

By Senator McClain

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1 A bill to be entitled
2 An act relating to the executive branch; amending s.
3 17.11, F.S.; revising reporting requirements for the
4 Chief Financial Officer to conform to changes made by
5 the act; repealing s. 24.113, F.S., relating to
6 minority participation for lottery retailers; amending
7 s. 110.112, F.S.; revising policies regarding equal
8 employment opportunity in state government; deleting
9 certain requirements regarding affirmative action
10 plans applicable to executive agencies, state
11 attorneys, and public defenders; amending s. 110.123,
12 F.S.; revising definitions applicable to
13 administration of the state group insurance program;
14 authorizing certain surviving dependent children to
15 elect to continue certain coverage under the program;
16 amending s. 110.12301, F.S.; revising provisions
17 governing contracts for claims review services
18 procured by the Division of State Group Insurance of
19 the Department of Management Services; amending s.
20 110.205, F.S.; authorizing additional exempt positions
21 from the Career Service System, subject to limitations
22 and certain requirements; revising the definition of
23 the term "department"; amending s. 110.211, F.S.;
24 specifying the circumstances when open competition is
25 not required in filling a vacant position; revising
26 certain requirements regarding recruitment literature;
27 amending s. 110.605, F.S.; deleting a requirement that
28 the department develop a certain program relating to
29 Selected Exempt Service positions; amending ss. 112.19

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30 and 112.191, F.S.; revising eligibility for insurance
31 coverage for dependent children of law enforcement,
32 correctional, and correctional probation officers and
33 firefighters who are injured or killed in the line of
34 duty; amending s. 217.07, F.S.; providing a limitation
35 on certain funds held in the Surplus Property
36 Revolving Trust Fund account; repealing s. 255.101,
37 F.S., relating to utilization of minority business
38 enterprises in contracts for public construction
39 works; repealing s. 255.102, F.S., relating to
40 contractor utilization of minority business
41 enterprises; amending s. 255.20, F.S.; revising the
42 factors that a local government may consider in
43 awarding certain bids and contracts for public
44 construction works; amending s. 287.012, F.S.;
45 deleting the definition of the term "minority business
46 enterprise"; revising the definition of the term
47 "office"; amending s. 287.042, F.S.; deleting certain
48 duties and responsibilities of the Office of Supplier
49 Diversity; amending s. 287.055, F.S.; revising factors
50 that an agency is required to consider when acquiring
51 professional architectural, engineering, landscape
52 architectural, or surveying and mapping services;
53 amending s. 287.057, F.S.; deleting requirements that
54 an agency reserve certain contracts for certified
55 minority business enterprises; revising qualifications
56 for certain contract managers; conforming provisions
57 to changes made by the act; amending s. 287.059, F.S.;
58 revising the factors that an agency is encouraged to

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59 consider when selecting outside firms for attorney
60 services; amending s. 287.084, F.S.; revising
61 provisions governing preferences for Florida-based
62 businesses in procurement; providing criteria for
63 companies to be deemed a Florida-based business;
64 providing price preferences for competitive
65 solicitations meeting certain criteria; providing
66 applicability and construction; repealing s. 287.093,
67 F.S., relating to the procurement of personal property
68 and services from funds set aside for minority
69 business enterprises; repealing s. 287.0931, F.S.,
70 relating to participation in bond underwriting by
71 minority business enterprises; repealing s. 287.094,
72 F.S., relating to penalties for discrimination and
73 false representation in minority business enterprise
74 programs; repealing s. 287.0943, F.S., relating to the
75 certification of minority business enterprises;
76 repealing s. 287.09431, F.S., relating to statewide
77 and interlocal agreements on certification of business
78 concerns for the status of minority business
79 enterprise; amending s. 287.09451, F.S.; renaming the
80 Office of Supplier Diversity as the Office of Supplier
81 Development; revising the powers, duties, and
82 functions of the office; repealing s. 287.0947, F.S.,
83 relating to the Florida Advisory Council on Small and
84 Minority Business Development; creating s. 287.096,
85 F.S.; defining terms; prohibiting vendors or
86 affiliates from taking certain actions relating to
87 procurement if placed on a prohibited vendor list

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88 maintained by the department; prohibiting a public
89 entity from taking certain actions with a vendor or
90 affiliate placed on any such list; requiring vendors
91 and affiliates to provide certain certifications and
92 make disclosures to an agency; providing
93 applicability; requiring that invitations to bid,
94 requests for proposals, invitations to negotiate, and
95 contracts include a specified statement; requiring the
96 department to maintain the prohibited vendor lists
97 electronically, post the lists on its website, and
98 update them at specified intervals; requiring a vendor
99 or affiliate to notify the department within a
100 specified timeframe of meeting criteria for placement
101 on a prohibited vendor list; requiring a public entity
102 to transmit certain vendor information to the
103 department within a specific timeframe; providing
104 requirements as to investigations and determinations
105 made by the department; providing procedures regarding
106 the placement of a vendor or an affiliate on a
107 prohibited vendor list; providing procedures and
108 requirements for removal from a prohibited vendor
109 list; providing applicability; prohibiting a
110 governmental entity from knowingly entering into
111 contracts with, or accepting bids, proposals, or
112 replies from, certain vendors or affiliates;
113 authorizing the Attorney General to bring a civil
114 action against a vendor or affiliate that violates
115 specified provisions; specifying applicable penalties;
116 authorizing the department to adopt certain rules;

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117 providing procedures for the Attorney General
118 regarding any antitrust violations; providing factors
119 for an administrative law judge to consider in
120 determining placement on the antitrust violator vendor
121 list; providing applicability; repealing s. 287.133,
122 F.S., relating to public entity crimes and the denial
123 or revocation of the right to transact business with
124 public entities; repealing s. 287.134, F.S., relating
125 to discrimination and the denial or revocation of the
126 right to transact business with public entities;
127 repealing s. 287.1346, F.S., relating to the provision
128 of commodities produced by forced labor and the denial
129 or revocation of the right to transact business with
130 agencies; repealing s. 287.1351, F.S., relating to
131 suspended vendors for state contracts; repealing s.
132 287.137(1) and (7), F.S., relating to antitrust
133 violations and the denial or revocation of the right
134 to transact business with public entities and the
135 denial of economic benefits; transferring,
136 renumbering, and amending s. 287.137(8), F.S.;
137 revising provisions governing a public records
138 exemption for certain investigatory records to conform
139 to changes made by the act; amending s. 287.138, F.S.;
140 revising applicable penalties for violations relating
141 to contracting with entities of foreign countries of
142 concern to conform to changes made by the act;
143 repealing s. 288.1167, F.S., relating to sports
144 franchise contract provisions for food and beverage
145 concession and contract awards to minority business

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146 enterprises; amending s. 288.703, F.S.; deleting the
147 definition of the term "certified minority business
148 enterprise"; revising the definition of the term
149 "ombudsman"; amending s. 288.7031, F.S.; revising a
150 provision governing the application of certain
151 definitions to conform to changes made by the act;
152 amending s. 376.84, F.S.; revising economic incentives
153 available for brownfield redevelopment; amending s.
154 440.45, F.S.; revising the composition of the
155 statewide nominating commission for Judges of
156 Compensation Claims; repealing s. 760.80, F.S.,
157 relating to minority representation on boards,
158 commissions, councils, and committees; redesignating
159 part V of ch. 760, F.S., as part IV to conform to
160 changes made by the act; amending s. 1001.706, F.S.;
161 deleting certain requirements that the Board of
162 Governors must take regarding utilization of minority
163 business enterprises; amending s. 1013.46, F.S.;
164 deleting a provision authorizing a set-aside for
165 minority business enterprises for the award of certain
166 contracts; amending s. 16.615, F.S.; conforming a
167 provision to changes made by the act; amending ss.
168 43.16, 110.116, 212.096, 215.971, 255.0992, 282.201,
169 282.709, 286.101, 287.056, 287.0571, 287.0591,
170 288.0001, 288.706, 295.187, 376.3072, 394.47865,
171 402.7305, 408.045, 473.3065, 570.07, and 627.351,
172 F.S.; conforming cross-references; providing effective
173 dates.

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

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177 Section 1. Subsection (2) of section 17.11, Florida
178 Statutes, is amended to read:

179 17.11 To report disbursements made.—

180 (2) The Chief Financial Officer shall also cause to have
181 reported from the Florida Accounting Information Resource
182 Subsystem no less than quarterly the disbursements which
183 agencies made to small businesses, as defined in s. 288.703 ~~the~~
184 ~~Florida Small and Minority Business Assistance Act; to certified~~
185 ~~minority business enterprises in the aggregate; and to certified~~
186 ~~minority business enterprises broken down into categories of~~
187 ~~minority persons, as well as gender and nationality subgroups.~~
188 This information must ~~shall~~ be made available to the agencies,
189 the Office of Supplier Development Diversity, the Governor, the
190 President of the Senate, and the Speaker of the House of
191 Representatives. Each agency shall be responsible for the
192 accuracy of information entered into the Florida Accounting
193 Information Resource Subsystem for use in this reporting.

194 Section 2. Section 24.113, Florida Statutes, is repealed.

195 Section 3. Section 110.112, Florida Statutes, is amended to
196 read:

197 110.112 ~~Affirmative action;~~ Equal employment opportunity.—

198 (1) It is the policy of this state to provide equal
199 opportunities in employment. Discrimination in employment
200 because of race, gender, creed, color, or national origin is
201 prohibited. Executive agencies may not use racial or gender set-
202 asides, preferences, or quotas when making decisions regarding
203 the hiring, retention, or promotion of a state employee assist

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204 ~~in providing the assurance of equal employment opportunity~~
205 ~~through programs of affirmative and positive action that will~~
206 ~~allow full utilization of women, minorities, and individuals who~~
207 ~~have a disability.~~

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

212 ~~(b) Each executive agency shall establish annual goals for~~
213 ~~ensuring full utilization of groups underrepresented in the~~
214 ~~agency's workforce, including women, minorities, and individuals~~
215 ~~who have a disability, as compared to the relevant labor market,~~
216 ~~as defined by the agency. Each executive agency shall design its~~
217 ~~affirmative action plan to meet its established goals.~~

218 ~~(c) Each executive agency shall annually report to the~~
219 ~~department regarding the agency's progress toward increasing~~
220 ~~employment among women, minorities, and individuals who have a~~
221 ~~disability.~~

222 ~~(d) An affirmative action-equal employment opportunity~~
223 ~~officer shall be appointed by the head of each executive agency.~~
224 ~~The affirmative action-equal employment opportunity officer's~~
225 ~~responsibilities must include determining annual goals,~~
226 ~~monitoring agency compliance, and providing consultation to~~
227 ~~managers regarding progress, deficiencies, and appropriate~~
228 ~~corrective action.~~

229 ~~(e) The department shall report information in its annual~~
230 ~~workforce report relating to the implementation, continuance,~~
231 ~~updating, and results of each executive agency's affirmative~~
232 ~~action plan for the previous fiscal year. The annual workforce~~

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233 ~~report must also include data for each executive agency relating~~
234 ~~to employment levels among women, minorities, and individuals~~
235 ~~who have a disability.~~

236 ~~(f) The department shall provide to all supervisory~~
237 ~~personnel of the executive agencies training in the principles~~
238 ~~of equal employment opportunity and affirmative action, the~~
239 ~~development and implementation of affirmative action plans, and~~
240 ~~the establishment of annual affirmative action goals. The~~
241 ~~department may contract for training services, and each~~
242 ~~participating agency shall reimburse the department for costs~~
243 ~~incurred through such contract. After the department approves~~
244 ~~the contents of the training program for the agencies, the~~
245 ~~department may delegate this training to the executive agencies.~~

246 (2) (a) ~~(3) (a)~~ The department, in consultation with the
247 Agency for Persons with Disabilities, the Division of Vocational
248 Rehabilitation and the Division of Blind Services of the
249 Department of Education, the Department of Commerce, and the
250 Executive Office of the Governor, shall develop and implement
251 programs that incorporate internships, mentoring, on-the-job
252 training, unpaid work experience, situational assessments, and
253 other innovative strategies that are specifically geared toward
254 individuals who have a disability.

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

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

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262 2. The department shall assist executive agencies in the
263 implementation of agency-specific plans. The department shall
264 regularly report to the Governor, the President of the Senate,
265 and the Speaker of the House of Representatives the progress of
266 executive agencies in implementing these plans. Such reports
267 shall be made at least biannually.

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

271 (e) The department shall assist executive agencies in
272 identifying and implementing strategies for retaining employees
273 who have a disability which include, but are not limited to,
274 training programs, funding reasonable accommodations, increasing
275 access to appropriate technologies, and ensuring accessibility
276 of physical and virtual workplaces.

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

280 (g) This subsection does not create any substantive or
281 procedural right or benefit enforceable at law or in equity
282 against the state or a state agency, or an officer, employee, or
283 agent thereof.

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

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

286 ~~(b) Establish annual goals for ensuring full utilization of~~
287 ~~groups underrepresented in its workforce as compared to the~~
288 ~~relevant labor market in this state. The state attorneys' and~~
289 ~~public defenders' affirmative action plans must be designed to~~
290 ~~meet the established goals.~~

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291 ~~(c) Appoint an affirmative action equal employment~~
292 ~~opportunity officer.~~

293 (3)~~(5)~~ The state, its agencies and officers shall ensure
294 freedom from discrimination in employment as provided by the
295 Florida Civil Rights Act of 1992, by s. 112.044, and by this
296 chapter.

297 (4)~~(6)~~ Any individual claiming to be aggrieved by an
298 unlawful employment practice may file a complaint with the
299 Florida Commission on Human Relations as provided by s. 760.11.

300 (5)~~(7)~~ The department shall review and monitor executive
301 agency actions in carrying out the rules adopted by the
302 department pursuant to this section.

303 Section 4. Paragraphs (c), (m), and (n) of subsection (2)
304 and paragraph (g) of subsection (3) of section 110.123, Florida
305 Statutes, are amended to read:

306 110.123 State group insurance program.—

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

308 (c) "Enrollee" means all state officers and employees,
309 retired state officers and employees, surviving spouses of
310 deceased state officers and employees, surviving dependent
311 children eligible for premium payment under s. 112.19 or s.
312 112.191, eligible former employees, and terminated employees or
313 individuals with continuation coverage who are enrolled in an
314 insurance plan offered by the state group insurance program. The
315 term includes all state university officers and employees,
316 retired state university officers and employees, surviving
317 spouses of deceased state university officers and employees, and
318 terminated state university employees or individuals with
319 continuation coverage who are enrolled in an insurance plan

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320 offered by the state group insurance program. The term includes
321 all Florida College System institution officers and employees,
322 retired Florida College System institution officers and
323 employees, surviving spouses of deceased Florida College System
324 institution officers and employees, and terminated Florida
325 College System institution employees or individuals with
326 continuation coverage who are enrolled in an insurance plan
327 offered by the state group insurance program. As used in this
328 paragraph, state employees and retired state employees also
329 include employees and retired employees of the Division of
330 Rehabilitation and Liquidation.

331 (m) "State group health insurance plan or plans" or "state
332 plan or plans" means the state self-insured health insurance
333 plan or plans offered to state officers and employees, retired
334 state officers and employees, eligible former employees,
335 surviving dependent children eligible for premium payment under
336 s. 112.19 or s. 112.191, and surviving spouses of deceased state
337 officers, employees, and eligible former employees under this
338 section.

339 (n) "State group insurance program" or "programs" means the
340 package of insurance plans offered to state officers and
341 employees, retired state officers and employees, eligible former
342 employees, and surviving spouses of deceased state officers,
343 employees, surviving dependent children eligible for premium
344 payment under s. 112.19 or s. 112.191, and eligible former
345 employees under this section, including the state group health
346 insurance plan or plans, health maintenance organization plans,
347 TRICARE supplemental insurance plans, and other plans required
348 or authorized by law.

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349 (3) STATE GROUP INSURANCE PROGRAM.—

350 (g) Participation by individuals in the program is
351 available to all state officers, full-time state employees,
352 part-time state employees, and eligible former employees and is
353 voluntary. Participation in the program is also available to
354 retired state officers and employees who elect at the time of
355 retirement to continue coverage under the program, but may elect
356 to continue all or only part of the coverage they had at the
357 time of retirement. A surviving dependent child eligible for
358 premium payment under s. 112.19 or s. 112.191 or a surviving
359 spouse may elect to continue coverage only under a state group
360 health insurance plan, a TRICARE supplemental insurance plan, or
361 a health maintenance organization plan.

362 Section 5. Subsections (1) and (2) of section 110.12301,
363 Florida Statutes, are amended to read:

364 110.12301 Competitive procurement of ~~postpayment~~ claims
365 review services and dependent eligibility verification services;
366 public records exemption.—

367 (1) The Division of State Group Insurance is directed to
368 competitively procure ~~postpayment~~ claims review services for the
369 state group health insurance plans established pursuant to s.
370 110.123. ~~Compensation under the contract shall be paid from~~
371 ~~amounts identified as claim overpayments that are made by or on~~
372 ~~behalf of the health plans and that are recovered by the vendor.~~
373 ~~The vendor may retain that portion of the amount recovered as~~
374 ~~provided in the contract.~~ The contract must require the vendor
375 to maintain all necessary documentation supporting the amounts
376 recovered by the vendor or, retained by, and ~~remitted to the~~
377 division.; ~~and~~

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378 (2) The department is directed to contract for dependent
379 eligibility verification services for the state group insurance
380 program.

381 (a) The department or the contractor providing dependent
382 eligibility verification services may require the following
383 information from subscribers:

384 1. To prove a spouse's eligibility:

385 a. If married less than 12 months and the subscriber and
386 his or her spouse have not filed a joint federal income tax
387 return, a government-issued marriage certificate;

388 b. If married for 12 or more months, a transcript of the
389 most recently filed federal income tax return; or

390 c. If the documentation specified in sub-subparagraph a. or
391 sub-subparagraph b. cannot be produced, an attestation of the
392 marriage by sworn affidavit consistent with s. 92.50.

393 2. To prove a biological child's or a newborn grandchild's
394 eligibility:

395 a. A government-issued birth certificate; or

396 b. If a birth certificate cannot be produced, an
397 attestation of the subscriber-dependent relationship by sworn
398 affidavit consistent with s. 92.50.

399 3. To prove an adopted child's eligibility:

400 a. An adoption certificate;

401 b. An adoption placement agreement and a petition for
402 adoption; or

403 c. If the documentation specified in sub-subparagraph a. or
404 sub-subparagraph b. cannot be produced, an attestation of the
405 subscriber-dependent relationship by sworn affidavit consistent
406 with s. 92.50.

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- 407 4. To prove a stepchild's eligibility:
- 408 a. A government-issued birth certificate for the stepchild;
- 409 and
- 410 b. The transcript of the subscriber's most recently filed
- 411 federal income tax return.
- 412 5. To prove a child's eligibility under a guardianship, a
- 413 copy of the court order naming the subscriber or the
- 414 subscriber's spouse as the child's legal guardian or custodian.
- 415 6. To prove a foster child's eligibility, a copy of the
- 416 records showing the subscriber or the subscriber's spouse as the
- 417 dependent's foster parent.
- 418 7. To prove eligibility of an unmarried child age 26 to 30:
- 419 a. A copy of the child's government-issued birth
- 420 certificate or adoption certificate naming the subscriber or the
- 421 subscriber's spouse as the child's parent, or a copy of the
- 422 court order naming the subscriber or the subscriber's spouse as
- 423 the child's legal guardian or custodian;
- 424 b. A copy of the Certification of Over-Age Dependent
- 425 Eligibility Form; and
- 426 c. A document confirming the child's current enrollment as
- 427 a student, including the name of the child, the name of the
- 428 school, and the school term; or a bill or statement in the
- 429 child's name which is dated within the past 60 days and is
- 430 mailed to the child at a Florida address.
- 431 8. To prove eligibility for a disabled child age 26 or
- 432 older:
- 433 a. A copy of the child's government-issued birth
- 434 certificate or adoption certificate naming the subscriber or the
- 435 subscriber's spouse as the child's parent, or a copy of the

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436 court order naming the subscriber or the subscriber's spouse as
437 the child's legal guardian or custodian; and

438 b. A copy of the transcript of the subscriber's most
439 recently filed federal income tax return listing the child's
440 name and the last four digits of the child's social security
441 number and identifying the child as the subscriber's dependent
442 for tax purposes.

443 (b) A government-issued marriage license or marriage
444 certificate submitted for dependent eligibility verification
445 must include the date of the marriage between the subscriber and
446 the spouse.

447 (c) A government-issued birth certificate submitted for
448 dependent eligibility verification must list the parents' names.

449 (d) Foreign-born subscribers unable to obtain the necessary
450 documentation within the specified time period of producing
451 verification documentation may provide a sworn affidavit
452 consistent with s. 92.50 attesting to eligibility requirements.

453 (e) Documentation submitted to verify eligibility may be an
454 original or a photocopy of an original document. Before
455 submitting a document, the subscriber may redact any information
456 on a document which is not necessary to verify the eligibility
457 of the dependent.

458 (f) All documentation obtained by the department or the
459 contractor to conduct the dependent eligibility verification
460 services must be retained in accordance with the applicable
461 records retention schedule.

