

By Senator Fine

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1 A bill to be entitled
2 An act relating to prohibited preferences in
3 government contracting; amending s. 287.05701, F.S.;
4 prohibiting an awarding body from giving preference to
5 a vendor on the basis of race or ethnicity; conforming
6 a provision to changes made by the act; amending s.
7 17.11, F.S.; revising reporting requirements for the
8 Chief Financial Officer to conform to changes made by
9 the act; repealing s. 24.113, F.S., relating to
10 minority participation for lottery retailers;
11 repealing s. 255.101, F.S., relating to utilization of
12 minority business enterprises in contracts for public
13 construction works; repealing s. 255.102, F.S.,
14 relating to contractor utilization of minority
15 business enterprises; amending s. 255.20, F.S.;
16 revising the factors that a local government may
17 consider in awarding certain bids and contracts for
18 public construction works; amending s. 287.012, F.S.;
19 deleting definitions to conform to changes made by the
20 act; amending s. 287.042, F.S.; deleting duties and
21 responsibilities of the Office of Supplier Diversity
22 to conform to its repeal by the act; amending s.
23 287.055, F.S.; revising factors that an agency is
24 required to consider when acquiring professional
25 architectural, engineering, landscape architectural,
26 or surveying and mapping services; amending s.
27 287.057, F.S.; deleting requirements that an agency
28 reserve certain contracts for certified minority
29 business enterprises; revising qualifications for

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30 certain contract managers; conforming provisions to
31 changes made by the act; amending s. 287.059, F.S.;
32 revising the factors that an agency is encouraged to
33 consider when selecting outside firms for attorney
34 services; repealing s. 287.093, F.S., relating to the
35 procurement of personal property and services from
36 funds set aside for minority business enterprises;
37 repealing s. 287.0931, F.S., relating to participation
38 in bond underwriting by minority business enterprises;
39 repealing s. 287.094, F.S., relating to penalties for
40 discrimination and false representation in minority
41 business enterprise programs; repealing s. 287.0943,
42 F.S., relating to the certification of minority
43 business enterprises; repealing s. 287.09431, F.S.,
44 relating to statewide and interlocal agreements on
45 certification of business concerns for the status of
46 minority business enterprise; repealing s. 287.09451,
47 F.S., relating to the Office of Supplier Diversity;
48 repealing s. 287.0947, F.S., relating to the Florida
49 Advisory Council on Small and Minority Business
50 Development; repealing s. 288.1167, F.S., relating to
51 sports franchise contract provisions for food and
52 beverage concession and contract awards to minority
53 business enterprises; amending s. 288.703, F.S.;
54 deleting and revising definitions to conform to
55 changes made by the act; amending s. 288.7031, F.S.;
56 conforming a provision to changes made by the act;
57 repealing s. 288.706, F.S., relating to the Florida
58 Minority Business Loan Mobilization Program; amending

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59 s. 348.754, F.S.; revising the types of businesses
60 that the Central Florida Expressway Authority
61 encourage inclusion in procurement and contracting;
62 amending s. 373.1135, F.S.; revising the goals of
63 small business programs implemented by water
64 management districts; repealing s. 373.607, F.S.,
65 relating to minority business enterprise procurement
66 goals by water management districts; amending s.
67 376.84, F.S.; revising economic incentives available
68 for brownfield redevelopment; amending s. 1001.706,
69 F.S.; deleting certain requirements that the Board of
70 Governors of the State University System must take
71 regarding utilization of minority business
72 enterprises; amending s. 1013.46, F.S.; deleting a
73 provision authorizing a set-aside for minority
74 business enterprises for the award of certain
75 contracts; amending ss. 43.16, 110.116, 212.096,
76 215.971, 282.201, 282.709, 286.101, 287.0571,
77 288.0001, 295.187, 320.63, 376.3072, 394.47865,
78 402.7305, 408.045, 473.3065, 570.07, and 627.351,
79 F.S.; conforming provisions and cross-references to
80 changes made by the act; providing effective dates.

81

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

83

84 Section 1. Section 287.05701, Florida Statutes, is amended
85 to read:

86 287.05701 Prohibition against considering social,
87 political, ~~or~~ ideological, racial, or ethnic interests in

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88 government contracting.—

89 (1) As used in this section, the term "awarding body"
90 means:

91 (a) For state contracts, an agency or the department.

92 (b) For local government contracts, the governing body of a
93 county, a municipality, a special district, or any other
94 political subdivision of the state.

95 (2) (a) An awarding body may not request documentation of or
96 consider a vendor's social, political, or ideological interests
97 when determining if the vendor is a responsible vendor.

98 (b) An awarding body may not give preference to a vendor
99 based on the vendor's social, political, or ideological
100 interests.

101 (c) An awarding body may not give preference to a vendor on
102 the basis of the race or ethnicity of the vendor or an owner or
103 associate thereof and may not allow a vendor to award
104 subcontracts on such a basis.

105 (3) Beginning July 1, 2025 ~~2023~~, any solicitation for the
106 procurement of commodities or contractual services by an
107 awarding body must include a provision notifying vendors of the
108 provisions of this section.

109 Section 2. Subsection (2) of section 17.11, Florida
110 Statutes, is amended to read:

111 17.11 To report disbursements made.—

112 (2) The Chief Financial Officer shall also cause to have
113 reported from the Florida Accounting Information Resource
114 Subsystem no less than quarterly the disbursements which
115 agencies made to small businesses, as defined in s. 288.703 ~~the~~
116 ~~Florida Small and Minority Business Assistance Act; to certified~~

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117 ~~minority business enterprises in the aggregate; and to certified~~
118 ~~minority business enterprises broken down into categories of~~
119 ~~minority persons, as well as gender and nationality subgroups.~~
120 This information must ~~shall~~ be made available to the agencies,
121 ~~the Office of Supplier Diversity,~~ the Governor, the President of
122 the Senate, and the Speaker of the House of Representatives.
123 Each agency shall be responsible for the accuracy of information
124 entered into the Florida Accounting Information Resource
125 Subsystem for use in this reporting.

126 Section 3. Section 24.113, Florida Statutes, is repealed.

127 Section 4. Section 255.101, Florida Statutes, is repealed.

128 Section 5. Section 255.102, Florida Statutes, is repealed.

129 Section 6. Paragraph (c) of subsection (1) of section
130 255.20, Florida Statutes, is amended to read:

131 255.20 Local bids and contracts for public construction
132 works; specification of state-produced lumber.—

133 (1) A county, municipality, special district as defined in
134 chapter 189, or other political subdivision of the state seeking
135 to construct or improve a public building, structure, or other
136 public construction works must competitively award to an
137 appropriately licensed contractor each project that is estimated
138 to cost more than \$300,000. For electrical work, the local
139 government must competitively award to an appropriately licensed
140 contractor each project that is estimated to cost more than
141 \$75,000. As used in this section, the term "competitively award"
142 means to award contracts based on the submission of sealed bids,
143 proposals submitted in response to a request for proposal,
144 proposals submitted in response to a request for qualifications,
145 or proposals submitted for competitive negotiation. This

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146 subsection expressly allows contracts for construction
147 management services, design/build contracts, continuation
148 contracts based on unit prices, and any other contract
149 arrangement with a private sector contractor permitted by any
150 applicable municipal or county ordinance, by district
151 resolution, or by state law. For purposes of this section, cost
152 includes employee compensation and benefits, except inmate
153 labor, the cost of equipment and maintenance, insurance costs,
154 and the cost of direct materials to be used in the construction
155 of the project, including materials purchased by the local
156 government, and other direct costs, plus a factor of 20 percent
157 for management, overhead, and other indirect costs. Subject to
158 the provisions of subsection (3), the county, municipality,
159 special district, or other political subdivision may establish,
160 by municipal or county ordinance or special district resolution,
161 procedures for conducting the bidding process.

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

163 1. If the project is undertaken to replace, reconstruct, or
164 repair an existing public building, structure, or other public
165 construction works damaged or destroyed by a sudden unexpected
166 turn of events such as an act of God, riot, fire, flood,
167 accident, or other urgent circumstances, and such damage or
168 destruction creates:

- 169 a. An immediate danger to the public health or safety;
170 b. Other loss to public or private property which requires
171 emergency government action; or
172 c. An interruption of an essential governmental service.

173 2. If, after notice by publication in accordance with the
174 applicable ordinance or resolution, the governmental entity does

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175 not receive any responsive bids or proposals.

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

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

182 5. If the project is undertaken as repair or maintenance of
183 an existing public facility. For the purposes of this paragraph,
184 the term "repair" means a corrective action to restore an
185 existing public facility to a safe and functional condition and
186 the term "maintenance" means a preventive or corrective action
187 to maintain an existing public facility in an operational state
188 or to preserve the facility from failure or decline. Repair or
189 maintenance includes activities that are necessarily incidental
190 to repairing or maintaining the facility. Repair or maintenance
191 does not include the construction of any new building,
192 structure, or other public construction works or any substantial
193 addition, extension, or upgrade to an existing public facility.
194 Such additions, extensions, or upgrades shall be considered
195 substantial if the estimated cost of the additions, extensions,
196 or upgrades included as part of the repair or maintenance
197 project exceeds the threshold amount in subsection (1) and
198 exceeds 20 percent of the estimated total cost of the repair or
199 maintenance project fully accounting for all costs associated
200 with performing and completing the work, including employee
201 compensation and benefits, equipment cost and maintenance,
202 insurance costs, and the cost of direct materials to be used in
203 the construction of the project, including materials purchased

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204 by the local government, and other direct costs, plus a factor
205 of 20 percent for management, overhead, and other indirect
206 costs. An addition, extension, or upgrade may ~~shall~~ not be
207 considered substantial if it is undertaken pursuant to the
208 conditions specified in subparagraph 1. Repair and maintenance
209 projects and any related additions, extensions, or upgrades may
210 not be divided into multiple projects for the purpose of evading
211 the requirements of this subparagraph.

212 6. If the project is undertaken exclusively as part of a
213 public educational program.

214 7. If the funding source of the project will be diminished
215 or lost because the time required to competitively award the
216 project after the funds become available exceeds the time within
217 which the funding source must be spent.

218 8. If the local government competitively awarded a project
219 to a private sector contractor and the contractor abandoned the
220 project before completion or the local government terminated the
221 contract.

