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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Lee) recommended the following:

Senate Amendment to Amendment (110576)

Between lines 4 and 5

insert:

Section 1. Subsection (1) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(1) Every procurement of contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except for the providing of health and mental health services or



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11 drugs in the examination, diagnosis, or treatment of sick or
12 injured state employees or the providing of other benefits as
13 required by chapter 440, shall be evidenced by a written
14 agreement embodying all provisions and conditions of the
15 procurement of such services, which shall, where applicable,
16 include, but not be limited to, a provision:

17 (a) That bills for fees or other compensation for services
18 or expenses be submitted in detail sufficient for a proper
19 preaudit and postaudit thereof.

20 (b) That bills for any travel expenses be submitted in
21 accordance with s. 112.061. A state agency may establish rates
22 lower than the maximum provided in s. 112.061.

23 (c) Allowing unilateral cancellation by the agency for
24 refusal by the contractor to allow public access to all
25 documents, papers, letters, or other material made or received
26 by the contractor in conjunction with the contract, unless the
27 records are exempt from s. 24(a) of Art. I of the State
28 Constitution and s. 119.07(1).

29 (d) Specifying a scope of work that clearly establishes all
30 tasks the contractor is required to perform.

31 (e) Dividing the contract into quantifiable, measurable,
32 and verifiable units of deliverables that must be received and
33 accepted in writing by the contract manager before payment. Each
34 deliverable must be directly related to the scope of work and
35 specify a performance measure. As used in this paragraph, the
36 term "performance measure" means the required minimum acceptable
37 level of service to be performed and criteria for evaluating the
38 successful completion of each deliverable.

39 (f) Specifying the criteria and the final date by which



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40 such criteria must be met for completion of the contract.

41 (g) Specifying that the contract may be renewed for a
42 period that may not exceed 3 years or the term of the original
43 contract, whichever is longer, specifying the renewal price for
44 the contractual service as set forth in the bid, proposal, or
45 reply, specifying that costs for the renewal may not be charged,
46 and specifying that renewals are contingent upon satisfactory
47 performance evaluations by the agency and subject to the
48 availability of funds. Exceptional purchase contracts pursuant
49 to s. 287.057(3) (a) and (c) may not be renewed.

50 (h) Specifying the financial consequences that the agency
51 must apply if the contractor fails to perform in accordance with
52 the contract.

53 (i) Addressing the property rights of any intellectual
54 property related to the contract and the specific rights of the
55 state regarding the intellectual property if the contractor
56 fails to provide the services or is no longer providing
57 services.

58 (j) Requiring a contractor or any subcontractor performing
59 a portion of the contract to register with and use an employment
60 verification system to the extent required by s. 287.137 for all
61 new employees hired in this state during the term of the
62 contract.

63
64 In lieu of a written agreement, the agency may authorize the use
65 of a purchase order for classes of contractual services if the
66 provisions of paragraphs (a)-(i) are included in the purchase
67 order or solicitation. The purchase order must include, but need
68 not be limited to, an adequate description of the services, the



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69 contract period, and the method of payment. In lieu of printing
70 the provisions of paragraphs (a)-(c) and (g) in the contract
71 document or purchase order, agencies may incorporate the
72 requirements of paragraphs (a)-(c) and (g) by reference.

73 Section 2. Section 287.137, Florida Statutes, is created to
74 read: