



409402

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2021	.	
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The Committee on Governmental Oversight and Accountability  
(Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Notwithstanding the expiration date in section  
106 of chapter 2020-114, Laws of Florida, section 216.1366,  
Florida Statutes, is reenacted and amended to read:

216.1366 Contract terms.—

(1) In order to preserve the interest of the state in the  
prudent expenditure of state funds, each public agency contract



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11 for services entered into or amended on or after July 1, 2020,  
12 shall authorize the public agency to inspect the:

13 (a) Financial records, papers, and documents of the  
14 contractor that are directly related to the performance of the  
15 contract or the expenditure of state funds.

16 (b) Programmatic records, papers, and documents of the  
17 contractor which the public agency determines are necessary to  
18 monitor the performance of the contract or to ensure that the  
19 terms of the contract are being met.

20 (2) The contract shall require the contractor to provide  
21 such records, papers, and documents requested by the public  
22 agency within 10 business days after the request is made.

23 ~~(3) This section expires July 1, 2021.~~

24 Section 2. Subsection (16) of section 287.042, Florida  
25 Statutes, is amended to read:

26 287.042 Powers, duties, and functions.—The department shall  
27 have the following powers, duties, and functions:

28 (16) To evaluate contracts let by the Federal Government,  
29 another state, or a political subdivision for the provision of  
30 commodities and contract services, and, if it is determined by  
31 the Secretary of Management Services in writing to be cost-  
32 effective and in the best value to interest of the state, to  
33 enter into a written agreement authorizing an agency to make  
34 purchases under such contract.

35 Section 3. Subsection (2) of section 287.056, Florida  
36 Statutes, is amended, and subsection (4) is added to that  
37 section, to read:

38 287.056 Purchases from purchasing agreements and state term  
39 contracts.—



40 (2) Agencies and eligible users may use a request for quote  
41 to obtain written pricing or services information from a state  
42 term contract vendor for commodities or contractual services  
43 available on state term contract from that vendor. The purpose  
44 of a request for quote is to determine whether a price, term, or  
45 condition more favorable to the agency or eligible user than  
46 that provided in the state term contract is available. If an  
47 agency issues a request for quote for contractual services for  
48 any contract with 100 vendors or fewer, the agency must issue a  
49 request for quote to all vendors approved to provide such  
50 contractual services. For any contract with more than 100  
51 vendors, the agency must issue a request for quote to a minimum  
52 of 100 vendors approved to provide such contractual services.  
53 Use of a request for quote does not constitute a decision or  
54 intended decision that is subject to protest under s. 120.57(3).

55 (4) A firm or individual placed on the suspended vendor  
56 list pursuant to s. 287.1351 or placed on a disqualified vendor  
57 list pursuant to s. 287.133 or s. 287.134 is immediately  
58 disqualified from state term contract eligibility.

59 Section 4. Present subsections (4) through (16) and (17)  
60 through (23) of section 287.057, Florida Statutes, are  
61 redesignated as subsections (5) through (17) and (19) through  
62 (25), respectively, new subsections (4) and (18) and subsection  
63 (26) are added to that section, and paragraph (c) of subsection  
64 (3) and present subsections (13) through (16) of that section  
65 are amended, to read:

66 287.057 Procurement of commodities or contractual  
67 services.—

68 (3) If the purchase price of commodities or contractual



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69 services exceeds the threshold amount provided in s. 287.017 for  
70 CATEGORY TWO, purchase of commodities or contractual services  
71 may not be made without receiving competitive sealed bids,  
72 competitive sealed proposals, or competitive sealed replies  
73 unless:

74 (c) Commodities or contractual services available only from  
75 a single source may be excepted from the competitive-  
76 solicitation requirements. If an agency believes that  
77 commodities or contractual services are available only from a  
78 single source, the agency shall electronically post a  
79 description of the commodities or contractual services sought  
80 for at least 15 7 business days. The description must include a  
81 request that prospective vendors provide information regarding  
82 their ability to supply the commodities or contractual services  
83 described. If it is determined in writing by the agency, after  
84 reviewing any information received from prospective vendors that  
85 the commodities or contractual services are available only from  
86 a single source, the agency shall provide notice of its intended  
87 decision to enter a single-source purchase contract in the  
88 manner specified in s. 120.57(3). Each agency shall report all  
89 such actions to the department on a quarterly basis in a manner  
90 and form prescribed by the department, and the department shall  
91 report such information to the Governor, the President of the  
92 Senate, and the Speaker of the House of Representatives no later  
93 than January 1, 2022, and each January 1 thereafter.

94 (4) A state agency may not initiate a competitive  
95 solicitation for a product or service if the completion of such  
96 competitive solicitation would:

97 (a) Require a change in law; or



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98           (b) Require a change to the agency's budget other than a  
99 transfer authorized in s. 216.292(2) or (3), unless the  
100 initiation of such competitive solicitation is specifically  
101 authorized in law, in the General Appropriations Act, or by the  
102 Legislative Budget Commission.

103           (c) This subsection does not apply to a competitive  
104 solicitation for which the agency head certifies that a valid  
105 emergency exists.

