

**By** Senator McClain

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30 contracts for public construction works; amending s.  
31 287.012, F.S.; deleting the definition of the term  
32 "minority business enterprise"; conforming provisions  
33 to changes made by the act; amending s. 287.042, F.S.;  
34 revising the powers, duties, and functions of the  
35 Department of Management Services to delete provisions  
36 regarding the Office of Supplier Diversity; amending  
37 s. 287.055, F.S.; revising the criteria each agency  
38 uses to evaluate professional services; revising the  
39 criteria used to determine whether a firm is qualified  
40 to provide such services; amending s. 287.057, F.S.;  
41 deleting a provision authorizing the Office of  
42 Supplier Diversity to request certain information from  
43 agencies; deleting provisions authorizing agencies to  
44 reserve contracts for competitive solicitation among  
45 certified minority business enterprises; deleting a  
46 provision requiring agencies to enter into a contract  
47 with a certified minority business enterprise under a  
48 specified condition; amending s. 287.059, F.S.;  
49 deleting a provision encouraging agencies to use a  
50 firm's minority status when selecting outside firms  
51 for attorney services; repealing s. 287.093, F.S.,  
52 relating to minority business enterprises and  
53 procurement of personal property and services from  
54 funds set aside for such purpose; repealing s.  
55 287.0931, F.S., relating to minority business  
56 enterprise participation in bond underwriting;  
57 repealing s. 287.0943, F.S., relating to certification  
58 of minority business enterprises; repealing s.

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59        287.09431, F.S., relating to statewide and interlocal  
60        agreement on certification of business concerns for  
61        the status of minority business enterprise; amending  
62        s. 287.09451, F.S.; deleting legislative findings;  
63        renaming the Office of Supplier Diversity as the  
64        Office of Supplier Development; revising the purpose  
65        of the office; revising the powers, duties, and  
66        functions of the office; deleting provisions providing  
67        a process for the Office of Supplier Diversity to  
68        assist minority business enterprises in the state  
69        procurement process; deleting provisions requiring  
70        each state agency to coordinate its minority business  
71        enterprise procurement with the office; repealing s.  
72        287.0947, F.S., relating to the Florida Advisory  
73        Council on Small and Minority Business Development;  
74        amending s. 288.001, F.S.; deleting a provision  
75        requiring consideration of minority and gender  
76        representation when making appointments to the  
77        statewide advisory board for the Florida Small  
78        Business Development Center Network; repealing s.  
79        288.1167, F.S., relating to sports franchise contract  
80        provisions for food and beverage concession and  
81        contract awards to minority business enterprises;  
82        amending s. 288.1229, F.S.; deleting a requirement  
83        that the board membership of the Florida Sports  
84        Foundation represent ethnic and gender diversity;  
85        amending s. 288.124, F.S.; deleting provisions  
86        requiring that preferences be given to specified  
87        entities seeking to attract minority conventions to

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88 Florida; amending s. 288.7015, F.S.; revising the  
89 duties of the rules ombudsman regarding reviewing  
90 state agency rules that adversely or  
91 disproportionately impact businesses; amending s.  
92 288.703, F.S.; deleting the definitions of the terms  
93 "certified minority business enterprise" and "minority  
94 business enterprise"; revising the definition of the  
95 term "ombudsman"; amending s. 288.7031, F.S.;  
96 conforming provisions to changes made by the act;  
97 amending s. 288.776, F.S.; deleting a requirement that  
98 minority and gender representation be considered for  
99 appointments to the board of directors of the Florida  
100 Export Finance Corporation; amending s. 290.0057,  
101 F.S.; revising requirements for strategic plans that  
102 accompany an application for designating a new  
103 enterprise zone; amending s. 290.046, F.S.; revising  
104 factors that may be taken into consideration when  
105 scoring certain applications for grants; amending s.  
106 320.63, F.S.; deleting a requirement that applicants  
107 or licensees for certain licenses report annually to  
108 the Department of Business and Professional Regulation  
109 on efforts to add minority dealer points; amending s.  
110 376.84, F.S.; deleting a provision authorizing  
111 financial and local incentives for brownfield  
112 redevelopment to include certain minority business  
113 enterprise programs; amending s. 383.216, F.S.;  
114 deleting a requirement that each prenatal and infant  
115 health care coalition represent the racial, ethnic,  
116 and gender composition of the community; repealing s.

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117       395.807, F.S., relating to retention of family  
118       practice residents; amending s. 409.901, F.S.;  
119       deleting the definition of the term "minority  
120       physician network"; amending s. 409.920, F.S.;  
121       revising the definition of the term "managed care  
122       plans"; amending s. 430.502, F.S.; revising criteria  
123       on which incentive funding of memory disorder clinics  
124       is based; amending s. 440.45, F.S.; revising the  
125       composition of the statewide nominating commission for  
126       judges of compensation claims to no longer require  
127       members from minority groups; amending s. 445.007,  
128       F.S.; deleting provisions requiring consideration of  
129       the importance of minority and gender representation  
130       for local workforce development boards and committees  
131       established by such boards; amending s. 446.041, F.S.;  
132       revising the duties of the Department of Commerce to  
133       no longer ensure consideration of minority and gender  
134       diversity in a certain program; amending s. 489.111,  
135       F.S.; deleting provisions relating to the Department  
136       of Business and Professional Regulation establishing  
137       certain sensitivity review committees; amending s.  
138       627.3511, F.S.; deleting provisions authorizing  
139       certain property or casualty insurers to exempt a  
140       specified amount from escrow requirements and to  
141       simultaneously file the proposed take-out plan with  
142       the Citizens Property Insurance Corporation; repealing  
143       s. 641.217, F.S., relating to required minority  
144       recruitment and retention plans; revising the title of  
145       chapter 760, F.S.; repealing s. 760.80, F.S., relating

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146 to minority representation on boards, commissions,  
147 councils, and committees; redesignating part V of  
148 chapter 760, F.S., Environmental Equity and Justice,  
149 as part IV of that chapter; amending s. 1001.706,  
150 F.S.; deleting provisions requiring the Board of  
151 Governors of the State University System to ensure  
152 compliance with specified procurement provisions and  
153 rules; amending s. 1004.42, F.S.; deleting a  
154 requirement of the Florida State University College of  
155 Medicine to continue specified outreach efforts to  
156 middle and high school minority students; amending s.  
157 1004.435, F.S.; revising membership criteria for the  
158 Florida Cancer Control and Research Advisory Council;  
159 repealing s. 1007.34, F.S., relating to the college  
160 reach-out program; repealing s. 1007.35, F.S.,  
161 relating to the Florida Partnership for Minority and  
162 Underrepresented Student Achievement Act; repealing s.  
163 1011.86, F.S., relating to educational leadership  
164 enhancement grants; amending s. 1013.46, F.S.;  
165 deleting provisions authorizing counties,  
166 municipalities, and boards to set aside a specified  
167 percentage of funds allocated for the purpose of  
168 entering into construction capital project contracts  
169 with minority business enterprises; amending ss.  
170 43.16, 212.096, 215.971, 282.201, 282.709, 286.101,  
171 287.0571, 288.0001, 288.706, 290.004, 295.187, 337.11,  
172 339.63, 376.3072, 381.986, 394.47865, 402.7305,  
173 408.045, 409.910, 570.07, 627.351, 1001.216, 1007.27,  
174 1008.23, and 1008.24, F.S.; conforming cross-

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175        references and provisions to changes made by the act;  
176        reenacting s. 311.07(4), F.S., relating to Florida  
177        seaport transportation and economic development  
178        funding, to incorporate the amendment made to s.  
179        110.112, F.S., in a reference thereto; providing an  
180        effective date.

181

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

183

184        Section 1. Paragraph (a) of subsection (2) of section  
185        16.71, Florida Statutes, is amended to read:

186        16.71 Florida Gaming Control Commission; creation;  
187        meetings; membership.—

188        (2) MEMBERSHIP.—

189        (a) The commission shall consist of five members appointed  
190        by the Governor, and subject to confirmation by the Senate, for  
191        terms of 4 years. Members of the commission must be appointed by  
192        January 1, 2022. ~~The Governor shall consider appointees who~~  
193 ~~reflect Florida's racial, ethnic, and gender diversity.~~ Of the  
194        initial five members appointed by the Governor, and immediately  
195        upon appointment, the Governor shall appoint one of the members  
196        as the initial chair and one of the members as the initial vice  
197        chair. At the end of the initial chair's and vice chair's terms  
198        pursuant to subparagraph 1., the commission shall elect one of  
199        the members of the commission as chair and one of the members of  
200        the commission as vice chair.

201        1. For the purpose of providing staggered terms, of the  
202        initial appointments, two members shall be appointed to 4-year  
203        terms, two members shall be appointed to 3-year terms, and one

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204 member shall be appointed to a 2-year term.

205 2. Of the five members, at least one member must have at  
206 least 10 years of experience in law enforcement and criminal  
207 investigations, at least one member must be a certified public  
208 accountant licensed in this state with at least 10 years of  
209 experience in accounting and auditing, and at least one member  
210 must be an attorney admitted and authorized to practice law in  
211 this state for at least the preceding 10 years.

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

214 17.11 To report disbursements made.—

215 (2) The Chief Financial Officer shall also cause to have  
216 reported from the Florida Accounting Information Resource  
217 Subsystem no less than quarterly the disbursements which  
218 agencies made to small businesses, as defined in s. 288.703 ~~the~~  
219 ~~Florida Small and Minority Business Assistance Act; to certified~~  
220 ~~minority business enterprises in the aggregate; and to certified~~  
221 ~~minority business enterprises broken down into categories of~~  
222 ~~minority persons, as well as gender and nationality subgroups.~~  
223 This information must ~~shall~~ be made available to the agencies,

224 the Office of Supplier Development ~~Diversity~~, the Governor, the  
225 President of the Senate, and the Speaker of the House of  
226 Representatives. Each agency is ~~shall~~ be responsible for the  
227 accuracy of information entered into the Florida Accounting  
228 Information Resource Subsystem for use in this reporting.

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

230 Section 4. Section 110.112, Florida Statutes, is amended to  
231 read:

232 110.112 ~~Affirmative action;~~ Equal employment opportunity.—

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233       (1) It is the policy of the this state to provide equal  
234 opportunities in employment. Discrimination in employment  
235 because of race, gender, creed, color, or national origin is  
236 prohibited. Executive agencies may not use racial or gender set-  
237 asides, preferences, or quotas when making decisions regarding  
238 the hiring, retention, or promotion of a state employee assist  
239 in providing the assurance of equal employment opportunity  
240 through programs of affirmative and positive action that will  
241 allow full utilization of women, minorities, and individuals who  
242 have a disability.

243       (2) (a) The head of each executive agency shall develop and  
244 implement an affirmative action plan in accordance with rules  
245 adopted by the department and approved by a majority vote of the  
246 Administration Commission before their adoption.

247       (b) Each executive agency shall establish annual goals for  
248 ensuring full utilization of groups underrepresented in the  
249 agency's workforce, including women, minorities, and individuals  
250 who have a disability, as compared to the relevant labor market,  
251 as defined by the agency. Each executive agency shall design its  
252 affirmative action plan to meet its established goals.

253       (c) Each executive agency shall annually report to the  
254 department regarding the agency's progress toward increasing  
255 employment among women, minorities, and individuals who have a  
256 disability.

257       (d) An affirmative action-equal employment opportunity  
258 officer shall be appointed by the head of each executive agency.  
259 The affirmative action-equal employment opportunity officer's  
260 responsibilities must include determining annual goals,  
261 monitoring agency compliance, and providing consultation to

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262 managers regarding progress, deficiencies, and appropriate  
263 corrective action.

264 (e) The department shall report information in its annual  
265 workforce report relating to the implementation, continuance,  
266 updating, and results of each executive agency's affirmative  
267 action plan for the previous fiscal year. The annual workforce  
268 report must also include data for each executive agency relating  
269 to employment levels among women, minorities, and individuals  
270 who have a disability.

271 (f) The department shall provide to all supervisory  
272 personnel of the executive agencies training in the principles  
273 of equal employment opportunity and affirmative action, the  
274 development and implementation of affirmative action plans, and  
275 the establishment of annual affirmative action goals. The  
276 department may contract for training services, and each  
277 participating agency shall reimburse the department for costs  
278 incurred through such contract. After the department approves  
279 the contents of the training program for the agencies, the  
280 department may delegate this training to the executive agencies.

281 (3) (a) The department, in consultation with the Agency for  
282 Persons with Disabilities, the Division of Vocational  
283 Rehabilitation and the Division of Blind Services of the  
284 Department of Education, the Department of Commerce, and the  
285 Executive Office of the Governor, shall develop and implement  
286 programs that incorporate internships, mentoring, on-the-job  
287 training, unpaid work experience, situational assessments, and  
288 other innovative strategies that are specifically geared toward  
289 individuals who have a disability.

290 (b) By January 1, 2017, the department shall develop

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291 mandatory training programs for human resources personnel and  
292 hiring managers of executive agencies which support the  
293 employment of individuals who have a disability.

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

297 2. The department shall assist executive agencies in the  
298 implementation of agency-specific plans. The department shall  
299 regularly report to the Governor, the President of the Senate,  
300 and the Speaker of the House of Representatives the progress of  
301 executive agencies in implementing these plans. Such reports  
302 must shall be made at least biannually.

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

306 (e) The department shall assist executive agencies in  
307 identifying and implementing strategies for retaining employees  
308 who have a disability which include, but are not limited to,  
309 training programs, funding reasonable accommodations, increasing  
310 access to appropriate technologies, and ensuring accessibility  
311 of physical and virtual workplaces.

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

315 (g) This subsection does not create any substantive or  
316 procedural right or benefit enforceable at law or in equity  
317 against the state or a state agency, or an officer, employee, or  
318 agent thereof.

319 (4) ~~Each state attorney and public defender shall.~~

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(a) Develop and implement an affirmative action plan.

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

(c) Appoint an affirmative action-equal employment opportunity officer.

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

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

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

Section 5. Subsection (4) of section 110.211, Florida Statutes, is amended to read:

## 110.211 Recruitment.—

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

Section 6. Paragraph (d) of subsection (1) of section 110.605, Florida Statutes, is amended to read:

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

(1) The department shall adopt and administer uniform

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349 personnel rules, records, and reports relating to employees and  
350 positions in the Selected Exempt Service, as well as any other  
351 rules and procedures relating to personnel administration which  
352 are necessary to carry out the purposes of this part.

