission, the capital
2654 collateral regional counsel, the clerks of the district courts
2655 of appeals, the marshals of the district courts of appeals, and
2656 the trial court administrator and the Chief Deputy Court
2657 Administrator in each judicial circuit. Effective January 1,
2658 1994, additional positions in the offices of the state attorney
2659 and public defender in each judicial circuit may be designated
2660 for inclusion in the Senior Management Service class ~~of the~~
2661 ~~Florida Retirement System~~, provided that:

2662 a. The positions must ~~to be included in the class shall~~ be
2663 designated by the state attorney or public defender, as
2664 appropriate. Notice of intent to designate positions for
2665 inclusion in the class must ~~shall~~ be published once a week for 2
2666 consecutive weeks in a newspaper of general circulation
2667 published in the county or counties affected, as provided in
2668 chapter 50.

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2669 b. One nonelective full-time position may be designated for
2670 each state attorney and public defender reporting to the
2671 department ~~of Management Services~~; for agencies with 200 or more
2672 regularly established positions under the state attorney or
2673 public defender, additional nonelective full-time positions may
2674 be designated, not to exceed 0.5 percent of the regularly
2675 established positions within the agency.

2676 c. Each position added to the class must be a managerial or
2677 policymaking position filled by an employee who serves at the
2678 pleasure of the state attorney or public defender without civil
2679 service protection, and who-

2680 ~~(I)~~ heads an organizational unit; or

2681 ~~(II)~~ has authority ~~responsibility~~ to effect or recommend
2682 personnel, budget, expenditure, or policy decisions in his or
2683 her areas of responsibility.

2684 2. Participation in this class is ~~shall be~~ compulsory,
2685 except as provided in subparagraph 3., for any judicial employee
2686 who holds a position designated for coverage in the Senior
2687 Management Service Class, and such participation continues ~~shall~~
2688 ~~continue~~ until the employee terminates employment in a covered
2689 position. Effective January 1, 2001, participation in this class
2690 is compulsory for assistant state attorneys, assistant statewide
2691 prosecutors, assistant public defenders, ~~and~~ assistant capital
2692 collateral regional counsel. Effective January 1, 2002,
2693 participation in this class is compulsory for assistant
2694 attorneys general.

2695 3. In lieu of participation in the Senior Management
2696 Service Class, such members, excluding assistant state
2697 attorneys, assistant public defenders, assistant statewide

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2698 prosecutors, assistant attorneys general, and assistant capital
2699 collateral regional counsel, may participate in the Senior
2700 Management Service Optional Annuity Program as established in
2701 subsection (6).

2702 (6) (a) *Senior Management Service Optional Annuity Program.*—
2703 The department ~~of Management Services~~ shall establish a Senior
2704 Management Service Optional Annuity Program under which
2705 contracts providing retirement, death, and disability benefits
2706 may be purchased for ~~those~~ employees who elect to participate in
2707 the optional annuity program. The benefits to be provided for or
2708 on behalf of participants must ~~in such optional annuity program~~
2709 ~~shall~~ be provided through individual contracts or individual
2710 certificates issued for group annuity contracts, which may be
2711 fixed, variable, or a combination thereof, in accordance with s.
2712 401(a) of the Internal Revenue Code. Any ~~such~~ individual
2713 contract or certificate must ~~shall~~ state the annuity plan on its
2714 face page, and ~~shall~~ include, but not be limited to, a statement
2715 of ownership, the contract benefits, annuity income options,
2716 limitations, expense charges, and surrender charges, if any. The
2717 employing agency shall contribute, as provided in this section,
2718 toward the purchase of the ~~such~~ optional benefits which shall be
2719 fully and immediately vested in the participants.

2720 Section 75. Section 121.1815, Florida Statutes, is amended
2721 to read:

2722 121.1815 Special pensions to individuals; administration ~~of~~
2723 ~~laws by Department of Management Services.~~—All powers, duties,
2724 and functions related to the administration of laws providing
2725 special pensions to individuals, including chapter 18054, Laws
2726 of Florida, 1937; chapter 26788, Laws of Florida, 1951, as

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2727 amended by chapter 57-871, Laws of Florida; chapter 26836, Laws
2728 of Florida, 1951; and chapter 63-953, Laws of Florida, are
2729 vested in the department. All laws hereinafter enacted by the
2730 Legislature pertaining to special pensions for individuals shall
2731 be administered by the department, unless contrary provisions
2732 are contained in such law. Upon the death of any person
2733 receiving a monthly pension under this section, the monthly
2734 pension shall be paid through the last day of the month of death
2735 and shall terminate on that date, unless contrary provisions are
2736 contained in the special pension law.

2737 Section 76. Section 121.1905, Florida Statutes, is
2738 repealed.

2739 Section 77. Section 121.192, Florida Statutes, is amended
2740 to read:

2741 121.192 State retirement actuary.—The department may employ
2742 an actuary. ~~Such actuary shall,~~ Together with such other duties
2743 as the executive director ~~secretary~~ may assign, the actuary
2744 shall be responsible for:

2745 (1) Advising the executive director ~~secretary~~ on actuarial
2746 matters of the state retirement systems.

2747 (2) Making periodic valuations of the retirement systems.

2748 (3) Providing actuarial analyses to the Legislature
2749 concerning proposed changes in the retirement systems.

2750 (4) Assisting the executive director ~~secretary~~ in
2751 developing a sound and modern retirement system.

2752 Section 78. Subsection (1) of section 121.22, Florida
2753 Statutes, is amended to read:

2754 121.22 State Retirement Commission; creation; membership;
2755 compensation.—

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2756 (1) The ~~There is created within the Department of~~
2757 ~~Management Services~~ a State Retirement Commission is created
2758 within the department, composed of five members: Two members who
2759 are retired under a state-supported retirement system
2760 administered by the department; two members who are active
2761 members of a state-supported retirement system that is
2762 administered by the department; and one member who is neither a
2763 retiree, beneficiary, or member of a state-supported retirement
2764 system administered by the department. Each member shall have a
2765 different occupational background from the other members.

2766 Section 79. Subsection (1) of section 121.23, Florida
2767 Statutes, is amended to read:

2768 121.23 Disability retirement and special risk membership
2769 applications; Retirement Commission; powers and duties; judicial
2770 review.—The provisions of this section apply to all proceedings
2771 in which the administrator has made a written final decision on
2772 the merits respecting applications for disability retirement,
2773 reexamination of retired members receiving disability benefits,
2774 applications for special risk membership, and reexamination of
2775 special risk members in the Florida Retirement System. The
2776 jurisdiction of the State Retirement Commission under this
2777 section shall be limited to written final decisions of the
2778 administrator on the merits.

2779 (1) In accordance with the rules of procedure adopted by
2780 the department ~~of Management Services,~~ the administrator shall:

2781 (a) Give reasonable notice of his or her proposed action,
2782 or decision to refuse action, together with a summary of the
2783 factual, legal, and policy grounds for the action ~~therefor~~.

2784 (b) Give affected members, or their counsel, an opportunity

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2785 to present to the division written evidence in opposition to the
2786 proposed action or refusal to act or a written statement
2787 challenging the grounds upon which the administrator has chosen
2788 to justify his or her action or inaction.

2789 (c) If the objections of the member are overruled, provide
2790 a written explanation within 21 days.

2791 Section 80. Subsections (2), (3), and (4) of section
2792 121.24, Florida Statutes, are amended to read:

2793 121.24 Conduct of commission business; legal and other
2794 assistance; compensation.—

2795 (2) Legal counsel for the commission may be provided by the
2796 department or the Department of Legal Affairs ~~or by the~~
2797 ~~Department of Management Services~~, with the concurrence of the
2798 commission, and shall be paid by the department ~~of Management~~
2799 ~~Services~~ from the appropriate funds.

2800 (3) The department ~~of Management Services~~ shall provide
2801 timely and appropriate training for newly appointed members of
2802 the commission. Such training shall be designed to acquaint new
2803 members ~~of the commission~~ with the duties and responsibilities
2804 of the commission.

2805 (4) The department ~~of Management Services~~ shall furnish
2806 administrative and secretarial assistance to the commission and
2807 ~~shall~~ provide a place where the commission may hold its
2808 meetings.

2809 Section 81. Subsection (1) and paragraphs (c) and (d) of
2810 subsection (2) of section 121.35, Florida Statutes, are amended
2811 to read:

2812 121.35 Optional retirement program for the State University
2813 System.—

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2814 (1) OPTIONAL RETIREMENT PROGRAM ESTABLISHED.—The department
2815 ~~of Management Services~~ shall establish an optional retirement
2816 program under which contracts providing retirement and death
2817 benefits may be purchased for eligible members of the State
2818 University System who elect to participate in the program. The
2819 benefits to be provided for or on behalf of participants ~~in such~~
2820 ~~optional retirement program~~ shall be provided through individual
2821 contracts or individual certificates issued for group annuity or
2822 other contracts, which may be fixed, variable, or a combination
2823 thereof, in accordance with s. 403(b) of the Internal Revenue
2824 Code. An ~~Any~~ individual contract or certificate must ~~shall~~ state
2825 the annuity plan on its face page, and ~~shall~~ include, but not be
2826 limited to, a statement of ownership, the contract benefits,
2827 annuity income options, limitations, expense charges, and
2828 surrender charges, if any. The state shall contribute, as
2829 provided in this section, toward the purchase of such optional
2830 benefits.

2831 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

2832 ~~(c) For purposes of this section, the Department of~~
2833 ~~Management Services is referred to as the "department."~~

2834 (c) ~~(d)~~ For purposes of this section, the authority granted
2835 to the Board of Governors of the State University System may be
2836 exercised by the Board of Governors or by the Chancellor of the
2837 State University System.

2838 Section 82. Subsections (3) and (13) of section 121.40,
2839 Florida Statutes, are amended to read:

2840 121.40 Cooperative extension personnel at the Institute of
2841 Food and Agricultural Sciences; supplemental retirement
2842 benefits.—

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2843 (3) DEFINITIONS.—The definitions provided in s. 121.021 do
2844 ~~shall~~ not apply to this program unless ~~except when~~ specifically
2845 cited. For the purposes of this section, the term ~~the following~~
2846 ~~words or phrases have the respective meanings set forth:~~

2847 (a) "Institute" means the Institute of Food and
2848 Agricultural Sciences of the University of Florida.

2849 ~~(b) "Department" means the Department of Management~~
2850 ~~Services.~~

2851 (b)(e) "Participant" means any employee of the institute
2852 who is eligible to receive a supplemental benefit under this
2853 program as provided in subsection (4).

2854 (c)(d) "Trust fund" means the Florida Retirement System
2855 Trust Fund.

2856 (d)(e) "Creditable service" means any service after
2857 ~~subsequent to~~ December 1, 1970, with the institute as a
2858 cooperative extension employee holding both state and federal
2859 appointments, that is credited for retirement purposes by the
2860 institute toward a federal Civil Service Retirement System
2861 annuity.

2862 (13) ADMINISTRATION OF PROGRAM.—The Department of Personnel
2863 Management:

2864 (a) ~~The Department~~ Shall adopt ~~make such~~ rules as are
2865 necessary for the effective and efficient administration of this
2866 program. The executive director ~~secretary~~ of the department is
2867 ~~shall be~~ the administrator of the program. The funds to pay the
2868 expenses for such administration shall be appropriated from the
2869 interest earned on investments made for the Florida Retirement
2870 System Trust Fund.

2871 (b) ~~The Department~~ May require oaths, by affidavit or

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2872 otherwise, and acknowledgments from persons in connection with
2873 the administration of its duties and responsibilities under this
2874 section.

2875 Section 83. Paragraphs (d) through (m) of subsection (2),
2876 paragraph (b) of subsection (8), paragraph (h) of subsection
2877 (10), and subsection (19) of section 121.4501, Florida Statutes,
2878 is amended to read:

2879 121.4501 Public Employee Optional Retirement Program.—

2880 (2) DEFINITIONS.—As used in this part, the term:

2881 ~~(d) "Department" means the Department of Management~~
2882 ~~Services.~~

2883 (d)~~(e)~~ "Division" means the Division of Retirement within
2884 the department ~~of Management Services.~~

2885 (e)~~(f)~~ "Eligible employee" means an officer or employee, as
2886 defined in s. 121.021, who:

2887 1. Is a member of, or is eligible for membership in, the
2888 Florida Retirement System, including any renewed member of the
2889 Florida Retirement System initially enrolled before July 1,
2890 2010; or

2891 2. Participates in, or is eligible to participate in, the
2892 Senior Management Service Optional Annuity Program as
2893 established under s. 121.055(6), the State Community College
2894 System Optional Retirement Program as established under s.
2895 121.051(2)(c), or the State University System Optional
2896 Retirement Program established under s. 121.35.

2897
2898 The term does not include any member participating in the
2899 Deferred Retirement Option Program established under s.
2900 121.091(13), a retiree of a state-administered retirement system

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2901 initially reemployed on or after July 1, 2010, or a mandatory
 2902 participant of the State University System Optional Retirement
 2903 Program established under s. 121.35.

2904 (f)~~(g)~~ "Employer" means an employer, as defined in s.
 2905 121.021~~(10)~~, of an eligible employee.

2906 (g)~~(h)~~ "Participant" means an eligible employee who is
 2907 enrolled ~~elects to participate in the Public Employee Optional~~
 2908 ~~Retirement Program and enrolls in such~~ optional program ~~as~~
 2909 ~~provided in subsection (4)~~ or a terminated Deferred Retirement
 2910 Option Program participant as described in subsection (21).

2911 (h)~~(i)~~ "Public Employee Optional Retirement Program,"
 2912 "optional program," or "optional retirement program" means the
 2913 ~~alternative~~ defined contribution retirement program established
 2914 under this section.

2915 (i)~~(j)~~ "Retiree" means a former participant of the ~~Florida~~
 2916 ~~Retirement System Public Employee~~ optional retirement program
 2917 who has terminated employment and has taken a distribution as
 2918 provided in s. 121.591, except for a mandatory distribution of a
 2919 de minimis account authorized by the state board.

2920 ~~(k) "State board" or "board" means the State Board of~~
 2921 ~~Administration.~~

2922 ~~(l) "Trustees" means Trustees of the State Board of~~
 2923 ~~Administration.~~

2924 (j)~~(m)~~ "Vested" or "vesting" means the guarantee that a
 2925 participant is eligible to receive a retirement benefit upon
 2926 completion of the required years of service under the Public
 2927 Employee Optional Retirement Program.

2928 (8) ADMINISTRATION OF PROGRAM.—

2929 (b)1. The state board shall select and contract with a ~~one~~

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2930 third-party administrator to provide administrative services if
2931 those services cannot be competitively and contractually
2932 provided by the division ~~of Retirement within the Department of~~
2933 ~~Management Services~~. With the approval of the state board, the
2934 third-party administrator may subcontract ~~with other~~
2935 ~~organizations or individuals~~ to provide components of the
2936 administrative services. As a cost of administration, the state
2937 board may compensate any such contractor for its services, in
2938 accordance with the terms of the contract, as is deemed
2939 necessary or proper by the board. The third-party administrator
2940 may not be an approved provider or be affiliated with an
2941 approved provider.

2942 2. These administrative services may include, but are not
2943 limited to, enrollment of eligible employees, collection of
2944 employer contributions, disbursement of ~~such~~ contributions to
2945 approved providers in accordance with the allocation directions
2946 of participants; services relating to consolidated billing;
2947 individual and collective recordkeeping and accounting; asset
2948 purchase, control, and safekeeping; and direct disbursement of
2949 funds to and from the third-party administrator, the division,
2950 the board, employers, participants, approved providers, and
2951 beneficiaries. This section does not prevent or prohibit a
2952 bundled provider from providing any administrative or customer
2953 service, including accounting and administration of individual
2954 participant benefits and contributions; individual participant
2955 recordkeeping; asset purchase, control, and safekeeping; direct
2956 execution of the participant's instructions as to asset and
2957 contribution allocation; calculation of daily net asset values;
2958 direct access to participant account information; or periodic

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2959 reporting to participants, at least quarterly, on account
2960 balances and transactions, if these services are authorized by
2961 the board as part of the contract.

2962 3. The state board shall select and contract with one or
2963 more organizations to provide educational services. With
2964 approval of the state board, the organizations may subcontract
2965 ~~with other organizations or individuals~~ to provide components of
2966 the educational services. As a cost of administration, the state
2967 board may compensate any such contractor for its services in
2968 accordance with the terms of the contract, as is deemed
2969 necessary or proper by the board. The education organization may
2970 not be an approved provider or be affiliated with an approved
2971 provider.

2972 4. Educational services shall be designed by the state
2973 board and department to assist employers, eligible employees,
2974 participants, and beneficiaries in order to maintain compliance
2975 with United States Department of Labor regulations under s.
2976 404(c) of the Employee Retirement Income Security Act of 1974
2977 and to assist employees in their choice of a defined benefit or
2978 defined contribution retirement program alternatives.

2979 Educational services include, but are not limited to,
2980 disseminating educational materials; providing retirement
2981 planning education; explaining the differences between the
2982 defined benefit ~~retirement plan~~ and the defined contribution
2983 retirement programs ~~plan~~; and offering financial planning
2984 guidance on matters such as investment diversification,
2985 investment risks, investment costs, and asset allocation. An
2986 approved provider may also provide educational information,
2987 including retirement planning and investment allocation

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2988 information concerning its products and services.

2989 (10) EDUCATION COMPONENT.—

2990 (h) Pursuant to paragraph (8) (a), all Florida Retirement
2991 System employers have an obligation to regularly communicate the
2992 existence of the two Florida Retirement System plans and the
2993 plan choice in the natural course of administering their
2994 personnel functions, using the educational materials supplied by
2995 the state board and the department ~~of Management Services~~.

2996 (19) PARTICIPANT RECORDS.—Personal identifying information
2997 of a participant in the Public Employee Optional Retirement
2998 Program contained in Florida Retirement System records held by
2999 the State Board of Administration or the department ~~of~~
3000 ~~Management Services~~ is exempt from s. 119.07(1) and s. 24(a),
3001 Art. I of the State Constitution.

3002 Section 84. Section 121.4503, Florida Statutes, is amended
3003 to read:

3004 121.4503 Florida Retirement System Contributions Clearing
3005 Trust Fund.—

3006 (1) The Florida Retirement System Contributions Clearing
3007 Trust Fund is created as a clearing fund for disbursing employer
3008 contributions to the component plans of the Florida Retirement
3009 System and shall be administered by the department ~~of Management~~
3010 ~~Services~~. Funds shall be credited to the trust fund as provided
3011 in this chapter and ~~shall be~~ held in trust for the contributing
3012 employers until such time as the assets are transferred by the
3013 department to the Florida Retirement System Trust Fund, the
3014 Public Employee Optional Retirement Program Trust Fund, or other
3015 trust funds as authorized by law, to be used for the purposes of
3016 this chapter. The trust fund is exempt from the service charges

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3017 imposed by s. 215.20.

3018 (2) The Florida Retirement System Contributions Clearing
3019 Trust Fund is a clearing trust fund of the department ~~of~~
3020 ~~Management Services~~ pursuant to s. 19(f), Art. III of the State
3021 Constitution, and is not subject to termination.

3022 (3) The department ~~of Management Services~~ may adopt rules
3023 governing the receipt and disbursement of amounts received by
3024 the Florida Retirement System Contributions Clearing Trust Fund
3025 from employers contributing to the component plans of the
3026 Florida Retirement System.

3027 Section 85. Section 121.591, Florida Statutes, is amended
3028 to read:

3029 121.591 Payment of benefits ~~payable under the Public~~
3030 ~~Employee Optional Retirement Program of the Florida Retirement~~
3031 ~~System.~~—Benefits may not be paid under this section unless the
3032 member has terminated employment as provided in s.
3033 121.021(39) (a) or is deceased and a proper application has been
3034 filed as ~~in the manner~~ prescribed by the state board or the
3035 department. The state board or department, as appropriate, may
3036 cancel an application for retirement benefits if ~~when~~ the member
3037 or beneficiary fails to timely provide the information and
3038 documents required by this chapter and the rules of the state
3039 board and department. In accordance with their respective
3040 responsibilities ~~as provided herein~~, the state board ~~of~~
3041 ~~Administration~~ and the department ~~of Management Services~~ shall
3042 adopt rules establishing procedures for application for
3043 retirement benefits and for the cancellation of such application
3044 if ~~when~~ the required information or documents are not received.
3045 The state board ~~of Administration~~ and the department ~~of~~

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3046 ~~Management Services~~, as appropriate, are authorized to cash out
3047 a de minimis account of a participant who has been terminated
3048 from Florida Retirement System covered employment for a minimum
3049 of 6 calendar months. A de minimis account is an account
3050 containing employer contributions and accumulated earnings of
3051 not more than \$5,000 made under the provisions of this chapter.
3052 Such cash-out must ~~either~~ be a complete lump-sum liquidation of
3053 the account balance, subject to the provisions of the Internal
3054 Revenue Code, or a lump-sum direct rollover distribution paid
3055 directly to the custodian of an eligible retirement plan, as
3056 defined by the Internal Revenue Code, on behalf of the
3057 participant. If any financial instrument issued for the payment
3058 of retirement benefits under this section is not presented for
3059 payment within 180 days after the last day of the month in which
3060 it was originally issued, the third-party administrator or other
3061 duly authorized agent of the state board ~~of Administration~~ shall
3062 cancel the instrument and credit the amount of the instrument to
3063 the suspense account of the Public Employee Optional Retirement
3064 Program Trust Fund authorized under s. 121.4501(6). Any ~~such~~
3065 amounts transferred to the suspense account are payable upon a
3066 proper application, not to include earnings thereon, as provided
3067 in this section, within 10 years after the last day of the month
3068 in which the instrument was originally issued, after which time
3069 such amounts and any earnings are ~~thereon shall be~~ forfeited.
3070 Any such forfeited amounts are assets of the Public Employee
3071 Optional Retirement Program Trust Fund and are not subject to
3072 ~~the provisions of~~ chapter 717.

3073 (1) NORMAL BENEFITS.—Under the Public Employee Optional
3074 Retirement Program:

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3075 (a) Benefits in the form of vested accumulations as
3076 described in s. 121.4501(6) are payable under this subsection in
3077 accordance with the following terms and conditions:

3078 1. ~~To the extent vested,~~ Benefits are payable only to a
3079 participant.

3080 2. Benefits shall be paid by the third-party administrator
3081 or designated approved providers in accordance with the law, the
3082 contracts, and any applicable state board rule or policy.

3083 3. ~~To receive benefits,~~ The participant must be terminated
3084 from all employment with all Florida Retirement System
3085 employers, as provided in s. 121.021(39).

3086 4. Benefit payments may not be made until the participant
3087 has been terminated for 3 calendar months, except that the state
3088 board may authorize by rule for the distribution of up to 10
3089 percent of the participant's account after being terminated for
3090 1 calendar month if the participant has reached the normal
3091 retirement date as defined in s. 121.021 ~~of the defined benefit~~
3092 plan.

3093 5. If a member or former member of the Florida Retirement
3094 System receives an invalid distribution ~~from the Public Employee~~
3095 ~~Optional Retirement Program Trust Fund,~~ such person must repay
3096 the full amount ~~invalid distribution to the trust fund~~ within 90
3097 days after receipt of final notification by the state board or
3098 the third-party administrator that the distribution was invalid.
3099 If such person fails to repay the full invalid distribution
3100 within 90 days after receipt of final notification, the person
3101 may be deemed retired from the optional retirement program by
3102 the state board, as provided pursuant to s. 121.4501(2)(j), and
3103 is subject to s. 121.122. If such person is deemed retired ~~by~~

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3104 ~~the state board~~, any joint and several liability set out in s.
3105 121.091(9)(d)2. is ~~becomes~~ null and void, and the state board,
3106 the department, or the employing agency is not liable for gains
3107 on payroll contributions that have not been deposited to the
3108 person's account in the retirement program, pending resolution
3109 of the invalid distribution. The member or former member who has
3110 been deemed retired or who has been determined by the board to
3111 have taken an invalid distribution may appeal the agency
3112 decision through the complaint process as provided under s.
3113 121.4501(9)(g)3. As used in this subparagraph, the term "invalid
3114 distribution" means any distribution from an account in the
3115 optional retirement program which is taken in violation of this
3116 section, s. 121.091(9), or s. 121.4501.

3117 (b) If a participant elects to receive his or her benefits
3118 upon termination of employment as defined in s. 121.021, the
3119 participant must submit a written application or an equivalent
3120 form to the third-party administrator indicating his or her
3121 preferred distribution date and selecting an authorized method
3122 of distribution as provided in paragraph (c). The participant
3123 may defer receipt of benefits until he or she chooses to make
3124 such application, subject to federal requirements.

3125 (c) Upon receipt by the third-party administrator of a
3126 properly executed application for distribution of benefits, the
3127 total accumulated benefit is ~~shall be~~ payable to the
3128 participant, as:

- 3129 1. A lump-sum distribution to the participant;
- 3130 2. A lump-sum direct rollover distribution whereby all
3131 accrued benefits, plus interest and investment earnings, are
3132 paid from the participant's account directly to the custodian of

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3133 an eligible retirement plan, as defined in s. 402(c)(8)(B) of
3134 the Internal Revenue Code, on behalf of the participant; or

3135 3. Periodic distributions, as authorized by the state
3136 board.

3137 (2) DISABILITY RETIREMENT BENEFITS.—Benefits provided under
3138 this subsection are payable in lieu of the benefits that ~~which~~
3139 would otherwise be payable under ~~the provisions of~~ subsection
3140 (1). Such benefits must ~~shall~~ be funded entirely from employer
3141 contributions made under s. 121.571, transferred participant
3142 funds accumulated pursuant to paragraph (a), and interest and
3143 earnings thereon. ~~Pursuant thereto:~~

3144 (a) *Transfer of funds.*—To qualify for ~~to receive~~ monthly
3145 disability benefits under this subsection:

3146 1. All moneys accumulated in the participant's Public
3147 Employee Optional Retirement Program accounts, including vested
3148 and nonvested accumulations as described in s. 121.4501(6), must
3149 ~~shall~~ be transferred from such individual accounts to the
3150 division ~~of Retirement~~ for deposit in the disability account of
3151 the Florida Retirement System Trust Fund. Such moneys must ~~shall~~
3152 be ~~separately~~ accounted for separately. Earnings must ~~shall~~ be
3153 credited on an annual basis for amounts held in the disability
3154 accounts of the Florida Retirement System Trust Fund based on
3155 actual earnings of the ~~Florida Retirement System~~ trust fund.

3156 2. If the participant has retained retirement credit ~~he or~~
3157 ~~she had~~ earned under the defined benefit program ~~of the Florida~~
3158 ~~Retirement System~~ as provided in s. 121.4501(3)(b), a sum
3159 representing the actuarial present value of such credit within
3160 the Florida Retirement System Trust Fund shall be reassigned by
3161 the division ~~of Retirement~~ from the defined benefit program to

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3162 the disability program as implemented under this subsection and
3163 shall be deposited in the disability account of the Florida
3164 Retirement System Trust Fund. Such moneys must ~~shall~~ be
3165 ~~separately~~ accounted for separately.

3166 (b) *Disability retirement; entitlement.*—

3167 1. A participant of the Public Employee Optional Retirement
3168 Program who becomes totally and permanently disabled, as defined
3169 in paragraph (d) ~~s. 121.091(4)(b)~~, after completing 8 years of
3170 creditable service, or a participant who becomes totally and
3171 permanently disabled in the line of duty regardless of ~~his or~~
3172 ~~her~~ length of service, is ~~shall be~~ entitled to a monthly
3173 disability benefit ~~as provided herein~~.

3174 2. In order for service to apply toward the 8 years of
3175 creditable service required ~~to vest~~ for regular disability
3176 benefits, or toward the creditable service used in calculating a
3177 service-based benefit as provided ~~for~~ under paragraph (g), the
3178 service must be creditable service as described below:

3179 a. The participant's period of service under the Public
3180 Employee Optional Retirement Program is ~~will be~~ considered
3181 creditable service, except as provided in subparagraph d.

3182 b. If the participant has elected to retain credit for ~~his~~
3183 ~~or her~~ service under the defined benefit program ~~of the Florida~~
3184 ~~Retirement System~~ as provided under s. 121.4501(3)(b), all such
3185 service is ~~will be~~ considered creditable service.

3186 c. If the participant elects ~~has elected~~ to transfer to his
3187 or her participant accounts a sum representing the present value
3188 of his or her retirement credit under the defined benefit
3189 program as provided under s. 121.4501(3)(c), the period of
3190 service under the defined benefit program represented in the

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3191 present value amounts transferred is ~~will be~~ considered
3192 creditable service ~~for purposes of vesting for disability~~
3193 ~~benefits~~, except as provided in subparagraph d.

3194 d. Whenever a participant has terminated employment and has
3195 taken distribution of his or her funds as provided in subsection
3196 (1), all creditable service represented by such distributed
3197 funds is forfeited for purposes of this subsection.

3198 (c) *Disability retirement effective date.*—The effective
3199 retirement date for a participant who applies and is approved
3200 for disability retirement shall be established as provided under
3201 s. 121.091(4)(a)2. and 3.

3202 (d) *Total and permanent disability.*—A participant shall be
3203 considered totally and permanently disabled if, in the opinion
3204 of the division, he or she is prevented, by reason of a
3205 medically determinable physical or mental impairment, from
3206 rendering useful and efficient service as an officer or
3207 employee.

3208 (e) *Proof of disability.*—~~The division,~~ Before approving
3209 payment of any disability retirement benefit, the division shall
3210 require proof that the participant is totally and permanently
3211 disabled ~~in the same manner as provided for members of the~~
3212 ~~defined benefit program of the Florida Retirement System~~ under
3213 s. 121.091(4)(c).

3214 (f) *Disability retirement benefit.*—Upon the disability
3215 retirement of a participant under this subsection, the
3216 participant shall receive a monthly benefit that begins accruing
3217 ~~shall begin to accrue~~ on the first day of the month of
3218 disability retirement, as approved by the division, and is ~~shall~~
3219 ~~be~~ payable on the last day of that month and each month

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3220 thereafter during his or her lifetime and continued disability.
3221 All disability benefits must ~~payable to such member shall~~ be
3222 paid out of the disability account of the Florida Retirement
3223 System Trust Fund established under this subsection.

3224 (g) *Computation of disability retirement benefit.*—The
3225 amount of each monthly payment must ~~shall~~ be calculated ~~in the~~
3226 ~~same manner~~ as provided ~~for members of the defined benefit~~
3227 ~~program of the Florida Retirement System~~ under s. 121.091(4)(f).
3228 ~~For such purpose,~~ Creditable service under both the defined
3229 benefit program and the Public Employee Optional Retirement
3230 Program ~~of the Florida Retirement System~~ shall be applicable as
3231 provided under paragraph (b).

3232 (h) *Reapplication.*—A participant whose initial application
3233 for disability retirement is ~~has been~~ denied may reapply for
3234 disability benefits ~~in the same manner, and under the same~~
3235 ~~conditions,~~ as provided ~~for members of the defined benefit~~
3236 ~~program of the Florida Retirement System~~ under s. 121.091(4)(g).

3237 (i) *Membership.*—Upon approval of a participant's ~~an~~
3238 application for disability benefits ~~under this subsection,~~ the
3239 applicant shall be transferred to the defined benefit program ~~of~~
3240 ~~the Florida Retirement System,~~ effective upon his or her
3241 disability retirement effective date.

3242 (j) *Option to cancel.*—~~A~~ Any participant whose application
3243 for disability benefits is approved may cancel the ~~his or her~~
3244 application if ~~for disability benefits,~~ provided that the
3245 cancellation request is received by the division before a
3246 disability retirement warrant has been deposited, cashed, or
3247 received by direct deposit. Upon ~~such~~ cancellation:

3248 1. The participant's transfer to the defined benefit

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3249 program under paragraph (i) shall be nullified;

3250 2. The participant shall be retroactively reinstated in the
3251 Public Employee Optional Retirement Program without hiatus;

3252 3. All funds transferred to the Florida Retirement System
3253 Trust Fund under paragraph (a) must ~~shall~~ be returned to the
3254 participant accounts from which the ~~such~~ funds were drawn; and

3255 4. The participant may elect to receive the benefit payable
3256 under ~~the provisions of~~ subsection (1) in lieu of disability
3257 benefits ~~as provided under this subsection.~~

3258 (k) *Recovery from disability.*—

3259 1. The division may require periodic reexaminations at the
3260 expense of the disability program account of the Florida
3261 Retirement System Trust Fund. Except as otherwise provided in
3262 subparagraph 2., ~~the requirements, procedures, and restrictions~~
3263 ~~relating to the conduct and review of such reexaminations,~~
3264 ~~discontinuation or termination of benefits, reentry into~~
3265 ~~employment, disability retirement after reentry into covered~~
3266 ~~employment, and all other matters relating to recovery from~~
3267 disability shall be ~~the same~~ as are set forth under s.
3268 121.091(4)(h).

3269 2. Upon recovery from disability, the ~~any~~ recipient of
3270 disability retirement benefits under this subsection shall be
3271 transferred back and be a compulsory member of the Public
3272 Employee Optional Retirement Program ~~of the Florida Retirement~~
3273 ~~System~~. The net difference between the recipient's original
3274 account balance transferred to the Florida Retirement System
3275 Trust Fund, including earnings, ~~under paragraph (a)~~ and total
3276 disability benefits paid to such recipient, if any, shall be
3277 determined as provided in sub-subparagraph a.

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3278 a. An amount equal to the total benefits paid shall be
3279 subtracted from that portion of the transferred account balance
3280 consisting of vested accumulations as described under s.
3281 121.4501(6), if any, and an amount equal to the remainder of
3282 benefit amounts paid, if any, shall ~~then~~ be subtracted from any
3283 remaining ~~portion consisting of~~ nonvested accumulations ~~as~~
3284 ~~described under s. 121.4501(6).~~

3285 b. Amounts subtracted under sub-subparagraph a. must ~~shall~~
3286 be retained within the disability account of the Florida
3287 Retirement System Trust Fund. Any remaining account balance
3288 shall be transferred to the third-party administrator for
3289 disposition as provided under sub-subparagraph c. or sub-
3290 subparagraph d., as appropriate.

3291 c. If the recipient returns to covered employment,
3292 transferred amounts must ~~shall~~ be deposited in individual
3293 accounts under the Public Employee Optional Retirement Program,
3294 as directed by the participant. Vested and nonvested amounts
3295 shall be separately accounted for as provided in s. 121.4501(6).

3296 d. If the recipient fails to return to covered employment
3297 upon recovery from disability:

3298 (I) Any remaining vested amount must ~~shall~~ be deposited in
3299 individual accounts under the Public Employee Optional
3300 Retirement Program, as directed by the participant, and shall be
3301 payable as provided in subsection (1).

3302 (II) Any remaining nonvested amount must ~~shall~~ be held in a
3303 suspense account and is ~~shall be~~ forfeitable after 5 years as
3304 provided in s. 121.4501(6).

3305 3. If present value was reassigned from the defined benefit
3306 program to the disability program ~~of the Florida Retirement~~

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3307 ~~System~~ as provided under subparagraph (a)2., the full present
3308 value amount must ~~shall~~ be returned to the defined benefit
3309 account within the Florida Retirement System Trust Fund and the
3310 recipient's ~~affected individual's~~ associated retirement credit
3311 under the defined benefit program must ~~shall~~ be reinstated in
3312 full. Any benefit based upon such credit shall be calculated as
3313 provided in s. 121.091(4)(h)1.

3314 (l) *Nonadmissible causes of disability.*—A participant shall
3315 not be entitled to receive a disability retirement benefit if
3316 the disability results from any injury or disease sustained or
3317 inflicted as described in s. 121.091(4)(i).

3318 (m) *Disability retirement of justice or judge by order of*
3319 *Supreme Court.*—

3320 1. If a participant is a justice of the Supreme Court,
3321 judge of a district court of appeal, circuit judge, or judge of
3322 a county court who has served for 6 years or more as an elected
3323 constitutional judicial officer, including service as a judicial
3324 officer in any court abolished pursuant to Art. V of the State
3325 Constitution, and who is retired for disability by order of the
3326 Supreme Court upon recommendation of the Judicial Qualifications
3327 Commission pursuant to s. 12, ~~the provisions of~~ Art. V of the
3328 State Constitution, the participant's Option 1 monthly
3329 disability benefit amount as provided in s. 121.091(6)(a)1.
3330 shall be two-thirds of his or her monthly compensation as of the
3331 participant's disability retirement date. The ~~Such a~~ participant
3332 may alternatively elect to receive an actuarially adjusted
3333 disability retirement benefit under any other option as provided
3334 in s. 121.091(6)(a), or to receive the normal benefit payable
3335 under ~~the Public Employee Optional Retirement Program as set~~

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3336 ~~forth in~~ subsection (1).

3337 2. If any justice or judge who is a participant of the
3338 Public Employee Optional Retirement Program ~~of the Florida~~
3339 ~~Retirement System~~ is retired for disability ~~by order of the~~
3340 ~~Supreme Court upon recommendation of the Judicial Qualifications~~
3341 ~~Commission~~ pursuant to s. 12, ~~the provisions of~~ Art. V of the
3342 State Constitution and elects to receive a monthly disability
3343 benefit under the provisions of this paragraph:

3344 a. Any present value amount that was transferred to his or
3345 her program account and all employer contributions made to such
3346 account on his or her behalf, plus interest and earnings
3347 thereon, must ~~shall~~ be transferred to and deposited in the
3348 disability account of the Florida Retirement System Trust Fund;
3349 and

3350 b. The monthly benefits payable under this paragraph ~~for~~
3351 ~~any affected justice or judge retired from the Florida~~
3352 ~~Retirement System pursuant to Art. V of the State Constitution~~
3353 shall be paid from the disability account of the Florida
3354 Retirement System Trust Fund.

3355 (n) *Death of retiree or beneficiary.*—Upon the death of a
3356 disabled retiree or beneficiary of the retiree ~~thereof~~ who is
3357 receiving monthly disability benefits under this subsection, the
3358 monthly benefits shall be paid through the last day of the month
3359 of death and shall terminate, or be adjusted, if applicable, as
3360 of that date in accordance with the optional form of benefit
3361 selected at the time of retirement. The department ~~of Management~~
3362 ~~Services~~ may adopt rules necessary to administer this paragraph.

3363 (3) DEATH BENEFITS.—Under the Public Employee Optional
3364 Retirement Program:

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3365 (a) Survivor benefits are ~~shall be~~ payable in accordance
3366 with the following terms and conditions:

3367 1. ~~To the extent vested,~~ Benefits shall be payable only to
3368 a participant's beneficiary or beneficiaries as designated by
3369 the participant as provided in s. 121.4501(20).

3370 2. Benefits must ~~shall~~ be paid by the third-party
3371 administrator or designated approved providers in accordance
3372 with the law, the contracts, and any applicable board rule or
3373 policy.

3374 3. ~~To receive benefits under this subsection,~~ The
3375 participant must be deceased.

3376 (b) In the event of a participant's death, all vested
3377 accumulations as described in s. 121.4501(6), less withholding
3378 taxes remitted to the Internal Revenue Service, shall be
3379 distributed, as provided in paragraph (c) or as described in s.
3380 121.4501(20), as if the participant retired on the date of
3381 death. No other death benefits are ~~shall be~~ available for
3382 survivors of participants ~~under the Public Employee Optional~~
3383 ~~Retirement Program,~~ except for ~~such~~ benefits, or coverage for
3384 ~~such~~ benefits, as are otherwise provided by law or ~~are~~
3385 separately provided ~~afforded~~ by the employer, at the employer's
3386 discretion.

3387 (c) Upon receipt by the third-party administrator of a
3388 properly executed application for distribution of benefits, the
3389 total accumulated benefit is ~~shall be~~ payable by the third-party
3390 administrator to the participant's surviving beneficiary or
3391 beneficiaries, as:

3392 1. A lump-sum distribution payable to the beneficiary or
3393 beneficiaries, or to the deceased participant's estate;

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3394 2. An eligible rollover distribution on behalf of the
3395 surviving spouse of a deceased participant, whereby all accrued
3396 benefits, plus interest and investment earnings, are paid from
3397 the deceased participant's account directly to the custodian of
3398 an eligible retirement plan, as described in s. 402(c)(8)(B) of
3399 the Internal Revenue Code, on behalf of the surviving spouse; or

3400 3. A partial lump-sum payment whereby a portion of the
3401 accrued benefit is paid to the deceased participant's surviving
3402 spouse or other designated beneficiaries, less withholding taxes
3403 remitted to the Internal Revenue Service, and the remaining
3404 amount is transferred directly to the custodian of an eligible
3405 retirement plan, as described in s. 402(c)(8)(B) of the Internal
3406 Revenue Code, on behalf of the surviving spouse. The proportions
3407 must be specified by the participant or the surviving
3408 beneficiary.

3409
3410 This paragraph does not abrogate other applicable provisions of
3411 state or federal law providing for payment of death benefits.

3412 (4) LIMITATION ON LEGAL PROCESS.—The benefits payable to
3413 any person under the Public Employee Optional Retirement
3414 Program, and any contributions accumulated under such program,
3415 are not subject to assignment, execution, attachment, or any
3416 legal process, except for qualified domestic relations orders by
3417 a court of competent jurisdiction, income deduction orders as
3418 provided in s. 61.1301, and federal income tax levies.

3419 Section 86. Section 121.5911, Florida Statutes, is amended
3420 to read:

3421 121.5911 Disability retirement program; qualified status;
3422 rulemaking authority.—It is the intent of the Legislature that

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3423 the disability retirement program for participants of the Public
3424 Employee Optional Retirement Program ~~as created in this act~~ must
3425 meet all applicable requirements of federal law for a qualified
3426 plan. The department ~~of Management Services~~ shall seek a private
3427 letter ruling from the Internal Revenue Service on the
3428 disability retirement program ~~for participants of the Public~~
3429 ~~Employee Optional Retirement Program~~. Consistent with the
3430 private letter ruling, the department ~~of Management Services~~
3431 shall adopt ~~any necessary~~ rules necessary ~~required~~ to maintain
3432 the qualified status of the disability retirement program and
3433 the Florida Retirement System defined benefit program plan.

3434 Section 87. Paragraph (b) of subsection (3) of section
3435 121.78, Florida Statutes, is amended to read:

3436 121.78 Payment and distribution of contributions.—

3437 (3)

3438 (b) If contributions made by an employer on behalf of
3439 participants of the optional retirement program or accompanying
3440 payroll data are not received within the calendar month they are
3441 due, including, but not limited to, contribution adjustments as
3442 a result of employer errors or corrections, and if that
3443 delinquency results in market losses to participants, the
3444 employer shall reimburse each participant's account for market
3445 losses resulting from the late contributions. If a participant
3446 has terminated employment and taken a distribution, the
3447 participant is responsible for returning any excess
3448 contributions erroneously provided by employers, adjusted for
3449 any investment gain or loss incurred during the period such
3450 excess contributions were in the participant's ~~Public Employee~~
3451 ~~Optional Retirement Program~~ account. The state board of

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3452 ~~Administration~~ or its designated agent shall communicate to
3453 terminated participants any obligation to repay such excess
3454 contribution amounts. However, the state board ~~of~~
3455 ~~Administration~~, its designated agents, the Public Employee
3456 Optional Retirement Program Trust Fund, the department ~~of~~
3457 ~~Management Services~~, or the Florida Retirement System Trust Fund
3458 may ~~shall~~ not incur any loss or gain as a result of an
3459 employer's correction of such excess contributions. The third-
3460 party administrator, hired by the state board pursuant to s.
3461 121.4501(8), shall calculate the market losses for each affected
3462 participant. If ~~When~~ contributions made on behalf of
3463 participants of the optional retirement program or accompanying
3464 payroll data are not received within the calendar month due, the
3465 employer shall also pay the cost of the third-party
3466 administrator's calculation and reconciliation adjustments
3467 resulting from the late contributions. The third-party
3468 administrator shall notify the employer of the results of the
3469 calculations and the total amount due from the employer for such
3470 losses and the costs of calculation and reconciliation. The
3471 employer shall remit to the division the amount due within 10
3472 working days after the date of the penalty notice sent by the
3473 division. The Division of Retirement shall transfer said amount
3474 to the third-party administrator, which ~~who~~ shall deposit
3475 proceeds from the 1-percent assessment and from individual
3476 market losses into participant accounts, as appropriate. The
3477 state board may ~~is authorized to~~ adopt rules to administer
3478 ~~implement~~ the provisions regarding late contributions, late
3479 submission of payroll data, the process for reimbursing
3480 participant accounts for resultant market losses, and the

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3481 penalties charged to the employers.

3482 Section 88. Subsection (6) of section 122.02, Florida
3483 Statutes, is amended to read:

3484 122.02 Definitions.—The following words and phrases as used
3485 in this chapter shall have the following meaning unless a
3486 different meaning is plainly required by the context:

3487 (6) "Department" means the Department of Personnel
3488 Management ~~Services~~.

3489 Section 89. Section 122.09, Florida Statutes, is amended to
3490 read:

3491 122.09 Disability retirement; medical examinations.—An
3492 ~~Whenever any~~ officer or employee of the state or a county who
3493 has 10 years of ~~the state has~~ service credit as ~~such officer or~~
3494 ~~employee for 10 years within the contemplation of this law,~~ the
3495 last 5 years of which, except for a single break not to exceed 1
3496 year, ~~is must be~~ continuous, unbroken service and who is
3497 regularly contributing to the State and County Officers and
3498 Employees' Retirement Trust Fund and who, shall while holding
3499 such office or employment, becomes ~~become~~ permanently and
3500 totally disabled, physically or mentally, or both, from
3501 rendering useful and efficient service as an ~~such~~ officer or
3502 employee, ~~such officer or employee~~ may retire from his or her
3503 office or employment, ~~and upon such retirement the officer or~~
3504 ~~employee shall~~ be paid, so long as the permanent and total
3505 disability continues, on his or her own monthly requisition,
3506 from the State and County Officers and Employees' Retirement
3507 Trust Fund ~~hereinafter established,~~ retirement compensation as
3508 provided in s. 122.08; provided that no officer or employee
3509 retiring under this section shall receive less than 50 percent

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3510 of his or her average final compensation not to exceed \$75. The
 3511 ~~No~~ officer or employee may not ~~of the state and county of the~~
 3512 ~~state shall be permitted to~~ retire under ~~the provisions of this~~
 3513 section until examined by a ~~duly~~ duly qualified physician or surgeon
 3514 or board of physicians and surgeons, ~~to be~~ selected by the
 3515 Governor for that purpose, and found to be disabled in the
 3516 degree and in the manner specified in this section. An ~~Any~~
 3517 officer or employee retiring under this section must ~~shall~~ be
 3518 reexamined ~~examined~~ periodically by a ~~duly~~ duly qualified physician
 3519 or surgeon or board of physicians and surgeons ~~to be~~ selected by
 3520 the Governor for that purpose and paid from the retirement trust
 3521 fund ~~herein provided for~~, at such time as the department directs
 3522 ~~of Management Services shall direct~~ to determine if such total
 3523 disability has continued. If the ~~and in the event it be~~
 3524 ~~disclosed by said examination that said~~ total disability has
 3525 ceased to exist, the ~~then such officer or employee shall~~
 3526 ~~forthwith cease to be paid benefits~~ paid under this section must
 3527 cease. Benefits shall be computed in accordance with ~~Reference~~
 3528 ~~to s. 122.08 is for the purpose of computing benefits only~~. Any
 3529 person ~~heretofore~~ retired under this section qualifies ~~shall be~~
 3530 ~~eligible to qualify~~ for the minimum benefits provided herein;
 3531 however, minimum benefits may ~~shall~~ not be paid retroactively.

3532 Section 90. Section 122.23, Florida Statutes, is amended to
 3533 read:

3534 122.23 Definitions; ss. 122.21-122.321.—In addition to
 3535 those definitions set forth in s. 122.02 the following words and
 3536 phrases used in ss. 122.21-122.24, 122.26 to 122.321, inclusive,
 3537 have the respective meanings set forth:

3538 (1) "System" means the general retirement system provided

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3539 by this chapter, with its two divisions.

3540 (2) "Social security coverage" means old age and survivors
3541 insurance as provided by the federal Social Security Act.

3542 ~~(3) "Department" means the Department of Management
3543 Services.~~

3544 (3)~~(4)~~ "Agreement" means the modification of the ~~that~~
3545 ~~certain~~ agreement entered into October 23, 1951, between the
3546 State of Florida and the Secretary of Health, Education and
3547 Welfare, pursuant to s. 650.03, which makes available to members
3548 of division B of this system the provisions of said agreement.

3549 (4)~~(5)~~ "State agency" means the department ~~of Management
3550 Services~~ within the provisions and contemplation of chapter 650.

3551 Section 91. Subsection (11) of section 122.34, Florida
3552 Statutes, is amended to read:

3553 122.34 Special provisions for certain sheriffs and full-
3554 time deputy sheriffs.—

3555 (11) A ~~No~~ high hazard member may not ~~shall be permitted to~~
3556 receive benefits under this section until examined by a duly
3557 qualified physician or surgeon, or board of physicians and
3558 surgeons, ~~to be~~ selected by the Governor for that purpose, and
3559 found to be disabled in the degree and in the manner specified
3560 in this section. ~~At such time~~ As directed by the department ~~of
3561 Management Services~~ directs, a any high hazard member receiving
3562 disability benefits under this section must ~~shall~~ submit to a
3563 medical examination to determine if such disability has
3564 continued. and The cost of such examination shall be paid from
3565 the retirement trust fund ~~herein provided for;~~ and if the ~~in the~~
3566 event it is declared by said examination that said disability
3567 has cleared, the ~~such~~ member shall ~~be ordered to~~ return to

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3568 active duty with the same rank and salary that he or she had at
3569 the time of disability. Any ~~such~~ member who fails ~~shall fail~~ to
3570 return to duty forfeits ~~following such order shall forfeit~~ all
3571 rights and claims under this section ~~law~~. A ~~Every~~ high hazard
3572 member retiring under this provision shall be paid so long as
3573 the member's permanent total or partial disability continues, on
3574 his or her own requisition.

3575 Section 92. Paragraph (a) of subsection (1) and subsection
3576 (2) of section 145.19, Florida Statutes, are amended to read:

3577 145.19 Annual percentage increases based on increase for
3578 state career service employees; limitation.—

3579 (1) As used in this section, the term:

3580 (a) "Annual factor" means 1 plus the lesser of:

3581 1. The average percentage increase in the salaries of state
3582 career service employees for the current fiscal year as
3583 determined by the Department of Personnel Management ~~Services~~ or
3584 as provided in the General Appropriations Act; or

3585 2. Seven percent.

3586 (2) Each fiscal year, the salaries of all officials listed
3587 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.
3588 The adjusted salary rate is ~~shall be~~ the product, rounded to the
3589 nearest dollar, of the salary rate granted by the appropriate
3590 section of this chapter, s. 1001.395, or s. 1001.47 multiplied
3591 first by the initial factor, then by the cumulative annual
3592 factor, and finally by the annual factor. The Department of
3593 Personnel Management ~~Services~~ shall certify the annual factor
3594 and the cumulative annual factors. Any special qualification
3595 salary received under this chapter, s. 1001.47, or the annual
3596 performance salary incentive available to elected

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3597 superintendents under s. 1001.47 shall be added to such adjusted
3598 salary rate. The special qualification salary is ~~shall be~~
3599 \$2,000, ~~but shall not exceed \$2,000.~~

3600 Section 93. Subsection (2) of section 154.04, Florida
3601 Statutes, is amended to read:

3602 154.04 Personnel of county health departments; duties;
3603 compensation.—

3604 (2) The personnel of the county health department shall be
3605 employed by the Department of Health. The compensation of such
3606 personnel shall be determined in accordance with ~~under the~~ rules
3607 of the Department of Personnel Management ~~Services~~. Such
3608 employees shall engage in the prevention of disease and the
3609 promotion of health under the supervision of the Department of
3610 Health.

3611 Section 94. Paragraph (b) of subsection (9) and paragraph
3612 (a) of subsection (10) of section 163.3184, Florida Statutes,
3613 are amended to read:

3614 163.3184 Process for adoption of comprehensive plan or plan
3615 amendment.—

3616 (9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

3617 (b) The hearing shall be conducted by an administrative law
3618 judge of the Division of Administrative Hearings ~~of the~~
3619 ~~Department of Management Services~~, who shall hold the hearing in
3620 the county of and convenient to the affected local jurisdiction
3621 and submit a recommended order to the state land planning
3622 agency. The state land planning agency shall allow for the
3623 filing of exceptions to the recommended order and shall issue a
3624 final order after receipt of the recommended order if the state
3625 land planning agency determines that the plan or plan amendment

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3626 is in compliance. If the state land planning agency determines
3627 that the plan or plan amendment is not in compliance, the agency
3628 shall submit the recommended order to the Administration
3629 Commission for final agency action.

3630 (10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN
3631 COMPLIANCE.—

3632 (a) If the state land planning agency issues a notice of
3633 intent to find the comprehensive plan or plan amendment not in
3634 compliance with this act, the notice of intent shall be
3635 forwarded to the Division of Administrative Hearings ~~of the~~
3636 ~~Department of Management Services~~, which shall conduct a
3637 proceeding under ss. 120.569 and 120.57 in the county of and
3638 convenient to the affected local jurisdiction. The parties to
3639 the proceeding are ~~shall be~~ the state land planning agency, the
3640 affected local government, and any affected person who
3641 intervenes. No new issue may be alleged as a reason to find a
3642 plan or plan amendment not in compliance in an administrative
3643 pleading filed more than 21 days after publication of notice
3644 unless the party seeking that issue establishes good cause for
3645 not alleging the issue within that time period. Good cause does
3646 ~~shall~~ not include excusable neglect. In the proceeding, the
3647 local government's determination that the comprehensive plan or
3648 plan amendment is in compliance is presumed ~~to be~~ correct. The
3649 local government's determination shall be sustained unless it is
3650 shown by a preponderance of the evidence that the comprehensive
3651 plan or plan amendment is not in compliance. The local
3652 government's determination that elements of its plans are
3653 related to and consistent with each other shall be sustained if
3654 the determination is fairly debatable.

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3655 Section 95. Subsection (6) of section 175.032, Florida
3656 Statutes, is amended to read:

3657 175.032 Definitions.—For any municipality, special fire
3658 control district, chapter plan, local law municipality, local
3659 law special fire control district, or local law plan under this
3660 chapter, the following words and phrases have the following
3661 meanings:

3662 (6) "Division" means the Division of Retirement of the
3663 Department of Personnel Management Services.

3664 Section 96. Section 175.1215, Florida Statutes, is amended
3665 to read:

3666 175.1215 Police and Firefighters' Premium Tax Trust Fund.—
3667 The Police and Firefighters' Premium Tax Trust Fund is created,
3668 to be administered by the division ~~of Retirement of the~~
3669 ~~Department of Management Services~~. Funds credited to the trust
3670 fund, as provided in chapter 95-250, Laws of Florida, or similar
3671 legislation, shall be expended for the purposes set forth in
3672 that legislation.

3673 Section 97. Section 175.361, Florida Statutes, is amended
3674 to read:

3675 175.361 Termination of plan and distribution of fund.—For
3676 any municipality, special fire control district, chapter plan,
3677 local law municipality, local law special fire control district,
3678 or local law plan under this chapter, the plan may be terminated
3679 by the municipality or special fire control district. Upon
3680 termination of the plan by the municipality or special fire
3681 control district for any reason or because of a transfer,
3682 merger, or consolidation of governmental units, services, or
3683 functions as provided in chapter 121, or upon written notice by

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3684 the municipality or special fire control district to the board
3685 of trustees that contributions under the plan are being
3686 permanently discontinued, the rights of all employees to
3687 benefits accrued to the date of such termination and the amounts
3688 credited to the employees' accounts are nonforfeitable. The fund
3689 shall be distributed in accordance with the following
3690 procedures:

3691 (1) The board of trustees shall determine the date of
3692 distribution and the asset value required to fund all the
3693 nonforfeitable benefits after taking into account the expenses
3694 of such distribution. The board shall inform the municipality or
3695 special fire control district if additional assets are required,
3696 in which event the municipality or special fire control district
3697 shall continue to financially support the plan until all
3698 nonforfeitable benefits have been funded.

3699 (2) The board of trustees shall determine the method of
3700 distribution of the asset value, whether distribution is ~~shall~~
3701 ~~be~~ by payment in cash, by the maintenance of another or
3702 substituted trust fund, by the purchase of insured annuities, or
3703 otherwise, for each firefighter entitled to benefits under the
3704 plan as specified in subsection (3).

3705 (3) The board of trustees shall distribute the asset value
3706 as of the date of termination as ~~in the manner~~ set forth in this
3707 subsection, on the basis that the amount required to provide any
3708 given retirement income is the actuarially computed single-sum
3709 value of such retirement income, except that if the method of
3710 distribution determined under subsection (2) involves the
3711 purchase of an insured annuity, the amount required to provide
3712 the given retirement income is the single premium payable for

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3713 such annuity. The actuarial single-sum value may not be less
3714 than the employee's accumulated contributions to the plan, with
3715 interest if provided by the plan, less the value of any plan
3716 benefits previously paid to the employee.

3717 (4) If there is asset value remaining after the full
3718 distribution specified in subsection (3), and after the payment
3719 of any expenses incurred with such distribution, such excess
3720 shall be returned to the municipality or special fire control
3721 district, less the return to the state of the state's
3722 contributions, ~~provided that,~~ If the excess is less than the
3723 total contributions made by the municipality or special fire
3724 control district and the state to date of termination of the
3725 plan, such excess shall be divided proportionately to the total
3726 contributions made by the municipality or special fire control
3727 district and the state.

