

1                   A bill to be entitled  
2           An act relating to disaster recovery services  
3           contracts; amending s. 252.38, F.S.; authorizing a  
4           political subdivision, under specified circumstances,  
5           to add vendors to a contract or enter into a second  
6           contract for debris removal services after a declared  
7           state of emergency; specifying how additional vendors  
8           are to be selected; requiring the political  
9           subdivision to announce the selected vendors in a  
10          specified manner; requiring contracts to comply with  
11          applicable federal public disaster assistance program  
12          requirements under certain circumstances; amending s.  
13          287.057, F.S.; providing an exception to competitive  
14          bidding and procurement requirements for debris  
15          removal service contracts; providing an effective  
16          date.

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

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20           Section 1. Subsection (4) is added to section 252.38,  
21   Florida Statutes, to read:

22           252.38   Emergency management powers of political  
23   subdivisions.—Safeguarding the life and property of its citizens  
24   is an innate responsibility of the governing body of each  
25   political subdivision of the state.

26 (4) CONTRACTS FOR DECLARED STATE OF EMERGENCY.—

27 Notwithstanding any law to the contrary, a political subdivision  
28 may add vendors to an existing contract or enter into a second  
29 contract with additional vendors for debris removal services if  
30 the originally contracted vendor has not made a good faith  
31 effort in fulfilling its obligations under an existing contract  
32 within 14 days after a state of emergency is declared pursuant  
33 to s. 252.36.

34 (a) In selecting additional vendor or vendors to perform  
35 the debris removal services, the political subdivision shall use  
36 the most recent competitive solicitation process results under  
37 s. 287.057 to identify and select another responsible and  
38 responsive vendor or vendors to perform the services.

39 (b) If only one vendor met the criteria as a responsible  
40 and responsive vendor during the most recent competitive  
41 solicitation process, the political subdivision may enter into  
42 an interagency agreement with a neighboring political  
43 subdivision for the provision of debris removal services.

44 (c) The political subdivision shall announce the vendor or  
45 vendors that will be added to the contract or the neighboring  
46 political subdivision with whom the political subdivision will  
47 enter into an interagency agreement for debris removal services  
48 at a special or regularly scheduled public meeting.

49 (d) A new or amended contract or interagency agreement  
50 entered into for debris removal services must comply with

51 applicable federal public disaster assistance program  
52 requirements if the political subdivision anticipates receiving  
53 reimbursement from the Federal Government for the contracted  
54 debris removal services.

55 Section 2. Paragraph (e) of subsection (3) of section  
56 287.057, Florida Statutes, is amended to read:

57 287.057 Procurement of commodities or contractual  
58 services.—

59 (3) If the purchase price of commodities or contractual  
60 services exceeds the threshold amount provided in s. 287.017 for  
61 CATEGORY TWO, purchase of commodities or contractual services  
62 may not be made without receiving competitive sealed bids,  
63 competitive sealed proposals, or competitive sealed replies  
64 unless:

65 (e) The following contractual services and commodities are  
66 not subject to the competitive-solicitation requirements of this  
67 section:

68 1. Artistic services. As used in this subsection, the term  
69 "artistic services" does not include advertising or typesetting.  
70 As used in this subparagraph, the term "advertising" means the  
71 making of a representation in any form in connection with a  
72 trade, business, craft, or profession in order to promote the  
73 supply of commodities or services by the person promoting the  
74 commodities or contractual services.

75 2. Academic program reviews if the fee for such services

76 | does not exceed \$50,000.

77 |       3. Lectures by individuals.

78 |       4. Legal services, including attorney, paralegal, expert  
79 | witness, appraisal, or mediator services.

80 |       5. Health services involving examination, diagnosis,  
81 | treatment, prevention, medical consultation, or administration.  
82 | The term also includes, but is not limited to, substance abuse  
83 | and mental health services involving examination, diagnosis,  
84 | treatment, prevention, or medical consultation if such services  
85 | are offered to eligible individuals participating in a specific  
86 | program that qualifies multiple providers and uses a standard  
87 | payment methodology. Reimbursement of administrative costs for  
88 | providers of services purchased in this manner are also exempt.  
89 | For purposes of this subparagraph, the term "providers" means  
90 | health professionals and health facilities, or organizations  
91 | that deliver or arrange for the delivery of health services.

92 |       6. Services provided to persons with mental or physical  
93 | disabilities by not-for-profit corporations that have obtained  
94 | exemptions under s. 501(c)(3) of the United States Internal  
95 | Revenue Code or when such services are governed by Office of  
96 | Management and Budget Circular A-122. However, in acquiring such  
97 | services, the agency shall consider the ability of the vendor,  
98 | past performance, willingness to meet time requirements, and  
99 | price.

100 |       7. Medicaid services delivered to an eligible Medicaid

101 recipient unless the agency is directed otherwise in law.  
 102 8. Family placement services.  
 103 9. Prevention services related to mental health, including  
 104 drug abuse prevention programs, child abuse prevention programs,  
 105 and shelters for runaways, operated by not-for-profit  
 106 corporations. However, in acquiring such services, the agency  
 107 shall consider the ability of the vendor, past performance,  
 108 willingness to meet time requirements, and price.  
 109 10. Training and education services provided to injured  
 110 employees pursuant to s. 440.491(6).  
 111 11. Contracts entered into pursuant to s. 337.11.  
 112 12. Services or commodities provided by governmental  
 113 entities.  
 114 13. Statewide public service announcement programs  
 115 provided by a Florida statewide nonprofit corporation under s.  
 116 501(c)(6) of the Internal Revenue Code which have a guaranteed  
 117 documented match of at least \$3 to \$1.  
 118 14. Contracts entered into under s. 252.38.  
 119 Section 3. This act shall take effect July 1, 2018.