462 Section 6. Paragraph (n) of subsection (2) and subsection
463 (4) of section 110.205, Florida Statutes, are amended, and
464 paragraphs (y), (z), and (aa) are added to subsection (2) of

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465 that section, to read:

466 110.205 Career service; exemptions.—

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

469 (n)1.a. In addition to those positions exempted by other
470 paragraphs of this subsection, each department head may
471 designate a maximum of 20 policymaking or managerial positions,
472 as defined by the department and approved by the Administration
473 Commission, as being exempt from the Career Service System.
474 Career service employees who occupy a position designated as a
475 position in the Selected Exempt Service under this paragraph
476 shall have the right to remain in the Career Service System by
477 opting to serve in a position not exempted by the employing
478 agency. Unless otherwise fixed by law, the department shall set
479 the salary and benefits of these positions in accordance with
480 the rules of the Selected Exempt Service; ~~provided, however,~~
481 ~~that if the agency head determines that the general counsel,~~
482 ~~chief Cabinet aide, public information administrator or~~
483 ~~comparable position for a Cabinet officer, inspector general, or~~
484 ~~legislative affairs director has both policymaking and~~
485 ~~managerial responsibilities and if the department determines~~
486 ~~that any such position has both policymaking and managerial~~
487 ~~responsibilities, the salary and benefits for each such position~~
488 ~~shall be established by the department in accordance with the~~
489 ~~rules of the Senior Management Service.~~

490 b. In addition, each department may designate one
491 additional position in the Senior Management Service if that
492 position reports directly to the agency head or to a position in
493 the Senior Management Service and if any additional costs are

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494 absorbed from the existing budget of that department.

495 c. In addition to those positions exempted by this
496 subsection, each department head may designate a maximum of 3
497 cybersecurity positions as being exempt from the Career Service
498 System. Career service employees who occupy a position
499 designated as a position in the Selected Exempt Service under
500 this paragraph have the right to remain in the Career Service
501 System by opting to serve in a position not exempted by the
502 employing agency. Unless otherwise fixed by law, the department
503 shall set the salary and benefits of these positions in
504 accordance with the rules of the Selected Exempt Service.

505 2. If otherwise exempt, employees of the Public Employees
506 Relations Commission, the Commission on Human Relations, and the
507 Reemployment Assistance Appeals Commission, upon the
508 certification of their respective commission heads, may be
509 provided for under this paragraph as members of the Senior
510 Management Service, if otherwise qualified. However, the deputy
511 general counsel of the Public Employees Relations Commission
512 shall be compensated as members of the Selected Exempt Service.

513 (y) The general counsel, chief or senior Cabinet aide,
514 public information administrator, communications director or
515 comparable position, inspector general, chief information
516 officer, and legislative affairs director of each department.
517 The salary and benefits for each such position shall be
518 established by the department in accordance with the rules of
519 the Senior Management Service.

520 (z) The agency information security manager designated
521 pursuant to s. 282.318(4)(a), and personnel employed by or
522 reporting to the inspector general, general counsel, state chief

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523 information security officer, the state chief data officer, and
524 agency information security manager. Unless otherwise fixed by
525 law, the department shall establish the salary and benefits for
526 these positions in accordance with the rules of the Selected
527 Exempt Service.

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

532 (4) DEFINITION OF DEPARTMENT.—When used in this section,
533 the term “department” shall mean all departments and commissions
534 of the executive branch, whether created by the State
535 Constitution or chapter 20; the office of the Governor; the
536 Office of Insurance Regulation of the Financial Services
537 Commission, the Office of Financial Regulation of the Financial
538 Services Commission, the Florida Gaming Control Commission, the
539 Division of the State Guard, the Division of Administrative
540 Hearings, the Commission on Offender Review, the Florida
541 Commission on Human Relations, the Public Employees Relations
542 Commission, and the Public Service Commission; however, the term
543 “department” shall mean the Department of Management Services
544 when used in the context of the authority to establish pay bands
545 and benefits.

546 Section 7. Section 110.211, Florida Statutes, is amended to
547 read:

548 110.211 Recruitment.—

549 (1) Recruiting must ~~shall~~ be planned and carried out in a
550 manner that assures open competition based upon current and
551 projected employing agency needs, taking into consideration the

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552 number and types of positions to be filled and the labor market
553 conditions. However, open competition is not required when an
554 employing agency is filling a position with an apprentice
555 participating in an apprenticeship program, as defined in s.
556 446.021(6), in a related field, ~~with special emphasis placed on~~
557 ~~recruiting efforts to attract minorities, women, or other groups~~
558 ~~that are underrepresented in the workforce of the employing~~
559 ~~agency.~~

560 (2) Recruiting efforts to fill current or projected
561 vacancies must ~~shall~~ be carried out in the sound discretion of
562 the agency head.

563 (3) Recruiting shall seek efficiency in advertising and may
564 be assisted by a contracted vendor responsible for maintenance
565 of the personnel data.

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

570 Section 8. Paragraph (d) of subsection (1) of section
571 110.605, Florida Statutes, is amended to read:

572 110.605 Powers and duties; personnel rules, records,
573 reports, and performance appraisal.—

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

579 ~~(d) The department shall develop a program of affirmative~~
580 ~~and positive actions that will ensure full utilization of women~~

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581 ~~and minorities in Selected Exempt Service positions.~~

582 Section 9. Paragraphs (g) and (h) of subsection (2) of
583 section 112.19, Florida Statutes, are amended to read:

584 112.19 Law enforcement, correctional, and correctional
585 probation officers; death benefits.—

586 (2)

587 (g) Any political subdivision of the state that employs a
588 full-time law enforcement officer as defined in s. 943.10(1) or
589 a full-time correctional officer as defined in s. 943.10(2) who
590 is killed in the line of duty on or after July 1, 1993, as a
591 result of an act of violence inflicted by another person while
592 the officer is engaged in the performance of law enforcement
593 duties or as a result of an assault against the officer under
594 riot conditions shall pay the entire premium of the political
595 subdivision's health insurance plan for the employee's surviving
596 spouse until remarried, and for each dependent child of the
597 employee until ~~the child reaches the age of majority or until~~
598 the end of the calendar year in which the child reaches the age
599 of 26 ~~25~~ if:

600 1. At the time of the employee's death, the child is
601 dependent upon the employee for support; and

602 2. The surviving child continues to be dependent for
603 support, or the surviving child is a full-time or part-time
604 student and is dependent for support.

605 (h)1. Any employer who employs a full-time law enforcement,
606 correctional, or correctional probation officer who, on or after
607 January 1, 1995, suffers a catastrophic injury, as defined in s.
608 440.02, Florida Statutes 2002, in the line of duty shall pay the
609 entire premium of the employer's health insurance plan for the

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610 injured employee, the injured employee's spouse, and for each
611 dependent child of the injured employee ~~until the child reaches~~
612 ~~the age of majority or~~ until the end of the calendar year in
613 which the child reaches the age of 26 ~~25 if the child continues~~
614 ~~to be dependent for support, or the child is a full-time or~~
615 ~~part-time student and is dependent for support.~~ The term "health
616 insurance plan" does not include supplemental benefits that are
617 not part of the basic group health insurance plan. If the
618 injured employee subsequently dies, the employer shall continue
619 to pay the entire health insurance premium for the surviving
620 spouse until remarried, and for the dependent children, under
621 the conditions outlined in this paragraph. However:

622 a. Health insurance benefits payable from any other source
623 shall reduce benefits payable under this section.

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

631 c. In addition to any applicable criminal penalty, upon
632 conviction for a violation as described in sub-subparagraph b.,
633 a law enforcement, correctional, or correctional probation
634 officer or other beneficiary who receives or seeks to receive
635 health insurance benefits under this paragraph shall forfeit the
636 right to receive such health insurance benefits, and shall
637 reimburse the employer for all benefits paid due to the fraud or
638 other prohibited activity. For purposes of this sub-

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639 subparagraph, the term "conviction" means a determination of
640 guilt that is the result of a plea or trial, regardless of
641 whether adjudication is withheld.

642 2. In order for the officer, spouse, and dependent children
643 to be eligible for such insurance coverage, the injury must have
644 occurred as the result of the officer's response to fresh
645 pursuit, the officer's response to what is reasonably believed
646 to be an emergency, or an unlawful act perpetrated by another.
647 Except as otherwise provided herein, this paragraph may not be
648 construed to limit health insurance coverage for which the
649 officer, spouse, or dependent children may otherwise be
650 eligible, except that a person who qualifies under this section
651 is not eligible for the health insurance subsidy provided under
652 chapter 121, chapter 175, or chapter 185.

653 Section 10. Paragraphs (f) and (g) of subsection (2) of
654 section 112.191, Florida Statutes, are amended to read:

655 112.191 Firefighters; death benefits.-

656 (2)

657 (f) Any political subdivision of the state that employs a
658 full-time firefighter who is killed in the line of duty on or
659 after July 1, 1993, as a result of an act of violence inflicted
660 by another person while the firefighter is engaged in the
661 performance of firefighter duties, as a result of a fire which
662 has been determined to have been caused by an act of arson, or
663 as a result of an assault against the firefighter under riot
664 conditions shall pay the entire premium of the political
665 subdivision's health insurance plan for the employee's surviving
666 spouse until remarried, and for each dependent child of the
667 employee until ~~the child reaches the age of majority or until~~

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668 the end of the calendar year in which the child reaches the age
669 of 26 ~~25~~ if:

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

672 2. ~~The surviving child continues to be dependent for~~
673 ~~support, or the surviving child is a full-time or part-time~~
674 ~~student and is dependent for support.~~

675 (g)1. Any employer who employs a full-time firefighter who,
676 on or after January 1, 1995, suffers a catastrophic injury, as
677 defined in s. 440.02, Florida Statutes 2002, in the line of duty
678 shall pay the entire premium of the employer's health insurance
679 plan for the injured employee, the injured employee's spouse,
680 and for each dependent child of the injured employee until ~~the~~
681 ~~child reaches the age of majority or until~~ the end of the
682 calendar year in which the child reaches the age of 26 ~~25~~ if ~~the~~
683 ~~child continues to be dependent for support, or the child is a~~
684 ~~full-time or part-time student and is dependent for support.~~ The
685 term "health insurance plan" does not include supplemental
686 benefits that are not part of the basic group health insurance
687 plan. If the injured employee subsequently dies, the employer
688 shall continue to pay the entire health insurance premium for
689 the surviving spouse until remarried, and for the dependent
690 children, under the conditions outlined in this paragraph.

691 However:

692 a. Health insurance benefits payable from any other source
693 shall reduce benefits payable under this section.

694 b. It is unlawful for a person to willfully and knowingly
695 make, or cause to be made, or to assist, conspire with, or urge
696 another to make, or cause to be made, any false, fraudulent, or

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697 misleading oral or written statement to obtain health insurance
698 coverage as provided under this paragraph. A person who violates
699 this sub-subparagraph commits a misdemeanor of the first degree,
700 punishable as provided in s. 775.082 or s. 775.083.

701 c. In addition to any applicable criminal penalty, upon
702 conviction for a violation as described in sub-subparagraph b.,
703 a firefighter or other beneficiary who receives or seeks to
704 receive health insurance benefits under this paragraph shall
705 forfeit the right to receive such health insurance benefits, and
706 shall reimburse the employer for all benefits paid due to the
707 fraud or other prohibited activity. For purposes of this sub-
708 subparagraph, the term "conviction" means a determination of
709 guilt that is the result of a plea or trial, regardless of
710 whether adjudication is withheld.

711 2. In order for the firefighter, spouse, and dependent
712 children to be eligible for such insurance coverage, the injury
713 must have occurred as the result of the firefighter's response
714 to what is reasonably believed to be an emergency involving the
715 protection of life or property, or an unlawful act perpetrated
716 by another. Except as otherwise provided herein, this paragraph
717 may not be construed to limit health insurance coverage for
718 which the firefighter, spouse, or dependent children may
719 otherwise be eligible, except that a person who qualifies for
720 benefits under this section is not eligible for the health
721 insurance subsidy provided under chapter 121, chapter 175, or
722 chapter 185.

723

724 Notwithstanding any provision of this section to the contrary,
725 the death benefits provided in paragraphs (b), (c), and (f)

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726 shall also be applicable and paid in cases where a firefighter
727 received bodily injury prior to July 1, 1993, and subsequently
728 died on or after July 1, 1993, as a result of such in-line-of-
729 duty injury.

730 Section 11. Section 217.07, Florida Statutes, is amended to
731 read:

732 217.07 Transfer of surplus property assets to department.-
733 The Chief Financial Officer is authorized to transfer to the
734 department any funds unexpended in the Surplus Property
735 Revolving Trust Fund account in the State Treasury. This
736 revolving fund shall remain in existence as a separate trust
737 fund as long as the surplus property program exists. Upon
738 termination of the program any remaining funds shall be disposed
739 of as provided by federal law. All funds held in the Surplus
740 Property Revolving Trust Fund account in the State Treasury
741 generated by the Federal Surplus Personal Property Donation
742 Program may only be used for the direct and indirect operating
743 expenses of the Federal Surplus Property Donation Program
744 administered by the department.

745 Section 12. Section 255.101, Florida Statutes, is repealed.

746 Section 13. Section 255.102, Florida Statutes, is repealed.

747 Section 14. Paragraph (c) of subsection (1) of section
748 255.20, Florida Statutes, is amended to read:

749 255.20 Local bids and contracts for public construction
750 works; specification of state-produced lumber.-

751 (1) A county, municipality, special district as defined in
752 chapter 189, or other political subdivision of the state seeking
753 to construct or improve a public building, structure, or other
754 public construction works must competitively award to an

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755 appropriately licensed contractor each project that is estimated
756 to cost more than \$300,000. For electrical work, the local
757 government must competitively award to an appropriately licensed
758 contractor each project that is estimated to cost more than
759 \$75,000. As used in this section, the term "competitively award"
760 means to award contracts based on the submission of sealed bids,
761 proposals submitted in response to a request for proposal,
762 proposals submitted in response to a request for qualifications,
763 or proposals submitted for competitive negotiation. This
764 subsection expressly allows contracts for construction
765 management services, design/build contracts, continuation
766 contracts based on unit prices, and any other contract
767 arrangement with a private sector contractor permitted by any
768 applicable municipal or county ordinance, by district
769 resolution, or by state law. For purposes of this section, cost
770 includes employee compensation and benefits, except inmate
771 labor, the cost of equipment and maintenance, insurance costs,
772 and the cost of direct materials to be used in the construction
773 of the project, including materials purchased by the local
774 government, and other direct costs, plus a factor of 20 percent
775 for management, overhead, and other indirect costs. Subject to
776 the provisions of subsection (3), the county, municipality,
777 special district, or other political subdivision may establish,
778 by municipal or county ordinance or special district resolution,
779 procedures for conducting the bidding process.

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

781 1. If the project is undertaken to replace, reconstruct, or
782 repair an existing public building, structure, or other public
783 construction works damaged or destroyed by a sudden unexpected

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784 turn of events such as an act of God, riot, fire, flood,
785 accident, or other urgent circumstances, and such damage or
786 destruction creates:

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

788 b. Other loss to public or private property which requires
789 emergency government action; or

790 c. An interruption of an essential governmental service.

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

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

797 4. To construction, remodeling, repair, or improvement by a
798 utility commission whose major contracts are to construct and
799 operate a public electric utility system.

800 5. If the project is undertaken as repair or maintenance of
801 an existing public facility. For the purposes of this paragraph,
802 the term "repair" means a corrective action to restore an
803 existing public facility to a safe and functional condition and
804 the term "maintenance" means a preventive or corrective action
805 to maintain an existing public facility in an operational state
806 or to preserve the facility from failure or decline. Repair or
807 maintenance includes activities that are necessarily incidental
808 to repairing or maintaining the facility. Repair or maintenance
809 does not include the construction of any new building,
810 structure, or other public construction works or any substantial
811 addition, extension, or upgrade to an existing public facility.
812 Such additions, extensions, or upgrades shall be considered

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813 substantial if the estimated cost of the additions, extensions,
814 or upgrades included as part of the repair or maintenance
815 project exceeds the threshold amount in subsection (1) and
816 exceeds 20 percent of the estimated total cost of the repair or
817 maintenance project fully accounting for all costs associated
818 with performing and completing the work, including employee
819 compensation and benefits, equipment cost and maintenance,
820 insurance costs, and the cost of direct materials to be used in
821 the construction of the project, including materials purchased
822 by the local government, and other direct costs, plus a factor
823 of 20 percent for management, overhead, and other indirect
824 costs. An addition, extension, or upgrade may ~~shall~~ not be
825 considered substantial if it is undertaken pursuant to the
826 conditions specified in subparagraph 1. Repair and maintenance
827 projects and any related additions, extensions, or upgrades may
828 not be divided into multiple projects for the purpose of evading
829 the requirements of this subparagraph.

830 6. If the project is undertaken exclusively as part of a
831 public educational program.

832 7. If the funding source of the project will be diminished
833 or lost because the time required to competitively award the
834 project after the funds become available exceeds the time within
835 which the funding source must be spent.

836 8. If the local government competitively awarded a project
837 to a private sector contractor and the contractor abandoned the
838 project before completion or the local government terminated the
839 contract.

840 9. If the governing board of the local government complies
841 with all of the requirements of this subparagraph, conducts a

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842 public meeting under s. 286.011 after public notice, and finds
843 by majority vote of the governing board that it is in the
844 public's best interest to perform the project using its own
845 services, employees, and equipment. The public notice must be
846 published at least 21 days before the date of the public meeting
847 at which the governing board takes final action. The notice must
848 identify the project, the components and scope of the work, and
849 the estimated cost of the project fully accounting for all costs
850 associated with performing and completing the work, including
851 employee compensation and benefits, equipment cost and
852 maintenance, insurance costs, and the cost of direct materials
853 to be used in the construction of the project, including
854 materials purchased by the local government, and other direct
855 costs, plus a factor of 20 percent for management, overhead, and
856 other indirect costs. The notice must specify that the purpose
857 for the public meeting is to consider whether it is in the
858 public's best interest to perform the project using the local
859 government's own services, employees, and equipment. Upon
860 publication of the public notice and for 21 days thereafter, the
861 local government shall make available for public inspection,
862 during normal business hours and at a location specified in the
863 public notice, a detailed itemization of each component of the
864 estimated cost of the project and documentation explaining the
865 methodology used to arrive at the estimated cost. At the public
866 meeting, any qualified contractor or vendor who could have been
867 awarded the project had the project been competitively bid shall
868 be provided with a reasonable opportunity to present evidence to
869 the governing board regarding the project and the accuracy of
870 the local government's estimated cost of the project. In

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871 deciding whether it is in the public's best interest for the
872 local government to perform a project using its own services,
873 employees, and equipment, the governing board must consider the
874 estimated cost of the project fully accounting for all costs
875 associated with performing and completing the work, including
876 employee compensation and benefits, equipment cost and
877 maintenance, insurance costs, and the cost of direct materials
878 to be used in the construction of the project, including
879 materials purchased by the local government, and other direct
880 costs, plus a factor of 20 percent for management, overhead, and
881 other indirect costs, and the accuracy of the estimated cost in
882 light of any other information that may be presented at the
883 public meeting and whether the project requires an increase in
884 the number of government employees or an increase in capital
885 expenditures for public facilities, equipment, or other capital
886 assets. The local government may further consider the impact on
887 local economic development, the impact on small ~~and minority~~
888 business owners, the impact on state and local tax revenues,
889 whether the private sector contractors provide health insurance
890 and other benefits equivalent to those provided by the local
891 government, and any other factor relevant to what is in the
892 public's best interest. A report summarizing completed projects
893 constructed by the local government pursuant to this subsection
894 shall be publicly reviewed each year by the governing body of
895 the local government. The report shall detail the estimated
896 costs and the actual costs of the projects constructed by the
897 local government pursuant to this subsection. The report shall
898 be made available for review by the public. The Auditor General
899 shall review the report as part of his or her audits of local

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900 governments.

901 10. If the governing board of the local government
902 determines upon consideration of specific substantive criteria
903 that it is in the best interest of the local government to award
904 the project to an appropriately licensed private sector
905 contractor pursuant to administrative procedures established by
906 and expressly set forth in a charter, ordinance, or resolution
907 of the local government adopted before July 1, 1994. The
908 criteria and procedures must be set out in the charter,
909 ordinance, or resolution and must be applied uniformly by the
910 local government to avoid awarding a project in an arbitrary or
911 capricious manner. This exception applies only if all of the
912 following occur:

913 a. The governing board of the local government, after
914 public notice, conducts a public meeting under s. 286.011 and
915 finds by a two-thirds vote of the governing board that it is in
916 the public's best interest to award the project according to the
917 criteria and procedures established by charter, ordinance, or
918 resolution. The public notice must be published at least 14 days
919 before the date of the public meeting at which the governing
920 board takes final action. The notice must identify the project,
921 the estimated cost of the project, and specify that the purpose
922 for the public meeting is to consider whether it is in the
923 public's best interest to award the project using the criteria
924 and procedures permitted by the preexisting charter, ordinance,
925 or resolution.

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

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929 (I) There is one appropriately licensed contractor who is
 930 uniquely qualified to undertake the project because that
 931 contractor is currently under contract to perform work that is
 932 affiliated with the project; or

933 (II) The time to competitively award the project will
 934 jeopardize the funding for the project, materially increase the
 935 cost of the project, or create an undue hardship on the public
 936 health, safety, or welfare.