3728 (5) The board of trustees shall distribute, in accordance
3729 with subsection (2), the amounts determined under subsection
3730 (3).

3731 (6) If, after 24 months after the date the plan terminated
3732 or the date the board received written notice that the
3733 contributions ~~thereunder~~ were being permanently discontinued,
3734 the municipality or special fire control district or the board
3735 of trustees of the firefighters' pension trust fund affected has
3736 not complied with all the provisions in this section, the
3737 Department of Personnel Management ~~Services~~ shall effect the
3738 termination of the fund in accordance with this section.

3739 Section 98. Subsection (7) of section 185.02, Florida
3740 Statutes, is amended to read:

3741 185.02 Definitions.—For any municipality, chapter plan,

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3742 local law municipality, or local law plan under this chapter,
3743 the following words and phrases as used in this chapter shall
3744 have the following meanings, unless a different meaning is
3745 plainly required by the context:

3746 (7) "Division" means the Division of Retirement of the
3747 Department of Personnel Management ~~Services~~.

3748 Section 99. Section 185.105, Florida Statutes, is amended
3749 to read:

3750 185.105 Police and Firefighters' Premium Tax Trust Fund.—
3751 The Police and Firefighters' Premium Tax Trust Fund is the trust
3752 fund created under s. 175.1215 and is created, to be
3753 ~~administered by the division of Retirement of the Department of~~
3754 ~~Management Services. Funds credited to the trust fund, as~~
3755 ~~provided in chapter 95-250, Laws of Florida, or similar~~
3756 ~~legislation, shall be expended for the purposes set forth in~~
3757 ~~that legislation.~~

3758 Section 100. Section 185.37, Florida Statutes, is amended
3759 to read:

3760 185.37 Termination of plan and distribution of fund.—For
3761 any municipality, chapter plan, local law municipality, or local
3762 law plan under this chapter, the plan may be terminated by the
3763 municipality. Upon termination of the plan by the municipality
3764 for any reason, or because of a transfer, merger, or
3765 consolidation of governmental units, services, or functions as
3766 provided in chapter 121, or upon written notice to the board of
3767 trustees by the municipality that contributions under the plan
3768 are being permanently discontinued, the rights of all employees
3769 to benefits accrued to the date of such termination or
3770 discontinuance and the amounts credited to the employees'

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3771 accounts are nonforfeitable. The fund shall be distributed in
3772 accordance with the following procedures:

3773 (1) The board of trustees shall determine the date of
3774 distribution and the asset value required to fund all the
3775 nonforfeitable benefits, after taking into account the expenses
3776 of such distribution. The board shall inform the municipality if
3777 additional assets are required, in which event the municipality
3778 shall continue to financially support the plan until all
3779 nonforfeitable benefits have been funded.

3780 (2) The board of trustees shall determine the method of
3781 distribution of the asset value, whether distribution is ~~shall~~
3782 ~~be~~ by payment in cash, by the maintenance of another or
3783 substituted trust fund, by the purchase of insured annuities, or
3784 otherwise, for each police officer entitled to benefits under
3785 the plan, as specified in subsection (3).

3786 (3) The board of trustees shall distribute the asset value
3787 as of the date of termination in the manner set forth in this
3788 subsection, on the basis that the amount required to provide any
3789 given retirement income is the actuarially computed single-sum
3790 value of such retirement income, except that if the method of
3791 distribution determined under subsection (2) involves the
3792 purchase of an insured annuity, the amount required to provide
3793 the given retirement income is the single premium payable for
3794 such annuity. The actuarial single-sum value may not be less
3795 than the employee's accumulated contributions to the plan, with
3796 interest if provided by the plan, less the value of any plan
3797 benefits previously paid to the employee.

3798 (4) If there is asset value remaining after the full
3799 distribution specified in subsection (3), and after payment of

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3800 any expenses incurred with such distribution, such excess shall
3801 be returned to the municipality, less the return to the state of
3802 the state's contributions, ~~provided that~~, If the excess is less
3803 than the total contributions made by the municipality and the
3804 state to date of termination of the plan, such excess shall be
3805 divided proportionately to the total contributions made by the
3806 municipality and the state.

3807 (5) The board of trustees shall distribute, in accordance
3808 with the manner of distribution determined under subsection (2),
3809 the amounts determined under subsection (3).

3810 (6) If, after 24 months after the date the plan terminated
3811 or the date the board received written notice that the
3812 contributions ~~thereunder~~ were being permanently discontinued,
3813 the municipality or the board of trustees of the municipal
3814 police officers' retirement trust fund affected has not complied
3815 with all the provisions in this section, the Department of
3816 Management Services shall effect the termination of the fund in
3817 accordance with this section.

3818 Section 101. Subsection (5) of section 189.4035, Florida
3819 Statutes, is amended to read:

3820 189.4035 Preparation of official list of special
3821 districts.-

3822 (5) The official list of special districts shall be
3823 distributed by the department on October 1 of each year to the
3824 President of the Senate, the Speaker of the House of
3825 Representatives, the Auditor General, the Department of Revenue,
3826 the Department of Financial Services, the Department of
3827 Personnel Management Services, the State Board of
3828 Administration, counties, municipalities, county property

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3829 appraisers, tax collectors, and supervisors of elections and to
3830 all interested parties who request the list.

3831 Section 102. Subsection (1) of section 189.412, Florida
3832 Statutes, is amended to read:

3833 189.412 Special District Information Program; duties and
3834 responsibilities.—The Special District Information Program of
3835 the Department of Community Affairs is created and has the
3836 following special duties:

3837 (1) The collection and maintenance of special district
3838 noncompliance status reports from the Department of Personnel
3839 Management ~~Services~~, the Department of Financial Services, the
3840 Division of Bond Finance of the State Board of Administration,
3841 and the Auditor General for the reporting required in ss.
3842 112.63, 218.32, 218.38, and 218.39. The ~~noncompliance~~ reports
3843 must list those special districts that did not comply with the
3844 statutory reporting requirements.

3845 Section 103. Subsection (1) of section 210.20, Florida
3846 Statutes, is amended to read:

3847 210.20 Employees and assistants; distribution of funds.—

3848 (1) The division under the applicable rules of the
3849 Department of Personnel Management may ~~Services shall have the~~
3850 ~~power to~~ employ such employees and assistants and incur such
3851 other expenses as ~~may be~~ necessary for the administration of
3852 this part, within the limits of an appropriation for the
3853 operation of the Department of Business and Professional
3854 Regulation as ~~may be~~ authorized by the General Appropriations
3855 Act.

3856 Section 104. Subsection (1) of section 210.75, Florida
3857 Statutes, is amended to read:

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3858 210.75 Administration.—

3859 (1) The division, under the applicable rules of the
3860 Department of Personnel Management may Services, ~~shall have the~~
3861 ~~power to~~ employ such employees and assistants and ~~to~~ incur such
3862 other expenses as ~~may be~~ necessary for the administration of
3863 this part within the limits of an appropriation for the
3864 operation of the Department of Business and Professional
3865 Regulation as ~~may be~~ authorized by the General Appropriations
3866 Act.

3867 Section 105. Paragraph (r) of subsection (8) of section
3868 213.053, Florida Statutes, is amended to read:

3869 213.053 Confidentiality and information sharing.—

3870 (8) Notwithstanding any other provision of this section,
3871 the department may provide:

3872 (r) Information relative to the returns required by ss.
3873 175.111 and 185.09 to the Department of Personnel Management
3874 ~~Services~~ in the conduct of its official duties. The Department
3875 of Personnel Management may Services ~~is~~, in turn, ~~authorized to~~
3876 disclose payment information to a governmental agency or the
3877 agency's agent for purposes related to budget preparation,
3878 auditing, revenue or financial administration, or administration
3879 of chapters 175 and 185.

3880
3881 Disclosure of information under this subsection shall be
3882 pursuant to a written agreement between the executive director
3883 and the agency. Such agencies, governmental or nongovernmental,
3884 shall be bound by the same requirements of confidentiality as
3885 the Department of Revenue. Breach of confidentiality is a
3886 misdemeanor of the first degree, punishable as provided by s.

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3887 775.082 or s. 775.083.

3888 Section 106. Subsection (1) of section 215.196, Florida
3889 Statutes, is amended to read:

3890 215.196 Architects Incidental Trust Fund; creation;
3891 assessment.—

3892 (1) ~~There is created~~ The Architects Incidental Trust Fund
3893 is created for the purpose of providing sufficient funds for the
3894 operation of the facilities development activities of the
3895 Department of Environmental Protection ~~Management Services~~.

3896 Section 107. Paragraph (p) of subsection (1) of section
3897 215.22, Florida Statutes, is amended to read:

3898 215.22 Certain income and certain trust funds exempt.—

3899 (1) The following income of a revenue nature or the
3900 following trust funds shall be exempt from the appropriation
3901 required by s. 215.20(1):

3902 (p) The Communications Working Capital Trust Fund of the
3903 Agency for Enterprise Information Technology ~~Department of~~
3904 ~~Management Services~~.

3905 Section 108. Subsection (3) of section 215.28, Florida
3906 Statutes, is amended to read:

3907 215.28 United States securities, purchase by state and
3908 county officers and employees; deductions from salary.—

3909 (3) All deductions ~~so~~ made by a ~~any such~~ disbursing
3910 authority shall be deposited in a trust account separate and
3911 apart from the funds of the state, county, or subordinate
3912 agency. Such account is ~~will be~~ subject to withdrawal only for
3913 the purchase of United States securities on behalf of officers
3914 and employees, or for refunds to such persons in accordance with
3915 ~~the provisions of this section law.~~ If ~~Whenever~~ the sum of

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3916 \$18.75 or the purchase price of the security requested to be
 3917 purchased is accumulated from deductions ~~se~~ made from the
 3918 salaries or wages of an officer or employee, the ~~such~~ disbursing
 3919 agent shall arrange the purchase of the bond or security applied
 3920 for and have it registered in the name or names requested in the
 3921 deduction authorization. Securities so purchased must ~~will~~ be
 3922 delivered in a ~~such~~ manner that is ~~as may be~~ convenient for the
 3923 issuing agent and the purchaser. Any interest earned on moneys
 3924 ~~in such account while~~ awaiting the accumulation of the purchase
 3925 price of the security shall be transferred to the Florida
 3926 Retirement System Trust Fund as reimbursement for administrative
 3927 costs incurred by the Department of Personnel Management
 3928 ~~Services~~ under this section.

3929 Section 109. Subsection (6) of section 215.422, Florida
 3930 Statutes, is amended to read:

3931 215.422 Payments, warrants, and invoices; processing time
 3932 limits; dispute resolution; agency or judicial branch
 3933 compliance.—

3934 (6) The Department of Financial Services shall monitor each
 3935 agency's and the judicial branch's compliance with the time
 3936 limits and interest penalty provisions of this section. The
 3937 department shall provide a report to an agency or to the
 3938 judicial branch if the department determines that the agency or
 3939 the judicial branch has failed to maintain an acceptable rate of
 3940 compliance with the time limits and interest penalty provisions
 3941 ~~of this section~~. The department shall establish criteria for
 3942 determining acceptable rates of compliance. The report must
 3943 ~~shall~~ also include a list of late invoices or payments, the
 3944 amount of interest owed or paid, and any corrective actions

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3945 recommended. The department shall perform monitoring
3946 responsibilities, pursuant to this section, using the Department
3947 of Financial Services' financial systems provided in s. 215.94.
3948 Each agency and the judicial branch shall be responsible for the
3949 accuracy of information entered into ~~the Department of~~
3950 ~~Management Services' procurement system and the department's~~
3951 ~~Department of Financial Services'~~ financial systems for use in
3952 this monitoring.

3953 Section 110. Section 215.425, Florida Statutes, is amended
3954 to read:

3955 215.425 Extra compensation claims prohibited. ~~No~~ Extra
3956 compensation may not be paid ~~shall be made~~ to any officer,
3957 agent, employee, or contractor after the service has been
3958 rendered or the contract made; nor shall any money be
3959 appropriated or paid on any claim the subject matter of which
3960 has not been provided for by preexisting laws, unless such
3961 compensation or claim is allowed by a law enacted by two-thirds
3962 of the members elected to each house of the Legislature.
3963 However, when adopting salary schedules for a fiscal year, a
3964 district school board or community college district board of
3965 trustees may apply the schedule for payment of all services
3966 rendered after ~~subsequent to~~ July 1 of that fiscal year. The
3967 provisions of this section do not apply to extra compensation
3968 given to state employees who are included within the senior
3969 management group pursuant to rules adopted by the Department of
3970 Personnel Management Services; to extra compensation given to
3971 county, municipal, or special district employees pursuant to
3972 policies adopted by county or municipal ordinances or
3973 resolutions of governing boards of special districts or to

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3974 employees of the clerk of the circuit court pursuant to written
3975 policy of the clerk; or to a clothing and maintenance allowance
3976 given to plainclothes deputies pursuant to s. 30.49.

3977 Section 111. Paragraph (g) of subsection (1) of section
3978 215.47, Florida Statutes, is amended to read:

3979 215.47 Investments; authorized securities; loan of
3980 securities.—Subject to the limitations and conditions of the
3981 State Constitution or of the trust agreement relating to a trust
3982 fund, moneys available for investments under ss. 215.44-215.53
3983 may be invested as follows:

3984 (1) Without limitation in:

3985 (g) Bonds issued by the Florida State Improvement
3986 Commission, Florida Development Commission, ~~Division of Bond~~
3987 ~~Finance of the Department of General Services,~~ or Division of
3988 Bond Finance of the State Board of Administration.

3989 Section 112. Subsection (3) of section 215.50, Florida
3990 Statutes, is amended to read:

3991 215.50 Custody of securities purchased; income.—

3992 (3) The Chief Financial Officer, as custodian of securities
3993 owned by the Florida Retirement System Trust Fund and the
3994 Florida Survivor Benefit Trust Fund, shall collect the interest,
3995 dividends, prepayments, maturities, proceeds from sales, and
3996 other income accruing from such assets. As such income is
3997 collected by the Chief Financial Officer, it shall be deposited
3998 directly into a commercial bank to the credit of the State Board
3999 of Administration. The ~~Such~~ bank accounts ~~as may be~~ required for
4000 this purpose shall offer satisfactory collateral security as
4001 provided by chapter 280. If the ~~In the event~~ funds ~~so~~ deposited
4002 ~~according to the provisions of this section~~ are required to pay

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4003 ~~for the purpose of paying~~ benefits or other operational needs,
4004 the State Board of Administration shall remit to the Florida
4005 Retirement System Trust Fund in the State Treasury such amounts
4006 as may be requested by the Department of Personnel Management
4007 Services.

4008 Section 113. Subsections (4) and (5) of section 215.94,
4009 Florida Statutes, are amended to read:

4010 215.94 Designation, duties, and responsibilities of
4011 functional owners.—

4012 (4) The Department of Financial ~~Management~~ Services is
4013 ~~shall be~~ the functional owner of the Purchasing Subsystem. The
4014 department shall design, implement, and operate the subsystem in
4015 accordance with ~~the provisions of~~ ss. 215.90-215.96. The
4016 subsystem includes ~~shall include~~, but is ~~shall~~ not be limited
4017 to, functions for commodity and service procurement.

4018 (5) The Department of Personnel Management is ~~Services~~
4019 ~~shall be~~ the functional owner of the Personnel Information
4020 System. The department shall ensure that the system is designed,
4021 implemented, and operated in accordance with ~~the provisions of~~
4022 ss. 110.116 and 215.90-215.96. The department may contract with
4023 a vendor to provide the system and services required of the
4024 ~~Personnel Information~~ system. The subsystem includes ~~shall~~
4025 ~~include~~, but is ~~shall~~ not be limited to, functions for:

4026 (a) Maintenance of employee and position data, including
4027 funding sources and percentages and salary lapse. The employee
4028 data includes ~~shall include~~, but is not be limited to,
4029 information to meet the payroll system requirements of the
4030 Department of Financial Services and to meet the employee
4031 benefit system requirements of the Department of Personnel

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4032 Management ~~Services~~.

4033 (b) Recruitment and selection.

4034 (c) Time and leave reporting.

4035 (d) Collective bargaining.

4036 Section 114. Subsection (2) of section 215.96, Florida
4037 Statutes, is amended to read:

4038 215.96 Coordinating council and design and coordination
4039 staff.—

4040 (2) The coordinating council shall consist of the Chief
4041 Financial Officer; the Commissioner of Agriculture; the
4042 executive director ~~secretary~~ of the Department of Personnel
4043 Management ~~Services~~; the Attorney General; and the Director of
4044 Planning and Budgeting, Executive Office of the Governor, or
4045 their designees. The Chief Financial Officer, or a ~~his or her~~
4046 designee, shall be the chair of the coordinating council, and
4047 the design and coordination staff shall provide administrative
4048 and clerical support to the council and the board. The design
4049 and coordination staff shall maintain the minutes of each
4050 meeting and ~~shall~~ make such minutes available to any interested
4051 person. The Auditor General, the State Courts Administrator, an
4052 executive officer of the Florida Association of State Agency
4053 Administrative Services Directors, and an executive officer of
4054 the Florida Association of State Budget Officers, or their
4055 designees, shall serve without voting rights as ex officio
4056 members on the coordinating council. The chair may call meetings
4057 of the coordinating council as often as necessary to transact
4058 business; however, the coordinating council must ~~shall~~ meet at
4059 least once a year. Action of the coordinating council shall be
4060 by motion, duly made, seconded and passed by a majority of the

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4061 coordinating council voting in the affirmative for approval of
4062 items that are to be recommended for approval to the Financial
4063 Management Information Board.

4064 Section 115. Section 216.0152, Florida Statutes, is amended
4065 to read:

4066 216.0152 Inventory of state-owned facilities or state-
4067 occupied facilities.—

4068 (1) The Department of Environmental Protection Management
4069 ~~Services~~ shall develop and maintain an automated inventory of
4070 all facilities owned, leased, rented, or otherwise occupied or
4071 maintained by any state agency ~~of the state~~ or by the judicial
4072 branch, except those with less than 3,000 square feet. The
4073 inventory must ~~shall~~ include the location, occupying agency,
4074 ownership, size, condition assessment, maintenance record, age,
4075 parking and employee facilities, and other information ~~as~~
4076 required by the department for determining maintenance needs and
4077 life-cycle cost evaluations of the facility. The inventory need
4078 not include a condition assessment or maintenance record of
4079 facilities not owned by a state agency or by the judicial
4080 branch. The term "facility," as used in this section, means
4081 buildings, structures, and building systems, but does not
4082 include transportation facilities of the state transportation
4083 system. The Department of Transportation shall develop and
4084 maintain an inventory of transportation facilities of the state
4085 transportation system. The Board of Governors of the State
4086 University System and the Department of Education, respectively,
4087 shall develop and maintain an inventory, in the manner
4088 prescribed by the Department of Environmental Protection
4089 ~~Management Services~~, of all state university and community

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4090 college facilities and shall make the data available in a format
4091 acceptable to the Department of Environmental Protection
4092 ~~Management Services~~.

4093 (2) The Department of Environmental Protection ~~Management~~
4094 ~~Services~~ shall update its inventory and cause ~~to be updated~~ the
4095 other inventories required by subsection (1) to be updated at
4096 least once every 5 years. However, ~~but~~ the inventories must
4097 ~~shall~~ record acquisitions of new facilities and significant
4098 changes in existing facilities as they occur. The department ~~of~~
4099 ~~Management Services~~ shall provide each state agency and the
4100 judicial branch with the most recent inventory applicable to
4101 that agency or to the judicial branch. Each state agency and the
4102 judicial branch shall, in the manner prescribed by the
4103 department ~~of Management Services~~, report significant changes in
4104 the inventory as they occur. Items relating to the condition and
4105 life-cycle cost of a facility must ~~shall~~ be updated at least
4106 every 5 years.

4107 (3) The Department of Environmental Protection ~~Management~~
4108 ~~Services~~ shall, every 3 years, publish a complete report
4109 detailing this inventory and ~~shall~~ publish an annual update of
4110 the report. The department shall furnish the updated report to
4111 the Executive Office of the Governor and the Legislature by ~~no~~
4112 ~~later than~~ September 15 of each year.

4113 Section 116. Subsection (1) of section 216.016, Florida
4114 Statutes, is amended to read:

4115 216.016 Evaluation of plans; determination of financing
4116 method.—

4117 (1) Pursuant to ~~the requirements of~~ s. 216.044, the
4118 Department of Environmental Protection ~~Management Services~~ shall

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4119 evaluate state agency plans and plans of the judicial branch.

4120 Section 117. Paragraph (a) of subsection (4) of section
4121 216.023, Florida Statutes, is amended to read:

4122 216.023 Legislative budget requests to be furnished to
4123 Legislature by agencies.—

4124 (4) (a) The legislative budget request must include ~~contain~~
4125 for each program:

4126 1. The constitutional or statutory authority for a program,
4127 a brief purpose statement, and approved program components.

4128 2. Information on expenditures for 3 fiscal years by
4129 appropriation category, which includes ~~(actual prior-year~~
4130 ~~expenditures, current-year estimated expenditures, and agency~~
4131 ~~budget requested expenditures for the next fiscal year)~~ ~~by~~
4132 ~~appropriation category.~~

4133 3. Details on trust funds and fees.

4134 4. The total number of positions, including ~~(authorized,~~
4135 ~~fixed, and requested).~~

4136 5. An issue narrative describing and justifying changes in
4137 amounts and positions requested for current and proposed
4138 programs for the next fiscal year.

4139 6. Information resource requests.

4140 7. Supporting information, including applicable cost-
4141 benefit analyses, business case analyses, performance
4142 contracting procedures, service comparisons, and impacts on
4143 performance standards for any request to outsource or privatize
4144 agency functions. The cost-benefit and business case analyses
4145 must include an assessment of the impact on each affected
4146 activity from those identified in accordance with paragraph (b).
4147 Performance standards must include standards for each affected

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4148 activity and be expressed in terms of the associated unit of
4149 activity.

4150 8. An evaluation of any major outsourcing and privatization
4151 initiatives undertaken during the last 5 fiscal years having
4152 aggregate expenditures exceeding \$10 million during the term of
4153 the contract. The evaluation must ~~shall~~ include an assessment of
4154 contractor performance, a comparison of anticipated service
4155 levels to actual service levels, and a comparison of estimated
4156 savings to actual savings achieved. Consolidated reports issued
4157 by the Department of Financial Management ~~Services~~ may be used
4158 to satisfy this requirement.

4159 9. Supporting information for any proposed consolidated
4160 financing of deferred-payment commodity contracts including
4161 guaranteed energy performance savings contracts. Supporting
4162 information must also include narrative describing and
4163 justifying the need, baseline for current costs, estimated cost
4164 savings, projected equipment purchases, estimated contract
4165 costs, and return on investment calculation.

4166 10. For projects that exceed \$10 million in total cost, the
4167 statutory reference of the existing policy or the proposed
4168 substantive policy that establishes and defines the project's
4169 governance structure, planned scope, main business objectives
4170 that must be achieved, and estimated completion timeframes.
4171 Information technology budget requests for the continuance of
4172 existing hardware and software maintenance agreements, renewal
4173 of existing software licensing agreements, or the replacement of
4174 desktop units with new technology that is similar to the
4175 technology currently in use are exempt from this requirement.

4176 Section 118. Section 216.044, Florida Statutes, is amended

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4177 to read:

4178 216.044 Budget evaluation ~~by Department of Management~~
4179 ~~Services.~~—

4180 (1) Any state agency or judicial branch entity requesting a
4181 fixed capital outlay project to be managed by the Department of
4182 Environmental Protection ~~Management Services~~ shall consult with
4183 that department during the budget development process. The
4184 department ~~of Management Services~~ shall provide recommendations
4185 regarding construction requirements, cost of the project, and
4186 project alternatives to be incorporated in the agency's or
4187 entity's proposed fixed capital outlay budget request and
4188 narrative justification.

4189 (2) Concurrently with the submission of the fixed capital
4190 outlay legislative budget request to the Executive Office of the
4191 Governor or to the Chief Justice of the Supreme Court, the
4192 agency or judicial branch shall submit a copy of the legislative
4193 budget request to the Department of Environmental Protection
4194 ~~Management Services~~ for evaluation.

4195 (3) The Department of Environmental Protection ~~Management~~
4196 ~~Services~~ shall advise the Executive Office of the Governor, the
4197 Chief Justice, and the Legislature regarding alternatives to the
4198 proposed fixed capital outlay project and make recommendations
4199 relating to the construction requirements and cost of the
4200 project. These recommendations shall be provided to the
4201 Legislature and Executive Office of the Governor at a time
4202 specified by the Governor, but at least ~~not less than~~ 90 days
4203 before ~~prior to~~ the regular session of the Legislature. When
4204 evaluating alternatives, the department ~~of Management Services~~
4205 shall include information as to whether it would be more cost-

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4206 efficient to lease private property or facilities, to construct
4207 facilities on property presently owned by the state, or to
4208 acquire property on which to construct the facilities. In
4209 determining the cost to the state of constructing facilities on
4210 property presently owned by the state or the cost of acquiring
4211 property on which to construct facilities, the department ~~of~~
4212 ~~Management Services~~ shall include the costs that ~~which~~ would be
4213 incurred by a private person in acquiring the property and
4214 constructing the facilities, including, but not limited to,
4215 taxes and return on investment.

4216 Section 119. Paragraph (c) of subsection (2) of section
4217 216.163, Florida Statutes, is amended to read:

4218 216.163 Governor's recommended budget; form and content;
4219 declaration of collective bargaining impasses.-

4220 (2) The Governor's recommended budget shall also include:

4221 (c) The evaluation of the fixed capital outlay request of
4222 each agency and the judicial branch and alternatives to the
4223 proposed projects as made by the Department of Environmental
4224 Protection ~~Management Services~~ pursuant to s. 216.044.

4225 Section 120. Section 216.237, Florida Statutes, is amended
4226 to read:

4227 216.237 Availability of any remaining funds; ~~agency~~
4228 maintenance of accounting records.-Any funds remaining ~~funds~~
4229 from the General Revenue Fund and trust fund spending authority
4230 not awarded to agencies pursuant to s. 216.236 shall be made
4231 available to agencies for innovative projects that ~~which~~
4232 generate a cost savings, increase revenue, or improve service
4233 delivery. Innovative projects that ~~which~~ generate a cost savings
4234 shall receive greater consideration when awarding innovation

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4235 ~~investment~~ funds. Any trust fund authority granted under this
4236 program must be used ~~shall be utilized~~ in a manner that is
4237 consistent with the statutory authority for the use of the said
4238 trust fund. Any savings realized as a result of implementing the
4239 innovative project must ~~shall~~ be used by the agency to establish
4240 an internal innovations fund. State agencies that ~~which~~ are
4241 awarded funds for innovative projects shall use ~~utilize~~ the
4242 chart of accounts used by the Florida Accounting Information
4243 Resource Subsystem in the manner described in s. 215.93(3). The
4244 ~~Such~~ chart of accounts shall be developed and amended in
4245 consultation with the Department of Financial Services and the
4246 Executive Office of the Governor to separate and account for ~~the~~
4247 savings that result from the implementation of the innovative
4248 projects and to keep track of how the innovative funds are
4249 reinvested by the state agency to fund additional innovative
4250 projects, which may include, but are not ~~be~~ limited to,
4251 expenditures for training and information technology resources.
4252 Guidelines for the establishment of such internal innovations
4253 fund shall be provided by the Department of Financial Management
4254 Services. Any agency awarded funds under this section must ~~shall~~
4255 maintain detailed accounting records showing all expenses, loan
4256 transfers, savings, or other financial actions concerning the
4257 project. Any savings realized as a result of implementing the
4258 innovative project must ~~shall~~ be quantified, validated, and
4259 verified by the agency. A final report of the results of the
4260 implementation of each innovative project must ~~shall~~ be
4261 submitted by each participating agency to the Governor's Office
4262 of Policy and Budget ~~Planning and Budgeting~~ and the legislative
4263 appropriations committees by June 30 of the fiscal year in which

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4264 the funds were received and ensuing fiscal years for the life of
4265 the project.

4266 Section 121. Section 216.238, Florida Statutes, is amended
4267 to read:

4268 216.238 Rules ~~Authority given to carry out provisions of~~
4269 ~~program.~~The Department of Financial ~~Management~~ Services shall,
4270 ~~in accordance with chapter 120, adopt, promulgate, amend, or~~
4271 ~~rescind such~~ rules as ~~it deems~~ necessary and administratively
4272 feasible to administer ~~carry out the provisions of~~ the
4273 Innovation Investment Program.

4274 Section 122. Paragraphs (d), (e), (f), and (g) of
4275 subsection (1) and subsection (3) of section 216.262, Florida
4276 Statutes, are amended to read:

4277 216.262 Authorized positions.—

4278 (1)

4279 (d) An individual employed by a state agency or by the
4280 judicial branch may not hold more than one employment during his
4281 or her normal working hours with the state, such working hours
4282 to be determined by the head of the state agency affected,
4283 unless approved by the Department of Personnel Management
4284 ~~Services~~, or otherwise delegated to the agency head, or by the
4285 Chief Justice of the Supreme Court, respectively.

4286 (e) An individual employed by a state agency or by the
4287 judicial branch may not fill more than a total of one full-time
4288 equivalent established position, receive compensation
4289 simultaneously from any appropriation other than appropriations
4290 for salaries, or receive compensation simultaneously from more
4291 than one state agency unless approved by the Department of
4292 Personnel Management ~~Services~~, or otherwise delegated to the

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4293 agency head, or by the Chief Justice, respectively, during each
4294 fiscal year. The department ~~of Management Services~~ may adopt
4295 uniform rules applicable to the executive branch agencies to
4296 implement its responsibilities under this paragraph.

4297 (f) Perquisites may not be furnished by a state agency or
4298 by the judicial branch unless approved by the Department of
4299 Personnel Management Services, or otherwise delegated to the
4300 agency head, or by the Chief Justice, respectively, during each
4301 fiscal year. ~~If Whenever~~ a state agency or the judicial branch
4302 is to furnish perquisites, the department ~~of Management Services~~
4303 or the agency head to which the approval has been delegated or
4304 the Chief Justice, respectively, must approve the kind and
4305 monetary value of such perquisites before they are ~~may be~~
4306 furnished. Perquisites may be furnished only if when in the best
4307 interest of the state due to the exceptional or unique
4308 requirements of the position. The value of a perquisite may not
4309 be used to compute an employee's base rate of pay or regular
4310 rate of pay unless required by the Fair Labor Standards Act.
4311 Permissible perquisites include, but are not limited to, moving
4312 expenses, clothing, use of vehicles and other transportation,
4313 domestic services, groundskeeping services, telephone services,
4314 medical services, housing, utilities, and meals. The Department
4315 of Personnel Management Services may adopt uniform rules
4316 applicable to the executive branch agencies to implement its
4317 responsibilities under this paragraph, which ~~rules~~ may specify
4318 additional perquisites, establish additional criteria for each
4319 kind of perquisite, provide the procedure to be used by
4320 executive agencies in applying for approvals, and establish the
4321 required justification. As used in this section, the term

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4322 "perquisites" means those things, or the use thereof, or
4323 services of a kind that confer on the officers or employees
4324 receiving them some benefit that is in the nature of additional
4325 compensation, or that reduce to some extent the normal personal
4326 expenses of the officer or employee receiving them. The term
4327 includes, but is not limited to, such things as quarters,
4328 subsistence, utilities, laundry services, medical service, use
4329 of state-owned vehicles for other than state purposes, and
4330 servants paid by the state.

4331 (g) If goods and services are to be sold to officers and
4332 employees of a state agency or of the judicial branch rather
4333 than being furnished as perquisites, the kind and selling price
4334 must ~~thereof shall~~ be approved by the Department of Personnel
4335 ~~Management Services~~, unless otherwise delegated to the agency
4336 head, or by the Chief Justice, respectively, during each fiscal
4337 year before such sales are made. The selling price may be
4338 deducted from any amounts due by the state to the ~~any~~ person
4339 receiving such things. The amount of cash so deducted must ~~shall~~
4340 be faithfully accounted for. This paragraph does not apply to
4341 sales to officers or employees of items generally sold to the
4342 public and does not apply to meals that ~~which~~ may be provided
4343 without charge to volunteers under a volunteer service program
4344 approved by the Department of Personnel ~~Management Services~~. The
4345 goods and services may include, but are not limited to, medical
4346 services, long-term and short-term rental housing, and laundry
4347 and transportation services. The department ~~of Management~~
4348 ~~Services~~ may adopt uniform rules applicable to the executive
4349 branch agencies to implement its responsibilities under this
4350 paragraph, which ~~rules~~ may specify other items that may be

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4351 approved, the required justification for proposed sales, and the
4352 manner in which agencies are required to ~~will~~ apply for
4353 approvals.

4354 (3) A ~~No~~ full-time position may not ~~shall~~ be filled by more
4355 than the equivalent of one full-time officer or employee, except
4356 when extenuating circumstances exist. Extenuating circumstances
4357 must ~~will~~ be provided for in rules to be adopted by the
4358 Department of Personnel Management Services or by the Chief
4359 Justice, respectively.

4360 Section 123. Paragraph (c) of subsection (6) of section
4361 216.292, Florida Statutes, is amended to read:

4362 216.292 Appropriations nontransferable; exceptions.—

4363 (6) The Chief Financial Officer shall transfer from any
4364 available funds of an agency or the judicial branch the
4365 following amounts and shall report all such transfers and the
4366 reasons therefor to the legislative appropriations committees
4367 and the Executive Office of the Governor:

4368 (c) The amount due to the Communications Working Capital
4369 Trust Fund from moneys appropriated in the General
4370 Appropriations Act for the purpose of paying for services
4371 provided by the state communications system in the Agency for
4372 Enterprise Information Technology ~~Department of Management~~
4373 ~~Services~~ which is unpaid 45 days after the billing date. The
4374 amount transferred shall be the amount ~~that~~ billed by the
4375 department.

4376 Section 124. Section 217.02, Florida Statutes, is amended
4377 to read:

4378 217.02 Definitions.—As used in this chapter ~~act~~, the term:

4379 (1) "Department" means the Department of Financial

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4380 Management Services.

4381 (2) "Surplus property" means any federal property that
4382 ~~which~~ has been declared excess by a federal agency, including
4383 the Department of Defense, and made available for procurement
4384 and distribution in the state in compliance with the Federal
4385 Property and Administrative Services Act of 1949, and subsequent
4386 amendments thereto, or any other federal law provided for the
4387 procurement and distribution of federal excess and surplus
4388 property.

4389 Section 125. Section 217.04, Florida Statutes, is amended
4390 to read:

4391 217.04 Negotiation ~~Department of Management Services as~~
4392 ~~state agency to negotiate~~ with federal agency.—The department ~~of~~
4393 ~~Management Services~~ is designated the official agency of the
4394 state to negotiate with any federal agency in accordance and
4395 compliance with the Federal Property and Administrative Services
4396 Act of 1949 and subsequent amendments thereto, and any other
4397 federal law or regulation providing for the procurement and
4398 distribution of federal surplus personal property.

4399 Section 126. Section 217.045, Florida Statutes, is amended
4400 to read:

4401 217.045 ~~Department of Management Services;~~ Assistance to
4402 state agencies.—The department ~~of Management Services~~ may follow
4403 whatever procedure is considered necessary to enable state
4404 agencies to take advantage of surplus property allocated to the
4405 state by the Federal Government or by its disposal agencies.

4406 Section 127. Subsections (2), (3), (11), and (13) of
4407 section 238.01, Florida Statutes, are amended to read:

4408 238.01 Definitions.—The following words and phrases as used

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4409 in this chapter shall have the following meanings unless a
4410 different meaning is plainly required by the context:

4411 (2) "Department" means the Department of Personnel
4412 ~~Management~~ Services.

4413 (3) "Teacher" means any member of the teaching or
4414 professional staff and any certificated employee of any public
4415 free school, ~~of~~ any district school system and career center,
4416 any member of the teaching or professional staff of the Florida
4417 School for the Deaf and Blind, child training schools of the
4418 Department of Juvenile Justice, the Department of Corrections,
4419 and any tax-supported institution of higher learning of the
4420 state, and any member and any certified employee of the
4421 Department of Education, any certified employee of the
4422 retirement system, any full-time employee of any nonprofit
4423 professional association or corporation of teachers functioning
4424 in Florida on a statewide basis, which seeks to protect and
4425 improve public school opportunities for children and advance the
4426 professional and welfare status of its members, any person now
4427 serving as superintendent, or who was serving as county
4428 superintendent of public instruction on July 1, 1939, and any
4429 hereafter duly elected or appointed superintendent, who holds a
4430 valid Florida teachers' certificate. In all cases of doubt the
4431 department ~~of Management Services~~ shall determine whether a any
4432 person is a teacher as defined herein.

4433 (11) "Regular interest" means interest at such rate as may
4434 be set from time to time by the department ~~of Management~~
4435 ~~Services~~.

4436 (13) "Earnable compensation" means the full compensation
4437 payable to a teacher working the full working time for his or

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4438 her position. With ~~In~~ respect to plans A, B, C, and D only, if
4439 the ~~in cases where~~ compensation includes maintenance, the
4440 department ~~of Management Services~~ shall fix the value of that
4441 part of the compensation not paid in money if, ~~provided that~~ all
4442 members as of ~~shall from~~ July 1, 1955, make contributions to the
4443 retirement system on the basis of "earnable compensation," as
4444 defined herein and all persons who are members on July 1, 1955,
4445 may, upon application, have their "earnable compensation" for
4446 the time during which they have been members prior to that date
4447 determined on the basis of "earnable compensation" as defined in
4448 this law, upon paying to the retirement system, on or before the
4449 date of retirement, a sum equal to the additional contribution
4450 with accumulated regular interest thereon they would have made
4451 if "earnable compensation" had been defined, at the time they
4452 became members, as it is now defined. However, earnable
4453 compensation for all plan years beginning on or after July 1,
4454 1990, may ~~shall~~ not include any amounts in excess of the
4455 compensation limitation (originally \$200,000) established by s.
4456 401(a)(17) of the Internal Revenue Code prior to the Omnibus
4457 Budget Reconciliation Act of 1993, which limitation shall be
4458 adjusted for changes in the cost of living since 1989, as ~~in the~~
4459 ~~manner~~ provided by s. 401(a)(17) of the Internal Revenue Code of
4460 1991. This limitation, which has been part of the Teachers'
4461 Retirement System since plan years beginning on or after July 1,
4462 1990, must ~~shall~~ be adjusted as required by federal law for
4463 qualified government plans.

4464 Section 128. Section 238.02, Florida Statutes, is amended
4465 to read:

4466 238.02 ~~Name and date of Establishment.~~—A retirement system

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4467 is established and placed under the management of the department
4468 ~~of Management Services~~ for the purpose of providing retirement
4469 allowances and other benefits for teachers of the state. The
4470 retirement system shall begin operations on July 1, 1939. It has
4471 such powers and privileges of a corporation as ~~may be~~ necessary
4472 to carry out ~~effectively~~ the provisions of this chapter and
4473 shall be known as the "Teachers' Retirement System of the
4474 State," and by such name all of its business shall be
4475 transacted, all of its funds invested, and all of its cash and
4476 securities and other property held in trust for the purpose for
4477 which received.

4478 Section 129. Subsection (1) of section 238.03, Florida
4479 Statutes, is amended to read:

4480 238.03 Administration.—

4481 (1) The general administration and the responsibility for
4482 the proper operation of the retirement system and for making
4483 effective the provisions of this chapter are vested in the
4484 department ~~of Management Services~~. Subject to the limitation of
4485 this chapter, the department shall, from time to time, adopt
4486 ~~establish~~ rules and ~~regulations~~ for the administration and
4487 transaction of the business of the retirement system and shall
4488 perform such other functions as are required for the execution
4489 of this chapter.

4490 Section 130. Subsection (3) of section 238.07, Florida
4491 Statutes, is amended to read:

4492 238.07 Regular benefits; survivor benefits.—

4493 (3) Any member who, prior to July 1, 1955, elected to
4494 retire under one of plans A, B, C, or D may elect, prior to
4495 retirement, to retire under plan E in accordance with the terms

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4496 hereof. Any person who became a member on or after July 1, 1955,
4497 shall retire under plan E, except as provided for under s.
4498 238.31. With respect to plans A, B, C, or D, any member may
4499 ~~shall have the right~~ at any time ~~to~~ change to a plan of
4500 retirement requiring a lower rate of contribution. The
4501 department ~~of Management Services~~ shall also notify the member
4502 of the rate of contribution such member must make from and after
4503 selecting such plan of retirement. Any member in service may
4504 retire upon reaching the age of retirement formerly selected by
4505 him or her, upon the member's written application to the
4506 department setting forth at which time, not more than 90 days
4507 after ~~subsequent to the execution and filing of~~ such
4508 application, it is his or her desire to retire notwithstanding
4509 that during such period ~~of notification~~ he or she may have
4510 separated from service. Upon receipt of such application ~~for~~
4511 ~~retirement~~, the department shall retire such member not more
4512 than 90 days thereafter. Before such member may retire, he or
4513 she must file with the department his or her written selection
4514 of one of the optional benefits provided in s. 238.08.

4515 Section 131. Paragraph (a) of subsection (1) of section
4516 238.09, Florida Statutes, is amended to read:

4517 238.09 Method of financing.—All of the assets of the
4518 retirement system shall be credited, according to the purposes
4519 for which they are held, to one of four funds; namely, the
4520 Annuity Savings Trust Fund, the Pension Accumulation Trust Fund,
4521 the Expense Trust Fund, and the Survivors' Benefit Trust Fund.

4522 (1) The Annuity Savings Trust Fund shall be a fund in which
4523 shall be accumulated contributions made from the salaries of
4524 members under the provisions of paragraph (c) or paragraph (f).

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4525 Contribution to, payments from, the Annuity Savings Trust Fund
4526 shall be made as follows:

4527 (a) With respect to plan A, B, C, or D, upon the basis of
4528 such tables as the department ~~of Management Services~~ shall
4529 adopt, and regular interest, the actuary of the retirement
4530 system shall determine for each member the proportion of
4531 earnable compensation which, when deducted from each payment of
4532 his or her prospective earnable annual compensation prior to his
4533 or her minimum service retirement age, and accumulated at
4534 regular interest until such age, shall be computed to provide at
4535 such age:

4536 1. An annuity equal to one one-hundred-fortieth of the
4537 member's ~~his or her~~ average final compensation multiplied by the
4538 number of ~~his or her~~ years of membership in the case of each
4539 member electing to retire under the provisions of plan A or B.

4540 2. An annuity equal to one one-hundred-twentieth of the
4541 member's ~~his or her~~ average final compensation multiplied by the
4542 number of ~~his or her~~ years of membership service in the case of
4543 each member electing to retire under the provisions of plan C.

4544 3. An annuity equal to one one-hundredth of his or her
4545 average final compensation multiplied by the number of the
4546 members' ~~his or her~~ years of membership service in the case of
4547 each member electing to retire under the provisions of plan D.

4548
4549 For each ~~In the case of any~~ member who ~~has~~ attained his or her
4550 minimum service retirement age before ~~prior to~~ becoming a
4551 member, the proportion of salary applicable to such member, with
4552 respect to plan A, B, C, or D, shall be the proportion computed
4553 for the age 1 year younger than his or her minimum service

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4554 retirement age.

4555 Section 132. Section 238.10, Florida Statutes, is amended
4556 to read:

4557 238.10 Management of funds.—The department ~~of Management~~
4558 ~~Services~~, annually, shall allow regular interest on the amount
4559 for the preceding year to the credit of each of the funds of the
4560 retirement system, and to the credit of the individual account
4561 therein, if any, with the exception of the expense fund, from
4562 the interest and dividends earned from investments.

4563 Section 133. Paragraph (b) of subsection (1) and
4564 subsections (2) and (3) of section 238.11, Florida Statutes, are
4565 amended to read:

4566 238.11 Collection of contributions.—

4567 (1) The collection of contributions shall be as follows:

4568 (b) Each employer shall transmit monthly to the department
4569 ~~of Management Services~~ a warrant for the total amount of ~~such~~
4570 deductions. Each employer shall also transmit monthly to the
4571 department a warrant for ~~such~~ employer contribution set aside as
4572 provided ~~for~~ in paragraph (a) ~~of this subsection~~. The
4573 department, after making records of all such warrants, shall
4574 transmit them to the Department of Financial Services for
4575 delivery to the Chief Financial Officer, who shall collect them.

4576 (2) The collection of the state contribution shall be made
4577 as follows:

4578 (a) The amounts required to be paid by the state into the
4579 Teachers' Retirement System under ~~in~~ this chapter shall be
4580 provided ~~therefor~~ in the General Appropriations Act. However, if
4581 ~~in the event~~ a sufficient amount is not included in the General
4582 Appropriations Act to meet the full amount needed to pay the

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4583 retirement compensation provided for in this chapter, the
4584 additional amount needed for such retirement compensation is
4585 ~~hereby~~ appropriated from the General Revenue Fund as approved by
4586 the department ~~of Management Services~~.

4587 (b) The department ~~of Management Services~~ shall certify
4588 one-fourth of the amount so ascertained for each year to the
4589 Chief Financial Officer on or before the last day of July,
4590 October, January, and April of each year. The Chief Financial
4591 Officer shall, on or before the first day of August, November,
4592 February, and May of each year, immediately transfer the amounts
4593 due to the several funds of the retirement system ~~the amounts~~
4594 ~~due~~.

4595 (3) All collection of contributions of a nonprofit
4596 professional association or corporation of teachers as referred
4597 to in s. 238.01(3) and (5) shall be made by such association or
4598 corporation in the following manner:

4599 (a) On April 1 of each year, the department ~~of Management~~
4600 ~~Services~~ shall certify to ~~any~~ such nonprofit professional
4601 association or corporation of teachers the amounts that ~~which~~
4602 will become due and payable during the ensuing fiscal year to
4603 each of the funds of the retirement system to which such
4604 contributions are payable as set forth in this section ~~law~~.

4605 (b) The department ~~of Management Services~~ shall certify
4606 one-fourth of the amount so ascertained for each year to the
4607 nonprofit professional association or corporation of teachers on
4608 or before the last day of July, October, January, and April of
4609 each year. The nonprofit professional association or corporation
4610 of teachers shall, on or before the first day of August,
4611 November, February, and May of each year, draw its check payable

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4612 to the department for the respective amounts due the several
4613 funds of the retirement system. Upon receipt of the check, the
4614 department shall immediately transfer the amounts due to the
4615 several funds of the retirement system ~~the amounts due,~~
4616 provided, however, that the amounts due the several funds of the
4617 retirement system from any such association or corporation for
4618 creditable service accruing to any such member before July 1,
4619 1947, shall be paid prior to the retirement of any such member.

4620 Section 134. Subsection (1) of section 238.12, Florida
4621 Statutes, is amended to read:

4622 238.12 Duties of employers.—

4623 (1) Each employer shall keep such records and, from time to
4624 time, shall furnish such information as the department ~~of~~
4625 ~~Management Services~~ may require in the discharge of its duties.
4626 Upon the employment of any teacher to whom this chapter may
4627 apply, the teacher shall be informed by his or her employer of
4628 his or her duties and obligations in connection with the
4629 retirement system as a condition of his or her employment. Every
4630 teacher accepting employment shall be deemed to consent and
4631 agree to any deductions from his or her compensation required in
4632 this chapter and to all other provisions of this chapter.

4633 Section 135. Section 238.15, Florida Statutes, is amended
4634 to read:

4635 238.15 Exemption of funds from taxation, execution, and
4636 assignment.—The pensions, annuities or any other benefits
4637 accrued or accruing to any person under ~~the provisions of~~ this
4638 chapter and the accumulated contributions and cash securities in
4639 the funds created under this chapter are exempted from any
4640 state, county or municipal tax of the state, and are ~~shall~~ not

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4641 ~~be~~ subject to execution or attachment or to any legal process
4642 whatsoever, and shall be unassignable, except:

4643 (1) That any teacher who has retired may ~~shall have the~~
4644 ~~right and power to~~ authorize the department in writing ~~the~~
4645 ~~department of Management Services~~ to deduct from his or her
4646 monthly retirement allowance money for the payment of the
4647 premiums on group insurance for hospital, medical and surgical
4648 benefits, under a plan or plans for such benefits approved in
4649 writing by the Chief Financial Officer, and upon receipt of such
4650 request the department shall make the monthly payments as
4651 directed; and

4652 (2) As may be otherwise specifically provided for in this
4653 chapter.

4654 Section 136. Paragraph (b) of subsection (3) of section
4655 238.171, Florida Statutes, is amended to read:

4656 238.171 Monthly allowance; when made.—

4657 (3)

4658 (b) On July 1, 1975, and each July 1 thereafter, the
4659 department ~~of Management Services~~ shall adjust the monthly
4660 allowance being paid on that ~~said~~ date. The percentage of such
4661 adjustment is ~~shall be~~ equal to the percentage change in the
4662 average cost-of-living index during the preceding 12-month
4663 period, April 1 through March 31, ignoring changes in the cost-
4664 of-living index which are greater than 3 percent during the
4665 preceding fiscal year.

4666 Section 137. Paragraph (b) of subsection (2) of section
4667 238.181, Florida Statutes, is amended to read:

4668 238.181 Reemployment after retirement; conditions and
4669 limitations.—

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4670 (2)

4671 (b) Any person to whom the limitation in paragraph (a)

4672 applies who violates such reemployment limitation and who is

4673 reemployed with any agency participating in the Florida

4674 Retirement System before completing ~~completion of~~ the 12-month

4675 limitation period must ~~shall~~ give timely notice of this fact in

4676 writing to his or her employer and to the department ~~of~~

4677 ~~Management Services~~ and shall have his or her retirement

4678 benefits suspended for the balance of the 12-month limitation

4679 period. Any person employed in violation of this paragraph and

4680 any employing agency that ~~which~~ knowingly employs or appoints

4681 such person without notifying the department to suspend

4682 retirement benefits are ~~shall be~~ jointly and severally liable

4683 for reimbursement ~~to the retirement trust fund~~ of any benefits

4684 paid during the reemployment limitation period. To avoid

4685 liability, the ~~such~~ employing agency shall have a written

4686 statement from the retiree that he or she is not retired from a

4687 state-administered retirement system. Any retirement benefits

4688 received must ~~while reemployed during this reemployment~~

4689 ~~limitation period shall~~ be repaid to the retirement trust fund,

4690 and retirement benefits ~~shall~~ remain suspended until such

4691 repayment has been made. Benefits suspended beyond the

4692 reemployment limitation ~~shall~~ apply toward repayment of benefits

4693 received in violation of the reemployment limitation.

4694 Section 138. Section 238.32, Florida Statutes, is amended

4695 to read:

4696 238.32 Service credit in disputed cases.—The department ~~of~~

4697 ~~Management Services~~ may ~~in its discretion~~ allow or deny a member

4698 service credit in disputed or doubtful cases for employment in

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4699 in this state ~~Florida~~ and in out-of-state schools in order to
4700 serve the best interests of the state and the member, subject to
4701 the membership dates set forth in s. 238.06(4).

4702 Section 139. Subsection (6) of section 250.22, Florida
4703 Statutes, is amended to read:

4704 250.22 Retirement.—

4705 (6) All powers, duties, and functions related to the
4706 administration of this section are vested in the Department of
4707 Personnel Management Services.

4708 Section 140. Subsection (4) of section 252.385, Florida
4709 Statutes, is amended to read:

4710 252.385 Public shelter space.—

4711 (4)~~(a)~~ Public facilities, including schools, postsecondary
4712 education facilities, and other facilities owned or leased by
4713 the state or local governments, but excluding hospitals, hospice
4714 care facilities, assisted living facilities, and nursing homes,
4715 which are suitable for use as public hurricane evacuation
4716 shelters shall be made available at the request of the local
4717 emergency management agencies. The local emergency management
4718 agency shall coordinate with these entities to ensure that
4719 designated facilities are ready to activate before ~~prior to~~ a
4720 specific hurricane or disaster. Such agencies shall coordinate
4721 with the appropriate school board, university, community
4722 college, state agency, or local governing board when requesting
4723 the use of such facilities as public hurricane evacuation
4724 shelters.

4725 ~~(b)~~ The Department of Environmental Protection Management
4726 Services shall:

4727 (a) Incorporate provisions for the use of suitable leased

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4728 public facilities as public hurricane evacuation shelters into
4729 lease agreements for state agencies. Suitable leased public
4730 facilities include leased public facilities that are solely
4731 occupied by state agencies and have at least 2,000 square feet
4732 of net floor area in a single room or in a combination of rooms
4733 having a minimum of 400 square feet in each room. The net square
4734 footage of floor area shall be determined by subtracting from
4735 the gross square footage the square footage of spaces such as
4736 mechanical and electrical rooms, storage rooms, open corridors,
4737 restrooms, kitchens, science or computer laboratories, shop or
4738 mechanical areas, administrative offices, records vaults, and
4739 crawl spaces.

4740 (b) ~~(e)~~ ~~The Department of Management Services shall,~~ In
4741 consultation with local and state emergency management agencies,
4742 assess department ~~of Management Services~~ facilities to identify
4743 the extent to which each facility has public hurricane
4744 evacuation shelter space. The department ~~of Management Services~~
4745 shall submit proposed facility retrofit projects that
4746 incorporate hurricane protection enhancements to the department
4747 for assessment and inclusion in the annual report prepared in
4748 accordance with subsection (3).

4749 (c) ~~(d)~~ ~~The Department of Management Services shall~~ Include
4750 in the annual state facilities inventory report required under
4751 ss. 216.015-216.016 a separate list of state-owned facilities,
4752 including, but not limited to, meeting halls, auditoriums,
4753 conference centers, and training centers that have unoccupied
4754 space suitable for use as an emergency shelter during a storm or
4755 other catastrophic event. Facilities must be listed by the
4756 county and municipality where the facility is located and must

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4757 be made available in accordance with this subsection ~~paragraph~~
4758 ~~(a)~~. As used in this paragraph, the term "suitable for use as an
4759 emergency shelter" means meeting the standards set by the
4760 American Red Cross for a hurricane evacuation shelter, and the
4761 term "unoccupied" means vacant due to suspended operation or
4762 nonuse. The list must be updated by May 31 of each year.

4763 Section 141. Paragraph (b) of subsection (6) of section
4764 253.034, Florida Statutes, is amended to read:

4765 253.034 State-owned lands; uses.—

4766 (6) The Board of Trustees of the Internal Improvement Trust
4767 Fund shall determine which lands, the title to which is vested
4768 in the board, may be surplus. For conservation lands, the
4769 board shall make a determination that the lands are no longer
4770 needed for conservation purposes and may dispose of them by an
4771 affirmative vote of at least three members. In the case of a
4772 land exchange involving the disposition of conservation lands,
4773 the board must determine by an affirmative vote of at least
4774 three members that the exchange will result in a net positive
4775 conservation benefit. For all other lands, the board shall make
4776 a determination that the lands are no longer needed and may
4777 dispose of them by an affirmative vote of at least three
4778 members.

4779 (b) For ~~any~~ lands purchased by the state on or after July
4780 1, 1999, a determination shall be made by the board before ~~prior~~
4781 ~~to~~ acquisition as to those parcels that shall be designated as
4782 having been acquired for conservation purposes. ~~No~~ Lands
4783 acquired for use by the Department of Corrections, the
4784 Department of Environmental Protection ~~Management Services~~ for
4785 use as state offices, the Department of Transportation, except

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4786 those specifically managed for conservation or recreation
4787 purposes, or the State University System or the Florida
4788 Community College System may not ~~shall be~~ designated as having
4789 been purchased for conservation purposes.

4790 Section 142. Subsection (2) of section 253.126, Florida
4791 Statutes, is amended to read:

4792 253.126 Legislative intent.—The limitations and
4793 restrictions imposed by this chapter as amended by chapter 67-
4794 393, Laws of Florida, upon the construction of islands or the
4795 extension or addition to existing lands or islands bordering on
4796 or being in the navigable waters, as defined in s. 253.12, shall
4797 apply to the state, its agencies and all political subdivisions
4798 and governmental units. No other general or special act shall
4799 operate to grant exceptions to this section unless this section
4800 is specifically repealed thereby.

4801 (2) The provisions of chapter 120 shall be accorded any
4802 person where substantial interests will be affected by an
4803 activity proposed to be conducted by such agency pursuant to its
4804 certification and the department's acceptance. If a proceeding
4805 is conducted pursuant to ss. 120.569 and 120.57, the department
4806 may intervene as a party. Should an administrative law judge of
4807 the Division of Administrative Hearings ~~of the Department of~~
4808 ~~Management Services~~ submit a recommended order pursuant to ~~ss.~~
4809 ~~120.569 and 120.57~~, the Department of Environmental Protection
4810 shall issue a final department order adopting, rejecting, or
4811 modifying the recommended order pursuant to such action.

