

By the Committee on Budget

576-03496-11

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1                                   A bill to be entitled  
2           An act relating to the Department of Management  
3           Services; amending s. 110.181, F.S.; providing for the  
4           reimbursement to the department of actual costs for  
5           coordinating the Florida State Employee's Charitable  
6           Campaign; amending ss. 216.0158 and 216.043, F.S.;  
7           requiring the cost factors for a fixed capital outlay  
8           project to include an estimate for the finishing of  
9           interiors; amending s. 216.182, F.S.; requiring the  
10          standards for use of a project to include an analysis  
11          of the cost of the constructed space; amending s.  
12          216.301, F.S.; requiring that cost savings realized  
13          when actual costs are less than the projected costs  
14          for a fixed capital outlay project be used to reduce  
15          the overall construction costs; specifying that  
16          additional purchases may not be made if they are not  
17          included in the approved plan; amending s. 255.043,  
18          F.S.; defining the term "art"; prohibiting the  
19          purchase of art using public funds except as  
20          authorized by law; amending s. 255.29, F.S.; requiring  
21          the department to adopt standards for materials and  
22          components used in the construction of a fixed capital  
23          outlay project; providing criteria; requiring written  
24          justification and analysis if a material or component  
25          does not meet the standards; amending s. 255.30, F.S.;  
26          clarifying the meaning of supervisory authority in the  
27          context of the delegation of authority to a state  
28          agency by the department; amending s. 273.055, F.S.;  
29          deleting provisions requiring department approval for

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30 the disposal of state-owned aircraft; amending s.  
31 282.0041, F.S.; revising a cross-reference; amending  
32 s. 282.702, F.S.; revising the powers and duties of  
33 the department relating to state telecommunications;  
34 requiring additional items relating to SUNCOM to be  
35 included in the department's annual report; requiring  
36 the department to submit an annual benchmark  
37 comparison of SUNCOM rates to other rates to the  
38 Governor and Legislature; requiring the department to  
39 work with the Agency for Enterprise Information  
40 Technology to produce a feasibility analysis for  
41 reprocurring the telecommunications network and to  
42 submit the analysis to the Governor and the  
43 Legislature by a certain date; requiring state  
44 agencies to cooperate with the department; requiring  
45 the Department of Transportation to provide certain  
46 information to assist the department in conducting the  
47 feasibility analysis and to develop procedures for  
48 disposing of property at less than fair market value;  
49 requiring the Department of Transportation to  
50 establish certain procedures in the state's right-of-  
51 way manual, providing criteria; amending s. 282.703,  
52 F.S.; prohibiting state agencies from creating a  
53 telecommunications network outside the SUNCOM network;  
54 requiring violations to be reported; requiring the  
55 department to develop a competitive solicitation to  
56 procure end-to-end network services by a certain date;  
57 requiring vendors to respond by a certain date;  
58 providing the specifications for the procurement;

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59 requiring all state agencies to complete the  
60 transition to the network services by a certain date;  
61 requiring state agencies to cooperate in the  
62 procurement; amending s. 287.16, F.S.; removing  
63 references to state-owned or leased aircraft; removing  
64 a requirement that the department report to the  
65 Legislature on the use of aircraft in the executive  
66 pool; repealing s. 287.161, F.S., relating to the  
67 executive aircraft pool; amending s. 287.17, F.S.;  
68 removing the provision that authorizes certain persons  
69 to use state-owned aircraft; removing the provision  
70 requiring payment by certain persons for the use of  
71 state-owned aircraft; amending ss. 318.18 and 318.21,  
72 F.S.; delaying the expiration of provisions imposing a  
73 surcharge on certain offenses and traffic violations,  
74 the proceeds of which are deposited into the State  
75 Agency Law Enforcement Radio System Trust Fund of the  
76 department; creating s. 760.12, F.S.; requiring that  
77 an aggrieved person pay a filing fee when requesting  
78 an administrative hearing under ch. 760, F.S.,  
79 relating to discrimination in the treatment of  
80 persons; providing an exception for a person who is  
81 indigent; providing an effective date.

82  
83 Be It Enacted by the Legislature of the State of Florida:

84  
85 Section 1. Paragraph (b) of subsection (2) of section  
86 110.181, Florida Statutes, is amended to read:  
87 110.181 Florida State Employees' Charitable Campaign.—

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

89 (b) The fiscal agent shall withhold the reasonable costs  
90 for conducting the campaign and for accounting and distribution  
91 to the participating organizations and shall reimburse the  
92 department the actual cost, ~~not to exceed 1 percent of gross~~  
93 ~~pledges~~, for coordinating the campaign in accordance with the  
94 rules of the department. In any fiscal year in which the  
95 Legislature specifically appropriates to the department its  
96 total costs for coordinating the campaign from the General  
97 Revenue Fund, the fiscal agent is not required to reimburse such  
98 costs to the department under this subsection. Otherwise,  
99 reimbursement will be the difference between actual costs and  
100 the amount appropriated.