937 c. The project is to be awarded by any method other than a
 938 competitive selection process, and the published notice clearly
 939 specifies the ordinance or resolution by which the private
 940 sector contractor will be selected and the criteria to be
 941 considered.

942 d. The project is to be awarded by a method other than a
 943 competitive selection process, and the architect or engineer of
 944 record has provided a written recommendation that the project be
 945 awarded to the private sector contractor without competitive
 946 selection, and the consideration by, and the justification of,
 947 the government body are documented, in writing, in the project
 948 file and are presented to the governing board prior to the
 949 approval required in this paragraph.

950 11. To projects subject to chapter 336.

951 Section 15. Subsections (18) and (19) of section 287.012,
 952 Florida Statutes, are amended, to read:

953 287.012 Definitions.—As used in this part, the term:

954 ~~(18) "Minority business enterprise" has the same meaning as~~
 955 ~~provided in s. 288.703.~~

956 (18) ~~(19)~~ "Office" means the Office of Supplier Development
 957 Diversity of the Department of Management Services.

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958 Section 16. Paragraphs (a) and (c) of subsection (2) and
959 paragraphs (b) and (c) of subsection (3) of section 287.042,
960 Florida Statutes, are amended to read:

961 287.042 Powers, duties, and functions.—The department shall
962 have the following powers, duties, and functions:

963 (2) (a) To establish purchasing agreements and procure state
964 term contracts for commodities and contractual services,
965 pursuant to s. 287.057, under which state agencies shall, and
966 eligible users may, make purchases pursuant to s. 287.056. The
967 department may restrict purchases from some term contracts to
968 state agencies only for those term contracts where the inclusion
969 of other governmental entities will have an adverse effect on
970 competition or to those federal facilities located in this
971 state. ~~In such planning or purchasing the Office of Supplier~~
972 ~~Diversity may monitor to ensure that opportunities are afforded~~
973 ~~for contracting with minority business enterprises. The~~
974 ~~department, for state term contracts, and all agencies, for~~
975 ~~multiyear contractual services or term contracts, shall explore~~
976 ~~reasonable and economical means to utilize certified minority~~
977 ~~business enterprises. Purchases by any county, municipality,~~
978 private nonprofit community transportation coordinator
979 designated pursuant to chapter 427, while conducting business
980 related solely to the Commission for the Transportation
981 Disadvantaged, or other local public agency under the provisions
982 in the state purchasing contracts, and purchases, from the
983 corporation operating the correctional work programs, of
984 products or services that are subject to paragraph (1) (f), are
985 exempt from the competitive solicitation requirements otherwise
986 applying to their purchases.

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987 (c) Any person who files an action protesting a decision or
988 intended decision pertaining to contracts administered by the
989 department, a water management district, or an agency pursuant
990 to s. 120.57(3)(b) shall post with the department, the water
991 management district, or the agency at the time of filing the
992 formal written protest a bond payable to the department, the
993 water management district, or agency in an amount equal to 1
994 percent of the estimated contract amount. For protests of
995 decisions or intended decisions pertaining to exceptional
996 purchases, the bond shall be in an amount equal to 1 percent of
997 the estimated contract amount for the exceptional purchase. The
998 estimated contract amount shall be based upon the contract price
999 submitted by the protestor or, if no contract price was
1000 submitted, the department, water management district, or agency
1001 shall estimate the contract amount based on factors including,
1002 but not limited to, the price of previous or existing contracts
1003 for similar commodities or contractual services, the amount
1004 appropriated by the Legislature for the contract, or the fair
1005 market value of similar commodities or contractual services. The
1006 agency shall provide the estimated contract amount to the vendor
1007 within 72 hours, excluding Saturdays, Sundays, and state
1008 holidays, after the filing of the notice of protest by the
1009 vendor. The estimated contract amount is not subject to protest
1010 pursuant to s. 120.57(3). The bond shall be conditioned upon the
1011 payment of all costs and charges that are adjudged against the
1012 protestor in the administrative hearing in which the action is
1013 brought and in any subsequent appellate court proceeding. In
1014 lieu of a bond, the department, the water management district,
1015 or agency may, in either case, accept a cashier's check,

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1016 official bank check, or money order in the amount of the bond.
1017 If, after completion of the administrative hearing process and
1018 any appellate court proceedings, the department, water
1019 management district, or agency prevails, it shall recover all
1020 costs and charges which shall be included in the final order or
1021 judgment, excluding attorney's fees. ~~This section shall not~~
1022 ~~apply to protests filed by the Office of Supplier Diversity.~~
1023 Upon payment of such costs and charges by the protestor, the
1024 bond, cashier's check, official bank check, or money order shall
1025 be returned to the protestor. If, after the completion of the
1026 administrative hearing process and any appellate court
1027 proceedings, the protestor prevails, the protestor shall recover
1028 from the department, water management district, or agency all
1029 costs and charges which shall be included in the final order or
1030 judgment, excluding attorney's fees.

1031 (3) To establish a system of coordinated, uniform
1032 procurement policies, procedures, and practices to be used by
1033 agencies in acquiring commodities and contractual services,
1034 which shall include, but not be limited to:

1035 (b)1. Development of procedures for advertising
1036 solicitations. These procedures must provide for electronic
1037 posting of solicitations for at least 10 days before the date
1038 set for receipt of bids, proposals, or replies, unless the
1039 department or other agency determines in writing that a shorter
1040 period of time is necessary to avoid harming the interests of
1041 the state. ~~The Office of Supplier Diversity may consult with the~~
1042 ~~department regarding the development of solicitation~~
1043 ~~distribution procedures to ensure that maximum distribution is~~
1044 ~~afforded to certified minority business enterprises as defined~~

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1045 ~~in s. 288.703.~~

1046 2. Development of procedures for electronic posting. The
1047 department shall designate a centralized website on the Internet
1048 for the department and other agencies to electronically post
1049 solicitations, decisions or intended decisions, and other
1050 matters relating to procurement.

1051 (c) Development of procedures for the receipt and opening
1052 of bids, proposals, or replies by an agency. ~~Such procedures~~
1053 ~~shall provide the Office of Supplier Diversity an opportunity to~~
1054 ~~monitor and ensure that the contract award is consistent with~~
1055 ~~the requirements of s. 287.09451.~~

1056 Section 17. Paragraph (d) of subsection (3) and paragraph
1057 (b) of subsection (4) of section 287.055, Florida Statutes, are
1058 amended to read:

1059 287.055 Acquisition of professional architectural,
1060 engineering, landscape architectural, or surveying and mapping
1061 services; definitions; procedures; contingent fees prohibited;
1062 penalties.—

1063 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

1064 (d) Each agency shall evaluate professional services,
1065 including capabilities, adequacy of personnel, past record,
1066 experience, ~~whether the firm is a certified minority business~~
1067 ~~enterprise as defined by the Florida Small and Minority Business~~
1068 ~~Assistance Act,~~ and other factors determined by the agency to be
1069 applicable to its particular requirements. ~~When securing~~
1070 ~~professional services, an agency must endeavor to meet the~~
1071 ~~minority business enterprise procurement goals under s.~~
1072 ~~287.09451.~~

1073 (4) COMPETITIVE SELECTION.—

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1074 (b) The agency shall select in order of preference no fewer
1075 than three firms deemed to be the most highly qualified to
1076 perform the required services. In determining whether a firm is
1077 qualified, the agency shall consider such factors as the ability
1078 of professional personnel; ~~whether a firm is a certified~~
1079 ~~minority business enterprise~~; past performance; willingness to
1080 meet time and budget requirements; location; recent, current,
1081 and projected workloads of the firms; and the volume of work
1082 previously awarded to each firm by the agency, with the object
1083 of effecting an equitable distribution of contracts among
1084 qualified firms, provided such distribution does not violate the
1085 principle of selection of the most highly qualified firms. The
1086 agency may request, accept, and consider proposals for the
1087 compensation to be paid under the contract only during
1088 competitive negotiations under subsection (5).

1089 Section 18. Subsections (7) through (28) of section
1090 287.057, Florida Statutes, are amended to read:

1091 287.057 Procurement of commodities or contractual
1092 services.—

1093 (7) Upon issuance of any solicitation, an agency shall,
1094 upon request by the department, forward to the department one
1095 copy of each solicitation for all commodity and contractual
1096 services purchases in excess of the threshold amount provided in
1097 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,
1098 furnish a copy of all competitive-solicitation tabulations. ~~The~~
1099 ~~Office of Supplier Diversity may also request from the agencies~~
1100 ~~any information submitted to the department pursuant to this~~
1101 ~~subsection.~~

1102 ~~(8) (a) In order to strive to meet the minority business~~

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1103 ~~enterprise procurement goals set forth in s. 287.09451, an~~
1104 ~~agency may reserve any contract for competitive solicitation~~
1105 ~~only among certified minority business enterprises. Agencies~~
1106 ~~shall review all their contracts each fiscal year and shall~~
1107 ~~determine which contracts may be reserved for solicitation only~~
1108 ~~among certified minority business enterprises. This reservation~~
1109 ~~may only be used when it is determined, by reasonable and~~
1110 ~~objective means, before the solicitation that there are capable,~~
1111 ~~qualified certified minority business enterprises available to~~
1112 ~~submit a bid, proposal, or reply on a contract to provide for~~
1113 ~~effective competition. The Office of Supplier Diversity shall~~
1114 ~~consult with any agency in reaching such determination when~~
1115 ~~deemed appropriate.~~

1116 ~~(b) Before a contract may be reserved for solicitation only~~
1117 ~~among certified minority business enterprises, the agency head~~
1118 ~~must find that such a reservation is in the best interests of~~
1119 ~~the state. All determinations shall be subject to s.~~
1120 ~~287.09451(5). Once a decision has been made to reserve a~~
1121 ~~contract, but before sealed bids, proposals, or replies are~~
1122 ~~requested, the agency shall estimate what it expects the amount~~
1123 ~~of the contract to be, based on the nature of the services or~~
1124 ~~commodities involved and their value under prevailing market~~
1125 ~~conditions. If all the sealed bids, proposals, or replies~~
1126 ~~received are over this estimate, the agency may reject the bids,~~
1127 ~~proposals, or replies and request new ones from certified~~
1128 ~~minority business enterprises, or the agency may reject the~~
1129 ~~bids, proposals, or replies and reopen the bidding to all~~
1130 ~~eligible vendors.~~

1131 ~~(c) All agencies shall consider the use of price~~

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1132 ~~preferences of up to 10 percent, weighted preference formulas,~~
1133 ~~or other preferences for vendors as determined appropriate~~
1134 ~~pursuant to guidelines established in accordance with s.~~
1135 ~~287.09451(4) to increase the participation of minority business~~
1136 ~~enterprises.~~

1137 ~~(d) All agencies shall avoid any undue concentration of~~
1138 ~~contracts or purchases in categories of commodities or~~
1139 ~~contractual services in order to meet the minority business~~
1140 ~~enterprise purchasing goals in s. 287.09451.~~

1141 ~~(9) An agency may reserve any contract for competitive~~
1142 ~~solicitation only among vendors who agree to use certified~~
1143 ~~minority business enterprises as subcontractors or subvendors.~~
1144 ~~The percentage of funds, in terms of gross contract amount and~~
1145 ~~revenues, which must be expended with the certified minority~~
1146 ~~business enterprise subcontractors and subvendors shall be~~
1147 ~~determined by the agency before such contracts may be reserved.~~
1148 ~~In order to bid on a contract so reserved, the vendor shall~~
1149 ~~identify those certified minority business enterprises which~~
1150 ~~will be utilized as subcontractors or subvendors by sworn~~
1151 ~~statement. At the time of performance or project completion, the~~
1152 ~~contractor shall report by sworn statement the payments and~~
1153 ~~completion of work for all certified minority business~~
1154 ~~enterprises used in the contract.~~

1155 ~~(8)(10)~~ An agency may ~~shall~~ not divide the solicitation of
1156 commodities or contractual services so as to avoid the
1157 requirements of subsections (1)-(3).

1158 ~~(9)(11)~~ A contract for commodities or contractual services
1159 may be awarded without competition if state or federal law
1160 prescribes with whom the agency must contract or if the rate of

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1161 payment or the recipient of the funds is established during the
1162 appropriations process.

1163 ~~(12) If two equal responses to a solicitation or a request~~
1164 ~~for quote are received and one response is from a certified~~
1165 ~~minority business enterprise, the agency shall enter into a~~
1166 ~~contract with the certified minority business enterprise.~~

1167 (10)~~(13)~~ Extension of a contract for commodities or
1168 contractual services must be in writing for a period not to
1169 exceed 6 months and is subject to the same terms and conditions
1170 set forth in the initial contract and any written amendments
1171 signed by the parties. There may be only one extension of a
1172 contract unless the failure to meet the criteria set forth in
1173 the contract for completion of the contract is due to events
1174 beyond the control of the contractor.

1175 (11)~~(14)~~ Contracts for commodities or contractual services
1176 may be renewed for a period that may not exceed 3 years or the
1177 term of the original contract, whichever is longer. Renewal of a
1178 contract for commodities or contractual services must be in
1179 writing and is subject to the same terms and conditions set
1180 forth in the initial contract and any written amendments signed
1181 by the parties. If the commodity or contractual service is
1182 purchased as a result of the solicitation of bids, proposals, or
1183 replies, the price of the commodity or contractual service to be
1184 renewed must be specified in the bid, proposal, or reply, except
1185 that an agency may negotiate lower pricing. A renewal contract
1186 may not include any compensation for costs associated with the
1187 renewal. Renewals are contingent upon satisfactory performance
1188 evaluations by the agency and subject to the availability of
1189 funds. Exceptional purchase contracts pursuant to paragraphs

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1190 (3) (a) and (c) may not be renewed. With the exception of
1191 subsection (9) ~~(11)~~, if a contract amendment results in a longer
1192 contract term or increased payments, a state agency may not
1193 renew or amend a contract for the outsourcing of a service or
1194 activity that has an original term value exceeding \$5 million
1195 before submitting a written report concerning contract
1196 performance to the Governor, the President of the Senate, and
1197 the Speaker of the House of Representatives at least 90 days
1198 before execution of the renewal or amendment.

1199 (12) (a) ~~(15) (a)~~ For each contractual services contract, the
1200 agency shall designate an employee to function as contract
1201 manager who is responsible for enforcing performance of the
1202 contract terms and conditions and serves as a liaison between
1203 the contractor and the agency. The contract manager may not be
1204 an individual who has been employed, within the previous 5
1205 years, by the vendor awarded the contractual services contract.
1206 The primary responsibilities of a contract manager include:

1207 1. Participating in the solicitation development and review
1208 of contract documents.

1209 2. Monitoring the contractor's progress and performance to
1210 ensure procured products and services conform to the contract
1211 requirements and keep timely records of findings.

1212 3. Managing and documenting any changes to the contract
1213 through the amendment process authorized by the terms of the
1214 contract.

1215 4. Monitoring the contract budget to ensure sufficient
1216 funds are available throughout the term of the contract.

1217 5. Exercising applicable remedies, as appropriate, when a
1218 contractor's performance is deficient.

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1219 (b) Each contract manager who is responsible for contracts
1220 in excess of the threshold amount for CATEGORY TWO must, at a
1221 minimum, complete training conducted by the Chief Financial
1222 Officer for accountability in contracts and grant management.
1223 The Chief Financial Officer shall evaluate such training every 5
1224 years to assess its effectiveness and update the training
1225 curriculum. The Chief Financial Officer shall establish and
1226 disseminate uniform procedures pursuant to s. 17.03(3) to ensure
1227 that contractual services have been rendered in accordance with
1228 the contract terms before the agency processes the invoice for
1229 payment. The procedures must include, but need not be limited
1230 to, procedures for monitoring and documenting contractor
1231 performance, reviewing and documenting all deliverables for
1232 which payment is requested by vendors, and providing written
1233 certification by contract managers of the agency's receipt of
1234 goods and services.

1235 (c) Each contract manager who is responsible for contracts
1236 in excess of \$100,000 annually must, in addition to the
1237 accountability in contracts and grant management training
1238 required in paragraph (b) and within 6 months after being
1239 assigned responsibility for such contracts, complete training in
1240 contract management and become a certified contract manager. The
1241 department is responsible for establishing and disseminating the
1242 training and certification requirements for certified contract
1243 managers. Training must promote best practices and procedures
1244 related to negotiating, managing, and ensuring accountability in
1245 agency contracts and grant agreements, which must include the
1246 use of case studies based upon previous audits, contracts, and
1247 grant agreements. A certified contract manager must complete

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1248 training every 5 years for certification renewal. Training and
1249 certification must be coordinated by the department, and the
1250 training must be conducted jointly by the department and the
1251 Department of Financial Services. The department shall evaluate
1252 such training every 5 years to assess its effectiveness and
1253 update the training curriculum.

1254 (d) Each contract manager who is responsible for contracts
1255 in excess of \$10 million annually must, in addition to the
1256 training required in paragraph (b) and the training and
1257 certification required in paragraph (c), possess at least 3 ~~5~~
1258 years of experience managing contracts totaling at least ~~in~~
1259 ~~excess of~~ \$5 million annually.

1260 ~~(13)(16)~~ Each agency shall designate at least one employee
1261 who shall serve as a contract administrator responsible for
1262 maintaining a contract file and financial information on all
1263 contractual services contracts and who shall serve as a liaison
1264 with the contract managers and the department. For a contract of
1265 \$500,000 or less annually, the contract administrator may also
1266 serve as the contract manager if he or she has completed the
1267 required training. For a contract in excess of \$500,000
1268 annually, the contract administrator may not serve as both the
1269 contract administrator and the contract manager.

1270 ~~(14)(a)(17)(a)~~ For a contract in excess of the threshold
1271 amount provided in s. 287.017 for CATEGORY FOUR, the agency head
1272 shall appoint:

1273 1. At least three persons to independently evaluate
1274 proposals and replies who collectively have experience and
1275 knowledge in the program areas and service requirements for the
1276 commodity or contractual services sought.

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1277 2. At least three persons to a negotiation team to conduct
1278 negotiations during a competitive sealed reply procurement. The
1279 negotiation team members must collectively have experience and
1280 knowledge in negotiating contracts, contract procurement, and
1281 the program areas and service requirements for the commodity or
1282 contractual services sought.

1283 (b)1. If the value of a contract is in excess of \$1 million
1284 in any fiscal year, at least one of the persons conducting
1285 negotiations must be a certified contract negotiator.

1286 2. If the value of a contract is in excess of \$10 million
1287 in any fiscal year, at least one of the persons conducting
1288 negotiations must be a Project Management Professional, as
1289 certified by the Project Management Institute. The Project
1290 Management Professional shall provide guidance based on his or
1291 her experience, education, and competency to lead and direct
1292 complex projects.

1293 3. The department is responsible for establishing and
1294 disseminating the certification and training requirements for
1295 certified contract negotiators. Training must ensure that
1296 certified contract negotiators are knowledgeable about effective
1297 negotiation strategies, capable of successfully implementing
1298 those strategies, and involved appropriately in the procurement
1299 process. The department shall evaluate such training every 5
1300 years in order to assess its effectiveness and update the
1301 training curriculum. A certified contract negotiator is required
1302 to complete training every 5 years for certification renewal.
1303 Qualification requirements for certification must include:

1304 a. At least 12 months' experience as a purchasing agent,
1305 contract manager, or contract administrator for an agency or a

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1306 local governmental entity where at least 50 percent of the
 1307 designated duties included procuring commodities or contractual
 1308 services, participating in contract negotiation, contract
 1309 management, or contract administration, or working as an agency
 1310 attorney whose duties included providing legal counsel to the
 1311 agency's purchasing or contracting staff.

1312 b. Experience during the preceding 5 years in leading at
 1313 least two federal, state, or local government negotiation teams
 1314 through a negotiated procurement, or participation in at least
 1315 three federal, state, or local government negotiated
 1316 procurements.

1317 (15)~~(18)~~ Any person who supervises contract administrators
 1318 or contract or grant managers that meet criteria for
 1319 certification in subsection (12) ~~(15)~~ shall annually complete
 1320 public procurement training for supervisors within 12 months
 1321 after appointment to the supervisory position. The department is
 1322 responsible for establishing and disseminating the training
 1323 course content required for supervisors.

1324 (16) (a) 1.~~(19) (a) 1.~~ Each agency must avoid, neutralize, or
 1325 mitigate significant potential organizational conflicts of
 1326 interest before a contract is awarded. If the agency elects to
 1327 mitigate the significant potential organizational conflict or
 1328 conflicts of interest, an adequate mitigation plan, including
 1329 organizational, physical, and electronic barriers, shall be
 1330 developed.

1331 2. If a conflict cannot be avoided or mitigated, an agency
 1332 may proceed with the contract award if the agency head certifies
 1333 that the award is in the best interests of the state. The agency
 1334 head must specify in writing the basis for the certification.

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1335 (b)1. An agency head may not proceed with a contract award
1336 under subparagraph (a)2. if a conflict of interest is based upon
1337 the vendor gaining an unfair competitive advantage.

1338 2. An unfair competitive advantage exists when the vendor
1339 competing for the award of a contract obtained:

1340 a. Access to information that is not available to the
1341 public and would assist the vendor in obtaining the contract; or

1342 b. Source selection information that is relevant to the
1343 contract but is not available to all competitors and that would
1344 assist the vendor in obtaining the contract.

