

HB 5603

2011

1 A bill to be entitled
2 An act relating to the Department of Management Services;
3 amending s. 110.181, F.S.; revising provisions relating to
4 reimbursement of the department for actual costs of
5 coordinating the Florida State Employees' Charitable
6 Campaign; amending ss. 287.042 and 287.057, F.S.;
7 providing for the transfer of funds generated by fees
8 collected for the use of the department's online
9 procurement systems and electronic information services
10 from the department to the Department of Financial
11 Services to support statewide purchasing operations;
12 establishing the amount of transfer; providing for annual
13 transfer of specified excess revenue from fees collected
14 for the use of such systems and services to the General
15 Revenue Fund; setting an annual limitation on the cash
16 balance in the Operating Trust Fund of the department;
17 amending s. 287.16, F.S.; eliminating a duty of the
18 department to provide an annual report concerning
19 utilization of aircraft in the executive aircraft pool;
20 repealing s. 287.161, F.S., which establishes the
21 executive aircraft pool within the department and provides
22 procedures and requirements with respect thereto;
23 terminating the Bureau of Aircraft Trust Fund within the
24 department; providing for the disposition of balances in
25 and revenues of the trust fund; prescribing procedures for
26 terminating the trust fund; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

110.181 Florida State Employees' Charitable Campaign.—
(2) SELECTION OF FISCAL AGENTS; COST.—

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

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

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

(1)

(h)1. The department may collect fees for the use of its electronic information services. The fees may be imposed on an individual transaction basis or as a fixed subscription for a designated period of time. At a minimum, the fees shall be determined in an amount sufficient to cover the department's projected costs of the services, including overhead in

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57 | accordance with the policies of the Department of Management
58 | Services for computing its administrative assessment. All fees
59 | collected under this paragraph shall be deposited in the
60 | Operating Trust Fund for disbursement as provided by law.

61 | 2. The department shall transfer funds generated by fees
62 | collected for the use of the department's electronic information
63 | services from the Purchasing Oversight Account in the Operating
64 | Trust Fund to the Administrative Trust Fund in the Department of
65 | Financial Services to support statewide purchasing operations.
66 | The amount of transfer shall be established each year in the
67 | department's nonoperating budget based upon the estimated cost
68 | of statewide purchasing operations provided by the Department of
69 | Financial Services and may not exceed \$1 million.

70 | 3. The department shall calculate by June 5 each year the
71 | amount of fees collected pursuant to subparagraph 1. remaining
72 | in the Operating Trust Fund after satisfaction of all
73 | obligations and encumbrances to cover the costs of providing
74 | services pursuant to subparagraph 1. and shall transfer the
75 | excess revenue to the General Revenue Fund before June 30 of
76 | each year. The cash balance in the Operating Trust Fund on June
77 | 30 of each year may not exceed \$1.25 million.

78 | Section 3. Paragraph (c) of subsection (22) of section
79 | 287.057, Florida Statutes, is amended to read:

80 | 287.057 Procurement of commodities or contractual
81 | services.—

82 | (22) The department, in consultation with the Agency for
83 | Enterprise Information Technology and the Comptroller, shall
84 | develop a program for online procurement of commodities and

85 contractual services. To enable the state to promote open
86 competition and to leverage its buying power, agencies shall
87 participate in the online procurement program, and eligible
88 users may participate in the program. Only vendors prequalified
89 as meeting mandatory requirements and qualifications criteria
90 may participate in online procurement.

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

93 1. The fees may be imposed on an individual transaction
94 basis or as a fixed percentage of the cost savings generated. At
95 a minimum, the fees must be set in an amount sufficient to cover
96 the projected costs of the services, including administrative
97 and project service costs in accordance with the policies of the
98 department.

99 2. If the department contracts with a provider for online
100 procurement, the department, pursuant to appropriation, shall
101 compensate the provider from the fees after the department has
102 satisfied all ongoing costs. The provider shall report
103 transaction data to the department each month so that the
104 department may determine the amount due and payable to the
105 department from each vendor.

106 3. All fees that are due and payable to the state on a
107 transactional basis or as a fixed percentage of the cost savings
108 generated are subject to s. 215.31 and must be remitted within
109 40 days after receipt of payment for which the fees are due. For
110 fees that are not remitted within 40 days, the vendor shall pay
111 interest at the rate established under s. 55.03(1) on the unpaid
112 balance from the expiration of the 40-day period until the fees

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113 are remitted.

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

117 5. The department shall transfer funds generated by fees
118 collected for the use of the department's online procurement
119 systems from the Purchasing Oversight Account in the Operating
120 Trust Fund to the Administrative Trust Fund in the Department of
121 Financial Services to support statewide purchasing operations.
122 The amount of transfer shall be established each year in the
123 department's nonoperating budget based upon the estimated cost
124 of statewide purchasing operations provided by the Department of
125 Financial Services and may not exceed \$1 million.

126 6. The department shall calculate by June 5 each year the
127 amount of fees collected pursuant to subparagraph 1. remaining
128 in the Operating Trust Fund after satisfaction of all
129 obligations and encumbrances to cover the costs of providing
130 services pursuant to subparagraph 1. and shall transfer the
131 excess revenue to the General Revenue Fund before June 30 of
132 each year. The cash balance in the Operating Trust Fund on June
133 30 of each year may not exceed \$1.25 million.

134 Section 4. Subsection (10) of section 287.16, Florida
135 Statutes, is amended, and subsections (11) and (12) of that
136 section are renumbered as subsections (10) and (11),
137 respectively, to read:

138 287.16 Powers and duties of department.—The Department of
139 Management Services shall have the following powers, duties, and
140 responsibilities:

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

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

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

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

151 (3) The Department of Management Services shall pay any
152 outstanding debts and obligations of the terminated fund as soon
153 as practicable, and the Chief Financial Officer shall close out
154 and remove the terminated fund from various state accounting
155 systems using generally accepted accounting principles
156 concerning warrants outstanding, assets, and liabilities.

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