101 Section 2. Paragraph (c) of subsection (5) of section  
102 216.0158, Florida Statutes, is amended to read:

103 216.0158 Assessment of facility needs.—

104 (5) Each plan for years 2 through 5 shall provide the  
105 following information:

106 (c) An application of cost factors to all elements of each  
107 project, including the finishing of the interior, to establish  
108 an estimate of funding requirements.

109 Section 3. Paragraph (d) of subsection (3) of section  
110 216.043, Florida Statutes, is amended to read:

111 216.043 Budgets for fixed capital outlay.—

112 (3) Each legislative budget request for fixed capital  
113 outlay submitted shall contain:

114 (d) An application of cost factors to all elements of each  
115 project, including the finishing of the interior, to establish  
116 an estimate of funding requirements.

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117 Section 4. Subsection (1) of section 216.182, Florida  
118 Statutes, is amended to read:

119 216.182 Approval of fixed capital outlay program plan.—

120 (1) The Executive Office of the Governor shall have the  
121 authority to approve the program plan of fixed capital outlay  
122 projects to ensure ~~assure~~ that each is consistent with  
123 legislative policies for operations, including approved  
124 operational standards related to program and utilization and  
125 reasonable continuing operating costs. The standards for use  
126 must include an analysis of the cost per square foot of the  
127 constructed space, less the amount of space necessary for the  
128 public such as meeting rooms and auditoriums, compared to the  
129 number of employees projected to work in the building.

130 Section 5. Subsection (3) is added to section 216.301,  
131 Florida Statutes, to read:

132 216.301 Appropriations; undisbursed balances.—

133 (3) If the actual cost of any component of a fixed capital  
134 outlay project is less than the anticipated cost, the difference  
135 must be used to reduce the overall construction cost and may not  
136 be used for purchases that were not included in the approved  
137 plan.

138 Section 6. Present subsection (4) of section 255.043,  
139 Florida Statutes, is redesignated as subsection (6) and amended,  
140 and new subsections (4), (5), and (7) are added to that section,  
141 to read:

142 255.043 Art in state buildings.—

143 (4) As used in this section, the term "art" means an  
144 original object or work produced by an artist and includes bas-  
145 relief, ceramic, craft, environmental piece, fiber, fountain,

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146 glass, kinetic, light sculpture, mixed media, mobile, mosaic,  
147 mural, photography, print, sculpture, tapestry, wall hanging,  
148 digital media, or framed drawing intended to be displayed for  
149 the decoration of a public area of a state building.

150 (5) Other decorative items, such as reproductions of  
151 existing art, including framed or unframed photographs or mass-  
152 produced decorative items, may not be purchased pursuant to this  
153 section.

154 (6)~~(4)~~ The Department of State may adopt ~~shall be~~  
155 ~~authorized to promulgate~~ rules to administer ~~implement~~ this  
156 section.

157 (7) This section constitutes the sole authorization for the  
158 use of public funds to purchase works of art for display in  
159 state buildings.

160 Section 7. Subsection (5) is added to section 255.29,  
161 Florida Statutes, to read:

162 255.29 Construction contracts; department rules.—The  
163 Department of Management Services shall establish, through the  
164 adoption of administrative rules as provided in chapter 120:

165 (5) Standards for materials and components used in the  
166 construction of a fixed capital outlay project must consider:

167 (a) The cost compared to durability of a material or  
168 component;

169 (b) The cost savings that a material or component can  
170 produce over periods of time compared to the up-front cost of  
171 the material or component; and

172 (c) The location of the material or component with respect  
173 to public access. Greater consideration may be given to  
174 aesthetics in the public areas of a public facility.

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175  
176 The specification and use of a material or component that does  
177 not meet the standards adopted by the department must include  
178 written justification for the specification and an analysis of  
179 the costs of the material or component compared to the described  
180 benefits.