106           (14) ~~(13)~~ Contracts for commodities or contractual services  
107 may be renewed for a period that may not exceed 3 years or the  
108 term of the original contract, whichever is longer. Renewal of a  
109 contract for commodities or contractual services must be in  
110 writing and is subject to the same terms and conditions set  
111 forth in the initial contract and any written amendments signed  
112 by the parties. If the commodity or contractual service is  
113 purchased as a result of the solicitation of bids, proposals, or  
114 replies, the price of the commodity or contractual service to be  
115 renewed must be specified in the bid, proposal, or reply, except  
116 that an agency may negotiate lower pricing. A renewal contract  
117 may not include any compensation for costs associated with the  
118 renewal. Renewals are contingent upon satisfactory performance  
119 evaluations by the agency and subject to the availability of  
120 funds. Exceptional purchase contracts pursuant to paragraphs  
121 (3) (a) and (c) may not be renewed. With the exception of  
122 subsection (11) ~~(10)~~, if a contract amendment results in a  
123 longer contract term or increased payments, a state agency may  
124 not renew or amend a contract for the outsourcing of a service  
125 or activity that has an original term value exceeding \$5 ~~\$10~~  
126 million before submitting a written report concerning contract



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127 performance to the Governor, the President of the Senate, and  
128 the Speaker of the House of Representatives at least 90 days  
129 before execution of the renewal or amendment.

130 (15) (a) ~~(14)~~ For each contractual services contract, the  
131 agency shall designate an employee to function as contract  
132 manager who is responsible for enforcing performance of the  
133 contract terms and conditions and serve as a liaison between  
134 with the contractor and the agency. The contract manager may not  
135 be an individual who has been employed, within the previous 5  
136 years, by the vendor awarded the contractual services contract.  
137 The primary responsibilities of a contract manager include, but  
138 are not limited to:

139 1. Participating in the solicitation development and review  
140 of contract documents.

141 2. Monitoring the contractor's progress and performance to  
142 ensure procured products and services conform to the contract  
143 requirements and keeping timely records of findings.

144 3. Managing and documenting any changes to the contract  
145 through the amendment process authorized by the terms of the  
146 contract.

147 4. Monitoring the contract budget to ensure sufficient  
148 funds are available throughout the term of the contract.

149 5. Exercising applicable remedies, as appropriate, when a  
150 contractor's performance is deficient.

151 (b) ~~(a)~~ Each contract manager who is responsible for  
152 contracts in excess of the threshold amount for CATEGORY TWO  
153 must, at a minimum, complete training conducted by the Chief  
154 Financial Officer for accountability in contracts and grant  
155 management. The Chief Financial Officer shall evaluate such



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156 training every 5 years to assess its effectiveness and update  
157 the training curriculum. The Chief Financial Officer shall  
158 establish and disseminate uniform procedures pursuant to s.  
159 17.03(3) to ensure that contractual services have been rendered  
160 in accordance with the contract terms before the agency  
161 processes the invoice for payment. The procedures must include,  
162 but need not be limited to, procedures for monitoring and  
163 documenting contractor performance, reviewing and documenting  
164 all deliverables for which payment is requested by vendors, and  
165 providing written certification by contract managers of the  
166 agency's receipt of goods and services.

167 (c) ~~(b)~~ Each contract manager who is responsible for  
168 contracts in excess of \$100,000 annually must, in addition to  
169 the accountability in contracts and grant management training  
170 required in paragraph (b) and within 6 months after being  
171 assigned responsibility for such contracts, complete training in  
172 contract management and become a certified contract manager. The  
173 department is responsible for establishing and disseminating the  
174 training and certification requirements for certified contract  
175 managers. Training must promote best practices and procedures  
176 related to negotiating, managing, and ensuring accountability in  
177 agency contracts and grant agreements, which must include the  
178 use of case studies based upon previous audits, contracts, and  
179 grant agreements. A certified contract manager must complete  
180 training every 5 years for certification renewal requirements  
181 for certification which include completing the training  
182 conducted by the Chief Financial Officer for accountability in  
183 contracts and grant management. Training and certification must  
184 be coordinated by the department, and the training must be



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185 conducted jointly by the department and the Department of  
186 Financial Services. The department shall evaluate such training  
187 every 5 years to assess its effectiveness and update the  
188 training curriculum ~~Training must promote best practices and~~  
189 ~~procedures related to negotiating, managing, and ensuring~~  
190 ~~accountability in agency contracts and grant agreements, which~~  
191 ~~must include the use of case studies based upon previous audits,~~  
192 ~~contracts, and grant agreements. All agency contract managers~~  
193 ~~must become certified within 24 months after establishment of~~  
194 ~~the training and certification requirements by the department~~  
195 ~~and the Department of Financial Services.~~

196 (d) Each contract manager who is responsible for contracts  
197 in excess of \$10 million annually must, in addition to the  
198 training required in paragraph (b) and the training and  
199 certification required in paragraph (c), possess at least 5  
200 years of experience managing contracts in excess of \$5 million  
201 annually.

