

FOR CONSIDERATION By the Committee on Budget

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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. 255.32, F.S.;
29 prohibiting the use of a construction management

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30 entity for a fixed capital outlay project costing more
31 than \$2 million; requiring that the construction of
32 any fixed capital outlay project exceeding \$2 million
33 meet certain bid requirements; amending s. 273.055,
34 F.S.; deleting provisions requiring department
35 approval for the disposal of state-owned aircraft;
36 amending s. 282.0041, F.S.; revising a cross-
37 reference; amending s. 282.702, F.S.; revising the
38 powers and duties of the department relating to state
39 telecommunications; requiring additional items
40 relating to SUNCOM to be included in the department's
41 annual report; requiring the department to submit an
42 annual benchmark comparison of SUNCOM rates to other
43 rates to the Governor and Legislature; requiring the
44 department to work with the Agency for Enterprise
45 Information Technology to produce a feasibility
46 analysis for reprocurring the telecommunications
47 network and to submit the analysis to the Governor and
48 the Legislature by a certain date; requiring state
49 agencies to cooperate with the department; requiring
50 the Department of Transportation to provide certain
51 information to assist the department in conducting the
52 feasibility analysis and to develop procedures for
53 disposing of property at less than fair market value;
54 requiring the Department of Transportation to
55 establish certain procedures in the state's right-of-
56 way manual, providing criteria; amending s. 282.703,
57 F.S.; prohibiting state agencies from creating a
58 telecommunications network outside the SUNCOM network;

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

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

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90 Section 1. Paragraph (b) of subsection (2) of section
91 110.181, Florida Statutes, is amended to read:

92 110.181 Florida State Employees' Charitable Campaign.—

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

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

106 Section 2. Paragraph (c) of subsection (5) of section
107 216.0158, Florida Statutes, is amended to read:

108 216.0158 Assessment of facility needs.—

109 (5) Each plan for years 2 through 5 shall provide the
110 following information:

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

114 Section 3. Paragraph (d) of subsection (3) of section
115 216.043, Florida Statutes, is amended to read:

116 216.043 Budgets for fixed capital outlay.—

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117 (3) Each legislative budget request for fixed capital
118 outlay submitted shall contain:

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

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

124 216.182 Approval of fixed capital outlay program plan.—

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

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

137 216.301 Appropriations; undisbursed balances.—

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

143 Section 6. Present subsection (4) of section 255.043,
144 Florida Statutes, is redesignated as subsection (6) and amended,
145 and new subsections (4), (5), and (7) are added to that section,

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146 to read:

147 255.043 Art in state buildings.—

148 (4) As used in this section, the term "art" means an
149 original object or work produced by an artist and includes bas-
150 relief, ceramic, craft, environmental piece, fiber, fountain,
151 glass, kinetic, light sculpture, mixed media, mobile, mosaic,
152 mural, photography, print, sculpture, tapestry, wall hanging,
153 digital media, or framed drawing intended to be displayed for
154 the decoration of a public area of a state building.

155 (5) Other decorative items, such as reproductions of
156 existing art, including framed or unframed photographs or mass-
157 produced decorative items, may not be purchased pursuant to this
158 section.

159 (6)~~(4)~~ The Department of State may adopt ~~shall be~~
160 ~~authorized to promulgate~~ rules to administer ~~implement~~ this
161 section.

162 (7) This section constitutes the sole authorization for the
163 use of public funds to purchase works of art for display in
164 state buildings.

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

167 255.29 Construction contracts; department rules.—The
168 Department of Management Services shall establish, through the
169 adoption of administrative rules as provided in chapter 120:

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

172 (a) The cost compared to durability of a material or
173 component;

174 (b) The cost savings that a material or component can

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175 produce over periods of time compared to the up-front cost of
176 the material or component; and

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

180

181 The specification and use of a material or component that does
182 not meet the standards adopted by the department must include
183 written justification for the specification and an analysis of
184 the costs of the material or component compared to the described
185 benefits.

