

1 A bill to be entitled
2 An act relating to the Department of Management
3 Services; repealing s. 24.113, F.S., relating to
4 minority participation; amending s. 110.112, F.S.;
5 providing for equal employment opportunity;
6 prohibiting discrimination in employment; prohibiting
7 a hiring manager from engaging in certain employment
8 practices; authorizing certain persons to file a
9 complaint with the Attorney General or the Department
10 of Business of Professional Regulation; amending s.
11 110.123, F.S.; revising definitions; amending s.
12 110.12301, F.S.; providing for competitive procurement
13 of claims review services for state group health
14 insurance plans; amending s. 110.205, F.S.; revising
15 exempt positions that are not covered by the career
16 service system; revising the definition of the term
17 "department"; amending s. 110.211, F.S.; revising
18 recruitment provisions relating to the career service
19 system; amending s. 110.605, F.S.; revising the
20 personnel rules of the Department of Management
21 Services; amending ss. 112.19 and 112.191, F.S.;
22 revising specified benefits of law enforcement
23 officers and firefighters, respectively; amending s.
24 217.07, F.S.; requiring that specified funds be used
25 for specified purposes; repealing ss. 255.101 and

26 | 255.102, F.S., relating to contracts for public
27 | construction works and contractor use of minority
28 | business enterprises, respectively; amending s.
29 | 287.042, F.S.; revising the powers, duties, and
30 | functions of the department relating to commodities,
31 | insurance, and contractual services; amending s.
32 | 287.055, F.S.; revising the Consultants' Competitive
33 | Negotiation Act relating to public announcement and
34 | qualification procedures and competitive selection;
35 | amending s. 287.057, F.S.; revising provisions
36 | relating to procurement of commodities or contractual
37 | services; amending s. 287.084, F.S.; revising
38 | provisions relating to preference to Florida
39 | businesses; providing applicability; repealing ss.
40 | 287.093, 287.0931, 287.094, 287.0943, and 287.09431,
41 | F.S., relating to minority business enterprises and
42 | programs; amending s. 287.09451, F.S.; renaming the
43 | Office of Supplier Diversity as the Office of Supplier
44 | Development; revising the office's powers, duties, and
45 | functions; defining the term "Florida-based
46 | enterprise"; repealing s. 287.0947, F.S., relating to
47 | the Florida Advisory Council on Small and Minority
48 | Business Development; repealing ss. 287.133, 287.134,
49 | and 287.1346, F.S., relating to denial or revocation
50 | of the right to transact business with public

51 entities; repealing s. 287.1351, F.S., relating to
52 suspended vendors and state contracts; creating s.
53 287.1355, F.S.; providing definitions; requiring the
54 Department of Management Services to establish a
55 prohibited vendors list; requiring a certain
56 certification and disclosure by vendors at a specified
57 time; requiring a specified statement to be contained
58 in any invitation to bid, request for proposal,
59 invitation to negotiate, or any contract entered into
60 by a date certain; providing construction; requiring
61 the department to maintain by electronic means the
62 prohibited vendors list; requiring such list to be
63 posted on the department's website and updated within
64 a specified time period; requiring specified notice
65 from vendors, affiliates, and public entities to the
66 department; requiring the department to conduct an
67 investigation; authorizing the department to issue a
68 written demand on vendors in certain instances;
69 requiring department investigations to be conducted in
70 accordance with specified rules; requiring the
71 department to send notice of its investigation
72 determination in certain instances; providing notice
73 requirements; prohibiting vendors that do not receive
74 such notice from being placed on the prohibited
75 vendors list; authorizing vendors to file a petition

76 | for an administrative hearing; providing for waiver of
77 | the right to such a hearing in certain instances;
78 | prohibiting vendors from filing a petition for a
79 | specified hearing; providing for procedural
80 | applicability; providing exceptions; requiring the
81 | department to establish its administrative action by a
82 | specified burden of proof; providing for a certain
83 | rebuttable presumption; providing for a specified
84 | burden of proof of the vendor; listing certain factors
85 | that the administrative law judge must consider in
86 | such hearing; prohibiting vendors from engaging in
87 | public contracting and purchasing upon issuance of a
88 | specified order; authorizing vendors to file a
89 | petition for removal from the prohibited vendors list
90 | in certain instances and within a specified time;
91 | requiring removal proceedings to be conducted by
92 | specified law; providing for the considerations of the
93 | administrative law judge in such proceedings;
94 | prohibiting vendors from filing subsequent petitions
95 | for removal within a specified time period in certain
96 | instances; authorizing the department to file such a
97 | petition in certain instances; providing that vendors
98 | and affiliates placed on the prohibited vendors list
99 | are ineligible to receive certain incentives;
100 | providing applicability; prohibiting a public entity

101 from contracting with vendors which would provide
102 access to certain information unless a specified
103 affidavit is submitted; requiring a vendor, by a
104 specified date, to submit a specified affidavit to
105 extend or renew a contract with a public entity;
106 requiring the department to adopt rules; repealing s.
107 288.1167, F.S., relating to sports franchise contract
108 provisions for food and beverage concession and
109 contract awards to minority business enterprises;
110 providing a directive to the Division of Law Revision;
111 amending s. 288.7015, F.S.; revising the duties of the
112 rules ombudsman; amending s. 288.702, F.S.; revising a
113 short title; amending s. 288.703, F.S.; revising
114 definitions; amending s. 288.7031, F.S.; revising
115 applicability; amending s. 288.705, F.S.; revising
116 provisions relating to the statewide contracts
117 register; repealing ss. 288.706, 288.7094, 288.7102,
118 288.71025, 288.7103, and 288.714, F.S., relating to
119 the Florida Minority Business Loan Mobilization
120 Program and the Black Business Loan Program; amending
121 s. 295.187, F.S.; providing duties of the Office of
122 Supplier Development relating to the Florida Veteran
123 Business Enterprise Opportunity act; repealing s.
124 373.607, F.S., relating to minority business
125 enterprise procurement goals; repealing s. 473.3065,

126 F.S., relating to the Clay Ford Scholarship Program
 127 and the Certified Public Accountant Education Minority
 128 Assistance Advisory Council; repealing s. 641.217,
 129 F.S., relating to the requirement of minority
 130 recruitment and retention plans under the Health
 131 Maintenance Organization Act; repealing s. 760.80,
 132 F.S., relating to minority representation on boards,
 133 commissions, councils, and committees; amending ss.
 134 16.615, 17.11, 20.60, 43.16, 110.105, 110.116,
 135 110.211, 110.403, 187.201, 212.096, 215.971, 255.0992,
 136 255.20, 282.201, 282.709, 286.101, 287.012, 287.0571,
 137 287.056, 287.059, 287.0591, 287.138, 288.0001,
 138 288.001, 288.0065, 288.12266, 288.124, 288.776,
 139 290.004, 290.0056, 290.0057, 290.046, 320.63, 331.351,
 140 334.045, 338.227, 339.2821, 339.63, 348.754, 376.3072,
 141 376.84, 381.986, 394.47865, 402.7305, 408.045,
 142 409.901, 440.45, 489.125, 570.07, 616.255, 616.256,
 143 625.3255, 627.351, 627.3511, 657.042, 658.67, 947.02,
 144 947.021, 957.09, 1001.706, 1004.435, 1009.70, 1013.45,
 145 and 1013.46, F.S.; conforming cross-references and
 146 provisions to changes made by the act; providing an
 147 effective date.

148
 149 Be It Enacted by the Legislature of the State of Florida:
 150

151 **Section 1.** Section 24.113, Florida Statutes, is repealed.

152 **Section 2. Section 110.112, Florida Statutes, is amended**
153 **to read:**

154 110.112 ~~Affirmative action,~~ Equal employment opportunity.—

155 (1) (a) It is the policy of this state to provide equal
156 employment opportunity. Discrimination in employment on the
157 basis of race, color, religion, sex, pregnancy, national origin,
158 age, handicap, political affiliation, or marital status is
159 prohibited.

160 (b) A hiring manager of an executive agency may not engage
161 in employment practices using set-asides, quotas, or other
162 preferences on the basis of race or gender when making decisions
163 regarding hiring, retention, or promotion ~~assist in providing~~
164 ~~the assurance of equal employment opportunity through programs~~
165 ~~of affirmative and positive action that will allow full~~
166 ~~utilization of women, minorities, and individuals who have a~~
167 ~~disability.~~

168 ~~(2) (a) The head of each executive agency shall develop and~~
169 ~~implement an affirmative action plan in accordance with rules~~
170 ~~adopted by the department and approved by a majority vote of the~~
171 ~~Administration Commission before their adoption.~~

172 ~~(b) Each executive agency shall establish annual goals for~~
173 ~~ensuring full utilization of groups underrepresented in the~~
174 ~~agency's workforce, including women, minorities, and individuals~~
175 ~~who have a disability, as compared to the relevant labor market,~~

176 ~~as defined by the agency. Each executive agency shall design its~~
177 ~~affirmative action plan to meet its established goals.~~

178 ~~(c) Each executive agency shall annually report to the~~
179 ~~department regarding the agency's progress toward increasing~~
180 ~~employment among women, minorities, and individuals who have a~~
181 ~~disability.~~

182 ~~(d) An affirmative action-equal employment opportunity~~
183 ~~officer shall be appointed by the head of each executive agency.~~
184 ~~The affirmative action-equal employment opportunity officer's~~
185 ~~responsibilities must include determining annual goals,~~
186 ~~monitoring agency compliance, and providing consultation to~~
187 ~~managers regarding progress, deficiencies, and appropriate~~
188 ~~corrective action.~~

189 ~~(e) The department shall report information in its annual~~
190 ~~workforce report relating to the implementation, continuance,~~
191 ~~updating, and results of each executive agency's affirmative~~
192 ~~action plan for the previous fiscal year. The annual workforce~~
193 ~~report must also include data for each executive agency relating~~
194 ~~to employment levels among women, minorities, and individuals~~
195 ~~who have a disability.~~

196 ~~(f) The department shall provide to all supervisory~~
197 ~~personnel of the executive agencies training in the principles~~
198 ~~of equal employment opportunity and affirmative action, the~~
199 ~~development and implementation of affirmative action plans, and~~
200 ~~the establishment of annual affirmative action goals. The~~

201 ~~department may contract for training services, and each~~
202 ~~participating agency shall reimburse the department for costs~~
203 ~~incurred through such contract. After the department approves~~
204 ~~the contents of the training program for the agencies, the~~
205 ~~department may delegate this training to the executive agencies.~~

206 (2)~~(3)~~ (a) The department, in consultation with the Agency
207 for Persons with Disabilities, the Division of Vocational
208 Rehabilitation and the Division of Blind Services of the
209 Department of Education, the Department of Commerce, and the
210 Executive Office of the Governor, shall develop and implement
211 programs that incorporate internships, mentoring, on-the-job
212 training, unpaid work experience, situational assessments, and
213 other innovative strategies that are specifically geared toward
214 individuals who have a disability.

215 (b) By January 1, 2017, the department shall develop
216 mandatory training programs for human resources personnel and
217 hiring managers of executive agencies which support the
218 employment of individuals who have a disability.

219 (c)1. By January 1, 2017, each executive agency shall
220 develop an agency-specific plan that addresses how to promote
221 employment opportunities for individuals who have a disability.

222 2. The department shall assist executive agencies in the
223 implementation of agency-specific plans. The department shall
224 regularly report to the Governor, the President of the Senate,
225 and the Speaker of the House of Representatives the progress of

226 executive agencies in implementing these plans. Such reports
227 shall be made at least biannually.

228 (d) The department shall compile data regarding the hiring
229 practices of executive agencies with regard to individuals who
230 have a disability and make such data available on its website.

231 (e) The department shall assist executive agencies in
232 identifying and implementing strategies for retaining employees
233 who have a disability which include, but are not limited to,
234 training programs, funding reasonable accommodations, increasing
235 access to appropriate technologies, and ensuring accessibility
236 of physical and virtual workplaces.

237 (f) The department shall adopt rules relating to forms
238 that provide for the voluntary self-identification of
239 individuals who have a disability and are employed by an
240 executive agency.

241 (g) This subsection does not create any substantive or
242 procedural right or benefit enforceable at law or in equity
243 against the state or a state agency, or an officer, employee, or
244 agent thereof.

245 ~~(4) Each state attorney and public defender shall:~~

246 ~~(a) Develop and implement an affirmative action plan.~~

247 ~~(b) Establish annual goals for ensuring full utilization~~
248 ~~of groups underrepresented in its workforce as compared to the~~
249 ~~relevant labor market in this state. The state attorneys' and~~
250 ~~public defenders' affirmative action plans must be designed to~~

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251 ~~meet the established goals.~~

252 ~~(c) Appoint an affirmative action equal employment~~
253 ~~opportunity officer.~~

254 (3)~~(5)~~ The state and~~7~~ its agencies and officers shall
255 ensure freedom from discrimination in employment as provided by
256 the Florida Civil Rights Act of 1992, by s. 112.044, and by this
257 chapter.

258 (4)~~(6)~~ Any individual claiming to be aggrieved by an
259 unlawful employment practice may file a complaint with the
260 Florida Commission on Human Relations or the Attorney General,
261 as provided by s. 760.11, or the Department of Business of
262 Professional Regulation.

263 (5)~~(7)~~ The department shall review and monitor executive
264 agency actions in carrying out the rules adopted by the
265 department pursuant to this section.

266 **Section 3. Paragraphs (c), (m), and (n) of subsection (2)**
267 **and paragraph (g) of subsection (3) of section 110.123, Florida**
268 **Statutes, are amended to read:**

269 110.123 State group insurance program.—

270 (2) DEFINITIONS.—As used in ss. 110.123-110.1239, the
271 term:

272 (c) "Enrollee" means all state officers and employees,
273 retired state officers and employees, surviving dependent
274 children eligible for premium payment under ss. 112.19 and
275 112.191, surviving spouses of deceased state officers and

276 employees, eligible former employees, and terminated employees
277 or individuals with continuation coverage who are enrolled in an
278 insurance plan offered by the state group insurance program. The
279 term includes all state university officers and employees,
280 retired state university officers and employees, surviving
281 spouses of deceased state university officers and employees, and
282 terminated state university employees or individuals with
283 continuation coverage who are enrolled in an insurance plan
284 offered by the state group insurance program. The term includes
285 all Florida College System institution officers and employees,
286 retired Florida College System institution officers and
287 employees, surviving spouses of deceased Florida College System
288 institution officers and employees, and terminated Florida
289 College System institution employees or individuals with
290 continuation coverage who are enrolled in an insurance plan
291 offered by the state group insurance program. As used in this
292 paragraph, state employees and retired state employees also
293 include employees and retired employees of the Division of
294 Rehabilitation and Liquidation.

295 (m) "State group health insurance plan or plans" or "state
296 plan or plans" means the state self-insured health insurance
297 plan or plans offered to state officers and employees, retired
298 state officers and employees, eligible former employees,
299 surviving dependent children eligible for premium payment under
300 ss. 112.19 and 112.191, and surviving spouses of deceased state

301 officers, employees, and eligible former employees under this
302 section.

303 (n) "State group insurance program" or "programs" means
304 the package of insurance plans offered to state officers and
305 employees, retired state officers and employees, eligible former
306 employees, and surviving spouses of deceased state officers,
307 employees, surviving dependent children eligible for premium
308 payment under ss. 112.19 and 112.191, and eligible former
309 employees under this section, including the state group health
310 insurance plan or plans, health maintenance organization plans,
311 TRICARE supplemental insurance plans, and other plans required
312 or authorized by law.

313 (3) STATE GROUP INSURANCE PROGRAM.—

314 (g) Participation by individuals in the program is
315 available to all state officers, full-time state employees,
316 part-time state employees, and eligible former employees and is
317 voluntary. Participation in the program is also available to
318 retired state officers and employees who elect at the time of
319 retirement to continue coverage under the program, but may elect
320 to continue all or only part of the coverage they had at the
321 time of retirement. A surviving dependent child eligible for
322 premium payment under ss. 112.19 and 112.191 or a surviving
323 spouse may elect to continue coverage only under a state group
324 health insurance plan, a TRICARE supplemental insurance plan, or
325 a health maintenance organization plan.

326 **Section 4. Subsection (1) of section 110.12301, Florida**
 327 **Statutes, is amended to read:**

328 110.12301 Competitive procurement of ~~postpayment~~ claims
 329 review services and dependent eligibility verification services;
 330 public records exemption.—

331 (1) The Division of State Group Insurance is directed to
 332 competitively procure ~~postpayment~~ claims review services for the
 333 state group health insurance plans established pursuant to s.
 334 110.123. ~~Compensation under the contract shall be paid from~~
 335 ~~amounts identified as claim overpayments that are made by or on~~
 336 ~~behalf of the health plans and that are recovered by the vendor.~~
 337 ~~The vendor may retain that portion of the amount recovered as~~
 338 ~~provided in the contract.~~ The contract must require the vendor
 339 to maintain all necessary documentation supporting the amounts
 340 recovered by the vendor or, retained by the division, and
 341 ~~remitted to the division; and~~

342 **Section 5. Paragraph (n) of subsection (2) and subsection**
 343 **(4) of section 110.205, Florida Statutes, are amended, and**
 344 **paragraphs (y), (z), and (aa) are added to subsection (2) of**
 345 **that section, to read:**

346 110.205 Career service; exemptions.—

347 (2) EXEMPT POSITIONS.—The exempt positions that are not
 348 covered by this part include the following:

349 (n)1.a. In addition to those positions exempted by other
 350 paragraphs of this subsection, each department head may

351 designate a maximum of 20 policymaking or managerial positions,
352 as defined by the department and approved by the Administration
353 Commission, as being exempt from the Career Service System.
354 Career service employees who occupy a position designated as a
355 position in the Selected Exempt Service under this paragraph
356 shall have the right to remain in the Career Service System by
357 opting to serve in a position not exempted by the employing
358 agency. Unless otherwise fixed by law, the department shall set
359 the salary and benefits of these positions in accordance with
360 the rules of the Selected Exempt Service; ~~provided, however,~~
361 ~~that if the agency head determines that the general counsel,~~
362 ~~chief Cabinet aide, public information administrator or~~
363 ~~comparable position for a Cabinet officer, inspector general, or~~
364 ~~legislative affairs director has both policymaking and~~
365 ~~managerial responsibilities and if the department determines~~
366 ~~that any such position has both policymaking and managerial~~
367 ~~responsibilities, the salary and benefits for each such position~~
368 ~~shall be established by the department in accordance with the~~
369 ~~rules of the Senior Management Service.~~

370 b. In addition, each department may designate one
371 additional position in the Senior Management Service if that
372 position reports directly to the agency head or to a position in
373 the Senior Management Service and if any additional costs are
374 absorbed from the existing budget of that department.

375 c. In addition to those positions exempted under this

376 subsection, each department head may designate a maximum of
377 three cybersecurity positions as being exempt from the Career
378 Service System. Career service employees who occupy a position
379 designated as a position in the Selected Exempt Service under
380 this paragraph shall have the right to remain in the Career
381 Service System by opting to serve in a position not exempted by
382 the employing agency. Unless otherwise fixed by law, the
383 department shall set the salary and benefits of these positions
384 in accordance with the rules of the Selected Exempt Service.

385 2. If otherwise exempt, employees of the Public Employees
386 Relations Commission, the Commission on Human Relations, and the
387 Reemployment Assistance Appeals Commission, upon the
388 certification of their respective commission heads, may be
389 provided for under this paragraph as members of the Senior
390 Management Service, if otherwise qualified. However, the deputy
391 general counsel of the Public Employees Relations Commission
392 shall be compensated as members of the Selected Exempt Service.

393 (y) The general counsel, chief or senior Cabinet aide,
394 public information administrator, chief information officer,
395 communications director or comparable position for a Cabinet
396 officer, inspector general, or legislative affairs director of
397 each department. The salary and benefits for each such position
398 shall be established by the department in accordance with the
399 rules of the Senior Management Service.

400 (z) The information security manager under s.

401 282.318(4)(a) and personnel employed by, or reporting to, the
402 Chief Inspector General, general counsel, the state chief
403 information security officer, the state chief data officer, and
404 the information security manager. Unless otherwise fixed by law,
405 the department shall establish the salary and benefits for these
406 positions in accordance with the rules of the Selected Exempt
407 Service.

408 (aa) All actuaries at each department. Unless otherwise
409 fixed by law, the department shall establish the salary and
410 benefits for these positions in accordance with the rules of the
411 Selected Exempt Service.

412 (4) DEFINITION OF DEPARTMENT.—When used in this section,
413 the term "department" means ~~shall mean~~ all departments and
414 commissions of the executive branch, whether created by the
415 State Constitution or chapter 20; the office of the Governor;
416 the Office of Insurance Regulation of the Financial Services
417 Commission; the Office of Financial Regulation of the Financial
418 Services Commission; the Florida Gaming Control Commission; the
419 Division of the State Guard; the Division of Administrative
420 Hearings; the Commission on Offender Review; the Florida
421 Commission on Human Relations; the Public Employees Relations
422 Commission; and the Public Service Commission; however, the term
423 "department" means ~~shall mean~~ the Department of Management
424 Services when used in the context of the authority to establish
425 pay bands and benefits.

Section 6. Subsections (1) and (4) of section 110.211, Florida Statutes, are amended to read:

110.211 Recruitment.—

(1) Recruiting must ~~shall~~ be planned and carried out in a manner that assures open competition based upon current and projected employing agency needs, taking into consideration the number and types of positions to be filled and the labor market conditions. However, this subsection does not apply to the recruitment of an apprentice participating in an apprenticeship program, as defined in s. 446.021(6), or in a related field, ~~with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the workforce of the employing agency.~~

(4) All recruitment literature involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/~~Affirmative Action Employer.~~"

Section 7. Paragraph (d) of subsection (1) of section 110.605, Florida Statutes, is amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

451 ~~(d) The department shall develop a program of affirmative~~
452 ~~and positive actions that will ensure full utilization of women~~
453 ~~and minorities in Selected Exempt Service positions.~~

454 **Section 8. Paragraphs (g) and (h) of subsection (2) of**
455 **section 112.19, Florida Statutes, are amended to read:**

456 112.19 Law enforcement, correctional, and correctional
457 probation officers; death benefits.—

458 (2)

459 (g) Any political subdivision of the state that employs a
460 full-time law enforcement officer as defined in s. 943.10(1) or
461 a full-time correctional officer as defined in s. 943.10(2) who
462 is killed in the line of duty on or after July 1, 1993, as a
463 result of an act of violence inflicted by another person while
464 the officer is engaged in the performance of law enforcement
465 duties or as a result of an assault against the officer under
466 riot conditions shall pay the entire premium of the political
467 subdivision's health insurance plan for the employee's surviving
468 spouse until remarried, and for each dependent child of the
469 employee until the end of the calendar year in which the child
470 reaches the age of 26 ~~majority or until the end of the calendar~~
471 ~~year in which the child reaches the age of 25 if:~~

472 ~~1. At the time of the employee's death, the child is~~
473 ~~dependent upon the employee for support; and~~

474 ~~2. The surviving child continues to be dependent for~~
475 ~~support, or the surviving child is a full-time or part-time~~

476 ~~student and is dependent for support.~~

477 (h)1. Any employer who employs a full-time law
478 enforcement, correctional, or correctional probation officer
479 who, on or after January 1, 1995, suffers a catastrophic injury,
480 as defined in s. 440.02, Florida Statutes 2002, in the line of
481 duty shall pay the entire premium of the employer's health
482 insurance plan for the injured employee, the injured employee's
483 spouse, and for each dependent child of the injured employee
484 until the end of the calendar year in which the child reaches
485 the age of 26 ~~majority or until the end of the calendar year in~~
486 ~~which the child reaches the age of 25 if the child continues to~~
487 ~~be dependent for support, or the child is a full-time or part-~~
488 ~~time student and is dependent for support.~~ The term "health
489 insurance plan" does not include supplemental benefits that are
490 not part of the basic group health insurance plan. If the
491 injured employee subsequently dies, the employer shall continue
492 to pay the entire health insurance premium for the surviving
493 spouse until remarried, and for the dependent children, under
494 the conditions outlined in this paragraph. However:

495 a. Health insurance benefits payable from any other source
496 shall reduce benefits payable under this section.