202 ~~(16)~~ ~~(15)~~ Each agency shall designate at least one employee  
203 who shall serve as a contract administrator responsible for  
204 maintaining a contract file and financial information on all  
205 contractual services contracts and who shall serve as a liaison  
206 with the contract managers and the department. For a contract of  
207 \$500,000 or less annually, the contract administrator may also  
208 serve as the contract manager if he or she has completed the  
209 required training. For a contract in excess of \$500,000  
210 annually, the contract administrator may not serve as both the  
211 contract administrator and the contract manager.

212 ~~(17)~~ ~~(a)~~ ~~(16)~~ ~~(a)~~ For a contract in excess of the threshold  
213 amount provided in s. 287.017 for CATEGORY FOUR, the agency head





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214 shall appoint:

215 1. At least three persons to independently evaluate  
216 proposals and replies who collectively have experience and  
217 knowledge in the program areas and service requirements for the  
218 commodity ~~which commodities~~ or contractual services ~~are~~ sought.

219 2. At least three persons to a negotiation team to conduct  
220 negotiations during a competitive sealed reply procurement. The  
221 negotiation team members must ~~who~~ collectively have experience  
222 and knowledge in negotiating contracts, contract procurement,  
223 and the program areas and service requirements for the commodity  
224 ~~which commodities~~ or contractual services ~~are~~ sought.

225 (b)1. If the value of a contract is in excess of \$1 million  
226 in any fiscal year, at least one of the persons conducting  
227 negotiations must be ~~certified as a~~ certified contract  
228 negotiator ~~based upon department rules in order to ensure that~~  
229 ~~certified contract negotiators are knowledgeable about effective~~  
230 ~~negotiation strategies, capable of successfully implementing~~  
231 ~~those strategies, and involved appropriately in the procurement~~  
232 ~~process. At a minimum, the rules must address the qualifications~~  
233 ~~required for certification, the method of certification, and the~~  
234 ~~procedure for involving the certified negotiator.~~

235 2. If the value of a contract is in excess of \$10 million  
236 in any fiscal year, at least one of the persons conducting  
237 negotiations must be a Project Management Professional, as  
238 certified by the Project Management Institute. The Project  
239 Management Professional shall provide guidance based on his or  
240 her experience, education, and competency to lead and direct  
241 complex projects.

242 3. The department is responsible for establishing and



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243 disseminating the certification and training requirements for  
244 certified contract negotiators. Training must ensure that  
245 certified contract negotiators are knowledgeable about effective  
246 negotiation strategies, capable of successfully implementing  
247 those strategies, and involved appropriately in the procurement  
248 process. The department shall evaluate such training every 5  
249 years in order to assess its effectiveness and update the  
250 training curriculum. A certified contract negotiator is required  
251 to complete training every 5 years for certification renewal.

252 Qualification requirements for certification must include:

253 a. At least 12 months' experience as a purchasing agent,  
254 contract manager, or contract administrator for an agency or a  
255 local governmental entity where at least 50 percent of the  
256 designated duties included procuring commodities or contractual  
257 services; participating in contract negotiation, contract  
258 management, or contract administration; or working as an agency  
259 attorney whose duties included providing legal counsel to the  
260 agency's purchasing or contracting staff; and

261 b. Experience during the preceding 5 years in leading at  
262 least two federal, state, or local government negotiation teams  
263 through a negotiated procurement, or participation in at least  
264 three federal, state, or local government-negotiated  
265 procurements.

266 (18) Any person who supervises contract administrators or  
267 contract or grant managers who meet criteria for certification  
268 in subsection (15) shall annually complete public procurement  
269 training for supervisors within 12 months after appointment to  
270 the supervisory position. The department is responsible for  
271 establishing and disseminating the training course content



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272 required for supervisors, and training shall commence no later  
273 than July 1, 2022.

274 (26) (a) For each contractual services contract in excess of  
275 \$1 million, the agency head shall establish a continuing  
276 oversight team after the contract has been awarded. The agency  
277 head shall appoint at least four persons, one of whom must be  
278 the certified contract manager, to the continuing oversight  
279 team. If the value of the contractual services contract is in  
280 excess of \$5 million, at least one of the persons on the  
281 continuing oversight team must possess at least 5 years of  
282 experience in managing contracts of a similar scope or size. If  
283 the value of the contractual services contract is in excess of  
284 \$20 million, the continuing oversight team shall consist of at  
285 least five persons, at least one of the persons on the  
286 continuing oversight team must be from a state agency other than  
287 the agency or agencies participating in the contract. Members of  
288 the continuing oversight team must be employees of the state and  
289 must collectively have experience and knowledge in contract  
290 management, contract administration, contract enforcement, and  
291 the program areas and service requirements for the contractual  
292 services purchased.

293 (b)1. For contracts in excess of \$1 million, each  
294 continuing oversight team must meet at least quarterly.

295 2. For contracts in excess of \$10 million, each continuing  
296 oversight team must meet at least monthly. A representative of  
297 the contractor must be made available to members of the  
298 continuing oversight team for at least one meeting every  
299 calendar quarter to respond to any questions or requests for  
300 information from the continuing oversight team concerning



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301 contractor performance.

302 (c)1. Within 30 days after the formation of the continuing  
303 oversight team, the continuing oversight team must convene an  
304 initial meeting with representatives of the contractor to  
305 achieve a mutual understanding of the contract requirements, to  
306 provide the contractor with an orientation to the contract  
307 management process, and to provide an explanation of the role of  
308 the continuing oversight team, contract manager, and contract  
309 administrator.