181 Section 8. Subsection (1) of section 255.30, Florida  
182 Statutes, is amended to read:

183 255.30 Fixed capital outlay projects; department rules;  
184 delegation of supervisory authority; delegation of  
185 responsibility for accounting records.—

186 (1) The Department of Management Services shall make and  
187 adopt rules pursuant to chapter 120 in order to establish a  
188 procedure for delegating to state agencies its supervisory  
189 authority as it relates to the repair, alteration, and  
190 construction of fixed capital outlay projects. The supervisory  
191 authority includes overseeing the performance of the contractor,  
192 ensuring compliance with applicable laws, and monitoring costs  
193 to ensure that the costs are consistent with the contract. The  
194 department shall establish procedures that an agency must use to  
195 report a cost that exceeds the amount allotted in the contract.

196 Section 9. Subsection (4) of section 273.055, Florida  
197 Statutes, is amended to read:

198 273.055 Disposition of state-owned tangible personal  
199 property.—

200 (4) Each custodian shall adopt guidelines or administrative  
201 rules and regulations pursuant to chapter 120 providing for, but  
202 not limited to, transferring, warehousing, bidding, destroying,  
203 scrapping, or other disposing of state-owned tangible personal

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204 property. However, the approval of the Department of Management  
205 Services is required prior to the disposal of motor vehicles or  
206 watercraft, ~~or aircraft~~ pursuant to ss. 287.15 and 287.16.

207 Section 10. Subsection (25) of section 282.0041, Florida  
208 Statutes, is amended to read:

209 282.0041 Definitions.—As used in this chapter, the term:

210 (25) "SUNCOM Network" means the state enterprise  
211 telecommunications system that provides all methods of  
212 electronic or optical telecommunications beyond a single  
213 building or contiguous building complex and used by entities  
214 authorized as network users under part III of this chapter ~~part~~.

215 Section 11. Section 282.702, Florida Statutes, is amended  
216 to read:

217 282.702 Powers and duties.—The department ~~of Management~~  
218 ~~Services~~ shall have the following powers, duties, and functions:

219 (1) To publish ~~electronically~~ the portfolio of services  
220 available from the department electronically, including pricing  
221 information, ~~the~~ policies and procedures governing usage of  
222 available services, ~~and~~ a forecast of the department's  
223 priorities for each telecommunications service based on  
224 demonstrated business need and anticipated customer use.

225 (2) To adopt technical standards by rule for the state  
226 telecommunications network which ensure efficient and cost-  
227 effective ~~the~~ interconnection and operational security of  
228 computer networks, telecommunications, and information systems  
229 of agencies. The technical standards must be open in order to  
230 enable alternative network sourcing.

231 (3) To enter into agreements related to information  
232 technology and telecommunications services with state agencies



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233 and political subdivisions of the state.

234 (4) To purchase from or contract with information  
235 technology providers for information technology, including  
236 private line services.

237 (5) To apply for, receive, and hold authorizations,  
238 patents, copyrights, trademarks, service marks, licenses, and  
239 allocations or channels and frequencies to carry out the  
240 purposes of this part.

241 (6) To purchase, lease, or otherwise acquire and to hold,  
242 sell, transfer, license, or otherwise dispose of real, personal,  
243 and intellectual property, including, but not limited to,  
244 patents, trademarks, copyrights, and service marks.

245 (7) To cooperate with any federal, state, or local  
246 emergency management agency in providing for emergency  
247 telecommunications services.

248 (8) To establish and enforce a process for controlling and  
249 approving control and approve the purchase, lease, or  
250 acquisition and the use of telecommunications services,  
251 software, circuits, and equipment, including premise equipment,  
252 provided as part of the SUNCOM Network, any other total  
253 ~~telecommunications system~~ to be used by the state or its  
254 agencies. Requests for such products or services must be  
255 justified using actual utilization data or modeling of future  
256 utilization based on specific business requirements.

257 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~  
258 relating to telecommunications and to administer ~~the provisions~~  
259 ~~of~~ this part.

260 (10) To apply for and accept federal funds for the purposes  
261 of this part as well as gifts and donations from individuals,

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262 foundations, and private organizations.

263 (11) To monitor issues relating to telecommunications  
264 facilities and services before the Florida Public Service  
265 Commission and the Federal Communications Commission and, if  
266 necessary, prepare position papers, prepare testimony, appear as  
267 a witness, and retain witnesses on behalf of state agencies in  
268 proceedings before the commissions.

269 ~~(12) Unless delegated to the agencies by the department,~~ To  
270 manage and control, but not intercept or interpret,  
271 telecommunications within the SUNCOM Network by:

272 (a) Establishing technical standards to physically  
273 interface with the SUNCOM Network.

274 (b) Specifying how telecommunications are transmitted  
275 within the SUNCOM Network.