497 b. It is unlawful for a person to willfully and knowingly
498 make, or cause to be made, or to assist, conspire with, or urge
499 another to make, or cause to be made, any false, fraudulent, or
500 misleading oral or written statement to obtain health insurance

501 coverage as provided under this paragraph. A person who violates
502 this sub-subparagraph commits a misdemeanor of the first degree,
503 punishable as provided in s. 775.082 or s. 775.083.

504 c. In addition to any applicable criminal penalty, upon
505 conviction for a violation as described in sub-subparagraph b.,
506 a law enforcement, correctional, or correctional probation
507 officer or other beneficiary who receives or seeks to receive
508 health insurance benefits under this paragraph shall forfeit the
509 right to receive such health insurance benefits, and shall
510 reimburse the employer for all benefits paid due to the fraud or
511 other prohibited activity. For purposes of this sub-
512 subparagraph, the term "conviction" means a determination of
513 guilt that is the result of a plea or trial, regardless of
514 whether adjudication is withheld.

515 2. In order for the officer, spouse, and dependent
516 children to be eligible for such insurance coverage, the injury
517 must have occurred as the result of the officer's response to
518 fresh pursuit, the officer's response to what is reasonably
519 believed to be an emergency, or an unlawful act perpetrated by
520 another. Except as otherwise provided herein, this paragraph may
521 not be construed to limit health insurance coverage for which
522 the officer, spouse, or dependent children may otherwise be
523 eligible, except that a person who qualifies under this section
524 is not eligible for the health insurance subsidy provided under
525 chapter 121, chapter 175, or chapter 185.

526 **Section 9. Paragraphs (f) and (g) of subsection (2) of**
 527 **section 112.191, Florida Statutes, are amended to read:**

528 112.191 Firefighters; death benefits.—

529 (2)

530 (f) Any political subdivision of the state that employs a
 531 full-time firefighter who is killed in the line of duty on or
 532 after July 1, 1993, as a result of an act of violence inflicted
 533 by another person while the firefighter is engaged in the
 534 performance of firefighter duties, as a result of a fire which
 535 has been determined to have been caused by an act of arson, or
 536 as a result of an assault against the firefighter under riot
 537 conditions shall pay the entire premium of the political
 538 subdivision's health insurance plan for the employee's surviving
 539 spouse until remarried, and for each dependent child of the
 540 employee until the end of the calendar year in which the child
 541 reaches the age of 26 ~~majority or until the end of the calendar~~
 542 ~~year in which the child reaches the age of 25 if:~~

543 ~~1. At the time of the employee's death, the child is~~
 544 ~~dependent upon the employee for support; and~~

545 ~~2. The surviving child continues to be dependent for~~
 546 ~~support, or the surviving child is a full-time or part-time~~
 547 ~~student and is dependent for support.~~

548 (g)1. Any employer who employs a full-time firefighter
 549 who, on or after January 1, 1995, suffers a catastrophic injury,
 550 as defined in s. 440.02, Florida Statutes 2002, in the line of

551 duty shall pay the entire premium of the employer's health
552 insurance plan for the injured employee, the injured employee's
553 spouse, and for each dependent child of the injured employee
554 until the end of the calendar year in which the child reaches
555 the age of 26 majority ~~or until the end of the calendar year in~~
556 ~~which the child reaches the age of 25 if the child continues to~~
557 ~~be dependent for support, or the child is a full-time or part-~~
558 ~~time student and is dependent for support.~~ The term "health
559 insurance plan" does not include supplemental benefits that are
560 not part of the basic group health insurance plan. If the
561 injured employee subsequently dies, the employer shall continue
562 to pay the entire health insurance premium for the surviving
563 spouse until remarried, and for the dependent children, under
564 the conditions outlined in this paragraph. However:

565 a. Health insurance benefits payable from any other source
566 shall reduce benefits payable under this section.

567 b. It is unlawful for a person to willfully and knowingly
568 make, or cause to be made, or to assist, conspire with, or urge
569 another to make, or cause to be made, any false, fraudulent, or
570 misleading oral or written statement to obtain health insurance
571 coverage as provided under this paragraph. A person who violates
572 this sub-subparagraph commits a misdemeanor of the first degree,
573 punishable as provided in s. 775.082 or s. 775.083.

574 c. In addition to any applicable criminal penalty, upon
575 conviction for a violation as described in sub-subparagraph b.,

576 a firefighter or other beneficiary who receives or seeks to
577 receive health insurance benefits under this paragraph shall
578 forfeit the right to receive such health insurance benefits, and
579 shall reimburse the employer for all benefits paid due to the
580 fraud or other prohibited activity. For purposes of this sub-
581 subparagraph, the term "conviction" means a determination of
582 guilt that is the result of a plea or trial, regardless of
583 whether adjudication is withheld.

584 2. In order for the firefighter, spouse, and dependent
585 children to be eligible for such insurance coverage, the injury
586 must have occurred as the result of the firefighter's response
587 to what is reasonably believed to be an emergency involving the
588 protection of life or property, or an unlawful act perpetrated
589 by another. Except as otherwise provided herein, this paragraph
590 may not be construed to limit health insurance coverage for
591 which the firefighter, spouse, or dependent children may
592 otherwise be eligible, except that a person who qualifies for
593 benefits under this section is not eligible for the health
594 insurance subsidy provided under chapter 121, chapter 175, or
595 chapter 185.

596
597 Notwithstanding any provision of this section to the contrary,
598 the death benefits provided in paragraphs (b), (c), and (f)
599 shall also be applicable and paid in cases where a firefighter
600 received bodily injury prior to July 1, 1993, and subsequently

601 died on or after July 1, 1993, as a result of such in-line-of-
602 duty injury.

603 **Section 10. Section 217.07, Florida Statutes, is amended**
604 **to read:**

605 217.07 Transfer of surplus property assets to department.—

606 The Chief Financial Officer is authorized to transfer to
607 the department any funds unexpended in the Surplus Property
608 Revolving Trust Fund account in the State Treasury. This
609 revolving fund shall remain in existence as a separate trust
610 fund as long as the surplus property program exists. Upon
611 termination of the program any remaining funds shall be disposed
612 of as provided by federal law. All funds held in the Surplus
613 Property Revolving Trust Fund account in the State Treasury
614 which are generated by the Federal Surplus Personal Property
615 Donation Program shall be used only for the direct and indirect
616 operating expenses of the federal program administered by the
617 department.

618 **Section 11. Sections 255.101 and 255.102, Florida**
619 **Statutes, are repealed.**

620 **Section 12. Paragraphs (a) and (c) of subsection (2) and**
621 **paragraphs (b) and (c) of subsection (3) of section 287.042,**
622 **Florida Statutes, are amended to read:**

623 287.042 Powers, duties, and functions.—The department
624 shall have the following powers, duties, and functions:

625 (2) (a) To establish purchasing agreements and procure

626 state term contracts for commodities and contractual services,
627 pursuant to s. 287.057, under which state agencies shall, and
628 eligible users may, make purchases pursuant to s. 287.056. The
629 department may restrict purchases from some term contracts to
630 state agencies only for those term contracts where the inclusion
631 of other governmental entities will have an adverse effect on
632 competition or to those federal facilities located in this
633 state. ~~In such planning or purchasing the Office of Supplier~~
634 ~~Diversity may monitor to ensure that opportunities are afforded~~
635 ~~for contracting with minority business enterprises. The~~
636 ~~department, for state term contracts, and all agencies, for~~
637 ~~multiyear contractual services or term contracts, shall explore~~
638 ~~reasonable and economical means to utilize certified minority~~
639 ~~business enterprises.~~ Purchases by any county, municipality,
640 private nonprofit community transportation coordinator
641 designated pursuant to chapter 427, while conducting business
642 related solely to the Commission for the Transportation
643 Disadvantaged, or other local public agency under the provisions
644 in the state purchasing contracts, and purchases, from the
645 corporation operating the correctional work programs, of
646 products or services that are subject to paragraph (1)(f), are
647 exempt from the competitive solicitation requirements otherwise
648 applying to their purchases.

649 (c) Any person who files an action protesting a decision
650 or intended decision pertaining to contracts administered by the

651 department, a water management district, or an agency pursuant
652 to s. 120.57(3)(b) shall post with the department, the water
653 management district, or the agency at the time of filing the
654 formal written protest a bond payable to the department, the
655 water management district, or agency in an amount equal to 1
656 percent of the estimated contract amount. For protests of
657 decisions or intended decisions pertaining to exceptional
658 purchases, the bond shall be in an amount equal to 1 percent of
659 the estimated contract amount for the exceptional purchase. The
660 estimated contract amount shall be based upon the contract price
661 submitted by the protestor or, if no contract price was
662 submitted, the department, water management district, or agency
663 shall estimate the contract amount based on factors including,
664 but not limited to, the price of previous or existing contracts
665 for similar commodities or contractual services, the amount
666 appropriated by the Legislature for the contract, or the fair
667 market value of similar commodities or contractual services. The
668 agency shall provide the estimated contract amount to the vendor
669 within 72 hours, excluding Saturdays, Sundays, and state
670 holidays, after the filing of the notice of protest by the
671 vendor. The estimated contract amount is not subject to protest
672 pursuant to s. 120.57(3). The bond shall be conditioned upon the
673 payment of all costs and charges that are adjudged against the
674 protestor in the administrative hearing in which the action is
675 brought and in any subsequent appellate court proceeding. In

676 lieu of a bond, the department, the water management district,
677 or agency may, in either case, accept a cashier's check,
678 official bank check, or money order in the amount of the bond.
679 If, after completion of the administrative hearing process and
680 any appellate court proceedings, the department, water
681 management district, or agency prevails, it shall recover all
682 costs and charges which shall be included in the final order or
683 judgment, excluding attorney ~~attorney's~~ fees. ~~This section shall~~
684 ~~not apply to protests filed by the Office of Supplier Diversity.~~
685 Upon payment of such costs and charges by the protestor, the
686 bond, cashier's check, official bank check, or money order shall
687 be returned to the protestor. If, after the completion of the
688 administrative hearing process and any appellate court
689 proceedings, the protestor prevails, the protestor shall recover
690 from the department, water management district, or agency all
691 costs and charges which shall be included in the final order or
692 judgment, excluding attorney ~~attorney's~~ fees.

693 (3) To establish a system of coordinated, uniform
694 procurement policies, procedures, and practices to be used by
695 agencies in acquiring commodities and contractual services,
696 which shall include, but not be limited to:

697 (b)1. Development of procedures for advertising
698 solicitations. These procedures must provide for electronic
699 posting of solicitations for at least 10 days before the date
700 set for receipt of bids, proposals, or replies, unless the

701 department or other agency determines in writing that a shorter
702 period of time is necessary to avoid harming the interests of
703 the state. ~~The Office of Supplier Diversity may consult with the~~
704 ~~department regarding the development of solicitation~~
705 ~~distribution procedures to ensure that maximum distribution is~~
706 ~~afforded to certified minority business enterprises as defined~~
707 ~~in s. 288.703.~~

708 2. Development of procedures for electronic posting. The
709 department shall designate a centralized website on the Internet
710 for the department and other agencies to electronically post
711 solicitations, decisions or intended decisions, and other
712 matters relating to procurement.

713 (c) Development of procedures for the receipt and opening
714 of bids, proposals, or replies by an agency. ~~Such procedures~~
715 ~~shall provide the Office of Supplier Diversity an opportunity to~~
716 ~~monitor and ensure that the contract award is consistent with~~
717 ~~the requirements of s. 287.09451.~~

718 **Section 13. Paragraph (d) of subsection (3) and paragraph**
719 **(b) of subsection (4) of section 287.055, Florida Statutes, are**
720 **amended to read:**

721 287.055 Acquisition of professional architectural,
722 engineering, landscape architectural, or surveying and mapping
723 services; definitions; procedures; contingent fees prohibited;
724 penalties.—

725 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

726 (d) Each agency shall evaluate professional services,
727 including capabilities, adequacy of personnel, past record,
728 experience, ~~whether the firm is a certified minority business~~
729 ~~enterprise as defined by the Florida Small and Minority Business~~
730 ~~Assistance Act,~~ and other factors determined by the agency to be
731 applicable to its particular requirements. ~~When securing~~
732 ~~professional services, an agency must endeavor to meet the~~
733 ~~minority business enterprise procurement goals under s.~~
734 ~~287.09451.~~

735 (4) COMPETITIVE SELECTION.—

736 (b) The agency shall select in order of preference no
737 fewer than three firms deemed to be the most highly qualified to
738 perform the required services. In determining whether a firm is
739 qualified, the agency shall consider such factors as the ability
740 of professional personnel; ~~whether a firm is a certified~~
741 ~~minority business enterprise;~~ past performance; willingness to
742 meet time and budget requirements; location; recent, current,
743 and projected workloads of the firms; and the volume of work
744 previously awarded to each firm by the agency, with the object
745 of effecting an equitable distribution of contracts among
746 qualified firms, provided such distribution does not violate the
747 principle of selection of the most highly qualified firms. The
748 agency may request, accept, and consider proposals for the
749 compensation to be paid under the contract only during
750 competitive negotiations under subsection (5).

751 **Section 14. Subsections (10) and (11) and (13) through**
752 **(28) of section 287.057, Florida Statutes, are renumbered as**
753 **subsections (8) and (9) and (10) through (25), respectively, and**
754 **subsection (7), present subsections (8), (9), (12), and (14),**
755 **paragraph (d) of present subsection (15), and present subsection**
756 **(18) of that section are amended to read:**

757 287.057 Procurement of commodities or contractual
758 services.—

759 (7) Upon issuance of any solicitation, an agency shall,
760 upon request by the department, forward to the department one
761 copy of each solicitation for all commodity and contractual
762 services purchases in excess of the threshold amount provided in
763 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,
764 furnish a copy of all competitive-solicitation tabulations. ~~The~~
765 ~~Office of Supplier Diversity may also request from the agencies~~
766 ~~any information submitted to the department pursuant to this~~
767 ~~subsection.~~

768 ~~(8) (a) In order to strive to meet the minority business~~
769 ~~enterprise procurement goals set forth in s. 287.09451, an~~
770 ~~agency may reserve any contract for competitive solicitation~~
771 ~~only among certified minority business enterprises. Agencies~~
772 ~~shall review all their contracts each fiscal year and shall~~
773 ~~determine which contracts may be reserved for solicitation only~~
774 ~~among certified minority business enterprises. This reservation~~
775 ~~may only be used when it is determined, by reasonable and~~

776 ~~objective means, before the solicitation that there are capable,~~
777 ~~qualified certified minority business enterprises available to~~
778 ~~submit a bid, proposal, or reply on a contract to provide for~~
779 ~~effective competition. The Office of Supplier Diversity shall~~
780 ~~consult with any agency in reaching such determination when~~
781 ~~deemed appropriate.~~

782 ~~(b) Before a contract may be reserved for solicitation~~
783 ~~only among certified minority business enterprises, the agency~~
784 ~~head must find that such a reservation is in the best interests~~
785 ~~of the state. All determinations shall be subject to s.~~
786 ~~287.09451(5). Once a decision has been made to reserve a~~
787 ~~contract, but before sealed bids, proposals, or replies are~~
788 ~~requested, the agency shall estimate what it expects the amount~~
789 ~~of the contract to be, based on the nature of the services or~~
790 ~~commodities involved and their value under prevailing market~~
791 ~~conditions. If all the sealed bids, proposals, or replies~~
792 ~~received are over this estimate, the agency may reject the bids,~~
793 ~~proposals, or replies and request new ones from certified~~
794 ~~minority business enterprises, or the agency may reject the~~
795 ~~bids, proposals, or replies and reopen the bidding to all~~
796 ~~eligible vendors.~~

797 ~~(c) All agencies shall consider the use of price~~
798 ~~preferences of up to 10 percent, weighted preference formulas,~~
799 ~~or other preferences for vendors as determined appropriate~~
800 ~~pursuant to guidelines established in accordance with s.~~

801 ~~287.09451(4) to increase the participation of minority business~~
802 ~~enterprises.~~

803 ~~(d) All agencies shall avoid any undue concentration of~~
804 ~~contracts or purchases in categories of commodities or~~
805 ~~contractual services in order to meet the minority business~~
806 ~~enterprise purchasing goals in s. 287.09451.~~

807 ~~(9) An agency may reserve any contract for competitive~~
808 ~~solicitation only among vendors who agree to use certified~~
809 ~~minority business enterprises as subcontractors or subvendors.~~
810 ~~The percentage of funds, in terms of gross contract amount and~~
811 ~~revenues, which must be expended with the certified minority~~
812 ~~business enterprise subcontractors and subvendors shall be~~
813 ~~determined by the agency before such contracts may be reserved.~~
814 ~~In order to bid on a contract so reserved, the vendor shall~~
815 ~~identify those certified minority business enterprises which~~
816 ~~will be utilized as subcontractors or subvendors by sworn~~
817 ~~statement. At the time of performance or project completion, the~~
818 ~~contractor shall report by sworn statement the payments and~~
819 ~~completion of work for all certified minority business~~
820 ~~enterprises used in the contract.~~

821 ~~(12) If two equal responses to a solicitation or a request~~
822 ~~for quote are received and one response is from a certified~~
823 ~~minority business enterprise, the agency shall enter into a~~
824 ~~contract with the certified minority business enterprise.~~

825 ~~(11)-(14)~~ Contracts for commodities or contractual services

826 | may be renewed for a period that may not exceed 3 years or the
827 | term of the original contract, whichever is longer. Renewal of a
828 | contract for commodities or contractual services must be in
829 | writing and is subject to the same terms and conditions set
830 | forth in the initial contract and any written amendments signed
831 | by the parties. If the commodity or contractual service is
832 | purchased as a result of the solicitation of bids, proposals, or
833 | replies, the price of the commodity or contractual service to be
834 | renewed must be specified in the bid, proposal, or reply, except
835 | that an agency may negotiate lower pricing. A renewal contract
836 | may not include any compensation for costs associated with the
837 | renewal. Renewals are contingent upon satisfactory performance
838 | evaluations by the agency and subject to the availability of
839 | funds. Exceptional purchase contracts pursuant to paragraphs
840 | (3) (a) and (c) may not be renewed. With the exception of
841 | subsection (9) ~~(11)~~, if a contract amendment results in a longer
842 | contract term or increased payments, a state agency may not
843 | renew or amend a contract for the outsourcing of a service or
844 | activity that has an original term value exceeding \$5 million
845 | before submitting a written report concerning contract
846 | performance to the Governor, the President of the Senate, and
847 | the Speaker of the House of Representatives at least 90 days
848 | before execution of the renewal or amendment.

849 | (12) ~~(15)~~

850 | (d) Each contract manager who is responsible for contracts

851 in excess of \$10 million annually must, in addition to the
852 training required in paragraph (b) and the training and
853 certification required in paragraph (c), possess at least 3 ~~5~~
854 years of experience managing contracts of at least ~~in excess of~~
855 \$5 million in total annually.

856 ~~(15)-(18)~~ Any person who supervises contract administrators
857 or contract or grant managers that meet criteria for
858 certification in subsection (12) ~~(15)~~ shall annually complete
859 public procurement training for supervisors within 12 months
860 after appointment to the supervisory position. The department is
861 responsible for establishing and disseminating the training
862 course content required for supervisors.

863 **Section 15. Section 287.084, Florida Statutes, is amended**
864 **to read:**

865 287.084 Preference to Florida businesses.—

866 (1) For purposes of this section, a vendor is deemed to
867 have its principal place of business in this state if the
868 vendor:

869 (a) Is incorporated in this state as a Florida business
870 entity and is not a foreign business entity, unless
871 incorporation is used to do business on behalf of a parent
872 company or benefit an owner outside of this state.

873 (b) Maintains a physical location in this state.

874 (c) Has more than 50 percent of its workforce domiciled in
875 this state.

876 (2) (a) For competitive solicitations for contracts for
877 commodities or contractual services in excess of the threshold
878 amount provided for CATEGORY TWO in s. 287.017, an agency must
879 apply a 5 percent price preference for bids and proposals from a
880 vendor whose principal place of business is in this state. For
881 competitive solicitations under s. 287.057(1)(c), an agency must
882 apply a 5 percent price preference for a vendor the principal
883 place of business of which is in this state if pricing is scored
884 during the evaluation phase. If pricing is not scored during the
885 evaluation phase, an agency must include such preference in the
886 stated goals of an invitation to negotiate to determine best
887 value.

888 (b) For competitive solicitations for contracts for
889 commodities or contractual services under this subsection, an
890 agency must give preference in the following order for any bid,
891 proposal, or reply submitted by a vendor the principal place of
892 business of which is in this state, provided the statements in
893 such bid, proposal, or reply are equal with respect to price,
894 quality, and service:

895 1. To the vendor that manufactures and assembles goods in
896 their entirety in this state. A vendor may not substitute end
897 products that would otherwise not qualify for such preference
898 after the award of the contract or during the contract term,
899 unless pricing or availability of supply is affected by extreme
900 and unforeseen volatility in the marketplace.

901 2. To the vendor that manufactures a larger percentage of
902 its goods in this state.

903 3. To the vendor that employs the greater number of
904 individuals who are domiciled in this state.

905 (3) (a) For competitive solicitations for contracts for
906 commodities or contractual services in excess of the threshold
907 amount for CATEGORY TWO in s. 287.017, an agency must apply a 5
908 percent price preference for bids and proposals from a vendor
909 the principal place of business of which is outside of this
910 state. For competitive solicitations pursuant to section s.
911 287.057(1) (c), an agency must apply a 5 percent price preference
912 for a reply from a vendor the principal place of business of
913 which is outside of this state if pricing is scored during the
914 evaluation phase. If pricing is not scored during the evaluation
915 phase, an agency must include such preference in the stated
916 goals of an invitation to negotiate to determine best value.

917 (b) For competitive solicitations for contracts for
918 commodities or contractual services under this subsection, an
919 agency must give preference in the following order for any bid,
920 proposal, or reply submitted by a vendor the principal place of
921 business of which is outside of this state, provided the
922 statements in such bid, proposal, or reply are equal with
923 respect to price, quality, and service:

924 1. To the vendor that manufactures and assembles goods in
925 their entirety in this state, and if such vendor does not exist,

926 to the vendor that manufactures and assembles goods outside this
927 state. A vendor may not substitute end products that would
928 otherwise not qualify for such preference after the award of the
929 contract or during the contract term, unless pricing or
930 availability of supply is affected by extreme and unforeseen
931 volatility in the marketplace.

932 2. To the vendor that manufactures a larger percentage of
933 its goods in this state, and if such vendor does not exist, to
934 the vendor that manufactures goods outside of this state.

935 3. To the vendor that employs a greater number of
936 individuals who are domiciled in this state, and if such vendor
937 does not exist, to the vendor that employs individuals who are
938 not domiciled in this state.

939 (c) Section 287.092 does not apply to any preference
940 applied for bids and proposals from a vendor the principal place
941 of business of which is outside of this state.