310 2. The continuing oversight team must meet to discuss the  
311 status of the contract, the pace of deliverables, the quality of  
312 deliverables, contractor responsiveness, and contractor  
313 performance. The contract administrator must be present at each  
314 meeting with the contract file and all applicable financial  
315 information. The continuing oversight team may submit written  
316 questions to the contractor concerning any items discussed  
317 during a continuing oversight team meeting. The contractor must  
318 respond to the team's questions within 10 business days after  
319 receiving the written questions. The questions and responses  
320 must be included in the contract file.

321 (d) The continuing oversight team must notify, in writing:

322 1. The agency head and the department of any deficiency in  
323 a contractor's performance which substantially affects the pace  
324 of deliverables or the likelihood of the successful completion  
325 of the contract.

326 2. The agency head, the department, and the Office of  
327 Policy and Budget in the Executive Office of the Governor of any  
328 significant change in contract scope or any increase in the cost  
329 of the contract which is 5 percent of the planned contract cost



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330 or greater within the fiscal year for contractual service  
331 contracts of at least \$5 million.

332 3. The agency head, the department, the Office of Policy  
333 and Budget in the Executive Office of the Governor, and the  
334 legislative appropriations committees of any significant change  
335 in contract scope or any increase in the cost of the contract  
336 which is 5 percent of the planned contract cost or greater  
337 within the fiscal year for contractual service contracts of \$10  
338 million or greater.

339 Section 5. Subsection (7) is added to section 287.058,  
340 Florida Statutes, to read:

341 287.058 Contract document.—

342 (7) A contract may not contain a nondisclosure clause that  
343 prohibits the contractor from disclosing information relevant to  
344 the performance of the contract to members or staff of the  
345 Senate or the House of Representatives.

346 Section 6. Section 287.1351, Florida Statutes, is created  
347 to read:

348 287.1351 Suspended vendors; state contracts.—

349 (1) As used in this section, the term "vendor" means a  
350 person or an entity that provides goods or services to an agency  
351 under a contract or submits a bid, proposal, or reply to provide  
352 goods or services to an agency.

353 (2) (a) A vendor that is in default on any contract with an  
354 agency or has otherwise repeatedly demonstrated a recent  
355 inability to fulfill the terms and conditions of previous state  
356 contracts or to adequately perform its duties under those  
357 contracts may not submit a bid, proposal, or reply to an agency  
358 or enter into or renew a contract to provide any goods or



359 services to an agency after its placement, pursuant to this  
360 section, on the suspended vendor list.

361 (b) An agency may not accept a bid, proposal, or reply  
362 from, or enter into or renew any contract with, a vendor on the  
363 suspended vendor list until such vendor has been removed from  
364 the suspended vendor list and returned to the vendor list  
365 maintained by the department pursuant to s. 287.042(1)(a) and  
366 (b) and the vendor has reimbursed the agency for any  
367 reprocurement costs.

368 (3) An agency shall notify the department of any vendor  
369 that has met the grounds for suspension described in paragraph  
370 (2) (a). The agency must provide documentation to the department  
371 evidencing the vendor's default or other grounds for suspension.  
372 The department shall review the documentation provided and  
373 determine whether good cause exists to remove the vendor from  
374 the vendor list and to place it on the suspended vendor list. If  
375 good cause exists, the department must notify the vendor in  
376 writing of its intent to remove the vendor from the vendor list  
377 and of the vendor's right to an administrative hearing and the  
378 applicable procedures and time requirements for any such  
379 hearing. If the vendor does not request an administrative  
380 hearing, the department must enter a final order removing the  
381 vendor from the vendor list. A vendor may not be removed from  
382 the vendor list without receiving an individual notice of intent  
383 from the department.

384 (4) Within 21 days after receipt of the notice of intent,  
385 the vendor may file with the department a petition for a formal  
386 hearing pursuant to ss. 120.569 and 120.57 to challenge the  
387 department's decision to remove the vendor from the vendor list.



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388 A vendor that fails to timely file a petition in accordance with  
389 this subsection is deemed to have waived its right to a hearing,  
390 and the department's decision to remove the vendor from the  
391 vendor list becomes final agency action.

392 (5) (a) The department shall place any vendor removed from  
393 the vendor list pursuant to this section on the suspended vendor  
394 list. One year or more after entry of the final order of its  
395 suspension, a suspended vendor may file a petition with the  
396 department for removal from the suspended vendor list. The  
397 proceeding on the petition must be conducted in accordance with  
398 chapter 120. The vendor may be removed from the suspended vendor  
399 list if the administrative law judge determines that removal  
400 from the list would be in the public interest. In determining  
401 whether removal from the list would be in the public interest,  
402 the administrative law judge may consider, but is not limited  
403 to, whether the suspended vendor has prepared a corrective  
404 action plan that addresses the original grounds for default or  
405 failure to fulfill the terms and conditions of the contract,  
406 reimbursed the agency for any procurement costs, or provided  
407 additional evidence that the vendor has taken other remedial  
408 action.