1345 (c) A person who receives a contract that has not been
1346 procured pursuant to subsections (1)-(3) to perform a
1347 feasibility study of the potential implementation of a
1348 subsequent contract, who participates in the drafting of a
1349 solicitation or who develops a program for future
1350 implementation, is not eligible to contract with the agency for
1351 any other contracts dealing with that specific subject matter,
1352 and any firm in which such person has any interest is not
1353 eligible to receive such contract. However, this prohibition
1354 does not prevent a vendor who responds to a request for
1355 information from being eligible to contract with an agency.

1356 (17)~~(20)~~ Each agency shall establish a review and approval
1357 process for all contractual services contracts costing more than
1358 the threshold amount provided for in s. 287.017 for CATEGORY
1359 THREE which shall include, but not be limited to, program,
1360 financial, and legal review and approval. Such reviews and
1361 approvals shall be obtained before the contract is executed.

1362 (18)~~(21)~~ In any procurement that costs more than the
1363 threshold amount provided for in s. 287.017 for CATEGORY TWO and

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1364 is accomplished without competition, the individuals taking part
1365 in the development or selection of criteria for evaluation, the
1366 evaluation process, and the award process shall attest in
1367 writing that they are independent of, and have no conflict of
1368 interest in, the entities evaluated and selected.

1369 (19)~~(22)~~ Nothing in this section shall affect the validity
1370 or effect of any contract in existence on October 1, 1990.

1371 (20)~~(23)~~ An agency may contract for services with any
1372 independent, nonprofit college or university which is located
1373 within the state on the same basis as it may contract with any
1374 state university or college if the independent, nonprofit
1375 college or university:

1376 (a) Is accredited by the Southern Association of Colleges
1377 and Schools; or

1378 (b) Is authorized to operate within this state pursuant to
1379 chapter 1005, offers a professional degree, and is accredited by
1380 the Middle States Commission on Higher Education.

1381 (21)~~(24)~~ The department, in consultation with the Chief
1382 Financial Officer and the state chief information officer, shall
1383 maintain a program for online procurement of commodities and
1384 contractual services. To enable the state to promote open
1385 competition and leverage its buying power, agencies shall
1386 participate in the online procurement program, and eligible
1387 users may participate in the program. Only vendors prequalified
1388 as meeting mandatory requirements and qualifications criteria
1389 may participate in online procurement.

1390 (a) The department may contract for equipment and services
1391 necessary to develop and implement online procurement.

1392 (b) The department shall adopt rules to administer the

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1393 program for online procurement. The rules must include, but not
1394 be limited to:

1395 1. Determining the requirements and qualification criteria
1396 for prequalifying vendors.

1397 2. Establishing the procedures for conducting online
1398 procurement.

1399 3. Establishing the criteria for eligible commodities and
1400 contractual services.

1401 4. Establishing the procedures for providing access to
1402 online procurement.

1403 5. Determining the criteria warranting any exceptions to
1404 participation in the online procurement program.

1405 (c) The department may impose and shall collect all fees
1406 for the use of the online procurement systems.

1407 1. The fees may be imposed on an individual transaction
1408 basis or as a fixed percentage of the cost savings generated. At
1409 a minimum, the fees must be set in an amount sufficient to cover
1410 the projected costs of the services, including administrative
1411 and project service costs in accordance with the policies of the
1412 department.

1413 2. If the department contracts with a provider for online
1414 procurement, the department, pursuant to appropriation, shall
1415 compensate the provider from the fees after the department has
1416 satisfied all ongoing costs. The provider shall report
1417 transaction data to the department each month so that the
1418 department may determine the amount due and payable to the
1419 department from each vendor.

1420 3. All fees that are due and payable to the state on a
1421 transactional basis or as a fixed percentage of the cost savings

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1422 generated are subject to s. 215.31 and must be remitted within
1423 40 days after receipt of payment for which the fees are due. For
1424 fees that are not remitted within 40 days, the vendor shall pay
1425 interest at the rate established under s. 55.03(1) on the unpaid
1426 balance from the expiration of the 40-day period until the fees
1427 are remitted.

1428 4. All fees and surcharges collected under this paragraph
1429 shall be deposited in the Operating Trust Fund as provided by
1430 law.

1431 (22)~~(25)~~ Each solicitation for the procurement of
1432 commodities or contractual services shall include the following
1433 provision: "Respondents to this solicitation or persons acting
1434 on their behalf may not contact, between the release of the
1435 solicitation and the end of the 72-hour period following the
1436 agency posting the notice of intended award, excluding
1437 Saturdays, Sundays, and state holidays, any employee or officer
1438 of the executive or legislative branch concerning any aspect of
1439 this solicitation, except in writing to the procurement officer
1440 or as provided in the solicitation documents. Violation of this
1441 provision may be grounds for rejecting a response."

1442 (23) (a)~~(26) (a)~~ For each contractual services contract of \$5
1443 million or greater, the agency head shall establish a continuing
1444 oversight team after the contract has been awarded. The agency
1445 head shall appoint at least four persons, one of whom must be
1446 the certified contract manager, to the continuing oversight
1447 team. If the value of the contractual services contract is \$10
1448 million or greater, at least one of the persons on the
1449 continuing oversight team must possess at least 5 years of
1450 experience in managing contracts of a similar scope or size. If

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1451 the value of the contractual services contract is \$20 million or
1452 greater, the continuing oversight team shall consist of at least
1453 five persons; at least one of the persons on the continuing
1454 oversight team must be from an agency other than the agency or
1455 agencies participating in the contract. Members of the
1456 continuing oversight team must be agency employees and must
1457 collectively have experience and knowledge in contract
1458 management, contract administration, contract enforcement, and
1459 the program areas and service requirements for the contractual
1460 services purchased.

1461 (b)1. For contracts of \$5 million or greater, each
1462 continuing oversight team must meet at least quarterly.

1463 2. For contracts of \$10 million or greater, each continuing
1464 oversight team must meet at least monthly. A representative of
1465 the contractor must be made available to members of the
1466 continuing oversight team for at least one meeting every
1467 calendar quarter to respond to any questions or requests for
1468 information from the continuing oversight team concerning
1469 contractor performance.

1470 (c)1. Within 30 days after the formation of the continuing
1471 oversight team, the continuing oversight team must convene an
1472 initial meeting with representatives of the contractor to
1473 achieve a mutual understanding of the contract requirements; to
1474 provide the contractor with an orientation to the contract
1475 management process; and to provide an explanation of the role of
1476 the continuing oversight team, contract manager, and contract
1477 administrator.

1478 2. The continuing oversight team must meet to discuss the
1479 status of the contract, the pace of deliverables, the quality of

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1480 deliverables, contractor responsiveness, and contractor
1481 performance. The contract administrator must be present at each
1482 meeting with the contract file and all applicable financial
1483 information. The continuing oversight team may submit written
1484 questions to the contractor concerning any items discussed
1485 during a continuing oversight team meeting. The contractor must
1486 respond to the team's questions within 10 business days after
1487 receiving the written questions. The questions and responses
1488 must be included in the contract file.

1489 (d) The continuing oversight team must notify, in writing:

1490 1. The agency head and the department of any deficiency in
1491 a contractor's performance which substantially affects the pace
1492 of deliverables or the likelihood of the successful completion
1493 of the contract.

1494 2. The agency head, the department, and the Office of
1495 Policy and Budget in the Executive Office of the Governor of any
1496 significant change in contract scope or any increase in the cost
1497 of the contract that is 5 percent of the planned contract cost
1498 or greater within the fiscal year for contractual service
1499 contracts of at least \$5 million.

1500 3. The agency head, the department, the Office of Policy
1501 and Budget in the Executive Office of the Governor, and the
1502 legislative appropriations committees of any significant change
1503 in contract scope or any increase in the cost of the contract
1504 that is 5 percent of the planned contract cost or greater within
1505 the fiscal year for contractual service contracts of \$10 million
1506 or greater.

1507 (24) (a) ~~(27) (a)~~ In determining whether a vendor is a
1508 responsible vendor, an agency may establish financial stability

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1509 criteria and require a vendor to demonstrate its financial
1510 stability. If an agency requires a vendor to demonstrate its
1511 financial stability during the competitive solicitation process,
1512 the agency must accept any of the following as evidence of the
1513 vendor's financial stability:

1514 1. Audited financial statements that demonstrate the
1515 vendor's satisfaction of financial stability criteria.

1516 2. Documentation of an investment grade rating from a
1517 credit rating agency designated as a nationally recognized
1518 statistical rating organization by the Securities and Exchange
1519 Commission.

1520 3.a. For a vendor with annual revenues exceeding \$1
1521 billion, a letter containing a written declaration, pursuant to
1522 s. 92.525, issued by the chief financial officer or controller
1523 attesting that the vendor is financially stable and meets the
1524 definition of financial stability in paragraph (b).

1525 b. For a vendor with annual revenues of \$1 billion or less,
1526 documentation, based on criteria established by the agency,
1527 evidencing that the vendor is financially stable and meets the
1528 definition of financial stability in paragraph (b). The criteria
1529 established by the agency shall be reasonably related to the
1530 value of the contract and may not include audited financial
1531 statements.

1532 (b) For purposes of this subsection, the term "financial
1533 stability" means, at a minimum, having adequate income and
1534 capital and the capacity to efficiently allocate resources,
1535 assess and manage financial risks, and maintain financial
1536 soundness through the term of the contract.

1537 (c) This subsection does not preclude an agency from

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1538 requiring a performance bond for the duration of the contract,
1539 when appropriate.

1540 ~~(25)-(28)~~ An agency may substitute verifiable, related work
1541 experience in lieu of postsecondary education requirements for
1542 contractual services pursuant to s. 112.219 if the person
1543 seeking the contract for services is otherwise qualified for
1544 such contract.

1545 Section 19. Paragraph (c) of subsection (10) of section
1546 287.059, Florida Statutes, is amended to read:

1547 287.059 Private attorney services.—

1548 (10) Agencies are encouraged to use the following criteria
1549 when selecting outside firms for attorney services:

1550 ~~(c) The firm's minority status.~~

1551 Section 20. Effective January 1, 2026, section 287.084,
1552 Florida Statutes, is amended to read:

1553 (Substantial rewording of section.

1554 See s. 287.084, F.S., for present text).

1555 287.084 Preference for Florida businesses.—

1556 (1) For purposes of this section, a company is deemed to
1557 have its principal place of business in this state if the vendor
1558 meets all of the following criteria:

1559 (a) Is incorporated in Florida as a Florida business
1560 entity, not a foreign business entity, excluding cases in which
1561 incorporation is used to do business on behalf of a parent
1562 company or benefit an owner outside this state;

1563 (b) Maintains a physical location in this state; and

1564 (c) More than 50 percent of its workforce is domiciled in
1565 this state.

1566 (2) For competitive solicitations for commodities or

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1567 contractual services in excess of the threshold amount provided
1568 for CATEGORY TWO in s. 287.017, an agency must apply a 5 percent
1569 price preference for bids and proposals from a vendor with a
1570 principal place of business in this state. Competitive
1571 solicitations pursuant to s. 287.057(1)(c) must apply a 5
1572 percent price preference for vendors with a principal place of
1573 business in this state if pricing is scored during the
1574 evaluation phase or, if pricing is not scored during the
1575 evaluation phase, an agency must include such preference in the
1576 stated goals of an invitation to negotiate in order to determine
1577 best value.

1578 (3) For competitive solicitations for commodities or
1579 contractual services in excess of the threshold amount provided
1580 for CATEGORY TWO in s. 287.017, an agency must give priority in
1581 the following order for bids, proposals, or replies submitted by
1582 vendors whose principal places of business are in this state,
1583 and when all things stated in such bids, proposals, or replies
1584 are equal with respect to price, quality, and service:

1585 (a) To the vendor whose goods are manufactured and
1586 assembled in their entirety in this state. A vendor may not
1587 substitute end products that would otherwise not qualify for
1588 such preference after the award of the contract or during the
1589 contract term unless pricing or availability of supply is
1590 affected by extreme and unforeseen volatility in the
1591 marketplace.

1592 (b) To the vendor that manufactures a larger percentage of
1593 its goods in this state.

1594 (c) To the vendor that employs the greater number of
1595 individuals domiciled in this state.

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1596 (4) For all competitive solicitations for contracts for
1597 commodities or contractual services in excess of the threshold
1598 amount for CATEGORY TWO in s. 287.017, an agency must apply a 5
1599 percent price preference for bids and proposals for vendors with
1600 a principal place of business in the United States of America.
1601 For competitive solicitations pursuant to s. 287.057(1)(c), an
1602 agency must apply a 5 percent price preference for a reply from
1603 a vendor with a principal place of business in the United States
1604 of America if pricing is scored during the evaluation phase or,
1605 if pricing is not scored during the evaluation phase, an agency
1606 must include such preference in the stated goals of an
1607 invitation to negotiate in order to determine best value.

1608 (5) For all competitive solicitations for contracts for
1609 commodities or contractual services in excess of the threshold
1610 amount for CATEGORY TWO in s. 287.017, an agency must give
1611 priority in the following order for bids, proposals, or replies
1612 submitted by vendors whose principal places of business are in
1613 the United States, and when all things stated in such bids,
1614 proposals, or replies are equal with respect to price, quality,
1615 and service:

1616 (a) To the vendor whose goods are manufactured and
1617 assembled in their entirety in this state, and if such vendor
1618 does not exist, then in the United States. A vendor may not
1619 substitute end products that would otherwise not qualify for
1620 such preference after the award of the contract or during the
1621 contract term unless pricing or availability of supply is
1622 affected by extreme and unforeseen volatility in the
1623 marketplace.

1624 (b) To the vendor that manufactures a larger percentage of

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1625 its goods in this state, and if such vendor does not exist, then
1626 in the United States.

1627 (c) To the vendor that employs the greater number of
1628 individuals domiciled in this state, and if such vendor does not
1629 exist, then in the United States.

1630 (6) Preferences applied under this section take precedence
1631 over any applied pursuant to s. 287.092.

1632 (7) A vendor whose principal place of business is in this
1633 state may not be precluded from being an authorized reseller of
1634 information technology commodities of a state contractor as long
1635 as the vendor demonstrates that it employs an internationally
1636 recognized quality management system, such as ISO 9001 or its
1637 equivalent, and provides a warranty on the information
1638 technology commodities which is, at a minimum, of equal scope
1639 and length as that of the contract.

1640 (8) This section applies to any solicitation or renewal of
1641 any state contract executed on or after January 1, 2026.
1642 However, the preferences in this section do not apply to
1643 procurements where the funding source prohibits the preference
1644 provided by this section.

1645 Section 21. Section 287.093, Florida Statutes, is repealed.

1646 Section 22. Section 287.0931, Florida Statutes, is
1647 repealed.

1648 Section 23. Section 287.094, Florida Statutes, is repealed.

1649 Section 24. Section 287.0943, Florida Statutes, is
1650 repealed.

1651 Section 25. Section 287.09431, Florida Statutes, is
1652 repealed.

1653 Section 26. Section 287.09451, Florida Statutes, is amended

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1654 to read:

1655 287.09451 Office of Supplier Development ~~Diversity~~; powers,
1656 duties, and functions.-

1657 (1) (a) The Office of Supplier Development is established
1658 within the Department of Management Services to assist Florida-
1659 based enterprises in becoming suppliers of commodities,
1660 services, and construction to state government.

1661 (b) For purposes of this section, a company is deemed to be
1662 a Florida-based enterprise if the vendor meets all of the
1663 following criteria:

1664 1. Is incorporated in Florida as a Florida business entity,
1665 not a foreign business entity, excluding cases in which
1666 incorporation is used to do business on behalf of a parent
1667 company or benefit an owner outside of this state;

1668 2. Maintains a physical location in this state; and

1669 3. More than 50 percent of its workforce is domiciled in
1670 this state.

1671 (2) The secretary shall appoint an executive director of
1672 the Office of Supplier Development, who shall serve at the
1673 pleasure of the secretary.

1674 (3) The Office of Supplier Development has the following
1675 powers, duties, and functions:

1676 (a) Receive and disseminate information:

1677 1. For the continued growth and success of Florida's small
1678 businesses, which may include the planning, hosting, and support
1679 of events targeted to Florida-based enterprises.

1680 2. Related to procurement opportunities for Florida-based
1681 enterprises and provide technical assistance as needed.

1682 (b) Create electronic certification and recertification

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1683 processes for veteran-owned business enterprises. The
1684 certifications must be valid for 2 years and must be recertified
1685 once every 2 years thereafter. The benefits of certification
1686 must be clearly posted on the department's website. To be
1687 eligible for certification and recertification as a veteran-
1688 owned business enterprise, a business must meet the requirements
1689 of s. 295.187.

1690 (c) Advise and provide education or other resources to
1691 agencies on methods and techniques for achieving procurement
1692 objectives that increase the use of Florida-based enterprises in
1693 state and local government procurement contracts.

1694 (d) Adopt rules and prescribe and publish forms as
1695 necessary to carry out the duties of this office provided under
1696 this section.

1697 ~~(1) The Legislature finds that there is evidence of a~~
1698 ~~systematic pattern of past and continuing racial discrimination~~
1699 ~~against minority business enterprises and a disparity in the~~
1700 ~~availability and use of minority business enterprises in the~~
1701 ~~state procurement system. It is determined to be a compelling~~
1702 ~~state interest to rectify such discrimination and disparity.~~
1703 ~~Based upon statistical data profiling this discrimination, the~~
1704 ~~Legislature has enacted race-conscious and gender-conscious~~
1705 ~~remedial programs to ensure minority participation in the~~
1706 ~~economic life of the state, in state contracts for the purchase~~
1707 ~~of commodities and services, and in construction contracts. The~~
1708 ~~purpose and intent of this section is to increase participation~~
1709 ~~by minority business enterprises accomplished by encouraging the~~
1710 ~~use of minority business enterprises and the entry of new and~~
1711 ~~diversified minority business enterprises into the marketplace.~~

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1712 ~~(2) The Office of Supplier Diversity is established within~~
1713 ~~the Department of Management Services to assist minority~~
1714 ~~business enterprises in becoming suppliers of commodities,~~
1715 ~~services, and construction to state government.~~

1716 ~~(3) The secretary shall appoint an executive director for~~
1717 ~~the Office of Supplier Diversity, who shall serve at the~~
1718 ~~pleasure of the secretary.~~

1719 ~~(4) The Office of Supplier Diversity shall have the~~
1720 ~~following powers, duties, and functions:~~

1721 ~~(a) To adopt rules to determine what constitutes a "good~~
1722 ~~faith effort" for purposes of state agency compliance with the~~
1723 ~~minority business enterprise procurement goals set forth in s.~~
1724 ~~287.042. Factors which shall be considered by the Minority~~
1725 ~~Business Enterprise Assistance Office in determining good faith~~
1726 ~~effort shall include, but not be limited to:~~

1727 ~~1. Whether the agency scheduled presolicitation or prebid~~
1728 ~~meetings for the purpose of informing minority business~~
1729 ~~enterprises of contracting and subcontracting opportunities.~~

1730 ~~2. Whether the contractor advertised in general~~
1731 ~~circulation, trade association, or minority focus media~~
1732 ~~concerning the subcontracting opportunities.~~

1733 ~~3. Whether the agency effectively used services and~~
1734 ~~resources of available minority community organizations;~~
1735 ~~minority contractors' groups; local, state, and federal minority~~
1736 ~~business assistance offices; and other organizations that~~
1737 ~~provide assistance in the recruitment and placement of minority~~
1738 ~~business enterprises or minority persons.~~

1739 ~~4. Whether the agency provided written notice to a~~
1740 ~~reasonable number of minority business enterprises that their~~

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1741 ~~interest in contracting with the agency was being solicited in~~
1742 ~~sufficient time to allow the minority business enterprises to~~
1743 ~~participate effectively.~~

1744 ~~(b) To adopt rules to determine what constitutes a "good~~
1745 ~~faith effort" for purposes of contractor compliance with~~
1746 ~~contractual requirements relating to the use of services or~~
1747 ~~commodities of a minority business enterprise under s.~~
1748 ~~287.094(2). Factors which shall be considered by the Office of~~
1749 ~~Supplier Diversity in determining whether a contractor has made~~
1750 ~~good faith efforts shall include, but not be limited to:~~

1751 ~~1. Whether the contractor attended any presolicitation or~~
1752 ~~prebid meetings that were scheduled by the agency to inform~~
1753 ~~minority business enterprises of contracting and subcontracting~~
1754 ~~opportunities.~~

1755 ~~2. Whether the contractor advertised in general~~
1756 ~~circulation, trade association, or minority-focus media~~
1757 ~~concerning the subcontracting opportunities.~~

1758 ~~3. Whether the contractor provided written notice to a~~
1759 ~~reasonable number of specific minority business enterprises that~~
1760 ~~their interest in the contract was being solicited in sufficient~~
1761 ~~time to allow the minority business enterprises to participate~~
1762 ~~effectively.~~

1763 ~~4. Whether the contractor followed up initial solicitations~~
1764 ~~of interest by contacting minority business enterprises or~~
1765 ~~minority persons to determine with certainty whether the~~
1766 ~~minority business enterprises or minority persons were~~
1767 ~~interested.~~

1768 ~~5. Whether the contractor selected portions of the work to~~
1769 ~~be performed by minority business enterprises in order to~~