942 ~~(1)(a) When an agency, university, college, school~~
943 ~~district, or other political subdivision of the state is~~
944 ~~required to make purchases of personal property through~~
945 ~~competitive solicitation and the lowest responsible and~~
946 ~~responsive bid, proposal, or reply is by a vendor whose~~
947 ~~principal place of business is in a state or political~~
948 ~~subdivision thereof which grants a preference for the purchase~~
949 ~~of such personal property to a person whose principal place of~~
950 ~~business is in such state, then the agency, university, college,~~

951 ~~school district, or other political subdivision of this state~~
952 ~~shall award a preference to the lowest responsible and~~
953 ~~responsive vendor having a principal place of business within~~
954 ~~this state, which preference is equal to the preference granted~~
955 ~~by the state or political subdivision thereof in which the~~
956 ~~lowest responsible and responsive vendor has its principal place~~
957 ~~of business. In a competitive solicitation in which the lowest~~
958 ~~bid is submitted by a vendor whose principal place of business~~
959 ~~is located outside the state and that state does not grant a~~
960 ~~preference in competitive solicitation to vendors having a~~
961 ~~principal place of business in that state, the preference to the~~
962 ~~lowest responsible and responsive vendor having a principal~~
963 ~~place of business in this state shall be 5 percent.~~

964 ~~(2) A vendor whose principal place of business is outside~~
965 ~~this state must accompany any written bid, proposal, or reply~~
966 ~~documents with a written opinion of an attorney at law licensed~~
967 ~~to practice law in that foreign state, as to the preferences, if~~
968 ~~any or none, granted by the law of that state to its own~~
969 ~~business entities whose principal places of business are in that~~
970 ~~foreign state in the letting of any or all public contracts.~~

971 ~~(4)(3)(a)~~ A vendor the ~~whose~~ principal place of business
972 of which is in this state may not be precluded from being an
973 authorized reseller of information technology commodities of a
974 state contractor as long as the vendor demonstrates that it
975 employs an internationally recognized quality management system,

976 such as ISO 9001 or its equivalent, and provides a warranty on
977 the information technology commodities which is, at a minimum,
978 of equal scope and length as that of the contract.

979 ~~(5)(b)~~ This section ~~subsection~~ applies to any solicitation
980 or renewal of any state contract executed on or after January 1,
981 2026. However, this section does not apply to procurements when
982 the funding source prohibits such preference July 1, 2012.

983 **Section 16.** Sections 287.093, 287.0931, 287.094, 287.0943,
984 and 287.09431, Florida Statutes, are repealed.

985 **Section 17. Section 287.09451, Florida Statutes, is**
986 **amended to read:**

987 287.09451 Office of Supplier Development ~~Diversity~~;
988 powers, duties, and functions.—

989 (1) The Office of Supplier Development is established
990 within the Department of Management Services to assist Florida-
991 based enterprises in becoming suppliers of commodities,
992 services, and construction to state government.

993 ~~(1) The Legislature finds that there is evidence of a~~
994 ~~systematic pattern of past and continuing racial discrimination~~
995 ~~against minority business enterprises and a disparity in the~~
996 ~~availability and use of minority business enterprises in the~~
997 ~~state procurement system. It is determined to be a compelling~~
998 ~~state interest to rectify such discrimination and disparity.~~
999 ~~Based upon statistical data profiling this discrimination, the~~
1000 ~~Legislature has enacted race-conscious and gender-conscious~~

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1001 ~~remedial programs to ensure minority participation in the~~
1002 ~~economic life of the state, in state contracts for the purchase~~
1003 ~~of commodities and services, and in construction contracts. The~~
1004 ~~purpose and intent of this section is to increase participation~~
1005 ~~by minority business enterprises accomplished by encouraging the~~
1006 ~~use of minority business enterprises and the entry of new and~~
1007 ~~diversified minority business enterprises into the marketplace.~~

1008 ~~(2) The Office of Supplier Diversity is established within~~
1009 ~~the Department of Management Services to assist minority~~
1010 ~~business enterprises in becoming suppliers of commodities,~~
1011 ~~services, and construction to state government.~~

1012 ~~(2)(3)~~ The secretary shall appoint an executive director
1013 for the Office of Supplier Development Diversity, who shall
1014 serve at the pleasure of the secretary.

1015 ~~(3)(4)~~ The Office of Supplier Development Diversity shall
1016 have the following powers, duties, and functions:

1017 ~~(a) To adopt rules to determine what constitutes a "good~~
1018 ~~faith effort" for purposes of state agency compliance with the~~
1019 ~~minority business enterprise procurement goals set forth in s.~~
1020 ~~287.042. Factors which shall be considered by the Minority~~
1021 ~~Business Enterprise Assistance Office in determining good faith~~
1022 ~~effort shall include, but not be limited to:~~

1023 ~~1. Whether the agency scheduled presolicitation or prebid~~
1024 ~~meetings for the purpose of informing minority business~~
1025 ~~enterprises of contracting and subcontracting opportunities.~~

1026 ~~2. Whether the contractor advertised in general~~
1027 ~~circulation, trade association, or minority focus media~~
1028 ~~concerning the subcontracting opportunities.~~

1029 ~~3. Whether the agency effectively used services and~~
1030 ~~resources of available minority community organizations;~~
1031 ~~minority contractors' groups; local, state, and federal minority~~
1032 ~~business assistance offices; and other organizations that~~
1033 ~~provide assistance in the recruitment and placement of minority~~
1034 ~~business enterprises or minority persons.~~

1035 ~~4. Whether the agency provided written notice to a~~
1036 ~~reasonable number of minority business enterprises that their~~
1037 ~~interest in contracting with the agency was being solicited in~~
1038 ~~sufficient time to allow the minority business enterprises to~~
1039 ~~participate effectively.~~

1040 ~~(b) To adopt rules to determine what constitutes a "good~~
1041 ~~faith effort" for purposes of contractor compliance with~~
1042 ~~contractual requirements relating to the use of services or~~
1043 ~~commodities of a minority business enterprise under s.~~
1044 ~~287.094(2). Factors which shall be considered by the Office of~~
1045 ~~Supplier Diversity in determining whether a contractor has made~~
1046 ~~good faith efforts shall include, but not be limited to:~~

1047 ~~1. Whether the contractor attended any presolicitation or~~
1048 ~~prebid meetings that were scheduled by the agency to inform~~
1049 ~~minority business enterprises of contracting and subcontracting~~
1050 ~~opportunities.~~

1051 ~~2. Whether the contractor advertised in general~~
1052 ~~circulation, trade association, or minority focus media~~
1053 ~~concerning the subcontracting opportunities.~~

1054 ~~3. Whether the contractor provided written notice to a~~
1055 ~~reasonable number of specific minority business enterprises that~~
1056 ~~their interest in the contract was being solicited in sufficient~~
1057 ~~time to allow the minority business enterprises to participate~~
1058 ~~effectively.~~

1059 ~~4. Whether the contractor followed up initial~~
1060 ~~solicitations of interest by contacting minority business~~
1061 ~~enterprises or minority persons to determine with certainty~~
1062 ~~whether the minority business enterprises or minority persons~~
1063 ~~were interested.~~

1064 ~~5. Whether the contractor selected portions of the work to~~
1065 ~~be performed by minority business enterprises in order to~~
1066 ~~increase the likelihood of meeting the minority business~~
1067 ~~enterprise procurement goals, including, where appropriate,~~
1068 ~~breaking down contracts into economically feasible units to~~
1069 ~~facilitate minority business enterprise participation.~~

1070 ~~6. Whether the contractor provided interested minority~~
1071 ~~business enterprises or minority persons with adequate~~
1072 ~~information about the plans, specifications, and requirements of~~
1073 ~~the contract or the availability of jobs.~~

1074 ~~7. Whether the contractor negotiated in good faith with~~
1075 ~~interested minority business enterprises or minority persons,~~

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1076 ~~not rejecting minority business enterprises or minority persons~~
1077 ~~as unqualified without sound reasons based on a thorough~~
1078 ~~investigation of their capabilities.~~

1079 ~~8. Whether the contractor effectively used the services of~~
1080 ~~available minority community organizations; minority~~
1081 ~~contractors' groups; local, state, and federal minority business~~
1082 ~~assistance offices; and other organizations that provide~~
1083 ~~assistance in the recruitment and placement of minority business~~
1084 ~~enterprises or minority persons.~~

1085 ~~(c) To adopt rules and do all things necessary or~~
1086 ~~convenient to guide all state agencies toward making~~
1087 ~~expenditures for commodities, contractual services,~~
1088 ~~construction, and architectural and engineering services with~~
1089 ~~certified minority business enterprises in accordance with the~~
1090 ~~minority business enterprise procurement goals set forth in s.~~
1091 ~~287.042.~~

1092 ~~(d) To monitor the degree to which agencies procure~~
1093 ~~services, commodities, and construction from minority business~~
1094 ~~enterprises in conjunction with the Department of Financial~~
1095 ~~Services as specified in s. 17.11.~~

1096 ~~(a)-(e)~~ To receive and disseminate information:

1097 1. For the growth and success of small businesses in this
1098 state, which may include the planning, hosting, and support of
1099 events for Florida-based enterprises.

1100 2. Related to procurement opportunities for Florida-based

1101 enterprises and to provide technical assistance, as needed.

1102 (b) To create a process for electronic certification and
 1103 recertification for certified veteran business enterprises under
 1104 s. 295.187.

1105 (c) To advise and provide educational and other resources
 1106 to state agencies on methods and techniques for achieving
 1107 procurement objectives that increase the use of Florida-based
 1108 enterprises in state and local government procurement contracts.

1109 (4) The department shall promulgate rules and prescribe
 1110 and publish forms, as necessary, to effectuate the duties of
 1111 this office which are reasonably related to the provisions of
 1112 this section.

1113 (5) For purposes of this section, the term "Florida-based
 1114 enterprise" means a business enterprise that:

1115 (a) Is incorporated in this state as a Florida business
 1116 entity and is not a foreign business entity, unless
 1117 incorporation is used to do business on behalf of a parent
 1118 company or benefit an owner outside of this state.

1119 (b) Maintains a physical location in this state.

1120 (c) Has more than 50 percent of its workforce domiciled in
 1121 this state ~~relative to procurement opportunities, availability~~
 1122 ~~of minority business enterprises, and technical assistance.~~

1123 ~~(f) To advise agencies on methods and techniques for~~
 1124 ~~achieving procurement objectives.~~

1125 ~~(g) To provide a central minority business enterprise~~

1126 ~~certification process which includes independent verification of~~
1127 ~~status as a minority business enterprise.~~

1128 ~~(h) To develop procedures to investigate complaints~~
1129 ~~against minority business enterprises or contractors alleged to~~
1130 ~~violate any provision related to this section or s. 287.0943,~~
1131 ~~that may include visits to worksites or business premises, and~~
1132 ~~to refer all information on businesses suspected of~~
1133 ~~misrepresenting minority status to the Department of Management~~
1134 ~~Services for investigation. When an investigation is completed~~
1135 ~~and there is reason to believe that a violation has occurred,~~
1136 ~~the matter shall be referred to the office of the Attorney~~
1137 ~~General, Department of Legal Affairs, for prosecution.~~

1138 ~~(i) To maintain a directory of all minority business~~
1139 ~~enterprises which have been certified and provide this~~
1140 ~~information to any agency or business requesting it.~~

1141 ~~(j) To encourage all firms which do more than \$1 million~~
1142 ~~in business with the state within a 12-month period to develop,~~
1143 ~~implement, and submit to this office a minority business~~
1144 ~~development plan.~~

1145 ~~(k) To communicate on a monthly basis with the Small and~~
1146 ~~Minority Business Advisory Council to keep the council informed~~
1147 ~~on issues relating to minority enterprise procurement.~~

1148 ~~(l) To serve as an advocate for minority business~~
1149 ~~enterprises, and coordinate with the small and minority business~~
1150 ~~ombudsman, as defined in s. 288.703, which duties shall include:~~

1151 ~~1. Ensuring that agencies supported by state funding~~
1152 ~~effectively target the delivery of services and resources, as~~
1153 ~~related to minority business enterprises.~~

1154 ~~2. Establishing standards within each industry with which~~
1155 ~~the state government contracts on how agencies and contractors~~
1156 ~~may provide the maximum practicable opportunity for minority~~
1157 ~~business enterprises.~~

1158 ~~3. Assisting agencies and contractors by providing~~
1159 ~~outreach to minority businesses, by specifying and monitoring~~
1160 ~~technical and managerial competence for minority business~~
1161 ~~enterprises, and by consulting in planning of agency procurement~~
1162 ~~to determine how best to provide opportunities for minority~~
1163 ~~business enterprises.~~

1164 ~~4. Integrating technical and managerial assistance for~~
1165 ~~minority business enterprises with government contracting~~
1166 ~~opportunities.~~

1167 ~~(m) To certify minority business enterprises, as defined~~
1168 ~~in s. 288.703, and as specified in ss. 287.0943 and 287.09431,~~
1169 ~~and shall recertify such minority businesses at least once every~~
1170 ~~2 years. Minority business enterprises must be recertified at~~
1171 ~~least once every 2 years. Such certifications may include an~~
1172 ~~electronic signature.~~

1173 ~~(n)1. To develop procedures to be used by an agency in~~
1174 ~~identifying commodities, contractual services, architectural and~~
1175 ~~engineering services, and construction contracts, except those~~

1176 ~~architectural, engineering, construction, or other related~~
1177 ~~services or contracts subject to the provisions of chapter 339,~~
1178 ~~that could be provided by minority business enterprises. Each~~
1179 ~~agency is encouraged to spend 21 percent of the moneys actually~~
1180 ~~expended for construction contracts, 25 percent of the moneys~~
1181 ~~actually expended for architectural and engineering contracts,~~
1182 ~~24 percent of the moneys actually expended for commodities, and~~
1183 ~~50.5 percent of the moneys actually expended for contractual~~
1184 ~~services during the previous fiscal year, except for the state~~
1185 ~~university construction program which shall be based upon public~~
1186 ~~education capital outlay projections for the subsequent fiscal~~
1187 ~~year, and reported to the Legislature pursuant to s. 216.023,~~
1188 ~~for the purpose of entering into contracts with certified~~
1189 ~~minority business enterprises as defined in s. 288.703, or~~
1190 ~~approved joint ventures. However, in the event of budget~~
1191 ~~reductions pursuant to s. 216.221, the base amounts may be~~
1192 ~~adjusted to reflect such reductions. The overall spending goal~~
1193 ~~for each industry category shall be subdivided as follows:~~
1194 ~~a. For construction contracts: 4 percent for black~~
1195 ~~Americans, 6 percent for Hispanic Americans, and 11 percent for~~
1196 ~~American women.~~
1197 ~~b. For architectural and engineering contracts: 9 percent~~
1198 ~~for Hispanic Americans, 1 percent for Asian Americans, and 15~~
1199 ~~percent for American women.~~
1200 ~~c. For commodities: 2 percent for black Americans, 4~~

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1201 ~~percent for Hispanic Americans, 0.5 percent for Asian Americans,~~
1202 ~~0.5 percent for Native Americans, and 17 percent for American~~
1203 ~~women.~~

1204 ~~d. For contractual services: 6 percent for black~~
1205 ~~Americans, 7 percent for Hispanic Americans, 1 percent for~~
1206 ~~Asian Americans, 0.5 percent for Native Americans, and 36~~
1207 ~~percent for American women.~~

1208 ~~2. For the purposes of commodities contracts for the~~
1209 ~~purchase of equipment to be used in the construction and~~
1210 ~~maintenance of state transportation facilities involving the~~
1211 ~~Department of Transportation, the terms "minority business~~
1212 ~~enterprise" and "minority person" have the same meanings as~~
1213 ~~provided in s. 288.703. In order to ensure that the goals~~
1214 ~~established under this paragraph for contracting with certified~~
1215 ~~minority business enterprises are met, the department, with the~~
1216 ~~assistance of the Office of Supplier Diversity, shall make~~
1217 ~~recommendations to the Legislature on revisions to the goals,~~
1218 ~~based on an updated statistical analysis, at least once every 5~~
1219 ~~years. Such recommendations shall be based on statistical data~~
1220 ~~indicating the availability of and disparity in the use of~~
1221 ~~minority businesses contracting with the state.~~

1222 ~~3. In determining the base amounts for assessing~~
1223 ~~compliance with this paragraph, the Office of Supplier Diversity~~
1224 ~~may develop, by rule, guidelines for all agencies to use in~~
1225 ~~establishing such base amounts. These rules must include, but~~

1226 ~~are not limited to, guidelines for calculation of base amounts,~~
 1227 ~~a deadline for the agencies to submit base amounts, a deadline~~
 1228 ~~for approval of the base amounts by the Office of Supplier~~
 1229 ~~Diversity, and procedures for adjusting the base amounts as a~~
 1230 ~~result of budget reductions made pursuant to s. 216.221.~~

1231 ~~4. To determine guidelines for the use of price~~
 1232 ~~preferences, weighted preference formulas, or other preferences,~~
 1233 ~~as appropriate to the particular industry or trade, to increase~~
 1234 ~~the participation of minority businesses in state contracting.~~
 1235 ~~These guidelines shall include consideration of:~~

1236 ~~a. Size and complexity of the project.~~

1237 ~~b. The concentration of transactions with minority~~
 1238 ~~business enterprises for the commodity or contractual services~~
 1239 ~~in question in prior agency contracting.~~

1240 ~~c. The specificity and definition of work allocated to~~
 1241 ~~participating minority business enterprises.~~

1242 ~~d. The capacity of participating minority business~~
 1243 ~~enterprises to complete the tasks identified in the project.~~

1244 ~~e. The available pool of minority business enterprises as~~
 1245 ~~prime contractors, either alone or as partners in an approved~~
 1246 ~~joint venture that serves as the prime contractor.~~

1247 ~~5. To determine guidelines for use of joint ventures to~~
 1248 ~~meet minority business enterprises spending goals. For purposes~~
 1249 ~~of this section, "joint venture" means any association of two or~~
 1250 ~~more business concerns to carry out a single business enterprise~~

1251 ~~for profit, for which purpose they combine their property,~~
1252 ~~capital, efforts, skills, and knowledge. The guidelines shall~~
1253 ~~allow transactions with joint ventures to be eligible for credit~~
1254 ~~against the minority business enterprise goals of an agency when~~
1255 ~~the contracting joint venture demonstrates that at least one~~
1256 ~~partner to the joint venture is a certified minority business~~
1257 ~~enterprise as defined in s. 288.703, and that such partner is~~
1258 ~~responsible for a clearly defined portion of the work to be~~
1259 ~~performed, and shares in the ownership, control, management,~~
1260 ~~responsibilities, risks, and profits of the joint venture. Such~~
1261 ~~demonstration shall be by verifiable documents and sworn~~
1262 ~~statements and may be reviewed by the Office of Supplier~~
1263 ~~Diversity at or before the time a contract bid, proposal, or~~
1264 ~~reply is submitted. An agency may count toward its minority~~
1265 ~~business enterprise goals a portion of the total dollar amount~~
1266 ~~of a contract equal to the percentage of the ownership and~~
1267 ~~control held by the qualifying certified minority business~~
1268 ~~partners in the contracting joint venture, so long as the joint~~
1269 ~~venture meets the guidelines adopted by the office.~~

1270 ~~(e)1. To establish a system to record and measure the use~~
1271 ~~of certified minority business enterprises in state contracting.~~
1272 ~~This system shall maintain information and statistics on~~
1273 ~~certified minority business enterprise participation, awards,~~
1274 ~~dollar volume of expenditures and agency goals, and other~~
1275 ~~appropriate types of information to analyze progress in the~~

1276 ~~access of certified minority business enterprises to state~~
1277 ~~contracts and to monitor agency compliance with this section.~~
1278 ~~Such reporting must include, but is not limited to, the~~
1279 ~~identification of all subcontracts in state contracting by~~
1280 ~~dollar amount and by number of subcontracts and the~~
1281 ~~identification of the utilization of certified minority business~~
1282 ~~enterprises as prime contractors and subcontractors by dollar~~
1283 ~~amounts of contracts and subcontracts, number of contracts and~~
1284 ~~subcontracts, minority status, industry, and any conditions or~~
1285 ~~circumstances that significantly affected the performance of~~
1286 ~~subcontractors. Agencies shall report their compliance with the~~
1287 ~~requirements of this reporting system at least annually and at~~
1288 ~~the request of the office. All agencies shall cooperate with the~~
1289 ~~office in establishing this reporting system. Except in~~
1290 ~~construction contracting, all agencies shall review contracts~~
1291 ~~costing in excess of CATEGORY FOUR as defined in s. 287.017 to~~
1292 ~~determine if such contracts could be divided into smaller~~
1293 ~~contracts to be separately solicited and awarded, and shall,~~
1294 ~~when economical, offer such smaller contracts to encourage~~
1295 ~~minority participation.~~

1296 ~~2. To report agency compliance with the provisions of~~
1297 ~~subparagraph 1. for the preceding fiscal year to the Governor~~
1298 ~~and Cabinet, the President of the Senate, and the Speaker of the~~
1299 ~~House of Representatives on or before February 1 of each year.~~
1300 ~~The report must contain, at a minimum, the following:~~

- 1301 ~~a. Total expenditures of each agency by industry.~~
- 1302 ~~b. The dollar amount and percentage of contracts awarded~~
1303 ~~to certified minority business enterprises by each state agency.~~
- 1304 ~~e. The dollar amount and percentage of contracts awarded~~
1305 ~~indirectly to certified minority business enterprises as~~
1306 ~~subcontractors by each state agency.~~
- 1307 ~~d. The total dollar amount and percentage of contracts~~
1308 ~~awarded to certified minority business enterprises, whether~~
1309 ~~directly or indirectly, as subcontractors.~~
- 1310 ~~e. A statement and assessment of good faith efforts taken~~
1311 ~~by each state agency.~~
- 1312 ~~f. A status report of agency compliance with subsection~~
1313 ~~(6), as determined by the Minority Business Enterprise Office.~~
- 1314 ~~(5)(a) Each agency shall, at the time the specifications~~
1315 ~~or designs are developed or contract sizing is determined for~~
1316 ~~any proposed procurement costing in excess of CATEGORY FOUR, as~~
1317 ~~defined in s. 287.017, forward a notice to the Office of~~
1318 ~~Supplier Diversity of the proposed procurement and any~~
1319 ~~determination on the designs of specifications of the proposed~~
1320 ~~procurement that impose requirements on prospective vendors, no~~
1321 ~~later than 30 days prior to the issuance of a solicitation,~~
1322 ~~except that this provision shall not apply to emergency~~
1323 ~~acquisitions. The 30-day notice period shall not toll the time~~
1324 ~~for any other procedural requirements.~~
- 1325 ~~(b) If the Office of Supplier Diversity determines that~~

1326 ~~the proposed procurement will not likely allow opportunities for~~
1327 ~~minority business enterprises, the office may, within 20 days~~
1328 ~~after it receives the information specified in paragraph (a),~~
1329 ~~propose the implementation of minority business enterprise~~
1330 ~~utilization provisions or submit alternative procurement methods~~
1331 ~~that would significantly increase minority business enterprise~~
1332 ~~contracting opportunities.~~

1333 ~~(c) Whenever the agency and the Office of Supplier~~
1334 ~~Diversity disagree, the matter shall be submitted for~~
1335 ~~determination to the head of the agency or the senior-level~~
1336 ~~official designated pursuant to this section as liaison for~~
1337 ~~minority business enterprise issues.~~

1338 ~~(d) If the proposed procurement proceeds to competitive~~
1339 ~~solicitation, the office is hereby granted standing to protest,~~
1340 ~~pursuant to this section, in a timely manner, any contract award~~
1341 ~~during competitive solicitation for contractual services and~~
1342 ~~construction contracts that fail to include minority business~~
1343 ~~enterprise participation, if any responsible and responsive~~
1344 ~~vendor has demonstrated the ability to achieve any level of~~
1345 ~~participation, or, any contract award for commodities where, a~~
1346 ~~reasonable and economical opportunity to reserve a contract,~~
1347 ~~statewide or district level, for minority participation was not~~
1348 ~~executed or, an agency failed to adopt an applicable preference~~
1349 ~~for minority participation. The bond requirement shall be waived~~
1350 ~~for the office purposes of this subsection.~~

1351 ~~(e) An agency may presume that a vendor offering no~~
1352 ~~minority participation has not made a good faith effort when~~
1353 ~~other vendors offer minority participation of firms listed as~~
1354 ~~relevant to the agency's purchasing needs in the pertinent~~
1355 ~~locality or statewide to complete the project.~~

1356 ~~(f) Paragraph (a) will not apply when the Office of~~
1357 ~~Supplier Diversity determines that an agency has established a~~
1358 ~~work plan to allow advance consultation and planning with~~
1359 ~~minority business enterprises and where such plan clearly~~
1360 ~~demonstrates:~~

1361 ~~1. A high level of advance planning by the agency with~~
1362 ~~minority business enterprises.~~

1363 ~~2. A high level of accessibility, knowledge, and~~
1364 ~~experience by minority business enterprises in the agency's~~
1365 ~~contract decisionmaking process.~~

1366 ~~3. A high quality of agency monitoring and enforcement of~~
1367 ~~internal implementation of minority business utilization~~
1368 ~~provisions.~~

1369 ~~4. A high quality of agency monitoring and enforcement of~~
1370 ~~contractor utilization of minority business enterprises,~~
1371 ~~especially tracking subcontractor data, and ensuring the~~
1372 ~~integrity of subcontractor reporting.~~

1373 ~~5. A high quality of agency outreach, agency networking of~~
1374 ~~major vendors with minority vendors, and innovation in~~
1375 ~~techniques to improve utilization of minority business~~

1376 ~~enterprises.~~

1377 ~~6. Substantial commitment, sensitivity, and proactive~~
1378 ~~attitude by the agency head and among the agency minority~~
1379 ~~business staff.~~

1380 ~~(6) Each state agency shall coordinate its minority~~
1381 ~~business enterprise procurement activities with the Office of~~
1382 ~~Supplier Diversity. At a minimum, each agency shall:~~

1383 ~~(a) Adopt a minority business enterprise utilization plan~~
1384 ~~for review and approval by the Office of Supplier Diversity~~
1385 ~~which should require meaningful and useful methods to attain the~~
1386 ~~legislative intent in assisting minority business enterprises.~~

1387 ~~(b) Designate a senior-level employee in the agency as a~~
1388 ~~minority enterprise assistance officer, responsible for~~
1389 ~~overseeing the agency's minority business utilization~~
1390 ~~activities, and who is not also charged with purchasing~~
1391 ~~responsibility. A senior-level agency employee and agency~~
1392 ~~purchasing officials shall be accountable to the agency head for~~
1393 ~~the agency's minority business utilization performance. The~~
1394 ~~Office of Supplier Diversity shall advise each agency on~~
1395 ~~compliance performance.~~

1396 ~~(c) If an agency deviates significantly from its~~
1397 ~~utilization plan in 2 consecutive or 3 out of 5 total fiscal~~
1398 ~~years, the Office of Supplier Diversity may review any and all~~
1399 ~~solicitations and contract awards of the agency as deemed~~
1400 ~~necessary until such time as the agency meets its utilization~~

1401 ~~plan.~~

1402 **Section 18.** Sections 287.0947, 287.133, 287.134, 287.1346,
 1403 and 287.1351, Florida Statutes, are repealed.

