

By Senator Thurston

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20181456\_\_

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; authorizing a political  
9           subdivision to enter into an interagency agreement if  
10          a certain condition is met; requiring the political  
11          subdivision to announce the selected vendors in a  
12          specified manner; requiring contracts to comply with  
13          applicable federal public disaster assistance program  
14          requirements under certain circumstances; amending s.  
15          287.057, F.S.; providing an exception to competitive  
16          bidding and procurement requirements for debris  
17          removal service contracts; providing an effective  
18          date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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

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

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

29           Notwithstanding any law to the contrary, a political subdivision

36-01550-18

20181456\_\_

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

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

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

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

51 (d) A new or amended contract or interagency agreement  
52 entered into for debris removal services must comply with  
53 applicable federal public disaster assistance program  
54 requirements if the political subdivision anticipates receiving  
55 reimbursement from the Federal Government for the contracted  
56 debris removal services.

57 Section 2. Paragraph (e) of subsection (3) of section  
58 287.057, Florida Statutes, is amended to read:

36-01550-18

20181456\_\_

59 287.057 Procurement of commodities or contractual  
60 services.—

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

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

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

77 2. Academic program reviews if the fee for such services  
78 does not exceed \$50,000.

79 3. Lectures by individuals.

80 4. Legal services, including attorney, paralegal, expert  
81 witness, appraisal, or mediator services.

82 5. Health services involving examination, diagnosis,  
83 treatment, prevention, medical consultation, or administration.  
84 The term also includes, but is not limited to, substance abuse  
85 and mental health services involving examination, diagnosis,  
86 treatment, prevention, or medical consultation if such services  
87 are offered to eligible individuals participating in a specific

36-01550-18

20181456\_\_

88 program that qualifies multiple providers and uses a standard  
89 payment methodology. Reimbursement of administrative costs for  
90 providers of services purchased in this manner are also exempt.  
91 For purposes of this subparagraph, the term "providers" means  
92 health professionals and health facilities, or organizations  
93 that deliver or arrange for the delivery of health services.

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

102 7. Medicaid services delivered to an eligible Medicaid  
103 recipient unless the agency is directed otherwise in law.

104 8. Family placement services.

105 9. Prevention services related to mental health, including  
106 drug abuse prevention programs, child abuse prevention programs,  
107 and shelters for runaways, operated by not-for-profit  
108 corporations. However, in acquiring such services, the agency  
109 shall consider the ability of the vendor, past performance,  
110 willingness to meet time requirements, and price.

111 10. Training and education services provided to injured  
112 employees pursuant to s. 440.491(6).

113 11. Contracts entered into pursuant to s. 337.11.

114 12. Services or commodities provided by governmental  
115 entities.

116 13. Statewide public service announcement programs provided

36-01550-18

20181456\_\_

117 by a Florida statewide nonprofit corporation under s. 501(c)(6)  
118 of the Internal Revenue Code which have a guaranteed documented  
119 match of at least \$3 to \$1.

120 14. Contracts entered into under s. 252.38.

121 Section 3. This act shall take effect July 1, 2018.