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

188 255.30 Fixed capital outlay projects; department rules;
189 delegation of supervisory authority; delegation of
190 responsibility for accounting records.—

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

201 Section 9. Subsection (3) of section 255.32, Florida
202 Statutes, is amended to read:

203 255.32 State construction management contracting.—

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204 (3) The department's authority under subsection (2)
205 includes entering into a continuing contract for construction
206 projects in which the estimated construction cost of each
207 individual project under the contract does not exceed \$2
208 million. A construction management entity may not be used for
209 projects exceeding \$2 million. The construction of any fixed
210 capital outlay project exceeding \$2 million must meet the
211 competitive bid requirements of s. 255.29.

212 Section 10. Subsection (4) of section 273.055, Florida
213 Statutes, is amended to read:

214 273.055 Disposition of state-owned tangible personal
215 property.—

216 (4) Each custodian shall adopt guidelines or administrative
217 rules and regulations pursuant to chapter 120 providing for, but
218 not limited to, transferring, warehousing, bidding, destroying,
219 scrapping, or other disposing of state-owned tangible personal
220 property. However, the approval of the Department of Management
221 Services is required prior to the disposal of motor vehicles or
222 ~~watercraft, or aircraft~~ pursuant to ss. 287.15 and 287.16.

223 Section 11. Subsection (25) of section 282.0041, Florida
224 Statutes, is amended to read:

225 282.0041 Definitions.—As used in this chapter, the term:

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

231 Section 12. Section 282.702, Florida Statutes, is amended
232 to read:

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233 282.702 Powers and duties.—The department ~~of Management~~
234 ~~Services~~ shall have the following powers, duties, and functions:

235 (1) To publish ~~electronically~~ the portfolio of services
236 available from the department electronically, including pricing
237 information,~~+~~ the policies and procedures governing usage of
238 available services,~~+~~ and a forecast of the department's
239 priorities for each telecommunications service based on
240 demonstrated business need and anticipated customer use.

241 (2) To adopt technical standards by rule for the state
242 telecommunications network which ensure efficient and cost-
243 effective ~~the~~ interconnection and operational security of
244 computer networks, telecommunications, and information systems
245 of agencies. The technical standards must be open in order to
246 enable alternative network sourcing.

247 (3) To enter into agreements related to information
248 technology and telecommunications services with state agencies
249 and political subdivisions of the state.

250 (4) To purchase from or contract with information
251 technology providers for information technology, including
252 private line services.

253 (5) To apply for, receive, and hold authorizations,
254 patents, copyrights, trademarks, service marks, licenses, and
255 allocations or channels and frequencies to carry out the
256 purposes of this part.

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

261 (7) To cooperate with any federal, state, or local

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262 emergency management agency in providing for emergency
263 telecommunications services.

264 (8) To establish and enforce a process for controlling and
265 approving ~~control and approve~~ the purchase, lease, or
266 acquisition and the use of telecommunications services,
267 software, circuits, and equipment, including premise equipment,
268 provided as part of the SUNCOM Network, ~~any other total~~
269 ~~telecommunications system~~ to be used by the state or its
270 agencies. Requests for such products or services must be
271 justified using actual utilization data or modeling of future
272 utilization based on specific business requirements.

273 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~
274 relating to telecommunications and to administer ~~the provisions~~
275 ~~of~~ this part.

276 (10) To apply for and accept federal funds for the purposes
277 of this part as well as gifts and donations from individuals,
278 foundations, and private organizations.

279 (11) To monitor issues relating to telecommunications
280 facilities and services before the Florida Public Service
281 Commission and the Federal Communications Commission and, if
282 necessary, prepare position papers, prepare testimony, appear as
283 a witness, and retain witnesses on behalf of state agencies in
284 proceedings before the commissions.

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

288 (a) Establishing technical standards to physically
289 interface with the SUNCOM Network.

290 (b) Specifying how telecommunications are transmitted

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291 within the SUNCOM Network.

292 (c) Controlling the routing of telecommunications within
293 the SUNCOM Network.

