

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hooper offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (b) of subsection (2) of section  
6 110.181, Florida Statutes, is amended to read:

7 110.181 Florida State Employees' Charitable Campaign.—

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

9 (b) The fiscal agent shall withhold the reasonable costs  
10 for conducting the campaign and for accounting and distribution  
11 to the participating organizations and shall reimburse the  
12 department the actual cost, ~~not to exceed 1 percent of gross~~  
13 ~~pledges,~~ for coordinating the campaign in accordance with the  
14 rules of the department. In any fiscal year in which the  
15 Legislature specifically appropriates to the department its  
16 total costs for coordinating the campaign from the General  
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17 Revenue Fund, the fiscal agent is not required to reimburse such  
18 costs to the department under this subsection. Otherwise,  
19 reimbursement will be the difference between actual costs and  
20 the amount appropriated.

21 Section 2. Paragraph (h) of subsection (1) of section  
22 287.042, Florida Statutes, is amended to read:

23 287.042 Powers, duties, and functions.—The department  
24 shall have the following powers, duties, and functions:

25 (1)

26 (h)1. The department may collect fees for the use of its  
27 electronic information services. The fees may be imposed on an  
28 individual transaction basis or as a fixed subscription for a  
29 designated period of time. At a minimum, the fees shall be  
30 determined in an amount sufficient to cover the department's  
31 projected costs of the services, including overhead in  
32 accordance with the policies of the Department of Management  
33 Services for computing its administrative assessment. All fees  
34 collected under this paragraph shall be deposited in the  
35 Operating Trust Fund for disbursement as provided by law.

36 2. The department shall transfer funds generated by fees  
37 collected for the use of the department's electronic information  
38 services from the Purchasing Oversight Account in the Operating  
39 Trust Fund to the Administrative Trust Fund in the Department of  
40 Financial Services to support statewide purchasing operations.  
41 The amount of transfer shall be established each year in the  
42 department's nonoperating budget based upon the estimated cost  
43 of statewide purchasing operations provided by the Department of  
44 Financial Services and may not exceed \$1 million.

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45       3. The department shall calculate by June 5 each year the  
46 amount of fees collected pursuant to subparagraph 1. remaining  
47 in the Operating Trust Fund after satisfaction of all  
48 obligations and encumbrances to cover the costs of providing  
49 services pursuant to subparagraph 1. and shall transfer the  
50 excess revenue to the General Revenue Fund before June 30 of  
51 each year. The cash balance in the Operating Trust Fund on June  
52 30 of each year may not exceed \$1.25 million.

53       Section 3. Paragraph (c) of subsection (22) of section  
54 287.057, Florida Statutes, is amended to read:

55       287.057 Procurement of commodities or contractual  
56 services.—

57       (22) The department, in consultation with the Agency for  
58 Enterprise Information Technology and the Comptroller, shall  
59 develop a program for online procurement of commodities and  
60 contractual services. To enable the state to promote open  
61 competition and to leverage its buying power, agencies shall  
62 participate in the online procurement program, and eligible  
63 users may participate in the program. Only vendors prequalified  
64 as meeting mandatory requirements and qualifications criteria  
65 may participate in online procurement.

66       (c) The department may impose and shall collect all fees  
67 for the use of the online procurement systems.

68       1. The fees may be imposed on an individual transaction  
69 basis or as a fixed percentage of the cost savings generated. At  
70 a minimum, the fees must be set in an amount sufficient to cover  
71 the projected costs of the services, including administrative

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72 and project service costs in accordance with the policies of the  
73 department.

74 2. If the department contracts with a provider for online  
75 procurement, the department, pursuant to appropriation, shall  
76 compensate the provider from the fees after the department has  
77 satisfied all ongoing costs. The provider shall report  
78 transaction data to the department each month so that the  
79 department may determine the amount due and payable to the  
80 department from each vendor.