4812 Section 143. Subsection (1) of section 253.45, Florida
4813 Statutes, is amended to read:

4814 253.45 Sale or lease of phosphate, clay, minerals, etc., in

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4815 or under state lands.—

4816 (1) The Board of Trustees of the Internal Improvement Trust
 4817 Fund may sell or lease any phosphate, earth or clay, sand,
 4818 gravel, shell, mineral, metal, timber or water, or any other
 4819 substance similar to the foregoing, in, on, or under, any land
 4820 the title to which is vested in the state, ~~the Department of~~
 4821 ~~Management Services,~~ the Department of Environmental Protection,
 4822 the Fish and Wildlife Conservation Commission, the State Board
 4823 of Education, or any other state board, department, or agency;
 4824 provided that the board of trustees does ~~may~~ not grant such a
 4825 sale or lease on the land of any other state board, department,
 4826 or agency without first obtaining approval therefrom. Such ~~No~~
 4827 sale or lease is not ~~provided for in this section shall be~~
 4828 allowed on hard-surfaced beaches that are used for bathing or
 4829 driving and areas contiguous thereto out to a mean low-water
 4830 depth of 3 feet and landward to the nearest paved public road.
 4831 Any sale or lease provided for in this section shall be
 4832 conducted by competitive bidding as provided for in ss. 253.52,
 4833 253.53, and 253.54. The proceeds of such sales or leases are to
 4834 be credited to the board of trustees, board, department, or
 4835 agency that ~~which~~ has title or control of the land involved.

4836 Section 144. Section 255.02, Florida Statutes, is amended
 4837 to read:

4838 255.02 Boards authorized to replace buildings destroyed by
 4839 fire.—The Department of Environmental Protection ~~Management~~
 4840 ~~Services~~ or any board or person having the direct supervision
 4841 and control of any state building or state property may rebuild
 4842 or replace ~~have rebuilt or replaced,~~ out of the proceeds from
 4843 the fire insurance on such buildings or property, any buildings

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4844 or property owned by the state, which is ~~may be~~ destroyed in
4845 whole or in part by fire.

4846 Section 145. Subsection (2) of section 255.043, Florida
4847 Statutes, is amended to read:

4848 255.043 Art in state buildings.—

4849 (2) The Department of Environmental Protection Management
4850 ~~Services~~ or other state agency ~~agencies~~ receiving appropriations
4851 for original constructions shall notify the Florida Arts Council
4852 and the user agency of any construction project that ~~which~~ is
4853 eligible under ~~the provisions of~~ this section. The department of
4854 ~~Management Services~~ or other state agency shall determine the
4855 amount to be made available for purchase or commission of works
4856 of art for each project and shall report these amounts to the
4857 Florida Arts Council and the user agency. Payments ~~therefor~~
4858 shall be made from funds appropriated for fixed capital outlay
4859 according to law.

4860 Section 146. Paragraphs (a) and (b) of subsection (1) of
4861 section 255.05, Florida Statutes, are amended to read:

4862 255.05 Bond of contractor constructing public buildings;
4863 form; action by materialmen.—

4864 (1) (a) Any person entering into a formal contract with the
4865 state or any county, municipality ~~city~~, or political subdivision
4866 thereof, or other public authority or private entity, for the
4867 construction of a public building, for the prosecution and
4868 completion of a public work, or for repairs upon a public
4869 building or public work must ~~shall be required~~, before
4870 commencing the work or before recommencing the work after a
4871 default or abandonment, ~~to~~ execute, deliver to the public owner,
4872 and record in the public records of the county where the

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4873 improvement is located, a payment and performance bond with a
4874 surety insurer authorized to do business in this state as
4875 surety. A public entity may not require a contractor to secure a
4876 surety bond under this section from a specific agent or bonding
4877 company. The bond must state on its front page: the name,
4878 principal business address, and phone number of the contractor,
4879 the surety, the owner of the property being improved, and, if
4880 different from the owner, the contracting public entity; the
4881 contract number assigned by the contracting public entity; and a
4882 description of the project sufficient to identify it, such as a
4883 legal description or the street address of the property being
4884 improved, and a general description of the improvement. Such
4885 bond must ~~shall~~ be conditioned upon the contractor's performance
4886 of the construction work in the time and manner prescribed in
4887 the contract and promptly making payments to all persons defined
4888 in s. 713.01 who furnish labor, services, or materials for the
4889 prosecution of the work provided for in the contract. Any
4890 claimant may apply to the governmental entity having charge of
4891 the work for copies of the contract and bond and shall ~~thereupon~~
4892 be furnished with a certified copy of the contract and bond. The
4893 claimant shall have a right of action against the contractor and
4894 surety for the amount due him or her, including unpaid finance
4895 charges due under the claimant's contract. Such action may ~~shall~~
4896 not involve the public authority in any expense. If ~~When~~ such
4897 work is done for the state and the contract is for \$100,000 or
4898 less, a ~~no~~ payment and performance bond is not ~~shall be~~
4899 required. At the discretion of the official or board awarding
4900 such contract when such work is done for any county,
4901 municipality ~~city~~, political subdivision, or public authority,

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4902 any person entering into ~~such~~ a contract ~~which is~~ for \$200,000
4903 or less may be exempted from executing the payment and
4904 performance bond. If ~~When~~ such work is done for the state, the
4905 Secretary of Environmental Protection Management Services ~~Management Services~~ may
4906 delegate to state agencies the authority to exempt any person
4907 entering into such a contract amounting to more than \$100,000
4908 but less than \$200,000 from executing the payment and
4909 performance bond. If ~~In the event~~ such exemption is granted, the
4910 officer or officials may ~~shall~~ not be held personally liable to
4911 persons suffering loss because of granting such exemption. The
4912 Department of Environmental Protection Management Services ~~Management Services~~ shall
4913 maintain information on the number of requests by state agencies
4914 for delegation of authority to waive the bond requirements by
4915 agency and project number and whether any request for delegation
4916 was denied and the justification for the denial. Any provision
4917 in a payment bond furnished for public work contracts ~~as~~
4918 ~~provided by this subsection~~ which restricts the classes of
4919 persons as defined in s. 713.01 protected by the bond or the
4920 venue of any proceeding relating to such bond is unenforceable.

4921 (b) The Department of Environmental Protection Management
4922 ~~Services~~ shall adopt rules with respect to all contracts for
4923 \$200,000 or less, to provide:

4924 1. Procedures for retaining up to 10 percent of each
4925 request for payment submitted by a contractor and procedures for
4926 determining disbursements from the amount retained on a pro rata
4927 basis to laborers, materialmen, and subcontractors, as defined
4928 in s. 713.01.

4929 2. Procedures for requiring certification from laborers,
4930 materialmen, and subcontractors, as defined in s. 713.01, prior

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4931 to final payment to the contractor that such laborers,
4932 materialmen, and subcontractors have no claims against the
4933 contractor resulting from the completion of the work provided
4934 for in the contract.

4935

4936 The state shall not be held liable to any laborer, materialman,
4937 or subcontractor for any amounts greater than the pro rata share
4938 as determined under this section.

4939 Section 147. Subsection (1) of section 255.0525, Florida
4940 Statutes, is amended to read:

4941 255.0525 Advertising for competitive bids or proposals.—

4942 (1) The solicitation of competitive bids or proposals for
4943 any state construction project that is projected to cost more
4944 than \$200,000 must ~~shall~~ be publicly advertised once in the
4945 Florida Administrative Weekly at least 21 days before ~~prior to~~
4946 the established bid opening. For state construction projects
4947 that are projected to cost more than \$500,000, the advertisement
4948 must ~~shall~~ be published in the Florida Administrative Weekly at
4949 least 30 days before ~~prior to~~ the established bid opening and at
4950 least once in a newspaper of general circulation in the county
4951 where the project is located at least 30 days before ~~prior to~~
4952 the established bid opening and at least 5 days before ~~a prior~~
4953 ~~to any~~ scheduled prebid conference. The bids or proposals must
4954 ~~shall~~ be received and opened publicly at the location, date, and
4955 time established in the bid or proposal advertisement. In cases
4956 of emergency, the Secretary of Environmental Protection
4957 ~~Management Services~~ may alter these ~~the~~ procedures ~~required in~~
4958 ~~this section~~ in any manner that is reasonable under the
4959 emergency circumstances.

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4960 Section 148. Subsection (3) of section 255.248, Florida
4961 Statutes, is amended to read:

4962 255.248 Definitions; ss. 255.249 and 255.25.—As used in ss.
4963 255.249 and 255.25, the term:

4964 (3) "Department" means the Department of Environmental
4965 Protection Management Services.

4966 Section 149. Section 255.249, Florida Statutes, is amended
4967 to read:

4968 255.249 Department responsibilities of Management Services;
4969 ~~responsibility; department~~ rules.—

4970 (1) The department shall have responsibility and authority
4971 for the custodial and preventive maintenance, repair, and
4972 allocation of space of all buildings in the Florida Facilities
4973 Pool and the grounds located adjacent thereto.

4974 (2) The department shall require any state agency planning
4975 to terminate a lease for the purpose of occupying space in a new
4976 state-owned office building, ~~the funds for which are~~
4977 ~~appropriated after June 30, 2000,~~ to state why the proposed
4978 relocation is in the best interest of the state.

4979 (3) (a) The department shall, to the extent feasible,
4980 coordinate the vacation of privately owned leased space with the
4981 expiration of the lease on that space and, if ~~when~~ a lease is
4982 terminated before expiration of its base term, shall ~~will~~ make a
4983 reasonable effort to place another state agency in the space
4984 vacated. Any state agency may lease the space in any building
4985 that was subject to a lease terminated by a state agency for a
4986 period of time equal to the remainder of the base term without
4987 ~~the requirement of~~ competitive solicitation.

4988 (b) The department shall develop and implement a strategic

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4989 leasing plan. The ~~strategic-leasing~~ plan must ~~shall~~ forecast
4990 space needs for all state agencies and identify opportunities
4991 for reducing costs through consolidation, relocation,
4992 reconfiguration, capital investment, and the building or
4993 acquisition of state-owned space.

4994 (c) The department shall annually publish a master leasing
4995 report. The department shall furnish the ~~master-leasing~~ report
4996 to the Executive Office of the Governor and the Legislature by
4997 September 15 of each year which provides the following
4998 information:

4999 1. A list, by agency and by geographic market, of all
5000 leases that are due to expire within 24 months.

5001 2. Details of each lease, including location, size, cost
5002 per leased square foot, lease-expiration date, and a
5003 determination of whether sufficient state-owned office space
5004 will be available at the expiration of the lease to accommodate
5005 affected employees.

5006 3. A list of amendments and supplements to and waivers of
5007 terms and conditions in lease agreements that have been approved
5008 pursuant to s. 255.25(2)(a) during the previous 12 months and an
5009 associated comprehensive analysis, including financial
5010 implications, showing that any amendment, supplement, or waiver
5011 is in the state's long-term best interest.

5012 4. Financial impacts to the pool rental rate due to the
5013 sale, removal, acquisition, or construction of pool facilities.

5014 5. Changes in occupancy rate, maintenance costs, and
5015 efficiency costs of leases in the state portfolio. Changes to
5016 occupancy costs in leased space by market and changes to space
5017 consumption by agency and by market.

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- 5018 6. An analysis of portfolio supply and demand.
- 5019 7. Cost-benefit analyses of acquisition, build, and
5020 consolidation opportunities, recommendations for strategic
5021 consolidation, and strategic recommendations for disposition,
5022 acquisition, and building.
- 5023 8. The updated plan required by s. 255.25(4)(c).
- 5024 (d) By June 30 of each year, each state agency shall
5025 annually provide to the department all information regarding
5026 agency programs affecting the need for or use of space by that
5027 agency, reviews of lease-expiration schedules for each
5028 geographic area, active and planned full-time equivalent data,
5029 business case analyses related to consolidation plans by an
5030 agency, a telecommuting program, and current occupancy and
5031 relocation costs, inclusive of furnishings, fixtures and
5032 equipment, data, and communications.
- 5033 (4) The department shall adopt rules ~~pursuant to chapter~~
5034 ~~120~~ providing:
- 5035 (a) Methods for accomplishing the duties outlined in
5036 subsection (1).
- 5037 (b) Procedures for soliciting and accepting competitive
5038 solicitations for leased space of 5,000 square feet or more in
5039 privately owned buildings, for evaluating the proposals
5040 received, for exemption from competitive solicitations
5041 requirements of any lease the purpose of which is the provision
5042 of care and living space for persons or emergency space needs as
5043 provided in s. 255.25(10), and for the securing of at least
5044 three documented quotes for a lease that is not required to be
5045 competitively solicited.
- 5046 (c) A standard method for determining square footage or any

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5047 other measurement used as the basis for lease payments or other
5048 charges.

5049 (d) Methods of allocating space in both state-owned office
5050 buildings and privately owned buildings leased by the state
5051 based on use, personnel, and office equipment.

5052 (e)~~1.~~ Acceptable terms and conditions for inclusion in
5053 lease agreements.

5054 ~~2.~~ Such terms and conditions must ~~shall~~ include, at a
5055 minimum, the following clauses, which may not be amended,
5056 supplemented, or waived:

5057 ~~1.a.~~ As provided in s. 255.2502, "The State of Florida's
5058 performance and obligation to pay under this contract is
5059 contingent upon an annual appropriation by the Legislature."

5060 ~~2.b.~~ "The Lessee shall have the right to terminate, without
5061 penalty, this lease in the event a State-owned building becomes
5062 available to the Lessee for occupancy upon giving 6 months'
5063 advance written notice to the Lessor by Certified Mail, Return
5064 Receipt Requested."

5065 (f) Maximum rental rates, by geographic areas or by county,
5066 for leasing privately owned space.

5067 (g) A standard method for the assessment of rent to state
5068 agencies and other authorized occupants of state-owned office
5069 space, notwithstanding the source of funds.

5070 (h) For full disclosure of the names and the extent of
5071 interest of the owners holding a 4-percent or more interest in
5072 any privately owned property leased to the state or in the
5073 entity holding title to the property, for exemption from such
5074 disclosure of any beneficial interest which is represented by
5075 stock in any corporation registered with the Securities and

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5076 Exchange Commission or registered pursuant to chapter 517, which
5077 stock is for sale to the general public, and for exemption from
5078 such disclosure of any leasehold interest in property located
5079 outside the territorial boundaries of the United States.

5080 (i) For full disclosure of the names of all public
5081 officials, agents, or employees holding any interest in any
5082 privately owned property leased to the state or in the entity
5083 holding title to the property, and the nature and extent of
5084 their interest;; for exemption from such disclosure of any
5085 beneficial interest which is represented by stock in any
5086 corporation registered with the Securities and Exchange
5087 Commission or registered pursuant to chapter 517, which stock is
5088 for sale to the general public;; and for exemption from such
5089 disclosure of any leasehold interest in property located outside
5090 the territorial boundaries of the United States.

5091 (j) A method for reporting leases for nominal or no
5092 consideration.

5093 (k) For a lease of less than 5,000 square feet, a method
5094 for certification by the agency head or the agency head's
5095 designated representative that all criteria for leasing have
5096 been fully complied with and for ~~the~~ filing ~~of~~ a copy of such
5097 lease and all supporting documents with the department for its
5098 review and approval as to technical sufficiency and whether it
5099 is in the best interests of the state.

5100 (l) A standardized format for state agency reporting of the
5101 information required by paragraph (3) (d).

5102 (5) The department shall prepare a form listing all
5103 conditions and requirements adopted pursuant to this chapter
5104 which must be met by any state agency leasing any building or

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5105 part thereof. Before executing any lease, this form must ~~shall~~
5106 be certified by the agency head or a designee ~~the agency head's~~
5107 ~~designated representative~~ and submitted to the department.

5108 (6) The department may contract for real estate consulting
5109 or tenant brokerage services in order to carry out its duties
5110 relating to the strategic leasing plan. The contract must ~~shall~~
5111 be procured pursuant to s. 287.057. The vendor that is awarded
5112 the contract shall be compensated by the department, subject to
5113 the provisions of the contract, and such compensation is subject
5114 to appropriation by the Legislature. The real estate consultant
5115 or tenant broker may not receive compensation directly from a
5116 lessor for services that are rendered pursuant to the contract.
5117 Moneys paid to the real estate consultant or tenant broker are
5118 exempt from any charge imposed under s. 287.1345. Moneys paid by
5119 a lessor to the department under a facility-leasing arrangement
5120 are not subject to the charges imposed under s. 215.20.

5121 Section 150. Paragraphs (a) and (d) of subsection (2),
5122 paragraphs (b) and (h) of subsection (3), paragraph (c) of
5123 subsection (4), and subsections (5), (6), and (10) of section
5124 255.25, Florida Statutes, are amended to read:

5125 255.25 Approval required prior to construction or lease of
5126 buildings.—

5127 (2) (a) Except as provided in s. 255.2501, a state agency
5128 may not lease a building or any part thereof unless prior
5129 approval of the lease conditions and of the need for the lease
5130 ~~therefor~~ is first obtained from the department. An ~~Any~~ approved
5131 lease may include an option to purchase or an option to renew
5132 the lease, or both, upon such terms and conditions as are
5133 established by the department subject to final approval by the

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5134 head of the department ~~of Management Services~~ and s. 255.2502.

5135 (d) Notwithstanding paragraph (a) and except as provided in
5136 ss. 255.249 and 255.2501, a state agency may not lease a
5137 building or any part thereof unless prior approval of the lease
5138 terms and conditions and of the need therefor is first obtained
5139 from the department. The department may not approve any term or
5140 condition in a lease agreement which has been amended,
5141 supplemented, or waived unless a comprehensive analysis,
5142 including financial implications, demonstrates that such
5143 amendment, supplement, or waiver is in the state's long-term
5144 best interest. Any approved lease may include an option to
5145 purchase or an option to renew the lease, or both, upon such
5146 terms and conditions as are established by the department
5147 subject to final approval by the head of the department ~~of~~
5148 ~~Management Services~~ and ~~the provisions of~~ s. 255.2502.

5149 (3)

5150 (b) The department may ~~of Management Services~~ shall have
5151 ~~the authority to~~ approve a lease for 5,000 square feet or more
5152 of space that covers more than 1 fiscal year, subject to ~~the~~
5153 ~~provisions of~~ ss. 216.311, 255.2501, 255.2502, and 255.2503, if
5154 such lease is, in the judgment of the department, in the best
5155 interests of the state. In determining best interest, the
5156 department shall consider availability of state-owned space and
5157 analyses of build-to-suit and acquisition opportunities. This
5158 paragraph does not apply to buildings or facilities of any size
5159 leased for the purpose of providing care and living space for
5160 persons.

5161 (h) The department ~~of Management Services~~ may, pursuant to
5162 s. 287.042(2)(a), procure a term contract for real estate

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5163 consulting and brokerage services. A state agency may not
5164 purchase services from the contract unless the contract has been
5165 procured under s. 287.057(1), (2), or (3) after March 1, 2007,
5166 and contains the following provisions or requirements:

5167 1. Awarded brokers must maintain an office or presence in
5168 the market served. In awarding the contract, preference must be
5169 given to brokers that are licensed ~~in this state~~ under chapter
5170 475 and that have 3 or more years of experience in the market
5171 served. The contract may be made with up to three tenant brokers
5172 in order to serve the marketplace in the north, central, and
5173 south areas of the state.

5174 2. Each contracted tenant broker shall work under the
5175 direction, supervision, and authority of the state agency,
5176 subject to the rules governing lease procurements.

5177 3. The department shall provide training for the awarded
5178 tenant brokers concerning the rules governing the procurement of
5179 leases.

5180 4. Tenant brokers must comply with all applicable
5181 provisions of s. 475.278.

5182 5. Real estate consultants and tenant brokers shall be
5183 compensated by the state agency, subject to the provisions of
5184 the term contract, and such compensation is subject to
5185 appropriation by the Legislature. A real estate consultant or
5186 tenant broker may not receive compensation directly from a
5187 lessor for services that are rendered under the term contract.
5188 Moneys paid to a real estate consultant or tenant broker are
5189 exempt from any charge imposed under s. 287.1345. Moneys paid by
5190 a lessor to the state agency under a facility leasing
5191 arrangement are not subject to the charges imposed under s.

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5192 215.20. All terms relating to the compensation of the real
5193 estate consultant or tenant broker must ~~shall~~ be specified in
5194 the term contract and may not be supplemented or modified by the
5195 state agency using the contract.

5196 6. The department shall conduct periodic customer-
5197 satisfaction surveys.

5198 7. Each state agency shall report the following information
5199 to the department:

5200 a. The number of leases that adhere to the goal of the
5201 workspace-management initiative of 180 square feet per FTE.

5202 b. The quality of space leased and the adequacy of tenant-
5203 improvement funds.

5204 c. The timeliness of lease procurement, measured from the
5205 date of the agency's request to the finalization of the lease.

5206 d. Whether cost-benefit analyses were performed before
5207 execution of the lease in order to ensure that the lease is in
5208 the best interest of the state.

5209 e. The lease costs compared to market rates for similar
5210 types and classifications of space according to the official
5211 classifications of the Building Owners and Managers Association.

5212 (4)

5213 (c) Because the state has a substantial financial
5214 investment in state-owned buildings, it is legislative policy
5215 and intent that when state-owned buildings meet the needs of
5216 state agencies, agencies must fully use such buildings before
5217 leasing privately owned buildings. ~~By September 15, 2006,~~ The
5218 department ~~of Management Services~~ shall create a 5-year plan for
5219 implementing this policy. The department shall update this plan
5220 annually, detailing proposed departmental actions to meet the

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5221 plan's goals, and shall furnish this plan annually as part of
5222 the master leasing report.

5223 (5) Before construction or renovation of any state-owned
5224 building or state-leased space is commenced, the department ~~of~~
5225 ~~Management Services~~ shall ascertain, by submission of proposed
5226 plans to the Division of State Fire Marshal for review, that the
5227 proposed construction or renovation plan complies with the
5228 uniform firesafety standards required by the division ~~of State~~
5229 ~~Fire Marshal~~. The review of construction or renovation plans for
5230 state-leased space must ~~shall~~ be completed within 10 calendar
5231 days after ~~of~~ receipt of the plans by the division ~~of State Fire~~
5232 ~~Marshal~~. The review of construction or renovation plans for a
5233 state-owned building must ~~shall~~ be completed within 30 calendar
5234 days after ~~of~~ receipt of the plans by the division ~~of State Fire~~
5235 ~~Marshal~~. The responsibility for submission and retrieval of the
5236 plans called for in this subsection may ~~shall~~ not be imposed on
5237 the design architect or engineer, but shall be the
5238 responsibility of the two agencies. If ~~Whenever~~ the division ~~of~~
5239 ~~State Fire Marshal~~ determines that a construction or renovation
5240 plan is not in compliance with such uniform firesafety
5241 standards, the division ~~of State Fire Marshal~~ may issue an order
5242 to cease all construction or renovation activities until
5243 compliance is obtained, except those activities required to
5244 achieve such compliance. The department ~~of Management Services~~
5245 shall withhold approval of any proposed lease until the
5246 construction or renovation plan complies with the division's
5247 uniform firesafety standards ~~of the Division of State Fire~~
5248 ~~Marshal~~. The cost of all modifications or renovations made for
5249 the purpose of bringing leased property into compliance with the

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5250 uniform firesafety standards shall be borne by the lessor.

5251 (6) Before construction or substantial improvement of any
5252 state-owned building is commenced, the department of ~~Management~~
5253 ~~Services~~ must ascertain that the proposed construction or
5254 substantial improvement complies with the flood plain management
5255 criteria for mitigation of flood hazards, as prescribed in the
5256 October 1, 1986, rules and regulations of the Federal Emergency
5257 Management Agency, and the department shall monitor the project
5258 to assure compliance with the criteria. ~~In accordance with~~
5259 ~~chapter 120,~~ The department of ~~Management Services~~ shall adopt
5260 ~~any necessary~~ rules necessary to ensure that all such proposed
5261 state construction and substantial improvement of state
5262 buildings in designated flood-prone areas complies with the
5263 flood plain management criteria. If ~~Whenever~~ the department
5264 determines that a construction or substantial improvement
5265 project is not in compliance with the ~~established flood plain~~
5266 ~~management~~ criteria, the department may issue an order to cease
5267 all construction or improvement activities until compliance is
5268 obtained, except those activities required to achieve such
5269 compliance.

5270 (10) The department of ~~Management Services~~ may approve
5271 emergency acquisition of space without competitive bids if
5272 existing state-owned or state-leased space is destroyed or
5273 rendered uninhabitable by an act of God, fire, malicious
5274 destruction, or structural failure, or by legal action, if the
5275 chief administrator of the state agency or the chief
5276 administrator's designee ~~designated representative~~ certifies in
5277 writing that no other agency-controlled space is available to
5278 meet this emergency need, but in no case shall the lease for

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5279 such space exceed 11 months. If the lessor elects not to replace
5280 or renovate the destroyed or uninhabitable facility, the agency
5281 shall procure the needed space by competitive bid in accordance
5282 with s. 255.249(4) (b). If the lessor elects to replace or
5283 renovate the destroyed or uninhabitable facility and the
5284 construction or renovations will not be complete at the end of
5285 the 11-month lease, the agency may modify the lease to extend it
5286 on a month-to-month basis for an additional 6 months to allow
5287 completion of such construction or renovations.

5288 Section 151. Subsections (1) and (2) of section 255.25001,
5289 Florida Statutes, are amended to read:

5290 255.25001 Suspension or delay of specified functions,
5291 programs, and requirements relating to governmental operations.—
5292 Notwithstanding the provisions of:

5293 (1) Section 946.504(3), as amended by chapter 92-279, Laws
5294 of Florida, the Department of Environmental Protection is
5295 ~~Management Services~~ shall not be required to participate with
5296 the Department of Corrections in the correctional work program
5297 (PRIDE) leasing process.

5298 (2) Sections 253.025 and 255.25, the Department of
5299 Environmental Protection may adopt ~~Management Services has the~~
5300 ~~authority to promulgate~~ rules pursuant to chapter 120 to be used
5301 in determining whether a lease-purchase of a state-owned office
5302 building is in the best interests of the state, which rules
5303 provide:

5304 (a) Procedures state agencies shall ~~will~~ follow to certify
5305 the need for a lease-purchase acquisition for a state-owned
5306 office building to the department of ~~Management Services~~ and a
5307 notification procedure of the department's decision regarding

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5308 state agencies' requests for a lease-purchase agreement. The
5309 certification process shall include but not be limited to the
5310 following:

5311 1. Current programmatic space requirements of the state
5312 agency.

5313 2. Future programmatic space requirements of the state
5314 agency.

5315 3. Time considerations in providing state-owned office
5316 building space.

5317 4. An analysis of existing leases affected by the lease-
5318 purchase agreement.

5319 (b) Procedures and document formats for the advertisement,
5320 competitive bid process, including format of submissions, and
5321 evaluation of lease-purchase acquisition proposals for state-
5322 owned office buildings. The evaluation process shall include but
5323 not be limited to the following:

5324 1. A consideration of the cost of comparable operating
5325 leases.

5326 2. The appraised value of the facility as required by s.
5327 253.025.

5328 3. A present value analysis of the proposed payment stream.

5329 4. The cost of financing the facility to be acquired.

5330 5. The cost to repair identified physical defects.

5331 6. The cost to remove identified hazardous substances.

5332 7. An energy analysis.

5333 8. A determination of who is responsible for management and
5334 maintenance activities.

5335

5336 In order to minimize the cost of the evaluation process, the

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5337 department of ~~Management Services~~ may develop a multistage
5338 evaluation process to identify the most cost-efficient proposals
5339 for extensive evaluation. The studies developed as a result of
5340 this evaluation process are ~~shall be considered~~ confidential and
5341 exempt from ~~the provisions of~~ s. 119.07(1) to the same extent
5342 that appraisal reports are ~~considered~~ confidential and exempt
5343 from ~~the provisions of~~ s. 119.07(1) as provided in s.
5344 253.025(6)(d).

5345 (c) Acceptable terms and conditions for inclusion in lease-
5346 purchase agreements, which ~~shall~~ include, but are not ~~be~~ limited
5347 to:

5348 1. The assignment of the lease-purchase agreement to other
5349 governmental entities, including accumulated equity.

5350 2. The ability of the acquiring state agency to sublease up
5351 to 25 percent of a portion of the facility, ~~not to exceed 25~~
5352 ~~percent~~, to other governmental entities. These subleases must
5353 ~~shall~~ provide for the recovery of the agencies' cost of
5354 operations and maintenance.

5355
5356 The execution of a lease-purchase is conditioned upon a finding
5357 by the Department of Environmental Protection ~~Management~~
5358 ~~Services~~ that it would be in the best interests of the state.
5359 ~~The language in~~ This subsection shall be considered specific
5360 authorization for a lease-purchase pursuant to s. 255.25(1)(c)
5361 upon the department's ~~Department of Management Services'~~
5362 certification that the lease-purchase is in the best interests
5363 of the state. Thereafter, the agency may ~~is authorized to~~ enter
5364 into a lease-purchase agreement and ~~to~~ expend operating funds
5365 for lease-purchase payments. Any facility that ~~which~~ is acquired

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5366 pursuant to ~~the processes authorized by~~ this subsection is ~~shall~~
5367 ~~be considered to be~~ a "state-owned office building" and a
5368 "state-owned building" as those terms are applied in ss.
5369 255.248-255.25.

5370 (d) That any costs resulting from the processes authorized
5371 by this subsection, including but not limited to appraisals,
5372 environmental analyses, and any other studies that ~~which~~ may be
5373 required under these provisions, shall be borne by the owner of
5374 the property that ~~which~~ is the subject of the proposed lease-
5375 purchase.

5376 Section 152. Subsection (5) of section 255.252, Florida
5377 Statutes, is amended to read:

5378 255.252 Findings and intent.—

5379 (5) Each state agency occupying space within buildings
5380 owned or managed by the Department of Environmental Protection
5381 ~~Management Services~~ must identify and compile a list of projects
5382 determined to be suitable for a guaranteed energy, water, and
5383 wastewater performance savings contract pursuant to s. 489.145.
5384 The list of projects compiled by each state agency shall be
5385 submitted to the department ~~of Management Services by December~~
5386 ~~31, 2008,~~ and must include all criteria used to determine
5387 suitability. The list of projects shall be developed from the
5388 list of state-owned facilities more than 5,000 square feet in
5389 area and for which the state agency is responsible for paying
5390 the expenses of utilities and other operating expenses as they
5391 relate to energy use. In consultation with the head of each
5392 state agency, by July 1, 2009, the department shall prioritize
5393 all projects deemed suitable by each state agency and shall
5394 develop an energy-efficiency project schedule based on factors

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5395 such as project magnitude, efficiency and effectiveness of
 5396 energy conservation measures to be implemented, and other
 5397 factors that may prove to be advantageous to pursue. The
 5398 schedule shall provide the deadline for guaranteed energy,
 5399 water, and wastewater performance savings contract improvements
 5400 to be made to the state-owned buildings.

5401 Section 153. Subsection (1) of section 255.253, Florida
 5402 Statutes, is amended to read:

5403 255.253 Definitions; ss. 255.251-255.258.—

5404 (1) "Department" means the Department of Environmental
 5405 Protection Management Services.

5406 Section 154. Subsection (3) of section 255.257, Florida
 5407 Statutes, is amended to read:

5408 255.257 Energy management; buildings occupied by state
 5409 agencies.—

5410 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.—The
 5411 department ~~of Management Services~~ shall develop a state energy
 5412 management plan consisting of, but not limited to, the following
 5413 elements:

- 5414 (a) Data-gathering requirements;
- 5415 (b) Building energy audit procedures;
- 5416 (c) Uniform data analysis procedures;
- 5417 (d) Employee energy education program measures;
- 5418 (e) Energy consumption reduction techniques;
- 5419 (f) Training program for state agency energy management
 5420 coordinators; and
- 5421 (g) Guidelines for building managers.

5422
 5423 The plan must ~~shall~~ include a description of actions that state

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5424 agencies shall take to reduce consumption of electricity and
5425 nonrenewable energy sources used for space heating and cooling,
5426 ventilation, lighting, water heating, and transportation.

5427 Section 155. Subsection (2) of section 255.2575, Florida
5428 Statutes, is amended to read:

5429 255.2575 Energy-efficient and sustainable buildings.—

5430 (2) All county, municipal, school district, water
5431 management district, state university, community college, and
5432 Florida state court buildings shall be constructed to meet the
5433 United States Green Building Council (USGBC) Leadership in
5434 Energy and Environmental Design (LEED) rating system, the Green
5435 Building Initiative's Green Globes rating system, the Florida
5436 Green Building Coalition standards, or a nationally recognized,
5437 high-performance green building rating system as approved by the
5438 department of ~~Management Services~~. This section applies ~~shall~~
5439 ~~apply~~ to all county, municipal, school district, water
5440 management district, state university, community college, and
5441 Florida state court buildings the architectural plans of which
5442 are commenced after July 1, 2008.

5443 Section 156. Subsections (2) and (3) of section 255.259,
5444 Florida Statutes, are amended to read:

5445 255.259 Florida-friendly landscaping on public property.—

5446 (2) As used in this section, "publicly owned buildings or
5447 facilities" means construction projects under the purview of the
5448 Department of Environmental Protection ~~Management Services~~. The
5449 term does not include environmentally endangered land or roads
5450 and highway construction under the purview of the Department of
5451 Transportation.

5452 (3) The ~~Department of Management Services~~, in consultation

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5453 ~~with the~~ Department of Environmental Protection, shall adopt
5454 rules and guidelines for the required use of Florida-friendly
5455 landscaping on public property associated with publicly owned
5456 buildings or facilities constructed after June 30, 2009. The
5457 department ~~of Management Services~~ shall also develop a 5-year
5458 program for phasing in the use of Florida-friendly landscaping
5459 on public property associated with publicly owned buildings or
5460 facilities constructed before July 1, 2009. In accomplishing
5461 these tasks, the department ~~of Management Services~~ shall take
5462 into account the standards provided in s. 373.185. The
5463 Department of Transportation shall implement Florida-friendly
5464 landscaping pursuant to s. 335.167.

5465 Section 157. Paragraphs (c) and (d) of subsection (1) of
5466 section 255.28, Florida Statutes, are amended to read:

5467 255.28 Department authority to acquire land with or for
5468 facility thereon.—

5469 (1) For the purposes of this section:

5470 (c) "Building" or "facility" means those construction
5471 projects under the purview of the department ~~of Management~~
5472 ~~Services. It shall not include~~ Environmentally endangered land,
5473 recreational land, or roads and highway construction under the
5474 purview of the Department of Transportation are not included.

5475 (d) "Department" means the Department of Environmental
5476 Protection ~~Management Services~~.

5477 Section 158. Section 255.29, Florida Statutes, is amended
5478 to read:

5479 255.29 Construction contracts; department rules.—The
5480 Department of Environmental Protection ~~Management Services~~ shall
5481 establish by rule, ~~through the adoption of administrative rules~~

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5482 ~~as provided in chapter 120:~~

5483 (1) Procedures for determining the qualifications and
5484 responsibility of potential bidders before ~~prior to~~
5485 advertisement for and receipt of bids for building construction
5486 contracts, including procedures for the rejection of bidders who
5487 are reasonably determined from prior experience to be
5488 unqualified or irresponsible to perform the work required by a
5489 proposed contract.

5490 (2) Procedures for awarding each state agency construction
5491 project to the lowest qualified bidder as well as procedures to
5492 be followed when ~~in cases in which~~ the department of Management
5493 ~~Services~~ declares the existence of a valid emergency that
5494 necessitates ~~to exist which would necessitate~~ the waiver of the
5495 rules governing the awarding of state construction contracts to
5496 the lowest qualified bidder.

5497 (3) Procedures to govern negotiations for construction
5498 contracts and modifications to contract documents if ~~when~~ such
5499 negotiations are determined by the secretary of the department
5500 ~~of Management Services~~ to be in the best interest of the state.

5501 (4) Procedures for entering into performance-based
5502 contracts for the development of public facilities when the
5503 department ~~of Management Services~~ determines the use of such
5504 contracts to be in the best interest of the state. The
5505 procedures must ~~shall~~ include, but are not limited to:

5506 (a) Prequalification of bidders;

5507 (b) Criteria to be used in developing requests for
5508 proposals which may provide for singular responsibility for
5509 design and construction, developer flexibility in material
5510 selection, construction techniques, and application of state-of-

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5511 the-art improvements;

5512 (c) Accelerated scheduling, including the development of
5513 plans, designs, and construction simultaneously; and

5514 (d) Evaluation of proposals and award of contracts
5515 considering such factors as price, quality, and concept of the
5516 proposal.

5517 Section 159. Subsection (1) of section 255.30, Florida
5518 Statutes, is amended to read:

5519 255.30 Fixed capital outlay projects; department rules;
5520 delegation of supervisory authority; delegation of
5521 responsibility for accounting records.—

5522 (1) The Department of Environmental Protection Management
5523 ~~Services~~ shall ~~make and~~ adopt rules ~~pursuant to chapter 120 in~~
5524 ~~order~~ to establish a procedure for delegating to state agencies
5525 its supervisory authority as it relates to the repair,
5526 alteration, and construction of fixed capital outlay projects.

5527 Section 160. Section 255.31, Florida Statutes, is amended
5528 to read:

5529 255.31 Authority to ~~the Department of Management Services~~
5530 ~~to~~ manage construction projects for state and local
5531 governments.—

5532 (1) The design, construction, erection, alteration,
5533 modification, repair, and demolition of all public and private
5534 buildings are governed by the Florida Building Code and the
5535 Florida Fire Prevention Code, which are ~~to be~~ enforced by local
5536 jurisdictions or local enforcement districts unless specifically
5537 exempted as provided in s. 553.80. However, the Department of
5538 Environmental Protection Management Services shall provide the
5539 project management and administration services for the

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5540 construction, renovation, repair, modification, or demolition of
5541 buildings, utilities, parks, parking lots, or other facilities
5542 or improvements for projects for which the funds are
5543 appropriated to the department. However; ~~provided that~~, with the
5544 exception of facilities constructed under the authority of
5545 chapters 944, 945, and 985; the Governor's mansion and grounds
5546 thereof, as described in s. 272.18; and the Capitol Building and
5547 environs, being that part of the City of Tallahassee bounded on
5548 the north by Pensacola and Jefferson Streets, on the east by
5549 Monroe Street, on the south by Madison Street, and on the west
5550 by Duval Street, the department may not conduct plans reviews or
5551 inspection services for consistency with the Florida Building
5552 Code. The department's fees for such services shall be paid from
5553 such appropriations.

5554 (2) The Department of Environmental Protection Management
5555 ~~Services~~ may, upon request, enter into contracts with other
5556 state agencies under which the department may provide the
5557 project management, administration services, or assistance for
5558 the construction, renovation, repair, modification, or
5559 demolition of buildings, utilities, parks, parking lots, or
5560 other facilities or improvements for projects for which the
5561 funds are appropriated to other state agencies; however,
5562 ~~provided that~~ the department may ~~does~~ not conduct plans reviews
5563 or inspection services for consistency with the Florida Building
5564 Code. The contracts must ~~shall~~ provide for payment of fees to
5565 the department.

5566 (3) This section may ~~shall~~ not be construed to be in
5567 derogation of any authority conferred on the department by other
5568 provisions of law.

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5569 Section 161. Paragraph (d) of subsection (1) of section
5570 255.32, Florida Statutes, is amended to read:

5571 255.32 State construction management contracting.—

5572 (1) As used in this section, the term:

5573 (d) "Department" means the Department of Environmental
5574 Protection Management Services.

5575 Section 162. Section 255.45, Florida Statutes, is amended
5576 to read:

5577 255.45 Correction of firesafety violations in certain
5578 state-owned property.—The Department of Environmental Protection
5579 ~~Management Services~~ is responsible for ensuring that firesafety
5580 violations that are noted by the State Fire Marshal pursuant to
5581 s. 633.085 are corrected as soon as practicable for all state-
5582 owned property ~~which is~~ leased from the department ~~of Management~~
5583 ~~Services~~.

5584 Section 163. Section 255.451, Florida Statutes, is amended
5585 to read:

5586 255.451 Electronic firesafety and security system.—The
5587 management responsibility of the electronic firesafety and
5588 security system located within the Capitol and any associated
5589 ~~system associated therewith~~ is vested in the Department of
5590 Environmental Protection Management Services.

5591 Section 164. Present subsections (6) through (18) of
5592 section 255.502, Florida Statutes, are redesignated as
5593 subsections (7) through (15), a new subsection (6) is added to
5594 that section, and paragraphs (c), (d), and (1) of subsections
5595 (2), and present subsections (5), (7), (10), (12), (14), and
5596 (16) of that section, are amended to read:

5597 255.502 Definitions; ss. 255.501-255.525.—As used in this

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5598 act, the following words and terms shall have the following
5599 meanings unless the context otherwise requires:

5600 (2) "Acquisition costs" means all reasonable and necessary
5601 costs incurred in the acquisition of a facility, which costs may
5602 include, but are not limited to:

5603 (c) Any expenses relating to the issuance of the
5604 obligations by the division in the name and on behalf of the
5605 department ~~of Management Services~~, including, but not limited
5606 to, private placement fees, underwriting fees, original issue
5607 discounts, rating agency fees, and other necessary fees.

5608 (d) Fees in connection with the planning, execution, and
5609 financing of a project, such as those of architects, engineers,
5610 attorneys, feasibility consultants, financial advisers,
5611 accountants, and the department ~~of Management Services~~,
5612 including the allocable portions of direct costs of the
5613 department ~~of Management Services~~ and the lessee agencies.

5614 (1) The reimbursement of all moneys advanced or supplied to
5615 or borrowed by the department ~~of Management Services~~ or others
5616 for the payment of any item of cost of a facility.

5617 (5) "Debt service charges" means, collectively, principal,
5618 including mandatory sinking fund requirements and the accretion
5619 portion of any capital appreciation bonds for retirement of
5620 obligations, interest, redemption premium, if any, ~~required~~ to
5621 be paid by the department ~~of Management Services~~ on obligations
5622 issued under this act and any obligation administrative fees.

5623 (6) "Department" means the Department of Environmental
5624 Protection.

5625 (8)~~(7)~~ "Eligible facility" means all state-owned facilities
5626 under the jurisdiction of the department ~~of Management Services~~

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5627 and all other state-owned facilities except those having less
5628 than 3,000 square feet.

5629 (11)~~(10)~~ "Obligation administrative fees" means any
5630 periodic expense, charge, or cost relating to or incurred in
5631 connection with remarketing of obligations such as remarketing
5632 agent or indexing agent fees and any periodic expense, charge,
5633 or cost related to any obligations or to credit enhancements or
5634 liquidity features, including, but not limited to, letter of
5635 credit fees, whether direct pay or standby, swap agent fees and
5636 similar expenses, periodic fees and expenses, if any, of
5637 trustees, depositories, registrars, book entry registrars and
5638 paying agents, and any allowances established by the department
5639 ~~of Management Services~~ for working capital, contingency
5640 reserves, and reserves for any anticipated operating deficits
5641 during each fiscal year.

5642 (13)~~(12)~~ "Pool pledged revenues" means all legislative
5643 appropriations and all fees, charges, revenues, or receipts
5644 derived by the department ~~of Management Services~~ from the
5645 operation, leasing, or other disposition of facilities in the
5646 pool, and the proceeds of obligations issued under this act,
5647 including ~~and shall include~~ any moneys appropriated to an agency
5648 for the purpose of making such rental payments, rental payments
5649 received with respect to such facilities from whatever sources,
5650 and receipts therefrom, and investment of any such moneys
5651 pursuant to this act, all as are available for the payment of
5652 debt service charges on such obligations as are issued with
5653 respect to the pool.

5654 (15)~~(14)~~ "Qualified facility" means an eligible facility
5655 that ~~which~~ is either:

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5656 (a) Structurally sound and is in a satisfactory state of
5657 repair;

5658 (b) Determined by the department ~~of Management Services~~ to
5659 be suitable for entry into the pool although not meeting the
5660 requirements of paragraph (a); or

5661 (c) Under the jurisdiction of the department ~~of Management~~
5662 ~~Services~~.

5663 (17)~~(16)~~ "Revenue bonds" means any bonds, debentures,
5664 notes, certificates, or other evidences of financial
5665 indebtedness, whether certificated or noncertificated, issued by
5666 the division on behalf of the department ~~of Management Services~~
5667 under and pursuant to this act, including, but not limited to,
5668 variable rate obligations, designated maturity obligations,
5669 capital appreciation bonds, original issue discount bonds, and
5670 multimodal instruments or obligations, or instruments combining
5671 any of the foregoing.

5672 Section 165. Section 255.503, Florida Statutes, is amended
5673 to read:

5674 255.503 Powers of the Department of Environmental
5675 Protection Management Services.—The department is authorized ~~of~~
5676 ~~Management Services shall have all the authority necessary to~~
5677 carry out and effectuate the purposes and provisions of this
5678 act, including, but not limited to, ~~the authority to:~~

5679 (1) Collect reasonable rentals or charges for the use of
5680 and services provided for facilities in the pool in accordance
5681 with ~~the provisions of~~ this act exclusively for the purpose of
5682 paying the expenses of improving, repairing, maintaining, and
5683 operating facilities and paying debt service charges in
5684 connection with its obligations.

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5685 (2) Prescribe ~~for~~ the use of facilities in the pool,
5686 prescribe the amount of rentals or charges, and make and enter
5687 into contracts with any political subdivision or agency, for the
5688 use of and services provided for such facilities.

5689 (3) Acquire facilities pursuant to s. 11(f), Art. VII of
5690 the State Constitution and own, operate, and finance such
5691 facilities in accordance with this act through the issuance of
5692 obligations by the division ~~under this act~~; to use utilize
5693 rentals or charges from such facilities, as well as any
5694 appropriated state or other public funds; and to pledge revenue
5695 from such facilities to finance the acquisition of facilities
5696 pursuant to ~~the provisions of~~ this act.

5697 (4) Operate existing state-owned facilities in the pool and
5698 to pledge rentals or charges for such facilities to finance the
5699 acquisition of facilities pursuant to ~~the provisions of~~ this
5700 act.

5701 (5) Pledge, hypothecate, or otherwise encumber rentals or
5702 charges as may be agreed as security for obligations issued
5703 under this act and enter into trust agreements or indentures for
5704 the benefit of the holders of such obligations.

5705 (6) Borrow money or accept advances, loans, gifts, grants,
5706 devises, or bequests from any legal source; enter into contracts
5707 or agreements with any party; and hold and apply advances,
5708 loans, gifts, grants, devises, or bequests according to the
5709 terms thereof. Such advances, loans, gifts, grants, devises, or
5710 bequests of real estate may be in fee simple or of any lesser
5711 estate and may be subject to any reasonable reservations. Any
5712 advances or loans received from any source may be repaid in
5713 accordance with the terms of such advance or loan.

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5714 (7) (a) Sell, lease, release, or otherwise dispose of
5715 facilities in the pool in accordance with applicable law.

5716 (b) Upon determining ~~No later than the date upon which the~~
5717 ~~department recommends to the Division of State Lands of the~~
5718 ~~Department of Environmental Protection~~ the disposition of any
5719 facility within the Florida Facilities Pool, the department
5720 shall provide to the President of the Senate, the Speaker of the
5721 House of Representatives, the Executive Office of the Governor,
5722 and the Division of Bond Finance of the State Board of
5723 Administration an analysis that includes:

5724 1. The cost benefit of the proposed facility disposition,
5725 including the facility's current operating expenses, condition,
5726 and market value, and viable alternatives for work space for
5727 impacted state employees.

5728 2. The effect of the proposed facility disposition on the
5729 financial status of the Florida Facilities Pool, including the
5730 effect on rental rates and coverage requirement for the bonds.

5731
5732 ~~This paragraph expires July 1, 2010.~~

5733 (8) Create and establish funds and accounts for ~~the purpose~~
5734 ~~of~~ debt service reserves, for ~~the~~ matching ~~of~~ the timing and the
5735 amount of available funds and debt service charges, for sinking
5736 funds, for capital depreciation reserves, for operating
5737 reserves, for capitalized interest and moneys not required for
5738 immediate disbursement to acquire all or a portion of any
5739 facility, and for any other reserves, funds, or accounts
5740 reasonably necessary to carry out the provisions of this act and
5741 to invest in authorized investments any moneys held in such
5742 funds and accounts if, ~~provided~~ such investments will be made on

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5743 behalf of the department ~~of Management Services~~ by the State
5744 Board of Administration or the Chief Financial Officer, as
5745 appropriate.

5746 (9) Engage the services of consultants for rendering
5747 professional and technical assistance and advice and ~~to~~ engage
5748 services of professionals in connection with the acquisition or
5749 financing of any facility or the operation and activities of the
5750 department ~~of Management Services~~, including attorneys,
5751 auditors, consultants, and accountants.

5752 (10) Lease all or any portion of any facility to an agency
5753 or to any political subdivision.

5754 (11) Adopt ~~Promulgate~~ all rules necessary to administer
5755 ~~implement the provisions of~~ this act.

5756 (12) Do all other acts reasonably necessary to carry out
5757 the provisions of this act.

5758 Section 166. Subsection (1) of section 255.504, Florida
5759 Statutes, is amended to read:

5760 255.504 Use of facilities.—

5761 (1) Any facility that ~~which~~ is acquired and approved
5762 pursuant to s. 11(f), Art. VII of the State Constitution and
5763 financed under this act, and any facility in the pool shall be
5764 occupied to the extent that space is available, by agencies as
5765 authorized by the department ~~of Management Services~~.

5766 Section 167. Section 255.505, Florida Statutes, is amended
5767 to read:

5768 255.505 Creation of the pool.—The department ~~of Management~~
5769 ~~Services~~ is ~~hereby~~ authorized and directed to create the Florida
5770 Facilities Pool in order for ~~that~~ agencies to ~~may~~ participate,
5771 and ~~thereby~~ pool the rentals to be paid by such agencies, at

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5772 uniform rates with additional charges for services provided, and
 5773 to authorize the issuance of obligations secured by and payable
 5774 from such rentals and charges. Participation in the pool must
 5775 ~~shall~~ be in accordance with ~~the provisions of~~ this act.

5776 Section 168. Subsections (1), (3), and (4) of section
 5777 255.506, Florida Statutes, are amended to read:

5778 255.506 Facilities in pool.—The following facilities shall
 5779 be entered into the pool:

5780 (1) All existing state-owned facilities under the
 5781 jurisdiction of the department ~~of Management Services~~ shall be
 5782 entered into the pool upon the creation of the pool.

5783 (3) Any agency may submit all, but not less than all, of
 5784 the eligible facilities under its jurisdiction for entry into
 5785 the pool. Each of such eligible facilities which is determined
 5786 by the department ~~of Management Services~~ to be a qualified
 5787 facility shall be entered into the pool ~~upon such determination.~~

5788 (4) Any agency that ~~which~~ requests the issuance of
 5789 obligations under this act for ~~the~~ financing ~~of~~ the acquisition
 5790 of a facility shall submit all, but not less than all, of the
 5791 eligible facilities under its jurisdiction for entry into the
 5792 pool. Each of such eligible facilities which is determined by
 5793 the department ~~of Management Services~~ to be a qualified facility
 5794 shall be entered into the pool ~~upon such a determination.~~

5795 Section 169. Section 255.507, Florida Statutes, is amended
 5796 to read:

5797 255.507 Determination of qualified facilities.—~~The~~
 5798 ~~Department of Management Services,~~ In making determinations
 5799 under s. 255.502(15)(b) ~~255.502(14)(b)~~, the department shall
 5800 determine a facility to be a qualified ~~facility~~ if the facility

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5801 meets one ~~either~~ of the following standards:

5802 (1) The facility is in compliance with the firesafety
5803 standards established by the State Fire Marshal for state-owned
5804 buildings, is in compliance with flood management criteria if it
5805 is located in a flood-prone area, and is in good operating
5806 condition in relation to its intended use.

5807 (2) The facility's economic benefit to the pool will be
5808 equal to or greater than the cost of restoring the facility to
5809 the condition described in subsection (1). For purposes of this
5810 subsection, achieving such economic benefit means that the rent
5811 to be paid by the occupants of the facility will be adequate to
5812 repay the restoration costs within 5 years.

5813 Section 170. Section 255.508, Florida Statutes, is amended
5814 to read:

5815 255.508 Participation in pool.—To participate in the pool,
5816 an agency head shall submit a request to the department ~~of~~
5817 ~~Management Services~~ and to the division pursuant to rules
5818 adopted by the department ~~of Management Services~~ pursuant to
5819 this act.

5820 Section 171. Section 255.509, Florida Statutes, is amended
5821 to read:

5822 255.509 Request for advisory statement.—

5823 (1) Any agency may request ~~from the Department of~~
5824 ~~Management Services~~ an advisory statement from the department
5825 which states shall state the estimated pool rental rate that
5826 ~~which~~ would be assessed under current conditions for the
5827 agency's facilities if entered into the pool. The request for an
5828 advisory statement must ~~shall~~ contain a description of each
5829 eligible facility under the jurisdiction of the agency or to be

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5830 acquired by the agency.

5831 (2) In rendering such advisory statement, the department of
5832 ~~Management Services~~ shall consult with the division and is shall
5833 ~~be~~ entitled to rely upon financial advisers or other
5834 professionals and may assume whatever method of financing that
5835 the division deems cost-effective.

5836 Section 172. Section 255.51, Florida Statutes, is amended
5837 to read:

5838 255.51 Determination of rental rates.—The department of
5839 ~~Management Services~~ shall determine and establish rental rates
5840 charged and computed on a per square foot basis for all
5841 facilities in the pool whether or not of new construction, and
5842 such rates shall be applied uniformly to all agencies using or
5843 occupying space in facilities in the pool with additional
5844 charges based upon the elements of service and special requests
5845 as provided. Separate rates and charges may be established for
5846 warehouse space and parking space incidental to facilities in
5847 the pool.

5848 Section 173. Subsection (1) of section 255.511, Florida
5849 Statutes, is amended to read:

5850 255.511 Factors to be considered in establishing rental
5851 rates.—

5852 (1) The department of ~~Management Services~~ shall prepare a
5853 complete annual budget for debt service on obligations issued
5854 under this act and for capital depreciation reserve deposits and
5855 expenses included in the operation and maintenance of each
5856 facility in the pool.

5857 Section 174. Section 255.513, Florida Statutes, is amended
5858 to read:

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5859 255.513 Powers of the Division of Bond Finance and the
5860 Department of Environmental Protection Management Services.—The
5861 division of ~~Bond Finance~~ and the department of ~~Management~~
5862 ~~Services~~ are authorized to jointly:

5863 (1) Engage the services of remarketing agents, indexing
5864 agents, underwriters, financial advisers, special tax counsel,
5865 bond counsel, or similar type services with respect to the
5866 issuance of any obligations under this act.

5867 (2) Procure credit enhancements such as municipal bond
5868 insurance, debt service reserve insurance, lease payment
5869 insurance, letters of credit or liquidity facilities such as
5870 letters of credit or surety bonds, or to enter into rate
5871 protection agreements, such as interest rate swaps or similar
5872 arrangements, in conjunction with the issuance of any
5873 obligations under this act.

5874 Section 175. Section 255.514, Florida Statutes, is amended
5875 to read:

5876 255.514 Division of Bond Finance; revenue bonds.—The
5877 division is authorized to issue obligations under this act on
5878 behalf of and at the request of the department of ~~Management~~
5879 ~~Services~~.

5880 Section 176. Section 255.515, Florida Statutes, is amended
5881 to read:

5882 255.515 Issuance of obligations by the division.—With
5883 respect to the issuance of any obligations under this act, the
5884 division may ~~shall be entitled to~~ use such method of financing
5885 or combination of methods of financing as it deems appropriate
5886 to result in cost-effective financing. The division may ~~shall be~~
5887 ~~entitled to~~ rely upon the advice of financial advisers and other

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5888 professionals retained jointly by the department ~~of Management~~
5889 ~~Services~~ and the division for such purposes.

5890 Section 177. Section 255.517, Florida Statutes, is amended
5891 to read:

5892 255.517 Anticipation obligations.—To provide funds for the
5893 purposes of this act, and before ~~prior to~~ the delivery of an
5894 issue of revenue bonds for the purposes of this act, the
5895 division may, on behalf of the department ~~of Management~~
5896 ~~Services, from time to time~~, by resolution, anticipate the
5897 issuance of such revenue bonds by the issuance of revenue notes,
5898 including commercial paper notes in the form of bond
5899 anticipation notes, with or without coupons, exchangeable for
5900 the revenue bonds when such revenue bonds have been executed and
5901 are available for delivery, or to be paid, together with
5902 interest and premium, if any, from the proceeds of the sale of
5903 such revenue bonds or a renewal issue of revenue notes,
5904 including commercial paper notes in the form of bond
5905 anticipation notes. In connection with such revenue notes, the
5906 department ~~of Management Services~~ may covenant to do all things
5907 necessary to authorize the issuance of the obligations and shall
5908 make the exchange or application of the proceeds pursuant to its
5909 agreements. Such revenue notes and, in the case of commercial
5910 paper notes, the latest maturity thereof may not ~~shall~~ mature
5911 ~~not~~ later than 5 years from the date of issue of the original
5912 revenue notes and shall bear such other terms and shall be
5913 executed and sold in the manner authorized by the division and
5914 not prohibited by this act.