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

296 (e) Ensuring orderly and reliable telecommunications
297 services in accordance with the service level agreements
298 executed with state agencies which specify minimum requirements
299 to meet the business needs of the state agencies and other
300 network users.

301 (13) To plan, design, and conduct experiments for
302 telecommunications services, equipment, and technologies, and to
303 implement enhancements in the state telecommunications network
304 if such enhancements are verified and approved by the Agency for
305 Enterprise Information Technology as being in the public
306 interest and cost-effective. Funding for such experiments must
307 be derived from SUNCOM Network service revenues and may not
308 exceed 2 percent of the annual budget for the SUNCOM Network for
309 any fiscal year or as provided in the General Appropriations
310 Act. New services offered as a result of this subsection may not
311 affect existing rates for facilities or services.

312 (14) To enter into contracts or agreements, with or without
313 competitive bidding or procurement, and to make available, on a
314 fair, reasonable, and nondiscriminatory basis, property and
315 other structures under departmental control for the placement of
316 new facilities by a ~~any~~ wireless provider of mobile service as
317 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any
318 telecommunications company as defined in s. 364.02 if it is
319 practical and feasible to make such property or other structures

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320 available.

321 (a) The department may, without adopting a rule, charge a
322 just, reasonable, and nondiscriminatory fee for the placement of
323 the facilities, payable annually, based on the fair market value
324 of space used by comparable telecommunications facilities in the
325 state.

326 (b) The department and a wireless provider or
327 telecommunications company may negotiate the reduction or
328 elimination of a fee in consideration of services provided to
329 the department by the wireless provider or telecommunications
330 company.

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

335 (15) To establish policies that ensure that the
336 department's cost-recovery methodologies, billings, receivables,
337 expenditures, budgeting, and accounting data are captured and
338 reported timely, efficiently, consistently, accurately, and
339 transparently and are in compliance with all applicable federal
340 and state laws and rules. The department, in coordination with
341 the Agency for Enterprise Information Technology, shall annually
342 produce and submit a report by October 1, to the Governor, the
343 President of the Senate, and the Speaker of the House of
344 Representatives which ~~a report that~~ describes each service and
345 its cost, the billing methodology for recovering the cost of the
346 service, and, if applicable, the identity of those services that
347 are subsidized. The report must also identify the customers of
348 each service, the purchased and utilized capacity of each SUNCOM

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349 Network service for each state agency customer, and the
350 recommendations to improve the efficiency and effectiveness of
351 SUNCOM Network services provided by the service provider. The
352 recommendations may include:

353 (a) Policies for improving the cost-effectiveness and
354 efficiency of the design, operation, or management of the
355 network or utilization of the network by its state agency
356 customers.

357 (b) Infrastructure improvements supporting the network or
358 preempting the need for additional capital investment for
359 expanded or enhanced telecommunications facilities.

360 (c) Standards and processes for improving contract
361 management and for providing transparent financial data to user
362 agencies.

363 (d) Consolidation of contracting practices or coordination
364 of telecommunications network software, hardware, or other
365 technology-related procurements.

366 (e) Improvements to SUNCOM Network governance structures.

367 (16) To submit to the Governor, the President of the
368 Senate, and the Speaker of the House of Representatives an
369 annual benchmark comparison of the current rates for SUNCOM
370 Network services with rates for comparable services available in
371 the telecommunications market.

372 (17) In coordination with the Agency for Enterprise
373 Information Technology, to produce a feasibility analysis of the
374 options for reprocurring end-to-end network services, including
375 services provided by the statewide area network, metropolitan
376 area networks, and local area networks, which may be provided by
377 each state agency. The scope of this service does not include

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378 wiring or file and print server infrastructure. The feasibility
379 analysis must determine the technical and economic feasibility
380 of using existing resources and infrastructure that are owned or
381 used by state entities in the provision or receipt of network
382 services, which include, but are not limited to, the Florida
383 Lambda Rail, the Department of Transportation dark fiber, and
384 the Tallahassee Fiber Loop of the Northwest Regional Data
385 Center, in order to reduce the cost of network services for the
386 state.