222 9. If the governing board of the local government complies
223 with all of the requirements of this subparagraph, conducts a
224 public meeting under s. 286.011 after public notice, and finds
225 by majority vote of the governing board that it is in the
226 public's best interest to perform the project using its own
227 services, employees, and equipment. The public notice must be
228 published at least 21 days before the date of the public meeting
229 at which the governing board takes final action. The notice must
230 identify the project, the components and scope of the work, and
231 the estimated cost of the project fully accounting for all costs
232 associated with performing and completing the work, including

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233 employee compensation and benefits, equipment cost and
234 maintenance, insurance costs, and the cost of direct materials
235 to be used in the construction of the project, including
236 materials purchased by the local government, and other direct
237 costs, plus a factor of 20 percent for management, overhead, and
238 other indirect costs. The notice must specify that the purpose
239 for the public meeting is to consider whether it is in the
240 public's best interest to perform the project using the local
241 government's own services, employees, and equipment. Upon
242 publication of the public notice and for 21 days thereafter, the
243 local government shall make available for public inspection,
244 during normal business hours and at a location specified in the
245 public notice, a detailed itemization of each component of the
246 estimated cost of the project and documentation explaining the
247 methodology used to arrive at the estimated cost. At the public
248 meeting, any qualified contractor or vendor who could have been
249 awarded the project had the project been competitively bid shall
250 be provided with a reasonable opportunity to present evidence to
251 the governing board regarding the project and the accuracy of
252 the local government's estimated cost of the project. In
253 deciding whether it is in the public's best interest for the
254 local government to perform a project using its own services,
255 employees, and equipment, the governing board must consider the
256 estimated cost of the project fully accounting for all costs
257 associated with performing and completing the work, including
258 employee compensation and benefits, equipment cost and
259 maintenance, insurance costs, and the cost of direct materials
260 to be used in the construction of the project, including
261 materials purchased by the local government, and other direct

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262 costs, plus a factor of 20 percent for management, overhead, and
263 other indirect costs, and the accuracy of the estimated cost in
264 light of any other information that may be presented at the
265 public meeting and whether the project requires an increase in
266 the number of government employees or an increase in capital
267 expenditures for public facilities, equipment, or other capital
268 assets. The local government may further consider the impact on
269 local economic development, the impact on small ~~and minority~~
270 business owners, the impact on state and local tax revenues,
271 whether the private sector contractors provide health insurance
272 and other benefits equivalent to those provided by the local
273 government, and any other factor relevant to what is in the
274 public's best interest. A report summarizing completed projects
275 constructed by the local government pursuant to this subsection
276 shall be publicly reviewed each year by the governing body of
277 the local government. The report shall detail the estimated
278 costs and the actual costs of the projects constructed by the
279 local government pursuant to this subsection. The report shall
280 be made available for review by the public. The Auditor General
281 shall review the report as part of his or her audits of local
282 governments.

283 10. If the governing board of the local government
284 determines upon consideration of specific substantive criteria
285 that it is in the best interest of the local government to award
286 the project to an appropriately licensed private sector
287 contractor pursuant to administrative procedures established by
288 and expressly set forth in a charter, ordinance, or resolution
289 of the local government adopted before July 1, 1994. The
290 criteria and procedures must be set out in the charter,

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291 ordinance, or resolution and must be applied uniformly by the
292 local government to avoid awarding a project in an arbitrary or
293 capricious manner. This exception applies only if all of the
294 following occur:

295 a. The governing board of the local government, after
296 public notice, conducts a public meeting under s. 286.011 and
297 finds by a two-thirds vote of the governing board that it is in
298 the public's best interest to award the project according to the
299 criteria and procedures established by charter, ordinance, or
300 resolution. The public notice must be published at least 14 days
301 before the date of the public meeting at which the governing
302 board takes final action. The notice must identify the project,
303 the estimated cost of the project, and specify that the purpose
304 for the public meeting is to consider whether it is in the
305 public's best interest to award the project using the criteria
306 and procedures permitted by the preexisting charter, ordinance,
307 or resolution.

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

311 (I) There is one appropriately licensed contractor who is
312 uniquely qualified to undertake the project because that
313 contractor is currently under contract to perform work that is
314 affiliated with the project; or

315 (II) The time to competitively award the project will
316 jeopardize the funding for the project, materially increase the
317 cost of the project, or create an undue hardship on the public
318 health, safety, or welfare.

319 c. The project is to be awarded by any method other than a

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320 competitive selection process, and the published notice clearly
321 specifies the ordinance or resolution by which the private
322 sector contractor will be selected and the criteria to be
323 considered.

324 d. The project is to be awarded by a method other than a
325 competitive selection process, and the architect or engineer of
326 record has provided a written recommendation that the project be
327 awarded to the private sector contractor without competitive
328 selection, and the consideration by, and the justification of,
329 the government body are documented, in writing, in the project
330 file and are presented to the governing board prior to the
331 approval required in this paragraph.

332 11. To projects subject to chapter 336.

333 Section 7. Subsections (18) and (19) of section 287.012,
334 Florida Statutes, are amended to read:

335 287.012 Definitions.—As used in this part, the term:

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

338 ~~(19) "Office" means the Office of Supplier Diversity of the~~
339 ~~Department of Management Services.~~

340 Section 8. Paragraphs (a) and (c) of subsection (2) and
341 paragraphs (b) and (c) of subsection (3) of section 287.042,
342 Florida Statutes, are amended to read:

343 287.042 Powers, duties, and functions.—The department shall
344 have the following powers, duties, and functions:

345 (2)(a) To establish purchasing agreements and procure state
346 term contracts for commodities and contractual services,
347 pursuant to s. 287.057, under which state agencies shall, and
348 eligible users may, make purchases pursuant to s. 287.056. The

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349 department may restrict purchases from some term contracts to
350 state agencies only for those term contracts where the inclusion
351 of other governmental entities will have an adverse effect on
352 competition or to those federal facilities located in this
353 state. ~~In such planning or purchasing the Office of Supplier~~
354 ~~Diversity may monitor to ensure that opportunities are afforded~~
355 ~~for contracting with minority business enterprises. The~~
356 ~~department, for state term contracts, and all agencies, for~~
357 ~~multiyear contractual services or term contracts, shall explore~~
358 ~~reasonable and economical means to utilize certified minority~~
359 ~~business enterprises. Purchases by any county, municipality,~~
360 private nonprofit community transportation coordinator
361 designated pursuant to chapter 427, while conducting business
362 related solely to the Commission for the Transportation
363 Disadvantaged, or other local public agency under the provisions
364 in the state purchasing contracts, and purchases, from the
365 corporation operating the correctional work programs, of
366 products or services that are subject to paragraph (1)(f), are
367 exempt from the competitive solicitation requirements otherwise
368 applying to their purchases.

369 (c) Any person who files an action protesting a decision or
370 intended decision pertaining to contracts administered by the
371 department, a water management district, or an agency pursuant
372 to s. 120.57(3)(b) shall post with the department, the water
373 management district, or the agency at the time of filing the
374 formal written protest a bond payable to the department, the
375 water management district, or agency in an amount equal to 1
376 percent of the estimated contract amount. For protests of
377 decisions or intended decisions pertaining to exceptional

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378 purchases, the bond shall be in an amount equal to 1 percent of
379 the estimated contract amount for the exceptional purchase. The
380 estimated contract amount shall be based upon the contract price
381 submitted by the protestor or, if no contract price was
382 submitted, the department, water management district, or agency
383 shall estimate the contract amount based on factors including,
384 but not limited to, the price of previous or existing contracts
385 for similar commodities or contractual services, the amount
386 appropriated by the Legislature for the contract, or the fair
387 market value of similar commodities or contractual services. The
388 agency shall provide the estimated contract amount to the vendor
389 within 72 hours, excluding Saturdays, Sundays, and state
390 holidays, after the filing of the notice of protest by the
391 vendor. The estimated contract amount is not subject to protest
392 pursuant to s. 120.57(3). The bond shall be conditioned upon the
393 payment of all costs and charges that are adjudged against the
394 protestor in the administrative hearing in which the action is
395 brought and in any subsequent appellate court proceeding. In
396 lieu of a bond, the department, the water management district,
397 or agency may, in either case, accept a cashier's check,
398 official bank check, or money order in the amount of the bond.
399 If, after completion of the administrative hearing process and
400 any appellate court proceedings, the department, water
401 management district, or agency prevails, it shall recover all
402 costs and charges which shall be included in the final order or
403 judgment, excluding attorney's fees. ~~This section shall not~~
404 ~~apply to protests filed by the Office of Supplier Diversity.~~
405 Upon payment of such costs and charges by the protestor, the
406 bond, cashier's check, official bank check, or money order shall

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407 be returned to the protestor. If, after the completion of the
408 administrative hearing process and any appellate court
409 proceedings, the protestor prevails, the protestor shall recover
410 from the department, water management district, or agency all
411 costs and charges which shall be included in the final order or
412 judgment, excluding attorney's fees.

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

417 (b)1. Development of procedures for advertising
418 solicitations. These procedures must provide for electronic
419 posting of solicitations for at least 10 days before the date
420 set for receipt of bids, proposals, or replies, unless the
421 department or other agency determines in writing that a shorter
422 period of time is necessary to avoid harming the interests of
423 the state. ~~The Office of Supplier Diversity may consult with the~~
424 ~~department regarding the development of solicitation~~
425 ~~distribution procedures to ensure that maximum distribution is~~
426 ~~afforded to certified minority business enterprises as defined~~
427 ~~in s. 288.703.~~

428 2. Development of procedures for electronic posting. The
429 department shall designate a centralized website on the Internet
430 for the department and other agencies to electronically post
431 solicitations, decisions or intended decisions, and other
432 matters relating to procurement.