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

356 Section 7. Section 255.101, Florida Statutes, is repealed.

357 Section 8. Section 255.102, Florida Statutes, is repealed.

358 Section 9. Paragraph (c) of subsection (1) of section  
359 255.20, Florida Statutes, is amended to read:

360 255.20 Local bids and contracts for public construction  
361 works; specification of state-produced lumber.—

362 (1) A county, municipality, special district as defined in  
363 chapter 189, or other political subdivision of the state seeking  
364 to construct or improve a public building, structure, or other  
365 public construction works must competitively award to an  
366 appropriately licensed contractor each project that is estimated  
367 to cost more than \$300,000. For electrical work, the local  
368 government must competitively award to an appropriately licensed  
369 contractor each project that is estimated to cost more than  
370 \$75,000. As used in this section, the term "competitively award"  
371 means to award contracts based on the submission of sealed bids,  
372 proposals submitted in response to a request for proposal,  
373 proposals submitted in response to a request for qualifications,  
374 or proposals submitted for competitive negotiation. This  
375 subsection expressly allows contracts for construction  
376 management services, design/build contracts, continuation  
377 contracts based on unit prices, and any other contract

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378 arrangement with a private sector contractor permitted by any  
379 applicable municipal or county ordinance, by district  
380 resolution, or by state law. For purposes of this section, cost  
381 includes employee compensation and benefits, except inmate  
382 labor, the cost of equipment and maintenance, insurance costs,  
383 and the cost of direct materials to be used in the construction  
384 of the project, including materials purchased by the local  
385 government, and other direct costs, plus a factor of 20 percent  
386 for management, overhead, and other indirect costs. Subject to  
387 the provisions of subsection (3), the county, municipality,  
388 special district, or other political subdivision may establish,  
389 by municipal or county ordinance or special district resolution,  
390 procedures for conducting the bidding process.

391 (c) ~~The provisions of~~ This subsection does ~~do~~ not apply:

392 1. If the project is undertaken to replace, reconstruct, or  
393 repair an existing public building, structure, or other public  
394 construction works damaged or destroyed by a sudden unexpected  
395 turn of events such as an act of God, riot, fire, flood,  
396 accident, or other urgent circumstances, and such damage or  
397 destruction creates:

398 a. An immediate danger to the public health or safety;  
399 b. Other loss to public or private property which requires  
400 emergency government action; or

401 c. An interruption of an essential governmental service.

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

405 3. To construction, remodeling, repair, or improvement to a  
406 public electric or gas utility system if such work on the public

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407 utility system is performed by personnel of the system.

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

411 5. If the project is undertaken as repair or maintenance of  
412 an existing public facility. For the purposes of this paragraph,  
413 the term "repair" means a corrective action to restore an  
414 existing public facility to a safe and functional condition and  
415 the term "maintenance" means a preventive or corrective action  
416 to maintain an existing public facility in an operational state  
417 or to preserve the facility from failure or decline. Repair or  
418 maintenance includes activities that are necessarily incidental  
419 to repairing or maintaining the facility. Repair or maintenance  
420 does not include the construction of any new building,  
421 structure, or other public construction works or any substantial  
422 addition, extension, or upgrade to an existing public facility.  
423 Such additions, extensions, or upgrades are ~~shall~~ be considered  
424 substantial if the estimated cost of the additions, extensions,  
425 or upgrades included as part of the repair or maintenance  
426 project exceeds the threshold amount in subsection (1) and  
427 exceeds 20 percent of the estimated total cost of the repair or  
428 maintenance project fully accounting for all costs associated  
429 with performing and completing the work, including employee  
430 compensation and benefits, equipment cost and maintenance,  
431 insurance costs, and the cost of direct materials to be used in  
432 the construction of the project, including materials purchased  
433 by the local government, and other direct costs, plus a factor  
434 of 20 percent for management, overhead, and other indirect  
435 costs. An addition, extension, or upgrade may ~~shall~~ not be

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436 considered substantial if it is undertaken pursuant to the  
437 conditions specified in subparagraph 1. Repair and maintenance  
438 projects and any related additions, extensions, or upgrades may  
439 not be divided into multiple projects for the purpose of evading  
440 the requirements of this subparagraph.

441 6. If the project is undertaken exclusively as part of a  
442 public educational program.

443 7. If the funding source of the project will be diminished  
444 or lost because the time required to competitively award the  
445 project after the funds become available exceeds the time within  
446 which the funding source must be spent.

447 8. If the local government competitively awarded a project  
448 to a private sector contractor and the contractor abandoned the  
449 project before completion or the local government terminated the  
450 contract.

451 9. If the governing board of the local government complies  
452 with all of the requirements of this subparagraph, conducts a  
453 public meeting under s. 286.011 after public notice, and finds  
454 by majority vote of the governing board that it is in the  
455 public's best interest to perform the project using its own  
456 services, employees, and equipment. The public notice must be  
457 published at least 21 days before the date of the public meeting  
458 at which the governing board takes final action. The notice must  
459 identify the project, the components and scope of the work, and  
460 the estimated cost of the project fully accounting for all costs  
461 associated with performing and completing the work, including  
462 employee compensation and benefits, equipment cost and  
463 maintenance, insurance costs, and the cost of direct materials  
464 to be used in the construction of the project, including

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465 materials purchased by the local government, and other direct  
466 costs, plus a factor of 20 percent for management, overhead, and  
467 other indirect costs. The notice must specify that the purpose  
468 for the public meeting is to consider whether it is in the  
469 public's best interest to perform the project using the local  
470 government's own services, employees, and equipment. Upon  
471 publication of the public notice and for 21 days thereafter, the  
472 local government shall make available for public inspection,  
473 during normal business hours and at a location specified in the  
474 public notice, a detailed itemization of each component of the  
475 estimated cost of the project and documentation explaining the  
476 methodology used to arrive at the estimated cost. At the public  
477 meeting, any qualified contractor or vendor who could have been  
478 awarded the project had the project been competitively bid must  
479 ~~shall~~ be provided with a reasonable opportunity to present  
480 evidence to the governing board regarding the project and the  
481 accuracy of the local government's estimated cost of the  
482 project. In deciding whether it is in the public's best interest  
483 for the local government to perform a project using its own  
484 services, employees, and equipment, the governing board shall  
485 ~~must~~ consider the estimated cost of the project fully accounting  
486 for all costs associated with performing and completing the  
487 work, including employee compensation and benefits, equipment  
488 cost and maintenance, insurance costs, and the cost of direct  
489 materials to be used in the construction of the project,  
490 including materials purchased by the local government, and other  
491 direct costs, plus a factor of 20 percent for management,  
492 overhead, and other indirect costs, and the accuracy of the  
493 estimated cost in light of any other information that may be

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494 presented at the public meeting and whether the project requires  
495 an increase in the number of government employees or an increase  
496 in capital expenditures for public facilities, equipment, or  
497 other capital assets. The local government may further consider  
498 the impact on local economic development, the impact on small  
499 ~~and minority~~ business owners, the impact on state and local tax  
500 revenues, whether the private sector contractors provide health  
501 insurance and other benefits equivalent to those provided by the  
502 local government, and any other factor relevant to what is in  
503 the public's best interest. A report summarizing completed  
504 projects constructed by the local government pursuant to this  
505 subsection must ~~shall~~ be publicly reviewed each year by the  
506 governing body of the local government. The report must ~~shall~~  
507 detail the estimated costs and the actual costs of the projects  
508 constructed by the local government pursuant to this subsection.  
509 The report must ~~shall~~ be made available for review by the  
510 public. The Auditor General shall review the report as part of  
511 his or her audits of local governments.

512 10. If the governing board of the local government  
513 determines upon consideration of specific substantive criteria  
514 that it is in the best interest of the local government to award  
515 the project to an appropriately licensed private sector  
516 contractor pursuant to administrative procedures established by  
517 and expressly set forth in a charter, an ordinance, or a  
518 resolution of the local government adopted before July 1, 1994.  
519 The criteria and procedures must be set out in the charter,  
520 ordinance, or resolution and must be applied uniformly by the  
521 local government to avoid awarding a project in an arbitrary or  
522 capricious manner. This exception applies only if all of the

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523 following occur:

524       a. The governing board of the local government, after  
525 public notice, conducts a public meeting under s. 286.011 and  
526 finds by a two-thirds vote of the governing board that it is in  
527 the public's best interest to award the project according to the  
528 criteria and procedures established by charter, ordinance, or  
529 resolution. The public notice must be published at least 14 days  
530 before the date of the public meeting at which the governing  
531 board takes final action. The notice must identify the project,  
532 the estimated cost of the project, and specify that the purpose  
533 for the public meeting is to consider whether it is in the  
534 public's best interest to award the project using the criteria  
535 and procedures permitted by the preexisting charter, ordinance,  
536 or resolution.

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

540           (I) There is one appropriately licensed contractor who is  
541 uniquely qualified to undertake the project because that  
542 contractor is currently under contract to perform work ~~that is~~  
543 affiliated with the project; or

544           (II) The time to competitively award the project will  
545 jeopardize the funding for the project, materially increase the  
546 cost of the project, or create an undue hardship on the public  
547 health, safety, or welfare.

548       c. The project is to be awarded by any method other than a  
549 competitive selection process, and the published notice clearly  
550 specifies the ordinance or resolution by which the private  
551 sector contractor will be selected and the criteria to be

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552 considered.

553       d. The project is to be awarded by a method other than a  
554 competitive selection process, and the architect or engineer of  
555 record has provided a written recommendation that the project be  
556 awarded to the private sector contractor without competitive  
557 selection, and the consideration by, and the justification of,  
558 the government body are documented, in writing, in the project  
559 file and are presented to the governing board prior to the  
560 approval required in this paragraph.

561       11. To projects subject to chapter 336.

562       Section 10. Subsections (18) and (19) of section 287.012,  
563 Florida Statutes, are amended to read:

564       287.012 Definitions.—As used in this part, the term:

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

567       (19) "Office" means the Office of Supplier Development  
568 ~~Diversity~~ of the Department of Management Services.

569       Section 11. Paragraphs (a) and (c) of subsection (2) and  
570 paragraphs (b) and (c) of subsection (3) of section 287.042,  
571 Florida Statutes, are amended to read:

572       287.042 Powers, duties, and functions.—The department shall  
573 have the following powers, duties, and functions:

574       (2) (a) To establish purchasing agreements and procure state  
575 term contracts for commodities and contractual services,  
576 pursuant to s. 287.057, under which state agencies shall, and  
577 eligible users may, make purchases pursuant to s. 287.056. The  
578 department may restrict purchases from some term contracts to  
579 state agencies only for those term contracts where the inclusion  
580 of other governmental entities will have an adverse effect on

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581 competition or to those federal facilities located in this  
582 state. ~~In such planning or purchasing the Office of Supplier~~  
583 ~~Diversity may monitor to ensure that opportunities are afforded~~  
584 ~~for contracting with minority business enterprises. The~~  
585 ~~department, for state term contracts, and all agencies, for~~  
586 ~~multiyear contractual services or term contracts, shall explore~~  
587 ~~reasonable and economical means to utilize certified minority~~  
588 ~~business enterprises. Purchases by any county, municipality,~~  
589 ~~private nonprofit community transportation coordinator~~  
590 ~~designated pursuant to chapter 427, while conducting business~~  
591 ~~related solely to the Commission for the Transportation~~  
592 ~~Disadvantaged, or other local public agency under the provisions~~  
593 ~~in the state purchasing contracts, and purchases, from the~~  
594 ~~corporation operating the correctional work programs, of~~  
595 ~~products or services that are subject to paragraph (1)(f), are~~  
596 ~~exempt from the competitive solicitation requirements otherwise~~  
597 ~~applying to their purchases.~~

598 (c) Any person who files an action protesting a decision or  
599 intended decision pertaining to contracts administered by the  
600 department, a water management district, or an agency pursuant  
601 to s. 120.57(3)(b) must shall post with the department, the  
602 water management district, or the agency at the time of filing  
603 the formal written protest a bond payable to the department, the  
604 water management district, or agency in an amount equal to 1  
605 percent of the estimated contract amount. For protests of  
606 decisions or intended decisions pertaining to exceptional  
607 purchases, the bond must shall be in an amount equal to 1  
608 percent of the estimated contract amount for the exceptional  
609 purchase. The estimated contract amount must shall be based upon

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the contract price submitted by the protestor or, if no contract price was submitted, the department, water management district, or agency must ~~shall~~ estimate the contract amount based on factors including, but not limited to, the price of previous or existing contracts for similar commodities or contractual services, the amount appropriated by the Legislature for the contract, or the fair market value of similar commodities or contractual services. The agency shall provide the estimated contract amount to the vendor within 72 hours, excluding Saturdays, Sundays, and state holidays, after the filing of the notice of protest by the vendor. The estimated contract amount is not subject to protest pursuant to s. 120.57(3). The bond is ~~shall~~ be conditioned upon the payment of all costs and charges that are adjudged against the protestor in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. In lieu of a bond, the department, the water management district, or agency may, in either case, accept a cashier's check, official bank check, or money order in the amount of the bond. If, after completion of the administrative hearing process and any appellate court proceedings, the department, water management district, or agency prevails, it shall recover all costs and charges which must ~~shall~~ be included in the final order or judgment, excluding attorney attorney's fees. ~~This section shall not apply to protests filed by the Office of Supplier Diversity.~~ Upon payment of such costs and charges by the protestor, the bond, cashier's check, official bank check, or money order must ~~shall~~ be returned to the protestor. If, after the completion of the administrative hearing process and any appellate court

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639 proceedings, the protestor prevails, the protestor shall recover  
640 from the department, water management district, or agency all  
641 costs and charges which must ~~shall~~ be included in the final  
642 order or judgment, excluding attorney attorney's fees.

643 (3) To establish a system of coordinated, uniform  
644 procurement policies, procedures, and practices to be used by  
645 agencies in acquiring commodities and contractual services,  
646 which must ~~shall~~ include, but not be limited to:

647 (b) 1. Development of procedures for advertising  
648 solicitations. These procedures must provide for electronic  
649 posting of solicitations for at least 10 days before the date  
650 set for receipt of bids, proposals, or replies, unless the  
651 department or other agency determines in writing that a shorter  
652 period of time is necessary to avoid harming the interests of  
653 the state. ~~The Office of Supplier Diversity may consult with the~~  
654 ~~department regarding the development of solicitation~~  
655 ~~distribution procedures to ensure that maximum distribution is~~  
656 ~~afforded to certified minority business enterprises as defined~~  
657 ~~in s. 288.703.~~

658 2. Development of procedures for electronic posting. The  
659 department shall designate a centralized website on the Internet  
660 for the department and other agencies to electronically post  
661 solicitations, decisions or intended decisions, and other  
662 matters relating to procurement.

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

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668       Section 12. Paragraph (d) of subsection (3) and paragraph  
669 (b) of subsection (4) of section 287.055, Florida Statutes, are  
670 amended to read:

671       287.055 Acquisition of professional architectural,  
672 engineering, landscape architectural, or surveying and mapping  
673 services; definitions; procedures; contingent fees prohibited;  
674 penalties.—

675       (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

676       (d) Each agency shall evaluate professional services,  
677 including capabilities, adequacy of personnel, past record,  
678 experience, ~~whether the firm is a certified minority business~~  
679 ~~enterprise as defined by the Florida Small and Minority Business~~  
680 ~~Assistance Act,~~ and other factors determined by the agency as to  
681 be applicable to its particular requirements. ~~When securing~~  
682 ~~professional services, an agency must endeavor to meet the~~  
683 ~~minority business enterprise procurement goals under s.~~  
684 ~~287.09451.~~

685       (4) COMPETITIVE SELECTION.—

686       (b) The agency shall select in order of preference no fewer  
687 than three firms deemed to be the most highly qualified to  
688 perform the required services. In determining whether a firm is  
689 qualified, the agency shall consider such factors as the ability  
690 of professional personnel; ~~whether a firm is a certified~~  
691 ~~minority business enterprise;~~ past performance; willingness to  
692 meet time and budget requirements; location; recent, current,  
693 and projected workloads of the firms; and the volume of work  
694 previously awarded to each firm by the agency, with the object  
695 of effecting an equitable distribution of contracts among  
696 qualified firms, provided such distribution does not violate the

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697 principle of selection of the most highly qualified firms. The  
698 agency may request, accept, and consider proposals for the  
699 compensation to be paid under the contract only during  
700 competitive negotiations under subsection (5).