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

388 1. A definition and assessment of the current portfolio of
389 services, the network services that are provided by each agency,
390 and a forecast of anticipated changes in network service needs
391 which considers specific agency business needs and the
392 implementation of enterprise services established under this
393 chapter.

394 2. A description of any limitations or enhancements in the
395 network, including any technical or logistical challenges
396 relating to central provisioning of local area network services
397 currently provided and supported by each agency. The analysis
398 shall also address changes in usage patterns which can
399 reasonably be expected due to the consolidation of agency data
400 centers or the specific business needs of state agencies and
401 other customers of services.

402 3. An analysis and comparison of the risks associated with
403 the current service delivery models, and at least two other
404 options that leverage the existing resources and infrastructure
405 identified in this subsection. Options may include multi-vendor
406 and segmented contracting options. All sourcing options must

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407 produce a service that can be used by schools and other
408 qualified entities that seek federal grants provided through the
409 Universal Service Fund program.

410 4. A cost-benefit analysis that estimates all major cost
411 elements associated with each sourcing option, focusing on the
412 nonrecurring and recurring life-cycle costs of the proposal in
413 order to determine the financial feasibility of each sourcing
414 option. The cost-benefit analysis must include:

415 a. The total recurring operating costs of the proposed
416 state network service, including estimates of monthly charges,
417 staffing, billing, licenses and maintenance, hardware, and other
418 related costs.

419 b. An estimate of nonrecurring costs associated with
420 construction, transmission lines, premises and switching
421 hardware purchase and installation, and required software based
422 on the proposed solution.

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

425 5. Recommendations for reducing current costs associated
426 with statewide network services. The department shall consider
427 the following in developing the recommendations:

428 a. Leveraging existing resources and expertise.

429 b. Implementing more effective state information technology
430 policies.

431 c. Standardizing the level of service provision to customer
432 entities.

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

435 (b) The feasibility analysis must be submitted by March 1,

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436 2012, to the Governor, the President of the Senate, and the
437 Speaker of the House of Representatives.

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

441 Section 13. For purposes of conducting the feasibility
442 analysis required under s. 282.702, Florida Statutes, as
443 required by this act, the Department of Transportation shall
444 provide to the Department of Management Services by November 1,
445 2011, a comprehensive inventory and capacity assessment,
446 including current and projected utilization, of the fiber
447 infrastructure used for the Intelligent Transportation System,
448 including dark fiber. Pursuant to 23 C.F.R s. 710.409, the
449 Department of Transportation shall establish necessary
450 procedures in the state's right-of-way operations manual for
451 rental, leasing, maintenance, and disposal of real property
452 acquired with funds provided under Title 23 of the Unites States
453 Code. Such procedures must include a process and criteria for
454 evaluating proposals for the use or disposal of such property at
455 less than fair market value for an overall social,
456 environmental, or economic purpose that is in the public
457 interest.

458 Section 14. Section 282.703, Florida Statutes, is amended
459 to read:

460 282.703 SUNCOM Network; exemptions from the required use.-

461 (1) The SUNCOM Network is established within the department
462 as the state enterprise telecommunications system for providing
463 local and long-distance ~~telecommunications~~ communications
464 services to state agencies, political subdivisions of the state,

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465 municipalities, and nonprofit corporations pursuant to this
466 part. The SUNCOM Network shall be developed to transmit all
467 types of telecommunications signals, including, but not limited
468 to, voice, data, video, image, and radio. State agencies shall
469 cooperate and assist in the development and joint use of
470 telecommunications systems and services.

471 (2) The department shall procure and design, ~~engineer,~~
472 ~~implement,~~ manage, and ~~operate~~ through state ownership,
473 commercial leasing, contracted services, or some combination
474 thereof, the facilities, equipment, and contracts providing
475 SUNCOM Network services, and shall develop a system of equitable
476 billings and charges for telecommunications services.