81 3. All fees that are due and payable to the state on a  
82 transactional basis or as a fixed percentage of the cost savings  
83 generated are subject to s. 215.31 and must be remitted within  
84 40 days after receipt of payment for which the fees are due. For  
85 fees that are not remitted within 40 days, the vendor shall pay  
86 interest at the rate established under s. 55.03(1) on the unpaid  
87 balance from the expiration of the 40-day period until the fees  
88 are remitted.

89 4. All fees and surcharges collected under this paragraph  
90 shall be deposited in the Operating Trust Fund for disbursement  
91 as provided by law.

92 5. The department shall transfer funds generated by fees  
93 collected for the use of the department's online procurement  
94 systems from the Purchasing Oversight Account in the Operating  
95 Trust Fund to the Administrative Trust Fund in the Department of  
96 Financial Services to support statewide purchasing operations.  
97 The amount of transfer shall be established each year in the  
98 department's nonoperating budget based upon the estimated cost

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99 of statewide purchasing operations provided by the Department of  
100 Financial Services and may not exceed \$1 million.

101 6. The department shall calculate by June 5 each year the  
102 amount of fees collected pursuant to subparagraph 1. remaining  
103 in the Operating Trust Fund after satisfaction of all  
104 obligations and encumbrances to cover the costs of providing  
105 services pursuant to subparagraph 1. and shall transfer the  
106 excess revenue to the General Revenue Fund before June 30 of  
107 each year. The cash balance in the Operating Trust Fund on June  
108 30 of each year may not exceed \$1.25 million.

109 Section 4. Subsection (10) of section 287.16, Florida  
110 Statutes, is amended, and subsections (11) and (12) of that  
111 section are renumbered as subsections (10) and (11),  
112 respectively, to read:

113 287.16 Powers and duties of department.—The Department of  
114 Management Services shall have the following powers, duties, and  
115 responsibilities:

116 ~~(10) To provide the Legislature annual reports at the end~~  
117 ~~of each calendar year concerning the utilization of all aircraft~~  
118 ~~in the executive pool.~~

119 Section 5. Section 287.161, Florida Statutes, is repealed.

120 Section 6. (1) The Bureau of Aircraft Trust Fund within  
121 the Department of Management Services, FLAIR number 72-2-066, is  
122 terminated on November 1, 2011.

123 (2) All current balances remaining in, and all revenues  
124 of, the Bureau of Aircraft Trust Fund on the date of termination  
125 shall be transferred to the General Revenue Fund.

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126       (3) The Department of Management Services shall pay any  
127 outstanding debts and obligations of the terminated fund as soon  
128 as practicable, and the Chief Financial Officer shall close out  
129 and remove the terminated fund from various state accounting  
130 systems using generally accepted accounting principles  
131 concerning warrants outstanding, assets, and liabilities.

132       Section 7. This act shall take effect July 1, 2011.  
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134

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136                   **T I T L E   A M E N D M E N T**

137       Remove the entire title and insert:

138                   A bill to be entitled  
139       An act relating to the Department of Management Services;  
140       amending s. 110.181, F.S.; revising provisions relating to  
141       reimbursement of the department for actual costs of  
142       coordinating the Florida State Employees' Charitable  
143       Campaign; amending ss. 287.042 and 287.057, F.S.;  
144       providing for the transfer of funds generated by fees  
145       collected for the use of the department's online  
146       procurement systems and electronic information services  
147       from the department to the Department of Financial  
148       Services to support statewide purchasing operations;  
149       establishing the amount of transfer; providing for annual  
150       transfer of specified excess revenue from fees collected  
151       for the use of such systems and services to the General  
152       Revenue Fund; setting an annual limitation on the cash  
153       balance in the Operating Trust Fund of the department;

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154 amending s. 287.16, F.S.; eliminating a duty of the  
155 department to provide an annual report concerning  
156 utilization of aircraft in the executive aircraft pool;  
157 repealing s. 287.161, F.S., which establishes the  
158 executive aircraft pool within the department and provides  
159 procedures and requirements with respect thereto;  
160 terminating the Bureau of Aircraft Trust Fund within the  
161 department; providing for the disposition of balances in  
162 and revenues of the trust fund; prescribing procedures for  
163 terminating the trust fund; providing an effective date.