5915 Section 178. Subsections (1) and (2), paragraphs (b) and
5916 (c) of subsection (5), paragraphs (a), (d), (e), and (f) of

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5917 subsection (6), paragraph (a) of subsection (7), and subsections
5918 (8), (10), (11), (12), and (13) of section 255.518, Florida
5919 Statutes, are amended to read:

5920 255.518 Obligations; purpose, terms, approval,
5921 limitations.—

5922 (1)~~(a)~~ The issuance of obligations shall provide sufficient
5923 funds to achieve the purposes of this act; pay interest on
5924 obligations except as provided in paragraph (b); pay expenses
5925 incident to the issuance and sale of any obligations issued
5926 pursuant to this act, including costs of validating, printing,
5927 and delivering the obligations, printing the official statement,
5928 publishing notices of sale of the obligations, and related
5929 administrative expenses; pay building acquisition and
5930 construction costs; and pay all other capital expenditures of
5931 the department ~~of Management Services~~ and the division incident
5932 to and necessary to carry out the purposes and powers granted by
5933 this act, subject to ~~the provisions of~~ s. 11(f), Art. VII of the
5934 State Constitution and the applicable provisions of the State
5935 Bond Act. Such obligations are ~~shall be~~ payable solely from the
5936 pool pledged revenues identified to such obligation.

5937 (a) Proceeds of obligations may not be used to pay building
5938 acquisition or construction costs for any facility until the
5939 Legislature has appropriated funds from other sources estimated
5940 to be necessary for all costs relating to the initial planning,
5941 preliminary design and programming, and land acquisition for
5942 such facility and until such planning, design, and land
5943 acquisition activities have been completed. Obligation proceeds
5944 for building construction, renovation, or acquisition shall be
5945 requested for appropriation in any fiscal year by the department

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5946 ~~of Management Services~~ only if the department estimates that
5947 such construction, renovation, or acquisition can be initiated
5948 during such fiscal year.

5949 (b) Payment of debt service charges on obligations during
5950 the construction of any facility financed by such obligations
5951 shall be made from funds other than proceeds of obligations.

5952 (2) All obligations authorized by this act shall be issued
5953 on behalf of and in the name of the Department of Management
5954 Services by the division as provided by this act, with a term of
5955 not more than 30 years and, except as otherwise provided herein,
5956 in such principal amounts as shall be necessary to provide
5957 sufficient funds to achieve the purposes of this act.

5958 (5) Any resolution or resolutions authorizing any
5959 obligations issued pursuant to this act shall provide that:

5960 (b) The department ~~of Management Services shall~~ maintain
5961 all facilities in the pool in a satisfactory state of repair,
5962 subject to such exceptions as are determined by the department
5963 ~~of Management Services~~, provided that such exceptions do not
5964 result in breach of any rate covenant in connection with the
5965 obligations.

5966 (c) The department ~~of Management Services~~ shall establish
5967 pool rental rates in amounts so that the annualized amount of
5968 pool pledged revenues for the then-current bond year is ~~shall be~~
5969 at least equal to the aggregate of 110 percent of debt services
5970 charges, plus 100 percent of capital depreciation reserve
5971 deposits, plus 100 percent of costs of operations and
5972 maintenance, if any, in each case as shown in the annual budget
5973 required pursuant to this act.

5974 (6) Any resolution authorizing any obligations issued

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5975 pursuant to this act may contain provisions, without limitation,
5976 which shall be a part of the contract with the holders thereof,
5977 as to:

5978 (a) Pledging all or any part of the assets of the
5979 department ~~of Management Services~~ securing the same, including
5980 leases with respect to all or any part of a facility, to secure
5981 the payment of obligations, subject to any existing such
5982 agreements with holders of obligations ~~as may then exist~~.

5983 (d) Vesting in the State Board of Administration such
5984 property, rights, powers, and duties in trust as the division
5985 and the department ~~of Management Services~~ may determine, and
5986 limiting or abrogating the right of holders of obligations to
5987 appoint a trustee under this act or limiting the rights, powers,
5988 and duties of such trustee.

5989 (e) Defining the acts or omissions to act which ~~shall~~
5990 constitute a default in the obligations and duties of the
5991 division and the department ~~of Management Services~~ to the
5992 holders of obligations and providing for the rights and remedies
5993 of holders of obligations in the event of such default,
5994 including, as matter of right, the appointment of a receiver;
5995 provided such rights and remedies are ~~shall~~ not be inconsistent
5996 with state law ~~the general laws of the state~~ and the other
5997 provisions of this act.

5998 (f) Providing for the segregation of revenues payable to
5999 the department ~~of Management Services~~ as rentals or charges
6000 arising from facilities in the pool; providing for the handling
6001 of such revenues and the remittance of all or a portion thereof
6002 to the State Board of Administration or a paying agent;
6003 providing for the establishment of debt service reserves,

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6004 capitalized interest accounts, capital depreciation reserve
6005 accounts, and the calculation of the amounts to be deposited
6006 therein; providing for the procurement of letters of credit or
6007 municipal bond insurance or similar credit enhancements or of
6008 letters of credit or similar liquidity facilities for the
6009 benefit of holders of such obligations or for the entering into
6010 of agreements with remarketing agents, tender agents, or
6011 indexing agents or of reimbursement agreements with respect to
6012 any of the foregoing concerning any such obligations.

6013 (7) (a) The obligations issued by the division on behalf of
6014 and in the name of the department ~~of Management Services~~ shall
6015 be sold at public sale in the manner provided by the State Bond
6016 Act. However, ~~provided that~~ if the division determines ~~shall~~
6017 ~~determine~~ that a negotiated sale of the obligations is in the
6018 best interest of the state, the division may negotiate for sale
6019 of the obligations with the underwriter jointly designated by
6020 the division and the department ~~of Management Services~~. In
6021 authorizing the negotiated sale, the division shall provide
6022 specific findings as to the reasons for the negotiated sale. The
6023 reasons ~~shall~~ include, but are not ~~be~~ limited to,
6024 characteristics of the obligations to be issued and prevailing
6025 market conditions that necessitate a negotiated sale. If ~~In the~~
6026 ~~event~~ the division negotiates for sale of obligations, the
6027 managing underwriter, or financial consultant or adviser, if
6028 applicable, shall provide to the division, before awarding ~~prior~~
6029 ~~to the award of~~ such obligations to the managing underwriter, a
6030 disclosure statement containing the following information:

6031 1. An itemized list setting forth the nature and estimated
6032 amounts of expenses to be incurred by the managing underwriter

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6033 in connection with the issuance of such obligations. However
6034 ~~Notwithstanding the foregoing~~, any such list may include an item
6035 for miscellaneous expenses, provided it includes only minor
6036 items of expense which are not ~~cannot be~~ easily categorized
6037 elsewhere in the statement.

6038 2. The names, addresses, and estimated amounts of
6039 compensation of any finders connected with the issuance of the
6040 obligations.

6041 3. The amount of underwriting spread expected to be
6042 realized.

6043 4. Any management fee charged by the managing underwriter.

6044 5. Any other fee, bonus, or compensation estimated to be
6045 paid by the managing underwriter in connection with the
6046 obligations issued to any person not regularly employed or
6047 retained by it.

6048 6. The name and address of the managing underwriter, if
6049 any, connected with the obligations issued.

6050 7. Any other disclosure ~~which~~ the division may require.

6051
6052 This paragraph is not intended to restrict or prohibit the
6053 employment of professional services relating to obligations
6054 issued under this act or the issuance of bonds by the division
6055 under any other provisions of law.

6056 (8) ~~(a)~~ No underwriter, commercial bank, investment banker,
6057 or financial consultant or adviser shall pay any finder any
6058 bonus, fee, or gratuity in connection with the sale of
6059 obligations issued by the division on behalf of and in the name
6060 of the department ~~of Management Services~~ unless full disclosure
6061 is made to the division before ~~prior to~~ or concurrently with the

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6062 submission of a purchase proposal for such obligations by the
6063 underwriter, commercial bank, investment banker, or financial
6064 consultant or adviser and is made subsequently in the official
6065 statement or offering circular, if any, detailing the name and
6066 address of any finder and the amount of bonus, fee, or gratuity
6067 paid to such finder.

6068 (a)~~(b)~~ A willful violation of this subsection is a felony
6069 of the third degree, punishable as provided in s. 775.082, s.
6070 775.083, or s. 775.084.

6071 (b)~~(c)~~ A ~~No~~ violation of this subsection does not ~~shall~~
6072 affect the validity of any obligation issued under this act.

6073 (10) All obligations issued by the division on behalf of
6074 and in the name of the department ~~of Management Services~~ shall
6075 state on the face thereof that they are payable, both as to
6076 principal and interest, and premium, if any, solely out of the
6077 pool pledged revenues, and do not constitute an obligation,
6078 ~~either~~ general or special, of the state or of any political
6079 subdivision.

6080 (11) All obligations issued by the division on behalf of
6081 and in the name of the department ~~of Management Services~~ are
6082 ~~hereby declared to~~ have all the qualities and incidents of
6083 negotiable instruments under the applicable laws of the state.

6084 (12) Any pledge of earnings, revenues, or other moneys made
6085 by the department are ~~of Management Services~~ shall be valid and
6086 binding from the time the pledge is made. Any earnings,
6087 revenues, or other moneys so pledged and thereafter received by
6088 the department ~~of Management Services~~ shall immediately be
6089 subject to the lien of that pledge without any physical delivery
6090 thereof or further act, and the lien of the pledge is ~~shall be~~

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6091 valid and binding ~~as~~ against the department ~~of Management~~
6092 ~~Services~~ irrespective of whether the parties have notice
6093 ~~thereof~~. Neither the resolution nor any other instrument by
6094 which a pledge is created need be recorded or filed pursuant to
6095 the Uniform Commercial Code.

6096 (13) No employee of the department ~~of Management Services~~
6097 or the division, nor any person lawfully executing obligations
6098 issued under this act by the division on behalf of and in the
6099 name of the Department of Management Services, is ~~shall be~~
6100 ~~liable~~ personally liable on the obligations or ~~be~~ subject to any
6101 personal liability or accountability by reason of the issuance
6102 thereof.

6103 Section 179. Section 255.52, Florida Statutes, is amended
6104 to read:

6105 255.52 Approval by State Board of Administration.—At or
6106 before ~~prior to~~ the sale by the division, all obligations
6107 proposed to be issued by the division must ~~shall~~ be approved by
6108 the State Board of Administration as to fiscal sufficiency. The
6109 state board ~~of Administration~~ shall look to the rate coverage of
6110 all pool pledged revenues, as projected by the department ~~of~~
6111 ~~Management Services~~, with respect to all proposed and
6112 outstanding obligations issued under this act:

6113 (1) One hundred and ten percent of debt service charges;
6114 plus

6115 (2) One hundred percent of capital depreciation reserved
6116 deposits, if any; plus

6117 (3) One hundred percent of costs of operation and
6118 maintenance.

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6120 With respect to variable rate obligations, such evaluation shall
6121 be made at the interest rate for the date of sale determined as
6122 provided in s. 255.519.

6123 Section 180. Section 255.521, Florida Statutes, is amended
6124 to read:

6125 255.521 Failure of payment.—~~If Should~~ an agency fails fail
6126 to make a timely payment of the pool pledged rentals or charges
6127 as required by this act, the Chief Financial Officer shall
6128 withhold general revenues of the agency in an amount sufficient
6129 to pay the rentals and charges due and unpaid ~~from such agency~~.
6130 The Chief Financial Officer shall forward such general revenue
6131 ~~amounts~~ to the department ~~of Management Services~~ in payment of
6132 such rents.

6133 Section 181. Section 255.522, Florida Statutes, is amended
6134 to read:

6135 255.522 State and political subdivisions not liable on
6136 obligations.—Obligations issued pursuant to this act are shall
6137 ~~be~~ a debt of the state or of any political subdivision, and
6138 neither the state nor any political subdivision is shall be
6139 liable thereon. The department may not ~~of Management Services~~
6140 ~~shall not have the power to~~ pledge the credit, the revenues, or
6141 the taxing power of the state or of any political subdivision;
6142 and ~~neither~~ the credit, the revenues, or nor ~~the~~ taxing power of
6143 the state or of any political subdivision may not shall be, or
6144 ~~shall~~ be deemed to be, pledged to the payment of any obligations
6145 issued pursuant to this act.

6146 Section 182. Section 255.523, Florida Statutes, is amended
6147 to read:

6148 255.523 Exemption from taxes.—The property of the

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6149 department ~~of Management Services~~, the transactions and
6150 operations thereof, and the income therefrom are ~~shall be~~ exempt
6151 from taxation by the state and political subdivisions.

6152 Section 183. Section 255.555, Florida Statutes, is amended
6153 to read:

6154 255.555 Records.—Each state agency that ~~which~~ finds that it
6155 has asbestos-containing materials in any public building for
6156 which it is responsible shall prepare and maintain a record
6157 containing a report summarizing the survey, including the hazard
6158 assessment, drawings and photographs of the sample area, and
6159 estimates of the quantities of hazardous materials. The agency
6160 shall, within 30 days after ~~of~~ receipt of said survey, submit a
6161 copy of the survey to the regional asbestos program manager and
6162 a summary to the Department of Environmental Protection
6163 ~~Management Services~~.

6164 Section 184. Paragraph (a) of subsection (2) of section
6165 265.001, Florida Statutes, is amended to read:

6166 265.001 Florida Women's Hall of Fame.—

6167 (2) (a) There is hereby established the Florida Women's Hall
6168 of Fame. The Department of Environmental Protection ~~Management~~
6169 ~~Services~~ shall set aside an area on the Plaza Level of the
6170 Capitol Building and shall consult with the Florida Commission
6171 on the Status of Women regarding the design and theme of such
6172 area.

6173 Section 185. Paragraph (a) of subsection (2) of section
6174 265.2865, Florida Statutes, is amended to read:

6175 265.2865 Florida Artists Hall of Fame.—

6176 (2) (a) There is hereby created the Florida Artists Hall of
6177 Fame. The Florida Arts Council shall identify an appropriate

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6178 location in the public area of a building in the Capitol Center
6179 that is under the jurisdiction of the Department of
6180 Environmental Protection Management Services, which location
6181 shall be set aside by the department and designated as the
6182 Florida Artists Hall of Fame.

6183 Section 186. Subsection (3) of section 267.061, Florida
6184 Statutes, is amended to read:

6185 267.061 Historic properties; state policy,
6186 responsibilities.—

6187 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION MANAGEMENT
6188 ~~SERVICES~~.—The Department of Environmental Protection Management
6189 ~~Services~~, in consultation with the division, shall adopt rules
6190 for the renovation of historic properties that ~~which~~ are owned
6191 or leased by the state. Such rules must ~~shall~~ be based on
6192 national guidelines for historic renovation, including the
6193 standards and guidelines for rehabilitation adopted by the
6194 United States Secretary of the Interior.

6195 Section 187. Paragraph (b) of subsection (4) of section
6196 267.0625, Florida Statutes, is amended to read:

6197 267.0625 Abrogation of offensive and derogatory geographic
6198 place names.—

6199 (4) The division shall:

6200 (b) Notify the Department of Transportation, the Office of
6201 Tourism, Trade, and Economic Development, the Department of
6202 Environmental Protection Management Services, and any other
6203 entity that compiles information for or develops maps or markers
6204 for the state of the name change so that it may be reflected on
6205 subsequent editions of any maps, informational literature, or
6206 markers produced by those entities.

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6207 Section 188. Paragraphs (a) and (c) of subsection (3) of
6208 section 267.075, Florida Statutes, are amended to read:

6209 267.075 The Grove Advisory Council; creation; membership;
6210 purposes.—

6211 (3) (a) The Grove Advisory Council shall be composed of
6212 eight members, as follows:

6213 1. Five members shall be private citizens appointed by the
6214 Secretary of State.

6215 2. One member shall be the Secretary of Environmental
6216 Protection Management Services or a his or her designee.

6217 3. One member shall be the director of the Division of
6218 Historical Resources of the Department of State.

6219 4. At least one member shall be a direct descendant of Mary
6220 Call Darby Collins appointed by the Secretary of State with the
6221 advice of the oldest living generation of lineal descendants of
6222 Mary Call Darby Collins.

6223
6224 Of the citizen members, at least one member must ~~shall~~ have
6225 professional curatorial and museum expertise, one member must
6226 ~~shall~~ have professional architectural expertise in the
6227 preservation of historic buildings, and one member must ~~shall~~
6228 have professional landscape expertise. The five citizen members
6229 of the council appointed by the Secretary of State and the
6230 member of the council who is a direct descendant of Mary Call
6231 Darby Collins appointed by the Secretary of State shall be
6232 appointed for staggered 4-year terms. The Secretary of State
6233 shall fill the remainder of unexpired terms for the five citizen
6234 members of the council and the member of the council who is a
6235 direct descendant of Mary Call Darby Collins.

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6236 (c) The council shall obtain clerical, expert, technical,
6237 or other services from the Division of Historical Resources. The
6238 Department of Environmental Protection ~~Management Services~~ shall
6239 provide reasonable assistance to the Department of State in
6240 carrying out the purposes of this section.

6241 Section 189. Subsections (1) and (2) of section 270.27,
6242 Florida Statutes, are amended to read:

6243 270.27 Sale of unused public lands.—

6244 (1) The Department of Environmental Protection may
6245 ~~Management Services is hereby authorized to sell,~~ to the best
6246 possible advantage, any or all detached pieces or parcels of
6247 land held by the state for the use of any institution under the
6248 supervision and control of the department if, whenever, in the
6249 judgment of the department, such detached pieces or parcels of
6250 land are not suitable for, or necessary and useful in, the
6251 operation and maintenance of the ~~such~~ institution, and the
6252 proceeds from the sale of such land could be used to better
6253 advantage ~~than said land~~ in the operation and maintenance of
6254 such institution.

6255 (2) The proceeds derived from the sale of any land, as
6256 authorized in this section, shall be deposited in the State
6257 Treasury to the account of the Department of Environmental
6258 Protection ~~Management Services~~ for the use of the particular
6259 institution from the sale of whose lands the ~~said~~ funds were
6260 derived. Such funds may be used, from time to time, by the
6261 department for the purpose of acquiring additional lands that
6262 may be needed for the particular institution credited with such
6263 funds, or for needed buildings or repairs for such institution,
6264 in the discretion of the department; and such funds, when

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6265 obtained, are hereby appropriated for such purposes.

6266 Section 190. Section 272.03, Florida Statutes, is amended
6267 to read:

6268 272.03 Supervision of Department of Management Services to
6269 ~~supervise~~ Capitol Center buildings; title in state.-

6270 (1) All state buildings ~~now or hereafter constructed~~
6271 included in the Capitol Center at the state capital and the
6272 grounds and squares contiguous thereto are ~~shall be~~ under the
6273 general control, custodianship, and supervision of the
6274 Department of Environmental Protection Management Services.

6275 (2) Title to Capitol Center ~~said~~ buildings vests ~~shall vest~~
6276 in the state.

6277 (3) This section does not ~~Nothing herein is intended to~~
6278 disturb or impair the contractual obligations for the discharge
6279 of the indebtedness incurred for the construction of the Florida
6280 Industrial Commission Building.

6281 Section 191. Section 272.04, Florida Statutes, is amended
6282 to read:

6283 272.04 Department to allocate space.-The Department of
6284 Environmental Protection Management Services shall ~~have~~
6285 ~~authority to~~ allocate space to house the various departments,
6286 agencies, boards, and commissions in said buildings, excepting,
6287 however, the new Supreme Court Building, for which authority is
6288 ~~shall be~~ vested in the justices of the Supreme Court.

6289 Section 192. Section 272.05, Florida Statutes, is amended
6290 to read:

6291 272.05 Budgets for repair and maintenance; review.-The
6292 Department of Environmental Protection Management Services and
6293 the Executive Office of the Governor may ~~shall be empowered to~~

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6294 review, change, and modify the budgets of the departments,
6295 agencies, boards, and commissions relating to the repair,
6296 upkeep, and maintenance of said buildings.

6297 Section 193. Section 272.06, Florida Statutes, is amended
6298 to read:

6299 272.06 Authority to contract for utility services.—The
6300 Department of Environmental Protection ~~Management Services~~ may
6301 provide or enter into contracts to provide heating, power,
6302 lighting, cooling systems, and other necessary services or
6303 facilities for any or all of said buildings.

6304 Section 194. Section 272.07, Florida Statutes, is amended
6305 to read:

6306 272.07 Department may provide for parks, drives, and
6307 walkways.—The Department of Environmental Protection ~~Management~~
6308 ~~Services~~ may provide for the establishment of parks, drives,
6309 walkways, and parkways on said grounds and squares and for the
6310 supervision, regulation, and maintenance of the same, including
6311 traffic and parking thereon.

6312 Section 195. Section 272.08, Florida Statutes, is amended
6313 to read:

6314 272.08 Duty of repair, maintenance, and supervision.—Except
6315 when otherwise directed by the Department of Environmental
6316 Protection ~~Management Services~~, ~~the official or~~ officials now
6317 having the duty of repair, care, maintenance, and supervision of
6318 any of said buildings shall continue to exercise such authority.

6319 Section 196. Section 272.09, Florida Statutes, is amended
6320 to read:

6321 272.09 Management, maintenance, and upkeep of Capitol
6322 Center.—The management, maintenance, and upkeep of the Capitol

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6323 Center as defined in s. 272.03, are ~~hereby~~ vested in and made
6324 the direct obligation of the Department of Environmental
6325 Protection Management Services, which shall ~~have authority to do~~
6326 all things necessary to satisfactorily accomplish these
6327 functions, including the employment of a superintendent of
6328 grounds and buildings and other employees; the establishment of
6329 central repair and maintenance shops; and the designation or
6330 appointment of nonsalaried advisory committees to advise with
6331 them.

6332 Section 197. Subsection (2) of section 272.12, Florida
6333 Statutes, is amended to read:

6334 272.12 Florida Capitol Center Planning District.—

6335 (2) The Department of Environmental Protection may
6336 ~~Management Services is hereby authorized to purchase~~ at fair
6337 market value any lands or buildings owned by the Department of
6338 Transportation within the Capitol Center. The Department of
6339 Environmental Protection Management Services may use any funds
6340 for this purpose ~~any funds~~ which are available to it at the time
6341 of the purchase.

6342 Section 198. Subsection (1) of section 272.121, Florida
6343 Statutes, is amended to read:

6344 272.121 Capitol Center long-range planning.—

6345 (1) The Department of Environmental Protection Management
6346 ~~Services~~ shall develop a comprehensive and long-range plan for
6347 the development of state-owned property within the Capitol
6348 Center. In developing this plan, the department shall consider:

6349 (a) The most efficient, expeditious, and economical method
6350 of accomplishing the desired results.

6351 (b) The architectural and aesthetic coordination of the

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6352 proposed plan with the existing structures.

6353 (c) The effective utilization of all available space so as
6354 to minimize waste.

6355 (d) The plans adopted by the local planning agencies in
6356 Leon County.

6357 Section 199. Section 272.122, Florida Statutes, is amended
6358 to read:

6359 272.122 Acquisition of land for state buildings and
6360 facilities in the Capitol Center.—The Department of
6361 Environmental Protection shall ~~Management Services~~ is hereby
6362 ~~authorized and directed to~~ acquire both land and buildings ~~now~~
6363 ~~needed or to be~~ needed for use, in whole or in part, by state
6364 government or any agency, board, bureau, or commission thereof.
6365 However, no building can be constructed or land acquired under
6366 this section without specific legislative approval. The
6367 acquisition of the land, buildings, and facilities may be
6368 financed by grants, by direct appropriations, or by the issuance
6369 of revenue bonds or certificates pledging the revenues and
6370 rentals derived from the use of the buildings and facilities.
6371 The department ~~may~~ of ~~Management Services~~ is ~~expressly~~
6372 ~~authorized to~~ issue revenue certificates to carry out the
6373 purposes of this section. Title to any lands acquired pursuant
6374 to this section shall be vested in the Board of Trustees of the
6375 Internal Improvement Trust Fund for the use and benefit of the
6376 State of Florida.

6377 Section 200. Section 272.124, Florida Statutes, is amended
6378 to read:

6379 272.124 ~~Department of Management Services;~~ Power to
6380 contract.—The Department of Environmental Protection may

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6381 ~~Management Services is authorized and empowered to make and~~
6382 enter into any contract or agreement, with any person or agency,
6383 public or private, to lease, buy, acquire, construct, hold, or
6384 dispose of real and personal property necessary to carry out the
6385 objects and purposes of this chapter. ~~act;~~ However, no contract
6386 may be entered into without specific authorization of the
6387 Legislature for the project. Lands shall be acquired by the
6388 department in accordance with acquisition procedures for state
6389 lands provided ~~for~~ in s. 253.025.

6390 Section 201. Subsection (3) of section 272.129, Florida
6391 Statutes, is amended to read:

6392 272.129 Florida Historic Capitol; space allocation;
6393 maintenance, repair, and security.—

6394 (3) Custodial and preventive maintenance and repair of the
6395 entire Historic Capitol and the grounds located adjacent thereto
6396 are ~~shall be~~ the responsibility of the Department of
6397 Environmental Protection ~~Management Services~~, subject to the
6398 special requirements of the building as determined by the
6399 Capitol Curator.

6400 Section 202. Subsections (1) and (4) of section 272.16,
6401 Florida Statutes, are amended to read:

6402 272.16 Parking areas within Capitol Center area.—

6403 (1) The Department of Environmental Protection ~~Management~~
6404 ~~Services~~ may assign parking areas within the Capitol Center area
6405 to a state agency for its own use or for reassignment to state
6406 officers and employees employed in Tallahassee; however, parking
6407 areas must be provided for members of the Legislature during
6408 sessions of the Legislature, regular and extraordinary. Not more
6409 than 15 percent of the ~~said~~ parking areas may be set aside for

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6410 the use of persons temporarily visiting or attending to business
6411 in the Capitol Center area who reside beyond the territorial
6412 limits of the City of Tallahassee. Any remaining portion of the
6413 parking areas not assigned ~~as aforesaid~~ may be limited in period
6414 of time for use. However, the department may not ~~of Management~~
6415 ~~Services shall have no power to~~ assign parking spaces in the
6416 legislative office buildings, nor shall those spaces and spaces
6417 in the parking facility within the Capitol Building which are
6418 allocated to the Legislature be included under the provisions of
6419 this section and s. 272.161(1), except as provided in subsection
6420 (2) of this section.

6421 (4) The Department of Environmental Protection ~~Management~~
6422 ~~Services~~ shall adopt such rules as are necessary to carry out
6423 the purposes of subsections (1) and (3).

6424 Section 203. Section 272.161, Florida Statutes, is amended
6425 to read:

6426 272.161 Rental of reserved parking spaces.—

6427 (1)~~(a)~~ The Department of Environmental Protection
6428 ~~Management Services~~ may assign a reserved parking space to any
6429 state employee, qualified state employee car pool, provider of
6430 essential services to the state, or state agency for
6431 reassignment to its employees.

6432 (a) Any state agency assigned a reserved parking space
6433 shall charge the user of such space, except a qualified state
6434 employee car pool, a fee in accordance with guidelines
6435 established by the department.

6436 (b) Any state agency assigned a reserved parking space that
6437 ~~which~~ is not rented for a ~~period of~~ 7 consecutive days shall
6438 return such space to the department for reassignment. All state

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6439 agencies assigned reserved parking spaces must ensure ~~shall~~
6440 ~~assure~~ the timely payment of assessed rent to the department.

6441 (c) Assignments of reserved parking spaces is ~~shall be~~
6442 limited to the amount of available parking under the supervision
6443 of the department. Preference in the assignment of reserved
6444 parking spaces shall be given qualified state employee car
6445 pools. A state agency, employee, state employee car pool, or
6446 provider of essential services may request a reserved parking
6447 space in a manner prescribed by the department.

6448 (2) ~~All~~ Employee parking fees are ~~shall be~~ payable by the
6449 payroll deduction plan, periodically according to the employee's
6450 pay schedule, to the Department of Environmental Protection
6451 ~~Management Services~~ or to the contracting agency.

6452 (3) All fees collected by the Department of Environmental
6453 Protection Management Services under ~~the provisions of this~~
6454 section shall be deposited in the Supervision Trust Fund. The
6455 department shall account for the revenues and expenditures
6456 related to the paid parking program in compliance with ~~the~~
6457 ~~provisions of~~ s. 215.32(2)(b). The revenues collected from
6458 parking fees shall be used for the maintenance, minor
6459 construction, enforcement, security, and administration of
6460 parking facilities and programs.

6461 (4) The Department of Environmental Protection Management
6462 ~~Services~~ shall adopt ~~such~~ rules as ~~are~~ necessary to carry out
6463 the purposes of this section. The department shall establish
6464 guidelines for qualifying as a state employee car pool and for
6465 the preferential assignment of reserved spaces to car pools.

6466 (5) The Department of Environmental Protection Management
6467 ~~Services~~ shall establish fees on all state-owned reserved

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6468 parking spaces, except those assigned to qualified state
6469 employee car pools, under the jurisdiction of the department.
6470 The department shall also issue loading zone permits and
6471 scramble parking permits for a fee sufficient to cover the cost
6472 of administering the permits and maintaining the parking areas.

6473 (6) The Department of Environmental Protection may
6474 ~~Management Services~~ shall have the authority to remove or tow
6475 away, or cause to be removed or towed away, any wrongfully
6476 parked vehicle in any assigned or reserved parking space or area
6477 under the control of the department ~~of Management Services~~
6478 throughout the state at the expense of the owner of the
6479 wrongfully parked vehicle.

6480 Section 204. Paragraph (a) of subsection (1) and paragraphs
6481 (b) and (c) of subsection (2) of section 272.18, Florida
6482 Statutes, are amended to read:

6483 272.18 Governor's Mansion Commission.—

6484 (1) (a) ~~There is created within the Department of Management~~
6485 ~~Services~~ A Governor's Mansion Commission ~~to be~~ composed of seven
6486 ~~eight~~ members is created within the Department of Environmental
6487 Protection. Five members shall be private citizens appointed by
6488 the Governor and subject to confirmation by the Senate; ~~one~~
6489 ~~member shall be the Secretary of Management Services or his or~~
6490 ~~her designee~~; one member shall be the director of the Division
6491 of Recreation and Parks of the Department of Environmental
6492 Protection; and one member shall be designated by the Secretary
6493 of State and shall be an employee of the Department of State
6494 with curatorial and museum expertise. The Governor shall appoint
6495 all citizen members for 4-year terms. The Governor shall fill
6496 vacancies for the remainder of unexpired terms. The spouse of

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6497 the Governor or the designated representative of the Governor
6498 shall be an ex officio member of the commission but shall have
6499 no voting rights except in the case of a tie vote.

6500 (2)

6501 (b) The commission shall obtain clerical, expert,
6502 technical, or other services from the Department of
6503 Environmental Protection Management Services ~~as the commission~~
6504 ~~requires~~ to carry out the purposes of this section.

6505 (c) Members of the commission shall serve without
6506 compensation or honorarium but are ~~shall be~~ entitled to receive
6507 reimbursement for per diem and travel expenses as provided in s.
6508 112.061. All expenses of the commission shall be paid from
6509 appropriations to be made by the Legislature to the Department
6510 of Environmental Protection Management Services ~~for that~~
6511 purpose. The commission shall submit its budgetary requests to
6512 the department ~~of Management Services~~ for approval and inclusion
6513 in the legislative budget request of the department. All
6514 vouchers must ~~shall~~ be approved by the secretary of the
6515 department ~~of Management Services~~ before being submitted to the
6516 Chief Financial Officer for payment.

6517 Section 205. Section 272.185, Florida Statutes, is amended
6518 to read:

6519 272.185 Maintenance of Governor's Mansion ~~by Department of~~
6520 ~~Management Services.~~—

6521 (1) The Department of Environmental Protection Management
6522 ~~Services~~ shall maintain all structures, furnishings, equipment,
6523 and grounds of the Governor's Mansion, except that the exterior
6524 facades; the landscaping of the grounds; the antique furnishings
6525 in the private quarters; the interiors of the state rooms; and

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6526 the articles of furniture, fixtures, and decorative objects used
6527 or displayed in the state rooms shall be maintained pursuant to
6528 the directives of the Governor's Mansion Commission.

6529 (2) The Department of Environmental Protection shall insure
6530 the Governor's Mansion, its contents, and all structures and
6531 appurtenances thereto with the State Risk Management Trust Fund
6532 as provided in s. 284.01. The department may purchase any
6533 necessary insurance ~~either~~ by a primary insurance contract,
6534 excess coverage insurance, or reinsurance to cover the contents
6535 of the mansion, whether title of the contents is in the state or
6536 in any other person or entity not a resident of the mansion,
6537 notwithstanding ~~the provision of~~ s. 287.025.

6538 (3) The Department of Environmental Protection ~~may shall~~
6539 ~~have authority to~~ contract and be contracted with for work and
6540 materials required.

6541 (4) The Department of Environmental Protection shall keep a
6542 continuing and accurate inventory of all equipment and
6543 furnishings.

6544 Section 206. Subsection (4) of section 273.055, Florida
6545 Statutes, is amended to read:

6546 273.055 Disposition of state-owned tangible personal
6547 property.—

6548 (4) Each custodian shall adopt guidelines or ~~administrative~~
6549 ~~rules and regulations pursuant to chapter 120~~ providing for, but
6550 not limited to, transferring, warehousing, bidding, destroying,
6551 scrapping, or other disposing of state-owned tangible personal
6552 property. However, ~~the~~ approval of the Department of Financial
6553 ~~Management~~ Services is required before ~~prior to~~ the disposal of
6554 motor vehicles, watercraft, or aircraft pursuant to ss. 287.15

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6555 and 287.16.

6556 Section 207. Section 281.02, Florida Statutes, is amended
6557 to read:

6558 281.02 ~~Powers and duties of the Department of Management~~
6559 ~~Services with respect to Firesafety and security.~~—The Department
6560 of Environmental Protection Management Services has the
6561 following powers and duties with respect to firesafety and
6562 security:

6563 (1) ~~To~~ Assist the State Fire Marshal in maintaining the
6564 firesafety of public buildings pursuant to s. 633.085.

6565 (2) ~~To~~ Make provision by rule, contract, lease, or
6566 interagency agreement for the security of all state-owned
6567 property leased from the department ~~of Management Services~~,
6568 excluding state universities and custodial institutions, the
6569 Capitol Complex, the Governor's mansion and the grounds thereof,
6570 and the Supreme Court. For these purposes, security includes
6571 ~~shall include~~ the safety and security of occupants and visitors
6572 to state-owned property, appropriate law enforcement response to
6573 complaints relating to criminal activity or security threats,
6574 the development of emergency procedures and evacuation routes in
6575 the event of fire or disaster, and ensuring that such procedures
6576 and routes are known to ~~those~~ persons occupying such property.

6577 (3) ~~To~~ Employ guards and administrative, clerical,
6578 technical, and other personnel as may be required.

6579 (4) ~~To~~ Train employees and make provision for the training
6580 of agents, guards, and employees of tenant agencies in security
6581 and emergency procedures.

6582 (5) ~~To~~ Make provision for the enforcement of rules
6583 governing the regulation of traffic and parking on state-owned

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6584 property, including, but not limited to, issuing citations for
6585 the violation of such rules or the traffic laws of the state or
6586 any county or municipality and impounding illegally or
6587 wrongfully parked vehicles.

6588 (6) ~~The~~ Delegate or assign duties and responsibilities
6589 furthering the provision of security as required and authorized
6590 by this section to any state agency occupying such state-owned
6591 property. Security requirements may be included in lease
6592 agreements or established by department rule.

6593 Section 208. Section 281.03, Florida Statutes, is amended
6594 to read:

6595 281.03 Incident reports and record retention.—The
6596 Department of Environmental Protection ~~Management Services~~ shall
6597 provide ~~make provision~~ for the collection and retention of
6598 copies of reports relating to criminal activity or other safety-
6599 related and security-related incidents occurring on state-owned
6600 property for use in ongoing security planning and to fulfill its
6601 responsibilities under s. 281.02.

6602 Section 209. Section 281.06, Florida Statutes, is amended
6603 to read:

6604 281.06 Contracts with counties, municipalities, or licensed
6605 private security agencies.—The Department of Environmental
6606 Protection ~~Management Services~~ may contract with any county,
6607 municipality, or licensed private security agency to provide and
6608 maintain the security of state-owned property, and the safety
6609 and security of occupants and visitors thereof, pursuant to ss.
6610 281.02-281.08 upon such terms as the department deems ~~may deem~~
6611 to be in the best interest of the state.

6612 Section 210. Subsection (1) of section 281.07, Florida

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6613 Statutes, is amended to read:

6614 281.07 Rules; Facilities Program; traffic regulation.—

6615 (1) The Department of Environmental Protection Management
6616 ~~Services~~ shall adopt ~~and promulgate~~ rules to govern the
6617 administration, operation, and management of the Facilities
6618 Program and to regulate traffic and parking on state-owned
6619 property, including the Capitol Complex, which may ~~rules~~ are not
6620 ~~in~~ conflict with any state law or county or municipal ordinance,
6621 and to carry out the provisions of ss. 281.02-281.08.

6622 Section 211. Section 281.08, Florida Statutes, is amended
6623 to read:

6624 281.08 Equipment.—The Department of Environmental
6625 Protection ~~may Management Services~~ ~~is specifically authorized to~~
6626 purchase, sell, trade, rent, lease, and maintain all necessary
6627 equipment, motor vehicles, communication systems, housing
6628 facilities, and office space, and perform any other acts
6629 necessary for the proper administration of ss. 281.02-281.08,
6630 pursuant to part I of chapter 287.

6631 Section 212. Subsection (12) of section 282.0041, Florida
6632 Statutes, is amended to read:

6633 282.0041 Definitions.—As used in this chapter, the term:

6634 ~~(12) "Department" means the Department of Management~~
6635 ~~Services.~~

6636 Section 213. Section 282.205, Florida Statutes, is amended
6637 to read:

6638 282.205 Southwood Shared Resource Center.—The Southwood
6639 Shared Resource Center is an agency established within the
6640 Agency for Enterprise Information Technology ~~department~~ for
6641 administrative purposes only.

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6642 (1) The center is designated as a primary data center and
6643 shall be a separate budget entity that is not subject to
6644 control, supervision, or direction of the agency ~~department~~ in
6645 any manner, including, but not limited to, purchasing,
6646 transactions involving real or personal property, personnel, or
6647 budgetary matters.

6648 (2) The center shall be headed by a board of trustees as
6649 provided in s. 282.203, who shall comply with all requirements
6650 of that section related to the operation of the center and with
6651 the rules of the agency ~~for Enterprise Information Technology~~
6652 related to the design and delivery of enterprise information
6653 technology services.

6654 Section 214. Section 282.604, Florida Statutes, is amended
6655 to read:

6656 282.604 Adoption of rules.—The Agency for Enterprise
6657 Information Technology ~~Department of Management Services~~ shall,
6658 with input from stakeholders, adopt rules pursuant to ss.
6659 ~~120.536(1) and 120.54~~ for the development, procurement,
6660 maintenance, and use of accessible electronic information
6661 technology by governmental units.

6662 Section 215. Section 282.702, Florida Statutes, is amended
6663 to read:

6664 282.702 Powers and duties.—The Agency for Enterprise
6665 Information Technology ~~Department of Management Services~~ shall
6666 have the following powers, duties, and functions:

6667 (1) To publish electronically the portfolio of services
6668 available from the department, including pricing information;
6669 the policies and procedures of the state communications network
6670 governing usage of available services; and a forecast of the

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6671 priorities and initiatives for the state communications system
6672 for the ensuing 2 years.

6673 (2) To adopt technical standards for the state
6674 communications network which will ensure the interconnection of
6675 computer networks and information systems of agencies.

6676 (3) To enter into agreements related to information
6677 technology with state agencies and political subdivisions of the
6678 state.

6679 (4) To purchase from or contract with information
6680 technology providers for information technology, including
6681 private line services.

6682 (5) To apply for, receive, and hold such authorizations,
6683 patents, copyrights, trademarks, service marks, licenses, and
6684 allocations or channels and frequencies to carry out the
6685 purposes of this part.

6686 (6) To purchase, lease, or otherwise acquire and to hold,
6687 sell, transfer, license, or otherwise dispose of real, personal,
6688 and intellectual property, including, but not limited to,
6689 patents, trademarks, copyrights, and service marks.

6690 (7) To cooperate with any federal, state, or local
6691 emergency management agency in providing for emergency
6692 communications services.

6693 (8) To control and approve the purchase, lease, or
6694 acquisition and the use of communications services provided as
6695 part of any other total system to be used by the state or any of
6696 its agencies.

6697 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~
6698 relating to communications and to administer ~~the provisions of~~
6699 this part.

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6700 (10) To apply for and accept federal funds for any of the
6701 purposes of this part as well as gifts and donations from
6702 individuals, foundations, and private organizations.

6703 (11) To monitor issues relating to communications
6704 facilities and services before the Florida Public Service
6705 Commission and, when necessary, prepare position papers, prepare
6706 testimony, appear as a witness, and retain witnesses on behalf
6707 of state agencies in proceedings before the commission.

6708 (12) Unless delegated to the state agencies by the Agency
6709 for Enterprise Information Technology department, to manage and
6710 control, but not intercept or interpret, communications within
6711 the SUNCOM Network by:

6712 (a) Establishing technical standards to physically
6713 interface with the SUNCOM Network.

6714 (b) Specifying how communications are transmitted within
6715 the SUNCOM Network.

6716 (c) Controlling the routing of communications within the
6717 SUNCOM Network.

6718 (d) Establishing standards, policies, and procedures for
6719 access to the SUNCOM Network.

6720 (e) Ensuring orderly and reliable communications services
6721 in accordance with the service level agreements executed with
6722 state agencies.

6723 (13) To plan, design, and conduct experiments for
6724 communications services, equipment, and technologies, and to
6725 implement enhancements in the state communications network if
6726 ~~when~~ in the public interest and cost-effective. Funding for such
6727 experiments shall be derived from SUNCOM Network service
6728 revenues and may ~~shall~~ not exceed 2 percent of the annual budget

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6729 for the SUNCOM Network for any fiscal year or as provided in the
6730 General Appropriations Act. New services offered as a result of
6731 this subsection may ~~shall~~ not affect existing rates for
6732 facilities or services.

6733 (14) To enter into contracts or agreements, with or without
6734 competitive bidding or procurement, to make available, on a
6735 fair, reasonable, and nondiscriminatory basis, property and
6736 other structures under the Agency for Enterprise Information
6737 Technology's ~~departmental~~ control for the placement of new
6738 facilities by any wireless provider of mobile service as defined
6739 in 47 U.S.C. s. 153(27) or s. 332(d) and any telecommunications
6740 company as defined in s. 364.02 if ~~when~~ it is ~~determined to be~~
6741 practical and feasible to make such property or other structures
6742 available. The agency ~~department~~ may, without adopting a rule,
6743 charge a just, reasonable, and nondiscriminatory fee for the
6744 placement of the facilities, payable annually, based on the fair
6745 market value of space used by comparable communications
6746 facilities in the state. The agency ~~department~~ and a wireless
6747 provider or telecommunications company may negotiate the
6748 reduction or elimination of a fee in consideration of services
6749 provided to the agency ~~department~~ by the wireless provider or
6750 telecommunications company. All such fees collected by the
6751 department shall be deposited directly into ~~the~~ Law Enforcement
6752 Radio ~~Operating~~ Trust Fund, and may be used by the agency
6753 ~~department~~ to construct, maintain, or support the system.

6754 Section 216. Section 282.703, Florida Statutes, is amended
6755 to read:

6756 282.703 SUNCOM Network; exemptions from the required use.—

6757 (1) ~~There is created within the department~~ The SUNCOM

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6758 Network is created within the Agency for Enterprise Information
6759 Technology as, ~~which shall be developed to serve as~~ the state
6760 communications system for providing local and long-distance
6761 communications services to state agencies, political
6762 subdivisions of the state, municipalities, state universities,
6763 and nonprofit corporations pursuant to this part. The SUNCOM
6764 Network shall be developed to transmit all types of
6765 communications signals, including, but not limited to, voice,
6766 data, video, image, and radio. State agencies shall cooperate
6767 and assist in the development and joint use of communications
6768 systems and services.

6769 (2) The agency ~~department~~ shall design, engineer,
6770 implement, manage, and operate through state ownership,
6771 commercial leasing, or some combination thereof, the facilities
6772 and equipment providing SUNCOM Network services, and shall
6773 develop a system of equitable billings and charges for
6774 communication services.

6775 (3) All state agencies and state universities shall use the
6776 SUNCOM Network for agency and state university communications
6777 services as the services become available; however, no agency or
6778 university is relieved of responsibility for maintaining
6779 communications services necessary for effective management of
6780 its programs and functions. If a SUNCOM Network service does not
6781 meet the communications requirements of an agency or university,
6782 the agency or university shall notify the Agency for Enterprise
6783 Information Technology ~~department~~ in writing and detail the
6784 requirements for that communications service. If the agency
6785 ~~department~~ is unable to meet an agency's or university's
6786 requirements by enhancing SUNCOM Network service, the agency

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6787 ~~department~~ may grant the agency or university an exemption from
6788 the required use of specified SUNCOM Network services.

6789 Section 217. Section 282.704, Florida Statutes, is amended
6790 to read:

6791 282.704 Use of state SUNCOM Network by municipalities.—Any
6792 municipality may request the Agency for Enterprise Information
6793 Technology ~~department~~ to provide any or all of the SUNCOM
6794 Network's portfolio of communications services upon such terms
6795 and conditions as the agency ~~department~~ may establish. The
6796 requesting municipality shall pay its share of installation and
6797 recurring costs according to the published rates for SUNCOM
6798 Network services and as invoiced by the agency ~~department~~. Such
6799 municipality shall also pay for any requested modifications to
6800 existing SUNCOM Network services, if any charges apply.

6801 Section 218. Section 282.705, Florida Statutes, is amended
6802 to read:

6803 282.705 Use of state SUNCOM Network by nonprofit
6804 corporations.—

6805 (1) The Agency for Enterprise Information Technology
6806 ~~department~~ shall provide a means whereby private nonprofit
6807 corporations under contract with state agencies or political
6808 subdivisions of the state may use the state SUNCOM Network,
6809 subject to the limitations in this section. In order to qualify
6810 to use the state SUNCOM Network, a nonprofit corporation shall:

6811 (a) Expend the majority of its total direct revenues for
6812 the provision of contractual services to the state, a
6813 municipality, or a political subdivision; and

6814 (b) Receive only a small portion of its total revenues from
6815 any source other than a state agency, a municipality, or a

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6816 political subdivision during the time SUNCOM Network services
6817 are requested.

6818 (2) Each nonprofit corporation seeking authorization to use
6819 the state SUNCOM Network shall provide to the agency ~~department~~,
6820 upon request, proof of compliance with subsection (1).

6821 (3) Nonprofit corporations established pursuant to general
6822 law and an association of municipal governments which is wholly
6823 owned by the municipalities are eligible to use the state SUNCOM
6824 Network, subject to the terms and conditions of the agency
6825 ~~department~~.

6826 (4) Institutions qualified to participate in the William L.
6827 Boyd, IV, Florida Resident Access Grant Program pursuant to s.
6828 1009.89 may ~~are eligible to~~ use the state SUNCOM Network,
6829 subject to the terms and conditions of the agency ~~department~~.
6830 Such entities are not required to satisfy the other criteria of
6831 this section.

6832 (5) Private, nonprofit elementary and secondary schools are
6833 eligible for rates and services on the same basis as public
6834 schools if such schools do not have an endowment in excess of
6835 \$50 million.

6836 Section 219. Section 282.706, Florida Statutes, is amended
6837 to read:

6838 282.706 Use of SUNCOM Network by libraries.—The Agency for
6839 Enterprise Information Technology ~~department~~ may provide SUNCOM
6840 Network services to any library in the state, including
6841 libraries in public schools, community colleges, state
6842 universities, and nonprofit private postsecondary educational
6843 institutions, and libraries owned and operated by municipalities
6844 and political subdivisions.

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6845 Section 220. Section 282.707, Florida Statutes, is amended
6846 to read:

6847 282.707 SUNCOM Network; criteria for usage.—

6848 (1) The Agency for Enterprise Information Technology
6849 ~~department~~ shall periodically review the qualifications of
6850 subscribers using the state SUNCOM Network and ~~shall~~ terminate
6851 services provided to any facility not qualified under this part
6852 or rules adopted hereunder. In the event of nonpayment of
6853 invoices by subscribers whose SUNCOM Network invoices are paid
6854 from sources other than legislative appropriations, such
6855 nonpayment represents good and sufficient reason to terminate
6856 service.

6857 (2) The agency ~~department~~ shall adopt rules for
6858 implementing and operating the state SUNCOM Network, which
6859 include procedures for withdrawing and restoring authorization
6860 to use the state SUNCOM Network. Such rules must ~~shall~~ provide a
6861 minimum of 30 days' notice to affected parties before
6862 terminating voice communications service.

6863 (3) This section does not limit or restrict the ability of
6864 the Florida Public Service Commission to set jurisdictional
6865 tariffs of telecommunications companies.

6866 Section 221. Section 282.709, Florida Statutes, is amended
6867 to read:

6868 282.709 State agency law enforcement radio system and
6869 interoperability network.—

6870 (1) The Department of Law Enforcement may acquire and
6871 administer a statewide radio communications system to serve law
6872 enforcement units of state agencies, and to serve local law
6873 enforcement agencies through mutual aid channels.

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6874 (a) The department shall, in conjunction with the Agency
6875 for Enterprise Information Technology ~~Department of Law~~
6876 ~~Enforcement~~ and the Division of Emergency Management of the
6877 Department of Community Affairs, establish policies, procedures,
6878 and standards to be incorporated into a comprehensive management
6879 plan for the use and operation of the statewide radio
6880 communications system.

6881 (b) The department shall bear the overall responsibility
6882 for the design, engineering, acquisition, and implementation of
6883 the statewide radio communications system and for ensuring the
6884 proper operation and maintenance of all common system equipment.

6885 (c)1. The department may rent or lease space on any tower
6886 under its control and refuse to lease space on any tower at any
6887 site.

6888 2. The department may rent, lease, or sublease ground space
6889 as necessary to locate equipment to support antennae on the
6890 towers. The costs for the use of such space shall be established
6891 by the department for each site if it is determined to be
6892 practicable and feasible to make space available.

6893 3. The department may rent, lease, or sublease ground space
6894 on lands acquired by the department for the construction of
6895 privately owned or publicly owned towers. The department may, as
6896 a part of such rental, lease, or sublease agreement, require
6897 space on such towers for antennae as necessary for the
6898 construction and operation of the state agency law enforcement
6899 radio system or any other state need.

6900 4. All moneys collected by the department for rents,
6901 leases, and subleases under this subsection shall be deposited
6902 directly into the ~~State Agency~~ Law Enforcement Radio ~~System~~

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6903 Trust Fund established in subsection (3) and may be used by the
6904 department to construct, maintain, or support the system.

6905 5. The positions necessary for the department to accomplish
6906 its duties under this subsection shall be established in the
6907 General Appropriations Act and funded by the Law Enforcement
6908 Radio ~~Operating~~ Trust Fund or other revenue sources.

6909 (d) The department shall exercise its powers and duties
6910 under this part to plan, manage, and administer the mutual aid
6911 channels in the statewide radio communication system.

6912 1. In implementing such powers and duties, the department
6913 shall consult and act in conjunction with the Department of Law
6914 Enforcement and the Division of Emergency Management of the
6915 Department of Community Affairs, and shall manage and administer
6916 the mutual aid channels in a manner that reasonably addresses
6917 the needs and concerns of the involved law enforcement agencies
6918 and emergency response agencies and entities.

6919 2. The department may make the mutual aid channels
6920 available to federal agencies, state agencies, and agencies of
6921 the political subdivisions of the state for the purpose of
6922 public safety and domestic security.

6923 (e) The department may allow other state agencies to use
6924 the statewide radio communications system under terms and
6925 conditions established by the department.

6926 (2) The Joint Task Force on State Agency Law Enforcement
6927 Communications is created adjunct to the department to advise
6928 the department of member-agency needs relating to the planning,
6929 designing, and establishment of the statewide communication
6930 system.

6931 (a) The Joint Task Force on State Agency Law Enforcement

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6932 Communications shall consist of eight members, as follows:

6933 1. A representative of the Division of Alcoholic Beverages
6934 and Tobacco of the Department of Business and Professional
6935 Regulation who shall be appointed by the secretary of the
6936 department.

6937 2. A representative of the Division of Florida Highway
6938 Patrol of the Department of Highway Safety and Motor Vehicles
6939 who shall be appointed by the executive director of the
6940 department.

6941 3. A representative of the Department of Law Enforcement
6942 who shall be appointed by the executive director of the
6943 department.

6944 4. A representative of the Fish and Wildlife Conservation
6945 Commission who shall be appointed by the executive director of
6946 the commission.

6947 5. A representative of the Division of Law Enforcement of
6948 the Department of Environmental Protection who shall be
6949 appointed by the secretary of the department.

6950 6. A representative of the Department of Corrections who
6951 shall be appointed by the secretary of the department.

6952 7. A representative of the Division of State Fire Marshal
6953 of the Department of Financial Services who shall be appointed
6954 by the State Fire Marshal.

6955 8. A representative of the Department of Transportation who
6956 shall be appointed by the secretary of the department.

6957 (b) Each appointed member of the joint task force shall
6958 serve at the pleasure of the appointing official. Any vacancy on
6959 the joint task force shall be filled in the same manner as the
6960 original appointment. A joint task force member may, upon

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6961 notification to the chair before the beginning of any scheduled
6962 meeting, appoint an alternative to represent the member on the
6963 task force and vote on task force business in his or her
6964 absence.

6965 (c) The joint task force shall elect a chair from among its
6966 members to serve a 1-year term. A vacancy in the chair of the
6967 joint task force must be filled for the remainder of the
6968 unexpired term by an election of the joint task force members.

6969 (d) The joint task force shall meet as necessary, but at
6970 least quarterly, at the call of the chair and at the time and
6971 place designated by him or her.

6972 (e) The per diem and travel expenses incurred by a member
6973 of the joint task force in attending its meetings and in
6974 attending to its affairs shall be paid pursuant to s. 112.061,
6975 from funds budgeted to the state agency that the member
6976 represents.

6977 (f) The department shall provide technical support to the
6978 joint task force.

6979 (3) The ~~State Agency~~ Law Enforcement Radio ~~System~~ Trust
6980 Fund is established in the department and funded from surcharges
6981 collected under ss. 318.18, 320.0802, and 328.72. Upon
6982 appropriation, moneys in the trust fund may be used by the
6983 department to acquire by competitive procurement the equipment,
6984 software, and engineering, administrative, and maintenance
6985 services it needs to construct, operate, and maintain the
6986 statewide radio system. Moneys in the trust fund collected as a
6987 result of the surcharges set forth in ss. 318.18, 320.0802, and
6988 328.72 shall be used to help fund the costs of the system. Upon
6989 completion of the system, moneys in the trust fund may also be

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6990 used by the department for payment of the recurring maintenance
6991 costs of the system.

6992 (4) The department may create and administer an
6993 interoperability network to enable interoperability between
6994 various radio communications technologies and to serve federal
6995 agencies, state agencies, and agencies of political subdivisions
6996 of the state for the purpose of public safety and domestic
6997 security.

6998 (a) The department shall, in conjunction with the
6999 Department of Law Enforcement and the Division of Emergency
7000 Management of the Department of Community Affairs, exercise its
7001 powers and duties pursuant to this chapter to plan, manage, and
7002 administer the interoperability network. The office may:

7003 1. Enter into mutual aid agreements among federal agencies,
7004 state agencies, and political subdivisions of the state for the
7005 use of the interoperability network.

7006 2. Establish the cost of maintenance and operation of the
7007 interoperability network and charge subscribing federal and
7008 local law enforcement agencies for access and use of the
7009 network. The department may not charge state law enforcement
7010 agencies identified in paragraph (2)(a) to use the network.

7011 3. In consultation with the ~~Department of Law Enforcement~~
7012 ~~and the~~ Division of Emergency Management of the Department of
7013 Community Affairs, amend and enhance the statewide radio
7014 communications system as necessary to implement the
7015 interoperability network.

7016 (b) The department, in consultation with the Joint Task
7017 Force on State Agency Law Enforcement Communications, and in
7018 conjunction with ~~the Department of Law Enforcement and the~~

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7019 Division of Emergency Management of the Department of Community
7020 Affairs, shall establish policies, procedures, and standards to
7021 incorporate into a comprehensive management plan for the use and
7022 operation of the interoperability network.

7023 Section 222. Section 282.7101, Florida Statutes, is amended
7024 to read:

7025 282.7101 Statewide system of regional law enforcement
7026 communications.—

7027 (1) It is the intent and purpose of the Legislature that a
7028 statewide system of regional law enforcement communications be
7029 developed whereby maximum efficiency in the use of existing
7030 radio channels is achieved in order to deal more effectively
7031 with the apprehension of criminals and the prevention of crime.
7032 To this end, all law enforcement agencies within the state are
7033 directed to provide the Department of Law Enforcement with any
7034 information the department requests for the purpose of
7035 implementing the provisions of subsection (2).

7036 (2) The Department of Law Enforcement shall ~~is hereby~~
7037 ~~authorized and directed to~~ develop and maintain a statewide
7038 system of regional law enforcement communications. In
7039 formulating such a system, the department shall divide the state
7040 into appropriate regions and shall develop a program that
7041 includes, but is not limited to:

7042 (a) The communications requirements for each county and
7043 municipality comprising the region.

7044 (b) An interagency communications provision that depicts
7045 the communication interfaces between municipal, county, and
7046 state law enforcement entities operating within the region.

7047 (c) A frequency allocation and use provision that includes,

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7048 on an entity basis, each assigned and planned radio channel and
7049 the type of operation, simplex, duplex, or half-duplex, on each
7050 channel.

7051 (3) The department shall adopt ~~any~~ necessary rules ~~and~~
7052 ~~regulations~~ for administering and coordinating the statewide
7053 system of regional law enforcement communications.

