



952574

576-04075-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the Department of Management Services; amending s. 255.249, F.S.; revising requirements for department rules regarding terms and conditions in lease agreements in which the state is the lessee; authorizing the department to waive inclusion of a clause in a lease agreement if certain conditions are met; providing for construction; amending s. 287.057, F.S.; creating the Statewide Procurement Efficiency Task Force within the department; specifying the purpose and membership of the task force; providing meeting requirements; providing for administrative and technical support of the task force; providing that task force members shall serve without compensation or reimbursement of expenses; requiring the task force to submit a report to the Governor and the Legislature by a certain date; providing for the termination of the task force; requiring the department to prepare a plan regarding the centralized management of state-owned motor vehicles; requiring the department to submit the plan to the Governor and the Legislature by a specified date; prescribing requirements for the plan; requiring the department to conduct certain evaluations while developing the plan; providing an effective date.

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



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Section 1. Paragraph (e) of subsection (9) of section 255.249, Florida Statutes, is amended to read:

255.249 Department of Management Services; responsibility; department rules.—

(9) The department shall adopt rules providing:

(e) Acceptable terms and conditions for inclusion in lease agreements. At a minimum, the such terms and conditions must include the statement required by s. 255.2502 and the following clause ~~clauses~~, which may not be amended, supplemented, or waived unless otherwise provided within this paragraph:

~~1. As provided in s. 255.2502, "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."~~

2. "The lessee has the right to terminate this lease, without penalty, if a state-owned building becomes available to the lessee for occupancy and the lessee has given 6 months' advance written notice to the lessor by certified mail, return receipt requested." The department may waive the inclusion of the clause required pursuant to this paragraph for a lease agreement for real property that is located within 30 miles of the State Capitol for a lease period of up to 7 years. The waiver of the clause does not restrict the department from entering into lease agreements for the lease of real property for a period exceeding 7 years.

Section 2. The amendment to s. 255.249, Florida Statutes, made by this act does not impair or restrict the terms and conditions of a lease agreement entered into by a state agency in accordance with the requirements of s. 255.249, Florida



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57 Statutes, before July 1, 2017.

58 Section 3. Subsection (24) is added to section 287.057,
59 Florida Statutes, to read:

60 287.057 Procurement of commodities or contractual
61 services.-

62 (24) There is created the Statewide Procurement Efficiency
63 Task Force for the purpose of evaluating the effectiveness and
64 value of state and local procurement laws and policies to the
65 taxpayers of this state and determining where inconsistencies in
66 such laws and policies exist.

67 (a) The task force shall be composed of the following 12
68 members:

69 1. The Secretary of Management Services or his or her
70 designee, who shall serve as chair of the task force.

71 2. Seven members appointed by the Governor, as follows:

72 a. One county government official.

73 b. One municipal government official.

74 c. One district school board member.

75 d. Three representatives of the business community.

76 e. One member from a cooperative state purchasing program
77 managed through a regional consortium service organization
78 established pursuant to s. 1001.451.

79 3. Two members appointed by the Speaker of the House of
80 Representatives, as follows:

81 a. A member of the House of Representatives.

82 b. An attorney who is a member in good standing of The
83 Florida Bar and has expertise in procurement law.

84 4. Two members appointed by the President of the Senate, as
85 follows:



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86 a. A member of the Senate.

87 b. An attorney who is a member in good standing of The
88 Florida Bar and has expertise in procurement law.

89 (b) Task force members must be appointed by July 31, 2017.

90 By August 31, 2017, the task force shall meet to establish
91 procedures for the conduct of its business and to elect a vice
92 chair. The task force shall meet at the call of the chair. A
93 majority of the members of the task force constitutes a quorum,
94 and a quorum is necessary for the purpose of voting on any
95 action or recommendation of the task force. All meetings shall
96 be held in Tallahassee, unless otherwise decided by the task
97 force, and then no more than two such meetings may be held in
98 other locations for the purpose of taking public testimony.

99 Administrative and technical support shall be provided by the
100 department. Task force members shall serve without compensation
101 and are not entitled to reimbursement for per diem or travel
102 expenses.

103 (c) The task force must submit a final report to the
104 Governor, the President of the Senate, and the Speaker of the
105 House of Representatives by July 1, 2018. Such report must, at a
106 minimum, include recommendations for consideration by the
107 Legislature to promote procurement efficiency, streamline
108 procurement policies, establish best management practices, and
109 encourage increased use of state term contracts.

110 (d) The task force is terminated December 31, 2018.

111 Section 4. Centralized fleet management plan.—

112 (1) The Department of Management Services shall prepare a
113 plan regarding the creation, administration, and maintenance of
114 a centralized fleet of state-owned motor vehicles. By December



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115 1, 2018, the department shall submit the plan to the Governor,
116 the President of the Senate, and the Speaker of the House of
117 Representatives.

118 (2) The plan for centralizing all state-owned motor
119 vehicles must provide a method for:

120 (a) Using break-even mileage in the assignment and
121 administration of motor vehicles to state agencies and employees
122 to determine when it becomes cost effective for the state to
123 assign motor vehicles to employees.

124 (b) Managing a fleet of motor vehicles for short-term use
125 and shared-use motor vehicle pools.

126 (c) Developing a motor vehicle replacement plan and budget,
127 which must take into account operating and maintenance costs of
128 the centralized fleet.

129 (d) Purchasing motor vehicles necessary for the operation
130 of the centralized fleet.

131 (e) Repairing and maintaining motor vehicles.

132 (f) Monitoring the use of motor vehicles and enforcing
133 regulations regarding proper use.

134 (g) Maintaining records related to the operation and
135 maintenance of motor vehicles and the administration of the
136 centralized fleet.

137 (h) Disposing of motor vehicles that are no longer needed
138 or the use of which is not cost effective.

139 (i) Monitoring and managing motor vehicle disposal outcomes
140 to determine the most cost-efficient method for disposal of
141 fleet vehicles.

142 (j) Implementing a fuel management program and a
143 standardized methodology for reporting fuel data.



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144 (k) Determining when it would be cost-efficient to lease a
145 motor vehicle from a third-party vendor instead of using a
146 state-owned motor vehicle.

147 (l) Determining when it would be cost-efficient to use
148 alternative fuel vehicles, electric vehicles, or extended-range
149 electric vehicles or to lease or purchase such vehicles for
150 fleet use.

151 (m) Equipping fleet motor vehicles with real-time
152 locational monitoring systems.

153 (3) In developing the plan, the department shall evaluate
154 the costs and benefits of operating and maintaining a
155 centralized motor vehicle fleet compared to the costs and
156 benefits of contracting with a third-party vendor for the
157 operation and maintenance of a centralized motor vehicle fleet.

158 Section 5. This act shall take effect July 1, 2017.