276 (c) Controlling the routing of telecommunications within  
277 the SUNCOM Network.

278 (d) Establishing standards, policies, and procedures for  
279 access to and the security of the SUNCOM Network.

280 (e) Ensuring orderly and reliable telecommunications  
281 services in accordance with the service level agreements  
282 executed with state agencies which specify minimum requirements  
283 to meet the business needs of the state agencies and other  
284 network users.

285 (13) To plan, design, and conduct experiments for  
286 telecommunications services, equipment, and technologies, and to  
287 implement enhancements in the state telecommunications network  
288 if such enhancements are verified and approved by the Agency for  
289 Enterprise Information Technology as being in the public  
290 interest and cost-effective. Funding for such experiments must

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291 be derived from SUNCOM Network service revenues and may not  
292 exceed 2 percent of the annual budget for the SUNCOM Network for  
293 any fiscal year or as provided in the General Appropriations  
294 Act. New services offered as a result of this subsection may not  
295 affect existing rates for facilities or services.

296 (14) To enter into contracts or agreements, with or without  
297 competitive bidding or procurement, and to make available, on a  
298 fair, reasonable, and nondiscriminatory basis, property and  
299 other structures under departmental control for the placement of  
300 new facilities by a ~~any~~ wireless provider of mobile service as  
301 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any  
302 telecommunications company as defined in s. 364.02 if it is  
303 practical and feasible to make such property or other structures  
304 available.

305 (a) The department may, without adopting a rule, charge a  
306 just, reasonable, and nondiscriminatory fee for the placement of  
307 the facilities, payable annually, based on the fair market value  
308 of space used by comparable telecommunications facilities in the  
309 state.

310 (b) The department and a wireless provider or  
311 telecommunications company may negotiate the reduction or  
312 elimination of a fee in consideration of services provided to  
313 the department by the wireless provider or telecommunications  
314 company.

315 (c) All ~~such~~ fees collected by the department shall be  
316 deposited directly into the Law Enforcement Radio Operating  
317 Trust Fund, and may be used by the department to construct,  
318 maintain, or support the system.

319 (15) To establish policies that ensure that the

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320 department's cost-recovery methodologies, billings, receivables,  
321 expenditures, budgeting, and accounting data are captured and  
322 reported timely, efficiently, consistently, accurately, and  
323 transparently and are in compliance with all applicable federal  
324 and state laws and rules. The department, in coordination with  
325 the Agency for Enterprise Information Technology, shall annually  
326 produce and submit a report by October 1, to the Governor, the  
327 President of the Senate, and the Speaker of the House of  
328 Representatives which ~~a report that~~ describes each service and  
329 its cost, the billing methodology for recovering the cost of the  
330 service, and, if applicable, the identity of those services that  
331 are subsidized. The report must also identify the customers of  
332 each service, the purchased and utilized capacity of each SUNCOM  
333 Network service for each state agency customer, and the  
334 recommendations to improve the efficiency and effectiveness of  
335 SUNCOM Network services provided by the service provider. The  
336 recommendations may include:

337 (a) Policies for improving the cost-effectiveness and  
338 efficiency of the design, operation, or management of the  
339 network or utilization of the network by its state agency  
340 customers.

341 (b) Infrastructure improvements supporting the network or  
342 preempting the need for additional capital investment for  
343 expanded or enhanced telecommunications facilities.

344 (c) Standards and processes for improving contract  
345 management and for providing transparent financial data to user  
346 agencies.

347 (d) Consolidation of contracting practices or coordination  
348 of telecommunications network software, hardware, or other

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349 technology-related procurements.

350 (e) Improvements to SUNCOM Network governance structures.

351 (16) To submit to the Governor, the President of the  
352 Senate, and the Speaker of the House of Representatives an  
353 annual benchmark comparison of the current rates for SUNCOM  
354 Network services with rates for comparable services available in  
355 the telecommunications market.

356 (17) In coordination with the Agency for Enterprise  
357 Information Technology, to produce a feasibility analysis of the  
358 options for reprocurring end-to-end network services, including  
359 services provided by the statewide area network, metropolitan  
360 area networks, and local area networks, which may be provided by  
361 each state agency. The scope of this service does not include  
362 wiring or file and print server infrastructure. The feasibility  
363 analysis must determine the technical and economic feasibility  
364 of using existing resources and infrastructure that are owned or  
365 used by state entities in the provision or receipt of network  
366 services, which include, but are not limited to, the Florida  
367 Lambda Rail, the Department of Transportation dark fiber, and  
368 the Tallahassee Fiber Loop of the Northwest Regional Data  
369 Center, in order to reduce the cost of network services for the  
370 state.