7054 (4) The executive director ~~secretary~~ of the department or a
7055 ~~his or her~~ designee shall be ~~is designated as~~ the director of
7056 the statewide system of regional law enforcement communications
7057 and, for the purpose of carrying out the provisions of this
7058 section, may coordinate the activities of the system with other
7059 interested state agencies and local law enforcement agencies.

7060 (5) A law enforcement communications system may not be
7061 established or expanded without the prior approval of the
7062 department.

7063 ~~(6) Within the limits of its capability, the Department of~~
7064 ~~Law Enforcement is encouraged to lend assistance to the~~
7065 ~~department in the development of the statewide system of~~
7066 ~~regional law enforcement communications proposed by this~~
7067 ~~section.~~

7068 Section 223. Section 282.711, Florida Statutes, is amended
7069 to read:

7070 282.711 Remote electronic access services.—The Agency for
7071 Enterprise Information Technology ~~department~~ may collect fees
7072 for providing remote electronic access pursuant to s. 119.07(2).
7073 The fees may be imposed on individual transactions or as a fixed
7074 subscription for a designated period of time. All fees collected
7075 under this section shall be deposited in the appropriate trust
7076 fund of the program or activity that made the remote electronic

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7077 access available.

7078 Section 224. Subsections (2) through (6) of section 283.30,
7079 Florida Statutes, are amended to read:

7080 283.30 Definitions.—As used in this part, unless the
7081 context clearly requires otherwise, the term:

7082 ~~(2) "Department" means the Department of Management~~
7083 ~~Services.~~

7084 (2)~~(3)~~ "Duplicating" means the process of reproducing an
7085 image or images from an original to a final substrate through
7086 the electrophotographic, xerographic, laser, or offset process
7087 or any combination of these processes, by which an operator can
7088 make more than one copy without rehandling the original.

7089 (3)~~(4)~~ "Printing" means ~~is~~ the transfer of an image or
7090 images by the use of ink or similar substance from an original
7091 image to the final substrate through the process of letterpress,
7092 offset lithography, gravure, screen printing, or engraving.
7093 Printing includes ~~shall include~~ the process of and the materials
7094 used in binding. Printing ~~shall~~ also includes ~~include~~
7095 duplicating when used to produce publications.

7096 (4) (5) "Public" means those entities and persons other than
7097 subordinate and functionally related or connected federal,
7098 state, or local governmental agencies.

7099 (5)~~(6)~~ "Publication" means any document, whether produced
7100 for public or internal distribution.

7101 Section 225. Subsection (3) of section 283.32, Florida
7102 Statutes, is amended to read:

7103 283.32 Recycled paper to be used by each agency; printing
7104 bids certifying use of recycled paper; percentage preference in
7105 awarding contracts.—

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7106 (3) Upon the evaluation of bids for each printing contract,
7107 the agency shall identify the lowest responsive bid and any
7108 other responsive bids in which it has been certified that the
7109 materials used in printing contain at least the minimum
7110 percentage of recycled content that is set forth by the
7111 Department of Financial Services. In awarding a contract for
7112 printing, the agency may allow up to a 10-percent price
7113 preference, as provided in s. 287.045, to a responsible and
7114 responsive vendor that has certified that the materials used in
7115 printing contain at least the minimum percentage of recycled
7116 content established by the department. If no vendors offer
7117 materials for printing that contain the minimum prescribed
7118 recycled content, the contract shall be awarded to the
7119 responsible vendor that submits the lowest responsive bid.

7120 Section 226. Subsection (2) of section 284.01, Florida
7121 Statutes, is amended to read:

7122 284.01 State Risk Management Trust Fund; coverages to be
7123 provided.—

7124 (2) The fund shall insure all buildings, whether financed
7125 in whole or in part by revenue bonds or certificates, and the
7126 contents thereof or of any other buildings leased or rented by
7127 the state. For the purpose of this section, all manufactured
7128 homes and contents, whether permanently affixed to realty or
7129 otherwise, are included. Rental value insurance shall also be
7130 provided to indemnify the state or any of its agencies for loss
7131 of income if ~~when such~~ rental income insurance is required to be
7132 carried by the terms of any bonding or revenue certificates or
7133 resolutions. Rental value insurance must ~~shall~~ also be provided
7134 to indemnify the state or any of its agencies for loss of income

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7135 from those buildings operated and maintained by the Department
7136 of Environmental Protection Management Services from the
7137 Supervision Trust Fund.

7138 Section 227. Section 284.04, Florida Statutes, is amended
7139 to read:

7140 284.04 ~~Notice and information required by Department of~~
7141 ~~Financial Services of all~~ Newly erected or acquired state
7142 property subject to insurance.—The Department of Environmental
7143 Protection Management Services and all agencies in charge of
7144 state property shall notify the Department of Financial Services
7145 of all newly erected or acquired property subject to coverage as
7146 soon as erected or acquired, giving its value, type of
7147 construction, location, whether inside or outside of corporate
7148 limits, occupancy, and any other information the Department of
7149 Financial Services may require in connection with such property.
7150 Such department or agency shall also immediately notify the
7151 Department of Financial Services ~~immediately~~ of any change in
7152 value or occupancy of any property covered by the fund. Unless
7153 the above data is submitted in writing within a reasonable time
7154 following such erection, acquisition, or change, the Department
7155 of Financial Services shall provide insurance coverage to the
7156 extent shown by the last notification in writing to the fund or
7157 in accordance with the last valuation shown by fund records. In
7158 case of disagreement between the Department of Financial
7159 Services and the agency or person in charge of any covered state
7160 property as to its true value, the amount of the insurance to be
7161 carried ~~thereon~~, the proper premium rate or rates, or amount of
7162 loss settlement, the matter in disagreement shall be determined
7163 by the Department of Environmental Protection Management

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7164 Services.

7165 Section 228. Section 284.05, Florida Statutes, is amended
7166 to read:

7167 284.05 Inspection of insured state property.—The Department
7168 of Financial Services shall inspect all permanent buildings
7169 insured by the State Risk Management Trust Fund, and whenever
7170 ~~conditions are found to exist which~~, in the opinion of the
7171 Department of Financial Services, conditions are found to exist
7172 which are hazardous from the standpoint of destruction by fire
7173 or other loss, the department ~~of Financial Services~~ may order
7174 the same repaired or remedied, and the agency, board, or person
7175 in charge of such property must immediately repair or remedy is
7176 ~~required to have~~ such dangerous conditions ~~immediately repaired~~
7177 ~~or remedied~~ upon written notice from the department ~~of Financial~~
7178 ~~Services~~ of the such hazardous conditions. Such amounts as may
7179 be necessary to comply with such notice or notices shall be paid
7180 by the Department of Environmental Protection Management
7181 ~~Services~~ or by the agency, board, or person in charge of such
7182 property out of any moneys appropriated for the maintenance of
7183 the respective agency or for the repairs or permanent
7184 improvement of such properties or from any incidental or
7185 contingent funds they may have on hand. If there is ~~In the event~~
7186 ~~of~~ a disagreement between the Department of Financial Services
7187 and the agency, board, or person having charge of such property
7188 as to the necessity of the repairs or remedies ordered, the
7189 matter in disagreement shall be determined by the Department of
7190 Environmental Protection Management Services.

7191 Section 229. Section 284.08, Florida Statutes, is amended
7192 to read:

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7193 284.08 Reinsurance on excess coverage ~~and approval by~~
7194 ~~Department of Management Services.~~—The Department of Financial
7195 Services shall determine what excess coverage is necessary and
7196 may purchase reinsurance ~~thereon upon approval by the Department~~
7197 ~~of Management Services.~~

7198 Section 230. Subsection (1) of section 284.33, Florida
7199 Statutes, is amended to read:

7200 284.33 Purchase of insurance, reinsurance, and services.—

7201 (1) The Department of Financial Services shall ~~is~~
7202 ~~authorized to~~ provide insurance, specific excess insurance, and
7203 aggregate excess insurance ~~through the Department of Management~~
7204 ~~Services,~~ pursuant to ~~the provisions of~~ part I of chapter 287,
7205 as necessary to provide insurance coverages authorized by this
7206 part, consistent with market availability. ~~However,~~ The
7207 department ~~of Financial Services~~ may directly purchase annuities
7208 by using a structured settlement insurance consulting firm
7209 ~~selected by the department~~ to assist in the settlement of claims
7210 being handled by the Division of Risk Management. The selection
7211 of the structured settlement insurance services consultant shall
7212 be made by using competitive sealed proposals. The consulting
7213 firm shall act as an agent of record for the department in
7214 procuring the best annuity products available to facilitate
7215 structured settlement of claims, considering price, insurer
7216 financial strength, and the best interests of the state risk
7217 management program. Purchase of annuities by the department
7218 using a structured settlement method is excepted from
7219 competitive sealed bidding or proposal requirements. The
7220 department may also ~~of Financial Services is further authorized~~
7221 ~~to~~ purchase ~~such~~ risk management services, including, but not

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7222 limited to, risk and claims control; safety management; and
7223 legal, investigative, and adjustment services, as ~~may be~~
7224 required and pay claims. The department may contract with a
7225 service organization for such services and advance money to such
7226 ~~service~~ organization for deposit in a special checking account
7227 for paying claims made against the state under ~~the provisions of~~
7228 this part. The special checking account shall be maintained in
7229 this state in a bank or savings association organized under the
7230 laws of this state or of the United States. The department may
7231 replenish such account as often as necessary upon the
7232 presentation by the service organization of documentation for
7233 payments of claims equal to the amount of the requested
7234 reimbursement.

7235 Section 231. Section 284.385, Florida Statutes, is amended
7236 to read:

7237 284.385 Reporting and handling of claims.—All departments
7238 covered by the State Risk Management Trust Fund under this part
7239 shall immediately report all known or potential claims to the
7240 Department of Financial Services for handling, except employment
7241 complaints which have not been filed with the Florida Human
7242 Relations Commission, Equal Employment Opportunity Commission,
7243 or any similar agency. If ~~When~~ deemed necessary, the Department
7244 of Financial Services shall assign or reassign the claim to
7245 counsel. The assigned counsel shall report regularly to the
7246 Department of Financial Services or to the covered department on
7247 the status of any such claims or litigation as required by the
7248 Department of Financial Services. A ~~No such~~ claim may not ~~shall~~
7249 be compromised or settled for monetary compensation without the
7250 prior approval of the Department of Financial Services and prior

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7251 notification to the covered department. All departments shall
7252 cooperate with the Department of Financial Services in its
7253 handling of claims. The Department of Financial Services ~~and the~~
7254 ~~Department of Management Services~~, with the cooperation of the
7255 state attorneys and the clerks of the courts, shall develop a
7256 system to coordinate the exchange of information concerning
7257 claims for and against the state, its agencies, and its
7258 subdivisions, to assist in collection of amounts due to them.
7259 The covered department shall have the responsibility for the
7260 settlement of any claim for injunctive or affirmative relief
7261 under 42 U.S.C. s. 1983 or similar federal or state statutes.
7262 The payment of a settlement or judgment for any claim covered
7263 and reported under this part shall be made only from the State
7264 Risk Management Trust Fund.

7265 Section 232. Section 284.42, Florida Statutes, is amended
7266 to read:

7267 284.42 Reports on state insurance program.—

7268 (1) The Department of Financial Services, ~~with the~~
7269 ~~Department of Management Services~~, shall make an analysis of the
7270 state insurance program annually, which includes ~~shall include~~:

7271 (a) Complete underwriting information as to the nature of
7272 the risks accepted for self-insurance and those risks that are
7273 transferred to the insurance market.

7274 (b) The funds allocated to the Florida Casualty Risk
7275 Management Trust Fund and premiums paid for insurance through
7276 the market.

7277 (c) The method of handling legal matters and the cost
7278 allocated.

7279 (d) The method and cost of handling inspection and

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7280 engineering of risks.

7281 (e) The cost of risk management service purchased.

7282 (f) The cost of managing the State Insurance Program by the
7283 Department of Financial Services ~~and the Department of~~
7284 ~~Management Services.~~

7285 (2) The department ~~departments~~ shall make available
7286 complete claims history including description of loss, claims
7287 paid and reserved, and the cost of all claims handled by the
7288 state.

7289 Section 233. Section 285.06, Florida Statutes, is amended
7290 to read:

7291 285.06 State Indian Reservation.—~~If~~ When, as the result of
7292 the exchanges provided ~~for~~ in ss. 285.04 and 285.05, ~~there shall~~
7293 ~~have been established~~ a reservation that has been established
7294 for the Indians by the United States in Florida, the State
7295 Seminole Indian Reservation in Monroe County, created by chapter
7296 7310, Acts of 1917, is ~~shall be~~ withdrawn and returned to the
7297 Board of Trustees of the Internal Improvement Trust Fund, ~~and~~
7298 ~~thereupon~~ the board of trustees ~~of the Internal Improvement~~
7299 ~~Trust Fund~~ shall set aside a tract of land of approximately
7300 equal size and of suitable character, adjacently located, as
7301 nearly as may be, to the reservation ~~to be~~ established by the
7302 United States; and said lands, when so set aside, shall
7303 constitute the State Indian Reservation and shall be held in
7304 trust by the Department of Environmental Protection ~~Management~~
7305 ~~Services~~ for the perpetual benefit of the Indians and as a
7306 reservation for them.

7307 Section 234. Subsection (4) of section 285.14, Florida
7308 Statutes, is amended to read:

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7309 285.14 Board of Trustees of the Internal Improvement Trust
7310 Fund as trustee to accept donations of and acquire property for
7311 Indians.—

7312 (4) The Department of Environmental Protection ~~Management~~
7313 ~~Services~~, the State Board of Education, and any other state
7314 board or agency having title to lands or having lands under
7315 their jurisdiction, management, or control, may ~~in their~~
7316 ~~discretion~~ convey and transfer to the board of trustees the
7317 title to such ~~any of said~~ lands in trust for the use and benefit
7318 of said Indians.

7319 Section 235. Subsections (1) and (3) of section 286.29,
7320 Florida Statutes, are amended to read:

7321 286.29 Climate-friendly public business.—The Legislature
7322 recognizes the importance of leadership by state government in
7323 the area of energy efficiency and in reducing the greenhouse gas
7324 emissions of state government operations. The following shall
7325 pertain to all state agencies when conducting public business:

7326 (1) The Department of Financial ~~Management~~ Services shall
7327 develop the "Florida Climate-Friendly Preferred Products List."
7328 In maintaining that list, the department, in consultation with
7329 the Department of Environmental Protection, shall continually
7330 assess products currently available for purchase under state
7331 term contracts to identify specific products and vendors that
7332 offer clear energy efficiency or other environmental benefits
7333 over competing products. When procuring products from state term
7334 contracts, state agencies shall first consult the Florida
7335 Climate-Friendly Preferred Products List and procure such
7336 products if the price is comparable.

7337 (3) Each state agency shall ensure that all maintained

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7338 vehicles meet minimum maintenance schedules shown to reduce fuel
7339 consumption, which include: ensuring appropriate tire pressures
7340 and tread depth; replacing fuel filters and emission filters at
7341 recommended intervals; using proper motor oils; and performing
7342 timely motor maintenance. Each state agency shall measure and
7343 report compliance to the Department of Financial Management
7344 Services through the Equipment Management Information System
7345 database.

7346 Section 236. Subsections (10) and (19) of section 287.012,
7347 Florida Statutes, are amended to read:

7348 287.012 Definitions.—As used in this part, the term:

7349 (10) "Department" means the Department of Financial
7350 ~~Management~~ Services.

7351 (19) "Office" means the Office of Supplier Diversity in ~~of~~
7352 the department ~~of Management Services~~.

7353 Section 237. Subsection (4) of section 287.025, Florida
7354 Statutes, is amended to read:

7355 287.025 Prohibition against certain insurance coverage on
7356 specified state property or insurable subjects.—

7357 (4) No primary insurance contracts shall be purchased on
7358 any property or insurable subjects when the same is loaned to,
7359 leased by, or intended to be leased by, the state or its
7360 departments, divisions, bureaus, commissions, or agencies unless
7361 such coverage is required by the terms of the lease agreement
7362 and unless the insurance coverages required by the provisions of
7363 the lease are approved in writing by the Department of Financial
7364 ~~Management~~ Services.

7365 Section 238. Section 287.032, Florida Statutes, is amended
7366 to read:

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7367 287.032 Purpose of department.—~~It shall be~~ The purpose of
7368 the Department of Financial Management Services under this
7369 chapter is to:

7370 (1) ~~To~~ Promote efficiency, economy, and the conservation of
7371 energy and to effect coordination in the purchase of commodities
7372 and contractual services for the state.

7373 (2) ~~To~~ Provide uniform commodity and contractual service
7374 procurement policies, rules, procedures, and forms for use by
7375 agencies and eligible users.

7376 (3) ~~To~~ Procure and distribute federal surplus tangible
7377 personal property allocated to the state by the Federal
7378 Government.

7379 Section 239. Paragraph (h) of subsection (1), paragraph (b)
7380 of subsection (2), and subsection (8) of section 287.042,
7381 Florida Statutes, are amended to read:

7382 287.042 Powers, duties, and functions.—The department shall
7383 have the following powers, duties, and functions:

7384 (1)

7385 (h) The department may collect fees for the use of its
7386 electronic information services. The fees may be imposed on an
7387 individual transaction basis or as a fixed subscription for a
7388 designated period of time. At a minimum, the fees shall be
7389 determined in an amount sufficient to cover the department's
7390 projected costs of the services, including overhead in
7391 accordance with the department's policies ~~of the Department of~~
7392 ~~Management Services~~ for computing its administrative assessment.
7393 All fees collected under this paragraph shall be deposited in
7394 the Operating Trust Fund for disbursement as provided by law.

7395 (2)

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7396 (b) As an alternative to any provision in s. 120.57(3)(c),
7397 the department may proceed with the competitive solicitation or
7398 contract award process of a term contract if the Chief Financial
7399 Officer ~~when the secretary of the department or a his or her~~
7400 designee sets forth in writing particular facts and
7401 circumstances that ~~which~~ demonstrate that the delay incident to
7402 staying the solicitation or contract award process would be
7403 detrimental to the interests of the state. After the award of a
7404 contract resulting from a competitive solicitation in which a
7405 timely protest was received and in which the state did not
7406 prevail, the contract may be canceled and reawarded.

7407 (8) To provide any commodity and contractual service
7408 purchasing rules to ~~the Chief Financial Officer and~~ all agencies
7409 through an electronic medium or other means. Agencies may not
7410 approve any account or request any payment of any account for
7411 the purchase of any commodity or the procurement of any
7412 contractual service covered by a purchasing or contractual
7413 service rule except as authorized therein. The department shall
7414 furnish copies of department rules ~~adopted by the department~~ to
7415 any county, municipality, or other local public agency
7416 requesting them.

7417 Section 240. Subsections (7) and (8) and paragraph (c) of
7418 subsection (9) of section 287.055, Florida Statutes, are amended
7419 to read:

7420 287.055 Acquisition of professional architectural,
7421 engineering, landscape architectural, or surveying and mapping
7422 services; definitions; procedures; contingent fees prohibited;
7423 penalties.—

7424 (7) AUTHORITY OF DEPARTMENT OF ENVIRONMENTAL PROTECTION

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7425 ~~MANAGEMENT SERVICES.~~—Notwithstanding any other provision of this
7426 section, the Department of Environmental Protection Management
7427 ~~Services shall be the agency of state government which~~ is solely
7428 and exclusively authorized and empowered to administer and
7429 perform the functions described in subsections (3), (4), and (5)
7430 respecting all projects for which the funds necessary to
7431 complete same are appropriated to the department ~~of Management~~
7432 ~~Services~~, irrespective of whether such projects are intended for
7433 the use and benefit of the department ~~of Management Services~~ or
7434 any other agency of government. However, nothing herein shall be
7435 construed to be in derogation of any authority conferred on the
7436 Department of Environmental Protection Management Services by
7437 other express provisions of law. Additionally, any agency of
7438 government may, with the approval of the department ~~of~~
7439 ~~Management Services~~, delegate to the department ~~of Management~~
7440 ~~Services~~ authority to administer and perform the functions
7441 described in subsections (3), (4), and (5). Under the terms of
7442 the delegation, the agency may reserve its right to accept or
7443 reject a proposed contract.

7444 (8) STATE ASSISTANCE TO LOCAL AGENCIES.—On any professional
7445 service contract for which the fee is over \$25,000, the
7446 Department of Transportation or the Department of Environmental
7447 Protection Management Services shall provide, upon request by a
7448 municipality, political subdivision, school board, or school
7449 district, and upon reimbursement of the costs involved,
7450 assistance in selecting consultants and in negotiating
7451 consultant contracts.

7452 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.—

7453 (c) Except as otherwise provided in s. 337.11(7), the

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7454 Department of Environmental Protection ~~Management Services~~ shall
7455 adopt rules for the award of design-build contracts to be
7456 followed by state agencies. Each other agency must adopt rules
7457 or ordinances for the award of design-build contracts.
7458 Municipalities, political subdivisions, school districts, and
7459 school boards shall award design-build contracts by the ~~use of a~~
7460 competitive proposal selection process ~~as~~ described in this
7461 subsection, or by ~~the use of~~ a qualifications-based selection
7462 process pursuant to subsections (3), (4), and (5) for entering
7463 into a contract whereby the selected firm shall ~~will~~, subsequent
7464 to competitive negotiations, establish a guaranteed maximum
7465 price and guaranteed completion date. If the procuring agency
7466 elects the option of qualifications-based selection, during the
7467 selection of the design-build firm the procuring agency shall
7468 employ or retain a licensed design professional appropriate to
7469 the project to serve as the agency's representative. Procedures
7470 for the use of a competitive proposal selection process must
7471 include, at ~~as~~ a minimum, the following:

7472 1. The preparation of a design criteria package for the
7473 design and construction of the public construction project.

7474 2. The qualification and selection of at least ~~no fewer~~
7475 ~~than~~ three design-build firms as the most qualified, based on
7476 the qualifications, availability, and past work of the firms,
7477 including the partners or members thereof.

7478 3. The criteria, procedures, and standards for the
7479 evaluation of design-build contract proposals or bids, based on
7480 price, technical, and design aspects of the public construction
7481 project, weighted for the project.

7482 4. The solicitation of competitive proposals, pursuant to a

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7483 design criteria package, from those qualified design-build firms
7484 and the evaluation of the responses or bids submitted by those
7485 firms based on the evaluation criteria and procedures
7486 established before ~~prior to~~ the solicitation of competitive
7487 proposals.

7488 5. For consultation with the employed or retained design
7489 criteria professional concerning the evaluation of the responses
7490 or bids submitted by the design-build firms, the supervision or
7491 approval by the agency of the detailed working drawings of the
7492 project; and for evaluation of the compliance of the project
7493 construction with the design criteria package by the design
7494 criteria professional.

7495 6. In the case of public emergencies, for the agency head
7496 to declare an emergency and authorize negotiations with the best
7497 qualified design-build firm available at that time.

7498 Section 241. Paragraph (d) of subsection (5) and paragraph
7499 (b) of subsection (17) of section 287.057, Florida Statutes, are
7500 amended to read:

7501 287.057 Procurement of commodities or contractual
7502 services.—

7503 (5) When the purchase price of commodities or contractual
7504 services exceeds the threshold amount provided in s. 287.017 for
7505 CATEGORY TWO, no purchase of commodities or contractual services
7506 may be made without receiving competitive sealed bids,
7507 competitive sealed proposals, or competitive sealed replies
7508 unless:

7509 (d) If ~~When~~ it is in the best interest of the state, the
7510 Chief Financial Officer ~~secretary of the department~~ or a ~~his or~~
7511 ~~her~~ designee may authorize the Support Program to purchase

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7512 insurance by negotiation, but such purchase shall be made only
7513 under conditions most favorable to the public interest.

7514 (17) For a contract in excess of the threshold amount
7515 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
7516 appoint:

7517 (b) At least three persons to conduct negotiations during a
7518 competitive sealed reply procurement who collectively have
7519 experience and knowledge in negotiating contracts, contract
7520 procurement, and the program areas and service requirements for
7521 which commodities or contractual services are sought. If ~~When~~
7522 the value of a contract is in excess of \$1 million in any fiscal
7523 year, at least one of the persons conducting negotiations must
7524 be certified as a contract negotiator in accordance with
7525 department based upon ~~rules adopted by the Department of~~
7526 ~~Management Services~~ in order to ensure that certified contract
7527 negotiators are knowledgeable about effective negotiation
7528 strategies, capable of successfully implementing those
7529 strategies, and involved appropriately in the procurement
7530 process. At a minimum, the rules must address the qualifications
7531 required for certification, the method of certification, and the
7532 procedure for involving the certified negotiator. If the value
7533 of a contract is in excess of \$10 million in any fiscal year, at
7534 least one of the persons conducting negotiations must be a
7535 Project Management Professional, as certified by the Project
7536 Management Institute.

7537 Section 242. Section 287.05721, Florida Statutes, is
7538 amended to read:

7539 287.05721 Definitions.—As used in ss. 287.0571–287.0574,
7540 the term:

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7541 ~~(1) "Council" means the Council on Efficient Government.~~

7542 ~~(2)~~ "outsource" means the process of contracting with a
7543 vendor to provide a service as defined in s. 216.011(1)(f), in
7544 whole or in part, or an activity as defined in s.
7545 216.011(1)(rr), while a state agency retains the responsibility
7546 and accountability for the service or activity and there is a
7547 transfer of management responsibility for the delivery of
7548 resources and the performance of those resources.

7549 Section 243. Section 287.0573, Florida Statutes, is
7550 repealed.

7551 Section 244. Subsections (1), (2), (3), and (4) of section
7552 287.0574, Florida Statutes, are amended to read:

7553 287.0574 Business cases to outsource; review and analysis;
7554 requirements.—

7555 (1) A business case to outsource having a projected cost
7556 exceeding \$10 million in any fiscal year shall require:

7557 (a) An initial business case analysis conducted by the
7558 state agency and submitted to ~~the council~~, the Governor, the
7559 President of the Senate, and the Speaker of the House of
7560 Representatives at least 60 days before a solicitation is
7561 issued. ~~The council shall evaluate the business case analysis~~
7562 ~~and submit an advisory report to the state agency, the Governor,~~
7563 ~~the President of the Senate, and the Speaker of the House of~~
7564 ~~Representatives when the advisory report is completed, but at~~
7565 ~~least 30 days before the agency issues the solicitation.~~

7566 (b) A final business case analysis conducted by the state
7567 agency and submitted after the conclusion of any negotiations,
7568 at least 30 days before execution of a contract, to ~~the council~~,
7569 the Governor, the President of the Senate, and the Speaker of

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7570 the House of Representatives.

7571 (2) A proposal to outsource having a projected total cost
7572 that ranges from \$1 million to \$10 million must ~~in any fiscal~~
7573 ~~year shall~~ require:

7574 (a) An initial business case analysis conducted by the
7575 state agency and submission of the business case, at least 30
7576 days before issuing a solicitation, to ~~the council~~, the
7577 Governor, the President of the Senate, and the Speaker of the
7578 House of Representatives.

7579 (b) A final business case analysis conducted by the state
7580 agency and submitted after the conclusion of any negotiations,
7581 at least 30 days before execution of a contract, to ~~the council~~,
7582 the Governor, the President of the Senate, and the Speaker of
7583 the House of Representatives.

7584 (3) A business case to outsource that has ~~having~~ a
7585 projected cost that is less than \$1 million must ~~in any fiscal~~
7586 ~~year shall~~ require a final business case analysis conducted by
7587 the state agency after the conclusion of any negotiations ~~and~~
7588 ~~provided at least 30 days before execution of a contract to the~~
7589 ~~council. The council shall provide such business cases in its~~
7590 ~~annual report to the Legislature.~~

7591 (4) For any proposed outsourcing, the state agency shall
7592 develop a business case that justifies the proposal to
7593 outsource. In order to reduce any administrative burden, the
7594 ~~council may allow a~~ state agency shall ~~to~~ submit the business
7595 case in the form required by the budget instructions issued
7596 pursuant to s. 216.023(4)(a)7., augmented with additional
7597 information if necessary, to ensure that the requirements of
7598 this section are met. The business case is not subject to

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7599 challenge or protest pursuant to chapter 120. The business case
7600 must include, but need not be limited to:

7601 (a) A detailed description of the service or activity for
7602 which the outsourcing is proposed.

7603 (b) A description and analysis of the state agency's
7604 current performance, based on existing performance metrics if
7605 the state agency is currently performing the service or
7606 activity.

7607 (c) The goals desired to be achieved through the proposed
7608 outsourcing and the rationale for such goals.

7609 (d) A citation to the existing or proposed legal authority
7610 for outsourcing the service or activity.

7611 (e) A description of available options for achieving the
7612 goals. If state employees are currently performing the service
7613 or activity, at least one option involving maintaining state
7614 provision of the service or activity must ~~shall~~ be included.

7615 (f) An analysis of the advantages and disadvantages of each
7616 option, including, at a minimum, potential performance
7617 improvements and risks.

7618 (g) A description of the current market for the contractual
7619 services that are under consideration for outsourcing.

7620 (h) A cost-benefit analysis documenting the direct and
7621 indirect specific baseline costs, savings, and qualitative and
7622 quantitative benefits involved in or resulting from the
7623 implementation of the recommended option or options. Such
7624 analysis must specify the schedule that, at a minimum, must be
7625 adhered to in order to achieve the estimated savings. All
7626 elements of cost must be clearly identified in the cost-benefit
7627 analysis, described in the business case, and supported by

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7628 applicable records and reports. The state agency head shall
7629 attest that, based on the data and information underlying the
7630 business case, to the best of his or her knowledge, all
7631 projected costs, savings, and benefits are valid and achievable.
7632 As used in this section, the term "cost" means the reasonable,
7633 relevant, and verifiable cost, which may include, but is not
7634 limited to, elements such as personnel, materials and supplies,
7635 services, equipment, capital depreciation, rent, maintenance and
7636 repairs, utilities, insurance, personnel travel, overhead, and
7637 interim and final payments. The appropriate elements shall
7638 depend on the nature of the specific initiative. As used in this
7639 section, the term "savings" means the difference between the
7640 direct and indirect actual annual baseline costs compared to the
7641 projected annual cost for the contracted functions or
7642 responsibilities in any succeeding state fiscal year during the
7643 term of the contract.

7644 (i) A description of differences among current state agency
7645 policies and processes and, as appropriate, a discussion of
7646 options for or a plan to standardize, consolidate, or revise
7647 current policies and processes, if any, to reduce the
7648 customization of any proposed solution that would otherwise be
7649 required.

7650 (j) A description of the specific performance standards
7651 that must, at a minimum, be met to ensure adequate performance.

7652 (k) The projected timeframe for key events from the
7653 beginning of the procurement process through the expiration of a
7654 contract.

7655 (l) A plan to ensure compliance with the public records
7656 law.

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7657 (m) A specific and feasible contingency plan addressing
7658 contractor nonperformance and a description of the tasks
7659 involved in and costs required for its implementation.

7660 (n) A state agency's transition plan for addressing changes
7661 in the number of agency personnel, affected business processes,
7662 employee transition issues, and communication with affected
7663 stakeholders, such as agency clients and the public. The
7664 transition plan must contain a reemployment and retraining
7665 assistance plan for employees who are not retained by the state
7666 agency or employed by the contractor.

7667 (o) A plan for ensuring access by persons with disabilities
7668 in compliance with applicable state and federal law.

7669 (p) A description of legislative and budgetary actions
7670 necessary to accomplish the proposed outsourcing.

7671 Section 245. Section 287.076, Florida Statutes, is amended
7672 to read:

7673 287.076 ~~Project Management Professionals~~ Training for
7674 personnel involved in managing outsourcings; funding.—The
7675 department ~~of Management Services~~ may implement a program to
7676 train state agency employees who are involved in managing
7677 outsourcings as Project Management Professionals, as certified
7678 by the Project Management Institute. ~~For the 2006-2007 fiscal~~
7679 ~~year, the sum of \$500,000 in recurring funds from the General~~
7680 ~~Revenue Fund is appropriated to the department of Management~~
7681 ~~Services to implement this program.~~ The department ~~of Management~~
7682 ~~Services~~, in consultation with entities subject to this act,
7683 shall identify personnel to participate in this training based
7684 on requested need and ensure that each agency is represented.
7685 The department ~~of Management Services~~ may remit payment for this

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7686 training on behalf of all participating personnel.

7687 Section 246. Subsection (1) of section 287.083, Florida
7688 Statutes, is amended to read:

7689 287.083 Purchase of commodities.—

7690 (1) ~~It shall be the policy of the state for~~ The Department
7691 of Financial Management Services shall ~~to~~ consider the life-
7692 cycle cost of commodities purchased by the state, if when
7693 applicable and feasible as determined by the department.

7694 Section 247. Section 287.0834, Florida Statutes, is amended
7695 to read:

7696 287.0834 Motor vehicles; energy-saving equipment and
7697 additives.—Each motor vehicle purchased by the state and each
7698 motor vehicle leased by the state ~~for a period~~ in excess of 1
7699 year must ~~shall~~ use devices, equipment, and additives that have
7700 been certified as energy-saving and approved for use by the
7701 United States Environmental Protection Agency and that have been
7702 determined by the department to be cost-effective ~~by the~~
7703 ~~Department of Management Services~~.

7704 Section 248. Subsection (1), paragraphs (d), (g), and (j)
7705 of subsection (2), paragraph (e) of subsection (3), paragraph
7706 (a) of subsection (5), and subsection (12) of section 287.0943,
7707 Florida Statutes, are amended to read:

7708 287.0943 Certification of minority business enterprises.—

7709 (1) A business certified by any local governmental
7710 jurisdiction or organization shall be accepted by the ~~Department~~
7711 ~~of Management Services~~, office of ~~Supplier Diversity~~, as a
7712 certified minority business enterprise for purposes of doing
7713 business with state government if when the office of ~~Supplier~~
7714 ~~Diversity~~ determines that the state's minority business

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7715 enterprise certification criteria are applied in the local
7716 certification process.

7717 (2)

7718 (d) A final list of the criteria and procedures proposed by
7719 the task force shall be considered by the Chief Financial
7720 Officer ~~secretary~~. The task force may seek technical assistance
7721 from qualified providers of technical, business, and managerial
7722 expertise to ensure the reliability of the certification
7723 criteria developed.

7724 (g) The certification criteria approved by the task force
7725 and adopted by the department must ~~of Management Services shall~~
7726 be included in a statewide and interlocal agreement as defined
7727 in s. 287.09431 and, in accordance with s. 163.01, shall be
7728 executed according to the terms included therein.

7729 (j) The statewide and interlocal agreement shall be guided
7730 by the terms and conditions found therein and may be amended at
7731 any meeting of the task force and subsequently adopted by the
7732 Chief Financial Officer ~~secretary of the Department of~~
7733 ~~Management Services~~. The amended agreement must be enacted,
7734 initialed, and legally executed by at least two-thirds of the
7735 certifying entities party to the existing agreement and adopted
7736 by the state as originally executed in order to bind the
7737 certifying entity.

7738 (3)

7739 (e) Any participating program receiving three or more
7740 challenges to its certification decisions pursuant to subsection
7741 (4) from other organizations that are executors to the statewide
7742 and interlocal agreement, is ~~shall be~~ subject to a review by the
7743 office, as provided in paragraphs (a) and (b), of the

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7744 organization's capacity to perform under such agreement and in
7745 accordance with the core criteria established by the task force.
7746 The office shall submit a report to the Chief Financial Officer
7747 ~~secretary of the Department of Management Services~~ regarding the
7748 results of the review.

7749 (5) (a) The Chief Financial Officer ~~secretary of the~~
7750 ~~Department of Management Services~~ shall execute the statewide
7751 and interlocal agreement established under s. 287.09431 on
7752 behalf of the state. The office shall certify minority business
7753 enterprises in accordance with the laws of this state and, by
7754 affidavit, shall recertify such minority business enterprises
7755 not less than once each year.

7756 (12) Any executor of the statewide and interlocal agreement
7757 may revoke the certification or recertification of a firm doing
7758 business as a certified minority business enterprise if the
7759 minority business enterprise does not meet the requirements of
7760 the jurisdiction or certifying entity that certified or
7761 recertified the firm as a certified minority business
7762 enterprise, or the requirements of subsection (2), s. 288.703,
7763 and any rule of the office or the department ~~of Management~~
7764 ~~Services~~ or if the business acquired certification or
7765 recertification by means of falsely representing any entity as a
7766 minority business enterprise for purposes of qualifying for
7767 certification or recertification.

7768 Section 249. Subsections (2) and (3) and paragraph (h) of
7769 subsection (4) of section 287.09451, Florida Statutes, are
7770 amended to read:

7771 287.09451 Office of Supplier Diversity; powers, duties, and
7772 functions.—

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7773 (2) The Office of Supplier Diversity is established within
7774 the department ~~of Management Services~~ to assist minority
7775 business enterprises in becoming suppliers of commodities,
7776 services, and construction to state government.

7777 (3) The Chief Financial Officer ~~secretary~~ shall appoint an
7778 executive director for the office ~~of Supplier Diversity~~, who
7779 shall serve at the pleasure of the Chief Financial Officer
7780 ~~secretary~~.

7781 (4) The Office of Supplier Diversity shall have the
7782 following powers, duties, and functions:

7783 (h) To develop procedures to investigate complaints against
7784 minority business enterprises or contractors alleged to violate
7785 any provision related to this section or s. 287.0943, that may
7786 include visits to worksites or business premises, and to refer
7787 all information on businesses suspected of misrepresenting
7788 minority status to the department ~~of Management Services~~ for
7789 investigation. When an investigation is completed and there is
7790 reason to believe that a violation has occurred, the department
7791 ~~of Labor and Employment Security~~ shall refer the matter to the
7792 office of the Attorney General, ~~Department of Legal Affairs~~, for
7793 prosecution.

7794 Section 250. Section 287.131, Florida Statutes, is amended
7795 to read:

7796 287.131 Assistance of Department of Financial Services.—The
7797 department ~~of Financial Services~~ shall provide ~~the Department of~~
7798 ~~Management Services with~~ technical assistance in all matters
7799 pertaining to the purchase of insurance for all agencies, and
7800 shall make surveys of the insurance needs of the state and all
7801 departments thereof, including the benefits, if any, of self-

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7802 insurance.

7803 Section 251. Paragraphs (d), (e), (f), and (g) of
7804 subsection (1) of section 287.133, Florida Statutes, are amended
7805 to read:

7806 287.133 Public entity crime; denial or revocation of the
7807 right to transact business with public entities.—

7808 (1) As used in this section:

7809 ~~(d) "Department" means the Department of Management~~
7810 ~~Services.~~

7811 (d)~~(e)~~ "Person" means any natural person or any entity
7812 organized under the laws of any state or of the United States
7813 with the legal power to enter into a binding contract and which
7814 bids or applies to bid on contracts let by a public entity, or
7815 which otherwise transacts or applies to transact business with a
7816 public entity. The term ~~"person"~~ includes those officers,
7817 directors, executives, partners, shareholders, employees,
7818 members, and agents who are active in management of an entity.

7819 (e)~~(f)~~ "Public entity" means the State of Florida, any of
7820 its ~~departments or~~ agencies, or any political subdivision.

7821 (f)~~(g)~~ "Public entity crime" means a violation of any state
7822 or federal law by a person with respect to and directly related
7823 to the transaction of business with any public entity or with an
7824 agency or political subdivision of any other state or with the
7825 United States, including, but not limited to, any bid, proposal,
7826 reply, or contract for goods or services, any lease for real
7827 property, or any contract for the construction or repair of a
7828 public building or public work, involving antitrust, fraud,
7829 theft, bribery, collusion, racketeering, conspiracy, or material
7830 misrepresentation.

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7831 Section 252. Paragraphs (d), (e), (f), and (g) of
7832 subsection (1) of section 287.134, Florida Statutes, are amended
7833 to read:

7834 287.134 Discrimination; denial or revocation of the right
7835 to transact business with public entities.—

7836 (1) As used in this section:

7837 ~~(d) "Department" means the Department of Management~~
7838 ~~Services.~~

7839 (d) ~~(e)~~ "Entity" means any natural person or any entity
7840 organized under the laws of any state or of the United States
7841 with the legal power to enter into a binding contract and which
7842 bids or applies to bid on contracts let by a public entity, or
7843 which otherwise transacts or applies to transact business with a
7844 public entity.

7845 (e) ~~(f)~~ "Public entity" means this state and ~~any department~~
7846 ~~or~~ agency of this state.

7847 (f) ~~(g)~~ "Senior management" includes chief executive
7848 officers; assistant chief executive officers, including, but not
7849 limited to, assistant presidents, vice presidents, or assistant
7850 treasurers; chief financial officers; chief personnel officers;
7851 or any employee of an entity performing similar functions.

7852 Section 253. Section 287.15, Florida Statutes, is amended
7853 to read:

7854 287.15 Purchase or lease of motor vehicles, watercraft, or
7855 aircraft; ~~prior approval of the Department of Management~~
7856 ~~Services.~~—No state agency shall purchase, lease, or acquire any
7857 motor vehicle, watercraft, or aircraft of any type unless prior
7858 approval is first obtained from the Department of Financial
7859 ~~Management~~ Services. However, this section does not ~~nothing~~

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7860 ~~herein shall~~ prohibit the lease for casual use of motor
7861 vehicles, or remove the requirement that all purchases be in
7862 compliance with the rules ~~and regulations~~ of the Department of
7863 Financial Management Services.

7864 Section 254. Subsection (2) of section 287.151, Florida
7865 Statutes, is amended to read:

7866 287.151 Limitation on classes of motor vehicles procured.—

7867 (2) ~~No~~ Funds in the General Appropriations Act may not
7868 ~~shall~~ be used to purchase any vehicle at prices in excess of the
7869 standard prices negotiated by the Department of Financial
7870 Management Services.

7871 Section 255. Subsections (1) and (3) of section 287.155,
7872 Florida Statutes, are amended to read:

7873 287.155 Motor vehicles; purchase by Department of Children
7874 and Family Services, Agency for Persons with Disabilities,
7875 Department of Health, Department of Juvenile Justice, and
7876 Department of Corrections.—

7877 (1) The Department of Children and Family Services, the
7878 Agency for Persons with Disabilities, the Department of Health,
7879 the Department of Juvenile Justice, and the Department of
7880 Corrections may, subject to the approval of the Department of
7881 Financial Management Services, purchase automobiles, trucks,
7882 tractors, and other automotive equipment for the use of
7883 institutions or developmental disabilities centers under the
7884 management of the Department of Children and Family Services,
7885 the Agency for Persons with Disabilities, the Department of
7886 Health, and the Department of Corrections, and for the use of
7887 residential facilities managed or contracted by the Department
7888 of Juvenile Justice.

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7889 (3) The Department of Health may ~~is authorized~~, subject to
 7890 the approval of the Department of Financial Management ~~Management~~ Services,
 7891 ~~to~~ purchase automobiles, trucks, and other automotive equipment
 7892 for use by county health departments.

7893 Section 256. Section 287.16, Florida Statutes, is amended
 7894 to read:

7895 287.16 Powers and duties of department.—The Department of
 7896 Financial Management ~~Management~~ Services shall have the following powers,
 7897 duties, and responsibilities:

7898 (1) To obtain the most effective and efficient use of motor
 7899 vehicles, watercraft, and aircraft for state purposes.

7900 (2) To establish and operate central facilities for the
 7901 acquisition, disposal, operation, maintenance, repair, storage,
 7902 supervision, control, and regulation of all state-owned or
 7903 state-leased aircraft, watercraft, and motor vehicles and to
 7904 operate any state facilities for those purposes. Acquisition may
 7905 be by purchase, lease, loan, or in any other legal manner. The
 7906 department may contract for the maintenance of motor vehicles.

7907 (3) In its discretion, to require every state agency to
 7908 transfer its ownership, custody, and control of every aircraft
 7909 and motor vehicle, and associated maintenance facilities and
 7910 equipment, except those used principally for law enforcement,
 7911 state fire marshal, or fire control purposes, to the department
 7912 ~~of Management Services~~, including all right, title, interest,
 7913 and equity therein.

7914 (4) Upon requisition and showing of need, to assign
 7915 suitable aircraft or motor vehicles, on a temporary basis of
 7916 ~~(for a period up to and including 1 month,)~~ or a permanent basis
 7917 ~~(for a period from 1 month up to and including 1 full year)~~

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7918 ~~basis~~, to any state agency.

7919 (5) To allocate and charge fees to the state agencies to
7920 which aircraft or motor vehicles are furnished, based upon any
7921 reasonable criteria.

7922 (6) To adopt and enforce rules and regulations for the
7923 efficient and safe use, operation, maintenance, repair,
7924 disposal, and replacement of all state-owned or state-leased
7925 aircraft, watercraft, and motor vehicles and to require the
7926 placement of appropriate stickers, decals, or other markings
7927 upon them. The department may delegate to the respective heads
7928 of the agencies to which aircraft, watercraft, and motor
7929 vehicles are assigned the duty of enforcing the rules and
7930 regulations adopted by the department.

7931 (7) To contract for specialized maintenance services.

7932 (8) To require any state agency to keep records and make
7933 reports regarding aircraft and motor vehicles to the department
7934 as may be required. The Department of Highway Safety and Motor
7935 Vehicles shall use a reporting system approved by the
7936 department.

7937 (9) To establish and operate central facilities to
7938 determine the mode of transportation to be used by state
7939 employees traveling on official state business and to schedule
7940 and coordinate use of state-owned or state-leased aircraft and
7941 passenger-carrying vehicles to assure maximum utilization of
7942 state aircraft, motor vehicles, and employee time by assuring
7943 that employees travel by the most practical and economical mode
7944 of travel. The department shall consider the number of employees
7945 making the trip to the same location, the most efficient and
7946 economical means of travel considering the time of the employee,

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7947 transportation cost and subsistence required, the urgency of the
7948 trip, and the nature and purpose of the trip.

7949 (10) To provide the Legislature annual reports at the end
7950 of each calendar year concerning the use ~~utilization~~ of all
7951 aircraft in the executive pool.

7952 (11) To calculate biennially the break-even mileage at
7953 which it becomes cost-effective for the state to provide
7954 assigned motor vehicles to employees. The Support Program shall
7955 provide the information to agency heads and agency inspectors
7956 general to assist them in meeting the reporting requirements of
7957 s. 20.055.

7958 (12) To conduct, in coordination with the Department of
7959 Transportation, an analysis of fuel additive and biofuel use by
7960 the Department of Transportation through its central fueling
7961 facilities. The department shall encourage other state
7962 government entities to analyze transportation fuel usage,
7963 including the different types and percentages of fuels consumed,
7964 and report such information to the department.

7965 Section 257. Section 287.161, Florida Statutes, is amended
7966 to read:

7967 287.161 Executive aircraft pool; assignment of aircraft;
7968 charge for transportation.-

7969 (1) ~~There is created within the Department of Management~~
7970 ~~Services~~ An executive aircraft pool consisting of state-owned
7971 aircraft for the purpose of furnishing executive air travel is
7972 created within the Executive Office of the Governor. Such
7973 aircraft may ~~shall~~ not be a model in excess of a two-engine jet.
7974 Aircraft included in the executive aircraft pool may not be
7975 specifically assigned to any department or agency on any basis.

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7976 (2) The Executive Office of the Governor ~~Department of~~
7977 ~~Management Services~~ shall charge all persons receiving
7978 transportation from the executive aircraft pool a rate not less
7979 than the mileage allowance fixed by the Legislature for the use
7980 of privately owned vehicles. Fees collected for persons
7981 traveling by aircraft in the executive aircraft pool shall be
7982 deposited into the Bureau of Aircraft Trust Fund and ~~shall be~~
7983 expended for costs incurred to operate ~~the~~ aircraft management
7984 activities ~~of the department~~. It is the intent of the
7985 Legislature that the executive aircraft pool be operated on a
7986 full cost recovery basis, less available funds.

7987 Section 258. Paragraph (a) of subsection (3) of section
7988 287.17, Florida Statutes, is amended to read:

7989 287.17 Limitation on use of motor vehicles and aircraft.—

7990 (3) (a) The term "official state business" does ~~may not be~~
7991 ~~construed to~~ permit the use of a motor vehicle or aircraft for
7992 commuting purposes, unless special assignment of a motor vehicle
7993 is authorized as a perquisite by the Department of Personnel
7994 ~~Management Services~~, required by an employee after normal duty
7995 hours to perform duties of the position to which assigned, or
7996 authorized for an employee whose home is the official base of
7997 operation.

7998 Section 259. Section 287.18, Florida Statutes, is amended
7999 to read:

8000 287.18 Repair and service of motor vehicles and aircraft.—
8001 The Chief Financial Officer ~~Secretary of Management Services~~ or
8002 a his or her designee may require a ~~department or any~~ state
8003 agency having facilities for the repair of aircraft or motor
8004 vehicles and for the storage and distribution of gasoline and

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8005 other petroleum products to repair aircraft and motor vehicles
8006 and to furnish gasoline and other petroleum products to any
8007 other state department ~~or~~ agency and shall compensate for the
8008 cost of such services and products.

8009 Section 260. Section 287.19, Florida Statutes, is amended
8010 to read:

8011 287.19 Transfer of funds.—All moneys designated for or
8012 appropriated to any agency for the use, operation, maintenance,
8013 repair, or replacement of any state-owned or leased motor
8014 vehicles or aircraft shall be transferred to the Department of
8015 Financial Management ~~Services~~ as required by the department.

8016 Section 261. Subsection (1) of section 288.021, Florida
8017 Statutes, is amended to read:

8018 288.021 Economic development liaison.—

8019 (1) The heads of the Department of Transportation, the
8020 Department of Environmental Protection and an additional member
8021 appointed by the secretary of the department, ~~the Department of~~
8022 ~~Labor and Employment Security~~, the Department of Education, the
8023 Department of Community Affairs, ~~the Department of Management~~
8024 ~~Services~~, the Department of Revenue, the Fish and Wildlife
8025 Conservation Commission, each water management district, and
8026 each Department of Transportation District office shall
8027 designate a high-level staff member from within such agency to
8028 serve as the economic development liaison for the agency. This
8029 person shall report to the agency head and have general
8030 knowledge both of the state's permitting and other regulatory
8031 functions and of the state's economic goals, policies, and
8032 programs. This person shall also be the primary point of contact
8033 for the agency with the Office of Tourism, Trade, and Economic

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8034 Development on issues and projects important to the economic
8035 development of this state ~~Florida~~, including its rural areas, to
8036 expedite project review, to ensure a prompt, effective response
8037 to problems arising with regard to permitting and regulatory
8038 functions, and to work closely with the other economic
8039 development liaisons to resolve interagency conflicts.

8040 Section 262. Subsections (1) and (2), paragraphs (c)
8041 through (j) of subsection (4), and subsection (6) of section
8042 288.109, Florida Statutes, are amended to read:

8043 288.109 One-Stop Permitting System.—

8044 (1) The Department of Community Affairs shall ~~By January 1,~~
8045 ~~2001, the State Technology Office must~~ establish and administer
8046 ~~implement~~ an Internet site for the One-Stop Permitting System.
8047 The One-Stop Permitting System Internet site shall provide
8048 individuals and businesses with information concerning
8049 development permits; guidance on what development permits are
8050 needed for particular projects; permit requirements; and who may
8051 be contacted for more information concerning a particular
8052 development permit for a specific location. The department
8053 ~~office~~ shall design and construct the Internet site and may
8054 competitively procure and contract for services to develop the
8055 site. In designing and constructing the Internet site, the
8056 department shall ~~office must~~ solicit input from potential users
8057 of the site.

8058 (2) The Department of Community Affairs ~~office~~ shall
8059 develop the One-Stop Permitting System Internet site to allow an
8060 applicant to complete and submit application forms for
8061 development permits to agencies and counties. The Internet site
8062 must be capable of allowing an applicant to submit payment for

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8063 permit fees and must provide payment options. After initially
 8064 establishing the Internet site, the department ~~office~~ shall
 8065 implement, in the most timely manner possible, the capabilities
 8066 described in this subsection. The department ~~office~~ shall also
 8067 develop a protocol for adding ~~to the One-Stop Permitting System~~
 8068 additional state agencies and counties that agree to participate
 8069 to the One-Stop Permitting System. The department ~~office~~ may
 8070 competitively procure and contract for services to develop such
 8071 capabilities.

8072 (4) The One-Stop Permitting System must initially provide
 8073 access to the following state agencies, water management
 8074 districts and counties, with other agencies and counties that
 8075 agree to participate:

8076 ~~(c) The Department of Management Services.~~

8077 (c) ~~(d)~~ The Department of Transportation, including district
 8078 offices.

8079 (d) ~~(e)~~ The Northwest Florida Water Management District.

8080 (e) ~~(f)~~ The St. Johns River Water Management District.

8081 (f) ~~(g)~~ The Southwest Florida Water Management District.

8082 (g) ~~(h)~~ The Suwannee River Water Management District.

8083 (h) ~~(i)~~ The South Florida Water Management District.

8084 (i) ~~(j)~~ Selected counties that agree to participate.

8085 (6) The Department of Community Affairs ~~office~~ may add
 8086 counties and municipalities to the One-Stop Permitting System as
 8087 such local governments agree to participate and develop the
 8088 technical capability of joining the system.

8089 Section 263. Section 288.1092, Florida Statutes, is amended
 8090 to read:

8091 288.1092 One-Stop Permitting System Grant Program. ~~There is~~

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8092 ~~created within the State Technology Office~~ The One-Stop
8093 Permitting System Grant Program is created within the Department
8094 of Community Affairs. The purpose of the grant program is to
8095 encourage counties to coordinate and integrate the development
8096 of the county's permitting process with the One-Stop Permitting
8097 System. The department ~~office~~ shall review grant applications
8098 and, subject to available funds, if a county is certified as a
8099 Quick Permitting County under s. 288.1093, shall award a grant
8100 of up to \$50,000 to provide for such integration. The department
8101 ~~office~~ must review a grant application for consistency with the
8102 purpose of the One-Stop Permitting System to provide access to
8103 development permit information and application forms. Grants
8104 shall be issued on a first-come, first-served basis to qualified
8105 Quick Permitting Counties. The grant moneys may be used to
8106 purchase software, hardware, or consulting services necessary
8107 for the county to create an interface with the One-Stop
8108 Permitting System. Grant moneys may not be used to pay
8109 administrative costs. The grant application must specify what
8110 items or services the county intends to purchase using the grant
8111 moneys, the amount of each of the items or services to be
8112 purchased, and how the items or services are necessary for the
8113 county to create an interface with the One-Stop Permitting
8114 System.

8115 Section 264. Subsections (1) and (3) of section 288.1093,
8116 Florida Statutes, are amended to read:

8117 288.1093 Quick Permitting County Designation Program.—

8118 (1) ~~There is established within the State Technology Office~~
8119 The Quick Permitting County Designation Program is established
8120 within the Department of Community Affairs. To be designated as

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8121 a Quick Permitting County, the chair of the board of county
8122 commissioners of the applying county must certify to the
8123 department office that the county meets the criteria specified
8124 in subsection (3).

8125 (3) In order to qualify for a Quick Permitting County
8126 designation, a county must certify to the Department of
8127 Community Affairs office that the county has implemented the
8128 following best management practices:

8129 (a) The establishment of a single point of contact for a
8130 business seeking assistance in obtaining a permit;

8131 (b) The selection of high-priority projects for accelerated
8132 permit review;

8133 (c) The use of documented preapplication meetings following
8134 standard procedures;

8135 (d) The maintenance of an inventory of sites suitable for
8136 high-priority projects;

8137 (e) The development of a list of consultants who conduct
8138 business in the county;

8139 (f) The evaluation and elimination of duplicative approval
8140 and permitting requirements within the county;

8141 (g) The commitment to participate, through the entry of an
8142 interlocal agreement for individual projects, in the expedited
8143 permit process set forth in s. 403.973;

8144 (h) The development of a timetable for processing
8145 development permits and approvals; and

8146 (i) The use of interagency coordination to facilitate
8147 permit processing.

8148 Section 265. Paragraph (a) of subsection (3) of section
8149 288.1185, Florida Statutes, is amended to read:

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8150 288.1185 Recycling Markets Advisory Committee.—

8151 (3) (a) The heads of the Department of Transportation, the
8152 Department of Environmental Protection, ~~the Department of~~
8153 ~~Management Services~~, the Department of Agriculture and Consumer
8154 Services, the Florida Energy Office, the Chief Financial
8155 Officer, and the Governor shall each designate a staff member
8156 from within the agency to serve as the recycling market
8157 development liaison for the agency. This person must ~~shall~~ have
8158 knowledge of recycling and the issues and problems related to
8159 recycling and recycled materials market development. This person
8160 shall be the primary point of contact for the agency on issues
8161 related to recycled materials market development. These liaisons
8162 shall be available for committee meetings and shall work closely
8163 with the committee and other recycling market development
8164 liaisons to further the goals of the committee, as appropriate.