1404 **Section 19. Section 287.1355, Florida Statutes, is created**
 1405 **to read:**

1406 287.1355 Prohibition against contracting with vendors or
 1407 affiliates on prohibited vendors list.-

1408 (1) As used in this section, the term:

1409 (a) "Affiliate" means:

1410 1. A predecessor or successor of a person or entity that
 1411 has been placed on a prohibited vendor list pursuant to this
 1412 section.

1413 2. An entity under the control of any natural person or
 1414 entity that is active in the management of the entity and that
 1415 has been placed on a prohibited vendor list pursuant to this
 1416 section. The term includes those officers, directors,
 1417 executives, partners, shareholders, employees, members, and
 1418 agents who are active in the management of an affiliate. The
 1419 ownership by one person or entity of shares constituting a
 1420 controlling interest in another person or entity, or a pooling
 1421 of equipment or income among persons or entities when not for
 1422 fair market value under an arm's length agreement, shall be a
 1423 prima facie case that one person or entity controls another
 1424 person or entity. The term also includes a person who knowingly
 1425 enters into a joint venture with another person who has

1426 committed a public entity crime during the preceding 36 months.

1427 (b) "Controlling interest" means possession of the power
1428 to direct or cause the direction of the management or policies
1429 of a company, whether through ownership of securities, by
1430 contract, or otherwise. A person or entity that directly or
1431 indirectly has the right to vote 25 percent or more of the
1432 voting interests of the company or is entitled to 25 percent or
1433 more of its profits is presumed to possess a controlling
1434 interest.

1435 (c) "Convicted" or "conviction" means a finding of guilt
1436 or a conviction of a public entity crime, with or without an
1437 adjudication of guilt, in any federal or state trial court of
1438 record relating to charges brought by indictment or information
1439 as a result of a jury verdict, nonjury trial, or entry of a plea
1440 of guilty or nolo contendere.

1441 (d) "Discrimination" means a determination of liability by
1442 a state circuit court or federal district court for a violation
1443 of any state or federal law prohibiting discrimination on the
1444 basis of race, gender, national origin, disability, or religion
1445 by an entity; if an appeal is made, the determination of
1446 liability does not occur until the completion of any appeals to
1447 a higher tribunal.

1448 (e) "Economic incentive" means a grant or loan program
1449 administered by, or for which an applicant for the program must
1450 seek certification, approval, or other action by, a governmental

1451 entity, agency, or department; a tax exemption, refund, or
1452 credit; and any other state incentive administered by the
1453 Department of Commerce.

1454 (f) "Forced labor" means work or service exacted from any
1455 person, including a minor, under the menace of a penalty for
1456 nonperformance and for which the worker does not offer himself
1457 or herself voluntarily or an activity that violates s. 787.06.

1458 (g) "Foreign country of concern" means the People's
1459 Republic of China, the Russian Federation, the Islamic Republic
1460 of Iran, the Democratic People's Republic of Korea, the Republic
1461 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
1462 Arab Republic, including any agency of or any other entity of
1463 significant control of such foreign country of concern.

1464 (h) "Public entity" means the State of Florida, any of its
1465 departments or agencies, or any political subdivision.

1466 (i) "Public entity crime" means a violation of any state
1467 or federal law by a person with respect to and directly related
1468 to the transaction of business with any public entity or with an
1469 agency or political subdivision of any other state or with the
1470 United States, including, but not limited to, any bid, proposal,
1471 reply, or contract for goods or services, any lease for real
1472 property, or any contract for the construction or repair of a
1473 public building or public work, involving antitrust, fraud,
1474 theft, bribery, collusion, racketeering, conspiracy, or material
1475 misrepresentation.

1476 (j) "Senior management" means chief executive officers;
 1477 assistant chief executive officers, including, but not limited
 1478 to, assistant presidents, vice presidents, or assistant
 1479 treasurers; chief financial officers; chief personnel officers;
 1480 or any employee of an entity performing similar functions.

1481 (k) "Vendor" means a person or an entity that provides
 1482 goods or services to a public entity under a contract or submits
 1483 a bid, proposal, or reply to provide goods or services to a
 1484 public entity.

1485 (2)(a) The department shall establish a prohibited vendors
 1486 list, which shall consist of vendors or affiliates that:

- 1487 1. Have been convicted of a public entity crime;
- 1488 2. Have engaged in discrimination;
- 1489 3. Are in default on any contract with a public entity or
 1490 have otherwise repeatedly demonstrated a recent inability to
 1491 fulfill the terms and conditions of previous public entity
 1492 contracts or to adequately perform their duties under those
 1493 contracts;
- 1494 4. Are scrutinized companies under s. 287.135; or
- 1495 5. Have used forced labor to support the production of
 1496 goods or services.

1497 (b) A vendor or affiliate that has been placed on the
 1498 prohibited vendors list pursuant to this section may not:

- 1499 1. Submit a bid, proposal, or reply on a contract to
 1500 provide goods or services to a public entity.

1501 2. Submit a bid, proposal, or reply on a contract with a
 1502 public entity for the construction or repair of a public
 1503 building or public work.

1504 3. Submit a bid, proposal, or reply on a lease of real
 1505 property to a public entity.

1506 4. Be awarded a contract or perform work as a contractor,
 1507 supplier, subcontractor, or consultant under a contract with a
 1508 public entity.

1509 5. Renew a contract with a public entity.

1510 6. Transact business with a public entity.

1511 (3) (a) A public entity may not accept a bid, proposal, or
 1512 reply from; award a new contract to; or transact new business
 1513 with a vendor or affiliate that has been placed on the
 1514 prohibited vendors list, unless the vendor or affiliate has been
 1515 removed from the list under subsection (8).

1516 (b) Before a vendor enters into or renews a contract with
 1517 a public entity for the provision of commodities, a member of
 1518 the vendor's senior management must certify, in writing, that,
 1519 to the best of his or her knowledge, the goods or services the
 1520 vendor is offering to the public entity have not been produced,
 1521 in whole or in part, by forced labor. This paragraph does not
 1522 apply to any purchase made by a public entity from term
 1523 contracts managed by the department.

1524 (c) At the time of entering into or renewing a contract
 1525 with a public entity, a vendor or affiliate shall disclose to

1526 the public entity whether the vendor or affiliate has ever been
1527 placed on the prohibited vendors list pursuant to this section.

1528 (4) Any invitation to bid, request for proposal, or
1529 invitation to negotiate, as defined by s. 287.012, and any
1530 written contract document prescribed by s. 287.058, that is
1531 entered into or renewed on or after January 1, 2026, by a public
1532 entity must contain a statement informing vendors and affiliates
1533 of the establishment of a prohibited vendors list pursuant to
1534 this section and allow for the termination of a contract at the
1535 option of the awarding public agency if a vendor or affiliate is
1536 placed on the list. However, placement on the prohibited vendor
1537 list does not affect any rights or obligations under any
1538 contract, franchise, or other binding agreement that predates
1539 such placement, unless the awarding public entity subsequently
1540 elects to terminate the contract based upon such placement.

1541 (5) (a) The department shall maintain by electronic means
1542 the prohibited vendors list. The list shall contain the names,
1543 addresses, e-mail addresses, and telephone numbers of the
1544 vendors and affiliates.

1545 (b) The list shall be posted on the department's website.
1546 The list shall be updated by the department within 5 days after
1547 the issuance of a final order pursuant to subsection (7).

1548 (6) (a) A vendor or affiliate shall send notice to the
1549 department within 30 days after qualifying, or anticipating
1550 qualifying, for placement on the prohibited vendors list. In

1551 addition, a public entity that becomes aware of information that
1552 would cause a vendor or affiliate to be placed on the prohibited
1553 vendors list shall send the information to the department, in
1554 writing, within 10 days after becoming aware of the information.
1555 The department shall, upon receipt of the information from the
1556 department, or upon receipt of reasonable and credible
1557 information from any public entity, conduct an investigation to
1558 determine whether good cause exists to place the vendor or
1559 affiliate on the list. If a public entity sends the information
1560 to the department, the public entity shall assist the department
1561 in conducting the investigation. If the department has reason to
1562 believe that a vendor or affiliate qualifies for placement on
1563 the prohibited vendors list, the department may issue a written
1564 demand on the vendor or affiliate to appear and be examined
1565 under oath, to answer interrogatories under oath, or to produce
1566 documents or other tangible evidence for inspection and copying.
1567 The department shall conduct any such investigation in
1568 accordance with the Florida Rules of Civil Procedure.

1569 (b) In determining whether good cause exists pursuant to
1570 paragraph (a), the department shall make a determination on the
1571 basis of factual evidence collected during its investigation.

1572 (7) (a) Upon concluding its investigation, if the
1573 department determines good cause exists to place a vendor or
1574 affiliate on the prohibited vendors list, the department shall
1575 send written notice to the vendor or affiliate, which notice

1576 shall contain:

1577 1. A statement of the department's intent to place the
1578 vendor or affiliate on the prohibited vendors list.

1579 2. A statement that the vendor or affiliate has a right to
1580 an administrative hearing.

1581 3. The procedural requirements as outlined in paragraph
1582 (b).

1583 4. The time requirements as outlined in paragraph (b).

1584

1585 A vendor or affiliate that does not receive notice pursuant to
1586 this paragraph may not be placed on the prohibited vendors list.

1587 (b) Within 21 days after a vendor's or an affiliate's
1588 receipt of notice pursuant to paragraph (a), the vendor or
1589 affiliate may file a petition for a formal hearing pursuant to
1590 ss. 120.569 and 120.57(1) to determine whether it is in the
1591 public interest for the vendor or affiliate to be placed on the
1592 prohibited vendors list. If the vendor or affiliate does not
1593 respond within 21 days to request a formal hearing, the vendor
1594 or affiliate is deemed to have waived its right to a formal
1595 hearing, and the department shall place the vendor or affiliate
1596 on the prohibited vendors list. A vendor or affiliate may not
1597 file a petition for a hearing under s. 120.57(2). The provisions
1598 of chapter 120 apply to any administrative hearing under this
1599 subsection, except to the extent such provisions conflict with
1600 the following:

1601 1. The petition shall be filed with the department. The
1602 department shall be a party to the administrative proceeding.

1603 2. Within 5 days after the filing of the petition, the
1604 department shall send notice the Division of Administrative
1605 Hearings of the request for a formal hearing. The director of
1606 the Division of Administrative Hearings shall, within 5 days
1607 after receipt of such notice, assign an administrative law judge
1608 to preside over the proceeding. The administrative law judge,
1609 upon request by a party, may consolidate any related
1610 proceedings.

1611 3. The administrative law judge shall conduct the formal
1612 hearing within 30 days after receiving such assignment, unless
1613 otherwise stipulated by the parties.

1614 4. Within 30 days after the formal hearing or receipt of
1615 the hearing transcript, whichever is later, the administrative
1616 law judge shall issue a final order, which order shall consist
1617 of findings of fact, conclusions of law, interpretation of
1618 agency rules, and any other information required by law or rule
1619 to be contained in the final order.

1620 5. The final order of the administrative law judge shall
1621 be final agency action for purposes of s. 120.68.

1622 6. At any time after the filing of the petition, informal
1623 disposition may be made pursuant to s. 120.57(4). In that event,
1624 the administrative law judge shall enter a final order adopting
1625 the stipulation, agreed settlement, or consent order.

1626 (c) In a formal hearing conducted under this subsection,
1627 the department must establish by clear and convincing evidence
1628 that it is in the public interest for the vendor or affiliate to
1629 be placed on the prohibited vendors list. There is a rebuttable
1630 presumption that it is in the public interest for a vendor or an
1631 affiliate to be placed on the prohibited vendors list if there
1632 is proof that the vendor or affiliate:

- 1633 1. Has engaged in discrimination; or
- 1634 2. Has provided goods or services produced, in whole or in
1635 part, by forced labor.

1636 (d) Upon establishment by the department that it is in the
1637 public interest for the vendor or affiliate to be placed on the
1638 prohibited vendors list, the vendor or affiliate may prove by a
1639 preponderance of the evidence that it is not in the public
1640 interest for the vendor or affiliate to be placed on the list
1641 based on the factors listed in paragraph (e).

1642 (e) In determining whether it is in the public interest to
1643 place a vendor or affiliate on the prohibited vendors list
1644 pursuant to this section, the administrative law judge shall
1645 consider the following factors, as applicable:

- 1646 1. For purposes of any public entity crime, whether the
1647 vendor or affiliate was convicted and any reinstatement or
1648 clemency in relation thereto.
- 1649 2. The nature and details of the incident.
- 1650 3. The degree of culpability of the vendor or affiliate.

1651 4. The prompt or voluntary payment of any damages or
1652 penalties by the vendor or affiliate.

1653 5. Cooperation with state or federal investigation or
1654 prosecution of any public entity crime; provided, however, that
1655 a good faith exercise of any constitutional, statutory, or other
1656 right during the investigation or prosecution of a public entity
1657 crime may not be considered a lack of cooperation.

1658 6. Prior or future self-policing by the vendor or
1659 affiliate to prevent recurrence.

1660 7. Whether the vendor or affiliate sent the required
1661 notice to the department pursuant to subsection (6).

1662 8. The needs of the public entity for additional
1663 competition in the procurement of goods and services in the
1664 respective markets.

1665 9. Mitigation efforts of the vendor or affiliate,
1666 including, but not limited to, a demonstration of good
1667 citizenship or the adoption of a formal plan or remedial action
1668 to cease any violations causing its placement on the prohibited
1669 vendors list.

1670 10. Any corrective action plan assigned to the vendor or
1671 affiliate and the subsequent response and performance of the
1672 vendor or affiliate.

1673 11. Cooperation with the public entity during a transition
1674 to a new contract as a result of the vendor's or affiliate's
1675 actions.

1676 12. Prompt payment by the vendor or affiliate of any
1677 contractual liabilities, including, but not limited to,
1678 liquidated damages and any other financial consequences.

1679 13. The effects of the vendor's or affiliate's violation
1680 on the health, safety, and welfare of the public.

1681 14. Prompt or voluntary payment by the vendor or affiliate
1682 of any reprocurement costs resulting from the violations or
1683 incidents causing the vendor or affiliate to be placed on the
1684 prohibited vendors list.

1685 15. Whether, in the case of discrimination, such action
1686 was committed by an employee, other than senior management, and
1687 whether the offending employee is still employed by the vendor
1688 or affiliate.

1689 16. Whether the public entity has made a public finding
1690 that, absent the provision of commodities by the vendor or
1691 affiliate, the public entity would be unable to obtain the
1692 commodities for which the contract is offered.

1693 (f) Upon a determination by the administrative law judge
1694 that it is in the public interest to place a vendor or an
1695 affiliate on the prohibited vendors list, a final order shall be
1696 issued accordingly. A vendor or affiliate placed on the
1697 prohibited vendors list may not engage in public contracting and
1698 purchasing pursuant to this chapter as of the date the
1699 administrative law judge issues its the final order.

1700 (8) (a) One year or more after the issuance of an order

1701 pursuant to subsection (7), a vendor or affiliate may file a
1702 petition with the department to be removed from the prohibited
1703 vendors list. A petition for removal may be filed by a vendor or
1704 affiliate at any time if the petition is based on a reversal of
1705 a conviction on appellate review or pardon. Any proceeding on
1706 the petition must be conducted in accordance with chapter 120.

1707 (b) A vendor or affiliate may be removed from the
1708 prohibited vendors list if an administrative law judge
1709 determines that removal is in the public interest. In
1710 determining whether removal is in the public interest, the
1711 administrative law judge may consider factors including, but not
1712 limited to, the relevant factors listed in paragraph (7)(e).

1713 (c) If an administrative law judge issues an order denying
1714 a petition for removal, a vendor or affiliate may not file a
1715 petition for any subsequent administrative hearing on removal
1716 for at least 9 months after the issuance of the order. However,
1717 the department may file a petition for removal before the
1718 expiration of such period if, in its discretion, the department
1719 has determined that removal from the prohibited vendors list is
1720 in the public interest.

1721 (9) A vendor or affiliate that is placed on the prohibited
1722 vendors list pursuant to this section is ineligible to receive
1723 any economic incentives administered by the Department of
1724 Commerce.

1725 (10) This section does not apply to:

- 1726 (a) Any activity regulated by the Public Service
1727 Commission;
- 1728 (b) The purchase of goods or services by any public entity
1729 from the Department of Corrections, from a nonprofit corporation
1730 organized under chapter 946, or from any qualified nonprofit
1731 agency for the blind or other severely handicapped persons under
1732 ss. 413.032-413.037; or
- 1733 (c) Any contract with a public entity to provide goods or
1734 services for emergency response efforts related to the
1735 declaration of a state of emergency issued by the Governor.
- 1736 (11) (a) A public entity may not knowingly enter into a
1737 contract with a vendor or affiliate which would provide access
1738 to an individual's personal identifying information if:
- 1739 1. The vendor or affiliate is owned by the government of a
1740 foreign country of concern;
- 1741 2. The government of a foreign country of concern has a
1742 controlling interest in the vendor or affiliate; or
- 1743 3. The vendor or affiliate is organized under the laws of
1744 or has its principal place of business in a foreign country of
1745 concern.
- 1746 (b) A public entity may not extend or renew a contract
1747 with a vendor or affiliate in paragraph (a) if the contract
1748 would provide access to an individual's personal identifying
1749 information.
- 1750 (12) (a) A public entity may not accept a bid on, a

1751 proposal for, or a reply to, or enter into, a contract with a
1752 vendor or affiliate which would provide access to an
1753 individual's personal identifying information unless the vendor
1754 or affiliate submits to the public entity an affidavit, signed
1755 by a member of senior management under penalty of perjury,
1756 attesting that the vendor or affiliate does not qualify for
1757 placement on the prohibited vendors list.

1758 (b) Beginning January 1, 2026, if a vendor or affiliate
1759 extends or renews a contract with a public entity which would
1760 provide the vendor or affiliate access to an individual's
1761 personal identifying information, the vendor or affiliate must
1762 submit to the public entity an affidavit, signed a member of
1763 senior management by under penalty of perjury, attesting that
1764 the vendor or affiliate does not qualify for placement on the
1765 prohibited vendors list.

1766 (13) The department shall adopt rules to implement this
1767 section.

1768 **Section 20.** Section 288.1167, Florida Statutes, is
1769 repealed.

1770 **Section 21.** The Division of Law Revision is directed to
1771 rename part IV of chapter 288, Florida Statutes, consisting of
1772 ss. 288.7015-288.714, entitled "Small and Minority Business," as
1773 "Small Business."

1774 **Section 22. Subsection (2) of section 288.7015, Florida**
1775 **Statutes, is amended to read:**

1776 288.7015 Appointment of rules ombudsman; duties.—The
 1777 Governor shall appoint a rules ombudsman, as defined in s.
 1778 288.703, in the Executive Office of the Governor, for
 1779 considering the impact of agency rules on the state's citizens
 1780 and businesses. The duties of the rules ombudsman are to:

1781 (2) Review state agency rules that adversely or
 1782 disproportionately impact businesses, particularly those
 1783 relating to small ~~and minority~~ businesses.

1784 **Section 23. Section 288.702, Florida Statutes, is amended**
 1785 **to read:**

1786 288.702 Short title.—This section and ss. 288.703–288.705
 1787 ~~ss. 288.703–288.706~~ may be cited as the "Florida Small and
 1788 ~~Minority~~ Business Assistance Act."

1789 **Section 24. Section 288.703, Florida Statutes, is amended**
 1790 **to read:**

1791 288.703 Definitions.—As used in ss. 288.702–288.705 ~~ss.~~
 1792 ~~288.702–288.706~~, the term:

1793 ~~(1) "Certified minority business enterprise" means a~~
 1794 ~~business which has been certified by the certifying organization~~
 1795 ~~or jurisdiction in accordance with s. 287.0943(1) and (2).~~

1796 (1)(2) "Financial institution" means any bank, trust
 1797 company, insurance company, savings and loan association, credit
 1798 union, federal lending agency, or foundation.