371 (a) The feasibility analysis, at a minimum, must include:

372 1. A definition and assessment of the current portfolio of  
373 services, the network services that are provided by each agency,  
374 and a forecast of anticipated changes in network service needs  
375 which considers specific agency business needs and the  
376 implementation of enterprise services established under this  
377 chapter.

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378       2. A description of any limitations or enhancements in the  
379 network, including any technical or logistical challenges  
380 relating to central provisioning of local area network services  
381 currently provided and supported by each agency. The analysis  
382 shall also address changes in usage patterns which can  
383 reasonably be expected due to the consolidation of agency data  
384 centers or the specific business needs of state agencies and  
385 other customers of services.

386       3. An analysis and comparison of the risks associated with  
387 the current service delivery models, and at least two other  
388 options that leverage the existing resources and infrastructure  
389 identified in this subsection. Options may include multi-vendor  
390 and segmented contracting options. All sourcing options must  
391 produce a service that can be used by schools and other  
392 qualified entities that seek federal grants provided through the  
393 Universal Service Fund program.

394       4. A cost-benefit analysis that estimates all major cost  
395 elements associated with each sourcing option, focusing on the  
396 nonrecurring and recurring life-cycle costs of the proposal in  
397 order to determine the financial feasibility of each sourcing  
398 option. The cost-benefit analysis must include:

399       a. The total recurring operating costs of the proposed  
400 state network service, including estimates of monthly charges,  
401 staffing, billing, licenses and maintenance, hardware, and other  
402 related costs.

403       b. An estimate of nonrecurring costs associated with  
404 construction, transmission lines, premises and switching  
405 hardware purchase and installation, and required software based  
406 on the proposed solution.

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407 c. An estimate of other critical costs associated with the  
408 current and proposed sourcing options for the state network.

409 5. Recommendations for reducing current costs associated  
410 with statewide network services. The department shall consider  
411 the following in developing the recommendations:

412 a. Leveraging existing resources and expertise.

413 b. Implementing more effective state information technology  
414 policies.

415 c. Standardizing the level of service provision to customer  
416 entities.

417 6. A detailed timeline for the complete procurement and  
418 transition to a more efficient and cost-effective solution.

419 (b) The feasibility analysis must be submitted by March 1,  
420 2012, to the Governor, the President of the Senate, and the  
421 Speaker of the House of Representatives.

422 (c) State agencies must fully cooperate with the department  
423 and the Agency for Enterprise Information Technology in the  
424 performance of their responsibilities under this subsection.

425 Section 12. For purposes of conducting the feasibility  
426 analysis required under s. 282.702, Florida Statutes, as  
427 required by this act, the Department of Transportation shall  
428 provide to the Department of Management Services by November 1,  
429 2011, a comprehensive inventory and capacity assessment,  
430 including current and projected utilization, of the fiber  
431 infrastructure used for the Intelligent Transportation System,  
432 including dark fiber. Pursuant to 23 C.F.R s. 710.409, the  
433 Department of Transportation shall establish necessary  
434 procedures in the state's right-of-way operations manual for  
435 rental, leasing, maintenance, and disposal of real property

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436 acquired with funds provided under Title 23 of the Unites States  
437 Code. Such procedures must include a process and criteria for  
438 evaluating proposals for the use or disposal of such property at  
439 less than fair market value for an overall social,  
440 environmental, or economic purpose that is in the public  
441 interest.

442 Section 13. Section 282.703, Florida Statutes, is amended  
443 to read:

444 282.703 SUNCOM Network; exemptions from the required use.-

445 (1) The SUNCOM Network is established within the department  
446 as the state enterprise telecommunications system for providing  
447 local and long-distance telecommunications ~~communications~~  
448 services to state agencies, political subdivisions of the state,  
449 municipalities, and nonprofit corporations pursuant to this  
450 part. The SUNCOM Network shall be developed to transmit all  
451 types of telecommunications signals, including, but not limited  
452 to, voice, data, video, image, and radio. State agencies shall  
453 cooperate and assist in the development and joint use of  
454 telecommunications systems and services.

455 (2) The department shall procure and ~~design, engineer,~~  
456 ~~implement,~~ manage, and ~~operate~~ through state ownership,  
457 commercial leasing, contracted services, or some combination  
458 thereof, the facilities, equipment, and contracts providing  
459 SUNCOM Network services, and shall develop a system of equitable  
460 billings and charges for telecommunications services.