701 Section 13. Subsections (7), (8), (12), (14), and (18) of  
702 section 287.057, Florida Statutes, are amended to read:

703 287.057 Procurement of commodities or contractual  
704 services.—

705 (7) Upon issuance of any solicitation, an agency shall,  
706 upon request by the department, forward to the department one  
707 copy of each solicitation for all commodity and contractual  
708 services purchases in excess of the threshold amount provided in  
709 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,  
710 furnish a copy of all competitive-solicitation tabulations. ~~The~~  
711 ~~Office of Supplier Diversity may also request from the agencies~~  
712 ~~any information submitted to the department pursuant to this~~  
713 ~~subsection.~~

714 ~~(8) (a) In order to strive to meet the minority business~~  
715 ~~enterprise procurement goals set forth in s. 287.09451, an~~  
716 ~~agency may reserve any contract for competitive solicitation~~  
717 ~~only among certified minority business enterprises. Agencies~~  
718 ~~shall review all their contracts each fiscal year and shall~~  
719 ~~determine which contracts may be reserved for solicitation only~~  
720 ~~among certified minority business enterprises. This reservation~~  
721 ~~may only be used when it is determined, by reasonable and~~  
722 ~~objective means, before the solicitation that there are capable,~~  
723 ~~qualified certified minority business enterprises available to~~  
724 ~~submit a bid, proposal, or reply on a contract to provide for~~  
725 ~~effective competition. The Office of Supplier Diversity shall~~

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726 consult with any agency in reaching such determination when  
727 deemed appropriate.

728 (b) Before a contract may be reserved for solicitation only  
729 among certified minority business enterprises, the agency head  
730 must find that such a reservation is in the best interests of  
731 the state. All determinations shall be subject to s.  
732 287.09451(5). Once a decision has been made to reserve a  
733 contract, but before sealed bids, proposals, or replies are  
734 requested, the agency shall estimate what it expects the amount  
735 of the contract to be, based on the nature of the services or  
736 commodities involved and their value under prevailing market  
737 conditions. If all the sealed bids, proposals, or replies  
738 received are over this estimate, the agency may reject the bids,  
739 proposals, or replies and request new ones from certified  
740 minority business enterprises, or the agency may reject the  
741 bids, proposals, or replies and reopen the bidding to all  
742 eligible vendors.

743 (c) All agencies shall consider the use of price  
744 preferences of up to 10 percent, weighted preference formulas,  
745 or other preferences for vendors as determined appropriate  
746 pursuant to guidelines established in accordance with s.  
747 287.09451(4) to increase the participation of minority business  
748 enterprises.

749 (d) All agencies shall avoid any undue concentration of  
750 contracts or purchases in categories of commodities or  
751 contractual services in order to meet the minority business  
752 enterprise purchasing goals in s. 287.09451.

753 (12) If two equal responses to a solicitation or a request  
754 for quote are received and one response is from a certified

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755 ~~minority business enterprise, the agency shall enter into a~~  
756 ~~contract with the certified minority business enterprise.~~

757 (12) ~~(14)~~ Contracts for commodities or contractual services  
758 may be renewed for a period that may not exceed 3 years or the  
759 term of the original contract, whichever is longer. Renewal of a  
760 contract for commodities or contractual services must be in  
761 writing and is subject to the same terms and conditions set  
762 forth in the initial contract and any written amendments signed  
763 by the parties. If the commodity or contractual service is  
764 purchased as a result of the solicitation of bids, proposals, or  
765 replies, the price of the commodity or contractual service to be  
766 renewed must be specified in the bid, proposal, or reply, except  
767 that an agency may negotiate lower pricing. A renewal contract  
768 may not include any compensation for costs associated with the  
769 renewal. Renewals are contingent upon satisfactory performance  
770 evaluations by the agency and subject to the availability of  
771 funds. Exceptional purchase contracts pursuant to paragraphs  
772 (3) (a) and (c) may not be renewed. With the exception of  
773 subsection ~~(10)~~ ~~(11)~~, if a contract amendment results in a  
774 longer contract term or increased payments, a state agency may  
775 not renew or amend a contract for the outsourcing of a service  
776 or activity that has an original term value exceeding \$5 million  
777 before submitting a written report concerning contract  
778 performance to the Governor, the President of the Senate, and  
779 the Speaker of the House of Representatives at least 90 days  
780 before execution of the renewal or amendment.

781 (16) ~~(18)~~ Any person who supervises contract administrators  
782 or contract or grant managers that meet criteria for  
783 certification in subsection ~~(13)~~ ~~(15)~~ shall annually complete

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784 public procurement training for supervisors within 12 months  
785 after appointment to the supervisory position. The department is  
786 responsible for establishing and disseminating the training  
787 course content required for supervisors.

788 Section 14. Paragraph (c) of subsection (10) of section  
789 287.059, Florida Statutes, is amended to read:

790 287.059 Private attorney services.—

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

793 ~~(e) The firm's minority status.~~

794 Section 15. Section 287.093, Florida Statutes, is repealed.

795 Section 16. Section 287.0931, Florida Statutes, is  
796 repealed.

797 Section 17. Section 287.0943, Florida Statutes, is  
798 repealed.

799 Section 18. Section 287.09431, Florida Statutes, is  
800 repealed.

801 Section 19. Section 287.09451, Florida Statutes, is amended  
802 to read:

803 287.09451 Office of Supplier Development Diversity; powers,  
804 duties, and functions.—

805 ~~(1) The Legislature finds that there is evidence of a~~  
806 ~~systematic pattern of past and continuing racial discrimination~~  
807 ~~against minority business enterprises and a disparity in the~~  
808 ~~availability and use of minority business enterprises in the~~  
809 ~~state procurement system. It is determined to be a compelling~~  
810 ~~state interest to rectify such discrimination and disparity.~~  
811 ~~Based upon statistical data profiling this discrimination, the~~  
812 ~~Legislature has enacted race conscious and gender conscious~~

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813 ~~remedial programs to ensure minority participation in the~~  
814 ~~economic life of the state, in state contracts for the purchase~~  
815 ~~of commodities and services, and in construction contracts. The~~  
816 ~~purpose and intent of this section is to increase participation~~  
817 ~~by minority business enterprises accomplished by encouraging the~~  
818 ~~use of minority business enterprises and the entry of new and~~  
819 ~~diversified minority business enterprises into the marketplace.~~

820 (2) The Office of Supplier Development ~~Diversity~~ is  
821 established within the Department of Management Services to  
822 assist Florida-based small ~~minority~~ business enterprises in  
823 becoming suppliers ~~of commodities, services, and construction~~ to  
824 state government.

825 (2)(3) The secretary shall appoint an executive director  
826 for the Office of Supplier Development ~~Diversity~~, who serves  
827 ~~shall serve~~ at the pleasure of the secretary.

828 (3)(4) The Office of Supplier Development ~~has~~ ~~Diversity~~  
829 ~~shall have~~ the following powers, duties, and functions:

830 (a) ~~To adopt rules to determine what constitutes a "good~~  
831 ~~faith effort" for purposes of state agency compliance with the~~  
832 ~~minority business enterprise procurement goals set forth in s.~~  
833 ~~287.042. Factors which shall be considered by the Minority~~  
834 ~~Business Enterprise Assistance Office in determining good faith~~  
835 ~~effort shall include, but not be limited to:~~

836 1. ~~Whether the agency scheduled presolicitation or prebid~~  
837 ~~meetings for the purpose of informing minority business~~  
838 ~~enterprises of contracting and subcontracting opportunities.~~

839 2. ~~Whether the contractor advertised in general~~  
840 ~~circulation, trade association, or minority-focus media~~  
841 ~~concerning the subcontracting opportunities.~~

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842       3. Whether the agency effectively used services and  
843       resources of available minority community organizations;  
844       minority contractors' groups; local, state, and federal minority  
845       business assistance offices; and other organizations that  
846       provide assistance in the recruitment and placement of minority  
847       business enterprises or minority persons.

848       4. Whether the agency provided written notice to a  
849       reasonable number of minority business enterprises that their  
850       interest in contracting with the agency was being solicited in  
851       sufficient time to allow the minority business enterprises to  
852       participate effectively.

853       (b) To adopt rules to determine what constitutes a "good  
854       faith effort" for purposes of contractor compliance with  
855       contractual requirements relating to the use of services or  
856       commodities of a minority business enterprise under s.

857       287.094(2). Factors which shall be considered by the Office of  
858       Supplier Diversity in determining whether a contractor has made  
859       good faith efforts shall include, but not be limited to:

860       1. Whether the contractor attended any presolicitation or  
861       prebid meetings that were scheduled by the agency to inform  
862       minority business enterprises of contracting and subcontracting  
863       opportunities.

864       2. Whether the contractor advertised in general  
865       circulation, trade association, or minority focus media  
866       concerning the subcontracting opportunities.

867       3. Whether the contractor provided written notice to a  
868       reasonable number of specific minority business enterprises that  
869       their interest in the contract was being solicited in sufficient  
870       time to allow the minority business enterprises to participate

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871 effectively.

872 4. Whether the contractor followed up initial solicitations  
873 of interest by contacting minority business enterprises or  
874 minority persons to determine with certainty whether the  
875 minority business enterprises or minority persons were  
876 interested.

877 5. Whether the contractor selected portions of the work to  
878 be performed by minority business enterprises in order to  
879 increase the likelihood of meeting the minority business  
880 enterprise procurement goals, including, where appropriate,  
881 breaking down contracts into economically feasible units to  
882 facilitate minority business enterprise participation.

883 6. Whether the contractor provided interested minority  
884 business enterprises or minority persons with adequate  
885 information about the plans, specifications, and requirements of  
886 the contract or the availability of jobs.

887 7. Whether the contractor negotiated in good faith with  
888 interested minority business enterprises or minority persons,  
889 not rejecting minority business enterprises or minority persons  
890 as unqualified without sound reasons based on a thorough  
891 investigation of their capabilities.

892 8. Whether the contractor effectively used the services of  
893 available minority community organizations; minority  
894 contractors' groups; local, state, and federal minority business  
895 assistance offices; and other organizations that provide  
896 assistance in the recruitment and placement of minority business  
897 enterprises or minority persons.

898 (c) To adopt rules and do all things necessary or  
899 convenient to guide all state agencies toward making

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900 ~~expenditures for commodities, contractual services,~~  
901 ~~construction, and architectural and engineering services with~~  
902 ~~certified minority business enterprises in accordance with the~~  
903 ~~minority business enterprise procurement goals set forth in s.~~  
904 ~~287.042.~~

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

909 ~~(e) To receive and disseminate information:~~

910 1. For the continued growth and success of Florida's small  
911 businesses, which may include planning, hosting, and supporting  
912 informational events targeted to Florida-based enterprises  
913 relative to procurement opportunities, availability of minority  
914 business enterprises, and technical assistance.

915 2. Related to procurement opportunities for Florida-based  
916 small business enterprises, providing technical assistance as  
917 needed.

918 (b) To create electronic certification and recertification  
919 processes for veteran-owned business enterprises. The initial  
920 certification is valid for 2 years and must be recertified  
921 biennially thereafter. The benefits of certification must be  
922 clearly posted on the department's website. To be eligible for  
923 certification and recertification as a veteran-owned business  
924 enterprise, a business must meet the requirements of s. 295.187.

925 (c)-(f) To advise and provide education or other resources  
926 to agencies on methods and techniques for achieving procurement  
927 objectives that increase the use of Florida-based enterprises in  
928 state and local government procurement contracts.

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929       (d) To adopt rules, establish processes, and prescribe and  
930 publish forms as necessary to carry out the duties of the office  
931 provided in this section.

932       (g) ~~To provide a central minority business enterprise~~  
933 ~~certification process which includes independent verification of~~  
934 ~~status as a minority business enterprise.~~

935       (h) ~~To develop procedures to investigate complaints against~~  
936 ~~minority business enterprises or contractors alleged to violate~~  
937 ~~any provision related to this section or s. 287.0943, that may~~  
938 ~~include visits to worksites or business premises, and to refer~~  
939 ~~all information on businesses suspected of misrepresenting~~  
940 ~~minority status to the Department of Management Services for~~  
941 ~~investigation. When an investigation is completed and there is~~  
942 ~~reason to believe that a violation has occurred, the matter~~  
943 ~~shall be referred to the office of the Attorney General,~~  
944 ~~Department of Legal Affairs, for prosecution.~~

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

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

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

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

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958 1. Ensuring that agencies supported by state funding  
959 effectively target the delivery of services and resources, as  
960 related to minority business enterprises.

961 2. Establishing standards within each industry with which  
962 the state government contracts on how agencies and contractors  
963 may provide the maximum practicable opportunity for minority  
964 business enterprises.

965 3. Assisting agencies and contractors by providing outreach  
966 to minority businesses, by specifying and monitoring technical  
967 and managerial competence for minority business enterprises, and  
968 by consulting in planning of agency procurement to determine how  
969 best to provide opportunities for minority business enterprises.

970 4. Integrating technical and managerial assistance for  
971 minority business enterprises with government contracting  
972 opportunities.

973 (m) To certify minority business enterprises, as defined in  
974 s. 288.703, and as specified in ss. 287.0943 and 287.09431, and  
975 shall recertify such minority businesses at least once every 2  
976 years. Minority business enterprises must be recertified at  
977 least once every 2 years. Such certifications may include an  
978 electronic signature.

979 (n) 1. To develop procedures to be used by an agency in  
980 identifying commodities, contractual services, architectural and  
981 engineering services, and construction contracts, except those  
982 architectural, engineering, construction, or other related  
983 services or contracts subject to the provisions of chapter 339,  
984 that could be provided by minority business enterprises. Each  
985 agency is encouraged to spend 21 percent of the moneys actually  
986 expended for construction contracts, 25 percent of the moneys

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987 actually expended for architectural and engineering contracts,  
988 24 percent of the moneys actually expended for commodities, and  
989 50.5 percent of the moneys actually expended for contractual  
990 services during the previous fiscal year, except for the state  
991 university construction program which shall be based upon public  
992 education capital outlay projections for the subsequent fiscal  
993 year, and reported to the Legislature pursuant to s. 216.023,  
994 for the purpose of entering into contracts with certified  
995 minority business enterprises as defined in s. 288.703, or  
996 approved joint ventures. However, in the event of budget  
997 reductions pursuant to s. 216.221, the base amounts may be  
998 adjusted to reflect such reductions. The overall spending goal  
999 for each industry category shall be subdivided as follows:

1000 a. For construction contracts: 4 percent for black  
1001 Americans, 6 percent for Hispanic Americans, and 11 percent for  
1002 American women.