433 (c) Development of procedures for the receipt and opening
434 of bids, proposals, or replies by an agency. ~~Such procedures~~
435 ~~shall provide the Office of Supplier Diversity an opportunity to~~

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436 ~~monitor and ensure that the contract award is consistent with~~
437 ~~the requirements of s. 287.09451.~~

438 Section 9. Paragraph (d) of subsection (3) and paragraph
439 (b) of subsection (4) of section 287.055, Florida Statutes, are
440 amended to read:

441 287.055 Acquisition of professional architectural,
442 engineering, landscape architectural, or surveying and mapping
443 services; definitions; procedures; contingent fees prohibited;
444 penalties.—

445 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

446 (d) Each agency shall evaluate professional services,
447 including capabilities, adequacy of personnel, past record,
448 experience, ~~whether the firm is a certified minority business~~
449 ~~enterprise as defined by the Florida Small and Minority Business~~
450 ~~Assistance Act,~~ and other factors determined by the agency to be
451 applicable to its particular requirements. ~~When securing~~
452 ~~professional services, an agency must endeavor to meet the~~
453 ~~minority business enterprise procurement goals under s.~~
454 ~~287.09451.~~

455 (4) COMPETITIVE SELECTION.—

456 (b) The agency shall select in order of preference no fewer
457 than three firms deemed to be the most highly qualified to
458 perform the required services. In determining whether a firm is
459 qualified, the agency shall consider such factors as the ability
460 of professional personnel; ~~whether a firm is a certified~~
461 ~~minority business enterprise;~~ past performance; willingness to
462 meet time and budget requirements; location; recent, current,
463 and projected workloads of the firms; and the volume of work
464 previously awarded to each firm by the agency, with the object

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465 of effecting an equitable distribution of contracts among
466 qualified firms, provided such distribution does not violate the
467 principle of selection of the most highly qualified firms. The
468 agency may request, accept, and consider proposals for the
469 compensation to be paid under the contract only during
470 competitive negotiations under subsection (5).

471 Section 10. Subsections (7) through (28) of section
472 287.057, Florida Statutes, are amended to read:

473 287.057 Procurement of commodities or contractual
474 services.—

475 (7) Upon issuance of any solicitation, an agency shall,
476 upon request by the department, forward to the department one
477 copy of each solicitation for all commodity and contractual
478 services purchases in excess of the threshold amount provided in
479 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,
480 furnish a copy of all competitive-solicitation tabulations. ~~The~~
481 ~~Office of Supplier Diversity may also request from the agencies~~
482 ~~any information submitted to the department pursuant to this~~
483 ~~subsection.~~

484 ~~(8)(a) In order to strive to meet the minority business~~
485 ~~enterprise procurement goals set forth in s. 287.09451, an~~
486 ~~agency may reserve any contract for competitive solicitation~~
487 ~~only among certified minority business enterprises. Agencies~~
488 ~~shall review all their contracts each fiscal year and shall~~
489 ~~determine which contracts may be reserved for solicitation only~~
490 ~~among certified minority business enterprises. This reservation~~
491 ~~may only be used when it is determined, by reasonable and~~
492 ~~objective means, before the solicitation that there are capable,~~
493 ~~qualified certified minority business enterprises available to~~

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494 ~~submit a bid, proposal, or reply on a contract to provide for~~
495 ~~effective competition. The Office of Supplier Diversity shall~~
496 ~~consult with any agency in reaching such determination when~~
497 ~~deemed appropriate.~~

498 ~~(b) Before a contract may be reserved for solicitation only~~
499 ~~among certified minority business enterprises, the agency head~~
500 ~~must find that such a reservation is in the best interests of~~
501 ~~the state. All determinations shall be subject to s.~~
502 ~~287.09451(5). Once a decision has been made to reserve a~~
503 ~~contract, but before sealed bids, proposals, or replies are~~
504 ~~requested, the agency shall estimate what it expects the amount~~
505 ~~of the contract to be, based on the nature of the services or~~
506 ~~commodities involved and their value under prevailing market~~
507 ~~conditions. If all the sealed bids, proposals, or replies~~
508 ~~received are over this estimate, the agency may reject the bids,~~
509 ~~proposals, or replies and request new ones from certified~~
510 ~~minority business enterprises, or the agency may reject the~~
511 ~~bids, proposals, or replies and reopen the bidding to all~~
512 ~~eligible vendors.~~

513 ~~(c) All agencies shall consider the use of price~~
514 ~~preferences of up to 10 percent, weighted preference formulas,~~
515 ~~or other preferences for vendors as determined appropriate~~
516 ~~pursuant to guidelines established in accordance with s.~~
517 ~~287.09451(4) to increase the participation of minority business~~
518 ~~enterprises.~~

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

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523 ~~(9) An agency may reserve any contract for competitive~~
524 ~~solicitation only among vendors who agree to use certified~~
525 ~~minority business enterprises as subcontractors or subvendors.~~
526 ~~The percentage of funds, in terms of gross contract amount and~~
527 ~~revenues, which must be expended with the certified minority~~
528 ~~business enterprise subcontractors and subvendors shall be~~
529 ~~determined by the agency before such contracts may be reserved.~~
530 ~~In order to bid on a contract so reserved, the vendor shall~~
531 ~~identify those certified minority business enterprises which~~
532 ~~will be utilized as subcontractors or subvendors by sworn~~
533 ~~statement. At the time of performance or project completion, the~~
534 ~~contractor shall report by sworn statement the payments and~~
535 ~~completion of work for all certified minority business~~
536 ~~enterprises used in the contract.~~

537 (8)~~(10)~~ An agency may ~~shall~~ not divide the solicitation of
538 commodities or contractual services so as to avoid the
539 requirements of subsections (1)-(3).

540 (9)~~(11)~~ A contract for commodities or contractual services
541 may be awarded without competition if state or federal law
542 prescribes with whom the agency must contract or if the rate of
543 payment or the recipient of the funds is established during the
544 appropriations process.

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

549 (10)~~(13)~~ Extension of a contract for commodities or
550 contractual services must be in writing for a period not to
551 exceed 6 months and is subject to the same terms and conditions

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552 set forth in the initial contract and any written amendments
553 signed by the parties. There may be only one extension of a
554 contract unless the failure to meet the criteria set forth in
555 the contract for completion of the contract is due to events
556 beyond the control of the contractor.

557 (11)~~(14)~~ Contracts for commodities or contractual services
558 may be renewed for a period that may not exceed 3 years or the
559 term of the original contract, whichever is longer. Renewal of a
560 contract for commodities or contractual services must be in
561 writing and is subject to the same terms and conditions set
562 forth in the initial contract and any written amendments signed
563 by the parties. If the commodity or contractual service is
564 purchased as a result of the solicitation of bids, proposals, or
565 replies, the price of the commodity or contractual service to be
566 renewed must be specified in the bid, proposal, or reply, except
567 that an agency may negotiate lower pricing. A renewal contract
568 may not include any compensation for costs associated with the
569 renewal. Renewals are contingent upon satisfactory performance
570 evaluations by the agency and subject to the availability of
571 funds. Exceptional purchase contracts pursuant to paragraphs
572 (3) (a) and (c) may not be renewed. With the exception of
573 subsection (9) ~~(11)~~, if a contract amendment results in a longer
574 contract term or increased payments, a state agency may not
575 renew or amend a contract for the outsourcing of a service or
576 activity that has an original term value exceeding \$5 million
577 before submitting a written report concerning contract
578 performance to the Governor, the President of the Senate, and
579 the Speaker of the House of Representatives at least 90 days
580 before execution of the renewal or amendment.

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581 (12) (a) ~~(15) (a)~~ For each contractual services contract, the
582 agency shall designate an employee to function as contract
583 manager who is responsible for enforcing performance of the
584 contract terms and conditions and serves as a liaison between
585 the contractor and the agency. The contract manager may not be
586 an individual who has been employed, within the previous 5
587 years, by the vendor awarded the contractual services contract.
588 The primary responsibilities of a contract manager include:

589 1. Participating in the solicitation development and review
590 of contract documents.

591 2. Monitoring the contractor's progress and performance to
592 ensure procured products and services conform to the contract
593 requirements and keep timely records of findings.

594 3. Managing and documenting any changes to the contract
595 through the amendment process authorized by the terms of the
596 contract.

597 4. Monitoring the contract budget to ensure sufficient
598 funds are available throughout the term of the contract.

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

601 (b) Each contract manager who is responsible for contracts
602 in excess of the threshold amount for CATEGORY TWO must, at a
603 minimum, complete training conducted by the Chief Financial
604 Officer for accountability in contracts and grant management.
605 The Chief Financial Officer shall evaluate such training every 5
606 years to assess its effectiveness and update the training
607 curriculum. The Chief Financial Officer shall establish and
608 disseminate uniform procedures pursuant to s. 17.03(3) to ensure
609 that contractual services have been rendered in accordance with

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610 the contract terms before the agency processes the invoice for
611 payment. The procedures must include, but need not be limited
612 to, procedures for monitoring and documenting contractor
613 performance, reviewing and documenting all deliverables for
614 which payment is requested by vendors, and providing written
615 certification by contract managers of the agency's receipt of
616 goods and services.

617 (c) Each contract manager who is responsible for contracts
618 in excess of \$100,000 annually must, in addition to the
619 accountability in contracts and grant management training
620 required in paragraph (b) and within 6 months after being
621 assigned responsibility for such contracts, complete training in
622 contract management and become a certified contract manager. The
623 department is responsible for establishing and disseminating the
624 training and certification requirements for certified contract
625 managers. Training must promote best practices and procedures
626 related to negotiating, managing, and ensuring accountability in
627 agency contracts and grant agreements, which must include the
628 use of case studies based upon previous audits, contracts, and
629 grant agreements. A certified contract manager must complete
630 training every 5 years for certification renewal. Training and
631 certification must be coordinated by the department, and the
632 training must be conducted jointly by the department and the
633 Department of Financial Services. The department shall evaluate
634 such training every 5 years to assess its effectiveness and
635 update the training curriculum.

636 (d) Each contract manager who is responsible for contracts
637 in excess of \$10 million annually must, in addition to the
638 training required in paragraph (b) and the training and

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639 certification required in paragraph (c), possess at least 5
640 years of experience managing contracts totaling at least ~~in~~
641 ~~excess of~~ \$5 million annually.

642 (13) ~~(16)~~ Each agency shall designate at least one employee
643 who shall serve as a contract administrator responsible for
644 maintaining a contract file and financial information on all
645 contractual services contracts and who shall serve as a liaison
646 with the contract managers and the department. For a contract of
647 \$500,000 or less annually, the contract administrator may also
648 serve as the contract manager if he or she has completed the
649 required training. For a contract in excess of \$500,000
650 annually, the contract administrator may not serve as both the
651 contract administrator and the contract manager.

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

655 1. At least three persons to independently evaluate
656 proposals and replies who collectively have experience and
657 knowledge in the program areas and service requirements for the
658 commodity or contractual services sought.