477 (3) The department shall own, manage, and establish
478 standards for the telecommunications addressing and numbering
479 plans for the SUNCOM Network. This includes distributing or
480 revoking numbers and addresses to authorized users of the
481 network and delegating or revoking the delegation of management
482 of subsidiary groups of numbers and addresses to authorized
483 users of the network.

484 (4) The department shall maintain a directory of
485 information and services which provides the names, phone
486 numbers, and e-mail addresses for employees, agencies, and
487 network devices that are served, in whole or in part, by the
488 SUNCOM Network. State agencies and political subdivisions of the
489 state shall cooperate with the department by providing timely
490 and accurate directory information in the manner established by
491 the department.

492 (5) All state agencies shall use the SUNCOM Network for
493 agency telecommunications services as the services become

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494 available. Unless otherwise authorized by law or as provided in
495 paragraph (a), a state agency may not create a new
496 telecommunications network or expand current telecommunications
497 outside the SUNCOM Network service. However, an agency is not
498 relieved of responsibility for obtaining ~~maintaining~~
499 telecommunications services necessary for the effective
500 management of its programs and functions. The department may
501 provide such communications services to a state university if
502 requested by the university.

503 (a) If a SUNCOM Network service does not meet the
504 telecommunications requirements of an agency, the agency must
505 request an exemption ~~notify the department~~ in writing which
506 provides a detailed description of the business ~~and detail the~~
507 requirements for the needed ~~that~~ service. If the department is
508 unable to meet an agency's requirements by enhancing SUNCOM
509 Network service, the department may grant the agency an
510 exemption from the required use of specified SUNCOM Network
511 services.

512 (b) Unless an exemption has been granted ~~by the department,~~
513 ~~effective October 1, 2010,~~ all customers of a state primary data
514 center, excluding state universities, must use the shared SUNCOM
515 Network telecommunications services connecting the state primary
516 data center to SUNCOM services for all telecommunications needs
517 in accordance with department rules.

518 1. Upon discovery of customer noncompliance with this
519 paragraph, the department shall provide the affected customer
520 with a schedule for transferring to the shared
521 telecommunications services provided by the SUNCOM Network and
522 an estimate of all associated costs. The state primary data

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523 centers and their customers shall cooperate with the department
524 to accomplish the transfer.

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

527 (6) The department shall develop a competitive solicitation
528 for end-to-end network services, including the statewide area
529 network and management of the on-premises network equipment. The
530 primary goal of the procurement is to provide secure and
531 reliable interconnection and operation of telecommunications
532 networks to meet the business needs of state agencies for less
533 than the current cost of telecommunications services.

534 (a) The department shall issue the competitive solicitation
535 by September 1, 2012, with vendor responses required by November
536 1, 2012, or as soon as practicable.

537 (b) The competitive solicitation must permit alternative
538 financial and operational models to be proposed, including, but
539 not limited to, the use of existing resources used by state
540 agencies if technically and economically feasible. The
541 specifications for proposed models must be optimized in order to
542 meet the primary goals of the network service procurement. The
543 competitive solicitation must include detailed specifications
544 describing:

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

547 2. The minimum functional requirements necessary for
548 successful statewide implementation and operation of the network
549 service, including the responsibilities of the prospective
550 service provider and the agency.

551 3. The form and required content for submitted proposals,

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552 including, but not limited to, detailed descriptions of:

553 a. The proposed system, including network management,
554 quality of service, service desk, and technical support;
555 disaster recovery and redundancy capabilities; and firewall and
556 security capabilities.

557 b. The proposed internal and external sourcing options,
558 including identification of existing resources used by state
559 entities, if any, to be used for the provision of the end-to-end
560 network services.

561 c. The proposed approach for the transition from the
562 current vendor, including implementation services, staffing
563 requirements, an implementation schedule, and a transition plan
564 that includes estimated costs and detailed timeframes to
565 complete the transition to the proposed solution.

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

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

571 (d) Each state agency shall provide all requested
572 information and participate as required in workgroups relating
573 to business case planning and implementation tasks necessary to
574 accomplish the goals of the procurement.

