

**By** the Committee on Governmental Oversight and Accountability;  
and Senator Brandes

585-02739-17

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1                   A bill to be entitled  
2           An act relating to the Department of Management  
3           Services; amending s. 255.249, F.S.; revising  
4           requirements for department rules regarding terms and  
5           conditions in lease agreements in which the state is  
6           the lessee; authorizing the department to waive  
7           inclusion of a clause in a lease agreement if certain  
8           conditions are met; providing for construction;  
9           amending s. 287.057, F.S.; creating the Statewide  
10          Procurement Efficiency Task Force within the  
11          department; specifying the purpose and membership of  
12          the task force; providing meeting requirements;  
13          providing for administrative and technical support of  
14          the task force; providing that task force members  
15          shall serve without compensation or reimbursement of  
16          expenses; requiring the task force to submit a report  
17          to the Governor and the Legislature by a certain date;  
18          providing for the termination of the task force;  
19          requiring the department to prepare a plan regarding  
20          the centralized management of state-owned motor  
21          vehicles; requiring the department to submit the plan  
22          to the Governor and the Legislature by a specified  
23          date; prescribing requirements for the plan; requiring  
24          the department to conduct certain evaluations while  
25          developing the plan; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29          Section 1. Paragraph (e) of subsection (9) of section

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30 255.249, Florida Statutes, is amended to read:

31 255.249 Department of Management Services; responsibility;  
32 department rules.—

33 (9) The department shall adopt rules providing:

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

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

42 ~~2.~~ "The lessee has the right to terminate this lease,  
43 without penalty, if a state-owned building becomes available to  
44 the lessee for occupancy and the lessee has given 6 months'  
45 advance written notice to the lessor by certified mail, return  
46 receipt requested." The department may waive the inclusion of  
47 the clause required pursuant to this paragraph for a lease  
48 agreement for real property that exceeds 50,000 square feet and  
49 is located within 30 miles of the State Capitol for a lease  
50 period of up to 7 years. The waiver of the clause does not  
51 restrict the department from entering into lease agreements for  
52 the lease of real property for a period exceeding 7 years.

53 Section 2. The amendment to s. 255.249, Florida Statutes,  
54 made by this act does not impair or restrict the terms and  
55 conditions of a lease agreement entered into by a state agency  
56 in accordance with the requirements of s. 255.249, Florida  
57 Statutes, before July 1, 2017.

58 Section 3. Subsection (24) is added to section 287.057,

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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 11  
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. Six 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 3. Two members appointed by the Speaker of the House of  
77 Representatives, as follows:

78 a. A member of the House of Representatives.

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

81 4. Two members appointed by the President of the Senate, as  
82 follows:

83 a. A member of the Senate.

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

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

87 By August 31, 2017, the task force shall meet to establish

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88 procedures for the conduct of its business and to elect a vice  
89 chair. The task force shall meet at the call of the chair. A  
90 majority of the members of the task force constitutes a quorum,  
91 and a quorum is necessary for the purpose of voting on any  
92 action or recommendation of the task force. All meetings shall  
93 be held in Tallahassee, unless otherwise decided by the task  
94 force, and then no more than two such meetings may be held in  
95 other locations for the purpose of taking public testimony.  
96 Administrative and technical support shall be provided by the  
97 department. Task force members shall serve without compensation  
98 and are not entitled to reimbursement for per diem or travel  
99 expenses.

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

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

108 Section 4. Centralized fleet management plan.—

109 (1) The Department of Management Services shall prepare a  
110 plan regarding the creation, administration, and maintenance of  
111 a centralized fleet of state-owned motor vehicles. By December  
112 1, 2018, the department shall submit the plan to the Governor,  
113 the President of the Senate, and the Speaker of the House of  
114 Representatives.

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

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

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

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

126 (d) Purchasing motor vehicles necessary for the operation  
127 of the centralized fleet.

128 (e) Repairing and maintaining motor vehicles.

129 (f) Monitoring the use of motor vehicles and enforcing  
130 regulations regarding proper use.

131 (g) Maintaining records related to the operation and  
132 maintenance of motor vehicles and the administration of the  
133 centralized fleet.

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

136 (i) Monitoring and managing motor vehicle disposal outcomes  
137 to determine the most cost-efficient method for disposal of  
138 fleet vehicles.

139 (j) Implementing a fuel management program and a  
140 standardized methodology for reporting fuel data.

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

144 (l) Determining when it would be cost-efficient to use  
145 alternative fuel vehicles, electric vehicles, or extended-range

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146 electric vehicles or to lease or purchase such vehicles for  
147 fleet use.

148 (m) Equipping fleet motor vehicles with real-time  
149 locational monitoring systems.

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

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