659 2. At least three persons to a negotiation team to conduct
660 negotiations during a competitive sealed reply procurement. The
661 negotiation team members must collectively have experience and
662 knowledge in negotiating contracts, contract procurement, and
663 the program areas and service requirements for the commodity or
664 contractual services sought.

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

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668 2. If the value of a contract is in excess of \$10 million
669 in any fiscal year, at least one of the persons conducting
670 negotiations must be a Project Management Professional, as
671 certified by the Project Management Institute. The Project
672 Management Professional shall provide guidance based on his or
673 her experience, education, and competency to lead and direct
674 complex projects.

675 3. The department is responsible for establishing and
676 disseminating the certification and training requirements for
677 certified contract negotiators. Training must ensure that
678 certified contract negotiators are knowledgeable about effective
679 negotiation strategies, capable of successfully implementing
680 those strategies, and involved appropriately in the procurement
681 process. The department shall evaluate such training every 5
682 years in order to assess its effectiveness and update the
683 training curriculum. A certified contract negotiator is required
684 to complete training every 5 years for certification renewal.
685 Qualification requirements for certification must include:

686 a. At least 12 months' experience as a purchasing agent,
687 contract manager, or contract administrator for an agency or a
688 local governmental entity where at least 50 percent of the
689 designated duties included procuring commodities or contractual
690 services, participating in contract negotiation, contract
691 management, or contract administration, or working as an agency
692 attorney whose duties included providing legal counsel to the
693 agency's purchasing or contracting staff.

694 b. Experience during the preceding 5 years in leading at
695 least two federal, state, or local government negotiation teams
696 through a negotiated procurement, or participation in at least

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697 three federal, state, or local government negotiated
698 procurements.

699 (15)~~(18)~~ Any person who supervises contract administrators
700 or contract or grant managers that meet criteria for
701 certification in subsection (12) ~~(15)~~ shall annually complete
702 public procurement training for supervisors within 12 months
703 after appointment to the supervisory position. The department is
704 responsible for establishing and disseminating the training
705 course content required for supervisors.

706 (16) (a) 1.~~(19) (a) 1.~~ Each agency must avoid, neutralize, or
707 mitigate significant potential organizational conflicts of
708 interest before a contract is awarded. If the agency elects to
709 mitigate the significant potential organizational conflict or
710 conflicts of interest, an adequate mitigation plan, including
711 organizational, physical, and electronic barriers, shall be
712 developed.

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

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

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

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

724 b. Source selection information that is relevant to the
725 contract but is not available to all competitors and that would

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726 assist the vendor in obtaining the contract.

727 (c) A person who receives a contract that has not been
728 procured pursuant to subsections (1)-(3) to perform a
729 feasibility study of the potential implementation of a
730 subsequent contract, who participates in the drafting of a
731 solicitation or who develops a program for future
732 implementation, is not eligible to contract with the agency for
733 any other contracts dealing with that specific subject matter,
734 and any firm in which such person has any interest is not
735 eligible to receive such contract. However, this prohibition
736 does not prevent a vendor who responds to a request for
737 information from being eligible to contract with an agency.

738 ~~(17)~~(20) Each agency shall establish a review and approval
739 process for all contractual services contracts costing more than
740 the threshold amount provided for in s. 287.017 for CATEGORY
741 THREE which shall include, but not be limited to, program,
742 financial, and legal review and approval. Such reviews and
743 approvals shall be obtained before the contract is executed.

744 ~~(18)~~(21) In any procurement that costs more than the
745 threshold amount provided for in s. 287.017 for CATEGORY TWO and
746 is accomplished without competition, the individuals taking part
747 in the development or selection of criteria for evaluation, the
748 evaluation process, and the award process shall attest in
749 writing that they are independent of, and have no conflict of
750 interest in, the entities evaluated and selected.

751 ~~(19)~~(22) Nothing in this section shall affect the validity
752 or effect of any contract in existence on October 1, 1990.

753 ~~(20)~~(23) An agency may contract for services with any
754 independent, nonprofit college or university which is located

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755 within the state on the same basis as it may contract with any
756 state university or college if the independent, nonprofit
757 college or university:

758 (a) Is accredited by the Southern Association of Colleges
759 and Schools; or

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

763 (21)~~(24)~~ The department, in consultation with the Chief
764 Financial Officer and the state chief information officer, shall
765 maintain a program for online procurement of commodities and
766 contractual services. To enable the state to promote open
767 competition and leverage its buying power, agencies shall
768 participate in the online procurement program, and eligible
769 users may participate in the program. Only vendors prequalified
770 as meeting mandatory requirements and qualifications criteria
771 may participate in online procurement.

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

774 (b) The department shall adopt rules to administer the
775 program for online procurement. The rules must include, but not
776 be limited to:

777 1. Determining the requirements and qualification criteria
778 for prequalifying vendors.

779 2. Establishing the procedures for conducting online
780 procurement.

781 3. Establishing the criteria for eligible commodities and
782 contractual services.

783 4. Establishing the procedures for providing access to

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784 online procurement.

785 5. Determining the criteria warranting any exceptions to
786 participation in the online procurement program.

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

789 1. The fees may be imposed on an individual transaction
790 basis or as a fixed percentage of the cost savings generated. At
791 a minimum, the fees must be set in an amount sufficient to cover
792 the projected costs of the services, including administrative
793 and project service costs in accordance with the policies of the
794 department.

795 2. If the department contracts with a provider for online
796 procurement, the department, pursuant to appropriation, shall
797 compensate the provider from the fees after the department has
798 satisfied all ongoing costs. The provider shall report
799 transaction data to the department each month so that the
800 department may determine the amount due and payable to the
801 department from each vendor.

802 3. All fees that are due and payable to the state on a
803 transactional basis or as a fixed percentage of the cost savings
804 generated are subject to s. 215.31 and must be remitted within
805 40 days after receipt of payment for which the fees are due. For
806 fees that are not remitted within 40 days, the vendor shall pay
807 interest at the rate established under s. 55.03(1) on the unpaid
808 balance from the expiration of the 40-day period until the fees
809 are remitted.

810 4. All fees and surcharges collected under this paragraph
811 shall be deposited in the Operating Trust Fund as provided by
812 law.

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813 (22)~~(25)~~ Each solicitation for the procurement of
814 commodities or contractual services shall include the following
815 provision: "Respondents to this solicitation or persons acting
816 on their behalf may not contact, between the release of the
817 solicitation and the end of the 72-hour period following the
818 agency posting the notice of intended award, excluding
819 Saturdays, Sundays, and state holidays, any employee or officer
820 of the executive or legislative branch concerning any aspect of
821 this solicitation, except in writing to the procurement officer
822 or as provided in the solicitation documents. Violation of this
823 provision may be grounds for rejecting a response."

824 (23) (a) ~~(26)~~ (a) For each contractual services contract of \$5
825 million or greater, the agency head shall establish a continuing
826 oversight team after the contract has been awarded. The agency
827 head shall appoint at least four persons, one of whom must be
828 the certified contract manager, to the continuing oversight
829 team. If the value of the contractual services contract is \$10
830 million or greater, at least one of the persons on the
831 continuing oversight team must possess at least 5 years of
832 experience in managing contracts of a similar scope or size. If
833 the value of the contractual services contract is \$20 million or
834 greater, the continuing oversight team shall consist of at least
835 five persons; at least one of the persons on the continuing
836 oversight team must be from an agency other than the agency or
837 agencies participating in the contract. Members of the
838 continuing oversight team must be agency employees and must
839 collectively have experience and knowledge in contract
840 management, contract administration, contract enforcement, and
841 the program areas and service requirements for the contractual

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842 services purchased.

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

845 2. For contracts of \$10 million or greater, each continuing
846 oversight team must meet at least monthly. A representative of
847 the contractor must be made available to members of the
848 continuing oversight team for at least one meeting every
849 calendar quarter to respond to any questions or requests for
850 information from the continuing oversight team concerning
851 contractor performance.

852 (c)1. Within 30 days after the formation of the continuing
853 oversight team, the continuing oversight team must convene an
854 initial meeting with representatives of the contractor to
855 achieve a mutual understanding of the contract requirements; to
856 provide the contractor with an orientation to the contract
857 management process; and to provide an explanation of the role of
858 the continuing oversight team, contract manager, and contract
859 administrator.

860 2. The continuing oversight team must meet to discuss the
861 status of the contract, the pace of deliverables, the quality of
862 deliverables, contractor responsiveness, and contractor
863 performance. The contract administrator must be present at each
864 meeting with the contract file and all applicable financial
865 information. The continuing oversight team may submit written
866 questions to the contractor concerning any items discussed
867 during a continuing oversight team meeting. The contractor must
868 respond to the team's questions within 10 business days after
869 receiving the written questions. The questions and responses
870 must be included in the contract file.

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

872 1. The agency head and the department of any deficiency in
873 a contractor's performance which substantially affects the pace
874 of deliverables or the likelihood of the successful completion
875 of the contract.

876 2. The agency head, the department, and the Office of
877 Policy and Budget in the Executive Office of the Governor of any
878 significant change in contract scope or any increase in the cost
879 of the contract that is 5 percent of the planned contract cost
880 or greater within the fiscal year for contractual service
881 contracts of at least \$5 million.

882 3. The agency head, the department, the Office of Policy
883 and Budget in the Executive Office of the Governor, and the
884 legislative appropriations committees of any significant change
885 in contract scope or any increase in the cost of the contract
886 that is 5 percent of the planned contract cost or greater within
887 the fiscal year for contractual service contracts of \$10 million
888 or greater.

889 (24) (a) ~~(27) (a)~~ In determining whether a vendor is a
890 responsible vendor, an agency may establish financial stability
891 criteria and require a vendor to demonstrate its financial
892 stability. If an agency requires a vendor to demonstrate its
893 financial stability during the competitive solicitation process,
894 the agency must accept any of the following as evidence of the
895 vendor's financial stability:

896 1. Audited financial statements that demonstrate the
897 vendor's satisfaction of financial stability criteria.

898 2. Documentation of an investment grade rating from a
899 credit rating agency designated as a nationally recognized

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900 statistical rating organization by the Securities and Exchange
901 Commission.

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

907 b. For a vendor with annual revenues of \$1 billion or less,
908 documentation, based on criteria established by the agency,
909 evidencing that the vendor is financially stable and meets the
910 definition of financial stability in paragraph (b). The criteria
911 established by the agency shall be reasonably related to the
912 value of the contract and may not include audited financial
913 statements.