1003 b. For architectural and engineering contracts: 9 percent  
1004 for Hispanic Americans, 1 percent for Asian Americans, and 15  
1005 percent for American women.

1006 c. For commodities: 2 percent for black Americans, 4  
1007 percent for Hispanic Americans, 0.5 percent for Asian Americans,  
1008 0.5 percent for Native Americans, and 17 percent for American  
1009 women.

1010 d. For contractual services: 6 percent for black Americans,  
1011 7 percent for Hispanic Americans, 1 percent for Asian Americans,  
1012 0.5 percent for Native Americans, and 36 percent for American  
1013 women.

1014 2. For the purposes of commodities contracts for the  
1015 purchase of equipment to be used in the construction and

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1016 maintenance of state transportation facilities involving the  
1017 ~~Department of Transportation, the terms "minority business~~  
1018 ~~enterprise" and "minority person" have the same meanings as~~  
1019 ~~provided in s. 288.703. In order to ensure that the goals~~  
1020 ~~established under this paragraph for contracting with certified~~  
1021 ~~minority business enterprises are met, the department, with the~~  
1022 ~~assistance of the Office of Supplier Diversity, shall make~~  
1023 ~~recommendations to the Legislature on revisions to the goals,~~  
1024 ~~based on an updated statistical analysis, at least once every 5~~  
1025 ~~years. Such recommendations shall be based on statistical data~~  
1026 ~~indicating the availability of and disparity in the use of~~  
1027 ~~minority businesses contracting with the state.~~

1028 3. In determining the base amounts for assessing compliance  
1029 with this paragraph, the Office of Supplier Diversity may  
1030 develop, by rule, guidelines for all agencies to use in  
1031 establishing such base amounts. These rules must include, but  
1032 are not limited to, guidelines for calculation of base amounts,  
1033 a deadline for the agencies to submit base amounts, a deadline  
1034 for approval of the base amounts by the Office of Supplier  
1035 Diversity, and procedures for adjusting the base amounts as a  
1036 result of budget reductions made pursuant to s. 216.221.

1037 4. To determine guidelines for the use of price  
1038 preferences, weighted preference formulas, or other preferences,  
1039 as appropriate to the particular industry or trade, to increase  
1040 the participation of minority businesses in state contracting.  
1041 These guidelines shall include consideration of:

1042 a. Size and complexity of the project.  
1043 b. The concentration of transactions with minority business  
1044 enterprises for the commodity or contractual services in

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1045 question in prior agency contracting.

1046 e. The specificity and definition of work allocated to  
1047 participating minority business enterprises.

1048 d. The capacity of participating minority business  
1049 enterprises to complete the tasks identified in the project.

1050 e. The available pool of minority business enterprises as  
1051 prime contractors, either alone or as partners in an approved  
1052 joint venture that serves as the prime contractor.

1053 5. To determine guidelines for use of joint ventures to  
1054 meet minority business enterprises spending goals. For purposes  
1055 of this section, "joint venture" means any association of two or  
1056 more business concerns to carry out a single business enterprise  
1057 for profit, for which purpose they combine their property,  
1058 capital, efforts, skills, and knowledge. The guidelines shall  
1059 allow transactions with joint ventures to be eligible for credit  
1060 against the minority business enterprise goals of an agency when  
1061 the contracting joint venture demonstrates that at least one  
1062 partner to the joint venture is a certified minority business  
1063 enterprise as defined in s. 288.703, and that such partner is  
1064 responsible for a clearly defined portion of the work to be  
1065 performed, and shares in the ownership, control, management,  
1066 responsibilities, risks, and profits of the joint venture. Such  
1067 demonstration shall be by verifiable documents and sworn  
1068 statements and may be reviewed by the Office of Supplier  
1069 Diversity at or before the time a contract bid, proposal, or  
1070 reply is submitted. An agency may count toward its minority  
1071 business enterprise goals a portion of the total dollar amount  
1072 of a contract equal to the percentage of the ownership and  
1073 control held by the qualifying certified minority business

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1074 partners in the contracting joint venture, so long as the joint  
1075 venture meets the guidelines adopted by the office.

1076 (e)1. To establish a system to record and measure the use  
1077 of certified minority business enterprises in state contracting.  
1078 This system shall maintain information and statistics on  
1079 certified minority business enterprise participation, awards,  
1080 dollar volume of expenditures and agency goals, and other  
1081 appropriate types of information to analyze progress in the  
1082 access of certified minority business enterprises to state  
1083 contracts and to monitor agency compliance with this section.  
1084 Such reporting must include, but is not limited to, the  
1085 identification of all subcontracts in state contracting by  
1086 dollar amount and by number of subcontracts and the  
1087 identification of the utilization of certified minority business  
1088 enterprises as prime contractors and subcontractors by dollar  
1089 amounts of contracts and subcontracts, number of contracts and  
1090 subcontracts, minority status, industry, and any conditions or  
1091 circumstances that significantly affected the performance of  
1092 subcontractors. Agencies shall report their compliance with the  
1093 requirements of this reporting system at least annually and at  
1094 the request of the office. All agencies shall cooperate with the  
1095 office in establishing this reporting system. Except in  
1096 construction contracting, all agencies shall review contracts  
1097 costing in excess of CATEGORY FOUR as defined in s. 287.017 to  
1098 determine if such contracts could be divided into smaller  
1099 contracts to be separately solicited and awarded, and shall,  
1100 when economical, offer such smaller contracts to encourage  
1101 minority participation.

1102 2. To report agency compliance with the provisions of

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1103 subparagraph 1. for the preceding fiscal year to the Governor  
1104 and Cabinet, the President of the Senate, and the Speaker of the  
1105 House of Representatives on or before February 1 of each year.

1106 The report must contain, at a minimum, the following:

1107 a. Total expenditures of each agency by industry.

1108 b. The dollar amount and percentage of contracts awarded to  
1109 certified minority business enterprises by each state agency.

1110 c. The dollar amount and percentage of contracts awarded  
1111 indirectly to certified minority business enterprises as  
1112 subcontractors by each state agency.

1113 d. The total dollar amount and percentage of contracts  
1114 awarded to certified minority business enterprises, whether  
1115 directly or indirectly, as subcontractors.

1116 e. A statement and assessment of good faith efforts taken  
1117 by each state agency.

1118 f. A status report of agency compliance with subsection  
1119 (6), as determined by the Minority Business Enterprise Office.

1120 (5) (a) Each agency shall, at the time the specifications or  
1121 designs are developed or contract sizing is determined for any  
1122 proposed procurement costing in excess of CATEGORY FOUR, as  
1123 defined in s. 287.017, forward a notice to the Office of  
1124 Supplier Diversity of the proposed procurement and any  
1125 determination on the designs of specifications of the proposed  
1126 procurement that impose requirements on prospective vendors, no  
1127 later than 30 days prior to the issuance of a solicitation,  
1128 except that this provision shall not apply to emergency  
1129 acquisitions. The 30-day notice period shall not toll the time  
1130 for any other procedural requirements.

1131 (b) If the Office of Supplier Diversity determines that the

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1132 proposed procurement will not likely allow opportunities for  
1133 minority business enterprises, the office may, within 20 days  
1134 after it receives the information specified in paragraph (a),  
1135 propose the implementation of minority business enterprise  
1136 utilization provisions or submit alternative procurement methods  
1137 that would significantly increase minority business enterprise  
1138 contracting opportunities.

1139 (e) Whenever the agency and the Office of Supplier  
1140 Diversity disagree, the matter shall be submitted for  
1141 determination to the head of the agency or the senior-level  
1142 official designated pursuant to this section as liaison for  
1143 minority business enterprise issues.

1144 (d) If the proposed procurement proceeds to competitive  
1145 solicitation, the office is hereby granted standing to protest,  
1146 pursuant to this section, in a timely manner, any contract award  
1147 during competitive solicitation for contractual services and  
1148 construction contracts that fail to include minority business  
1149 enterprise participation, if any responsible and responsive  
1150 vendor has demonstrated the ability to achieve any level of  
1151 participation, or, any contract award for commodities where, a  
1152 reasonable and economical opportunity to reserve a contract,  
1153 statewide or district level, for minority participation was not  
1154 executed or, an agency failed to adopt an applicable preference  
1155 for minority participation. The bond requirement shall be waived  
1156 for the office purposes of this subsection.

1157 (e) An agency may presume that a vendor offering no  
1158 minority participation has not made a good faith effort when  
1159 other vendors offer minority participation of firms listed as  
1160 relevant to the agency's purchasing needs in the pertinent

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1161 locality or statewide to complete the project.

1162 (f) Paragraph (a) will not apply when the Office of  
1163 Supplier Diversity determines that an agency has established a  
1164 work plan to allow advance consultation and planning with  
1165 minority business enterprises and where such plan clearly  
1166 demonstrates:

1167 1. A high level of advance planning by the agency with  
1168 minority business enterprises.

1169 2. A high level of accessibility, knowledge, and experience  
1170 by minority business enterprises in the agency's contract  
1171 decisionmaking process.

1172 3. A high quality of agency monitoring and enforcement of  
1173 internal implementation of minority business utilization  
1174 provisions.

1175 4. A high quality of agency monitoring and enforcement of  
1176 contractor utilization of minority business enterprises,  
1177 especially tracking subcontractor data, and ensuring the  
1178 integrity of subcontractor reporting.

1179 5. A high quality of agency outreach, agency networking of  
1180 major vendors with minority vendors, and innovation in  
1181 techniques to improve utilization of minority business  
1182 enterprises.

1183 6. Substantial commitment, sensitivity, and proactive  
1184 attitude by the agency head and among the agency minority  
1185 business staff.

1186 (6) Each state agency shall coordinate its minority  
1187 business enterprise procurement activities with the Office of  
1188 Supplier Diversity. At a minimum, each agency shall:

1189 (a) Adopt a minority business enterprise utilization plan

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1190 for review and approval by the Office of Supplier Diversity  
1191 which should require meaningful and useful methods to attain the  
1192 legislative intent in assisting minority business enterprises.

1193 (b) Designate a senior-level employee in the agency as a  
1194 minority enterprise assistance officer, responsible for  
1195 overseeing the agency's minority business utilization  
1196 activities, and who is not also charged with purchasing  
1197 responsibility. A senior-level agency employee and agency  
1198 purchasing officials shall be accountable to the agency head for  
1199 the agency's minority business utilization performance. The  
1200 Office of Supplier Diversity shall advise each agency on  
1201 compliance performance.

1202 (c) If an agency deviates significantly from its  
1203 utilization plan in 2 consecutive or 3 out of 5 total fiscal  
1204 years, the Office of Supplier Diversity may review any and all  
1205 solicitations and contract awards of the agency as deemed  
1206 necessary until such time as the agency meets its utilization  
1207 plan.

1208 Section 20. Section 287.0947, Florida Statutes, is  
1209 repealed.

1210 Section 21. Paragraph (b) of subsection (4) of section  
1211 288.001, Florida Statutes, is amended to read:

1212 288.001 The Florida Small Business Development Center  
1213 Network.—

1214 (4) STATEWIDE ADVISORY BOARD.—

1215 (b) The statewide advisory board shall consist of 19  
1216 members from across this the state. At least 12 members must be  
1217 representatives of the private sector who are knowledgeable of  
1218 the needs and challenges of small businesses. The members must

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1219 represent various segments and industries of the economy in this  
1220 state and must bring knowledge and skills to the statewide  
1221 advisory board which would enhance the board's collective  
1222 knowledge of small business assistance needs and challenges.  
1223 ~~Minority and gender representation must be considered when~~  
1224 ~~making appointments to the board.~~ The board must include the  
1225 following members:

1226 1. Three members appointed from the private sector by the  
1227 President of the Senate.

1228 2. Three members appointed from the private sector by the  
1229 Speaker of the House of Representatives.

1230 3. Three members appointed from the private sector by the  
1231 Governor.

1232 4. Three members appointed from the private sector by the  
1233 network's statewide director.

1234 5. One member appointed by the host institution.

1235 6. The Secretary of Commerce or his or her designee.

1236 7. The Chief Financial Officer or his or her designee.

1237 8. The President of the Florida Chamber of Commerce or his  
1238 or her designee.

1239 9. The Small Business Development Center Project Officer  
1240 from the U.S. Small Business Administration at the South Florida  
1241 District Office or his or her designee.

1242 10. The executive director of the National Federation of  
1243 Independent Businesses, Florida, or his or her designee.

1244 11. The executive director of the Florida United Business  
1245 Association or his or her designee.

1246 12. Section 288.1167, Florida Statutes, is  
1247 repealed.

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1248       Section 23. Paragraph (b) of subsection (2) of section  
1249 288.1229, Florida Statutes, is amended to read:

1250       288.1229 Promotion and development of sports-related  
1251 industries and amateur athletics; direct-support organization  
1252 established; powers and duties.—

1253       (2) The Florida Sports Foundation must:

1254       (b) Be governed by a board of directors, which must consist  
1255 of up to 15 members appointed by the Governor. In making  
1256 appointments, the Governor must consider a potential member's  
1257 background in community service and sports activism in, and  
1258 financial support of, the sports industry, professional sports,  
1259 or organized amateur athletics. Members must be residents of the  
1260 state and highly knowledgeable about or active in professional  
1261 or organized amateur sports.

1262       1. The board must contain representatives of all  
1263 geographical regions of the state ~~and must represent ethnic and~~  
1264 ~~gender diversity.~~

1265       2. The terms of office of the members ~~are shall be~~ 4 years.  
1266 ~~A~~ ~~No~~ member may not serve more than two consecutive terms. The  
1267 Governor may remove any member for cause and shall fill all  
1268 vacancies that occur.

1269       Section 24. Section 288.124, Florida Statutes, is amended  
1270 to read:

1271       288.124 Convention grants program.—The Florida Tourism  
1272 Industry Marketing Corporation is authorized to establish a  
1273 convention grants program and, pursuant to that program, to  
1274 recommend to the department expenditures and contracts with  
1275 local governments and nonprofit corporations or organizations  
1276 for the purpose of attracting national conferences and

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1277       conventions to Florida. Preference shall be given to local  
1278       governments and nonprofit corporations or organizations seeking  
1279       to attract minority conventions to Florida. Minority conventions  
1280       are events that primarily involve minority persons, as defined  
1281       in s. 288.703, who are residents or nonresidents of the state.  
1282       The Florida Tourism Industry Marketing Corporation shall  
1283       establish guidelines governing the award of grants and the  
1284       administration of this program. The department has final  
1285       approval authority for any grants under this section. The total  
1286       annual allocation of funds for this program may shall not exceed  
1287       \$40,000.

1288       Section 25. Subsection (2) of section 288.7015, Florida  
1289       Statutes, is amended to read:

1290       288.7015 Appointment of rules ombudsman; duties.—The  
1291       Governor shall appoint a rules ombudsman, as defined in s.  
1292       288.703, in the Executive Office of the Governor, for  
1293       considering the impact of agency rules on the state's citizens  
1294       and businesses. The duties of the rules ombudsman are to:

1295       (2) Review state agency rules that adversely or  
1296       disproportionately impact businesses, ~~particularly those~~  
1297       relating to small and minority businesses.