575 (7)(6) This section does not ~~may not be construed to~~
576 require a state university to use SUNCOM Network communication
577 services.

578 Section 15. Section 287.16, Florida Statutes, is amended to
579 read:

580 287.16 Powers and duties of department.—The Department of

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581 Management Services shall have the following powers, duties, and
582 responsibilities:

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

585 (2) To establish and operate central facilities for the
586 acquisition, disposal, operation, maintenance, repair, storage,
587 supervision, control, and regulation of all state-owned or
588 state-leased ~~aircraft~~, ~~watercraft~~, and motor vehicles and to
589 operate any state facilities for those purposes. Acquisition may
590 be by purchase, lease, loan, or in any other legal manner. The
591 department may contract for the maintenance of motor vehicles.

592 (3) In its discretion, to require every state agency to
593 transfer its ownership, custody, and control of every ~~aircraft~~
594 ~~and~~ motor vehicle, and associated maintenance facilities and
595 equipment, except those used principally for law enforcement,
596 state fire marshal, or fire control purposes, to the Department
597 of Management Services, including all right, title, interest,
598 and equity therein.

599 (4) Upon requisition and showing of need, to assign
600 suitable ~~aircraft~~ ~~or~~ motor vehicles, on a temporary (for a
601 period up to and including 1 month) or permanent (for a period
602 from 1 month up to and including 1 full year) basis, to any
603 state agency.

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

607 (6) To adopt and enforce rules ~~and regulations~~ for the
608 efficient and safe use, operation, maintenance, repair,
609 disposal, and replacement of all state-owned or state-leased

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610 ~~aircraft,~~ watercraft, and motor vehicles and to require the
611 placement of appropriate stickers, decals, or other markings
612 upon them. The department may delegate to the respective heads
613 of the agencies to which ~~aircraft,~~ watercraft, and motor
614 vehicles are assigned the duty of enforcing the rules ~~and~~
615 ~~regulations~~ adopted by the department.

616 (7) To contract for specialized maintenance services.

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

622 (9) To establish and operate central facilities to
623 determine the mode of transportation to be used by state
624 employees traveling on official state business and to schedule
625 and coordinate use of state-owned or state-leased ~~aircraft~~ and
626 passenger-carrying vehicles to ensure ~~assure~~ maximum utilization
627 of state ~~aircraft,~~ motor vehicles, and employee time by ensuring
628 ~~assuring~~ that employees travel by the most practical and
629 economical mode of travel. The department shall consider the
630 number of employees making the trip to the same location, the
631 most efficient and economical means of travel considering the
632 time of the employee, transportation cost and subsistence
633 required, the urgency of the trip, and the nature and purpose of
634 the trip.

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

638 (10) ~~(11)~~ To calculate biennially the break-even mileage at

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639 which it becomes cost-effective for the state to provide
640 assigned motor vehicles to employees. The Support Program shall
641 provide the information to agency heads and agency inspectors
642 general to assist them in meeting the reporting requirements of
643 s. 20.055.

644 (11)~~(12)~~ To conduct, in coordination with the Department of
645 Transportation, an analysis of fuel additive and biofuel use by
646 the Department of Transportation through its central fueling
647 facilities. The department shall encourage other state
648 government entities to analyze transportation fuel usage,
649 including the different types and percentages of fuels consumed,
650 and report such information to the department.

651 Section 16. Section 287.161, Florida Statutes, is repealed.

652 Section 17. Subsections (5) and (6) of section 287.17,
653 Florida Statutes, are amended to read:

654 287.17 Limitation on use of motor vehicles and aircraft.—

655 ~~(5) A person who is not otherwise authorized in this~~
656 ~~section may accompany the Governor, the Lieutenant Governor, a~~
657 ~~member of the Cabinet, the President of the Senate, the Speaker~~
658 ~~of the House of Representatives, or the Chief Justice of the~~
659 ~~Supreme Court when such official is traveling on state aircraft~~
660 ~~for official state business and the aircraft is traveling with~~
661 ~~seats available. Transportation of a person accompanying any~~
662 ~~official specified in this subsection shall be approved by the~~
663 ~~official, who shall also guarantee payment of the transportation~~
664 ~~charges. When the person accompanying such official is not~~
665 ~~traveling on official state business as provided in this~~
666 ~~section, the transportation charge shall be a prorated share of~~
667 ~~all fixed and variable expenses related to the ownership,~~