914 (b) For purposes of this subsection, the term "financial
915 stability" means, at a minimum, having adequate income and
916 capital and the capacity to efficiently allocate resources,
917 assess and manage financial risks, and maintain financial
918 soundness through the term of the contract.

919 (c) This subsection does not preclude an agency from
920 requiring a performance bond for the duration of the contract,
921 when appropriate.

922 (25)~~(28)~~ An agency may substitute verifiable, related work
923 experience in lieu of postsecondary education requirements for
924 contractual services pursuant to s. 112.219 if the person
925 seeking the contract for services is otherwise qualified for
926 such contract.

927 Section 11. Paragraph (c) of subsection (10) of section
928 287.059, Florida Statutes, is amended to read:

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929 287.059 Private attorney services.—

930 (10) Agencies are encouraged to use the following criteria

931 when selecting outside firms for attorney services:

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

933 Section 12. Section 287.093, Florida Statutes, is repealed.

934 Section 13. Section 287.0931, Florida Statutes, is

935 repealed.

936 Section 14. Section 287.094, Florida Statutes, is repealed.

937 Section 15. Section 287.0943, Florida Statutes, is

938 repealed.

939 Section 16. Section 287.09431, Florida Statutes, is

940 repealed.

941 Section 17. Section 287.09451, Florida Statutes, is

942 repealed.

943 Section 18. Section 287.0947, Florida Statutes, is

944 repealed.

945 Section 19. Section 288.1167, Florida Statutes, is

946 repealed.

947 Section 20. Subsections (1), (3), (4), and (5) of section

948 288.703, Florida Statutes, are amended to read:

949 288.703 Definitions.—As used in ss. 288.702-288.706, the

950 term:

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

952 ~~business which has been certified by the certifying organization~~

953 ~~or jurisdiction in accordance with s. 287.0943(1) and (2).~~

954 ~~(3) "Minority business enterprise" means any small business~~

955 ~~concern as defined in subsection (6) which is organized to~~

956 ~~engage in commercial transactions, which is domiciled in~~

957 ~~Florida, and which is at least 51 percent owned by minority~~

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958 ~~persons who are members of an insular group that is of a~~
959 ~~particular racial, ethnic, or gender makeup or national origin,~~
960 ~~which has been subjected historically to disparate treatment due~~
961 ~~to identification in and with that group resulting in an~~
962 ~~underrepresentation of commercial enterprises under the group's~~
963 ~~control, and whose management and daily operations are~~
964 ~~controlled by such persons. A minority business enterprise may~~
965 ~~primarily involve the practice of a profession. Ownership by a~~
966 ~~minority person does not include ownership which is the result~~
967 ~~of a transfer from a nonminority person to a minority person~~
968 ~~within a related immediate family group if the combined total~~
969 ~~net asset value of all members of such family group exceeds \$1~~
970 ~~million. For purposes of this subsection, the term "related~~
971 ~~immediate family group" means one or more children under 16~~
972 ~~years of age and a parent of such children or the spouse of such~~
973 ~~parent residing in the same house or living unit.~~

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

976 ~~(a) An African American, a person having origins in any of~~
977 ~~the black racial groups of the African Diaspora, regardless of~~
978 ~~cultural origin.~~

979 ~~(b) A Hispanic American, a person of Spanish or Portuguese~~
980 ~~culture with origins in Spain, Portugal, Mexico, South America,~~
981 ~~Central America, or the Caribbean, regardless of race.~~

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

986 ~~(d) A Native American, a person who has origins in any of~~

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987 ~~the Indian Tribes of North America before 1835, upon~~
 988 ~~presentation of proper documentation thereof as established by~~
 989 ~~rule of the Department of Management Services.~~

990 ~~(c) An American woman.~~

991 (2) ~~(5)~~ "Ombudsman" means an office or individual whose
 992 responsibilities include ~~coordinating with the Office of~~
 993 ~~Supplier Diversity for the interests of and providing assistance~~
 994 to small and minority business enterprises in dealing with
 995 governmental agencies and in developing proposals for changes in
 996 state agency rules.

997 Section 21. Section 288.7031, Florida Statutes, is amended
 998 to read:

999 288.7031 Application of definition of small business
 1000 ~~certain definitions.~~—The definition ~~definitions~~ of "small
 1001 business," ~~"minority business enterprise,"~~ and ~~"certified~~
 1002 ~~minority business enterprise"~~ provided in s. 288.703 applies
 1003 ~~apply~~ to the state and all political subdivisions of the state.

1004 Section 22. Section 288.706, Florida Statutes, is repealed.

1005 Section 23. Subsection (5) of section 348.754, Florida
 1006 Statutes, is amended to read:

1007 348.754 Purposes and powers.—

1008 (5) The authority shall encourage the inclusion of local-,
 1009 small-, ~~minority~~, and women-owned businesses in its procurement
 1010 and contracting opportunities.

1011 Section 24. Section 373.1135, Florida Statutes, is amended
 1012 to read:

1013 373.1135 Small business program.—Each water management
 1014 district, as created in this chapter, may implement a small
 1015 business program designed to help small businesses, including

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1016 those owned by women ~~and minorities~~, to participate in district
1017 procurement and contract activities. The purpose of the program
1018 is to spur economic development and support small businesses,
1019 including women-owned ~~and minority-owned~~ businesses, to
1020 successfully expand in the marketplace. Program specifics shall
1021 be provided by rule pursuant to s. 373.113.

1022 Section 25. Section 373.607, Florida Statutes, is repealed.

1023 Section 26. Paragraph (g) of subsection (1) of section
1024 376.84, Florida Statutes, is amended to read:

1025 376.84 Brownfield redevelopment economic incentives.—It is
1026 the intent of the Legislature that brownfield redevelopment
1027 activities be viewed as opportunities to significantly improve
1028 the utilization, general condition, and appearance of these
1029 sites. Different standards than those in place for new
1030 development, as allowed under current state and local laws,
1031 should be used to the fullest extent to encourage the
1032 redevelopment of a brownfield. State and local governments are
1033 encouraged to offer redevelopment incentives for this purpose,
1034 as an ongoing public investment in infrastructure and services,
1035 to help eliminate the public health and environmental hazards,
1036 and to promote the creation of jobs in these areas. Such
1037 incentives may include financial, regulatory, and technical
1038 assistance to persons and businesses involved in the
1039 redevelopment of the brownfield pursuant to this act.

1040 (1) Financial incentives and local incentives for
1041 redevelopment may include, but not be limited to:

1042 ~~(g) Minority business enterprise programs as provided in s.~~
1043 ~~287.0943.~~

1044 Section 27. Paragraph (d) of subsection (7) of section

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1045 1001.706, Florida Statutes, is amended to read:

1046 1001.706 Powers and duties of the Board of Governors.—

1047 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

1048 ~~(d) The Board of Governors, or the board's designee, shall~~
1049 ~~ensure compliance with the provisions of s. 287.09451 for all~~
1050 ~~procurement and ss. 255.101 and 255.102 for construction~~
1051 ~~contracts, and rules adopted pursuant thereto, relating to the~~
1052 ~~utilization of minority business enterprises, except that~~
1053 ~~procurements costing less than the amount provided for in~~
1054 ~~CATEGORY FIVE as provided in s. 287.017 shall not be subject to~~
1055 ~~s. 287.09451.~~

1056 Section 28. Paragraph (c) of subsection (1) of section
1057 1013.46, Florida Statutes, is amended to read:

1058 1013.46 Advertising and awarding contracts;
1059 prequalification of contractor.—

1060 (1)

1061 ~~(c) As an option, any county, municipality, or board may~~
1062 ~~set aside up to 10 percent of the total amount of funds~~
1063 ~~allocated for the purpose of entering into construction capital~~
1064 ~~project contracts with minority business enterprises, as defined~~
1065 ~~in s. 287.094. Such contracts shall be competitively bid only~~
1066 ~~among minority business enterprises. The set-aside shall be used~~
1067 ~~to redress present effects of past discriminatory practices and~~
1068 ~~shall be subject to periodic reassessment to account for~~
1069 ~~changing needs and circumstances.~~

1070 Section 29. Subsection (1) of section 43.16, Florida
1071 Statutes, is amended to read:

1072 43.16 Justice Administrative Commission; membership, powers
1073 and duties.—

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1074 (1) There is hereby created a Justice Administrative
1075 Commission, with headquarters located in the state capital. The
1076 necessary office space for use of the commission shall be
1077 furnished by the proper state agency in charge of state
1078 buildings. For purposes of the fees imposed on agencies pursuant
1079 to s. 287.057(21) ~~s. 287.057(24)~~, the Justice Administrative
1080 Commission shall be exempt from such fees.

1081 Section 30. Paragraph (a) of subsection (2) of section
1082 110.116, Florida Statutes, is amended to read:

1083 110.116 Personnel information system; payroll procedures.—

1084 (2) In recognition of the critical nature of the statewide
1085 personnel and payroll system commonly known as People First, the
1086 Legislature finds that it is in the best interest of the state
1087 to continue partnering with the current People First third-party
1088 operator. The People First System annually processes 500,000
1089 employment applications, 455,000 personnel actions, and the
1090 state's \$9.5-billion payroll. The Legislature finds that the
1091 continuity of operations of the People First System and the
1092 critical functions it provides such as payroll, employee health
1093 insurance benefit records, and other critical services must not
1094 be interrupted. Presently, the Chief Financial Officer is
1095 undertaking the development of a new statewide accounting and
1096 financial management system, commonly known as the Planning,
1097 Accounting, and Ledger Management (PALM) system, scheduled to be
1098 operational in the year 2026. The procurement and implementation
1099 of an entire replacement of the People First System will impede
1100 the timeframe needed to successfully integrate the state's
1101 payroll system with the PALM system. In order to maintain
1102 continuity of operations and to ensure the successful completion

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1103 of the PALM system, the Legislature directs that:

1104 (a) The department, pursuant to s. 287.057(9) ~~s.~~
1105 ~~287.057(11)~~, shall enter into a 3-year contract extension with
1106 the entity operating the People First System on January 1, 2024.
1107 The contract extension must:

1108 1. Provide for the integration of the current People First
1109 System with PALM.