409 (b) If a petition for removal from the suspended vendor  
410 list is denied, the vendor may not petition for another hearing  
411 on removal for a period of at least 9 months after the date of  
412 the denial. The department may petition for the suspended  
413 vendor's removal before the expiration of such period if, in the  
414 department's discretion, the department determines that removal  
415 from the suspended vendor list would be in the public interest.

416 Section 7. Section 287.136, Florida Statutes, is amended to



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417 read:

418 287.136 Audit of executed contract documents.—

419 (1) After execution of a contract, the Chief Financial  
420 Officer shall perform audits of the executed contract document  
421 and contract manager's records to ensure that adequate internal  
422 controls are in place for complying with the terms and  
423 conditions of the contract and for the validation and receipt of  
424 goods and services.

425 (a) ~~(1)~~ At the conclusion of the audit, the Chief Financial  
426 Officer's designee shall discuss the audit and potential  
427 findings with the official whose office is subject to audit. The  
428 final audit report shall be submitted to the agency head.

429 (b) ~~(2)~~ Within 30 days after receipt of the final audit  
430 report, the agency head shall submit to the Chief Financial  
431 Officer or designee his or her written statement of explanation  
432 or rebuttal concerning findings requiring corrective action,  
433 including corrective action to be taken to preclude a  
434 recurrence.

435 (2) Beginning October 1, 2021, and every 3 years  
436 thereafter, each agency inspector general shall complete a risk-  
437 based compliance audit of all contracts executed by the agency  
438 for the preceding 3 fiscal years. The audit must include an  
439 evaluation of and identify any trend in vendor preference. The  
440 audit findings must be submitted to the agency head, the  
441 Secretary of the Department of Management Services, and the  
442 Governor.

443 Section 8. Subsection (1) of section 43.16, Florida  
444 Statutes, is amended to read:

445 43.16 Justice Administrative Commission; membership, powers





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446 and duties.-

447 (1) There is hereby created a Justice Administrative  
448 Commission, with headquarters located in the state capital. The  
449 necessary office space for use of the commission shall be  
450 furnished by the proper state agency in charge of state  
451 buildings. For purposes of the fees imposed on agencies pursuant  
452 to s. 287.057(24) ~~s. 287.057(22)~~, the Justice Administrative  
453 Commission shall be exempt from such fees.

454 Section 9. Paragraph (a) of subsection (2) of section  
455 215.971, Florida Statutes, is amended to read:

456 215.971 Agreements funded with federal or state  
457 assistance.-

458 (2) For each agreement funded with federal or state  
459 financial assistance, the state agency shall designate an  
460 employee to function as a grant manager who shall be responsible  
461 for enforcing performance of the agreement's terms and  
462 conditions and who shall serve as a liaison with the recipient  
463 or subrecipient.

464 (a)1. Each grant manager who is responsible for agreements  
465 in excess of the threshold amount for CATEGORY TWO under s.  
466 287.017 must, at a minimum, complete training conducted by the  
467 Chief Financial Officer for accountability in contracts and  
468 grant management.

469 2. Effective December 1, 2014, each grant manager  
470 responsible for agreements in excess of \$100,000 annually must  
471 complete the training and become a certified contract manager as  
472 provided under s. 287.057(15) ~~s. 287.057(14)~~. All grant managers  
473 must become certified contract managers within 24 months after  
474 establishment of the training and certification requirements by



475 the Department of Management Services and the Department of  
476 Financial Services.

477 Section 10. Paragraph (a) of subsection (3) of section  
478 287.0571, Florida Statutes, is amended to read:

479 287.0571 Business case to outsource; applicability.—

480 (3) This section does not apply to:

481 (a) A procurement of commodities and contractual services  
482 listed in s. 287.057(3)(d) and (e) and (23) ~~(21)~~.

483 Section 11. Paragraph (b) of subsection (4) of section  
484 295.187, Florida Statutes, is amended to read:

485 295.187 Florida Veteran Business Enterprise Opportunity  
486 Act.—

487 (4) VENDOR PREFERENCE.—

488 (b) Notwithstanding s. 287.057(12) ~~s. 287.057(11)~~, if a  
489 veteran business enterprise entitled to the vendor preference  
490 under this section and one or more businesses entitled to this  
491 preference or another vendor preference provided by law submit  
492 bids, proposals, or replies for procurement of commodities or  
493 contractual services which are equal with respect to all  
494 relevant considerations, including price, quality, and service,  
495 the state agency shall award the procurement or contract to the  
496 business having the smallest net worth.

497 Section 12. Paragraph (a) of subsection (1) of section  
498 394.47865, Florida Statutes, is amended to read:

499 394.47865 South Florida State Hospital; privatization.—

500 (1) The Department of Children and Families shall, through  
501 a request for proposals, privatize South Florida State Hospital.  
502 The department shall plan to begin implementation of this  
503 privatization initiative by July 1, 1998.



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504 (a) Notwithstanding s. 287.057(14) ~~s. 287.057(13)~~, the  
505 department may enter into agreements, not to exceed 20 years,  
506 with a private provider, a coalition of providers, or another  
507 agency to finance, design, and construct a treatment facility  
508 having up to 350 beds and to operate all aspects of daily  
509 operations within the facility. The department may subcontract  
510 any or all components of this procurement to a statutorily  
511 established state governmental entity that has successfully  
512 contracted with private companies for designing, financing,  
513 acquiring, leasing, constructing, and operating major privatized  
514 state facilities.