461 (3) The department shall own, manage, and establish  
462 standards for the telecommunications addressing and numbering  
463 plans for the SUNCOM Network. This includes distributing or  
464 revoking numbers and addresses to authorized users of the



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465 network and delegating or revoking the delegation of management  
466 of subsidiary groups of numbers and addresses to authorized  
467 users of the network.

468 (4) The department shall maintain a directory of  
469 information and services which provides the names, phone  
470 numbers, and e-mail addresses for employees, agencies, and  
471 network devices that are served, in whole or in part, by the  
472 SUNCOM Network. State agencies and political subdivisions of the  
473 state shall cooperate with the department by providing timely  
474 and accurate directory information in the manner established by  
475 the department.

476 (5) All state agencies shall use the SUNCOM Network for  
477 agency telecommunications services as the services become  
478 available. Unless otherwise authorized by law or as provided in  
479 paragraph (a), a state agency may not create a new  
480 telecommunications network or expand current telecommunications  
481 outside the SUNCOM Network service. However, an agency is not  
482 relieved of responsibility for obtaining ~~maintaining~~  
483 telecommunications services necessary for the effective  
484 management of its programs and functions. The department may  
485 provide such communications services to a state university if  
486 requested by the university.

487 (a) If a SUNCOM Network service does not meet the  
488 telecommunications requirements of an agency, the agency must  
489 request an exemption ~~notify the department~~ in writing which  
490 provides a detailed description of the business ~~and detail the~~  
491 requirements for the needed ~~that~~ service. If the department is  
492 unable to meet an agency's requirements by enhancing SUNCOM  
493 Network service, the department may grant the agency an

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494 exemption from the required use of specified SUNCOM Network  
495 services.

496 (b) Unless an exemption has been granted ~~by the department,~~  
497 ~~effective October 1, 2010,~~ all customers of a state primary data  
498 center, excluding state universities, must use the shared SUNCOM  
499 Network telecommunications services connecting the state primary  
500 data center to SUNCOM services for all telecommunications needs  
501 in accordance with department rules.

502 1. Upon discovery of customer noncompliance with this  
503 paragraph, the department shall provide the affected customer  
504 with a schedule for transferring to the shared  
505 telecommunications services provided by the SUNCOM Network and  
506 an estimate of all associated costs. The state primary data  
507 centers and their customers shall cooperate with the department  
508 to accomplish the transfer.

509 2. Customers may request an exemption from this paragraph  
510 in the same manner as authorized in paragraph (a).

511 (6) The department shall develop a competitive solicitation  
512 for end-to-end network services, including the statewide area  
513 network and management of the on-premises network equipment. The  
514 primary goal of the procurement is to provide secure and  
515 reliable interconnection and operation of telecommunications  
516 networks to meet the business needs of state agencies for less  
517 than the current cost of telecommunications services.

518 (a) The department shall issue the competitive solicitation  
519 by September 1, 2012, with vendor responses required by November  
520 1, 2012, or as soon as practicable.

521 (b) The competitive solicitation must permit alternative  
522 financial and operational models to be proposed, including, but

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523 not limited to, the use of existing resources used by state  
524 agencies if technically and economically feasible. The  
525 specifications for proposed models must be optimized in order to  
526 meet the primary goals of the network service procurement. The  
527 competitive solicitation must include detailed specifications  
528 describing:

529 1. The current areawide network services for state agencies  
530 and the specific business objectives met by the present system.

531 2. The minimum functional requirements necessary for  
532 successful statewide implementation and operation of the network  
533 service, including the responsibilities of the prospective  
534 service provider and the agency.

535 3. The form and required content for submitted proposals,  
536 including, but not limited to, detailed descriptions of:

537 a. The proposed system, including network management,  
538 quality of service, service desk, and technical support;  
539 disaster recovery and redundancy capabilities; and firewall and  
540 security capabilities.

541 b. The proposed internal and external sourcing options,  
542 including identification of existing resources used by state  
543 entities, if any, to be used for the provision of the end-to-end  
544 network services.

545 c. The proposed approach for the transition from the  
546 current vendor, including implementation services, staffing  
547 requirements, an implementation schedule, and a transition plan  
548 that includes estimated costs and detailed timeframes to  
549 complete the transition to the proposed solution.

550 4. Other optional requirements specifications if not in  
551 conflict with the primary goals of the procurement.

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552 (c) All agencies must complete the transition to the  
553 selected statewide network service as soon as financially and  
554 operationally feasible, but no later than June 30, 2014.

555 (d) Each state agency shall provide all requested  
556 information and participate as required in workgroups relating  
557 to business case planning and implementation tasks necessary to  
558 accomplish the goals of the procurement.