1110 2. Exclude major functionality updates or changes to the
1111 People First System prior to completion of the PALM system. This
1112 does not include:

1113 a. Routine system maintenance such as code updates
1114 following open enrollment; or

1115 b. The technical remediation necessary to integrate the
1116 system with PALM within the PALM project's planned
1117 implementation schedule.

1118 3. Include project planning and analysis deliverables
1119 necessary to:

1120 a. Detail and document the state's functional requirements.

1121 b. Estimate the cost of transitioning the current People
1122 First System to a cloud computing infrastructure within the
1123 contract extension and after the successful integration with
1124 PALM. The project cost evaluation shall estimate the annual cost
1125 and capacity growth required to host the system in a cloud
1126 environment.

1127
1128 The department shall develop these system specifications in
1129 conjunction with the Department of Financial Services and the
1130 Auditor General.

1131 4. Include technical support for state agencies that may

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1132 need assistance in remediating or integrating current financial
1133 shadow systems with People First in order to integrate with PALM
1134 or the cloud version of People First.

1135 5. Include organizational change management and training
1136 deliverables needed to support the implementation of PALM
1137 payroll functionality and the People First System cloud upgrade.
1138 Responsibilities of the operator and the department shall be
1139 outlined in a project role and responsibility assignment chart
1140 within the contract.

1141 6. Include an option to renew the contract for one
1142 additional year.

1143 Section 31. Paragraph (g) of subsection (3) of section
1144 212.096, Florida Statutes, is amended to read:

1145 212.096 Sales, rental, storage, use tax; enterprise zone
1146 jobs credit against sales tax.—

1147 (3) In order to claim this credit, an eligible business
1148 must file under oath with the governing body or enterprise zone
1149 development agency having jurisdiction over the enterprise zone
1150 where the business is located, as applicable, a statement which
1151 includes:

1152 (g) Whether the business is a small business as defined in
1153 s. 288.703(3) ~~by s. 288.703(6)~~.

1154 Section 32. Paragraph (a) of subsection (2) of section
1155 215.971, Florida Statutes, is amended to read:

1156 215.971 Agreements funded with federal or state
1157 assistance.—

1158 (2) For each agreement funded with federal or state
1159 financial assistance, the state agency shall designate an
1160 employee to function as a grant manager who shall be responsible

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1161 for enforcing performance of the agreement's terms and
1162 conditions and who shall serve as a liaison with the recipient
1163 or subrecipient.

1164 (a)1. Each grant manager who is responsible for agreements
1165 in excess of the threshold amount for CATEGORY TWO under s.
1166 287.017 must, at a minimum, complete training conducted by the
1167 Chief Financial Officer for accountability in contracts and
1168 grant management.

1169 2. Effective December 1, 2014, each grant manager
1170 responsible for agreements in excess of \$100,000 annually must
1171 complete the training and become a certified contract manager as
1172 provided under s. 287.057(12) ~~s. 287.057(15)~~. All grant managers
1173 must become certified contract managers within 24 months after
1174 establishment of the training and certification requirements by
1175 the Department of Management Services and the Department of
1176 Financial Services.

1177 Section 33. Subsection (5) of section 282.201, Florida
1178 Statutes, is amended to read:

1179 282.201 State data center.—The state data center is
1180 established within the department. The provision of data center
1181 services must comply with applicable state and federal laws,
1182 regulations, and policies, including all applicable security,
1183 privacy, and auditing requirements. The department shall appoint
1184 a director of the state data center who has experience in
1185 leading data center facilities and has expertise in cloud-
1186 computing management.

1187 (5) NORTHWEST REGIONAL DATA CENTER CONTRACT.—In order for
1188 the department to carry out its duties and responsibilities
1189 relating to the state data center, the secretary of the

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1190 department shall contract by July 1, 2022, with the Northwest
1191 Regional Data Center pursuant to s. 287.057(9) ~~s. 287.057(11)~~.
1192 The contract shall provide that the Northwest Regional Data
1193 Center will manage the operations of the state data center and
1194 provide data center services to state agencies.

1195 (a) The department shall provide contract oversight,
1196 including, but not limited to, reviewing invoices provided by
1197 the Northwest Regional Data Center for services provided to
1198 state agency customers.

1199 (b) The department shall approve or request updates to
1200 invoices within 10 business days after receipt. If the
1201 department does not respond to the Northwest Regional Data
1202 Center, the invoice will be approved by default. The Northwest
1203 Regional Data Center must submit approved invoices directly to
1204 state agency customers.

1205 Section 34. Effective only if the reversion of text
1206 pursuant to section 53 of chapter 2024-228, Laws of Florida, is
1207 abrogated, paragraph (a) of subsection (3) of section 282.709,
1208 Florida Statutes, is amended to read:

1209 282.709 State agency law enforcement radio system and
1210 interoperability network.—

1211 (3) In recognition of the critical nature of the statewide
1212 law enforcement radio communications system, the Legislature
1213 finds that there is an immediate danger to the public health,
1214 safety, and welfare, and that it is in the best interest of the
1215 state to continue partnering with the system's current operator.
1216 The Legislature finds that continuity of coverage is critical to
1217 supporting law enforcement, first responders, and other public
1218 safety users. The potential for a loss in coverage or a lack of

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1219 interoperability between users requires emergency action and is
 1220 a serious concern for officers' safety and their ability to
 1221 communicate and respond to various disasters and events.

1222 (a) The department, pursuant to s. 287.057(9) ~~s.~~
 1223 ~~287.057(11)~~, shall enter into a 15-year contract with the entity
 1224 that was operating the statewide radio communications system on
 1225 January 1, 2021. The contract must include:

- 1226 1. The purchase of radios;
- 1227 2. The upgrade to the Project 25 communications standard;
- 1228 3. Increased system capacity and enhanced coverage for
 1229 system users;
- 1230 4. Operations, maintenance, and support at a fixed annual
 1231 rate;
- 1232 5. The conveyance of communications towers to the
 1233 department; and
- 1234 6. The assignment of communications tower leases to the
 1235 department.

1236 Section 35. Paragraph (b) of subsection (3) of section
 1237 286.101, Florida Statutes, is amended to read:

1238 286.101 Foreign gifts and contracts.—

1239 (3)

1240 (b) Disclosure under this subsection is not required with
 1241 respect to:

- 1242 1. A proposal to sell commodities through the online
 1243 procurement program established pursuant to s. 287.057(19) ~~s.~~
 1244 ~~287.057(22)~~;
- 1245 2. A proposal to sell commodities to a university pursuant
 1246 to Board of Governors Regulation 18.001;
- 1247 3. An application or proposal from an entity that discloses

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1248 foreign gifts or grants under subsection (2) or s. 1010.25;

1249 4. An application or proposal from a foreign source that,
1250 if granted or accepted, would be disclosed under subsection (2)
1251 or s. 1010.25; or

1252 5. An application or proposal from a public or not-for-
1253 profit research institution with respect to research funded by
1254 any federal agency.

1255 Section 36. Paragraph (a) of subsection (3) of section
1256 287.0571, Florida Statutes, is amended to read:

1257 287.0571 Business case to outsource; applicability.—

1258 (3) This section does not apply to:

1259 (a) A procurement of commodities and contractual services
1260 listed in s. 287.057(3)(d) and (e) and (20) ~~s. 287.057(3)(d) and~~
1261 ~~(e) and (23)~~.

1262 Section 37. Paragraph (b) of subsection (2) of section
1263 288.0001, Florida Statutes, is amended to read:

1264 288.0001 Economic Development Programs Evaluation.—The
1265 Office of Economic and Demographic Research and the Office of
1266 Program Policy Analysis and Government Accountability (OPPAGA)
1267 shall develop and present to the Governor, the President of the
1268 Senate, the Speaker of the House of Representatives, and the
1269 chairs of the legislative appropriations committees the Economic
1270 Development Programs Evaluation.

1271 (2) The Office of Economic and Demographic Research and
1272 OPPAGA shall provide a detailed analysis of economic development
1273 programs as provided in the following schedule:

1274 (b) By January 1, 2015, and every 3 years thereafter, an
1275 analysis of:

1276 1. The entertainment industry sales tax exemption program

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1277 established under s. 288.1258.

1278 2. VISIT Florida and its programs established or funded
1279 under ss. 288.122-288.12265 and 288.124.

1280 3. The Florida Sports Foundation and related programs,
1281 including those established under ss. 288.1162, 288.11621, and
1282 288.1166, ~~and 288.1167.~~

1283 Section 38. Paragraph (b) of subsection (4) of section
1284 295.187, Florida Statutes, is amended to read:

1285 295.187 Florida Veteran Business Enterprise Opportunity
1286 Act.—

1287 (4) VENDOR PREFERENCE.—

1288 (b) ~~Notwithstanding s. 287.057(12),~~ If a veteran business
1289 enterprise entitled to the vendor preference under this section
1290 and one or more businesses entitled to this preference or
1291 another vendor preference provided by law submit bids,
1292 proposals, or replies for procurement of commodities or
1293 contractual services which are equal with respect to all
1294 relevant considerations, including price, quality, and service,
1295 the state agency shall award the procurement or contract to the
1296 business having the smallest net worth.

1297 Section 39. Subsection (3) of section 320.63, Florida
1298 Statutes, is amended to read:

1299 320.63 Application for license; contents.—Any person
1300 desiring to be licensed pursuant to ss. 320.60-320.70 shall make
1301 application therefor to the department upon a form containing
1302 such information as the department requires. The department
1303 shall require, with such application or otherwise and from time
1304 to time, all of the following, which information may be
1305 considered by the department in determining the fitness of the

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1306 applicant or licensee to engage in the business for which the
1307 applicant or licensee desires to be licensed:

1308 (3) From each manufacturer, distributor, or importer which
1309 utilizes an identical blanket basic agreement for its dealers or
1310 distributors in this state, which agreement comprises all or any
1311 part of the applicant's or licensee's agreements with motor
1312 vehicle dealers in this state, a copy of the written agreement
1313 and all supplements thereto, together with a list of the
1314 applicant's or licensee's authorized dealers or distributors and
1315 their addresses. The applicant or licensee shall further notify
1316 the department immediately of the appointment of any additional
1317 dealer or distributor. The applicant or licensee shall annually
1318 report to the department on its efforts to add new minority
1319 dealer points, including difficulties encountered under ss.
1320 320.61-320.70. For purposes of this section "minority" shall
1321 have the same meaning as that given it in the definition of
1322 "minority person" in s. 760.80 ~~s. 288.703~~. Not later than 60
1323 days before the date a revision or modification to a franchise
1324 agreement is offered uniformly to a licensee's motor vehicle
1325 dealers in this state, the licensee shall notify the department
1326 of such revision, modification, or addition to the franchise
1327 agreement on file with the department. In no event may a
1328 franchise agreement, or any addendum or supplement thereto, be
1329 offered to a motor vehicle dealer in this state until the
1330 applicant or licensee files an affidavit with the department
1331 acknowledging that the terms or provisions of the agreement, or
1332 any related document, are not inconsistent with, prohibited by,
1333 or contrary to the provisions contained in ss. 320.60-320.70.
1334 Any franchise agreement offered to a motor vehicle dealer in

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1335 this state shall provide that all terms and conditions in such
1336 agreement inconsistent with the law and rules of this state are
1337 of no force and effect.