515 Section 13. Paragraph (b) of subsection (2) and subsection  
516 (3) of section 402.7305, Florida Statutes, are amended to read:  
517 402.7305 Department of Children and Families; procurement  
518 of contractual services; contract management.—

519 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

520 (b) When it is in the best interest of a defined segment of  
521 its consumer population, the department may competitively  
522 procure and contract for systems of treatment or service that  
523 involve multiple providers, rather than procuring and  
524 contracting for treatment or services separately from each  
525 participating provider. The department must ensure that all  
526 providers that participate in the treatment or service system  
527 meet all applicable statutory, regulatory, service quality, and  
528 cost control requirements. If other governmental entities or  
529 units of special purpose government contribute matching funds to  
530 the support of a given system of treatment or service, the  
531 department shall formally request information from those funding  
532 entities in the procurement process and may take the information



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533 received into account in the selection process. If a local  
534 government contributes matching funds to support the system of  
535 treatment or contracted service and if the match constitutes at  
536 least 25 percent of the value of the contract, the department  
537 shall afford the governmental match contributor an opportunity  
538 to name an employee as one of the persons required by s.  
539 287.057(17) ~~s. 287.057(16)~~ to evaluate or negotiate certain  
540 contracts, unless the department sets forth in writing the  
541 reason why the inclusion would be contrary to the best interest  
542 of the state. Any employee so named by the governmental match  
543 contributor shall qualify as one of the persons required by s.  
544 287.057(17) ~~s. 287.057(16)~~. A governmental entity or unit of  
545 special purpose government may not name an employee as one of  
546 the persons required by s. 287.057(17) ~~s. 287.057(16)~~ if it, or  
547 any of its political subdivisions, executive agencies, or  
548 special districts, intends to compete for the contract to be  
549 awarded. The governmental funding entity or contributor of  
550 matching funds must comply with all procurement procedures set  
551 forth in s. 287.057 when appropriate and required.

552 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The  
553 Department of Children and Families shall review the time period  
554 for which the department executes contracts and shall execute  
555 multiyear contracts to make the most efficient use of the  
556 resources devoted to contract processing and execution. Whenever  
557 the department chooses not to use a multiyear contract, a  
558 justification for that decision must be contained in the  
559 contract. Notwithstanding s. 287.057(15) ~~s. 287.057(14)~~, the  
560 department is responsible for establishing a contract management  
561 process that requires a member of the department's Senior



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562 Management or Selected Exempt Service to assign in writing the  
563 responsibility of a contract to a contract manager. The  
564 department shall maintain a set of procedures describing its  
565 contract management process which must minimally include the  
566 following requirements:

567 (a) The contract manager shall maintain the official  
568 contract file throughout the duration of the contract and for a  
569 period not less than 6 years after the termination of the  
570 contract.

571 (b) The contract manager shall review all invoices for  
572 compliance with the criteria and payment schedule provided for  
573 in the contract and shall approve payment of all invoices before  
574 their transmission to the Department of Financial Services for  
575 payment.

576 (c) The contract manager shall maintain a schedule of  
577 payments and total amounts disbursed and shall periodically  
578 reconcile the records with the state's official accounting  
579 records.

580 (d) For contracts involving the provision of direct client  
581 services, the contract manager shall periodically visit the  
582 physical location where the services are delivered and speak  
583 directly to clients receiving the services and the staff  
584 responsible for delivering the services.

585 (e) The contract manager shall meet at least once a month  
586 directly with the contractor's representative and maintain  
587 records of such meetings.

588 (f) The contract manager shall periodically document any  
589 differences between the required performance measures and the  
590 actual performance measures. If a contractor fails to meet and



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591 comply with the performance measures established in the  
592 contract, the department may allow a reasonable period for the  
593 contractor to correct performance deficiencies. If performance  
594 deficiencies are not resolved to the satisfaction of the  
595 department within the prescribed time, and if no extenuating  
596 circumstances can be documented by the contractor to the  
597 department's satisfaction, the department must terminate the  
598 contract. The department may not enter into a new contract with  
599 that same contractor for the services for which the contract was  
600 previously terminated for a period of at least 24 months after  
601 the date of termination. The contract manager shall obtain and  
602 enforce corrective action plans, if appropriate, and maintain  
603 records regarding the completion or failure to complete  
604 corrective action items.

605 (g) The contract manager shall document any contract  
606 modifications, which shall include recording any contract  
607 amendments as provided for in this section.

608 (h) The contract manager shall be properly trained before  
609 being assigned responsibility for any contract.

610 Section 14. Subsection (2) of section 408.045, Florida  
611 Statutes, is amended to read:

612 408.045 Certificate of need; competitive sealed proposals.-

613 (2) The agency shall make a decision regarding the issuance  
614 of the certificate of need in accordance with the provisions of  
615 s. 287.057(17) ~~s. 287.057(16)~~, rules adopted by the agency  
616 relating to intermediate care facilities for the developmentally  
617 disabled, and the criteria in s. 408.035, as further defined by  
618 rule.