1799 ~~(3) "Minority business enterprise" means any small~~
 1800 ~~business concern as defined in subsection (6) which is organized~~

1801 ~~to engage in commercial transactions, which is domiciled in~~
1802 ~~Florida, and which is at least 51-percent owned by minority~~
1803 ~~persons who are members of an insular group that is of a~~
1804 ~~particular racial, ethnic, or gender makeup or national origin,~~
1805 ~~which has been subjected historically to disparate treatment due~~
1806 ~~to identification in and with that group resulting in an~~
1807 ~~underrepresentation of commercial enterprises under the group's~~
1808 ~~control, and whose management and daily operations are~~
1809 ~~controlled by such persons. A minority business enterprise may~~
1810 ~~primarily involve the practice of a profession. Ownership by a~~
1811 ~~minority person does not include ownership which is the result~~
1812 ~~of a transfer from a nonminority person to a minority person~~
1813 ~~within a related immediate family group if the combined total~~
1814 ~~net asset value of all members of such family group exceeds \$1~~
1815 ~~million. For purposes of this subsection, the term "related~~
1816 ~~immediate family group" means one or more children under 16~~
1817 ~~years of age and a parent of such children or the spouse of such~~
1818 ~~parent residing in the same house or living unit.~~

1819 ~~(4) "Minority person" means a lawful, permanent resident~~
1820 ~~of Florida who is:~~

1821 ~~(a) An African American, a person having origins in any of~~
1822 ~~the black racial groups of the African Diaspora, regardless of~~
1823 ~~cultural origin.~~

1824 ~~(b) A Hispanic American, a person of Spanish or Portuguese~~
1825 ~~culture with origins in Spain, Portugal, Mexico, South America,~~

1826 ~~Central America, or the Caribbean, regardless of race.~~

1827 ~~(c) An Asian American, a person having origins in any of~~
1828 ~~the original peoples of the Far East, Southeast Asia, the Indian~~
1829 ~~Subcontinent, or the Pacific Islands, including the Hawaiian~~
1830 ~~Islands before 1778.~~

1831 ~~(d) A Native American, a person who has origins in any of~~
1832 ~~the Indian Tribes of North America before 1835, upon~~
1833 ~~presentation of proper documentation thereof as established by~~
1834 ~~rule of the Department of Management Services.~~

1835 ~~(e) An American woman.~~

1836 (2)~~(5)~~ "Ombudsman" means an office or individual whose
1837 responsibilities include coordinating with the Office of
1838 Supplier Development Diversity for the interests of and
1839 providing assistance to small ~~and minority~~ business enterprises
1840 in dealing with governmental agencies and in developing
1841 proposals for changes in state agency rules.

1842 (3)~~(6)~~ "Small business" means an independently owned and
1843 operated business concern that employs 200 or fewer permanent
1844 full-time employees and that, together with its affiliates, has
1845 a net worth of not more than \$5 million or any firm based in
1846 this state which has a Small Business Administration 8(a)
1847 certification. As applicable to sole proprietorships, the \$5
1848 million net worth requirement shall include both personal and
1849 business investments.

1850 **Section 25. Section 288.7031, Florida Statutes, is amended**

1851 **to read:**

1852 288.7031 Application of a certain definition ~~definitions.~~-
 1853 The definition ~~definitions~~ of "small business", "~~minority~~
 1854 ~~business enterprise,~~" and "~~certified minority business~~
 1855 ~~enterprise~~" provided in s. 288.703 applies ~~apply~~ to the state
 1856 and all political subdivisions of the state.

1857 **Section 26. Section 288.705, Florida Statutes, is amended**
 1858 **to read:**

1859 288.705 Statewide contracts register.—All state agencies
 1860 shall in a timely manner provide the Florida Small Business
 1861 Development Center Procurement System with all formal
 1862 solicitations for contractual services, supplies, and
 1863 commodities. The Small Business Development Center shall
 1864 ~~coordinate with Minority Business Development Centers to~~ compile
 1865 and distribute this information to small ~~and minority~~ businesses
 1866 requesting such service for the period of time necessary to
 1867 familiarize the business with the market represented by state
 1868 agencies. On or before February 1 of each year, the Small
 1869 Business Development Center shall report to the department on
 1870 the use of the statewide contracts register. The report shall
 1871 include, but not be limited to, information relating to:

1872 (1) The total number of solicitations received from state
 1873 agencies during the calendar year.

1874 (2) The number of solicitations received from each state
 1875 agency during the calendar year.

1876 (3) The method of distributing solicitation information to
 1877 businesses requesting such service.

1878 (4) The total number of businesses using the service.

1879 ~~(5) The percentage of businesses using the service which~~
 1880 ~~are owned and controlled by minorities.~~

1881 (5)~~(6)~~ The percentage of service-disabled veteran business
 1882 enterprises using the service.

1883 **Section 27.** Sections 288.706, 288.7094, 288.7102,
 1884 288.71025, 288.7103, and 288.714, Florida Statutes, are
 1885 repealed.

1886 **Section 28. Subsection (8) of section 295.187, Florida**
 1887 **Statutes, is renumbered as subsection (9), paragraph (b) of**
 1888 **subsection (4) is amended, and a new subsection (8) is added to**
 1889 **that section, to read:**

1890 295.187 Florida Veteran Business Enterprise Opportunity
 1891 Act.—

1892 (4) VENDOR PREFERENCE.—

1893 (b) ~~Notwithstanding s. 287.057(12),~~ If a veteran business
 1894 enterprise entitled to the vendor preference under this section
 1895 and one or more businesses entitled to this preference or
 1896 another vendor preference provided by law submit bids,
 1897 proposals, or replies for procurement of commodities or
 1898 contractual services which are equal with respect to all
 1899 relevant considerations, including price, quality, and service,
 1900 the state agency shall award the procurement or contract to the

1901 business having the smallest net worth.

1902 (8) DUTIES OF THE OFFICE OF SUPPLIER DEVELOPMENT.—The
 1903 Office of Supplier Development shall:

1904 (a) With assistance from the Department of Veterans'
 1905 Affairs and the Department of Management Services, establish an
 1906 electronic certification and recertification procedure, which
 1907 shall be reviewed biennially and updated as necessary.
 1908 Certification shall last for 2 years, which shall be recertified
 1909 once every 2 years thereafter.

1910 (b) Encourage and assist eligible veteran business
 1911 enterprises to apply for electronic certification under this
 1912 section and post on the department's website the benefits of
 1913 electronic certification.

1914 **Section 29.** Sections 373.607, 473.3065, 641.217, and
 1915 760.80, Florida Statutes, are repealed.

1916 **Section 30. Paragraph (k) of subsection (1) of section**
 1917 **16.615, Florida Statutes, is amended to read:**

1918 16.615 Council on the Social Status of Black Men and
 1919 Boys.—

1920 (1) The Council on the Social Status of Black Men and Boys
 1921 is established within the Department of Legal Affairs and shall
 1922 consist of 19 members appointed as follows:

1923 ~~(k) A businessperson who is an African American, as~~
 1924 ~~defined in s. 760.80(2)(a), appointed by the Governor.~~

1925 **Section 31. Subsection (2) of section 17.11, Florida**

1926 **Statutes, is amended to read:**

1927 17.11 To report disbursements made.—

1928 (2) The Chief Financial Officer shall also cause to have
 1929 reported from the Florida Accounting Information Resource
 1930 Subsystem no less than quarterly the disbursements which
 1931 agencies made to small businesses, as defined in the Florida
 1932 Small ~~and Minority~~ Business Assistance Act; ~~to certified~~
 1933 ~~minority business enterprises in the aggregate; and to certified~~
 1934 ~~minority business enterprises broken down into categories of~~
 1935 ~~minority persons, as well as gender and nationality subgroups.~~

1936 This information shall be made available to the agencies, the
 1937 Office of Supplier Development Diversity, the Governor, the
 1938 President of the Senate, and the Speaker of the House of
 1939 Representatives. Each agency shall be responsible for the
 1940 accuracy of information entered into the Florida Accounting
 1941 Information Resource Subsystem for use in this reporting.

1942 **Section 32. Paragraphs (e) and (k) of subsection (4),**
 1943 **paragraph (a) of subsection (5), and paragraph (c) of subsection**
 1944 **(10) of section 20.60, Florida Statutes, are amended to read:**

1945 20.60 Department of Commerce; creation; powers and
 1946 duties.—

1947 (4) The purpose of the department is to assist the
 1948 Governor in working with the Legislature, state agencies,
 1949 business leaders, and economic development professionals to
 1950 formulate and implement coherent and consistent policies and

1951 strategies designed to promote economic opportunities for all
 1952 Floridians. The department is the state's chief agency for
 1953 business recruitment and expansion and economic development. To
 1954 accomplish such purposes, the department shall:

1955 (e) Manage the activities of public-private partnerships
 1956 and state agencies in order to avoid duplication and promote
 1957 coordinated and consistent implementation of programs in areas
 1958 including, but not limited to, tourism; international trade and
 1959 investment; business recruitment, creation, retention, and
 1960 expansion; ~~minority~~ and small business development; defense,
 1961 space, and aerospace development; rural community development;
 1962 and the development and promotion of professional and amateur
 1963 sporting events.

1964 (k) Assist, promote, and enhance economic opportunities
 1965 for this state's small ~~minority-owned~~ businesses and rural and
 1966 urban communities.

1967 (5) The divisions within the department have specific
 1968 responsibilities to achieve the duties, responsibilities, and
 1969 goals of the department. Specifically:

1970 (a) The Division of Economic Development shall:

1971 1. Analyze and evaluate business prospects identified by
 1972 the Governor and the secretary.

1973 2. Administer certain tax refund, tax credit, and grant
 1974 programs created in law. Notwithstanding any other provision of
 1975 law, the department may expend interest earned from the

1976 investment of program funds deposited in the Grants and
 1977 Donations Trust Fund to contract for the administration of those
 1978 programs, or portions of the programs, assigned to the
 1979 department by law, by the appropriations process, or by the
 1980 Governor. Such expenditures shall be subject to review under
 1981 chapter 216.

1982 3. Develop measurement protocols for the state incentive
 1983 programs and for the contracted entities which will be used to
 1984 determine their performance and competitive value to the state.
 1985 Performance measures, benchmarks, and sanctions must be
 1986 developed in consultation with the legislative appropriations
 1987 committees and the appropriate substantive committees, and are
 1988 subject to the review and approval process provided in s.
 1989 216.177. The approved performance measures, standards, and
 1990 sanctions shall be included and made a part of the strategic
 1991 plan for contracts entered into for delivery of programs
 1992 authorized by this section.

1993 4. Develop a 5-year statewide strategic plan. The
 1994 strategic plan must include, but need not be limited to:
 1995 a. Strategies for the promotion of business formation,
 1996 expansion, recruitment, and retention through aggressive
 1997 marketing, attraction of venture capital and finance
 1998 development, domestic trade, international development, and
 1999 export assistance, which lead to more and better jobs and higher
 2000 wages for all geographic regions, disadvantaged communities, and

2001 | populations of the state, including rural areas, small ~~minority~~
 2002 | businesses, and urban core areas.

2003 | b. The development of realistic policies and programs to
 2004 | further the economic diversity of the state, its regions, and
 2005 | their associated industrial clusters.

2006 | c. Specific provisions for the stimulation of economic
 2007 | development and job creation in rural areas and midsize cities
 2008 | and counties of the state, including strategies for rural
 2009 | marketing and the development of infrastructure in rural areas.

2010 | d. Provisions for the promotion of the successful long-
 2011 | term economic development of the state with increased emphasis
 2012 | in market research and information.

2013 | e. Plans for the generation of foreign investment in the
 2014 | state which create jobs paying above-average wages and which
 2015 | result in reverse investment in the state, including programs
 2016 | that establish viable overseas markets, assist in meeting the
 2017 | financing requirements of export-ready firms, broaden
 2018 | opportunities for international joint venture relationships, use
 2019 | the resources of academic and other institutions, coordinate
 2020 | trade assistance and facilitation services, and facilitate
 2021 | availability of and access to education and training programs
 2022 | that assure requisite skills and competencies necessary to
 2023 | compete successfully in the global marketplace.

2024 | f. The identification of business sectors that are of
 2025 | current or future importance to the state's economy and to the

2026 state's global business image, and development of specific
 2027 strategies to promote the development of such sectors.

2028 g. Strategies for talent development necessary in the
 2029 state to encourage economic development growth, taking into
 2030 account factors such as the state's talent supply chain,
 2031 education and training opportunities, and available workforce.

2032 h. Strategies and plans to support this state's defense,
 2033 space, and aerospace industries and the emerging complementary
 2034 business activities and industries that support the development
 2035 and growth of defense, space, and aerospace in this state.

2036 5. Update the strategic plan every 5 years.

2037 6. Involve CareerSource Florida, Inc.; direct-support
 2038 organizations of the department; local governments; the general
 2039 public; local and regional economic development organizations;
 2040 other local, state, and federal economic, international, and
 2041 workforce development entities; the business community; and
 2042 educational institutions to assist with the strategic plan.

2043 7. Coordinate with the Florida Tourism Industry Marketing
 2044 Corporation in the development of the 4-year marketing plan
 2045 pursuant to s. 288.1226(13).

2046 8. Administer and manage relationships, as appropriate,
 2047 with the entities and programs created pursuant to the Florida
 2048 Capital Formation Act, ss. 288.9621-288.96255.

2049 (10) The department shall, by November 1 of each year,
 2050 submit an annual report to the Governor, the President of the

2051 Senate, and the Speaker of the House of Representatives on the
 2052 condition of the business climate and economic development in
 2053 the state.

2054 (c) The report must incorporate annual reports of other
 2055 programs, including:

2056 ~~1. A detailed report of the performance of the Black~~
 2057 ~~Business Loan Program and a cumulative summary of quarterly~~
 2058 ~~report data required under s. 288.714.~~

2059 1.2. The Rural Economic Development Initiative established
 2060 under s. 288.0656.

2061 2.3. A detailed report of the performance of the Florida
 2062 Development Finance Corporation and a summary of the
 2063 corporation's report required under s. 288.9610.

2064 3.4. Information provided by Space Florida under s.
 2065 331.3051 and an analysis of the activities and accomplishments
 2066 of Space Florida.

2067 **Section 33. Subsection (1) of section 43.16, Florida**
 2068 **Statutes, is amended to read:**

2069 43.16 Justice Administrative Commission; membership,
 2070 powers and duties.—

2071 (1) There is hereby created a Justice Administrative
 2072 Commission, with headquarters located in the state capital. The
 2073 necessary office space for use of the commission shall be
 2074 furnished by the proper state agency in charge of state
 2075 buildings. For purposes of the fees imposed on agencies pursuant

2076 to s. 287.057(21) ~~s. 287.057(24)~~, the Justice Administrative
 2077 Commission shall be exempt from such fees.

2078 **Section 34. Subsection (1) of section 110.105, Florida**
 2079 **Statutes, is amended to read:**

2080 110.105 Employment policy of the state.—

2081 (1) It is the purpose of this chapter to establish a
 2082 system of personnel management. This system shall provide means
 2083 to recruit, select, train, develop, and maintain an effective
 2084 and responsible workforce and shall include policies and
 2085 procedures for employee hiring and advancement, training and
 2086 career development, position classification, salary
 2087 administration, benefits, discipline, discharge, employee
 2088 performance evaluations, ~~affirmative action~~, and other related
 2089 activities.

2090 **Section 35. Paragraph (a) of subsection (2) of section**
 2091 **110.116, Florida Statutes, is amended to read:**

2092 110.116 Personnel information system; payroll procedures.—

2093 (2) In recognition of the critical nature of the statewide
 2094 personnel and payroll system commonly known as People First, the
 2095 Legislature finds that it is in the best interest of the state
 2096 to continue partnering with the current People First third-party
 2097 operator. The People First System annually processes 500,000
 2098 employment applications, 455,000 personnel actions, and the
 2099 state's \$9.5-billion payroll. The Legislature finds that the
 2100 continuity of operations of the People First System and the

2101 critical functions it provides such as payroll, employee health
 2102 insurance benefit records, and other critical services must not
 2103 be interrupted. Presently, the Chief Financial Officer is
 2104 undertaking the development of a new statewide accounting and
 2105 financial management system, commonly known as the Planning,
 2106 Accounting, and Ledger Management (PALM) system, scheduled to be
 2107 operational in the year 2026. The procurement and implementation
 2108 of an entire replacement of the People First System will impede
 2109 the timeframe needed to successfully integrate the state's
 2110 payroll system with the PALM system. In order to maintain
 2111 continuity of operations and to ensure the successful completion
 2112 of the PALM system, the Legislature directs that:

2113 (a) The department, pursuant to s. 287.057(9) ~~s.~~
 2114 ~~287.057(11)~~, shall enter into a 3-year contract extension with
 2115 the entity operating the People First System on January 1, 2024.
 2116 The contract extension must:

2117 1. Provide for the integration of the current People First
 2118 System with PALM.

2119 2. Exclude major functionality updates or changes to the
 2120 People First System prior to completion of the PALM system. This
 2121 does not include:

2122 a. Routine system maintenance such as code updates
 2123 following open enrollment; or

2124 b. The technical remediation necessary to integrate the
 2125 system with PALM within the PALM project's planned

2126 implementation schedule.

2127 3. Include project planning and analysis deliverables
2128 necessary to:

2129 a. Detail and document the state's functional
2130 requirements.

2131 b. Estimate the cost of transitioning the current People
2132 First System to a cloud computing infrastructure within the
2133 contract extension and after the successful integration with
2134 PALM. The project cost evaluation shall estimate the annual cost
2135 and capacity growth required to host the system in a cloud
2136 environment.

2137

2138 The department shall develop these system specifications in
2139 conjunction with the Department of Financial Services and the
2140 Auditor General.

2141 4. Include technical support for state agencies that may
2142 need assistance in remediating or integrating current financial
2143 shadow systems with People First in order to integrate with PALM
2144 or the cloud version of People First.

2145 5. Include organizational change management and training
2146 deliverables needed to support the implementation of PALM
2147 payroll functionality and the People First System cloud upgrade.
2148 Responsibilities of the operator and the department shall be
2149 outlined in a project role and responsibility assignment chart
2150 within the contract.

2151 6. Include an option to renew the contract for one
 2152 additional year.

2153 **Section 36. Subsection (4) of section 110.211, Florida**
 2154 **Statutes, is amended to read:**

2155 110.211 Recruitment.—

2156 (4) All recruitment literature involving state position
 2157 vacancies shall contain the phrase "An Equal Opportunity
 2158 Employer/~~Affirmative Action Employer.~~"

2159 **Section 37. Paragraph (h) of subsection (1) of section**
 2160 **110.403, Florida Statutes, is amended to read:**

2161 110.403 Powers and duties of the department.—

2162 (1) In order to implement the purposes of this part, the
 2163 Department of Management Services, after approval by the
 2164 Administration Commission, shall adopt and amend rules providing
 2165 for:

2166 ~~(h) A program of affirmative and positive action that will~~
 2167 ~~ensure full utilization of women and minorities in Senior~~
 2168 ~~Management Service positions.~~

2169 **Section 38. Paragraph (b) of subsection (21) of section**
 2170 **187.201, Florida Statutes, is amended to read:**

2171 187.201 State Comprehensive Plan adopted.—The Legislature
 2172 hereby adopts as the State Comprehensive Plan the following
 2173 specific goals and policies:

2174 (21) THE ECONOMY.—

2175 (b) Policies.—

2176 1. Attract new job-producing industries, corporate
 2177 headquarters, distribution and service centers, regional
 2178 offices, and research and development facilities to provide
 2179 quality employment for the residents of Florida.

2180 2. Promote entrepreneurship and small ~~and minority-owned~~
 2181 business startups ~~startup~~ by providing technical and information
 2182 resources, facilitating capital formation, and removing
 2183 regulatory restraints which are unnecessary for the protection
 2184 of consumers and society.

2185 3. Maintain, as one of the state's primary economic
 2186 assets, the environment, including clean air and water, beaches,
 2187 forests, historic landmarks, and agricultural and natural
 2188 resources.

2189 4. Strengthen Florida's position in the world economy
 2190 through attracting foreign investment and promoting
 2191 international banking and trade.

2192 5. Build on the state's attractiveness to make it a leader
 2193 in the visual and performing arts and in all phases of film,
 2194 television, and recording production.

2195 6. Promote economic development for Florida residents
 2196 through partnerships among education, business, industry,
 2197 agriculture, and the arts.

2198 7. Provide increased opportunities for training Florida's
 2199 workforce to provide skilled employees for new and expanding
 2200 business.

2201 8. Promote economic self-sufficiency through training and
2202 educational programs which result in productive employment.

2203 9. Promote cooperative employment arrangements between
2204 private employers and public sector employment efforts to
2205 provide productive, permanent employment opportunities for
2206 public assistance recipients through provisions of education
2207 opportunities, tax incentives, and employment training.

2208 10. Provide for nondiscriminatory employment
2209 opportunities.

2210 11. Provide quality child day care for public assistance
2211 families and others who need it in order to work.

2212 12. Encourage the development of a business climate that
2213 provides opportunities for the growth and expansion of existing
2214 state industries, particularly those industries which are
2215 compatible with Florida's environment.

2216 13. Promote coordination among Florida's ports to increase
2217 their utilization.

2218 14. Encourage the full utilization by businesses of the
2219 economic development enhancement programs implemented by the
2220 Legislature for the purpose of extensively involving private
2221 businesses in the development and expansion of permanent job
2222 opportunities, especially for the economically disadvantaged,
2223 through the utilization of enterprise zones, community
2224 development corporations, and other programs designed to enhance
2225 economic and employment opportunities.

2226 **Section 39. Paragraph (g) of subsection (3) of section**
 2227 **212.096, Florida Statutes, is amended to read:**

2228 212.096 Sales, rental, storage, use tax; enterprise zone
 2229 jobs credit against sales tax.—

2230 (3) In order to claim this credit, an eligible business
 2231 must file under oath with the governing body or enterprise zone
 2232 development agency having jurisdiction over the enterprise zone
 2233 where the business is located, as applicable, a statement which
 2234 includes:

2235 (g) Whether the business is a small business as defined by
 2236 s. 288.703 ~~s. 288.703(6)~~.

2237 **Section 40. Paragraph (a) of subsection (2) of section**
 2238 **215.971, Florida Statutes, is amended to read:**

2239 215.971 Agreements funded with federal or state
 2240 assistance.—

2241 (2) For each agreement funded with federal or state
 2242 financial assistance, the state agency shall designate an
 2243 employee to function as a grant manager who shall be responsible
 2244 for enforcing performance of the agreement's terms and
 2245 conditions and who shall serve as a liaison with the recipient
 2246 or subrecipient.

2247 (a)1. Each grant manager who is responsible for agreements
 2248 in excess of the threshold amount for CATEGORY TWO under s.
 2249 287.017 must, at a minimum, complete training conducted by the
 2250 Chief Financial Officer for accountability in contracts and

2251 grant management.

2252 2. Effective December 1, 2014, each grant manager
 2253 responsible for agreements in excess of \$100,000 annually must
 2254 complete the training and become a certified contract manager as
 2255 provided under s. 287.057(12) ~~s. 287.057(15)~~. All grant managers
 2256 must become certified contract managers within 24 months after
 2257 establishment of the training and certification requirements by
 2258 the Department of Management Services and the Department of
 2259 Financial Services.

2260 **Section 41. Paragraph (c) of subsection (2) of section**
 2261 **255.0992, Florida Statutes, is amended to read:**

2262 255.0992 Public works projects; prohibited governmental
 2263 actions.—

2264 (2) Except as required by federal or state law, the state
 2265 or any political subdivision that contracts for a public works
 2266 project may not take the following actions:

2267 (c) Prohibit any contractor, subcontractor, or material
 2268 supplier or carrier able to perform such work that is qualified,
 2269 licensed, or certified as required by state or local law to
 2270 perform such work from receiving information about public works
 2271 opportunities or from submitting a bid on the public works
 2272 project. ~~This paragraph does not apply to vendors listed under~~
 2273 ~~ss. 287.133 and 287.134.~~

2274 **Section 42. Paragraph (c) of subsection (1) of section**
 2275 **255.20, Florida Statutes, is amended to read:**

2276 255.20 Local bids and contracts for public construction
 2277 works; specification of state-produced lumber.—
 2278 (1) A county, municipality, special district as defined in
 2279 chapter 189, or other political subdivision of the state seeking
 2280 to construct or improve a public building, structure, or other
 2281 public construction works must competitively award to an
 2282 appropriately licensed contractor each project that is estimated
 2283 to cost more than \$300,000. For electrical work, the local
 2284 government must competitively award to an appropriately licensed
 2285 contractor each project that is estimated to cost more than
 2286 \$75,000. As used in this section, the term "competitively award"
 2287 means to award contracts based on the submission of sealed bids,
 2288 proposals submitted in response to a request for proposal,
 2289 proposals submitted in response to a request for qualifications,
 2290 or proposals submitted for competitive negotiation. This
 2291 subsection expressly allows contracts for construction
 2292 management services, design/build contracts, continuation
 2293 contracts based on unit prices, and any other contract
 2294 arrangement with a private sector contractor permitted by any
 2295 applicable municipal or county ordinance, by district
 2296 resolution, or by state law. For purposes of this section, cost
 2297 includes employee compensation and benefits, except inmate
 2298 labor, the cost of equipment and maintenance, insurance costs,
 2299 and the cost of direct materials to be used in the construction
 2300 of the project, including materials purchased by the local

2301 government, and other direct costs, plus a factor of 20 percent
 2302 for management, overhead, and other indirect costs. Subject to
 2303 the provisions of subsection (3), the county, municipality,
 2304 special district, or other political subdivision may establish,
 2305 by municipal or county ordinance or special district resolution,
 2306 procedures for conducting the bidding process.