8165 Section 266. Paragraph (d) of subsection (5) and subsection
8166 (8) of section 288.15, Florida Statutes, are amended to read:

8167 288.15 Powers of Division of Bond Finance.—There is hereby
8168 granted to and vested in the Division of Bond Finance of the
8169 State Board of Administration the power, right, franchise, and
8170 authority:

8171 (5) In order to carry out the objectives and purposes of
8172 this chapter, the division is authorized to acquire, own,
8173 construct, operate, maintain, improve, and extend public
8174 buildings, facilities, or works within the state which are of
8175 the character hereinafter specifically mentioned. All public
8176 buildings, facilities, and works which the division is
8177 authorized to own, construct, operate, and maintain must be such
8178 as can ultimately be owned and operated by an agency,

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8179 department, board, bureau, or commission of the state. All or
8180 any such buildings, facilities, or works may be of a revenue-
8181 producing character in order that the cost of the same or some
8182 part of improvements or extensions thereto may be paid from
8183 receipts therefrom, including in Tallahassee only rentals,
8184 leases, and sales to both public and nonpublic agencies through
8185 the issue and sales or disposition of revenue bonds, notes, or
8186 certificates of the division. The buildings, facilities, and
8187 works which the division is hereby authorized to acquire,
8188 construct, operate, maintain, improve, and extend are:

8189 (d) Public buildings, facilities, and additions or
8190 improvements to existing buildings and facilities for ultimate
8191 use in connection with any of the several state institutions,
8192 departments, bureaus, boards, or commissions. For this use; ~~and,~~
8193 ~~In furtherance of this paragraph,~~ the Department of
8194 Environmental Protection Management Services, the Board of
8195 Governors of the State University System, and the State Board of
8196 Education shall ~~are authorized to~~ cooperate with the Division of
8197 Bond Finance and ~~to do and~~ perform all acts and things necessary
8198 thereto. Any property acquired by the division ~~of Bond Finance~~
8199 under ~~the provisions of~~ this chapter may ultimately be conveyed
8200 to the state free and clear of all debt or other encumbrance.

8201 (8) The division shall ~~is hereby authorized and directed to~~
8202 proceed with the acquisition of land and buildings ~~thereon now~~
8203 ~~needed or to be needed~~ for use in whole or in part by any
8204 agency, board, bureau, or commission of the state, such
8205 acquisition to be within the area defined by the Department of
8206 Environmental Protection Management Services for the long-range
8207 development of the proposed Capitol Center. The division shall

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8208 also; ~~and~~

8209 (a) ~~To~~ Construct, acquire, own, and operate buildings and
8210 facilities thereon, such buildings and facilities to be financed
8211 by the revenue they yield, through the issuance of revenue
8212 certificates; and

8213 (b) ~~To~~ Have specific authority in financing the
8214 acquisition, construction, and operation of such buildings and
8215 facilities, to utilize rentals to both public and nonpublic
8216 agencies as well as any regularly appropriated state or other
8217 public funds; however, ~~no~~ revenue from lands, buildings, or
8218 facilities now owned by the state may not be pledged to finance
8219 the acquisition of land, buildings, or facilities pursuant to
8220 this section ~~the provisions of this law~~, except for revenue from
8221 land, buildings, or facilities purchased or acquired pursuant to
8222 this section ~~the provisions of this law~~.

8223 Section 267. Section 288.17, Florida Statutes, is amended
8224 to read:

8225 288.17 Revenue certificates.—The Division of Bond Finance
8226 of the State Board of Administration may ~~is authorized to~~ issue
8227 interest-bearing revenue certificates for construction of all
8228 state buildings approved by the Legislature in its appropriation
8229 acts and requested by the Department of Environmental Protection
8230 ~~Management Services~~ or by the Board of Governors of the State
8231 University System.

8232 Section 268. Subsections (1) and (3) of section 288.18,
8233 Florida Statutes, are amended to read:

8234 288.18 Planning, promoting, and supervising state building
8235 projects.—

8236 (1) The Department of Environmental Protection is

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8237 ~~Management Services shall be~~ responsible for promoting any state
8238 building project financed as provided by law in any community
8239 where a state building is needed.

8240 (3) Any state agency required to occupy space by the
8241 Department of Environmental Protection ~~Management Services~~ may
8242 contract for such space and pledge such rentals as are provided
8243 and appropriated by the Legislature for the purpose of financing
8244 the retirement of revenue certificates for the lifetime of any
8245 issue.

8246 Section 269. Paragraph (d) of subsection (3) and
8247 subsections (5) and (8) of section 288.703, Florida Statutes,
8248 are amended to read:

8249 288.703 Definitions.—As used in this act, the following
8250 words and terms shall have the following meanings unless the
8251 content shall indicate another meaning or intent:

8252 (3) "Minority person" means a lawful, permanent resident of
8253 Florida who is:

8254 (d) A Native American, a person who has origins in any of
8255 the Indian Tribes of North America prior to 1835, upon
8256 presentation of proper documentation ~~thereof~~ as established by
8257 rule of the Department of Financial ~~Management~~ Services.

8258 (5) "Department" means the Department of Financial
8259 ~~Management~~ Services.

8260 ~~(8) "Secretary" means the secretary of the Department of~~
8261 ~~Management Services.~~

8262 Section 270. Subsections (2), (10), (11), and (12) of
8263 section 288.706, Florida Statutes, are amended to read:

8264 288.706 Florida Minority Business Loan Mobilization
8265 Program.—

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8266 (2) The Florida Minority Business Loan Mobilization Program
8267 is created to promote the development of minority business
8268 enterprises, ~~as defined in s. 288.703(2)~~, increase the ability
8269 of minority business enterprises to compete for state contracts,
8270 and sustain the economic growth of minority business enterprises
8271 in this state. The goal of the program is to assist minority
8272 business enterprises by facilitating working capital loans to
8273 minority business enterprises that are vendors on state agency
8274 contracts. The department ~~of Management Services~~ shall
8275 administer the program.

8276 (10) The department ~~of Management Services~~ may adopt rules
8277 to administer ~~implement the provisions of~~ this section.

8278 (11) The department ~~of Management Services~~ shall maintain a
8279 listing of financial institutions willing to participate in the
8280 Florida Minority Business Loan Mobilization Program. This list
8281 may ~~of financial institutions shall~~ not be exclusive. A minority
8282 business enterprise vendor who has a working relationship with a
8283 financial institution is encouraged to request that the
8284 financial institution apply to participate as a financial
8285 institution for the program.

8286 (12) The department ~~of Management Services~~ shall
8287 collaborate with the Florida Black Business Investment Board,
8288 Inc., and the Office of Tourism, Trade, and Economic Development
8289 to assist in the development and enhancement of black business
8290 enterprises.

8291 Section 271. Subsection (2) of section 288.708, Florida
8292 Statutes, is amended to read:

8293 288.708 President; employees.—

8294 (2) An employee of the board may not receive compensation

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8295 for employment that exceeds the salary paid to the Governor,
8296 unless the board and the employee have executed a contract that
8297 prescribes specific and measurable performance outcomes for the
8298 employee, the satisfaction of which provides the basis for the
8299 award of incentive payments that increase the employee's total
8300 compensation to a level above the salary paid to the Governor.
8301 The Executive Office of the Governor ~~Department of Management~~
8302 ~~Services~~ shall establish a lease-agreement program under which
8303 an employee of the board, as of June 30, 2002, retains his or
8304 her status as a state employee until the employee voluntarily or
8305 involuntarily terminates his or her status with the board.
8306 Status as a state employee includes ~~shall include~~ the right to
8307 participate in the Florida Retirement System.

8308 Section 272. Subsection (6) of section 288.7091, Florida
8309 Statutes, is amended to read:

8310 288.7091 Duties of the Florida Black Business Investment
8311 Board, Inc.—The board shall:

8312 (6) Collaborate with the Department of Transportation, the
8313 Department of Financial Management ~~Management~~ Services, including the
8314 Florida Minority Business Loan Mobilization Program, Workforce
8315 Florida, Inc., and other state agencies and partners, the State
8316 University System, including the Florida Agricultural and
8317 Mechanical University's Institute of Urban Policy and Commerce,
8318 school boards, and local governments to create an ~~a network of~~
8319 information network and to identify available resources to
8320 enhance the development and expansion of black business
8321 enterprises.

8322 Section 273. Paragraph (b) of subsection (5) of section
8323 288.712, Florida Statutes, is amended to read:

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8324 288.712 Guarantor funds.—

8325 (5) The board shall do all of the following to implement
8326 the black contractors bonding program:

8327 (b) Provide assistance to the Office of Supplier Diversity
8328 within the Department of Financial Management Services, as
8329 needed, to certify new black business enterprises and to train
8330 appropriate department staff.

8331 Section 274. Subsection (2) of section 288.901, Florida
8332 Statutes, is amended to read:

8333 288.901 Enterprise Florida, Inc.; creation; membership;
8334 organization; meetings; disclosure.—

8335 (2) Enterprise Florida, Inc., shall establish one or more
8336 corporate offices, at least one of which shall be located in
8337 Leon County. The Executive Office of the Governor ~~Department of~~
8338 ~~Management Services~~ may establish a lease agreement program
8339 under which Enterprise Florida, Inc., may hire any individual
8340 who, ~~as of June 30, 1996, is employed by the Department of~~
8341 ~~Commerce or who, as of January 1, 1997, is employed by the~~
8342 Executive Office of the Governor and has responsibilities
8343 specifically in support of the Workforce Development Board
8344 established under s. 445.004 ~~288.9620~~. Under such agreement, the
8345 employee shall retain his or her status as a state employee but
8346 shall work under the direct supervision of Enterprise Florida,
8347 Inc. Retention of state employee status includes ~~shall include~~
8348 the right to participate in the Florida Retirement System. The
8349 office ~~Department of Management Services~~ shall establish the
8350 terms and conditions of such lease agreements.

8351 Section 275. Paragraph (a) of subsection (3), paragraphs
8352 (d) and (e) of subsection (5), paragraph (a) of subsection (6),

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8353 and subsections (7) and (9) of section 295.187, Florida
8354 Statutes, are amended to read:

8355 295.187 Florida Service-Disabled Veteran Business
8356 Enterprise Opportunity Act.—

8357 (3) DEFINITIONS.—For the purpose of this section, the term:

8358 (a) "Certified service-disabled veteran business
8359 enterprise" means a business that has been certified by the
8360 Department of Financial Management Services to be a service-
8361 disabled veteran business enterprise ~~as defined in paragraph~~
8362 ~~(c)~~.

8363 (5) CERTIFICATION PROCEDURE.—

8364 (d) A certified service-disabled veteran business
8365 enterprise must notify the Department of Financial Management
8366 Services within 30 business days after any event that may
8367 significantly affect the certification of the business,
8368 including, but not limited to, a change in ownership or change
8369 in management and daily business operations.

8370 (e) The certification of a service-disabled veteran
8371 business enterprise shall be revoked for 12 months if the
8372 Department of Financial Management Services determines that the
8373 business enterprise violated paragraph (d). An owner of a
8374 certified service-disabled veteran business enterprise whose
8375 certification is revoked may ~~is~~ not ~~permitted to~~ reapply for
8376 certification under this section as an owner of any business
8377 enterprise during the 12-month revocation period.

8378 1. During the 12-month revocation period, a service-
8379 disabled veteran business enterprise whose certification has
8380 been revoked may bid on state contracts but is not eligible for
8381 any preference available under this section.

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8382 2. A service-disabled veteran business enterprise whose
8383 certification has been revoked may apply for certification at
8384 the conclusion of the 12-month revocation period by complying
8385 with requirements applicable to initial certifications.

8386 (6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The
8387 department shall:

8388 (a) Assist the Department of Financial Management ~~Services~~
8389 in establishing a certification procedure, which shall be
8390 reviewed biennially and updated as necessary.

8391 (7) DUTIES OF THE DEPARTMENT OF FINANCIAL MANAGEMENT
8392 SERVICES.—The department shall:

8393 (a) With assistance from the Department of Veterans'
8394 Affairs, establish a certification procedure, which shall be
8395 reviewed biennially and updated as necessary.

8396 (b) Grant, deny, or revoke the certification of a service-
8397 disabled veteran business enterprise under this section.

8398 (c) Maintain an electronic directory of certified service-
8399 disabled veteran business enterprises for use by the state,
8400 political subdivisions of the state, and the public.

8401 (9) RULES.—The Department of Veterans' Affairs and the
8402 Department of Financial Management ~~Services~~, as appropriate, may
8403 adopt rules as necessary to administer this section.

8404 Section 276. Subsection (17) of section 318.18, Florida
8405 Statutes, is amended to read:

8406 318.18 Amount of penalties.—The penalties required for a
8407 noncriminal disposition pursuant to s. 318.14 or a criminal
8408 offense listed in s. 318.17 are as follows:

8409 (17) In addition to any penalties imposed, a surcharge of
8410 \$3 must be paid for all criminal offenses listed in s. 318.17

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8411 and for all noncriminal moving traffic violations under chapter
8412 316. Revenue from the surcharge shall be remitted to the
8413 Department of Revenue and deposited quarterly into the State
8414 Agency Law Enforcement Radio System Trust Fund of the Department
8415 of Law Enforcement ~~Management Services~~ for the state agency law
8416 enforcement radio system, as described in s. 282.709, and to
8417 provide technical assistance to state agencies and local law
8418 enforcement agencies with their statewide systems of regional
8419 law enforcement communications, as described in s. 282.710. This
8420 subsection expires July 1, 2012. The Department of Law
8421 Enforcement ~~Management Services~~ may retain funds sufficient to
8422 recover the costs and expenses incurred for managing,
8423 administering, and overseeing the Statewide Law Enforcement
8424 Radio System, and providing technical assistance to state
8425 agencies and local law enforcement agencies with their statewide
8426 systems of regional law enforcement communications. The
8427 Department of Law Enforcement ~~Management Services~~ working in
8428 conjunction with the Joint Task Force on State Agency Law
8429 Enforcement Communications shall determine and direct the
8430 purposes for which these funds are used to enhance and improve
8431 the radio system.

8432 Section 277. Subsection (9) of section 318.21, Florida
8433 Statutes, is amended to read:

8434 318.21 Disposition of civil penalties by county courts.—All
8435 civil penalties received by a county court pursuant to the
8436 provisions of this chapter shall be distributed and paid monthly
8437 as follows:

8438 (9) Twelve dollars and fifty cents from each moving traffic
8439 violation must be used by the county to fund that county's

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8440 participation in an intergovernmental radio communication
8441 program approved by the Department of Law Enforcement Management
8442 ~~Services~~. If the county is not participating in such a program,
8443 funds collected must be used to fund local law enforcement
8444 automation and must be distributed to the municipality or
8445 special improvement district in which the violation occurred or
8446 to the county if the violation occurred within the
8447 unincorporated area of the county.

8448 Section 278. Section 320.0802, Florida Statutes, is amended
8449 to read:

8450 320.0802 Surcharge on license tax.—A \$1 surcharge ~~There is~~
8451 ~~hereby~~ levied and imposed on each license tax imposed under s.
8452 320.08, except those set forth in s. 320.08(11), ~~a surcharge in~~
8453 ~~the amount of \$1,~~ which shall be collected in the same manner as
8454 the license tax and deposited into the State Agency Law
8455 Enforcement Radio System Trust Fund of the Department of Law
8456 Enforcement Management Services.

8457 Section 279. Subsection (7) of section 320.08056, Florida
8458 Statutes, is amended to read:

8459 320.08056 Specialty license plates.—

8460 (7) The department shall annually retain from the first
8461 proceeds derived from the annual use fees collected an amount
8462 sufficient to defray each specialty plate's pro rata share of
8463 the department's costs directly related to the specialty license
8464 plate program. Such costs must ~~shall~~ include inventory costs,
8465 distribution costs, direct costs to the department, costs
8466 associated with reviewing each organization's compliance with
8467 audit and attestation requirements of s. 320.08062, and any
8468 applicable increased costs of manufacturing the specialty

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8469 license plate. Any cost increase to the department related to
8470 actual cost of the plate, including a reasonable vendor profit,
8471 shall be verified by the Department of Financial Management
8472 Services. The balance of the proceeds from the annual use fees
8473 collected for that specialty license plate shall be distributed
8474 as provided by law.

8475 Section 280. Subsection (1) of section 321.04, Florida
8476 Statutes, is amended to read:

8477 321.04 Personnel of the highway patrol; rank
8478 classifications; probationary status of new patrol officers;
8479 subsistence; special assignments.—

8480 (1) The Department of Highway Safety and Motor Vehicles
8481 shall employ patrol officers, as authorized by the Legislature
8482 in appropriating funds for their salaries exclusive of those
8483 members of the patrol who are assigned to and paid by special
8484 departments; and shall establish the necessary supervisory ranks
8485 within the Florida Highway Patrol to efficiently supervise and
8486 carry out the designated functions of the patrol and the
8487 department in accordance with rules ~~the regulations~~ established
8488 by the Department of Personnel Management Services.

8489 Section 281. Subsection (9) of section 328.72, Florida
8490 Statutes, is amended to read:

8491 328.72 Classification; registration; fees and charges;
8492 surcharge; disposition of fees; fines; marine turtle stickers.—

8493 (9) SURCHARGE.—In addition, there is hereby levied and
8494 imposed on each vessel registration fee imposed under subsection
8495 (1) a surcharge in the amount of \$1 for each 12-month period of
8496 registration, which shall be collected in the same manner as the
8497 fee and deposited into the State Agency Law Enforcement Radio

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8498 System Trust Fund of the Department of Law Enforcement
8499 ~~Management Services~~.

8500 Section 282. Subsections (1) and (2) of section 337.02,
8501 Florida Statutes, are amended to read:

8502 337.02 Purchases by department subject to competitive bids;
8503 advertisement; emergency purchases; bid specifications.—

8504 (1) Except as provided herein, purchase by the Department
8505 of Transportation of commodities, including the advertising and
8506 awarding of competitive bids, are ~~shall be~~ governed by chapters
8507 283 and 287 and rules adopted by the Department of Financial
8508 ~~Management Services pursuant thereto~~. However, ~~the provisions of~~
8509 s. 287.057 notwithstanding, the department may purchase parts
8510 and repairs valued at up to the threshold amount provided in s.
8511 287.017 for CATEGORY TWO for the repair of mobile road
8512 maintenance equipment, marine vessels, permanent vehicle scales,
8513 and mechanical and electrical equipment for movable bridges,
8514 toll facilities including the Florida Turnpike, and up to the
8515 threshold amount provided in s. 287.017 for CATEGORY THREE for
8516 treatment plants and lift stations for water and sewage, and
8517 major heating and cooling systems without receiving competitive
8518 bids.

8519 (2) If the department determines that an emergency exists
8520 in regard to the purchase of materials, machinery, tools,
8521 equipment, or supplies, so that the delay incident to ~~giving~~
8522 ~~opportunity for~~ competitive bidding is ~~would be~~ detrimental to
8523 the interests of the state, the provisions for competitive
8524 bidding do not apply; and the department may authorize or
8525 purchase such materials, machinery, tools, equipment, or
8526 supplies without ~~giving opportunity for~~ competitive bidding

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8527 ~~thereon~~. The department shall, within 10 days after such
8528 determination and purchase, file with the Chief Financial
8529 Officer ~~head of the Department of Management Services~~ a written
8530 statement of the materials, machinery, tools, equipment, or
8531 supplies purchased and a certificate as to the conditions and
8532 circumstances constituting such emergency.

8533 Section 283. Section 337.023, Florida Statutes, is amended
8534 to read:

8535 337.023 Sale of building; acceptance of replacement
8536 building.—Notwithstanding ~~the provisions of~~ s. 216.292(2)(b)2.,
8537 if the department sells a building, the department may accept
8538 the construction of a replacement building, in response to a
8539 request for proposals, totally or partially in lieu of cash, and
8540 may do so without a specific legislative appropriation. Such
8541 action is subject to the approval of the Executive Office of the
8542 Governor, and is subject to the notice, review, and objection
8543 procedures under s. 216.177. The replacement building shall be
8544 consistent with the current and projected needs of the
8545 department as agreed upon by the department and the Department
8546 of Environmental Protection ~~Management Services~~.

8547 Section 284. Paragraph (d) of subsection (2) of section
8548 337.165, Florida Statutes, is amended to read:

8549 337.165 Contract crime; denial or revocation of a
8550 certificate of qualification.—

8551 (2)

8552 (d) A contractor or affiliate whose certificate has been
8553 denied or revoked may, at any time after denial or revocation,
8554 petition for and be granted a hearing to determine his or her
8555 eligibility for reapplication or reinstatement upon such terms

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8556 and conditions as may be prescribed upon finding that
8557 reapplication or reinstatement is in the public interest. The
8558 petition shall be filed with the department. Any hearing
8559 conducted by the department must ~~shall~~ be conducted within 30
8560 days after receipt of the petition, unless otherwise stipulated
8561 by the parties. If the contractor or affiliate requests in the
8562 ~~his or her~~ petition that the hearing be conducted by the
8563 Division of Administrative Hearings ~~of the Department of~~
8564 ~~Management Services~~, the department shall, within 5 days after
8565 receipt of the petition, notify the division of the request. The
8566 director of the Division of Administrative Hearings shall,
8567 within 5 days after receipt of the notice by the department,
8568 assign an administrative law judge, who shall conduct the
8569 hearing within 30 days ~~thereafter~~, unless otherwise stipulated
8570 by the parties. The department shall be a party in interest in
8571 any hearing conducted by the division ~~of Administrative~~
8572 ~~Hearings~~. In determining whether reapplication or reinstatement
8573 would be in the public interest, the department or ~~division~~
8574 administrative law judge shall give consideration to any
8575 relevant mitigating circumstances, which may include, but are
8576 not limited to, the following:

- 8577 1. The degree of culpability;
- 8578 2. Prompt and voluntary payment of damages to the state as
8579 a result of the contractor's violation of state or federal
8580 antitrust laws;
- 8581 3. Cooperation with any state or federal prosecution or
8582 investigation of a contract crime;
- 8583 4. Disassociation with those involved in a contract crime;
- 8584 5. Reinstatement in other state or federal jurisdictions;

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8585 and

8586 6. The needs of the department in completing its programs
8587 in a timely, cost-effective manner.

8588

8589 The department or ~~division~~ administrative law judge shall also
8590 consider the failure of the contractor or affiliate to comply
8591 with the notification provisions of subsection (5). Any hearing
8592 requested under this paragraph must ~~shall~~ be conducted and
8593 concluded without undue delay. The administrative law judge
8594 shall, within 30 days after the hearing, complete and submit a
8595 final order to the department, which ~~order~~ may not be altered or
8596 amended by the department. If eligibility for reapplication or
8597 reinstatement is denied, the contractor or affiliate may not
8598 petition for a subsequent hearing for ~~a period of~~ 9 months
8599 following the date of the order of denial or revocation.
8600 However, a hearing before ~~prior to~~ the expiration of such period
8601 may be authorized by the department if, ~~in its discretion,~~ it
8602 determines that a hearing is in the public interest.

8603 Section 285. Subsection (2) of section 338.2216, Florida
8604 Statutes, is amended to read:

8605 338.2216 Florida Turnpike Enterprise; powers and
8606 authority.—

8607 (2) The department may ~~shall have the authority to~~ employ
8608 procurement methods available to the Department of Financial
8609 ~~Management~~ Services and the Department of Environmental
8610 Protection under chapters 255 and 287 and under any rule adopted
8611 under such chapters solely for the benefit of the turnpike
8612 enterprise.

8613 Section 286. Subsection (4) of section 338.227, Florida

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8614 Statutes, is amended to read:

8615 338.227 Turnpike revenue bonds.—

8616 (4) The Department of Transportation and the Department of
8617 Financial Management Services shall create and implement an
8618 outreach program designed to enhance the participation of
8619 minority persons and minority business enterprises in all
8620 contracts entered into by their respective departments for
8621 services related to the financing of department projects for the
8622 Florida Intrastate Highway System Plan. These services must
8623 ~~shall~~ include, but are not ~~be~~ limited to, bond counsel and bond
8624 underwriters.

8625 Section 287. Subsection (3) of section 350.0614, Florida
8626 Statutes, is amended to read:

8627 350.0614 Public Counsel; compensation and expenses.—

8628 (3) Neither the Executive Office of the Governor nor the
8629 Department of Personnel Management ~~Services~~ or its successor may
8630 ~~shall have power to~~ determine the number, or fix the
8631 compensation, of the employees of the Public Counsel or to
8632 exercise any ~~manner of~~ control over them.

8633 Section 288. Section 350.125, Florida Statutes, is amended
8634 to read:

8635 350.125 Administrative law judges.—Notwithstanding any
8636 other provision of law ~~to the contrary notwithstanding~~, the
8637 commission shall use ~~utilize~~ administrative law judges of the
8638 Division of Administrative Hearings ~~of the Department of~~
8639 ~~Management Services~~ to conduct hearings of the commission not
8640 assigned to members of the commission.

8641 Section 289. Subsection (2) of section 364.0135, Florida
8642 Statutes, is amended to read:

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8643 364.0135 Promotion of broadband deployment.—

8644 (2) The Agency for Enterprise Information Technology shall
8645 ~~Department of Management Services is authorized to work~~
8646 collaboratively with, and ~~to~~ receive staffing support and other
8647 resources from, Enterprise Florida, Inc., state agencies, local
8648 governments, private businesses, and community organizations to:

8649 (a) Conduct a needs assessment of broadband Internet
8650 service in collaboration with communications service providers,
8651 including, but not limited to, wireless and wireline Internet
8652 service providers, to develop geographical information system
8653 maps at the census tract level that will:

8654 1. Identify geographic gaps in broadband services,
8655 including areas unserved by any broadband provider and areas
8656 served by a single broadband provider;

8657 2. Identify the download and upload transmission speeds
8658 made available to businesses and individuals in the state, at
8659 the census tract level of detail, using data rate benchmarks for
8660 broadband service used by the Federal Communications Commission
8661 to reflect different speed tiers; and

8662 3. Provide a baseline assessment of statewide broadband
8663 deployment in terms of percentage of households with broadband
8664 availability.

8665 (b) Create a strategic plan that has goals and strategies
8666 for increasing the use of broadband Internet service in the
8667 state.

8668 (c) Build and facilitate local technology planning teams or
8669 partnerships with members representing cross-sections of the
8670 community, which may include, but are not limited to,
8671 representatives from the following organizations and industries:

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8672 libraries, K-12 education, colleges and universities, local
8673 health care providers, private businesses, community
8674 organizations, economic development organizations, local
8675 governments, tourism, parks and recreation, and agriculture.

8676 (d) Encourage the use of broadband Internet service,
8677 especially in the rural, unserved, and underserved communities
8678 of the state through grant programs having effective strategies
8679 to facilitate the statewide deployment of broadband Internet
8680 service. For any grants to be awarded, priority must be given to
8681 projects that:

8682 1. Provide access to broadband education, awareness,
8683 training, access, equipment, and support to libraries, schools,
8684 colleges and universities, health care providers, and community
8685 support organizations.

8686 2. Encourage investments in primarily unserved areas to
8687 give consumers a choice of more than one broadband Internet
8688 service provider.

8689 3. Work toward establishing affordable and sustainable
8690 broadband Internet service in unserved areas of the state.

8691 4. Facilitate the development of applications, programs,
8692 and services, including, but not limited to, telework,
8693 telemedicine, and e-learning to increase the usage of, and
8694 demand for, broadband Internet service in the state.

8695 Section 290. Subsections (2), (3), (4), (5), (6), and (9)
8696 of section 364.515, Florida Statutes, are amended to read:

8697 364.515 Infrastructure investment.—

8698 (2) In order to be eligible under this act, an eligible
8699 facility, or a group of eligible facilities based on geographic
8700 proximity, shall submit a technology-needs request to the Agency

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8701 for Enterprise Information Technology Department of Management
8702 ~~Services~~. The agency department shall review the technology-
8703 needs request to determine if it conforms to the standards
8704 outlined in the State Education Technology Committee's plan. If
8705 the technology-needs request does not conform to the plan, ~~then~~
8706 the agency department shall return the request to the eligible
8707 facility or group for modifications. After modification of a
8708 technology-needs request it can ~~then~~ be resubmitted by the
8709 eligible facility or a group of eligible facilities. A
8710 technology-needs request shall be submitted to the agency by
8711 ~~department no later than July 1, 1997. Nothing in this section~~
8712 ~~shall prevent~~ The agency may group ~~Department of Management~~
8713 ~~Services from grouping~~ eligible facilities technology requests
8714 if ~~when~~ such grouping would result in the most efficient method
8715 to deliver advanced telecommunications services.

8716 (3) Once a technology-needs request or group request has
8717 been received and has been determined to meet the standards
8718 outlined in the plan, the Agency for Enterprise Information
8719 Technology ~~Department of Management Services~~ shall acquire
8720 advanced telecommunications services requested by an eligible
8721 facility or group of eligible facilities pursuant to chapter
8722 287. The agency ~~Department of Management Services~~ shall
8723 establish specifications to acquire the advanced
8724 telecommunications infrastructure needed to provide advanced
8725 telecommunications services. The advanced telecommunications
8726 infrastructure used to provide ~~such~~ connections to the eligible
8727 facilities shall be provided at no cost in an amount not to
8728 exceed \$20,000 per eligible facility. If ~~In those instances in~~
8729 ~~which~~ a competitive bid is not received, advanced

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8730 telecommunications services to be provided over this
8731 communication infrastructure must ~~shall~~ be priced below
8732 commercially available rates for comparable service and less
8733 than the statewide average of such services.

8734 (4) Notwithstanding ~~the requirements in~~ subsection (3), in
8735 geographic areas where interconnection between entities is the
8736 most efficient method of providing advanced telecommunications
8737 services, the Agency for Enterprise Information Technology
8738 ~~Department of Management Services~~ may suggest, along with the
8739 commission, such interconnection arrangements.

8740 (5) Any entity may submit a bid or proposal in response to
8741 the solicitation for services by the Agency for Enterprise
8742 Information Technology ~~Department of Management Services~~. The
8743 agency ~~Department of Management Services~~ shall award a bid in
8744 conformity with chapter 287, and may not require ~~under no~~
8745 ~~circumstances shall~~ the bidder ~~be required~~ to install facilities
8746 until the eligible facility is ready to use ~~utilize~~ the
8747 services. If no bids or proposals are received in response to a
8748 solicitation ~~issued by the Department of Management Services~~,
8749 the agency ~~Department of Management Services~~ shall obtain the
8750 name and address from the commission of the carrier of last
8751 resort in the territory of the eligible facility and provide
8752 that carrier ~~of last resort~~ with a description of the advanced
8753 telecommunications services that must be provided. If no bids or
8754 proposals are submitted for the provision of advanced
8755 telecommunications services to an eligible facility, the
8756 telecommunications company serving as the carrier of last resort
8757 to such eligible facility shall provide the advanced
8758 telecommunications services.

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8759 (6) Advanced telecommunications services to be provided by
8760 the entity awarded the contract or, if no bid or proposal is
8761 received, the carrier of last resort must ~~shall~~ be provided
8762 within 6 months or at such later date as the eligible facility
8763 may specify. If ~~In~~ the event that a technology-needs request is
8764 received by July 1, 1997, but is requested not to be completed
8765 until after January 1, 1999, the Agency for Enterprise
8766 Information Technology Department of Management Services shall
8767 ~~then~~ issue a solicitation closer to the time the advanced
8768 telecommunications services are requested. The entities
8769 providing advanced telecommunications services pursuant to this
8770 chapter shall abide by the same terms and conditions as those
8771 eligible facilities requesting such services by January 1, 1999.

8772 (9) ~~Nothing in~~ This part does not ~~shall~~ preclude the Agency
8773 for Enterprise Information Technology Department of Management
8774 ~~Services~~ from combining an eligible facility with any grouping
8775 of qualified subscribers as defined in chapter 282, to create
8776 the most cost-effective and efficient access to network
8777 services.

8778 Section 291. Section 364.516, Florida Statutes, is amended
8779 to read:

8780 364.516 Penalties.—If ~~In the event that~~ the provision of
8781 advanced telecommunications services to a requesting eligible
8782 facility pursuant to s. 364.515(5) or (6) is not performed by
8783 the entity awarded the contract or by a carrier of last resort
8784 or within the date specified in the solicitation, except in
8785 those instances in which acts of God may have prevented the
8786 bidder from completing the contract, the eligible facility or
8787 the Agency for Enterprise Information Technology Department of

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8788 ~~Management Services~~ may petition the commission for an order
 8789 enforcing the requirements. The commission shall act upon such
 8790 petition within 60 days and, ~~if in the event~~ the commission
 8791 finds that the entity that has been awarded the contract or the
 8792 carrier of last resort has not performed as specified in this
 8793 part, the commission shall order the entities to perform as
 8794 required in the contract or by this part. ~~If In the event~~ the
 8795 entity fails to comply with the commission's order within 60
 8796 days, the commission shall impose a fine on the bidding company
 8797 or carrier of last resort of \$25,000 per eligible facility
 8798 specified in the contract. Any fines collected ~~under this~~
 8799 ~~section~~ shall be deposited in the General Revenue Fund to be
 8800 allocated back to the specific requesting area where the
 8801 eligible facility is located to implement advanced
 8802 telecommunications services.

8803 Section 292. Paragraph (a) of subsection (3) of section
 8804 365.171, Florida Statutes, is amended to read:

8805 365.171 Emergency communications number E911 state plan.—

8806 (3) DEFINITIONS.—As used in this section, the term:

8807 (a) "Office" means the Technology Program within the
 8808 Department of Law Enforcement ~~Management Services~~, as designated
 8809 by the department's executive director ~~secretary of the~~
 8810 ~~department~~.

8811 Section 293. Paragraph (t) of subsection (3), paragraph (a)
 8812 of subsection (6), paragraph (c) of subsection (7), and
 8813 paragraph (f) of subsection (12) of section 365.172, Florida
 8814 Statutes, are amended to read:

8815 365.172 Emergency communications number "E911."—

8816 (3) DEFINITIONS.—Only as used in this section and ss.

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8817 365.171, 365.173, and 365.174, the term:

8818 (t) "Office" means the Technology Program within the
 8819 Department of Law Enforcement Management Services, as designated
 8820 by the department's executive director ~~secretary of the~~
 8821 ~~department.~~

8822 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

8823 (a) The board shall:

8824 1. Administer the E911 fee.

8825 2. Implement, maintain, and oversee the fund.

8826 3. Review and oversee the disbursement of the revenues
 8827 deposited into the fund as provided in s. 365.173.

8828 a. The board may establish a schedule for implementing
 8829 wireless E911 service by service area, and prioritize
 8830 disbursements of revenues from the fund to providers and rural
 8831 counties as provided in s. 365.173(2)(d) and (g) pursuant to the
 8832 schedule, in order to implement E911 services in the most
 8833 efficient and cost-effective manner.

8834 b. Revenues in the fund which have not been disbursed
 8835 because sworn invoices ~~as~~ required by s. 365.173(2)(d) have not
 8836 been submitted to the board may be used by the board as needed
 8837 to provide grants to counties for the purpose of upgrading E911
 8838 systems. The counties must use the funds only for capital
 8839 expenditures directly attributable to establishing and
 8840 provisioning E911 services, which may include next-generation
 8841 deployment. Before distributing the ~~Prior to the distribution of~~
 8842 grants, the board shall provide 90 days' written notice to all
 8843 counties and publish ~~electronically~~ an approved application
 8844 process electronically. County grant applications shall be
 8845 prioritized based on the availability of funds, current system

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8846 life expectancy, system replacement needs, and Phase II
8847 compliance per the Federal Communications Commission. No grants
8848 will be available to any county for next-generation deployment
8849 until all counties are Phase II complete. The board shall take
8850 all actions within its authority to ensure that county
8851 recipients of such grants use these funds only for the purpose
8852 under which they have been provided and may take any actions
8853 within its authority to secure county repayment of grant
8854 revenues upon determination that the funds were not used for the
8855 purpose for ~~under~~ which they were provided.

8856 c. The board shall reimburse all costs of a wireless
8857 provider in accordance with s. 365.173(2)(d) before taking any
8858 action to transfer additional funds.

8859 d. By September 1, 2007, the board shall authorize the
8860 transfer of up to \$15 million to the counties from existing
8861 money within the fund established under s. 365.173(1). The money
8862 shall be disbursed equitably to all of the counties using a
8863 timeframe and distribution methodology established by the board
8864 before September 1, 2007, in order to prevent a loss to the
8865 counties in the ordinary and expected time value of money caused
8866 by any timing delay in remittance to the counties of wireline
8867 fees caused by the one-time transfer of collecting wireline fees
8868 by the counties to the board. All disbursements for this purpose
8869 must be returned to the fund from future remittances by the
8870 nonwireless category.

8871 e. After taking the action required in sub-subparagraphs
8872 a.-d., the board may review and, with all members participating
8873 in the vote, adjust the percentage allocations or adjust the
8874 amount of the fee, or both, under paragraph (8)(h), and, if the

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8875 board determines that the revenues in the wireless category
8876 exceed the amount needed to reimburse wireless providers for the
8877 cost to implement E911 services, the board may transfer revenue
8878 to the counties from the existing funds within the wireless
8879 category. The board shall disburse the funds equitably to all
8880 counties using a timeframe and distribution methodology
8881 established by the board.

8882 4. Review documentation submitted by wireless providers
8883 which reflects current and projected funds derived from the fee,
8884 and the expenses incurred and expected to be incurred in order
8885 to comply with the E911 service requirements contained in the
8886 order for the purposes of:

8887 a. Ensuring that wireless providers receive fair and
8888 equitable distributions of funds from the fund.

8889 b. Ensuring that wireless providers are not provided
8890 disbursements from the fund which exceed the costs of providing
8891 E911 service, including the costs of complying with the order.

8892 c. Ascertaining the projected costs of compliance with the
8893 requirements of the order and projected collections of the fee.

8894 d. Implementing changes to the allocation percentages or
8895 adjusting the fee under paragraph (8) (i).

8896 5. Meet monthly in the most efficient and cost-effective
8897 manner, including telephonically if ~~when~~ practical, ~~for the~~
8898 ~~business to be conducted~~, to review and approve or reject, in
8899 whole or in part, applications submitted by wireless providers
8900 for recovery of moneys deposited into the wireless category, and
8901 to authorize the transfer of, and distribute, the fee allocation
8902 to the counties.

8903 6. Hire and retain employees, which may include an

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8904 independent executive director who must ~~shall~~ possess experience
8905 in ~~the area of~~ telecommunications and emergency 911 issues, for
8906 the purposes of performing the technical and administrative
8907 functions for the board.

8908 7. Make and enter into contracts, pursuant to chapter 287,
8909 and execute other instruments necessary or convenient for the
8910 exercise of the powers and functions of the board.

8911 8. Sue and be sued, and appear and defend in all actions
8912 and proceedings, in its corporate name to the same extent as a
8913 natural person.

8914 9. Adopt, use, and alter a common corporate seal.

8915 10. Elect or appoint the officers and agents that are
8916 required by the affairs of the board.

8917 11. The board may adopt rules ~~under ss. 120.536(1) and~~
8918 ~~120.54~~ to implement this section and ss. 365.173 and 365.174.

8919 12. Provide coordination, support, and technical assistance
8920 to counties to promote the deployment of advanced 911 and E911
8921 systems in the state.

8922 13. Provide coordination and support for educational
8923 opportunities related to E911 issues for the E911 community in
8924 this state.

8925 14. Act as an advocate for issues related to E911 system
8926 functions, features, and operations to improve the delivery of
8927 E911 services to the residents of and visitors to this state.

8928 15. Coordinate input from this state at national forums and
8929 associations, to ensure that policies related to E911 systems
8930 and services are consistent with the policies of the E911
8931 community in this state.

8932 16. Work cooperatively with the system director established

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8933 in s. 365.171(5) to enhance the state of E911 services in this
8934 state and to provide unified leadership for all E911 issues
8935 through planning and coordination.

8936 17. Do all acts and things necessary or convenient to carry
8937 out the powers granted in this section in a manner that is
8938 competitively and technologically neutral as to all voice
8939 communications services providers, including, but not limited
8940 to, consideration of emerging technology and related cost
8941 savings, while taking into account embedded costs in current
8942 systems.

8943 18. Have ~~the~~ authority to secure the services of an
8944 independent, private attorney via invitation to bid, request for
8945 proposals, invitation to negotiate, or professional contracts
8946 for legal services already established at the Division of
8947 Purchasing of the Department of Financial Management Services.

8948 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING FIRM.—

8949 (c) ~~After July 1, 2004,~~ The board may secure the services
8950 of an independent accounting firm via invitation to bid, request
8951 for proposals, invitation to negotiate, or professional
8952 contracts already established at the Division of Purchasing,
8953 Department of Financial Management Services, for certified
8954 public accounting firms, or the board may hire and retain
8955 professional accounting staff to accomplish these functions.

8956 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
8957 the public need for reliable E911 services through reliable
8958 wireless systems and the public interest served by governmental
8959 zoning and land development regulations and notwithstanding any
8960 other law or local ordinance to the contrary, the following
8961 standards shall apply to a local government's actions, as a

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8962 regulatory body, in the regulation of the placement,
8963 construction, or modification of a wireless communications
8964 facility. This subsection shall not, however, be construed to
8965 waive or alter the provisions of s. 286.011 or s. 286.0115. For
8966 the purposes of this subsection only, "local government" shall
8967 mean any municipality or county and any agency of a municipality
8968 or county only. The term "local government" does not, however,
8969 include any airport, as defined by s. 330.27(2), even if it is
8970 owned or controlled by or through a municipality, county, or
8971 agency of a municipality or county. Further, notwithstanding
8972 anything in this section to the contrary, this subsection does
8973 not apply to or control a local government's actions as a
8974 property or structure owner in the use of any property or
8975 structure owned by such entity for the placement, construction,
8976 or modification of wireless communications facilities. In the
8977 use of property or structures owned by the local government,
8978 however, a local government may not use its regulatory authority
8979 so as to avoid compliance with, or in a manner that does not
8980 advance, the provisions of this subsection.

8981 (f) Notwithstanding any other law ~~to the contrary~~
8982 ~~notwithstanding~~, the Department of Law Enforcement Management
8983 ~~Services~~ shall negotiate, in the name of the state, leases for
8984 wireless communications facilities that provide access to state
8985 government-owned property not acquired for transportation
8986 purposes, and the Department of Transportation shall negotiate,
8987 in the name of the state, leases for wireless communications
8988 facilities that provide access to property acquired for state
8989 rights-of-way. On property acquired for transportation purposes,
8990 leases shall be granted in accordance with s. 337.251. On other

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8991 state government-owned property, leases shall be granted on a
8992 space available, first-come, first-served basis. Payments
8993 required by state government under a lease must be reasonable
8994 and must reflect the market rate for the use of the state
8995 government-owned property. The Department of Law Enforcement
8996 ~~Management Services~~ and the Department of Transportation may ~~are~~
8997 ~~authorized to~~ adopt rules for the terms and conditions and
8998 granting of any such leases.

8999 Section 294. Subsection (1) of section 365.173, Florida
9000 Statutes, is amended to read:

9001 365.173 Emergency Communications Number E911 System Fund.—

9002 (1) All revenues derived from the fee levied on subscribers
9003 under s. 365.172 must be paid by the board into the State
9004 Treasury on or before the 15th day of each month. Such moneys
9005 must be accounted for in a special fund to be designated as the
9006 Emergency Communications Number E911 System Fund, a fund created
9007 in the Technology Program within the Department of Law
9008 Enforcement, or other office as designated by the department's
9009 executive director ~~Secretary of Management Services~~, and, for
9010 accounting purposes, must be segregated into ~~two separate~~
9011 ~~categories:~~

9012 ~~(a)~~ the wireless category~~r~~ and

9013 ~~(b)~~ the nonwireless category. All moneys must be invested
9014 by the Chief Financial Officer pursuant to s. 17.61. All moneys
9015 in such fund are to be expended by the office for the purposes
9016 provided in this section and s. 365.172. These funds are not
9017 subject to s. 215.20.

9018 Section 295. Section 373.4596, Florida Statutes, is amended
9019 to read:

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9020 373.4596 State compliance with stormwater management
9021 programs.—The state, through the department ~~of Management~~
9022 ~~Services~~, the Department of Transportation, and other agencies,
9023 shall construct, operate, and maintain buildings, roads, and
9024 other facilities it owns, leases, or manages to fully comply
9025 with state, water management district, and local government
9026 stormwater management programs.

9027 Section 296. Paragraph (f) of subsection (5) of section
9028 373.461, Florida Statutes, is amended to read:

9029 373.461 Lake Apopka improvement and management.—

9030 (5) PURCHASE OF AGRICULTURAL LANDS.—

9031 (f)1. Tangible personal property acquired by the district
9032 as part of related facilities pursuant to this section, and
9033 classified as surplus by the district, shall be sold by the
9034 Department of Financial Management ~~Services~~. The department ~~of~~
9035 ~~Management Services~~ shall deposit the proceeds of such sale in
9036 the Economic Development Trust Fund in the Executive Office of
9037 the Governor. The proceeds shall be used to provide for the
9038 ~~purpose of providing~~ economic and infrastructure development in
9039 portions of northwestern Orange County and east central Lake
9040 County which will be adversely affected economically due to the
9041 acquisition of lands pursuant to this subsection.

9042 2. The Office of Tourism, Trade, and Economic Development
9043 shall, upon presentation of ~~the~~ appropriate documentation
9044 justifying expenditure of the funds deposited pursuant to this
9045 paragraph, pay any obligation for which it has sufficient funds
9046 from the proceeds of the sale of tangible personal property and
9047 which meets the limitations specified in paragraph (g). The
9048 authority of the office ~~of Tourism, Trade, and Economic~~

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9049 ~~Development~~ to expend such funds shall expire 5 years after ~~from~~
9050 the effective date of this paragraph. Such expenditures may
9051 occur without future appropriation from the Legislature.

9052 3. Funds deposited under this paragraph may not be used for
9053 any purpose other than those enumerated in paragraph (g).

9054 Section 297. Section 376.10, Florida Statutes, is amended
9055 to read:

9056 376.10 Personnel and equipment.—The department shall
9057 establish and maintain at ~~such~~ ports within the state and other
9058 places as it shall determine such employees and equipment as in
9059 its judgment may be necessary to carry out ~~the provisions of~~ ss.
9060 376.011-376.21. The department may employ and prescribe the
9061 duties of such employees, subject to the rules ~~and regulations~~
9062 of the Department of Personnel Management ~~Services~~. The salaries
9063 of the employees and the cost of the equipment shall be paid
9064 from the Florida Coastal Protection Trust Fund established by
9065 ss. 376.011-376.21. The department shall periodically consult
9066 with other agencies ~~departments~~ of the state relative to
9067 procedures for the prevention of discharges of pollutants into
9068 or affecting the coastal waters of the state from operations
9069 regulated by ss. 376.011-376.21.

9070 Section 298. Paragraph (k) of subsection (2) of section
9071 377.703, Florida Statutes, is amended to read:

9072 377.703 Additional functions of the Florida Energy and
9073 Climate Commission.—

9074 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The
9075 commission shall perform the following functions consistent with
9076 the development of a state energy policy:

9077 (k) The commission shall coordinate energy-related programs

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9078 of state government, including, but not limited to, the programs
9079 provided in this section. To this end, the commission shall:

9080 1. Provide assistance to other state agencies, counties,
9081 municipalities, and regional planning agencies to further and
9082 promote their energy planning activities.

9083 2. Require, in cooperation with the Department of
9084 Environmental Protection ~~Management Services~~, that all state
9085 agencies ~~to~~ operate state-owned and state-leased buildings in
9086 accordance with energy conservation standards ~~as~~ adopted by the
9087 department ~~of Management Services~~. Every 3 months, the
9088 department ~~of Management Services~~ shall furnish the commission
9089 with data on agencies' energy consumption and emissions of
9090 greenhouse gases in a format prescribed by the commission.

9091 3. Promote the development and use of renewable energy
9092 resources, energy efficiency technologies, and conservation
9093 measures.

9094 4. Promote the recovery of energy from wastes, including,
9095 but not limited to, the use of waste heat, the use of
9096 agricultural products as a source of energy, and recycling of
9097 manufactured products. Such promotion must ~~shall~~ be conducted in
9098 conjunction with, and after consultation with, the Department of
9099 Environmental Protection and the Florida Public Service
9100 Commission where electrical generation or natural gas is
9101 involved, and any other relevant federal, state, or local
9102 governmental agency having responsibility for resource recovery
9103 programs.

9104 Section 299. Subsection (9) of section 381.98, Florida
9105 Statutes, is amended to read:

9106 381.98 The Florida Public Health Institute, Inc.;

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9107 establishment; purpose; mission; duties; board of directors.—

9108 (9) The corporation may purchase goods, services, and
9109 property for use by the Department of Health. These purchases
9110 are not subject to the provisions of chapters 253, 255, and 287,
9111 or ~~nor~~ to the control or direction of the Department of
9112 Environmental Protection or the Department of Financial
9113 ~~Management~~ Services.

9114 Section 300. Section 394.9151, Florida Statutes, is amended
9115 to read:

9116 394.9151 Contract authority.—The Department of Children and
9117 Family Services may contract with a private entity or state
9118 agency for use of and operation of facilities to comply with the
9119 requirements of this part ~~act~~. The department ~~of Children and~~
9120 ~~Family Services~~ may also contract with the Department of
9121 Financial Management Services to issue a request for proposals
9122 and monitor contract compliance for these services.

9123 Section 301. Section 395.1031, Florida Statutes, is amended
9124 to read:

9125 395.1031 Emergency medical services; communication.—Each
9126 licensed hospital with an emergency department must be capable
9127 of communicating by two-way radio with all ground-based basic
9128 life support service vehicles and advanced life support service
9129 vehicles that operate within the hospital's service area under a
9130 state permit and with all rotorcraft air ambulances that operate
9131 under a state permit. The hospital's radio system must be
9132 capable of interfacing with municipal mutual aid channels
9133 designated by the Department of Law Enforcement Management
9134 ~~Services~~ and the Federal Communications Commission.

9135 Section 302. Subsection (5) of section 400.121, Florida

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9136 Statutes, is amended to read:

9137 400.121 Denial, suspension, revocation of license;
9138 administrative fines; procedure; order to increase staffing.—

9139 (5) An action taken by the agency to deny, suspend, or
9140 revoke a facility's license under this part or part II of
9141 chapter 408 shall be heard by the Division of Administrative
9142 Hearings ~~of the Department of Management Services~~ within 60 days
9143 after the assignment of an administrative law judge, unless the
9144 time limitation is waived by both parties. The administrative
9145 law judge must render a decision within 30 days after receipt of
9146 a proposed recommended order.

9147 Section 303. Section 401.013, Florida Statutes, is amended
9148 to read:

9149 401.013 Legislative intent.—It is the intention ~~and purpose~~
9150 of the Legislature that a statewide system of regional emergency
9151 medical telecommunications be developed whereby maximum use of
9152 existing radio channels is achieved in order to more effectively
9153 and rapidly provide emergency medical service to the general
9154 population. To this end, all emergency medical service entities
9155 within the state are directed to provide the Department of Law
9156 Enforcement ~~Management Services~~ with any information the
9157 department requests for the purpose of implementing ~~the~~
9158 ~~provisions of~~ s. 401.015, and such entities shall comply with
9159 the resultant provisions established pursuant to this part.

9160 Section 304. Section 401.015, Florida Statutes, is amended
9161 to read:

9162 401.015 Statewide regional emergency medical
9163 telecommunication system.—The Department of Law Enforcement
9164 shall ~~Management Services is authorized and directed to develop~~

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9165 a statewide system of regional emergency medical
9166 telecommunications. For the purpose of this part, the term
9167 "telecommunications" means those voice, data, and signaling
9168 transmissions and receptions between emergency medical service
9169 components, including, but not limited to: ambulances; rescue
9170 vehicles; hospitals or other related emergency receiving
9171 facilities; emergency communications centers; physicians and
9172 emergency medical personnel; paging facilities; law enforcement
9173 and fire protection agencies; and poison control, suicide, and
9174 emergency management agencies. In formulating such a system, the
9175 department shall divide the state into appropriate regions and
9176 shall develop a program that ~~which~~ includes, but is not limited
9177 to, ~~the following provisions:~~

9178 (1) A requirements provision that states, ~~which shall state~~
9179 the telecommunications requirements for each emergency medical
9180 entity comprising the region.

9181 (2) An interfacility communications provision that depicts,
9182 ~~which shall depict~~ the telecommunications interfaces between the
9183 various medical service entities that ~~which~~ operate within the
9184 region and state.

9185 (3) An organizational layout provision that includes, ~~which~~
9186 ~~shall include~~ each emergency medical entity and the number of
9187 base, mobile, handheld, or other radio operating units (~~base,~~
9188 ~~mobile, handheld, etc.~~) per entity.

9189 (4) A frequency allocation and use provision that includes,
9190 ~~which shall include~~ on an entity basis each assigned and planned
9191 radio channel and the simplex, duplex, or other type of
9192 operation (~~simplex, duplex, half duplex, etc.~~) on each channel.

9193 (5) An operational provision that includes, ~~which shall~~

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9194 ~~include~~ dispatching, logging, and operating procedures
9195 pertaining to telecommunications on an entity basis and regional
9196 basis.

9197 (6) An emergency medical service telephone provision that
9198 ~~includes, which shall include~~ the telephone and the numbering
9199 plan throughout the region for both the public and interface
9200 requirements.

9201 Section 305. Section 401.018, Florida Statutes, is amended
9202 to read:

9203 401.018 System coordination.—

9204 (1) The statewide system of regional emergency medical
9205 telecommunications shall be developed by the Department of Law
9206 Enforcement Management Services, which ~~department~~ shall be
9207 responsible for the implementation and coordination of such
9208 system into the state telecommunications plan. The department
9209 shall adopt any necessary rules ~~and regulations~~ for implementing
9210 and coordinating such a system.

9211 (2) The Department of Law Enforcement is Management
9212 ~~Services shall be~~ designated as the state frequency coordinator
9213 for the special emergency radio service.

9214 Section 306. Section 401.021, Florida Statutes, is amended
9215 to read:

9216 401.021 System director.—The executive director of Law
9217 Enforcement Secretary of Management Services or a his or her
9218 designee shall be ~~is designated as~~ the director of the statewide
9219 telecommunications system of the regional emergency medical
9220 service and, for the purpose of carrying out the provisions of
9221 this part, may ~~is authorized to~~ coordinate the activities of the
9222 telecommunications system with other interested state, county,

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9223 local, and private agencies.

9224 Section 307. Section 401.024, Florida Statutes, is amended
9225 to read:

9226 401.024 System approval.—~~An~~ From July 1, 1973, ~~no~~ emergency
9227 medical telecommunications system may not ~~shall~~ be established
9228 or present systems expanded without prior approval of the
9229 Department of Law Enforcement Management Services.

9230 Section 308. Section 401.027, Florida Statutes, is amended
9231 to read:

9232 401.027 Federal assistance.—The executive director of Law
9233 Enforcement Secretary of Management Services or a ~~his or her~~
9234 designee may ~~is authorized to~~ apply for and accept federal
9235 funding assistance in the development and implementation of a
9236 statewide emergency medical telecommunications system.

9237 Section 309. Paragraph (b) of subsection (2) of section
9238 401.245, Florida Statutes, is amended to read:

9239 401.245 Emergency Medical Services Advisory Council.—

9240 (2)

9241 (b) Representation on the Emergency Medical Services
9242 Advisory Council must ~~shall~~ include: two licensed physicians who
9243 are “medical directors” ~~as defined in s. 401.23(15)~~ or whose
9244 medical practice is closely related to emergency medical
9245 services; two emergency medical service administrators, one of
9246 whom is employed by a fire service; two certified paramedics,
9247 one of whom is employed by a fire service; two certified
9248 emergency medical technicians, one of whom is employed by a fire
9249 service; one emergency medical services educator; one emergency
9250 nurse; one hospital administrator; one representative of air
9251 ambulance services; one representative of a commercial ambulance

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9252 operator; and two laypersons who are in no way connected with
9253 emergency medical services, one of whom is a representative of
9254 the elderly. Ex officio members of the advisory council from
9255 state agencies must ~~shall~~ include, but are ~~shall~~ not be limited
9256 to, representatives from the Department of Education, the
9257 Department of Law Enforcement Management Services, the State
9258 Fire Marshal, the Department of Highway Safety and Motor
9259 Vehicles, the Department of Transportation, and the Department
9260 of Community Affairs.

9261 Section 310. Section 402.35, Florida Statutes, is amended
9262 to read:

9263 402.35 Employees.—All personnel of the Department of
9264 Children and Family Services shall be governed by rules ~~and~~
9265 ~~regulations~~ adopted ~~and promulgated~~ by the Department of
9266 Personnel Management Services ~~relative thereto~~ except for the
9267 director and persons paid on a fee basis. The Department of
9268 Children and Family Services may participate with other state
9269 departments and agencies in a joint merit system. A ~~No~~ federal,
9270 state, county, or municipal officer may not ~~shall be eligible to~~
9271 serve as an employee of the Department of Children and Family
9272 Services.

9273 Section 311. Paragraph (a) of subsection (2) of section
9274 402.50, Florida Statutes, is amended to read:

9275 402.50 Administrative infrastructure; legislative intent;
9276 establishment of standards.—

9277 (2) ADMINISTRATIVE INFRASTRUCTURE STANDARDS.—

9278 (a) The department, in conjunction with the Department of
9279 Personnel Management Services and the Governor's Office of
9280 Policy and Budget Planning and Budgeting, shall develop

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9281 standards for administrative infrastructure funding and staffing
9282 to support the department and contract service providers in the
9283 execution of their duties and responsibilities.

9284 Section 312. Paragraph (b) of subsection (14) of section
9285 403.061, Florida Statutes, is amended to read:

9286 403.061 Department; powers and duties.—The department shall
9287 have the power and the duty to control and prohibit pollution of
9288 air and water in accordance with the law and rules adopted and
9289 promulgated by it and, for this purpose, to:

9290 (14) Establish a permit system whereby a permit may be
9291 required for the operation, construction, or expansion of any
9292 installation that may be a source of air or water pollution and
9293 provide for the issuance and revocation of such permits and for
9294 the posting of an appropriate bond to operate.