619 Section 15. Subsection (42) of section 570.07, Florida



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620 Statutes, is amended to read:

621 570.07 Department of Agriculture and Consumer Services;  
622 functions, powers, and duties.—The department shall have and  
623 exercise the following functions, powers, and duties:

624 (42) Notwithstanding the provisions of s. 287.057(24) ~~s.~~  
625 ~~287.057(22)~~ that require all agencies to use the online  
626 procurement system developed by the Department of Management  
627 Services, the department may continue to use its own online  
628 system. However, vendors utilizing such system shall be  
629 prequalified as meeting mandatory requirements and  
630 qualifications and shall remit fees pursuant to s. 287.057(24)  
631 ~~s. 287.057(22)~~, and any rules implementing s. 287.057.

632 Section 16. Paragraph (e) of subsection (6) of section  
633 627.351, Florida Statutes, is amended to read:

634 627.351 Insurance risk apportionment plans.—

635 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

636 (e) The corporation is subject to s. 287.057 for the  
637 purchase of commodities and contractual services except as  
638 otherwise provided in this paragraph. Services provided by  
639 tradepersons or technical experts to assist a licensed adjuster  
640 in the evaluation of individual claims are not subject to the  
641 procurement requirements of this section. Additionally, the  
642 procurement of financial services providers and underwriters  
643 must be made pursuant to s. 627.3513. Contracts for goods or  
644 services valued at or more than \$100,000 are subject to approval  
645 by the board.

646 1. The corporation is an agency for purposes of s. 287.057,  
647 except that, for purposes of s. 287.057(24) ~~s. 287.057(22)~~, the  
648 corporation is an eligible user.



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649           a. The authority of the Department of Management Services  
650 and the Chief Financial Officer under s. 287.057 extends to the  
651 corporation as if the corporation were an agency.

652           b. The executive director of the corporation is the agency  
653 head under s. 287.057, except for resolution of bid protests for  
654 which the board would serve as the agency head.

655           2. The corporation must provide notice of a decision or  
656 intended decision concerning a solicitation, contract award, or  
657 exceptional purchase by electronic posting. Such notice must  
658 contain the following statement: "Failure to file a protest  
659 within the time prescribed in this section constitutes a waiver  
660 of proceedings."

661           a. A person adversely affected by the corporation's  
662 decision or intended decision to award a contract pursuant to s.  
663 287.057(1) or (3)(c) who elects to challenge the decision must  
664 file a written notice of protest with the executive director of  
665 the corporation within 72 hours after the corporation posts a  
666 notice of its decision or intended decision. For a protest of  
667 the terms, conditions, and specifications contained in a  
668 solicitation, including provisions governing the methods for  
669 ranking bids, proposals, replies, awarding contracts, reserving  
670 rights of further negotiation, or modifying or amending any  
671 contract, the notice of protest must be filed in writing within  
672 72 hours after posting the solicitation. Saturdays, Sundays, and  
673 state holidays are excluded in the computation of the 72-hour  
674 time period.

675           b. A formal written protest must be filed within 10 days  
676 after the date the notice of protest is filed. The formal  
677 written protest must state with particularity the facts and law





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678 upon which the protest is based. Upon receipt of a formal  
679 written protest that has been timely filed, the corporation must  
680 stop the solicitation or contract award process until the  
681 subject of the protest is resolved by final board action unless  
682 the executive director sets forth in writing particular facts  
683 and circumstances that require the continuance of the  
684 solicitation or contract award process without delay in order to  
685 avoid an immediate and serious danger to the public health,  
686 safety, or welfare.

687 (I) The corporation must provide an opportunity to resolve  
688 the protest by mutual agreement between the parties within 7  
689 business days after receipt of the formal written protest.

690 (II) If the subject of a protest is not resolved by mutual  
691 agreement within 7 business days, the corporation's board must  
692 transmit the protest to the Division of Administrative Hearings  
693 and contract with the division to conduct a hearing to determine  
694 the merits of the protest and to issue a recommended order. The  
695 contract must provide for the corporation to reimburse the  
696 division for any costs incurred by the division for court  
697 reporters, transcript preparation, travel, facility rental, and  
698 other customary hearing costs in the manner set forth in s.  
699 120.65(9). The division has jurisdiction to determine the facts  
700 and law concerning the protest and to issue a recommended order.  
701 The division's rules and procedures apply to these proceedings;  
702 the division's applicable bond requirements do not apply. The  
703 protest must be heard by the division at a publicly noticed  
704 meeting in accordance with procedures established by the  
705 division.

706 c. In a protest of an invitation-to-bid or request-for-



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707 proposals procurement, submissions made after the bid or  
708 proposal opening which amend or supplement the bid or proposal  
709 may not be considered. In protesting an invitation-to-negotiate  
710 procurement, submissions made after the corporation announces  
711 its intent to award a contract, reject all replies, or withdraw  
712 the solicitation that amends or supplements the reply may not be  
713 considered. Unless otherwise provided by law, the burden of  
714 proof rests with the party protesting the corporation's action.  
715 In a competitive-procurement protest, other than a rejection of  
716 all bids, proposals, or replies, the administrative law judge  
717 must conduct a de novo proceeding to determine whether the  
718 corporation's proposed action is contrary to the corporation's  
719 governing statutes, the corporation's rules or policies, or the  
720 solicitation specifications. The standard of proof for the  
721 proceeding is whether the corporation's action was clearly  
722 erroneous, contrary to competition, arbitrary, or capricious. In  
723 any bid-protest proceeding contesting an intended corporation  
724 action to reject all bids, proposals, or replies, the standard  
725 of review by the board is whether the corporation's intended  
726 action is illegal, arbitrary, dishonest, or fraudulent.