1338 Section 40. Paragraph (a) of subsection (2) of section
1339 376.3072, Florida Statutes, is amended to read:

1340 376.3072 Florida Petroleum Liability and Restoration
1341 Insurance Program.—

1342 (2) (a) An owner or operator of a petroleum storage system
1343 may become an insured in the restoration insurance program at a
1344 facility if:

1345 1. A site at which an incident has occurred is eligible for
1346 restoration if the insured is a participant in the third-party
1347 liability insurance program or otherwise meets applicable
1348 financial responsibility requirements. After July 1, 1993, the
1349 insured must also provide the required excess insurance coverage
1350 or self-insurance for restoration to achieve the financial
1351 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
1352 not covered by paragraph (d).

1353 2. A site which had a discharge reported before January 1,
1354 1989, for which notice was given pursuant to s. 376.3071(10) and
1355 which is ineligible for the third-party liability insurance
1356 program solely due to that discharge is eligible for
1357 participation in the restoration program for an incident
1358 occurring on or after January 1, 1989, pursuant to subsection
1359 (3). Restoration funding for an eligible contaminated site will
1360 be provided without participation in the third-party liability
1361 insurance program until the site is restored as required by the
1362 department or until the department determines that the site does
1363 not require restoration.

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1364 3. Notwithstanding paragraph (b), a site where an
1365 application is filed with the department before January 1, 1995,
1366 where the owner is a small business under s. 288.703(3) ~~s.~~
1367 ~~288.703(6)~~, a Florida College System institution with less than
1368 2,500 FTE, a religious institution as defined by s.
1369 212.08(7)(m), a charitable institution as defined by s.
1370 212.08(7)(p), or a county or municipality with a population of
1371 less than 50,000, is eligible for up to \$400,000 of eligible
1372 restoration costs, less a deductible of \$10,000 for small
1373 businesses, eligible Florida College System institutions, and
1374 religious or charitable institutions, and \$30,000 for eligible
1375 counties and municipalities, if:

1376 a. Except as provided in sub-subparagraph e., the facility
1377 was in compliance with department rules at the time of the
1378 discharge.

1379 b. The owner or operator has, upon discovery of a
1380 discharge, promptly reported the discharge to the department,
1381 and drained and removed the system from service, if necessary.

1382 c. The owner or operator has not intentionally caused or
1383 concealed a discharge or disabled leak detection equipment.

1384 d. The owner or operator proceeds to complete initial
1385 remedial action as specified in department rules.

1386 e. The owner or operator, if required and if it has not
1387 already done so, applies for third-party liability coverage for
1388 the facility within 30 days after receipt of an eligibility
1389 order issued by the department pursuant to this subparagraph.

1390

1391 However, the department may consider in-kind services from
1392 eligible counties and municipalities in lieu of the \$30,000

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1393 deductible. The cost of conducting initial remedial action as
1394 defined by department rules is an eligible restoration cost
1395 pursuant to this subparagraph.

1396 4.a. By January 1, 1997, facilities at sites with existing
1397 contamination must have methods of release detection to be
1398 eligible for restoration insurance coverage for new discharges
1399 subject to department rules for secondary containment. Annual
1400 storage system testing, in conjunction with inventory control,
1401 shall be considered to be a method of release detection until
1402 the later of December 22, 1998, or 10 years after the date of
1403 installation or the last upgrade. Other methods of release
1404 detection for storage tanks which meet such requirement are:

1405 (I) Interstitial monitoring of tank and integral piping
1406 secondary containment systems;

1407 (II) Automatic tank gauging systems; or

1408 (III) A statistical inventory reconciliation system with a
1409 tank test every 3 years.

1410 b. For pressurized integral piping systems, the owner or
1411 operator must use:

1412 (I) An automatic in-line leak detector with flow
1413 restriction meeting the requirements of department rules used in
1414 conjunction with an annual tightness or pressure test; or

1415 (II) An automatic in-line leak detector with electronic
1416 flow shut-off meeting the requirements of department rules.

1417 c. For suction integral piping systems, the owner or
1418 operator must use:

1419 (I) A single check valve installed directly below the
1420 suction pump if there are no other valves between the dispenser
1421 and the tank; or

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1422 (II) An annual tightness test or other approved test.
1423 d. Owners of facilities with existing contamination that
1424 install internal release detection systems pursuant to sub-
1425 subparagraph a. shall permanently close their external
1426 groundwater and vapor monitoring wells pursuant to department
1427 rules by December 31, 1998. Upon installation of the internal
1428 release detection system, such wells must be secured and taken
1429 out of service until permanent closure.

1430 e. Facilities with vapor levels of contamination meeting
1431 the requirements of or below the concentrations specified in the
1432 performance standards for release detection methods specified in
1433 department rules may continue to use vapor monitoring wells for
1434 release detection.

1435 f. The department may approve other methods of release
1436 detection for storage tanks and integral piping which have at
1437 least the same capability to detect a new release as the methods
1438 specified in this subparagraph.

1439
1440 Sites meeting the criteria of this subsection for which a site
1441 rehabilitation completion order was issued before June 1, 2008,
1442 do not qualify for the 2008 increase in site rehabilitation
1443 funding assistance and are bound by the pre-June 1, 2008,
1444 limits. Sites meeting the criteria of this subsection for which
1445 a site rehabilitation completion order was not issued before
1446 June 1, 2008, regardless of whether they have previously
1447 transitioned to nonstate-funded cleanup status, may continue
1448 state-funded cleanup pursuant to s. 376.3071(6) until a site
1449 rehabilitation completion order is issued or the increased site
1450 rehabilitation funding assistance limit is reached, whichever

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1451 occurs first.

1452 Section 41. Paragraph (a) of subsection (1) of section
1453 394.47865, Florida Statutes, is amended to read:

1454 394.47865 South Florida State Hospital; privatization.—

1455 (1) The Department of Children and Families shall, through
1456 a request for proposals, privatize South Florida State Hospital.
1457 The department shall plan to begin implementation of this
1458 privatization initiative by July 1, 1998.

1459 (a) Notwithstanding s. 287.057(11) ~~s. 287.057(14)~~, the
1460 department may enter into agreements, not to exceed 20 years,
1461 with a private provider, a coalition of providers, or another
1462 agency to finance, design, and construct a treatment facility
1463 having up to 350 beds and to operate all aspects of daily
1464 operations within the facility. The department may subcontract
1465 any or all components of this procurement to a statutorily
1466 established state governmental entity that has successfully
1467 contracted with private companies for designing, financing,
1468 acquiring, leasing, constructing, and operating major privatized
1469 state facilities.

1470 Section 42. Paragraph (b) of subsection (2) and subsection
1471 (3) of section 402.7305, Florida Statutes, are amended to read:

1472 402.7305 Department of Children and Families; procurement
1473 of contractual services; contract management.—

1474 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

1475 (b) When it is in the best interest of a defined segment of
1476 its consumer population, the department may competitively
1477 procure and contract for systems of treatment or service that
1478 involve multiple providers, rather than procuring and
1479 contracting for treatment or services separately from each

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1480 participating provider. The department must ensure that all
1481 providers that participate in the treatment or service system
1482 meet all applicable statutory, regulatory, service quality, and
1483 cost control requirements. If other governmental entities or
1484 units of special purpose government contribute matching funds to
1485 the support of a given system of treatment or service, the
1486 department shall formally request information from those funding
1487 entities in the procurement process and may take the information
1488 received into account in the selection process. If a local
1489 government contributes matching funds to support the system of
1490 treatment or contracted service and if the match constitutes at
1491 least 25 percent of the value of the contract, the department
1492 shall afford the governmental match contributor an opportunity
1493 to name an employee as one of the persons required by s.
1494 287.057(14) ~~s. 287.057(17)~~ to evaluate or negotiate certain
1495 contracts, unless the department sets forth in writing the
1496 reason why the inclusion would be contrary to the best interest
1497 of the state. Any employee so named by the governmental match
1498 contributor shall qualify as one of the persons required by s.
1499 287.057(14) ~~s. 287.057(17)~~. A governmental entity or unit of
1500 special purpose government may not name an employee as one of
1501 the persons required by s. 287.057(14) ~~s. 287.057(17)~~ if it, or
1502 any of its political subdivisions, executive agencies, or
1503 special districts, intends to compete for the contract to be
1504 awarded. The governmental funding entity or contributor of
1505 matching funds must comply with all procurement procedures set
1506 forth in s. 287.057 when appropriate and required.

1507 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The
1508 Department of Children and Families shall review the time period

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1509 for which the department executes contracts and shall execute
1510 multiyear contracts to make the most efficient use of the
1511 resources devoted to contract processing and execution. Whenever
1512 the department chooses not to use a multiyear contract, a
1513 justification for that decision must be contained in the
1514 contract. Notwithstanding s. 287.057(12) ~~s. 287.057(15)~~, the
1515 department is responsible for establishing a contract management
1516 process that requires a member of the department's Senior
1517 Management or Selected Exempt Service to assign in writing the
1518 responsibility of a contract to a contract manager. The
1519 department shall maintain a set of procedures describing its
1520 contract management process which must minimally include the
1521 following requirements:

1522 (a) The contract manager shall maintain the official
1523 contract file throughout the duration of the contract and for a
1524 period not less than 6 years after the termination of the
1525 contract.

1526 (b) The contract manager shall review all invoices for
1527 compliance with the criteria and payment schedule provided for
1528 in the contract and shall approve payment of all invoices before
1529 their transmission to the Department of Financial Services for
1530 payment.