9295 (b) The provisions of chapter 120 shall be accorded any
9296 person when substantial interests will be affected by an
9297 activity proposed to be conducted by the Department of
9298 Transportation pursuant to its certification and the acceptance
9299 of the department. If a proceeding is conducted pursuant to ss.
9300 120.569 and 120.57, the department may intervene as a party. If
9301 ~~Should~~ an administrative law judge of the Division of
9302 Administrative Hearings submits ~~of the Department of Management~~
9303 ~~Services submit~~ a recommended order pursuant to ~~ss. 120.569 and~~
9304 ~~120.57~~, the department shall issue a final department order
9305 adopting, rejecting, or modifying the recommended order pursuant
9306 to such action.

9307
9308 The department shall implement such programs in conjunction with
9309 its other powers and duties and shall place special emphasis on

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9310 reducing and eliminating contamination that presents a threat to
 9311 humans, animals or plants, or to the environment.

9312 Section 313. Paragraph (b) of subsection (3) of section
 9313 403.42, Florida Statutes, is amended to read:

9314 403.42 Florida Clean Fuel Act.—

9315 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
 9316 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

9317 (b)1. The advisory board shall consist of the Secretary of
 9318 Community Affairs, or a designee ~~from that department~~, the
 9319 Secretary of Environmental Protection, or a designee ~~from that~~
 9320 ~~department~~, the Commissioner of Education, or a designee ~~from~~
 9321 ~~that department~~, the Secretary of Transportation, or a designee
 9322 ~~from that department~~, the Commissioner of Agriculture, or a
 9323 designee ~~from the Department of Agriculture and Consumer~~
 9324 ~~Services~~, the Chief Financial Officer ~~Secretary of Management~~
 9325 ~~Services~~, or a designee ~~from that department~~, and a
 9326 representative of each of the following, who shall be appointed
 9327 by the Secretary of Environmental Protection:

- 9328 a. The Florida biodiesel industry.
 9329 b. The Florida electric utility industry.
 9330 c. The Florida natural gas industry.
 9331 d. The Florida propane gas industry.
 9332 e. An automobile manufacturers' association.
 9333 f. A Florida Clean Cities Coalition designated by the
 9334 United States Department of Energy.
 9335 g. Enterprise Florida, Inc.
 9336 h. EV Ready Broward.
 9337 i. The Florida petroleum industry.
 9338 j. The Florida League of Cities.

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- 9339 k. The Florida Association of Counties.
- 9340 l. Floridians for Better Transportation.
- 9341 m. A motor vehicle manufacturer.
- 9342 n. Florida Local Environment Resource Agencies.
- 9343 o. Project for an Energy Efficient Florida.
- 9344 p. Florida Transportation Builders Association.
- 9345 2. The purpose of the advisory board is to serve as a
- 9346 resource for the department and to provide the Governor, the
- 9347 Legislature, and the Secretary of Environmental Protection with
- 9348 private sector and other public agency perspectives on achieving
- 9349 the goal of increasing the use of alternative fuel vehicles in
- 9350 this state.
- 9351 3. Members shall be appointed to serve terms of 1 year
- 9352 each, with reappointment at the discretion of the Secretary of
- 9353 Environmental Protection. Vacancies shall be filled for the
- 9354 remainder of the unexpired term in the same manner as the
- 9355 original appointment.
- 9356 4. The board shall annually select a chairperson.
- 9357 5.~~a~~. The board shall meet at least once each quarter or
- 9358 more often at the call of the chairperson or the Secretary of
- 9359 Environmental Protection.
- 9360 ~~b~~. Meetings are exempt from the notice requirements of
- 9361 chapter 120, and sufficient notice must ~~shall~~ be given to afford
- 9362 interested persons reasonable notice under the circumstances.
- 9363 6. Members of the board are entitled to travel expenses
- 9364 while engaged in the performance of board duties.
- 9365 7. The board shall terminate 5 years after the effective
- 9366 date of this act.
- 9367 Section 314. Paragraph (b) of subsection (2) and paragraph

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9368 (b) of subsection (3) of section 403.518, Florida Statutes, are
9369 amended to read:

9370 403.518 Fees; disposition.—The department shall charge the
9371 applicant the following fees, as appropriate, which, unless
9372 otherwise specified, shall be paid into the Florida Permit Fee
9373 Trust Fund:

9374 (2) An application fee, which shall not exceed \$200,000.
9375 The fee shall be fixed by rule on a sliding scale related to the
9376 size, type, ultimate site capacity, or increase in electrical
9377 generating capacity proposed by the application.

9378 (b) The following percentages shall be transferred to the
9379 Operating Trust Fund of the Division of Administrative Hearings
9380 ~~of the Department of Management Services:~~

9381 1. Five percent to compensate expenses from the initial
9382 exercise of duties associated with the filing of an application.

9383 2. An additional 5 percent if a land use hearing is held
9384 pursuant to s. 403.508.

9385 3. An additional 10 percent if a certification hearing is
9386 held pursuant to s. 403.508.

9387 (3)

9388 (b) The fee shall be submitted to the department with a
9389 petition for modification pursuant to s. 403.516. The ~~This~~ fee
9390 shall be established, disbursed, and processed in the same
9391 manner as the application fee in subsection (2), except that the
9392 Division of Administrative Hearings may ~~shall~~ not receive a
9393 portion of the fee unless the petition for certification
9394 modification is referred to the Division of Administrative
9395 Hearings for hearing. If the petition is so referred, only
9396 \$10,000 of the fee shall be transferred to the Operating Trust

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9397 Fund of the ~~Division of Administrative Hearings of the~~
 9398 Department of Personnel Management ~~Services~~.

9399 Section 315. Paragraph (c) of subsection (1) of section
 9400 403.5365, Florida Statutes, is amended to read:

9401 403.5365 Fees; disposition.—The department shall charge the
 9402 applicant the following fees, as appropriate, which, unless
 9403 otherwise specified, shall be paid into the Florida Permit Fee
 9404 Trust Fund:

9405 (1) An application fee.

9406 (c) The following percentages shall be transferred to the
 9407 Operating Trust Fund of the ~~Division of Administrative Hearings~~
 9408 ~~of the~~ Department of Personnel Management ~~Services~~:

9409 1. Five percent to compensate for expenses from the initial
 9410 exercise of duties associated with the filing of an application.

9411 2. An additional 10 percent if an administrative hearing
 9412 under s. 403.527 is held.

9413 Section 316. Subsection (1) of section 403.7065, Florida
 9414 Statutes, is amended to read:

9415 403.7065 Procurement of products or materials with recycled
 9416 content.—

9417 (1) Except as provided in s. 287.045, any state agency or
 9418 agency of a political subdivision of the state which is using
 9419 state funds, or any person contracting with ~~any~~ such agency with
 9420 respect to work performed under contract, must ~~is required to~~
 9421 procure products or materials that have ~~with~~ recycled content if
 9422 ~~when~~ the Department of Financial Management ~~Management~~ Services determines
 9423 that those products or materials are available. A decision not
 9424 to procure such items must be based on the department's
 9425 ~~Department of Management Services'~~ determination that such

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9426 procurement is not reasonably available within an acceptable
9427 period of time, fails to meet the performance standards set
9428 forth in the applicable specifications, or fails to meet the
9429 performance standards of the agency. ~~If~~ When the requirements of
9430 s. 287.045 are met, agencies are ~~shall be~~ subject to the
9431 procurement requirements of that section for procuring products
9432 or materials with recycled content.

9433 Section 317. Paragraphs (a) and (d) of subsection (1) and
9434 subsection (3) of section 403.714, Florida Statutes, are amended
9435 to read:

9436 403.714 Duties of state agencies.—

9437 (1) Each state agency, the judicial branch of state
9438 government, and the State University System shall:

9439 (a) Establish a program, in cooperation with the department
9440 and the Department of Financial Management ~~Services~~, for the
9441 collection of all recyclable materials generated in state
9442 offices and institutions throughout the state, including, at a
9443 minimum, aluminum, high-grade office paper, and corrugated
9444 paper.

9445 (d) Establish and implement, in cooperation with the
9446 department and the Department of Financial Management ~~Services~~,
9447 a solid waste reduction program for materials used in the course
9448 of agency operations. The program shall be designed and
9449 implemented to achieve the maximum feasible reduction of solid
9450 waste generated as a result of agency operations.

9451 (3) All state agencies, including, but not limited to, the
9452 Department of Transportation, the department, and the Department
9453 of Financial Management ~~Services~~ and local governments, must ~~are~~
9454 ~~required to~~ procure compost products if ~~when~~ they can be

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9455 substituted for, and cost no more than, regular soil amendment
9456 products, provided the compost products meet all applicable
9457 state standards, specifications, and regulations.

9458 Section 318. Subsection (1) of section 403.7145, Florida
9459 Statutes, is amended to read:

9460 403.7145 Recycling.—

9461 (1) The Capitol and the House and Senate office buildings
9462 constitute the Capitol recycling area. The Florida House of
9463 Representatives, the Florida Senate, and the Office of the
9464 Governor, the Secretary of State, and each Cabinet officer who
9465 heads a department that occupies office space in the Capitol,
9466 shall institute a recycling program for their respective offices
9467 in the House and Senate office buildings and the Capitol.
9468 Provisions shall be made to collect and sell wastepaper and
9469 empty aluminum beverage cans generated by employee activities in
9470 these offices. The collection and sale of such materials shall
9471 be coordinated with ~~Department of Management Services~~ recycling
9472 activities of the Department of Financial Services in order to
9473 maximize the efficiency and economy of the ~~this~~ program. The
9474 Governor, the Speaker of the House of Representatives, the
9475 President of the Senate, the Secretary of State, and the Cabinet
9476 officers may authorize the use of proceeds from recyclable
9477 material sales for employee benefits and other purposes, in
9478 order to provide incentives to their respective employees for
9479 participation in the recycling program. Such proceeds may also
9480 be used to offset any costs of the recycling program.

9481 Section 319. Section 403.71852, Florida Statutes, is
9482 amended to read:

9483 403.71852 Collection of lead-containing products.—The

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9484 department shall ~~of Environmental Protection is directed to~~ work
9485 with the Department of Financial Management ~~Services~~ to
9486 implement a pilot program to collect lead-containing products,
9487 including end-of-life computers and other electronic equipment
9488 from state and local agencies. Local governments are encouraged
9489 to establish collection and recycling programs for publicly and
9490 privately owned lead-containing products, including end-of-life
9491 televisions, computers, and other electronic products, through
9492 existing recycling and household hazardous-waste-management
9493 programs.

9494 Section 320. Paragraph (c) of subsection (3) of section
9495 406.075, Florida Statutes, is amended to read:

9496 406.075 Grounds for discipline; disciplinary proceedings.-

9497 (3)

9498 (c) A formal hearing before an administrative law judge
9499 from the Division of Administrative Hearings ~~of the Department~~
9500 ~~of Management Services~~ shall be held pursuant to chapter 120
9501 unless all parties agree in writing that there is no disputed
9502 issue of material fact. The administrative law judge shall issue
9503 a recommended order ~~pursuant to chapter 120~~. If any party raises
9504 an issue of disputed fact during an informal hearing, the
9505 hearing shall be terminated and a formal hearing pursuant to
9506 chapter 120 shall be held.

9507 Section 321. Paragraph (b) of subsection (5) of section
9508 408.039, Florida Statutes, is amended to read:

9509 408.039 Review process.-The review process for certificates
9510 of need shall be as follows:

9511 (5) ADMINISTRATIVE HEARINGS.-

9512 (b) Hearings shall be held in Tallahassee unless the

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9513 administrative law judge determines that changing the location
9514 will facilitate the proceedings. The agency shall assign
9515 proceedings requiring hearings to the Division of Administrative
9516 Hearings ~~of the Department of Management Services~~ within 10 days
9517 after the time has expired for requesting a hearing. Except upon
9518 unanimous consent of the parties or upon the granting by the
9519 administrative law judge of a motion of continuance, hearings
9520 shall commence within 60 days after the administrative law judge
9521 has been assigned. For an application for a general hospital,
9522 administrative hearings shall commence within 6 months after the
9523 administrative law judge has been assigned, and a continuance
9524 may not be granted absent a finding of extraordinary
9525 circumstances by the administrative law judge. All parties,
9526 except the agency, shall bear their own expense of preparing a
9527 transcript. In any application for a certificate of need which
9528 is referred to the division ~~of Administrative Hearings~~ for
9529 hearing, the administrative law judge shall complete and submit
9530 to the parties a recommended order as provided in ss. 120.569
9531 and 120.57. The recommended order must ~~shall~~ be issued within 30
9532 days after the receipt of the proposed recommended orders or the
9533 deadline for submission of such proposed recommended orders,
9534 whichever is earlier. The division shall adopt procedures for
9535 administrative hearings which ~~shall~~ maximize the use of
9536 stipulated facts and ~~shall~~ provide for the admission of prepared
9537 testimony.

9538 Section 322. Paragraph (a) of subsection (11) of section
9539 408.910, Florida Statutes, is amended to read:

9540 408.910 Florida Health Choices Program.—

9541 (11) CORPORATION.—There is created the Florida Health

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9542 Choices, Inc., which shall be registered, incorporated,
9543 organized, and operated in compliance with part III of chapter
9544 112 and chapters 119, 286, and 617. The purpose of the
9545 corporation is to administer the program created in this section
9546 and to conduct such other business as may further the
9547 administration of the program.

9548 (a) The corporation shall be governed by a 15-member board
9549 of directors consisting of:

9550 1. Three ex officio, nonvoting members to include:

9551 a. The Secretary of Health Care Administration or a
9552 designee with expertise in health care services.

9553 b. The executive director of Personnel ~~Secretary of~~
9554 ~~Management Services~~ or a designee with expertise in state
9555 employee benefits.

9556 c. The commissioner of the Office of Insurance Regulation
9557 or a designee with expertise in insurance regulation.

9558 2. Four members appointed by and serving at the pleasure of
9559 the Governor.

9560 3. Four members appointed by and serving at the pleasure of
9561 the President of the Senate.

9562 4. Four members appointed by and serving at the pleasure of
9563 the Speaker of the House of Representatives.

9564 5. Board members may not include insurers, health insurance
9565 agents or brokers, health care providers, health maintenance
9566 organizations, prepaid service providers, or any other entity,
9567 affiliate or subsidiary of eligible vendors.

9568 Section 323. Subsection (3) of section 413.036, Florida
9569 Statutes, is amended to read:

9570 413.036 Procurement of services by agencies; authority of

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9571 department.—

9572 (3) If, pursuant to a contract between a ~~any~~ legislative,
9573 executive, or judicial agency of the state and any private
9574 contract vendor, a product or service is required by the
9575 Department of Financial Management Services or on behalf of any
9576 state agency which ~~that~~ is included on the procurement list
9577 established by the commission pursuant to s. 413.035(2), the
9578 contract must contain the following language:

9579 "IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES
9580 THAT ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT
9581 MUST ~~SHALL~~ BE PURCHASED FROM A NONPROFIT AGENCY FOR THE BLIND OR
9582 FOR THE SEVERELY HANDICAPPED WHICH ~~THAT~~ IS QUALIFIED PURSUANT TO
9583 CHAPTER 413, FLORIDA STATUTES, IN THE SAME MANNER AND UNDER THE
9584 SAME PROCEDURES SET FORTH IN SECTION 413.036(1) AND (2), FLORIDA
9585 STATUTES. ~~;~~ ~~AND~~ FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM,
9586 OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS
9587 CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THE STATE AGENCY
9588 INSOFAR AS DEALINGS WITH SUCH QUALIFIED NONPROFIT AGENCY ARE
9589 CONCERNED."

9590 Section 324. Subsection (11) of section 413.051, Florida
9591 Statutes, is amended to read:

9592 413.051 Eligible blind persons; operation of vending
9593 stands.—

9594 (11) Effective July 1, 1996, blind licensees who remain
9595 members of the Florida Retirement System pursuant to s.
9596 121.051(6)(b)1. must ~~shall~~ pay any unappropriated retirement
9597 costs from their net profits or from program income. Within 30
9598 days after the effective date of this act, each blind licensee
9599 who is eligible to maintain membership in the Florida Retirement

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9600 System under s. 121.051(6)(b)1., but who elects to withdraw from
9601 the system as provided in s. 121.051(6)(b)3., must, on or before
9602 July 31, 1996, notify the Division of Blind Services and the
9603 Department of Personnel Management ~~Services~~ in writing of his or
9604 her election to withdraw. Failure to timely notify the divisions
9605 shall be deemed a decision to remain a compulsory member of the
9606 Florida Retirement System. However, if, at any time after July
9607 1, 1996, sufficient funds are not paid by a blind licensee to
9608 cover the required contribution to the Florida Retirement
9609 System, that blind licensee is ~~shall become~~ ineligible to
9610 participate in the Florida Retirement System on the last day of
9611 the first month for which no contribution is made or the amount
9612 contributed is insufficient to cover the required contribution.
9613 For any blind licensee who becomes ineligible to participate in
9614 the Florida Retirement System as described in this subsection,
9615 ~~no~~ creditable service may not ~~shall~~ be earned under the Florida
9616 Retirement System for any period following the month that
9617 retirement contributions ceased to be reported. However, ~~any~~
9618 such person may participate in the Florida Retirement System in
9619 the future if employed by a participating employer in a covered
9620 position.

9621 Section 325. Section 414.37, Florida Statutes, is amended
9622 to read:

9623 414.37 Public assistance overpayment recovery
9624 privatization; reemployment of laid-off career service
9625 employees.—Should career service employees of the Department of
9626 Children and Family Services be subject to layoff after July 1,
9627 1995, due to the privatization of public assistance overpayment
9628 recovery functions, the privatization contract must ~~shall~~

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9629 require the contracting firm to give priority consideration to
9630 employment of such employees. In addition, a task force composed
9631 of representatives from the Department of Children and Family
9632 Services and the Department of Personnel Management Services
9633 shall be established to provide reemployment assistance to such
9634 employees.

9635 Section 326. Subsection (5) of section 429.14, Florida
9636 Statutes, is amended to read:

9637 429.14 Administrative penalties.—

9638 (5) An action taken by the agency to suspend, deny, or
9639 revoke a facility's license under this part or part II of
9640 chapter 408, in which the agency claims that the facility owner
9641 or an employee of the facility has threatened the health,
9642 safety, or welfare of a resident of the facility must be heard
9643 by the Division of Administrative Hearings ~~of the Department of~~
9644 ~~Management Services~~ within 120 days after receipt of the
9645 facility's request for a hearing, unless that time limitation is
9646 waived by both parties. The administrative law judge must render
9647 a decision within 30 days after receipt of a proposed
9648 recommended order.

9649 Section 327. Section 440.2715, Florida Statutes, is amended
9650 to read:

9651 440.2715 Access to courts through state video
9652 teleconferencing network.—The First District Court of Appeal
9653 shall use the state video teleconferencing network established
9654 by the Agency for Enterprise Information Technology Department
9655 ~~of Management Services~~ to facilitate access to courts for
9656 purposes of workers' compensation actions.

9657 Section 328. Paragraph (a) of subsection (1) of section

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9658 440.45, Florida Statutes, is amended to read:
9659 440.45 Office of the Judges of Compensation Claims.—
9660 (1) (a) ~~There is created~~ The Office of the Judges of
9661 Compensation Claims is created within the Division of
9662 Administrative Hearings ~~Department of Management Services~~. The
9663 office ~~of the Judges of Compensation Claims~~ shall be headed by
9664 the Deputy Chief Judge of Compensation Claims. The Deputy Chief
9665 Judge shall report to the director of the Division of
9666 Administrative Hearings. The Deputy Chief Judge shall be
9667 appointed by the Governor for a term of 4 years from a list of
9668 three names submitted by the statewide nominating commission
9669 created under subsection (2). The Deputy Chief Judge must
9670 demonstrate prior administrative experience and possess the same
9671 qualifications for appointment as a judge of compensation
9672 claims, and the procedure for reappointment of the Deputy Chief
9673 Judge will be the same as for reappointment of a judge of
9674 compensation claims. The office shall be a separate budget
9675 entity and the director of the Division of Administrative
9676 Hearings shall be its agency head for all purposes, including,
9677 but not limited to, rulemaking pursuant to subsection (4) and
9678 establishing agency policies and procedures. The Department of
9679 Personnel Management Services shall provide administrative
9680 support and service to the office to the extent requested by the
9681 division director ~~of the Division of Administrative Hearings~~ but
9682 may shall not direct, supervise, or control the Office of the
9683 Judges of Compensation Claims in any manner, including, but not
9684 limited to, personnel, purchasing, budgetary matters, or
9685 property transactions. The operating budget of the Office of the
9686 Judges of Compensation Claims shall be paid out of the Workers'

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9687 Compensation Administration Trust Fund established in s. 440.50.

9688 Section 329. Paragraph (b) of subsection (9) of section
9689 445.009, Florida Statutes, is amended to read:

9690 445.009 One-stop delivery system.—

9691 (9)

9692 (b) The network shall assure that a uniform method is used
9693 to determine eligibility for and management of services provided
9694 by agencies that conduct workforce development activities. The
9695 Department of Financial Management Services shall develop
9696 strategies to allow access to the databases and information
9697 management systems of the following systems in order to link
9698 information in those databases with the one-stop delivery
9699 system:

9700 1. The Unemployment Compensation Program of the Agency for
9701 Workforce Innovation.

9702 2. The public employment service described in s. 443.181.

9703 3. The FLORIDA System and the components related to WAGES,
9704 food stamps, and Medicaid eligibility.

9705 4. The Student Financial Assistance System of the
9706 Department of Education.

9707 5. Enrollment in the public postsecondary education system.

9708 6. Other information systems determined appropriate by
9709 Workforce Florida, Inc.

9710 Section 330. Subsections (3) and (4) of section 447.205,
9711 Florida Statutes, are amended to read:

9712 447.205 Public Employees Relations Commission.—

9713 (3) The commission, in the performance of its powers and
9714 duties under this part, is ~~shall~~ not be subject to control,
9715 supervision, or direction by the Department of Personnel

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9716 Management ~~Services~~.

9717 (4) The property, personnel, and appropriations related to
9718 the commission's specified authority, powers, duties, and
9719 responsibilities shall be provided to the commission by the
9720 Department of Personnel Management Services.

9721 Section 331. Paragraph (k) of subsection (14) of section
9722 455.32, Florida Statutes, is amended to read:

9723 455.32 Management Privatization Act.—

9724 (14) The contract between the department and the
9725 corporation must be in compliance with this section and other
9726 applicable laws. The department shall retain responsibility for
9727 any duties it currently exercises relating to its police powers
9728 and any other current duty that is not provided to the
9729 corporation by contract or this section. The contract shall
9730 provide, at a minimum, that:

9731 (k) The corporation, out of its allocated budget, pay to
9732 the department all costs incurred by the corporation or the
9733 board for the Division of Administrative Hearings ~~of the~~
9734 ~~Department of Management Services~~ and any other cost for using
9735 ~~utilization of~~ these state services.

9736 Section 332. Paragraph (j) of subsection (3) of section
9737 471.038, Florida Statutes, is amended to read:

9738 471.038 Florida Engineers Management Corporation.—

9739 (3) The Florida Engineers Management Corporation is created
9740 to provide administrative, investigative, and prosecutorial
9741 services to the board in accordance with the provisions of
9742 chapter 455 and this chapter. The management corporation may
9743 hire staff as necessary to carry out its functions. Such staff
9744 are not public employees for the purposes of chapter 110 or

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9745 chapter 112, except that the board of directors and the staff
9746 are subject to the provisions of s. 112.061. The provisions of
9747 s. 768.28 apply to the management corporation, which is deemed
9748 to be a corporation primarily acting as an instrumentality of
9749 the state, but which is not an agency within the meaning of s.
9750 20.03(11). The management corporation shall:

9751 (j) Operate under a written contract with the department
9752 which is approved by the board. The contract must provide for,
9753 but is not limited to:

9754 1. Submission by the management corporation of an annual
9755 budget that complies with board rules for approval by the board
9756 and the department.

9757 2. Annual certification by the board and the department
9758 that the management corporation is complying with the terms of
9759 the contract in a manner consistent with the goals and purposes
9760 of the board and in the best interest of the state. This
9761 certification must be reported in the board's minutes. The
9762 contract must also provide for methods and mechanisms to resolve
9763 any situation in which the certification process determines
9764 noncompliance.

9765 3. Funding of the management corporation through
9766 appropriations allocated to the regulation of professional
9767 engineers from the Professional Regulation Trust Fund.

9768 4. The reversion to the board, or the state if the board
9769 ceases to exist, of moneys, records, data, and property held in
9770 trust by the management corporation for the benefit of the
9771 board, if the management corporation is no longer approved to
9772 operate for the board or the board ceases to exist. All records
9773 and data in a computerized database shall be returned to the

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9774 department in a form that is compatible with the computerized
9775 database of the department.

9776 5. The securing and maintaining by the management
9777 corporation, during the term of the contract and for all acts
9778 performed during the term of the contract, of all liability
9779 insurance coverages in an amount to be approved by the board to
9780 defend, indemnify, and hold harmless the management corporation
9781 and its officers and employees, the department and its
9782 employees, and the state against all claims arising from state
9783 and federal laws. Such insurance coverage must be with insurers
9784 qualified and doing business in the state. The management
9785 corporation must provide proof of insurance to the department.
9786 The department and its employees and the state are exempt from
9787 and are not liable for any sum of money which represents a
9788 deductible, which sums are ~~shall be~~ the sole responsibility of
9789 the management corporation. Violation of this subparagraph is
9790 ~~shall be~~ grounds for terminating the contract.

9791 6. Payment by the management corporation, out of its
9792 allocated budget, to the department of all costs of
9793 representation by the board counsel, including salary and
9794 benefits, travel, and any other compensation traditionally paid
9795 by the department to other board counsel.

9796 7. Payment by the management corporation, out of its
9797 allocated budget, to the department of all costs incurred by the
9798 management corporation or the board for the Division of
9799 Administrative Hearings ~~of the Department of Management Services~~
9800 and any other cost for using ~~utilization of~~ these state
9801 services.

9802 8. Payment by the management corporation, out of its

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9803 allocated budget, to the department of reasonable costs
9804 associated with the contract monitor.

9805 Section 333. Section 489.145, Florida Statutes, is amended
9806 to read:

9807 489.145 Guaranteed energy, water, and wastewater
9808 performance savings contracting.—

9809 (1) SHORT TITLE.—This section may be cited as the
9810 "Guaranteed Energy, Water, and Wastewater Performance Savings
9811 Contracting Act."

9812 (2) LEGISLATIVE FINDINGS.—The Legislature finds that
9813 investment in energy, water, and wastewater efficiency and
9814 conservation measures in agency facilities can reduce the amount
9815 of energy and water consumed and wastewater produced and produce
9816 immediate and long-term savings. It is the policy of this state
9817 to encourage each agency to invest in energy, water, and
9818 wastewater efficiency and conservation measures to minimize
9819 energy and water consumption and wastewater production and
9820 maximize energy, water, and wastewater savings. It is further
9821 the policy of this state to encourage agencies to reinvest any
9822 resulting savings ~~resulting from energy, water, and wastewater~~
9823 ~~efficiency and conservation measures~~ in additional energy,
9824 water, and wastewater efficiency and conservation measures.

9825 (3) DEFINITIONS.—As used in this section, the term:

9826 (a) "Agency" means the state, a municipality, or a
9827 political subdivision.

9828 (b) "Energy, water, and wastewater efficiency and
9829 conservation measure" means a training program incidental to the
9830 contract, facility alteration, or equipment purchase to be used
9831 in new construction, including an addition to existing

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9832 facilities or infrastructure, which reduces energy or water
9833 consumption, wastewater production, or energy-related operating
9834 costs and includes, but is not limited to:

9835 1. Insulation of the facility structure and systems within
9836 the facility.

9837 2. Storm windows and doors, caulking or weatherstripping,
9838 multiglazed windows and doors, heat-absorbing, or heat-
9839 reflective, glazed and coated window and door systems,
9840 additional glazing, reductions in glass area, and other window
9841 and door system modifications that reduce energy consumption.

9842 3. Automatic energy control systems.

9843 4. Heating, ventilating, or air-conditioning system
9844 modifications or replacements.

9845 5. Replacement or modifications of lighting fixtures to
9846 increase the energy efficiency of the lighting system, which, at
9847 a minimum, must conform to the applicable state or local
9848 building code.

9849 6. Energy recovery systems.

9850 7. Cogeneration systems that produce steam or forms of
9851 energy such as heat, as well as electricity, for use primarily
9852 within a facility or complex of facilities.

9853 8. Energy conservation measures that reduce British thermal
9854 units (Btu), kilowatts (kW), or kilowatt hours (kWh) consumed or
9855 provide long-term operating cost reductions.

9856 9. Renewable energy systems, such as solar, biomass, or
9857 wind systems.

9858 10. Devices that reduce water consumption or sewer charges.

9859 11. Energy storage systems, such as fuel cells and thermal
9860 storage.

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9861 12. Energy-generating technologies, such as microturbines.

9862 13. Any other repair, replacement, or upgrade of existing
9863 equipment.

9864 (c) "Energy, water, or wastewater cost savings" means a
9865 measured reduction in the cost of fuel, energy or water
9866 consumption, wastewater production, and stipulated operation and
9867 maintenance created from the implementation of one or more
9868 energy, water, or wastewater efficiency or conservation measures
9869 when compared with an established baseline for the previous cost
9870 of fuel, energy or water consumption, wastewater production, and
9871 stipulated operation and maintenance.

9872 (d) "Guaranteed energy, water, and wastewater performance
9873 savings contract" means a contract for the evaluation,
9874 recommendation, and implementation of energy, water, or
9875 wastewater efficiency or conservation measures, which, at a
9876 minimum, ~~shall~~ include:

9877 1. The design and installation of equipment to implement
9878 one or more of such measures and, if applicable, operation and
9879 maintenance of such measures.

9880 2. The amount of any actual annual savings that meet or
9881 exceed total annual contract payments made by the agency for the
9882 contract and may include allowable cost avoidance if determined
9883 appropriate by the Chief Financial Officer.

9884 3. The finance charges incurred by the agency over the life
9885 of the contract.

9886 (e) "Guaranteed energy, water, and wastewater performance
9887 savings contractor" means a person or business that is licensed
9888 under chapter 471, chapter 481, or this chapter and is
9889 experienced in the analysis, design, implementation, or

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9890 installation of energy, water, and wastewater efficiency and
9891 conservation measures through energy performance contracts.

9892 (f) "Investment grade energy audit" means a detailed
9893 energy, water, and wastewater audit, along with an accompanying
9894 analysis of proposed energy, water, and wastewater conservation
9895 measures, and their costs, savings, and benefits before ~~prior to~~
9896 entry into an energy savings contract.

9897 (4) PROCEDURES.—

9898 (a) An agency may enter into a guaranteed energy, water,
9899 and wastewater performance savings contract with a guaranteed
9900 energy, water, and wastewater performance savings contractor to
9901 reduce energy or water consumption, wastewater production, or
9902 energy-related operating costs of an agency facility through one
9903 or more energy, water, or wastewater efficiency or conservation
9904 measures.

9905 (b) Before design and installation of energy, water, or
9906 wastewater efficiency and conservation measures, the agency must
9907 obtain from a guaranteed energy, water, and wastewater
9908 performance savings contractor a report that summarizes the
9909 costs associated such ~~with the energy, water, or wastewater~~
9910 ~~efficiency and conservation~~ measures or energy-related
9911 operational cost-saving measures and provides an estimate of the
9912 amount of the cost savings. The agency and the ~~guaranteed~~
9913 ~~energy, water, and wastewater performance savings~~ contractor may
9914 enter into a separate agreement to pay for costs associated with
9915 the preparation and delivery of the report; however, payment to
9916 the contractor is ~~shall be~~ contingent upon the report's
9917 projection of energy, water, and wastewater cost savings being
9918 equal to or greater than the total projected costs of the design

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9919 and installation of the report's energy conservation measures.

9920 (c) The agency may enter into a guaranteed energy, water,
9921 and wastewater performance savings contract with a guaranteed
9922 energy, water, and wastewater performance savings contractor if
9923 the agency finds that the amount the agency would spend on such
9924 ~~the energy, water, and wastewater efficiency and conservation~~
9925 measures will not likely exceed the amount of the cost savings
9926 for up to 20 years from the date of installation, based on the
9927 life cycle cost calculations provided in s. 255.255, if the
9928 recommendations in the report were followed and if the qualified
9929 provider or providers give a written guarantee that the cost
9930 savings will meet or exceed the costs of the system. However,
9931 actual computed cost savings must meet or exceed the estimated
9932 cost savings provided in each agency's program approval.
9933 Baseline adjustments used in calculations must be specified in
9934 the contract. The contract may provide for installment payments
9935 for up to ~~a period not to exceed~~ 20 years.

9936 (d) A guaranteed energy, water, and wastewater performance
9937 savings contractor must be selected in compliance with s.
9938 287.055; except that if fewer than three firms are qualified to
9939 perform the required services, the requirement for agency
9940 selection of three firms, as provided in s. 287.055(4)(b), and
9941 the bid requirements of s. 287.057 do not apply.

9942 (e) Before entering into a guaranteed energy, water, and
9943 wastewater performance savings contract, an agency must provide
9944 published notice of the meeting in which it proposes to award
9945 the contract, the names of the parties to the proposed contract,
9946 and the contract's purpose.

9947 (f) A guaranteed energy, water, and wastewater performance

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9948 savings contract may provide for financing, including tax-exempt
9949 financing, by a third party. The contract for third-party
9950 financing may be separate from the energy, water, and wastewater
9951 performance contract. A separate contract for third-party
9952 financing under this paragraph must include a provision that the
9953 third-party financier may ~~must~~ not be granted rights or
9954 privileges that exceed the rights and privileges available to
9955 the ~~guaranteed energy, water, and wastewater performance savings~~
9956 contractor.

9957 (g) Financing for guaranteed energy, water, and wastewater
9958 performance savings contracts may be provided under ~~the~~
9959 ~~authority of~~ s. 287.064.

9960 (h) ~~The Office of the~~ Chief Financial Officer shall review
9961 proposals from state agencies to ensure that the most effective
9962 financing is being used.

9963 (i) Annually, the agency that has entered into the contract
9964 shall provide the ~~Department of Management Services and the~~
9965 ~~Chief Financial Officer~~ the measurement and verification report
9966 required by the contract to the Chief Financial Officer to
9967 validate that savings have occurred.

9968 (j) In determining the amount the agency will finance to
9969 acquire the energy, water, and wastewater efficiency and
9970 conservation measures, the agency may reduce such amount by the
9971 application of any grant moneys, rebates, or capital funding
9972 available to the agency for the purpose of buying down the cost
9973 of the guaranteed energy, water, and wastewater performance
9974 savings contract. However, in calculating the life cycle cost as
9975 required in paragraph (c), the agency may ~~shall~~ not apply any
9976 grants, rebates, or capital funding.

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9977 (5) CONTRACT PROVISIONS.—

9978 (a) A guaranteed energy, water, and wastewater performance
9979 savings contract must include a written guarantee that may
9980 include, but is not limited to the form of, a letter of credit,
9981 insurance policy, or corporate guarantee by the guaranteed
9982 energy, water, and wastewater performance savings contractor
9983 that annual cost savings will meet or exceed the amortized cost
9984 of energy, water, and wastewater efficiency and conservation
9985 measures.

9986 (b) The guaranteed energy, water, and wastewater
9987 performance savings contract must provide that all payments,
9988 except obligations on termination of the contract before its
9989 expiration, may be made over time, but not ~~to~~ exceed 20 years
9990 from the date of complete installation and acceptance by the
9991 agency, and that the annual savings are guaranteed to the extent
9992 necessary to make annual payments to satisfy the ~~guaranteed~~
9993 ~~energy, water, and wastewater performance savings~~ contract.

9994 (c) The guaranteed energy, water, and wastewater
9995 performance savings contract must require that the guaranteed
9996 energy, water, and wastewater performance savings contractor to
9997 whom the contract is awarded provide a 100-percent public
9998 construction bond to the agency for its faithful performance, as
9999 required by s. 255.05.

10000 (d) The guaranteed energy, water, and wastewater
10001 performance savings contract may contain a provision allocating
10002 to the parties to the contract any annual cost savings that
10003 exceed the amount of the cost savings guaranteed in the
10004 contract.

10005 (e) The guaranteed energy, water, and wastewater

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10006 performance savings contract must ~~shall~~ require the guaranteed
10007 energy, water, and wastewater performance savings contractor to
10008 provide to the agency an annual reconciliation of the guaranteed
10009 energy or associated cost savings. If the reconciliation reveals
10010 a shortfall in annual energy or associated cost savings, the
10011 ~~guaranteed energy, water, and wastewater performance savings~~
10012 contractor is liable for such shortfall. If the reconciliation
10013 reveals an excess in annual cost savings, the excess savings may
10014 be allocated under paragraph (d) but may not be used to cover
10015 potential energy or associated cost savings shortages in
10016 subsequent contract years.

10017 (f) The guaranteed energy, water, and wastewater
10018 performance savings contract must provide for payments of not
10019 less than one-twentieth of the price to be paid within 2 years
10020 from the date of the complete installation and acceptance by the
10021 agency using straight-line amortization for the term of the
10022 loan, and the remaining costs to be paid at least quarterly, not
10023 to exceed a 20-year term, based on life cycle cost calculations.

10024 (g) The guaranteed energy, water, and wastewater
10025 performance savings contract may extend beyond the fiscal year
10026 in which it becomes effective; however, the term of any contract
10027 expires at the end of each fiscal year and may be automatically
10028 renewed annually for up to 20 years, subject to the agency
10029 making sufficient annual appropriations based upon continued
10030 realized energy, water, and wastewater savings.

10031 (h) The guaranteed energy, water, and wastewater
10032 performance savings contract must stipulate that it does not
10033 constitute a debt, liability, or obligation of the state.

10034 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.—The

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10035 Department of Financial Management Services, ~~with the assistance~~
10036 ~~of the Office of the Chief Financial Officer,~~ shall, within
10037 available resources, provide technical content assistance to
10038 state agencies contracting for energy, water, and wastewater
10039 efficiency and conservation measures and engage in other
10040 activities considered appropriate by the department for
10041 promoting and facilitating guaranteed energy, water, and
10042 wastewater performance contracting by state agencies. The
10043 Department of Financial Management Services shall review the
10044 investment-grade audit for each proposed project and certify
10045 that the cost savings are appropriate and sufficient for the
10046 term of the contract. The ~~Office of the Chief Financial Officer,~~
10047 ~~with the assistance of the~~ Department of Financial Management
10048 ~~Services,~~ shall, within available resources, develop model
10049 contractual and related documents for use by state agencies.
10050 Before ~~Prior to~~ entering into a guaranteed energy, water, and
10051 wastewater performance savings contract, any contract or lease
10052 for third-party financing, or any combination of such contracts,
10053 a state agency shall submit such proposed contract or lease to
10054 the Department of Financial Services ~~Office of the Chief~~
10055 ~~Financial Officer~~ for review and approval. A proposed contract
10056 or lease must ~~shall~~ include:

10057 (a) Supporting information required by s. 216.023(4)(a)9.
10058 in ss. 287.063(5) and 287.064(11). For contracts approved under
10059 this section, the criteria may, at a minimum, include the
10060 specification of a benchmark cost of capital and minimum real
10061 rate of return on energy, water, or wastewater savings against
10062 which proposals must ~~shall~~ be evaluated.

10063 (b) Documentation supporting recurring funds requirements

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10064 in ss. 287.063(5) and 287.064(11).

10065 (c) Approval by the head of the agency or a ~~his or her~~
10066 designee.

10067 (d) An agency measurement and verification plan to monitor
10068 cost savings.

10069 (7) FUNDING SUPPORT.—For purposes of consolidated financing
10070 of deferred payment commodity contracts under this section by an
10071 agency, ~~any~~ such contract must be supported from available funds
10072 appropriated to the agency in an appropriation category, as
10073 defined in chapter 216, that the Chief Financial Officer has
10074 determined is appropriate or that the Legislature has designated
10075 for payment ~~of the obligation incurred under this section.~~

10076
10077 The ~~Office of the~~ Chief Financial Officer may ~~shall~~ not approve
10078 any contract submitted under this section from a state agency
10079 that does not meet the requirements of this section.

10080 Section 334. Subsection (4) of section 553.995, Florida
10081 Statutes, is amended to read:

10082 553.995 Energy-efficiency ratings for buildings.—

10083 (4) The Department of Community Affairs shall develop a
10084 training and certification program to certify raters. In
10085 addition to the department, ratings may be conducted by any
10086 local government or private entity if, ~~provided that~~ the
10087 appropriate persons have completed the necessary training and
10088 have been certified by the department. The Department of
10089 Environmental Protection Management Services ~~shall~~ rate state-
10090 owned or state-leased buildings if, ~~provided that~~ the
10091 appropriate persons have completed the necessary training and
10092 have been certified by the Department of Community Affairs. A

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10093 state agency that ~~which~~ has building construction regulation
10094 authority may rate its own buildings and those it is responsible
10095 for, if the appropriate persons have completed the necessary
10096 training and have been certified by the Department of Community
10097 Affairs. The department ~~of Community Affairs~~ may charge a fee
10098 not to exceed the costs for the training and certification of
10099 raters. The department shall by rule set the appropriate charges
10100 for raters to charge for energy ratings, not to exceed the
10101 actual costs.

10102 Section 335. Subsection (41) of section 570.07, Florida
10103 Statutes, is amended to read:

10104 570.07 Department of Agriculture and Consumer Services;
10105 functions, powers, and duties.—The department shall have and
10106 exercise the following functions, powers, and duties:

10107 (41) Notwithstanding ~~the provisions of~~ s. 287.057(23) that
10108 require all agencies to use the online procurement system
10109 developed by the Department of Financial Management Services,
10110 the department may continue to use its own online system.
10111 However, vendors using ~~utilizing~~ such system must ~~shall~~ be
10112 prequalified as meeting mandatory requirements and
10113 qualifications and shall remit fees pursuant to s. 287.057(23),
10114 and any rules implementing s. 287.057.

10115 Section 336. Subsection (2) of section 627.096, Florida
10116 Statutes, is amended to read:

10117 627.096 Workers' Compensation Rating Bureau.—

10118 (2) The acquisition by the Department of Financial
10119 ~~Management~~ Services of data processing software, hardware, and
10120 services necessary to carry out the provisions of this part ~~act~~
10121 for the department or office are ~~shall be~~ exempt from the

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10122 ~~provisions of part I of chapter 287.~~

10123 Section 337. Paragraph (c) of subsection (4) of section
10124 633.382, Florida Statutes, is amended to read:

10125 633.382 Firefighters; supplemental compensation.—

10126 (4) FUNDING.—

10127 (c) There is appropriated from the Police and Firefighter's
10128 Premium Tax Trust Fund to the Firefighters' Supplemental
10129 Compensation Trust Fund, which is ~~hereby~~ created under the
10130 Department of Revenue, all moneys that ~~which~~ have not been
10131 distributed to municipalities and special fire control districts
10132 in accordance with s. 175.121 due to ~~as a result of~~ the
10133 limitation contained in s. 175.122 on the disbursement of
10134 revenues collected pursuant to chapter 175 or as a result of any
10135 municipality or special fire control district not having
10136 qualified in any given year, or portion thereof, for
10137 participation in the distribution of the revenues collected
10138 pursuant to chapter 175. The total required annual distribution
10139 from the Firefighters' Supplemental Compensation Trust Fund must
10140 ~~shall~~ equal the amount necessary to pay supplemental
10141 compensation as provided in this section if, ~~provided that~~:

10142 1. Any deficit in the total required annual distribution is
10143 ~~shall be~~ made up from accrued surplus funds existing in the
10144 Firefighters' Supplemental Compensation Trust Fund on June 30,
10145 1990, for as long as such funds last. If the accrued surplus is
10146 insufficient to cure the deficit in any given year, the
10147 proration of the appropriation among the counties,
10148 municipalities, and special fire service taxing districts must
10149 ~~shall~~ equal the ratio of compensation paid in the prior year to
10150 county, municipal, and special fire service taxing district

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10151 firefighters pursuant to this section. This ratio shall be
 10152 provided annually to the Department of Revenue by the Division
 10153 of State Fire Marshal. Surplus funds that have accrued or accrue
 10154 on or after July 1, 1990, shall be redistributed to
 10155 municipalities and special fire control districts as provided in
 10156 subparagraph 2.

10157 2. By October 1 of each year, any funds that have accrued
 10158 or accrue on or after July 1, 1990, and remain in the
 10159 Firefighters' Supplemental Compensation Trust Fund following the
 10160 required annual distribution shall be redistributed by the
 10161 Department of Revenue pro rata to those municipalities and
 10162 special fire control districts identified by the Department of
 10163 Personnel Management Services as ~~being~~ eligible for additional
 10164 funds pursuant to s. 175.121(3)(b).

10165 Section 338. Subsection (4) of section 650.02, Florida
 10166 Statutes, is amended to read:

10167 650.02 Definitions.—For the purpose of this chapter:

10168 (4) The term "state agency" means the Department of
 10169 Personnel Management Services.

10170 Section 339. Section 760.04, Florida Statutes, is amended
 10171 to read:

10172 760.04 ~~Commission on Human Relations~~, Assigned to Executive
 10173 Office of the Governor Department of Management Services.—The
 10174 commission ~~created by s. 760.03~~ is assigned to the Executive
 10175 Office of the Governor Department of Management Services. The
 10176 commission, in the performance of its duties pursuant to the
 10177 Florida Civil Rights Act of 1992, ~~is shall~~ not ~~be~~ subject to
 10178 control, supervision, or direction by the office ~~Department of~~
 10179 ~~Management Services~~.

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10180 Section 340. Subsection (5) of section 766.302, Florida
10181 Statutes, is amended to read:

10182 766.302 Definitions; ss. 766.301-766.316.—As used in ss.
10183 766.301-766.316, the term:

10184 (5) "Division" means the Division of Administrative
10185 Hearings ~~of the Department of Management Services.~~

10186 Section 341. Section 768.1326, Florida Statutes, is amended
10187 to read:

10188 768.1326 Placement of automated external defibrillators in
10189 state buildings; rulemaking authority. ~~No later than January 1,~~
10190 ~~2003,~~ The State Surgeon General shall adopt rules to establish
10191 guidelines on the appropriate placement of automated external
10192 defibrillator devices in buildings or portions of buildings
10193 owned or leased by the state, and shall establish, by rule,
10194 recommendations on procedures for the deployment of automated
10195 external defibrillator devices in such buildings in accordance
10196 with the guidelines. The Secretary of Environmental Protection
10197 ~~Management Services~~ shall assist the State Surgeon General in
10198 the development of the guidelines. The guidelines for the
10199 placement of the automated external defibrillators must ~~shall~~
10200 take into account the typical number of employees and visitors
10201 in the buildings, the extent of the need for security measures
10202 regarding the buildings, special circumstances in buildings or
10203 portions of buildings such as high electrical voltages or
10204 extreme heat or cold, and such other factors as the State
10205 Surgeon General and secretary ~~of Management Services~~ determine
10206 to be appropriate.

10207 (1) The ~~State~~ Surgeon General's recommendations for
10208 deployment of automated external defibrillators in buildings or

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10209 portions of buildings owned or leased by the state must ~~shall~~
10210 include:

10211 (a) ~~(1)~~ A reference list of appropriate training courses in
10212 the use of such devices, including the role of cardiopulmonary
10213 resuscitation;

10214 (b) ~~(2)~~ The extent to which such devices may be used by
10215 laypersons;

10216 (c) ~~(3)~~ Manufacturer recommended maintenance and testing of
10217 the devices; and

10218 (d) ~~(4)~~ Coordination with local emergency medical services
10219 systems regarding the incidents of use of the devices.

10220 (2) In formulating these guidelines and recommendations,
10221 the State Surgeon General may consult with all appropriate
10222 public and private entities, including national and local public
10223 health organizations that seek to improve the survival rates of
10224 individuals who experience cardiac arrest.

10225 Section 342. Subsection (11) of section 943.03, Florida
10226 Statutes, is amended to read:

10227 943.03 Department of Law Enforcement.—

10228 (11) The department shall establish headquarters in
10229 Tallahassee. The Department of Environmental Protection
10230 ~~Management Services~~ shall furnish the department with proper and
10231 adequate housing for its operation.

10232 Section 343. Subsection (7) of section 943.0311, Florida
10233 Statutes, is amended to read:

10234 943.0311 Chief of Domestic Security; duties of the
10235 department with respect to domestic security.—

10236 (7) As used in this section, the term "state agency"
10237 includes the Agency for Health Care Administration, the Agency

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10238 for Workforce Innovation, the Department of Agriculture and
10239 Consumer Services, the Department of Business and Professional
10240 Regulation, the Department of Children and Family Services, the
10241 Department of Citrus, the Department of Community Affairs, the
10242 Department of Corrections, the Department of Education, the
10243 Department of Elderly Affairs, the Department of Environmental
10244 Protection, the Department of Financial Services, the Department
10245 of Health, the Department of Highway Safety and Motor Vehicles,
10246 the Department of Juvenile Justice, the Department of Law
10247 Enforcement, the Department of Legal Affairs, the Department of
10248 Personnel Management ~~Services~~, the Department of Military
10249 Affairs, the Department of Revenue, the Department of State, the
10250 Department of the Lottery, the Department of Transportation, the
10251 Department of Veterans' Affairs, the Fish and Wildlife
10252 Conservation Commission, the Parole Commission, the State Board
10253 of Administration, and the Executive Office of the Governor.

10254 Section 344. Section 943.13, Florida Statutes, is amended
10255 to read:

10256 943.13 Officers' minimum qualifications for employment or
10257 appointment.—On or after October 1, 1984, any person employed or
10258 appointed as a full-time, part-time, or auxiliary law
10259 enforcement officer or correctional officer; on or after October
10260 1, 1986, any person employed as a full-time, part-time, or
10261 auxiliary correctional probation officer; and on or after
10262 October 1, 1986, any person employed as a full-time, part-time,
10263 or auxiliary correctional officer by a private entity under
10264 contract to the Department of Corrections, to a county
10265 commission, or to the Department of Personnel Management must
10266 ~~Services~~ shall:

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- 10267 (1) Be at least 19 years of age.
- 10268 (2) Be a citizen of the United States, notwithstanding any
10269 law of the state to the contrary.
- 10270 (3) Be a high school graduate or its "equivalent" as the
10271 commission has defined the term by rule.
- 10272 (4) Not have been convicted of any felony or of a
10273 misdemeanor involving perjury or a false statement, or have
10274 received a dishonorable discharge from any of the Armed Forces
10275 of the United States. Any person who, after July 1, 1981, pleads
10276 guilty or nolo contendere to or is found guilty of any felony or
10277 of a misdemeanor involving perjury or a false statement is not
10278 eligible for employment or appointment as an officer,
10279 notwithstanding suspension of sentence or withholding of
10280 adjudication. Notwithstanding this subsection, any person who
10281 has pled nolo contendere to a misdemeanor involving a false
10282 statement, before ~~prior to~~ December 1, 1985, and has had such
10283 record sealed or expunged may ~~shall~~ not be deemed ineligible for
10284 employment or appointment as an officer.
- 10285 (5) Have documentation of his or her processed fingerprints
10286 on file with the employing agency or, if a private correctional
10287 officer, have documentation of his or her processed fingerprints
10288 on file with the Department of Corrections or the Criminal
10289 Justice Standards and Training Commission. If administrative
10290 delays are caused by the department or the Federal Bureau of
10291 Investigation and the person has complied with subsections (1)-
10292 (4) and (6)-(9), he or she may be employed or appointed for up
10293 to a period not to exceed 1 calendar year from the date he or
10294 she was employed or appointed or until return of the processed
10295 fingerprints documenting noncompliance with subsections (1)-(4)

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10296 or subsection (7), whichever occurs first. ~~Beginning January 15,~~
10297 ~~2007,~~ The department shall retain and enter into the statewide
10298 automated fingerprint identification system authorized by s.
10299 943.05 all fingerprints submitted to the department as required
10300 by this section. Thereafter, the fingerprints shall be available
10301 for all purposes and uses authorized for arrest fingerprint
10302 cards entered in the statewide automated fingerprint
10303 identification system pursuant to s. 943.051. The department
10304 shall search all arrest fingerprint cards received pursuant to
10305 s. 943.051 against the fingerprints retained in the statewide
10306 automated fingerprint identification system pursuant to this
10307 section and report to the employing agency any arrest records
10308 that are identified with the retained employee's fingerprints.
10309 ~~By January 1, 2008, a person who must meet minimum~~
10310 ~~qualifications as provided in this section and whose~~
10311 ~~fingerprints are not retained by the department pursuant to this~~
10312 ~~section must be refingerprinted. These fingerprints must be~~
10313 ~~forwarded to the department for processing and retention.~~

10314 (6) Have passed a physical examination by a licensed
10315 physician, physician assistant, or certified advanced registered
10316 nurse practitioner, based on specifications established by the
10317 commission. In order to be eligible for the presumption set
10318 forth in s. 112.18 while employed with an employing agency, a
10319 law enforcement officer, correctional officer, or correctional
10320 probation officer must have successfully passed the physical
10321 examination required by this subsection upon entering into
10322 service as a law enforcement officer, correctional officer, or
10323 correctional probation officer with the employing agency, which
10324 examination must have failed to reveal any evidence of

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10325 tuberculosis, heart disease, or hypertension. A law enforcement
10326 officer, correctional officer, or correctional probation officer
10327 may not use a physical examination from a former employing
10328 agency for purposes of claiming the presumption set forth in s.
10329 112.18 against the current employing agency.

10330 (7) Have a good moral character as determined by a
10331 background investigation under procedures established by the
10332 commission.

10333 (8) Execute and submit to the employing agency or, if a
10334 private correctional officer, submit to the appropriate
10335 governmental entity an affidavit-of-applicant form, adopted by
10336 the commission, attesting to his or her compliance with
10337 subsections (1)-(7). The affidavit must ~~shall~~ be executed under
10338 oath and constitutes an official statement within the purview of
10339 s. 837.06. The affidavit must ~~shall~~ include conspicuous language
10340 that the intentional false execution of the affidavit
10341 constitutes a misdemeanor of the second degree. The affidavit
10342 shall be retained by the employing agency.

10343 (9) Complete a commission-approved basic recruit training
10344 program for the applicable criminal justice discipline, unless
10345 exempt under this subsection. An applicant who has:

10346 (a) Completed a comparable basic recruit training program
10347 for the applicable criminal justice discipline in another state
10348 or for the Federal Government; and

10349 (b) Served as a full-time sworn officer in another state or
10350 for the Federal Government for at least 1 year and ~~provided~~
10351 there is no more than an 8-year break in employment, as measured
10352 from the separation date of the most recent qualifying
10353 employment to the time a complete application is submitted for

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10354 an exemption under this section,
10355
10356 is exempt in accordance with s. 943.131(2) from completing the
10357 commission-approved basic recruit training program.

10358 (10) Achieve an acceptable score on the officer
10359 certification examination for the applicable criminal justice
10360 discipline.

10361 (11) Comply with the continuing training or education
10362 requirements of s. 943.135.

10363 Section 345. Paragraph (i) of subsection (4) of section
10364 943.61, Florida Statutes, is amended to read:

10365 943.61 Powers and duties of the Capitol Police.—

10366 (4) The Capitol Police shall have the following
10367 responsibilities, powers, and duties:

10368 (i) To enforce rules of the Department of Environmental
10369 Protection Management Services governing the regulation of
10370 traffic and parking within the Capitol Complex and to impound
10371 illegally or wrongfully parked vehicles.

10372 Section 346. Section 943.66, Florida Statutes, is amended
10373 to read:

10374 943.66 Rules; Facilities Program, Capitol Police; traffic
10375 regulation.—The Capitol Police may enforce rules of the
10376 Department of Environmental Protection Management Services
10377 governing the administration, operation, and management of the
10378 Facilities Program and regulating traffic and parking at state-
10379 owned buildings or on state-owned property and any local
10380 ordinance on the violation of such if such rules are not in
10381 conflict with ~~any~~ state law or county or municipal ordinance,
10382 and are not inconsistent with the other requirements of ss.

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10383 943.61-943.68 or any security plan developed and approved
10384 thereunder.

10385 Section 347. Section 943.681, Florida Statutes, is amended
10386 to read:

10387 943.681 Capitol Police program; funding.—Funds shall be
10388 transferred quarterly, ~~beginning July 1, 2002,~~ by the Department
10389 of Environmental Protection Management Services, from the
10390 Supervision Trust Fund, to the Florida Department of Law
10391 Enforcement for the purpose of funding the Capitol Police
10392 program. Funds are provided from the office space rental
10393 receipts assessed to tenant agencies in the Florida Facilities
10394 Pool, based on the rental assessment mandated in s. 255.51.
10395 Transfers shall be based on the existing rental rate on July 1,
10396 2002, unless otherwise appropriated by the Legislature. This
10397 section does not ~~Additionally, nothing herein shall~~ limit the
10398 Capitol Police from providing for the safety and security needs
10399 of the archaeological, archival, and historic treasures and
10400 artifacts housed in the Historic Capitol or the R.A. Gray
10401 Building, as the official capitol repositories, from funds
10402 provided by the Department of State.