2307 (c) The provisions of this subsection do not apply:

2308 1. If the project is undertaken to replace, reconstruct,
 2309 or repair an existing public building, structure, or other
 2310 public construction works damaged or destroyed by a sudden
 2311 unexpected turn of events such as an act of God, riot, fire,
 2312 flood, accident, or other urgent circumstances, and such damage
 2313 or destruction creates:

2314 a. An immediate danger to the public health or safety;

2315 b. Other loss to public or private property which requires
 2316 emergency government action; or

2317 c. An interruption of an essential governmental service.

2318 2. If, after notice by publication in accordance with the
 2319 applicable ordinance or resolution, the governmental entity does
 2320 not receive any responsive bids or proposals.

2321 3. To construction, remodeling, repair, or improvement to
 2322 a public electric or gas utility system if such work on the
 2323 public utility system is performed by personnel of the system.

2324 4. To construction, remodeling, repair, or improvement by
 2325 a utility commission whose major contracts are to construct and

2326 operate a public electric utility system.

2327 5. If the project is undertaken as repair or maintenance
2328 of an existing public facility. For the purposes of this
2329 paragraph, the term "repair" means a corrective action to
2330 restore an existing public facility to a safe and functional
2331 condition and the term "maintenance" means a preventive or
2332 corrective action to maintain an existing public facility in an
2333 operational state or to preserve the facility from failure or
2334 decline. Repair or maintenance includes activities that are
2335 necessarily incidental to repairing or maintaining the facility.
2336 Repair or maintenance does not include the construction of any
2337 new building, structure, or other public construction works or
2338 any substantial addition, extension, or upgrade to an existing
2339 public facility. Such additions, extensions, or upgrades shall
2340 be considered substantial if the estimated cost of the
2341 additions, extensions, or upgrades included as part of the
2342 repair or maintenance project exceeds the threshold amount in
2343 subsection (1) and exceeds 20 percent of the estimated total
2344 cost of the repair or maintenance project fully accounting for
2345 all costs associated with performing and completing the work,
2346 including employee compensation and benefits, equipment cost and
2347 maintenance, insurance costs, and the cost of direct materials
2348 to be used in the construction of the project, including
2349 materials purchased by the local government, and other direct
2350 costs, plus a factor of 20 percent for management, overhead, and

2351 other indirect costs. An addition, extension, or upgrade shall
2352 not be considered substantial if it is undertaken pursuant to
2353 the conditions specified in subparagraph 1. Repair and
2354 maintenance projects and any related additions, extensions, or
2355 upgrades may not be divided into multiple projects for the
2356 purpose of evading the requirements of this subparagraph.

2357 6. If the project is undertaken exclusively as part of a
2358 public educational program.

2359 7. If the funding source of the project will be diminished
2360 or lost because the time required to competitively award the
2361 project after the funds become available exceeds the time within
2362 which the funding source must be spent.

2363 8. If the local government competitively awarded a project
2364 to a private sector contractor and the contractor abandoned the
2365 project before completion or the local government terminated the
2366 contract.

2367 9. If the governing board of the local government complies
2368 with all of the requirements of this subparagraph, conducts a
2369 public meeting under s. 286.011 after public notice, and finds
2370 by majority vote of the governing board that it is in the
2371 public's best interest to perform the project using its own
2372 services, employees, and equipment. The public notice must be
2373 published at least 21 days before the date of the public meeting
2374 at which the governing board takes final action. The notice must
2375 identify the project, the components and scope of the work, and

2376 the estimated cost of the project fully accounting for all costs
2377 associated with performing and completing the work, including
2378 employee compensation and benefits, equipment cost and
2379 maintenance, insurance costs, and the cost of direct materials
2380 to be used in the construction of the project, including
2381 materials purchased by the local government, and other direct
2382 costs, plus a factor of 20 percent for management, overhead, and
2383 other indirect costs. The notice must specify that the purpose
2384 for the public meeting is to consider whether it is in the
2385 public's best interest to perform the project using the local
2386 government's own services, employees, and equipment. Upon
2387 publication of the public notice and for 21 days thereafter, the
2388 local government shall make available for public inspection,
2389 during normal business hours and at a location specified in the
2390 public notice, a detailed itemization of each component of the
2391 estimated cost of the project and documentation explaining the
2392 methodology used to arrive at the estimated cost. At the public
2393 meeting, any qualified contractor or vendor who could have been
2394 awarded the project had the project been competitively bid shall
2395 be provided with a reasonable opportunity to present evidence to
2396 the governing board regarding the project and the accuracy of
2397 the local government's estimated cost of the project. In
2398 deciding whether it is in the public's best interest for the
2399 local government to perform a project using its own services,
2400 employees, and equipment, the governing board must consider the

2401 estimated cost of the project fully accounting for all costs
2402 associated with performing and completing the work, including
2403 employee compensation and benefits, equipment cost and
2404 maintenance, insurance costs, and the cost of direct materials
2405 to be used in the construction of the project, including
2406 materials purchased by the local government, and other direct
2407 costs, plus a factor of 20 percent for management, overhead, and
2408 other indirect costs, and the accuracy of the estimated cost in
2409 light of any other information that may be presented at the
2410 public meeting and whether the project requires an increase in
2411 the number of government employees or an increase in capital
2412 expenditures for public facilities, equipment, or other capital
2413 assets. The local government may further consider the impact on
2414 local economic development, the impact on small ~~and minority~~
2415 business owners, the impact on state and local tax revenues,
2416 whether the private sector contractors provide health insurance
2417 and other benefits equivalent to those provided by the local
2418 government, and any other factor relevant to what is in the
2419 public's best interest. A report summarizing completed projects
2420 constructed by the local government pursuant to this subsection
2421 shall be publicly reviewed each year by the governing body of
2422 the local government. The report shall detail the estimated
2423 costs and the actual costs of the projects constructed by the
2424 local government pursuant to this subsection. The report shall
2425 be made available for review by the public. The Auditor General

2426 shall review the report as part of his or her audits of local
2427 governments.

2428 10. If the governing board of the local government
2429 determines upon consideration of specific substantive criteria
2430 that it is in the best interest of the local government to award
2431 the project to an appropriately licensed private sector
2432 contractor pursuant to administrative procedures established by
2433 and expressly set forth in a charter, ordinance, or resolution
2434 of the local government adopted before July 1, 1994. The
2435 criteria and procedures must be set out in the charter,
2436 ordinance, or resolution and must be applied uniformly by the
2437 local government to avoid awarding a project in an arbitrary or
2438 capricious manner. This exception applies only if all of the
2439 following occur:

2440 a. The governing board of the local government, after
2441 public notice, conducts a public meeting under s. 286.011 and
2442 finds by a two-thirds vote of the governing board that it is in
2443 the public's best interest to award the project according to the
2444 criteria and procedures established by charter, ordinance, or
2445 resolution. The public notice must be published at least 14 days
2446 before the date of the public meeting at which the governing
2447 board takes final action. The notice must identify the project,
2448 the estimated cost of the project, and specify that the purpose
2449 for the public meeting is to consider whether it is in the
2450 public's best interest to award the project using the criteria

2451 and procedures permitted by the preexisting charter, ordinance,
 2452 or resolution.

2453 b. The project is to be awarded by any method other than a
 2454 competitive selection process, and the governing board finds
 2455 evidence that:

2456 (I) There is one appropriately licensed contractor who is
 2457 uniquely qualified to undertake the project because that
 2458 contractor is currently under contract to perform work that is
 2459 affiliated with the project; or

2460 (II) The time to competitively award the project will
 2461 jeopardize the funding for the project, materially increase the
 2462 cost of the project, or create an undue hardship on the public
 2463 health, safety, or welfare.

2464 c. The project is to be awarded by any method other than a
 2465 competitive selection process, and the published notice clearly
 2466 specifies the ordinance or resolution by which the private
 2467 sector contractor will be selected and the criteria to be
 2468 considered.

2469 d. The project is to be awarded by a method other than a
 2470 competitive selection process, and the architect or engineer of
 2471 record has provided a written recommendation that the project be
 2472 awarded to the private sector contractor without competitive
 2473 selection, and the consideration by, and the justification of,
 2474 the government body are documented, in writing, in the project
 2475 file and are presented to the governing board prior to the

2476 approval required in this paragraph.

2477 11. To projects subject to chapter 336.

2478 **Section 43. Subsection (5) of section 282.201, Florida**
 2479 **Statutes, is amended to read:**

2480 282.201 State data center.—The state data center is
 2481 established within the department. The provision of data center
 2482 services must comply with applicable state and federal laws,
 2483 regulations, and policies, including all applicable security,
 2484 privacy, and auditing requirements. The department shall appoint
 2485 a director of the state data center who has experience in
 2486 leading data center facilities and has expertise in cloud-
 2487 computing management.

2488 (5) NORTHWEST REGIONAL DATA CENTER CONTRACT.—In order for
 2489 the department to carry out its duties and responsibilities
 2490 relating to the state data center, the secretary of the
 2491 department shall contract by July 1, 2022, with the Northwest
 2492 Regional Data Center pursuant to s. 287.057(9) ~~s. 287.057(11)~~.
 2493 The contract shall provide that the Northwest Regional Data
 2494 Center will manage the operations of the state data center and
 2495 provide data center services to state agencies.

2496 (a) The department shall provide contract oversight,
 2497 including, but not limited to, reviewing invoices provided by
 2498 the Northwest Regional Data Center for services provided to
 2499 state agency customers.

2500 (b) The department shall approve or request updates to

2501 invoices within 10 business days after receipt. If the
2502 department does not respond to the Northwest Regional Data
2503 Center, the invoice will be approved by default. The Northwest
2504 Regional Data Center must submit approved invoices directly to
2505 state agency customers.

2506 **Section 44. Paragraph (a) of subsection (3) of section**
2507 **282.709, Florida Statutes, is amended to read:**

2508 282.709 State agency law enforcement radio system and
2509 interoperability network.—

2510 (3) In recognition of the critical nature of the statewide
2511 law enforcement radio communications system, the Legislature
2512 finds that there is an immediate danger to the public health,
2513 safety, and welfare, and that it is in the best interest of the
2514 state to continue partnering with the system's current operator.
2515 The Legislature finds that continuity of coverage is critical to
2516 supporting law enforcement, first responders, and other public
2517 safety users. The potential for a loss in coverage or a lack of
2518 interoperability between users requires emergency action and is
2519 a serious concern for officers' safety and their ability to
2520 communicate and respond to various disasters and events.

2521 (a) The department, pursuant to s. 287.057(9) ~~s.~~
2522 ~~287.057(11)~~, shall enter into a 15-year contract with the entity
2523 that was operating the statewide radio communications system on
2524 January 1, 2021. The contract must include:

2525 1. The purchase of radios;

- 2526 2. The upgrade to the Project 25 communications standard;
- 2527 3. Increased system capacity and enhanced coverage for
- 2528 system users;
- 2529 4. Operations, maintenance, and support at a fixed annual
- 2530 rate;
- 2531 5. The conveyance of communications towers to the
- 2532 department; and
- 2533 6. The assignment of communications tower leases to the
- 2534 department.

2535 **Section 45. Paragraph (b) of subsection (3) of section**
 2536 **286.101, Florida Statutes, is amended to read:**

2537 286.101 Foreign gifts and contracts.—

2538 (3)

2539 (b) Disclosure under this subsection is not required with
 2540 respect to:

2541 1. A proposal to sell commodities through the online
 2542 procurement program established pursuant to s. 287.057(19) ~~s.~~
 2543 ~~287.057(22)~~;

2544 2. A proposal to sell commodities to a university pursuant
 2545 to Board of Governors Regulation 18.001;

2546 3. An application or proposal from an entity that
 2547 discloses foreign gifts or grants under subsection (2) or s.
 2548 1010.25;

2549 4. An application or proposal from a foreign source that,
 2550 if granted or accepted, would be disclosed under subsection (2)

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2551 or s. 1010.25; or

2552 5. An application or proposal from a public or not-for-
2553 profit research institution with respect to research funded by
2554 any federal agency.

2555 **Section 46. Subsections (19) through (29) of section**
2556 **287.012, Florida Statutes, are renumbered as subsections (18)**
2557 **through (28), respectively, and subsection (18) and present**
2558 **subsection (19) of that section are amended to read:**

2559 287.012 Definitions.—As used in this part, the term:
2560 ~~(18) "Minority business enterprise" has the same meaning~~
2561 ~~as provided in s. 288.703.~~

2562 (18)~~(19)~~ "Office" means the Office of Supplier Development
2563 ~~Diversity~~ of the Department of Management Services.

2564 **Section 47. Paragraph (a) of subsection (3) of section**
2565 **287.0571, Florida Statutes, is amended to read:**

2566 287.0571 Business case to outsource; applicability.—

2567 (3) This section does not apply to:

2568 (a) A procurement of commodities and contractual services
2569 listed in s. 287.057(3)(d) and (e) and (20) ~~(23)~~.

2570 **Section 48. Subsection (4) of section 287.056, Florida**
2571 **Statutes, is amended to read:**

2572 287.056 Purchases from purchasing agreements and state
2573 term contracts; vendor disqualification.—

2574 ~~(4) A firm or individual placed on the suspended vendor~~
2575 ~~list pursuant to s. 287.1351 or placed on a disqualified vendor~~

2576 ~~list pursuant to s. 287.133 or s. 287.134 is immediately~~
 2577 ~~disqualified from state term contract eligibility.~~

2578 **Section 49. Paragraph (c) of subsection (10) of section**
 2579 **287.059, Florida Statutes, is amended to read:**

2580 287.059 Private attorney services.—

2581 (10) Agencies are encouraged to use the following criteria
 2582 when selecting outside firms for attorney services:

2583 ~~(c) The firm's minority status.~~

2584 **Section 50. Subsection (6) of section 287.0591, Florida**
 2585 **Statutes, is amended to read:**

2586 287.0591 Information technology; vendor disqualification.—

2587 (6) Beginning October 1, 2021, and each October 1
 2588 thereafter, the department shall prequalify firms and
 2589 individuals to provide information technology staff augmentation
 2590 contractual services on state term contract. In order to
 2591 prequalify a firm or individual for participation on the state
 2592 term contract, the department must consider, at a minimum, the
 2593 capability, experience, and past performance record of the firm
 2594 or individual. A firm or individual removed from the source of
 2595 supply pursuant to s. 287.042(1)(b) ~~or placed on a disqualified~~
 2596 ~~vendor list pursuant to s. 287.133 or s. 287.134~~ is immediately
 2597 disqualified from state term contract eligibility. Once a firm
 2598 or individual has been prequalified to provide information
 2599 technology staff augmentation contractual services on state term
 2600 contract, the firm or individual may respond to requests for

2601 quotes from an agency to provide such services.

2602 **Section 51. Paragraph (d) of subsection (5) of section**
 2603 **287.138, Florida Statutes, is amended to read:**

2604 287.138 Contracting with entities of foreign countries of
 2605 concern prohibited.—

2606 (5) The Attorney General may bring a civil action in any
 2607 court of competent jurisdiction against an entity that violates
 2608 this section. Violations of this section may result in:

2609 ~~(d) Placement on the suspended vendor list pursuant to s.~~
 2610 ~~287.1351.~~

2611 **Section 52. Paragraph (b) of subsection (2) of section**
 2612 **288.0001, Florida Statutes, is amended to read:**

2613 288.0001 Economic Development Programs Evaluation.—The
 2614 Office of Economic and Demographic Research and the Office of
 2615 Program Policy Analysis and Government Accountability (OPPAGA)
 2616 shall develop and present to the Governor, the President of the
 2617 Senate, the Speaker of the House of Representatives, and the
 2618 chairs of the legislative appropriations committees the Economic
 2619 Development Programs Evaluation.

2620 (2) The Office of Economic and Demographic Research and
 2621 OPPAGA shall provide a detailed analysis of economic development
 2622 programs as provided in the following schedule:

2623 (b) By January 1, 2015, and every 3 years thereafter, an
 2624 analysis of:

2625 1. The entertainment industry sales tax exemption program

2626 established under s. 288.1258.

2627 2. VISIT Florida and its programs established or funded
2628 under ss. 288.122-288.12265 and 288.124.

2629 3. The Florida Sports Foundation and related programs,
2630 including those established under ss. 288.1162, 288.11621, and
2631 288.1166, ~~and 288.1167.~~

2632 **Section 53. Paragraph (b) of subsection (4) of section**
2633 **288.001, Florida Statutes, is amended to read:**

2634 288.001 The Florida Small Business Development Center
2635 Network.—

2636 (4) STATEWIDE ADVISORY BOARD.—

2637 (b) The statewide advisory board shall consist of 19
2638 members from across the state. At least 12 members must be
2639 representatives of the private sector who are knowledgeable of
2640 the needs and challenges of small businesses. The members must
2641 represent various segments and industries of the economy in this
2642 state and must bring knowledge and skills to the statewide
2643 advisory board which would enhance the board's collective
2644 knowledge of small business assistance needs and challenges.
2645 ~~Minority and gender representation must be considered when~~
2646 ~~making appointments to the board.~~ The board must include the
2647 following members:

2648 1. Three members appointed from the private sector by the
2649 President of the Senate.

2650 2. Three members appointed from the private sector by the

2651 Speaker of the House of Representatives.

2652 3. Three members appointed from the private sector by the
2653 Governor.

2654 4. Three members appointed from the private sector by the
2655 network's statewide director.

2656 5. One member appointed by the host institution.

2657 6. The Secretary of Commerce or his or her designee.

2658 7. The Chief Financial Officer or his or her designee.

2659 8. The President of the Florida Chamber of Commerce or his
2660 or her designee.

2661 9. The Small Business Development Center Project Officer
2662 from the U.S. Small Business Administration at the South Florida
2663 District Office or his or her designee.

2664 10. The executive director of the National Federation of
2665 Independent Businesses, Florida, or his or her designee.

2666 11. The executive director of the Florida United Business
2667 Association or his or her designee.

2668 **Section 54. Subsection (8) of section 288.0065, Florida**
2669 **Statutes, is amended to read:**

2670 288.0065 Annual incentives report.—By December 30 of each
2671 year, the department shall provide the Governor, the President
2672 of the Senate, and the Speaker of the House of Representatives a
2673 detailed incentives report quantifying the economic benefits for
2674 all of the economic development incentive programs administered
2675 by the department and its public-private partnerships. The

2676 annual incentives report must include:

2677 (8) A description of the trends relating to business
 2678 interest in, and usage of, the various incentives, and the
 2679 number of small ~~minority-owned or woman-owned~~ businesses
 2680 receiving incentives.

2681 **Section 55. Subsection (1) of section 288.12266, Florida**
 2682 **Statutes, is amended to read:**

2683 288.12266 Targeted Marketing Assistance Program.—

2684 (1) The Targeted Marketing Assistance Program is created
 2685 to enhance the tourism business marketing of small, ~~minority,~~
 2686 rural, and agritourism businesses in the state. The department,
 2687 in conjunction with the Florida Tourism Industry Marketing
 2688 Corporation, shall administer the program. The program shall
 2689 provide marketing plans, marketing assistance, promotional
 2690 support, media development, technical expertise, marketing
 2691 advice, technology training, social marketing support, and other
 2692 assistance to an eligible entity.

2693 **Section 56. Section 288.124, Florida Statutes, is amended**
 2694 **to read:**

2695 288.124 Convention grants program.—The Florida Tourism
 2696 Industry Marketing Corporation is authorized to establish a
 2697 convention grants program and, pursuant to that program, to
 2698 recommend to the department expenditures and contracts with
 2699 local governments and nonprofit corporations or organizations
 2700 for the purpose of attracting national conferences and

2701 conventions to Florida. Preference shall be given to local
 2702 governments and nonprofit corporations or organizations seeking
 2703 to attract minority conventions to Florida. Minority conventions
 2704 are events that primarily involve minority persons, ~~as defined~~
 2705 ~~in s. 288.703,~~ who are residents or nonresidents of the state.
 2706 The Florida Tourism Industry Marketing Corporation shall
 2707 establish guidelines governing the award of grants and the
 2708 administration of this program. The department has final
 2709 approval authority for any grants under this section. The total
 2710 annual allocation of funds for this program shall not exceed
 2711 \$40,000.

2712 **Section 57. Paragraph (a) of subsection (1) of section**
 2713 **288.776, Florida Statutes, is amended to read:**

2714 288.776 Board of directors; powers and duties.—

2715 (1) (a) The corporation shall have a board of directors
 2716 consisting of 15 members representing all geographic areas of
 2717 the state. ~~Minority and gender representation must be considered~~
 2718 ~~when making appointments to the board.~~ The board membership must
 2719 include:

2720 1. A representative of the following businesses, all of
 2721 which must be registered to do business in this state: a foreign
 2722 bank, a state bank, a federal bank, an insurance company
 2723 involved in covering trade financing risks, and a small or
 2724 medium-sized exporter.

2725 2. The following persons or their designee: the Secretary

2726 of Commerce, the Chief Financial Officer, the Secretary of
2727 State, and a senior official of the United States Department of
2728 Commerce.

2729 **Section 58. Subsections (1) and (4) of section 290.004,**
2730 **Florida Statutes, are amended to read:**

2731 290.004 Definitions relating to Florida Enterprise Zone
2732 Act.—As used in ss. 290.001-290.016:

2733 (1) "Community investment corporation" means a ~~black~~
2734 ~~business investment corporation,~~ a certified development
2735 corporation, a small business investment corporation, or other
2736 similar entity incorporated under Florida law that has limited
2737 its investment policy to making investments solely in small
2738 ~~minority~~ business enterprises.

2739 ~~(4) "Minority business enterprise" has the same meaning as~~
2740 ~~provided in s. 288.703.~~

2741 **Section 59. Subsections (2) and (10) of section 290.0056,**
2742 **Florida Statutes, are amended to read:**

2743 290.0056 Enterprise zone development agency.—

2744 (2) When the governing body creates an enterprise zone
2745 development agency, that body shall appoint a board of
2746 commissioners of the agency, which shall consist of not fewer
2747 than 8 or more than 13 commissioners. The governing body may
2748 appoint at least one representative from each of the following:
2749 the local chamber of commerce; local financial or insurance
2750 entities; local businesses and, where possible, businesses

2751 operating within the nominated area; the residents residing
2752 within the nominated area; nonprofit community-based
2753 organizations operating within the nominated area; the local
2754 workforce development board; the local code enforcement agency;
2755 and the local law enforcement agency. The terms of office of the
2756 commissioners shall be for 4 years, except that, in making the
2757 initial appointments, the governing body shall appoint two
2758 members for terms of 3 years, two members for terms of 2 years,
2759 and one member for a term of 1 year; the remaining initial
2760 members shall serve for terms of 4 years. A vacancy occurring
2761 during a term shall be filled for the unexpired term. The
2762 importance of including individuals from the nominated area
2763 shall be considered in making appointments. ~~Further, the~~
2764 ~~importance of minority representation on the agency shall be~~
2765 ~~considered in making appointments so that the agency generally~~
2766 ~~reflects the gender and ethnic composition of the community as a~~
2767 ~~whole.~~

2768 (10) Contingent upon approval by the governing body, the
2769 agency may invest in community investment corporations which
2770 conduct, or agree to conduct, loan guarantee programs assisting
2771 small ~~minority~~ business enterprises located in the enterprise
2772 zone. In making such investments, the agency shall first attempt
2773 to invest in existing community investment corporations
2774 providing services in the enterprise zone. Such investments
2775 shall be made under conditions required by law and as the agency

2776 may require, including, but not limited to:

2777 (a) The funds invested by the agency shall be used to
 2778 provide loan guarantees to individuals for small ~~minority~~
 2779 business enterprises located in the enterprise zone.