1298       Section 26. Subsections (1), (3), and (5) of section  
1299       288.703, Florida Statutes, are amended to read:

1300       288.703 Definitions.—As used in ss. 288.702-288.706, the  
1301       term:

1302       (1) ~~"Certified minority business enterprise"~~ means a  
1303       business which has been certified by the certifying organization  
1304       or jurisdiction in accordance with s. 287.0943(1) and (2).

1305       (3) ~~"Minority business enterprise"~~ means any small business

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1306 concern as defined in subsection (6) which is organized to  
1307 engage in commercial transactions, which is domiciled in  
1308 Florida, and which is at least 51 percent owned by minority  
1309 persons who are members of an insular group that is of a  
1310 particular racial, ethnic, or gender makeup or national origin,  
1311 which has been subjected historically to disparate treatment due  
1312 to identification in and with that group resulting in an  
1313 underrepresentation of commercial enterprises under the group's  
1314 control, and whose management and daily operations are  
1315 controlled by such persons. A minority business enterprise may  
1316 primarily involve the practice of a profession. Ownership by a  
1317 minority person does not include ownership which is the result  
1318 of a transfer from a nonminority person to a minority person  
1319 within a related immediate family group if the combined total  
1320 net asset value of all members of such family group exceeds \$1  
1321 million. For purposes of this subsection, the term "related  
1322 immediate family group" means one or more children under 16  
1323 years of age and a parent of such children or the spouse of such  
1324 parent residing in the same house or living unit.

1325 (3) (5) "Ombudsman" means an office or individual whose  
1326 responsibilities include coordinating with the Office of  
1327 Supplier Development Diversity for the interests of and  
1328 providing assistance to small and minority business enterprises  
1329 in dealing with governmental agencies and in developing  
1330 proposals for changes in state agency rules.

1331 Section 27. Section 288.7031, Florida Statutes, is amended  
1332 to read:

1333 288.7031 Application of the definition of "small business"  
1334 certain definitions.—The definition definitions of "small

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1335 business," "~~minority business enterprise~~," and "~~certified~~  
1336 ~~minority business enterprise~~" provided in s. 288.703 applies  
1337 apply to the state and all political subdivisions of the state.

1338 Section 28. Paragraph (a) of subsection (1) of section  
1339 288.776, Florida Statutes, is amended to read:

1340 288.776 Board of directors; powers and duties.—

1341 (1) (a) The corporation shall have a board of directors  
1342 consisting of 15 members representing all geographic areas of  
1343 this ~~the~~ state. ~~Minority and gender representation must be~~  
1344 ~~considered when making appointments to the board.~~ The board  
1345 membership must include:

1346 1. A representative of the following businesses, all of  
1347 which must be registered to do business in this state: a foreign  
1348 bank, a state bank, a federal bank, an insurance company  
1349 involved in covering trade financing risks, and a small or  
1350 medium-sized exporter.

1351 2. The following persons or their designee: the Secretary  
1352 of Commerce, the Chief Financial Officer, the Secretary of  
1353 State, and a senior official of the United States Department of  
1354 Commerce.

1355 Section 29. Paragraph (f) of subsection (1) of section  
1356 290.0057, Florida Statutes, is amended to read:

1357 290.0057 Enterprise zone development plan.—

1358 (1) Any application for designation as a new enterprise  
1359 zone must be accompanied by a strategic plan adopted by the  
1360 governing body of the municipality or county, or the governing  
1361 bodies of the county and one or more municipalities together. At  
1362 a minimum, the plan must:

1363 (f) Identify the amount of local and private resources that

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1364 will be available in the nominated area and the private/public  
1365 partnerships to be used, which may include participation by, and  
1366 cooperation with, universities, community colleges, small  
1367 business development centers, ~~black business investment~~  
1368 ~~corporations~~, certified development corporations, and other  
1369 private and public entities.

1370 Section 30. Paragraph (c) of subsection (3) of section  
1371 290.046, Florida Statutes, is amended to read:

1372 290.046 Applications for grants; procedures; requirements.—  
1373 (3)

1374 (c) The application's program impact score, equal  
1375 employment opportunity and fair housing score, and communitywide  
1376 needs score may take into consideration scoring factors,  
1377 including, but not limited to, unemployment, poverty levels,  
1378 low-income and moderate-income populations, benefits to low-  
1379 income and moderate-income residents, ~~use of minority-owned and~~  
1380 ~~woman-owned business enterprises in previous grants~~, health and  
1381 safety issues, and the condition of physical structures.

1382 Section 31. Subsection (3) of section 320.63, Florida  
1383 Statutes, is amended to read:

1384 320.63 Application for license; contents.—Any person  
1385 desiring to be licensed pursuant to ss. 320.60-320.70 shall make  
1386 application therefor to the department upon a form containing  
1387 such information as the department requires. The department  
1388 shall require, with such application or otherwise and from time  
1389 to time, all of the following, which information may be  
1390 considered by the department in determining the fitness of the  
1391 applicant or licensee to engage in the business for which the  
1392 applicant or licensee desires to be licensed:

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(3) From each manufacturer, distributor, or importer which uses utilizes an identical blanket basic agreement for its dealers or distributors in this state, which agreement comprises all or any part of the applicant's or licensee's agreements with motor vehicle dealers in this state, a copy of the written agreement and all supplements thereto, together with a list of the applicant's or licensee's authorized dealers or distributors and their addresses. The applicant or licensee shall further notify the department immediately of the appointment of any additional dealer or distributor. ~~The applicant or licensee shall annually report to the department on its efforts to add new minority dealer points, including difficulties encountered under ss. 320.61-320.70. For purposes of this section "minority" shall have the same meaning as that given it in the definition of "minority person" in s. 288.703.~~ Not later than 60 days before the date a revision or modification to a franchise agreement is offered uniformly to a licensee's motor vehicle dealers in this state, the licensee shall notify the department of such revision, modification, or addition to the franchise agreement on file with the department. In no event may a franchise agreement, or any addendum or supplement thereto, be offered to a motor vehicle dealer in this state until the applicant or licensee files an affidavit with the department acknowledging that the terms or provisions of the agreement, or any related document, are not inconsistent with, prohibited by, or contrary to the provisions contained in ss. 320.60-320.70. Any franchise agreement offered to a motor vehicle dealer in this state must shall provide that all terms and conditions in such agreement inconsistent with the law and rules of this state

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1422 are of no force and effect.

1423       Section 32. Paragraph (g) of subsection (1) of section  
1424 376.84, Florida Statutes, is amended to read:

1425       376.84 Brownfield redevelopment economic incentives.—It is  
1426 the intent of the Legislature that brownfield redevelopment  
1427 activities be viewed as opportunities to significantly improve  
1428 the utilization, general condition, and appearance of these  
1429 sites. Different standards than those in place for new  
1430 development, as allowed under current state and local laws,  
1431 should be used to the fullest extent to encourage the  
1432 redevelopment of a brownfield. State and local governments are  
1433 encouraged to offer redevelopment incentives for this purpose,  
1434 as an ongoing public investment in infrastructure and services,  
1435 to help eliminate the public health and environmental hazards,  
1436 and to promote the creation of jobs in these areas. Such  
1437 incentives may include financial, regulatory, and technical  
1438 assistance to persons and businesses involved in the  
1439 redevelopment of the brownfield pursuant to this act.

1440       (1) Financial incentives and local incentives for  
1441 redevelopment may include, but not be limited to:

1442       (g) ~~Minority business enterprise programs as provided in s.~~  
1443 ~~287.0943.~~

1444       Section 33. Subsection (5) of section 383.216, Florida  
1445 Statutes, is amended to read:

1446       383.216 Community-based prenatal and infant health care.—

1447       (5) The membership of each prenatal and infant health care  
1448 coalition shall represent health care providers, the recipient  
1449 community, and the community at large; ~~shall represent the~~  
1450 ~~racial, ethnic, and gender composition of the community;~~ and

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1451 shall include at least the following:

1452 (a) Consumers of family planning, primary care, or prenatal  
1453 care services, at least two of whom are low-income or Medicaid  
1454 eligible.

1455 (b) Health care providers, including:

- 1456 1. County health departments.
- 1457 2. Migrant and community health centers.
- 1458 3. Hospitals.
- 1459 4. Local medical societies.
- 1460 5. Local health planning organizations.

1461 (c) Local health advocacy interest groups and community  
1462 organizations.

1463 (d) County and municipal governments.

1464 (e) Social service organizations.

1465 (f) Local education communities.

1466 Section 34. Section 395.807, Florida Statutes, is repealed.

1467 Section 35. Subsection (24) of section 409.901, Florida  
1468 Statutes, is amended to read:

1469 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1470 409.901-409.920, except as otherwise specifically provided, the  
1471 term:

1472 ~~(24) "Minority physician network" means a network of  
1473 primary care physicians with experience managing Medicaid or  
1474 Medicare recipients that is predominantly owned by minorities as  
1475 defined in s. 288.703, which may have a collaborative  
1476 partnership with a public college or university and a tax-exempt  
1477 charitable corporation.~~

1478 Section 36. Paragraph (e) of subsection (1) of section  
1479 409.920, Florida Statutes, is amended to read:

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1480 409.920 Medicaid provider fraud.—  
1481 (1) For the purposes of this section, the term:  
1482 (e) "Managed care plans" means a health insurer authorized  
1483 under chapter 624, an exclusive provider organization authorized  
1484 under chapter 627, a health maintenance organization authorized  
1485 under chapter 641, a prepaid health plan authorized under this  
1486 chapter, a provider service network authorized under this  
1487 chapter, ~~a minority physician network authorized under this~~  
1488 ~~chapter,~~ and an emergency department diversion program  
1489 authorized under this chapter or the General Appropriations Act,  
1490 providing health care services pursuant to a contract with the  
1491 Medicaid program.

1492 Section 37. Paragraph (b) of subsection (4) of section  
1493 430.502, Florida Statutes, is amended to read:

1494 430.502 Alzheimer's disease; memory disorder clinics and  
1495 day care and respite care programs.—

1496 (4) The department shall develop performance goals that  
1497 exceed the minimum performance standards developed under  
1498 subsection (3), which goals must be achieved in order for a  
1499 memory disorder clinic to be eligible for incentive funding  
1500 above the base level, subject to legislative appropriation.  
1501 Incentive funding shall be based on criteria including, but not  
1502 limited to:

1503 (b) Significant increase in public outreach to low-income  
1504 ~~and minority~~ populations.

1505 Section 38. Paragraph (b) of subsection (2) of section  
1506 440.45, Florida Statutes, is amended to read:

1507 440.45 Office of the Judges of Compensation Claims.—  
1508 (2)

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1509 (b) Except as provided in paragraph (c), the Governor shall  
1510 appoint a judge of compensation claims from a list of three  
1511 persons nominated by a statewide nominating commission. The  
1512 statewide nominating commission shall be composed of the  
1513 following:

1514 1. Six members, at least one of whom must be a member of a  
1515 minority group as defined in s. 288.703, one of each who resides  
1516 in each of the territorial jurisdictions of the district courts  
1517 of appeal, appointed by the Board of Governors of The Florida  
1518 Bar from among The Florida Bar members engaged in the practice  
1519 of law. Each member shall be appointed for a 4-year term;

1520 2. Six electors, at least one of whom must be a member of a  
1521 minority group as defined in s. 288.703, one of each who resides  
1522 in each of the territorial jurisdictions of the district courts  
1523 of appeal, appointed by the Governor. Each member shall be  
1524 appointed for a 4-year term; and

1525           3. Six electors, at least one of whom must be a member of a  
1526 minority group as defined in s. 288.703, one of each who resides  
1527 in each of the territorial jurisdictions of the district courts  
1528 of appeal, selected and appointed by a majority vote of the  
1529 other 10 members of the commission. Each member shall be  
1530 appointed for a 4-year term.

1531  
1532 A vacancy occurring on the commission must shall be filled by  
1533 the original appointing authority for the unexpired balance of  
1534 the term. An attorney who appears before any judge of  
1535 compensation claims more than four times a year is not eligible  
1536 to serve on the statewide nominating commission. The meetings  
1537 and determinations of the nominating commission as to the judges

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1538 of compensation claims must shall be open to the public.

1539 Section 39. Subsections (1) and (8) of section 445.007,  
1540 Florida Statutes, are amended to read:

1541 445.007 Local workforce development boards.—

1542 (1) One local workforce development board shall be  
1543 appointed in each designated service delivery area and shall  
1544 serve as the local workforce development board pursuant to Pub.  
1545 L. No. 113-128. The membership of the local board must be  
1546 consistent with Pub. L. No. 113-128, Title I, s. 107(b). If a  
1547 public education or training provider is represented on the  
1548 local board, a representative of a private education provider  
1549 must also be appointed to the local board. The state board may  
1550 waive this requirement if requested by a local board if it is  
1551 demonstrated that such representatives do not exist in the  
1552 region. ~~The importance of minority and gender representation~~  
1553 ~~shall be considered when making appointments to the local board.~~  
1554 The local board, its committees, subcommittees, and  
1555 subdivisions, and other units of the workforce system, including  
1556 units that may consist in whole or in part of local governmental  
1557 units, may use any method of telecommunications to conduct  
1558 meetings, including establishing a quorum through  
1559 telecommunications, provided that the public is given proper  
1560 notice of the telecommunications meeting and reasonable access  
1561 to observe and, when appropriate, participate. Local boards are  
1562 subject to chapters 119 and 286 and s. 24, Art. I of the State  
1563 Constitution. Each member of a local board who is not otherwise  
1564 required to file a full and public disclosure of financial  
1565 interests under s. 8, Art. II of the State Constitution or s.  
1566 112.3144 shall file a statement of financial interests under s.

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1567 112.3145. The executive director or designated person  
1568 responsible for the operational and administrative functions of  
1569 the local board who is not otherwise required to file a full and  
1570 public disclosure of financial interests under s. 8, Art. II of  
1571 the State Constitution or s. 112.3144 shall file a statement of  
1572 financial interests under s. 112.3145. The local board's  
1573 website, or the department's website if the local board does not  
1574 maintain a website, must inform the public that each disclosure  
1575 or statement has been filed with the Commission on Ethics and  
1576 provide information how each disclosure or statement may be  
1577 reviewed. The notice to the public must remain on the website  
1578 throughout the term of office or employment of the filer and  
1579 until 1 year after the term on the local board or employment  
1580 ends.

1581 ~~(8) The importance of minority and gender representation  
1582 shall be considered when appointments are made to any committee  
1583 established by the local workforce development board.~~

1584 Section 40. Subsection (12) of section 446.041, Florida  
1585 Statutes, is amended to read:

1586 446.041 Duties of the department.—The department shall:

1587 ~~(12) Ensure that minority and gender diversity are  
1588 considered in administering this program.~~

1589 Section 41. Subsection (4) of section 489.111, Florida  
1590 Statutes, is amended to read:

1591 489.111 Licensure by examination.—

1592 ~~(4) The department shall ensure that a sensitivity review  
1593 committee has been established including representatives of  
1594 various ethnic/minority groups. No question found by this  
1595 committee to be discriminatory against any ethnic/minority group~~

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1596 shall be included in the examination.