559 (7)-(6) This section does not ~~may not be construed to~~  
560 require a state university to use SUNCOM Network communication  
561 services.

562 Section 14. Section 287.16, Florida Statutes, is amended to  
563 read:

564 287.16 Powers and duties of department.—The Department of  
565 Management Services shall have the following powers, duties, and  
566 responsibilities:

567 (1) To obtain the most effective and efficient use of motor  
568 vehicles and, ~~watercraft, and aircraft~~ for state purposes.

569 (2) To establish and operate central facilities for the  
570 acquisition, disposal, operation, maintenance, repair, storage,  
571 supervision, control, and regulation of all state-owned or  
572 state-leased ~~aircraft~~, ~~watercraft~~, and motor vehicles and to  
573 operate any state facilities for those purposes. Acquisition may  
574 be by purchase, lease, loan, or in any other legal manner. The  
575 department may contract for the maintenance of motor vehicles.

576 (3) In its discretion, to require every state agency to  
577 transfer its ownership, custody, and control of every ~~aircraft~~  
578 ~~and~~ motor vehicle, and associated maintenance facilities and  
579 equipment, except those used principally for law enforcement,  
580 state fire marshal, or fire control purposes, to the Department

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581 of Management Services, including all right, title, interest,  
582 and equity therein.

583 (4) Upon requisition and showing of need, to assign  
584 suitable ~~aircraft~~ or motor vehicles, on a temporary (for a  
585 period up to and including 1 month) or permanent (for a period  
586 from 1 month up to and including 1 full year) basis, to any  
587 state agency.

588 (5) To allocate and charge fees to the state agencies to  
589 which ~~aircraft~~ or motor vehicles are furnished, based upon any  
590 reasonable criteria.

591 (6) To adopt and enforce rules ~~and regulations~~ for the  
592 efficient and safe use, operation, maintenance, repair,  
593 disposal, and replacement of all state-owned or state-leased  
594 ~~aircraft~~, watercraft, and motor vehicles and to require the  
595 placement of appropriate stickers, decals, or other markings  
596 upon them. The department may delegate to the respective heads  
597 of the agencies to which ~~aircraft~~, watercraft, and motor  
598 vehicles are assigned the duty of enforcing the rules ~~and~~  
599 ~~regulations~~ adopted by the department.

600 (7) To contract for specialized maintenance services.

601 (8) To require any state agency to keep records and make  
602 reports regarding ~~aircraft~~ and motor vehicles to the department  
603 as may be required. The Department of Highway Safety and Motor  
604 Vehicles shall use a reporting system approved by the  
605 department.

606 (9) To establish and operate central facilities to  
607 determine the mode of transportation to be used by state  
608 employees traveling on official state business and to schedule  
609 and coordinate use of state-owned or state-leased ~~aircraft~~ and

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610 passenger-carrying vehicles to ensure ~~assure~~ maximum utilization  
611 of state ~~aircraft~~, motor vehicles, and employee time by ensuring  
612 ~~assuring~~ that employees travel by the most practical and  
613 economical mode of travel. The department shall consider the  
614 number of employees making the trip to the same location, the  
615 most efficient and economical means of travel considering the  
616 time of the employee, transportation cost and subsistence  
617 required, the urgency of the trip, and the nature and purpose of  
618 the trip.

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

622 (10) ~~(11)~~ To calculate biennially the break-even mileage at  
623 which it becomes cost-effective for the state to provide  
624 assigned motor vehicles to employees. The Support Program shall  
625 provide the information to agency heads and agency inspectors  
626 general to assist them in meeting the reporting requirements of  
627 s. 20.055.

628 (11) ~~(12)~~ To conduct, in coordination with the Department of  
629 Transportation, an analysis of fuel additive and biofuel use by  
630 the Department of Transportation through its central fueling  
631 facilities. The department shall encourage other state  
632 government entities to analyze transportation fuel usage,  
633 including the different types and percentages of fuels consumed,  
634 and report such information to the department.