10403 Section 348. Subsection (4) of section 944.02, Florida
10404 Statutes, is amended to read:

10405 944.02 Definitions.—The following words and phrases used in
10406 this chapter shall, unless the context clearly indicates
10407 otherwise, have the following meanings:

10408 (4) "Elderly offender" means a prisoner age 50 or older in
10409 a state correctional institution or facility operated by the
10410 Department of Corrections or the Department of Financial
10411 ~~Management~~ Services.

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10412 Section 349. Paragraph (a) of subsection (3) of section
10413 944.10, Florida Statutes, is amended to read:

10414 944.10 Department of Corrections to provide buildings; sale
10415 and purchase of land; contracts to provide services and inmate
10416 labor.—

10417 (3) (a) The department may enter into lease-purchase
10418 agreements to provide correctional facilities for the housing of
10419 state inmates. However, a ~~no such~~ lease-purchase agreement may
10420 not shall be entered into without specific legislative
10421 authorization of that agreement, and funds must be specifically
10422 appropriated for each ~~lease-purchase~~ agreement. The facilities
10423 provided through such agreements must shall meet the program
10424 plans and specifications of the department. The department may
10425 enter into such lease agreements with private corporations and
10426 other governmental entities. However, notwithstanding ~~the~~
10427 ~~provisions of~~ s. 255.25(3) (a), the department may not enter into
10428 such lease agreement except upon advertisement for and receipt
10429 of competitive bids and award to the lowest and best bidder,
10430 unless the lease-purchase agreement is entered into with the
10431 Department of Environmental Protection Management Services, the
10432 Florida Correctional Finance Corporation, or the successors or
10433 assignees of either.

10434 Section 350. Paragraph (b) of subsection (2) of section
10435 944.115, Florida Statutes, is amended to read:

10436 944.115 Smoking prohibited inside state correctional
10437 facilities.—

10438 (2) As used in this section, the term:

10439 (b) "Employee" means an employee of the department or a
10440 private vendor in a contractual relationship with ~~either~~ the

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10441 Department of Corrections or the Department of Financial
10442 ~~Management~~ Services, and includes persons such as contractors,
10443 volunteers, or law enforcement officers who are within a state
10444 correctional facility to perform a professional service.

10445 Section 351. Subsection (1) of section 944.713, Florida
10446 Statutes, is amended to read:

10447 944.713 Insurance against liability.—

10448 (1) A bidder must provide an adequate plan of insurance
10449 against liability, including liability for violations of an
10450 inmate's civil rights by an insurance agency licensed in this
10451 state, pursuant to chapter 287. The insurance plan must ~~shall~~,
10452 at a minimum, protect the department from actions of a third
10453 party, assure the private vendor's ability to fulfill the
10454 conditions of the contract, and provide adequate protection for
10455 the department against claims arising as a result of any
10456 occurrence during the term of the contract on an occurrence
10457 basis. The adequacy of the insurance plan shall be determined,
10458 at the bidder's expense, by an independent risk management or
10459 actuarial firm selected by the Department of Financial
10460 ~~Management~~ Services. The risk management or actuarial firm
10461 selected must have demonstrated experience in assessing public
10462 liability of state government.

10463 Section 352. Subsection (1) of section 944.72, Florida
10464 Statutes, is amended to read:

10465 944.72 Privately Operated Institutions Inmate Welfare Trust
10466 Fund.—

10467 (1) ~~There is hereby created in the Department of~~
10468 ~~Corrections~~ The Privately Operated Institutions Inmate Welfare
10469 Trust Fund is created in the department. The purpose of the

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10470 trust fund shall be the benefit and welfare of inmates
10471 incarcerated in private correctional facilities under contract
10472 with the department pursuant to this chapter or the Department
10473 of Financial Management Services pursuant to chapter 957. Moneys
10474 shall be deposited in the trust fund and expenditures made from
10475 the trust fund as provided in s. 945.215.

10476 Section 353. Section 944.8041, Florida Statutes, is amended
10477 to read:

10478 944.8041 Elderly offenders; annual review.—For the purpose
10479 of providing information to the Legislature on elderly offenders
10480 within the correctional system, the department and the
10481 Correctional Medical Authority shall each submit annually a
10482 report on the status and treatment of elderly offenders in the
10483 state-administered and private state correctional systems, as
10484 well as such information on the River Junction Correctional
10485 Institution. In order to adequately prepare the reports, the
10486 department and the Department of Financial Management Services
10487 shall grant access to the Correctional Medical Authority which
10488 includes access to the facilities, offenders, and any
10489 information the agencies require to complete their reports. The
10490 review must ~~shall~~ also include an examination of promising
10491 geriatric policies, practices, and programs currently
10492 implemented in other correctional systems within the United
10493 States. The reports, with specific findings and recommendations
10494 for implementation, shall be submitted to the President of the
10495 Senate and the Speaker of the House of Representatives on or
10496 before December 31 of each year.

10497 Section 354. Paragraphs (a) and (c) of subsection (2) of
10498 section 945.215, Florida Statutes, are amended to read:

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10499 945.215 Inmate welfare and employee benefit trust funds.—

10500 (2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST
10501 FUND; PRIVATE CORRECTIONAL FACILITIES.—

10502 (a) For purposes of this subsection, privately operated
10503 institutions or private correctional facilities are those
10504 correctional facilities under contract with the department
10505 pursuant to chapter 944 or the Department of Financial
10506 ~~Management~~ Services pursuant to chapter 957.

10507 (c) The Department of Financial ~~Management~~ Services shall
10508 annually compile a report that documents Privately Operated
10509 Institutions Inmate Welfare Trust Fund receipts and expenditures
10510 at each private correctional facility. This report must
10511 specifically identify receipt sources and expenditures. The
10512 department of ~~Management Services~~ shall compile this report for
10513 the prior fiscal year and shall submit the report by September 1
10514 of each year to the chairs of the appropriate substantive and
10515 fiscal committees of the Senate and House of Representatives and
10516 to the Executive Office of the Governor.

10517 Section 355. Subsection (3) and paragraph (a) of subsection
10518 (6) of section 946.504, Florida Statutes, are amended to read:

10519 946.504 Organization of corporation to operate correctional
10520 work programs; lease of facilities.—

10521 (3) The corporation shall negotiate with the Department of
10522 Environmental Protection ~~Management Services~~ to reach and enter
10523 into an agreement for the lease of each correctional work
10524 program proposed by the corporation. The facilities to be leased
10525 and the amount of rental for such facilities shall be agreed
10526 upon by the Department of Environmental Protection ~~Management~~
10527 ~~Services~~ and the corporation, with consultation with the

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10528 department. The length of such lease shall be mutually agreed
10529 upon among the department, the Department of Environmental
10530 Protection Management Services, and the corporation; however,
10531 the initial lease may not exceed 7 years. The department shall
10532 continue to manage and operate the various correctional work
10533 programs until the lease between the department and the
10534 corporation is effective.

10535 (6) (a) Upon the effective date of each lease of each
10536 correctional work program, the department shall remit ~~cause to~~
10537 ~~be remitted~~ to the corporation all funds appropriated for,
10538 associated with, or budgeted for the operation of that
10539 correctional work program, as agreed upon among the department,
10540 the Department of Environmental Protection Management Services,
10541 and the corporation.

10542 Section 356. Subsections (2) and (6) of section 946.515,
10543 Florida Statutes, are amended to read:

10544 946.515 Use of goods and services produced in correctional
10545 work programs.—

10546 (2) A ~~No~~ similar product or service of comparable price and
10547 quality found necessary for use by any state agency may not be
10548 purchased from any source other than the corporation if the
10549 corporation certifies that the product is manufactured by, or
10550 the service is provided by, inmates and the product or service
10551 meets the comparable performance specifications and comparable
10552 price and quality requirements as specified under s.
10553 287.042(1)(f) or as determined by an individual agency as
10554 provided in this section. The purchasing authority of ~~any~~ such
10555 state agency may make reasonable determinations of need, price,
10556 and quality with reference to products or services available

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10557 from the corporation. If ~~In the event of~~ a dispute between the
 10558 corporation and any purchasing authority based upon price or
 10559 quality under this section or s. 287.042(1)(f), either party may
 10560 request a hearing with the Department of Environmental
 10561 Protection Management Services and if not resolved, either party
 10562 may request a proceeding pursuant to ss. 120.569 and 120.57,
 10563 which shall be referred to the Division of Administrative
 10564 Hearings within 60 days after such request, to resolve any
 10565 dispute under this section. No party is entitled to any appeal
 10566 pursuant to s. 120.68.

10567 (6) If, pursuant to a contract between any legislative,
 10568 executive, or judicial agency of the state and any private
 10569 contract vendor, a product or service is required by the
 10570 Department of Financial Management Services or on behalf of any
 10571 state agency, is certified by or is available from the
 10572 corporation identified in this chapter, and has been approved in
 10573 accordance with subsection (2), the contract must contain the
 10574 following language:

10575
 10576 IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY
 10577 ARTICLES THAT ~~WHICH~~ ARE THE SUBJECT OF, OR REQUIRED TO
 10578 CARRY OUT, THIS CONTRACT MUST ~~SHALL~~ BE PURCHASED FROM
 10579 THE CORPORATION IDENTIFIED UNDER CHAPTER 946, F.S., IN
 10580 THE SAME MANNER AND UNDER THE SAME PROCEDURES SET
 10581 FORTH IN SECTION 946.515(2), AND (4), F.S.; AND FOR
 10582 PURPOSES OF THIS CONTRACT, THE PERSON, FIRM, OR OTHER
 10583 BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS
 10584 CONTRACT IS ~~SHALL BE~~ DEEMED TO BE SUBSTITUTED FOR THIS
 10585 AGENCY INsofar AS DEALINGS WITH SUCH CORPORATION ARE

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10586 CONCERNED.

10587 Section 357. Section 946.525, Florida Statutes, is amended
10588 to read:

10589 946.525 Participation by the corporation in the state group
10590 health insurance and prescription drug programs.—

10591 (1) The board of directors of the corporation established
10592 under this part may apply for participation in the state group
10593 health insurance program authorized in s. 110.123 and the
10594 prescription drug coverage program authorized by s. 110.12315 by
10595 submitting an application along with a \$500 nonrefundable fee to
10596 the Department of Personnel Management ~~Services~~.

10597 (2) As a prerequisite to the adoption of a resolution for
10598 participation in the state group health insurance and
10599 prescription drug coverage program, the corporation shall seek
10600 proposals to provide health insurance and prescription drug
10601 coverages which ~~coverages~~ are equivalent to those offered
10602 currently by the corporation and ~~coverages~~ equivalent to the
10603 state group health insurance and prescription drug coverage
10604 program. The corporation shall review and consider all
10605 responsive proposals before ~~prior to the~~ adoption of any
10606 resolution for participation in the state group health insurance
10607 and prescription drug coverage program.

10608 (3) If the Department of Personnel Management ~~Services~~
10609 determines that the corporation is eligible to enroll, the
10610 corporation must agree to the following terms and conditions:

10611 (a) The minimum enrollment or contractual period is ~~will be~~
10612 3 years.

10613 (b) The corporation must pay to the department ~~of~~
10614 ~~Management Services~~ an initial administrative fee not less than

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10615 \$2.61 per enrollee per month, or such other amount established
10616 annually to fully reimburse the department ~~of Management~~
10617 ~~Services~~ for its costs.

10618 (c) Termination of participation of the corporation
10619 requires written notice 1 year before the termination date.

10620 (d) If participation is terminated, the corporation may not
10621 reapply for participation for ~~a period of~~ 2 years.

10622 (e) The corporation shall reimburse the state for 100
10623 percent of its costs, including administrative costs.

10624 (f) If the corporation fails to make the payments required
10625 by this section to fully reimburse the state, the Department of
10626 Revenue or the Department of Financial Services shall, upon the
10627 request of the Department of Personnel Management ~~Services~~,
10628 deduct the amount owed by the employer from any funds to be
10629 distributed by it to the corporation. The amounts so deducted
10630 shall be transferred to the Department of Personnel Management
10631 ~~Services~~ for further distribution to the trust funds in
10632 accordance with this chapter.

10633 (g) The corporation shall furnish the Department of
10634 Personnel Management ~~Services~~ any information requested by the
10635 department ~~of Management Services~~ which the department ~~of~~
10636 ~~Management Services~~ considers necessary to administer the state
10637 group health insurance program and the prescription drug
10638 program.

10639 (4) Sections ~~The provisions of ss.~~ 624.436-624.446 do not
10640 apply to the State Group Insurance Program or to this section.

10641 (5) The Department of Personnel Management ~~Services~~ may
10642 adopt rules necessary to administer this section.

10643 Section 358. Section 957.04, Florida Statutes, is amended

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10644 to read:

10645 957.04 Contract requirements.—

10646 (1) A contract entered into under this chapter for the
10647 operation of private correctional facilities must ~~shall~~ maximize
10648 the cost savings of such facilities and shall:

10649 (a) Be negotiated with the firm found most qualified.

10650 However, a contract for private correctional services may not be
10651 entered into by the Department of Financial Management ~~Management~~ Services
10652 unless the Department of Financial Management ~~Management~~ Services
10653 determines that the contractor has demonstrated that it has:

10654 1. The qualifications, experience, and management personnel
10655 necessary to carry out the terms of the contract.

10656 2. The ability to expedite the siting, design, and
10657 construction of correctional facilities.

10658 3. The ability to comply with applicable laws, court
10659 orders, and national correctional standards.

10660 (b) Indemnify the state and the department, including their
10661 officials and agents, against any and all liability, including,
10662 but not limited to, civil rights liability. Proof of
10663 satisfactory insurance is required in an amount to be determined
10664 by the Department of Financial Management ~~Management~~ Services.

10665 (c) Require that the contractor seek, obtain, and maintain
10666 accreditation by the American Correctional Association for the
10667 facility under that contract. Compliance with amendments to the
10668 accreditation standards of the association is required upon the
10669 approval of such amendments by the commission.

10670 (d) Require that the proposed facilities and the management
10671 plans for the inmates meet applicable American Correctional
10672 Association standards and the requirements of all applicable

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10673 court orders and state law.

10674 (e) Establish operations standards for correctional
10675 facilities subject to the contract. However, if the department
10676 and the contractor disagree with an operations standard, the
10677 contractor may propose to waive any rule, policy, or procedure
10678 of the department related to the operations standards of
10679 correctional facilities which is inconsistent with the mission
10680 of the contractor to establish cost-effective, privately
10681 operated correctional facilities. The Department of Financial
10682 ~~Management Services~~ is shall be responsible for considering all
10683 proposals from the contractor to waive any rule, policy, or
10684 procedure and shall render a final decision granting or denying
10685 such request.

10686 (f) Require the contractor to be responsible for a range of
10687 dental, medical, and psychological services; diet; education;
10688 and work programs at least equal to those provided by the
10689 department in comparable facilities. The work and education
10690 programs must be designed to reduce recidivism, and include
10691 opportunities to participate in such work programs as authorized
10692 pursuant to s. 946.523.

10693 (g) Require the selection and appointment of a full-time
10694 contract monitor. The contract monitor shall be appointed and
10695 supervised by the Department of Financial ~~Management~~ Services.
10696 The contractor is required to reimburse the Department of
10697 Financial ~~Management~~ Services for the salary and expenses of the
10698 contract monitor. It is the obligation of the contractor to
10699 provide suitable office space for the contract monitor at the
10700 correctional facility. The contract monitor shall have unlimited
10701 access to the correctional facility.

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10702 (h) Be for a period of 3 years and may be renewed for
10703 successive 2-year periods thereafter. However, the state is not
10704 obligated for any payments to the contractor beyond current
10705 annual appropriations.

10706 (2) Each contract entered into for the design and
10707 construction of a private correctional facility or juvenile
10708 commitment facility must include:

10709 (a) Notwithstanding any provision of chapter 255 ~~to the~~
10710 ~~contrary~~, a specific provision authorizing the use of tax-exempt
10711 financing through the issuance of tax-exempt bonds, certificates
10712 of participation, lease-purchase agreements, or other tax-exempt
10713 financing methods. Pursuant to s. 255.25, approval is hereby
10714 provided for the lease-purchase of up to two private
10715 correctional facilities and any other facility authorized by the
10716 General Appropriations Act.

10717 (b) A specific provision requiring the design and
10718 construction of the proposed facilities to meet the applicable
10719 standards of the American Correctional Association and the
10720 requirements of all applicable court orders and state law.

10721 (c) A specific provision requiring the contractor, and not
10722 the Department of Financial Management ~~Services~~, to obtain the
10723 financing required to design and construct the private
10724 correctional facility or juvenile commitment facility built
10725 under this chapter.

10726 (d) A specific provision stating that the state is not
10727 obligated for any payments that exceed the amount of the current
10728 annual appropriation.

10729 (3) (a) Each contract for the designing, financing,
10730 acquiring, leasing, constructing, and operating of a private

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10731 correctional facility is ~~shall be~~ subject to ss. 255.2502 and
10732 255.2503.

10733 (b) Each contract for the designing, financing, acquiring,
10734 leasing, and constructing of a private juvenile commitment
10735 facility is ~~shall be~~ subject to ss. 255.2502 and 255.2503.

10736 (4) A contract entered into under this chapter does not
10737 accord third-party beneficiary status to any inmate or juvenile
10738 offender or to any member of the general public.

10739 (5) Each contract entered into by the Department of
10740 Financial Management Services must include substantial minority
10741 participation unless demonstrated by evidence, after a good
10742 faith effort, as impractical and must also include any other
10743 requirements the Department of Financial Management Services
10744 considers necessary and appropriate for carrying out the
10745 purposes of this chapter.

10746 (6) Notwithstanding s. 253.025(7), the Board of Trustees of
10747 the Internal Improvement Trust Fund need not approve a lease-
10748 purchase agreement negotiated by the Department of Financial
10749 ~~Management~~ Services if the department ~~of Management Services~~
10750 finds that there is a need to expedite the lease-purchase.

10751 (7) (a) Notwithstanding s. 253.025 or s. 287.057, if
10752 ~~whenever~~ the Department of Financial Management Services finds
10753 it to be in the best interest of timely site acquisition, it may
10754 contract without the need for competitive selection with one or
10755 more appraisers whose names are contained on the list of
10756 approved appraisers maintained by the Division of State Lands of
10757 the Department of Environmental Protection in accordance with s.
10758 253.025(6)(b). If ~~In those instances when~~ the Department of
10759 Management Services directly contracts for appraisal services,

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10760 it shall also contract with an approved appraiser who is not
10761 employed by the same appraisal firm for review services.

10762 (b) Notwithstanding s. 253.025(6), the Department of
10763 Financial Management Services may negotiate and enter into
10764 lease-purchase agreements before an appraisal is obtained. Any
10765 such agreement must state that the final purchase price cannot
10766 exceed the maximum value allowed by law.

10767 Section 359. Subsection (2) of section 957.06, Florida
10768 Statutes, is amended to read:

10769 957.06 Powers and duties not delegable to contractor.—A
10770 contract entered into under this chapter does not authorize,
10771 allow, or imply a delegation of authority to the contractor to:

10772 (2) Choose the facility to which an inmate is initially
10773 assigned or subsequently transferred. The contractor may
10774 request, in writing, that an inmate be transferred to a facility
10775 operated by the department. The Department of Financial
10776 ~~Management~~ Services, the contractor, and the department shall
10777 develop and implement a cooperative agreement for transferring
10778 inmates between a correctional facility operated by the
10779 department and a private correctional facility. The department,
10780 the Department of Financial Management Services, and the
10781 contractor must comply with the cooperative agreement.

10782 Section 360. Subsection (1) and paragraph (d) of subsection
10783 (5) of section 957.07, Florida Statutes, are amended to read:

10784 957.07 Cost-saving requirements.—

10785 (1) The Department of Financial Management Services may not
10786 enter into a contract or series of contracts unless the
10787 department determines that the contract or series of contracts
10788 in total for the facility will result in a cost savings to the

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10789 state of at least 7 percent over the public provision of a
10790 similar facility. Such cost savings, as determined by the
10791 Department of Financial Management Services, must be based upon
10792 the actual costs associated with the construction and operation
10793 of similar facilities or services as determined by the
10794 Department of Corrections and certified by the Auditor General.
10795 The Department of Corrections shall calculate all of the cost
10796 components that determine the inmate per diem in correctional
10797 facilities of a substantially similar size, type, and location
10798 that are operated by the department ~~of Corrections~~, including
10799 administrative costs associated with central administration.
10800 Services that are provided to the Department of Corrections by
10801 other governmental agencies at no direct cost to the department
10802 shall be assigned an equivalent cost and included in the per
10803 diem.

10804 (5)

10805 (d) If a private vendor chooses not to renew the contract
10806 at the appropriated level, the Department of Financial
10807 ~~Management~~ Services shall terminate the contract as provided in
10808 s. 957.14.

10809 Section 361. Section 957.08, Florida Statutes, is amended
10810 to read:

10811 957.08 Capacity requirements.—The Department of Corrections
10812 shall transfer and assign prisoners to each private correctional
10813 facility opened pursuant to this chapter in an amount not less
10814 than 90 percent or more than 100 percent of the capacity of the
10815 facility pursuant to the contract with the Department of
10816 Financial Management Services. The prisoners transferred by the
10817 Department of Corrections must ~~shall~~ represent a cross-section

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10818 of the general inmate population, based on the grade of custody
10819 or the offense of conviction, at the most comparable facility
10820 operated by the department.

10821 Section 362. Section 957.14, Florida Statutes, is amended
10822 to read:

10823 957.14 Contract termination and control of a correctional
10824 facility by the department.—A detailed plan shall be provided by
10825 a private vendor under which the department shall assume
10826 temporary control of a private correctional facility upon
10827 termination of the contract. The Department of Financial
10828 ~~Management~~ Services may terminate the contract with cause after
10829 written notice of material deficiencies and after 60 workdays in
10830 order to correct the material deficiencies. If any event occurs
10831 that involves the noncompliance with or violation of contract
10832 terms and ~~that~~ presents a serious threat to the safety, health,
10833 or security of the inmates, employees, or the public, the
10834 department may temporarily assume control of the private
10835 correctional facility, with the approval of the Department of
10836 Financial ~~Management~~ Services. A plan must ~~shall~~ also be
10837 provided by a private vendor for the purchase and temporary
10838 assumption of operations of a correctional facility by the
10839 department in the event of bankruptcy or the financial
10840 insolvency of the private vendor. The private vendor shall
10841 provide an emergency plan to address inmate disturbances,
10842 employee work stoppages, strikes, or other serious events in
10843 accordance with standards of the American Correctional
10844 Association.

10845 Section 363. Section 957.15, Florida Statutes, is amended
10846 to read:

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10847 957.15 Funding of contracts for operation, maintenance, and
10848 lease-purchase of private correctional facilities.—The request
10849 for appropriation of funds to make payments pursuant to
10850 contracts entered into by the Department of Financial Management
10851 Services for the operation, maintenance, and lease-purchase of
10852 the private correctional facilities authorized by this chapter
10853 shall be made by the Department of Financial Management Services
10854 in a request to the department. The department shall include
10855 such request in its budget request to the Legislature as a
10856 separately identified item and shall forward the request of the
10857 Department of Financial Management Services without change.
10858 After an appropriation has been made by the Legislature to the
10859 department for the private correctional facilities, the
10860 department shall have no authority over such funds other than to
10861 pay from such appropriation to the appropriate private vendor
10862 such amounts as are certified for payment by the Department of
10863 Financial Management Services.

10864 Section 364. Section 957.16, Florida Statutes, is amended
10865 to read:

10866 957.16 Expanding capacity.—The Department of Financial
10867 ~~Management~~ Services may ~~is authorized to~~ modify and execute
10868 agreements with contractors to expand up to the total capacity
10869 of contracted correctional facilities. Total capacity means the
10870 design capacity of all contracted correctional facilities
10871 increased by one-half as described under s. 944.023(1)(b). Any
10872 additional beds authorized under this section must comply with
10873 the cost-saving requirements set forth in s. 957.07. Any
10874 additional beds authorized as a result of expanded capacity
10875 under this section are contingent upon specified appropriations.

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10876 Section 365. Subsection (3) of section 1001.27, Florida
10877 Statutes, is amended to read:

10878 1001.27 State satellite network.—

10879 (3) The department, in consultation with the Department of
10880 Financial Management Services, shall implement the provisions of
10881 this section and coordinate the network. Specifically, the
10882 department shall:

10883 (a) Provide for technical analysis of suitable existing
10884 satellite receiving equipment at Florida public postsecondary
10885 educational institutions for inclusion in the network.

10886 (b) Acquire by competitive sealed bid and place appropriate
10887 receiving equipment in those community college regions of the
10888 state in which such equipment is presently not available at a
10889 public postsecondary educational institution.

10890 (c) Develop an implementation plan that provides for
10891 designation of a site in each community college region for
10892 inclusion in the initial network. Criteria for selection must
10893 ~~shall~~ include:

10894 1. Accessibility to a substantial portion of the population
10895 of the region.

10896 2. Demonstrated institutional commitment to support and
10897 encourage use of the network both within the region and
10898 statewide.

10899 3. Willingness to complement state support with matching
10900 institutional resources.

10901 4. Evidence of cooperation and coordinated planning with
10902 other postsecondary educational institutions in the region.

10903 5. Availability of existing telecommunications equipment
10904 which is compatible or adaptable for use in the network.

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10905 (d) Identify additional sites for inclusion in the network
10906 in the event that demand exceeds the capacity of the initial
10907 network.

10908 (e) Coordinate scheduling and encourage use of the network.

10909 (f) Develop operating procedures for the system and
10910 recommend fee schedules for both public and private entities
10911 wishing to transmit or receive programming through the network.
10912 Scheduling procedures must ~~shall~~ assign the highest priority to
10913 educational programming.

10914 (g) Provide training for institutional, state agency, and
10915 other personnel in effective techniques for the use of the
10916 network.

10917 (h) Provide initial startup support for operations,
10918 maintenance, and publicity costs of the network. Continuation
10919 costs in these areas shall be recovered through user fees and
10920 local resources.

10921 Section 366. Paragraph (j) of subsection (12) of section
10922 1001.42, Florida Statutes, is amended to read:

10923 1001.42 Powers and duties of district school board.—The
10924 district school board, acting as a board, shall exercise all
10925 powers and perform all duties listed below:

10926 (12) FINANCE.—Take steps to assure students adequate
10927 educational facilities through the financial procedure
10928 authorized in chapters 1010 and 1011 and as prescribed below:

10929 (j) *Purchasing regulations to be secured from Department of*
10930 *Financial Management Services.*—Secure purchasing regulations and
10931 amendments and changes thereto from the Department of Financial
10932 ~~Management~~ Services and report ~~prior to~~ any expected purchase
10933 ~~have reported to the department~~ it by its staff, and give

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10934 consideration to the lowest price available ~~to it~~ under such
10935 regulations, if provided a regulation applicable to the item or
10936 items being purchased has been adopted by the department. The
10937 department should meet with educational administrators to expand
10938 the inventory of standard items for common usage in all schools
10939 and postsecondary educational institutions.

10940 Section 367. Paragraph (b) of subsection (1) of section
10941 1001.705, Florida Statutes, is amended to read:

10942 1001.705 Responsibility for the State University System
10943 under s. 7, Art. IX of the State Constitution; legislative
10944 finding and intent.—

10945 (1) LEGISLATIVE FINDINGS.—

10946 (b) *Constitutional duties of the Board of Governors of the*
10947 *State University System.*—In accordance with s. 7, Art. IX of the
10948 State Constitution, the Board of Governors of the State
10949 University System has the duty to operate, regulate, control,
10950 and be fully responsible for the management of the whole
10951 publicly funded State University System and the board, or the
10952 board's designee, has responsibility for:

10953 1. Defining the distinctive mission of each constituent
10954 university.

10955 2. Defining the articulation of each constituent university
10956 in conjunction with the Legislature's authority over the public
10957 schools and community colleges.

10958 3. Ensuring the well-planned coordination and operation of
10959 the State University System.

10960 4. Avoiding wasteful duplication of facilities or programs
10961 within the State University System.

10962 5. Accounting for expenditure of funds appropriated by the

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10963 Legislature for the State University System as provided by law.

10964 6. Submitting a budget request for legislative
10965 appropriations for the institutions under the supervision of the
10966 board as provided by law.

10967 7. Adopting strategic plans for the State University System
10968 and each constituent university.

10969 8. Approving, reviewing, and terminating degree programs of
10970 the State University System.

10971 9. Governing admissions to the state universities.

10972 10. Serving as the public employer to all public employees
10973 of state universities for collective bargaining purposes.

10974 11. Establishing a personnel system for all state
10975 university employees; however, the Department of Personnel
10976 Management ~~Services~~ shall retain authority over state university
10977 employees for programs established in ss. 110.123, 110.1232,
10978 110.1234, 110.1238, and 110.161, and in chapters 121, 122, and
10979 238.

10980 12. Complying with, and enforcing for institutions under
10981 the board's jurisdiction, all applicable local, state, and
10982 federal laws.

10983 Section 368. Paragraph (b) of subsection (5) of section
10984 1001.706, Florida Statutes, is amended to read:

10985 1001.706 Powers and duties of the Board of Governors.—

10986 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

10987 (b) The Department of Personnel Management ~~Services~~ shall
10988 retain authority over state university employees for programs
10989 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and
10990 110.161 and in chapters 121, 122, and 238. Unless specifically
10991 authorized by law, neither the Board of Governors nor a state

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10992 university may offer group insurance programs for employees as a
10993 substitute for or as an alternative to the health insurance
10994 programs offered pursuant to chapter 110.

10995 Section 369. Paragraph (c) of subsection (5) of section
10996 1001.74, Florida Statutes, is amended to read:

10997 1001.74 Powers and duties of university boards of
10998 trustees.—

10999 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

11000 (c) The Department of Personnel Management ~~Services~~ shall
11001 retain authority over state university employees for programs
11002 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and
11003 110.161 and in chapters 121, 122, and 238. Unless specifically
11004 authorized by law, neither the Board of Governors nor a state
11005 university may offer group insurance programs for employees as a
11006 substitute for or as an alternative to the health insurance
11007 programs offered pursuant to chapter 110.

11008 Section 370. Paragraph (f) of subsection (4) of section
11009 1002.36, Florida Statutes, is amended to read:

11010 1002.36 Florida School for the Deaf and the Blind.—

11011 (4) BOARD OF TRUSTEES.—

11012 (f) The board of trustees shall:

11013 1. Prepare and submit legislative budget requests for
11014 operations and fixed capital outlay, in accordance with chapter
11015 216 and ss. 1011.56 and 1013.60, to the Department of Education
11016 for review and approval. The department must analyze the amount
11017 requested for fixed capital outlay to determine if the request
11018 is consistent with the school's campus master plan, educational
11019 plant survey, and facilities master plan. Projections of
11020 facility space needs may exceed the norm space and occupant

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11021 design criteria established in the State Requirements for
11022 Educational Facilities.

11023 2. Approve and administer an annual operating budget in
11024 accordance with ss. 1011.56 and 1011.57.

11025 3. Require all funds received other than gifts, donations,
11026 bequests, funds raised by or belonging to student clubs or
11027 student organizations, and funds held for specific students or
11028 in accounts for individual students to be deposited in the State
11029 Treasury and expended as authorized in the General
11030 Appropriations Act.

11031 4. Require all purchases to be in accordance with the
11032 ~~provisions of~~ chapter 287 except for purchases made with funds
11033 received as gifts, donations, or bequests; funds raised by or
11034 belonging to student clubs or student organizations; or funds
11035 held for specific students or in accounts for individual
11036 students.

11037 5. Administer and maintain personnel programs for all
11038 employees of the board of trustees and the Florida School for
11039 the Deaf and the Blind who are ~~shall be~~ state employees,
11040 including the personnel classification and pay plan established
11041 in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
11042 academic and academic administrative personnel, the provisions
11043 of chapter 110, and the provisions of law that grant authority
11044 to the Department of Personnel Management ~~Services~~ over ~~such~~
11045 programs for state employees.

11046 6. Give preference in appointment and retention in
11047 positions of employment as provided in ~~within~~ s. 295.07(1).

11048 7. Ensure that the Florida School for the Deaf and the
11049 Blind complies with s. 1013.351 concerning the coordination of

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11050 planning between the Florida School for the Deaf and the Blind
11051 and local governing bodies.

11052 8. Ensure that the Florida School for the Deaf and the
11053 Blind complies with s. 112.061 concerning per diem and travel
11054 expenses of public officers, employees, and authorized persons
11055 with respect to all funds other than funds received as gifts,
11056 donations, or bequests; funds raised by or belonging to student
11057 clubs or student organizations; or funds held for specific
11058 students or in accounts for individual students.

11059 9. Adopt a master plan that ~~which~~ specifies the mission and
11060 objectives of the Florida School for the Deaf and the Blind. The
11061 plan must ~~shall~~ include, but not be limited to, procedures for
11062 systematically measuring the school's progress toward meeting
11063 its objectives, analyzing changes in the student population, and
11064 modifying school programs and services to respond to such
11065 changes. The plan shall be for ~~a period of~~ 5 years and shall be
11066 reviewed for needed modifications every 2 years. The board of
11067 trustees shall submit the initial plan and subsequent
11068 modifications to the Speaker of the House of Representatives and
11069 the President of the Senate.

11070 10. Designate a portion of the school as "The Verle Allyn
11071 Pope Complex for the Deaf," in tribute to the late Senator Verle
11072 Allyn Pope.

11073 Section 371. Paragraph (f) of subsection (2) of section
11074 1002.37, Florida Statutes, is amended to read:

11075 1002.37 The Florida Virtual School.—

11076 (2) The Florida Virtual School shall be governed by a board
11077 of trustees comprised of seven members appointed by the Governor
11078 to 4-year staggered terms. The board of trustees shall be a

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11079 public agency entitled to sovereign immunity pursuant to s.
11080 768.28, and board members shall be public officers who shall
11081 bear fiduciary responsibility for the Florida Virtual School.
11082 The board of trustees shall have the following powers and
11083 duties:

11084 (f) In accordance with law and rules of the State Board of
11085 Education, the board of trustees shall administer and maintain
11086 personnel programs for all employees of the board of trustees
11087 and the Florida Virtual School. The board of trustees may adopt
11088 rules, policies, and procedures related to the appointment,
11089 employment, and removal of personnel.

11090 1. The board of trustees shall determine the compensation,
11091 including salaries and fringe benefits, and other conditions of
11092 employment for such personnel.

11093 2. The board of trustees may establish and maintain a
11094 personnel loan or exchange program by which persons employed by
11095 the board of trustees for the Florida Virtual School as academic
11096 administrative and instructional staff may be loaned to, or
11097 exchanged with persons employed in like capacities by, public
11098 agencies ~~either~~ within or without this state, or by private
11099 industry. With respect to public agency employees, the program
11100 must ~~authorized by this subparagraph shall~~ be consistent with
11101 the requirements of part II of chapter 112. The salary and
11102 benefits of board of trustees personnel participating in the
11103 loan or exchange program shall be continued during the period ~~of~~
11104 ~~time~~ they participate in a loan or exchange program, and such
11105 personnel shall be deemed to not have a ne break in creditable
11106 or continuous service or employment during such time. The salary
11107 and benefits of persons participating in the personnel loan or

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11108 exchange program who are employed by public agencies or private
11109 industry shall be paid by the originating employers of those
11110 participants, and such personnel are ~~shall be~~ deemed to have no
11111 break in creditable or continuous service or employment during
11112 such time.

11113 3. The employment of all Florida Virtual School academic
11114 administrative and instructional personnel is ~~shall be~~ subject
11115 to rejection for cause by the board of trustees, and ~~shall be~~
11116 ~~subject~~ to policies of the board of trustees relative to
11117 certification, tenure, leaves of absence, sabbaticals,
11118 remuneration, and such other conditions of employment as the
11119 board of trustees deems necessary and proper, not inconsistent
11120 with law.

11121 4. Each person employed by the board of trustees in an
11122 academic administrative or instructional capacity with the
11123 Florida Virtual School is ~~shall be~~ entitled to a contract as
11124 provided by rules of the board of trustees.

11125 5. All employees except temporary, seasonal, and student
11126 employees may be state employees for the purpose of being
11127 eligible to participate in the Florida Retirement System and
11128 receive benefits. The classification and pay plan, including
11129 terminal leave and other benefits are, ~~and any amendments~~
11130 ~~thereto~~, ~~shall be~~ subject to review and approval by the
11131 Department of Personnel Management ~~Services~~ and the Executive
11132 Office of the Governor before ~~prior to~~ adoption.

11133
11134 The Governor shall designate the initial chair of the board of
11135 trustees to serve a term of 4 years. Members of the board of
11136 trustees shall serve without compensation, but may be reimbursed

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11137 for per diem and travel expenses pursuant to s. 112.061. The
11138 board of trustees shall be a body corporate with all the powers
11139 of a body corporate and such authority as is needed for the
11140 proper operation and improvement of the Florida Virtual School.
11141 The board of trustees is specifically authorized to adopt rules,
11142 policies, and procedures, consistent with law and rules of the
11143 State Board of Education related to governance, personnel,
11144 budget and finance, administration, programs, curriculum and
11145 instruction, travel and purchasing, technology, students,
11146 contracts and grants, and property as necessary for optimal,
11147 efficient operation of the Florida Virtual School. Tangible
11148 personal property owned by the board of trustees shall be
11149 subject to the provisions of chapter 273.

11150 Section 372. Paragraph (c) of subsection (2) of section
11151 1004.58, Florida Statutes, is amended to read:

11152 1004.58 Leadership Board for Applied Research and Public
11153 Service.—

11154 (2) Membership of the board shall be:

11155 (c) The executive director ~~secretary~~ of Personnel
11156 Management ~~the Department of Management Services~~.

11157 Section 373. Paragraph (f) of subsection (3) and paragraph
11158 (a) of subsection (6) of section 1012.33, Florida Statutes, are
11159 amended to read:

11160 1012.33 Contracts with instructional staff, supervisors,
11161 and school principals.—

11162 (3)

11163 (f) The district school superintendent shall notify an
11164 employee who holds a professional service contract on July 1,
11165 1997, in writing, within ~~no later than~~ 6 weeks before ~~prior to~~

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11166 the end of the postschool conference period, of performance
11167 deficiencies which may result in termination of employment, if
11168 not corrected during the subsequent year of employment, which
11169 shall be granted for an additional year in accordance with ~~the~~
11170 ~~provisions in~~ subsection (1)~~).~~ Except as otherwise hereinafter
11171 provided, this action is ~~shall not be~~ subject to ~~the provisions~~
11172 ~~of~~ chapter 120, but the following procedures ~~shall~~ apply:

11173 1. On receiving notice of unsatisfactory performance, the
11174 employee, on request, shall be accorded an opportunity to meet
11175 with the district school superintendent, or a ~~his or her~~
11176 designee, for an informal review of the determination of
11177 unsatisfactory performance.

11178 2. An employee notified of unsatisfactory performance may
11179 request ~~an opportunity to be considered for~~ a transfer to
11180 another appropriate position, with a different supervising
11181 administrator, for the subsequent year of employment. If the
11182 request for the transfer is granted, the district school
11183 superintendent shall annually report to the department the total
11184 number of employees transferred pursuant to this subparagraph,
11185 where they were transferred, and what, if any, remediation was
11186 implemented to remediate the unsatisfactory performance.

11187 3. During the subsequent year, the employee shall be
11188 provided assistance and inservice training opportunities to help
11189 correct the noted performance deficiencies. The employee shall
11190 also be evaluated periodically so that he or she will be kept
11191 apprised of progress achieved.

11192 4. At least ~~Not later than~~ 6 weeks before ~~prior to~~ the
11193 close of the postschool conference period of the subsequent
11194 year, the district school superintendent, after receiving and

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11195 reviewing the recommendation required by s. 1012.34, shall
11196 notify the employee, in writing, whether the performance
11197 deficiencies have been corrected. If so, a new professional
11198 service contract shall be issued to the employee. If the
11199 performance deficiencies have not been corrected, the district
11200 school superintendent may notify the district school board and
11201 the employee, in writing, that the employee shall not be issued
11202 a new professional service contract; however, if the
11203 recommendation of the district school superintendent is not to
11204 issue a new professional service contract, and if the employee
11205 wishes to contest such recommendation, the employee will have 15
11206 days from receipt of the district school superintendent's
11207 recommendation to demand, in writing, a hearing. In such
11208 hearing, the employee may raise as an issue, among other things,
11209 the sufficiency of the district school superintendent's charges
11210 of unsatisfactory performance. Such hearing shall be conducted
11211 at the district school board's election in accordance with one
11212 of the following procedures:

11213 a. A direct hearing conducted by the district school board
11214 within 60 days after ~~of~~ receipt of the written appeal. The
11215 hearing shall be conducted in accordance with ~~the provisions of~~
11216 ss. 120.569 and 120.57. A majority vote of the membership of the
11217 district school board is ~~shall be~~ required to sustain the
11218 district school superintendent's recommendation. The
11219 determination of the district school board is ~~shall be~~ final as
11220 to the sufficiency or insufficiency of the grounds for
11221 termination of employment; or

11222 b. A hearing conducted by an administrative law judge
11223 assigned by the Division of Administrative Hearings ~~of the~~

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11224 ~~Department of Management Services.~~ The hearing must ~~shall~~ be
11225 conducted within 60 days after ~~of~~ receipt of the written appeal
11226 in accordance with chapter 120. The recommendation of the
11227 administrative law judge shall be made to the district school
11228 board. A majority vote of the membership of the district school
11229 board is ~~shall be~~ required to sustain or change the
11230 administrative law judge's recommendation. The determination of
11231 the district school board is ~~shall be~~ final as to the
11232 sufficiency or insufficiency of the grounds for termination of
11233 employment.

11234 (6) (a) Any member of the instructional staff, excluding an
11235 employee specified in subsection (4), may be suspended or
11236 dismissed at any time during the term of the contract for just
11237 cause as provided in paragraph (1) (a). The district school board
11238 must notify the employee in writing whenever charges are made
11239 against the employee and may suspend such person without pay;
11240 however ~~but~~, if the charges are not sustained, the employee must
11241 ~~shall~~ be immediately reinstated, and his or her back salary
11242 ~~shall be~~ paid. If the employee wishes to contest the charges,
11243 the employee must, within 15 days after receipt of the written
11244 notice, submit a written request for a hearing. Such hearing
11245 shall be conducted at the district school board's election in
11246 accordance with one of the following procedures:

11247 1. A direct hearing conducted by the district school board
11248 within 60 days after receipt of the written appeal. The hearing
11249 shall be conducted in accordance with ~~the provisions of~~ ss.
11250 120.569 and 120.57. A majority vote of the membership of the
11251 district school board is ~~shall be~~ required to sustain the
11252 district school superintendent's recommendation. The

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11253 determination of the district school board is ~~shall be~~ final as
11254 to the sufficiency or insufficiency of the grounds for
11255 termination of employment; or

11256 2. A hearing conducted by an administrative law judge
11257 assigned by the Division of Administrative Hearings ~~of the~~
11258 ~~Department of Management Services~~. The hearing shall be
11259 conducted within 60 days after receipt of the written appeal in
11260 accordance with chapter 120. The recommendation of the
11261 administrative law judge shall be made to the district school
11262 board. A majority vote of the membership of the district school
11263 board is ~~shall be~~ required to sustain or change the
11264 administrative law judge's recommendation. The determination of
11265 the district school board is ~~shall be~~ final as to the
11266 sufficiency or insufficiency of the grounds for termination of
11267 employment.

11268
11269 Any such decision adverse to the employee may be appealed by the
11270 employee pursuant to s. 120.68, provided such appeal is filed
11271 within 30 days after the decision of the district school board.

11272 Section 374. Paragraph (d) of subsection (3) of section
11273 1012.34, Florida Statutes, is amended to read:

11274 1012.34 Assessment procedures and criteria.-

11275 (3) The assessment procedure for instructional personnel
11276 and school administrators must be primarily based on the
11277 performance of students assigned to their classrooms or schools,
11278 as appropriate. Pursuant to this section, a school district's
11279 performance assessment is not limited to basing unsatisfactory
11280 performance of instructional personnel and school administrators
11281 upon student performance, but may include other criteria

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11282 approved to assess instructional personnel and school
11283 administrators' performance, or any combination of student
11284 performance and other approved criteria. The procedures must
11285 comply with, but are not limited to, the following requirements:

11286 (d) If an employee is not performing his or her duties in a
11287 satisfactory manner, the evaluator shall notify the employee in
11288 writing of such determination. The notice must describe such
11289 unsatisfactory performance and include notice of the following
11290 procedural requirements:

11291 1. Upon delivery of a notice of unsatisfactory performance,
11292 the evaluator must confer with the employee, make
11293 recommendations with respect to specific areas of unsatisfactory
11294 performance, and provide assistance in helping to correct
11295 deficiencies within a prescribed period of time.

11296 2.a. If the employee holds a professional service contract
11297 as provided in s. 1012.33, the employee shall be placed on
11298 performance probation and governed by the provisions of this
11299 section for 90 calendar days following the receipt of the notice
11300 of unsatisfactory performance to demonstrate corrective action.
11301 School holidays and school vacation periods are not counted when
11302 calculating the 90-calendar-day period. During the 90 calendar
11303 days, the employee who holds a professional service contract
11304 must be evaluated periodically and apprised of progress achieved
11305 and must be provided assistance and inservice training
11306 opportunities to help correct the noted performance
11307 deficiencies. At any time during the 90 calendar days, the
11308 employee who holds a professional service contract may request a
11309 transfer to another appropriate position with a different
11310 supervising administrator; however, a transfer does not extend

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11311 the period for correcting performance deficiencies.

11312 b. Within 14 days after the close of the 90 calendar days,
11313 the evaluator must assess whether the performance deficiencies
11314 have been corrected and forward a recommendation to the district
11315 school superintendent. Within 14 days after receiving the
11316 evaluator's recommendation, the district school superintendent
11317 must notify the employee who holds a professional service
11318 contract in writing whether the performance deficiencies have
11319 been satisfactorily corrected and whether the district school
11320 superintendent will recommend that the district school board
11321 continue or terminate his or her employment contract. If the
11322 employee wishes to contest the district school superintendent's
11323 recommendation, the employee must, within 15 days after receipt
11324 of the district school superintendent's recommendation, submit a
11325 written request for a hearing. The hearing shall be conducted at
11326 the district school board's election in accordance with one of
11327 the following procedures:

11328 (I) A direct hearing conducted by the district school board
11329 within 60 days after receipt of the written appeal. The hearing
11330 shall be conducted in accordance with ~~the provisions of~~ ss.
11331 120.569 and 120.57. A majority vote of the membership of the
11332 district school board is ~~shall be~~ required to sustain the
11333 district school superintendent's recommendation. The
11334 determination of the district school board is ~~shall be~~ final as
11335 to the sufficiency or insufficiency of the grounds for
11336 termination of employment; or

11337 (II) A hearing conducted by an administrative law judge
11338 assigned by the Division of Administrative Hearings ~~of the~~
11339 ~~Department of Management Services~~. The hearing shall be

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11340 conducted within 60 days after receipt of the written appeal in
11341 accordance with chapter 120. The recommendation of the
11342 administrative law judge shall be made to the district school
11343 board. A majority vote of the membership of the district school
11344 board is ~~shall be~~ required to sustain or change the
11345 administrative law judge's recommendation. The determination of
11346 the district school board is ~~shall be~~ final as to the
11347 sufficiency or insufficiency of the grounds for termination of
11348 employment.

11349 Section 375. Paragraph (d) of subsection (2) of section
11350 1012.61, Florida Statutes, is amended to read:

11351 1012.61 Sick leave.—

11352 (2) PROVISIONS GOVERNING SICK LEAVE.—The following
11353 provisions shall govern sick leave:

11354 (d) *Expenditure authorized.*—District school boards may
11355 expend public funds for payment to employees on account of
11356 sickness. The expending and excluding of such funds shall be in
11357 compliance with rules adopted by the Department of Personnel
11358 Management ~~Services~~ pursuant to chapter 650.

11359 Section 376. Subsection (6) of section 1012.796, Florida
11360 Statutes, is amended to read:

11361 1012.796 Complaints against teachers and administrators;
11362 procedure; penalties.—

11363 (6) Upon the finding of probable cause, the commissioner
11364 shall file a formal complaint and prosecute the complaint
11365 pursuant to ~~the provisions of~~ chapter 120. An administrative law
11366 judge shall be assigned by the Division of Administrative
11367 Hearings ~~of the Department of Management Services~~ to hear the
11368 complaint if there are disputed issues of material fact. The

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11369 administrative law judge shall make recommendations in
11370 accordance with ~~the provisions of~~ subsection (7) to the
11371 appropriate Education Practices Commission panel which shall
11372 conduct a formal review of such recommendations and other
11373 pertinent information and issue a final order. The commission
11374 shall consult with its legal counsel before ~~prior to~~ issuance of
11375 a final order.

11376 Section 377. Subsection (5) of section 1012.865, Florida
11377 Statutes, is amended to read:

11378 1012.865 Sick leave.—Each community college board of
11379 trustees shall adopt rules whereby any full-time employee who is
11380 unable to perform his or her duties at the community college on
11381 account of personal sickness, accident disability, or extended
11382 personal illness, or because of illness or death of the
11383 employee's father, mother, brother, sister, husband, wife,
11384 child, or other close relative or member of the employee's own
11385 household, and who consequently has to be absent from work shall
11386 be granted leave of absence for sickness by the president or by
11387 the president's designated representative. The following
11388 provisions shall govern sick leave:

11389 (5) EXPENDITURE AUTHORIZED.—Community college boards of
11390 trustees may expend public funds for payment to employees on
11391 account of sickness. The expending and excluding of such funds
11392 must comply ~~shall be in compliance~~ with rules adopted by the
11393 Department of Personnel Management ~~Services~~ pursuant to chapter
11394 650.

11395 Section 378. Paragraph (c) of subsection (1) of section
11396 1012.875, Florida Statutes, is amended to read:

11397 1012.875 State Community College System Optional Retirement

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11398 Program.—Each community college may implement an optional
11399 retirement program, if such program is established therefor
11400 pursuant to s. 1001.64(20), under which annuity or other
11401 contracts providing retirement and death benefits may be
11402 purchased by, and on behalf of, eligible employees who
11403 participate in the program, in accordance with s. 403(b) of the
11404 Internal Revenue Code. Except as otherwise provided herein, this
11405 retirement program, which shall be known as the State Community
11406 College System Optional Retirement Program, may be implemented
11407 and administered only by an individual community college or by a
11408 consortium of community colleges.

11409 (1) As used in this section, the term:

11410 (c) "Department" means the Department of Personnel
11411 Management ~~Services~~.

11412 Section 379. Subsection (7) of section 1013.03, Florida
11413 Statutes, is amended to read:

11414 1013.03 Functions of the department and the Board of
11415 Governors.—The functions of the Department of Education as it
11416 pertains to educational facilities of school districts and
11417 community colleges and of the Board of Governors as it pertains
11418 to educational facilities of state universities shall include,
11419 but not be limited to, the following:

11420 (7) Provide training, technical assistance, and building
11421 code interpretation for requirements of the mandatory Florida
11422 Building Code for the educational facilities construction and
11423 capital improvement programs of the community college boards and
11424 district school boards and, upon request, approve phase III
11425 construction documents for remodeling, renovation, or new
11426 construction of educational plants or ancillary facilities,

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11427 except that university boards of trustees shall approve
11428 specifications and construction documents for their respective
11429 institutions pursuant to guidelines of the Board of Governors.
11430 The Department of Environmental Protection ~~Management Services~~
11431 may, upon request, provide similar services for the Florida
11432 School for the Deaf and the Blind and shall use the Florida
11433 Building Code and the Florida Fire Prevention Code.

11434 Section 380. Paragraph (d) of subsection (3) of section
11435 1013.23, Florida Statutes, is amended to read:

11436 1013.23 Energy efficiency contracting.—

11437 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.—

11438 (d) Prior to the design and installation of the energy
11439 conservation measure, the district school board, community
11440 college board of trustees, or state university board of trustees
11441 must obtain from the energy performance contractor a report that
11442 discloses all costs associated with the energy conservation
11443 measure and provides an estimate of the amount of the energy
11444 cost savings. The report must be reviewed by ~~either~~ the
11445 Department of Education or the Department of Financial
11446 ~~Management~~ Services or signed and sealed by a registered
11447 professional engineer.

11448 Section 381. Subsection (8) of section 1013.30, Florida
11449 Statutes, is amended to read:

11450 1013.30 University campus master plans and campus
11451 development agreements.—

11452 (8) Following receipt of a petition challenging a campus
11453 master plan or plan amendment, the university board of trustees
11454 must submit the petition to the Division of Administrative
11455 Hearings ~~of the Department of Management Services~~ for assignment

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11456 to an administrative law judge under ss. 120.569 and 120.57.

11457 (a) If a party to the proceeding requests mediation, the
11458 parties have up to ~~no more than~~ 30 days to resolve any issue in
11459 dispute. The costs of the mediation must be borne equally by all
11460 ~~of the~~ parties to the proceeding.

11461 (b) If the matter is not resolved within 30 days, the
11462 administrative law judge shall proceed with a hearing under ss.
11463 120.569 and 120.57. The hearing shall be held in the county
11464 where the campus of the university subject to the amendment is
11465 located. Within 60 days after receiving the petition, the
11466 administrative law judge must, ~~consistent with the applicable~~
11467 ~~requirements and procedures of the Administrative Procedure Act,~~
11468 hold a hearing pursuant to chapter 120, identify the issues
11469 remaining in dispute, prepare a record of the proceedings, and
11470 submit a recommended order to the state land planning agency for
11471 final action. Parties to the proceeding may submit written
11472 exceptions to the recommended order within 10 days after the
11473 recommended order is issued. The state land planning agency must
11474 issue its final order within ~~no later than~~ 60 days after
11475 receiving the recommended order.

11476 (c) The final order of the state land planning agency is
11477 subject to judicial review as provided in s. 120.68.

11478 (d) The signature of an attorney or party constitutes a
11479 certificate that he or she has read the pleading, motion, or
11480 other paper and that, to the best of his or her knowledge,
11481 information, and belief formed after reasonable inquiry, it is
11482 not interposed for any improper purpose, such as to harass or to
11483 cause unnecessary delay, or for economic advantage, competitive
11484 reasons, frivolous purposes, or needless increase in the cost of

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11485 litigation. If a pleading, motion, or other paper is signed in
11486 violation of these requirements, the division, upon motion or
11487 its own initiative, shall impose upon ~~either~~ the person who
11488 signed it or a represented party, or both, an appropriate
11489 sanction, which may include an order to pay to the other party
11490 or parties the amount of reasonable expenses incurred because of
11491 the filing of the pleading, motion, or other paper, including
11492 reasonable attorney's fees.

11493 Section 382. Subsection (3) of section 1013.38, Florida
11494 Statutes, is amended to read:

11495 1013.38 Boards to ensure that facilities comply with
11496 building codes and life safety codes.-

11497 (3) The Department of Environmental Protection Management
11498 ~~Services~~ may, upon request, provide facilities services for the
11499 Florida School for the Deaf and the Blind, the Division of Blind
11500 Services, and public broadcasting. As used in this section, the
11501 term "facilities services" means project management, code and
11502 design plan review, and code compliance inspection for projects
11503 as defined in s. 287.017(1)(e).

11504 Section 383. During the 2010-2011 fiscal year, the
11505 Department of Environmental Protection shall coordinate with all
11506 state agencies to identify each state agency's total number of
11507 positions and resources related to real estate leasing, as well
11508 as facilities operations and maintenance. Agencies must submit
11509 the information to the department no later than August 1, 2010.
11510 By September 1, 2010, the department shall submit a plan to
11511 centralize all real estate leasing and facilities operations and
11512 maintenance to the Executive Office of the Governor, the
11513 President of the Senate, and the Speaker of the House of

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11514 Representatives. Such information shall be included in each
11515 agency's legislative budget request for the 2011-2012 fiscal
11516 year as a transfer to the Department of Asset Management. This
11517 section expires July 1, 2011.

11518 Section 384. Effective July 1, 2011, section 20.51, Florida
11519 Statutes, is created to read:

11520 20.51 Department of Asset Management.—The Department of
11521 Asset Management is created.

11522 (1) The head of the department is the Governor and Cabinet.
11523 The Governor and Cabinet shall appoint an executive director,
11524 subject to confirmation by the Senate, who shall serve at the
11525 pleasure of the Governor and Cabinet.

11526 (2) The following divisions are established in the
11527 department:

11528 (a) The Division of State Lands.

11529 (b) The Division of Facilities.

11530 Section 385. Effective July 1, 2011, all powers, duties,
11531 functions, records, offices, personnel, property, pending
11532 issues, and existing contracts, administrative authority,
11533 administrative rules, and unexpended balances of appropriations,
11534 allocations, and other funds relating to the Division of State
11535 Lands established under s. 20.255(3)(h), Florida Statutes, in
11536 the Department of Environmental Protection and the Facilities
11537 Program transferred to the Department of Environmental
11538 Protection by section 1 of this act, and relating to the
11539 Division of Facilities Management and Building Construction
11540 established under s. 20.255(3)(i), Florida Statutes, are
11541 transferred to the Department of Asset Management by a type two
11542 transfer, as defined in s. 20.06(1), Florida Statutes.

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11543 Section 386. Except as otherwise expressly provided in this
11544 act, this act shall take effect July 1, 2010.