1597 Section 42. Subsection (7) of section 627.3511, Florida  
1598 Statutes, is amended to read:

1599 627.3511 Depopulation of Citizens Property Insurance  
1600 Corporation.—

1601 (7) ~~A minority business, which is at least 51 percent owned~~  
1602 ~~by minority persons as described in s. 288.703, desiring to~~  
1603 ~~operate or become licensed as a property and casualty insurer~~  
1604 ~~may exempt up to \$50 of the escrow requirements of the take-out~~  
1605 ~~bonus, as described in this section. Such minority business,~~  
1606 ~~which has applied for a certificate of authority to engage in~~  
1607 ~~business as a property and casualty insurer, may simultaneously~~  
1608 ~~file the business' proposed take-out plan, as described in this~~  
1609 ~~section, with the corporation.~~

1610 Section 43. Section 641.217, Florida Statutes, is repealed.

1611 Section 44. Chapter 760, Florida Statutes, entitled  
1612 "Discrimination in the Treatment of Persons; Minority  
1613 Representation" is retitled "Discrimination in the Treatment of  
1614 Persons."

1615 Section 45. Section 760.80, Florida Statutes, is repealed.

1616 Section 46. Part V of chapter 760, Florida Statutes, is  
1617 redesignated as part IV of that chapter.

1618 Section 47. Paragraph (d) of subsection (7) of section  
1619 1001.706, Florida Statutes, is amended to read:

1620 1001.706 Powers and duties of the Board of Governors.—

1621 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

1622 (d) ~~The Board of Governors, or the board's designee, shall~~  
1623 ~~ensure compliance with the provisions of s. 287.09451 for all~~  
1624 ~~procurement and ss. 255.101 and 255.102 for construction~~

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1625 contracts, and rules adopted pursuant thereto, relating to the  
1626 utilization of minority business enterprises, except that  
1627 procurements costing less than the amount provided for in  
1628 CATEGORY FIVE as provided in s. 287.017 shall not be subject to  
1629 ~~s. 287.09451.~~

1630 Section 48. Subsections (1) and (10) of section 1004.42,  
1631 Florida Statutes, are amended to read:

1632 1004.42 Florida State University College of Medicine.—

1633 (1) CREATION.—There is hereby established a 4-year  
1634 allopathic medical school within the Florida State University,  
1635 to be known as the Florida State University College of Medicine,  
1636 with a principal focus on recruiting and training medical  
1637 professionals to meet the primary health care needs of the  
1638 state, especially the needs of the state's elderly, rural,  
1639 ~~minority~~, and other underserved citizens.

1640 (10) INCREASING PARTICIPATION OF UNDERREPRESENTED GROUPS.—  
1641 To increase the participation of underrepresented groups and  
1642 socially and economically disadvantaged youth in science and  
1643 medical programs, the College of Medicine shall ~~continue the~~  
1644 ~~outreach efforts of the Program in Medical Sciences (PIMS) to~~  
1645 ~~middle and high school minority students, including the Science~~  
1646 ~~Students Together Reaching Instructional Diversity and~~  
1647 ~~Excellence (SSTRIDE)~~, and shall build an endowment income to  
1648 support recruitment programs and scholarship and financial aid  
1649 packages for these students. To develop a base of qualified  
1650 potential medical school candidates from underrepresented  
1651 groups, the College of Medicine shall coordinate with the  
1652 undergraduate premedical and science programs currently offered  
1653 at the Florida State University, develop relationships with

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1654 potential feeder institutions, including 4-year institutions and  
1655 community colleges, and pursue grant funds to support programs,  
1656 as well as support scholarship and financial aid packages. The  
1657 College of Medicine shall develop plans for a postbaccalaureate,  
1658 1-year academic program that provides a second chance to a  
1659 limited number of students per year who have been declined  
1660 medical school admission, who are state residents, and who meet  
1661 established criteria as socially and economically disadvantaged.  
1662 The College of Medicine shall make every effort, through  
1663 recruitment and retention, to employ a faculty and support staff  
1664 that reflect the heterogeneous nature of the state's general  
1665 population.

1666 Section 49. Paragraph (a) of subsection (4) of section  
1667 1004.435, Florida Statutes, is amended to read:

1668 1004.435 Cancer control and research.—

1669 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
1670 CREATION; COMPOSITION.—

1671 (a) There is created within the H. Lee Moffitt Cancer  
1672 Center and Research Institute, Inc., the Florida Cancer Control  
1673 and Research Advisory Council. The council shall consist of 16  
1674 members, which includes the chair chairperson, all of whom must  
1675 be residents of this state. The State Surgeon General or his or  
1676 her designee within the Department of Health shall be one of the  
1677 16 members. Members, except those appointed by the Governor, the  
1678 Speaker of the House of Representatives, or the President of the  
1679 Senate, must be appointed by the chief executive officer of the  
1680 institution or organization represented, or his or her designee.  
1681 One member must be a representative of the American Cancer  
1682 Society; one member must be a representative of the Sylvester

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1683      Comprehensive Cancer Center of the University of Miami; one  
1684      member must be a representative of the University of Florida  
1685      Shands Cancer Center; one member must be a representative of the  
1686      Florida Nurses Association who specializes in the field of  
1687      oncology and is not from an institution or organization already  
1688      represented on the council; one member must be a representative  
1689      of the Florida Osteopathic Medical Association who specializes  
1690      in the field of oncology; one member must be a member of the  
1691      Florida Medical Association who specializes in the field of  
1692      oncology and who represents a cancer center not already  
1693      represented on the council; one member must be a representative  
1694      of the H. Lee Moffitt Cancer Center and Research Institute,  
1695      Inc.; one member must be a representative of the Mayo Clinic in  
1696      Jacksonville; one member must be a member of the Florida  
1697      Hospital Association who specializes in the field of oncology  
1698      and who represents a comprehensive cancer center not already  
1699      represented on the council; one member must be a representative  
1700      of the Association of Community Cancer Centers; one member must  
1701      specialize in pediatric oncology research or clinical care  
1702      appointed by the Governor; one member must specialize in  
1703      oncology clinical care or research appointed by the President of  
1704      the Senate; one member must be a current or former cancer  
1705      patient or a current or former caregiver to a cancer patient  
1706      appointed by the Speaker of the House of Representatives; one  
1707      member must be a member of the House of Representatives  
1708      appointed by the Speaker of the House of Representatives; and  
1709      one member must be a member of the Senate appointed by the  
1710      President of the Senate. ~~At least four of the members must be~~  
1711      ~~individuals who are minority persons as defined by s. 288.703.~~

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1712       Section 50. Section 1007.34, Florida Statutes, is repealed.  
1713       Section 51. Section 1007.35, Florida Statutes, is repealed.  
1714       Section 52. Section 1011.86, Florida Statutes, is repealed.  
1715       Section 53. Paragraph (c) of subsection (1) of section  
1716 1013.46, Florida Statutes, is amended to read:  
1717       1013.46 Advertising and awarding contracts;  
1718 prequalification of contractor.—

1719       (1)  
1720       (e) ~~As an option, any county, municipality, or board may~~  
1721 ~~set aside up to 10 percent of the total amount of funds~~  
1722 ~~allocated for the purpose of entering into construction capital~~  
1723 ~~project contracts with minority business enterprises, as defined~~  
1724 ~~in s. 287.094. Such contracts shall be competitively bid only~~  
1725 ~~among minority business enterprises. The set aside shall be used~~  
1726 ~~to redress present effects of past discriminatory practices and~~  
1727 ~~shall be subject to periodic reassessment to account for~~  
1728 ~~changing needs and circumstances.~~

1729       Section 54. Subsection (1) of section 43.16, Florida  
1730 Statutes, is amended to read:

1731       43.16 Justice Administrative Commission; membership, powers  
1732 and duties.—

1733       (1) There is hereby created a Justice Administrative  
1734 Commission, with headquarters located in the state capital. The  
1735 necessary office space for use of the commission shall be  
1736 furnished by the proper state agency in charge of state  
1737 buildings. For purposes of the fees imposed on agencies pursuant  
1738 to s. 287.057(22) ~~s. 287.057(24)~~, the Justice Administrative  
1739 Commission shall be exempt from such fees.

1740       Section 55. Paragraph (g) of subsection (3) of section

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1741 212.096, Florida Statutes, is amended to read:

1742 212.096 Sales, rental, storage, use tax; enterprise zone  
1743 jobs credit against sales tax.—

1744 (3) In order to claim this credit, an eligible business  
1745 must file under oath with the governing body or enterprise zone  
1746 development agency having jurisdiction over the enterprise zone  
1747 where the business is located, as applicable, a statement which  
1748 includes:

1749 (g) Whether the business is a small business as defined by  
1750 s. 288.703 ~~s. 288.703(6)~~.

1751 Section 56. Paragraph (a) of subsection (2) of section  
1752 215.971, Florida Statutes, is amended to read:

1753 215.971 Agreements funded with federal or state  
1754 assistance.—

1755 (2) For each agreement funded with federal or state  
1756 financial assistance, the state agency shall designate an  
1757 employee to function as a grant manager who shall be responsible  
1758 for enforcing performance of the agreement's terms and  
1759 conditions and who shall serve as a liaison with the recipient  
1760 or subrecipient.

1761 (a)1. Each grant manager who is responsible for agreements  
1762 in excess of the threshold amount for CATEGORY TWO under s.  
1763 287.017 must, at a minimum, complete training conducted by the  
1764 Chief Financial Officer for accountability in contracts and  
1765 grant management.

1766 2. Effective December 1, 2014, each grant manager  
1767 responsible for agreements in excess of \$100,000 annually must  
1768 complete the training and become a certified contract manager as  
1769 provided under s. 287.057(13) ~~s. 287.057(15)~~. All grant managers

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1770 must become certified contract managers within 24 months after  
1771 establishment of the training and certification requirements by  
1772 the Department of Management Services and the Department of  
1773 Financial Services.

1774 Section 57. Subsection (5) of section 282.201, Florida  
1775 Statutes, is amended to read:

1776 282.201 State data center.—The state data center is  
1777 established within the department. The provision of data center  
1778 services must comply with applicable state and federal laws,  
1779 regulations, and policies, including all applicable security,  
1780 privacy, and auditing requirements. The department shall appoint  
1781 a director of the state data center who has experience in  
1782 leading data center facilities and has expertise in cloud-  
1783 computing management.

1784 (5) NORTHWEST REGIONAL DATA CENTER CONTRACT.—In order for  
1785 the department to carry out its duties and responsibilities  
1786 relating to the state data center, the secretary of the  
1787 department shall contract by July 1, 2022, with the Northwest  
1788 Regional Data Center pursuant to s. 287.057(10) ~~s. 287.057(11)~~.  
1789 The contract shall provide that the Northwest Regional Data  
1790 Center will manage the operations of the state data center and  
1791 provide data center services to state agencies.

1792 (a) The department shall provide contract oversight,  
1793 including, but not limited to, reviewing invoices provided by  
1794 the Northwest Regional Data Center for services provided to  
1795 state agency customers.

1796 (b) The department shall approve or request updates to  
1797 invoices within 10 business days after receipt. If the  
1798 department does not respond to the Northwest Regional Data

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1799      Center, the invoice will be approved by default. The Northwest  
1800     Regional Data Center must submit approved invoices directly to  
1801     state agency customers.

1802       Section 58. Paragraph (a) of subsection (3) of section  
1803     282.709, Florida Statutes, is amended to read:

1804       282.709 State agency law enforcement radio system and  
1805     interoperability network.—

1806       (3) In recognition of the critical nature of the statewide  
1807     law enforcement radio communications system, the Legislature  
1808     finds that there is an immediate danger to the public health,  
1809     safety, and welfare, and that it is in the best interest of the  
1810     state to continue partnering with the system's current operator.  
1811     The Legislature finds that continuity of coverage is critical to  
1812     supporting law enforcement, first responders, and other public  
1813     safety users. The potential for a loss in coverage or a lack of  
1814     interoperability between users requires emergency action and is  
1815     a serious concern for officers' safety and their ability to  
1816     communicate and respond to various disasters and events.

1817       (a) The department, pursuant to s. 287.057(10) s.  
1818     287.057(11), shall enter into a 15-year contract with the entity  
1819     that was operating the statewide radio communications system on  
1820     January 1, 2021. The contract must include:

- 1821       1. The purchase of radios;
- 1822       2. The upgrade to the Project 25 communications standard;
- 1823       3. Increased system capacity and enhanced coverage for  
1824     system users;
- 1825       4. Operations, maintenance, and support at a fixed annual  
1826     rate;
- 1827       5. The conveyance of communications towers to the

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1828 department; and

1829 6. The assignment of communications tower leases to the  
1830 department.1831 Section 59. Paragraph (b) of subsection (3) of section  
1832 286.101, Florida Statutes, is amended to read:

1833 286.101 Foreign gifts and contracts.—

1834 (3)

1835 (b) Disclosure under this subsection is not required with  
1836 respect to:1837 1. A proposal to sell commodities through the online  
1838 procurement program established pursuant to s. 287.057(20) ss.  
1839 ~~287.057(22)~~;1840 2. A proposal to sell commodities to a university pursuant  
1841 to Board of Governors Regulation 18.001;1842 3. An application or proposal from an entity that discloses  
1843 foreign gifts or grants under subsection (2) or s. 1010.25;1844 4. An application or proposal from a foreign source that,  
1845 if granted or accepted, would be disclosed under subsection (2)  
1846 or s. 1010.25; or1847 5. An application or proposal from a public or not-for-  
1848 profit research institution with respect to research funded by  
1849 any federal agency.1850 Section 60. Paragraph (a) of subsection (3) of section  
1851 287.0571, Florida Statutes, is amended to read:

1852 287.0571 Business case to outsource; applicability.—

1853 (3) This section does not apply to:

1854 (a) A procurement of commodities and contractual services  
1855 listed in s. 287.057(3)(d) and (e) and (21) (23).

1856 Section 61. Paragraph (b) of subsection (2) of section

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1857 288.0001, Florida Statutes, is amended to read:

1858        288.0001 Economic Development Programs Evaluation.—The  
1859 Office of Economic and Demographic Research and the Office of  
1860 Program Policy Analysis and Government Accountability (OPPAGA)  
1861 shall develop and present to the Governor, the President of the  
1862 Senate, the Speaker of the House of Representatives, and the  
1863 chairs of the legislative appropriations committees the Economic  
1864 Development Programs Evaluation.

1865        (2) The Office of Economic and Demographic Research and  
1866 OPPAGA shall provide a detailed analysis of economic development  
1867 programs as provided in the following schedule:

1868        (b) By January 1, 2015, and every 3 years thereafter, an  
1869 analysis of:

1870        1. The entertainment industry sales tax exemption program  
1871 established under s. 288.1258.

1872        2. VISIT Florida and its programs established or funded  
1873 under ss. 288.122-288.12265 and 288.124.

1874        3. The Florida Sports Foundation and related programs,  
1875 including those established under ss. 288.1162, 288.11621, and  
1876 288.1166, ~~and 288.1167~~.