635 Section 15. Section 287.161, Florida Statutes, is repealed.

636 Section 16. Subsections (5) and (6) of section 287.17,  
637 Florida Statutes, are amended to read:

638 287.17 Limitation on use of motor vehicles and aircraft.—

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639       ~~(5) A person who is not otherwise authorized in this~~  
640 ~~section may accompany the Governor, the Lieutenant Governor, a~~  
641 ~~member of the Cabinet, the President of the Senate, the Speaker~~  
642 ~~of the House of Representatives, or the Chief Justice of the~~  
643 ~~Supreme Court when such official is traveling on state aircraft~~  
644 ~~for official state business and the aircraft is traveling with~~  
645 ~~seats available. Transportation of a person accompanying any~~  
646 ~~official specified in this subsection shall be approved by the~~  
647 ~~official, who shall also guarantee payment of the transportation~~  
648 ~~charges. When the person accompanying such official is not~~  
649 ~~traveling on official state business as provided in this~~  
650 ~~section, the transportation charge shall be a prorated share of~~  
651 ~~all fixed and variable expenses related to the ownership,~~  
652 ~~operation, and use of such state aircraft. The spouse or~~  
653 ~~immediate family members of any official specified in this~~  
654 ~~subsection may, with payment of transportation charges,~~  
655 ~~accompany the official when such official is traveling for~~  
656 ~~official state business and the aircraft has seats available.~~

657       ~~(6) It is the intention of the Legislature that persons~~  
658 ~~traveling on state aircraft for purposes consistent with, but~~  
659 ~~not necessarily constituting, official state business may travel~~  
660 ~~only when accompanying persons who are traveling on official~~  
661 ~~state business and that such persons shall pay the state for all~~  
662 ~~costs associated with such travel. A person traveling on state~~  
663 ~~aircraft for purposes other than official state business shall~~  
664 ~~pay for any trip not exclusively for state business by paying a~~  
665 ~~prorated share of all fixed and variable expenses related to the~~  
666 ~~ownership, operation, and use of such aircraft.~~

667       Section 17. Subsection (17) of section 318.18, Florida

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668 Statutes, is amended to read:

669 318.18 Amount of penalties.—The penalties required for a  
670 noncriminal disposition pursuant to s. 318.14 or a criminal  
671 offense listed in s. 318.17 are as follows:

672 (17) In addition to any penalties imposed, a surcharge of  
673 \$3 must be paid for all criminal offenses listed in s. 318.17  
674 and for all noncriminal moving traffic violations under chapter  
675 316. Revenue from the surcharge shall be remitted to the  
676 Department of Revenue and deposited quarterly into the State  
677 Agency Law Enforcement Radio System Trust Fund of the Department  
678 of Management Services for the state agency law enforcement  
679 radio system, as described in s. 282.709, and to provide  
680 technical assistance to state agencies and local law enforcement  
681 agencies with their statewide systems of regional law  
682 enforcement communications, as described in s. 282.7101. This  
683 subsection expires July 1, 2021 ~~2012~~. The Department of  
684 Management Services may retain funds sufficient to recover the  
685 costs and expenses incurred for managing, administering, and  
686 overseeing the Statewide Law Enforcement Radio System, and  
687 providing technical assistance to state agencies and local law  
688 enforcement agencies with their statewide systems of regional  
689 law enforcement communications. The Department of Management  
690 Services working in conjunction with the Joint Task Force on  
691 State Agency Law Enforcement Communications shall determine and  
692 direct the purposes for which these funds are used to enhance  
693 and improve the radio system.

694 Section 18. Subsection (17) of section 318.21, Florida  
695 Statutes, is amended to read:

696 318.21 Disposition of civil penalties by county courts.—All



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697 civil penalties received by a county court pursuant to the  
698 provisions of this chapter shall be distributed and paid monthly  
699 as follows:

700 (17) Notwithstanding subsections (1) and (2), the proceeds  
701 from the surcharge imposed under s. 318.18(17) shall be  
702 distributed as provided in that subsection. This subsection  
703 expires July 1, 2021 ~~2012~~.

704 Section 19. Section 760.12, Florida Statutes, is created to  
705 read:

706 760.12 Filing fees for administrative hearings.-

707 (1) Any aggrieved person requesting an administrative  
708 hearing pursuant to this chapter shall remit a filing fee of  
709 \$200 to the clerk of the Division of Administrative Hearings at  
710 the time the action is filed.

711 (2) A person seeking relief from payment of a filing fee  
712 and prepayment of costs under s. 57.081 based upon an inability  
713 to pay must apply to the clerk of the Division of Administrative  
714 Hearings for a determination of civil indigent status using an  
715 application form developed by the Florida Clerks of Court  
716 Operations Corporation and approved by the Supreme Court. Any  
717 such determination shall be made in accordance with the  
718 provisions contained in s. 57.082. If the applicant prevails in  
719 such action, costs shall be taxed in his or her favor as  
720 provided by law and, when collected, shall be applied to pay  
721 filing fees or costs that have not been paid.

722 Section 20. This act shall take effect July 1, 2011.