1531 (c) The contract manager shall maintain a schedule of
1532 payments and total amounts disbursed and shall periodically
1533 reconcile the records with the state's official accounting
1534 records.

1535 (d) For contracts involving the provision of direct client
1536 services, the contract manager shall periodically visit the
1537 physical location where the services are delivered and speak

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1538 directly to clients receiving the services and the staff
1539 responsible for delivering the services.

1540 (e) The contract manager shall meet at least once a month
1541 directly with the contractor's representative and maintain
1542 records of such meetings.

1543 (f) The contract manager shall periodically document any
1544 differences between the required performance measures and the
1545 actual performance measures. If a contractor fails to meet and
1546 comply with the performance measures established in the
1547 contract, the department may allow a reasonable period for the
1548 contractor to correct performance deficiencies. If performance
1549 deficiencies are not resolved to the satisfaction of the
1550 department within the prescribed time, and if no extenuating
1551 circumstances can be documented by the contractor to the
1552 department's satisfaction, the department must terminate the
1553 contract. The department may not enter into a new contract with
1554 that same contractor for the services for which the contract was
1555 previously terminated for a period of at least 24 months after
1556 the date of termination. The contract manager shall obtain and
1557 enforce corrective action plans, if appropriate, and maintain
1558 records regarding the completion or failure to complete
1559 corrective action items.

1560 (g) The contract manager shall document any contract
1561 modifications, which shall include recording any contract
1562 amendments as provided for in this section.

1563 (h) The contract manager shall be properly trained before
1564 being assigned responsibility for any contract.

1565 Section 43. Subsection (2) of section 408.045, Florida
1566 Statutes, is amended to read:

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1567 408.045 Certificate of need; competitive sealed proposals.-

1568 (2) The agency shall make a decision regarding the issuance
 1569 of the certificate of need in accordance with s. 287.057(14) ~~the~~
 1570 ~~provisions of s. 287.057(17)~~, rules adopted by the agency
 1571 relating to intermediate care facilities for the developmentally
 1572 disabled, and the criteria in s. 408.035, as further defined by
 1573 rule.

1574 Section 44. Paragraph (a) of subsection (3) and subsection
 1575 (6) of section 473.3065, Florida Statutes, are amended to read:

1576 473.3065 Clay Ford Scholarship Program; Certified Public
 1577 Accountant Education Minority Assistance Advisory Council.-

1578 (3) The board shall adopt rules as necessary for
 1579 administration of the Clay Ford Scholarship Program, including
 1580 rules relating to the following:

1581 (a) Eligibility criteria for receipt of a scholarship,
 1582 which, at a minimum, shall include the following factors:

1583 1. Financial need.

1584 2. Ethnic, gender, or racial minority status pursuant to s.
 1585 760.80(2) ~~s. 288.703(4)~~.

1586 3. Scholastic ability and performance.

1587 (6) There is hereby created the Certified Public Accountant
 1588 Education Minority Assistance Advisory Council to assist the
 1589 board in administering the Clay Ford Scholarship Program. The
 1590 council shall be diverse and representative of the gender,
 1591 ethnic, and racial categories set forth in s. 760.80(2) ~~s.~~
 1592 ~~288.703(4)~~.

1593 (a) The council shall consist of five licensed Florida-
 1594 certified public accountants selected by the board, of whom one
 1595 shall be a board member who serves as chair of the council, one

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1596 shall be a representative of the National Association of Black
1597 Accountants, one shall be a representative of the Cuban American
1598 CPA Association, and two shall be selected at large. At least
1599 one member of the council must be a woman.

1600 (b) The board shall determine the terms for initial
1601 appointments and appointments thereafter.

1602 (c) Any vacancy on the council shall be filled in the
1603 manner provided for the selection of the initial member. Any
1604 member appointed to fill a vacancy of an unexpired term shall be
1605 appointed for the remainder of that term.

1606 (d) Three consecutive absences or absences constituting 50
1607 percent or more of the council's meetings within any 12-month
1608 period shall cause the council membership of the member in
1609 question to become void, and the position shall be considered
1610 vacant.

1611 (e) The members of the council shall serve without
1612 compensation, and any necessary and actual expenses incurred by
1613 a member while engaged in the business of the council shall be
1614 borne by such member or by the organization or agency such
1615 member represents. However, the council member who is a member
1616 of the board shall be compensated in accordance with ss.
1617 455.207(4) and 112.061.

1618 Section 45. Subsection (42) of section 570.07, Florida
1619 Statutes, is amended to read:

1620 570.07 Department of Agriculture and Consumer Services;
1621 functions, powers, and duties.—The department shall have and
1622 exercise the following functions, powers, and duties:

1623 (42) Notwithstanding s. 287.057(21) ~~the provisions of s.~~
1624 ~~287.057(24)~~ that require all agencies to use the online

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1625 procurement system developed by the Department of Management
1626 Services, the department may continue to use its own online
1627 system. However, vendors utilizing such system shall be
1628 prequalified as meeting mandatory requirements and
1629 qualifications and shall remit fees pursuant to s. 287.057(21)
1630 ~~s. 287.057(24)~~, and any rules implementing s. 287.057.

1631 Section 46. Paragraph (e) of subsection (6) of section
1632 627.351, Florida Statutes, is amended to read:

1633 627.351 Insurance risk apportionment plans.—

1634 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1635 (e) The corporation is subject to s. 287.057 for the
1636 purchase of commodities and contractual services except as
1637 otherwise provided in this paragraph. Services provided by
1638 tradepersons or technical experts to assist a licensed adjuster
1639 in the evaluation of individual claims are not subject to the
1640 procurement requirements of this section. Additionally, the
1641 procurement of financial services providers and underwriters
1642 must be made pursuant to s. 627.3513. Contracts for goods or
1643 services valued at or more than \$100,000 are subject to approval
1644 by the board.

1645 1. The corporation is an agency for purposes of s. 287.057,
1646 except that, for purposes of s. 287.057(21) ~~s. 287.057(24)~~, the
1647 corporation is an eligible user.

1648 a. The authority of the Department of Management Services
1649 and the Chief Financial Officer under s. 287.057 extends to the
1650 corporation as if the corporation were an agency.

1651 b. The executive director of the corporation is the agency
1652 head under s. 287.057. The executive director of the corporation
1653 may assign or appoint a designee to act on his or her behalf.

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1654 2. The corporation must provide notice of a decision or
1655 intended decision concerning a solicitation, contract award, or
1656 exceptional purchase by electronic posting. Such notice must
1657 contain the following statement: "Failure to file a protest
1658 within the time prescribed in this section constitutes a waiver
1659 of proceedings."

1660 a. A person adversely affected by the corporation's
1661 decision or intended decision to award a contract pursuant to s.
1662 287.057(1) or (3)(c) who elects to challenge the decision must
1663 file a written notice of protest with the executive director of
1664 the corporation within 72 hours after the corporation posts a
1665 notice of its decision or intended decision. For a protest of
1666 the terms, conditions, and specifications contained in a
1667 solicitation, including provisions governing the methods for
1668 ranking bids, proposals, replies, awarding contracts, reserving
1669 rights of further negotiation, or modifying or amending any
1670 contract, the notice of protest must be filed in writing within
1671 72 hours after posting the solicitation. Saturdays, Sundays, and
1672 state holidays are excluded in the computation of the 72-hour
1673 time period.

1674 b. A formal written protest must be filed within 10 days
1675 after the date the notice of protest is filed. The formal
1676 written protest must state with particularity the facts and law
1677 upon which the protest is based. Upon receipt of a formal
1678 written protest that has been timely filed, the corporation must
1679 stop the solicitation or contract award process until the
1680 subject of the protest is resolved by final board action unless
1681 the executive director sets forth in writing particular facts
1682 and circumstances that require the continuance of the

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1683 solicitation or contract award process without delay in order to
1684 avoid an immediate and serious danger to the public health,
1685 safety, or welfare.

1686 (I) The corporation must provide an opportunity to resolve
1687 the protest by mutual agreement between the parties within 7
1688 business days after receipt of the formal written protest.

1689 (II) If the subject of a protest is not resolved by mutual
1690 agreement within 7 business days, the corporation's board must
1691 transmit the protest to the Division of Administrative Hearings
1692 and contract with the division to conduct a hearing to determine
1693 the merits of the protest and to issue a recommended order. The
1694 contract must provide for the corporation to reimburse the
1695 division for any costs incurred by the division for court
1696 reporters, transcript preparation, travel, facility rental, and
1697 other customary hearing costs in the manner set forth in s.
1698 120.65(9). The division has jurisdiction to determine the facts
1699 and law concerning the protest and to issue a recommended order.
1700 The division's rules and procedures apply to these proceedings.
1701 The protest must be heard by the division at a publicly noticed
1702 meeting in accordance with procedures established by the
1703 division.

1704 c. In a protest of an invitation-to-bid or request-for-
1705 proposals procurement, submissions made after the bid or
1706 proposal opening which amend or supplement the bid or proposal
1707 may not be considered. In protesting an invitation-to-negotiate
1708 procurement, submissions made after the corporation announces
1709 its intent to award a contract, reject all replies, or withdraw
1710 the solicitation that amends or supplements the reply may not be
1711 considered. Unless otherwise provided by law, the burden of

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1712 proof rests with the party protesting the corporation's action.
1713 In a competitive-procurement protest, other than a rejection of
1714 all bids, proposals, or replies, the administrative law judge
1715 must conduct a de novo proceeding to determine whether the
1716 corporation's proposed action is contrary to the corporation's
1717 governing statutes, the corporation's rules or policies, or the
1718 solicitation specifications. The standard of proof for the
1719 proceeding is whether the corporation's action was clearly
1720 erroneous, contrary to competition, arbitrary, or capricious. In
1721 any bid-protest proceeding contesting an intended corporation
1722 action to reject all bids, proposals, or replies, the standard
1723 of review by the board is whether the corporation's intended
1724 action is illegal, arbitrary, dishonest, or fraudulent.

1725 d. Failure to file a notice of protest or failure to file a
1726 formal written protest constitutes a waiver of proceedings.

1727 3. The agency head or his or her designee shall consider
1728 the recommended order of an administrative law judge and take
1729 final action on the protest. Any further legal remedy lies with
1730 the First District Court of Appeal.

1731 Section 47. Except as otherwise expressly provided in this
1732 act, this act shall take effect July 1, 2025.