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1770 ~~increase the likelihood of meeting the minority business~~
1771 ~~enterprise procurement goals, including, where appropriate,~~
1772 ~~breaking down contracts into economically feasible units to~~
1773 ~~facilitate minority business enterprise participation.~~

1774 ~~6. Whether the contractor provided interested minority~~
1775 ~~business enterprises or minority persons with adequate~~
1776 ~~information about the plans, specifications, and requirements of~~
1777 ~~the contract or the availability of jobs.~~

1778 ~~7. Whether the contractor negotiated in good faith with~~
1779 ~~interested minority business enterprises or minority persons,~~
1780 ~~not rejecting minority business enterprises or minority persons~~
1781 ~~as unqualified without sound reasons based on a thorough~~
1782 ~~investigation of their capabilities.~~

1783 ~~8. Whether the contractor effectively used the services of~~
1784 ~~available minority community organizations; minority~~
1785 ~~contractors' groups; local, state, and federal minority business~~
1786 ~~assistance offices; and other organizations that provide~~
1787 ~~assistance in the recruitment and placement of minority business~~
1788 ~~enterprises or minority persons.~~

1789 ~~(c) To adopt rules and do all things necessary or~~
1790 ~~convenient to guide all state agencies toward making~~
1791 ~~expenditures for commodities, contractual services,~~
1792 ~~construction, and architectural and engineering services with~~
1793 ~~certified minority business enterprises in accordance with the~~
1794 ~~minority business enterprise procurement goals set forth in s.~~
1795 ~~287.042.~~

1796 ~~(d) To monitor the degree to which agencies procure~~
1797 ~~services, commodities, and construction from minority business~~
1798 ~~enterprises in conjunction with the Department of Financial~~

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1799 ~~Services as specified in s. 17.11.~~

1800 ~~(e) To receive and disseminate information relative to~~

1801 ~~procurement opportunities, availability of minority business~~

1802 ~~enterprises, and technical assistance.~~

1803 ~~(f) To advise agencies on methods and techniques for~~

1804 ~~achieving procurement objectives.~~

1805 ~~(g) To provide a central minority business enterprise~~

1806 ~~certification process which includes independent verification of~~

1807 ~~status as a minority business enterprise.~~

1808 ~~(h) To develop procedures to investigate complaints against~~

1809 ~~minority business enterprises or contractors alleged to violate~~

1810 ~~any provision related to this section or s. 287.0943, that may~~

1811 ~~include visits to worksites or business premises, and to refer~~

1812 ~~all information on businesses suspected of misrepresenting~~

1813 ~~minority status to the Department of Management Services for~~

1814 ~~investigation. When an investigation is completed and there is~~

1815 ~~reason to believe that a violation has occurred, the matter~~

1816 ~~shall be referred to the office of the Attorney General,~~

1817 ~~Department of Legal Affairs, for prosecution.~~

1818 ~~(i) To maintain a directory of all minority business~~

1819 ~~enterprises which have been certified and provide this~~

1820 ~~information to any agency or business requesting it.~~

1821 ~~(j) To encourage all firms which do more than \$1 million in~~

1822 ~~business with the state within a 12-month period to develop,~~

1823 ~~implement, and submit to this office a minority business~~

1824 ~~development plan.~~

1825 ~~(k) To communicate on a monthly basis with the Small and~~

1826 ~~Minority Business Advisory Council to keep the council informed~~

1827 ~~on issues relating to minority enterprise procurement.~~

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1828 ~~(1) To serve as an advocate for minority business~~
1829 ~~enterprises, and coordinate with the small and minority business~~
1830 ~~ombudsman, as defined in s. 288.703, which duties shall include:~~

1831 ~~1. Ensuring that agencies supported by state funding~~
1832 ~~effectively target the delivery of services and resources, as~~
1833 ~~related to minority business enterprises.~~

1834 ~~2. Establishing standards within each industry with which~~
1835 ~~the state government contracts on how agencies and contractors~~
1836 ~~may provide the maximum practicable opportunity for minority~~
1837 ~~business enterprises.~~

1838 ~~3. Assisting agencies and contractors by providing outreach~~
1839 ~~to minority businesses, by specifying and monitoring technical~~
1840 ~~and managerial competence for minority business enterprises, and~~
1841 ~~by consulting in planning of agency procurement to determine how~~
1842 ~~best to provide opportunities for minority business enterprises.~~

1843 ~~4. Integrating technical and managerial assistance for~~
1844 ~~minority business enterprises with government contracting~~
1845 ~~opportunities.~~

1846 ~~(m) To certify minority business enterprises, as defined in~~
1847 ~~s. 288.703, and as specified in ss. 287.0943 and 287.09431, and~~
1848 ~~shall recertify such minority businesses at least once every 2~~
1849 ~~years. Minority business enterprises must be recertified at~~
1850 ~~least once every 2 years. Such certifications may include an~~
1851 ~~electronic signature.~~

1852 ~~(n)1. To develop procedures to be used by an agency in~~
1853 ~~identifying commodities, contractual services, architectural and~~
1854 ~~engineering services, and construction contracts, except those~~
1855 ~~architectural, engineering, construction, or other related~~
1856 ~~services or contracts subject to the provisions of chapter 339,~~

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1857 ~~that could be provided by minority business enterprises. Each~~
1858 ~~agency is encouraged to spend 21 percent of the moneys actually~~
1859 ~~expended for construction contracts, 25 percent of the moneys~~
1860 ~~actually expended for architectural and engineering contracts,~~
1861 ~~24 percent of the moneys actually expended for commodities, and~~
1862 ~~50.5 percent of the moneys actually expended for contractual~~
1863 ~~services during the previous fiscal year, except for the state~~
1864 ~~university construction program which shall be based upon public~~
1865 ~~education capital outlay projections for the subsequent fiscal~~
1866 ~~year, and reported to the Legislature pursuant to s. 216.023,~~
1867 ~~for the purpose of entering into contracts with certified~~
1868 ~~minority business enterprises as defined in s. 288.703, or~~
1869 ~~approved joint ventures. However, in the event of budget~~
1870 ~~reductions pursuant to s. 216.221, the base amounts may be~~
1871 ~~adjusted to reflect such reductions. The overall spending goal~~
1872 ~~for each industry category shall be subdivided as follows:~~
1873 ~~a. For construction contracts: 4 percent for black~~
1874 ~~Americans, 6 percent for Hispanic Americans, and 11 percent for~~
1875 ~~American women.~~
1876 ~~b. For architectural and engineering contracts: 9 percent~~
1877 ~~for Hispanic Americans, 1 percent for Asian Americans, and 15~~
1878 ~~percent for American women.~~
1879 ~~c. For commodities: 2 percent for black Americans, 4~~
1880 ~~percent for Hispanic Americans, 0.5 percent for Asian Americans,~~
1881 ~~0.5 percent for Native Americans, and 17 percent for American~~
1882 ~~women.~~
1883 ~~d. For contractual services: 6 percent for black Americans,~~
1884 ~~7 percent for Hispanic Americans, 1 percent for Asian Americans,~~
1885 ~~0.5 percent for Native Americans, and 36 percent for American~~

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1886 ~~women.~~

1887 ~~2. For the purposes of commodities contracts for the~~
1888 ~~purchase of equipment to be used in the construction and~~
1889 ~~maintenance of state transportation facilities involving the~~
1890 ~~Department of Transportation, the terms "minority business~~
1891 ~~enterprise" and "minority person" have the same meanings as~~
1892 ~~provided in s. 288.703. In order to ensure that the goals~~
1893 ~~established under this paragraph for contracting with certified~~
1894 ~~minority business enterprises are met, the department, with the~~
1895 ~~assistance of the Office of Supplier Diversity, shall make~~
1896 ~~recommendations to the Legislature on revisions to the goals,~~
1897 ~~based on an updated statistical analysis, at least once every 5~~
1898 ~~years. Such recommendations shall be based on statistical data~~
1899 ~~indicating the availability of and disparity in the use of~~
1900 ~~minority businesses contracting with the state.~~

1901 ~~3. In determining the base amounts for assessing compliance~~
1902 ~~with this paragraph, the Office of Supplier Diversity may~~
1903 ~~develop, by rule, guidelines for all agencies to use in~~
1904 ~~establishing such base amounts. These rules must include, but~~
1905 ~~are not limited to, guidelines for calculation of base amounts,~~
1906 ~~a deadline for the agencies to submit base amounts, a deadline~~
1907 ~~for approval of the base amounts by the Office of Supplier~~
1908 ~~Diversity, and procedures for adjusting the base amounts as a~~
1909 ~~result of budget reductions made pursuant to s. 216.221.~~

1910 ~~4. To determine guidelines for the use of price~~
1911 ~~preferences, weighted preference formulas, or other preferences,~~
1912 ~~as appropriate to the particular industry or trade, to increase~~
1913 ~~the participation of minority businesses in state contracting.~~
1914 ~~These guidelines shall include consideration of:~~

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1915 a. ~~Size and complexity of the project.~~

1916 b. ~~The concentration of transactions with minority business~~
1917 ~~enterprises for the commodity or contractual services in~~
1918 ~~question in prior agency contracting.~~

1919 c. ~~The specificity and definition of work allocated to~~
1920 ~~participating minority business enterprises.~~

1921 d. ~~The capacity of participating minority business~~
1922 ~~enterprises to complete the tasks identified in the project.~~

1923 e. ~~The available pool of minority business enterprises as~~
1924 ~~prime contractors, either alone or as partners in an approved~~
1925 ~~joint venture that serves as the prime contractor.~~

1926 5. ~~To determine guidelines for use of joint ventures to~~
1927 ~~meet minority business enterprises spending goals. For purposes~~
1928 ~~of this section, "joint venture" means any association of two or~~
1929 ~~more business concerns to carry out a single business enterprise~~
1930 ~~for profit, for which purpose they combine their property,~~
1931 ~~capital, efforts, skills, and knowledge. The guidelines shall~~
1932 ~~allow transactions with joint ventures to be eligible for credit~~
1933 ~~against the minority business enterprise goals of an agency when~~
1934 ~~the contracting joint venture demonstrates that at least one~~
1935 ~~partner to the joint venture is a certified minority business~~
1936 ~~enterprise as defined in s. 288.703, and that such partner is~~
1937 ~~responsible for a clearly defined portion of the work to be~~
1938 ~~performed, and shares in the ownership, control, management,~~
1939 ~~responsibilities, risks, and profits of the joint venture. Such~~
1940 ~~demonstration shall be by verifiable documents and sworn~~
1941 ~~statements and may be reviewed by the Office of Supplier~~
1942 ~~Diversity at or before the time a contract bid, proposal, or~~
1943 ~~reply is submitted. An agency may count toward its minority~~

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1944 ~~business enterprise goals a portion of the total dollar amount~~
1945 ~~of a contract equal to the percentage of the ownership and~~
1946 ~~control held by the qualifying certified minority business~~
1947 ~~partners in the contracting joint venture, so long as the joint~~
1948 ~~venture meets the guidelines adopted by the office.~~

1949 ~~(e)1. To establish a system to record and measure the use~~
1950 ~~of certified minority business enterprises in state contracting.~~
1951 ~~This system shall maintain information and statistics on~~
1952 ~~certified minority business enterprise participation, awards,~~
1953 ~~dollar volume of expenditures and agency goals, and other~~
1954 ~~appropriate types of information to analyze progress in the~~
1955 ~~access of certified minority business enterprises to state~~
1956 ~~contracts and to monitor agency compliance with this section.~~
1957 ~~Such reporting must include, but is not limited to, the~~
1958 ~~identification of all subcontracts in state contracting by~~
1959 ~~dollar amount and by number of subcontracts and the~~
1960 ~~identification of the utilization of certified minority business~~
1961 ~~enterprises as prime contractors and subcontractors by dollar~~
1962 ~~amounts of contracts and subcontracts, number of contracts and~~
1963 ~~subcontracts, minority status, industry, and any conditions or~~
1964 ~~circumstances that significantly affected the performance of~~
1965 ~~subcontractors. Agencies shall report their compliance with the~~
1966 ~~requirements of this reporting system at least annually and at~~
1967 ~~the request of the office. All agencies shall cooperate with the~~
1968 ~~office in establishing this reporting system. Except in~~
1969 ~~construction contracting, all agencies shall review contracts~~
1970 ~~eosting in excess of CATEGORY FOUR as defined in s. 287.017 to~~
1971 ~~determine if such contracts could be divided into smaller~~
1972 ~~contracts to be separately solicited and awarded, and shall,~~

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1973 ~~when economical, offer such smaller contracts to encourage~~
1974 ~~minority participation.~~

1975 ~~2. To report agency compliance with the provisions of~~
1976 ~~subparagraph 1. for the preceding fiscal year to the Governor~~
1977 ~~and Cabinet, the President of the Senate, and the Speaker of the~~
1978 ~~House of Representatives on or before February 1 of each year.~~
1979 ~~The report must contain, at a minimum, the following:~~

1980 ~~a. Total expenditures of each agency by industry.~~

1981 ~~b. The dollar amount and percentage of contracts awarded to~~
1982 ~~certified minority business enterprises by each state agency.~~

1983 ~~c. The dollar amount and percentage of contracts awarded~~
1984 ~~indirectly to certified minority business enterprises as~~
1985 ~~subcontractors by each state agency.~~

1986 ~~d. The total dollar amount and percentage of contracts~~
1987 ~~awarded to certified minority business enterprises, whether~~
1988 ~~directly or indirectly, as subcontractors.~~

1989 ~~e. A statement and assessment of good faith efforts taken~~
1990 ~~by each state agency.~~

1991 ~~f. A status report of agency compliance with subsection~~
1992 ~~(6), as determined by the Minority Business Enterprise Office.~~

1993 ~~(5)(a) Each agency shall, at the time the specifications or~~
1994 ~~designs are developed or contract sizing is determined for any~~
1995 ~~proposed procurement costing in excess of CATEGORY FOUR, as~~
1996 ~~defined in s. 287.017, forward a notice to the Office of~~
1997 ~~Supplier Diversity of the proposed procurement and any~~
1998 ~~determination on the designs of specifications of the proposed~~
1999 ~~procurement that impose requirements on prospective vendors, no~~
2000 ~~later than 30 days prior to the issuance of a solicitation,~~
2001 ~~except that this provision shall not apply to emergency~~

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2002 ~~acquisitions. The 30-day notice period shall not toll the time~~
2003 ~~for any other procedural requirements.~~

2004 ~~(b) If the Office of Supplier Diversity determines that the~~
2005 ~~proposed procurement will not likely allow opportunities for~~
2006 ~~minority business enterprises, the office may, within 20 days~~
2007 ~~after it receives the information specified in paragraph (a),~~
2008 ~~propose the implementation of minority business enterprise~~
2009 ~~utilization provisions or submit alternative procurement methods~~
2010 ~~that would significantly increase minority business enterprise~~
2011 ~~contracting opportunities.~~

2012 ~~(c) Whenever the agency and the Office of Supplier~~
2013 ~~Diversity disagree, the matter shall be submitted for~~
2014 ~~determination to the head of the agency or the senior-level~~
2015 ~~official designated pursuant to this section as liaison for~~
2016 ~~minority business enterprise issues.~~

2017 ~~(d) If the proposed procurement proceeds to competitive~~
2018 ~~solicitation, the office is hereby granted standing to protest,~~
2019 ~~pursuant to this section, in a timely manner, any contract award~~
2020 ~~during competitive solicitation for contractual services and~~
2021 ~~construction contracts that fail to include minority business~~
2022 ~~enterprise participation, if any responsible and responsive~~
2023 ~~vendor has demonstrated the ability to achieve any level of~~
2024 ~~participation, or, any contract award for commodities where, a~~
2025 ~~reasonable and economical opportunity to reserve a contract,~~
2026 ~~statewide or district level, for minority participation was not~~
2027 ~~executed or, an agency failed to adopt an applicable preference~~
2028 ~~for minority participation. The bond requirement shall be waived~~
2029 ~~for the office purposes of this subsection.~~

2030 ~~(e) An agency may presume that a vendor offering no~~

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2031 ~~minority participation has not made a good faith effort when~~
2032 ~~other vendors offer minority participation of firms listed as~~
2033 ~~relevant to the agency's purchasing needs in the pertinent~~
2034 ~~locality or statewide to complete the project.~~

2035 ~~(f) Paragraph (a) will not apply when the Office of~~
2036 ~~Supplier Diversity determines that an agency has established a~~
2037 ~~work plan to allow advance consultation and planning with~~
2038 ~~minority business enterprises and where such plan clearly~~
2039 ~~demonstrates:~~

2040 ~~1. A high level of advance planning by the agency with~~
2041 ~~minority business enterprises.~~

2042 ~~2. A high level of accessibility, knowledge, and experience~~
2043 ~~by minority business enterprises in the agency's contract~~
2044 ~~decisionmaking process.~~

2045 ~~3. A high quality of agency monitoring and enforcement of~~
2046 ~~internal implementation of minority business utilization~~
2047 ~~provisions.~~

2048 ~~4. A high quality of agency monitoring and enforcement of~~
2049 ~~contractor utilization of minority business enterprises,~~
2050 ~~especially tracking subcontractor data, and ensuring the~~
2051 ~~integrity of subcontractor reporting.~~

2052 ~~5. A high quality of agency outreach, agency networking of~~
2053 ~~major vendors with minority vendors, and innovation in~~
2054 ~~techniques to improve utilization of minority business~~
2055 ~~enterprises.~~

2056 ~~6. Substantial commitment, sensitivity, and proactive~~
2057 ~~attitude by the agency head and among the agency minority~~
2058 ~~business staff.~~

2059 ~~(6) Each state agency shall coordinate its minority~~

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~~business enterprise procurement activities with the Office of Supplier Diversity. At a minimum, each agency shall:~~

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

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

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

Section 27. Section 287.0947, Florida Statutes, is repealed.

Section 28. Section 287.096, Florida Statutes, is created to read:

287.096 Prohibited vendors.-

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

(a) "Affiliate" means:

1. A predecessor or successor of a person or an entity who

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2089 has met the criteria for consideration for placement on one of
2090 the prohibited vendor lists.

2091 2. An entity under the control of any natural person or
2092 entity who is active in the management of the entity and who has
2093 met the criteria for consideration for placement on one of the
2094 prohibited vendor lists. The term includes officers, directors,
2095 executives, partners, shareholders, employees, members, and
2096 agents who are active in the management of an affiliate. The
2097 ownership by one person or entity of shares constituting a
2098 controlling interest in another person or entity, or a pooling
2099 of equipment or income among persons when not for fair market
2100 value under an arm's length agreement, shall be a prima facie
2101 case that one person or entity controls another person or
2102 entity. A person who knowingly enters into a joint venture with
2103 a person who has been convicted of a public entity crime or
2104 violated an antitrust law during the preceding 36 months shall
2105 be considered an affiliate.

2106 (b) "Antitrust violation" means any failure to comply with
2107 a state or federal antitrust law as determined in a civil or
2108 criminal proceeding brought by the Attorney General, a state
2109 attorney, a similar body or agency of another state, the Federal
2110 Trade Commission, or the United States Department of Justice.

2111 (c) "Controlling interest" means possession of the power to
2112 direct or cause the direction of the management or policies of a
2113 company, whether through ownership of securities, by contract,
2114 or otherwise. A person or an entity that directly or indirectly
2115 has the right to vote 25 percent or more of the voting interests
2116 of the company or is entitled to 25 percent or more of its
2117 profits is presumed to possess a controlling interest.

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2118 (d) "Convicted" or "conviction" means a finding of guilt or
2119 a conviction of a public entity crime, with or without an
2120 adjudication of guilt, in any federal or state trial court of
2121 record relating to charges brought by indictment or information
2122 as a result of a jury verdict, nonjury trial, or entry of a plea
2123 of guilty or nolo contendere. For purposes of the Antitrust
2124 Violator Vendor List, "convicted or held civilly liable" means a
2125 criminal finding of responsibility or guilt or conviction, with
2126 or without an adjudication of guilt, being held civilly
2127 responsible or liable, or having a judgment levied for an
2128 antitrust violation in any federal or state trial court of
2129 record relating to charges brought by indictment, information,
2130 or complaint on or after July 1, 2021, as a result of a jury
2131 verdict, nonjury trial, or entry of a plea of guilty or nolo
2132 contendere or other finding of responsibility or liability.

2133 (e) "Discrimination" or "discriminated" means a
2134 determination of liability by a state circuit court or federal
2135 district court for a violation of any state or federal law
2136 prohibiting discrimination on the basis of race, gender,
2137 national origin, disability, or religion by an entity; if an
2138 appeal is made, the determination of liability does not occur
2139 until the completion of any appeals to a higher tribunal.

2140 (f) "Economic incentives" means state grants, cash grants,
2141 tax exemptions, tax refunds, tax credits, state funds, and other
2142 state incentives under chapter 288 or administered by the
2143 Department of Commerce.

2144 (g) "Forced labor" means work or service exacted from any
2145 person, including a minor, under the menace of a penalty for
2146 nonperformance and for which the worker does not offer himself

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2147 or herself voluntarily, or an activity that violates s. 787.06.

2148 (h) "Foreign country of concern" means the People's
2149 Republic of China, the Russian Federation, the Islamic Republic
2150 of Iran, the Democratic People's Republic of Korea, the Republic
2151 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
2152 Arab Republic, including any agency of or any other entity of
2153 significant control of such foreign country of concern.