727 d. Failure to file a notice of protest or failure to file a  
728 formal written protest constitutes a waiver of proceedings.

729 3. The board, acting as agency head, shall consider the  
730 recommended order of an administrative law judge in a public  
731 meeting and take final action on the protest. Any further legal  
732 remedy lies with the First District Court of Appeal.

733 Section 17. This act shall take effect July 1, 2021.

734  
735 ===== T I T L E A M E N D M E N T =====



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736 And the title is amended as follows:

737 Delete everything before the enacting clause  
738 and insert:

739 A bill to be entitled

740 An act relating to agency contracts for commodities  
741 and contractual services; reenacting and amending s.  
742 216.1366, F.S.; abrogating the scheduled expiration of  
743 provisions relating to certain public agency contracts  
744 for services; amending s. 287.042, F.S.; providing  
745 that the Department of Management Services may enter  
746 into an agreement authorizing an agency to make  
747 purchases under certain contracts if the Secretary of  
748 Management Services makes a certain determination;  
749 amending s. 287.056, F.S.; providing that an agency  
750 must issue a request for quote to certain approved  
751 vendors when it issues certain requests for quote for  
752 contractual services; providing for the  
753 disqualification of certain firms or individuals from  
754 state term contract eligibility; amending s. 287.057,  
755 F.S.; revising the period of time during which an  
756 agency must electronically post a description of  
757 certain services in certain circumstances; requiring  
758 an agency to periodically report certain actions to  
759 the department in a specified manner and form;  
760 requiring the department to annually report certain  
761 information to the Governor and the Legislature by a  
762 specified date; prohibiting an agency from initiating  
763 a competitive solicitation in certain circumstances;  
764 providing applicability; revising the maximum value of



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765 certain contracts that may not be renewed or amended  
766 by state agency before submitting a written report to  
767 the Governor and the Legislature; requiring the agency  
768 to designate a contract manager to serve as a liaison  
769 between the contractor and the agency; prohibiting  
770 certain individuals from serving as a contract  
771 manager; providing the responsibilities of a contract  
772 manager; requiring the Chief Financial Officer to  
773 evaluate certain training at certain intervals;  
774 requiring that certain contract managers complete  
775 training and certification within a specified  
776 timeframe; requiring the department to establish and  
777 disseminate certain training and certification  
778 requirements; requiring the department to evaluate  
779 certain training at certain intervals; requiring  
780 certain contract managers to possess certain  
781 experience in managing contracts; authorizing a  
782 contract administrator to also serve as a contract  
783 manager in certain circumstances; providing that  
784 evaluations of proposals and replies must be conducted  
785 independently; providing for specified teams to  
786 conduct certain negotiations; requiring a Project  
787 Management Professional to provide guidance based on  
788 certain qualifications; providing qualification  
789 requirements for contract negotiator certification;  
790 requiring supervisors of contract administrators or  
791 contract and grant managers meeting certain criteria  
792 to complete training within a specified period;  
793 providing that the department is responsible for



794 establishing and disseminating supervisor training by  
795 a certain date; providing for a continuing oversight  
796 team in certain circumstances; providing requirements  
797 for continuing oversight team members and meetings;  
798 requiring a continuing oversight team to provide  
799 notice of certain deficiencies and changes in contract  
800 scope to certain entities; amending s. 287.058, F.S.;  
801 prohibiting a contract document for certain  
802 contractual services from containing a certain  
803 nondisclosure clause; creating s. 287.1351, F.S.;  
804 defining the term "vendor"; prohibiting certain  
805 vendors from submitting bids, proposals, or replies  
806 to, or entering into or renewing any contract with, an  
807 agency; prohibiting an agency from accepting a bid,  
808 proposal, or reply from, or entering into a contract  
809 with, a suspended vendor until certain conditions are  
810 met; requiring an agency to notify the department of,  
811 and provide certain information regarding, any such  
812 vendors; requiring the department to review any vendor  
813 reported by an agency; requiring the department to  
814 notify a vendor of any intended removal from the  
815 vendor list; specifying administrative remedies and  
816 applicable procedures for an affected vendor;  
817 requiring the department to place certain vendors on  
818 the suspended vendor list; authorizing the removal of  
819 a suspended vendor from the suspended vendor list in  
820 accordance with specified procedures; specifying  
821 requirements and limitations; amending s. 287.136,  
822 F.S.; requiring each agency inspector general to



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823 complete certain audits of executed contracts at  
824 certain intervals; amending ss. 43.16, 215.971,  
825 287.0571, 295.187, 394.47865, 402.7305, 408.045,  
826 570.07, and 627.351, F.S.; conforming cross-references  
827 to changes made by the act; providing an effective  
828 date.