

FOR CONSIDERATION By the Committee on Rules

595-01890-12

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1 A bill to be entitled
2 An act relating to the outsourcing or privatization of
3 agency functions; amending s. 216.023, F.S.; providing
4 that certain information relating to the outsourcing
5 or privatization of an agency function that is
6 expressly required by law is not required to be
7 included in the agency's legislative budget request
8 until after the contract for such functions is
9 executed; amending s. 287.0571, F.S.; providing that
10 procurements for outsourcing or privatizing agency
11 functions that are expressly required by law are
12 exempt from the requirement that they be evaluated for
13 feasibility, cost-effectiveness, and efficiency;
14 amending s. 944.105, F.S.; providing that certain
15 requirements that apply to Department of Corrections'
16 contracts do not apply to contracts for outsourcing or
17 privatizing the operation and maintenance of
18 correctional facilities which are expressly required
19 by law; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Paragraph (a) of subsection (4) of section
24 216.023, Florida Statutes, is amended to read:

25 216.023 Legislative budget requests to be furnished to
26 Legislature by agencies.—

27 (4) (a) The legislative budget request ~~must contain~~ for each
28 program must contain:

29 1. The constitutional or statutory authority for a program,

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30 a brief purpose statement, and approved program components.

31 2. Information on expenditures for 3 fiscal years (actual
32 prior-year expenditures, current-year estimated expenditures,
33 and agency budget requested expenditures for the next fiscal
34 year) by appropriation category.

35 3. Details on trust funds and fees.

36 4. The total number of positions (authorized, fixed, and
37 requested).

38 5. An issue narrative describing and justifying changes in
39 amounts and positions requested for current and proposed
40 programs for the next fiscal year.

41 6. Information resource requests.

42 7. Supporting information, including applicable cost-
43 benefit analyses, business case analyses, performance
44 contracting procedures, service comparisons, and impacts on
45 performance standards for any agency request to outsource or
46 privatize agency functions. The cost-benefit and business case
47 analyses must include an assessment of the impact on each
48 affected activity from those identified in accordance with
49 paragraph (b). Performance standards must include standards for
50 each affected activity and be expressed in terms of the
51 associated unit of activity. This subparagraph does not apply to
52 the outsourcing or privatization of agency functions expressly
53 required by the General Appropriation Act or any other law until
54 the first legislative budget request submitted by the agency
55 after the contract for the outsourcing and privatization has
56 been executed.

57 8. An evaluation of any major outsourcing and privatization
58 initiatives undertaken during the last 5 fiscal years having

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59 aggregate expenditures exceeding \$10 million during the term of
60 the contract. The evaluation must ~~shall~~ include an assessment of
61 contractor performance, a comparison of anticipated service
62 levels to actual service levels, and a comparison of estimated
63 savings to actual savings achieved. Consolidated reports issued
64 by the Department of Management Services may be used to satisfy
65 this requirement. This subparagraph does not apply to the
66 outsourcing or privatization of agency functions expressly
67 required by the General Appropriation Act or any other law until
68 the first legislative budget request submitted by the agency
69 after the contract for the outsourcing and privatization has
70 been executed.

71 9. Supporting information for any proposed consolidated
72 financing of deferred-payment commodity contracts including
73 guaranteed energy performance savings contracts. Supporting
74 information must also include narrative describing and
75 justifying the need, baseline for current costs, estimated cost
76 savings, projected equipment purchases, estimated contract
77 costs, and return on investment calculation.

78 10. For projects requested by an agency which ~~that~~ exceed
79 \$10 million in total cost, the statutory reference of the
80 existing policy or the proposed substantive policy that
81 establishes and defines the project's governance structure,
82 planned scope, main business objectives that must be achieved,
83 and estimated completion timeframes. Information technology
84 budget requests for the continuance of existing hardware and
85 software maintenance agreements, renewal of existing software
86 licensing agreements, or the replacement of desktop units with
87 new technology that is similar to the technology currently in

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88 use are exempt from this requirement. This subparagraph does not
89 apply to the outsourcing or privatization of agency functions
90 expressly required by the General Appropriation Act or any other
91 law until the first legislative budget request submitted by the
92 agency after the contract for the outsourcing and privatization
93 has been executed.

94 Section 2. Paragraph (e) is added to subsection (3) of
95 section 287.0571, Florida Statutes, to read:

96 287.0571 Business case to outsource; applicability.-

97 (3) This section does not apply to:

98 (e) A procurement for the outsourcing or privatization of
99 agency functions expressly directed to be outsourced or
100 privatized by the General Appropriation Act or any other law,
101 except s. 944.7115.

102 Section 3. Subsection (9) is added to section 944.105,
103 Florida Statutes, to read:

104 944.105 Contractual arrangements with private entities for
105 operation and maintenance of correctional facilities and
106 supervision of inmates.-

107 (9) This section does not apply to a contract for the
108 outsourcing or privatization of the operation and maintenance of
109 correctional facilities expressly directed to be outsourced or
110 privatized by the General Appropriation Act or any other law.

111 Section 4. This act shall take effect July 1, 2012.