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668 ~~operation, and use of such state aircraft. The spouse or~~
669 ~~immediate family members of any official specified in this~~
670 ~~subsection may, with payment of transportation charges,~~
671 ~~accompany the official when such official is traveling for~~
672 ~~official state business and the aircraft has seats available.~~

673 ~~(6) It is the intention of the Legislature that persons~~
674 ~~traveling on state aircraft for purposes consistent with, but~~
675 ~~not necessarily constituting, official state business may travel~~
676 ~~only when accompanying persons who are traveling on official~~
677 ~~state business and that such persons shall pay the state for all~~
678 ~~costs associated with such travel. A person traveling on state~~
679 ~~aircraft for purposes other than official state business shall~~
680 ~~pay for any trip not exclusively for state business by paying a~~
681 ~~prorated share of all fixed and variable expenses related to the~~
682 ~~ownership, operation, and use of such aircraft.~~

683 Section 18. Subsection (17) of section 318.18, Florida
684 Statutes, is amended to read:

685 318.18 Amount of penalties.—The penalties required for a
686 noncriminal disposition pursuant to s. 318.14 or a criminal
687 offense listed in s. 318.17 are as follows:

688 (17) In addition to any penalties imposed, a surcharge of
689 \$3 must be paid for all criminal offenses listed in s. 318.17
690 and for all noncriminal moving traffic violations under chapter
691 316. Revenue from the surcharge shall be remitted to the
692 Department of Revenue and deposited quarterly into the State
693 Agency Law Enforcement Radio System Trust Fund of the Department
694 of Management Services for the state agency law enforcement
695 radio system, as described in s. 282.709, and to provide
696 technical assistance to state agencies and local law enforcement

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697 agencies with their statewide systems of regional law
698 enforcement communications, as described in s. 282.7101. This
699 subsection expires July 1, 2021 ~~2012~~. The Department of
700 Management Services may retain funds sufficient to recover the
701 costs and expenses incurred for managing, administering, and
702 overseeing the Statewide Law Enforcement Radio System, and
703 providing technical assistance to state agencies and local law
704 enforcement agencies with their statewide systems of regional
705 law enforcement communications. The Department of Management
706 Services working in conjunction with the Joint Task Force on
707 State Agency Law Enforcement Communications shall determine and
708 direct the purposes for which these funds are used to enhance
709 and improve the radio system.

710 Section 19. Subsection (17) of section 318.21, Florida
711 Statutes, is amended to read:

712 318.21 Disposition of civil penalties by county courts.—All
713 civil penalties received by a county court pursuant to the
714 provisions of this chapter shall be distributed and paid monthly
715 as follows:

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

720 Section 20. Section 760.12, Florida Statutes, is created to
721 read:

722 760.12 Filing fees for administrative hearings.—

723 (1) Any aggrieved person requesting an administrative
724 hearing pursuant to this chapter shall remit a filing fee of
725 \$200 to the clerk of the Division of Administrative Hearings at

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726 the time the action is filed.

727 (2) A person seeking relief from payment of a filing fee
728 and prepayment of costs under s. 57.081 based upon an inability
729 to pay must apply to the clerk of the Division of Administrative
730 Hearings for a determination of civil indigent status using an
731 application form developed by the Florida Clerks of Court
732 Operations Corporation and approved by the Supreme Court. Any
733 such determination shall be made in accordance with the
734 provisions contained in s. 57.082. If the applicant prevails in
735 such action, costs shall be taxed in his or her favor as
736 provided by law and, when collected, shall be applied to pay
737 filing fees or costs that have not been paid.

738 Section 21. This act shall take effect July 1, 2011.