2154 (i) "Governmental entity" means any state, county,
2155 district, authority, or municipal office, department, division,
2156 board, bureau, commission, or other separate unit of government
2157 created or established by law, including, but not limited to,
2158 the Commission on Ethics, the Public Service Commission, the
2159 Office of Public Counsel, and any other public or private
2160 agency, person, partnership, corporation, or business entity
2161 acting on behalf of any public agency.

2162 (j) "Person" means any natural person or any entity
2163 organized under the laws of any state or of the United States
2164 with the legal power to enter into a binding contract and which
2165 bids or applies to bid on contracts let by a governmental
2166 entity, or which otherwise transacts or applies to transact
2167 business with a public entity. The term includes those officers,
2168 directors, executives, partners, shareholders, employees,
2169 members, and agents who are active in management of an entity.

2170 (k) "Prohibited vendor list" means any list kept and
2171 maintained by the department as set forth in subsection (2).

2172 (l) "Public entity" means this state, any of its
2173 departments or agencies, or any political subdivision.

2174 (m) "Public entity crime" means a violation of any state or
2175 federal law by a person with respect to and directly related to

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2176 the transaction of business with any public entity or with an
2177 agency or political subdivision of any other state or with the
2178 United States, including, but not limited to, any bid, proposal,
2179 reply, or contract for goods or services, any lease for real
2180 property, or any contract for the construction or repair of a
2181 public building or public work, involving antitrust, fraud,
2182 theft, bribery, collusion, racketeering, conspiracy, or material
2183 misrepresentation.

2184 (n) "Senior management" includes chief executive officers;
2185 assistant chief executive officers, including, but not limited
2186 to, assistant presidents, vice presidents, or assistant
2187 treasurers; chief financial officers; chief personnel officers;
2188 or any employee of an entity performing similar functions.

2189 (o) "Vendor" means a person or an entity that provides
2190 goods or services to a public entity under a contract or submits
2191 a bid, proposal, or reply to provide goods or services to a
2192 public entity.

2193 (2) A vendor or an affiliate who has been placed on any of
2194 the following lists may not submit a bid, proposal, or reply on
2195 a contract to provide any goods or services to a public entity;
2196 may not submit a bid, proposal, or reply on a contract with a
2197 public entity for the construction or repair of a public
2198 building or public work; may not submit bids, proposals, or
2199 replies on leases of real property to a public entity; may not
2200 be awarded or perform work as a contractor, supplier,
2201 subcontractor, or consultant under a contract with any public
2202 entity; may not renew a contract with a public entity; and may
2203 not transact business with any public entity:

2204 (a) The convicted vendor list, consisting of vendors or

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2205 affiliates that have been convicted of a public entity crime.

2206 (b) The discriminatory vendor list, consisting of vendors
2207 or affiliates that have engaged in discrimination.

2208 (c) The suspended vendor list, consisting of vendors or
2209 affiliates that are in default on any contract with a public
2210 entity or have otherwise repeatedly demonstrated a recent
2211 inability to fulfill the terms and conditions of previous public
2212 entity contracts or to adequately perform their duties under
2213 those contracts.

2214 (d) The antitrust violator vendor list, consisting of
2215 vendors or affiliates who have been convicted or held civilly
2216 liable for an antitrust violation.

2217 (e) The scrutinized list of prohibited companies,
2218 maintained by the State Board of Administration in accordance
2219 with s. 287.135.

2220 (f) The forced labor vendor list, consisting of vendors or
2221 affiliates who have used forced labor to support the production
2222 of goods or services.

2223 (3) (a) A public entity may not accept a bid, proposal, or
2224 reply from; award a new contract to; or transact new business
2225 with any vendor or affiliate on the lists specified in
2226 subsection (2) unless that vendor or affiliate has been removed
2227 from any list pursuant to subsection (7).

2228 (b) Before the company enters into or renews a contract
2229 with an agency for the provision of commodities, a member of the
2230 company's senior management must certify, in writing, that to
2231 the best of his or her knowledge, the goods or services such
2232 company is offering to the agency have not been produced, in
2233 whole or in part, by forced labor. The requirements of this

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2234 paragraph do not apply to purchases made by agencies from term
2235 contracts managed by the department.

2236 (c) When entering into or renewing any contract with a
2237 public entity, all vendors and affiliates shall disclose to the
2238 public entity whether they have ever been placed on a list
2239 specified in subsection (2).

2240 (4) All invitations to bid, requests for proposals, and
2241 invitations to negotiate, and any written contract document
2242 prescribed by s. 287.058 entered into or renewed on or after
2243 January 1, 2026, by the public entity must contain a statement
2244 informing vendors and affiliates of the provisions of subsection
2245 (2) and allow for the termination of a contract at the option of
2246 the awarding public agency if the vendor or affiliate is placed
2247 on a prohibited vendor list; however, placement on a prohibited
2248 vendor list does not affect any rights or obligations under any
2249 contract, franchise, or other binding agreement which predates
2250 such placement unless a public entity chooses to act upon such a
2251 termination clause.

2252 (5) The department shall electronically maintain all
2253 prohibited vendor lists set forth in subsection (2) and post
2254 such lists on its website. All lists must be updated within 5
2255 days upon any final order and must include the vendor name,
2256 affiliate name, address, e-mail address, and telephone number of
2257 all entities on a prohibited vendor list. A vendor or affiliate
2258 disqualified from the public contracting and purchasing process
2259 pursuant to this section is disqualified as of the date the
2260 department enters the final order.

2261 (6) (a) A vendor or affiliate must notify the department
2262 within 30 days after meeting the criteria to be placed on a

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2263 prohibited vendor list pursuant to subsection (2). A public
2264 entity that is aware of information that a vendor or affiliate
2265 has met the criteria for placement on a prohibited vendor list
2266 pursuant to subsection (2) shall transmit that information to
2267 the department in writing within 10 days after becoming aware of
2268 such information. The department shall, upon receiving from any
2269 source reasonable and credible information that an entity has
2270 met the criteria for placement on a prohibited vendor list
2271 pursuant to subsection (2), investigate the information and
2272 determine whether good cause exists to place that vendor or
2273 affiliate on the applicable lists. The public entity
2274 transmitting the information to the department shall assist the
2275 department in any investigations or proceedings or both against
2276 the vendor or affiliate. If the department has reason to believe
2277 that a vendor or an affiliate has met the criteria to be placed
2278 on a prohibited vendor list, the department may issue a written
2279 demand upon that vendor or affiliate to appear and be examined
2280 under oath, to answer interrogatories under oath, or to produce
2281 documents or other tangible evidence for inspection and copying.
2282 The department shall conduct any such inquiry in accord with
2283 applicable provisions of the Florida Rules of Civil Procedure.

2284 (b)1. Upon receiving from any source reasonable and
2285 credible information that a company has submitted a false
2286 certification or provided to an agency a good or service
2287 produced, in whole or in part, by forced labor, the department
2288 must investigate the information and determine whether good
2289 cause exists to place that company on the forced labor vendor
2290 list and whether such placement is in the public interest.

2291 2. A company that submits a false certification under

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2292 paragraph (3)(b) or that should have known that a good or
2293 service provided under a contract with an agency was produced,
2294 in whole or in part, by forced labor and is subsequently placed
2295 on the forced labor vendor list shall be assessed a fine of
2296 \$1,000 or an amount equal to 20 percent of the total contract
2297 value provided to the public entity, whichever is greater.

2298 (c) In determining whether good cause exists to remove a
2299 vendor or affiliate from the vendor list and place it on a
2300 prohibited vendor list pursuant to subsection (2), the
2301 department shall make a determination on the basis of factual
2302 evidence collected during its investigation.

2303 (d)1. If the department determines good cause exists for
2304 placement on a prohibited vendor list, the department must
2305 notify the vendor or affiliate in writing of its intent to place
2306 the name of that vendor or affiliate on the appropriate list
2307 pursuant to subsection (2), the vendor's or affiliate's right to
2308 a hearing, the procedure that must be followed, and the
2309 applicable time requirements. If the vendor or affiliate does
2310 not request a hearing, the vendor or affiliate is deemed to have
2311 waived its right to a hearing and the department must enter a
2312 final order placing the name of the person or affiliate on the
2313 appropriate list. No vendor or affiliate may be placed on a
2314 prohibited vendor list without receiving an individual notice of
2315 intent from the department.

2316 2. Within 21 days after receipt of the notice of intent,
2317 the vendor or affiliate may file a petition for a formal hearing
2318 pursuant to ss. 120.569 and 120.57(1) to determine whether it is
2319 in the public interest for that vendor or affiliate to be placed
2320 on a prohibited vendor list. A vendor or affiliate may not file

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2321 a petition for an informal hearing under s. 120.57(2). The
2322 procedures of chapter 120 apply to any formal hearing under this
2323 section, except where they are in conflict with the following
2324 provisions:

2325 a. The petition must be filed with the department. The
2326 department shall be a party to the proceeding for all purposes.

2327 b. Within 5 days after the filing of the petition, the
2328 department shall notify the Division of Administrative Hearings
2329 of the request for a formal hearing. The director of the
2330 Division of Administrative Hearings shall, within 5 days after
2331 receipt of notice from the department, assign an administrative
2332 law judge to preside over the proceeding. The administrative law
2333 judge, upon request by a party, may consolidate related
2334 proceedings.

2335 c. The administrative law judge shall conduct the formal
2336 hearing within 30 days after being assigned, unless otherwise
2337 stipulated by the parties.

2338 d. Within 30 days after the formal hearing or receipt of
2339 the hearing transcript, whichever is later, the administrative
2340 law judge shall enter a final order, which must consist of
2341 findings of fact, conclusions of law, interpretation of agency
2342 rules, and any other information required by law or rule to be
2343 contained in the final order. Such final order must place or not
2344 place the vendor or affiliate on a prohibited vendor list
2345 pursuant to subsection (2).

2346 e. The final order of the administrative law judge is
2347 deemed final agency action for purposes of s. 120.68.

2348 f. At any time after the filing of the petition, informal
2349 disposition may be made pursuant to s. 120.57(4). In that event,

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2350 the administrative law judge shall enter a final order adopting
2351 the stipulation, agreed settlement, or consent order.

2352 (e) In any proceeding under this section, the department is
2353 required to prove by clear and convincing evidence that it is in
2354 the public interest for the vendor or affiliate to which the
2355 department has provided notice of intent pursuant to paragraph
2356 (d) to be placed on a prohibited vendor list. Proof that a
2357 person was convicted or was held civilly liable or that an
2358 entity is an affiliate of such person, proof of discrimination
2359 by the entity or a person or entity which is an affiliate of
2360 such entity, or proof the vendor or affiliate provided an agency
2361 with a good or service produced, in whole or in part, by forced
2362 labor constitutes a rebuttable presumption that it is in the
2363 public interest for the company to be placed on a prohibited
2364 vendor list pursuant to subsection (2). Status as an affiliate
2365 must be proven by clear and convincing evidence.

2366 (f) Upon establishment that it is in the public interest
2367 for the vendor or affiliate to be placed on a prohibited vendor
2368 list pursuant to paragraph (d), the vendor or affiliate may
2369 prove by a preponderance of the evidence that it is not in the
2370 public interest for such company to be placed on such a list
2371 based upon evidence addressing the factors listed in paragraph
2372 (g).

2373 (g) In determining whether it is in the public interest to
2374 remove a vendor or affiliate from the vendor list and place it
2375 on a prohibited vendor list pursuant to subsection (2), the
2376 administrative law judge shall consider the following factors,
2377 as applicable:

2378 1. For purposes of the convicted vendor list or antitrust

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2379 vendor list, whether the person or affiliate was convicted and
2380 any reinstatement or clemency in relation to the violation at
2381 issue.

2382 2. The nature and details of the incident.

2383 3. The degree of culpability of the vendor or affiliate
2384 proposed to be placed on such a list.

2385 4. The prompt or voluntary payment of any damages or
2386 penalties as a result of the incident.

2387 5. Cooperation with state or federal investigation or
2388 prosecution of any public entity crime, provided that a good
2389 faith exercise of any constitutional, statutory, or other right
2390 during any portion of the investigation or prosecution of any
2391 public entity crime may not be considered a lack of cooperation.

2392 6. Prior or future self-policing by the vendor or affiliate
2393 to prevent recurrence.

2394 7. Compliance by the vendor or affiliate with the
2395 notification provisions of paragraph (a).

2396 8. The needs of the public entities for additional
2397 competition in the procurement of goods and services in their
2398 respective markets.

2399 9. Mitigation based upon any demonstration of good
2400 citizenship by the vendor or affiliate, including, but not
2401 limited to, the adoption of a formal plan or remedial actions to
2402 cease violations resulting in placement upon a prohibited vendor
2403 list.

2404 10. Any corrective action plans assigned to the vendor or
2405 affiliate and the vendor or affiliate's subsequent performance.

2406 11. Cooperation with the public entity during a transition
2407 to a new contract as a result of the vendor's or affiliate's

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2408 actions.

2409 12. Prompt payment of any contractually associated
2410 liabilities, including, but not limited to, liquidated damages
2411 and financial consequences.

2412 13. The effects on the health, safety, and welfare of the
2413 public.

2414 14. Prompt or voluntary payment of any reprourement costs
2415 resulting from incidents leading to a vendor or affiliate being
2416 placed on a list pursuant to subsection (2).

2417 15. Whether the discrimination was committed by an employee
2418 other than senior management and whether the offending employee
2419 responsible for the discrimination is no longer an employee of
2420 the vendor or affiliate.

2421 16. The agency head or designee delegated the authority to
2422 execute contracts on behalf of the agency makes a public finding
2423 that, absent the provision of such commodities by the company,
2424 the agency would be unable to obtain the commodities for which
2425 the contract is offered.

2426 (7) (a) One year or more after entry of the final order
2427 placing the vendor or affiliate on a prohibited vendor list
2428 pursuant to subsection (2), a vendor or affiliate may file a
2429 petition with the department for removal from such a list. The
2430 proceeding on the petition must be conducted in accordance with
2431 chapter 120. The vendor or affiliate may be removed from the
2432 list if the administrative law judge determines that removal
2433 from the list would be in the public interest. In determining
2434 whether removal from the list would be in the public interest,
2435 the administrative law judge may consider, but is not limited
2436 to, relevant considerations pursuant to paragraph (6) (g).

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2437 (b) If a petition for removal from the prohibited list is
2438 denied, the vendor or affiliate may not petition for another
2439 hearing on removal for a period of at least 9 months after the
2440 date of the denial. The department may petition for the vendor's
2441 or affiliate's removal before the expiration of such period if
2442 the department determines that removal from the prohibited
2443 vendor list would be in the public interest.

2444 (c) A petition for removal may be filed at any time if the
2445 petition is based upon a reversal of the conviction or liability
2446 upon appellate review or pardon.

2447 (8) A vendor or affiliate that has been placed on a list
2448 pursuant to subsection (2) is not a qualified applicant for
2449 economic incentives under chapter 288, and any such vendor or
2450 affiliate is not qualified to receive such economic incentives.

2451 (9) This section does not apply to:

2452 (a) Any activity regulated by the Public Service
2453 Commission;

2454 (b) The purchase of goods or services made by any public
2455 entity from the Department of Corrections, from the nonprofit
2456 corporation organized under chapter 946, or from any qualified
2457 nonprofit agency for the blind or other severely handicapped
2458 persons under ss. 413.032-413.037; or

2459 (c) Any contract with a public entity to provide any goods
2460 or services for emergency response efforts related to a state of
2461 emergency declaration issued by the Governor.

2462 (10) (a) A governmental entity may not knowingly enter into
2463 a contract with a vendor or affiliate which would give access to
2464 an individual's personal identifying information if:

2465 1. The vendor or affiliate is owned by the government of a

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2466 foreign country of concern;

2467 2. The government of a foreign country of concern has a
2468 controlling interest in the vendor or affiliate; or

2469 3. The vendor or affiliate is organized under the laws of
2470 or has its principal place of business in a foreign country of
2471 concern.

2472 (b) A governmental entity may not extend or renew a
2473 contract with a vendor or affiliate listed in paragraph (a) if
2474 the contract would give such entity access to an individual's
2475 personal identifying information.

2476 (c)1. A governmental entity may not accept a bid on, a
2477 proposal for, or a reply to, or enter into, a contract with a
2478 vendor or affiliate that would grant the entity access to an
2479 individual's personal identifying information unless the entity
2480 provides the governmental entity with an affidavit signed by an
2481 officer or representative of the entity under penalty of perjury
2482 attesting that the entity does not meet any of the criteria in
2483 paragraph (a).

2484 2. Beginning January 1, 2026, when a vendor or affiliate
2485 extends or renews a contract with a governmental entity which
2486 would grant the vendor or affiliate access to an individual's
2487 personal identifying information, the vendor or affiliate must
2488 provide the governmental entity with an affidavit signed by an
2489 officer or representative of the entity under penalty of perjury
2490 attesting that the vendor or affiliate does not meet any of the
2491 criteria in paragraph (a).

2492 (d)1. The Attorney General may bring a civil action in any
2493 court of competent jurisdiction against a vendor or affiliate
2494 that violates this subsection. Violations of this subsection may

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2495 result in:

2496 a. A civil penalty equal to twice the amount of the
2497 contract for which the vendor or affiliate submitted a bid or
2498 proposal for, replied to, or entered into;

2499 b. Ineligibility to enter into, renew, or extend any
2500 contract, including any grant agreements, with any governmental
2501 entity for up to 5 years;

2502 c. Ineligibility to receive or renew any license,
2503 certification, or credential issued by a governmental entity for
2504 up to 5 years; and

2505 d. Placement on a suspended vendor list pursuant to
2506 subsection (2).

2507 (e) Any penalties collected under paragraph (d) must be
2508 deposited into the General Revenue Fund.

2509 (f) The department shall adopt rules to implement this
2510 subsection.

2511 (11) For antitrust violations, upon receipt of any
2512 information or indictment from any source that a person has been
2513 charged with or accused of violating any state or federal
2514 antitrust law in a civil or criminal proceeding, including a
2515 civil investigative demand, brought by the Attorney General, a
2516 state attorney, the Federal Trade Commission, or the United
2517 States Department of Justice on or after July 1, 2021, the
2518 Attorney General must determine whether there is probable cause
2519 that a person has likely violated the underlying antitrust laws,
2520 which justifies temporary placement of such person on the
2521 antitrust violator vendor list until such proceeding has
2522 concluded.

2523 (a) If the Attorney General determines probable cause

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2524 exists, the Attorney General must notify the person in writing
2525 of its intent to temporarily place the name of that person on
2526 the antitrust violator vendor list, and of the person's right to
2527 a hearing, the procedure that must be followed, and the
2528 applicable time requirements. If the person does not request a
2529 hearing, the Attorney General must enter a final order
2530 temporarily placing the name of the person on the antitrust
2531 violator vendor list. A person may be placed on the antitrust
2532 violator vendor list only after being provided with a notice of
2533 intent from the Attorney General.

2534 (b) Within 21 days after receipt of the notice of intent,
2535 the person may file a petition for a formal hearing pursuant to
2536 ss. 120.569 and 120.57(1) to determine whether it is in the
2537 public interest for the person to be temporarily placed on the
2538 antitrust violator vendor list. A person may not file a petition
2539 for an informal hearing under s. 120.57(2). The procedures of
2540 chapter 120 shall apply to any formal hearing under this
2541 paragraph.

2542 (c) In determining whether it is in the public interest to
2543 place a person on the antitrust violator vendor list under this
2544 paragraph, the administrative law judge shall consider the
2545 following factors:

2546 1. The likelihood the person will be convicted or held
2547 civily liable for the antitrust violation.

2548 2. The nature and details of the antitrust violation.

2549 3. The degree of culpability of the person proposed to be
2550 placed on the antitrust violator vendor list.

2551 4. The needs of public entities for additional competition
2552 in the procurement of goods and services in their respective

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2553 markets.

2554 5. The effect of the antitrust violations on Floridians.

2555 (d) The Attorney General has the burden to prove that it is
 2556 in the public interest for the person to whom it has given
 2557 notice under paragraph (a) to be temporarily placed on the
 2558 antitrust violator vendor list. Unless the administrative law
 2559 judge determines that it is in the public interest to
 2560 temporarily place a person on the antitrust violator vendor
 2561 list, that person may not be placed on the antitrust violator
 2562 vendor list.

2563 (e) This subsection does not apply to affiliates.

2564 Section 29. Section 287.133, Florida Statutes, is repealed.

2565 Section 30. Section 287.134, Florida Statutes, is repealed.

2566 Section 31. Section 287.1346, Florida Statutes, is
 2567 repealed.

2568 Section 32. Section 287.1351, Florida Statutes, is
 2569 repealed.

2570 Section 33. Subsections (1) and (7) of section 287.137,
 2571 Florida Statutes, are repealed.

2572 Section 34. Subsection (8) of section 287.137, Florida
 2573 Statutes, is transferred, renumbered as subsection (12) of
 2574 section 287.096, Florida Statutes, as created by this act, and
 2575 amended, to read:

2576 287.096 Prohibited vendors.—

2577 (12) (a) ~~(8) (a)~~ All information received by the Attorney
 2578 General under subsection (11) ~~paragraph (3) (d)~~ pursuant to an
 2579 investigation by the Attorney General or a law enforcement
 2580 agency is confidential and exempt from s. 119.07(1) and s.
 2581 24(a), Art. I of the State Constitution until such time as the

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2582 investigation is completed or ceases to be active. This
2583 exemption shall be construed in conformity with s.
2584 119.071(2)(c).