1877        Section 62. Subsection (2) of section 288.706, Florida  
1878 Statutes, is amended to read:

1879        288.706 Florida Minority Business Loan Mobilization  
1880 Program.—

1881        (2) The Florida Minority Business Loan Mobilization Program  
1882 is created to promote the development of minority business  
1883 enterprises, ~~as defined in s. 288.703(3)~~, increase the ability  
1884 of minority business enterprises to compete for state contracts,  
1885 and sustain the economic growth of minority business enterprises

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1886 in this state. The goal of the program is to assist minority  
1887 business enterprises by facilitating working capital loans to  
1888 minority business enterprises that are vendors on state agency  
1889 contracts. The Department of Management Services shall  
1890 administer the program.

1891 Section 63. Subsection (4) of section 290.004, Florida  
1892 Statutes, is amended to read:

1893 290.004 Definitions relating to Florida Enterprise Zone  
1894 Act.—As used in ss. 290.001-290.016:

1895 (4) ~~“Minority business enterprise” has the same meaning as~~  
1896 ~~provided in s. 288.703.~~

1897 Section 64. Paragraph (b) of subsection (4) of section  
1898 295.187, Florida Statutes, is amended to read:

1899 295.187 Florida Veteran Business Enterprise Opportunity  
1900 Act.—

1901 (4) VENDOR PREFERENCE.—

1902 (b) ~~Notwithstanding s. 287.057(12),~~ If a veteran business  
1903 enterprise entitled to the vendor preference under this section  
1904 and one or more businesses entitled to this preference or  
1905 another vendor preference provided by law submit bids,  
1906 proposals, or replies for procurement of commodities or  
1907 contractual services which are equal with respect to all  
1908 relevant considerations, including price, quality, and service,  
1909 the state agency must award the procurement or contract to  
1910 the business having the smallest net worth.

1911 Section 65. Paragraph (d) of subsection (4) of section  
1912 337.11, Florida Statutes, is amended to read:

1913 337.11 Contracting authority of department; bids; emergency  
1914 repairs, supplemental agreements, and change orders; combined

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1915 design and construction contracts; progress payments; records;  
1916 requirements of vehicle registration.—  
1917 (4)  
1918 (d) Notwithstanding the requirements of ss. 120.57(3)(c)  
1919 and 287.057(23) ~~ss. 120.57(3)(e) and 287.057(25)~~, upon receipt  
1920 of a formal written protest that is timely filed, the department  
1921 may continue the process provided in this subsection but may not  
1922 take final agency action as to the lowest bidder except as part  
1923 of the department's final agency action in the protest or upon  
1924 dismissal of the protest by the protesting party.

1925 Section 66. Paragraph (b) of subsection (5) of section  
1926 339.63, Florida Statutes, is amended to read:

1927 339.63 System facilities designated; additions and  
1928 deletions.—

1929 (5)  
1930 (b) A facility designated part of the Strategic Intermodal  
1931 System pursuant to paragraph (a) which that is within the  
1932 jurisdiction of a local government that maintains a  
1933 transportation concurrency system must ~~shall~~ receive a waiver of  
1934 transportation concurrency requirements applicable to Strategic  
1935 Intermodal System facilities in order to accommodate any  
1936 development at the facility which occurs pursuant to a building  
1937 permit issued on or before December 31, 2017, but only if such  
1938 facility is located:

1939 1. Within an area designated pursuant to s. 288.0656(7) as  
1940 a rural area of opportunity;

1941 2. Within a rural enterprise zone as defined in s. 290.004  
1942 ~~s. 290.004(5)~~; or

1943 3. Within 15 miles of the boundary of a rural area of

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1944 opportunity or a rural enterprise zone.

1945       Section 67. Paragraph (a) of subsection (2) of section  
1946 376.3072, Florida Statutes, is amended to read:

1947       376.3072 Florida Petroleum Liability and Restoration  
1948 Insurance Program.—

1949       (2) (a) An owner or operator of a petroleum storage system  
1950 may become an insured in the restoration insurance program at a  
1951 facility if:

1952       1. A site at which an incident has occurred is eligible for  
1953 restoration if the insured is a participant in the third-party  
1954 liability insurance program or otherwise meets applicable  
1955 financial responsibility requirements. After July 1, 1993, the  
1956 insured must also provide the required excess insurance coverage  
1957 or self-insurance for restoration to achieve the financial  
1958 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,  
1959 not covered by paragraph (d).

1960       2. A site which had a discharge reported before January 1,  
1961 1989, for which notice was given pursuant to s. 376.3071(10) and  
1962 which is ineligible for the third-party liability insurance  
1963 program solely due to that discharge is eligible for  
1964 participation in the restoration program for an incident  
1965 occurring on or after January 1, 1989, pursuant to subsection  
1966 (3). Restoration funding for an eligible contaminated site will  
1967 be provided without participation in the third-party liability  
1968 insurance program until the site is restored as required by the  
1969 department or until the department determines that the site does  
1970 not require restoration.

1971       3. Notwithstanding paragraph (b), a site where an  
1972 application is filed with the department before January 1, 1995,

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1973 where the owner is a small business under s. 288.703 s.  
1974 ~~288.703(6)~~, a Florida College System institution with less than  
1975 2,500 FTE, a religious institution as defined by s.  
1976 212.08(7)(m), a charitable institution as defined by s.  
1977 212.08(7)(p), or a county or municipality with a population of  
1978 less than 50,000, is eligible for up to \$400,000 of eligible  
1979 restoration costs, less a deductible of \$10,000 for small  
1980 businesses, eligible Florida College System institutions, and  
1981 religious or charitable institutions, and \$30,000 for eligible  
1982 counties and municipalities, if:

1983 a. Except as provided in sub-subparagraph e., the facility  
1984 was in compliance with department rules at the time of the  
1985 discharge.

1986 b. The owner or operator has, upon discovery of a  
1987 discharge, promptly reported the discharge to the department,  
1988 and drained and removed the system from service, if necessary.

1989 c. The owner or operator has not intentionally caused or  
1990 concealed a discharge or disabled leak detection equipment.

1991 d. The owner or operator proceeds to complete initial  
1992 remedial action as specified in department rules.

1993 e. The owner or operator, if required and if it has not  
1994 already done so, applies for third-party liability coverage for  
1995 the facility within 30 days after receipt of an eligibility  
1996 order issued by the department pursuant to this subparagraph.

1997  
1998 However, the department may consider in-kind services from  
1999 eligible counties and municipalities in lieu of the \$30,000  
2000 deductible. The cost of conducting initial remedial action as  
2001 defined by department rules is an eligible restoration cost

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2002 pursuant to this subparagraph.

2003        4.a. By January 1, 1997, facilities at sites with existing  
2004 contamination must have methods of release detection to be  
2005 eligible for restoration insurance coverage for new discharges  
2006 subject to department rules for secondary containment. Annual  
2007 storage system testing, in conjunction with inventory control,  
2008 shall be considered to be a method of release detection until  
2009 the later of December 22, 1998, or 10 years after the date of  
2010 installation or the last upgrade. Other methods of release  
2011 detection for storage tanks which meet such requirement are:

2012        (I) Interstitial monitoring of tank and integral piping  
2013 secondary containment systems;

2014        (II) Automatic tank gauging systems; or

2015        (III) A statistical inventory reconciliation system with a  
2016 tank test every 3 years.

2017        b. For pressurized integral piping systems, the owner or  
2018 operator must use:

2019        (I) An automatic in-line leak detector with flow  
2020 restriction meeting the requirements of department rules used in  
2021 conjunction with an annual tightness or pressure test; or

2022        (II) An automatic in-line leak detector with electronic  
2023 flow shut-off meeting the requirements of department rules.

2024        c. For suction integral piping systems, the owner or  
2025 operator must use:

2026        (I) A single check valve installed directly below the  
2027 suction pump if there are no other valves between the dispenser  
2028 and the tank; or

2029        (II) An annual tightness test or other approved test.

2030        d. Owners of facilities with existing contamination that

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2031 install internal release detection systems pursuant to sub-  
2032 subparagraph a. shall permanently close their external  
2033 groundwater and vapor monitoring wells pursuant to department  
2034 rules by December 31, 1998. Upon installation of the internal  
2035 release detection system, such wells must be secured and taken  
2036 out of service until permanent closure.

2037 e. Facilities with vapor levels of contamination meeting  
2038 the requirements of or below the concentrations specified in the  
2039 performance standards for release detection methods specified in  
2040 department rules may continue to use vapor monitoring wells for  
2041 release detection.

2042 f. The department may approve other methods of release  
2043 detection for storage tanks and integral piping which have at  
2044 least the same capability to detect a new release as the methods  
2045 specified in this subparagraph.

2046  
2047 Sites meeting the criteria of this subsection for which a site  
2048 rehabilitation completion order was issued before June 1, 2008,  
2049 do not qualify for the 2008 increase in site rehabilitation  
2050 funding assistance and are bound by the pre-June 1, 2008,  
2051 limits. Sites meeting the criteria of this subsection for which  
2052 a site rehabilitation completion order was not issued before  
2053 June 1, 2008, regardless of whether they have previously  
2054 transitioned to nonstate-funded cleanup status, may continue  
2055 state-funded cleanup pursuant to s. 376.3071(6) until a site  
2056 rehabilitation completion order is issued or the increased site  
2057 rehabilitation funding assistance limit is reached, whichever  
2058 occurs first.

2059 Section 68. Paragraph (b) of subsection (8) of section

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2060        381.986, Florida Statutes, is amended to read:

2061            381.986 Medical use of marijuana.—

2062            (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

2063            (b) An applicant for licensure as a medical marijuana

2064            treatment center must apply to the department on a form

2065            prescribed by the department and adopted in rule. The department

2066            shall adopt rules pursuant to ss. 120.536(1) and 120.54

2067            establishing a procedure for the issuance and biennial renewal

2068            of licenses, including initial application and biennial renewal

2069            fees sufficient to cover the costs of implementing and

2070            administering this section, and establishing supplemental

2071            licensure fees for payment beginning May 1, 2018, sufficient to

2072            cover the costs of administering ss. 381.989 and 1004.4351. The

2073            department shall identify applicants with strong diversity plans

2074            reflecting the ~~this~~ state's commitment to diversity and

2075            implement training programs and other educational programs to

2076            enable minority persons ~~and minority business enterprises~~, as

2077            defined in s. 288.703, and veteran business enterprises, as

2078            defined in s. 295.187, to compete for medical marijuana

2079            treatment center licensure and contracts. Subject to the

2080            requirements in subparagraphs (a)2.-4., the department must

2081            ~~shall~~ issue a license to an applicant if the applicant meets the

2082            requirements of this section and pays the initial application

2083            fee. The department must ~~shall~~ renew the licensure of a medical

2084            marijuana treatment center biennially if the licensee meets the

2085            requirements of this section and pays the biennial renewal fee.

2086            However, the department may not renew the license of a medical

2087            marijuana treatment center that has not begun to cultivate,

2088            process, and dispense marijuana by the date that the medical

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2089 marijuana treatment center is required to renew its license. An  
2090 individual may not be an applicant, an owner, an officer, a  
2091 board member, or a manager on more than one application for  
2092 licensure as a medical marijuana treatment center. An individual  
2093 or entity may not be awarded more than one license as a medical  
2094 marijuana treatment center. An applicant for licensure as a  
2095 medical marijuana treatment center must demonstrate:

2096 1. That, for the 5 consecutive years before submitting the  
2097 application, the applicant has been registered to do business in  
2098 this state.

2099 2. Possession of a valid certificate of registration issued  
2100 by the Department of Agriculture and Consumer Services pursuant  
2101 to s. 581.131.

2102 3. The technical and technological ability to cultivate and  
2103 produce marijuana, including, but not limited to, low-THC  
2104 cannabis.

2105 4. The ability to secure the premises, resources, and  
2106 personnel necessary to operate as a medical marijuana treatment  
2107 center.

2108 5. The ability to maintain accountability of all raw  
2109 materials, finished products, and any byproducts to prevent  
2110 diversion or unlawful access to or possession of these  
2111 substances.

2112 6. An infrastructure reasonably located to dispense  
2113 marijuana to registered qualified patients statewide or  
2114 regionally as determined by the department.

2115 7. The financial ability to maintain operations for the  
2116 duration of the 2-year approval cycle, including the provision  
2117 of certified financial statements to the department.

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2118        a. Upon approval, the applicant must post a \$5 million  
2119 performance bond issued by an authorized surety insurance  
2120 company rated in one of the three highest rating categories by a  
2121 nationally recognized rating service. However, a medical  
2122 marijuana treatment center serving at least 1,000 qualified  
2123 patients is only required to maintain a \$2 million performance  
2124 bond.

2125        b. In lieu of the performance bond required under sub-  
2126 subparagraph a., the applicant may provide an irrevocable letter  
2127 of credit payable to the department or provide cash to the  
2128 department. If provided with cash under this sub subparagraph,  
2129 the department must deposit the cash in the Grants and Donations  
2130 Trust Fund within the Department of Health, subject to the same  
2131 conditions as the bond regarding requirements for the applicant  
2132 to forfeit ownership of the funds. If the funds deposited under  
2133 this sub subparagraph generate interest, the amount of that  
2134 interest must be used by the department for the administration  
2135 of this section.

2136        8. That all owners and managers have passed a background  
2137 screening pursuant to subsection (9). As used in this  
2138 subparagraph, the term:

2139        a. "Manager" means any person with the authority to  
2140 exercise or contribute to the operational control, direction, or  
2141 management of an applicant or a medical marijuana treatment  
2142 center or who has authority to supervise any employee of an  
2143 applicant or a medical marijuana treatment center. The term  
2144 includes an individual with the power or authority to direct or  
2145 influence the direction or operation of an applicant or a  
2146 medical marijuana treatment center through board membership, an

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2147 agreement, or a contract.

2148       b. "Owner" means any person who owns or controls a 5  
2149 percent or greater share of interests of the applicant or a  
2150 medical marijuana treatment center which include beneficial or  
2151 voting rights to interests. In the event that one person owns a  
2152 beneficial right to interests and another person holds the  
2153 voting rights with respect to such interests, then in such case,  
2154 both are considered the owner of such interests.

2155       9. The employment of a medical director to supervise the  
2156 activities of the medical marijuana treatment center.

2157       10. A diversity plan that promotes and ensures the  
2158 involvement of minority persons ~~and minority business~~  
2159 enterprises, as defined in s. 288.703, or veteran business  
2160 enterprises, as defined in s. 295.187, in ownership, management,  
2161 and employment. An applicant for licensure renewal must show the  
2162 effectiveness of the diversity plan by including the following  
2163 with his or her application for renewal:

2164       a. Representation of minority persons and veterans in the  
2165 medical marijuana treatment center's workforce;

2166       b. Efforts to recruit minority persons and veterans for  
2167 employment; and

2168       c. A record of contracts for services with minority  
2169 business enterprises and veteran business enterprises.