2780 (b) The community investment corporation may not approve
 2781 any application for a loan guarantee unless the person applying
 2782 for the loan guarantee shows that he or she has applied for the
 2783 loan or loan guarantee through normal banking channels and that
 2784 the loan or loan guarantee has been refused by at least one bank
 2785 or other financial institution.

2786 **Section 60. Paragraph (f) of subsection (1) of section**
 2787 **290.0057, Florida Statutes, is amended to read:**

2788 290.0057 Enterprise zone development plan.—

2789 (1) Any application for designation as a new enterprise
 2790 zone must be accompanied by a strategic plan adopted by the
 2791 governing body of the municipality or county, or the governing
 2792 bodies of the county and one or more municipalities together. At
 2793 a minimum, the plan must:

2794 (f) Identify the amount of local and private resources
 2795 that will be available in the nominated area and the
 2796 private/public partnerships to be used, which may include
 2797 participation by, and cooperation with, universities, community
 2798 colleges, small business development centers, ~~black business~~
 2799 ~~investment corporations,~~ certified development corporations, and
 2800 other private and public entities.

2801 **Section 61. Paragraph (c) of subsection (3) of section**
 2802 **290.046, Florida Statutes, are amended to read:**

2803 290.046 Applications for grants; procedures;
 2804 requirements.—

2805 (3)

2806 (c) The application's program impact score, equal
 2807 employment opportunity and fair housing score, and communitywide
 2808 needs score may take into consideration scoring factors,
 2809 including, but not limited to, unemployment, poverty levels,
 2810 low-income and moderate-income populations, benefits to low-
 2811 income and moderate-income residents, use of small ~~minority-~~
 2812 ~~owned and woman-owned~~ business enterprises in previous grants,
 2813 health and safety issues, and the condition of physical
 2814 structures.

2815 **Section 62. Subsection (3) of section 320.63, Florida**
 2816 **Statutes, is amended to read:**

2817 320.63 Application for license; contents.—Any person
 2818 desiring to be licensed pursuant to ss. 320.60-320.70 shall make
 2819 application therefor to the department upon a form containing
 2820 such information as the department requires. The department
 2821 shall require, with such application or otherwise and from time
 2822 to time, all of the following, which information may be
 2823 considered by the department in determining the fitness of the
 2824 applicant or licensee to engage in the business for which the
 2825 applicant or licensee desires to be licensed:

2826 (3) From each manufacturer, distributor, or importer which
2827 utilizes an identical blanket basic agreement for its dealers or
2828 distributors in this state, which agreement comprises all or any
2829 part of the applicant's or licensee's agreements with motor
2830 vehicle dealers in this state, a copy of the written agreement
2831 and all supplements thereto, together with a list of the
2832 applicant's or licensee's authorized dealers or distributors and
2833 their addresses. The applicant or licensee shall further notify
2834 the department immediately of the appointment of any additional
2835 dealer or distributor. ~~The applicant or licensee shall annually~~
2836 ~~report to the department on its efforts to add new minority~~
2837 ~~dealer points, including difficulties encountered under ss.~~
2838 ~~320.61-320.70. For purposes of this section "minority" shall~~
2839 ~~have the same meaning as that given it in the definition of~~
2840 ~~"minority person" in s. 288.703.~~ Not later than 60 days before
2841 the date a revision or modification to a franchise agreement is
2842 offered uniformly to a licensee's motor vehicle dealers in this
2843 state, the licensee shall notify the department of such
2844 revision, modification, or addition to the franchise agreement
2845 on file with the department. In no event may a franchise
2846 agreement, or any addendum or supplement thereto, be offered to
2847 a motor vehicle dealer in this state until the applicant or
2848 licensee files an affidavit with the department acknowledging
2849 that the terms or provisions of the agreement, or any related
2850 document, are not inconsistent with, prohibited by, or contrary

2851 to the provisions contained in ss. 320.60-320.70. Any franchise
2852 agreement offered to a motor vehicle dealer in this state shall
2853 provide that all terms and conditions in such agreement
2854 inconsistent with the law and rules of this state are of no
2855 force and effect.

2856 **Section 63. Section 331.351, Florida Statutes, is amended**
2857 **to read:**

2858 331.351 Participation by small businesses ~~women,~~
2859 ~~minorities,~~ and socially and economically disadvantaged business
2860 enterprises encouraged.—It is the intent of the Legislature and
2861 the public policy of this state that small businesses ~~women,~~
2862 ~~minorities,~~ and socially and economically disadvantaged business
2863 enterprises be encouraged to participate fully in all phases of
2864 economic and community development. Accordingly, to achieve such
2865 purpose, Space Florida shall, in accordance with applicable
2866 state and federal law, involve and use small businesses ~~utilize~~
2867 ~~women, minorities,~~ and socially and economically disadvantaged
2868 business enterprises in all phases of the design, development,
2869 construction, maintenance, and operation of spaceports developed
2870 under this act.

2871 **Section 64. Paragraph (f) of subsection (1) of section**
2872 **334.045, Florida Statutes, is amended to read:**

2873 334.045 Transportation performance and productivity
2874 standards; development; measurement; application.—

2875 (1) The Florida Transportation Commission shall develop

2876 and adopt measures for evaluating the performance and
 2877 productivity of the department. The measures may be both
 2878 quantitative and qualitative and must, to the maximum extent
 2879 practical, assess those factors that are within the department's
 2880 control. The measures must, at a minimum, assess performance in
 2881 the following areas:

2882 (f) Disadvantaged business enterprise ~~and minority~~
 2883 ~~business~~ programs.

2884 **Section 65. Subsection (4) of section 338.227, Florida**
 2885 **Statutes, is amended to read:**

2886 338.227 Turnpike revenue bonds.—

2887 ~~(4) The Department of Transportation and the Department of~~
 2888 ~~Management Services shall create and implement an outreach~~
 2889 ~~program designed to enhance the participation of minority~~
 2890 ~~persons and minority business enterprises in all contracts~~
 2891 ~~entered into by their respective departments for services~~
 2892 ~~related to the financing of department projects for the~~
 2893 ~~Strategic Intermodal System Plan developed pursuant to s.~~
 2894 ~~339.64. These services shall include, but are not limited to,~~
 2895 ~~bond counsel and bond underwriters.~~

2896 **Section 66. Paragraph (b) of subsection (3) and paragraph**
 2897 **(c) of subsection (4) of section 339.2821, Florida Statutes, are**
 2898 **amended to read:**

2899 339.2821 Economic development transportation projects.—

2900 (3)

2901 (b) The department must ensure that small ~~and minority~~
 2902 businesses have equal access to participate in transportation
 2903 projects funded pursuant to this section.

2904 (4) A contract between the department and a governmental
 2905 body for a transportation project must:

2906 (c) Require that the governmental body provide the
 2907 department with progress reports. Each progress report must
 2908 contain:

2909 1. A narrative description of the work completed and
 2910 whether the work is proceeding according to the transportation
 2911 project schedule;

2912 2. A description of each change order executed by the
 2913 governmental body;

2914 3. A budget summary detailing planned expenditures
 2915 compared to actual expenditures; and

2916 4. The identity of each small ~~or minority~~ business used as
 2917 a contractor or subcontractor.

2918 **Section 67. Paragraph (b) of subsection (5) of section**
 2919 **339.63, Florida Statutes, is amended to read:**

2920 339.63 System facilities designated; additions and
 2921 deletions.—

2922 (5)

2923 (b) A facility designated part of the Strategic Intermodal
 2924 System pursuant to paragraph (a) that is within the jurisdiction
 2925 of a local government that maintains a transportation

2926 concurrency system shall receive a waiver of transportation
 2927 concurrency requirements applicable to Strategic Intermodal
 2928 System facilities in order to accommodate any development at the
 2929 facility which occurs pursuant to a building permit issued on or
 2930 before December 31, 2017, but only if such facility is located:

- 2931 1. Within an area designated pursuant to s. 288.0656(7) as
- 2932 a rural area of opportunity;
- 2933 2. Within a rural enterprise zone as defined in s. 290.004
- 2934 ~~s. 290.004(5)~~; or
- 2935 3. Within 15 miles of the boundary of a rural area of
- 2936 opportunity or a rural enterprise zone.

2937 **Section 68. Subsection (5) of section 348.754, Florida**
 2938 **Statutes, is amended to read:**

2939 348.754 Purposes and powers.—

2940 (5) The authority shall encourage the inclusion of locally
 2941 owned businesses ~~local, small, minority, and small women-~~
 2942 ~~owned~~ businesses in its procurement and contracting
 2943 opportunities.

2944 **Section 69. Paragraph (a) of subsection (2) of section**
 2945 **376.3072, Florida Statutes, is amended to read:**

2946 376.3072 Florida Petroleum Liability and Restoration
 2947 Insurance Program.—

2948 (2) (a) An owner or operator of a petroleum storage system
 2949 may become an insured in the restoration insurance program at a
 2950 facility if:

2951 1. A site at which an incident has occurred is eligible
2952 for restoration if the insured is a participant in the third-
2953 party liability insurance program or otherwise meets applicable
2954 financial responsibility requirements. After July 1, 1993, the
2955 insured must also provide the required excess insurance coverage
2956 or self-insurance for restoration to achieve the financial
2957 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
2958 not covered by paragraph (d).

2959 2. A site which had a discharge reported before January 1,
2960 1989, for which notice was given pursuant to s. 376.3071(10) and
2961 which is ineligible for the third-party liability insurance
2962 program solely due to that discharge is eligible for
2963 participation in the restoration program for an incident
2964 occurring on or after January 1, 1989, pursuant to subsection
2965 (3). Restoration funding for an eligible contaminated site will
2966 be provided without participation in the third-party liability
2967 insurance program until the site is restored as required by the
2968 department or until the department determines that the site does
2969 not require restoration.

2970 3. Notwithstanding paragraph (b), a site where an
2971 application is filed with the department before January 1, 1995,
2972 where the owner is a small business under s. 288.703(3) ~~s.~~
2973 ~~288.703(6)~~, a Florida College System institution with less than
2974 2,500 FTE, a religious institution as defined by s.
2975 212.08(7)(m), a charitable institution as defined by s.

2976 | 212.08(7)(p), or a county or municipality with a population of
 2977 | less than 50,000, is eligible for up to \$400,000 of eligible
 2978 | restoration costs, less a deductible of \$10,000 for small
 2979 | businesses, eligible Florida College System institutions, and
 2980 | religious or charitable institutions, and \$30,000 for eligible
 2981 | counties and municipalities, if:

2982 | a. Except as provided in sub-subparagraph e., the facility
 2983 | was in compliance with department rules at the time of the
 2984 | discharge.

2985 | b. The owner or operator has, upon discovery of a
 2986 | discharge, promptly reported the discharge to the department,
 2987 | and drained and removed the system from service, if necessary.

2988 | c. The owner or operator has not intentionally caused or
 2989 | concealed a discharge or disabled leak detection equipment.

2990 | d. The owner or operator proceeds to complete initial
 2991 | remedial action as specified in department rules.

2992 | e. The owner or operator, if required and if it has not
 2993 | already done so, applies for third-party liability coverage for
 2994 | the facility within 30 days after receipt of an eligibility
 2995 | order issued by the department pursuant to this subparagraph.

2996 |
 2997 | However, the department may consider in-kind services from
 2998 | eligible counties and municipalities in lieu of the \$30,000
 2999 | deductible. The cost of conducting initial remedial action as
 3000 | defined by department rules is an eligible restoration cost

3001 pursuant to this subparagraph.

3002 4.a. By January 1, 1997, facilities at sites with existing
3003 contamination must have methods of release detection to be
3004 eligible for restoration insurance coverage for new discharges
3005 subject to department rules for secondary containment. Annual
3006 storage system testing, in conjunction with inventory control,
3007 shall be considered to be a method of release detection until
3008 the later of December 22, 1998, or 10 years after the date of
3009 installation or the last upgrade. Other methods of release
3010 detection for storage tanks which meet such requirement are:

3011 (I) Interstitial monitoring of tank and integral piping
3012 secondary containment systems;

3013 (II) Automatic tank gauging systems; or

3014 (III) A statistical inventory reconciliation system with a
3015 tank test every 3 years.

3016 b. For pressurized integral piping systems, the owner or
3017 operator must use:

3018 (I) An automatic in-line leak detector with flow
3019 restriction meeting the requirements of department rules used in
3020 conjunction with an annual tightness or pressure test; or

3021 (II) An automatic in-line leak detector with electronic
3022 flow shut-off meeting the requirements of department rules.

3023 c. For suction integral piping systems, the owner or
3024 operator must use:

3025 (I) A single check valve installed directly below the

3026 suction pump if there are no other valves between the dispenser
 3027 and the tank; or

3028 (II) An annual tightness test or other approved test.

3029 d. Owners of facilities with existing contamination that
 3030 install internal release detection systems pursuant to sub-
 3031 subparagraph a. shall permanently close their external
 3032 groundwater and vapor monitoring wells pursuant to department
 3033 rules by December 31, 1998. Upon installation of the internal
 3034 release detection system, such wells must be secured and taken
 3035 out of service until permanent closure.

3036 e. Facilities with vapor levels of contamination meeting
 3037 the requirements of or below the concentrations specified in the
 3038 performance standards for release detection methods specified in
 3039 department rules may continue to use vapor monitoring wells for
 3040 release detection.

3041 f. The department may approve other methods of release
 3042 detection for storage tanks and integral piping which have at
 3043 least the same capability to detect a new release as the methods
 3044 specified in this subparagraph.

3045
 3046 Sites meeting the criteria of this subsection for which a site
 3047 rehabilitation completion order was issued before June 1, 2008,
 3048 do not qualify for the 2008 increase in site rehabilitation
 3049 funding assistance and are bound by the pre-June 1, 2008,
 3050 limits. Sites meeting the criteria of this subsection for which

3051 a site rehabilitation completion order was not issued before
3052 June 1, 2008, regardless of whether they have previously
3053 transitioned to nonstate-funded cleanup status, may continue
3054 state-funded cleanup pursuant to s. 376.3071(6) until a site
3055 rehabilitation completion order is issued or the increased site
3056 rehabilitation funding assistance limit is reached, whichever
3057 occurs first.

3058 **Section 70. Paragraph (g) of subsection (1) of section**
3059 **376.84, Florida Statutes, is amended to read:**

3060 376.84 Brownfield redevelopment economic incentives.—It is
3061 the intent of the Legislature that brownfield redevelopment
3062 activities be viewed as opportunities to significantly improve
3063 the utilization, general condition, and appearance of these
3064 sites. Different standards than those in place for new
3065 development, as allowed under current state and local laws,
3066 should be used to the fullest extent to encourage the
3067 redevelopment of a brownfield. State and local governments are
3068 encouraged to offer redevelopment incentives for this purpose,
3069 as an ongoing public investment in infrastructure and services,
3070 to help eliminate the public health and environmental hazards,
3071 and to promote the creation of jobs in these areas. Such
3072 incentives may include financial, regulatory, and technical
3073 assistance to persons and businesses involved in the
3074 redevelopment of the brownfield pursuant to this act.

3075 (1) Financial incentives and local incentives for

3076 redevelopment may include, but not be limited to:

3077 ~~(g) Minority business enterprise programs as provided in~~
3078 ~~s. 287.0943.~~

3079 **Section 71. Paragraph (b) of subsection (8) of section**
3080 **381.986, Florida Statutes, is amended to read:**

3081 381.986 Medical use of marijuana.—

3082 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

3083 (b) An applicant for licensure as a medical marijuana
3084 treatment center shall apply to the department on a form
3085 prescribed by the department and adopted in rule. The department
3086 shall adopt rules pursuant to ss. 120.536(1) and 120.54
3087 establishing a procedure for the issuance and biennial renewal
3088 of licenses, including initial application and biennial renewal
3089 fees sufficient to cover the costs of implementing and
3090 administering this section, and establishing supplemental
3091 licensure fees for payment beginning May 1, 2018, sufficient to
3092 cover the costs of administering ss. 381.989 and 1004.4351. The
3093 department shall ~~identify applicants with strong diversity plans~~
3094 ~~reflecting this state's commitment to diversity and implement~~
3095 ~~training programs and other educational programs to enable~~
3096 ~~minority persons and minority business enterprises, as defined~~
3097 ~~in s. 288.703, and veteran business enterprises, as defined in~~
3098 ~~s. 295.187, to compete for medical marijuana treatment center~~
3099 ~~licensure and contracts. Subject to the requirements in~~
3100 ~~subparagraphs (a)2.-4., the department shall issue a license to~~

3101 an applicant if the applicant meets the requirements of this
3102 section and pays the initial application fee. The department
3103 shall renew the licensure of a medical marijuana treatment
3104 center biennially if the licensee meets the requirements of this
3105 section and pays the biennial renewal fee. However, the
3106 department may not renew the license of a medical marijuana
3107 treatment center that has not begun to cultivate, process, and
3108 dispense marijuana by the date that the medical marijuana
3109 treatment center is required to renew its license. An individual
3110 may not be an applicant, owner, officer, board member, or
3111 manager on more than one application for licensure as a medical
3112 marijuana treatment center. An individual or entity may not be
3113 awarded more than one license as a medical marijuana treatment
3114 center. An applicant for licensure as a medical marijuana
3115 treatment center must demonstrate:

3116 1. That, for the 5 consecutive years before submitting the
3117 application, the applicant has been registered to do business in
3118 the state.

3119 2. Possession of a valid certificate of registration
3120 issued by the Department of Agriculture and Consumer Services
3121 pursuant to s. 581.131.

3122 3. The technical and technological ability to cultivate
3123 and produce marijuana, including, but not limited to, low-THC
3124 cannabis.

3125 4. The ability to secure the premises, resources, and

3126 | personnel necessary to operate as a medical marijuana treatment
 3127 | center.

3128 | 5. The ability to maintain accountability of all raw
 3129 | materials, finished products, and any byproducts to prevent
 3130 | diversion or unlawful access to or possession of these
 3131 | substances.

3132 | 6. An infrastructure reasonably located to dispense
 3133 | marijuana to registered qualified patients statewide or
 3134 | regionally as determined by the department.

3135 | 7. The financial ability to maintain operations for the
 3136 | duration of the 2-year approval cycle, including the provision
 3137 | of certified financial statements to the department.

3138 | a. Upon approval, the applicant must post a \$5 million
 3139 | performance bond issued by an authorized surety insurance
 3140 | company rated in one of the three highest rating categories by a
 3141 | nationally recognized rating service. However, a medical
 3142 | marijuana treatment center serving at least 1,000 qualified
 3143 | patients is only required to maintain a \$2 million performance
 3144 | bond.

3145 | b. In lieu of the performance bond required under sub-
 3146 | subparagraph a., the applicant may provide an irrevocable letter
 3147 | of credit payable to the department or provide cash to the
 3148 | department. If provided with cash under this sub-subparagraph,
 3149 | the department shall deposit the cash in the Grants and
 3150 | Donations Trust Fund within the Department of Health, subject to

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2025

3151 the same conditions as the bond regarding requirements for the
3152 applicant to forfeit ownership of the funds. If the funds
3153 deposited under this sub-subparagraph generate interest, the
3154 amount of that interest shall be used by the department for the
3155 administration of this section.

3156 8. That all owners, officers, board members, and managers
3157 have passed a background screening pursuant to subsection (9).

3158 9. The employment of a medical director to supervise the
3159 activities of the medical marijuana treatment center.

3160 10. A ~~diversity~~ plan that promotes and ensures the
3161 involvement of ~~minority persons and minority business~~
3162 ~~enterprises, as defined in s. 288.703, or veteran business~~
3163 ~~enterprises, as defined in s. 295.187, in ownership, management,~~
3164 and employment. An applicant for licensure renewal must show the
3165 effectiveness of the ~~diversity~~ plan by including the following
3166 with his or her application for renewal:

3167 a. Representation of ~~minority persons and~~ veterans in the
3168 medical marijuana treatment center's workforce;

3169 b. Efforts to recruit ~~minority persons and~~ veterans for
3170 employment; and

3171 c. A record of contracts for services with ~~minority~~
3172 ~~business enterprises and~~ veteran business enterprises.

3173 **Section 72. Paragraph (a) of subsection (1) of section**
3174 **394.47865, Florida Statutes, is amended to read:**

3175 394.47865 South Florida State Hospital; privatization.—

3176 (1) The Department of Children and Families shall, through
 3177 a request for proposals, privatize South Florida State Hospital.
 3178 The department shall plan to begin implementation of this
 3179 privatization initiative by July 1, 1998.

3180 (a) Notwithstanding s. 287.057(11) ~~s. 287.057(14)~~, the
 3181 department may enter into agreements, not to exceed 20 years,
 3182 with a private provider, a coalition of providers, or another
 3183 agency to finance, design, and construct a treatment facility
 3184 having up to 350 beds and to operate all aspects of daily
 3185 operations within the facility. The department may subcontract
 3186 any or all components of this procurement to a statutorily
 3187 established state governmental entity that has successfully
 3188 contracted with private companies for designing, financing,
 3189 acquiring, leasing, constructing, and operating major privatized
 3190 state facilities.

3191 **Section 73. Paragraph (b) of subsection (2) and subsection**
 3192 **(3) of section 402.7305, Florida Statutes, are amended to read:**

3193 402.7305 Department of Children and Families; procurement
 3194 of contractual services; contract management.—

3195 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

3196 (b) When it is in the best interest of a defined segment
 3197 of its consumer population, the department may competitively
 3198 procure and contract for systems of treatment or service that
 3199 involve multiple providers, rather than procuring and
 3200 contracting for treatment or services separately from each

3201 participating provider. The department must ensure that all
3202 providers that participate in the treatment or service system
3203 meet all applicable statutory, regulatory, service quality, and
3204 cost control requirements. If other governmental entities or
3205 units of special purpose government contribute matching funds to
3206 the support of a given system of treatment or service, the
3207 department shall formally request information from those funding
3208 entities in the procurement process and may take the information
3209 received into account in the selection process. If a local
3210 government contributes matching funds to support the system of
3211 treatment or contracted service and if the match constitutes at
3212 least 25 percent of the value of the contract, the department
3213 shall afford the governmental match contributor an opportunity
3214 to name an employee as one of the persons required by s.
3215 287.057(14) ~~s. 287.057(17)~~ to evaluate or negotiate certain
3216 contracts, unless the department sets forth in writing the
3217 reason why the inclusion would be contrary to the best interest
3218 of the state. Any employee so named by the governmental match
3219 contributor shall qualify as one of the persons required by s.
3220 287.057(14) ~~s. 287.057(17)~~. A governmental entity or unit of
3221 special purpose government may not name an employee as one of
3222 the persons required by s. 287.057(14) ~~s. 287.057(17)~~ if it, or
3223 any of its political subdivisions, executive agencies, or
3224 special districts, intends to compete for the contract to be
3225 awarded. The governmental funding entity or contributor of

3226 matching funds must comply with all procurement procedures set
3227 forth in s. 287.057 when appropriate and required.