2585 (b) During an active investigation, information made
2586 confidential and exempt pursuant to paragraph (a) may be
2587 disclosed by the Attorney General:

2588 1. In the performance of his or her official duties and
2589 responsibilities; or

2590 2. To another governmental entity in performance of its
2591 official duties and responsibilities.

2592 (c) Once an investigation is completed or ceases to be
2593 active, the following information received by the Attorney
2594 General shall remain confidential and exempt from s. 119.07(1)
2595 and s. 24(a), Art. I of the State Constitution:

2596 1. All information to which another public records
2597 exemption applies.

2598 2. Personal identifying information.

2599 3. A computer forensic report.

2600 4. Information that would otherwise reveal weaknesses in a
2601 business's data security.

2602 5. Proprietary business information.

2603 (d) For purposes of this subsection, the term "proprietary
2604 business information" means information that:

2605 1. Is owned or controlled by the business;

2606 2. Is intended to be private and is treated by the business
2607 as private because disclosure would harm the business or its
2608 business operations;

2609 3. Has not been disclosed except as required by law or a
2610 private agreement that provides that the information will not be

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2611 released to the public;

2612 4. Is not publicly available or otherwise readily
2613 ascertainable through proper means from another source in the
2614 same configuration as received by the Attorney General; and

2615 5. Includes:

2616 a. Trade secrets as defined in s. 688.002.

2617 b. Competitive interests, the disclosure of which would
2618 impair the competitive advantage of the business that is the
2619 subject of the information.

2620 (e) This subsection is subject to the Open Government
2621 Sunset Review Act in accordance with s. 119.15 and shall stand
2622 repealed on October 2, 2026, unless reviewed and saved from
2623 repeal through reenactment by the Legislature.

2624 Section 35. Paragraph (d) of subsection (5) of section
2625 287.138, Florida Statutes, is amended to read:

2626 287.138 Contracting with entities of foreign countries of
2627 concern prohibited.—

2628 (5) The Attorney General may bring a civil action in any
2629 court of competent jurisdiction against an entity that violates
2630 this section. Violations of this section may result in:

2631 (d) Placement on a prohibited ~~the suspended~~ vendor list
2632 pursuant to s. 287.096 ~~s. 287.1351~~.

2633 Section 36. Section 288.1167, Florida Statutes, is
2634 repealed.

2635 Section 37. Subsections (1), (3), and (5) of section
2636 288.703, Florida Statutes, are amended to read:

2637 288.703 Definitions.—As used in ss. 288.702-288.706, the
2638 term:

2639 ~~(1) "Certified minority business enterprise" means a~~

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2640 ~~business which has been certified by the certifying organization~~
2641 ~~or jurisdiction in accordance with s. 287.0943(1) and (2).~~

2642 (2)~~(3)~~ "Minority business enterprise" means any small
2643 business concern as defined in subsection (5) ~~(6)~~ which is
2644 organized to engage in commercial transactions, which is
2645 domiciled in Florida, and which is at least 51-percent-owned by
2646 minority persons who are members of an insular group that is of
2647 a particular racial, ethnic, or gender makeup or national
2648 origin, which has been subjected historically to disparate
2649 treatment due to identification in and with that group resulting
2650 in an underrepresentation of commercial enterprises under the
2651 group's control, and whose management and daily operations are
2652 controlled by such persons. A minority business enterprise may
2653 primarily involve the practice of a profession. Ownership by a
2654 minority person does not include ownership which is the result
2655 of a transfer from a nonminority person to a minority person
2656 within a related immediate family group if the combined total
2657 net asset value of all members of such family group exceeds \$1
2658 million. For purposes of this subsection, the term "related
2659 immediate family group" means one or more children under 16
2660 years of age and a parent of such children or the spouse of such
2661 parent residing in the same house or living unit.

2662 (4)~~(5)~~ "Ombudsman" means an office or individual whose
2663 responsibilities include coordinating with the Office of
2664 Supplier Development Diversity for the interests of and
2665 providing assistance to small and minority business enterprises
2666 in dealing with governmental agencies and in developing
2667 proposals for changes in state agency rules.

2668 Section 38. Section 288.7031, Florida Statutes, is amended

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2669 to read:

2670 288.7031 Application of certain definitions.—The
 2671 definitions of “small business~~,”~~ and “minority business
 2672 enterprise~~,”~~ and ~~“certified minority business enterprise”~~
 2673 provided in s. 288.703 apply to the state and all political
 2674 subdivisions of the state.

2675 Section 39. Paragraph (g) of subsection (1) of section
 2676 376.84, Florida Statutes, is amended to read:

2677 376.84 Brownfield redevelopment economic incentives.—It is
 2678 the intent of the Legislature that brownfield redevelopment
 2679 activities be viewed as opportunities to significantly improve
 2680 the utilization, general condition, and appearance of these
 2681 sites. Different standards than those in place for new
 2682 development, as allowed under current state and local laws,
 2683 should be used to the fullest extent to encourage the
 2684 redevelopment of a brownfield. State and local governments are
 2685 encouraged to offer redevelopment incentives for this purpose,
 2686 as an ongoing public investment in infrastructure and services,
 2687 to help eliminate the public health and environmental hazards,
 2688 and to promote the creation of jobs in these areas. Such
 2689 incentives may include financial, regulatory, and technical
 2690 assistance to persons and businesses involved in the
 2691 redevelopment of the brownfield pursuant to this act.

2692 (1) Financial incentives and local incentives for
 2693 redevelopment may include, but not be limited to:

2694 ~~(g) Minority business enterprise programs as provided in s.~~
 2695 ~~287.0943.~~

2696 Section 40. Paragraph (b) of subsection (2) of section
 2697 440.45, Florida Statutes, is amended to read:

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2698 440.45 Office of the Judges of Compensation Claims.—

2699 (2)

2700 (b) Except as provided in paragraph (c), the Governor shall
2701 appoint a judge of compensation claims from a list of three
2702 persons nominated by a statewide nominating commission. The
2703 statewide nominating commission shall be composed of the
2704 following:

2705 1. Six members, ~~at least one of whom must be a member of a~~
2706 ~~minority group as defined in s. 288.703,~~ one of each who resides
2707 in each of the territorial jurisdictions of the district courts
2708 of appeal, appointed by the Board of Governors of The Florida
2709 Bar from among The Florida Bar members engaged in the practice
2710 of law. Each member shall be appointed for a 4-year term;

2711 2. Six electors, ~~at least one of whom must be a member of a~~
2712 ~~minority group as defined in s. 288.703,~~ one of each who resides
2713 in each of the territorial jurisdictions of the district courts
2714 of appeal, appointed by the Governor. Each member shall be
2715 appointed for a 4-year term; and

2716 3. Six electors, ~~at least one of whom must be a member of a~~
2717 ~~minority group as defined in s. 288.703,~~ one of each who resides
2718 in the territorial jurisdictions of the district courts of
2719 appeal, selected and appointed by a majority vote of the other
2720 10 members of the commission. Each member shall be appointed for
2721 a 4-year term.

2722
2723 A vacancy occurring on the commission shall be filled by the
2724 original appointing authority for the unexpired balance of the
2725 term. An attorney who appears before any judge of compensation
2726 claims more than four times a year is not eligible to serve on

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2727 the statewide nominating commission. The meetings and
 2728 determinations of the nominating commission as to the judges of
 2729 compensation claims shall be open to the public.

2730 Section 41. Section 760.80, Florida Statutes, is repealed.

2731 Section 42. Part V of chapter 760, Florida Statutes, is
 2732 redesignated as part IV of that chapter.

2733 Section 43. Paragraph (d) of subsection (7) of section
 2734 1001.706, Florida Statutes, is amended to read:

2735 1001.706 Powers and duties of the Board of Governors.-

2736 (7) POWERS AND DUTIES RELATING TO PROPERTY.-

2737 ~~(d) The Board of Governors, or the board's designee, shall~~
 2738 ~~ensure compliance with the provisions of s. 287.09451 for all~~
 2739 ~~procurement and ss. 255.101 and 255.102 for construction~~
 2740 ~~contracts, and rules adopted pursuant thereto, relating to the~~
 2741 ~~utilization of minority business enterprises, except that~~
 2742 ~~procurements costing less than the amount provided for in~~
 2743 ~~CATEGORY FIVE as provided in s. 287.017 shall not be subject to~~
 2744 ~~s. 287.09451.~~

2745 Section 44. Paragraph (c) of subsection (1) of section
 2746 1013.46, Florida Statutes, is amended to read:

2747 1013.46 Advertising and awarding contracts;
 2748 prequalification of contractor.-

2749 (1)

2750 ~~(c) As an option, any county, municipality, or board may~~
 2751 ~~set aside up to 10 percent of the total amount of funds~~
 2752 ~~allocated for the purpose of entering into construction capital~~
 2753 ~~project contracts with minority business enterprises, as defined~~
 2754 ~~in s. 287.094. Such contracts shall be competitively bid only~~
 2755 ~~among minority business enterprises. The set aside shall be used~~

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2756 ~~to redress present effects of past discriminatory practices and~~
 2757 ~~shall be subject to periodic reassessment to account for~~
 2758 ~~changing needs and circumstances.~~

2759 Section 45. Paragraph (k) of subsection (1) of section
 2760 16.615, Florida Statutes, is amended to read:

2761 16.615 Council on the Social Status of Black Men and Boys.—

2762 (1) The Council on the Social Status of Black Men and Boys
 2763 is established within the Department of Legal Affairs and shall
 2764 consist of 19 members appointed as follows:

2765 (k) A businessperson who is an African American, ~~as defined~~
 2766 ~~in s. 760.80(2)(a)~~, appointed by the Governor.

2767 Section 46. Subsection (1) of section 43.16, Florida
 2768 Statutes, is amended to read:

2769 43.16 Justice Administrative Commission; membership, powers
 2770 and duties.—

2771 (1) There is hereby created a Justice Administrative
 2772 Commission, with headquarters located in the state capital. The
 2773 necessary office space for use of the commission shall be
 2774 furnished by the proper state agency in charge of state
 2775 buildings. For purposes of the fees imposed on agencies pursuant
 2776 to s. 287.057(21) ~~s. 287.057(24)~~, the Justice Administrative
 2777 Commission shall be exempt from such fees.

2778 Section 47. Paragraph (a) of subsection (2) of section
 2779 110.116, Florida Statutes, is amended to read:

2780 110.116 Personnel information system; payroll procedures.—

2781 (2) In recognition of the critical nature of the statewide
 2782 personnel and payroll system commonly known as People First, the
 2783 Legislature finds that it is in the best interest of the state
 2784 to continue partnering with the current People First third-party

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2785 operator. The People First System annually processes 500,000
2786 employment applications, 455,000 personnel actions, and the
2787 state's \$9.5-billion payroll. The Legislature finds that the
2788 continuity of operations of the People First System and the
2789 critical functions it provides such as payroll, employee health
2790 insurance benefit records, and other critical services must not
2791 be interrupted. Presently, the Chief Financial Officer is
2792 undertaking the development of a new statewide accounting and
2793 financial management system, commonly known as the Planning,
2794 Accounting, and Ledger Management (PALM) system, scheduled to be
2795 operational in the year 2026. The procurement and implementation
2796 of an entire replacement of the People First System will impede
2797 the timeframe needed to successfully integrate the state's
2798 payroll system with the PALM system. In order to maintain
2799 continuity of operations and to ensure the successful completion
2800 of the PALM system, the Legislature directs that:

2801 (a) The department, pursuant to s. 287.057(9) ~~s.~~
2802 ~~287.057(11)~~, shall enter into a 3-year contract extension with
2803 the entity operating the People First System on January 1, 2024.
2804 The contract extension must:

2805 1. Provide for the integration of the current People First
2806 System with PALM.

2807 2. Exclude major functionality updates or changes to the
2808 People First System prior to completion of the PALM system. This
2809 does not include:

2810 a. Routine system maintenance such as code updates
2811 following open enrollment; or

2812 b. The technical remediation necessary to integrate the
2813 system with PALM within the PALM project's planned

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2814 implementation schedule.

2815 3. Include project planning and analysis deliverables
2816 necessary to:

2817 a. Detail and document the state's functional requirements.

2818 b. Estimate the cost of transitioning the current People
2819 First System to a cloud computing infrastructure within the
2820 contract extension and after the successful integration with
2821 PALM. The project cost evaluation shall estimate the annual cost
2822 and capacity growth required to host the system in a cloud
2823 environment.

2824
2825 The department shall develop these system specifications in
2826 conjunction with the Department of Financial Services and the
2827 Auditor General.

2828 4. Include technical support for state agencies that may
2829 need assistance in remediating or integrating current financial
2830 shadow systems with People First in order to integrate with PALM
2831 or the cloud version of People First.

2832 5. Include organizational change management and training
2833 deliverables needed to support the implementation of PALM
2834 payroll functionality and the People First System cloud upgrade.
2835 Responsibilities of the operator and the department shall be
2836 outlined in a project role and responsibility assignment chart
2837 within the contract.

2838 6. Include an option to renew the contract for one
2839 additional year.

2840 Section 48. Paragraph (g) of subsection (3) of section
2841 212.096, Florida Statutes, is amended to read:

2842 212.096 Sales, rental, storage, use tax; enterprise zone

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2843 jobs credit against sales tax.—

2844 (3) In order to claim this credit, an eligible business
2845 must file under oath with the governing body or enterprise zone
2846 development agency having jurisdiction over the enterprise zone
2847 where the business is located, as applicable, a statement which
2848 includes:

2849 (g) Whether the business is a small business as defined in
2850 s. 288.703(5) ~~by s. 288.703(6)~~.

2851 Section 49. Paragraph (a) of subsection (2) of section
2852 215.971, Florida Statutes, is amended to read:

2853 215.971 Agreements funded with federal or state
2854 assistance.—

2855 (2) For each agreement funded with federal or state
2856 financial assistance, the state agency shall designate an
2857 employee to function as a grant manager who shall be responsible
2858 for enforcing performance of the agreement's terms and
2859 conditions and who shall serve as a liaison with the recipient
2860 or subrecipient.

2861 (a)1. Each grant manager who is responsible for agreements
2862 in excess of the threshold amount for CATEGORY TWO under s.
2863 287.017 must, at a minimum, complete training conducted by the
2864 Chief Financial Officer for accountability in contracts and
2865 grant management.

2866 2. Effective December 1, 2014, each grant manager
2867 responsible for agreements in excess of \$100,000 annually must
2868 complete the training and become a certified contract manager as
2869 provided under s. 287.057(12) ~~s. 287.057(15)~~. All grant managers
2870 must become certified contract managers within 24 months after
2871 establishment of the training and certification requirements by

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2872 the Department of Management Services and the Department of
2873 Financial Services.

2874 Section 50. Paragraph (c) of subsection (2) of section
2875 255.0992, Florida Statutes, is amended to read:

2876 255.0992 Public works projects; prohibited governmental
2877 actions.—

2878 (2) Except as required by federal or state law, the state
2879 or any political subdivision that contracts for a public works
2880 project may not take the following actions:

2881 (c) Prohibit any contractor, subcontractor, or material
2882 supplier or carrier able to perform such work that is qualified,
2883 licensed, or certified as required by state or local law to
2884 perform such work from receiving information about public works
2885 opportunities or from submitting a bid on the public works
2886 project. This paragraph does not apply to vendors listed under
2887 s. 287.096 ~~ss. 287.133 and 287.134~~.

2888 Section 51. Subsection (5) of section 282.201, Florida
2889 Statutes, is amended to read:

2890 282.201 State data center.—The state data center is
2891 established within the department. The provision of data center
2892 services must comply with applicable state and federal laws,
2893 regulations, and policies, including all applicable security,
2894 privacy, and auditing requirements. The department shall appoint
2895 a director of the state data center who has experience in
2896 leading data center facilities and has expertise in cloud-
2897 computing management.

2898 (5) NORTHWEST REGIONAL DATA CENTER CONTRACT.—In order for
2899 the department to carry out its duties and responsibilities
2900 relating to the state data center, the secretary of the

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2901 department shall contract by July 1, 2022, with the Northwest
2902 Regional Data Center pursuant to s. 287.057(9) ~~s. 287.057(11)~~.
2903 The contract shall provide that the Northwest Regional Data
2904 Center will manage the operations of the state data center and
2905 provide data center services to state agencies.

2906 (a) The department shall provide contract oversight,
2907 including, but not limited to, reviewing invoices provided by
2908 the Northwest Regional Data Center for services provided to
2909 state agency customers.

2910 (b) The department shall approve or request updates to
2911 invoices within 10 business days after receipt. If the
2912 department does not respond to the Northwest Regional Data
2913 Center, the invoice will be approved by default. The Northwest
2914 Regional Data Center must submit approved invoices directly to
2915 state agency customers.

2916 Section 52. Effective only if the reversion of text
2917 pursuant to section 53 of chapter 2024-228, Laws of Florida, is
2918 abrogated, paragraph (a) of subsection (3) of section 282.709,
2919 Florida Statutes, is amended to read:

2920 282.709 State agency law enforcement radio system and
2921 interoperability network.—

2922 (3) In recognition of the critical nature of the statewide
2923 law enforcement radio communications system, the Legislature
2924 finds that there is an immediate danger to the public health,
2925 safety, and welfare, and that it is in the best interest of the
2926 state to continue partnering with the system's current operator.
2927 The Legislature finds that continuity of coverage is critical to
2928 supporting law enforcement, first responders, and other public
2929 safety users. The potential for a loss in coverage or a lack of

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2930 interoperability between users requires emergency action and is
2931 a serious concern for officers' safety and their ability to
2932 communicate and respond to various disasters and events.

2933 (a) The department, pursuant to s. 287.057(9) ~~s.~~
2934 ~~287.057(11)~~, shall enter into a 15-year contract with the entity
2935 that was operating the statewide radio communications system on
2936 January 1, 2021. The contract must include:

- 2937 1. The purchase of radios;
- 2938 2. The upgrade to the Project 25 communications standard;
- 2939 3. Increased system capacity and enhanced coverage for
2940 system users;
- 2941 4. Operations, maintenance, and support at a fixed annual
2942 rate;
- 2943 5. The conveyance of communications towers to the
2944 department; and
- 2945 6. The assignment of communications tower leases to the
2946 department.

2947 Section 53. Paragraph (b) of subsection (3) of section
2948 286.101, Florida Statutes, is amended to read:

2949 286.101 Foreign gifts and contracts.—

2950 (3)

2951 (b) Disclosure under this subsection is not required with
2952 respect to:

- 2953 1. A proposal to sell commodities through the online
2954 procurement program established pursuant to s. 287.057(19) ~~s.~~
2955 ~~287.057(22)~~;
- 2956 2. A proposal to sell commodities to a university pursuant
2957 to Board of Governors Regulation 18.001;
- 2958 3. An application or proposal from an entity that discloses

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foreign gifts or grants under subsection (2) or s. 1010.25;

4. An application or proposal from a foreign source that, if granted or accepted, would be disclosed under subsection (2) or s. 1010.25; or

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

Section 54. Subsection (4) of section 287.056, Florida Statutes, is amended to read:

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

(4) A firm or individual placed on a list under s. 287.096 ~~the suspended vendor list pursuant to s. 287.1351 or placed on a disqualified vendor list pursuant to s. 287.133 or s. 287.134~~ is immediately disqualified from state term contract eligibility.

Section 55. Paragraph (a) of subsection (3) of section 287.0571, Florida Statutes, is amended to read:

287.0571 Business case to outsource; applicability.—

(3) This section does not apply to:

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

Section 56. Subsection (6) of section 287.0591, Florida Statutes, is amended to read:

287.0591 Information technology; vendor disqualification.—

(6) Beginning October 1, 2021, and each October 1 thereafter, the department shall prequalify firms and individuals to provide information technology staff augmentation contractual services on state term contract. In order to

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2988 prequalify a firm or individual for participation on the state
2989 term contract, the department must consider, at a minimum, the
2990 capability, experience, and past performance record of the firm
2991 or individual. A firm or individual removed from the source of
2992 supply pursuant to s. 287.042(1)(b) or placed on a ~~disqualified~~
2993 ~~vendor~~ list pursuant to s. 287.096 ~~s. 287.133~~ or ~~s. 287.134~~ is
2994 immediately disqualified from state term contract eligibility.
2995 Once a firm or individual has been prequalified to provide
2996 information technology staff augmentation contractual services
2997 on state term contract, the firm or individual may respond to
2998 requests for quotes from an agency to provide such services.

2999 Section 57. Paragraph (b) of subsection (2) of section
3000 288.0001, Florida Statutes, is amended to read:

3001 288.0001 Economic Development Programs Evaluation.—The
3002 Office of Economic and Demographic Research and the Office of
3003 Program Policy Analysis and Government Accountability (OPPAGA)
3004 shall develop and present to the Governor, the President of the
3005 Senate, the Speaker of the House of Representatives, and the
3006 chairs of the legislative appropriations committees the Economic
3007 Development Programs Evaluation.

3008 (2) The Office of Economic and Demographic Research and
3009 OPPAGA shall provide a detailed analysis of economic development
3010 programs as provided in the following schedule:

3011 (b) By January 1, 2015, and every 3 years thereafter, an
3012 analysis of:

3013 1. The entertainment industry sales tax exemption program
3014 established under s. 288.1258.