2170       Section 69. Paragraph (a) of subsection (1) of section  
2171 394.47865, Florida Statutes, is amended to read:

2172       394.47865 South Florida State Hospital; privatization.—

2173       (1) The Department of Children and Families shall, through  
2174 a request for proposals, privatize South Florida State Hospital.  
2175 The department shall plan to begin implementation of this

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2176 privatization initiative by July 1, 1998.

2177 (a) Notwithstanding s. 287.057(12) ~~s. 287.057(14)~~, the  
2178 department may enter into agreements, not to exceed 20 years,  
2179 with a private provider, a coalition of providers, or another  
2180 agency to finance, design, and construct a treatment facility  
2181 having up to 350 beds and to operate all aspects of daily  
2182 operations within the facility. The department may subcontract  
2183 any or all components of this procurement to a statutorily  
2184 established state governmental entity that has successfully  
2185 contracted with private companies for designing, financing,  
2186 acquiring, leasing, constructing, and operating major privatized  
2187 state facilities.

2188 Section 70. Paragraph (b) of subsection (2) and subsection  
2189 (3) of section 402.7305, Florida Statutes, are amended to read:

2190 402.7305 Department of Children and Families; procurement  
2191 of contractual services; contract management.—

2192 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

2193 (b) When it is in the best interest of a defined segment of  
2194 its consumer population, the department may competitively  
2195 procure and contract for systems of treatment or service that  
2196 involve multiple providers, rather than procuring and  
2197 contracting for treatment or services separately from each  
2198 participating provider. The department must ensure that all  
2199 providers that participate in the treatment or service system  
2200 meet all applicable statutory, regulatory, service quality, and  
2201 cost control requirements. If other governmental entities or  
2202 units of special purpose government contribute matching funds to  
2203 the support of a given system of treatment or service, the  
2204 department shall formally request information from those funding

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entities in the procurement process and may take the information received into account in the selection process. If a local government contributes matching funds to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee as one of the persons required by s. ~~287.057(15) s. 287.057(17)~~ to evaluate or negotiate certain contracts, unless the department sets forth in writing the reason why the inclusion would be contrary to the best interest of the state. Any employee so named by the governmental match contributor shall qualify as one of the persons required by s. ~~287.057(15) s. 287.057(17)~~. A governmental entity or unit of special purpose government may not name an employee as one of the persons required by s. 287.057(15) s. 287.057(17) if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or contributor of matching funds must comply with all procurement procedures set forth in s. 287.057 when appropriate and required.

(3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The Department of Children and Families shall review the time period for which the department executes contracts and shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution. Whenever the department chooses not to use a multiyear contract, a justification for that decision must be contained in the contract. Notwithstanding s. 287.057(13) s. 287.057(15), the department is responsible for establishing a contract management

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2234 process that requires a member of the department's Senior  
2235 Management or Selected Exempt Service to assign in writing the  
2236 responsibility of a contract to a contract manager. The  
2237 department shall maintain a set of procedures describing its  
2238 contract management process which must minimally include the  
2239 following requirements:

2240 (a) The contract manager shall maintain the official  
2241 contract file throughout the duration of the contract and for a  
2242 period not less than 6 years after the termination of the  
2243 contract.

2244 (b) The contract manager shall review all invoices for  
2245 compliance with the criteria and payment schedule provided for  
2246 in the contract and shall approve payment of all invoices before  
2247 their transmission to the Department of Financial Services for  
2248 payment.

2249 (c) The contract manager shall maintain a schedule of  
2250 payments and total amounts disbursed and shall periodically  
2251 reconcile the records with the state's official accounting  
2252 records.

2253 (d) For contracts involving the provision of direct client  
2254 services, the contract manager shall periodically visit the  
2255 physical location where the services are delivered and speak  
2256 directly to clients receiving the services and the staff  
2257 responsible for delivering the services.

2258 (e) The contract manager shall meet at least once a month  
2259 directly with the contractor's representative and maintain  
2260 records of such meetings.

2261 (f) The contract manager shall periodically document any  
2262 differences between the required performance measures and the

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2263 actual performance measures. If a contractor fails to meet and  
2264 comply with the performance measures established in the  
2265 contract, the department may allow a reasonable period for the  
2266 contractor to correct performance deficiencies. If performance  
2267 deficiencies are not resolved to the satisfaction of the  
2268 department within the prescribed time, and if no extenuating  
2269 circumstances can be documented by the contractor to the  
2270 department's satisfaction, the department must terminate the  
2271 contract. The department may not enter into a new contract with  
2272 that same contractor for the services for which the contract was  
2273 previously terminated for a period of at least 24 months after  
2274 the date of termination. The contract manager shall obtain and  
2275 enforce corrective action plans, if appropriate, and maintain  
2276 records regarding the completion or failure to complete  
2277 corrective action items.

2278 (g) The contract manager shall document any contract  
2279 modifications, which shall include recording any contract  
2280 amendments as provided for in this section.

2281 (h) The contract manager shall be properly trained before  
2282 being assigned responsibility for any contract.

2283 Section 71. Subsection (2) of section 408.045, Florida  
2284 Statutes, is amended to read:

2285 408.045 Certificate of need; competitive sealed proposals.—

2286 (2) The agency shall make a decision regarding the issuance  
2287 of the certificate of need in accordance with s. 287.057(15) ~~the~~  
2288 ~~provisions of s. 287.057(17)~~, rules adopted by the agency  
2289 relating to intermediate care facilities for the developmentally  
2290 disabled, and the criteria in s. 408.035, as further defined by  
2291 rule.

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2292       Section 72. Paragraph (a) of subsection (20) of section  
2293 409.910, Florida Statutes, is amended to read:

2294       409.910 Responsibility for payments on behalf of Medicaid-  
2295 eligible persons when other parties are liable.—

2296       (20) (a) Entities providing health insurance as defined in  
2297 s. 624.603, health maintenance organizations and prepaid health  
2298 clinics as defined in chapter 641, and, on behalf of their  
2299 clients, third-party administrators, pharmacy benefits managers,  
2300 and any other third parties, as defined in s. 409.901 s.  
2301 ~~409.901(27)~~, which are legally responsible for payment of a  
2302 claim for a health care item or service as a condition of doing  
2303 business in the state or providing coverage to residents of this  
2304 state, shall provide such records and information as are  
2305 necessary to accomplish the purpose of this section, unless such  
2306 requirement results in an unreasonable burden.

2307       Section 73. Subsection (42) of section 570.07, Florida  
2308 Statutes, is amended to read:

2309       570.07 Department of Agriculture and Consumer Services;  
2310 functions, powers, and duties.—The department shall have and  
2311 exercise the following functions, powers, and duties:

2312       (42) Notwithstanding the provisions of s. 287.057(22) which  
2313 ~~s. 287.057(24)~~ that require all agencies to use the online  
2314 procurement system developed by the Department of Management  
2315 Services, the department may continue to use its own online  
2316 system. However, vendors using utilizing such system must shall  
2317 be prequalified as meeting mandatory requirements and  
2318 qualifications and must shall remit fees pursuant to s.  
2319 287.057(22) ~~s. 287.057(24)~~, and any rules implementing s.  
2320 287.057.

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2321       Section 74. Paragraph (e) of subsection (6) of section  
2322 627.351, Florida Statutes, is amended to read:

2323       627.351 Insurance risk apportionment plans.—

2324       (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

2325       (e) The corporation is subject to s. 287.057 for the  
2326 purchase of commodities and contractual services except as  
2327 otherwise provided in this paragraph. Services provided by  
2328 tradepersons or technical experts to assist a licensed adjuster  
2329 in the evaluation of individual claims are not subject to the  
2330 procurement requirements of this section. Additionally, the  
2331 procurement of financial services providers and underwriters  
2332 must be made pursuant to s. 627.3513. Contracts for goods or  
2333 services valued at or more than \$100,000 are subject to approval  
2334 by the board.

2335       1. The corporation is an agency for purposes of s. 287.057,  
2336 except that, for purposes of s. 287.057(22) ~~s. 287.057(24)~~, the  
2337 corporation is an eligible user.

2338       a. The authority of the Department of Management Services  
2339 and the Chief Financial Officer under s. 287.057 extends to the  
2340 corporation as if the corporation were an agency.

2341       b. The executive director of the corporation is the agency  
2342 head under s. 287.057. The executive director of the corporation  
2343 may assign or appoint a designee to act on his or her behalf.

2344       2. The corporation must provide notice of a decision or  
2345 intended decision concerning a solicitation, contract award, or  
2346 exceptional purchase by electronic posting. Such notice must  
2347 contain the following statement: "Failure to file a protest  
2348 within the time prescribed in this section constitutes a waiver  
2349 of proceedings."

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2350                   a. A person adversely affected by the corporation's  
2351 decision or intended decision to award a contract pursuant to s.  
2352 287.057(1) or (3)(c) who elects to challenge the decision must  
2353 file a written notice of protest with the executive director of  
2354 the corporation within 72 hours after the corporation posts a  
2355 notice of its decision or intended decision. For a protest of  
2356 the terms, conditions, and specifications contained in a  
2357 solicitation, including provisions governing the methods for  
2358 ranking bids, proposals, replies, awarding contracts, reserving  
2359 rights of further negotiation, or modifying or amending any  
2360 contract, the notice of protest must be filed in writing within  
2361 72 hours after posting the solicitation. Saturdays, Sundays, and  
2362 state holidays are excluded in the computation of the 72-hour  
2363 time period.

2364                   b. A formal written protest must be filed within 10 days  
2365 after the date the notice of protest is filed. The formal  
2366 written protest must state with particularity the facts and law  
2367 upon which the protest is based. Upon receipt of a formal  
2368 written protest that has been timely filed, the corporation must  
2369 stop the solicitation or contract award process until the  
2370 subject of the protest is resolved by final board action unless  
2371 the executive director sets forth in writing particular facts  
2372 and circumstances that require the continuance of the  
2373 solicitation or contract award process without delay in order to  
2374 avoid an immediate and serious danger to the public health,  
2375 safety, or welfare.

2376                   (I) The corporation must provide an opportunity to resolve  
2377 the protest by mutual agreement between the parties within 7  
2378 business days after receipt of the formal written protest.

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2394 c. In a protest of an invitation-to-bid or request-for-  
2395 proposals procurement, submissions made after the bid or  
2396 proposal opening which amend or supplement the bid or proposal  
2397 may not be considered. In protesting an invitation-to-negotiate  
2398 procurement, submissions made after the corporation announces  
2399 its intent to award a contract, reject all replies, or withdraw  
2400 the solicitation that amends or supplements the reply may not be  
2401 considered. Unless otherwise provided by law, the burden of  
2402 proof rests with the party protesting the corporation's action.  
2403 In a competitive-procurement protest, other than a rejection of  
2404 all bids, proposals, or replies, the administrative law judge  
2405 must conduct a de novo proceeding to determine whether the  
2406 corporation's proposed action is contrary to the corporation's  
2407 governing statutes, the corporation's rules or policies, or the

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2408 solicitation specifications. The standard of proof for the  
2409 proceeding is whether the corporation's action was clearly  
2410 erroneous, contrary to competition, arbitrary, or capricious. In  
2411 any bid-protest proceeding contesting an intended corporation  
2412 action to reject all bids, proposals, or replies, the standard  
2413 of review by the board is whether the corporation's intended  
2414 action is illegal, arbitrary, dishonest, or fraudulent.

2415 d. Failure to file a notice of protest or failure to file a  
2416 formal written protest constitutes a waiver of proceedings.

2417 3. The agency head or his or her designee shall consider  
2418 the recommended order of an administrative law judge and take  
2419 final action on the protest. Any further legal remedy lies with  
2420 the First District Court of Appeal.

2421 Section 75. Paragraph (k) of subsection (1) of section  
2422 1001.216, Florida Statutes, is amended to read:

2423 1001.216 Council on the Social Status of Black Men and  
2424 Boys.—

2425 (1) The Council on the Social Status of Black Men and Boys  
2426 is established within Florida Memorial University and shall be  
2427 composed of 19 members appointed as follows:

2428 (k) A businessperson who is an African American, ~~as defined~~  
2429 ~~in s. 760.80(2)(a),~~ appointed by the Governor.

2430 Section 76. Paragraph (b) of subsection (1) of section  
2431 1007.27, Florida Statutes, is amended to read:

2432 1007.27 Articulated acceleration mechanisms.—

2433 (1)

2434 (b) The State Board of Education and the Board of Governors  
2435 shall identify Florida College System institutions, state  
2436 universities, and national consortia to develop courses that

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2437 align with s. 1007.25 for students in secondary education ~~and~~  
2438 ~~provide the training required under s. 1007.35(6).~~

2439 Section 77. Subsection (1) of section 1008.23, Florida  
2440 Statutes, is amended to read:

2441 1008.23 Confidentiality of assessment instruments.—

2442 (1) All examination and assessment instruments, including  
2443 developmental materials and workpapers directly related thereto,  
2444 which are prepared, prescribed, or administered pursuant to ss.  
2445 1002.69, 1003.52, 1003.56, 1007.25, ~~1007.35~~, 1008.22, 1008.25,  
2446 and 1012.56 shall be confidential and exempt from s. 119.07(1)  
2447 and s. 24(a), Art. I of the State Constitution. Provisions  
2448 governing access, maintenance, and destruction of such  
2449 instruments and related materials shall be prescribed by rules  
2450 of the State Board of Education.

2451 Section 78. Subsection (1) of section 1008.24, Florida  
2452 Statutes, is amended to read:

2453 1008.24 Test administration and security; public records  
2454 exemption.—

2455 (1) A person may not knowingly and willfully violate test  
2456 security rules adopted by the State Board of Education for  
2457 mandatory tests administered by or through the State Board of  
2458 Education or the Commissioner of Education to students,  
2459 educators, or applicants for certification or administered by  
2460 school districts pursuant to ss. 1002.69, 1003.52, 1003.56,  
2461 1007.25, ~~1007.35~~, 1008.22, 1008.25, and 1012.56, or, with  
2462 respect to any such test, knowingly and willfully to:

2463 (a) Give examinees access to test questions prior to  
2464 testing;

2465 (b) Copy, reproduce, or use in any manner inconsistent with

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2466 test security rules all or any portion of any secure test  
2467 booklet;

2468 (c) Coach examinees during testing or alter or interfere  
2469 with examinees' responses in any way;

2470 (d) Make answer keys available to examinees;

2471 (e) Fail to follow security rules for distribution and  
2472 return of secure test as directed, or fail to account for all  
2473 secure test materials before, during, and after testing;

2474 (f) Fail to follow test administration directions specified  
2475 in the test administration manuals; or

2476 (g) Participate in, direct, aid, counsel, assist in, or  
2477 encourage any of the acts prohibited in this section.

2478 Section 79. For the purpose of incorporating the amendment  
2479 made by this act to section 110.112, Florida Statutes, in a  
2480 reference thereto, subsection (4) of section 311.07, Florida  
2481 Statutes, is reenacted to read:

2482 311.07 Florida seaport transportation and economic  
2483 development funding.—

2484 (4) Any port which receives funding under the program shall  
2485 institute procedures to ensure that jobs created as a result of  
2486 the state funding shall be subject to equal opportunity hiring  
2487 practices in the manner provided in s. 110.112.

2488 Section 80. This act shall take effect July 1, 2026.