3228 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The
3229 Department of Children and Families shall review the time period
3230 for which the department executes contracts and shall execute
3231 multiyear contracts to make the most efficient use of the
3232 resources devoted to contract processing and execution. Whenever
3233 the department chooses not to use a multiyear contract, a
3234 justification for that decision must be contained in the
3235 contract. Notwithstanding s. 287.057(12) ~~s. 287.057(15)~~, the
3236 department is responsible for establishing a contract management
3237 process that requires a member of the department's Senior
3238 Management or Selected Exempt Service to assign in writing the
3239 responsibility of a contract to a contract manager. The
3240 department shall maintain a set of procedures describing its
3241 contract management process which must minimally include the
3242 following requirements:

3243 (a) The contract manager shall maintain the official
3244 contract file throughout the duration of the contract and for a
3245 period not less than 6 years after the termination of the
3246 contract.

3247 (b) The contract manager shall review all invoices for
3248 compliance with the criteria and payment schedule provided for
3249 in the contract and shall approve payment of all invoices before
3250 their transmission to the Department of Financial Services for

3251 payment.

3252 (c) The contract manager shall maintain a schedule of
3253 payments and total amounts disbursed and shall periodically
3254 reconcile the records with the state's official accounting
3255 records.

3256 (d) For contracts involving the provision of direct client
3257 services, the contract manager shall periodically visit the
3258 physical location where the services are delivered and speak
3259 directly to clients receiving the services and the staff
3260 responsible for delivering the services.

3261 (e) The contract manager shall meet at least once a month
3262 directly with the contractor's representative and maintain
3263 records of such meetings.

3264 (f) The contract manager shall periodically document any
3265 differences between the required performance measures and the
3266 actual performance measures. If a contractor fails to meet and
3267 comply with the performance measures established in the
3268 contract, the department may allow a reasonable period for the
3269 contractor to correct performance deficiencies. If performance
3270 deficiencies are not resolved to the satisfaction of the
3271 department within the prescribed time, and if no extenuating
3272 circumstances can be documented by the contractor to the
3273 department's satisfaction, the department must terminate the
3274 contract. The department may not enter into a new contract with
3275 that same contractor for the services for which the contract was

3276 previously terminated for a period of at least 24 months after
3277 the date of termination. The contract manager shall obtain and
3278 enforce corrective action plans, if appropriate, and maintain
3279 records regarding the completion or failure to complete
3280 corrective action items.

3281 (g) The contract manager shall document any contract
3282 modifications, which shall include recording any contract
3283 amendments as provided for in this section.

3284 (h) The contract manager shall be properly trained before
3285 being assigned responsibility for any contract.

3286 **Section 74. Subsection (2) of section 408.045, Florida**
3287 **Statutes, is amended to read:**

3288 408.045 Certificate of need; competitive sealed
3289 proposals.—

3290 (2) The agency shall make a decision regarding the
3291 issuance of the certificate of need in accordance with the
3292 provisions of s. 287.057(14) ~~s. 287.057(17)~~, rules adopted by
3293 the agency relating to intermediate care facilities for the
3294 developmentally disabled, and the criteria in s. 408.035, as
3295 further defined by rule.

3296 **Section 75. Subsection (24) of section 409.901, Florida**
3297 **Statutes, is amended to read:**

3298 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
3299 409.901-409.920, except as otherwise specifically provided, the
3300 term:

3301 (24) "Minority physician network" means a network of
 3302 primary care physicians with experience managing Medicaid or
 3303 Medicare recipients that is predominantly owned by minorities ~~as~~
 3304 ~~defined in s. 288.703~~, which may have a collaborative
 3305 partnership with a public college or university and a tax-exempt
 3306 charitable corporation.

3307 **Section 76. Paragraph (b) of subsection (2) of section**
 3308 **440.45, Florida Statutes, is amended to read:**

3309 440.45 Office of the Judges of Compensation Claims.—

3310 (2)

3311 (b) Except as provided in paragraph (c), the Governor
 3312 shall appoint a judge of compensation claims from a list of
 3313 three persons nominated by a statewide nominating commission.
 3314 The statewide nominating commission shall be composed of the
 3315 following:

3316 1. Six members, ~~at least one of whom must be a member of a~~
 3317 ~~minority group as defined in s. 288.703~~, one of each who resides
 3318 in each of the territorial jurisdictions of the district courts
 3319 of appeal, appointed by the Board of Governors of The Florida
 3320 Bar from among The Florida Bar members engaged in the practice
 3321 of law. Each member shall be appointed for a 4-year term;

3322 2. Six electors, ~~at least one of whom must be a member of~~
 3323 ~~a minority group as defined in s. 288.703~~, one of each who
 3324 resides in each of the territorial jurisdictions of the district
 3325 courts of appeal, appointed by the Governor. Each member shall

3326 | be appointed for a 4-year term; and

3327 | 3. Six electors, ~~at least one of whom must be a member of~~
 3328 | ~~a minority group as defined in s. 288.703,~~ one of each who
 3329 | resides in the territorial jurisdictions of the district courts
 3330 | of appeal, selected and appointed by a majority vote of the
 3331 | other 10 members of the commission. Each member shall be
 3332 | appointed for a 4-year term.

3333 |
 3334 | A vacancy occurring on the commission shall be filled by the
 3335 | original appointing authority for the unexpired balance of the
 3336 | term. An attorney who appears before any judge of compensation
 3337 | claims more than four times a year is not eligible to serve on
 3338 | the statewide nominating commission. The meetings and
 3339 | determinations of the nominating commission as to the judges of
 3340 | compensation claims shall be open to the public.

3341 | **Section 77. Section 489.125, Florida Statutes, is amended**
 3342 | **to read:**

3343 | 489.125 Prequalification of certificateholders.—Any person
 3344 | holding a certificate shall be prequalified to bid by a district
 3345 | school board pursuant to uniform prequalification of contractors
 3346 | criteria adopted by rule of the State Board of Education. This
 3347 | section does not supersede any small, ~~woman-owned or minority-~~
 3348 | ~~owned~~ business ~~enterprise~~ preference program adopted by a
 3349 | district school board. A district school board may not modify or
 3350 | supplement the uniform prequalification criteria adopted by

3351 rule. A person holding a certificate must apply to each board
 3352 for prequalification consideration.

3353 **Section 78. Subsection (42) of section 570.07, Florida**
 3354 **Statutes, is amended to read:**

3355 570.07 Department of Agriculture and Consumer Services;
 3356 functions, powers, and duties.—The department shall have and
 3357 exercise the following functions, powers, and duties:

3358 (42) Notwithstanding the provisions of s. 287.057(21) ~~s.~~
 3359 ~~287.057(24)~~ that require all agencies to use the online
 3360 procurement system developed by the Department of Management
 3361 Services, the department may continue to use its own online
 3362 system. However, vendors utilizing such system shall be
 3363 prequalified as meeting mandatory requirements and
 3364 qualifications and shall remit fees pursuant to s. 287.057(21)
 3365 ~~s. 287.057(24)~~, and any rules implementing s. 287.057.

3366 **Section 79. Subsection (2) of section 616.255, Florida**
 3367 **Statutes, is amended to read:**

3368 616.255 Duties of authority; Florida State Fairgrounds.—
 3369 The authority shall:

3370 (2) Throughout each year, promote the progress of the
 3371 state and stimulate public interest in the advantages and
 3372 development of the state by providing facilities for
 3373 agricultural and industrial exhibitions, public gatherings,
 3374 cultural activities, and other functions intended to advance the
 3375 educational, physical, economic, and cultural interests of the

3376 public. It is the intent of the Legislature that the authority,
 3377 when contracting for concessions at functions held pursuant to
 3378 this subsection, give consideration to increasing the number of
 3379 concessionaires that are small ~~minority~~ businesses.

3380 **Section 80. Subsection (2) of section 616.256, Florida**
 3381 **Statutes, is amended to read:**

3382 616.256 Powers of authority.—

3383 (2) It is the intent of the Legislature that the
 3384 authority, when contracting for the acquisition of personal
 3385 property or services pursuant to this section, give
 3386 consideration to increasing the number of contractors that are
 3387 small ~~minority~~ businesses.

3388 **Section 81. Section 625.3255, Florida Statutes, is amended**
 3389 **to read:**

3390 625.3255 Capital participation instrument.—An insurer may
 3391 invest in any capital participation instrument or evidence of
 3392 indebtedness issued by the Department of Commerce pursuant to
 3393 the Florida Small ~~and Minority~~ Business Assistance Act.

3394 **Section 82. Paragraph (e) of subsection (6) of section**
 3395 **627.351, Florida Statutes, is amended to read:**

3396 627.351 Insurance risk apportionment plans.—

3397 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

3398 (e) The corporation is subject to s. 287.057 for the
 3399 purchase of commodities and contractual services except as
 3400 otherwise provided in this paragraph. Services provided by

3401 tradepersons or technical experts to assist a licensed adjuster
3402 in the evaluation of individual claims are not subject to the
3403 procurement requirements of this section. Additionally, the
3404 procurement of financial services providers and underwriters
3405 must be made pursuant to s. 627.3513. Contracts for goods or
3406 services valued at or more than \$100,000 are subject to approval
3407 by the board.

3408 1. The corporation is an agency for purposes of s.
3409 287.057, except that, for purposes of s. 287.057(21) ~~s.~~
3410 ~~287.057(24)~~, the corporation is an eligible user.

3411 a. The authority of the Department of Management Services
3412 and the Chief Financial Officer under s. 287.057 extends to the
3413 corporation as if the corporation were an agency.

3414 b. The executive director of the corporation is the agency
3415 head under s. 287.057. The executive director of the corporation
3416 may assign or appoint a designee to act on his or her behalf.

3417 2. The corporation must provide notice of a decision or
3418 intended decision concerning a solicitation, contract award, or
3419 exceptional purchase by electronic posting. Such notice must
3420 contain the following statement: "Failure to file a protest
3421 within the time prescribed in this section constitutes a waiver
3422 of proceedings."

3423 a. A person adversely affected by the corporation's
3424 decision or intended decision to award a contract pursuant to s.
3425 287.057(1) or (3)(c) who elects to challenge the decision must

3426 file a written notice of protest with the executive director of
3427 the corporation within 72 hours after the corporation posts a
3428 notice of its decision or intended decision. For a protest of
3429 the terms, conditions, and specifications contained in a
3430 solicitation, including provisions governing the methods for
3431 ranking bids, proposals, replies, awarding contracts, reserving
3432 rights of further negotiation, or modifying or amending any
3433 contract, the notice of protest must be filed in writing within
3434 72 hours after posting the solicitation. Saturdays, Sundays, and
3435 state holidays are excluded in the computation of the 72-hour
3436 time period.

3437 b. A formal written protest must be filed within 10 days
3438 after the date the notice of protest is filed. The formal
3439 written protest must state with particularity the facts and law
3440 upon which the protest is based. Upon receipt of a formal
3441 written protest that has been timely filed, the corporation must
3442 stop the solicitation or contract award process until the
3443 subject of the protest is resolved by final board action unless
3444 the executive director sets forth in writing particular facts
3445 and circumstances that require the continuance of the
3446 solicitation or contract award process without delay in order to
3447 avoid an immediate and serious danger to the public health,
3448 safety, or welfare.

3449 (I) The corporation must provide an opportunity to resolve
3450 the protest by mutual agreement between the parties within 7

3451 business days after receipt of the formal written protest.

3452 (II) If the subject of a protest is not resolved by mutual
3453 agreement within 7 business days, the corporation's board must
3454 transmit the protest to the Division of Administrative Hearings
3455 and contract with the division to conduct a hearing to determine
3456 the merits of the protest and to issue a recommended order. The
3457 contract must provide for the corporation to reimburse the
3458 division for any costs incurred by the division for court
3459 reporters, transcript preparation, travel, facility rental, and
3460 other customary hearing costs in the manner set forth in s.
3461 120.65(9). The division has jurisdiction to determine the facts
3462 and law concerning the protest and to issue a recommended order.
3463 The division's rules and procedures apply to these proceedings.
3464 The protest must be heard by the division at a publicly noticed
3465 meeting in accordance with procedures established by the
3466 division.

3467 c. In a protest of an invitation-to-bid or request-for-
3468 proposals procurement, submissions made after the bid or
3469 proposal opening which amend or supplement the bid or proposal
3470 may not be considered. In protesting an invitation-to-negotiate
3471 procurement, submissions made after the corporation announces
3472 its intent to award a contract, reject all replies, or withdraw
3473 the solicitation that amends or supplements the reply may not be
3474 considered. Unless otherwise provided by law, the burden of
3475 proof rests with the party protesting the corporation's action.

3476 In a competitive-procurement protest, other than a rejection of
 3477 all bids, proposals, or replies, the administrative law judge
 3478 must conduct a de novo proceeding to determine whether the
 3479 corporation's proposed action is contrary to the corporation's
 3480 governing statutes, the corporation's rules or policies, or the
 3481 solicitation specifications. The standard of proof for the
 3482 proceeding is whether the corporation's action was clearly
 3483 erroneous, contrary to competition, arbitrary, or capricious. In
 3484 any bid-protest proceeding contesting an intended corporation
 3485 action to reject all bids, proposals, or replies, the standard
 3486 of review by the board is whether the corporation's intended
 3487 action is illegal, arbitrary, dishonest, or fraudulent.

3488 d. Failure to file a notice of protest or failure to file
 3489 a formal written protest constitutes a waiver of proceedings.

3490 3. The agency head or his or her designee shall consider
 3491 the recommended order of an administrative law judge and take
 3492 final action on the protest. Any further legal remedy lies with
 3493 the First District Court of Appeal.

3494 **Section 83. Subsection (7) of section 627.3511, Florida**
 3495 **Statutes, is amended to read:**

3496 627.3511 Depopulation of Citizens Property Insurance
 3497 Corporation.—

3498 (7) A minority business, which is at least 51 percent
 3499 owned by minority persons ~~as described in s. 288.703~~, desiring
 3500 to operate or become licensed as a property and casualty insurer

3501 may exempt up to \$50 of the escrow requirements of the take-out
 3502 bonus, as described in this section. Such minority business,
 3503 which has applied for a certificate of authority to engage in
 3504 business as a property and casualty insurer, may simultaneously
 3505 file the business' proposed take-out plan, as described in this
 3506 section, with the corporation.

3507 **Section 84. Paragraph (b) of subsection (4) of section**
 3508 **657.042, Florida Statutes, is amended to read:**

3509 657.042 Investment powers and limitations.—A credit union
 3510 may invest its funds subject to the following definitions,
 3511 restrictions, and limitations:

3512 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
 3513 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
 3514 the credit union may be invested in any of the following:

3515 (b) Any capital participation instrument or evidence of
 3516 indebtedness issued by the Department of Commerce pursuant to
 3517 the Florida Small ~~and Minority~~ Business Assistance Act.

3518 **Section 85. Paragraph (f) of subsection (4) of section**
 3519 **658.67, Florida Statutes, is amended to read:**

3520 658.67 Investment powers and limitations.—A bank may
 3521 invest its funds, and a trust company may invest its corporate
 3522 funds, subject to the following definitions, restrictions, and
 3523 limitations:

3524 (4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR
 3525 LESS OF CAPITAL ACCOUNTS.—

3526 (f) Up to 10 percent of the capital accounts of a bank or
 3527 trust company may be invested in any capital participation
 3528 instrument or evidence of indebtedness issued by the Department
 3529 of Commerce pursuant to the Florida Small ~~and Minority~~ Business
 3530 Assistance Act.

3531 **Section 86. Subsection (1) of section 947.02, Florida**
 3532 **Statutes, is amended to read:**

3533 947.02 Florida Commission on Offender Review; members,
 3534 appointment.—

3535 (1) Except as provided in s. 947.021, the members of the
 3536 Florida Commission on Offender Review shall be appointed by the
 3537 Governor and Cabinet from a list of eligible applicants
 3538 submitted by a parole qualifications committee. The appointments
 3539 of members of the commission shall be certified to the Senate by
 3540 the Governor and Cabinet for confirmation, and the membership of
 3541 the commission shall include representation from minority
 3542 persons ~~as defined in s. 288.703.~~

3543 **Section 87. Section 947.021, Florida Statutes, is amended**
 3544 **to read:**

3545 947.021 Florida Commission on Offender Review; expedited
 3546 appointments.—Whenever the Legislature decreases the membership
 3547 of the commission, all terms of office shall expire,
 3548 notwithstanding any law to the contrary. Under such
 3549 circumstances, the Governor and Cabinet shall expedite the
 3550 appointment of commissioners. Notwithstanding the parole

3551 qualifications committee procedure in s. 947.02, members shall
3552 be directly appointed by the Governor and Cabinet. Members
3553 appointed to the commission may be selected from incumbents.
3554 Members shall be certified to the Senate by the Governor and
3555 Cabinet for confirmation, and the membership of the commission
3556 shall include representation from minority persons ~~as defined in~~
3557 ~~s. 288.703.~~

3558 **Section 88. Subsection (3) of section 957.09, Florida**
3559 **Statutes, is amended to read:**

3560 957.09 Applicability of chapter to other provisions of
3561 law.—

3562 ~~(3) The provisions of law governing the participation of~~
3563 ~~minority business enterprises are applicable to this chapter.~~

3564 **Section 89. Paragraph (d) of subsection (7) of section**
3565 **1001.706, Florida Statutes, is amended to read:**

3566 1001.706 Powers and duties of the Board of Governors.—

3567 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

3568 ~~(d) The Board of Governors, or the board's designee, shall~~
3569 ~~ensure compliance with the provisions of s. 287.09451 for all~~
3570 ~~procurement and ss. 255.101 and 255.102 for construction~~
3571 ~~contracts, and rules adopted pursuant thereto, relating to the~~
3572 ~~utilization of minority business enterprises, except that~~
3573 ~~procurements costing less than the amount provided for in~~
3574 ~~CATEGORY FIVE as provided in s. 287.017 shall not be subject to~~
3575 ~~s. 287.09451.~~

3576 **Section 90. Paragraph (a) of subsection (4) of section**
 3577 **1004.435, Florida Statutes, is amended to read:**

3578 1004.435 Cancer control and research.—

3579 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
 3580 CREATION; COMPOSITION.—

3581 (a) There is created within the H. Lee Moffitt Cancer
 3582 Center and Research Institute, Inc., the Florida Cancer Control
 3583 and Research Advisory Council. The council shall consist of 16
 3584 members, which includes the chairperson, all of whom must be
 3585 residents of this state. The State Surgeon General or his or her
 3586 designee within the Department of Health shall be one of the 16
 3587 members. Members, except those appointed by the Governor, the
 3588 Speaker of the House of Representatives, or the President of the
 3589 Senate, must be appointed by the chief executive officer of the
 3590 institution or organization represented, or his or her designee.
 3591 One member must be a representative of the American Cancer
 3592 Society; one member must be a representative of the Sylvester
 3593 Comprehensive Cancer Center of the University of Miami; one
 3594 member must be a representative of the University of Florida
 3595 Shands Cancer Center; one member must be a representative of the
 3596 Florida Nurses Association who specializes in the field of
 3597 oncology and is not from an institution or organization already
 3598 represented on the council; one member must be a representative
 3599 of the Florida Osteopathic Medical Association who specializes
 3600 in the field of oncology; one member must be a member of the

3601 Florida Medical Association who specializes in the field of
 3602 oncology and who represents a cancer center not already
 3603 represented on the council; one member must be a representative
 3604 of the H. Lee Moffitt Cancer Center and Research Institute,
 3605 Inc.; one member must be a representative of the Mayo Clinic in
 3606 Jacksonville; one member must be a member of the Florida
 3607 Hospital Association who specializes in the field of oncology
 3608 and who represents a comprehensive cancer center not already
 3609 represented on the council; one member must be a representative
 3610 of the Association of Community Cancer Centers; one member must
 3611 specialize in pediatric oncology research or clinical care
 3612 appointed by the Governor; one member must specialize in
 3613 oncology clinical care or research appointed by the President of
 3614 the Senate; one member must be a current or former cancer
 3615 patient or a current or former caregiver to a cancer patient
 3616 appointed by the Speaker of the House of Representatives; one
 3617 member must be a member of the House of Representatives
 3618 appointed by the Speaker of the House of Representatives; and
 3619 one member must be a member of the Senate appointed by the
 3620 President of the Senate. ~~At least four of the members must be~~
 3621 ~~individuals who are minority persons as defined by s. 288.703.~~

3622 **Section 91. Subsection (3) of section 1009.70, Florida**
 3623 **Statutes, is amended to read:**

3624 1009.70 Florida Education Fund.—

3625 (3) The Florida Education Fund shall use the income of the

3626 fund to provide for programs which seek to:

3627 (a) Enhance the quality of higher educational opportunity
3628 in this state; and

3629 (b) Enhance equality by providing access to effective
3630 higher education programs by ~~minority and economically deprived~~
3631 ~~individuals in this state, with particular consideration to be~~
3632 ~~given to the needs of both blacks and women; and~~

3633 ~~(c) Increase the representation of minorities in faculty~~
3634 ~~and administrative positions in higher education in this state~~
3635 ~~and to provide more highly educated minority leadership in~~
3636 ~~business and professional enterprises in this state.~~

3637 **Section 92. Subsection (4) of section 1013.45, Florida**
3638 **Statutes, is amended to read:**

3639 1013.45 Educational facilities contracting and
3640 construction techniques for school districts and Florida College
3641 System institutions.—

3642 (4) Except as otherwise provided in this section and s.
3643 481.229, the services of a registered architect must be used for
3644 the development of plans for the erection, enlargement, or
3645 alteration of any educational facility. The services of a
3646 registered architect are not required for a minor renovation
3647 project for which the construction cost is less than \$50,000 or
3648 for the placement or hookup of relocatable educational
3649 facilities that conform to standards adopted under s. 1013.37.
3650 However, boards must provide compliance with building code

3651 requirements and ensure that these structures are adequately
3652 anchored for wind resistance as required by law. A district
3653 school board shall reuse existing construction documents or
3654 design criteria packages if such reuse is feasible and
3655 practical. If a school district's 5-year educational facilities
3656 work plan includes the construction of two or more new schools
3657 for students in the same grade group and program, such as
3658 elementary, middle, or high school, the district school board
3659 must require that prototype design and construction be used for
3660 the construction of these schools. Notwithstanding s. 287.055, a
3661 board may purchase the architectural services for the design of
3662 educational or ancillary facilities under an existing contract
3663 agreement for professional services held by a district school
3664 board in the State of Florida, provided that the purchase is to
3665 the economic advantage of the purchasing board, the services
3666 conform to the standards prescribed by rules of the State Board
3667 of Education, and such reuse is not without notice to, and
3668 permission from, the architect of record whose plans or design
3669 criteria are being reused. Plans must be reviewed for compliance
3670 with the State Requirements for Educational Facilities. Rules
3671 adopted under this section must establish uniform
3672 prequalification, selection, bidding, and negotiation procedures
3673 applicable to construction management contracts and the design-
3674 build process. This section does not supersede any small, ~~woman-~~
3675 ~~owned, or minority-owned~~ business enterprise preference program

3676 adopted by a board. Except as otherwise provided in this
3677 section, the negotiation procedures applicable to construction
3678 management contracts and the design-build process must conform
3679 to the requirements of s. 287.055. A board may not modify any
3680 rules regarding construction management contracts or the design-
3681 build process.

3682 **Section 93. Paragraph (c) of subsection (1) of section**
3683 **1013.46, Florida Statutes, is amended to read:**

3684 1013.46 Advertising and awarding contracts;
3685 prequalification of contractor.—

3686 (1)

3687 ~~(c) As an option, any county, municipality, or board may~~
3688 ~~set aside up to 10 percent of the total amount of funds~~
3689 ~~allocated for the purpose of entering into construction capital~~
3690 ~~project contracts with minority business enterprises, as defined~~
3691 ~~in s. 287.094. Such contracts shall be competitively bid only~~
3692 ~~among minority business enterprises. The set aside shall be used~~
3693 ~~to redress present effects of past discriminatory practices and~~
3694 ~~shall be subject to periodic reassessment to account for~~
3695 ~~changing needs and circumstances.~~

3696 **Section 94.** This act shall take effect July 1, 2025.