3015 2. VISIT Florida and its programs established or funded
3016 under ss. 288.122-288.12265 and 288.124.

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3017 3. The Florida Sports Foundation and related programs,
3018 including those established under ss. 288.1162, 288.11621, and
3019 288.1166, ~~and 288.1167.~~

3020 Section 58. Subsection (2) of section 288.706, Florida
3021 Statutes, is amended to read:

3022 288.706 Florida Minority Business Loan Mobilization
3023 Program.—

3024 (2) The Florida Minority Business Loan Mobilization Program
3025 is created to promote the development of minority business
3026 enterprises, ~~as defined in s. 288.703(3),~~ increase the ability
3027 of minority business enterprises to compete for state contracts,
3028 and sustain the economic growth of minority business enterprises
3029 in this state. The goal of the program is to assist minority
3030 business enterprises by facilitating working capital loans to
3031 minority business enterprises that are vendors on state agency
3032 contracts. The Department of Management Services shall
3033 administer the program.

3034 Section 59. Paragraph (b) of subsection (4) of section
3035 295.187, Florida Statutes, is amended to read:

3036 295.187 Florida Veteran Business Enterprise Opportunity
3037 Act.—

3038 (4) VENDOR PREFERENCE.—

3039 (b) ~~Notwithstanding s. 287.057(12),~~ If a veteran business
3040 enterprise entitled to the vendor preference under this section
3041 and one or more businesses entitled to this preference or
3042 another vendor preference provided by law submit bids,
3043 proposals, or replies for procurement of commodities or
3044 contractual services which are equal with respect to all
3045 relevant considerations, including price, quality, and service,

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3046 the state agency shall award the procurement or contract to the
3047 business having the smallest net worth.

3048 Section 60. Paragraph (a) of subsection (2) of section
3049 376.3072, Florida Statutes, is amended to read:

3050 376.3072 Florida Petroleum Liability and Restoration
3051 Insurance Program.—

3052 (2) (a) An owner or operator of a petroleum storage system
3053 may become an insured in the restoration insurance program at a
3054 facility if:

3055 1. A site at which an incident has occurred is eligible for
3056 restoration if the insured is a participant in the third-party
3057 liability insurance program or otherwise meets applicable
3058 financial responsibility requirements. After July 1, 1993, the
3059 insured must also provide the required excess insurance coverage
3060 or self-insurance for restoration to achieve the financial
3061 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
3062 not covered by paragraph (d).

3063 2. A site which had a discharge reported before January 1,
3064 1989, for which notice was given pursuant to s. 376.3071(10) and
3065 which is ineligible for the third-party liability insurance
3066 program solely due to that discharge is eligible for
3067 participation in the restoration program for an incident
3068 occurring on or after January 1, 1989, pursuant to subsection
3069 (3). Restoration funding for an eligible contaminated site will
3070 be provided without participation in the third-party liability
3071 insurance program until the site is restored as required by the
3072 department or until the department determines that the site does
3073 not require restoration.

3074 3. Notwithstanding paragraph (b), a site where an

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3075 application is filed with the department before January 1, 1995,
3076 where the owner is a small business under s. 288.703(5) ~~s.~~
3077 ~~288.703(6)~~, a Florida College System institution with less than
3078 2,500 FTE, a religious institution as defined by s.
3079 212.08(7)(m), a charitable institution as defined by s.
3080 212.08(7)(p), or a county or municipality with a population of
3081 less than 50,000, is eligible for up to \$400,000 of eligible
3082 restoration costs, less a deductible of \$10,000 for small
3083 businesses, eligible Florida College System institutions, and
3084 religious or charitable institutions, and \$30,000 for eligible
3085 counties and municipalities, if:

3086 a. Except as provided in sub-subparagraph e., the facility
3087 was in compliance with department rules at the time of the
3088 discharge.

3089 b. The owner or operator has, upon discovery of a
3090 discharge, promptly reported the discharge to the department,
3091 and drained and removed the system from service, if necessary.

3092 c. The owner or operator has not intentionally caused or
3093 concealed a discharge or disabled leak detection equipment.

3094 d. The owner or operator proceeds to complete initial
3095 remedial action as specified in department rules.

3096 e. The owner or operator, if required and if it has not
3097 already done so, applies for third-party liability coverage for
3098 the facility within 30 days after receipt of an eligibility
3099 order issued by the department pursuant to this subparagraph.

3100
3101 However, the department may consider in-kind services from
3102 eligible counties and municipalities in lieu of the \$30,000
3103 deductible. The cost of conducting initial remedial action as

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3104 defined by department rules is an eligible restoration cost
3105 pursuant to this subparagraph.

3106 4.a. By January 1, 1997, facilities at sites with existing
3107 contamination must have methods of release detection to be
3108 eligible for restoration insurance coverage for new discharges
3109 subject to department rules for secondary containment. Annual
3110 storage system testing, in conjunction with inventory control,
3111 shall be considered to be a method of release detection until
3112 the later of December 22, 1998, or 10 years after the date of
3113 installation or the last upgrade. Other methods of release
3114 detection for storage tanks which meet such requirement are:

3115 (I) Interstitial monitoring of tank and integral piping
3116 secondary containment systems;

3117 (II) Automatic tank gauging systems; or

3118 (III) A statistical inventory reconciliation system with a
3119 tank test every 3 years.

3120 b. For pressurized integral piping systems, the owner or
3121 operator must use:

3122 (I) An automatic in-line leak detector with flow
3123 restriction meeting the requirements of department rules used in
3124 conjunction with an annual tightness or pressure test; or

3125 (II) An automatic in-line leak detector with electronic
3126 flow shut-off meeting the requirements of department rules.

3127 c. For suction integral piping systems, the owner or
3128 operator must use:

3129 (I) A single check valve installed directly below the
3130 suction pump if there are no other valves between the dispenser
3131 and the tank; or

3132 (II) An annual tightness test or other approved test.

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3133 d. Owners of facilities with existing contamination that
3134 install internal release detection systems pursuant to sub-
3135 subparagraph a. shall permanently close their external
3136 groundwater and vapor monitoring wells pursuant to department
3137 rules by December 31, 1998. Upon installation of the internal
3138 release detection system, such wells must be secured and taken
3139 out of service until permanent closure.

3140 e. Facilities with vapor levels of contamination meeting
3141 the requirements of or below the concentrations specified in the
3142 performance standards for release detection methods specified in
3143 department rules may continue to use vapor monitoring wells for
3144 release detection.

3145 f. The department may approve other methods of release
3146 detection for storage tanks and integral piping which have at
3147 least the same capability to detect a new release as the methods
3148 specified in this subparagraph.

3149
3150 Sites meeting the criteria of this subsection for which a site
3151 rehabilitation completion order was issued before June 1, 2008,
3152 do not qualify for the 2008 increase in site rehabilitation
3153 funding assistance and are bound by the pre-June 1, 2008,
3154 limits. Sites meeting the criteria of this subsection for which
3155 a site rehabilitation completion order was not issued before
3156 June 1, 2008, regardless of whether they have previously
3157 transitioned to nonstate-funded cleanup status, may continue
3158 state-funded cleanup pursuant to s. 376.3071(6) until a site
3159 rehabilitation completion order is issued or the increased site
3160 rehabilitation funding assistance limit is reached, whichever
3161 occurs first.

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3162 Section 61. Paragraph (a) of subsection (1) of section
3163 394.47865, Florida Statutes, is amended to read:

3164 394.47865 South Florida State Hospital; privatization.—

3165 (1) The Department of Children and Families shall, through
3166 a request for proposals, privatize South Florida State Hospital.
3167 The department shall plan to begin implementation of this
3168 privatization initiative by July 1, 1998.

3169 (a) Notwithstanding s. 287.057(11) ~~s. 287.057(14)~~, the
3170 department may enter into agreements, not to exceed 20 years,
3171 with a private provider, a coalition of providers, or another
3172 agency to finance, design, and construct a treatment facility
3173 having up to 350 beds and to operate all aspects of daily
3174 operations within the facility. The department may subcontract
3175 any or all components of this procurement to a statutorily
3176 established state governmental entity that has successfully
3177 contracted with private companies for designing, financing,
3178 acquiring, leasing, constructing, and operating major privatized
3179 state facilities.

3180 Section 62. Paragraph (b) of subsection (2) and subsection
3181 (3) of section 402.7305, Florida Statutes, are amended to read:

3182 402.7305 Department of Children and Families; procurement
3183 of contractual services; contract management.—

3184 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

3185 (b) When it is in the best interest of a defined segment of
3186 its consumer population, the department may competitively
3187 procure and contract for systems of treatment or service that
3188 involve multiple providers, rather than procuring and
3189 contracting for treatment or services separately from each
3190 participating provider. The department must ensure that all

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3191 providers that participate in the treatment or service system
3192 meet all applicable statutory, regulatory, service quality, and
3193 cost control requirements. If other governmental entities or
3194 units of special purpose government contribute matching funds to
3195 the support of a given system of treatment or service, the
3196 department shall formally request information from those funding
3197 entities in the procurement process and may take the information
3198 received into account in the selection process. If a local
3199 government contributes matching funds to support the system of
3200 treatment or contracted service and if the match constitutes at
3201 least 25 percent of the value of the contract, the department
3202 shall afford the governmental match contributor an opportunity
3203 to name an employee as one of the persons required by s.
3204 287.057(14) ~~s. 287.057(17)~~ to evaluate or negotiate certain
3205 contracts, unless the department sets forth in writing the
3206 reason why the inclusion would be contrary to the best interest
3207 of the state. Any employee so named by the governmental match
3208 contributor shall qualify as one of the persons required by s.
3209 287.057(14) ~~s. 287.057(17)~~. A governmental entity or unit of
3210 special purpose government may not name an employee as one of
3211 the persons required by s. 287.057(14) ~~s. 287.057(17)~~ if it, or
3212 any of its political subdivisions, executive agencies, or
3213 special districts, intends to compete for the contract to be
3214 awarded. The governmental funding entity or contributor of
3215 matching funds must comply with all procurement procedures set
3216 forth in s. 287.057 when appropriate and required.

3217 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The
3218 Department of Children and Families shall review the time period
3219 for which the department executes contracts and shall execute

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3220 multiyear contracts to make the most efficient use of the
3221 resources devoted to contract processing and execution. Whenever
3222 the department chooses not to use a multiyear contract, a
3223 justification for that decision must be contained in the
3224 contract. Notwithstanding s. 287.057(12) ~~s. 287.057(15)~~, the
3225 department is responsible for establishing a contract management
3226 process that requires a member of the department's Senior
3227 Management or Selected Exempt Service to assign in writing the
3228 responsibility of a contract to a contract manager. The
3229 department shall maintain a set of procedures describing its
3230 contract management process which must minimally include the
3231 following requirements:

3232 (a) The contract manager shall maintain the official
3233 contract file throughout the duration of the contract and for a
3234 period not less than 6 years after the termination of the
3235 contract.

3236 (b) The contract manager shall review all invoices for
3237 compliance with the criteria and payment schedule provided for
3238 in the contract and shall approve payment of all invoices before
3239 their transmission to the Department of Financial Services for
3240 payment.

3241 (c) The contract manager shall maintain a schedule of
3242 payments and total amounts disbursed and shall periodically
3243 reconcile the records with the state's official accounting
3244 records.

3245 (d) For contracts involving the provision of direct client
3246 services, the contract manager shall periodically visit the
3247 physical location where the services are delivered and speak
3248 directly to clients receiving the services and the staff

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3249 responsible for delivering the services.

3250 (e) The contract manager shall meet at least once a month
3251 directly with the contractor's representative and maintain
3252 records of such meetings.

3253 (f) The contract manager shall periodically document any
3254 differences between the required performance measures and the
3255 actual performance measures. If a contractor fails to meet and
3256 comply with the performance measures established in the
3257 contract, the department may allow a reasonable period for the
3258 contractor to correct performance deficiencies. If performance
3259 deficiencies are not resolved to the satisfaction of the
3260 department within the prescribed time, and if no extenuating
3261 circumstances can be documented by the contractor to the
3262 department's satisfaction, the department must terminate the
3263 contract. The department may not enter into a new contract with
3264 that same contractor for the services for which the contract was
3265 previously terminated for a period of at least 24 months after
3266 the date of termination. The contract manager shall obtain and
3267 enforce corrective action plans, if appropriate, and maintain
3268 records regarding the completion or failure to complete
3269 corrective action items.

3270 (g) The contract manager shall document any contract
3271 modifications, which shall include recording any contract
3272 amendments as provided for in this section.

3273 (h) The contract manager shall be properly trained before
3274 being assigned responsibility for any contract.

3275 Section 63. Subsection (2) of section 408.045, Florida
3276 Statutes, is amended to read:

3277 408.045 Certificate of need; competitive sealed proposals.-

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3278 (2) The agency shall make a decision regarding the issuance
3279 of the certificate of need in accordance with s. 287.057(14) ~~the~~
3280 ~~provisions of s. 287.057(17)~~, rules adopted by the agency
3281 relating to intermediate care facilities for the developmentally
3282 disabled, and the criteria in s. 408.035, as further defined by
3283 rule.

3284 Section 64. Paragraph (a) of subsection (3) and subsection
3285 (6) of section 473.3065, Florida Statutes, are amended to read:

3286 473.3065 Clay Ford Scholarship Program; Certified Public
3287 Accountant Education Minority Assistance Advisory Council.—

3288 (3) The board shall adopt rules as necessary for
3289 administration of the Clay Ford Scholarship Program, including
3290 rules relating to the following:

3291 (a) Eligibility criteria for receipt of a scholarship,
3292 which, at a minimum, shall include the following factors:

3293 1. Financial need.

3294 2. Ethnic, gender, or racial minority status pursuant to s.
3295 288.703(3) ~~s. 288.703(4)~~.

3296 3. Scholastic ability and performance.

3297 (6) There is hereby created the Certified Public Accountant
3298 Education Minority Assistance Advisory Council to assist the
3299 board in administering the Clay Ford Scholarship Program. The
3300 council shall be diverse and representative of the gender,
3301 ethnic, and racial categories set forth in s. 288.703(3) ~~s.~~
3302 ~~288.703(4)~~.

3303 (a) The council shall consist of five licensed Florida-
3304 certified public accountants selected by the board, of whom one
3305 shall be a board member who serves as chair of the council, one
3306 shall be a representative of the National Association of Black

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3307 Accountants, one shall be a representative of the Cuban American
3308 CPA Association, and two shall be selected at large. At least
3309 one member of the council must be a woman.

3310 (b) The board shall determine the terms for initial
3311 appointments and appointments thereafter.

3312 (c) Any vacancy on the council shall be filled in the
3313 manner provided for the selection of the initial member. Any
3314 member appointed to fill a vacancy of an unexpired term shall be
3315 appointed for the remainder of that term.

3316 (d) Three consecutive absences or absences constituting 50
3317 percent or more of the council's meetings within any 12-month
3318 period shall cause the council membership of the member in
3319 question to become void, and the position shall be considered
3320 vacant.

3321 (e) The members of the council shall serve without
3322 compensation, and any necessary and actual expenses incurred by
3323 a member while engaged in the business of the council shall be
3324 borne by such member or by the organization or agency such
3325 member represents. However, the council member who is a member
3326 of the board shall be compensated in accordance with ss.
3327 455.207(4) and 112.061.

3328 Section 65. Subsection (42) of section 570.07, Florida
3329 Statutes, is amended to read:

3330 570.07 Department of Agriculture and Consumer Services;
3331 functions, powers, and duties.—The department shall have and
3332 exercise the following functions, powers, and duties:

3333 (42) Notwithstanding s. 287.057(21) ~~the provisions of s.~~
3334 ~~287.057(24)~~ that require all agencies to use the online
3335 procurement system developed by the Department of Management

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3336 Services, the department may continue to use its own online
3337 system. However, vendors utilizing such system shall be
3338 prequalified as meeting mandatory requirements and
3339 qualifications and shall remit fees pursuant to s. 287.057(21)
3340 ~~s. 287.057(24)~~, and any rules implementing s. 287.057.

3341 Section 66. Paragraph (e) of subsection (6) of section
3342 627.351, Florida Statutes, is amended to read:

3343 627.351 Insurance risk apportionment plans.—

3344 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

3345 (e) The corporation is subject to s. 287.057 for the
3346 purchase of commodities and contractual services except as
3347 otherwise provided in this paragraph. Services provided by
3348 tradepersons or technical experts to assist a licensed adjuster
3349 in the evaluation of individual claims are not subject to the
3350 procurement requirements of this section. Additionally, the
3351 procurement of financial services providers and underwriters
3352 must be made pursuant to s. 627.3513. Contracts for goods or
3353 services valued at or more than \$100,000 are subject to approval
3354 by the board.

3355 1. The corporation is an agency for purposes of s. 287.057,
3356 except that, for purposes of s. 287.057(21) ~~s. 287.057(24)~~, the
3357 corporation is an eligible user.

3358 a. The authority of the Department of Management Services
3359 and the Chief Financial Officer under s. 287.057 extends to the
3360 corporation as if the corporation were an agency.

3361 b. The executive director of the corporation is the agency
3362 head under s. 287.057. The executive director of the corporation
3363 may assign or appoint a designee to act on his or her behalf.

3364 2. The corporation must provide notice of a decision or

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3365 intended decision concerning a solicitation, contract award, or
3366 exceptional purchase by electronic posting. Such notice must
3367 contain the following statement: "Failure to file a protest
3368 within the time prescribed in this section constitutes a waiver
3369 of proceedings."

3370 a. A person adversely affected by the corporation's
3371 decision or intended decision to award a contract pursuant to s.
3372 287.057(1) or (3)(c) who elects to challenge the decision must
3373 file a written notice of protest with the executive director of
3374 the corporation within 72 hours after the corporation posts a
3375 notice of its decision or intended decision. For a protest of
3376 the terms, conditions, and specifications contained in a
3377 solicitation, including provisions governing the methods for
3378 ranking bids, proposals, replies, awarding contracts, reserving
3379 rights of further negotiation, or modifying or amending any
3380 contract, the notice of protest must be filed in writing within
3381 72 hours after posting the solicitation. Saturdays, Sundays, and
3382 state holidays are excluded in the computation of the 72-hour
3383 time period.

3384 b. A formal written protest must be filed within 10 days
3385 after the date the notice of protest is filed. The formal
3386 written protest must state with particularity the facts and law
3387 upon which the protest is based. Upon receipt of a formal
3388 written protest that has been timely filed, the corporation must
3389 stop the solicitation or contract award process until the
3390 subject of the protest is resolved by final board action unless
3391 the executive director sets forth in writing particular facts
3392 and circumstances that require the continuance of the
3393 solicitation or contract award process without delay in order to

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3394 avoid an immediate and serious danger to the public health,
3395 safety, or welfare.

3396 (I) The corporation must provide an opportunity to resolve
3397 the protest by mutual agreement between the parties within 7
3398 business days after receipt of the formal written protest.

3399 (II) If the subject of a protest is not resolved by mutual
3400 agreement within 7 business days, the corporation's board must
3401 transmit the protest to the Division of Administrative Hearings
3402 and contract with the division to conduct a hearing to determine
3403 the merits of the protest and to issue a recommended order. The
3404 contract must provide for the corporation to reimburse the
3405 division for any costs incurred by the division for court
3406 reporters, transcript preparation, travel, facility rental, and
3407 other customary hearing costs in the manner set forth in s.
3408 120.65(9). The division has jurisdiction to determine the facts
3409 and law concerning the protest and to issue a recommended order.
3410 The division's rules and procedures apply to these proceedings.
3411 The protest must be heard by the division at a publicly noticed
3412 meeting in accordance with procedures established by the
3413 division.

3414 c. In a protest of an invitation-to-bid or request-for-
3415 proposals procurement, submissions made after the bid or
3416 proposal opening which amend or supplement the bid or proposal
3417 may not be considered. In protesting an invitation-to-negotiate
3418 procurement, submissions made after the corporation announces
3419 its intent to award a contract, reject all replies, or withdraw
3420 the solicitation that amends or supplements the reply may not be
3421 considered. Unless otherwise provided by law, the burden of
3422 proof rests with the party protesting the corporation's action.

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3423 In a competitive-procurement protest, other than a rejection of
3424 all bids, proposals, or replies, the administrative law judge
3425 must conduct a de novo proceeding to determine whether the
3426 corporation's proposed action is contrary to the corporation's
3427 governing statutes, the corporation's rules or policies, or the
3428 solicitation specifications. The standard of proof for the
3429 proceeding is whether the corporation's action was clearly
3430 erroneous, contrary to competition, arbitrary, or capricious. In
3431 any bid-protest proceeding contesting an intended corporation
3432 action to reject all bids, proposals, or replies, the standard
3433 of review by the board is whether the corporation's intended
3434 action is illegal, arbitrary, dishonest, or fraudulent.

3435 d. Failure to file a notice of protest or failure to file a
3436 formal written protest constitutes a waiver of proceedings.

3437 3. The agency head or his or her designee shall consider
3438 the recommended order of an administrative law judge and take
3439 final action on the protest. Any further legal remedy lies with
3440 the First District Court of Appeal.

3441 Section 67. Except as otherwise expressly provided in this
3442 act, this act shall take effect July 1, 2025.